

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 2nd November, 2005**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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

e-mail pmartens@herefordshire.gov.uk

**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Northern Area Planning Sub-Committee

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

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

	Pages
<p>1. APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
<p>2. DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p>3. MINUTES</p> <p>To approve and sign the Minutes of the meeting held on 5th October, 2005.</p>	1 - 14
<p>4. CHAIRMAN'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairman.</p>	
<p>5. ITEM FOR INFORMATION - APPEALS</p> <p>To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.</p>	15 - 18
<p>6. APPLICATIONS RECEIVED</p> <p>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.</p> <p>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. | <p>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</p> <p>For: Hon J Donovan per ALP Architects, 15 Gosditch Street, Cirencester, Glos, GL7</p> <p>Ward: Hope End</p> | 19 - 28 |
| 8. | <p>DCNE2005/2583/F - SINGLE STOREY ANNEXE EXTENSION TO REAR OF EXISTING DWELLING AT SOUTH CLIFF, NEWBURY PARK, LEDBURY, HEREFORDSHIRE, HR8 1AU</p> <p>For: Mr & Mrs R M Maldwyn-Evans, Flat 4 The Priory, Worcester Road, Ledbury, Herefordshire, HR8 1PL</p> <p>Ward: Ledbury</p> | 29 - 34 |
| 9. | <p>DCNE2005/2794/F - RETROSPECTIVE APPLICATION FOR ANIMAL HOUSING AT THE LONG BARN, COWL BARN LANE, COLWALL, MALVERN, WR13 6EU</p> <p>For: Mrs A J Cross at same address.</p> <p>Ward: Hope End</p> | 35 - 40 |
| 10. | <p>DCNW2005/2572/F - GENERAL PURPOSE PORTAL FRAME BUILDING FOR STORAGE OF FEED AND STRAW AND WINTER HOUSING OF LIVESTOCK AT UPPER HOUSE FARM, EARDISLEY, HEREFORD, HEREFORDSHIRE, HR3 6PW</p> <p>For: R A Preece per James Spreckley, Brinsop House, Brinsop, Hereford, HR4 7AS</p> <p>Ward: Castle</p> | 41 - 48 |
| 11. | <p>DCNW2005/2765/F - CONVERSION OF CHAPEL INTO THREE BEDROOMED DWELLING AT THE METHODIST CHAPEL, HIGH STREET, PEMBRIDGE, HEREFORDSHIRE</p> <p>For: Leominster Presteigne & Kington Methodist Circuit per Mr L B Ray, Waterloo, Ledgemoor, Weobley, Herefordshire HR4 8RJ</p> <p>Ward: Pembridge & Lyonshall with Titley</p> | 49 - 54 |

- | | | |
|-----|--|---------|
| 12. | DCNW2005/2906/F - CONVERSION OF OUTBUILDING TO FORM ANCILLARY LIVING ACCOMMODATION TO MAIN DWELLING AT LOWER YATTON FARM, YATTON, LEOMINSTER, HEREFORDSHIRE, HR6 9TL | 55 - 60 |
| | For: Mr & Mrs R Bevan per Mr R B Pipe, Pipedream, Bridgend Lane, Bucknell, Shropshire, SY7 0AL | |
| | Ward: Mortimer | |
| 13. | DCNW2005/2956/F - CONVERSION OF AGRICULTURAL BUILDINGS TO FORM ONE HOUSE AT UPPER FARM, AILEY, KINNERSLEY, HEREFORDSHIRE DCNW2005/2957/L - AS ABOVE | 61 - 70 |
| | For: Westate Limited Burton & Co Lydiatt Place Brimfield Ludlow Shropshire SY8 4NP | |
| | Ward: Castle | |
| 14. | DCNW2005/3163/F - INSTALLATION OF LEVELLING OAK DECK AT RIDGE VIEW, BRADNOR, KINGTON, HEREFORDSHIRE, HR5 3RE | 71 - 76 |
| | For: Mr N Ede at same address. | |
| | Kington Town | |
| 15. | DCNC2005/2718/F - DEMOLITION OF EXISTING DERELICT HOUSE AND ERECTION OF 16 NO. DWELLINGS, GARAGES AND PARKING SPACES, PRIVATE DRIVEWAY AND ASSOCIATED DRAINAGE AT 77 OLD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4BQ | 77 - 86 |
| | For: Hercules House Ltd per Development Design Partnership, Sandford House, 6 & 7 Lower High Street, Stourbridge, West Midlands, DY8 1TE | |
| | Ward: Bromyard | |
| 16. | DCNC2005/1941/F - CONVERSION OF LISTED BARN INTO RESIDENTIAL DWELLING AT EYE COURT BARN, EYE, LEOMINSTER, HEREFORDSHIRE, HR6 0DT AND DCNC2005/1942/L - AS ABOVE | 87 - 92 |
| | For: Lord J F Cawley per Berringtons The Estates Office The Vallets Wormbridge Hereford HR2 9BA | |
| | Ward: Upton | |
| 17. | DCNC2005/2341/F - 3 NO. HOLIDAY CHALETS AT BROXMERE, BODENHAM, HEREFORD, HEREFORDSHIRE, HR1 3JB | 93 - 98 |
| | For: Mr & Mrs James per Derrick Whittaker Architects 1 Fargeon Close New Mills Ledbury Herefordshire HR8 2FU | |
| | Ward: Hampton Court | |

- | | |
|---|------------------|
| <p>18. DCNC2005/2702/F - STATIC CARAVAN FOR HOLIDAY LET AT THE LARCHES, MIDDLETON, LITTLE HEREFORD, LUDLOW, SY8 4LF</p> <p>For: Ms S Breakwell, 2 Ashgrove, Cynham, Ludlow, Shropshire, SY8 4LF</p> <p>Ward: Upton</p> | <p>99 - 102</p> |
| <p>19. DCNC2005/2834/F - PROPOSED CONVERSION OF CARRIAGE HOUSE TO FORM TWO COTTAGES WITH GARDENS AND INTEGRAL GARAGING AT OLD CARRIAGE HOUSE, CHURCH STREET LEOMINSTER</p> <p>For: Mr J J Rann & Ms S A Gable per J J Rann & Associates The Wain House Stretfordbury Leominster Herefordshire HR6 0QW</p> <p>Ward: Leominster South</p> | <p>103 - 108</p> |
| <p>20. DCNC2005/2897/O - SITE FOR THE ERECTION OF TWO HOLIDAY CHALETS LAND AT WAIN HOUSE, INKSMOOR COURT, TEDSTONE WAFER, BROMYARD, HEREFORDSHIRE</p> <p>For: Mr & Mrs R J Dullam per Mr J C Ashton The Orchard Office Union Place Off Northwick Road Worcester WR3 7DX</p> <p>Ward: Bringsty</p> | <p>109 - 114</p> |
| <p>21. DCNC2005/2133/F - PROPOSED ERECTION OF PUBLIC CLOCK ON STEEL STANCHIONS, AT CORN SQUARE, LEOMINSTER, HEREFORDSHIRE, HR6 8LR</p> <p>For: Leominster Town Council, Grange Walk, Leominster, HR6 8NS</p> <p>Ward: Leominster South</p> | <p>115 - 118</p> |
| <p>22. DCNW2005/2945/F - RETROSPECTIVE APLLICATION FOR TEMPORARY SITING OF STORAGE CONTAINER FOR HOBBYIST USE AT THE BANK, LEINTWARDINE, CRAVEN ARMS. SY7 0LD</p> <p>For: Mr N P Williams at the same address</p> <p>Ward: Mortimer</p> | <p>119 - 124</p> |
| <p>23. DCNC2005/2977/F - DEMOLITION OF EXISTING VILLAGE HALL AND ERECTION OF DWELLING VILLAGE HALL, ULLINGSWICK, HEREFORD HR1 3JG</p> <p>For: Mr & Mrs AK Lewis per HCD Architects 55-57 High Street Bromsgrove Herefordshire B61 8AJ</p> <p>Ward: Bromyard</p> | <p>125 - 132</p> |
| <p>24. DATE OF NEXT MEETING</p> <p>To note that the next meeting will be held on Wednesday 30th November, 2005 at 2:00 pm</p> | |

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, 5th October, 2005 at 2.00 p.m.

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

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

In attendance: Councillors P.J. Edwards and J.B. Williams

88. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs. J.P. French, P.E. Harling, R.M. Manning and R.J. Phillips.

89. DECLARATIONS OF INTEREST

The following declarations of interest were made.

Councillors	Item	Interest
B.F. Ashton and R. Mills	Agenda Item 7, Minute 94 DCNE2005/2041/F The Kitchen Garden, Hope End, Ledbury, Hereford, HR8 1JQ	Declared personal interests.
W.L.S. Bowen and J.H.R. Goodwin Also, Mr. M. Tansley, Northern Team Leader.	Agenda Item 13, Minute 100 DCNC2005/0917/O Barons Cross Camp, Cholstrey Road, Leominster	Declared personal interests.
R.B.A. Burke	Agenda Item 15, Minute 102 DCNC2005/2480/F 18 Burgess Street, Leominster, Herefordshire, HR6 8DE	Declared a prejudicial interest and left the meeting for the duration of this item.

90. MINUTES

RESOLVED:

That the Minutes of the meeting held on 7th September, 2005 be approved as a correct record, subject to the inclusion of the name of Councillor R.V. Stockton in the list of apologies received.

91. ITEM FOR INFORMATION - APPEALS

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

92. CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Naim Younis, Trainee Solicitor, to his first Sub-Committee meeting.

93. APPLICATIONS RECEIVED

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

94. DCNE2005/2041/F - THE KITCHEN GARDEN, HOPE END, LEDBURY, HEREFORD, HR8 1JQ [AGENDA ITEM 7]

Erection of a house within walled garden - amendment to planning permission MH97/1452.

The Planning Officer reported the receipt of an additional letter of objection from Mr. Trafford-Roberts.

Councillor R.V. Stockton, a Local Ward Member, commented that there were many areas of contention, particularly given the recognised importance of the parks and gardens, and felt that the application should be deferred for further discussions. In response to a question from the Northern Team Leader, Councillor Stockton noted that there was a concern as to whether a previous planning permission had been implemented and felt that the legal aspects needed to be explored further.

In accordance with the criteria for public speaking, Mrs. Carless (Colwall Parish Council), Mr. Maiden (objector) and Mr. Arbutnott (agent) had registered to speak but decided to defer their opportunities to speak until the next time the application was considered.

RESOLVED: That consideration of application DCNE2005/2041/F be deferred.

95. DCNE2005/2297/F - LAND AT BUSH PITCH, HR8 2PX [AGENDA ITEM 8]

Change of use to a one family gypsy caravan site.

In accordance with the criteria for public speaking, Miss Walker (applicant) and Mr. Richardson (agent) spoke in support of the application.

Councillor B.F. Ashton, a Local Ward Member, questioned the definition of a gypsy family and the need for a caravan site of this kind. Councillor D.W. Rule, also a Local Ward Member, questioned whether the proposed conditions could protect the area from any further intrusion of caravans. In response, the Planning Officer drew attention to restrictions under condition 4 and advised that any breach of conditions would be handled in the normal manner through enforcement action. The Northern Team Leader noted that the definition of a gypsy family was a complicated matter but advised that the application was considered acceptable in this instance. He added that it would be difficult to defend refusal of planning permission given the identified shortfall in the provision of traveller sites and having regard to Inspector Decisions in other parts of Herefordshire.

In response to a question, the Planning Officer advised that policy H12 of the deposit draft Unitary Development Plan required that sites be within reasonable distance of local services and facilities and this site complied with the policy as it was within a

mile of Ledbury. The Planning Officer confirmed that the site would have foul drainage, water and electricity provision. The Northern Team Leader commented that this site was much nearer to amenities than other sites that had been granted planning permission.

Councillor Mrs. L.O. Barnett expressed her sympathy for young couples trying to get accommodation in rural areas. Councillor Mrs. Barnett felt that current legislation made it easier for gypsy families to obtain planning permission in the countryside and wished that more could be done to accommodate other families with similar needs.

In response to Members' concerns, the Development Control Manager drew attention to condition 2 which would restrict the use to the applicants and dependants, to condition 4 which would ensure that only a single gypsy family could use the site and to condition 5 which would ensure that no more than two caravans could be stationed and only one of these could afford residential accommodation. He commented that the proposal fell a long way short of erecting a permanent dwelling and that the application had been tailored to the specific circumstances of the applicants. It was noted that the land would need to be restored to its original state once the site was no longer required.

A number of Members noted that recent appeal history on the subject meant that there were no planning reasons for refusal in this instance.

Councillor Ashton felt that the debate by Members and the advice provided by Officers had alleviated some of his concerns but he felt that the policies needed to be tightened to ensure that the planning system was not abused.

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 - 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.

Informatives:

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

- 2 - HN05 - Works within the highway.

- 3 - N04 - Rights of way.

96. DCNE2005/2601/F - LAND AT HOMEND CRESCENT, LEDBURY, HEREFORDSHIRE [AGENDA ITEM 9]

Proposed dwelling.

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

Councillor D.W. Rule, a Local Ward Member, expressed concern about the comment of the Transportation Manager that parking was 'below standards for spaces and visibility'. Councillor Rule also noted the reservations of the public speaker about the proximity of the proposal to Barnetts Cottage and the possible loss of amenity that may result. In response, the Principal Planning Officer confirmed that the building-to-building relationship was 0.9m at the front but it was 2.2m at the rear. He

commented that the parking arrangements did not meet standard requirements but local circumstances meant that a refusal on highways grounds would be difficult to sustain. He advised that a previous application sought to provide a parking area at the front of the site (NE2005/1562/F) but was withdrawn in response to the concern of the Historic Buildings Officer that a building set back from Homend Crescent would not respect the general form of development which abutted the road.

Councillor B.F. Ashton, also a Local Ward Member, commented on the significant parking difficulties in Ledbury and felt that it was unrealistic to expect residents not to have vehicles given the rural nature of the County.

Councillor Rule noted the concerns of the Historic Buildings Officer but did not feel that the setting back of the building to afford some off street parking would have a detrimental impact on the area. In response, the Principal Planning Officer commented that the setting back would address the concern of the Transportation Manager but on-street parking would remain an issue. He also commented that the setting back could have more impact on the amenities of Barnetts Cottage as it could result in a greater degree of overshadowing.

Councillor R.V. Stockton noted the sensitive location of the site, being adjacent to the Ledbury Conservation Area, and felt that the standard of design could be improved to reflect this.

The Sub-Committee agreed to defer consideration of this application for further discussions regarding the layout and design of the proposal.

RESOLVED:

That consideration of application DCNE2005/2601/F be deferred.

97. DCNE2005/2774/F - TACK FARM, ULLINGSWICK, HEREFORD, HEREFORDSHIRE, HR1 3JQ [AGENDA ITEM 10]

Erection of cross country jumps to include additional use of land.

The Principal Planning Officer reported the receipt of two additional letters of objection and the receipt of twelve letters of support. He also reported the receipt of correspondence from the applicant's agent which indicated agreement to the removal of two fences and the reinstatement of hedgerow but the applicant did wish to install a twelve-foot field gate. Officers anticipated that these measures would address concerns about visual impact and bridleway safety.

In accordance with the criteria for public speaking, Mr. Hoskins spoke on behalf of Ullingswick Parish Council and Mrs. Kawczynski (applicant) spoke in support of the application.

Councillor B. Hunt noted the concerns of Ullingswick Parish Council and the history of the site and made the following points: he welcomed the fact that the Transportation Manager had examined the highways situation personally; he noted the concerns of the Public Rights of Way Manager about the potential hindrance to bridleway users; he noted the Conservation Manager's comments about character of the landscape and hoped that the conditions would be rigorously applied; he was concerned that the need to control noise from tannoy systems had not been addressed in the conditions; and sought confirmation that reference to trees and plants in the condition 1 c) also applied to the hedgerow.

Councillor B.F. Ashton commented on the need to support businesses in rural areas,

that there was no clear evidence that the proposal would have a significant impact on the local highways network and that on balance the application was acceptable.

Councillor W.L.S. Bowen felt that it was imperative that the hedgerow was protected and did not feel that a twelve-foot gate was necessary. He suggested that a four-foot gate would be adequate. It was noted that there were sufficient passing opportunities should there be any conflict in vehicles.

Councillor T.M. James felt that the recommendation to limit the use of the land for events to no more than eight days in any one calendar year was unnecessary and could affect the sustainability of the operation and proposed that the condition be amended.

In response to earlier questions, the Principal Planning Officer confirmed that: the Public Rights of Way Officer had no objection to the application subject to the removal of fences 3 and 16; recommended condition 1 c) did apply to the hedgerow; if Members were minded not to limit the number of events, the condition detailed in the report should be deleted; and it would be unrealistic for events to be organised without the use of a tannoy system but a condition requiring details of any proposed system could be added to any planning permission granted to ensure its suitability.

In response to a question from Councillor Ashton, the Principal Planning Officer suggested that the possibility of formalising some of the passing places on the lanes could be explored further. The Northern Team Leader reminded the Sub-Committee that the Transportation Manager was satisfied with the proposal subject to conditions.

Councillor W.L.S. Bowen maintained his view that a four-foot gate would be adequate.

RESOLVED:

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

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

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

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

- 4 - Within 3 months of the date of the permission hereby approved, details of any tannoy systems to be installed and hours of operation shall be submitted to the local planning authority for their approval.**

Reason: To protect the residential amenities of nearby dwellings.

Informative:

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

**98. DCNW2005/1819/F - PAYTOE LANE, LEINTWARDINE, HEREFORDSHIRE
[AGENDA ITEM 11]**

Use of land and erection of workshop and office for coach hire business.

The Senior Planning Officer noted that the proposal had been presented to the Sub-Committee on 13th July, 2005 and it was resolved that 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. He advised that the applicant had subsequently submitted a Flood Risk Assessment but the Environment Agency maintained their objection to the proposed development. It was noted that, if Members were minded to approve the application, Planning Policy Guidance 25 on Development and Flood Risk advised that the Environment Agency should be re-notified to explain why material planning considerations outweigh the objection and to give the Environment Agency the opportunity to make further representations.

Councillor Mrs. L.O. Barnett, the Local Ward Member, noted the level of support voiced by Members when this proposal was considered last and stressed the importance of ensuring the survival of rural businesses. Councillor Mrs. Barnett commented that there was no other suitable site in Leintwardine and there appeared to be negligible risks, particularly as the proposal would accommodate coaches and not housing. She noted the credentials of the author of the Flood Risk Assessment and felt that Officers were not in a position to question whether it was a good assessment.

The Northern Team Leader responded that he was unaware of any complaints about the accuracy of the Flood Risk Assessment.

Councillor Mrs. Barnett commented that there were other sites subject to a greater risk of flooding in the area and felt that the applicant was being unduly hindered. She noted that the Environment Agency considered the site to be at risk during the 1 in 100 year flood event but felt that this was not a sufficient reason for refusal considering the specific use proposed and that poorly maintained ditches were probably to blame for any flood risk. The importance of rural business and, in this case, rural transport was emphasised.

Councillor W.L.S. Bowen supported the Local Ward Member and noted that there was a similar development nearby and felt that it would be irrational to refuse this application.

In response to a question from Councillor J.P. Thomas, the Senior Planning Officer advised that the Flood Risk Assessment that was distributed to Member via e-mail was the same as that submitted to the Environment Agency. Councillor Thomas noted that the potential flood level might be around 0.45m and felt that the effects of

this would be minimal given the proposed use.

Councillor T.M. James felt that this proposal was unlikely to add to the flood risk and there was no evidence that local residents considered themselves to be in peril. He added that, given the specific nature of the business and the way in which it operated, the vehicles could be moved easily if flooding was imminent.

RESOLVED:

The Northern Area Planning Sub-Committee is minded to approve the application subject to any conditions felt to be necessary by the Head of Planning Services provided that the Head of Planning Services does not refer the application to the Planning Committee.

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

[Note: Following the vote on this item, the Development Control Manager advised that he would refer the application to the Head of Planning Services so that the Environment Agency was provided with the opportunity to make further representations as required by PPG25.

Councillor Mrs. Barnett expressed her discontent that this matter could have been resolved following the 13th July, 2005 meeting and did not feel that there should be any further delay given the particular circumstances of the applicant. Other Members felt that the decision to approve the application should stand given the reasons put forward.

In response, the Legal Practice Manager clarified the referral procedure.]

99. DCNW2005/2608/F - MILL COTTAGE, PAYTOE, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0NB [AGENDA ITEM 12]

Retrospective planning application for change of use to C2 residential institution.

The Senior Planning Officer reported the receipt of six additional letters of objection and summarised the contents. It was noted that the recommended condition regarding time limit for commencement was not necessary as the application was retrospective.

In accordance with the criteria for public speaking, Mr. Ambrose spoke on behalf of Border Group Parish Council and Mr. Rouse spoke in support of the application.

Councillor Mrs. L.O. Barnett, the Local Ward Member, noted the importance of conformity and consistency in such an institution and the need for appropriate staffing levels. Councillor Mrs. Barnett expressed dismay that this was a retrospective application, questioned the suitability of this location for this use and noted the Parish Council's concerns about the potential impact on the Listed Building and the adjacent Ancient Monument, Wigmore Abbey.

The Senior Planning Officer advised Members that the applicant had contacted the Authority when it became apparent that a change in classification was required; due to staff attending on a shift basis rather than the premises being used like a family unit. He clarified that the Conservation Manager had no objections as the application was for change of use only and not for any development on site.

Councillor B.F. Ashton was surprised that the applicant had not realised that a change of use was required earlier. However, he noted that it would be difficult to refuse permission given the staffing levels and the fact that the Commission for Social Care Inspection had inspected and registered the home. A number of Members noted the concerns of local residents but felt that there were no planning grounds to warrant refusal in this instance.

Councillor Mrs. Barnett noted that there had been a number of unfortunate incidents that had caused disruption in the local community and hoped that the institution would work hard to make the residents aware of their responsibilities.

RESOLVED:

That planning permission be granted subject to the following conditions:

- 1 - 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.

Informative:

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

100. DCNC2005/0917/O - BARONS CROSS CAMP, CHOLSTREY ROAD, LEOMINSTER [AGENDA ITEM 13]

Site for erection of a maximum of 425 dwellings, community building, vehicular access, foul water pumping station and associated works.

The Northern Team Leader advised that the developer would increase the proposed contribution towards the costs of construction of a new community building from £160,000 to £350,000, would make a contribution of £100,000 towards the costs of running the building for 5 years, and would make a contribution of £10,000 for the adoption of infiltration ditches within the play area.

Councillor Brig. Jones CBE, a Local Ward Member, congratulated Officers on their work on the application but felt that there was more to be done and proposed that consideration of the application be deferred. In particular, he felt that further work was needed on highways matters, the potential to preserve some of the historic structures on the site and the percentage figure for affordable housing.

Councillor R.B.A. Burke expressed concern about the length and technical nature of the report. He commented that an inner relief road had been needed for many years and that local residents were very concerned about congestion, air pollution and the lack of infrastructure to support a residential development of this size. He agreed that the application should be deferred, particularly to enable Local Ward Members to have greater involvement with the technicalities of the application.

In response to Members' concerns, the Northern Team Leader explained the improvements to the highway system and noted that the affordable housing provision at Barons Cross Camp would meet the needs of Leominster for the Unitary Development Plan (UDP) period as identified through the Leominster Housing Needs Survey.

Councillor J.P. Thomas thanked Officers for their efforts but felt that the potential community gain from the application did not mitigate the strain that would be placed on the local community. He noted concerns about air quality at the Bargates junction and that the situation may only be improved through modal shift, vehicle technology and other measures which would take time to emerge. Councillor Thomas noted the need to develop the site on a comprehensive basis and felt that the local highways network, affordable housing and infrastructure improvements were crucial components. He commented that average household incomes and average house prices continued to diverge and the full affordable housing requirement was therefore justified. He also commented on the need to preserve wartime heritage.

Other Members also supported the views of the Local Ward Member.

In accordance with the criteria for public speaking, Mr. Barker, Mr. Jessop, Mrs. Morgan and Mr. Westwood (objectors) and Mr. Pollock (agent) had registered to speak but decided to defer their opportunities to speak until the next time the application was considered.

RESOLVED: That consideration of application DCNC2005/0917/O be deferred.

101. DCNC2005/2362/F - GLENDALE, LITTLE TEDNEY, WHITBOURNE, WORCESTER, HEREFORDSHIRE, WR6 5RX [AGENDA ITEM 14]

Demolition of existing dwelling and erection of new dwelling.

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 - 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.

102. DCNC2005/2480/F - 18 BURGESS STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DE [AGENDA ITEM 15]

Change of use for front section of ground floor for use as a licensed restaurant.

Councillor J.P. Thomas, a Local Ward Member, acknowledged the concerns of local residents about car parking and potential noise disturbance but noted that the application did not indicate a takeaway use and the proposed conditions should mitigate any detrimental impact of the development.

The Legal Practice Manager commented on matters relating to the Licensing Act 2003 and explained the close link between the regulatory function and the planning system.

In response to a question, the Northern Team Leader advised that there had been an omission in the report in respect of condition 5 (condition 9 as reproduced in the report) and that it should read '(8.00am to 5.00pm Mondays to Saturdays)'.

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 - 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.

4 - 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.

5 - E02 (Restriction on hours of delivery) (8.00am to 5.00pm Mondays to 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.
- 6 - This planning permission does not permit takeaway use.

103. DCNC2005/2498/F - LAND ADJACENT TO FORMER HOP POLE INN, RISBURY, LEOMINSTER [AGENDA ITEM 16]

Removal of occupancy condition (no 7) ref: 13164 Inspector's Decision 09 03 1994.

The Northern Team Leader explained the history of the site and the purpose of this application.

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

Councillor K.G. Grumbley, the Local Ward Member, commented that the public speaker reflected a large sector of opinion in the area and that there was substantial discontent about this proposal. He noted concerns about the motives of the applicant and felt that the reasons put forward for removal of the occupancy condition had not changed substantially since the Inspector's Decision. He noted the comments of the County Land Agent as reproduced in the report and questioned how extensively the properties had been marketed and whether they had been advertised at an appropriate price. He added that further discounting would at least increase interest in the properties. He felt that there was no compelling reason to approve this application and therefore proposed refusal.

In response, the Northern Team Leader advised that the properties had been discounted to take account of the tie and were considerably below open market value. The Legal Practice Manager commented that a local authority search on such properties would reveal the tie and this might reduce interest at an early stage.

Councillor B.F. Ashton noted concerns that the proposal might represent exploitation of the planning system and that there were a large number of people in the area that were employed in racehorse training.

Councillor W.L.S. Bowen commented that to his certain knowledge there were equestrian businesses within the area and he felt that the properties would be ideal for those engaged in such undertakings.

Other Members expressed concerns about the application and felt that the application could not be supported.

RESOLVED:

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

- 1. It is not considered that adequate evidence has been put forward to warrant removal of the occupancy condition**

imposed by the Inspector.

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

[Note: Following the vote on this application, the Development Control Manager advised that he would not refer the decision to the Head of Planning Services.]

104. DCNC2005/2660/F - THE HAVEN, FORD BRIDGE, LEOMINSTER [AGENDA ITEM 17]

Garage/store.

Councillor J.P. Thomas, a Local Ward Member, welcomed the proposal, particularly as it would replace an unauthorised storage container. In response to a question, the Northern Team Leader confirmed that the storage container was the subject of enforcement action.

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 - 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.**

105. DATE OF NEXT MEETING

It was noted that the next meeting was due to take place on Wednesday 2nd November, 2005.

At the end of the meeting, the Sub-Committee agreed to undertake a site inspection before the next meeting in respect of planning application DCNW2005/3082/F – Maesdayri, Kington, Herefordshire.

The meeting ended at 4.47 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCNW2005/1301/F**

- The appeal was received on 4th October 2005
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs J Hargreaves
- The site is located at White House, -, Bircher, Leominster, Herefordshire, HR6 0BU
- The development proposed is Raise pitched roof of original cottage and extension to convert attic to domestic accommodation.
- The appeal is to be heard by Written Representations

Case Officer: Philip Mullineux on 01432 261808

Application No. DCNW2005/2333/F

- The appeal was received on 4th October 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 Ms W. Watkins & Mr. M. Dentten
- The site is located at Avenue Gate Cottage, Titley, Kington, Herefordshire, HR5 3RX
- The development proposed is Ground and first floor extensions to side/rear of dwelling.
- The appeal is to be heard by Written Representations

Case Officer: Kelly Gibbons on 01432 261781

Application No. DCNW2005/2284/F

- The appeal was received on 19th October 2005
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs Smith
- The site is located at The Orchard, Bridge Street, Pembridge, Leominster, Herefordshire, HR6 9ES
- The development proposed is Loft conversion and dormer roof windows
- The appeal is to be heard by Written Representations

Case Officer: Philip Mullineux on 01432 261808

Application No. DCNC2005/2498/F

- The appeal was received on 18th October 2005
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr Kelsall
- The site is located at Land adjacent to former Hop Pole Inn, Risbury, Leominster
- The development proposed is Removal of occupancy condition (no 7) ref: 13164 inspectors decision 09 03 1994

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

- The appeal is to be heard by Written Representations

Case Officer: Mark Tansley on 01432 261956

APPEALS DETERMINED

Application No. DCNC2004/4002/F

- The appeal was received on 1st July 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 Lloyds TSB Group Plc
- The site is located at Lloyds TSB Bank, 9 Corn Square, Leominster, Herefordshire, HR6 8LT
- The application, dated 18th November 2004, was refused on 4th January 2005
- The development proposed was Proposed external disabled ramp
- The main issues are whether the proposal would preserve or enhance the character or appearance of the Leominster Conservation Area, having regard to the benefits of the ramp for the disabled, and also the effects of the proposal on pedestrian movement on the footway.

Decision: The appeal was DISMISSED on 10th October 2005

Case Officer: Astrid Jahn on 01432 261560

Application No. DCNW2004/3353/F

- The appeal was received on 12th July 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 Kington Building Supplies
- The site is located at Sunnydale, Floodgates, Kington, Herefordshire, HR5 3NE
- The application, dated 30th September 2004, was refused on 26th January 2005
- The development proposed was Removal of existing bungalow & garage, proposed three cottage type dwellings
- The main issue is the effect the scheme would have on the character and appearance of the area, bearing in mind prevailing planning policies

Decision: The appeal was DISMISSED on 13th October 2005

Case Officer: Philip Mullineux on 01432 261808

Application No. DCNW2005/0131/O

- The appeal was received on 29th 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 N Morris
- The site is located at Outbuildings at Mayfield, Rushock, Nr. Kington, Herefordshire. HR5 3RZ

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

- The application, dated 10th January 2005, was refused on 1st March 2005
- The development proposed was Proposed site for new dwelling with annexe
- The main issue is the effect of the proposal on the character and appearance on the surrounding countryside.

Decision: The appeal was DISMISSED on 18 October 2005

Case Officer: Kelly Gibbons on 01432 261781

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

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

INTRODUCTION

Members will recall that this item was originally presented to Committee on 5th October 2005 at which Committee resolved to defer the application for further discussion between Local Members and Senior Officers regarding the implementation of the original permission.

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

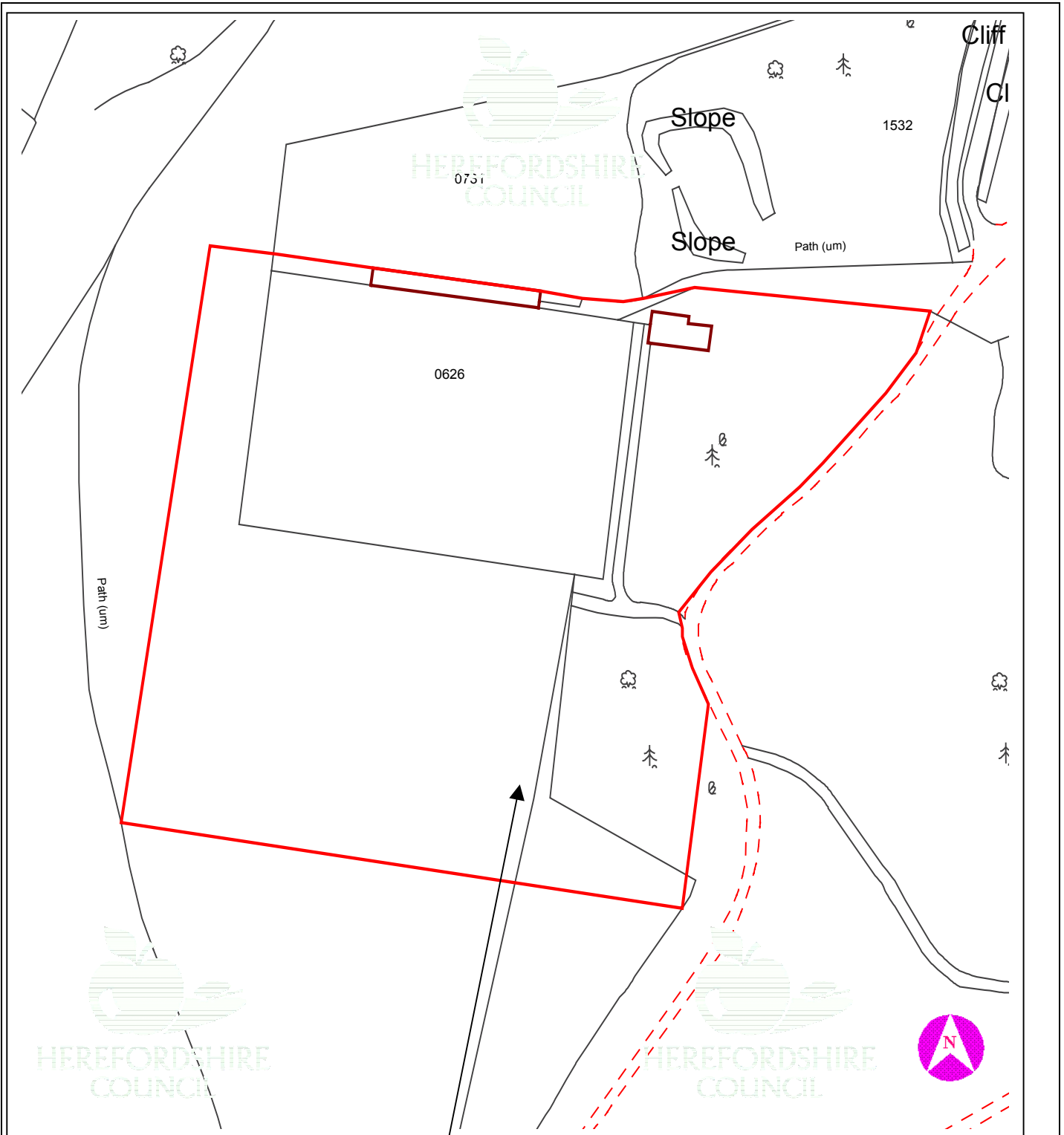
Decision:

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 DCNE2005/2583/F - SINGLE STOREY ANNEXE
EXTENSION TO REAR OF EXISTING DWELLING AT
SOUTH CLIFF, NEWBURY PARK, LEDBURY,
HEREFORDSHIRE, HR8 1AU**

**For: Mr & Mrs R M Maldwyn-Evans, Flat 4 The Priory,
Worcester Road, Ledbury, Herefordshire, HR8 1PL**

**Date Received:
4th August 2005**

Ward: Ledbury

**Grid Ref:
70745, 38390**

**Expiry Date:
29th September 2005**

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

1. Site Description and Proposal

- 1.1 The application site is to the northern edge of Newbury Park road in an established residential area. The land slopes steeply from its highest point on the Homend to the east.
- 1.2 The application seeks permission for the erection of a single storey rear extension to the existing detached dwelling, which occupies a position to the front of the site. The extension would create a sitting room and en-suite bedroom understood to be for use by elderly dependent relatives.
- 1.3 The existing dwelling has an imposing street frontage and appears largely 'original' in planning terms. Latter additions are limited to a small flat roof addition and two conservatories to the rear one of which would make way for the proposal.
- 1.4 The pitched roof extension would take the form of an L-shape and extend for 9.475m from the rear of the property. The height to the ridge is 3.5m. Openings to the elevation facing "Wolverley" are limited to a single door and a window serving the en-suite bathroom.
- 1.5 The plans under consideration are an amendment to those originally submitted, which proposed an extension 1m longer.

2. Policies

2.1 Malvern Hills District Local Plan

H16 – Extensions to Existing Dwellings

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

H18 – Alterations and Extensions

3. Planning History

3.1 None relevant to this application

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Advice

4.2 Transportation Manager: "The proposed extension involves the addition of an extra bedroom to this detached dwelling, presumably already with 3 bedrooms. The Herefordshire Council full standard for a 4-bedroom dwelling is 3 car parking spaces; however there appears to be no car parking accommodation within the curtilage. It appears that Newbury Park is a cul-de-sac of older properties with a considerable level of on-street parking. Whilst I do have concern that the intensification of this dwelling may lead to increased parking on the public highway, I note that the majority of properties in the street do not have curtilage parking and some will almost certainly have already been extended."

5. Representations

5.1 Ledbury Town Council: No objection

5.2 One letter of objection has been received from Mr C Greensmith, Wolverley, Newbury Park. This dwelling is immediately to the east of the application site. The points raised are as follows:

- a) The extension is out of character with the property and the street. A granny annexe extension of this nature is wholly inappropriate;
- b) The nature of the design would create a nursing home layout, which is wholly inappropriate;
- c) Concern at the overall mass of the finished property by comparison with other properties and plots within the street;
- d) There are already a number of existing additions to the dwelling;
- e) The proposed annexe would affect the provision of natural light to Wolverley.

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 key issues in the determination of this application are as follows:

- a) The character and appearance of the proposed extension having regard to the existing dwelling and the wider area;
- b) An assessment of the impact of the proposed extension upon the neighbouring dwelling;
- c) The impact upon on-street parking and highway safety.

Character and appearance

- 6.2 The extension has an elongated form, dictated both by the necessity to provide accommodation at ground floor and the presence of an existing rear conservatory. The amended plans demonstrate that the proposed sitting room has been made smaller with the overall effect that the extension now proposed is 1m shorter than originally proposed. Also included is additional timber cladding detail to the gable facing Wolverley in an attempt to make the external appearance more characteristic of the existing dwelling.
- 6.3 The existing dwelling extends for virtually the full width of the site, with small margins to either side, pedestrian access to the rear afforded past the east elevation. Any extension must therefore be located to the rear of the property where the garden extends for over 30m. By dint of being single-storey the extension proposed has a large footprint – 46 square metres. However, having regard to the overall scale of the plot and the proportion that the built form would cover - approximately 27 per cent of the total site area - an objection on the basis of over-development of the site could not be sustained.
- 6.4 The letter of objection states that the dwelling as extended would be uncharacteristic of the wider area. Housing Policy 16 does require that extensions should complement the character and appearance of both the original building and its surroundings. Development in Newbury Park is not uniform in either character or appearance, but comprises a mixture of detached and semi-detached dwellings of different periods. It should also be noted that the extension is a single-storey addition to the rear of the existing, views of which will be fleeting from the public highway. Objection on the basis that the development would not be characteristic of the wider area is not considered sufficient to warrant refusal.

Impact upon the neighbouring dwelling

- 6.5 The sole letter of objection comes from the owner of the neighbouring dwelling immediately to the east, which is known as "Wolverley". The objection letter comments on issues of design and overdevelopment (considered above) and the potential loss of light. Newbury Park slopes appreciably from its highest point at the junction with the Homend to the east, downhill in a westerly direction. This has the effect that Wolverley occupies a position on higher ground than the application site.
- 6.6 The height to the ridge of the proposed extension is 3.5m. First floor windows to Wolverley will not be adversely affected by virtue of their height above the proposed extension. This allied to the ground level differential is considered sufficient to mitigate any perceived loss of light. It should also be noted that a close-boarded fence with trellis, above which there is a considerable amount of foliage, currently defines the boundary between the two properties.

Car parking

- 6.7 The Transportation Manager's comments indicate some concern at the potential for increased on-street parking resulting from the proposed development. This is undeniably true, although it is also recognised that only a small number of dwellings in Newbury Park have associated off-road parking – the dwellings pre-date the period when mass vehicle ownership became the norm. It is not considered that the potential addition of one further vehicle in a cul-de-sac where there are upwards of 40 dwellings could warrant refusal of the application.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2 - B02 (Matching external materials (extension))**

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

- 3 - E17 (No windows in side elevation of extension)**

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

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

Reason: To protect the amenity of local residents.

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: DCNE2005/2583/F

SCALE : 1 : 1250

SITE ADDRESS : South Cliff, Newbury Park, Ledbury, Herefordshire, HR8 1AU

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 DCNE2005/2794/F - RETROSPECTIVE APPLICATION FOR ANIMAL HOUSING AT THE LONG BARN, COWL BARN LANE, COLWALL, MALVERN, WR13 6EU

For: Mrs A J Cross at same address.

Date Received:
24th August 2005

Ward: Hope End

Grid Ref:
75669, 43236

Expiry Date:
19th October 2005

Local Member: Councillor R Stockton and Councillor R Mills

1. Site Description and Proposal

- 1.1 This application is made in retrospect and seeks permission for the retention of animal housing within the curtilage of The Long Barn, Cowl Barn lane. Historically The Long Barn would have been associated with the listed Cowl Barn farmhouse although it is now annexed and in separate ownership. Through this association The Long Barn may still be considered as de facto listed.
- 1.2 The property is approached via Cowl Barn lane, which is a public footpath along the southern edge of the site. Land in the applicant's ownership extends to include the paddock to the north. The domestic curtilage is limited to the southern portion of this land. The application site falls both within the Colwall conservation area and The Malvern Hills Area of Outstanding Natural Beauty.
- 1.3 The animal housing, which is best described as a cattery and is proposed for this purpose, is located to the western edge of the site adjacent to the boundary wall with "Tantala" at a distance of approximately 20 metres from both The Long Barn and "Tantala."
- 1.4 The monopitch structure sits on a concrete base and comprises an UPVc frame subdivided into eleven individual cathouses within a double-glazed outer frame.
- 1.5 The structure has a maximum height of 2.1m and length of 8.79m where it runs parallel to the property boundary. The total footprint is 29.3 square metres.

2. Policies

2.1 Malvern Hills District Local Plan

Conservation Policy 2 – New Development in Conservation Areas
Conservation Policy 11 – The Setting of Listed Buildings
Landscape Policy 2 – Areas of Outstanding Natural Beauty

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

DR1 – Design
LA1 – Areas of Outstanding Natural Beauty
HBA4 – Setting of Listed Buildings

3. Planning History

3.1 None relevant to this application.

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Advice

4.2 Transportation Manager: Has no objection to the grant of permission

4.3 Conservation Manager (Historic Buildings): No objection

4.4 Conservation Manager (Landscapes): A small number of trees have been felled but these were not protected trees. The loss of these trees has not affected the amenity of the conservation area.

4.5 Environmental Health Manager: No objection

5. Representations

5.1 Colwall Parish Council: The Parish Council wishes to object to this application, as the building is not in keeping with the Malvern Hills Area of Outstanding Natural Beauty and the Colwall conservation area. This building is close to a listed building and is contrary to the Village Design Statement.

5.2 Letters of representation have been received from:

Mr M Sutton, Tantala, Redland Drive, Colwall (the nearest neighbour) and
Mr D Stock, Applecross, Redland Drive, Colwall.

The content of the letters is summarised below.

- a) The structure should be sited further from the boundary with neighbouring dwellings;
- b) This is the latest of several animal houses to be erected without first obtaining permission;
- c) The application is accompanied by insufficient detail. Photographs are not sufficient to show the size, scale and nature of the building;
- d) The roof is white and prominent when viewed from neighbouring dwellings;
- e) Is the building required in connection with a domestic or commercial use;
- f) The felling of trees to accommodate the building has left a scar of the Area of Outstanding Natural Beauty.

5.3 Further letters have been received from Mr Sutton seeking clarification as to the detail of the proposal, including the size of the building, payment of fees and the necessity for listed building consent.

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

6. Officers Appraisal

6.1 The key issues in the determination of this application are the impact that the development has on the character and appearance of the conservation area, the setting of the listed building and the amenity of neighbouring dwellings.

6.2 Under S.72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990, special attention must be paid to the desirability of preserving the character or appearance of that area. Case law holds that it is sufficient to consider whether the development would harm the area and not whether development makes a positive contribution to the area. It is also the case that the duty may be applied with greater rigour in those parts of the conservation area that display its special characteristics.

6.3 In this instance it is recognised that the structure is sited in close proximity to the mutual boundary with Tantala. However, the building is unobtrusive, only the roof being visible from the neighbour's property. It is proposed that a condition requiring the painting of the roof a more appropriate colour. The building is not visible from any stretch of the footpath and does not therefore detract from its amenity. Members will note that the Conservation Manager has not raised objection to the development on listed building or conservation area grounds. In particular the Landscapes Officer states explicitly that the loss of trees to make way for the structure "has not affected the amenity of the conservation area."

6.4 Officers recognise that a structure of this nature has no architectural merit and that with the passing of time the condition of the building may deteriorate to a degree that makes its retention within the conservation area unacceptable. It is therefore recommended that planning permission, if forthcoming, be for a limited period of time. This approach is often applied to applications for temporary structures and enables the local planning authority, at the expiration of the prescribed period, to reconsider the application, having regard to any material change in the condition of the building.

6.5 The concerns of local residents are noted. In particular it is proposed that certain planning conditions be attached to any forthcoming permission to ensure that the structure is used solely for the housing of cats on a non-commercial basis. It is not considered that the structure has an undue adverse affect on the amenity of neighbouring residents. The cats are housed behind what amounts to two 'skins' – an inner and outer frame, which is in turn double glazed - and noise disturbance would not present an issue in the way that dog kennels may.

6.6 The application is thus recommended for a temporary 2-year permission.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1 - E21 (Temporary permission and reinstatement of land)

Reason: In order that the local planning authority can give consideration to the desirability of retaining the building, which by virtue of it's construction is not considered suitable for permanent retention within the Conservation Area.

[An agreed note showing the condition of the site before works begin should be attached to a permission granted subject to this condition].

- 2 - Within 1 month of the date of this permission the roof of the structure hereby approved shall be painted in a colour to be agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

- 3 - The structure hereby approved shall be used for the housing of cats only and not for any commercial activity.

Reason: In order to protect the amenity of local residents.

Informatives:

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

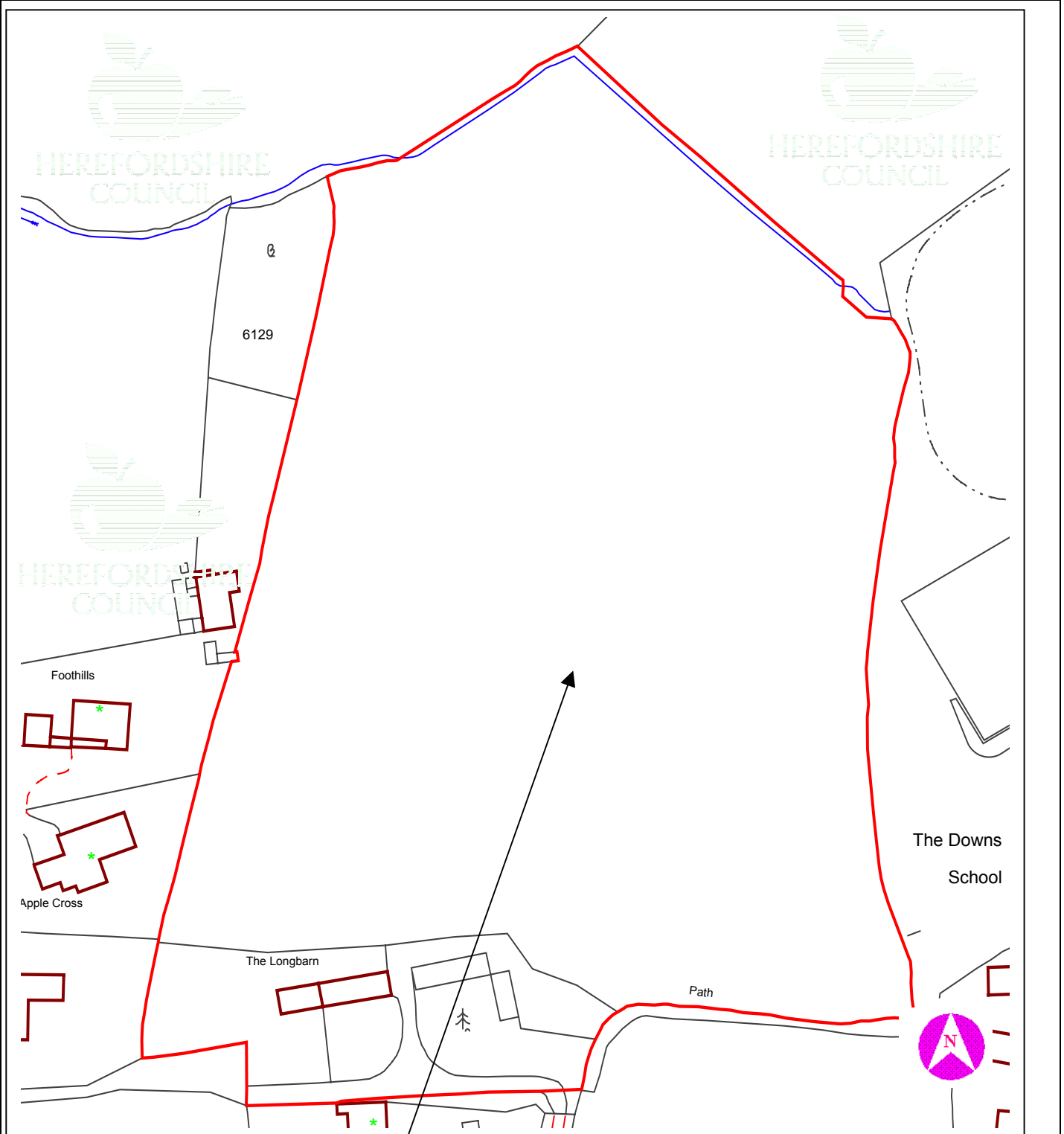
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNE2005/2794/F

SCALE : 1 : 1250

SITE ADDRESS : The Long Barn, Cowl Barn Lane, Colwall, Malvern, Herefordshire, WR13 6EU

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 DCNW2005/2572/F - GENERAL PURPOSE PORTAL FRAME BUILDING FOR STORAGE OF FEED AND STRAW AND WINTER HOUSING OF LIVESTOCK AT UPPER HOUSE FARM, EARDISLEY, HEREFORD, HEREFORDSHIRE, HR3 6PW

For: R A Preece per James Spreckley, Brinsop House, Brinsop, Hereford, HR4 7AS

Date Received:
3rd August 2005

Ward: Castle

Grid Ref:
30836, 49940

Expiry Date:
28th September 2005

Local Member: Councillor J Hope

1. Site Description and Proposal

- 1.1 The application site is a green field site that lies 160m to the west of the A4111 Eardisley to Kington Road. The existing farm complex and farmhouse lies immediately adjacent to this road but to the East. The Boundary of the application site consists of mature native hedge boundary with mature oak tree. A public Right of way runs along the side of this site.
- 1.2 The proposal is for the erection of a single general purpose agricultural building to be used for storage and winter housing of livestock. The building would have a footprint of 27.2m by 31.2m and would be dual pitched with an eaves level of 4.2m and ridge height of 7.8m. The building would be constructed of concrete block work and profiled steel cladding.
- 1.3 The applicants have recently received approval for the conversion of the existing traditional buildings at Upper House Farm to residential. As part of this approval the modern farm building were to be removed from the site.

2. Policies

Planning Policy Statement 1 – Delivering sustainable development
Planning Policy Statement 7 – Sustainable development IN rural Areas

Leominster District Local Plan

A1 – Managing the districts assets and resources
A9 – Safeguarding the Rural Landscape
A12 – new development and landscape schemes
A24 – Scale and Character of Development
A78 – Protection of PROW

Herefordshire Unitary Development Plan (Revised Deposit Draft)

DR1 – Design

DR4 - Environment
LA2 – Landscape Character and Areas Least Resilient to Change
E13 – Agricultural and Forestry development

3. Planning History

3.1 None.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Traffic Manager has no objection to the grant of permission and notes that the existing access is not to the full standard with regards to visibility, however it is considered to be acceptable as an existing agricultural access.

4.3 Public Rights of Way Manager – The proposed development would not appear to affect public footpath EE14 and notes that the PROW should remain open and unobstructed at all times.

4.4 Head of Environmental Health and Trading Standards - No Comment

5. Representations

5.1 Eardisley Parish Council – This was discussed and although we agree in principle, great concern was expressed about lack of measurements and details and about its size. There must surely be a stockyard? Councillors were worried about the Green Gables and residents of Woodseaves Road and the intrusion on the landscape when travelling from Bollingham.

5.2 The Ramblers Association comment as follows:

“There are three points that we are concerned with. Firstly the public right of way will have to cross the hardcore track. Should it be necessary to raise the general level of this track then the footpath will need to be appropriately graded to meet the track. Secondly, as the building will be used for the winter housing of stock the area in front of the building where the footpath passes must be so constructed so that it doesn't become a no go area due to mud or slurry. Lastly where are storm drains to discharge? They should be positioned well away from the footpath, to ensure there is no possibility of it becoming waterlogged or flooded.

Other than the above points, this development doesn't appear to have any impact upon the adjacent public right of way, Eardisley EE14. However, we would ask you to ensure that the developer is aware that there is a legal requirement to maintain and keep clear a public right of way at all times.”

5.3 The Open Spaces Society are concerned about this application as it seems to require 2 fence lines access via public footpath, unless gaps are left this would obstruct the path. Any new stiles or gates would be illegal unless specifically authorised by Herefordshire Council and only to prevent the egress of stock.

- 5.4 The application submission included a letter which detailed the background to the application as follows:

“You will recall that Upper House Farm comprises some 288 acres situated immediately west of the A4111 and 48 acres east of the A4111 as shown on the attached farm plan. The farm is a mixed arable and livestock farm with a ewe flock suckler cow herd and beef cattle. There is currently no farm building whatsoever serving the 88 acres west of the A4111, and the proposed building is required to serve this land, and in particular to reduce the movement of livestock across the A4111. In addition the proposed building will in part replace the buildings to be removed at the farmstead as part of the scheme to convert the listed barns. The building will be used for the storage of feed and straw and winter housing of livestock.

The proposed siting has been most carefully considered so as to minimise the impact upon the landscape in general and views to and from the village in particular. The existing hedgerows and mature oak trees in this location provide significant screening and landscaping, and additional hedgerow and tree planting will further enhance this screening. The location is well related to the grassland on the farm, to the existing farm access onto the A4111, and to the existing farmhouse and farmstead.”

- 5.5 1 Letter of objection has been received from Mrs Stephanie Grant, Bollingham House Eardisley who states the following:

“In view of their application to build these houses by means of demolishing modern agricultural buildings, surely it is laughable if you now allow them to build a brand new building for the same purpose. This is where planning is made to look foolish. Either they build the houses and relinquish their rights to a new barn or they are permitted to build a new barn but not the houses as well. Furthermore the visual impact of a modern barn construction so near the centre of picturesque black and white Eardisley is bound to be extremely detrimental.

Please let us know in detail what the Council intend to do as at the moment it looks as if Upper House Farm are making monkeys out of us all.”

- 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 main issue in the consideration of this application is the impact that a building of the size and scale proposed would have on the landscape quality of the area, including the long distance views towards the village. Other issues to be considered are the potential impact on nearby dwellings and issues of highway safety.

- 6.2 It is indicated in the agents supporting letter that the reason for the choice of site is its minimal impact on the surrounding landscape. The site has mature hedges and trees and is sufficiently set back from the highway to avoid being overly intrusive on the approach to the historic village. The proposal also includes some additional planting and landscaping to the South of the site providing a screen from those dwellings located along Woodseaves road. The nearest dwellings are approximately 180 metres away from the proposed building. Views of the site when approaching from Bollingham (Kington) are also restricted due to the hedgerow along the A4111 and brief glimpses

would be softened by the existing and proposed landscaping. A condition to ensure the retention of existing landscaping and provision of new landscaping is recommended. As such the proposal would comply with policies A1, A9 and A12 of the Leominster District Local Plan.

- 6.3 The proposal does not show any areas of hardstanding outside of the building but it can be assumed that this will be necessary. If this was provided this is unlikely to provide any particular landscape impact or concern. The proposed new access track to the application site is to be constructed in hardcore that should be fairly unobtrusive and will also help prevent mud on the road. Details and samples of the proposed hardcore are requested by condition.
- 6.4 A Public Right of Way runs along the eastern boundary of the application site and crosses the proposed access track. Although the proposed building will be visible from the PROW and the legal path of the PROW crosses the proposed access track, the Public Rights of Way manager raises no objection to this proposal. The applicants will be made aware of their legal responsibility to ensure the PROW is not obstructed through the use of an informative note. In order to ensure that the drainage of the site does not affect the pathway, and to address the concerns raised by the Open Spaces Society, a condition requiring drainage water details to be submitted is also recommended.
- 6.5 The nearest neighbours to the site lie approximately 180m away to the South and South East. The use of the building is unlikely to cause any adverse effect on the living conditions currently enjoyed by these residents. The Environmental Health officer has been consulted and raises no objection to this proposal.
- 6.6 The erection of the building in this location will facilitate the removal of the large modern agricultural building which is sited adjacent to the roadside at Upper House Farm on the approach to the village. The removal of this building is a benefit to the rural street scene and approach to the Conservation Area and this has been duly noted in the application for the conversion of the traditional rural buildings.
- 6.7 The Transportation Manager has raised no objection but notes the visibility splays are sub standard. The access is an existing agricultural access and as such it is felt that we could not sustain a refusal for the erection of one building on this site for this use. In addition to this the present location of the farm buildings at Upper House Farm involve the cattle / stock have to cross the road, as the majority of the land owned by the applicant lies to the west of the Main road. The gates are to be set back 10m from the highway a condition is recommended to ensure that this is undertaken.
- 6.8 To conclude, the proposed building, by virtue of its size and siting within an existing enclosed space, is considered to be an appropriate location, screened by the existing vegetation and consequently having a minimum impact on the landscape and surrounding area. The proposal is unlikely to have a direct impact on the living conditions currently enjoyed by surrounding residents and there are no objections raised in relation to the Public Right of Way or to the use of the existing access. As such the proposed development, subject to appropriate conditions listed below, is considered to be an acceptable form of development in accordance with local plan policy and guidance contained in PPS7.

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 - Prior to the commencement of development a detailed block plan showing the areas of hardstanding surrounding the proposed building shall be submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plan.

Reason: To ensure a satisfactory form of development and to protect the landscape quality of the surrounding area.

4 - Prior to the commencement of development, details / samples of the type and colour and construction of the hardcore track shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to protect the landscape quality of the surrounding area.

5 - G04 (Landscaping scheme (general))

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

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

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

7 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

8 - F20 (Scheme of surface water drainage)

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

9 - F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

10 - H05 (Access gates)

Reason: In the interests of highway safety.

Informative(s):

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - The rights of way should remain open at all times throughout the development. If development works are perceived to be likely to endanger members of the public then a temporary closure order should be applied for from this department, preferably 6 weeks in advance of work starting.

The right of way should remain at its historic width and suffer no encroachment or obstruction during the works or at any time after completion.

The applicants should ensure that they hold lawful authority to drive over the public footpath/bridleway.

The applicants should note that the right of way has footpath/bridleway status and will only be maintained by the highway authority as such.

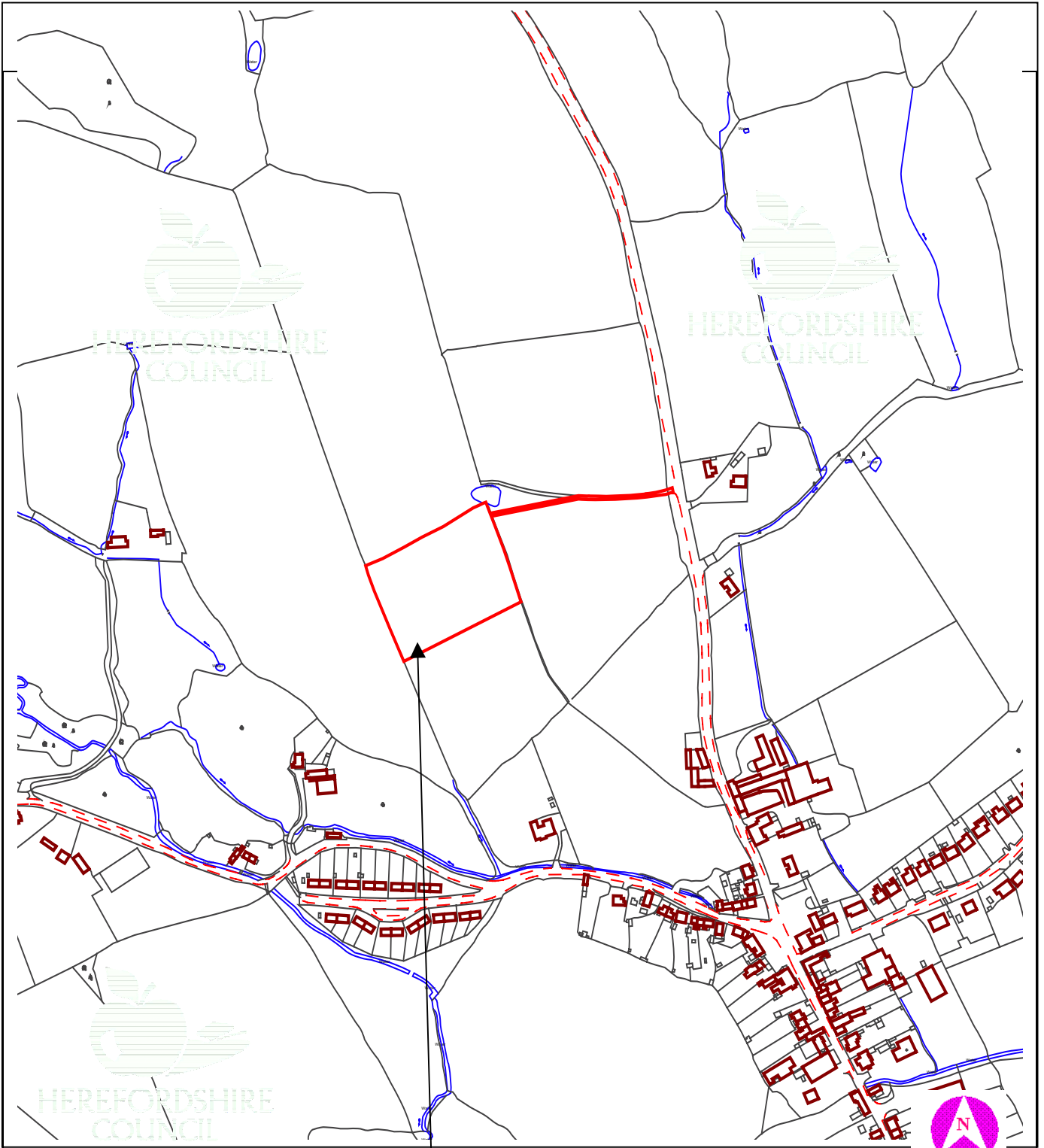
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNW2005/2572/F

SCALE : 1 : 5000

SITE ADDRESS : UPPER HOUSE FARM, Eardisley, Hereford, Herefordshire, HR3 6PW

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 DCNW2005/2765/F - CONVERSION OF CHAPEL INTO THREE BEDROOMED DWELLING AT THE METHODIST CHAPEL, HIGH STREET, PEMBRIDGE, HEREFORDSHIRE

For: Leominster Presteigne & Kington Methodist Circuit per Mr L B Ray, Waterloo, Ledgemoor, Weobley, Herefordshire HR4 8RJ

Date Received:

19th August 2005

Expiry Date:

14th October 2005

Local Member: Councillor R Phillips

Ward: Pembridge & Lyonshall with Titley

Grid Ref:

39021, 58144

1. Site Description and Proposal

- 1.1 The application site is an existing brick chapel with arch detailed windows that lies on the main road through the village of Pembridge. The building faces immediately onto the A44 with a pathway of approximately a metre before meeting a dwarf wall with black iron railings to a height of approximately 1.2m.
- 1.2 The proposal is for the conversion of the building from a chapel to residential use. This would involve inserting a first floor and subdividing the building so that it would comprise living accommodation consisting of three bedrooms, a sitting room and kitchen with laundry room and wc. A small garden would be achievable to the rear (4m by 6.2m). There would be no off road parking facilities available. Some external alterations will be required in order to facilitate the conversion and these would involve the insertion of a new door and three new windows in the East elevation.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

Policy A1 – Managing the District's Assets and Resources
 Policy A2 – Settlement Hierarchy
 Policy A18 – Listed Building and their setting
 Policy A21 – Development within conservation areas
 Policy A16 – Foul Drainage
 Policy A24 – Scale and character of development
 Policy A56 - Alterations, Extensions & Improvements to Dwellings
 Policy A66 – Access for the disabled
 Policy A70 – Accommodating Traffic from Development

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S2 – Development Requirements
 Policy S7 – Natural and Historic Heritage

HBA6 - New development within Cons areas
Policy DR1 – Design
H14 – re-using previously developed land and buildings

2.3 National Planning Policy

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

2.4 Supplementary Planning Guidance – Re-use and Adaptation of Traditional Rural Buildings

3. Planning History

NW2002/3470/F - Internal alterations to provide kitchen and wc. External alterations to provide ramped pedestrian access. - approved with conditions 8th Jan 2003

4. Consultation Summary

Statutory Consultations

4.1 No response received from Welsh Water

Internal Council Advice

4.2 The Transportation Manager makes no recommendation but does make the following observations: The appropriate standard for parking accommodation for a three bedroom dwelling would normally be 2 car parking spaces. The proposal has no available curtilage parking and there seems to be an existing problem with parking on the highway in the immediate vicinity.

4.3 The Conservation Manager makes the following comments: The only concern would be the impact of the floor level on the windows however if this can be suitably disguised then no objection would be raised provided the distinct character of the Chapel is retained.

5. Representations

5.1 Pembridge Parish Council is concerned about the lack of parking provision at this proposed new residence as there is no vehicular access to the rear of the property and no on-street parking possibility.

5.2 Three letter of objection have been received from Peter Klein, Lyndhurst, High Street, The New inn, Market Square and Trevor Nickerson, Chapel Cottage, High Street.

Their letters raise concern relating to the following issues:

a) Parking and Access - There is no parking provision for vehicles on site and the A44 road to the South of the chapel is both narrow and busy. Any vehicle parking in front of the chapel is a hazard, as there is a blind bend a short distance to the west. The new dwelling will put additional pressure on the parking problem in the village. Raises possibility of residents parking? The previous use as a chapel was once a month with visitors on foot so no parking or traffic impact.

- b) Privacy and new windows - The proposed new windows and door would overlook chapel cottage. Residents of Lyndhurst raise no objection as long as they are situated at least 3m back from wall of chapel to avoid overlooking..
- c) No proven Need for new homes - Notes that the two adjacent properties and several others in village have been on market for over a year demonstrating there is no new need for housing in area. The building is likely to be sold for a second home or holiday let.
- d) Water pressure - Existing problems with Water pressure and drainage which could be exacerbated

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

6. Officers Appraisal

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

- a) The principle of the Conversion of the chapel to residential accommodation;
- b) Highway safety and parking
- c) The impact of the proposed building on the character and appearance of the conservation area and setting of the listed building;
- d) The impact of the use on the amenities if the occupiers of the adjoining properties

6.2 The application site lies within the settlement boundary of the village of Pembridge and the building currently enjoys lawful use as a 'chapel'. The principle of conversion of this building to residential use is considered to be acceptable. The site lies within the settlement boundary as defined by the Leominster District Local Plan. The Chapel does not appear to have been used for a number of years for this purpose and Pembridge benefits from alternative 'hall' facilities.

6.3 The main issue that is causing local concern and highway comment is the lack of any off road car parking for the dwelling. The site is constrained and cannot physically provide and off road car parking within the curtilage of the proposed dwelling. It is also accepted that parking in this part of the High Street in Pembridge is restricted. Policy and guidance contained within PPG3 – Housing and PPG 13 – Transport advocates such a proposal in the appropriate location. PPG13 states that the availability of car parking has a major influence on the means of transport people choose for their journeys. A large-scale car free development in the village is unlikely to be appropriate but your officers consider that this site given its small scale, location and the type of dwelling proposed is suited to such a proposal. The fact that the existing use as a chapel has no designated car parking, and that the use as a dwelling would potentially be a reduction in the number of parked cars also leads to the conclusion that the refusal of planning permission on these grounds would be unreasonable.

6.4 The building, although not listed does have a significant contribution to the character of the Conservation Area. The proposed conversion respects the character of the existing building and the only alterations to the external appearance would be to the side elevation with the insertion of three windows and a door. The only concern that

has been raised is how the first floor would be inserted without detriment to the character and appearance of the building. It is noted that the first floor level has been inserted at the same height as the glazing bars for the window. A section showing how this can be achieved is required and an additional plan is requested. This is reflected in the recommendation to Members. The proposed conversion would not adversely affect the setting of the adjacent listed building and would preserve the character of the conservation area. As such it complies with policies A18 and A21 of the Leominster District Local Plan.

- 6.5 The chapel is situated between two residential properties and there is some concern that the introduction of the new windows would cause an element of overlooking to the adjacent properties. The new windows are set towards the front of the building in the east elevation. The adjacent house has no windows in their side elevation and the windows are set forward far enough not to introduce an overlooking issue to the neighbouring property. A condition removing permitted development rights will ensure no further windows or openings are inserted.

RECOMMENDATION

Subject to the receipt of a suitable additional plan detailing the insertion the first floor into the building the officers named in the scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

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

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

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

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

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

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

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

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

- 5 - **C12 (Repairs to match existing)**

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

6 - E16 (Removal of permitted development rights)

Reason: To ensure the character and appearance of the building is maintained.

7 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

Informative:

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

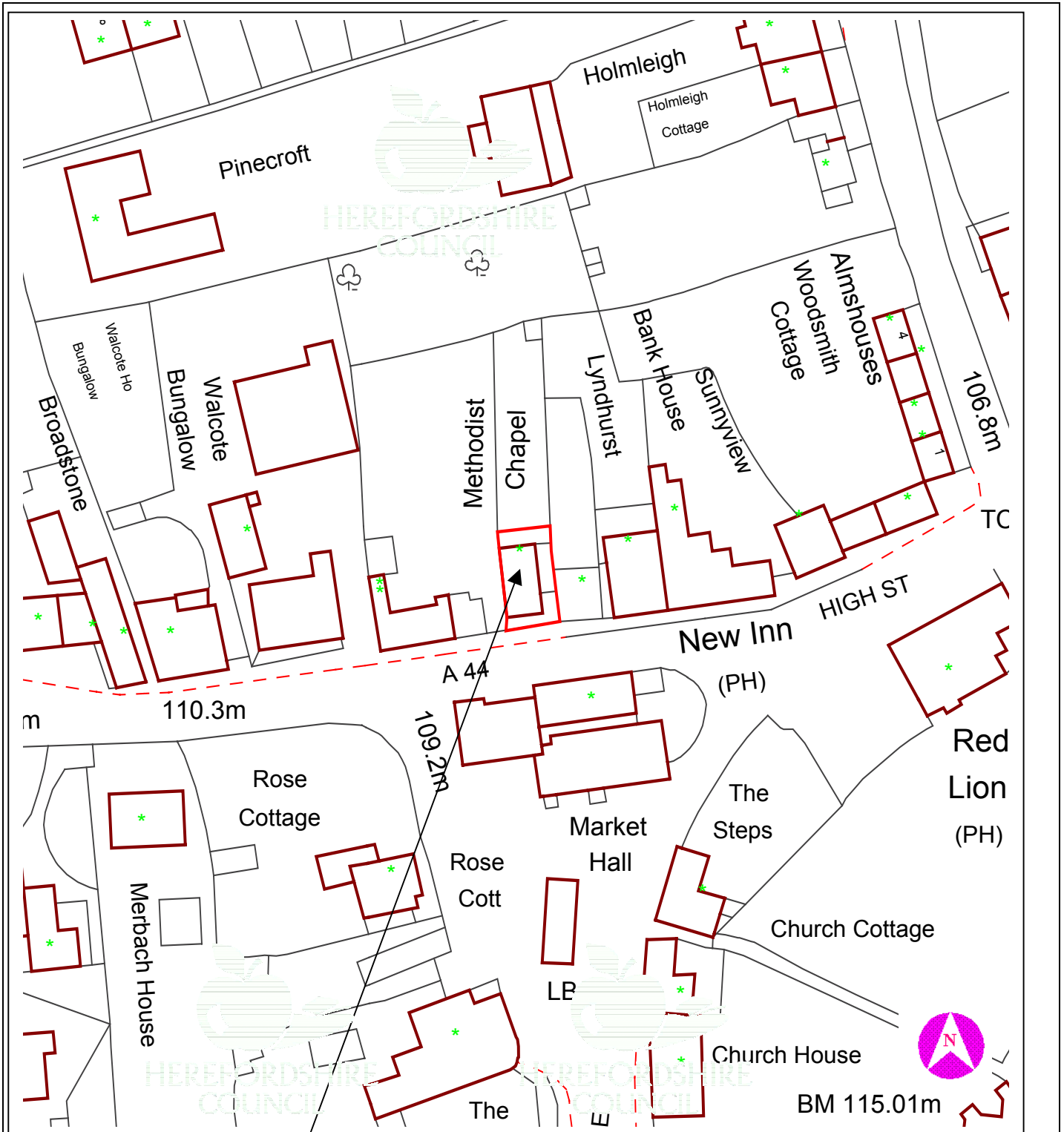
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNW2005/2765/F

SCALE : 1 : 1250

SITE ADDRESS : Methodist Chapel, High Street, Pembridge, 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

12 DCNW2005/2906/F - CONVERSION OF OUTBUILDING TO FORM ANCILLARY LIVING ACCOMMODATION TO MAIN DWELLING AT LOWER YATTON FARM, YATTON, LEOMINSTER, HEREFORDSHIRE, HR6 9TL

For: Mr & Mrs R Bevan per Mr R B Pipe, Pipedream, Bridgend Lane, Bucknell, Shropshire, SY7 0AL

Date Received:
6th September 2005

Ward: Mortimer

Grid Ref:
42845, 66649

Expiry Date:
1st November 2005

Local Member: Councillor Mrs O Barnett

1. Site Description and Proposal

- 1.1 The application site comprises one of a group of former agricultural buildings that is currently used for domestic storage in association with the former Farm House known as Lower Yatton Farm. The other formally associated barns lie to the South East of the application site and have been converted to residential use. The barn that is the subject of this application is a relatively large L-shaped building that lies immediately on the boundary with The Granary House.
- 1.2 Planning permission is sought for the change of use and conversion of the barn so that the existing garage is retained and the current ground floor workshop is divided to provide a kitchen. The first floor will be used as an Office and Studio with two bedrooms and a bathroom being inserted above the existing garage. The external alterations comprise the insertion of two windows and 3 roof lights in the West elevation to serve the two new windows. The stone stairs to the East elevation would be repaired and railings added. An existing window opening to the North Elevation would be altered and a door inserted.
- 1.3 The barn previously received planning permission as an independent residential unit in 2001 as part of an application for the conversion of four of the traditional barns. The applicant purchased this barn and the farmhouse and has since been used as ancillary storage and garaging. The first floor has also partly been used as an office by the owner/occupier of the dwelling.

2. Policies

2.1 Herefordshire & Worcester Council Structure Plan

Policy H16A – Development Criteria

Policy H20 – Residential Development in Open Countryside

Policy CTC9 – Development Criteria

Policy CTC14 – Criteria for the Conversion of Buildings in Rural Areas

2.2 Leominster District Local Plan (Herefordshire)

Policy A1 – Managing the District's Assets and Resources

Policy A2(D) – Settlement Hierarchy

Policy A10 – Trees and Woodlands

Policy A60 – Conversion of Rural Buildings Outside Settlements to Residential Use

Policy A70 – Accommodating Traffic from Development

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S2 – Development Requirements

Policy DR1 – Design

Policy DR2 – Land Use and Activity

Policy H7 – Housing in the Countryside Outside Settlements

Policy E11 – Employment in Smaller Settlements and Open Countryside

Policy HBA12 – Re-Use of Rural Buildings

Policy HBA13 – Re-Use of Rural Buildings for Residential Purposes

2.4 Supplementary Planning Guidance – Re-use and Adaptation of Traditional Rural Buildings**3. Planning History**

NW2001/1318/F - Conversion of farm buildings to form 4 no. dwelling units with workshop/office space - Approved with Conditions 8th January 2002

NW2003/3247/F - (Unit 1 - The Dairy House) - Removal of conditions 3, 7 and 19 (relating to provision of live work unit conditions) - Approved 28th January 2004

NW2004/1665/F - (unit 2 - The Granary) - Removal of restrictions relating to business use (condition 3) and use of workshop (condition 7) of Planning Permission NW29001/1318/F - approved 30th June 2004.

4. Consultation SummaryStatutory Consultations

4.1 None

Internal Council Advice

4.2 Traffic Manager raises no objection and notes that three car parking spaces should be retained within the curtilage of the Lower Yatton Farm and that Condition E29 should be added to ensure that the use is ancillary to Lower Yatton Farm.

4.3 The Conservation Manager responded as follows:

There are two new openings for windows on the west elevation which are necessary for the owner to comply with building regulations (bedrooms). There are also 3 velux roof lights indicated on the plan. I believe one of these rooflights will be over a bathroom which could be artificially ventilated and lit (however I am not too concerned if it remains).

No objections subject to the following Conditions:

C05: details of external joinery finishes
C10: details of rooflights

4.4 The Public Rights if Way Manager responded as follows:

The proposed development does not affect public footpath Aymestry 7A (AY7A). However the footpath does pass very close to the site of the development and points relating obstruction and encroachment should be noted.

5. Representations

5.1 Aymstrey Parish Council has no objection to the proposal.

5.2 The Ramblers Association requests that the applicant is made aware of their requirement to keep the footpath (AY7A) clear at all times. They raise no objection to the proposed development.

5.3 One letter of objection has been received from Mr and Mrs Kyriakou of The Granary House, Yatton, Leominster who makes the following comments:

"We have few concerns about the planning application to convert an outbuilding - to form ancillary living accommodation to main dwelling. The main concern being the two extra windows to go above the existing garage doors which will then overlook our private garden area and then the three sky lights that are to be put in the roof above these two windows also facing in the same direction which again would overlook our garden. We feel the building in question has already got enough windows overlooking our property as we already have five overlooking us now, which might I add are opening onto our boundary, because of this when we were buying the property in August 2004 we double checked with yourselves that the building would not be a living dwelling and only had planning permission for garage/workshop. So now we find ourselves in the position that we might have people living in a building which does not have a boundary all the way around, because our land is right up against the one side of the building in question, so we are concerned as to the level of noise we will hear from the building and of course the extra windows which will overlook use even further which if people are staying in will almost certainly disrupt our privacy".

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

6. Officers Appraisal

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

- a) the principle of residential conversion and history of the site
- b) the impact of the proposed conversion on the character and appearance of the buildings and the wider impact on the surrounding countryside;
- c) residential amenity.

- 6.2 The building that is the subject of this application has previously received planning permission as an independent unit of living accommodation. The owners chose not to take up this opportunity and having been using the barn in conjunction with the main use of the dwelling house. The principle of conversion and capability of the barn for conversion has therefore been established. The applicants / owners have previously been advised that if they wished to use the barn for ancillary accommodation then planning permission would be required for its change of use as this would differ from the previous application. It is however worth noting that after an inspection of the barn it is clear that it is in a good state of repair and well kept.
- 6.3 The use of the barn as ancillary accommodation is in itself considered acceptable and perhaps an improvement than if the barn was an independent unit of accommodation. A condition restricting the use is recommended. The fact that part of this barn would be used as an office for home working is also considered acceptable, promoting the ideals of sustainability and restricting the need to travel.
- 6.4 The proposed conversion, although requiring the insertion of windows in new openings, does present a scheme, which respects the character and appearance of each of the barns. This number of new openings has been reduced in comparison to the approved scheme for an independent unit of accommodation.
- 6.5 The proposed use of the site for residential purposes would potentially introduce an issue of overlooking of the garden of The Granary and this issue has been raised in their letter. The new windows are located in a similar position to those already approved but notwithstanding this the concern could be overcome through the use of obscure glazing to these windows. The roof lights would not have the same effect and it is felt unnecessary to ensure that these are obscure glazed. The existing windows to the rear elevation have not been altered and are in non-habitable rooms.

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

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

3 - C05 (Details of external joinery finishes)

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

4 - E18 (No new windows in specified elevation)

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

5 - E29 (Occupation ancillary to existing dwelling only (granny annexes))

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

6 - C10 (Details of rooflights)

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

Informatives:

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

2 - The right of way should remain open at all times throughout the development. If development works are perceived to be likely to endanger members of the public then a temporary closure order should be applied for from this department, preferably 6 weeks in advance of work starting.

3 - The rights of way should remain at its historic width and suffer no encroachment or obstruction during the works or at any time after completion.

4 - The applicants should ensure that they hold lawful authority to drive over the registered right of way.

5 - The applicants should note that the right of way is footpath status and will only be maintained as such.

6 - Please be aware that the registered route of public footpath Aymestry 7A does not pass very close to the site of the development and must not be obstructed in any way.

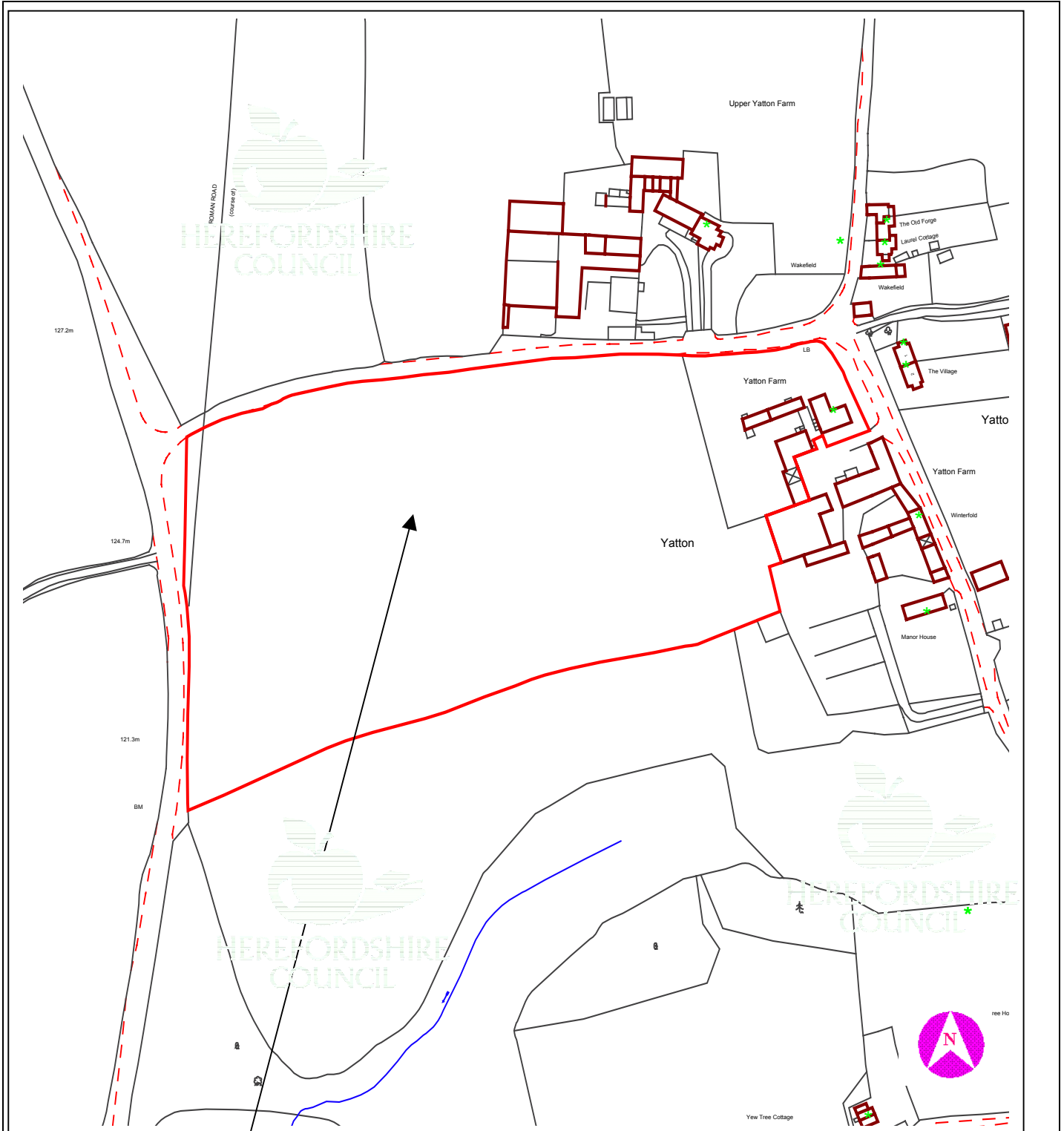
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNW2005/2906/F

SCALE : 1 : 2500

SITE ADDRESS : Lower Yatton Farm, -, Yatton, Leominster, Herefordshire, HR6 9TL

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

**13A DCNW2005/2956/F - CONVERSION OF
AGRICULTURAL BUILDINGS TO FORM ONE HOUSE
AT UPPER FARM, AILEY, KINNERSLEY,
HEREFORDSHIRE.**

13B

DCNW2005/2957/L – AS ABOVE

**For: Westate Limited Burton & Co Lydiatt Place
Brimfield Ludlow Shropshire SY8 4NP**

Date Received:

9th September 2005

Expiry Date:

4th November 2005

Local Member: Councillor J Hope

Ward: Castle

Grid Ref:

33723, 48499

1. Site Description and Proposal

- 1.1 The site for the proposed development is a redundant former agricultural barn of external timber frame and brick construction under a corrugated tin and partly tiled roof. The barn forms part of a former traditional farmyard and is located adjacent (on the south eastern side) to a Grade II listed former farm house, this is in separate ownership along with the rest of the former farmstead.
- 1.2 The application proposes conversion of the 'L' shaped building into a two storey dwelling consisting of four bedrooms on the first floor and four principle rooms on the ground floor as well as an intergrated garden store and double garage. The proposed conversion is in a style using external construction materials that are sympathetic to the structure's original character.

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

A24 - Scale and Character of Development

A54 - Protection of Residential Amenity

A60 - Conversion of Rural Buildings outside Settlements to Residential Use

A78 - Protection of Public Rights of Way

- 2.2 Supplementary Planning Guidance – Herefordshire – Re-Use and Adaptation of Traditional Rural Buildings

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- S1 – Sustainable Development
- S2 – Development Requirements
- DR1 – Design
- DR2 – Land Use and Activity
- H7 – Housing in the Countryside Outside Settlements
- H14 – Re-Using Previously Developed Land and Buildings
- HBA4 – Setting of Listed Buildings
- HBA12 – Re-Use of Rural Buildings
- HBA13 – Re-Use of Rural Buildings for Residential Purposes

3. **Planning History**

NW2005/2212/F - Conversion of Agricultural building to form one house - Withdrawn 3rd August 2005.

NW2005/2213/L - Conversion of Agricultural building to form one house - Withdrawn 13th September 2005.

4. **Consultation Summary**

Statutory Consultations

- 4.1 Environment Agency raises no objections.
- 4.2 The Ramblers Association have no objections.
- 4.3 Georgian Group raise no objections.

Internal Council Advice

- 4.4 The Conservation Manager raises no objections subject to the inclusion of conditions to any approval notice subsequently issued.
- 4.5 The Public Rights of Way Manager raises no objection subject to the right of way that runs across the development site remaining at its historic width and suffering no encroachment or obstruction during the works or at any time after completion.
- 4.6 The Highways Manager raises no objections subject to the inclusion of standard conditions to any approval notice subsequently issued.
- 4.7 The Ecology Manager raises no objections subject to the inclusion of a condition to any approval notice subsequently issued.

5. **Representations**

- 5.1 Kinnersley and District Group Parish Council raises concerns about the proposed development which can be summarised as follows:
 - a) Conversion will lead to the loss of a complete Grade II listed farm settlement.
 - b) Rooflights are unsuitable for a barn conversion.
 - c) New window openings not acceptable in a barn conversion.
 - d) Adjoining public highway is already over-used and the entrance has poor visibility.

- e) The process of offering the structure subject to this application to commercial purposes was set at an unrealistic rent.
- f) Concerns about public footpath that crosses the application site.
- g) Concerns are also raised about previous applications that have been refused with regards to local need/affordable housing.

5.2 Letters of objections have been received from nine separate households:

- Colin Jacobson, Rock Cottage, Kinnersley
- J J Saville, Ailey Cottage, Kinnersley
- Oliver Penny, Castle Farm, Kinnersley
- Reece Jones, Station House, Kinnersley
- Katherine Gluratt, Adams, Kinnersley
- Harry Ellam, Old Castle Cottage, Kinnersley
- Bill Bryan, Stanley Vila, Ailey
- Dr R and Mrs E Sykes, Ailey Farm, Ailey
- Mr and Mrs P D Cartwright, The Masons, Ailey

These objections can be summarised as follows:

- a) The barn was marketed for commercial use at an inflated price that did not reflect its poor structural condition.
- b) Impact of vehicular use from the proposed development on the sub-standard public highways. There is also no relevance on the plans submitted for planning determination about the public footpath that goes through the application site.
- c) The design of the proposed development is unsympathetic to the style of the original building and includes new window openings on the western elevation and the introduction of rooflights.
- d) Impact of proposed conversion on the setting of the adjacent Grade II listed former farm house and the historic character of the former farmyard.
- e) Impact of the proposed internal alterations on the existing barn's character.

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 planning application has raised much local opposition to the proposed development and therefore this appraisal will discuss each of the above-mentioned objections/issues under separate headings below. They also compare with the Local Parish Council's response as indicated previously.

Marketing of barn for commercial use

6.2 Policy A60 of the Leominster District Local Plan on Conversion of Rural Buildings outside Settlements to Residential Use clearly states that any building proposed for conversion is of permanent and substantial construction whose form, bulk and general design are in keeping with the surroundings, and the applicant has made every

reasonable attempt to secure suitable re-use, or the residential conversion is a subordinate part of a scheme for business reuse.

The applicant has as part of the application submitted a detailed marketing report in the attempts to secure commercial use of the structure. The report states that the premises were first advertised in September 2004 in the Hereford Time, Ludlow Journal and Ludlow Advertising. The premises were also advertised in the Hereford Commercial Property register. Details of this advertising are included in an appendix attached to the applicants marketing report forming part of the application.

The objections received to the proposed development refer to the barn being marketed at an unrealistic rental. Relevant local and supplementary planning policy do not refer to a specific price at which the barn must be marketed at; and therefore it must be assumed that a fair and reasonable price was fixed to the premises marketed in relationship to the structural condition, location and suitable uses etc. The Council's Economic and Regeneration Manager has been consulted with regards to the marketing report and at the time of writing this report no response has been received. Therefore a verbal report will be presented to the Committee with regards to this issue.

Impact of proposed development on surrounding public highways and adjacent footpath

- 6.3 The Highways Manager has responded to the application with no objections subject to the inclusion of conditions relating to improving the visibility splays on the entrance to the site from the public highway, turning and parking within the application site for three cars and access gates set at a distance of a minimum of 5 metres from the public highway. It is considered that the applicant can easily achieve all of these requests.

In respect of the public footpath that crosses the application site the proposed development will not affect the footpath and in response to the Public Rights of Way Manager's response to the application a note should be attached to any subsequent approval notice issued warning the applicant that the footpath should remain accessible to members of the public at all times.

Design of proposed conversion

- 6.4 The original application was withdrawn to allow consideration of the impact of the development on the privacy of the adjoining Grade II listed dwelling. The applicant has in a sympathetic manner re-introduced essential window openings on the western elevation to compensate for the loss of existing openings on the southern and eastern elevation. As well as changing and reducing roof lights due to concerns about the impact on the setting of the adjacent listed building. These changes have resulted in the eastern elevation retaining a strictly rural appearance and as such contribute positively to the setting of Ailey Farmhouse. On the north-western elevation of the structure is a dilapidated cart barn, the applicant proposes to use this section of the structure for use as a double garage and garden store retaining cart door openings and therefore retaining a very strong agricultural feel to the development. Both Policy A60 of the Leominster District Local Plan and Supplementary Planning Guidance, (SPG), on Re-Use and Adaptation of Traditional Rural Buildings do not specifically state that no new window openings should be created in a proposed barn conversion. In fact the SPG states in paragraph 5.19 on Openings – Windows and Doors: ' There is a presumption in favour of maximising the use of existing openings, and limiting new ones. The openings should only be inserted where absolutely

necessary and should respect the nature of the existing building. Conversions with an excessive number of new openings will be resisted.'

The structure subject to this application is not listed in its own right but curtilage listed in relationship to Ailey Farmhouse. Its close proximity to a residential dwelling therefore limits its use for alternative commercial uses, the proposed conversion of the structure to residential use, is in a sympathetic manner as possible and although the structure subject to this application is in separate ownership to the rest of the former farmstead, the proposed development will retain a strong relationship to the previous historic farmstead character of the site as a whole. If Committee are mindful to approve the application it is recommended that a condition be attached to any approval notice taking away permitted development rights in order to control further development.

The Conservation Manager has no objection subject to the inclusion of appropriate conditions to any approval notice issued.

Impact of proposed development on adjacent Grade II listed house

- 6.5 The proposal has overcome previous officer concerns with regards to the setting of the adjacent listed dwelling, and is considered sympathetic to the original farmstead historic character. The fact that the dwelling house and barn subject to this application are in separate ownership is not an overriding planning issue. The proposed development is considered to be in-line with policy criteria of Policy A18 – Listed Buildings and their Settings in the Leominster District Local Plan.

Impact of the proposed internal alterations on the barn's overall character and integrity

- 6.6 The proposed development internally is as sympathetic as possible with no detrimental impact on the structure's overall architectural historic significance and no different to other barn conversions that are approved by the Local Planning Authority. Accompanying the application is a structural report to which Officers are satisfied with its contents.
- 6.7 The applicant has also submitted as part of the application an ecological survey that identifies evidence of protected species using the site and therefore it is recommended that a condition be attached to any approval notice Committee are mindful to issue with regards to this issue.

Conclusion

- 6.8 No objections were received from any of the statutory consultees or internal Council consultees. Officers are of the opinion that the proposed conversion complies with criteria of all relevant local plan and supplementary policies, albeit that the proposed development proposes not to use existing openings on the southern and eastern elevations and introduce new openings on the western elevation to compensate for this loss. The barn is located within the curtilage of a listed building and therefore has an impact on the setting of this listed building, it is presently in a poor state of repair, the proposal will significantly enhance the setting of the listed building. The proposed new window openings on the western elevation are of exactly the same style and character of those on the existing southern and eastern elevations. The barn is located, in close proximity to a residential dwelling and certain commercial uses would not be feasible in

planning terms, therefore residential use is considered an appropriate suitable use, in order to retain this former farmstead's original historic character.

RECOMMENDATION

NW2005/2966/F

That planning permission be granted subject to the following conditions:

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

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

2 - A06 (Development in accordance with approved plans)

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

3 - C02 (Approval of details)

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 - C10 (Details of rooflights)

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

6 - C12 (Repairs to match existing)

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

7 - C17 (Samples of roofing material)

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

8 - E16 (Removal of permitted development rights)

Reason: In order that the Local Planning Authority can have control over development at this sensitive location.

9 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

10 - G04 (Landscaping scheme (general))

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

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

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

12 - H03 (Visibility splays)(2 metres and 33 metres)

Reason: In the interests of highway safety.

13 - H05 (Access gates)(a minimum of 5 metres)

Reason: In the interests of highway safety.

14 - H14 (Turning and parking: change of use - domestic)

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

15 - The first two metres of access drive shall be provided with a bound surface to prevent gravel being displaced onto the public highway.

Reason: In the interests of highway safety in order to prevent debris from entering onto the public highway.

16 - The integral garage shall be used for the parking of vehicles only and not for additional domestic accommodation. Also the adjoining store room shall be used for gaden/domestic storage and not for additional accommodation.

Reason: In order to retain the historic character of the building.

17 - An ecology mitigation strategy in accordance with detail as set out in the ecology survey submitted as part of the planning application will be carried out on site in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority.

Reason: In order to preserve and enhance protected biodiversity on sites.

Informatives:

- 1 - HN02 - Public rights of way affected**
- 2 - HN01 - Mud on highway**
- 3 - HN05 - Works within the highway**
- 4 - HN22 - Works adjoining highway**
- 5 - N15 - Reason(s) for the Grant of PP/LBC/CAC**

NW2005/2957/L

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

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

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

- 2 - C02 (Approval of details)**

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

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

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

- 4 - C10 (Details of rooflights)**

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

- 5 - C12 (Repairs to match existing)**

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

- 6 - C17 (Samples of roofing material)**

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

Informative:

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

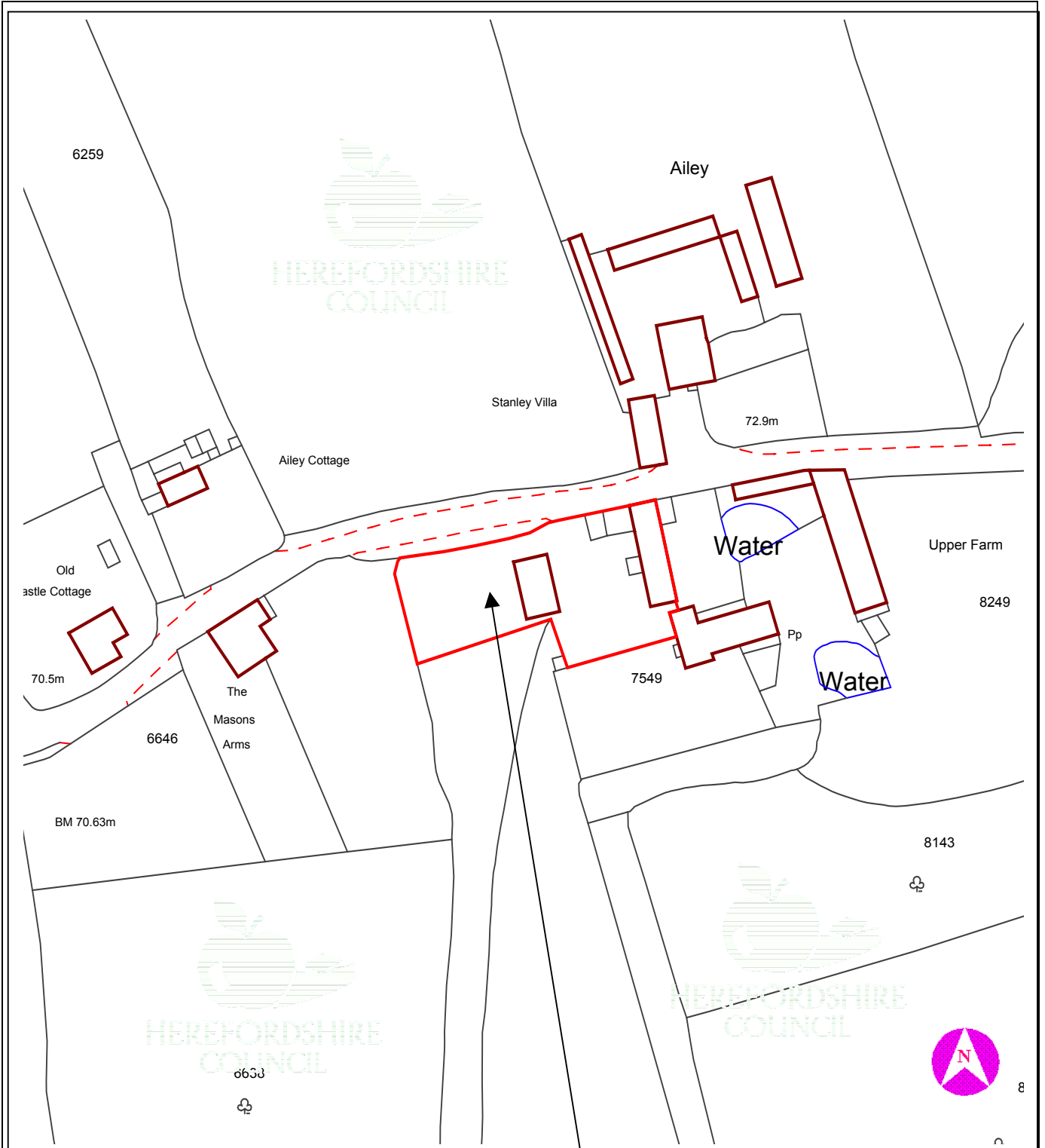
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNW2005/2956/F

SCALE : 1 : 1250

SITE ADDRESS : Upper Farm, Ailey, Kinnersley, 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

**14 DCNW2005/3163/F - INSTALLATION OF LEVELLING
OAK DECK AT RIDGE VIEW, BRADNOR, KINGTON,
HEREFORDSHIRE, HR5 3RE**

For: Mr N Ede at same address.

**Date Received:
3rd October 2005**

Ward: Kington Town

**Grid Ref:
29124, 57578**

**Expiry Date:
28th November 2005**

Local Member: Councillor T James

1. Site Description and Proposal

- 1.1 The location for the proposed development is within the curtilage of an existing two-storey cottage that is located adjacent to common land. The cottage is one of a small cluster of cottages adjacent to the common and is constructed externally of stone and timber under a slate roof.
- 1.2 The application is retrospective for the change of use of land and erection of a timber decking area that is attached to the dwelling. The dwelling at some point in its history has had a timber constructed single storey extension added to its western elevation and therefore the properties permitted development rights have been used up.
- 1.3 The timber decking is located on sloping ground, and level with the ground floor of the cottage, as the site is located on a steep side from where there are commanding views over the surrounding countryside. There are no residential dwellings alongside the western elevation of the property.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

Policy A.1: Managing the District's Assets and Resources
 Policy A.2: Settlement Hierarchy
 Policy A.6: Sites of Local Importance for Nature Conservation
 Policy A.9: Safeguarding the Rural Landscape
 Policy A.23: Creating Identity and an Attractive Built Environment
 Policy A.24: Scale and Character of Development
 Policy A.54: Protection of Residential Amenity
 Policy A.56: Alterations, Extensions and Improvements to Dwellings

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S.1: Sustainable Development
 Policy S.2: Development Requirements
 Policy S.7: Natural and Historic Heritage
 Policy DR.1: Design
 Policy DR.2: Land Use and Activity
 Policy H.13: Sustainable Residential Design

Policy H.18: Alterations and Extensions
Policy LA.2: Landscape, Character and Areas Least Resilient to Change
Policy LA.6: Landscaping Schemes
Policy NC.4: Sites of Local Importance

3. Planning History

None identified on site

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Advice

4.2 Highways Manager: Raises no objections to the proposed development.

5. Representations

5.1 Kington Rural Parish Council - Raises no objections to the proposed development.

5.2 A Letter of objection have been received from D. Watkins and A.E. Tyler on behalf of a 'Walking Group'. The letters can be summarised as follows:

- a) Concerns are raised about the height of the decking and its impact on surrounding countryside;
- b) Development as yet appears unfinished;
- c) Development represents a blot on the landscape;
- d) The use of the land for the development represents greed on behalf of the applicant.

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

6. Officers Appraisal

6.1 The main issue for planning consideration with regards to this application is the impact of the proposed development on the surrounding landscape as the development has no impact on the privacy or amenity of residential dwellings within the vicinity of the application site.

6.2 The application, which is mostly 'retrospective', is for the installation of Oak decking adjacent to the western elevation of the cottage, and a boundary fence, this part of the development is yet to be carried out.

6.3 The applicant in a letter submitted with the application states that the decking replaces an original stone deck built in the 1960's whose surface was badly damaged by the weather, extremely dangerous on ice and rain, due to the extreme slope from front to back. The applicant as part of the application has submitted photographs of how the original stone decking appeared and photographs of the replacement timber decking. The development as yet is unfinished and the application proposes a

boundary fence around the decking to consist of a timber Oak posted fence infilled with decorative metal infill.

- 6.4 The development subject to this application is built onto a previously constructed concrete block wall (that formed part of the previous stone decking) and is slightly higher in height than the original decking.
- 6.5 The development as it presently stands is rather stark in appearance due to no fencing constructed around its perimeter. The application includes details for the erection of a boundary fence that overall will help reduce the impact of the development on the surrounding landscape. The boundary of the curtilage is such that the applicant would be unable to plant vegetation to reduce its impact on the surrounding landscape. However it must be emphasised that the original decking adjoined the boundary on the existing concrete block wall still in situation.
- 6.6 The decking area abuts an externally constructed single-storey timber extension to the dwelling and therefore the development has no detrimental impact on the dwelling itself.
- 6.7 The development overall is considered not to be any more significantly detrimental on the surrounding landscape than the previous stone decking and the development has no detrimental impact on residential amenity. The section of the application for change of use of land to additional domestic curtilage is for a very small parcel of land in the corner to which no detrimental impact will be created by the proposal.
- 6.8 If committee are mindful to support the application it is recommended that a condition be attached to the approval notice with regards to details of the perimeter fencing and existing concrete block wall finish. The development on balance is considered to be in-line with relevant planning policy in the Leominster District Local Plan.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - A06 (Development in accordance with approved plans)

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

3 - Full details of the proposed fencing and finish to the external concrete block wall already in situation will be submitted to and approved in writing by the Local Planning Authority prior to any further development on site.

Reason: In the interests of the visual amenity of the surrounding landscape.

Informative:

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

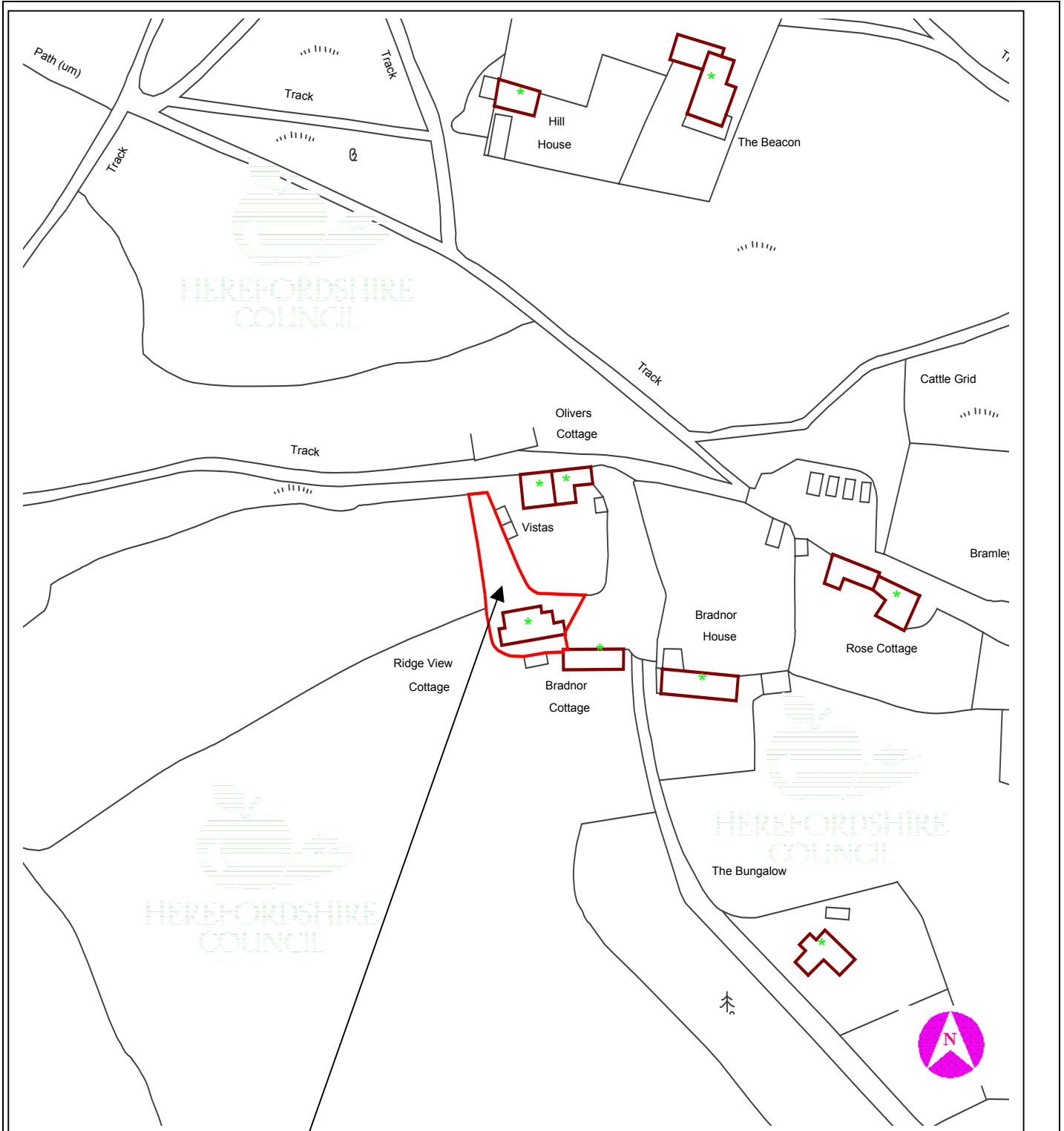
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNW2005/3163/F

SCALE : 1 : 1250

SITE ADDRESS : Ridge View, Bradnor, Kington, Herefordshire, HR5 3RE

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 DCNC2005/2718/F - DEMOLITION OF EXISTING DERELICT HOUSE AND ERECTION OF 16 NO. DWELLINGS, GARAGES AND PARKING SPACES, PRIVATE DRIVEWAY AND ASSOCIATED DRAINAGE AT 77 OLD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4BQ

For: Hercules House Ltd per Development Design Partnership, Sandford House, 6 & 7 Lower High Street, Stourbridge, West Midlands, DY8 1TE

Date Received: 17th August 2005 Ward: Bromyard Grid Ref: 65084, 54587

Expiry Date: 12th October 2005

Local Members: Councillors P J Dauncey and B. Hunt

1. Site Description and Proposal

- 1.1 77 Old Road comprises a steeply sloping (approximately nine (9) metre drop), 0.5 hectare site located in the western predominantly residential area of Bromyard.
- 1.2 The existing site is overgrown with shrubs with a few trees and contains one derelict house.
- 1.3 The scheme represents an alternative and thorough reappraisal to both the past planning enquires and application DCNC2005/0214/F.
- 1.4 The area is characterised by residential developments from many eras, being opposite the Listed Building, The Nodens on Old Road. Whilst from Clover Terrace existing dwellings are predominantly terraced with some closely knit detached houses.
- 1.5 Planning permission is sought for the demolition of the existing detached derelict house and the erection of 16 no. dwellings, garages and parking spaces, private driveways and associated drainage.
- 1.6 It is proposed that dwellings 10 and 11 have direct access to Clover Terrace, dwellings 12 to 16 have a private drive off Clover Terrace and dwellings 1 to 9 have a private drive access to Old Road.
- 1.7 The dwelling types described as "D" (3 bedroomed) and "C" (4 bedroomed) on the planning layout are two storey dwellings. Whilst dwelling types described as "B" are 4 bedroomed town houses with a third storey with gables and dormer and fan light fenestration details. Dwellings A1, 2 and 3 are 4 bed three storey town houses and dwellings E1, 2 and 3 are two storey dwellings.

2. Policies

2.1 National Policy:

Planning Policy Statement 1	-	Delivering Sustainable Development
Planning Policy Guidance 3	-	Housing
Planning Policy Guidance 15	-	Planning and The Historic Environment
Circular 1/97	-	Planning Obligations

2.2 Malvern Hills District Local Plan 1998:

Housing Policy 2	-	Development in Main Towns
Transport Policy 4	-	Traffic Calming
Transport Policy 7	-	Road Design in New Developments
Transport Policy 8	-	Car Parking
Bromyard Transport Policy 3		
Bromyard Housing Policy 1		
Conservation Policy 11	-	The Setting of Listed Buildings
Recreation Policy 23	-	Provision of new and improvement of existing sports pitches and playing fields
Recreation policy 24	-	Recreation Open Space Provision

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy H16	-	Car Parking
Policy H19	-	Open Space Requirements
Policy NC1	-	Biodiversity and Development
Policy HBA4	-	Setting of Listed Buildings

3. Planning History

- 3.1 82/2085 Storage for agricultural milk tanks approximately 1½ acres at Clover Terrace, Bromyard. Approved 21st December 1982.
- 3.2 DCNC2005/0214/F Demolition of existing house, and erection of 16 dwellings, garages, parking spaces, private driveway and associated drainage. Application Withdrawn 18th February 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water raise no objections and request specific conditions be added to any permission that is granted.

- 4.2 Herefordshire Nature Trust report no objection but that the proposal would cause the loss of woodland and request the Council seek to identify more suitable locations.

Internal Council Advice

- 4.3 The Drainage Manager raises no objection to the proposal, requesting a condition be added to any permission regarding storm water.
- 4.4 The Traffic Manager requires the following concerns to be addressed:-
- i) driveway of gradient must be no more than 1 in 8
 - ii) single Old Road access to be adopted or two private drives added
 - iii) kerb radii on junction to Old Road too small
 - iv) footways required at Old Road access to site
 - v) protection required for vehicles and pedestrians on slope between proposed access road and Old Road (up to 2 metres level difference indicated here)
 - vi) Clover Terrace currently has a substandard footway and lighting columns blocking this, plus tight radius at entrance opposite proposed access.

This road is unsuitable to construction traffic. A contribution is required towards the essential improvements required to make Old Road (traffic calming/pavements) and Clover Terrace (pavement and lighting columns) necessary to allow any such proposal to be feasible in Highways terms.

- 4.5 Head of Archaeology has no in principle objection, and requests the standard D01 condition is attached if permission be granted.
- 4.6 Forward Planning Manager states that the proposal does not conflict with Local Plan Housing policies. Affordable housing is requested, however, this proposal does not exceed the threshold for affordable housing in the current adopted Local plan of either 40 houses or 1.5 ha. Site area. Additionally there are objections to the affordable housing policy proposed in the UDP RDD, consequently it is not considered possible to justify affordable provision at this time.
- 4.7 Provision and detail are required for open space play area, landscaping, ecology and site levels. The principle of housing is supported but further information is requested.
- 4.8 Conservation Manager (Historic Buildings): no objection subject to conditions.

(Ecology): conditions requested, that no work on site is undertaken whatsoever until a full bat survey and proposals for mitigation are approved in writing by Herefordshire Council.

(Trees): Tree Survey is requested plotting the existing mature trees locations in relation to the proposal to include the two mature Sycamores, the five or six Ash trees and Hawthorns.

5. Representations

- 5.1 Bromyard and Winslow Town Council: object to the development.

“Little has been done to take into account the observations, which the Town Council had put forward when application DCNC2005/0214/F for this development was considered in February 2005. The Town Council still considers:

- (a) That the additional traffic generated by the part of the development off Clover Terrace would not be in the interest of safety and free flow of traffic using this one way street.
- (b) They are also concerned about land slippage on the site fronting Old Road.
- (c) Concern is expressed as to there now being one entry/exit into Old Road rather than the two on the previous application.
- (d) The inconvenience to residents of both Old Road and Clover Terrace whilst works are being undertaken.
- (e) The inclusion of three storey houses on the site off Clover Terrace will be too dominant.”

5.2 Letters of objection have been received from:

L.M. & N.S. Box, 8 Clover Terrace, Bromyard
 Wing Commander E.J. Hammond, 12 Clover Terrace, Bromyard
 Mr. & Mrs. Lacey, The Nodens, 78-80 Old Road, Bromyard
 A. Sheldon, 84 Old Road, Bromyard
 Mrs. A. Gough, 26 Old Road, Bromyard
 Mrs. Busby, 24 Old Road, Bromyard
 Mr. & Mrs. N. Phillips, 29 Old Road, Bromyard
 Mr. & Mrs. D.J. Matthews, 37 Old Road, Bromyard
 Ms. Gill Munro, 82 Old Road, Bromyard

These objections are summarised below:-

(a) On Site Matters

1. Overdevelopment.
2. Loss of natural wildlife habitat.
3. Loss of old house.
4. Extra burden on existing infrastructure and services.
5. Inappropriate design.
6. Possibility of land slippage on site to Old Road.

(b) Old Road

1. Three storey buildings involve loss of amenity to existing dwellings.
2. Drainage problems exacerbated.
3. Construction traffic disturbance.
4. Increased road traffic once developed.
5. Visibility inadequate.
6. No footway provision from or to site.
7. Potential damage from vibrations to Listed Building, The Nodens.

(c) Clover Terrace

1. This is a narrow, one way road.
2. Shortage of parking space already.
3. Disruption to residents during construction.

4. Existing poor road surface.
 5. Inappropriate access for Clover Terrace.
- 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 proposal is clearly acceptable in principle given that this is a brownfield site within the settlement boundary of the town and in an existing residential area. However, any development of the site would impact in many and diverse ways.
- 6.2 This proposal has received a number of responses and has gone through a variety of amendments prior to this current proposal. Where these responses are valid considerations these have resulted in inclusion within the draft 106 Agreement and conditions suggested. Likewise a few minor amendments have been made to this scheme.
- 6.3 These considerations include historic buildings, transportation and highways, drainage and water, ecology, landscaping and construction matters which are appraised below.

Historic Buildings

- 6.4 Considerations have been raised by an objector concerning the potential damage to this Listed Building at The Nodens. The Nodens is of considerable relevance locally and therefore the applicants have following historic buildings advice closely setting back any proposed dwellings from the perimeter of Old Road, and making sure only two storey dwellings are proposed opposite The Nodens. This objection is noted and all construction traffic will be carefully routed and managed by developers as per the requested conditions and draft 106 Agreement.

Transportation and Highways Matters

- 6.5 These are raised by both the Council's own department, a number of local residents and the Town Council and have been addressed as follows.
- i) Two accesses from Old Road are now included, with a pedestrian platform allowing safe waiting for pedestrians to cross from this site.
 - ii) An addition wall is proposed to prevent any risk of people or vehicles slipping on to Old Road.
 - iii) A clause is included in the draft S106 Agreement to enable contributions to be allocated from the developer for the specific traffic and highways improvements to Clover Terrace and Old Road.
 - iv) Conditions are to be inserted preventing construction traffic using Clover Terrace for access, and construction timetabling is strictly set out in two phases, minimising road traffic inconvenience or hazards which also mitigate Forward Planning's comments.

Ecology Matters

- 6.6 The Herefordshire Nature Trust's comments are noted and the Council's Ecologist has stated that a condition is sufficient for a full ecological survey and mitigation including the provision of any DEFRA licence if required. This mitigates the many local residents concerns as well as that of the Nature Trust and Forward Planning comments.

Drainage and Water

- 6.7 The objections concerning drainage problems from local residents are noted. The Council's Drainage Engineer recommends the inclusion of a condition to mitigate against these concerns. (There are no objections from the Water Authority but there are requests for conditions).

Landscaping

- 6.8 The Trees Officer has requested that the mature trees on site be mapped on to the proposal. The applicant has now included this within a landscaping scheme which will be conditioned within any approval that this Committee may chose to grant.

Construction Matters

- 6.9 The applicant has accepted, indeed proposed, that construction traffic be limited to access from Old Road only, and that all construction await the ecological findings and any subsequent mitigation proposals requirements. In addition the applicant proposes to phase the development, firstly with access roads and Clover Terrace dwellings all supplied from the Old Road access and latterly the Old Road houses within a stipulated set time scale.
- 6.10 The proposal with its minor amendments represents, in your officers' opinion, an acceptable highly appropriate development in a sensitive brownfield site. The application is therefore recommended for approval subject to the conditions set out below.

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 Education and Transport and any additional matters and terms as she considers appropriate.**
2. **Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:**
 - 1 **A01 (Time limit for commencement (full permission)).**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
 - 2 **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). (walls, roofs and private drives)**

Reason: To ensure that the materials harmonise with the surroundings.
- 4 Prior to the commencement of development, the applicant shall, in conjunction with the Council's Historic Buildings Officer, agree a schedule of works to cover any necessary works of repair to the Old Road wall. Works of repair shall be carried out in accordance with the agreed details before first occupation of the dwellings hereby approved.**

Reason: In order to safeguard the character and appearance of this wall.
- 5 G04 (Landscaping scheme (general)).**

Reason: In order to protect the visual amenities of the area.
- 6 G05 (Implementation of landscaping scheme (general)).**

Reason: In order to protect the visual amenities of the area.
- 7 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 D01 (Site investigation – archaeology).**

Reason: To ensure the archaeological interest of the site is recorded.
- 9 F16 (Restriction of hours during construction).**

Reason: To protect the amenity of local residents.
- 10 F20 (Scheme of surface water drainage)**

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface swater disposal.
- 11 F22 (No surface water to public sewer)**

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.
- 12 Foul water and surface water discharges must be drained separately from the site.**

Reason: To protect the integrity of the public sewerage system.
- 13 No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.**

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

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

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

- 15** The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto.

- 16** G13 (Landscape design proposals).

Reason: In the interests of visual amenity.

- 17** G19 (Existing trees which are to be retained).

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

- 18** No development shall commence on site of any sort, or materials or machinery brought to the site for the purpose of development until a full bat survey in accordance and in agreement with the Council's Ecologist has been submitted to and approved in writing by the local planning authority and any mitigating measures including DEFRA licensing if required for the agreed scheme may be implemented on site. These measures shall be maintained in good condition on site until and throughout the construction works and during removal of materials and machinery at the end of development. Any disturbance during construction works shall be made good by completion.

Reason: To ensure that the nature conservation of the rest of the site is protected.

- 19** H09 (Driveway gradient).

Reason: In the interests of highway safety.

- 20** H16 (Parking/unloading provision – submission of details) ('The construction shall not commence ...')

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

21 H19 (On site roads – phasing) ('The construction phase shall not ...')

Reason: To ensure an adequate and acceptable means of access is available before the dwellings are occupied.

22 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.

23 H21 (Wheel washing)

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

24 H26 (Access location) (for Old Road only)

Reason: In the interests of highway safety.

25 H27 (Parking for site operatives) (for Old Road only)

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

Informatives:

- 1. N15 - Reason(s) for the Grant of PP.
 - 2. This permission is granted pursuant to an agreement under Section 106 of the Town and Country Planning Act 1990.
- 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.

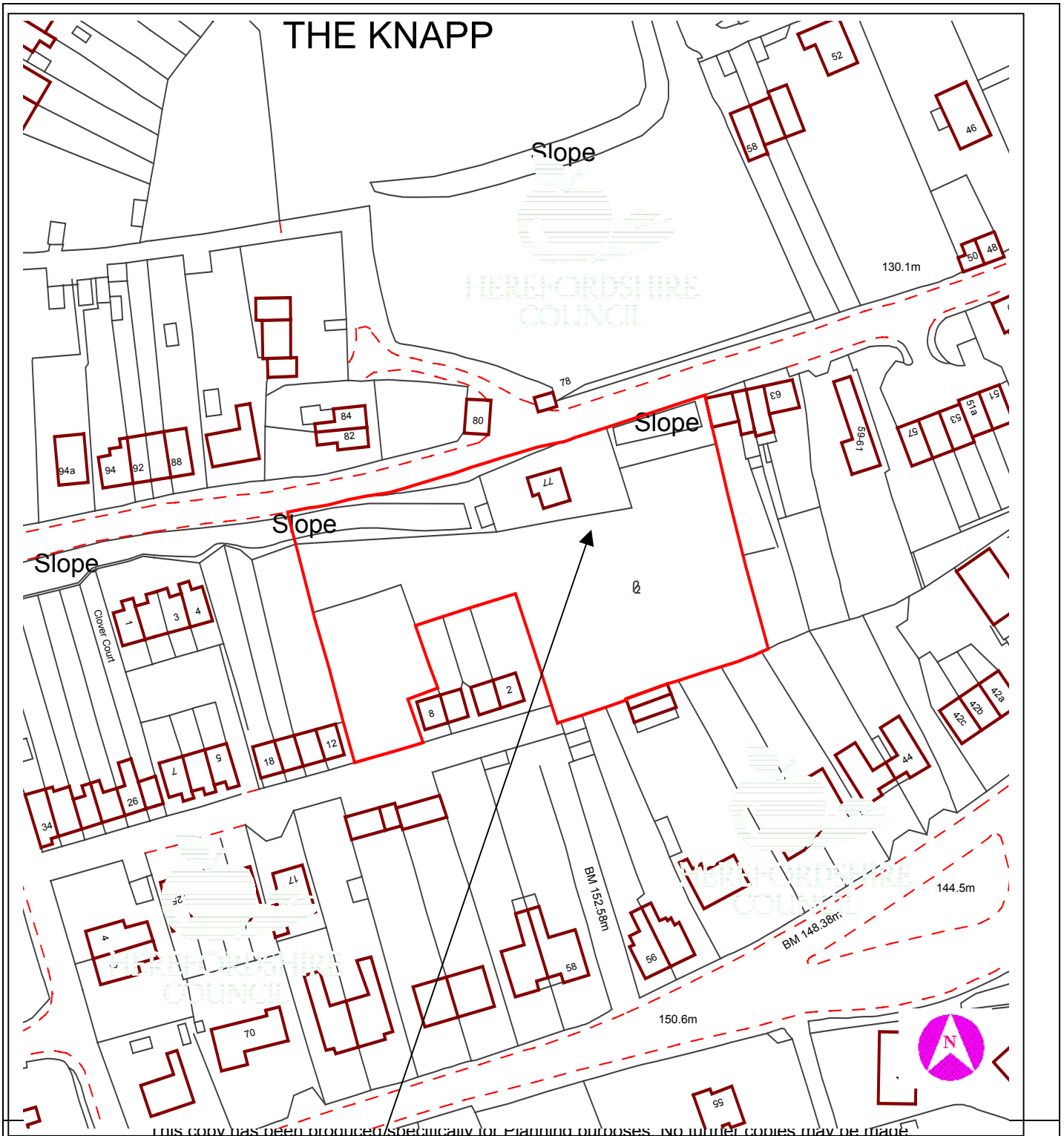
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



APPLICATION NO: DCNC2005/2718/F

SCALE : 1 : 1250

SITE ADDRESS : 77 Old Road, Bromyard, Herefordshire, HR7 4BQ

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

16A DCNC2005/1941/F - CONVERSION OF LISTED BARN INTO RESIDENTIAL DWELLING AT EYE COURT BARN, EYE, LEOMINSTER, HEREFORDSHIRE, HR6 0DT

16B

DCNC2005/1942/L – AS ABOVE

For: Lord J F Cawley per Berringtons The Estates Office The Vallets Wormbridge Hereford HR2 9BA

Date Received:

14th June 2005

Expiry Date:

9th August 2005

Local Member: Councillor J Stone

Ward: Upton

Grid Ref:

49581, 63883

1. Site Description and Proposal

- 1.1 Eye Court Barn, a 2-storey red brick building under a clay tiled roof and Grade II Listed building, is located within a group of buildings that are on the south side of Eye Lane, C1048. Court Farm and farm buildings which are used for the storage of potatoes and chemicals are to the west, Perch Cottage to the north, and Eye Manor is to the south-east. The site is located in open countryside.
- 1.2 These applications for both planning permission and listed building consent propose the conversion of the building to a single dwelling accommodating sitting room, entrance hall, kitchen/dining room, utility and WC on the ground floor with 4 bedrooms, en-suite bathroom, and a bathroom at first floor. Two roof lights are proposed in the south elevation.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

A2 – Settlement Hierarchy

A18 – Listed Buildings and their Settings

A54 – Protection of Residential Amenity

A60 – Conversion of Rural Buildings Outside Settlements to Residential Use

2.2 Hereford and Worcester County Structure Plan

H20 – Residential Development in Open Countryside

CTC9 – Development Criteria

CTC14 – Criteria for the Conversion of Buildings in Rural Areas

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

H7 – Housing in the Countryside Outside Settlements

HBA12 – Re-use of Traditional Rural Buildings

HBA13 – Re-use of Traditional Rural Buildings for Residential Purposes

- 2.4 PPS1 – Delivering Sustainable Development
- PPS7 – Sustainable Development in Rural Areas
- PPG15 – Planning and the Historic Environment
- SPG – Re-use and Adaptation of Traditional Rural Buildings

3. Planning History

- 3.1 None.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

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

5. Representations

- 5.1 Eye, Moreton and Ashton Group Parish Council: No reply received.

- 5.2 Objections have been received from:

D G Barrington, Perch Cottage, Eye
Dr M L Moncrieff, Eye Manor, Leominster
M Conod, Eye Court Farm, Eye, Leominster

- a) It will look directly into the upper floor of my property and overlook my garden.
- b) Increase in traffic.
- c) The potato store is used outside normal working hours.
- c) This is a quiet hamlet.
- d) The adjoining barns are in regular use, including the keeping of livestock, by the tenant farmer.

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

6. Officers Appraisal

- 6.1 Policy A60 and the Council's own Supplementary Planning Guidance deal specifically with the Re-use and Adaptation of Traditional Rural Buildings to residential use. In accordance with the policy and guidance, the building has been marketed for commercial/employment generating uses. The applicant has provided evidence to show that no interest has been shown. The residential re-use of the building can be considered.

- 6.2 Eye Court Barn is a suitable building for residential re-use. The building is considered large enough and capable of conversion to another use without the need for extension or reconstruction. The proposal retains the character of the building, re-using openings and restricting new windows and doorways to a minimum.
- 6.3 There is access to the proposal off the C1048. The entrance is in regular use by agricultural traffic, and by Eye Manor. The Traffic Manager considers the entrance suitable in its width and construction to serve the proposal without compromising matters of highway safety.
- 6.4 In terms of impact on the amenity of Perch Cottage is concerned, and in order to achieve adequate privacy, a minimum of 21m is normally required between buildings. This standard is achieved with the buildings being some 25m apart. It is not considered the proposal will cause an unreasonable loss of residential amenity to the nearby dwelling through overlooking.

RECOMMENDATION

DCNC2005/1941/F

That planning permission be granted subject to the following conditions:

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

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

- 2 - C13 (Repairs in situ)

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

- 3 - E16 (Removal of permitted development rights)

Reason: To ensure the character and appearance of the building is maintained.

- 4 - H12 (Parking and turning - single house) (2 cars)

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

- 5 - G40 (Barn Conversion - owl box)

Reason: In order not to disturb or deter the nesting or roosting of barn owls which are a species protected by the Wildlife and Countryside Act 1981.

Informative:

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

DCNC2005/1942/L

That Listed Building Consent be granted subject to the following conditions.

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

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

2 - C13 (Repairs in situ)

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

Informative:

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

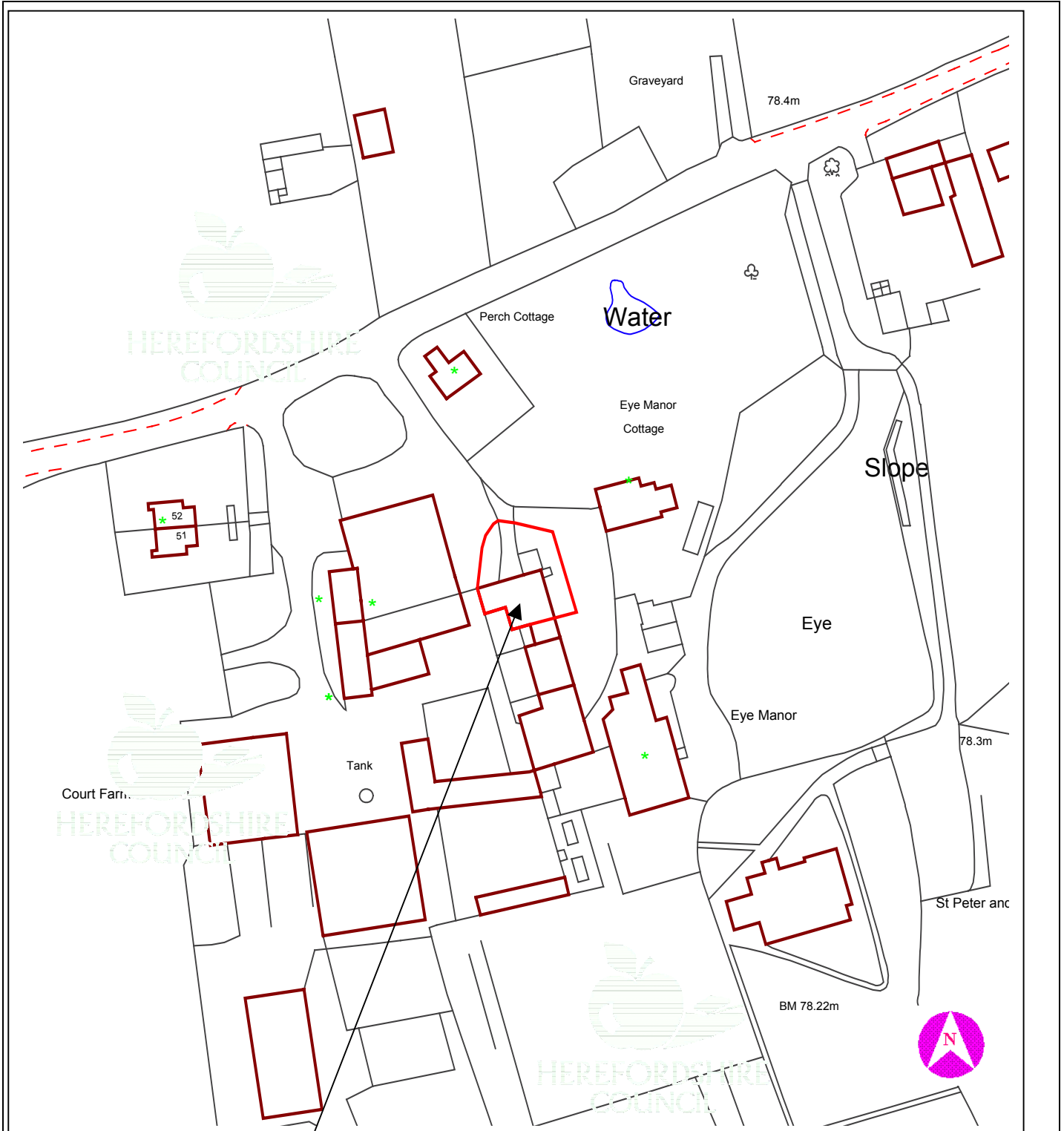
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNC2005/1941/F

SCALE : 1 : 1250

SITE ADDRESS : Eye Court Barn, -, Eye, Leominster, Herefordshire, HR6 0DT

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 DCNC2005/2341/F - 3 NO. HOLIDAY CHALETS AT
BROXMERE, BODENHAM, HEREFORD,
HEREFORDSHIRE, HR1 3JB**

**For: Mr & Mrs James per Derrick Whittaker Architects
1 Fargeon Close New Mills Ledbury Herefordshire
HR8 2FU**

Date Received:

15th July 2005

Expiry Date:

9th September 2005

Local Member: Councillor K. Grumbley

Ward: Hampton Court

Grid Ref:

55992, 49971

DT/CR

1. Site Description and Proposal

- 1.1 Broxmere is located on the west side of the unclassified 94017, a narrow lane that runs south of the A417 across Maund Common. To the rear and within the residential curtilage of Broxmere is a disused poultry shed, and a stable. The site is located in open countryside and within a flood plain.
- 1.2 This application proposes to replace the poultry shed with a building of the same size to provide three holiday chalets each accommodating sitting/kitchen, bedroom and bathroom. The chalet is to be constructed in weatherboarding under a shingle roof. Parking for three vehicles is also proposed.
- 1.3 Foul drainage will be to a Klargestar Bio-disc that will be located to the north side of the chalets with run-off drainage onto adjoining land that is within the ownership of the applicant.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

Policy A.1: Managing the District's Assets and Resources

Policy A.2: Settlement Hierarchy

Policy A.9: Safeguarding the Rural Landscape

Policy A.15: Development and Watercourses

Policy A.39: Holiday Chalet, Caravan and Camping Sites

2.2 Hereford and Worcester County Structure Plan

TSM1: Criteria for Tourism Related Development

TSM6: New Holiday Chalets

CTC9: Development Criteria

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

RST1: Criteria for Recreation, Sport and Tourism Development
RST13: Rural and Farm Tourism Development
RST14: Static Caravans, Chalets, Camping and Touring Caravan Sites
DR7: Flood Risk

PPS1: Delivering Sustainable Development
PPS7: Sustainable Development in Rural Areas
PPG21: Tourism
PPG25: Development and Flood Risk

3. Planning History

95/0361/N – Extension – Approved 12 June 1995

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency: No in principle objection

Internal Council Advice

4.2 Traffic Manager: No objection

4.3 Conservation Manager: No objection

5. Representations

5.1 Bodenham Parish Council:

“The applicants propose to erect three new holiday chalets of oak frame and timber weatherboard construction under a tile hung roof within the garden curtilage of Broxmere which is situated on the west side of the unclassified lane leading from Maund Bryan to Upper Maund. Foul water would be to a Bio Disc mini-treatment plant then via spreader drains across land to the north of the site which is in the applicant's ownership.

It is likely that the proposal will be appraised with reference to three principle Local Plan policies i.e.:

- A9 Conserving & Enhancing the Rural Landscape
- A24 Scale & Character of Development &
- A39 Holiday Chalets, Caravans & Camping Sites

Also of relevance is emerging UDP policy RST12 “Visitor Accommodation” which states “*Outside of identified settlements, the provision of permanent serviced or self-catering accommodation for visitors will only be permitted if it consists of the re-use and adaptation of a rural building*”. In a recent appeal case (DCNC2004/2409/F) involving a proposal to build three holiday log cabins 1.5km to the west of Luston the Planning Inspector, in dismissing the appeal, laid stress on the content of national Planning Position Statement 7 “Sustainable Development in Rural Areas” paras. 30 to 40 and in particular on para.37, Tourist Accommodation, which states “*The Government expects most tourist accommodation requiring new buildings to be*

located in, or adjacent to, existing towns or villages". The Inspector also agreed with the Local Planning Authority reasons for refusal in that case i.e. that the erection of holiday cabins in a relatively isolated rural location would intensify the sparse pattern of development so as to detract from the remote character and visual amenities contrary to the Local Plan policies mentioned above.

Broxmere is also located approx. 1.5km from Bodenham (2km to the Post Office) with a similarly sparse pattern of local development. Although it may be thought that a single accommodation block of the design proposed would be more in sympathy with the rural surroundings than log cabins it may also be felt that it would, nevertheless, be visually intrusive in this relatively flat but attractive landscape close to Maund Common to the north & Upper Maund Common to the south. Landscape protection is one of the central themes of policy A9 and PPS7.

Response by Parish Councillors

Following a discussion at the latest Parish Council meeting there were doubts as to whether the development would be visually intrusive. The general view of Councillors was that they had no objections to the plans. At the same time, they were aware that the Holiday Chalets would be outside the Bodenham Development area, and did not see that there were any special circumstances for supporting the application".

5.2 Objection received from D.S. Jenkins, 31 Friar Street, Hereford.

(a) The site is located in a flood plain, the former Leominster District Council would not have permitted development for this reason.

(b) The adjoining road network is very narrow.

5.3 The applicant has said:

(a) Leominster Tourist Board agree there is little accommodation of the type we propose in our area, largely due to the closure of two established concerns in recent months.

(b) Brockington Golf Club, approximately one mile away, has recently upgraded and acquired a licence for weddings. They have in principle agreed it will be advantageous to us both to recommend us to any guests they cannot accommodate.

(c) We are well placed for Herefordshire and the surrounding Counties finest tourist attractions - Hereford, Ludlow, Ledbury, Bromyard, Worcester, Gloucester and we are also close to high quality restaurants.

(d) As the business grows I foresee the need to employ additional help, creating employment for the local area.

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

6. Officers Appraisal

6.1 Policy A.9 of the Leominster District Local Plan (Herefordshire) seeks to conserve and enhance the beauty and amenity of the rural landscape by, among other matters, paying particular regard to the design, the scale, character and location of development proposals to ensure that they do not detract from the quality and visual appearance of the landscape within which they sit. PPS7 contains national policy, in that new building development in the open countryside away from existing

settlements should be strictly controlled. The diversification into non-agricultural activities is vital to the continuing viability of many farm enterprises and be supportive of well conceived farm diversification schemes.

- 6.2 The main matter and issue is whether or not this proposal would constitute a justifiable and acceptable form of new build development in the open countryside. In this case it is proposed to replace a disused poultry house with a building of the same size to provide holiday accommodation.
- 6.3 The site is in the open countryside with only a sparse scattering of development (a few houses and farms) in the vicinity. It has a remote quality. In this case the proposed development will visually and physically relate to other development in this location.
- 6.4 While, the site is located within a flood plain Zone 1 – Little or no risk - (at the edge of flood Zones 2 – Low to medium risk, and 3 – High risk) the Environment Agency advises that this is outside of the high-risk flood area. However, the EA has raised concern that access from the development onto the lane lies within flood Zone 3 (1% annual probability) thus preventing dry access to when such a flood event. The applicant has been able to demonstrate the route of a dry access, on the south west entrance to the chalets onto adjoining farm land then in a north west direction towards Maund Bryan House and onto Watery Lane. The Environment Agency has advised the access route is outside the 1% flood risk. Accordingly they have raised no objection to the proposal.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - 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 - E31 (Use as holiday accommodation)

Reason: The local planning authority are not prepared to allow the introduction of a separate unit of residential accommodation, due to the relationship and close proximity of the building to the property known as Broxmere.

5 - F18 (Scheme of foul drainage disposal)

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

Informative:

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

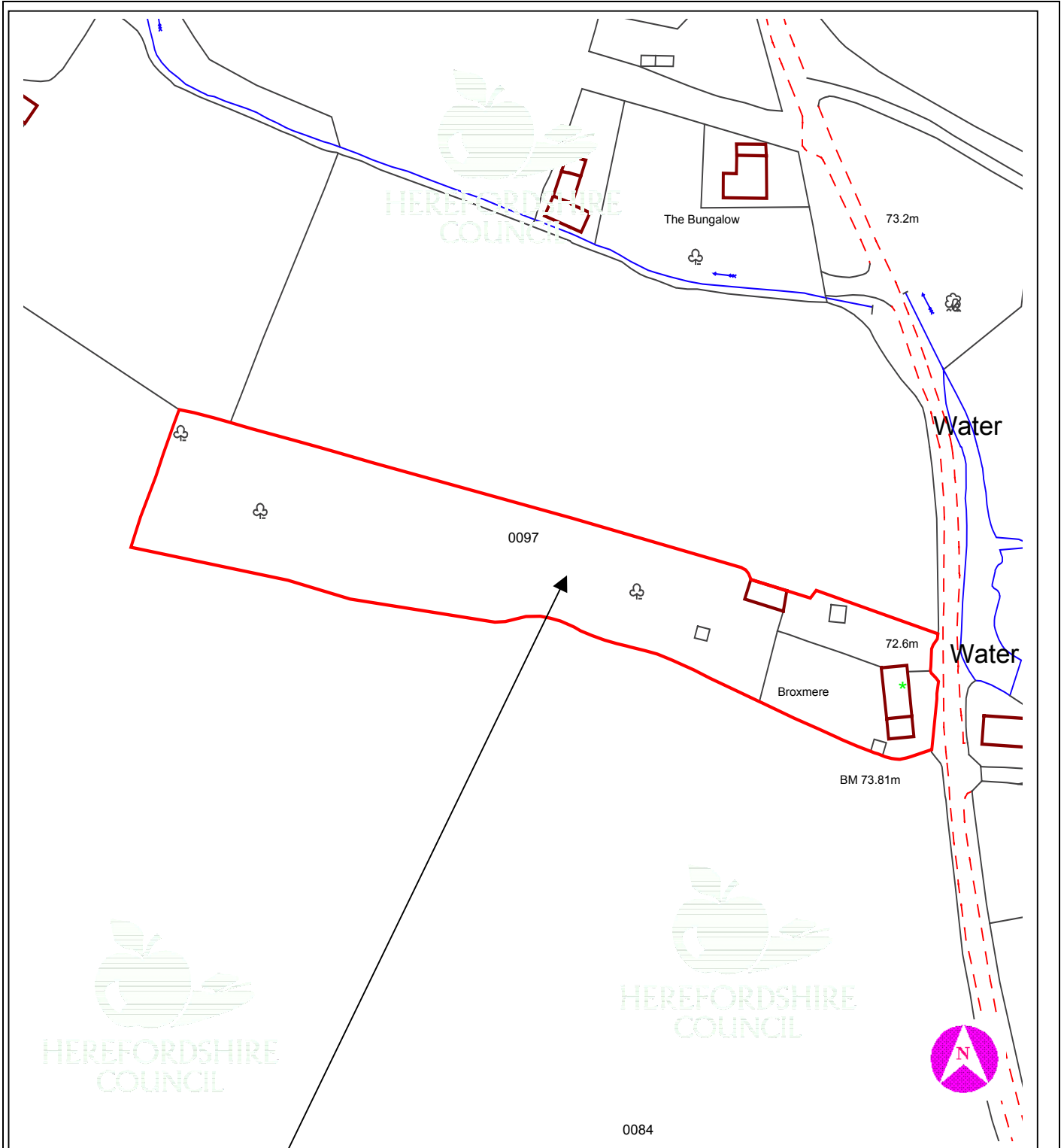
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNC2005/2341/F

SCALE : 1 : 1250

SITE ADDRESS : Broxmere, Bodenham, Herefordshire, HR1 3JB

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

**18 DCNC2005/2702/F – STATIC CARAVAN FOR HOLIDAY
LET AT THE LARCHES, MIDDLETON, LITTLE
HEREFORD, LUDLOW, SY8 4LF**

**For: Ms S Breakwell, 2 Ashgrove, Cynham, Ludlow,
Shropshire, SY8 4LF**

Date Received:
16 August 2005

Ward: Upton

Grid Ref:
5452,7012

Expiry Date:

Local Member: Councillor J Stone

1. Site Description and Proposal

- 1.1 The Larches is an agricultural small-holding located in open countryside, and on the west side of the C1053. Access to the site is off a long narrow gravel surface track that also accesses a touring caravan site that is supervised by and available for use by members of The Caravan Club and Camping Club.
- 1.2 This application proposes to locate a mobile home to be used for holiday purposes adjacent to a recently constructed farm building that is used as a machinery store and housing of livestock.

2. Policies

2.1 Leominster District Local Plan

A1 – Managing the District's assets and resources
A9 – Safeguarding the rural landscape
A12 – New development and landscape schemes
A39 – Holiday chalet, caravan and camping sites

2.2 Hereford and Worcester County Structure Plan

TSM1 – Criteria for tourism related development
TSM7 – New static holiday caravan sites

2.3 Herefordshire Unitary Development Plan

RST1 – Criteria for recreation, sport and tourism development
RST14 – Static caravans, chalets, camping and touring caravan sites

PPS1 – Deliverance Sustainable Development
PPS7 – Sustainable Development in Rural Areas
PPG21 - Tourism

3. Planning History

95/0216/N - Building for farm machinery and livestock - Approved 20 April 1995

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Traffic Manager - Recommends condition.

4.3 Conservation Manager - No objection to this proposal because the site is closely related to an existing caravan site and it is well screened by an existing conifer hedge.

5. Representations

5.1 Little Hereford Parish Council - Objection - Inappropriate location for this development - increased traffic concerns and excess regarding road safety.

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

6. Officers Appraisal

6.1 The site is located in open countryside. Policy A9 of the Leominster District Local Plan (Herefordshire) seeks to conserve and enhance the beauty and amenity of the rural landscape by, among other matters, paying particular regard to the design, scale, character and location of development so as to ensure that it does not detract from the quality and visual appearance of the landscape within which it sits.

6.2 The main matter at issue in this application is whether or not the proposal would constitute a justifiable and acceptable form of new development in the open countryside.

6.3 It is clear that the site is located in open countryside, with only a sparse scattering of development (a few houses and farms) in the vicinity. The area has a remote quality. In this case the Conservation Manager raises no objection in terms of landscape impact to the siting of the mobile home for holiday purposes as it is closely related to an existing touring caravan site and is well screened by an existing conifer hedge.

6.4 Access to the site is off a long narrow gravel surface track that exits onto the C1053. In terms of road safety the Traffic Manager considers there is adequate visibility for vehicles exiting on to the C1053, visibility sight lines approximately 85 metres to the left and some 120 metres to the right. The adjacent touring caravan site also uses this entrance. Given the use of the existing entrance the Traffic Manager does not consider the traffic generated by this proposal would compromise matters of highway safety.

6.5 Accordingly it is considered the proposal complies with policy A.39 of the Leominster District Local Plan (Herefordshire).

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 - E31 (Use as holiday accommodation)

Reason: The local planning authority is not prepared to allow the introduction of a separate unit of residential accommodation.

- 3 - H14 (Turning and parking: change of use - domestic) (2 cars)

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

Informatives:

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

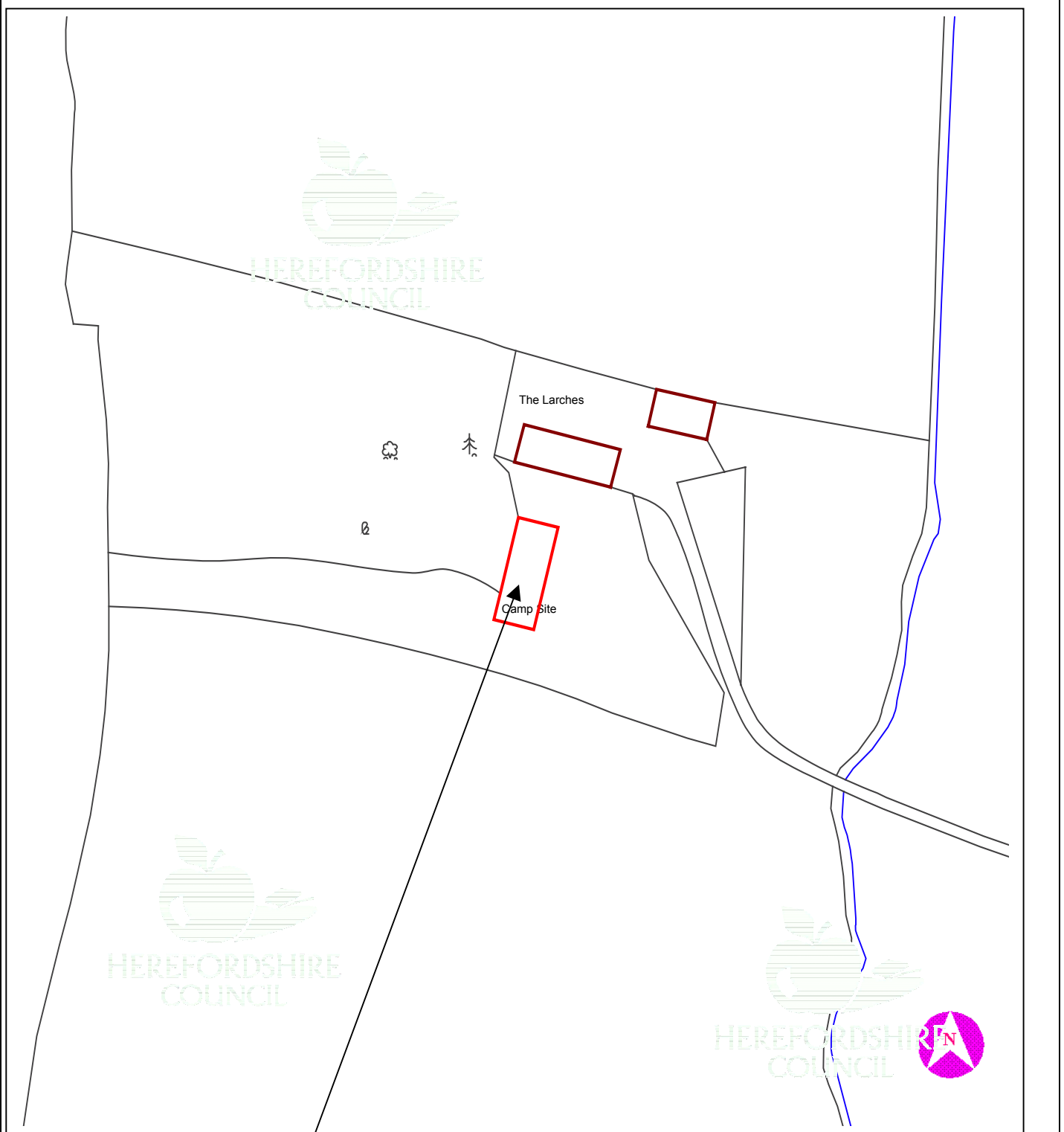
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNC2005/2702/F

SCALE : 1 : 1250

SITE ADDRESS : The Larches, Middleton, Little Hereford, Ludlow, Shropshire, SY8 4LF

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

19 DCNC2005/2834/F - PROPOSED CONVERSION OF CARRIAGE HOUSE TO FORM TWO COTTAGES WITH GARDENS AND INTEGRAL GARAGING AT OLD CARRIAGE HOUSE, CHURCH STREET LEOMINSTER

For: Mr J J Rann & Ms S A Gable per J J Rann & Associates The Wain House Stretfordbury Leominster Herefordshire HR6 0QW

Date Received:
26th August 2005

Ward:
Leominster South

Grid Ref:
49696, 59102

Expiry Date:
21st October 2005

Local Members: Councillors D Burke and J P Thomas

1. Site Description and Proposal

- 1.1 The Old Carriage House is an 'L' shaped two storey red brick building under a clay tiled roof which is located to the rear of the Gatehouse. The ground floor of the building is being used for storage and the upper floor is vacant. There is vehicular access off the unmade lane that it is on the east side of the site that leads to the rear of the Post Office.
- 1.2 The site is located in a Conservation Area and within the Central Shopping and Commercial Area of Leominster as shown on the Town Centre Inset Map in the Leominster District Local Plan.
- 1.3 This application proposes the conversion of the building to two residential units. Units 1 will accommodate kitchen/dining room on the ground floor with bedroom and bathroom at first floor. Unit 2 provide kitchen/dining area, sitting area and entrance hall, and cloakroom on the ground floor with two bedrooms and bathroom at first floor. Both units have an integral single garage.

2. Policies

Leominster District Local Plan

A1 – Managing the District's Assets and Resources

A2 – Settlement Hierarchy

A21 – Development with Conservation Areas

A24 – Scale and Character of Development

A32 – Development within Town Centre Shopping and Commercial Areas

Hereford and Worcester County Structure Plan

CTC7 – Development and Features of Historic and Architectural Importance

Herefordshire Unitary Development Plan (Revised Deposit Draft)

TCR1 – Central Shopping and Commercial Areas

TCR2 – Vitality and Viability

H14 – Re-using Previously Developed Land and Buildings

HBA6 – New Development within Conservation Areas

PPS1 – Delivering Sustainable Development

PPS6 – Planning for Town Centres

Planning Policy Guidance Note 15 – Planning and the Historic Environment

3. Planning History

None relevant.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 Traffic Manager - no objection.

4.3 Conservation Manager - no objections subject to conditions.

5. Representations

5.1 Leominster Town Council - recommend approval but suggests a visit by the Conservation Officer. Councillors Mrs Begg and Mrs Davies would like to accompany her in order to alert her to historic features.

5.2 Letters of objection have been received from:

Mr K E Ward, 8 Church Street, Leominster

M J & P M Pridham, 2 The Gatehouse, Leominster

Mr & Mrs A Gray, 18 St Botolph's Green, Leominster

A Willies, 6 Church Street, Leominster

The owner/occupier of Flat 2, 6 Church Street, Leominster

Their comments are summarised as follows:

- a) It is an over development.
- b) It is unsuitable development.
- c) Loss of privacy - overlooking.
- d) The conversion is not sympathetic to the character of the original building.

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

6. Officers Appraisal

- 6.1 Although this site is located within the commercial area of Leominster it is ?? by the residential development. The re-use of the residential accommodation is considered acceptable in this location.
- 6.2 Since the application has been submitted the Conservation Manager has been in negotiation with the applicant on an amended scheme to ensure that the character of the building is served and not compromised. Comments have now been received to which the Conservation Manager raised no objection.
- 6.3 It is not considered that the proposal would result in unreasonable loss of amenity to adjoining residents. Consequently it is considered that the proposal complies 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 - **A09 (Amended plans)(11th October 2005)**

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

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

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

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

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

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

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

Informative:

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

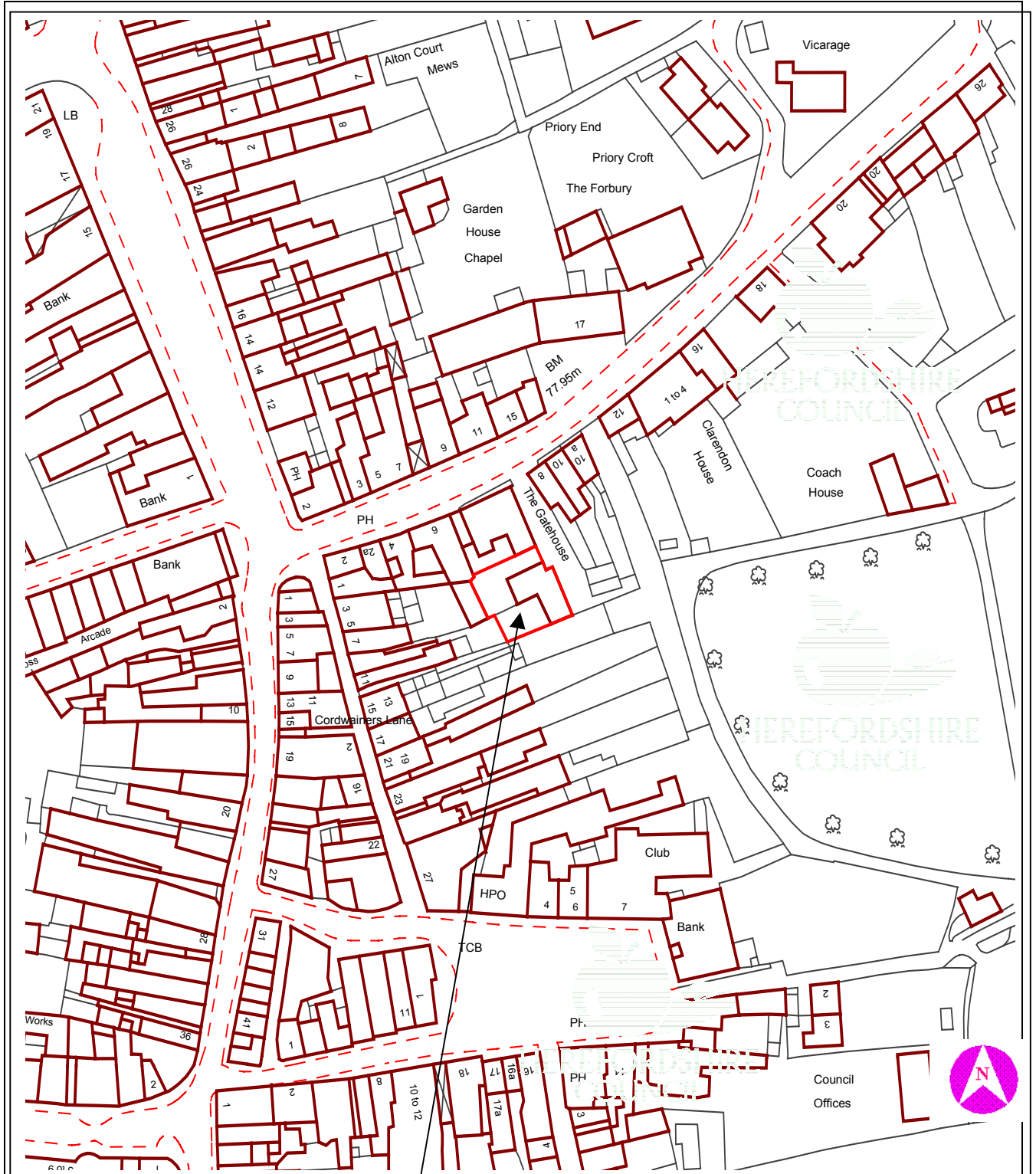
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNC2005/2834/F **SCALE :** 1 : 1250

SITE ADDRESS : Old Carriage House, Church Street 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

20 DCNC2005/2897/O - SITE FOR THE ERECTION OF TWO HOLIDAY CHALETs LAND AT WAIN HOUSE, INKSMOOR COURT, TEDSTONE WAFER, BROMYARD, HEREFORDSHIRE

For: Mr & Mrs R J Dullam per Mr J C Ashton The Orchard Office Union Place Off Northwick Road Worcester WR3 7DX

Date Received:
6th September 2005

Ward: Bringsty

Grid Ref:
67615, 59258
DT/CR

Expiry Date:
1st November 2005

Local Member: Councillor Tom Hunt

1. Site Description and Proposal

- 1.1 Site is located on the south side of the narrow C1064, and to the north east of Inksmoor Court that includes Green Farm, a Grade II Listed building; Saltmarsh Village Hall is further along the C1064 close to its junction with the B4203. There is a modern portal framed farm building to the rear of the site. The site has access off the C1064. The site is located in open countryside designated as being of Great Landscape Value.
- 1.2 This is an outline application to establish the principle of two holiday chalets, reserving matters of external appearance, design and landscape for future consideration. The entrance is to be improved with the provision of a 2metre x 60metre visibility splay in both directions, and the chalets are shown to be located adjacent to the southern boundary.
- 1.3 Although the application reserves matters of design and external appearance, details of the type of chalet to be erected have been provided. These show single-storey log cabins, 7.2m x 8.4m, each providing two bedrooms, lounge, kitchen/dining and bathroom.
- 1.4 Foul drainage will be disposed of by way of a sewage treatment plant to be located adjacent to the development.

2. Policies

2.1 Malvern Hills District Local Plan:

Landscape Policy 1: Development Outside Settlement Boundaries

Landscape Policy 3: Development in Areas Of Great

Conservation Policy 11: The setting of Listed Buildings

Tourism Policy 8: Holiday Caravan and Chalet Sites

Tourism Policy 10: Holiday Accommodation – Planning Permission Limitations

2.2 Hereford and Worcester County Structure Plan:

CTC2: Development in Areas of Great Landscape Value
 CTC9: Development Criteria
 TSM1: Criteria for Tourism Related Development
 TSM5: Encouraging the Development of Tourist Accommodation
 TSM6: New Holiday Chalets
 LR1: Leisure and Recreation Development
 LR2: Development Criteria

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

LA2: Landscape Character Least Resilient to Change
 HBA4: Setting of Listed Buildings
 RST1: Criteria for Recreation, Sport and Tourism Development
 RST13: Rural and Farm Tourism Development
 RST14: Static Caravans, Chalets, Camping and Touring Caravans.

PPS1: Delivering Sustainable Development
 PPG15: Planning and the Historic Environment
 PPG21: Tourism

3. Planning History

DCNC2004/3787/O - Erection of two holiday cottages, refused 25th July 2005

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency: No objection

4.2 Severn Trent Water: No objection

Internal Council Advice

4.3 Traffic Manager: No objection subject to conditions

4.4 Conservation Manager: No objection

5. Representations

5.1 Tedstone Wafer Parish Council is unable to support this application as the wooden chalets are not in keeping with surrounding properties.

5.2 Letter from R.J. & H.E. Allaway Dickens, Green Farm, Tedstone Wafer, Bromyard:
 (a) Concerned about proximity of chalets to Green Farm, a Grade II Listed building.
 (b) This is an outline application and we are unable to judge whether the design of these chalets will be harmonious with the appearance of the farmhouse.
 (c) Drainage
 (d) Increase in traffic along this narrow but increasingly busy road is also of concern.
 (e) Landscape impact.

- 5.3 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford, and prior to the Sub-Committee meeting.
- 6. Officers Appraisal**
- 6.1 The site is located in open countryside designated as being of Great Landscape Value, on the south site of the narrow C1064 that links Collington to the B4203. The site is part of a grass field on the eastern side of the driveway that leads to Inksmoor Court.
- 6.2 Tourism Policy 8 deals specifically with proposals for holiday caravans and chalet sites setting out criteria for considerations; landscape impact, highway safety, residential amenity, drainage, scale and design. This application proposes 2 log cabins to be used for holiday purposes. While this is an outline application the applicant has provided details to the type of chalets proposed. They are of a type considered appropriate to this rural location. Although the site is close to a listed building, Green Farm, the Conservation Manager has raised no objection to the principle of development.
- 6.3 The application proposes to alter the entrance onto the lane with a 2m x 60m visibility splay in both directions that can be accommodated within the limits of the highway. In terms of highway safety this increase in width is considered acceptable and the Traffic Manager does not consider the increase in traffic movements generated by the development onto the lane would compromise matters of highway safety.

RECOMMENDATION

That outline 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) (delete 'means of access')

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 - E31 (Use as holiday accommodation)

Reason: The local planning authority are not prepared to allow the introduction of a separate unit of residential accommodation, due to the relationship and close proximity of the building to the property known as Inksmoor Court.

6 - F18 (Scheme of foul drainage disposal)

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

7 - H03 (Visibility splays) (2m x 60m)

Reason: In the interests of highway safety.

8 - H01 (Single access - not footway)

Reason: In the interests of highway safety.

9 - H06 (Vehicular access construction)

Reason: In the interests of highway safety.

10 - H13 (Access, turning area and parking)

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

Informatives:

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

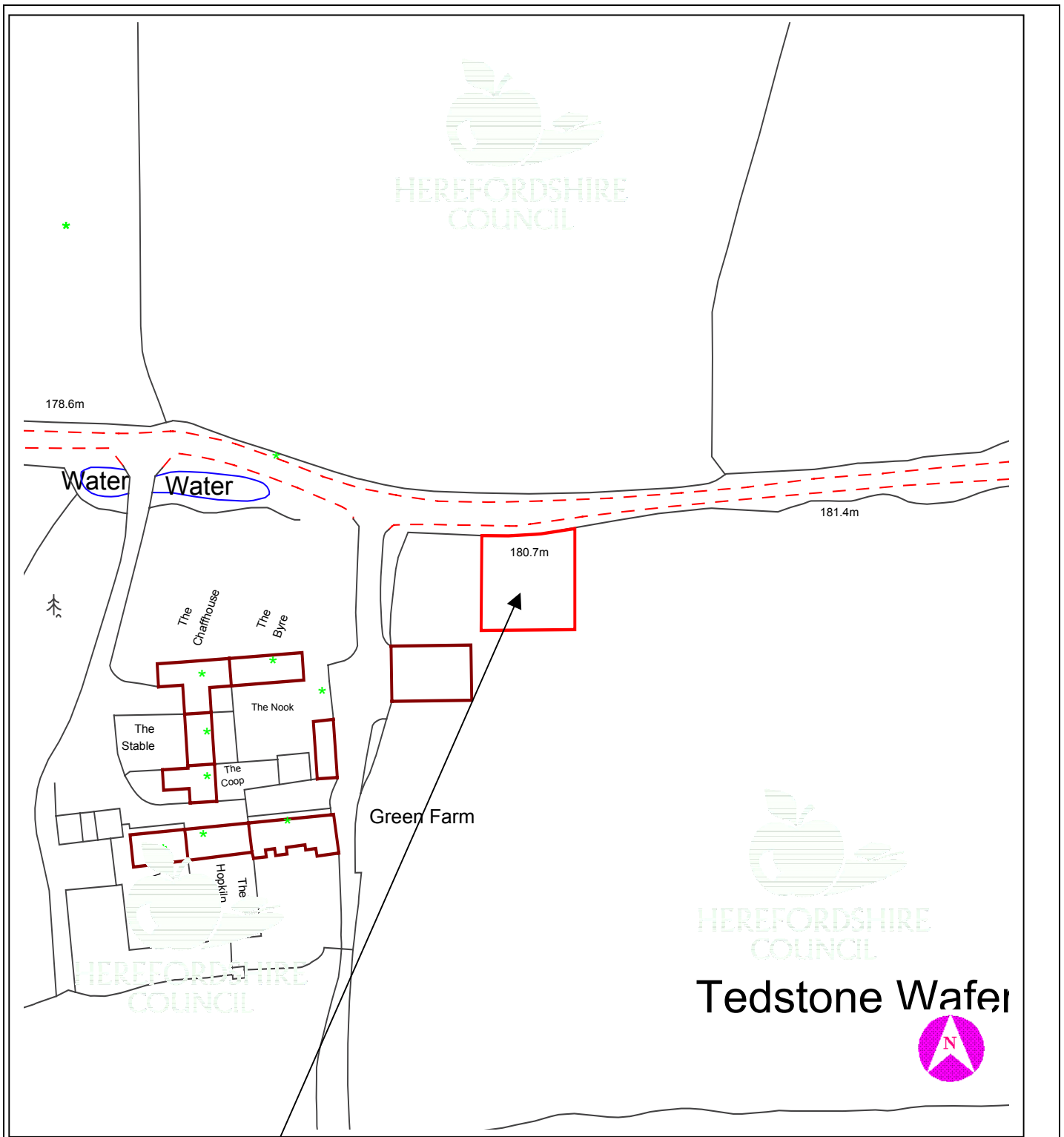
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNC2005/2897/O

SCALE : 1 : 1250

SITE ADDRESS : Land at Wain House, Inksmoor Court, Tedstone Wafer, Bromyard, 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

21 DCNC2005/2133/F - PROPOSED ERECTION OF PUBLIC CLOCK ON STEEL STANCHIONS, AT CORN SQUARE, LEOMINSTER, HEREFORDSHIRE, HR6 8LR

**For: Leominster Town Council, Grange Walk,
Leominster, HR6 8NS**

Date Received:

27th June 2005

Expiry Date:

22nd August 2005

Local Members: Councillors D Burke and J P Thomas

**Ward: Leominster
South**

Grid Ref:

49677, 59014

1. Site Description and Proposal

- 1.1 The proposal is for the erection of a commemorative clock on steel supports, adjacent to the gable end of the Oxfam Shop in Corn Square. The clock measures approximately 4.1 metres x 3.1 metres and is to be set at its lowest level at approximately 4 metres from the ground. The overall height of the structure is 7.3 metres.

2. Policies

Leominster District Local Plan (Herefordshire)

A18 – Listed Buildings and their settings

A21 – Development within Conservation Areas

Herefordshire Unitary Development Plan (Revised Deposit Draft)

HBA4 – Setting of Listed Buildings

HBA6 – New Development within Conservation Areas

Planning Policy Guidance Note 15 – Planning and the Historic Environment

3. Planning History

- 3.1 None relevant to this application.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Transportation Manager - no objection though a note is required regarding works on the public highway.

- 4.3 Conservation Manager - The clock is more impressive than the information supplied with the application implied. The amount of care and work taken to execute this project is appreciated. However, there are still concerns.
- a) The clock structure is too big for its location, dwarfs the mono pitch building behind it.
 - b) The structure of this size will be dominant and would detract from listed buildings in the Square.
 - c) Materials are not natural.
 - d) Will not enhance the Conservation Area.

Regrets unable to support.

5. Representations

- 5.1 Members of the Town Council, as this is their own application, have not commented.
- 5.2 No representations have been received in response to the statutory advertisement procedure.

6. Officers Appraisal

- 6.1 The issue for consideration in this application is the impact of proposal upon the setting of listed buildings in Corn Square and upon the character and appearance of this part of the Conservation Area. By any standards the proposal is a large free standing structure, with the clock face being back lit.
- 6.2 Since the clock has already been constructed there are no grounds for negotiation on this application. The height has been determined by the need to put the clock out of reach of vandals and in any event anything significantly lower would also look out of place. It is with regret that the proposal, which has been funded by both Town Council and public subscription as part of the Millennium celebrations, cannot be supported by your officers. It is considered that the impact of the clock upon the character and appearance of the Conservation Area and setting of listed buildings within Corn Square would be detrimental and consequently contrary to planning policies.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. It is considered that the scale and construction of the clock would be detrimental to the character and appearance of this part of the Leominster Conservation Area and detrimental to the setting of listed buildings therein, contrary to Policies A18 and A21 of the Leominster District Local Plan and Policies HBA4 and HBA6 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).**

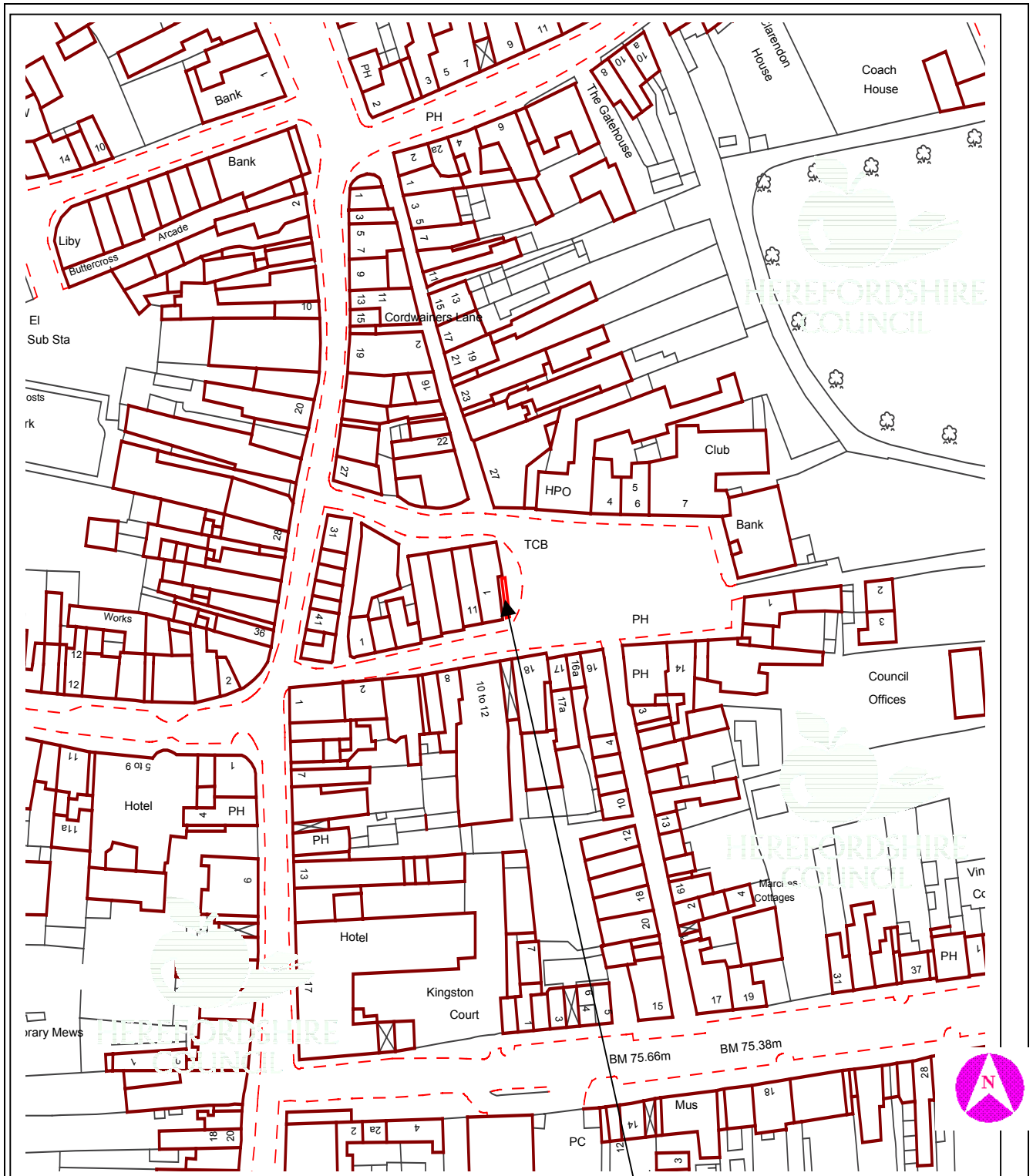
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNC2005/2133/F

SCALE: 1 : 1250

SITE ADDRESS: Corn Square, Leominster, Herefordshire, HR6 8LR

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

22 DCNW2005/2945/F - RETROSPECTIVE APPLICATION FOR TEMPORARY SITING OF STORAGE CONTAINER FOR HOBBYIST USE AT THE BANK, LEINTWARDINE, CRAVEN ARMS. SY7 0LD

For: Mr N P Williams at the same address

Date Received:
9th September 2005
Expiry Date:
4th November 2005

Ward: Mortimer

Grid Ref:
40412, 74007
MT/CR

Local Member: Councillor Mrs Barnett

1. Site Description and Proposal

- 1.1 This retrospective planning application relates to a storage container situated within the garden of a property known as The Bank at Leintwardine. The container, which is located just within the gates of the property lies very close to the rear wall of a property called Bank House a Grade II Listed building. The site also lies within the Leintwardine Conservation Area.
- 1.2 The container is used as a workshop for the repair of fairground organs and has electricity connected for that purpose.

2. Policies

Leominster District Local Plan (Herefordshire):

A.18: Listed Buildings and their Settings
A.21: Development Within Conservation Areas
A.24: Scale and Character of Development

Hereford and Worcester County Structure Plan:

CTC9: Development Requirements

Herefordshire Unitary Development Plan (Revised Deposit Draft):

HBA4: Setting of Listed Buildings
HBA6: New Development Within Conservation Areas

3. Planning History

- 3.1 There is no planning history on this site although an enforcement notice has been served requiring removal of this container. The enforcement notice is subject of appeal which is to be determined at Public Inquiry, no date as yet has been set for this.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Conservation Manager: Advises the storage container does not enhance the conservation area or the setting of the listed building, however, I have no objections if it is temporary. I would only have concerns if any necessary maintenance work to the wall associated with listed building are prevented due to the location of this temporary container.

4.3 Transportation Manager: Has no objection

5. Representations

5.1 Leintwardine Parish Council: 'Objections. This container has been there a long time and should be removed. Obtrusive to neighbours.'

5.2 Objections have been received from Mr Lester of Bank House, High Street, and Mr & Mrs Griffiths of Fernleigh, 4 Church Street, Leintwardine. The objections are summarised as follows:

1) The use is described as hobbyist use we consider this to be misleading, information available from the website suggests that this is a business and the activities are on a scale which indicate it to be a business.

2) The container is placed so close to the back wall of our house that it's impossible to gain access to clear the gutters or carry out essential maintenance work. There is vegetation between the container unit and the back wall of our house and large panes of glass between the container and the wall of our front garden which are unsightly and could be hazardous.

3) Proposed activities are inappropriate for the centre of a country village particularly if it is to be carried out in close proximity to our own house a Listed building.

4) It is considered that the container has a negative effect on the character of the conservation area and if approved will send out the wrong signals encouraging other unsuitable developments.

5.3 In support of the proposal the applicant advises "enclosed completed paperwork for submission of a retrospective temporary planning permission on the storage container used for housing some of my historic mechanical organ collections. If successfully granted for a future term of three years I will withdraw my appeal against the erroneous enforcement notice at the end of this period the container will be removed, once time for more suitable accommodation for its precious contents has been found."

Submitted with the supporting statement is a sketch plan which is not to scale but indicates a gap of 2ft 6ins between the rear wall of Bank House and the container and a gap of 2ft 9ins between the end of the container and the barn which adjoins Bank House. The container is shown to be 21ft long.

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

6. Officers Appraisal

6.1 This retrospective application has been submitted, without prejudice, by the applicant following a lengthy enforcement investigation and subsequent service of an enforcement notice. The reasons stated for the service of the notice relate to Leominster District Local Plan Policies A.18, A.21 and A.24 and Hereford and Worcester County Structure Plan Policy CTC9. These concern issues relating to the character and setting of a listed building and conservation areas. The notice was not served in reference to any difficulties in maintenance of the adjoining property, which is a civil matter, not one for the Local Planning Authority (LPA).

6.2 The enforcement notice was served as the only means available to the LPA of controlling this development. Had this particular application been submitted earlier in the process it is anticipated that such a service would have been unnecessary. Whilst the LPA would not wish to see this container situated on a permanent basis it is considered that as a temporary expedient to enable the applicant to complete a course of study away from the area and to find alternative premises that the temporary permission is acceptable.

RECOMMENDATION

That planning permission be granted subject to the following condition:

1 - E20 (Temporary permission) (2 November 2008)

Reason: The Local Planning Authority are prepared to accept this as a temporary expedient only.

2 - E21 (Temporary permission and reinstatement of land) (insert 'container')

Reason: to ensure appropriate reinstatement of this land within the Conservation area.

3 - The container shall only be used for purposes ancillary to the enjoyment of the dwelling known as The Bank, and for no other purpose.

Reason: In the interest of amenity of adjacent residents.

Informative:

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

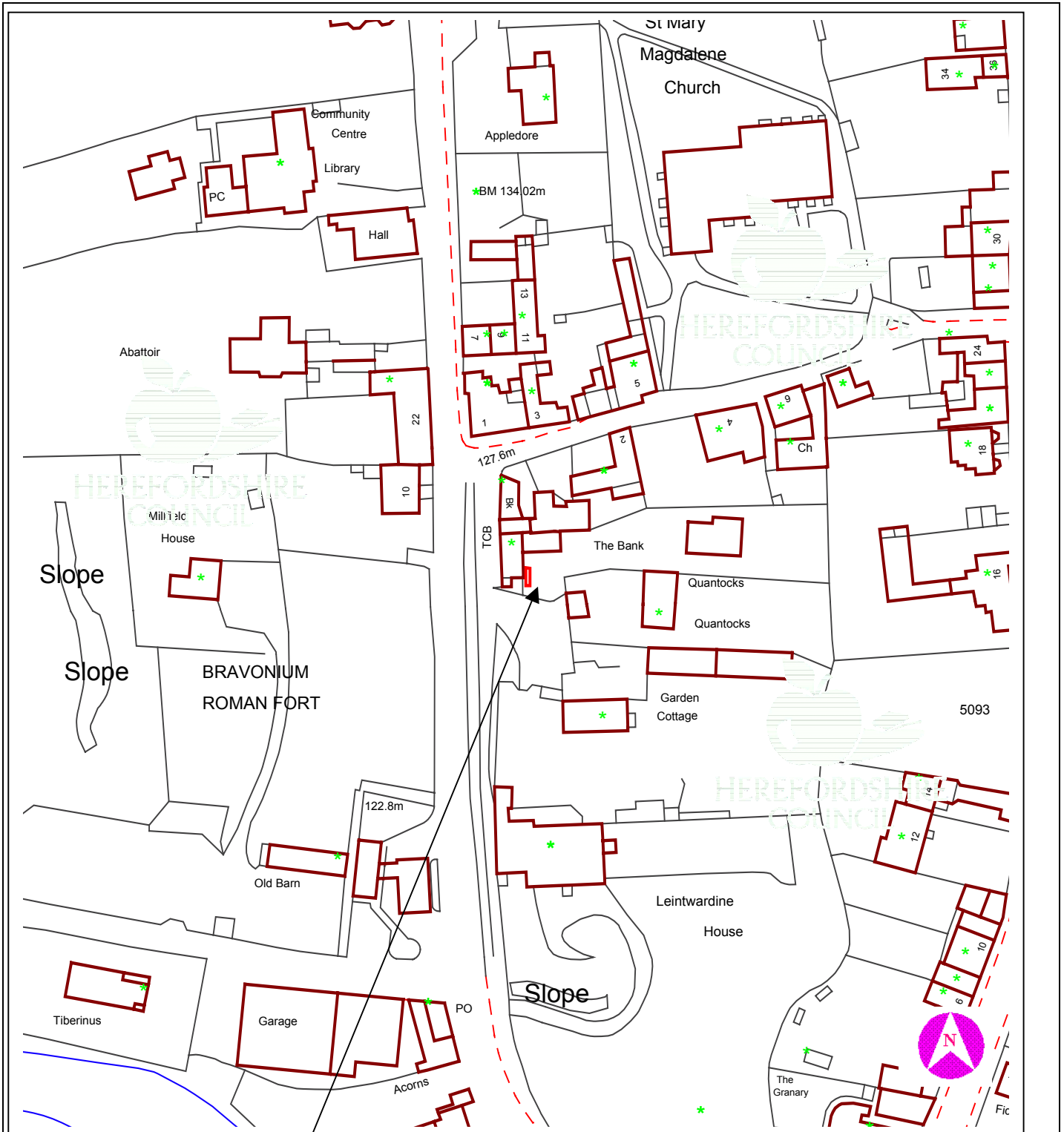
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNW2005/2945/F

SCALE : 1 : 1250

SITE ADDRESS : The Bank, Leintwardine, Craven Arms. SY7 0LD

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

23 DCNC2005/2977/F - DEMOLITION OF EXISTING VILLAGE HALL AND ERECTION OF DWELLING VILLAGE HALL, ULLINGSWICK, HEREFORD HR1 3JG

For: Mr & Mrs AK Lewis per HCD Architects 55-57 High Street Bromsgrove Herefordshire B61 8AJ

Date Received:
15th September 2005

Ward: Bromyard

Grid Ref:
58549, 49298

Expiry Date:
10th November 2005

MT/CR

Local Member: Councillors B Hunt and P Dauncey

1. Site Description and Proposal

- 1.1 The application site comprises the old Village Hall at Ullingswick situated on the north side of the C1118 road just west of the T-Junction with the unclassified road. The proposal is for the demolition of the old Village Hall and erection of a four bedroomed dwelling and detached double garage. The proposed dwelling measures approximately 13.55m x 7.5m with a ridge height of just under 8 metres. The design incorporates dormer windows which break the eaves line. The garage, which adjoins the eastern boundary of the site is square in plan with a dimension of 5.545m and a ridge height of 5m. It is proposed to construct the dwelling using brick and plain tile and incorporate wooden boarding on the garage.
- 1.2 There is an existing access to the site which was recently constructed under an earlier permission. There is currently a badger set under the old Village Hall but following determination of the application for the access a new badger set has been reconstructed in the western corner of the site. There is also a blue Cedar tree in this portion of the site which is subject to a tree preservation order.

2. Policies

Malvern Hills District Local Plan:

Housing Policy 4: Development in the Countryside
Landscape Policy 1: Development Outside Settlement Boundaries
Nature Conservation Policy 1: Habitats
Nature Conservation Policy 2: Species
Recreation Policy 31: Retention of Existing Community Facilities

Herefordshire Unitary Development Plan (Revised Deposit Draft):

H7: Housing in the Countryside Outside Settlements
NC1: Biodiversity and Development
NC5: European and Nationally Protected Sites
NC6: Biodiversity Action Plan Priority Habitats and Species
NC7: Compensation for Loss of Biodiversity
CF6: Retention of Existing Facilities

3. Planning History

DCNC2004/0696/F - Modification of existing vehicular access up to the Village Hall, Ullingswick. Planning Permission granted 14th July 2004, this permission included a condition for mitigation measures in relation to the badger set.

DCNC2003/1983/F - Construction of a new vehicular access to Village Hall refused 19th August 2003

MH96/0660 - Erection of single storey dwelling on site of former Village Hall refused contrary to policy July 1997

MH91/0064 - Creation of new access and driveway to Village Hall refused March 1991

MH90/227 - 4 bedroom dormer bungalow refused and subsequently dismissed on appeal. Appeal decision date October 1990.

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency: No objection

4.2 Welsh Water: No response

Internal Council Advice

4.3 Transportation Manager: I understand that the details of the access and turning facilities have been conditioned under separate application (including visibility). Notwithstanding this, gradient will be a problem from looking on site. Conditions H9, H13 and Notes 5 & 10 apply.

4.4 Conservation Manager: No response at time of preparing report.

5. Representations

5.1 Ullingswick Parish Council:

'This former Village Hall site has been the subject of various planning applications and appeals over the last 25 years as it lay outside the Village development envelope and has had disputed access in the past. The site still lies outside the Village envelope. It should be pointed out that, if planning permission were to be granted, this might set a precedent for other sites in the village which have either had permission refused or where permission has lapsed.

The Planning department has previously ignored comments from this Parish Council and granted permission for a new site access earlier this year. This access has since been built, and gives extremely limited visibility to the west for those leaving the site, and for other traffic approaching the entrance on the uphill convex bend when travelling east.

The current application does not show any site levels, and yet in the 1990 Bungalow appeal the applicant proposed dropping the existing site level by 1 metre so that the roof of the new building would be no higher than that of the existing Hall. Even so, the Inspector (Mrs Edwards) still considered that "the proposed bungalow with its steeply pitched roof would be unduly prominent in this elevated position so that it would appear seriously out of scale and character with its surroundings".

It is proposed that the site would be served by a septic tank, the details of which are incomplete. No percolation values are available, no tests have been carried out and there are no drawings to show the position and siting of the tanks and soakaways.

The western end of the site is the lowest, and this is where any soak away or storm water would naturally flow, yet it contains a newly dug artificial badger set, installed by the applicant to encourage badgers to move out from an established set under the Village Hall's suspended floor. Between the new badger set and the house there is a magnificent Blue Cedar Tree, subject to a Tree Preservation Order, that was planted in 1953 to commemorate Her Majesty's Coronation.

The newly exposed elevation site, including the dilapidated Tin Hall, is currently an eyesore and probably has Health & Safety issues for its owners.

The Parish Council believes that the planned 4-bedroomed house with separate double garage is the largest proposal yet made by the applicant in the last 15 years and that it will be a gross over-development of the site. This is a limited site with poor access, but Councillors would not oppose a modest single-storey development with the proviso that satisfactory arrangements are made for water disposal and site run-offs'.

5.2 Herefordshire Badger Group formally object to the application. The proposed development would destroy the family of badgers currently living under the village hall. The planning itself is, in any case premature, so far as we know, the necessary preliminary reports have not been made. These are required to inform the planning committee as to the current badger population on site and the effects of any development work on their habitat.

5.3 Representations have been received from:

Julia Hawkes-Moore, 2 Wilden Court Gardens, Ullingswick
Mrs Duthy-James, Thornfield, Ullingswick
Mr & Mrs O'Dell, Harry's Croft, Ullingswick
Miss P Mess, Pennway, Ullingswick
M & E Mess, Stonehouse Farm, Ullingswick
Wg Cdr Whittingham OBE & Mrs Whittingham, Blue Cedars, Ullingswick

The objections can be summarised as follows:

- a) The house should face west not south;
- b) It should be no higher than existing Village Hall;
- c) Disturbance to the tree with Preservation Order;
- d) The hedge should be left high enough to conceal properties to the south;
- e) The house is too large, out of keeping with surrounding bungalows;
- f) It will overlook existing dwelling;
- g) Are there adequate soakaways;
- h) There are previous refusals and these reasons remain valid;

- i) Access is dangerous;
- j) Presence of badger sett;
- k) Contrary to Open Countryside Policies;
- l) The site is very prominent;
- m) The ownership is not as indicated on the plan;
- n) Access approved under code 04/0696 is subject to court proceedings;
- o) No objection to house or scale;
- p) The village plan is out of date, 4 more bungalows have been built between The Steppes and the Village Hall all of which are six years old or more and
- q) The village has recently benefited from Border Oak and Huf House designs but this house design is very disappointing.
- r) Development of site long overdue, and glad to see badgers moving out.

5.4 In support of the proposal the applicant has submitted details of attempts to market the property for alternative uses. The property is being marketed by agents as well as in the Council's own property digest to date two sets of details have been sent out but no follow up to these.

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

6. Officers Appraisal

6.1 The site lies, for policy purposes in open countryside and new residential development is strictly controlled. In this instance the proposal is not based on an agricultural or similar need nor conversion of redundant building. The site however is Brownfield land and the proposal for redevelopment of an already developed site. Previous refusals for the erection of a dwelling, of which there are three additional decisions to those listed dating back to 1980, were on the basis of the Open Countryside Policy and the prominence of any dwelling. Since those earlier decisions, as referred to by one of the local residents, a number of new bungalows have been erected opposite the site in more recent times.

6.2 It is considered that in light of these later permissions and an unsuccessful attempt to find an alternative use for the building which appears to have been disused for at least 25 years, the redevelopment of the site for residential purposes is considered to be acceptable in principle. Furthermore it is not considered that the erection of a two storey dwelling on this site would be significantly more visible than the bungalow on the opposite side of the road itself in an elevated position, such that a refusal of planning permission on this basis would be justified.

6.3 The dwelling is situated close to the rear boundary of the site but it is not considered that the proposal amounts to overdevelopment to the extent that permission could reasonably be refused. Furthermore it is not considered that the design justifies refusal.

6.4 It is considered that the valid concerns regarding the position of the badger's sett have been adequately addressed through the creation of an alternative sett. Relocation work would be carried out under DEFRA licence.

6.5 Foul drainage is to be dealt with by way of a sealed tank hence there is no need for a system of soakaways which may otherwise affect neighbouring land.

- 6.6 There is an existing access to the site despite the apparently unresolved civil issues. This is not a matter of concern for the Planning Authority. The Transportation Manager advises the imposition of conditions to ensure that the arrangements are satisfactory.
- 6.7 Despite the catalogue of refusals on site it is considered that circumstances have significantly changed since the appeal decision in 1990 and that with the imposition of suitable conditions the proposal is acceptable.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - A06 (Development in accordance with approved plans)

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

3 - B01 (Samples of external materials)

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

4 - E16 (Removal of permitted development rights)

Reason: In order to prevent overdevelopment of the site

5 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

6 - G16 (Protection of trees covered by a Tree Preservation Order)

Reason: To ensure the proper care and maintenance of the trees.

7 - 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.

8 - H09 (Driveway gradient)

Reason: In the interests of highway safety.

9 - 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.

10 - No work shall commence until the badger sett relocation has been completed in accordance with the necessary DEFRA licence.

Reason: In order to ensure proper consideration is given to the protected species.

Informatives:

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

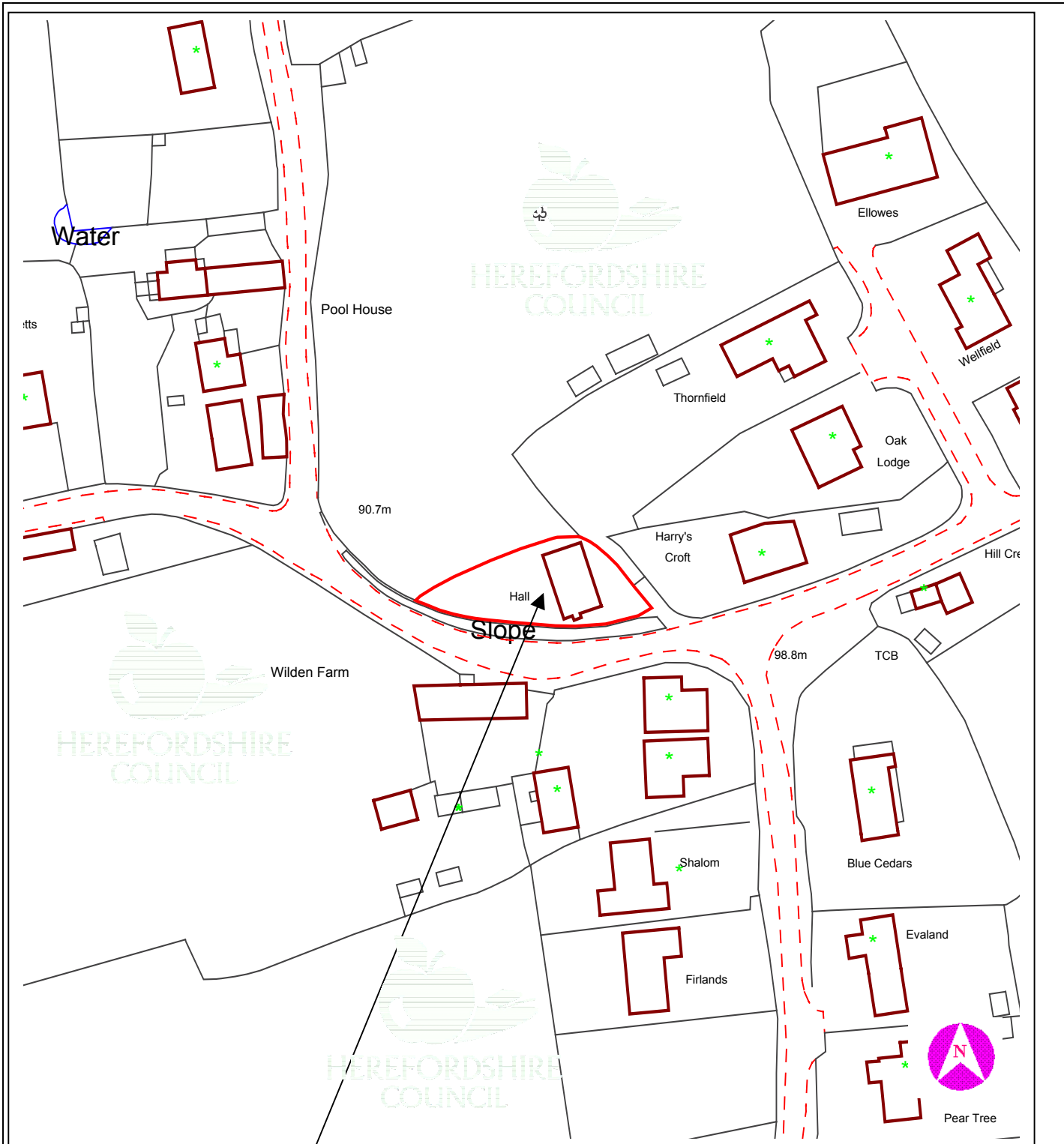
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNC2005/2977/F

SCALE : 1 : 1250

SITE ADDRESS : Village Hall, Ullingswick, Hereford HR1 3JG

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

