

# A G E N D A

## Northern Area Planning Sub- Committee

Date: **Wednesday, 4th January, 2006**

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Time: **2.00 p.m.**

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

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

*For any further information please contact:*

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

***e-mail [pmartens@herefordshire.gov.uk](mailto:pmartens@herefordshire.gov.uk)***

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**County of Herefordshire  
District Council**



# AGENDA

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

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

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

	Pages
1. <b>APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
2. <b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
3. <b>MINUTES</b> To approve and sign the Minutes of the meeting held on 30th November, 2005.	1 - 28
4. <b>ITEM FOR INFORMATION - APPEALS</b> To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.	29 - 32
5. <b>APPLICATIONS RECEIVED</b> To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary.  Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.  Agenda item 6 is an application deferred for a site inspection at the last meeting and items 7 to 17 are new applications.	

- |     |  |         |
|-----|--|---------|
| 6.  | DCNC2005/1941/F - CONVERSION OF LISTED BARN INTO RESIDENTIAL DWELLING AT EYE COURT BARN EYE LEOMINSTER HEREFORDSHIRE HR6 0DT DCNC2005/1942/L - AS ABOVE FOR: LORD J F CAWLEY PER BERRINGTONS THE ESTATES OFFICE THE VALLETS WORMBRIDGE HEREFORD HR2 9BA  | 33 - 38 |
|     | Ward: Upton  |         |
| 7.  | DCNW2005/3401/F - DEMOLITION OF SUB-STANDARD BUNGALOW & ERECTION OF NEW DWELLING AND GARAGE AT THE BUNGALOW, LEINTHALL STARKES, LUDLOW, HEREFORDSHIRE, SY8 2HP MR D PERKINS, MUNDY CONSTRUCTION, 5 UPPER COURT, LUSTON, LEOMINSTER, HEREFORDSHIRE HR6 OAP AND DCNW2005/3677/G - APPLICATION TO REMOVE SECTION 52 AGREEMENT DATED JUNE 1972 AT SAME | 39 - 46 |
|     | Ward: Mortimer   |         |
| 8.  | DCNW2005/3526/F - PROPOSED FLOOD LIGHTS TO EXISTING RIDING AREA AT PAX COTTAGE, WOONTON, HEREFORD, HEREFORDSHIRE, HR3 6QH FOR: BLANE ESQ PER MR J SPRECKLEY, BRINSOP HOUSE, BRINSOP, HEREFORD, HR4 7AS   | 47 - 52 |
|     | Ward: Castle   |         |
| 9.  | DCNW2005/3604/F - DEMOLITION OF REDUNDANT OUTBUILDING AND REPLACE WITH 2 BEDROOM BUNGALOW AT THE OLD BAKERY ORLETON LUDLOW SY8 4HN FOR: MR & MRS R O'NEILL DCNW2005/3605/C - DEMOLITION OF REDUNDANT BUILDING AT THE OLD BAKERY, ORLETON, LUDLOW, SY8 4HN FOR: MR & MRS R O'NEILL  | 53 - 58 |
|     | Ward: Bircher  |         |
| 10. | DCNW2005/3607/F - ERECTION OF A TWO STOREY HOUSE AT LAND AT CHAPEL HOUSE, ORLETON, NR. LUDLOW, SHROPSHIRE FOR: MR J THORPE MCCARTNEYS THE OX PASTURE OVERTON ROAD LUDLOW SHROPSHIRE SY8 4AA  | 59 - 64 |
|     | Ward: Bircher  |         |
| 11. | DCNW2005/3737/F - CONVERSION OF AGRICULTURAL BUILDINGS TO FORM ONE HOUSE AT UPPER FARM, AILEY, KINNERSLEY, HEREFORDSHIRE. DCNW2005/3738/L - AS ABOVE FOR: WESTATE LTD PER BURTON & CO, LYDIATT PLACE, BRIMFIELD, LUDLOW, SHROPSHIRE, SY8 4NP   | 65 - 74 |
|     | Ward: Castle   |         |
| 12. | DCNC2005/3626/F - CONVERSION OF REDUNDANT FARM BUILDINGS TO FOUR HOUSES AND ERECTION OF ONE HOUSE AT SITE ADJACENT TO LUSTON COURT, LUSTON, LEOMINSTER, HEREFORDSHIRE FOR: MRS M JONES PER BURTON & CO LYDIATT PLACE BRIMFIELD LUDLOW SHROPSHIRE SY8 4NP   | 75 - 80 |
|     | Ward: Upton  |         |

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| 13. | <b>DCNC2005/3734/F - RETROSPECTIVE APPLICATION FOR TWO STOREY SIDE EXTENSION TO DWELLING AT LAVENDER COTTAGE, UPPER SAPEY, WORCESTER, HEREFORDSHIRE, WR6 6XT FOR: MR P DAVIS PER LINTON DESIGN GROUP, 27 HIGH STREET, BROMYARD, HEREFORDSHIRE, HR7 4AA</b>                 | 81 - 86   |
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| 14. | <b>DCNC2005/3503/F - AGRICULTURAL STORAGE BARN AT LAND ADJACENT TO BUTT OAK FARM, RISBURY, LEOMINSTER, HEREFORDSHIRE FOR:MRS A IVALL AT SAME ADDRESS</b>   | 87 - 92   |
|     | <b>Ward: Hampton Court</b>   |           |
| 15. | <b>DCNC2005/3164/F - PROPOSED 2 NO THREE BEDROOM DWELLINGS AT LAND NW OF STONEHOUSE, BODENHAM, HEREFORD HR1 3HS. FOR: MR S DAVIES AT SAME ADDRESS</b>  | 93 - 98   |
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| 16. | <b>DCNC2005/3639/F - DEMOLITION OF EXISTING HOUSE AND ERECTION OF 3 NO. DETACHED HOUSES WITH INTEGRAL GARAGES AT 6 LINTON LANE, BROMYARD, HEREFORDSHIRE, HR7 4DQ FOR: MORPHEUS CONSTRUCTION LTD, LINTON DESIGN GROUP, 27 HIGH STREET, BROMYARD, HEREFORDSHIRE, HR7 4AA</b> | 99 - 104  |
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| 17. | <b>DCNC2005/3689/O - SITE FOR SMITHY &amp; STABLES WITH FARRIERS COTTAGE AND APPRENTICE FLAT ON PART PARCEL NO 4493, HOLMER FARM, PUDLESTON, LEOMINSTER, HEREFORDSHIRE FOR: MR R PRICE, C/O HAMNISH FARM, LEOMINSTER, HEREFORDSHIRE, HR6 0QP</b>                           | 105 - 110 |
|     | <b>Ward: Hampton Court</b>   |           |



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## **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

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

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 30th November, 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, 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

**In attendance:** Councillor P.J. Edwards

**130. APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillor PJ Dauncey.

**131. DECLARATIONS OF INTEREST**

Councillors	Item	Interest
B.F. Ashton and R. Mills	Agenda Item 6, Minute 135 DCNE20052041F <b>The Kitchen Garden, Hope End, Ledbury, Hereford, HR8 1JQ</b>	personal
W.L.S Bowen  J.P. Thomas	Agenda Items 18 & 19, Minutes 140 & 148 DCNW20053084O & DCNW20053090O - - <b>Land at Overton Farm Orleton</b>	Personal  prejudicial and left the meeting for the duration of these items.
R.J. Phillips	Agenda Item 21, Minute 126 DCNC20052133F <b>proposed erection of public clock on steel stanchions, at Corn Square, Leominster</b>	prejudicial and left the meeting for the duration of this item.

**132. MINUTES**

**RESOLVED:**

**That the Minutes of the meeting held on 2nd November, 2005 be approved as a correct record, subject to the deletion of the word “not” after “Aymestry 7A does” in minute No. 117, Informative No. 6.**

**133. ITEM FOR INFORMATION - APPEALS**

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

**134. 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.

**135. 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**

The Planning Officer said that at its last meeting the Sub-Committee had deferred consideration of the application for a site inspection.

Councillor R.V. Stockton, a Local Ward Member, had a number of concerns about the application and felt that it would not be appropriate to locate a new dwelling within the historic walled garden that was of considerable local significance. Councillor R Mills a local Ward Member also had concerns about the proposals being out of character that they would have an adverse impact upon the rural setting of the garden. Councillor B.F. Ashton had grave reservations about the planning application and the original decision because of their impact on the historic setting.

Several Members shared the concerns of the Local Ward Councillors but a motion that the Sub-Committee was mindful to refuse the application was lost, with the majority feeling that the proposed development was preferable to the existing permission.

**RESOVED**

**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

136. DCNW2005/3163/F - INSTALLATION OF LEVELLING OAK DECK AT RIDGE VIEW, BRADNOR, KINGTON, HEREFORDSHIRE, HR5 3RE FOR: MR N EDE AT SAME ADDRESS.

**RESOLVED**

That planning permission be granted subject to the following conditions:

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

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

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

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

- 3 - 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

137. 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

The receipt of a letter of objection from Bromyard & Winslow Town Council was reported.

The Development Control Manager drew attention to the draft heads of terms proposed for the Section 106 Obligation which had been included within the agenda to provide more background information for members about such applications.

In accordance with the criteria for public speaking, Mr. Cave (Bromyard & Winslow Town Council) Mrs Phillips/Mr Brinkworth (objectors) spoke against the application and Mr. Connolly (agent of the applicant) spoke in favour.

Councillor B Hunt, one of the Local Ward Councillors, noted the concerns raised by the objectors but pointed out that there were a number of conditions to be met to cover these if permission was granted, including a geological report and vehicular access from Old Road. It was also noted that although a play area could not be included within the site, the developers were prepared to pay a commuted sum towards the cost of play provision within Bromyard.

**RESOLVED THAT**

- 1. The Legal Practice Manager 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 he 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 G13 (Landscape design proposals).**

**Reason: In the interests of visual amenity.**
- 9 G19 (Existing trees which are to be retained).**

**Reason: In order to preserve the character and amenity of the area.**
- 10 D01 (Site investigation – archaeology).**

**Reason: To ensure the archaeological interest of the site is recorded.**
- 11 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.**
- 12 F22 (No surface water to public sewer)**

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

**Reason: To protect the integrity of the public sewerage system.**
- 14 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.**
- 15 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.**
- 16 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.

- 17 F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

- 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 The development hereby permitted shall not be commenced until the Old Road areas for the manoeuvring, parking, loading and unloading of construction traffic has been laid out, consolidated, surfaced and drained in accordance with a scheme to be submitted to and approved by the local authority.

Reason: In the interests of highway safety and neighbourhood amenity.

21. All construction traffic and deliveries for the development hereby permitted shall access the site from Old Road only, and shall use these access roads in a one-way manner only. The use of these access roads shall not be implemented until details of the one-way system have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of neighbourhood amenity and of highway safety.

- 22 H03 (Visibility splays) (for Old Road)(2.4mx 90m)

Reason: In the interest of highway safety.

- 23 The two private drives from Old Road hereby permitted, shall be permanently separated from one another to serve a maximum of 5 dwellings each, prior to the first occupation of any of the dwellings hereby approved.

Reason: In the interest of highway safety.

**24 H19 (On site roads – phasing)**

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

**25 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.

**26 H21 (Wheel washing)**

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

**27 H26 (Access location) (from Old Road only)**

Reason: In the interests of highway safety.

**28 H27 (Parking for site operatives) (for Old Road only)**

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

**29 H29 ((Secure cycle parking provision)**

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

**30 H06 (Vehicular access construction)**

Reason: In the interests of highway safety.

**31 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.

**32 H11 ((Parking – estate development (more than one house))**

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

**Informatives:**

1. N15 - Reason(s) for the Grant of PP.
2. HN1 – Mud on highway
3. HN4 – Private apparatus within highway
4. HN5 – Works within the highway
5. HN7 – Section 278 Agreement
6. HN10 – No drainage to discharge to highway
7. HN13 – Protection of visibility slays on private land
8. HN22 – Works adjoining highway

9. 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.
138. DCNC2005/1941/F - CONVERSION OF LISTED BARN INTO RESIDENTIAL DWELLING AT EYE COURT BARN, EYE, LEOMINSTER, HEREFORDSHIRE, HR6 0DT DCNC2005/1942/L - AS ABOVE FOR: LORD J F CAWLEY PER BERRINGTONS THE ESTATES OFFICE THE VALLETS WORMBRIDGE HEREFORD HR2 9BA

**RESOLVED:** That consideration of the application be deferred for a site inspection on the following grounds:

- (a) the character or appearance of the development itself is a fundamental planning consideration;
  - (b) a judgement is required on visual impact; and
  - (c) the setting and surroundings are fundamental to the determination or to the conditions being considered.
139. DCNC2005/0917/O - SITE FOR ERECTION OF A MAXIMUM OF 425 DWELLINGS, COMMUNITY BUILDING, VEHICULAR ACCESS, FOUL WATER PUMPING STATION AND ASSOCIATED WORKS AT BARONS CROSS CAMP, CHOLSTREY ROAD, LEOMINSTER FOR: TAYLOR WOODROW DEVELOPMENTS LTD PER RPS PLANNING & ENVIRONMENT 155 AZTEC WEST ALMONDSBURY BRISTOL BS32 4UB

The receipt of a letter of objection was reported and a letter from the agent acting for the applicants stating that they were prepared to offer £10,000 towards the cost of a heritage trail.

In accordance with the criteria for public speaking, Mr. Barker (objector) spoke against the application and Mr. Pollock (agent of the applicants) spoke in favour.

Councillor Mrs JP French said that there were considerable concerns expressed by the local community about a number of aspects of the application including highways matters, the potential to preserve some of the historic structures on the site, traffic congestion, air pollution and the lack of infrastructure to support a residential development of this size. She felt that it was essential for the historic aspects of the site to be recognised and for more work to be done on the provision of adequate community facilities. It was also essential that improvements were carried out to the affected road junctions before any of the proposed new dwellings were occupied.

Councillor J.P. Thomas 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. Several members also commented on the need to preserve the wartime heritage of the site.

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. He also pointed out the conditions proposed for the planning consent which would help to meet those concerns.

**RESOLVED THAT**

- 1) The Legal Practice Manager be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 with regard to Affordable Housing, Education, Transport, Public Open Space and Community Building and any additional matters and terms as he considers appropriate.**
- 2) Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to officers be authorised to issue planning permission subject to the following conditions:**
  - 1 - A02 (Time limit for submission of reserved matters (outline permission) )**  
**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**
  - 2 - A03 (Time limit for commencement (outline permission) )**  
**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**
  - 3 - A04 (Approval of reserved matters )**  
**Reason: To enable the local planning authority to exercise proper control over these aspects of the development.**
  - 4 - A05 (Plans and particulars of reserved matters )**  
**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**
  - 5 – H17 (Junction improvement/off site works)**  
**Reason: To ensure the safe and free flow of traffic on the highway.**
  - 6 - H18 (On site roads - submission of details )**  
**Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.**
  - 7 - H19 (On site roads - phasing )**

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

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

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

**9 - H21 (Wheel washing )**

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

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

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

**11 - H27 (Parking for site operatives )**

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

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

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

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

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

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

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

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

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

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

**Reason: To prevent hydraulic overload of the public sewerage system**

and pollution of the environment.

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

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

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

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

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

Reason: To prevent pollution of the water environment.

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

Reason: To prevent pollution of the water environment.

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

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

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

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

- 23 - D02 (Archaeological survey and recording )

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

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

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

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

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

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

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

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

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

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

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

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

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

**30 G02 (Landscaping scheme)**

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

**31 G03 (Implementation of landscaping scheme)**

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

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

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

**Informatives:**

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

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

**3 - Highway notes**

**3) That the officers named in the Scheme of Delegation to Officers be authorised to amend the above conditions as necessary to reflect the terms of the planning obligation.**

**140. DCNC2005/3189/F - PROPOSED TWO STOREY EXTENSION AND CONSERVATORY AT 5 OLD FORGE, WHITBOURNE, WORCESTER, HEREFORDSHIRE, WR6 5SB FOR: MR A JUDGE PER LINTON DESIGN GROUP 27 HIGH STREET BROMYARD HEREFORDSHIRE HR7 4AA**

In accordance with the criteria for public speaking, Mrs Wright (objector) spoke against the application and Mr. Vidler (agent of the applicants) spoke in favour.

Councillor TW Hunt, the local Ward Councillor asked for a planning condition to be added stipulating that the conservatory should not have a rendered finish but should be in plain brickwork.

**RESOLVED**

**That planning permission be granted subject to the conservatory having a plain brickwork finish, and 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 - Before the development hereby permitted is commenced revised details of the level of the conservatory shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

Informative:

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

**141. DCNC2005/3238/F - CONVERSION OF EXISTING OUT BUILDING INTO ANNEXE ACCOMMODATION AT OLD STABLE YARD, KIRKHAM GARDENS, BROMYARD, HEREFORDSHIRE HR7 4EA. FOR: MR H PORTLOCK PER MR R BURRASTON FOXHALL BRINGSTY COMMON WORCESTER WR6 5UN**

The receipt of a letter requesting the deletion of the dormer window in the eastern elevation was reported. The Senior Planning Officer said that the window had been deleted in the amended plans submitted by the applicant.

**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 - subject to the dormer window in the east elevation being deleted as shown on the amended plans, the development shall be carried out in accordance those plans which were received 8 November 2005.

Reason: To ensure the development is carried out in accordance with Local Plan policy.

- 3 - E15 (Restriction on separate sale )

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

- 4 - E17 (Eastern Elevation)

Reason: To protect residential amenity of adjoining 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.

**Informative:**

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

142. **DCNC2005/3250/F - REMOVAL OF OCCUPANCY CONDITION (NO. 7) REF: 13164 INSPECTORS DECISION 09.03.1994 AT LAND ADJACENT TO HOP POLE INN, RISBURY, LEOMINSTER, HEREFORDSHIRE, HR6 0NQ FOR: MR P R KELSALL OF GALLOP VIEW, RISBURY, LEOMINSTER HR6 0NQ**

The Northern Team Leader said that the applicant had submitted an appeal in respect of the refusal of planning permission at the meeting of the Sub-Committee held on 5th October. He also reported that he was recently aware of offers on the two properties which complied with the requirements of the occupancy condition.

In accordance with the criteria for public speaking, Mr. Vidler (agent of the applicants) spoke in favour of the application.

Councillor K.G. Grumbley, the Local Ward Member said that there was substantial discontent locally about the application. He did not feel that the reasons put forward for removal of the occupancy condition had not changed substantially since the previous application. He had been made aware of potential purchasers who would fulfil the occupancy condition and questioned how extensively the properties had been marketed and whether they had been advertised at an appropriate price. He felt that there should be more efforts at marketing the properties and that there was no compelling reason to approve this application and therefore proposed refusal. 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 because of the following reasons 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; and**
2. **It is not considered that a reasonable attempt has been made to market the properties at a price which reasonably reflects the occupational condition imposed by the Secretary of State on appeal decision ref. T/APP/C1815/A/93/230478/P5 dated 9 March 1994. Consequently the proposal is considered to be contrary to Policy A44 of the Leominster District Local Plan, and Planning Policy Statement 7: Sustainable Development in Rural Areas.**

- (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.*

143. DCNC2005/3343/F - DEMOLITION OF DERELICT GARAGING & OUT BUILDINGS AND CONSTRUCTION OF 2 NO. 2 BED HOUSES & ANCILLARY BUILDINGS FOR HOTEL. REAR OF THE ROYAL OAK HOTEL, ETNAM STREET, LEOMINSTER, HEREFORDSHIRE DCNC2005/3344/L - DEMOLITION OF DERELICT GARAGING & OUT BUILDINGS AND CONSTRUCTION OF 2 NO. 2 BED HOUSES & ANCILLARY BUILDINGS FOR HOTEL. REAR OF THE ROYAL OAK HOTEL, ETNAM STREET, LEOMINSTER, HEREFORDSHIRE DCNC2005/3345/C - DEMOLITION OF DERELICT GARAGING & OUT BUILDINGS AND CONSTRUCTIO

The receipt of a letter from Leominster Town council withdrawing its objection, and a letter of objection raising concerns about the effect of the scheme on a private right of way was reported.

There were no objections from the Council's Trading Standards and Environmental Health Department, provided that the proposed houses were of ancillary use to the hotel.

#### **RESOLVED**

**That planning permission be granted subject to the following conditions and an informative note drawing the attention of the applicants to the private right of way:**

**DCNC2005/3343/F**

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

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

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

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

- 4 - C07 (Painted finish to windows/doors )**

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

**5 - C14 (Signing of contract before demolition )**

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

**6 - Notwithstanding the approved plans the timber framing adjacent to Etnam Street will be retained and repaired and incorporated into the approved development in accordance with a scheme approved in writing with the local planning authority prior to any development on site.**

**Reason: In order to retain the wall elevation that is of significant historic importance in relationship to the adjacent listed building and surrounding conservation area.**

**7 - A schedule of works will be presented to the local planning authority and approved in writing with regards to timbers in the unit closest to Etnam Street and the timbers in the party wall adjoining no. 1 Etnam Street prior to any development on site.**

**Reason: In order to safeguard the historic importance in relationship to the listed building and surrounding conservation area.**

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

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

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

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

**10 - No meter boxes will be positioned on external walls of the approved development.**

**Reason: In order to safeguard the historic amenity of the surrounding area.**

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

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

**12 - The surface water flows from the proposed development must be limited to a maximum discharge rate of 5l/s 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.**

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

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

**14 - H08 (Access closure )**

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

15 - H02 (Single access - footway )

Reason: In the interests of highway safety.

16 - H03 (Visibility splays )

Reason: In the interests of highway safety.

17 - H12 (Parking and turning - single house )

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

18 - 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.

19 - The integral garaging and storage area at no time shall be converted to residential accommodation.

Reason: In order to ensure that there is adequate storage area available for use by the hotel.

20 - The additional ancillary accommodation hereby permitted shall only be used for either staff or guest accommodation in relationship to the Royal Oak Hotel.

Reason: It would be contrary to policy of the local planning authority to grant planning permission for separate dwellings in this location because of the proximity of the site to the hotels function room.

Informatives:

- 1 - HN04 - Private apparatus within highway
- 2 - HN05 - Works within the highway
- 3 - N14 - Party Wall Act 1996
- 4 - N11A - Wildlife and Countryside Act 1981 (as amended) - Birds
- 5 - N15 - Reason(s) for the Grant of PP/LBC/CAC

DCNC2005/3344/L

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

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

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

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

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

- 3 - C07 (Painted finish to windows/doors )

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

- 4 - C14 (Signing of contract before demolition )

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

- 5 - Notwithstanding the approved plans the timber framing adjacent to Etnam Street will be retained and repaired and incorporated into the approved development in accordance with a scheme approved in writing with the local planning authority prior to any development on site.

Reason: In order to retain the wall elevation that is of significant historic importance in relationship to the adjacent listed building and surrounding conservation area.

- 6 - A schedule of works will be presented to the local planning authority and approved in writing with regards to timbers in unit closest to Etnam Street and the timbers in party wall adjoining no. 1 Etnam Street prior to any development on site.

Reason: In order to safeguard the historic importance in relationship to the listed building and surrounding conservation area.

- 7 - No meter boxes will be positioned on external walls of the approved development.

Reason: In order to safeguard the historic amenity of the surrounding area.

**Informatives:**

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

**DCNC2005/C**

That Conservation Area 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 - Notwithstanding the approved plans the timber framing adjacent to Etnam Street will be retained and repaired and incorporated into the approved development in accordance with a scheme approved in writing with the local planning authority prior to any development on site.

**Reason:** In order to retain the wall elevation that is of significant historic importance in relationship to the adjacent listed building and surrounding conservation area.

- 3 - A schedule of works will be presented to the local planning authority and approved in writing with regards to timbers in the unit closest to Etnam Street and the timbers in the party wall adjoining no. 1 Etnam Street prior to any development on site.

**Reason:** In order to safeguard the historic importance in relationship to the Listed Building and surrounding Conservation Area.

**Informatives:**

- 1 - N14 - Party Wall Act 1996  
Work on an existing wall or structure shared with another property
- 2 - N15 - Reason(s) for the Grant of PP/LBC/CAC

144. **DCNC2005/3465/T - INSTALLATION OF A 15M MAST, 3 NO. ANTENNAS, 1 NO. EQUIPMENT CABIN, AND AN ELECTRICITY METER CABINET. LAND AT BROMYARD TOWN FOOTBALL CLUB, DELAHAY MEADOW, STOURPORT ROAD, BROMYARD, HEREFORDSHIRE, HR7 4NT FOR: AIRWAVE 02 LIMITED LCC UK 9 CHURCH FARM BUSINESS PARK CORSTON BATH BA2 9AP**

The receipt of a letter from the West Mercia Constabulary indicating that the mast was required as part of the emergency services network was reported.

Councillor TW Hunt the local Ward Councillor asked for an informative note requesting no construction works being undertaken at weekends and that it be limited during the week, to protect the amenity of local residents.

**RESOLVED**

**That prior approval is not required.**

145. **DCNW2005/3082/F - RESIDENTIAL DEVELOPMENT FOR 58 DWELLINGS, 88 CAR PARKING SPACES, NEW ACCESS ROAD AND LANDSCAPING MAESYDARI SITE, KINGTON, HEREFORDSHIRE, HR5 3FA FOR: J R M DEVELOPMENTS LTD, D P DAW CHARTERED ARCHITECT, 1600 PARK AVENUE, AZTEC, WEST BRISTOL, BS32 4UA**

The Council's Trading Standards and Environmental Health Department required further appraisals of the steps which would be taken to mitigate any possible contamination of the site. The Conservation Officer had advised that the horsechestnut tree on the site would need to be removed and replaced. A further report would be required about site conditions during different weather conditions

In accordance with the criteria for public speaking, Mrs Bradbury (Kington Town Council) and Mr. Dennis/Mr Lewis (objectors) spoke against the application and Mr. Matthews (agent of the applicants) spoke in favour.

Councillor TM James the local Ward Councillor had a number of reservations about the proposal, being of the opinion that the narrow approach roads to the site and

high density of housing would create access and parking problems and have a detrimental effect on the amenity of local residents. He also felt that the proposed number of dwellings on the site would constitute over-development and would be out of keeping with the residential area around the site. The Sub-Committee had a number of concerns about the application and felt that the proposed development would be out of keeping for a market Town because of the reasons stated by the Local Ward Member.

**RESOLVED:**

- That (i) The Northern Area Planning Sub-Committee is minded to refuse the application because of the proposed housing density and adverse impact upon the character and setting of the area, subject to 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:**
- (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.*

**146. DCNW2005/3093/F - REMOVAL OF CONDITION 9 ATTACHED TO APPEAL DECISION PLANNING REF: 94/0672/C AND 95/0053/C. SITING OF CARAVANS AT ARROW BANK CARAVAN PARK, EARDISLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9BG FOR: WEST COUNTRY PARK HOMES LTD, CHARLES F JONES & SON LIMITED, 16 GROSVENOR COURT, FOREGATE STREET, CHESTER, CH1 1HN**

The receipt of a further letter of objection from Eardisland Parish Council was reported. In accordance with the criteria for public speaking, Mrs Pennington (Eardisland Parish Council) and Sheffield (objector) spoke against the application and Mr. Sedgebeer (agent of the applicants) spoke in favour.

Councillor JHR Goodwin, the Local Ward Member had some concerns about the removal of Condition 9 of the appeal decision because it had been imposed by the Planning Inspector following the Public Inquiry, to impose conditions on the location and number of caravans on the site. He was also concerned about the north-west part of the site on which there may be pressure to place more units. The Principal Planning Officer said that the application had been made following negotiations between the officers and the owners of the site following the receipt of complaints about the siting and number of caravans. Her view was that the proposals put forward within the report were satisfactory and she explained why she considered that Condition number 9 could be varied. She also drew attention to the conditions that would be imposed in respect of landscaping, particularly on the northwest of the site.

**RESOLVED**

**that subject to the receipt of details relating to landscaping and further consultation with the Local Ward Member, Condition No. 9 of appeal decision planning permissions reference 94/0672/C and 95/0053/C be varied as follows:**



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

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

- 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.

**INFORMATIVES:**

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

147. DCNW2004/3784/O - SITE FOR RESIDENTIAL DEVELOPMENT SITE ADJOINING OVERTON FARM, ORLETON, LUDLOW, HEREFORDSHIRE, SY8 4HZ FOR: MR G LEWIS PER THE LES STEPHAN PARTNERSHIP, 9 SWEETLAKE BUSINESS VILLAGE, LONGDEN ROAD SHREWSBURY, SY3 9EW

**RESOLVED**

That planning permission be refused for the following reason:

- 1 - It is considered that this proposal is contrary to Policy A2(D) of the adopted Leominster District Local Plan, and Policy H7 of the Herefordshire Unitary Development Plan (Revised Deposit Draft). The development would constitute new residential development in the open countryside and the Local Planning Authority is of the opinion that the application fails to satisfy any of the specified exceptions criteria.
- 2 - The proposal is considered contrary to Planning Policy Guidance Note 3: Housing, and Planning Policy Guidance Note 13: Transportation, and Policies S1, S2, DR2 and DR3 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) in that it would reinforce dependence on the private car as the principal mode of travel.

- 148. DCNW2004/3790/O - SITE FOR NEW FARM SHOP WITH RESTAURANT FACILITY AT LAND OPPOSITE OVERTON FARM, ORLETON, LUDLOW, HEREFORDSHIRE, SY8 4HZ FOR: MR G LEWIS PER THE LES STEPHAN PARTNERSHIP, 9 SWEETLAKE BUSINESS VILLAGE, LONGDEN ROAD, SHREWSBURY, SY3 9EW**

Councillor WLS Bowen, the Local Ward Member, spoke in favour of the application, drawing the attention of the Sub-Committee that the applicant, a local farmer, wished to carry out the changes as an improvement to the local service he provided.

**RESOLVED**

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

- 1 - It is considered that this proposal is contrary to Policy A1, A34 and A45 of the adopted Leominster District Local Plan. The development would constitute a new building in the open countryside, unrelated to the nearby settlement of Orelton or any existing buildings.**
- 2 - The application site lies in an isolated, prominent position in open countryside. It would have a harmful affect on the rural character of the countryside contrary to Policy A9 of the Leominster District Local Plan.**

- 149. DCNE2005/2601/F - PROPOSED DWELLING AT LAND AT HOMEND CRESCENT, LEDBURY, HEREFORDSHIRE FOR: MR J HAINES PER MR P D JONES 92 ROBINSONS MEADOW LEDBURY HEREFORDSHIRE HR8 1SX**

The receipt of a letter of objection from Ledbury Town Council was reported.

**RESOLVED**

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

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

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

- 2 - A09 (Amended plans )**

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

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

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

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

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

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

**Reason: In the interests of the character and appearance of the**

surrounding area.

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

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

- 7 - F16 (Restriction of hours during construction )

Reason: To protect the amenity of local residents.

- 8 - F48 (Details of slab levels )

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

- 9 - G01 (Details of boundary treatments )

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

Informative:

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

150. DCNE2005/3213/O - SITE FOR THE ERECTION OF TWO DWELLINGS AT 1 RAILWAY TERRACE, WALWYN ROAD, COLWALL, MALVERN, HEREFORDSHIRE, WR13 6EG FOR: MR & MRS D FOX WALL, JAMES AND DAVIES 15-23 HAGLEY ROAD STOURBRIDGE WEST MIDLANDS DY8 1QW

In accordance with the criteria for public speaking, Mrs. Mitchell (agent of the applicants) spoke in favour of the application.

#### RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

- 3 - A04 (Approval of reserved matters )

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

- 4 - G01 (Details of boundary treatments )

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

satisfactory privacy.

5 - G04 (Landscaping scheme (general) )

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

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

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

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

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

8 - 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.

9 - H03 (Visibility splays )

Reason: In the interests of highway safety.

10 - H12 (Parking and turning - single house )

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

11 - F17 (Scheme of foul drainage disposal)

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

Informatives:

- 1 - HN04 - Private apparatus within highway
- 2 - HN05 - Works within the highway
- 3 - N15 - Reason(s) for the Grant of PP/LBC/CAC

151. DCNE2005/3325/F - ERECTION OF TWO COTTAGES AT LAND OFF QUEENS COURT, LEDBURY, HEREFORDSHIRE, HR8 2BG FOR: MR D FIELD WALL, JAMES AND DAVIES 15-23 HAGLEY ROAD STOURBRIDGE WEST MIDLANDS DY8 1QW

The receipt of a letter of objection from Ledbury Town council and a letter from Ledbury Forum requesting covered cycle storage was reported.

In accordance with the criteria for public speaking, Mr Watts (Ledbury Town Council) spoke against the application and Mrs. Mitchell (agent of the applicants) spoke in favour.

Councillor BF Ashton one of the Local Ward Councillors had grave reservations about the application and felt that an additional two dwellings on this site would constitute over-development. He was concerned about the lack of car parking and

felt that the concept of car free development has its place in inner cities but was harder to reconcile in an historic market town which had a more limited public transport service. These would be family dwellings and would need adequate car-parking provision.

**RESOLVED:**

- That (i) The Northern Area Planning Sub-Committee is minded to refuse the application because it was over-development of the site and would suffer from a lack of adequate car-parking provision, subject to 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:**
- (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.*

**152. DCNE2005/3499/F - THREE BEDROOM COTTAGE WITH GARAGE AT LAND WEST OF ACCESS TO MILLFIELDS, CANON FROME, HEREFORDSHIRE, HR8 2TG FOR: MR & MRS D E MILLINGTON-JONES C A MASEFIELD BUILDING DESIGN SERVICES 66-67 ASHPERTON ROAD MUNSLEY LEDBURY HEREFORDSHIRE HR8 2RY**

The receipt of a letter of objection from Canon Frome Parish Council was reported. The Principal Planning Officer said that the Transportation Manager had no objections, subject to two car parking spaces being provided.

**RESOLVED**

**That subject to no further objections raising additional material planning considerations by the end of the consultation period, the officers named in the Scheme of Delegation of Officers be authorised to approve the application subject to the following conditions and any further 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 - B01 (Samples of external materials )**

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

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

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

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

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

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

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

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

**7 - 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.**

**8 - H28 (Public rights of way)**

**Reason: To ensure the public right of way is not obstructed.**

**9 - E18 (No new windows in specified elevation)(east elevation)**

**Reason: In order to protect the residential**

The meeting ended at 5.45 p.m.

**CHAIRMAN**

<b>4 ITEM FOR INFORMATION - APPEALS</b>
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**APPEALS RECEIVED****Application No. DCNE2005/1313/F**

- The appeal was received on 28th November 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 A South
- The site is located at The Rickyard, The Farm, Ashperton Road, Ashperton, Ledbury, Herefordshire, HR8 2RY
- The development proposed is Proposed three bedroom dwelling with garage.
- The appeal is to be heard by Written Representations

**Case Officer: Andrew Banks on 01432 261803****Application No. DCNE2005/0926/F**

- The appeal was received on 25th November 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 R Harper Estate
- The site is located at Home End/Secret Garden, Fox Lane, Ledbury, Herefordshire
- The development proposed is Removal of old glass house and construction of 5 dwellings as car free scheme
- The appeal is to be heard by Written Representations

**Case Officer: Ed Thomas on 01432 261795****Application No. DCNE2005/1020/C**

- The appeal was received on 25th November 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 R Harper
- The site is located at Homend/Secret Garden, Fox Lane, Ledbury, Herefordshire
- The development proposed is Removal of old glass house
- The appeal is to be heard by Written Representations

**Case Officer: Ed Thomas on 01432 261795****Application No. DCNC2005/0750/O**

- The appeal was received on 1st December 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 E G Gillum
- The site is located at North Road Stables, North Road, Leominster, Herefordshire, HR6 8OB
- The development proposed is Site for the erection of an equine workers dwelling.

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

- The appeal is to be heard by Hearing

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

**Application No. DCNC2005/2230/O**

- The appeal was received on 8th December 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 G H Jones Esq
- The site is located at Part OS 8709, Leysters, Nr Leominster, Herefordshire
- The development proposed is Site for the erection of a dwelling and agricultural building for racehorse training
- The appeal is to be heard by Written Representations

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

**Enforcement No. EN2005/0079/ZZ**

- The appeal was received on 1st December 2005
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice EN2005/0079/ZZ
- The appeal is brought by Mr T.D. Arthurs
- The site is located at Holly Hill, Avenbury, Bromyard, Herefordshire
- The breach of planning control alleged in this notice is Without planning permission the change of use of the building from storage to a mixed use for the purpose of storage and single dwelling house.
- The requirements of the notice are:
  - (i) To cease the residential use of the building.
  - (ii) To restore the building back to its lawful use as approved under Planning Permission NE2001/2770/F by removal of the following:-

Kitchen, including kitchen units (ground and wall units), kitchen sink, cooker, fridge/freezer, washing machine/dryer, bath, shower, shower screen and also the wood burner.

- The appeal is to be heard by Inquiry

**Case Officer: Russell Pryce on 01432 261957**

**Application No. DCNC2005/1143/F**

- The appeal was received on 6th December 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 T Littleton Garness
- The site is located at Tiblands Farm, Linley Green Road, Whitbourne, Worcester, Herefordshire, WR6 5RE
- The development proposed is Removal of condition number 11 of planning permission dated 10-2-97 (ref MH 95/1325)
- The appeal is to be heard by Written Representations



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

## **APPEALS DETERMINED**

### **Application No. DCNC2004/2250/F**

- 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 P Williams
- The site is located at Bodenham Manor, Bodenham, Hereford, Herefordshire, HR1 3JS
- The application, dated 26<sup>th</sup> April 2004, was refused on 23<sup>rd</sup> March 2005
- The development proposed was Quad biking track and paint-balling area.
- The main issues are the impact of the continued use of this site for quad-biking and paint-balling on the character and appearance of the Bodenham Conservation Area and on the landscape within this Area of Great Landscape Value, and its effect on the living conditions of nearby residents, particularly in terms of noise and disturbance.

**Decision:** The appeal was UPHELD on 25<sup>th</sup> November 2005

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

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



**6A DCNC2005/1941/F - CONVERSION OF LISTED BARN INTO RESIDENTIAL DWELLING AT EYE COURT BARN, EYE, LEOMINSTER, HEREFORDSHIRE, HR6 0DT**

**6B 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**

**DWT/MM**

## **Introduction**

These applications were deferred by the Sub-Committee for further investigation as whether the building is redundant. Officers have revisited the site and can confirm the building is not being used for agricultural purposes. It is though being used as a log store, and storage of non-agricultural items. It is considered the building is redundant. Photographs of the interior of the building will be available at the Sub-Committee meeting.

## **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: We object, the barn is set too close to other existing farm buildings. The barn is set in a working dairy farm complex, the conversion would have an adverse effect. There are also safety issues to consider.

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 In reply to the objections the applicant has said:

- a) All of the residential properties on the site are in close proximity to each other.

- b) The access is large enough to cope with the increased traffic, which will be minimal.
  - c) There is plenty of turning space into the potato store, but it could be accessed from the far end if necessary. Anyone coming to live in the proposed dwelling would see that it is on a working farm and accept the fact. Working outside normal working hours would be no more disruptive to the proposed dwelling than the other adjacent dwellings.
  - d) The proposal would not cause undue noise or disturbance, ensuring that Eye remains a quiet hamlet.
  - e) The barns used for the keeping of livestock are at the far end of the farm, away from this barn.
- 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 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 through an Estate Agent for 6 months for commercial/employment generating uses. The applicant has provided evidence to show that no interest has been shown. The residential use of the building can be considered.
- 6.2 Eye Court Barn is a suitable building for residential 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 Eye Manor and Perch Cottage. 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

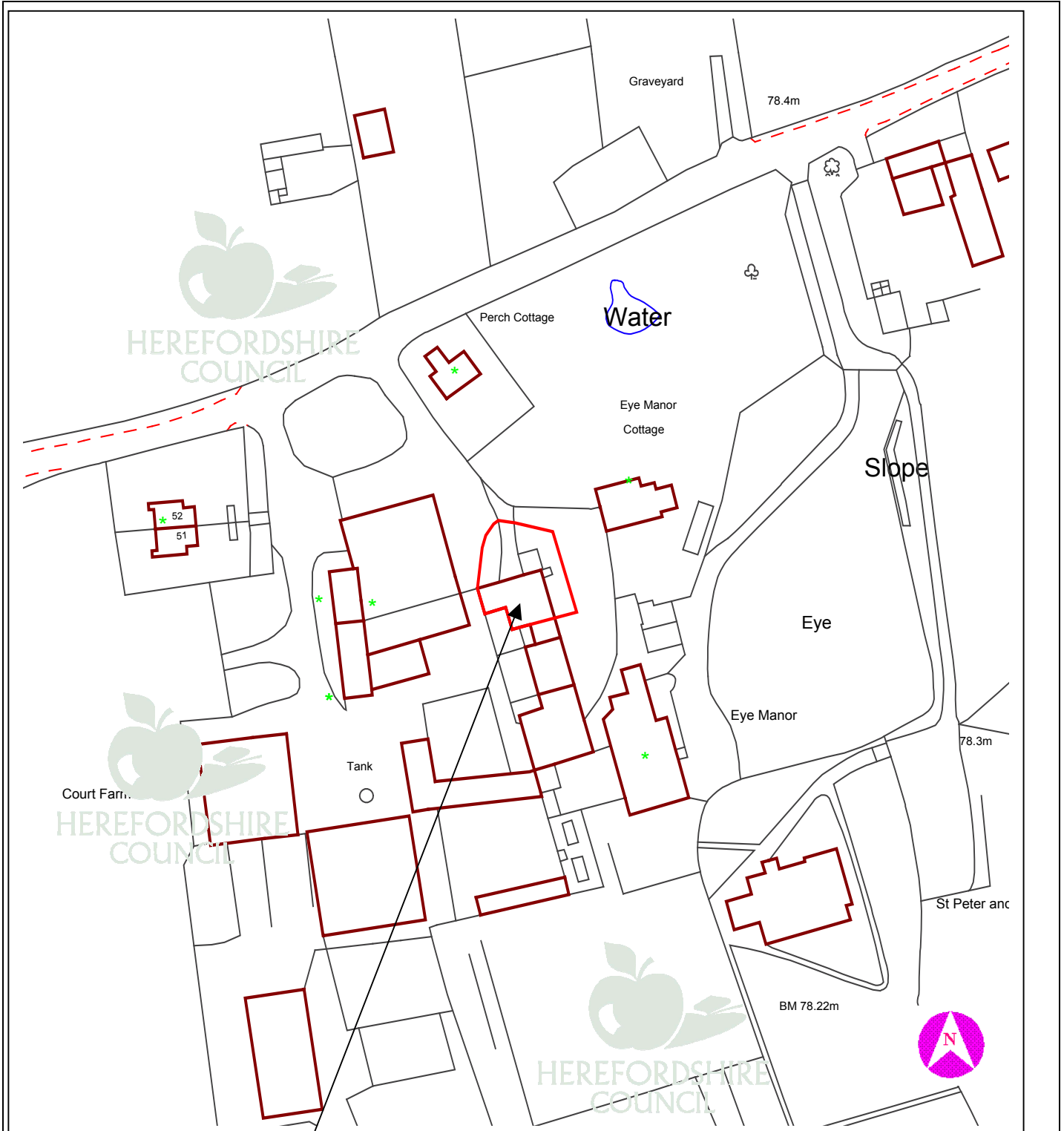
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Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNC2005/1941/F

**SCALE :** 1 : 1250

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

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**7A DCNW2005/3401/F - DEMOLITION OF SUB-STANDARD BUNGALOW & ERECTION OF NEW DWELLING AND GARAGE AT THE BUNGALOW, LEINTHALL STARKES, LUDLOW, HEREFORDSHIRE, SY8 2HP**

**Mr D Perkins, Mundy Construction, 5 Upper Court, Luston, Leominster, Herefordshire HR6 OAP**

**7B DCNW2005/3677/G – APPLICATION TO REMOVE SECTION 52 AGREEMENT DATED JUNE 1972 AT THE BUNGALOW, LEINTHALL STARKES, LUDLOW, HEREFORDSHIRE, SY8 2HP**

**Mr D Perkins, Mundy Construction, 5 Upper Court, Luston, Leominster, Herefordshire, HR6 OAP**

**Date Received:  
21st October 2005**

**Ward: Mortimer**

**Grid Ref:  
43370, 69577**

**Expiry Date:  
16th December 2005**

Local Member: Councillor Mrs O Barnett

**1. Site Description and Proposal**

- 1.1 The location for the proposed development is located in the centre of Leinthall Starkes, a rural hamlet with no recognised development boundary.
- 1.2 Presently on site is a single-storey detached bungalow of external render construction under a slate roof, visually the dwelling appears to be in a poor state of repair.
- 1.3 The dwelling is located within a large domestic curtilage of which part is subject to a Section 52 Agreement dated 5th November 1973. This legal agreement was drawn up with the former Herefordshire County Council to prevent any further residential development on the eastern side of the existing dwelling on site. On part of the land subject to the agreement is a storage shed in relationship to the dwelling proposed for demolition subject to this application. The application site is surrounded on either side and on opposite side of the public highway alongside its frontal evaluation by other residential dwellings.
- 1.4 Application Ref No. NW05/3677/G proposes removal of that agreement.
- 1.5 The proposed new dwelling measures 148 square metres externally and is for a two storey dwelling consisting of a kitchen, living room, dining room and utility on the ground floor and three bedrooms and a bathroom on the first floor.

## 2. Policies

### 2.1 Leominster District Local Plan

- A1 – Managing the District's Assets and Resources
- A2(D) – Settlement Hierarchy
- A6 – Sites of Local Importance for Nature Conservation
- A9 – Safeguarding the Rural Landscape
- A23 – Creating Identity and an Attractive Built Environment
- A24 – Scale and Character of Development
- A54 – Protection of Residential Amenity

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

- S1 – Sustainable Development
- S2 – Development Requirements
- S3 – Housing
- DR1 - Design
- DR2 – Land Use and Activity
- DR4 – Environment
- H7 – Housing in the Countryside Outside Settlements
- H13 – Sustainable Residential Design
- H14 – Re-using previously Developed Land and Buildings
- H15 - Density
- H16 – Car Parking
- T11 – Parking Provision
- NC4 – Sites of Local Importance
- LA5 – Protection of Trees, Woodlands and Hedgerows

## 3. Planning History

- 3.1 None identified.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Severn Trent Water - No objections subject to inclusion of a condition with regards to drainage works.

### Internal Council Advice

- 4.2 Highways Manager raises no objections subject to the attachment of conditions to any approval notice issued with regards to access, parking and turning and visibility.

## 5. Representations

- 5.1 Wigmore Group Parish Council comment that the site plan is misleading in that the proposed entrance to the proposed dwelling overlooks the opposite property. The proposed replacement should be a bungalow and its frontage should be in-line with that of Huntley Lodge, the adjoining property to the west and should be sited to the western side of the site rather than in the centre of the plot as this would avoid the property overlooking the property opposite. The site is slightly elevated and this would cause a lack of privacy to the opposite neighbour. The proposed garage should be

located on the site of the former barn/shed - to the eastern side of the plot and not to the side of the proposed property.

5.2 Letters of comment/objections have been received from

- Sally E Lewis, Sunnyside, Leinthall Starkes
- Colin C Hunt, Huntley Lodge, Leinthall Starkes
- E A & M J Stead, Woodstock, Leinthall Starkes
- Mr. & Mrs. N. Aldridge, Camelot, Leinthall Starkes.

The letters received can be summarised as follows:-

- Concerns about the size and height of the proposed garage/storage/workshop and that it could in the future be converted into a dwelling.
- Concerns as to why it is necessary to remove the Section 52 Agreement.
- Concerns about location of proposed replacement dwelling and impact of proposed garage on property known as 'Sunnyside'.
- Garage would be more appropriate on site of existing outbuilding.
- Replacement dwelling should be in-line with property known as Huntley Lodge, on the same ground level, and a single storey dwelling.

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

## **6. Officers Appraisal**

6.1 The application proposes the demolition of a single-storey dwelling with living accommodation measuring approximately 80 metres floorspace and its replacement with a two-storey dwelling measuring approximately 148 metres floorspace (all measured externally).

6.2 The existing dwelling is visually in a dilapidated condition and in need of extensive refurbishment, in order to bring it up to modern living standards, it has had no extensions added since its original build in the early 1970's. The dwelling is of no historic or architectural value.

6.3 The proposal is for a replacement dwelling and double garage/workshop/storage. It is proposed to site the replacement dwelling immediately to the rear of the existing dwelling's footprint. This location is much more in-line with the neighbouring dwelling known as 'Huntley Lodge' (some 15 metres away), as the existing dwelling proposed to be demolished sits on the front of the plot adjacent to the public highway., to which Huntley Lodge to a certain degree overlooks. Therefore the re-siting adjacent to the existing structure's rear elevation is to be welcomed as an overall visual improvement. The dwelling located alongside the proposed development site's eastern elevation is 25 metres away from the site of the proposed new build. Alongside the front elevation of the application site on opposite side of the adjacent public highway is the property known as 'Sunnyside' this is located approximately 29 metres away from the site of the proposed new build.

6.4 The application also proposes demolition of an existing storage shed and its replacement with a double garage/workshop/storage, the proposed new build covers a similar footprint to that of the existing structure on site.

- 6.5 The section of land immediately to the east of the existing dwelling on site (including the area that the existing storage shed is located upon), is subject to a Section 52 Agreement under the Town and Country Planning Act 1971 dated 5<sup>th</sup> November 1973 prohibiting any development upon its area other than for use as private open space to the existing dwelling on site.

Application Ref No NW/05/3677/G requests the removal of this Agreement in order to re-construct more centrally on the site. The replacement dwelling itself, falls into the area of land outside the control of the Section 52 Agreement, therefore the Section 52 land only refers to the garage/workshop/storage structure, it is proposed to construct this on the site of the existing storage shed. However as the Agreement refers to any form of development its removal is required in order to construct the proposed new build garage/workshop/storage.

The Section 52 Agreement has outlived its usefulness as the location is not within the development limits of a recognised development settlement as indicated in the Leominster District Local Plan, or the emerging Herefordshire Unitary Development Plan (Revised Deposit Draft), therefore no residential development could be supported at Officer level at this specific location, concerns to which are raised in the letters of objections received from members of the public.

The proposed new build garage/workshop/storage is considered acceptable in design, and is of a similar footprint to that of the existing structure on site. If Committee are mindful to approve these applications, it is recommended that appropriate conditions be attached to any approval notice issued in order that the proposal remains for the use as applied for.

- 6.6 Wigmore Parish Councils concerns about the proposed entrance to the proposed dwelling overlooking the opposite property are not shared as the dwelling is located in excess of 28 metres from the proposed development site. Concerns raised about a bungalow being replaced with a house are also considered not to merit refusal to this application, as the proposed new build is a significant improvement in design and scale to the existing dwelling on site and is not significantly detrimentally larger in ground floor area than the existing dwelling on site. Its location is also considered acceptable in relationship to neighbouring dwellings with no significant detrimental impact on the amenity and privacy of these dwellings. The concern raised about the siting of the proposed garage/workshop/storage structure on the site of the existing shed on site, has been addressed, by the applicant, with the submission of amended plans, dated 16<sup>th</sup> November 2005, indicating siting of the garage/workshop/storage on the site of the existing shed on site as requested by the Parish Council.
- 6.7 Concerns raised by members of the public about the size of the proposed garage/storage/workshop and that it could be converted to a dwelling are addressed by condition 7. A siting of all the new build will have no significant detrimental impact on surrounding properties amenity and privacy or any detrimental visual impact. The Section 52 Agreement as mentioned earlier has outgrown its usefulness in respect of residential development.
- 6.8 In conclusion on balance these applications are considered acceptable and comply with all relevant planning policies. The proposed development represents a planning gain in that a rather dilapidated site will be enhanced by a replacement dwelling of improved character and design.

**RECOMMENDATION****DCNW2005/3401/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 - **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 the building.
- 5 - **C05 (Details of external joinery finishes )**  
Reason: To safeguard the character and appearance of the building.
- 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 the building.
- 7 - **E08 (Domestic use only of garage )**  
Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling.
- 8 - **E16 (Removal of permitted development rights )**  
Reason: In order that the local planning authority can control development at this specific location which is in open countryside.
- 9 - **G04 (Landscaping scheme (general) )**  
Reason: In order to protect the visual amenities of the area.
- 10 - **G05 (Implementation of landscaping scheme (general) )**  
Reason: In order to protect the visual amenities of the area.
- 11 - **H01 (Single access - not footway )**  
Reason: In the interests of highway safety.

**12 - H04 (Visibility over frontage )**

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

**13 - H05 (Access gates )**

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

**14 - H12 (Parking and turning - single house )**

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

**15 – The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul drainage have been carried out in accordance with the details to be submitted to and approved by the local planning authority in writing.**

**Reason:** There are no public foul/surface water sewers available within the vicinity of the site to serve this development.

**16 - 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.

**17 - Notwithstanding the approved plans, the approved garage will be in accordance with the amended plans ref. no. DWG. No. AWM/05/73, AWM/05/72, AWM/05/075.**

**Reason:** The local planning authority considers the requested amended location for the proposed garage is acceptable.

**18 - The existing dwelling on site shall be completely demolished and its resulting debris completely removed from site prior to commencement of construction of the replacement dwelling.**

**Reason:** In the interests of amenity and to prevent the retention of the existing dwelling.

**INFORMATIVES****1 - HN01 - Mud on highway****2 - HN05 - Works within the highway****3 - HN10 - No drainage to discharge to highway****4 - HN22 - Works adjoining highway****5 - N13 - Control of demolition - Building Act 1984****6 - N15 - Reason(s) for the Grant of PP/LBC/CAC**

**NW05/3677/G**

**That the Legal Practice Manager be authorised to complete a deed of discharge of the S52 Agreement.**

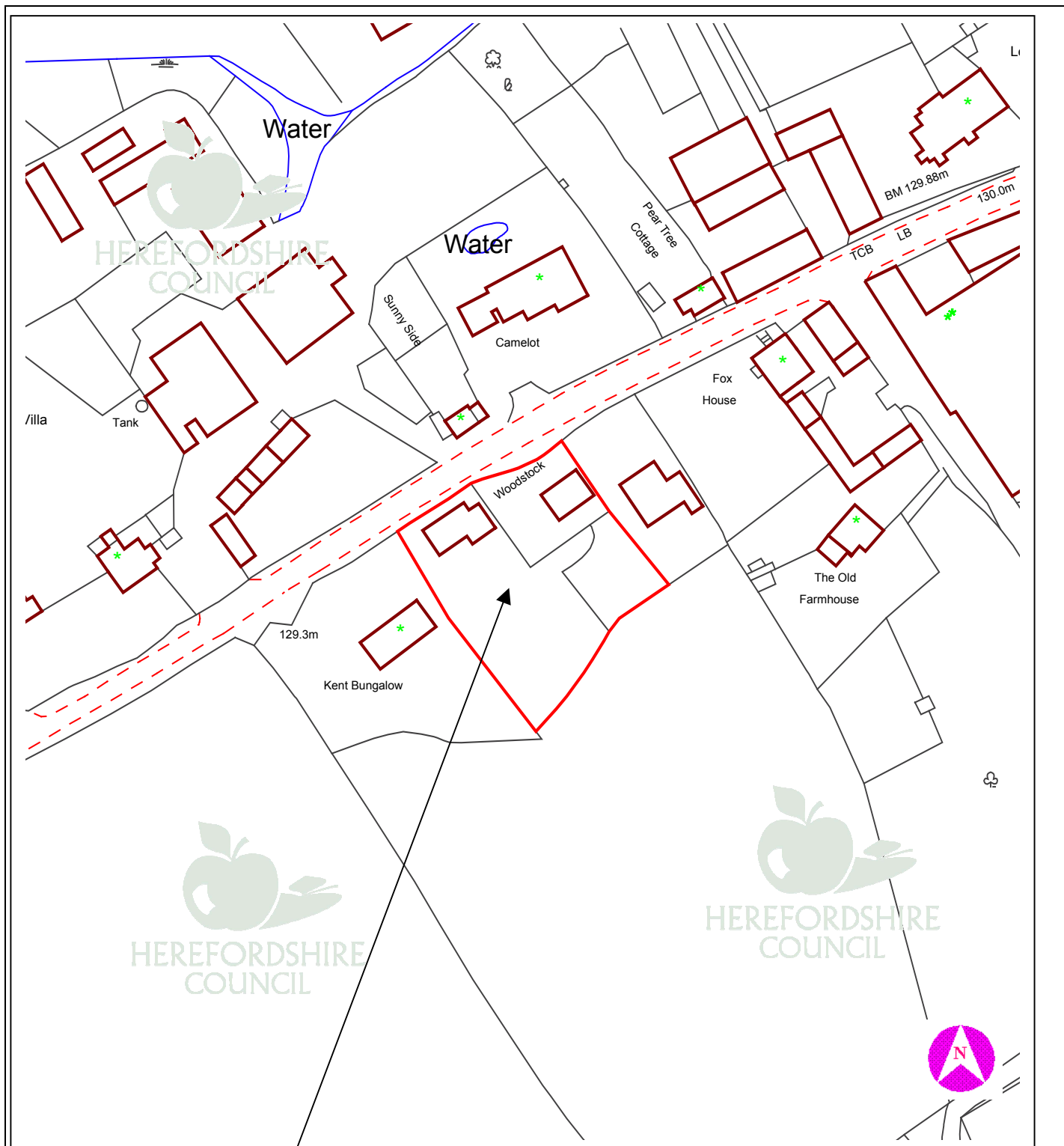
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNW2005/3401/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** The Bungalow, Leinthall Starkes, Ludlow, Herefordshire, SY8 2HP

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**8 DCNW2005/3526/F - PROPOSED FLOOD LIGHTS TO EXISTING RIDING AREA AT PAX COTTAGE, WOONTON, HEREFORD, HEREFORDSHIRE, HR3 6QH**

**For: W Blane Esq per Mr J Spreckley, Brinsop House, Brinsop, Hereford, HR4 7AS**

**Date Received:**

**2nd November 2005**

**Expiry Date:**

**28th December 2005**

Local Member: Councillor J Hope

**Ward: Castle**

**Grid Ref:**

**35210, 51403**

**1. Site Description and Proposal**

1.1 The location for the proposed development is adjacent to an existing outdoor horse riding area that is positioned in open countryside.

1.2 The application proposes the installation of four floodlights designed by specialists Tamlite Technical to ensure minimal light pollution onto the surrounding area. A letter from the applicants agent states that his clients would be prepared to accept a condition limiting the use of the lights from 6 am to 9 pm.

**2. Policies**

**2.1 Leominster District Local Plan**

A1 – Managing the District's Assets and Resources

A2 – Settlement Hierarchy

A9 – Safeguarding the Rural Landscape

A13 – Pollution Control

A18 – Listed Buildings and their Settings

A24 – Scale and Character of Development

A41 – Protection of Agricultural Land

A78 – Protection of Public Rights of Way

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

S1 – Sustainable Development

S2 – Development Requirements

DR1 - Design

DR2 – Land Use and Activity

DR4 – Environment

DR14 – Lighting

E11 – Employment in the Smaller Settlements and Open Countryside

E15 – Protection of Greenfield Land

NC1 – Biodiversity and Development

HBA4 – Setting of Listed Buildings

### 3. Planning History

- 3.1 NW04/1953/F - Retrospective change of use to riding school and equestrian centre - Approved 19th July 2004
- 3.2 96/0402/N - Conversion of existing dwelling into two dwellings - Refused 30th May 1996

### 4. Consultation Summary

#### Internal Council Advice

- 4.1 Highways Manager has no objections to the proposed development.
- 4.2 Environmental Health & Trading Standards Manager comments will be reported verbally.

### 5. Representations

- 5.1 Almeley Parish Council raise no objections as long as the lighting is restricted to the proposed hours so that others are not affected. Light pollution must be avoided.
- 5.2 Representations have been received from two different households:
  - J & H Lubon, Rosemary Cottage, Woonton
  - M Jones, Broadfield, Kinnersley, Hereford

The letters raise concerns about:

- Need for floodlighting at the premises
  - Impact of floodlighting on surrounding area
  - Impact on surrounding dwellings privacy
  - Lighting has been in place at Arena without prior planning approval.
- 5.3 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

### 6. Officers Appraisal

- 6.1 The application proposes four number floodlights around an existing horse riding arena that has planning approval for business use. It is proposed to install the lights on poles measuring 10 metres in height.
- 6.2 The location is in open rural countryside and the nearest dwelling to the site is the applicants', known as 'Pax Cottage'. The site has reasonable natural vegetation surrounding it on its south eastern elevation all be it deciduous. Alongside the western elevation is the stable complex and 'Pax Cottage' both of which are in the control of the applicant.

- 6.3 Planning approval is sought for the proposed development as a result of pre-application discussions between the applicant and Planning Officers. As mentioned in the public representations of this report there were lights shining down onto the arena from existing stables, these lights also lit up the car parking area between the buildings and the arena. Therefore appropriate enforcement action would not of been straight forward.
- 6.4 The applicants have submitted information in support of the application which states that the four proposed floodlights have been designed by specialists at Tamlite Technical to ensure minimal light pollution onto the surrounding area. The information submitted as part of the application includes detailed technical data on a 'Isoleux' diagram that demonstrates the proposed light level within the arena of 300 lx reducing to a background level of only 2 lx when 30 metres outside the arena, and reducing to zero when 40 metres away from the arena.
- 6.5 The nearest dwelling to the proposed development site is approximately 60 metres away.
- 6.6 The issues of concern raised by the objections have been addressed earlier in this appraisal, the proposed lights are of such that they will cause minimal pollution impact on the surrounding environment and therefore the concerns raised by the Parish Council have been addressed.

## 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 - The floodlights hereby approved shall only be switched on between the hours of 7 am - 9 pm and at no other time.**

**Reason: In order to protect the amenity of the surrounding area.**

- 3 - The four floodlights shall be positioned as such that they only shine onto the existing riding arena in accordance with the approved plans and not onto the surrounding countryside.**

**Reason: In order to protect the amenity of the surrounding area.**

- 4 - No other form of artificial flood lighting shall be erected within the vicinity of the application site. This includes the stable block adjacent to the application site.**

**Reason: In order to protect the amenity of the surrounding area.**

- 5 - The floodlights installed shall total four in number and be in accordance with the details submitted as part of the application subject to this approval.**

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

**INFORMATIVES**

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

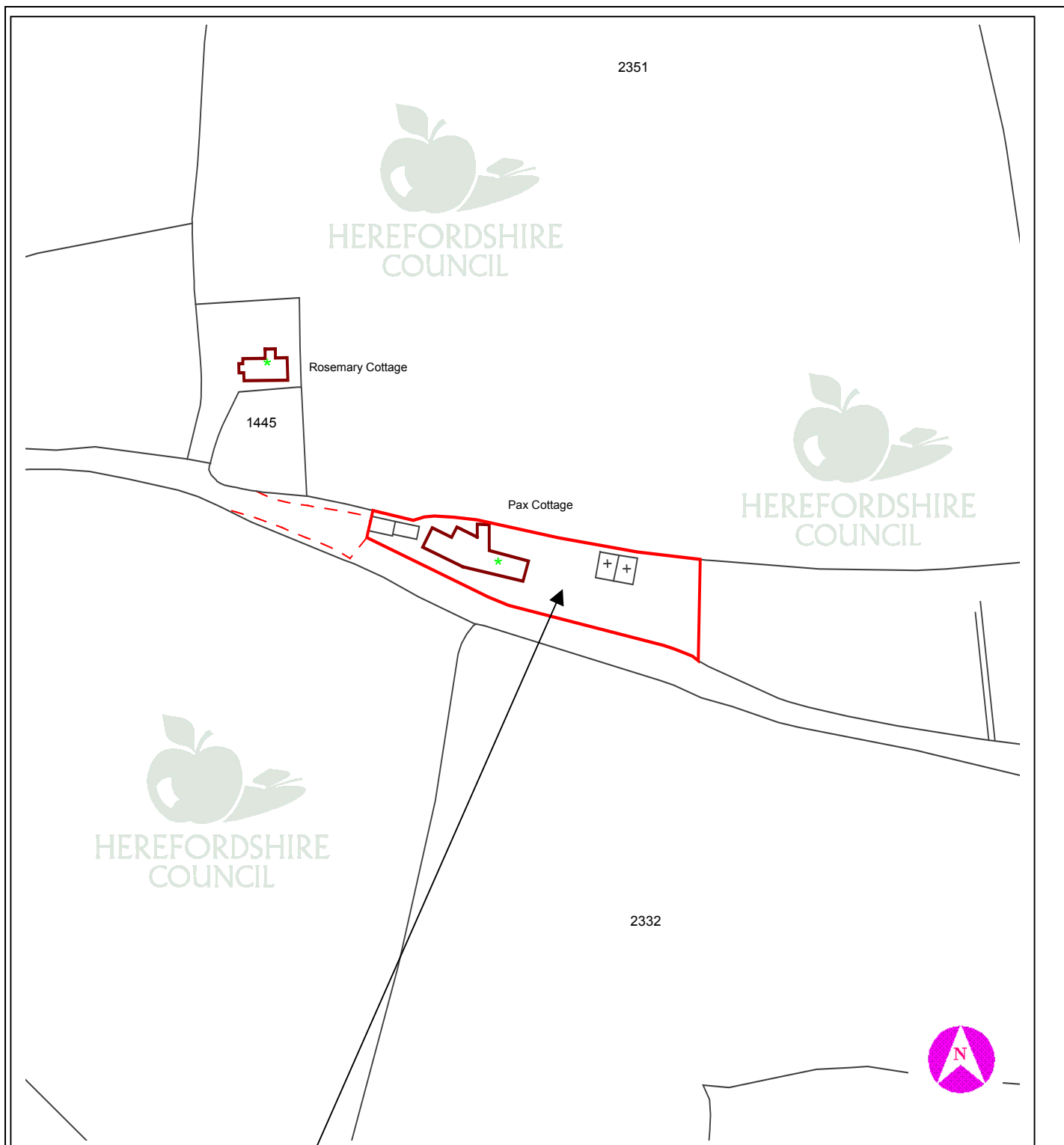
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNW2005/3526/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Pax Cottage, Woonton, Hereford, Herefordshire, HR3 6QH

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**9A DCNW2005/3604/F - DEMOLITION OF REDUNDANT  
OUTBUILDING AND REPLACE WITH 2 BEDROOM  
BUNGALOW AT THE OLD BAKERY, ORLETON,  
LUDLOW, SY8 4HN**

**For: Mr & Mrs R O'Neill**

**9B DCNW2005/3605/C – DEMOLITION OF REDUNDANT  
BUILDING AT THE OLD BAKERY, ORLETON,  
LUDLOW, SY8 4HN**

**For: Mr & Mrs R O'Neill**

**Date Received:**  
**10th November 2005**  
**Expiry Date:**  
**5th January 2006**

**Ward: Bircher**

**Grid Ref:**  
**49441, 67266**

Local Member: Councillor S Bowen

**1. Site Description and Proposal**

- 1.1 The site for the proposed development is within the curtilage of a two-storey detached dwelling, located within the Conservation Area of the Settlement.
- 1.2 Presently on the site of the proposed new build, is a former bakery. A single-storey structure, it is visually in a dilapidated condition, externally constructed of concrete block and render under a felt roof with an open plastic sheeted verandah alongside its frontal elevation.
- 1.3 Surrounding the site are other residential dwellings. Alongside the northern and eastern boundaries, these are of single-storey construction and very similar in design to that of the proposed development.
- 1.4 The application proposes the demolition of the existing structure and construction of a two-bedroomed single storey dwelling of a similar footprint to the existing building on site. The application for Conservation Area Consent reflects this demolition.

**2. Policies**

**2.1 Leominster District Local Plan**

A1 – Managing the District's Assets and Resources  
A2(C) – Settlement Hierarchy  
A21 – Development within Conservation Areas  
A23 – Creating Identity and an Attractive Built Environment

A24 – Scale and Character of Development  
A54 – Protection of Residential Amenity  
A55 – Design and Layout of Housing Development  
A78 – Protection of Public Rights of Way

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

S1 – Sustainable Development  
S2 – Development Requirements  
S3 – Housing  
DR1 - Design  
DR2 – Land Use and Activity  
H4 – Main Villages: Settlement Boundaries  
H13 – Sustainable Residential Design  
H14 – Re-using previously Developed Land and Buildings  
H15 - Density  
H16 – Car Parking  
HBA6 – New Development within Conservation Areas  
HBA7 – Demolition of Unlisted Buildings Within Conservation Areas

## 3. Planning History

3.1 None identified on site.

## 4. Consultation Summary

### Internal Council Advice

4.1 Highways Manager raises no objections to the granting of permission.

4.2 Environmental Health Manager has no comment to make on the application.

4.3 Conservation Manager states: In principle the proposal is acceptable. The reason for this is the group of bungalows located adjacent to this property. The height and massing are appropriate to this part of the Conservation Area. There are however other buildings in the immediate vicinity that do contribute positively to the Orleton Conservation Area. I would like to see the character and appearance of the Conservation Area reflected either in the materials - the proposed brick and slate are appropriate. However UPVC fascias soffits and windows are not entirely appropriate and will have a negative impact on the character of the Conservation Area.

4.4 Archaeological Manager raises no objections subject to the inclusion of a condition to any approval notice issued with regards to a watching brief during development.

## 5. Representations

5.1 Orleton Parish Council have responded to the application stating: The bungalow should be of a better design to fit in the Conservation Area. It should be tied to The Old Bakery and not be sold separately. The Parish Council also have concerns about the adequacy of the shared entrance.

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 application proposes a modest two bedroomed bungalow on the site of a former bakery that ceased trading on site in 2003. The proposed new dwelling is not significantly larger in ground area than the existing structure on site.
- 6.2 The Conservation Manager raises no objections to the demolition of the former bakery and its replacement with the proposed dwelling. However concerns are raised about the proposed UPVC external construction materials that will not enhance the surrounding Conservation Area.
- 6.3 Orleton Parish Council's response to the application cannot be supported at Officer level, as the proposed dwelling in design terms is similar to other single-storey dwellings located alongside the site's northern and eastern boundaries and therefore will blend in satisfactorily into the surrounding Conservation Area. The proposed development will have no detrimental impact on other dwellings amenity and privacy within the vicinity and the plans submitted for planning determination indicate sufficient amenity space provision in relationship to the proposed new dwelling. The Highways Manager raises no objections to the proposal. It is noted that a bakery was conducted on the site until May 2003, and therefore amount of vehicular traffic using the shared entrance would have been significantly higher.
- 6.4 Alongside the western side of the proposed development is a significant mature Yew Tree. The application form indicates that no trees are to be felled or pruned as a result of the proposed development. However as the tree is within close proximity to the development site it is recommended that a condition be attached to any approval notice issued with regards to excavations beneath the tree canopy in order to protect the tree which is located within the Conservation Area.
- 6.5 In conclusion the proposal is acceptable and complies with all relevant local plan policies subject to appropriate conditions to any approval notice issued with regards to fascias soffits and windows.

## RECOMMENDATION

### DCNW2005/3604/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 - A07 (Development in accordance with approved plans )**

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

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

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

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

**Reason: To safeguard and enhance the character and appearance of the surrounding Conservation Area.**

**5 - Notwithstanding the approved plans all fascias, soffits, external doors and windows will be of timber construction and prior to C05 (Details of external joinery finishes )**

**Reason: To safeguard and enhance the character and appearance of the surrounding Conservation Area.**

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

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

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

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

**8 - G10 (Retention of trees )**

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

**9 - G21 (Excavations beneath tree canopy )**

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

**10 - The applicants or his/her agents or successors in title shall ensure that a professional archaeological contractor undertakes an archaeological watching brief during any development to the current archaeological standards of and to the satisfaction of the local planning authority.**

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

**Informatives:****1 - N15 - Reason(s) for the Grant of PP/LBC/CAC****DCNW2005/3605/C****1 - C1 - The works hereby permitted shall be begun before the expiration of three years from the date of this consent.**

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

**2 - The existing structure on site to be demolished will be completely moved from the application site prior to any construction of the approved dwelling.**

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

**Informatives:**

- 1 - Your attention is drawn to Section 80 of the Building Act 1984 whereby no demolition may be carried out without proper notice to the local authority and a counter notice issued under Section 81.
  
- 2 - N15 - Reason(s) for the Grant of PP/LBC/CAC

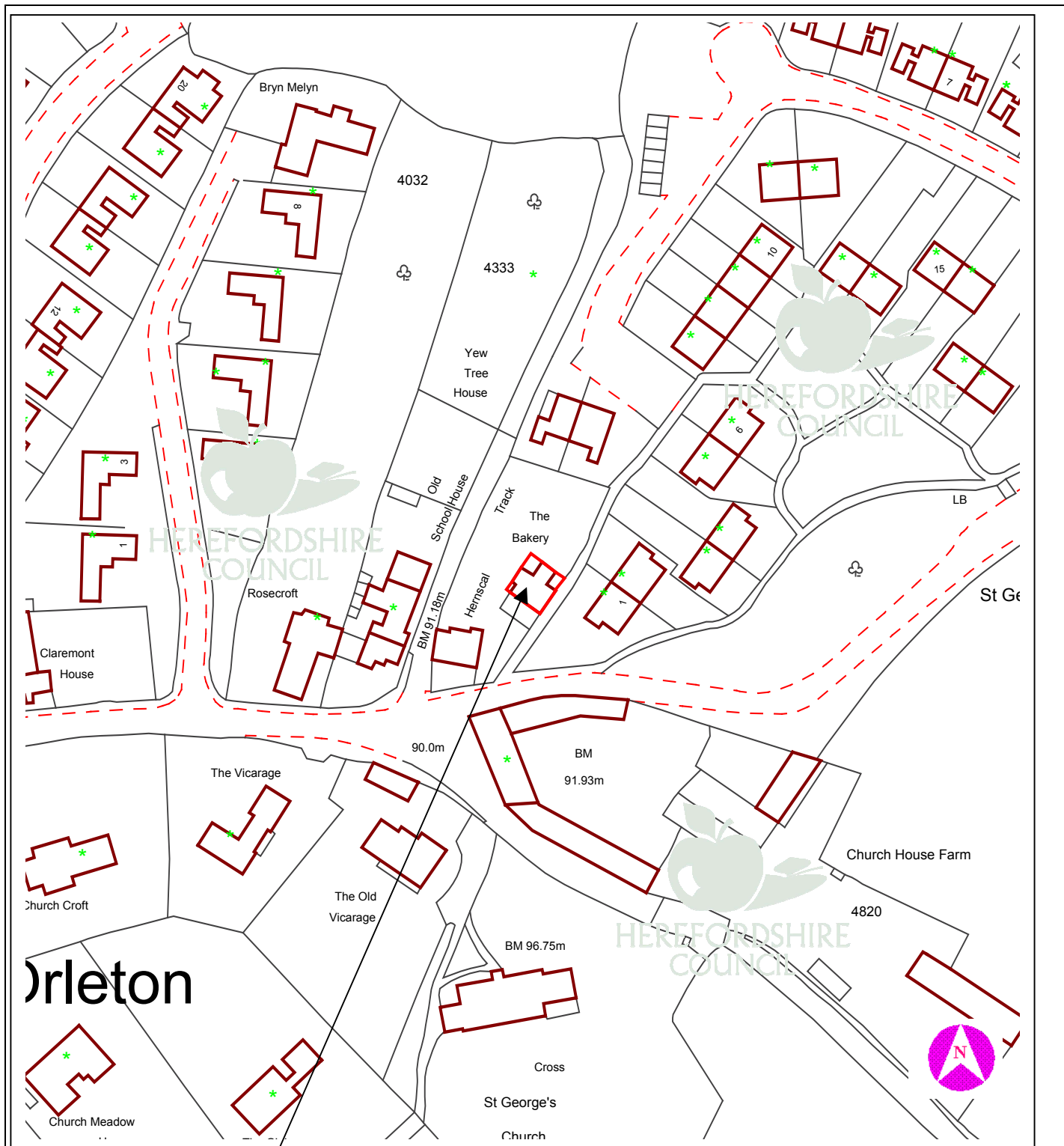
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Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNW2005/3605/C

**SCALE :** 1 : 1250

**SITE ADDRESS :** The Old Bakery, Orleton, Ludlow, Herefordshire, SY8 4HN

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**10 DCNW2005/3607/F - ERECTION OF A TWO STOREY HOUSE AT LAND AT CHAPEL HOUSE, ORLETON, NR. LUDLOW, SHROPSHIRE**

**For: Mr J Thorpe McCartneys The Ox Pasture  
Overton Road Ludlow Shropshire SY8 4AA**

**Date Received:**  
10th November 2005

**Ward:** Bircher

**Grid Ref:**  
49098, 67105

**Expiry Date:**  
5th January 2006

Local Member: Councillor S Bowen

**1. Site Description and Proposal**

- 1.1 The application site is within the curtilage of Chapel House, alongside its south western elevation. Alongside a crossroads in the centre of the village, the site is within the designated Conservation Area, on opposite side of the crossroads to a listed building, (Brick House), and the village's War Memorial. The site is screened by a wall and full hedge between itself and the adjacent public highways.
- 1.2 Surrounding dwellings are of a mixed style and design ranging from a modern design on the sites north western elevation, (Yew Tree House), to older designs such as the Post Office/Stores, and Brick House on the opposite side of the public highway, alongside the sites southern elevation.
- 1.3 The application is for the erection of a two storey 'cottage style' house, containing three bedrooms on its first floor and a lounge, kitchen/dining, utility and office on the ground floor. It is proposed to construct the dwelling using bricks for the external walls under a slate roof, with hardwood doors and windows.

**2. Policies**

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

A1 – Managing the District's Assets and Resources  
A2 – Settlement Hierarchy  
A18 – Listed Buildings and their Settings  
A21 – Development within Conservation Areas  
A23 – Creating Identity and an Attractive Built Environment  
A24 – Scale and Character of Development  
A54 – Protection of Residential Amenity  
A70 – Accommodating Traffic from Development

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

S1 – Sustainable Development  
S2 – Development Requirements  
DR1 - Design  
H4 – Main Villages: Settlement Boundaries

H13 – Sustainable Residential Design  
HBA4 – Setting of Listed Buildings  
HBA6 – New Development within Conservation Areas

## 2.3 Planning Policy Guidance Note No. 3: Housing

### 3. Planning History

- 3.1 NW05/2757/F - Erection of two storey house on land at Chapel House, Orleton, Ludlow, Shropshire - Withdrawn 15th September 2005

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Severn Trent Water - No objections to the proposal subject to the inclusion of a condition with regards to drainage works.

#### Internal Council Advice

- 4.2 Transportation Manager - Recommends that any permission, which this authority may wish to give, includes conditions with regards to visibility splays and access turning and parking.
- 4.3 Conservation Manager, no objections subject to the inclusion of a condition with regards to details of external construction materials.
- 4.4 Drainage Manager - Raises no objections.
- 4.5 Archaeological Manager raises no objections subject to the inclusion of a condition with regards to a watching brief.

### 5. Representations

- 5.1 Orleton Parish Council object to the proposed development stating:

“It is in the heart of a Conservation Area at prime crossroads of the village. Development will create inappropriate density and visual intrusion. It will diminish the quality of Chapel House and its environs and also that of Yew Tree House. It will also overshadow the War Memorial.

Any development in a Conservation Area is required to enhance the area and we cannot consider that any building on this site would do so. In fact the Parish Council feel that it will harm the Conservation Area and should be refused. The issue of road safety with the entrance at a busy crossroads still applies.

Letters of objection have been received from:

- Mrs A Taylor, 5 Mortimer Drive, Orleton, Ludlow
- Mr Richard & Mrs Jennifer Jack, Brick Corner House, Orleton, Ludlow
- Andrew & Gerry Summers, Honeymoon Cottage, Orleton
- Barbara Mark, Little Overton, Orleton
- A letter of comment has also been received from John P Bertinat, Yew Tree House, 2 Millbrook Way, Orleton, Ludlow. The letter is from the owner/occupier of the adjacent dwelling, the letter stating no objections to the proposed positioning of the new build.

The objections can be summarised as follows:

- Garden area is small where it is proposed to construct the dwelling.
- Any development here will be out of character with the village.
- Concerns about visual impact of proposal.
- Concerns with regards to access from the site onto the adjoining public highway.

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

## **6. Officers Appraisal**

6.1 The application proposes a modest cottage style two-storey dwelling with a ground floor area measuring 68.15 square meters, in a traditional architectural design. The site the proposed dwelling is to be located upon measures approximately 340 square metres. The proposed dwelling measures a height of 7.5 metres.

6.2 The Conservation Manager raises no objections to the proposed development stating that the proposed construction materials and design to a degree, are in keeping, in the character and appearance of the Conservation Area, and that the impact on the setting of the listed building (The Brick House), is likely to be minimal.

6.3 The application is a repeat of a former application subsequently withdrawn (ref. no. NW05/2257/F), due to concerns raised to the proposal from the Council's Highways Manager on the proposed public highway access to the site.

6.4 It is proposed to share the existing public highway access from the site with that of the adjacent Chapel House. The Highways Manager raises no objections to this application subject to the inclusion of conditions with regards to visibility splays, access gates and turning and parking area.

6.5 The proposed development is considered acceptable in density terms, in relationship to all surrounding dwellings, with minimal impact on the Conservation Area and setting of the adjacent listed building. Therefore the proposal will have minimal impact on the setting of the Conservation Area. Concerns raised about public highway safety from the site are not supported by the Highways Manager. The proposal is also considered acceptable in relationship to adjacent dwellings privacy and amenity. The site is also currently surrounded on its roadside boundary by a wall and tall hedge, this would help to screen any development on site. If Members are mindful to approve the application it is recommended that a condition be attached to the approval notice in order to retain the existing vegetation on the boundary.

**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 - H03 (Visibility splays )**

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

**5 - H05 (Access gates )**

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

**6 - 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.

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

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

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

**Reason:** In order that the local planning authority can control the form of development in this sensitive location.

**9 - E18 (north western)**

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

**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 - G09 (Retention of trees/hedgerows )**

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

**12 - The applicants or his/her agents or successors in title shall ensure that a professional archaeological contractor undertakes an archaeological watching brief during any development to the current archaeological standards of and to the satisfaction of the local planning authority.**

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

**Informatives:**

- 1 - HN01 - Mud on highway**
- 2 - HN05 - Works within the highway**
- 3 - HN10 - No drainage to discharge to highway**
- 4 - HN22 - Works adjoining highway**
- 5 - N15 - Reason(s) for the Grant of PP/LBC/CAC**

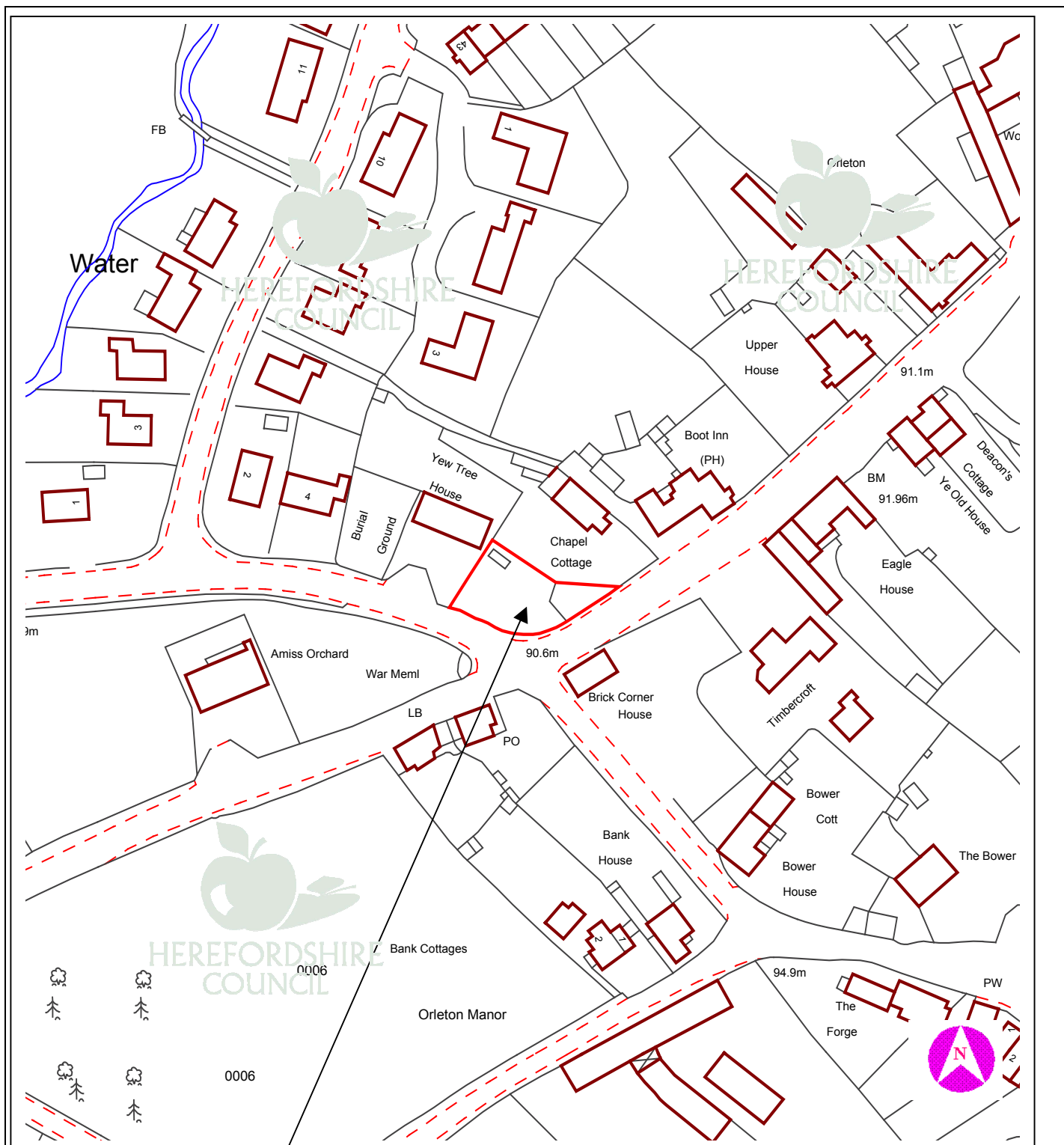
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNW2005/3607/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land at Chapel House, Orleton, Nr. Ludlow, Shropshire

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**11A DCNW2005/3737/F - CONVERSION OF AGRICULTURAL BUILDINGS TO FORM ONE HOUSE AT UPPER FARM, AILEY, KINNERSLEY, HEREFORDSHIRE.**

**11B DCNW2005/3738/L – AS ABOVE**

**For: Westate Ltd per Burton & Co, Lydiatt Place, Brimfield, Ludlow, Shropshire, SY8 4NP**

**Date Received:**  
**21st November 2005**

**Ward: Castle**

**Grid Ref:**  
**33723, 48498**

**Expiry Date:**  
**16th January 2006**

Local Member: Councillor J Hope

**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.

NW2005/2956/F - Conversion of Agricultural building to form one house - Withdrawn 4th November 2005

NW2005/2957/L - Conversion of Agricultural Building to form one house - withdrawn 4th November 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:

- Dr R and Mrs E Sykes, Ailey Farm, Ailey
- Mr & Mrs P D Cartwright, The Masons, Ailey
- Harry Ellam, Old Castle Cottage, Kinnersley.

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) The design of the proposed development is unsympathetic to the style of the original building and includes the creation of multiple new openings within its elevations.
- c) Impact of proposed conversion on the setting of the adjacent Grade II listed former farm house and the historic character of the former farmyard.
- d) Impact of the proposed internal alterations on the existing barn's character.
- e) Concerns over disposal of storm water from the site.
- f) Concerns about access from the site onto the adjoining public highway.

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

## **6. Officers Appraisal**

6.1 This is the third time an application for conversion of this barn has been submitted to the local planning authority, the previous two withdrawn. The proposed development raising much local opposition. All objectors to the previous applications have been consulted about the proposal. 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.

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 on 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.

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 last application for development at the site was withdrawn prior to the Planning Committee taking place due to concerns raised about the adequacy of the marketing of the site for alternative uses.

The applicant's agent in response to these concerns has submitted as part of this application a statement on the marketing of the site. This statement states details on the marketing of the site and concludes by stating that information provided on the marketing of the site by an internal Council consultee in response to information provided by an objector prior to the previous withdrawal was misleading and insubstantial advice. Research by the applicant's agent into the alleged offer made for alternative use leads then to conclude that this offer was not a genuine offer.

The Council's Lead Valuer and Estates Surveyor has been re-consulted on the application and raises no adverse comments with regards to the proposed development in relationship to marketing of the site.

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 first application was withdrawn to allow for consideration on 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 in planning terms. If Committee are mindful to approve the application, it is recommended that a condition be attached to any approval notice issued, 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 barn is located, in very close proximity to a residential dwelling and therefore certain commercial uses would not be feasible in planning terms, residential use therefore considered the most appropriate and sustainable use, in order to retain this former farmstead's original historic character.

## RECOMMENDATION

### DCNW2005/3737/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 )**

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

**13 - H05 (Access gates )**

**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 garden/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

DCNW2005/3738/L

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

- 1 - CO1 (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**

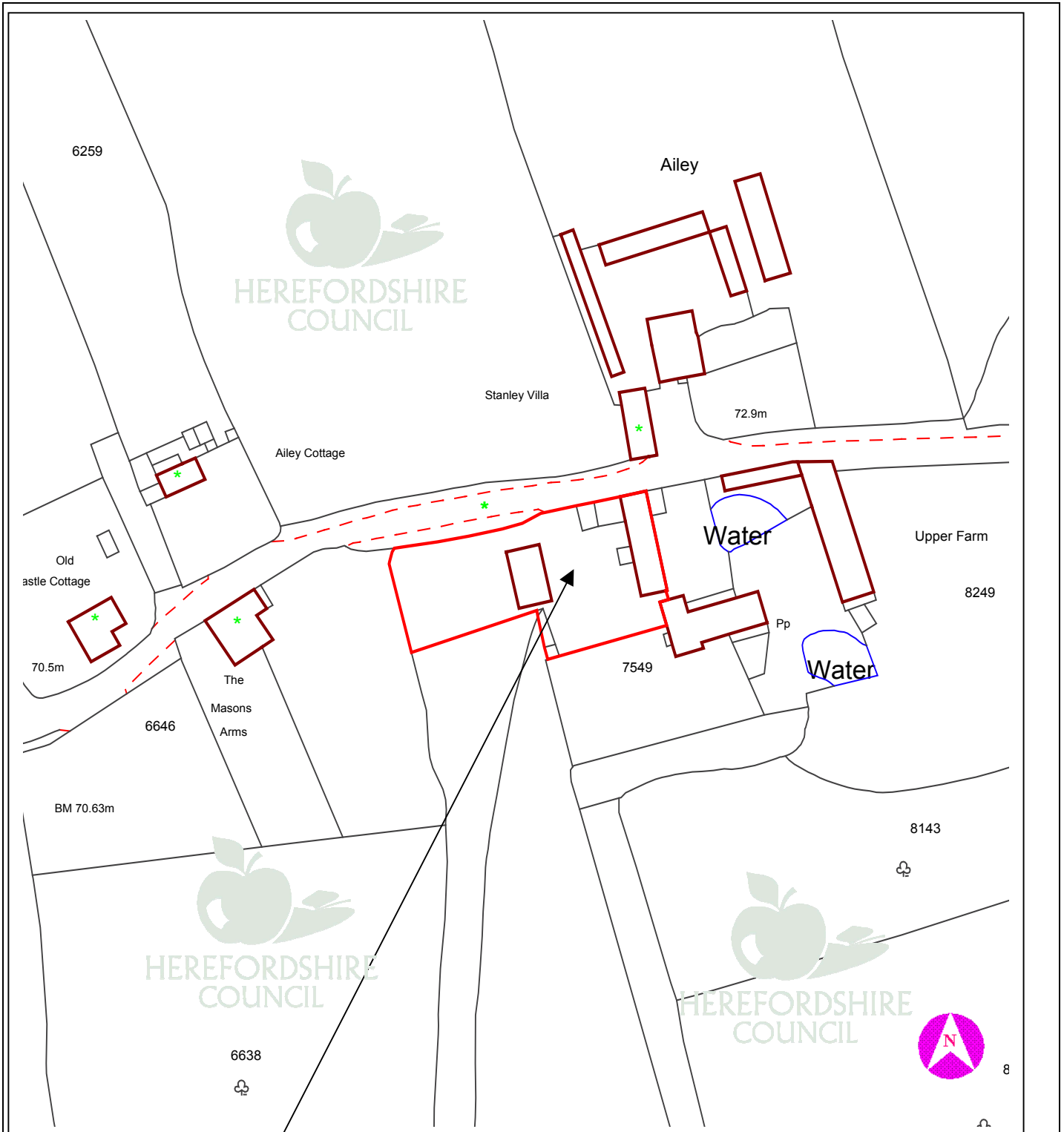
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNW2005/3737/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Upper Farm, Ailey, Kinnersley, Herefordshire.

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**12 DCNC2005/3626/F - CONVERSION OF REDUNDANT FARM BUILDINGS TO FOUR HOUSES AND ERECTION OF ONE HOUSE AT SITE ADJACENT TO LUSTON COURT, LUSTON, LEOMINSTER, HEREFORDSHIRE**

**For: Mrs M Jones per Burton & Co Lydiatt Place  
Brimfield Ludlow Shropshire SY8 4NP**

**Date Received:**  
11th November 2005

**Ward:** Upton

**Grid Ref:**  
48677, 63472  
AJ/MM

**Expiry Date:**  
6th January 2006

Local Member: Councillor J Stone

**1. Site Description and Proposal**

- 1.1 The site is located within the settlement boundary of the village of Luston, to the north of the market town of Leominster.
- 1.2 The site consists of two existing agricultural barns on 0.11 ha (approximately) of land.
- 1.3 The proposal is for the conversion of redundant farm buildings to four houses and the erection of one additional dwelling. This is a resubmission of the former full application DCNC2005/2513/F which was refused 27 September 2005 solely on highway safety.
- 1.4 The additional dwelling is located within the settlement boundary and is appropriate in transportation policy terms bringing the total dwellings using the private drive to five, the maximum number for private drives. The applicant has an extant permission to erect one dwelling on this site. The prior permission will not be implemented should this application receive approval.
- 1.5 The Agent has proposed ensuring no gable end windows are required for later Building Regulation requirements by adding a window to the first floor east elevation, and a timber shutter within the existing threshing bay opening on the first floor west elevation. This sensitive proposal removes any overlooking concerns to the east elevation and improves lighting to the west elevation.

**2. Policies**

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

A1 – Managing the District's Assets and Resources  
A2 – Settlement Hierarchy  
A18 – Listed Buildings and their Settings  
A21 – Development within Conservation Areas  
A24 – Scale and Character of Development

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

S3 – Housing

DR3 – Movement

H1 – Hereford and the market towns: settlement boundaries and established residential areas

H4 – Main Villages: settlement boundaries

H14 – Re-using previously developed land and buildings

H15 – Density

H18 – Alterations and extensions

NC8 – Habitat creation, restoration and enhancement

HBA1 – Alterations and extensions to listed buildings

HBA3 – Change of use of listed buildings

HBA4 – Setting of listed buildings

HBA6 – New development within Conservation Areas

HBA12 – Re-use of rural buildings

HBA13 – Re-use of rural buildings for residential purposes

2.3 PPG3 - Housing

PPG13 - Transport

PPG15 – Planning and the Historic Environment

**3. Planning History**

NC2005/2514/L - Listed Building application for conversion of redundant barns to four houses. Approved 22.9.05.

NC2005/2513/F - Full application for the conversion of redundant barns to four houses and erection of one house. Refused 22.9.05.

79/487 – Erection of one dwelling to include improved access. Approved 1979. Works commenced on the access confirmed the implementation of the proposal.

**4. Consultation Summary**Statutory Consultations

4.1 Welsh Water: Have no objection and request conditions.

4.2 Herefordshire Nature Trust - No response.

Internal Council Advice

4.3 Conservation Manager: No objection.

4.4 Traffic Manager: Objects to the proposal - the visibility splays are below the absolute minimum acceptable level.

**5. Representations**

5.1 Luston Parish Council: Objection due to:

1) overdevelopment

2) smaller car park

- 3) restricted access
- 4) loss of amenity to local residents
- 5) overlooking of Luston Court

5.2 Representations have been received from:

Mr and Mrs Shepherd, Luston Court, Eye Lane, Luston, HR6 0DU  
F M Norman, The Folly, Yarpole Lane, Luston, HR6 0BX  
Ms M Percy, 3 Manor Way, Eye Lane, Luston, HR6 0DS  
Miss Emma Gentle, Littlebrook Cottage, Eye Lane, Luston, HR6 0DU

The first respondent makes a number of comments though including no objection to development of the barns where sensible and not overdeveloped. Valid planning considerations are raised concerning the design of the proposed new building; traffic levels on the B4361; existing windows of the barns overlooking their garden.

The comments are dealt with in the Officer's Appraisal below.

The latter three respondents support the application and comment on the need to use the barns before they deteriorate beyond repair.

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 relevant issues for this proposal include:

- Transportation – visibility splays, parking, access
- Overdevelopment
- Loss of amenity and overlooking
- Character of buildings

### Transportation

6.2 The new application improves on the earlier proposal with sufficient visibility splays on the village side. The splay on the Eye Lane side measure 14.5 rather than the required minimum of 30 metres. However, in your officer's view, the visibility splay is now sufficiently improved to override this objection.

6.3 The parking provision remains exactly the same as for the previous application and as there is no objection to either parking provision or access from the Conservation or Transportation Managers, these concerns are mitigated.

### Over development

6.4 The additional dwelling is in principle permitted due to the prior approval. The current proposal is for 5 dwellings on a 0.11 ha site, which is less than 50 dwellings per hectare within the settlement boundary, which is in accord with PPG3. There is therefore no sustainable objection to the proposal on the grounds of overdevelopment.

Amenity and overlooking

- 6.5 In principle the site is acceptable for conversion to residential use, being within the settlement boundary, furthermore there are no objections from the Conservation Manager.
- 6.6 The comments regarding traffic and street parking are noted but are not considered sufficient to warrant refusing this application.
- 6.7 The concerns over overlooking from the existing openings in the barns are also noted. There are a number of existing openings that are not being used on the west elevation, and only those for bathrooms and utility are being retained, though obscure glazed. The neighbours' concerns are relevant, however the proposal to obscure glaze them is considered sufficient to mitigate neighbours' concerns, given that these are not living or bed rooms.

Character of buildings

- 6.8 It is considered that the manner of conversion respects the traditional character of the buildings, and therefore complies with relevant policies. Members are reminded that Listed Building Consent for the conversion already exists. Furthermore it is not considered that the erection of the new dwelling is detrimental to the setting of these buildings, and enhances the setting of the Conservation Area.

Visibility splays

- 6.9 The only objection that remains extant is for visibility splays, and this, in your officer's opinion in this instance, is sufficiently mitigated when balanced with the proposed re-use of currently deteriorating historic rural property.

**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 - This permission should be implemented only in lieu of, and not in addition to, the extant planning permission 79/487 dated 1979.**

**Reason: To prevent overdevelopment of the site.**

**Informative:**

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



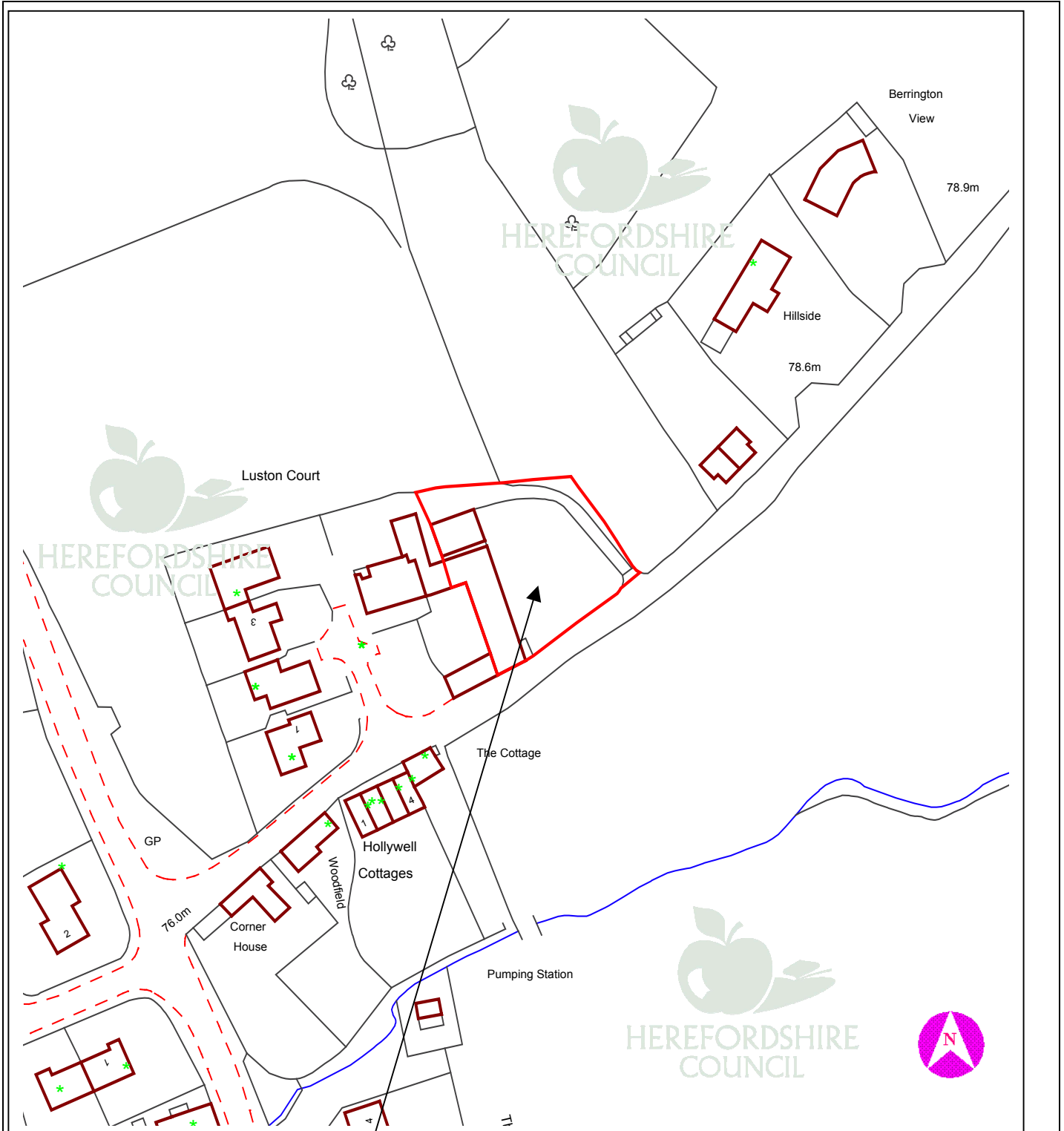
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNC2005/3626/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Site adjacent to Luston Court, Luston, Leominster, Herefordshire

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**13 DCNC2005/3734/F - RETROSPECTIVE APPLICATION FOR TWO STOREY SIDE EXTENSION TO DWELLING AT LAVENDER COTTAGE, UPPER SAPEY, WORCESTER, HEREFORDSHIRE, WR6 6XT**

**For: Mr P Davis per Linton Design Group, 27 High Street, Bromyard, Herefordshire, HR7 4AA**

**Date Received:**  
18th November 2005

**Ward: Bringsty**

**Grid Ref:**  
68384, 62866

**Expiry Date:**  
13th January 2006

Local Member: Councillor Tom Hunt

**1. Site Description and Proposal**

- 1.1 The site is located in the open countryside in the hamlet of Upper Sapey in the far north-north east of the County.
- 1.2 The application is retrospective for a two-storey side extension. This comprises changing hip ends to gables, an 8m extension and raising the roof by approximately 50cm throughout the dwelling to retain one single roofline. The chimney is removed and first floor gable ends each have an additional window.

**2. Policies**

2.1 Malvern Hills District Local Plan

Housing Policy 4: Development in the Countryside  
Housing Policy 16: Extensions  
Landscape Policy 1: Development Outside Settlement Boundaries  
Landscape Policy 3: Development in Areas of Great Landscape Value

2.2 Herefordshire Unitary Development Plan (Revised Deposit draft)

Policy H.18: Alterations & Extensions  
Policy LA.2: Landscape Character & Areas Least Resilient to Change

**3. Planning History**

DCNC2005/1019/F – Extension Approved – 25/05/2005

DCNC2005/2918/F – Retrospective application retaining a double garage and gym, and increasing the height of the bungalow with overhanging eaves – Refused 31/10/2005

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

##### Statutory Consultations

4.1 None required

##### Internal Council Advice

4.2 Transportation Manager: No objection

#### **5. Representations**

5.1 Upper Sapey Parish Council: Objection:

- Extension: Roofline of extension, matches new roofline – no subservient contrary to prior permission.
- Extension massing and size unacceptable in this locality and for dwelling itself.
- Incorrect site plan.
- Extension on unstable made up ground.

5.2 An objection has been received from Mr & Mrs Smith, Bregawn, Upper Sapey, WR6 6XT, and summarised as follows:

- Non compliance past permissions
- Not in keeping with local vernacular
- Infill materials imported from off-site
- Raised roofline
- Loss of privacy
- Over extension
- Access
- Ownership – part of site is in objectors ownership
- Inadequate/unexplained drainage foul and surface water.

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 Earlier this year an application was made by the same applicant (ref. DCNC2005/1019/F) for the single storey extension with conservatory and the insertion of eight dormer windows, a new access with brick wall and iron gates. The Officer's report clarified that this proposal replaced a dilapidated extension with living room and conservatory to the southern elevation. With no responses and no objection from any consultees the Officer considered the proposal not to be harmful to the acknowledged visual qualities of the area and was recommended for approval, approved 24/05/2005.

6.2 Subsequently, a retrospective application for alterations and extension to the dwelling and new detached garage and gym was received. The case officer's report comments that the development had not been built in accordance with the previously approved plan. In the officer's opinion the alterations and extension to the cottage were not so significantly different to the approved plans to justify a refusal, but those for the garage were. This application was therefore refused on the grounds that "the

height, bulk and position of the garage/gym building to the boundary of the site has an adverse overlooking and overshadowing impact upon the amenity of the neighbour. Accordingly, it is considered the retention of the building in this position conflicts with Housing Policy 16 of the Malvern Hills District Local Plan”.

6.3 This is now an enforcement matter.

6.4 The Parish’s and neighbour’s objections are discussed below.

- Non-compliance is self-evident yet in your officer’s opinion the difference between permitted plans and existing building is considered insufficient for a sustainable refusal. Your officer can only recommend approval for this application.
- Raised Roofline It is local practice to ensure extensions have subservient rooflines to original buildings. However, as this was accepted in principle in the previous permission of 24/05/05 (ref. DCNC2005/1019/F) it cannot be sustained as a valid objection.
- Design/Bulk/Massing It is not considered that there are grounds for refusal on these matters.
- Loss of Privacy This is a matter of importance for the neighbours and may be deemed a refusal reason. However, it is not considered the matter sufficiently obvious to be sustained at appeal given the recent planning history of approval of a very similar design.
- Drainage can be conditioned.
- Access has been dealt with in prior applications.

6.5 On balance, it is considered that there are insufficient grounds for refusal. The proposal therefore complies with the relevant Local Plan policies.

**RECOMMENDATION**

**Recommend that this application be approved subject to the following drainage condition:**

- 1 - A scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the local planning authority within three months of the date of this approval.**

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

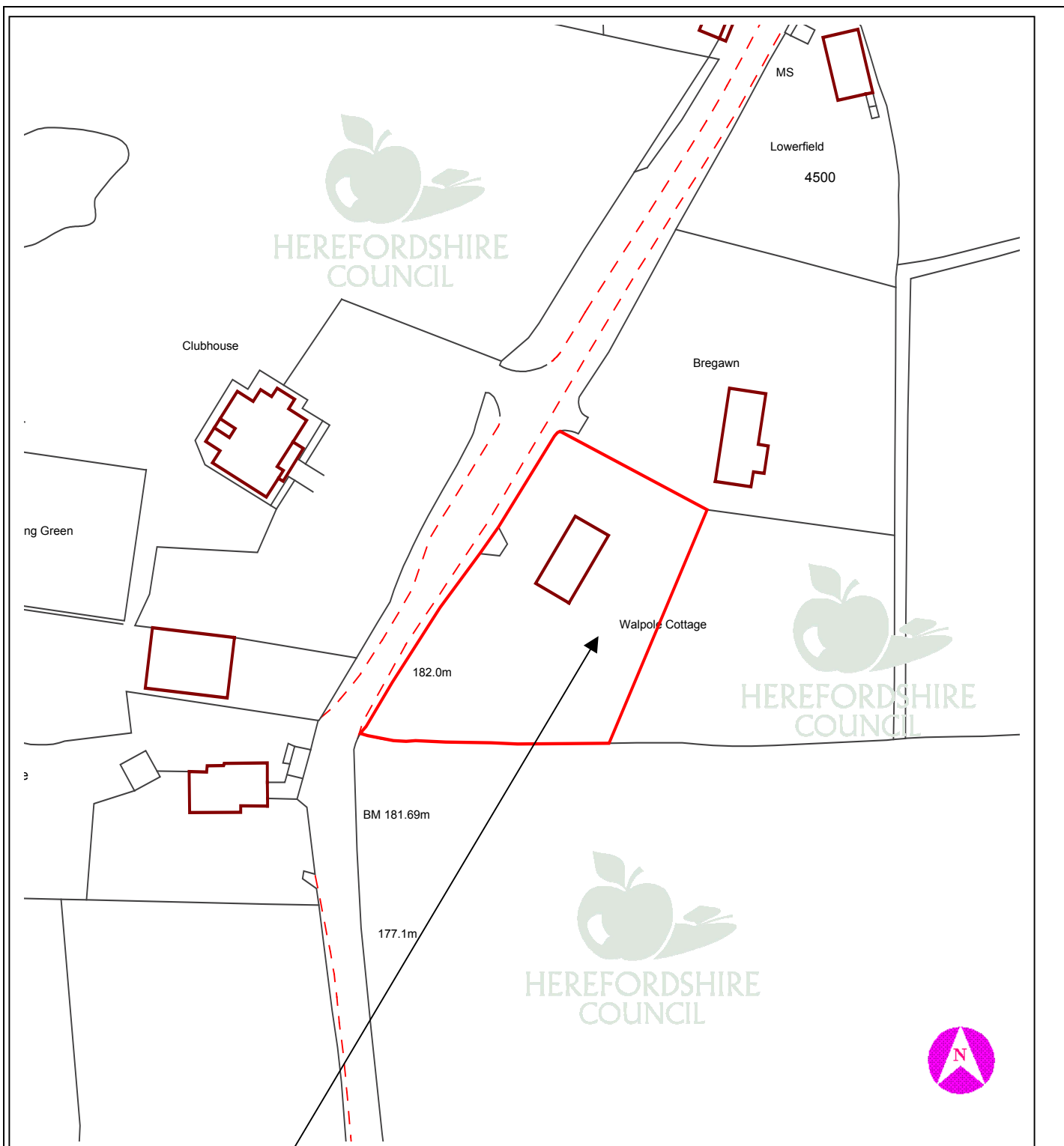
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNC2005/3734/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Lavender Cottage, Upper Sapey, Worcester, Herefordshire, WR6 6XT

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## **14 DCNC2005/3503/F - AGRICULTURAL STORAGE BARN AT LAND ADJACENT TO BUTT OAK FARM, RISBURY, LEOMINSTER, HEREFORDSHIRE**

**For: Mrs A Ivall at same address**

**Date Received:**  
**1st November 2005**

**Ward: Hampton Court**    **Grid Ref:**  
**55425, 54938**

**Expiry Date:**  
**27th December 2005**

Local Member: Councillor K Grumbley

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

- 1.1 The application site comprises approximately 3 hectares of land and buildings including stables and a residential dwelling. The site lies in open countryside on the eastern edge of the village of Risbury on the north side of the C1110
- 1.2 This application seeks consent for one agricultural storage barn to be sited within land owned by the applicant and within close proximity of the existing buildings at Butt Oak Farm. The proposed barn would be 12.19m in length and 6.096m in width with an eaves height of 3.6m and a maximum roof height of 4.5m. The materials proposed are box profile steel sheeting for the sides and fibre cement sheeting for the roof. The barn would be totally enclosed with access via a large galvanised sheeted steel box section door on the gable end.
- 1.3 The barn would be sited close to the boundary with the C110. An access exists onto the highway close to the proposed barn.
- 1.4 The surrounding land is predominantly in use for agricultural and equestrian purposes although there are properties in relatively close proximity to the south of the site, on the opposite side of the C1110. The proposed barn would be sited in a large field currently used for grazing. It would be sited close to the boundary, which is characterised by a mature mixed deciduous hedgerow and offers a certain amount of screening from the surrounding area. Ground levels within the site fall away towards the north. The barn would therefore be sited on the most elevated part of the site.

### **2. Policies**

#### **2.1 National Guidance**

PPS7 – Sustainable Development in Rural Areas

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

Policy CTC9 – Development Requirements  
Policy A3 – Agricultural Buildings

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

Policy A1 – Managing the District’s Assets and Resources  
Policy A2(D) – Settlement Hierarchy  
Policy A9 – Safeguarding the Rural Landscape  
Policy A10 – Trees and Woodland  
Policy A12 – New Development and Landscape Schemes  
Policy A24 – Scale and Character of Development  
Policy A35 – Small Scale New Development for Rural Businesses within or around Settlements  
Policy A70 – Accommodating Traffic from Development

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

S1 – Sustainable Development  
S2 – Development Requirements  
DR1 – Design  
DR2 – Land Use and Activity  
LA5 – Protection of Trees, Woodlands and Hedgerows  
LA6 – Landscaping Schemes  
E6 – Expansion of Existing Businesses  
E13 – Agricultural and Forestry Development

**3. Planning History**

NC2005/2777/F - Proposed Agricultural Storage Barns. Refused 14.10.05

**4. Consultation Summary**Statutory Consultations

4.1 None required

Internal Council Advice

4.2 Traffic Manager raises no objection

4.3 Head of Environmental Health and Trading Standards raises no objection if use restricted to storage.

**5. Representations**

5.1 Humber Parish Council wishes to emphasise its view that this barn must be for agricultural purposes only. Otherwise it has no further comments.

5.2 One letter of objection has been received from the Mr Kelsal, Gallop View, Risbury, Leominster, HR6 0NQ.

The concerns raised can be summarised as follows:-

- a) The land in question forms part of Butt Oak Farm, which currently enjoys sufficient outbuildings i.e. eleven stables, tack and feed buildings, hay and straw pole barn.
- b) I see no new evidence for need and no justification for building on pasture land.

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

## **6. Officers Appraisal**

6.1 The main considerations in the determination of this application are as follows:-

1. the principle of the proposed development and its intended use
2. the visual impact of the proposed building
3. the implications for the residential amenity of neighbouring occupiers

### Principle and Intended Use

6.2 The application site lies in open countryside where development proposals are strictly controlled by Policy A2(D) of the Leominster District Local Plan (Herefordshire). However the policy defines a series of exceptional circumstances, which include development, associated with the efficient running of agricultural or forestry enterprises and small-scale employment generating uses that comply with other more detailed policy requirements outlined in the Local Plan.

6.3 The storage currently at Butt Oak Farm is insufficient and of a lean to construction, it is used to park the applicants' vehicles and trailers. Some of the stables are currently being used to put hay and straw into because of lack of space. This is delivered in small quantities, which makes it expensive.

6.4 The storage barn is also required for housing the tractor, trailer and associated implements required for the upkeep of 7 acres. These are presently kept out in the open, exposed to the weather, and deteriorating.

6.5 In response to the one objection raised locally, the applicant has sought to clarify the intended use of the site. The previous application sought the erection of two barns, one for agricultural purposes and the second for industrial purposes. The applicant was advised that the industrial use would not be appropriate in this location and the application was subsequently refused. This current application seeks consent for a barn for agricultural purposes only.

6.6 It is accepted that there is a justification for the building as proposed and that subject to the satisfaction of other detailed policies, the principle is an acceptable one having regard to Policies A2(D) and A35 of the Local Plan.

### Visual Impact

6.7 The site and surroundings comprise an attractive, although undesignated area of open countryside characterised by agricultural use and scattered farm holdings and dwellings. The site itself maintains a reasonable level of screening along its boundaries. The applicant intends to retain all of the existing planting along the southern boundary.

- 6.8 It is therefore considered that with appropriate conditional controls, the proposed agricultural barn could be successfully integrated into the local landscape without significant detriment.

Residential Amenity

- 6.9 It is not considered that the applicants' proposal would result in any activities that would be beyond what would be considered normal for this location. This is open countryside that is characterised by agricultural practices.
- 6.10 The Head of Environmental Health and Trading Standards raised no objection and therefore subject to a restriction on agricultural storage purposes only, the proposal is considered to be acceptable.

Conclusion

- 6.11 It is considered that the addition of this barn for the purposes of agricultural storage to provide sufficient and appropriate space is acceptable. Butt Oak Farm is an equestrian establishment with restricted facilities and no large storage units. Modern farming (and equestrian businesses) require more space for larger equipment and storage of fodder in bulk to help reduce costs.

## 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 - B10 (Details of cladding (agricultural and industrial buildings )**

**Reason: To minimise the visual impact of the development.**

- 4 - E10 (Use restricted to that specified in application ) (agricultural storage)**

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

- 5 - There shall be no floodlighting or external lighting installed at the site without the approval in writing of the Local Planning Authority.**

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

6 - F48 (Details of slab levels )

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

7 - G09 (Retention of trees/hedgerows )

Reason: To safeguard the amenity of the area.

8 - H16 – Parking/unloading provision – submission details

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

Informative:

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

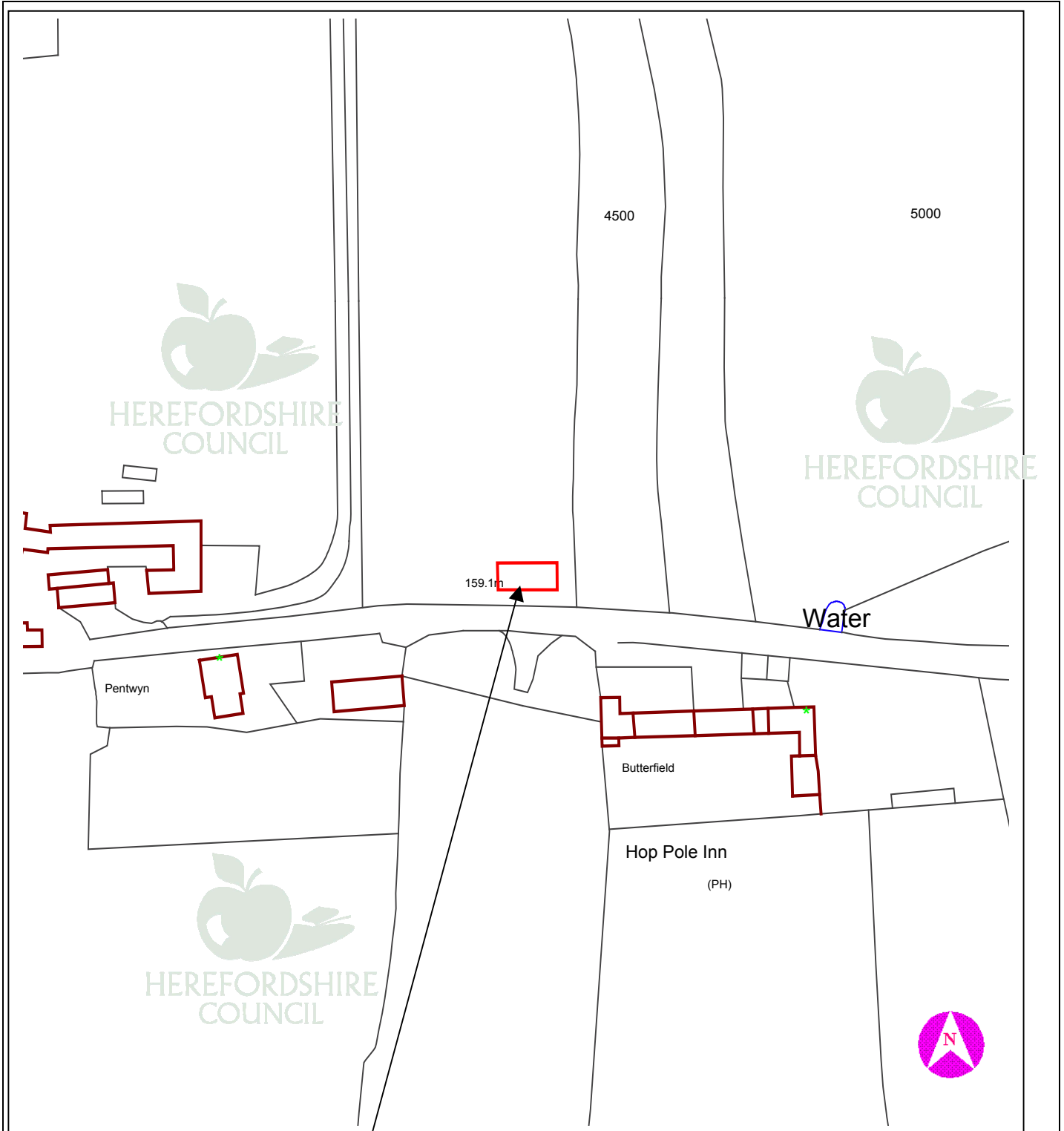
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNC2005/3503/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land adjacent to Butt Oak Farm, Risbury, Leominster, Herefordshire

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**15 DCNC2005/3164/F - PROPOSED 2 NO THREE  
BEDROOM DWELLINGS AT LAND NW OF  
STONEHOUSE, BODENHAM, HEREFORD HR1 3HS.**

**For: Mr S Davies at same address**

**Date Received:  
3rd October 2005**

**Ward: Hampton Court    Grid Ref:  
54439, 50067**

**Expiry Date:  
28th November 2005**

Local Member:    Councillor K Grumbley

**1. Site Description and Proposal**

- 1.1 The application site comprises approximately 0.05 hectares of land, which is presently overgrown garden area belonging to Laxton Barn. The site lies within the settlement boundary classified as The Moor, Bodenham, to the south of the main body of the village. It is accessed by the unclassified 94021 and is approximately 30 metres from the junction with the C1125, the main road that runs through the village of Bodenham.
- 1.2 This application seeks full planning consent for the erection of two detached dwellings with integral garages. The dwellings would be two-storey individually designed properties that would provide three bedroom accommodation each with a floor area of approximately 130 square metres.
- 1.3 Each plot would benefit from private amenity space to the front, rear and side of the property. The properties would provide off road parking with sufficient turning and parking space for 2 or 3 vehicles.
- 1.4 The immediate area is characterised by period properties to the southeast of the site, with a frontage onto the C1125 and more modern dwellings, both bungalows and houses opposite the site, to the north. There is open countryside to the southwest and northwest. The village settlement boundary follows the site curtilage on the southwest and northwest boundaries.

**2. Policies**

**2.1 National Guidance**

PPS1 – Delivering Sustainable Development  
PPG3 – Housing  
PPS7 – Sustainable Development in Rural Areas

**2.2 Hereford and Worcester Country Structure Plan**

Policy CTC9 – Development Requirements  
Policy H16A – Development in the Rural Areas

### 2.3 Leominster District Local Plan (Herefordshire)

Policy A1 – Managing the District’s Assets and Resources  
Policy A2(C) – Settlement Hierarchy  
Policy A16 – Foul Drainage  
Policy A23 – Creating Identity and an Attractive Built Environment  
Policy A24 – Scale and Character of Development  
Policy A54 – Protection of Residential Amenity  
Policy A55 – Design and Layout of Housing Development

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

S1 – Sustainable Development  
S2 – Development Requirements  
DR1 – Design  
DR2 – Land Use and Activity  
H4 – Main Villages: Settlement Boundaries

## 3. Planning History

None.

## 4. Consultation Summary

### Statutory Consultations

4.1 None required

### Internal Council Advice

4.2 Traffic Manager raises no objection subject to conditions.

4.3 Head of Forward Planning - The application site lies within the settlement boundary and the principle of this development is acceptable from a policy point of view. The application should adhere to Policy DR1 Design in the Revised UDP. The location of the development is relatively close to a Y shaped junction and formal comments from Highways may be needed.

## 5. Representations

5.1 Bodenham Parish Council - accepts that the site lies within the settlement boundary, however it is concerned about the bland design, which will do little to respect or enhance the local distinctiveness at this edge of village site. The proposal by means of mass, height, design and materials and lack of attention to the topographical context will have a detrimental impact on visual and neighbours' residential amenity.

5.2 Four letters of objection have been received from local residents.

The concerns raised can be summarised as follows:-

- This is a narrow lane which is already busy



- Development would lead to further congestion
  - There is no mains sewer and mains water
  - Disposal of surface water into the ditch would add to flooding the C1125
  - Design is inappropriate to the surrounding area
  - Should be lowered - plot is already above road level.
  - Access is dangerous
  - Loss of privacy
  - No street lighting and pavements therefore further building is inappropriate
- 5.3 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford, and prior to the Sub-Committee meeting.

## 6. Officers Appraisal

- 6.1 The main considerations in the determination of this application are as follows:-
- a) the principle of the proposed development
  - b) the visual impact of the proposed buildings
  - c) the implications for the residential amenity of neighbouring occupiers

### Principle and Intended Use

- 6.2 The application site lies within the settlement boundary for The Moor, Bodenham where development proposals are controlled by Policy A2(C) of the Leominster District Local Plan. The policy defines that small scale development will be permitted within defined settlement boundaries. It is deemed appropriate for this parcel of land to be used for residential development and therefore there is no objection to the principle of the development.

### Visual Impact

- 6.3 The site and surroundings comprise a variety of property types and designs which include barn conversions, black and white timber dwellings, modern red brick houses and modern bungalows. The style of dwelling is perhaps more consistent on the main village street, where more traditional properties dominate, however, the application site is located in the lane off this main village street which is dominated by modern dwellings with less architectural merit.
- 6.4 It is considered that the proposed dwellings would not be significantly detrimental to the outlook of the surrounding properties to the north and east. The site is elevated from the road but not to such an extent that any new build would tower above the existing properties. The ridge height of the proposed dwellings is a modest 7.5 metres and the properties are designed with single storey elements to provide sufficient living accommodation whilst reducing the bulk of the two-storey building. Both the proposed dwellings have a narrow two storey frontage and fenestration detailing consisting of brick soldiers and arches. The materials proposed for the construction of the dwellings are Ibstock Nostell Priory weathered red facing bricks and Eternit slates. It is considered that these materials would be acceptable. However, a condition is suggested to ensure prior approval.
- 6.5 It is therefore considered that with appropriate conditional controls, the proposed dwellings could be successfully integrated into the local landscape without significant detriment.

Residential Amenity

- 6.6 It is not considered that the applicants' proposal would result in any activities that would be beyond what would be considered normal for this location. This is an edge of village location with residential properties to the north and east. The dwellings are positioned an acceptable distance from surrounding properties; 25 metres between the front elevations of the proposed properties and the existing to the north (on the other side of the lane) and 7 metres between the side elevation of the adjacent property to the east and the side elevation of Plot one. To the rear, the garden areas of the proposed dwellings join the rear garden areas of the properties that front the C1125. The area is very open with few curtilage boundaries and it is considered that there would be no significant increase in loss of privacy in this area.

Conclusion

- 6.7 In Policy terms, the proposal for the development of this infill plot within the village settlement boundary is acceptable. The plots are of sufficient size to accommodate the proposed three bed properties, albeit with less curtilage than most of the surrounding dwellings. The design is considered acceptable and appropriate in this location; the detailing, proposed materials, differing orientation of the gable ends and variety of roof pitches provide interest within this modern development. As such, the scheme should be support subject to the following conditions.

**RECOMMENDATION**

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

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

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

- 2 - 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 (general) )**

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

- 4 - F48 (Details of slab levels )**

**Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.**

- 5 - G09 (Retention of trees/hedgerows )**

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

- 6 - H03 (Visibility splays ) (2m x 33m) (Plot 2)**

**Before any other works hereby approved are commenced, visibility splays for Plot 2 shall be provided from a point 0.6 metres above ground level at the centre**

of the access to 2 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 33 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

- 7 - H03 (Visibility splays) (2m x 33m L, 2m x 20m R) (Plot 1)

Reason: In the interests of highway safety.

- 8 - H05 (Access gates ) (5m)

Reason: In the interests of highway safety.

- 9 - H09 (Driveway gradient )

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.

- 11 - F16 – Restriction of hours during construction

Reason: To protect the amenity of local residents.

- 12 - F18 – Scheme of foul drainage disposal

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

**Informatives:**

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

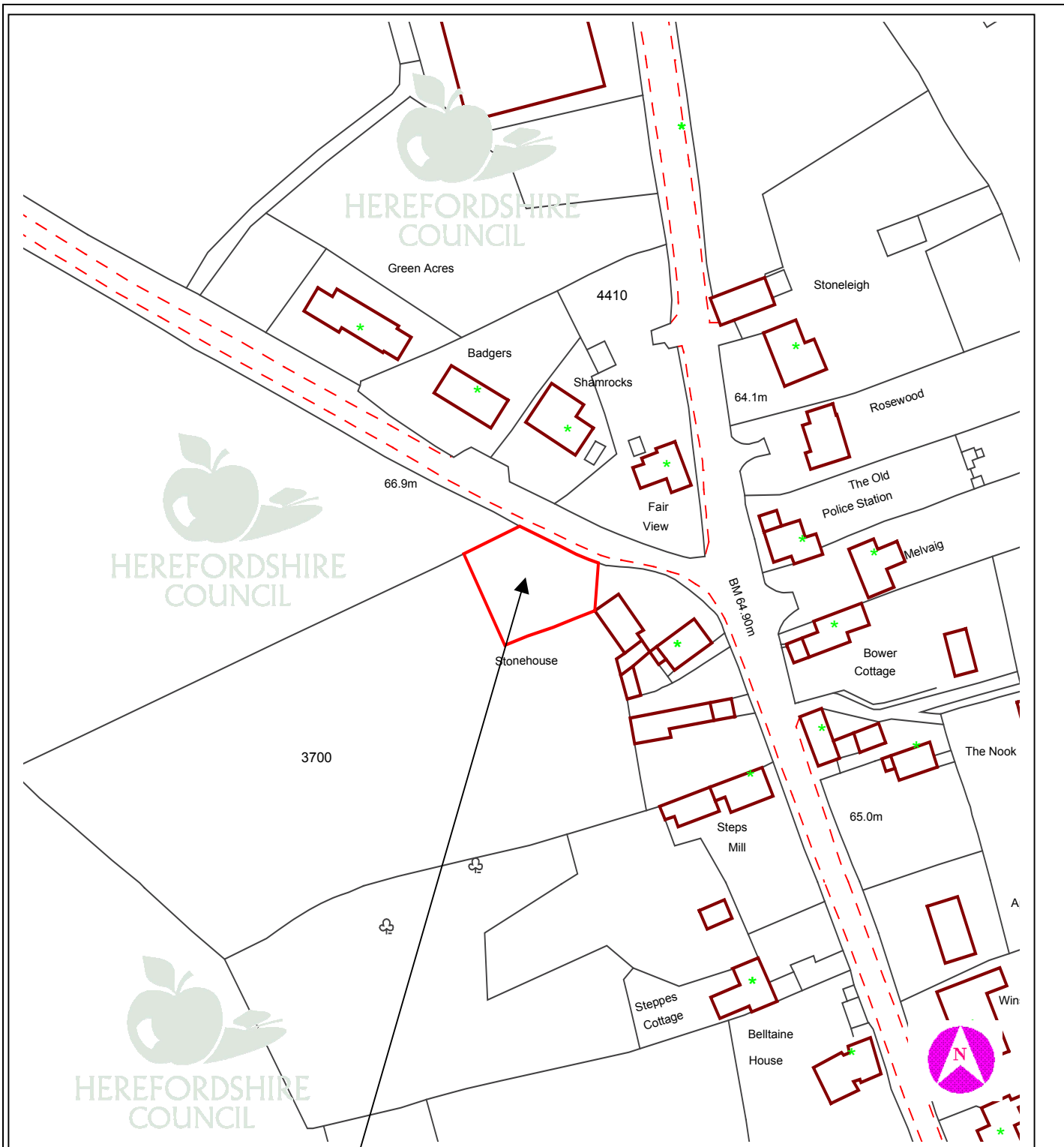
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNC2005/3164/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land NW of Stonehouse, Bodenham, Hereford HR1 3HS.

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**16 DCNC2005/3639/F - DEMOLITION OF EXISTING HOUSE AND ERECTION OF 3 NO. DETACHED HOUSES WITH INTEGRAL GARAGES AT 6 LINTON LANE, BROMYARD, HEREFORDSHIRE, HR7 4DQ**

**For: Morpheus Construction Ltd, Linton Design Group,  
27 High Street, Bromyard, Herefordshire, HR7 4AA**

**Date Received:**  
11th November 2005

**Ward: Bromyard**

**Grid Ref:**  
65545, 54374

**Expiry Date:**  
6th January 2006

Local Member: Councillor B Hunt

**1. Site Description and Proposal**

- 1.1 This site is located within the town boundary of Bromyard. There are existing dwellings on the opposite side of the road and on either side of the site with a mobile home park to the rear. The site itself comprises an existing red brick dwelling set in the middle of a large garden. There is an existing vehicular access in the north-west corner of the site onto Linton Lane. The site slopes down towards the south and east.
- 1.2 This application is for full planning permission to demolish the existing dwelling on site and erect three new dwelling houses with brick and render on the walls with plain tiles on the roof. The existing vehicular access point will remain unchanged. Parking places for three cars will be provided within the site in front of each dwelling plus an integral garage.

**2. Policies**

**2.1 Planning Policy Guidance:**

PPS1 – Delivering Sustainable Development  
PPG3 – Housing

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

Policy CTC9 – Development Criteria  
Policy H2B – Location of Housing (General)

**2.3 Malvern Hills District Local Plan:**

Housing Policy 2 – Development in Main Towns  
Housing Policy 3 – Settlement Boundaries  
Housing Policy 17 – Residential Standards  
Bromyard Housing Policy 1

## 2.4 Unitary Development Plan (Revised Deposit Draft)

Policy S2 – Development Requirements

Policy DR1 – Design

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

## 3. Planning History

3.1 MH96/0471 - New house and garage, Planning Permission 10-07-96

## 4. Consultation Summary

### Statutory Consultations

4.1 None

### Internal Council Advice

4.2 The Transportation Manager has no objection.

4.3 The Conservation Manager has no objection. The site is beyond the Conservation Area. The houses sit well into the site and the building line and boundary wall which contribute to the Conservation Area will be retained. Samples of external materials and details of landscaping should be required to ensure appearance of adjacent Conservation Area is maintained.

## 5. Representations

5.1 Town Council: 'My Town Council's Planning Committee resolved not to support this application. The siting of the three houses proposed in the positions shown on the layout plans accompanying this application would result in considerable overlooking of neighbouring mobile homes stationed on adjoining lower land to the east, both from the first floor rear windows and balconies and the short rear gardens of those proposed houses. This in turn would be likely to harm the amenities and privacy presently enjoyed by the occupants of those existing dwellings to an unacceptable degree.'

5.2 To date (i.e. at the time of drafting this report as site notice time period expires on 23 December 2005) two letters of objection have been received from the following:-

Mr & Mrs R Cornwell, 2 Frome View, Bromyard, Herefordshire, HR7 4DQ  
Occupiers of 61 to 65 Linton Park, Linton Lane, Bromyard, Herefordshire, HR7 4DB

The main points being:-

- Planning permission has previously been granted for an additional single storey dwelling on this site. This current application for 3 properties on the site is one too many.
- The existing house on site does not overlook objectors bungalow. The proposed house on plot 1 will be closer to objectors house than the existing single house on site. As a result the proposed dwelling will remove privacy and windows will look into objectors kitchen.
- Grant approval for two houses only and further away from objectors house to afford objector some privacy.

- Ground level of house on plot 1 will be level with objectors roof and will tower over objectors bungalow.
  - The proposed construction work will cause the bank at rear to collapse onto objectors mobile homes due to vibration from excavators and other equipment and the nearness of the proposed houses to the boundary.
  - Dust and noise from development work will also cause a problem to neighbours.
  - Linton Lane is narrow and in poor condition. Heavy construction vehicles will add to damage of lane and cause congestion. Parking by construction workers will also be a problem obstructing accesses to houses in the lane.
  - Extra cars from the houses when built will also be a problem. No footpath. Also the cars will have to pass the junction outside the Community Hospital making exit by emergency vehicles, visitors and patients increasingly dangerous.
- 5.3 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford, and prior to the Sub-Committee meeting.

## **6. Officers Appraisal**

- 6.1 The main issues relate to the principle of erecting new dwellings on this site, the number of dwellings, the impact on the visual amenities and character of the area and also the nearby Conservation Area. In addition the effect the proposed development will have on the residential amenities and privacy of neighbouring dwellings and also on road safety. The most relevant policies are Housing Policies 2, 3 and 17 and also Bromyard Policy 1 of the Malvern Hills District Local Plan.
- 6.2 The site is located within a designated primary residential area within the town boundary where in principle new housing development is acceptable provided it complies with various criteria set out in the housing policies.
- 6.3 The siting, design and visual appearance of the proposed dwellings are considered to be acceptable and the site is capable of accommodating three dwellings without adverse cramming of the site. Also the proposed dwellings will not be out of keeping with the character and appearance of the immediate area nor the nearby Conservation Area.
- 6.4 In addition it is considered that the residential amenities and privacy of neighbouring dwellings will not be unreasonably affected by the proposed development. The occupiers of the dwelling by the south west corner of the site have objected to the proposed dwelling on plot 1, mainly for reasons of overlooking and loss of privacy. However it is considered that the residential amenities of that property would not be adversely affected by the proposed development. In any event there is an existing tall hedgerow (approximately 3 metres high) along that section of the common boundary of the two properties.
- 6.5 The objectors have also raised concerns with respect to the effect the additional traffic generated by the proposed development will have on road safety and the conditions of the road. However the Transportation Manager has no objection to the proposed development and it is considered that there will be no adverse traffic problems generated by the progressed development.

- 6.6 The occupiers of the mobile homes to the rear of the property have expressed concern over the effect the development may have on the stability of the bank especially during construction work. However this is not a material planning considerations/matter and as such cannot be taken into account in the determination/evaluation of the application.
- 6.7 The proposed development is therefore considered to be acceptable and in accordance with the planning policies for the area and in particular those relating to new residential development (see section 6.1) which essentially seek to ensure that new residential development is appropriate for the site and its setting and does not adversely affect the residential amenity of neighbouring dwellings.

### **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 - A07 (Development in accordance with approved plans )**

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

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

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

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

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

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

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

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

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

**7 - 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.**

**8 - 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.**



- 9 - The whole of the works relating to access and parking shall be completed before the development is first brought into use unless otherwise first agreed in writing by the local planning authority.

Reason: In the interests of highway safety.

**Informatives**

- 1 - N03 - Adjoining property rights
- 2 - The applicants should be aware that this planning permission does not over-ride any civil legal rights enjoyed by adacent property owners. Also the applicants should ensure that no damage is caused to any adjacent property either during building work or as a result of the development. In particular the applicants/developers should ensure that the stability of the land/bank towards the rear of the site i.e. along the south eastern boundary, is not adversely affected.
- 3 - N14 - Party Wall Act 1996
- 4 - N15 - Reason(s) for the Grant of PP/LBC/CAC

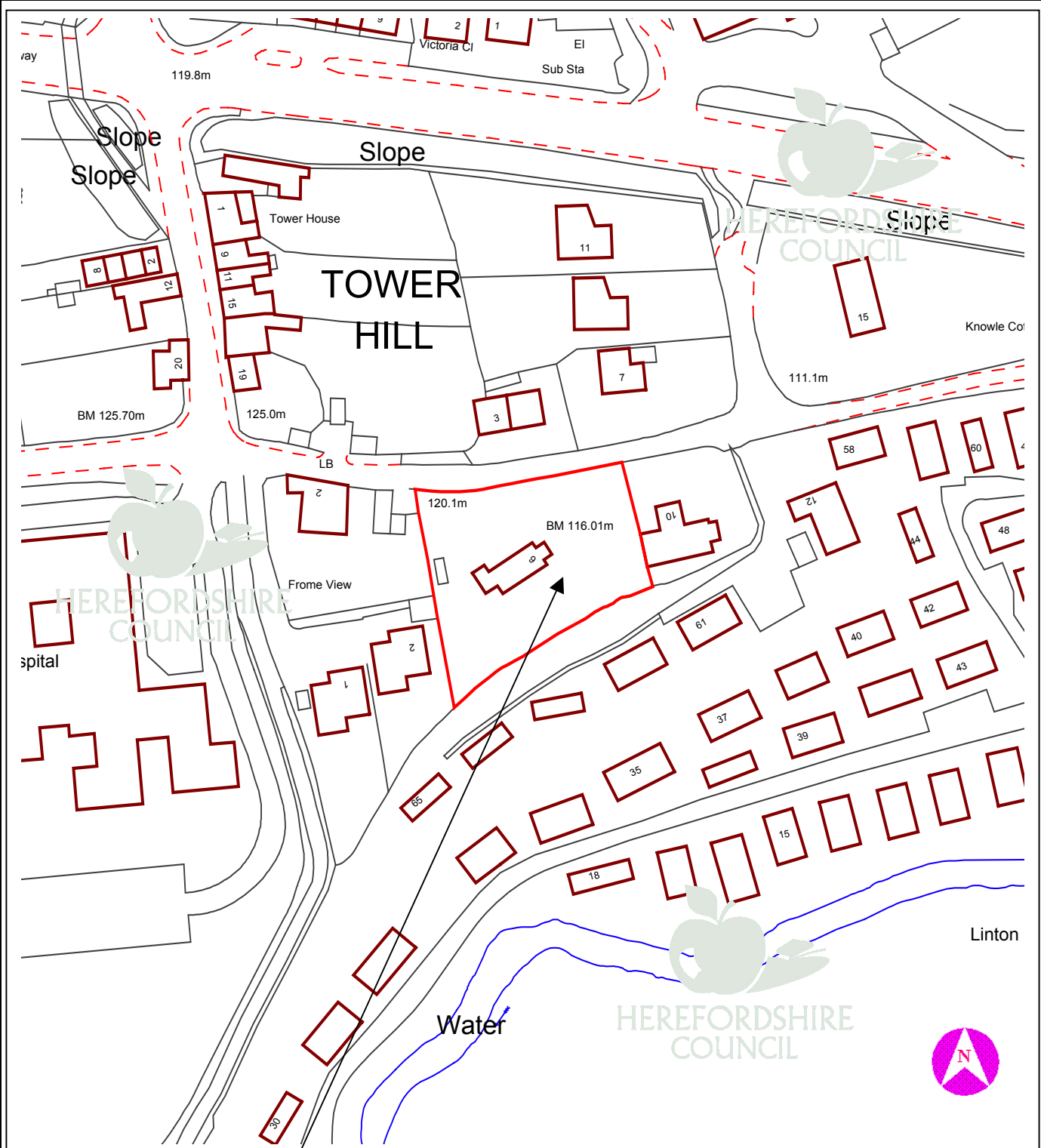
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Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNC2005/3639/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 6 Linton Lane, Bromyard, Herefordshire, HR7 4DQ

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**17 DCNC2005/3689/O - SITE FOR SMITHY & STABLES  
WITH FARRIERS COTTAGE AND APPRENTICE FLAT  
ON PART PARCEL NO 4493, HOLMER FARM,  
PUDLESTON, LEOMINSTER, HEREFORDSHIRE**

**For: Mr R Price, c/o Hamnish Farm, Leominster,  
Herefordshire, HR6 0QP**

**Date Received:  
16th November 2005**

**Ward: Hampton Court    Grid Ref:  
55416, 59916**

**Expiry Date:  
11th January 2006**

Local Member:    Councillor K Grumbly

**1. Site Description and Proposal**

- 1.1 This site is located in a field in the open countryside approximately 1/2 mile to the west of Puddleston and 1/2 mile to the south of Whye. The site flanks the north-western side of the unclassified road no. 94204 which leads north eastwards towards Whye. The site is surrounded by fields however there is an existing dwelling immediately adjacent to the site on its south western side.
- 1.2 The site itself forms part of a field. There is an existing very small tin shed in the western corner of the site. There is a tree lined hedgerow on the road frontage with a metal field gate onto the road in the south western corner of the site. The site is fairly flat/level, however the land to the rear of the site on its north western side slopes downwards, in that direction.
- 1.3 This application is for outline planning permission with all the reserved matter details reserved for future consideration. The proposal is for the erection of a smithy and stables with a farriers cottage and an apprentice flat. There will be a small menage and parking places provided plus a new vehicular access to serve the site.

**2. Policies**

**2.1 Planning Policy Guidance**

PPS1 – Delivering Sustainable Development  
PPG3 – Housing  
PPS7 – Sustainable Development in Rural Areas

**2.2 Hereford and Worcester County Structure Plan**

Policy H16A – Development Criteria  
Policy H20 – Residential Development in Open Countryside  
CTC9 – Development Criteria  
E6 – Development in Rural Areas Outside the Green Belt

### 2.3 Leominster District Local Plan

Policy A2(D) – Settlement Hierarchy

Policy A35 – Small Scale New Development for Rural Businesses Within or Around Settlements

### 2.4 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 E8 – Design Standards for Employment Sites

Policy E11 – Employment in the Smaller Settlements and Open Countryside

Policy H10 – Rural Exception Housing

## 3. Planning History

3.1 No relevant history.

## 4. Consultation Summary

### Statutory Consultations

4.1 None required.

### Internal Council Advice

4.2 The Transportation Manager recommends that any permission includes certain conditions.

4.3 The Chief Environmental Health Officer comments that details of any external lighting proposed to illuminate the development shall be submitted to, and approved by, the planning authority.

## 5. Representations

5.1 The applicant states:

- requires fixed facilities to undertake work as a farrier and need to be in a position to take on an apprentice
- used building on father's farm and from back of van for work but this is no longer practicable/workable
- needs proper facilities to deal with difficult horses
- with the amount of equipment in a fixed forge, horses needing remedial work and with current crime rate, a small cottage with adjoining apprentice flat would be essential
- site is in ideal situation, farriery is a countryside craft
- need to expand and move forward.

The applicant has also submitted various reports and letters in support of his case. These reports/letters basically relate to what farriery entails, the relationship of the proposal with respect to national planning legislation and guidance, that his current business is in profit and support from local residents. These reports/letters are available for inspection by members.

- 5.2 The Parish Council state: The members feel that this is an established business and that the development would be in line with the Governments white paper on farm diversification. The equine industry is on the incline in this area and animal welfare is paramount.
- 5.3 To date (site notice time period expires on 26 December 2005) there have been two letters of support received from:
- Ms M Southwell, Yew Tree Cottage, Whyte Lane, Puddleston, Hereford.
  - Ms D Pardoe, Lower House, Whyte Lane, Puddleston, Hereford.

The main points being:

- right kind of development that maintains jobs and income in the countryside
- will increase farm diversification
- keep up with expanding revenue spent by equestrian
- improve buildings on site

- 5.4 To date (site notice time period expires on 26 December 2005) there have been three letters of objection received from:

S & H M Phillips, Walnut Tree Cottage, Whyte Lane, Puddleston, Hereford

The main points being:

- site situated at 'Holmer Farm', but no such farm exists. Objection - cottage was previously called Holmer Farm but its name was changed to Walnut Tree Cottage
- the proposed development should be located close to the farm at Brockmanton Hall
- very intensive development
- the objector criticises the comments made by the applicant with respect to the development and national planning policies and guidance
- the site has never been developed
- the proposal would have serious impact on the residential amenities of the neighbouring dwelling
- the proposed development would be a blight on the surrounding countryside as it would stand out on the landscape and be viewed for many miles around
- add unacceptable levels of traffic on this narrow road
- this site and location not suitable for this type of development
- open countryside greenfield site
- development would adversely overlook neighbour's garden
- adverse affect on natural habitat and wildlife
- undue noise will be generated by proposal as well as smell
- drainage soakaway and easement issues
- no mains water supply on site
- objector disagrees with various points set out in applicant's submitted details (i.e. case to support the proposal) essentially pointing out that the proposal will adversely affect local environment and that there is no real need for the development in this location despite the points put forward by the applicant
- no evidence of so-called footprint on land next to tin shed
- problems of drainage in area

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

## **6. Officers Appraisal**

6.1 The main issues relate to the principle of erecting two residential dwellings on this site and in this location, the principle of siting the business premises on this site, the need for the dwellings and business use to be sited in the location, the effect of the development on the environment/landscape and the residential amenities of the neighbouring dwelling and also highway safety. The most relevant policies are A2(D) and A35 of the Leominster District Local Plan.

6.2 The proposal constitutes the erection of residential development and commercial development in the open countryside, outside of any designated settlement, which is contrary to the approved planning policies for the area. Also the proposed development is set in an elevated, exposed and prominent position in the countryside where it will adversely affect the visual amenity and character of this rural area. Again for these reasons the proposed development would be contrary to the approved planning policies and guidance for the area.

6.3 It is not considered that the applicant has successfully demonstrated that there is a genuine need for the proposed development to be situated in this location whether it be in part or as a whole. There is no justification for the commercial use in this location. Existing vacant or disused rural buildings in the wider area could be utilized for this use without the need to erect new buildings. Also it is not considered that there is any functional requirement for the proposed residential units/dwellings to be erected in connection with the commercial use proposed.

6.4 The proposed development is therefore considered to be unacceptable and contrary to the approved planning policies and guidance for the area. The proposed development is not in connection or sited near any farm complex and as such is not considered to fall under the ambit of farm diversification.

## **RECOMMENDATION**

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

- 1. The proposed development situated in this exposed, elevated and prominent position in the open countryside outside of any of the designated settlements is considered to be unacceptable in terms of principle and also its adverse affect as the visual appearance and character of this rural area. Also its considered that no sufficient evidence of need requiring the development to be located in this location was submitted. As such it is considered that the proposed development will be contrary to policies H16A, H20, CTC9 and E6 of the Hereford and Worcester County Structure Plan, Policies A2(D) and A35 of the Leominster District Local Plan and also Government advice contained in Planning Policy Statement 1 'Delivering Sustainable Development' and Planning Policy Statement 7 'Sustainable Development in Rural Areas'.**

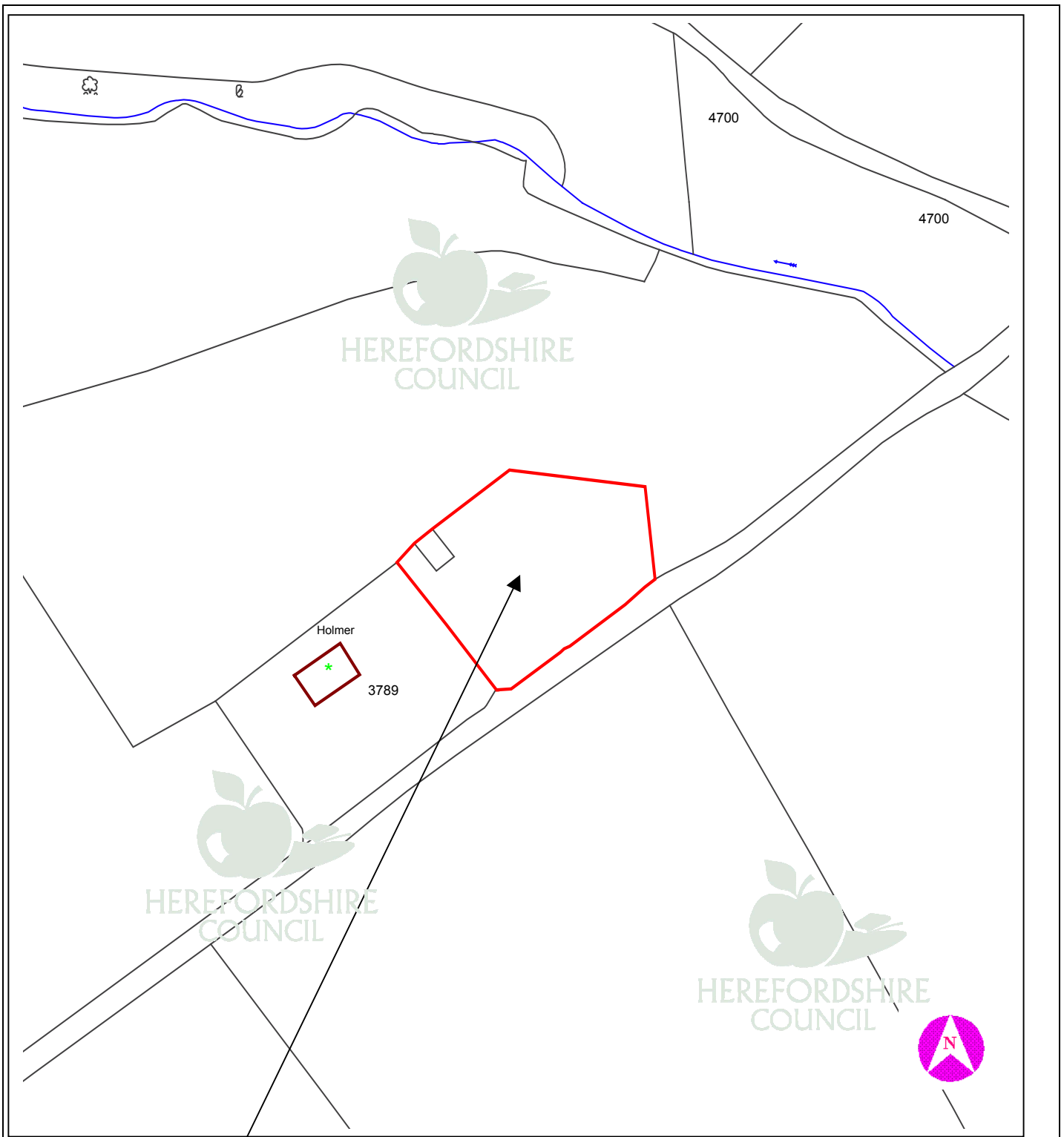
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNC2005/3689/O

**SCALE :** 1 : 1250

**SITE ADDRESS :** Part Parcel No 4493, Holmer Farm, Pudleston, Leominster, Herefordshire

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