

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 25th January, 2006**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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

e-mail pmartens@herefordshire.gov.uk

**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Northern Area Planning Sub-Committee

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

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

	Pages
<p>1. APOLOGIES FOR ABSENCE To receive apologies for absence.</p>	
<p>2. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p>3. MINUTES To approve and sign the Minutes of the meeting held on 4 January 2006.</p>	1 - 16
<p>4. ITEM FOR INFORMATION - APPEALS To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.</p>	
<p>5. APPLICATIONS RECEIVED To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary.</p> <p>Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.</p> <p>Agenda items 6 & 7 are applications deferred for site inspections at the last meeting and 8 - 23 are new applications.</p>	

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| 6. | <p>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</p> <p>Ward: Bringsty</p> | 17 - 22 |
| 7. | <p>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</p> <p>Ward: Bromyard</p> | 23 - 28 |
| 8. | <p>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</p> <p>Ward: Castle</p> | 29 - 40 |
| 9. | <p>DCNC2005/3751/F - PROPOSED DEVELOPMENT FOR 8 DWELLINGS AT FORMER BUS DEPOT SITE, ETNAM STREET, LEOMINSTER, HEREFORDSHIRE FOR: LUGG VALLEY PRIMROSE TRAVEL LTD. PER MR N LA BARRE, EASTERS COURT, LEOMINSTER, HEREFORDSHIRE, HR6 0DE</p> <p>Ward: Leominster South</p> | 41 - 48 |
| 10. | <p>DCNE2005/3838/F - ERECTION OF 2 NO. WHEELCHAIR ACCESSIBLE SEMI-DETACHED HOLIDAY COTTAGES FOR THE DISABLED AT HIDELOW HOUSE, ACTON BEAUCHAMP, WORCESTER, WR6 5AH FOR: MR & MRS S H DIPLOCK PER WALL, JAMES & DAVIES, 15-23 HAGLEY ROAD, STOURBRIDGE, WEST MIDLANDS, DY8 1QW</p> <p>Ward: Hope End</p> | 49 - 54 |
| 11. | <p>DCNE2005/3887/F - CONVERSION OF BARN TO DWELLING; NEW DETACHED GARAGE WITH STUDIO/WORKSHOP OVER AND NEW VEHICLE ACCESS AT FURROWS FARM, BISHOPS FROME, HEREFORDSHIRE FOR: MRS S VAUGHAN PER STMR ARCHITECTS, BIDEFORD HOUSE, CHURCH LANE, LEDBURY, HEREFORDSHIRE, HR8 1DW</p> <p>Ward: Frome</p> | 55 - 60 |

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| 12. | <p>DCNE2005/3975/F - PROPOSED 2 BEDROOMED HOUSE AT LAND TO THE REAR OF OAKLAND HOUSE, SOUTH PARADE, LEDBURY, HEREFORDSHIRE, HR8 2HB FOR: MS J POWELL PER MR C M SMITH, DESIGN LINK ASSOCIATES LTD, HILLSIDE HORSE ROAD, WELLINGTON HEATH, LEDBURY, HEREFORDSHIRE, HR8 1LS</p> <p>Ward: Ledbury</p> | 61 - 66 |
| 13. | <p>DCNE2005/4163/F - EXTENSION TO FIRST FLOOR OVER EXISTING GROUND FLOOR EXTENSION AT 3 FALCON LANE, LEDBURY, HEREFORDSHIRE, HR8 2JP FOR: MR & MRS C MCALINDEN PER JACOB POT ARCHITECT, NO 9 LANSDOWN PLACE LANE, CHELTENHAM, GLOUCESTERSHIRE, GL50 2JZ</p> <p>Ward: Ledbury</p> | 67 - 70 |
| 14. | <p>DCNC2005/3891/F - REMOVAL OF OCCUPANCY CONDITION (NO.7) REF: 13164 INSPECTORS DECISION 09.03.1994 AT LAND ADJACENT TO HOPE POLE INN, RISBURY, LEOMINSTER, HEREFORDSHIRE, HR6 0NQ FOR: MR P R KELSALL OF GALLOP VIEW, RISBURY, LEOMINSTER, HR6 0NQ</p> <p>Ward: Hampton Court</p> | 71 - 78 |
| 15. | <p>DCNC2005/3982/F - DEMOLITION OF A SINGLE DWELLING AND ERECTION OF 4 NO. DWELLINGS AT 25 NEW STREET LEOMINSTER HEREFORDSHIRE HR6 8DR AND DCNC2005/3983/C - DEMOLITION OF A SINGLE DWELLING AT ABOVE FOR: MRS S SAGE PER MR P S HACKETT DUNHAMPTON COTTAGE HATFIELD LEOMINSTER HEREFORDSHIRE HR6 OSE</p> <p>Ward: Leominster South</p> | 79 - 86 |
| 16. | <p>DCNC2005/4028/F - PROPOSED 3 BEDROOM DWELLING AT LAND ADJOINING GRANGE HOUSE, 2 & 3 THE GRANGE, LEOMINSTER, HR6 8NP. FOR: DBH DEVELOPMENTS PER MR A LAST BROOKSIDE COTTAGE KNAPTON GREEN HEREFORDSHIRE HR4 8ER</p> <p>Ward: Leominster South</p> | 87 - 92 |
| 17. | <p>DCNC2005/4075/F - PROPOSED TWO STOREY SIDE EXTENSION AND REAR FIRST FLOOR EXTENSION AT 12 GREEN LANE, LEOMINSTER, HEREFORDSHIRE, HR6 0QJ FOR: MR & MRS TURNER AT SAME ADDRESS</p> <p>Ward: Leominster North</p> | 93 - 96 |

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| 18. | <p>DCNW2005/3273/F - REMOVAL OF MODERN FARM BUILDINGS AND ERECTION OF FIVE DETACHED HOUSES UTILISING PREVIOUSLY APPROVED MINOR ACCESS ROAD AT MODERN FARM BUILDINGS, UPPER HOUSE FARM, EARDISLEY, HEREFORD, HR3 6PW FOR: R A PREECE PER JAMES SPRECKLEY, BRINSOP HOUSE, BRINSOP, HEREFORDSHIRE, HR4 7AS</p> <p>Ward: Castle</p> | 97 - 104 |
| 19. | <p>DCNW2005/3405/F - ERECTION OF WAREHOUSE EXTENSION, NEW CANOPY, SINGLE STOREY AMENITY BLOCK AND ALTERATION TO SITE ACCESS AT KINGSPAN INSULATION, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE FOR: KINGSPAN INSULATIONS LTD. PER BUILDING DESIGN PRACTICE, THE WESTLANDS, 132 COMPTON ROAD, WOLVERHAMPTON, WV3 9QB</p> <p>Ward: Pembridge & Lyonshall with Titley</p> | 105 - 112 |
| 20. | <p>DCNW2005/3472/F - PROPOSED CHANGE OF USE TO BUSINESS USE AND STORAGE OUTBUILDINGS AT MAYFIELD, RUSHOCK, NR KINGTON, HFDS FOR: MR N MORRIS, 1 DOWNTON FARM HOUSE, WALTON, NR PRESTEIGNE, POWYS, LD8 2RD</p> <p>Ward: Kington Town</p> | 113 - 118 |
| 21. | <p>DCNW2005/3550/F - PROVISION OF GLAZED ROOF AND METAL COLUMNED CANOPY WITH INTERNAL LIGHTING FOR MARKET FACILITIES AND RECREATIONAL FUNCTIONS AT PLACE-DE-MARINES, OFF MILL STREET, KINGTON FOR: KINGTON AREA REGENERATION CO-ORDINATOR PER PROPERTY SERVICES MANAGER, HEREFORDSHIRE COUNCIL PROPERTY SERVICES, FRANKLIN HOUSE, 4 COMMERCIAL ROAD, HEREFORD, HR1 2BB</p> <p>Ward: Kington Town</p> | 119 - 122 |
| 22. | <p>DCNW2005/3638/F - PROPOSED ERECTION OF A DETACHED HOUSE AT LAND TO THE REAR OF CASTLE VIEW, HEREFORD ROAD, WEOBLEY, HEREFORD, HEREFORDSHIRE, HR4 8SW FOR: MR & MRS SHAXTED PER BORDER OAK DESIGN & CONSTRUCTION, KINGSLAND SAWMILLS, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9SF</p> <p>Ward: Golden Cross with Weobley</p> | 123 - 130 |
| 23. | <p>DCNW2005/3732/F - CHANGE OF USE OF LAND FROM AGRICULTURAL TO DOMESTIC GARDEN AT 51 HEADBROOK, KINGTON, HEREFORDSHIRE, HR5 3DY FOR: MR T HALL PER MCCARTNEYS, 54 HIGH STREET, KINGTON, HEREFORDSHIRE, HR5 3BJ</p> <p>Ward: Kington Town</p> | 131 - 134 |

24. DATE OF NEXT MEETING

Wednesday 22 February 2006 at 2:00 pm



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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, 4th January, 2006 at 2.00 p.m.

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

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

In attendance: Councillors (none)

153. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor DW Rule.

154. DECLARATIONS OF INTEREST

There were no declarations of interest made.

155. MINUTES

RESOLVED:

That the Minutes of the meeting held on 30th November, 2005 be approved as a correct record, subject to the following:

Minute 131 – Councillors Mrs JP French and JP Thomas declared a prejudicial interest in item DCNC20052133F proposed erection of public clock on steel stanchions, at Corn Square, Leominster and Councillor RJ Phillips a prejudicial interest in item DCNW2005/3082/F - residential development for 58 dwellings, 88 car parking spaces, new access road and landscaping Maesydari Site, Kington.

Minute 142 – replace “two properties” with “one of the properties” in the first paragraph and the second sentence of the third paragraph being amended to read “He did not feel that the reasons put forward for removal of the occupancy condition had changed substantially since the previous application. He had been made aware by a person of a potential purchaser 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.”

156. ITEM FOR INFORMATION - APPEALS

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

157. 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.

158. 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

The Northern Team Leader said that the applicant had informed him that the proposed garage would be deleted from the scheme and that alternative storage would be provided for the tenant farmer.

Having previously carried out a site inspection, the Sub-Committee considered details of the application and had a number of concerns. There was debate about whether the building could be deemed redundant because the farmer used it to house calves, store potatoes or store wood at different times of the year and had said that at times it was heavily used. The Sub-Committee shared the concerns of Councillor J Stone, the Local Ward Member, that the barn was set too close to other existing farm buildings and that because the barn was set in a working dairy farm complex, the conversion would have an adverse effect and that there were safety issues to consider. Councillor Stone also had reservations about the overlooking of the other properties and disturbance that could be caused for the occupants of a new property on a busy farm. He felt that the proposal would constitute over-development and that there were highway safety issues involved.

The Northern Team Leader said that Officers had revisited the site and had confirmed that the building was not being used for agricultural purposes but as a log store and the storage of non-agricultural items. The applicants had made considerable efforts to comply with the requirements of the Officers and to make alternative provision for the farmer. Notwithstanding these views the Sub-Committee felt that the application should be refused because of the reasons stated. They had no objection to Listed Building consent being granted, however, so that the fabric of the building could be repaired as necessary.

RESOLVED:

- (i) That in respect of planning application DCNC2005/1941/F 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 considered that as the building still serves a useful agricultural purpose its conversion to residential use is contrary to Policy A60 of the Leominster District Local Plan, and Policy HBA13 of the deposit draft Herefordshire Unitary Development Plan**
- 2. It is considered that the location of the proposal within a working farmyard would result in an unacceptable level of amenity to occupiers of such a dwelling, and would result in unacceptable loss of privacy to occupiers of the adjoining**

farmhouse, contrary to Policy A54 of the Leominster District Local Plan and Policy H14 of the deposit draft Herefordshire Unitary Development Plan

- (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.
- (iii) That in respect of DCNC2005/1942/L, Listed Building Consent be granted subject to the following conditions.

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

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

2 - 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 - No development shall commence until details of the provisions to be made for an owl hole and nesting box/loft for barn owls together with details of the timing of the works have been submitted to and agreed in writing with the local planning authority.

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

[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 because the Sub-Committee had given adequate consideration to the policy issues involved].

- 159. 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**

The receipt of an additional letter of objection was reported.

Councillor Mrs OL Barnett, the Local Ward Member, had no objection to the application subject to the removal of permitted development rights.

**RESOLVED THAT
DCNW2005/3401/F**

planning permission be granted subject to the removal of permitted

development rights 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 - 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.

160. 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

The receipt of an additional letter of objection was reported.

The Senior Planning Officer said that the Environmental Health Officer had suggested revisions to condition No □ requiring full details of the lighting to be submitted and approved in writing by the Council prior to any work commencing on site. Councillor JW Hope, the Local Ward Member suggested that the permitted hours be reduced to 7:00 am to 8:00 pm. The Sub Committee felt that any further conditions would be too restrictive and that permission should be granted as set out in the report of the Head of Planning Services.

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 - 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

161. 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

The Senior Planning Officer said that a letter had been received from Orleton Parish Council expressing concern about the safety of the vehicular access. He advised that the Transportation Manager was satisfied with the access proposals.

The Sub Committee had some reservations about the design of the building in a Conservation area but accepted the view of the Development Control Manager that it would be a marginal improvement over the former bakery. Councillor WLS Bowen felt that timber used in the construction should be from sustainable forest and the Development Control Manager said that this could be included in the informatives attached to the consent. The Sub Committee also had concerns about the materials being used and the Development Control Manager said that these would be dealt with within the planning conditions.

RESOLVED THAT

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:

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

162. 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

The receipt of a letter of objection was reported.

In accordance with the criteria for public speaking, Mr. Snape (objector) spoke against the application.

Councillor WLS Bowen, the Local Ward Member had a number of concerns about the application because of its location in the heart of a Conservation Area at a prime crossroads to the village. He was of the view that the character and feel of the village would be detrimentally affected and that the development would be of inappropriate density and cause a visual intrusion. He considered that it would diminish the quality of the adjoining properties and have an adverse effect upon the

War Memorial. He also felt that the Conservation Area would be harmed by the proposal and he was concerned about road safety issues with the entrance at a busy crossroads. The Sub Committee supported the views of Councillor Bowen and was minded to refuse the application.

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 considered that the proposal would be detrimental to the character of the Orleton Conservation Area at an important crossroads within the village, contrary to policy A21 of the Leominster District Local Plan and HBA6 of the draft Herefordshire Unitary Development Plan.**
- 2. It is considered that the additional traffic movements at the crossroads would be detrimental to highway safety.**

(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 because he was satisfied with the reasons given for refusal.]

163. 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

The receipt of an additional letter of objection was reported together with a memo from the Lead Valuer & Estates Surveyor saying that she was unable to give a view on the market rental because the site was not owned or in the interests of the Council.

In accordance with the criteria for public speaking, Mrs. Sykes (objector) spoke against the application and Mr. Burton (agent for the applicant) spoke in favour.

Councillor WLS Bowen felt that the proposal was acceptable and that a fine barn would be considerably enhanced. The Sub-Committee had some concerns that the barn was marketed for commercial use at an unrealistic price that did not reflect its poor structural condition and that further marketing needed to be done.

RESOLVED THAT

Consideration of applications DCNW2005/3737/F DCNW2005/3738/L be deferred for further investigation about marketing the barn at a realistic market value.

164. 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

The receipt of an additional letter in general support of the application but not on this site was reported.

Councillor BF Ashton had concerns about the site being overdeveloped and that the Transportation Manager objected to the application because of a restricted eastern visibility splay. The Senior Planning Officer said that she had taken this into consideration but that overall the scheme was acceptable. Councillor J Stone, the Local Ward Member, noted the objections raised by the Parish council and local residents but felt that the applicants had made every effort to arrive at an acceptable scheme which would preserve some very important historic buildings in the locality. He felt that the nature of the lane led to low traffic speeds but if the scheme was accepted he would discuss the matter further with the transportation manager to see if there was scope for traffic calming and better signage.

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 - 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

165. 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

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.

166. DCNC2005/3503/F - AGRICULTURAL STORAGE BARN AT LAND ADJACENT TO BUTT OAK FARM, RISBURY, LEOMINSTER, HEREFORDSHIRE FOR:MRS A IVALL AT SAME ADDRESS

In accordance with the criteria for public speaking, Mr. Ivall (applicant) spoke in favour of the application.

RESOLVED THAT

That planning permission be granted subject to the following conditions:

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

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

2 - 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

167. 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

In accordance with the criteria for public speaking, Mr. Powell (objector) spoke against the application.

Councillor KG Grumbley, the Local Ward Member, had a number of concerns about the application, feeling that the proposal would be an overdevelopment of the site. He also felt that there were potential problems with drainage because there was no mains sewer and mains water. It was crucial that adequate measures were put in place to deal with surface water drainage because disposal of surface water into the ditch near to the proposed property would add to flooding of the C1125 which was already a significant problem in adverse weather conditions. He felt that it was essential for the Environment Agency and the Transportation Manager to be satisfied with the arrangements prior to the scheme commencing and the Sub Committee concurred with his views.

RESOLVED THAT

planning permission be granted subject to the following conditions and the prior agreement of the Environment Agency, Welsh Water Authority and the Transportation Manager about sewer and drainage arrangements:

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

168. 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

The Senior Planning Officer said that the Archaeological Adviser had asked for a watching brief to be kept on the site and for additional conditions in respect of materials used.

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

- (c) the character or appearance of the development itself is a fundamental

planning consideration;

(d) a judgement is required on visual impact; and

(c) the setting and surroundings are fundamental to the determination or to the conditions being considered.

169. 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

The Senior Planning Officer reported the receipt of further letters from the applicant, a letter of support from the NFU, a letter of support from a member of the public and a further letter from the objector.

In accordance with the criteria for public speaking, Mr. Phillips (objector) spoke against the application and Mr. Price (applicant) spoke in favour.

Councillor KG Grumbley, the Local Ward Member, said that the applicant required accommodation and facilities to undertake his work as a farrier and to train an apprentice. The applicant had been using a building on his father's farm and also had to operate from the back of his van for his work but had found this to be increasingly difficult and no longer practicable. He needed proper facilities to deal with difficult horses and to locate a forge. He also needed accommodation for himself and his apprentice and Councillor Grumbley felt that the application site was in ideal situation to help the applicant to modestly expand and move forward. He pointed out that there was a national shortage of farriers and that Holme Lacy College was one of only four within the Country which provided courses for them. He felt that the proposal was in keeping with national planning legislation and guidance for agricultural diversification and that there was scope within the Council's planning policies H8, A2D and A5 to support it. He also took the view that it was an established business and that the development would be in line with the Governments white paper on farm diversification. The equine industry was on the decline in this area and he felt that animal welfare is paramount and that this kind of development would help to maintain jobs and income in the countryside. He noted that there were some concerns about the prominent location of the proposal but felt that it was a relatively modest development and that there was sufficient scope within the site for the buildings to be carefully orientated to lessen their visual impact. He pointed out that permission had recently been granted for a stable block within the area which was in a much more prominent location. He said that this was an outline application and that various aspects could be agreed and conditions established prior to a full application, along with the conditions required by the Head of Environmental Health and Trading Standards and an appropriate requirement that all development was tied to the business.

Councillor BF Ashton had a number of concerns about the application because it constituted development in the open countryside and was contrary to a large number of the Council's Planning Policies. He felt that the proposal had great merit in its aims but was in the wrong location. The Northern Team Leader pointed out that the proposal constituted the erection of residential development and commercial development in the open countryside and not farm diversification.

Having carefully considered all the merits of the application, the Sub-Committee was minded to approve it because it felt that there were exceptional circumstances involved and there was an essential rural service which being provided within the

locality. It agreed that an appropriate tie could be placed on any permission granted prevented any future buildings being sold separately and that approval be prepared in consultation with the Local Ward Member.

RESOLVED:

- That (i) The Northern Area Planning Sub-Committee is minded to approve the application subject to any conditions felt to be necessary by the Head of Planning Services, provided that the Head of Planning Services does not refer the application to the Planning Committee:**
- (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 approve the application, subject to such conditions referred to above.**

[Note: Following the vote on this application, the Development Control Manager advised that he would refer the decision to the Head of Planning Services because of the crucial planning policies involved.]

The meeting ended at 4.06 p.m.

CHAIRMAN

6 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

Introduction

At the Committee Meeting of 4th January 2006 the case was deferred for a site visit on 17th January 2006.

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 subservience 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

Case Synopsis

- Past history
- Design
- Amenity
- Drainage
- Access

- 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

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.

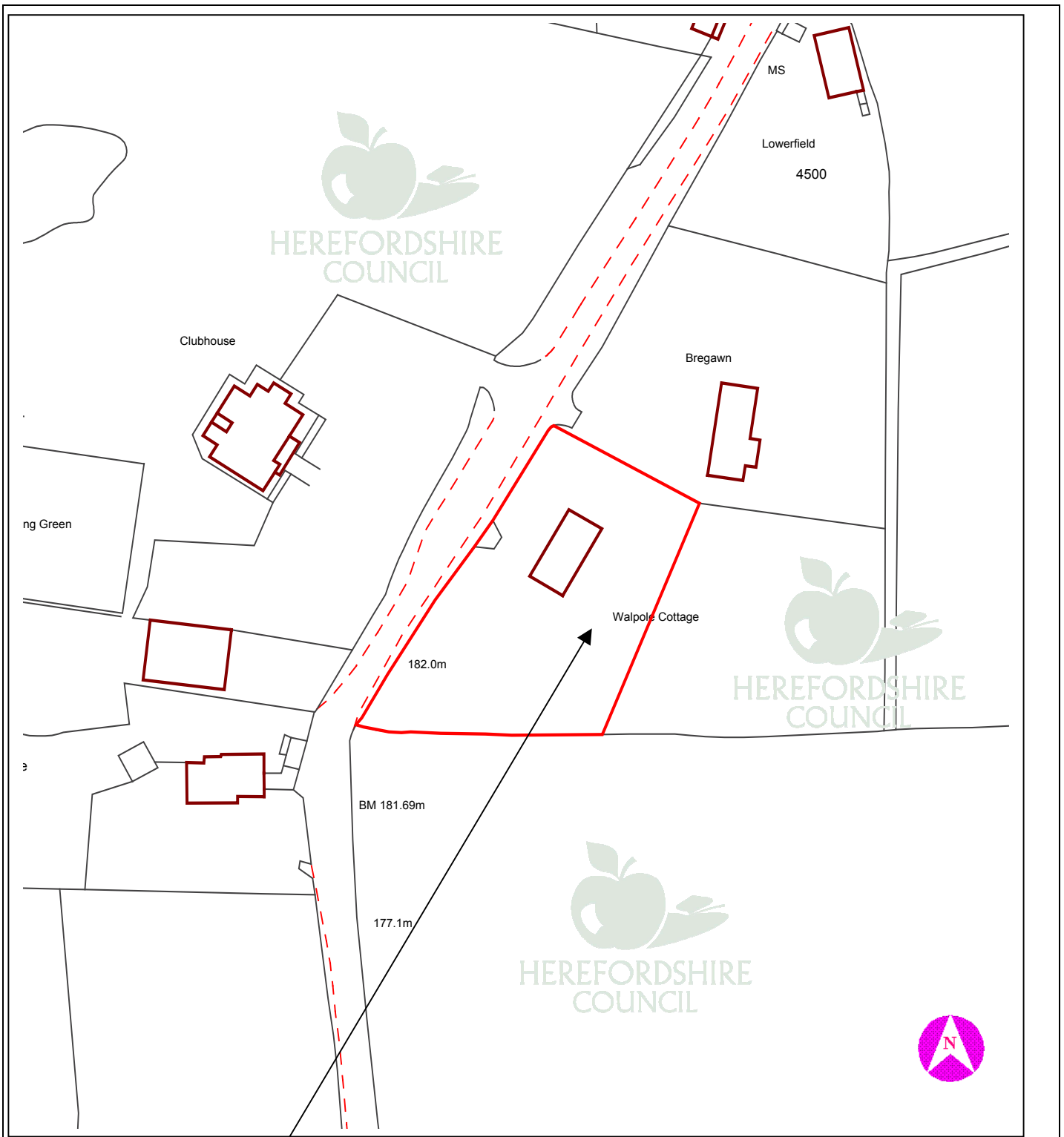
Decision:

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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7 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

Introduction

This application was reported to the Northern Area Planning Sub Committee on 4th January 2006. The Sub Committee resolved to defer the application pending a Committee site inspection which took place on 17th January 2006. The comments of the Council's Archaeological Advisor were verbally reported to Committee and have been included in this updated report. Consequently an additional condition relating to a watching brief during development has been included in the recommendation.

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 SummaryStatutory 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. Also the site is within the medieval urban core of Bromyard and as such the proposal is likely to cause some damage to archaeological deposits and features and needs to be mitigated by the imposition of an archaeological condition allowing the site to be recorded during development.

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.

10 - D03 (Site observation – archaeology)

Reason: To allow the potential archaeological interest of the site to be investigated and recorded.

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

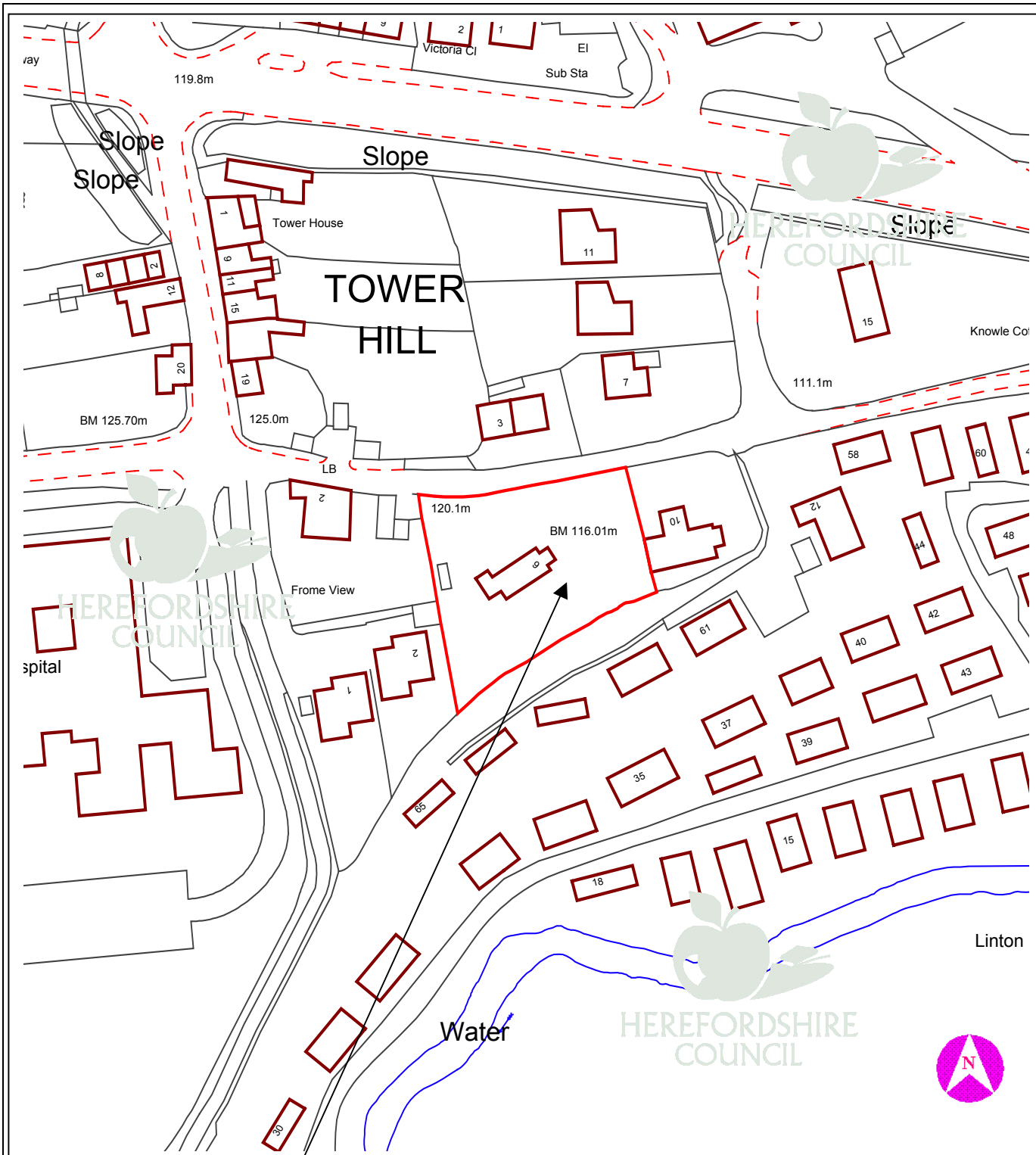
5 - ND3 - Contact Address

Decision:

Notes:

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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8A DCNW2005/3737/F - CONVERSION OF AGRICULTURAL BUILDINGS TO FORM ONE HOUSE AT UPPER FARM, AILEY, KINNERSLEY, HEREFORDSHIRE.

8B 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

Introduction

This application was deferred at the previous meeting to seek additional information regarding the marketing of the barn. The agent has commented as follows:

"Further to our recent telephone conversation I am happy to further explain to you the situation regarding a Full Repairing and Insuring Lease.

You will recall with Ailey Barn that this is a traditional Herefordshire Barn in need of repair. From the Landlord's perspective it is our duty as Agents to get them the best deal we are able to do, and therefore, the asking price of £3 per square foot would normally relate to a building in good order. I have to point out however that it is the responsibility of the prospective Tenant's Agent to negotiate what repairs will be done by the Landlord in advance of the Letting, and this will usually reflect the final settled rent figure.

In the case of the "Ms. Sykes" bid through Messrs. Sunderlands, at no stage did her agent ask what work we might be prepared to do to put this building into a certain state of repair.

From the perspective of the Landlord clearly it is not viable to carry out repairs in advance of agreeing a Tenancy, due to the variance in what the Market might want. You know that we are expected to Market this to the whole Commercial Market, and the needs of someone, for example storing fertiliser, caravans, or vehicles would be much different from someone, for example, wishing to set up an office, or a retail business. It is for that reason that we do not in the Particulars comment on the condition that the buildings will be at the commencement of the Lease.

To be clear, the term "Full Repairing and Insuring Lease" gives the Tenant an obligation to keep in repair the building in question and return it to the Landlord in a similar state, (unless otherwise agreed in the terms of the Tenancy).

In other words if a building was put into "full office specification" for example, at the end of say, 10 years of a Tenancy, the Tenant should return that building structurally sound and

decorated to the standard at which they took up the Tenancy. In the normal course of events as Agents we could prepare a "Record of Condition" which is a photographic and written record stating the condition upon which the Tenant takes the Lease over, and at that time that is the basis for the "Full Repairing and Insuring Lease". Therefore, using that simple example, if a Tenant were taking the building for simple storage and for example the Landlord just replaced doors and windows, then the building would simply come back in that condition. Clearly, if the Tenant volunteered to do some of the work, then this would either be taken into consideration in the rental, or made as a depreciating allowance by the Landlord at the end of the Tenancy. In simple terms this is a perfectly normal business arrangement and had a Tenant been forthcoming a Lease under the 1954 Act would have been prepared and the condition of the building negotiated prior to confirming terms and rent.

I am sure you will be aware that it would be inappropriate for the Landlord to do the repairs in advance of finding a Tenant for 2 reasons:~

1) The expense of making repairs to a certain specification can be expensive and due to the low demand of such commercial properties in the area, these could then sit on the Register for some period of time unlet. (Please refer to an email from Alan Ronald to yourself Wednesday, the 2nd of November 2005 - 10:25 a.m.)

2) The second issue is that if the Landlord spends the money in advance of finding a Tenant it is entirely likely that if they have done it to a low specification for general storage that the demand will be for office or retail, and equally if they have done the work to a high standard for office or retail, then the demand would be for general storage. It, therefore, is clearly inappropriate for the Landlord to make any expenditure until such time as a Lease has been agreed and the specification confirmed.

I hope that these notes help to clarify the matter, and I reiterate my offer that if this is still an issue, that I am quite happy to meet with the Council's Surveyors or Valuers to discuss our Marketing, which we believe has been dealt with entirely appropriately.

Please revert to me if you require further help or information."

In consideration of the above-mentioned information provided by John Amos, the letting agents responsible for Ailey Barn, your officer's recommendation is unchanged as it is considered that the marketing of the site was undertaken in a satisfactory manner.

The original report follows:

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

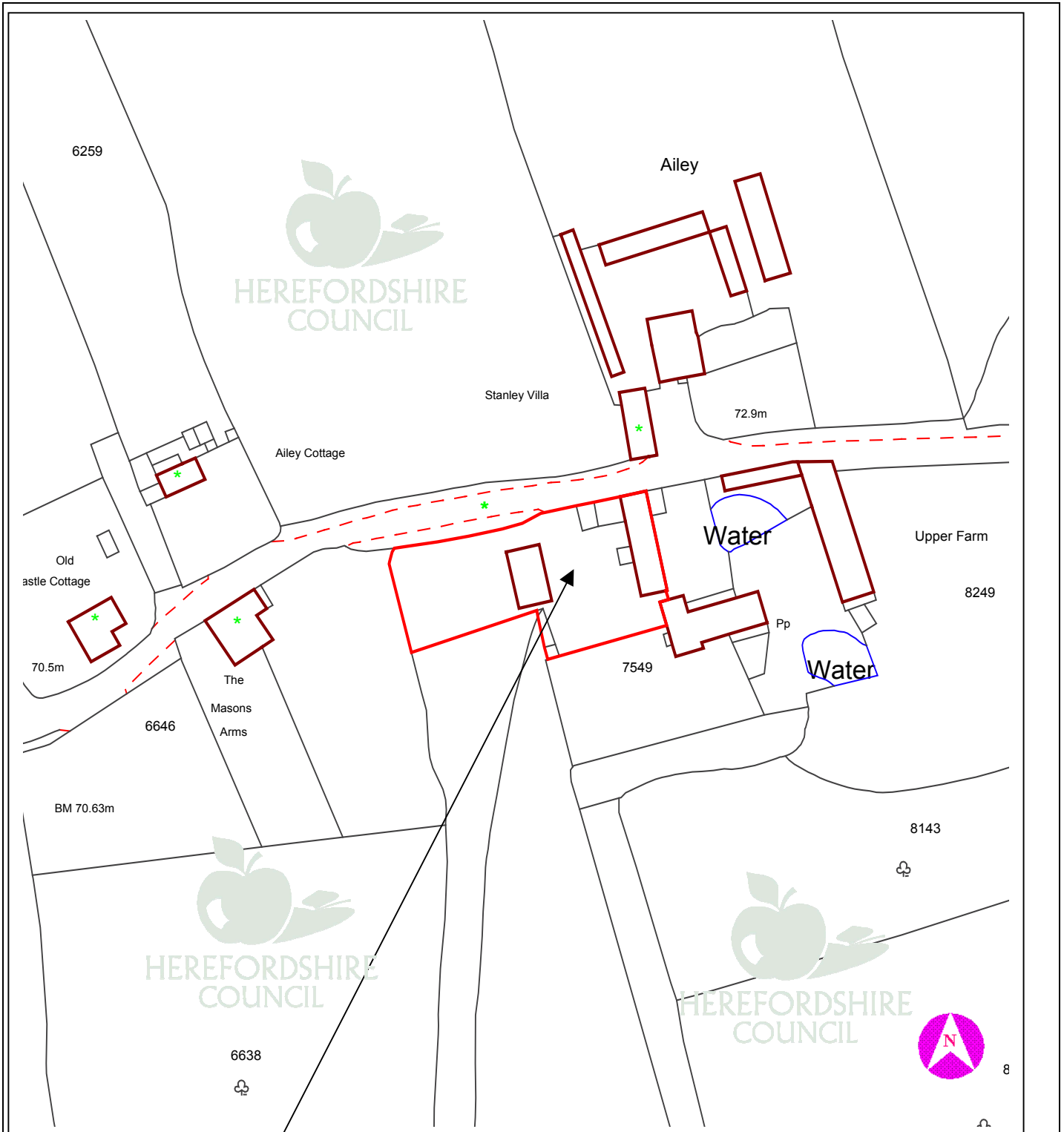
Decision:

Notes:

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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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9 DCNC2005/3751/F - PROPOSED DEVELOPMENT FOR 8 DWELLINGS AT FORMER BUS DEPOT SITE, ETNAM STREET, LEOMINSTER, HEREFORDSHIRE

For: Lugg Valley Primrose Travel Ltd. per Mr N La Barre, Easters Court, Leominster, Herefordshire, HR6 0DE

Date Received:

**Ward: Leominster
South**

Grid Ref:

22nd November 2005

50109, 58978

Expiry Date:

17th January 2006

Local Members: Councillors R Burke J P Thomas

1. Site Description and Proposal

- 1.1 The application site is the former bus depot on Etnam Street, Leominster and lies at its junction with Pinsley Road.
- 1.2 The site is flat and lies between the Grade II listed White Lion public house and new residential development to the north. It is currently occupied by a large open fronted steel framed structure used principally to garage buses. This use has since ceased and the site is now vacant.
- 1.3 The site is positioned at the south-western edge of a conservation area. It is designated to protect the setting and views of the Priory Church and includes little built development. However the site is outside this boundary.
- 1.4 The proposal seeks to replace the garage structure with eight 2 bedroomed dwellings. These are to be arranged in two terraces of four. The first of these terraces fronts onto Etnam Street, continuing the line of development along the road. The second terrace is set back behind a shared parking area and backs onto Pinsley Road.

2. Policies

2.1 Hereford and Worcester County Structure Plan

H16A – Housing in Rural Areas
CTC15 – Conservation Areas

2.2 Leominster District Local Plan

A2 - Settlement Hierarchy
A17 - Contaminated Land
A18 - Listed Buildings and their Settings
A21 - Development within Conservation Areas
A23 - Creating Identity and an Attractive Built Development
A24 - Scale and Character of Development

A29 - Loss of Employment Sites Outside Industrial Estates
A54 - Protection of Residential Amenity
L17 - Protecting the Setting and Views of the Priory Church

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

H1 – Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H14 – Re-Using Previously Developed Land and Buildings
HBA4 – Setting of Listed Buildings
HBA6 – New Development Within Conservation Areas

3. Planning History

NC2003/1715/F - Change of use to form new sales area for motor vehicles – Withdrawn

NC2003/2699/F – Construction of six new dwellings – Approved 24/03/04. (It should be noted that this is an adjacent site).

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water - No objection subject to conditions.

Internal Council Advice

4.2 Conservation Manager - No objection in principle to the residential development of the site, subject to improvements in design. Consider the introduction of chimneys and re-alignment of housing onto Etnam Street.

4.3 Transportation Manager - No objection subject to conditions.

4.4 Public Rights of Way Manager - No objection.

4.5 Archaeological Advisor - No objection subject to condition.

4.6 Head of Environmental Health and Trading Standards - No objection subject to conditions.

5. Representations

5.1 Leominster Town Council - Recommend approval.

5.2 Three letters of objection have been received from:

Mr & Mrs Waudby, 127 Etnam Street, Leominster
Dr A Rowanchild and Ms J M Preston, 129 Etnam Street, Leominster
Miss S Johnson, 131 Etnam Street, Leominster

In summary the points raised are as follows:

a) the proposal represents over-development of the site

- b) the design does nothing to lift the appearance of the area.
- c) Concerns over parking arrangements and impact on Pinsley Road.

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) Design criteria
- b) Impact of development on the surrounding area
- c) Over-development
- d) Highway safety

6.2 Design

The scheme takes its architectural lead from the Edwardian dwellings to the west of the site. They are characterised particularly by bay windows and a canopy extending across its frontage, and also by their tall narrow sash windows at first floor level.

It is considered that the proposal goes some way to achieving an appropriate design solution. The inclusion of a canopy along the front elevation of each of the blocks, the symmetrical positioning of windows and the addition of header detailing all seek to add visual interest to the elevations. It is accepted however, that the ridge line should be broken and the introduction of chimneys would achieve this. It is considered that this could be addressed by a suitably worded condition.

Subject to the condition referred to above, and further areas relating to materials and joinery details the proposal is considered to be acceptable in design terms.

6.3 Impact on the Surrounding Area

At present the existing bus depot detracts from the setting of the listed building and from the character and appearance of the area more generally. It has been established above that the design is deemed to be acceptable and consequently the scheme is considered to represent a visual improvement to the area. A similar consideration was made on the former engineering site now being developed for six dwellings.

The block facing onto Etnam Street is set back and will not obscure views of the listed public house. The scheme represents an improvement to its setting and to that of the adjacent conservation area. It is therefore considered to be acceptable in this respect.

6.4 Over-development

The application shows eight two bedroomed dwellings that will provide accommodation at the lower end of the open market. Each is provided with a small garden and a parking space. The scheme also makes allowance for small pockets of landscaping to occur within the site and the dwellings are orientated in a manner that ensures that no detriment to the residential amenity is caused by way of loss of privacy or overbearance.

It is accepted that the scheme makes an intensive use of the site, but does not compromise the area in terms of design or residential amenity. It sits well within the site and therefore it is your officer's opinion that the scheme does not constitute over development.

6.5 Highway Safety

Letters of objection express concern at the proximity of the access to the site to the junction of Etnam Street and Pinsley Road, and the increase in traffic that will result along the already congested road. The Council's Highways Engineer has visited the site and is satisfied that the proposal is acceptable subject to the imposition of conditions.

6.6 It is therefore concluded that the development is acceptable in all aspects and accords with the relevant Development Plan Policies. Accordingly it is recommended that planning permission be approved.

RECOMMENDATION

That planning permission be recommended 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: To safeguard the character and appearance of this building of [special] architectural or historical interest.

5 - C05 (Details of external joinery finishes)

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

6 - E16 (Removal of permitted development rights)

Reason: In order that the local planning authority can assess any future additions to the dwellings hereby approved.

7 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

8 - F41 (No burning of materials/substances during construction phase)

Reason: To safeguard residential amenity and prevent pollution.

9 - D01 (Site investigation - archaeology)

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

10 - F17 (Scheme of foul drainage disposal)

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

11 - G01 (Details of boundary treatments)

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

12 - H01 (Single access - not footway)

Reason: In the interests of highway safety.

13 - H04 (Visibility over frontage)

Reason: In the interests of highway safety.

14 - 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.

15 - 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.

16 - Notwithstanding the plans hereby approved, details shall be submitted to an approved in writing by the Local Planning Authority to show the provision of chimneys. Development shall be carried out in accordance with the approved details.

Reason: In order to create a visual break in the ridge lines of each of the accommodation blocks.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC**
- 2 - HN01 - Mud on highway**
- 3 - HN04 - Private apparatus within highway**
- 4 - HN05 - Works within the highway**
- 5 - HN10 - No drainage to discharge to highway**
- 6 - HN13 - Protection of visibility splays on private land**

7 - HN23 - Vehicular use of public rights of way

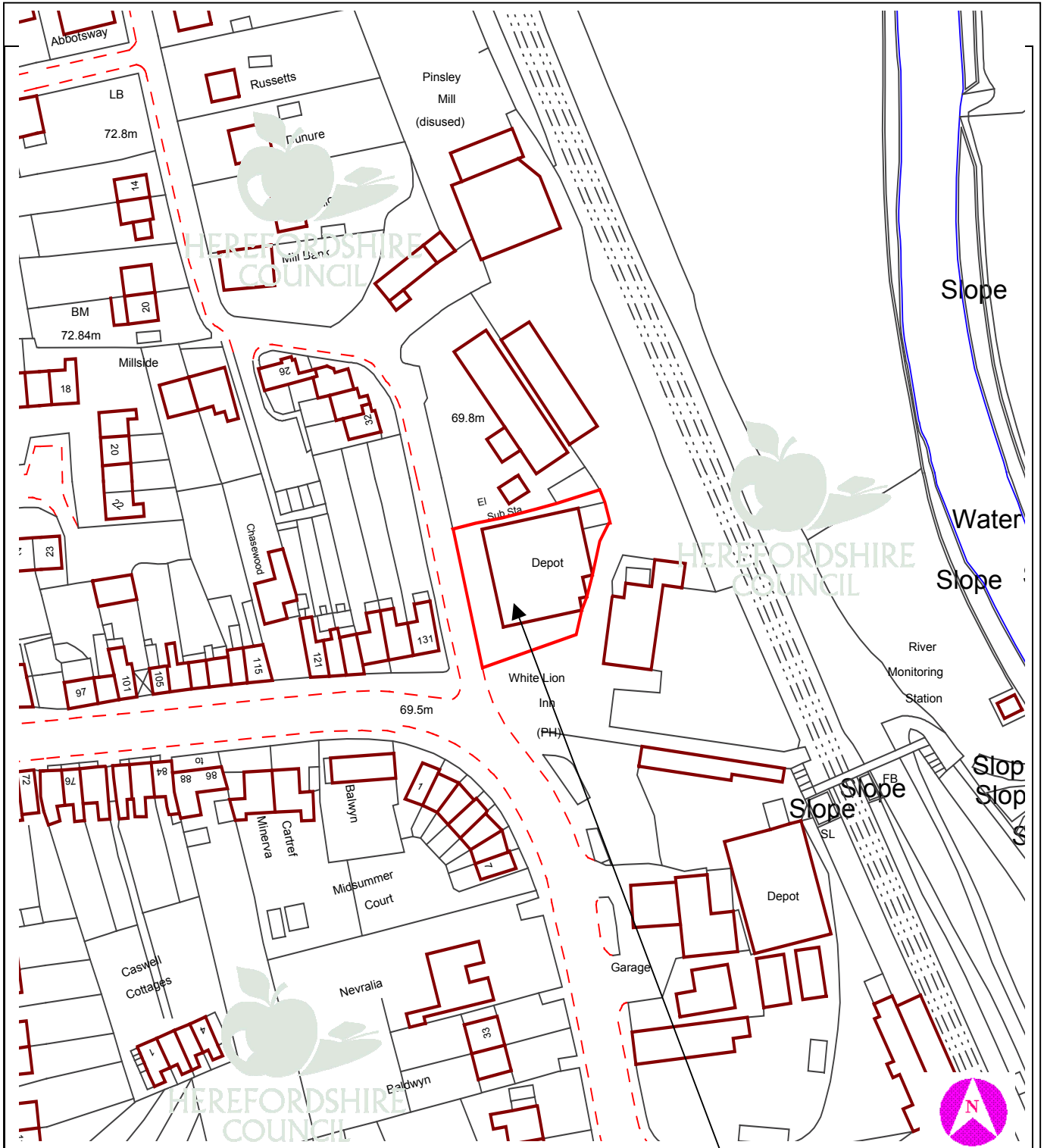
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2005/3751/F

SCALE : 1 : 1250

SITE ADDRESS : Former bus depot site, Etnam Street, Leominster, Herefordshire

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10 DCNE2005/3838/F - ERECTION OF 2 NO. WHEELCHAIR ACCESSIBLE SEMI-DETACHED HOLIDAY COTTAGES FOR THE DISABLED AT HIDELOW HOUSE, ACTON BEAUCHAMP, WORCESTER, WR6 5AH

**For: Mr & Mrs S H Diplock per Wall, James & Davies,
15-23 Hagley Road, Stourbridge, West Midlands,
DY8 1QW**

Date Received:
30th November 2005

Ward: Hope End

Grid Ref:
70039, 49386

Expiry Date:
25th January 2006

Local Members: Councillor R Mills and Councillor R Stockton

1. Site Description and Proposal

- 1.1 The application seeks permission for the erection of 2 no. wheelchair accessible semi-detached holiday cottages at Hidelow House, Acton Beauchamp. Sole vehicular access to the site is along the farm track taken from the B4220, 0.5km south of Acton Green.
- 1.2 Hidelow House comprises the existing former farmhouse and surrounding barn complex, which have been sensitively converted to form specialist holiday let accommodation, aimed specifically at the disabled market. Additional facilities have been added over time, including the laundry and reception area. The business is now well established and supporting documentation alludes to clientele visiting from overseas as well as all over the country. Use has been made of all suitable existing buildings and it is now requested that consideration be given to the provision of an additional 2 units in a field immediately to the east of the existing complex.
- 1.3 The application is made subsequent to the refusal of application number NE05/2249/F, which also sought permission for the erection of 2 semi-detached holiday cottages. This was refused on the basis that the development proposed was new build in open countryside and thus contrary to Housing Policy 4 of the adopted Local Plan.
- 1.4 This revised application is for a slightly repositioned and redesigned pair of semi-detached cottages, although the broad thrust of the development is as previously applied for.
- 1.5 The building proposed is quite substantial, being broadly rectangular, with dimensions of 16.6m x 9.2m. This is somewhat smaller than the cottages applied for previously, which measured 19m x 14m. Height to the ridge has also been reduced by 1m to 6.3m. The bulk of the building is aligned east/west with two single storey cross-wings to the rear, which would house the kitchens. Internally each cottage has a lounge/dining room, en-suite bedroom for the disabled and kitchen at ground floor with 2 no. en-suite bedrooms at first floor. Materials proposed are to match the bulk of the existing converted barns on site with horizontal timber cladding over a stone plinth.

- 1.6 The specific siting of the proposed cottages is the field immediately to the east of the existing complex. This is currently down to grazing. This land is several metres higher than the complex to the west, and it is proposed that the site for the cottages be excavated to bring the levels into line with the remainder of the site.

2. Policies

2.1 Malvern Hills District Local Plan

Tourism Policy 4 – Hotel Development – Open Countryside
Tourism Policy 5 – Hotel Development in the Open Countryside – Conversions
Landscape Policy 3 – Development in Areas of Great Landscape Value

2.2 Hereford & Worcester County Structure Plan

CTC2 – Development in Areas of Great Landscape Value
CTC9 – Development Criteria

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable Development
DR1 – Design
DR2 – Land Use and Activity
RST12 – Visitor Accommodation

3. Planning History

NE05/2249/F: Proposed 2 no. wheelchair accessible semi-detached holiday cottages:
Refused under delegated powers 16/08/2005

NE04/2138/F: Single storey extension to holiday accommodation: Approved with
conditions 06/08/2004

NE03/0075/F: Erection of office, laundry, store and garage (superseding applications
00/1209 & 00/2372). Approved 04/03/2003

NE01/3236/F: Single holiday unit suitable for use by a disabled person to replace
stables: Approved 29/01/2002

NE00/2372/F: Workshop, garage, laundry and telephone room (Amendment to
NE00/1209/F): Approved 24/10/2000

NE00/1209/F: Games room, laundry and domestic garage for use in connection with
holiday lets: Approved 22/06/2000

MH98/0139: Change of Use from bungalow to holiday let: Approved

MH94/0814: Conversion of redundant barn into 3.no holiday lets: Approved

MH93/1030: Conversion of redundant hop building to 2 holiday lets: Approved

4. Consultation Summary

Statutory Consultations

4.1 None necessary.

Internal Council Advice

4.2 Traffic Manager: No objection

4.3 Environmental Health Manager: No objection

4.4 Tourism Manager: "Supports the application... which would bring much needed accommodation for disabled visitors."

5. Representations

5.1 Cradley Parish Council: "We have some concerns about this proposal because it is in open countryside, but we wish to support commercial proposals in the Parish.

- a) Must never be sold off from the main property;
- b) Must not be let for 52 weeks of the year; maximum 40 weeks."

5.2 Acton Beauchamp Parish Council (Adjoining): "Parish Councils split on this application. Some concern expressed over proposed dwellings if business ceases and they would not be approved elsewhere? Also, spread of the enterprise. Others support wheelchair accommodation, but could the present cottages be adapted for disabled access?"

5.3 CPRE: Objected to the previous application on the grounds that the development proposed was new development in open countryside. The present application, although modified, is open to the same objection.

5.4 One letter of objection has been received from Mr & Mrs B. H. Taylor, Green House, Acton Beauchamp, Worcester, WR6 5AA. The points raised are as follows:

- The proposed bio-disc system to deal with foul drainage will not necessarily be effective;
- Some of the existing lets could be adapted for disabled guests;
- This area is classed as open countryside and no new development should be allowed. Precedent has been set by formal rejections of planning applications and informal advice from the current and preceding planning officers.

5.5 The application is accompanied by supporting documentation, including a letter from the applicants detailing the nature of the existing operation and demand for disabled access cottages, which is currently outstripping supply. Information is supplied detailing the findings of empirical research into the subject, indicating that a lack of accessible accommodation prevents a third of all disabled people from taking a holiday.

5.6 Letters of support for the proposal are also received from "Quality In Tourism" and "Tourism for All UK."

- 5.7 Approximately 50 extracts from the visitor's book are also included.
- 5.8 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The main issue for consideration in the determination of this application the principle of development having regard to the content of the adopted Local Plan and emerging Unitary Development Plan.
- 6.2 The existing business is well established, providing some specialist-disabled person's holiday accommodation. The application is for an extension of the existing accommodation in recognition of the absence of suitable buildings for conversion. Substantial documentation in support of the application points to the success of the existing venture, highlighting in particular the turning away of custom owing to a lack of vacancies and the knock-on loss of expenditure in the local economy. In particular, letters of support come from the organisations "Quality in Tourism" and "Tourism for All UK". These letters commend the quality of the existing accommodation and also identify a shortfall in accommodation of this sort in the county and beyond.
- 6.3 The policy of greatest direct relevance is considered to be Tourism Policy 4 of the MHDLP. This deals with new build development in the open countryside and states that there is a presumption against new build development outside settlements, unless a variety of exceptions criteria are met. Most relevant of the exceptions criteria is the requirement that the siting of new development be within of immediately adjoining settlements. This is not the case here, the nearest identified settlement being Cradley. The development proposal therefore fails this test.
- 6.4 The documentation supporting the application makes reference to Tourism Policy 8, although this deals specifically with Holiday Caravan and Chalet sites and is not directly applicable to permanent self-catered accommodation.
- 6.5 The presumption against new build hotel development is further reinforced by policy RST12 of the UDP (RDD). This states that outside settlements, the provision of permanent serviced or self-catering accommodation for visitors will only be permitted if it consists of the re-use and adaptation of a rural building. As such, it is noted that the exception criteria is not carried on in the UDP. (It is noted that 3 objections were made against this policy although Policy Officers do not envisage that it will be substantially amended as a result).
- 6.6 Whilst the Local Planning Authority recognises that the applicant's have established a thriving tourism based business, the relevant Local Plan policy requires that further development should take the form of conversions of suitable buildings or otherwise (and exceptionally) constitute new build within or immediately adjoining settlements. This is not the case here and it is recommended, as a consequence, that the application be refused for the following reason.

RECOMMENDATION

That planning permission be refused for the following reason:

The application seeks permission for the erection of two substantial semi-detached holiday cottages on existing permanent pasture to the east of the existing complex. At this location the development proposed is neither within or adjoining an identified settlement. As a consequence the proposal is considered contrary to Tourism Policy 4 of the adopted Malvern Hills District Local Plan, which acts to prevent unwarranted sporadic development in the rural environment.

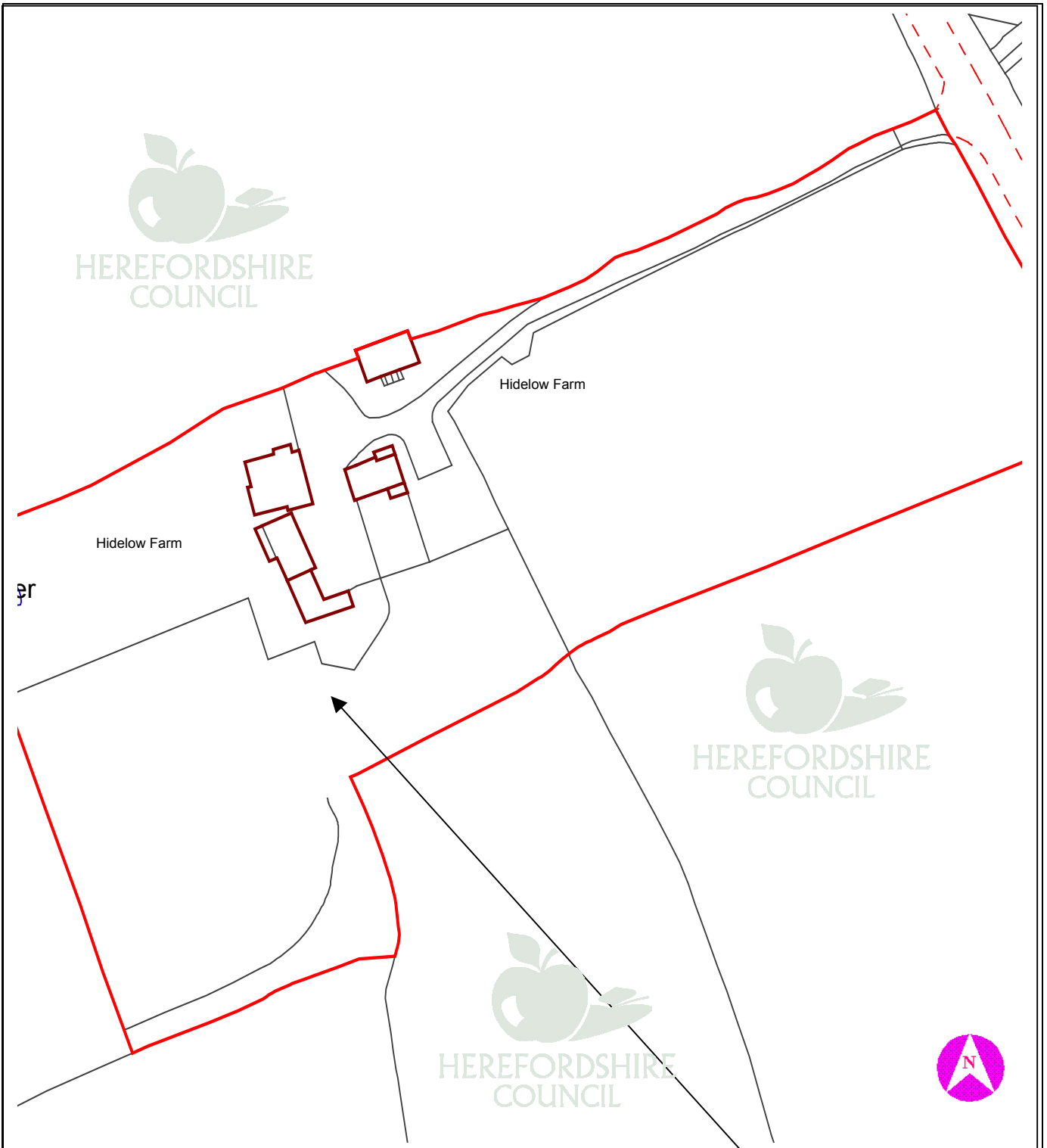
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2005/3838/F

SCALE : 1 : 1250

SITE ADDRESS : Hidelow House, Acton Beauchamp, Worcester, WR6 5AH

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11 DCNE2005/3887/F - CONVERSION OF BARN TO DWELLING; NEW DETACHED GARAGE WITH STUDIO/WORKSHOP OVER AND NEW VEHICLE ACCESS AT FURROWS FARM, BISHOPS FROME, HEREFORDSHIRE

For: Mrs S Vaughan per STMR Architects, Bideford House, Church Lane, Ledbury, Herefordshire, HR8 1DW

Date Received:
2nd December 2005

Ward: Frome

Grid Ref:
65970, 48628

Expiry Date:
27th January 2006

Local Member: Councillor R Manning

1. Site Description and Proposal

- 1.1 The site lies in open countryside to the north west of Bishops Frome. The area is characterised by its undulating landscape and established hedgerows defining field boundaries. It is situated approximately 220 metres to the south east of a property known as Aldridge Cottage, also owned by the applicant, and 60 metres from Wellington Farm. The latter is not controlled by the applicant and is a working farm with both arable and livestock elements.
- 1.2 This application is for the conversion of an existing rural building to a residential dwelling. It also includes the provision of a new garage/studio building and requires the provision of vehicular access.
- 1.3 The building comprises a timber framed structure on a plinth of brick and stone under a clay tiled roof. It has a footprint of 50m sq and the proposal seeks to provide 2 bedroomed accommodation. The plans indicate an open plan design with the central bay remaining open to full height. Two first floor rooms are served by independent staircases.
- 1.4 A new double garage with studio over is to be sited to the rear of the barn. It has a footprint of 40m sq and a ridge height of 4.5 metres. It is to be constructed in materials to match the barn and is set into a steep embankment.
- 1.5 Finally a new vehicular access is proposed. In part this will utilise an existing access to the applicants property known as Aldridge Cottage, hence no new access onto the B4214 is required as such. The access will then continue to the north of the cottage following the hedge line and eventually linking to a sunken track leading on to the barn.

2. Policies

2.1 Hereford and Worcester County Structure Plan

H20 – Housing in Rural Areas
CTC13 – Conversion of Buildings

2.2 Malvern Hills District Local Plan

Housing Policy 4 – Housing in the Countryside
Conservation Policy 12 – Residential Conversion of Agricultural and Other Rural Buildings
Conservation Policy 13 – Removal of Permitted Development Rights
Landscape Policy 1 – Development Outside Settlement Boundaries
Nature Conservation Policy 2 – Species

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

H7 – Housing in the Countryside Outside Settlements
NC1 – Biodiversity and Development
HBA13 – Re-Use of Rural Buildings for Residential Purposes

In addition national guidance PPS7 – Sustainable Development in Rural Areas is also relevant to this application.

3. Planning History

- 3.1 NE2003/3462/F - Conversion of barn to dwelling. New detached double garage with studio/workshop over. Construction of new vehicular access. Refused 13th January 2004.

Four reasons were given for the refusal of the application. These can be summarised as follows:

1. Detrimental visual impact of the new access track and garage building and creation of a domestic curtilage.
2. Residential use created would be adversely affected by the proximity of the existing farm.
3. Adverse effect on an active badgers set to the east of the site.
4. Inappropriate design and detailing of the conversion scheme that would be detrimental to the character and appearance of the barn.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency - no objection.
4.2 Welsh Water Authority - no objection.

Internal Council Advice

- 4.3 Transportation Manager - no objection.
4.4 Conservation Manager

Historic Buildings - no objection subject to conditions.

Ecology - no objection subject to conditions.

- 4.5 Head of Environmental Health and Trading Standards: Whilst the planting of woodland might, once the trees are mature, have some effect on the reduction of dust and odour nuisance, the planting of trees does not have any significant effect on the reduction of noise. I would therefore confirm that it is my opinion that this is an inappropriate location for a residential property that is not tied to the adjacent farming activity.

5. Representations

5.1 Bishops Frome Parish Council comment as follows:

- Concerned about the proximity of the site to a working farm and that it has permission to expand.
- Concerns regarding privacy.
- Possible contamination of Wellington Farm Well.

5.2 One letter of objection has been received in response to the statutory consultation period from Mr A W Panniers, Wellington Farm, Bishops Frome. The issues raised are the same as those expressed by the parish council.

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 visual impact of the proposal.
- b) The impact on ecological issues.
- c) Design criteria.
- d) Impact on private water supply at Wellington Farm.
- e) The proximity of potentially conflicting uses.

6.2 Visual Impact

The scheme has been significantly amended since its previous refusal. The access proposed shares in part an existing one and follows a mature hedge line and a sunken track. These features will mitigate against any visual intrusion that this element might otherwise have caused.

The domestic curtilage has been significantly reduced in size from the previous refusal. Previously the new garage/studio was positioned to the fore of the barn. In its revised state the new building and parking/turning areas are to the rear. It is set into an embankment and is 2 metres lower than that previously refused. The barn will remain as the prominent architectural feature and any element of domesticity will be screened by it. It is therefore concluded that concerns relating to visual impact are addressed by this current application and no longer provide grounds for refusal.

6.3 Ecological Issues

An ecological assessment has been completed and submitted as part of the application. The report recommends that mitigation measures should be implemented with regards to the existence of the badgers set. No bat activity was identified by report.

The Council's Ecologist identifies a lack of an appraisal of the impact of nesting birds but recommends the imposition of a condition to make a further assessment of this. On this basis he raises no objection.

This would appear to address the previous reason for refusal in this respect.

6.4 Design Criteria

The previously refused scheme was considered to pay little regard to the character and appearance of the building. The application also lacked any structural survey of the building. The latter of these issues is now addressed by a survey that concludes that the building is in a stable structural condition and can be converted without major structural alteration and/or repair.

The proposal has been assessed by the Council's Historic Buildings Officer who concludes that the scheme is acceptable subject to conditions relating to the submission of materials and joinery details.

The scheme is now considered to be sympathetic to the character and appearance of the barn. It utilises all of its existing openings and its external appearance will not be changed significantly and roof trusses will remain exposed.

Again, it is considered that the previous reason for refusal in respect is overcome.

6.5 Water/Sewage Issues

No objections have been raised either by the Environment Agency or Welsh Water in this respect. The scheme is to be served by a new septic tank and soak away system as detailed by an accompanying drainage report. The proposed system complies with building regulation requirements under Part H and there are no grounds to believe that it would cause any contamination of the private water supply to Wellington Farm. It is therefore concluded that the proposal is acceptable in this respect.

6.6 Proximity of Conflicting Uses

The current proposal attempts to address this issue through the introduction of a substantial planting scheme at the boundary with Wellington Farm.

6.7 The Council's Environmental Health Officer has advised that a band of planting will cut down the effects of dust and odour in the longer term, but it is not a sufficient measure to overcome all issues of nuisance and therefore maintains the refusal reason previously given in this respect.

6.8 In conclusion, three of the four reasons previously given in refusal of the original application have been addressed. However the issue of proximity to a working farm

and the potential conflict of uses remains. Part F of Conservation Policy 12 of the Malvern Hills District Local Plan makes specific reference to potential adverse effects and the proposal does not comply with it. The application is therefore recommended for refusal.

RECOMMENDATION

That planning permission be refused for the following reason:

The Local Planning Authority is concerned that the proposed residential use would be adversely affected by the proximity of the existing farm immediately to the east of the site. As such the proposal is contrary to Conservation Policy 12(F) of the Malvern Hills District Local Plan.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2005/3887/F

SCALE : 1 : 1250

SITE ADDRESS : Furrows Farm, Bishops Frome, Herefordshire

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12 DCNE2005/3975/F - PROPOSED 2 BEDROOMED HOUSE AT LAND TO THE REAR OF OAKLAND HOUSE, SOUTH PARADE, LEDBURY, HEREFORDSHIRE, HR8 2HB

For: Ms J Powell per Mr C M Smith, Design Link Associates Ltd, Hillside Horse Road, Wellington Heath, Ledbury, Herefordshire, HR8 1LS

Date Received:
13th December 2005

Ward: Ledbury

Grid Ref:
71112, 37314

Expiry Date:
7th February 2006

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

1. Site Description and Proposal

- 1.1 Oakland House is an attractive Grade II listed building occupying a position at the junction of The Southend and a private road known as South Parade. The back garden of the dwelling runs parallel with the latter and both vehicular and pedestrian access is gained from it to the property. A broad surfaced area provides on street parking for residents.
- 1.2 The area is characterised particularly by Georgian style houses, although some smaller cottage type properties also lie in close proximity to the site. It also falls within the Ledbury Conservation Area.
- 1.3 More particularly the site is bounded by a 2 metre brick wall with a garage compound at the bottom of the garden. These are rather unsightly buildings that do not generally reflect the architectural character or quality of the area.
- 1.4 The proposal seeks to erect a two bedroomed dwelling through the subdivision of the garden of Oakland House. It fronts directly onto South Parade and has a symmetrical appearance in the Georgian style to reflect its surroundings. Principle windows are positioned either in the front (north) or side (east).

2. Policies

2.1 Hereford and Worcester County Structure Plan

H16A – Housing in Rural Areas
CTC15 – Conservation Areas

2.2 Malvern Hills District Local Plan

Housing Policy 2 - Development in Main Towns
Conservation Policy 2 - New Development in Conservation Areas
Conservation Policy 4 - Demolition of Unlisted Buildings in Conservation Areas

Conservation Policy 11 - The Setting of Listed Buildings

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

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

H13 – Sustainable Residential Design

HBA4 – Setting of Listed Buildings

HBA6 – New Development within Conservation Areas

3. Planning History

NE2004/1232/K - Removal of two Silver Birch and two Leyladii - Approved.

4. Consultation Summary

Statutory Consultations

4.1 Severn Trent - no objection subject to condition.

Internal Council Advice

4.2 Transportation Manager - No objections to the application but queries the alternative parking arrangements for Oakland House and whether the Silver Birch tree to the front of the site is to be removed.

5. Representations

5.1 Ledbury Parish Council - No objection subject to:

- a) a further investigation of drainage and underground stream prior to the commencement of development.
- b) the existing Silver Birch be retained.
- c) no loss of amenity to adjacent properties.

5.2 In total nine letters of objection have been received in response to statutory consultation procedures from the following:

Mr B Price, 3 Southend Mews, Ledbury
Mr I Beer, Ankerdine House, South Parade, Ledbury x 2
Mr A Hall, South Lodge, South Parade, Ledbury x 2
Priscilla Hebblethwaite, 40 The Southend, Ledbury
Mrs Clarke, St Michaels, South Parage, Ledbury
Mr & Mrs Nicholson, Rutland Lodge, South Parade
Mr & Mrs Smith, Southend House, The Southend

In summary the points raised are as follows:

- a) The proposal will adversely affect privacy of adjacent dwellings
- b) Concerns over parking provision, particularly the loss of garaging to Oakland House
- c) The existence if an underground stream that crosses the site

d) Increased pressure on drainage in the area

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

6. Officers Appraisal

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

- a) impact on residential amenity
- b) parking provision for the proposal and Oakland House
- c) existence of an underground stream
- d) drainage
- e) design and impact on the Conservation Area

6.2 It is considered that one dwelling is potentially affected in terms of impact upon its residential amenity, and that is 3 Southend Mews. Other properties within any proximity wither have blank gable ends onto the site or have a closer relationship with others.

6.3 3 Southend Mews is orientated on an east/west plane with a gable end on to the application site. A single first floor window is located in this elevation. The proposed dwelling has two first floor windows opposing 3 Southend Mews. Both of these serve bathrooms and subject to a condition requiring them to be obscure glazed will not have any detrimental impact on residential amenity.

6.4 Parking

The current arrangements for Oakland House see the applicant parking in South Parade parallel to the boundary wall. The garaging that is proposed to be removed is in a state of disrepair and does not appear to have been used for the garaging of motor vehicles for some time. Indeed its current condition would not facilitate any such use.

6.5 The proposal makes provision for off-street parking for the new dwelling whilst the existing arrangements for Oakland House would remain. On balance, and given particularly the poor condition of the existing garage buildings, these arrangements are considered to be acceptable.

6.6 Existence of an Underground Stream

No conclusive evidence has been provided by the objectors to demonstrate whether the stream crosses the site. The Council's Drainage Engineer has been consulted but a response is yet to be received. This will be reported verbally to Committee. If a stream is found to cross the site it would be a matter for building regulations to ensure that it could be constructed without compromising the stability of the new dwelling or those surrounding.

6.7 Drainage

The consultation response from Severn Trent does not indicate that there is insufficient capacity within the mains drainage system and have consequently raised no objection to the application.

6.8 Design and Impact on the Conservation Area

The dwelling is well designed and pays due regard to the architectural character of the surrounding area. The removal of the garaging is seen to be a visual enhancement and therefore beneficial to the character and appearance of the conservation area.

In conclusion it is considered that the proposal accords with the relevant policies. The issues raised in objection to the application can be satisfactorily addressed by condition and it is subsequently recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - A09 (Amended plans)

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

3 - B01 (Samples of external materials)

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

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

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

5 - C05 (Details of external joinery finishes)

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

6 - E16 (Removal of permitted development rights)

Reason: To allow the local planning authority to assess the impact of any further additions to the dwelling hereby approved.

7 - E19 (Obscure glazing to windows)

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

8 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

9 - F17 (Scheme of foul drainage disposal)

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

10 - G01 (Details of boundary treatments)

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

11 - H05 (Access gates)

Reason: In the interests of highway safety.

12 - H10 (Parking - single house)

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

Informative:

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

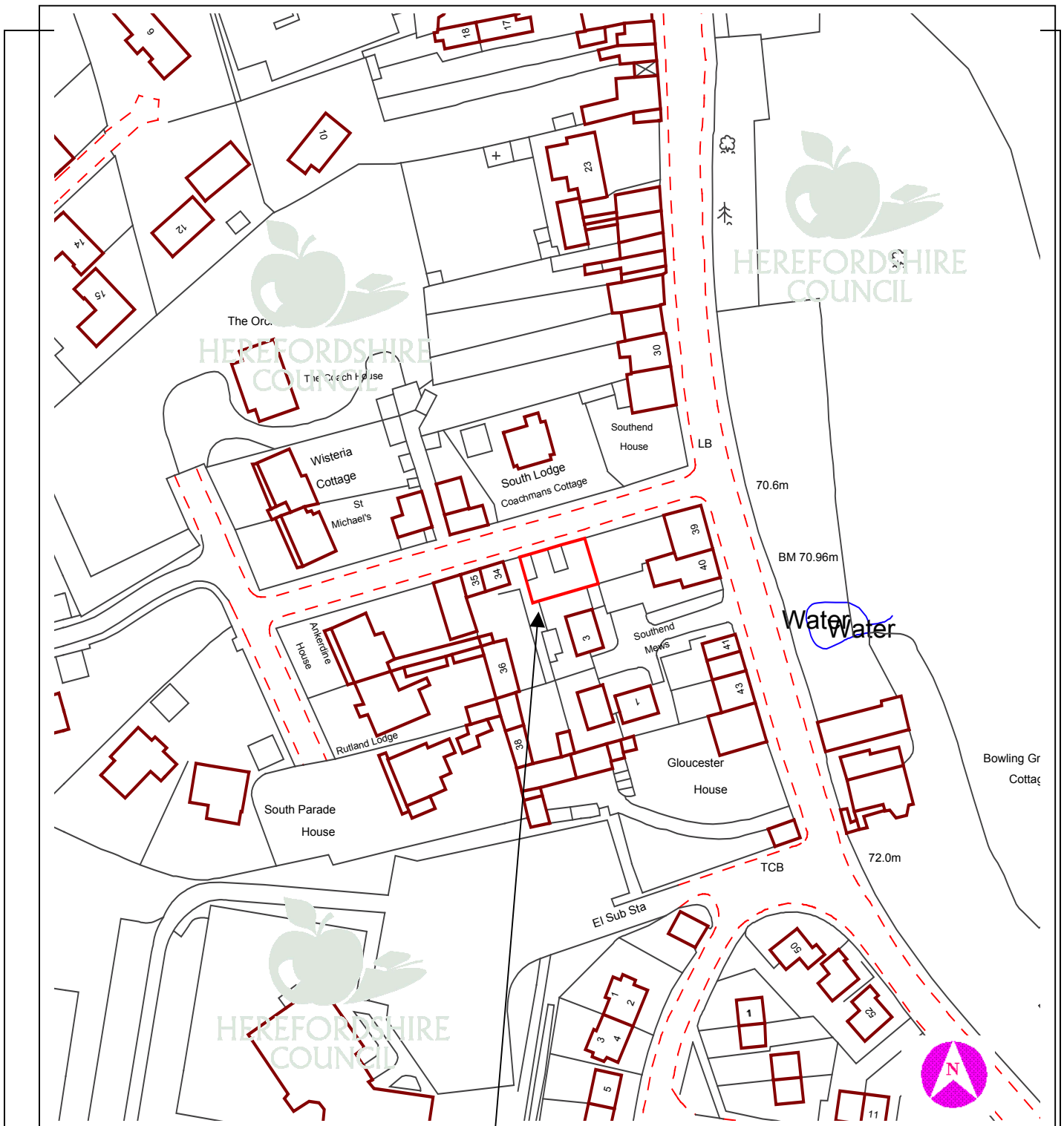
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2005/3975/F

SCALE : 1 : 1250

SITE ADDRESS : Land to the rear of Oakland House, South Parade, Ledbury, Herefordshire, HR8 2HB

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13 DCNE2005/4163/F - EXTENSION TO FIRST FLOOR OVER EXISTING GROUND FLOOR EXTENSION AT 3 FALCON LANE, LEDBURY, HEREFORDSHIRE, HR8 2JP

**For: Mr & Mrs C McAlinden per Jacob Pot Architect,
No 9 Lansdown Place Lane, Cheltenham,
Gloucestershire, GL50 2JZ**

Date Received:
28th December 2005
Expiry Date:
22nd February 2006

Ward:
Ledbury

Grid Ref:
67797, 38651

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

1. Site Description and Proposal

- 1.1 The application site is one of a pair of semi-detached properties situated on Falcon Lane. The area is characterised by dwellings grouped randomly along Falcon Lane and the site is one of a small group that lie parallel to, but set back from the road frontage in a slightly elevated position.
- 1.2 The property is rendered with dark stained windows under a tiled roof. The original form of the pair of semi-detached properties is one of a central body with two storey gabled wings to either end. A single storey extension has been added to the property that is the subject of this application.
- 1.3 The proposal seeks to add an extension over the existing single storey side extension. The plans show a full height glazed link to differentiate between the original dwelling and later additions. Its ridge height is slightly lowered by 0.2 metres for a length of 1.5 metres. The main body of the extension continues the same ridge height through as the original dwelling and incorporates a half hipped roof at the gable end to replicate an existing detail.

2. Policies

2.1 Malvern Hills District Local Plan

Housing Policy 16 – Extensions

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

H18 – Alterations and Extensions

3. Planning History

NE05/3303/F - Proposed extension to first floor over existing side extension - Refused 10/11/05

NE05/0667/F - Proposed extension to first floor over existing side extension - Refused 06/04/05

NE02/0665/F - Addition of a conservatory to single storey extension - Approved 05/04/02

MH91/0752 - Erection of a linking extension and conversion of part built detached garage to residential accommodation – Approved

It should be noted that the two refusals were issued under the scheme of delegation for the following reason:

The local planning authority considers that the proposed extension would, when considered in conjunction with previous additions, have an unacceptable adverse impact upon the character of the original dwelling with the consequence that the original dwelling would no longer be recognisable as the dominant feature architecturally. The development is thus considered contrary to Policy H16 of the adopted Malvern Hills District Local Plan.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Consultations

4.2 Transportation Manager - No objections.

5. Representations

5.1 Ledbury Town Council - Recommend approval.

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 Policy H16 of the Malvern Hills District Local Plan requires, amongst other things, that extensions should be:

- Be at a scale and mass which ensures that the architectural character of the original building is retained and continues to dominate; and
- Be to a high standard of design with size, siting and external materials complementing the character and appearance of the original building and its surroundings.

6.2 It is considered that the proposed extension fails to satisfy the above-mentioned policy criteria. The development if permitted would compromise the character of the original semi-detached dwelling to an unacceptable degree, creating a large dwelling uncharacteristic of the immediate area and disproportionate when considered against the neighbouring dwelling.

- 6.3 The current proposal differs from the previously refused schemes as it includes a transitional drop in the ridgeline in an attempt to differentiate between the original dwelling and the current proposal.
- 6.4 In spite of this, it remains your officers opinion that the extension is of a disproportionate scale, which competes with and overwhelms the original dwelling. If permitted, the first floor extension, when taken in conjunction with the previous single storey addition, would have the effect of more than doubling the cubic content of the original.
- 6.5 It is therefore concluded that the proposal does not accord with local plan policy and the application is recommended for refusal.

RECOMMENDATION

Subject to the expiration of the statutory consultation period the officers named in the Scheme of Delegation of officers be authorised to refuse the application for the following reason:

- 1. The Local Planning Authority considers that the proposed extension would, when considered in conjunction with previous additions, have an unacceptable adverse impact upon the character of the original dwelling with the consequence that the original dwelling would no longer be recognisable as the dominant feature architecturally. The development is thus considered contrary to Policy H16 of the adopted Malvern Hills District Local Plan.**

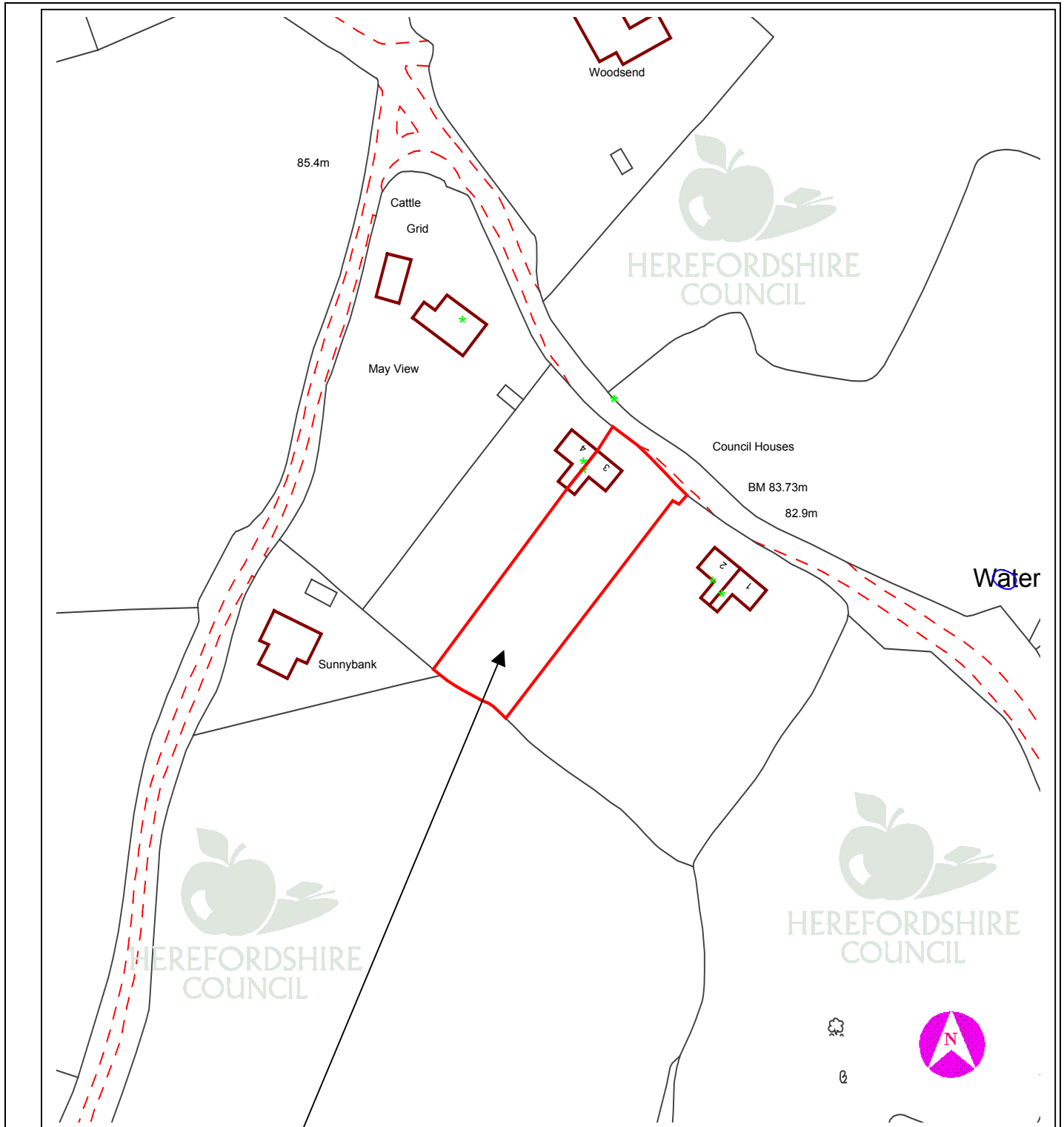
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2005/4163/F

SCALE : 1 : 1250

SITE ADDRESS : 3 Falcon Lane, Ledbury, Herefordshire, HR8 2JP

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**14 DCNC2005/3891/F - REMOVAL OF OCCUPANCY
CONDITION (NO.7) REF: 13164 INSPECTORS
DECISION 09.03.1994 AT LAND ADJACENT TO HOPE
POLE INN, RISBURY, LEOMINSTER,
HEREFORDSHIRE, HR6 0NQ**

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

Date Received:
2nd December 2005
Expiry Date:
27th January 2006

Ward: Hampton Court **Grid Ref:**
55419, 54910
MT/CR

Local Member: Councillor K Grumbley

1. Site Description and Proposal

- 1.1 The application site lies on the south side of the C1110 road towards the east end of Risbury. The application relates to two recently erected dwellings currently subject to a planning condition requiring the occupation to be "limited to persons solely or mainly employed, or last employed, in the locality in racehorse training stables, or widow or widower of such persons or to any resident dependants".
- 1.2 Both dwellings are 4-bedroomed detached houses recently erected following approval of reserved matters determined by committee on 1 December 2004.
- 1.3 This application follows a refusal for the same proposal by Members contrary to recommendation at the meeting on 30th November 2005. The reason for refusal stated:
- "The Local Planning Authority does not consider that sufficient evidence has been produced to indicate 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."
- 1.4 This application had been recommended for approval, there having been no offers made on the properties, which the Council's County Land Agent considered to be marketed as appropriate levels. However, just prior to the commencement of the meeting the Local Member reported receipt of an offer at the full asking price of £220K for 'The Conifers' the smaller of the two dwellings, from a Mr Cecil Price, who would appear to comply with the occupancy condition.
- 1.5 Accordingly the application was refused. The day after the meeting the offer was reduced to £150K. That offer remains. In addition an offer of £250K has been made on Ash Tree House the larger of the dwellings.

2. Policies

2.1 Leominster District Local Plan

A44 – Removal of agricultural or forestry occupancy conditions

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

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

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

3. Planning History

NC2005/3250/F – Removal of condition. Refused 30.11.05

NC2005/2498/F – Removal of condition 7. Refused 5.10.05. This is currently subject of an appeal.

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

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

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

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

900612 - Site for the erection of 4 cottages for occupation by full-time employers of adjacent racehorse training stables on land adjacent to Hop Pole Inn, Risbury. Subject to occupancy condition tied to adjacent training establishment and a further condition that development not be sold separately from the applicant's horse racing business. This was also subject to a Section 106 agreement, which was subsequently discharged in October 2000.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 County Land Agent has previously commented that the valuations are appropriate given the occupancy conditions.

4.3 Traffic Manager has no objection.

5. Representations

5.1 Humber Parish Council state: 'The Parish Council can only make decisions based on planning criteria. It is unable to consider personal or financial matters. The Council sees no significant change of circumstances that would justify the removal of the condition. The Council supports the Northern Area Planning Committee in its refusal of previous, identical applications.

5.2 Objections have also been received from:

Mr and Mrs White, New Pentwyn, Risbury.
Mr M Kimberly, The Old Post Office, Risbury
Mr Ryall, Butterfield, Risbury.
Mr C. Price, Brockmanton Hall, Puddleston.
Mrs Ivall, Butt Oak Farm, Risbury.
Mr Shelley, The Birches, Pencombe.

Objections are summarised as follows:

- 1) The applicant is trying to get round the planning system
- 2) That offers have been received from people complying with the tie
- 3) The applicant is not a trainer
- 4) Properties not marketed at a reasonable level
- 5) The tie is so strict as to be difficult for anyone in this business to afford the properties
- 6) Removing the condition would weaken the overall approach to development in the countryside
- 7) Mr C Price advises that he reduced his offer of £220K to £150K after the meeting at which the last application was refused due to information which came his way. He does not specify what this information was. He also considers that his son and two other employees would meet the conditions.

5.3 In support of the application the applicant advises, the previous application was refused following receipt of information about an offer at the asking price by Cllr. Grumbley, and made known to committee at the meeting. He considers that this clearly influenced the committee. What it also does, he considers, is indicate that the asking price was reasonable, since Mr Price was aware of the condition on the property. He refers to correspondence to the Planning Inspectorate regarding the appeal, advising of members of his family who are interested in the properties, but who have not made that interest known to either him or his estate agent.

5.4 The applicant has previously submitted additional details of the marketing of the properties together with other properties in the area, with prices for comparison.

Marketing commenced in March 2005 in the Hereford Times at £350K and £250K respectively. Additional details were sent to the mailing list and to local livery stables, equine centres and to Hereford and Ludlow racecourses. In June, the guide price was reduced to £315K and £220K respectively, with a new marketing campaign. The open market values said to be £465K including paddock, and £325K respectively.

A number of enquiries were made up to the time of the previous application but no one complied with the occupancy condition. Since the refusals the properties continue to be advertised in the Hereford Times.

Details of other properties for sale in Risbury last year include a 2-bedroom bungalow for £230K; the property next door to Gallop View, 3 beds plus outbuildings associated with equine uses, guide price £350-400K (for sale by auction); a 4-bed house for £275K; a 4-bed house with one acre and outbuilding for £550K; the house immediately adjoining the application site to the east, 4 beds and 10 acres, for £575K; and a 3-bed bungalow for £275K.

In an attempt to understand the previous decision, the applicant sought advice on interpretation of the condition in terms of locality and racehorse stables.

He has also advised "Originally the houses were to be for myself and family. However, circumstances changed and the properties were put on the market in March 2005 at a price which reflected the 'condition'. The racing industry locally is in decline and it is considered therefore that the condition imposed in 1994 is now unreasonable and no longer serves any useful purpose.

The above is supported by the fact that since March 2005 no one has come forward that meets the condition imposed. Equally, the response from people not meeting the condition has been extremely good. Estate agent Bill Jackson is of the opinion that these family homes would sell very quickly without the restriction."

- 5.5 To summarise and conclude he advises:
- 1) Marketing has been on going for 11 months.
 - 2) No one other than Mr C. Price has come forward who meets the tie.
 - 3) This offer of £220K for the Conifers indicates that the asking price is reasonable, and cannot argue that they are not reasonably offered.
 - 4) That his offer of £250K for Ash Tree House asking price £315K was not feasible as a consequence.
 - 5) He has been invited to increase his offers but has not done so.
 - 6) That his son has his own planning application (pending decision by Main Committee at the time of preparation of this report), ref. DCNC2005/3689/O.
 - 7) None of his family who he claims to be interested have viewed either property.
 - 8) He concludes that the interest is not genuine and is a time wasting tactic.
 - 9) Government Policy PPS7 – states that no dwelling should remain empty by virtue of a condition that now serves no useful purpose.
- 5.6 The agents have confirmed the offers of £150K and £250K respectively, that Mr C. Price is unwilling at this time to offer the asking price and is waiting on an outstanding planning application of his own and until that is decided is unwilling to negotiate further.
- 5.7 The full text of these letters and the marketing details can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford, and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1 The issues here relate to:

- Whether the properties have been marketed at a price which reflects the occupancy condition and
- If so whether reasonable offers have been made by persons complying with the condition and
- Whether the condition was appropriately imposed to begin with.

6.2 Leominster District Local Plan Policy A44 makes reference to removal of agricultural or forestry occupancy conditions but there is no reference to other occupational conditions. Nevertheless, similar consideration should be given which requires the advertising of the property for sale at a price which reflects the market value with the condition attached for a reasonable period of time. The policy also refers to removal of the condition after at least 5 years of its initial occupation.

6.3 Policy H7 of the Revised Deposit Draft Unitary Development Plan states:

'Applications for the removal of occupancy conditions will only be permitted if it can be demonstrated that the original condition was unreasonably imposed or that there is no longer a current or foreseeable need for the dwelling either on the holding or in the locality and that there has been a genuine and unsuccessful attempt to market the property at a realistic price.'

6.4 PPS7, whilst not specifically referring to other occupational conditions, refers to changes which affect the longer term requirement for dwellings and that they should not be kept vacant simply by virtue of planning conditions restricting occupancy which have outlived their usefulness.

6.5 To help Members consider the merits of the application, it is necessary to give a brief history of the site, in addition to the list of applications set out in the planning history section. Outline planning permission was originally granted in 1990 for 4 dwellings with all matters reserved for subsequent approval. However, a suggested layout was submitted, not forming part of the application, showing a terrace of 4 dwellings. Notwithstanding the recommendation for refusal, the Planning Committee at the time accepted that there was a need for dwellings for employees of the racing stable on the opposite side of the road who because of their working conditions needed to live close to the site and could not reasonably commute from Leominster, the nearest town.

6.6 An attempt by the then applicant to remove the conditions both on occupancy and separate sale, was refused by that Committee in 1993. However, a subsequent appeal allowed separate sale and amended the occupancy condition from employees of the racing stable on the opposite side of the road to employees in racing locally. Given that the decision was taken that Leominster was too far away as a place to reside, the 'locality' in this instance necessarily assumes a narrower definition than might ordinarily be the case with agricultural dwellings, for instance.

6.7 Given the change to conditions, the Section 106 thereafter was out of step with the Inspector's decision. In July 1994, Leominster District Council resolved to agree to the voluntary revocation of that agreement. This was finally completed in October 2000 by the Jordans.

- 6.8 Having set the historical scene, it is now necessary to consider the attempts to market the property with the tie. The properties have been marketed since March this year, originally at a price of £350K and £250K respectively. In June, the prices were reduced to £315K and £220K. In addition to the information provided by the applicant, the applicant's Estate Agent advises that the open market value of the properties would be £465,000 and £325,000 respectively. A recent valuation by other agents are of a similar opinion.

The County Land Agent has previously commented upon the proposal and clarification sought as to values. It is accepted that the inclusion of the paddock with Ashtree House adds approximately £50K to the value of the house, thus the house value of around £415K, which when taken with normal negotiation following offers, means that the difference between his valuation and the Estate Agents in his own words is 'not that far apart'. Similarly, his valuation of The Conifers at £290K and the agents of £325K is 'not that far apart'.

Additionally, on this occasion the County Land Agent refers to the difficulty of meeting the occupancy condition regardless of the price of the properties.

- 6.9 In an attempt to clarify the restriction, the applicant was advised that 'the locality', which excludes Leominster, based on the Inspector's decision, meant as area which was within approximately 4.7m or 9 minutes driving time. For guidance, this includes Pencombe, Stoke Prior, Bodenham and Hamnish. Racehorse training stables would have the meaning as would be understood by 'the man in the street'.
- 6.10 During the consideration of the original application a number of approaches were made to this office. These have been from people wishing to retire to the area from outside the county, or from people locally who are not employed in racing. More recently an offer of £220K, the full asking price, was made, but withdrawn and reduced to £150K following refusal of the last application. There now are offers on both properties of £150K (£220K) and £250K (£315K). It is believed that Mr C. Price would comply with the condition. There is no evidence to convince officers that any other known interested parties would do so. This includes Mr C. Price's son, a farrier.
- 6.11 Given the comments previously of the County Land Agent, and an offer at the full asking price that the properties have been marketed at a reasonable price. The reduced offer of £150K is considered to be unreasonable, and the offer of £250K also considered to be so much lower than the valuation of £315K as to be unreasonable.
- 6.12 In addition to considering the marketing that has taken place, it is also necessary to consider whether the conditions were appropriately imposed in the first instance and what the change of circumstances are. The original case was made in 1990 that the accommodation was required for employees of the then applicant, working in the racing stables on the opposite side of the road. The 1993 application to remove that condition was an early indication that there was no longer a need. This is further evidenced by the attempt to remove the less stringent condition imposed by the Inspector at the appeal.
- 6.13 Consequently, it is considered that there is no continuing useful purpose to be served by the occupancy Condition and that it is reasonable for the condition to be removed.

RECOMMENDATION

That planning permission be granted. No conditions.

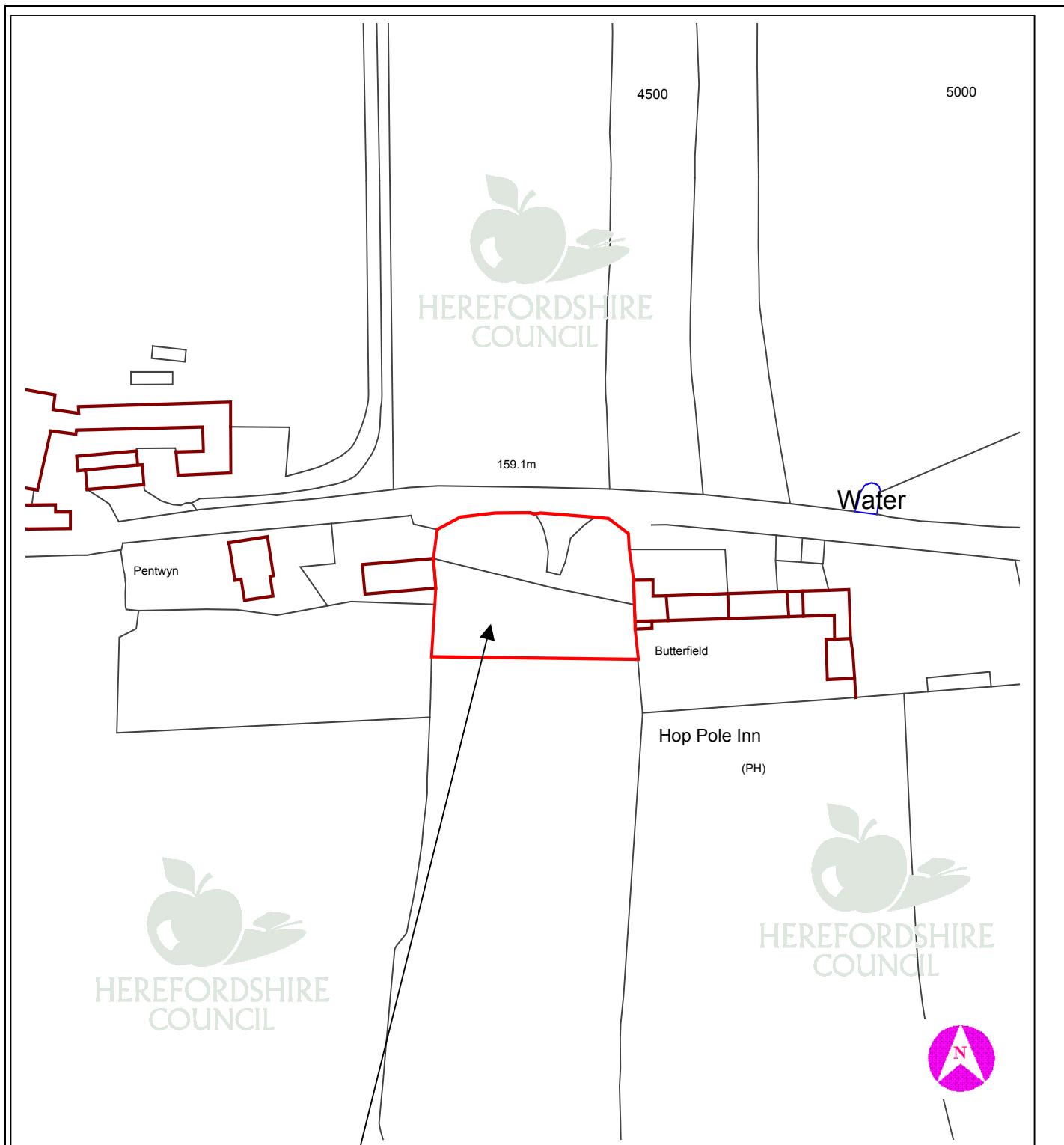
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2005/3891/F

SCALE : 1 : 1250

SITE ADDRESS : Land Adjacent to Hope Pole Inn, Risbury, Leominster, Herefordshire, HR6 0NQ

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15A DCNC2005/3982/F - DEMOLITION OF A SINGLE DWELLING AND ERECTION OF 4 NO. DWELLINGS AT 25 NEW STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DR

15B DCNC2005/3983/C – DEMOLITION OF A SINGLE DWELLING AT ABOVE

For: Mrs S Sage per Mr P S Hackett Dunhampton Cottage Hatfield Leominster Herefordshire HR6 OSE

Date Received:
13th December 2005

Ward: Leominster South

Grid Ref:
49468, 59151

Expiry Date:
7th February 2006

Local Member: Councillors R Burke and J P Thomas

1. Site Description and Proposal

- 1.1 The application site is on New Street, the A44, within the centre of the town. The site is also within the Conservation Area and fronts the inner ring road adjacent to the intersection of Cranes Lane, Green Lane and Rainbow Street.
- 1.2 The proposal involves the demolition of the existing single dwelling and the erection of a terrace of 4 no. dwellings: 2 three bed and 2 four bed dwellings on a site of approximately 0.045 ha. This is a re-submission following a recent refusal at Committee for 5 no. dwellings, application numbers NC04/3030/F and NC04/2831/C.
- 1.3 The design proposal follows the bend in the road, and heights step down from 10m to 7.6m. Each proposed dwelling has personal amenity space and additionally a shared parking and amenity area to the rear accessed via the existing vehicular access. Your officers have liaised with the applicants to incorporate a number of amendments to the original application, such that the design, parking and landscape amendments incorporated in this design are now fully supported by the Conservation and Traffic Managers. In your officers opinion the proposal can now provide for the parking of four cars and an additional two double-parked vehicles.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

- A1 – Managing the district's assets and resources
- A2 – Settlement hierarchy
- A21 – Development within Conservation Areas
- A24 – Scale and character of development
- A54 – Protection of residential amenity
- A55 – Design and layout of housing development

2.2 Hereford and Worcester County Structure Plan

CTC7 – Development and features of historic and architectural importance
CTC9 – Development criteria

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

HBA6 – New development within Conservation Areas
H2 – Hereford and the market towns: housing land allocations
H14 – Re-using previously developed land and buildings
H15 – Density
H16 – Car parking

2.4 PPS1 Delivering Sustainable Development
PPG15 Planning and the Historic Environment

3. Planning History

DCNC2004/2831/C – Application for the demolition of single dwelling. Refused at Northern Area Committee 10.08.05

DCNC2004/3030/F – Application for the demolition of a single dwelling and erection of 5 no. dwellings. Refused at Northern Area Committee 10.08.05, for the following reasons: overdevelopment of the site; detrimental impact on the Conservation Area.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water: Object, however recommend conditions, preventing occupation prior to the completion of essential water works scheduled for completion by 1.4.08.

Internal Council Advice

4.2 Traffic Manager – Objects to the proposal though the grounds for objection have been greatly reduced to a visibility issue only, and it is clarified that this is merely one of many users accessing via New Street.

4.3 Conservation Manager – Historic Buildings have no objection. The report states the site is located on a “prominent and important corner on Leominster’s inner ring road. Existing dwelling, although inoffensive, does not offer a positive contribution to the Conservation Area. Proposals for replacement building are considered acceptable, but would advise that contract for approval new development is let before demolition is permitted.”

“Form and massing of the development is as discussed during pre-application consultations. No objection. Request conditions for boundary wall treatment to New Street; Samples of external materials, and; Landscaping.”

4.4 Landscaping have no objection to this amended proposal, which includes a revised landscape scheme as per their specifications. Request for conditions G02 and G03.

5. Representations

5.1 Town Council objects to the proposal on the grounds of overdevelopment, access and character of Conservation Area.

5.2 Representations have been received from neighbours at:
14 Rainbow Street
Leominster Properties Ltd

Reasons for Objection:

- Overlooking (amenity)
- Loss light (amenity)
- Traffic
- Access
- Character of Conservation Area
- Loss of Property Value

5.3 A letter of support has been received from Mrs Jones, of 20 Burgess Street, Leominster, HR6 8DE. This letter claims that years ago there used to be houses on the site.

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 issues raised within this report are discussed below:

- Amenity
- Traffic increase
- Access
- Property value
- Character of Conservation Area

Amenity issues

6.2 The objections regarding loss of light and overlooking are noted. However, due to the design of the proposal it is clear that there are no gable end windows from which overlooking can occur, and distances from upper floor windows to any other residences are acceptable.

6.3 The proposal is to the north of adjacent properties and as such it is deemed no loss of light can occur to them. Loss of light and overlooking are therefore not substantiable objections to these proposals.

Traffic increase

6.4 The points regarding traffic increase are noted, however it is relevant to point out that the additional four dwellings are a small percentage of existing users of the access so

this is not a X4 increase but a far smaller increase in traffic use, merely one of many possible groups of users.

Access

- 6.5 The access has substandard visibility, however since this is an existing access used by a number of vehicles the additional use is not considered to be so significant as to justify refusal.
- 6.6 The right of way over land to the east of the proposed site already exists and is not a planning matter.

Property value

- 6.7 This is not a planning matter and cannot be used as material to this application.

Conservation Area character

- 6.8 The neighbour's and Town council objections on Conservation Area grounds are noted. However, the Historic Buildings Officer supports the proposal as does the Landscape Officer and your officer therefore concludes there are no Conservation Area grounds on which to sustain an objection to this proposal.

Comments

- 6.9 In conclusion, the previous applications were refused at Northern Area committee on overdevelopment and Conservation Area grounds. In your officers opinion this proposal is a vastly improved scheme, improved in design, scale and landscaping terms. Even the objection from the Traffic Manager regarding visibility splays is caveated with notes regarding the fact that this is an existing and shared access, and the increase in use would be a very minor percentage of that which exists.
- 6.10 In your officer's opinion, the proposal is therefore deemed to make a relatively insignificant increase to traffic numbers accessing to and from New Street and all other objections though noted have been mitigated within the existing proposals. The proposals are therefore recommended for approval subject to conditions.
- 6.11 The existing dwelling makes no positive contribution to the Conservation Area. Its demolition is therefore considered to be acceptable.

RECOMMENDATION

NC05/3982/F

That planning permission be granted subject to the following conditions:

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

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

- 2 - A09 (Amended plans)**

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 - G02 (Landscaping scheme (housing development))

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

5 - G03 (Landscaping scheme (housing development) - implementation)

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

6 - C02 (Approval of details) (a) boundary wall treatment)

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

7 - None of the buildings hereby approved shall be occupied until essential improvements to the public sewerage system have been completed by Dwr Cymru Welsh Water, and the local planning authority have been informed in writing of its completion. This work is scheduled for completion by 1 April 2008.

Reason: To mitigate the existing hydraulic overloading of the public sewerage system and ensure the local community and environment are not unduly compromised.

8 - W01 (Foul/surface water drainage)

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

9 - W02 (No surface water to connect to public 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.

10 - W03 (No drainage run-off to public system)

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

Informative:**1 - N15 - Reason(s) for the Grant of PP/LBC/CAC****NC05/3983/C**

That Conservation Area Consent 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 - C16 (Detailed scheme of demolition operations)

Reason: To minimise the risk of damage to the existing building.

3 - D03 (Site observation – archaeology)

Reason: To allow the potential archaeological interest of the site to be investigated and recorded.

Informative:

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

2 – D03 – Archaeology contact address

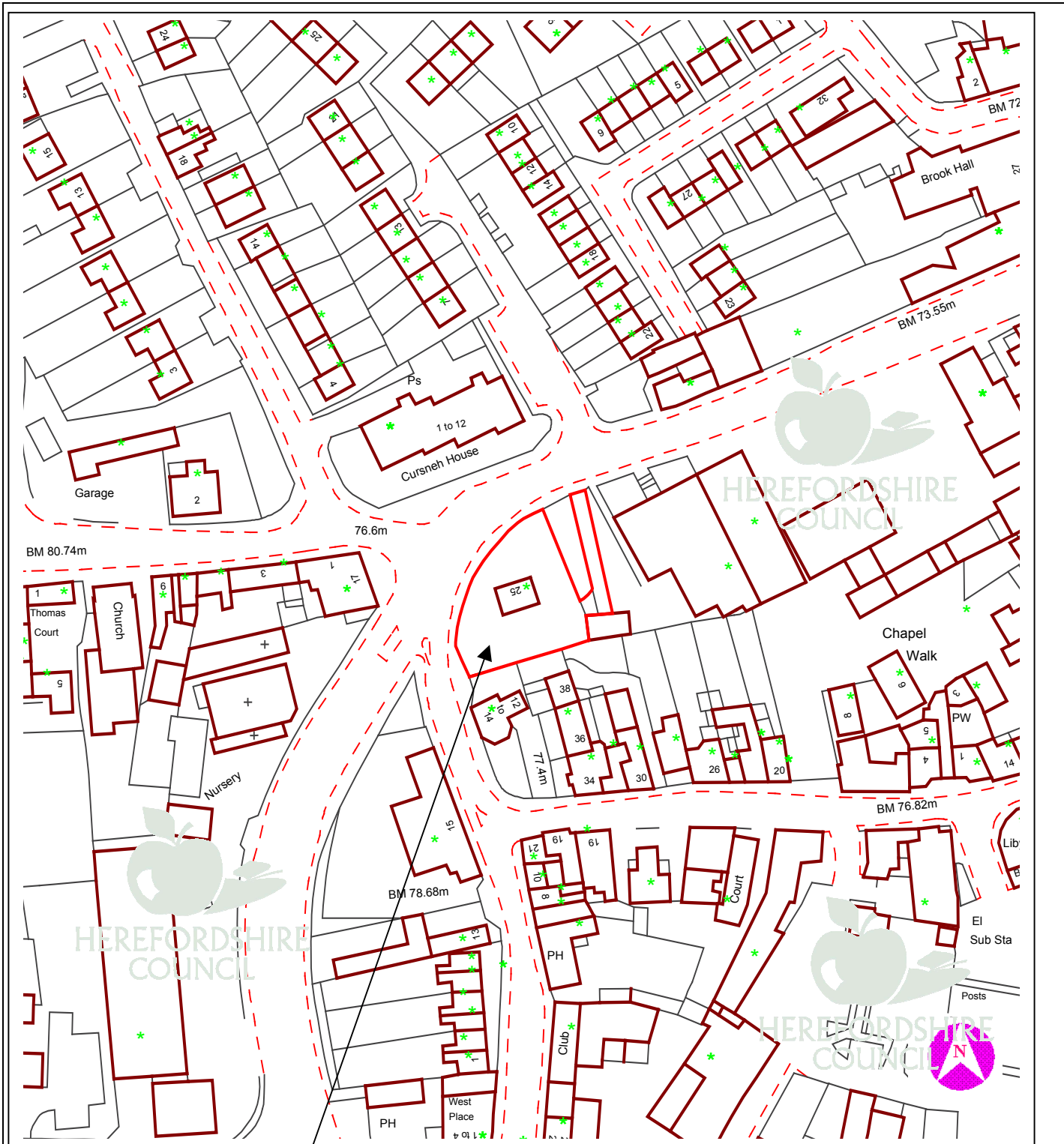
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2005/3982/F

SCALE : 1 : 1250

SITE ADDRESS : 25 New Street, Leominster, Herefordshire, HR6 8DR

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16 DCNC2005/4028/F - PROPOSED 3 BEDROOM DWELLING AT LAND ADJOINING GRANGE HOUSE, 2 & 3 THE GRANGE, LEOMINSTER, HR6 8NP.

For: DBH Developments per Mr A Last Brookside Cottage Knapton Green Herefordshire HR4 8ER

Date Received:
19th December 2005

Ward: Leominster South

Grid Ref:
49871, 59014

Expiry Date:
13th February 2006

Local Member: Councillors R Burke and J P Thomas

1. Site Description and Proposal

- 1.1 This site, within the town centre of Leominster, is located at the eastern end of the Etnam Street public car park with the Grange cricket field to the north. The site itself is a red brick building with plain tiles on the roof. This three-storey building is currently vacant but was last used as offices. Planning permission has recently been granted to change the use of the building to create four residential units, ref. No. DCNC2005/3720/F. There is a garden area to the side with an existing parking area to the rear with vehicular access onto the public car park. There is an existing red brick wall on the southern and western boundaries of the site. There are also some large fir trees on part of the northern boundary of the site.
- 1.2 This application is to erect a new two-storey dwelling within the side garden of the property. The new dwelling will be attached to the side of the existing building, i.e. onto the side lean-to, with a new roof over the lean-to and creating a covered walkway. The proposed external materials will match those on the existing building. The link roof will be slates to match those on the existing lean-to. The existing parking area at the rear of the premises will be utilised to provide parking.

2. Policies

2.1 Planning Policy Guidance

PPS1 – Delivering Sustainable Development
PPG3 – Housing

2.2 Hereford and Worcester County Structure Plan

Policy H2B – Location of Housing (General)
Policy CTC9 – Development Criteria
Policy CTC15 – Preservation, Enhancement and Extension of Conservation Areas

2.3 Leominster District Local Plan

Policy A1 – Managing the District's assets and Resources
Policy A2 – Settlement Hierarchy
Policy A10 – Trees and Woodlands

- Policy A21 – Development within Conservation Areas
- Policy A24 – Scale and Character of Development
- Policy A32 – Development within Town Centre Shopping and Commercial Areas
- Policy A54 – Protection of Residential Amenity
- Policy A72 – Parking within or adjacent to Central Shopping and Commercial Areas
- Policy A73 – Parking Standards and Conservation

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- Policy S2 – Development Requirements
- Policy S3 – Housing
- Policy DR1 – Design
- Policy H1 – Hereford and the Market Towns: Settlement Boundaries
- Policy HBA6 – New Development within Conservation Areas

3. Planning History

NC2005/0103/F - Demolition of on site cabins and 1970s extension. Conversion and extension to shared house. Withdrawn 23.05.05.

NC2005/3720/F - Change of use into 4 residential units. Planning permission granted 12.01.06.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Traffic Manager has no objections.

4.3 Conservation Manager comments that this Edwardian villa is in a very sensitive location in the Grange public park, the town Conservation Area and its proximity to a Grade II* listed building (The Grange). The proposal picks up none of the character, proportion or features of the existing house. Therefore objects to proposal. Principle of a small extension in this location acceptable, subject to design. This proposal does not preserve or enhance character of Conservation Area and is contrary to Policies A21 and A24.

5. Representations

5.1 The Town Council states:

'Although Grange House falls a little short of satisfying listing criteria, it is considered that this application would not only constitute back-filling, but would also detract from this example of local vernacular architecture. It would not be appropriate in the Conservation Area.'

5.2 No representations have been received in response to statutory advertisement procedure, which expires on 26 January 2006.

6. Officers Appraisal

6.1 The main issues relate to:

- (i) the principle of erecting a dwelling on this site
- (ii) the size and design of the dwelling and its effect on the character and appearance of the existing building and its setting within the Conservation Area
- (iii) the effect of the development on adjacent land uses
- (iv) parking and vehicular access

The most relevant policies with respect to these issues are A1, A2, A21, A24 and A54 of the Leominster District Local Plan.

6.2 The size and design of the proposed dwelling is considered to be acceptable and not out of keeping with the character and appearance of the existing building. The external materials will match those on the existing building and the roof pitch is of a similar angle. The size and proportion of the windows on the existing building vary. The design of the windows on the proposed new dwelling does generally match those on the existing building even though the proportions do not exactly match. The proposed dwelling is smaller in terms of height and mass when compared to the existing building. Consequently, the proposed dwelling will be subservient in visual terms when compared to the existing building.

6.3 The proposed new dwelling, due to its modest size and design and despite the Conservation Manager's concern, is not considered to be out of keeping with the character or visual amenities/appearance of the surrounding area and designated Conservation Area. Also, it is considered to be too far away from any Listed buildings to adversely affect their setting. When viewed from the north the new building will be to a certain extent hidden from view by the stone wall, hedgerow and mature trees on the northern boundary and the fact that the building will be set down on a lower ground level. When viewed from the south it will be set against the backdrop of these trees and when viewed from the west will be seen against the backdrop of the existing building.

6.4 In principle the siting of a dwelling on this site within the town centre is considered to be acceptable. The proposed development will not adversely affect the amenities of any adjoining land use and will not interfere with the adjacent public car park. Also, the existing car park area is large enough to accommodate the required parking to serve the dwelling. Although the proposed layout plan shows a reduced parking area, this can easily be enlarged in the space available within the site. The use of the existing vehicular access from the site onto the public car park is considered to be acceptable.

6.5 In conclusion, although finely balanced, it is considered that the proposed development is acceptable in this town centre location and will not adversely affect the character and appearance of its immediate setting and the town Conservation Area. As such, the proposal is considered to be in accordance with the approved planning policies for the area, in particular those relating to new residential development and the visual amenities of the Conservation Area.

RECOMMENDATION

That subject to no new representations raising matters not previously considered, the Head of Planning Services be given delegated authority to approve the application 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 - H10 (Parking - single house) (5 cars)

Reason: To ensure there is adequate parking provision for the approved dwelling units within the property as a whole.

- 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.

Informatives:

- 1 - N03 - Adjoining property rights

- 2 - The applicant should be aware that this planning permission does not override any civil/legal rights enjoyed by adjacent property owners. If in doubt the applicant is advised to seek legal advice on the matter.

- 3 - N14 - Party Wall Act 1996

- 4 - With reference to condition no. 5 on the decision notice, it is considered important that the existing mature trees, stone wall and hedgerow on the northern boundary are retained.

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

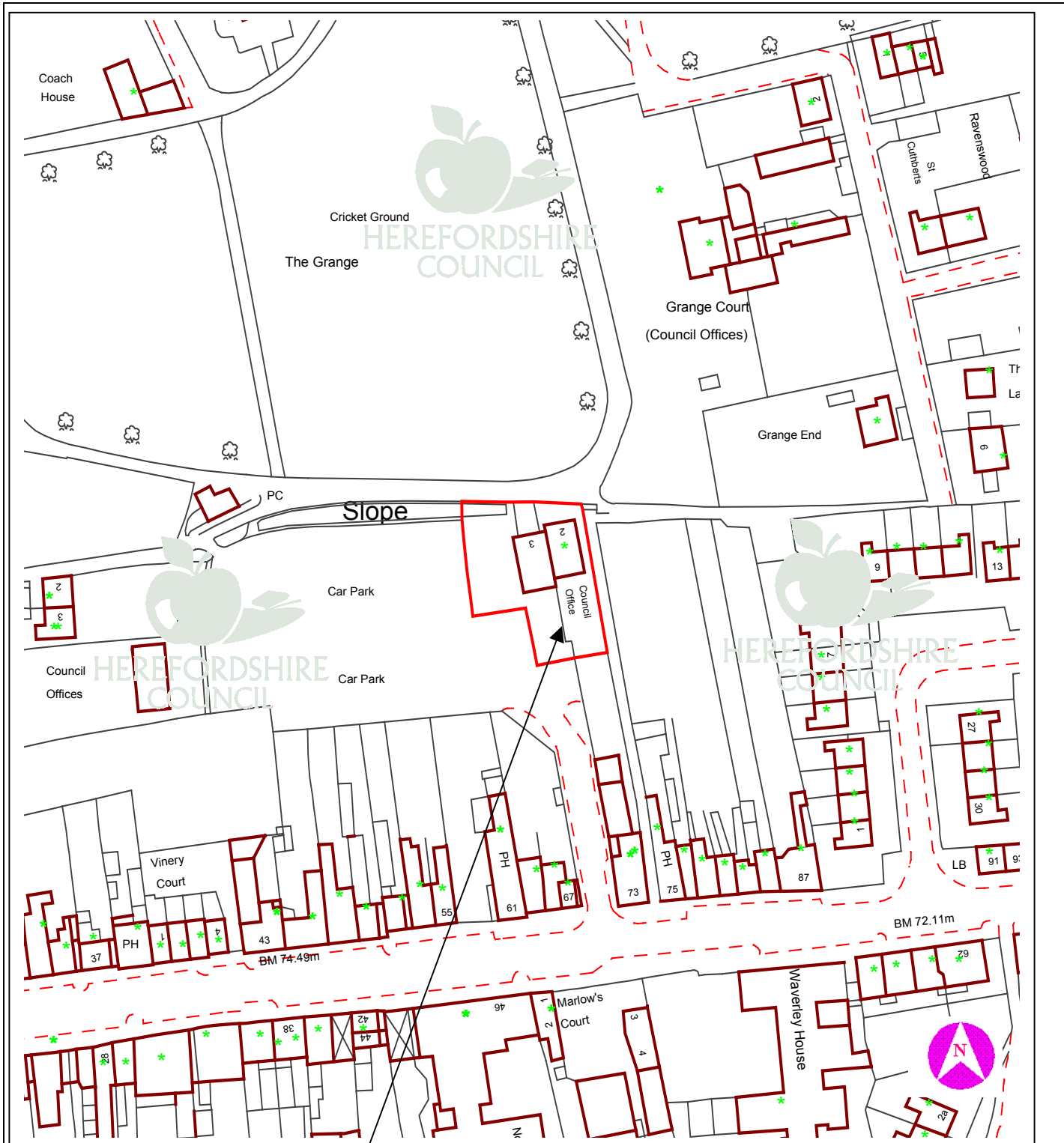
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2005/4028/F

SCALE : 1 : 1250

SITE ADDRESS : Land adjoining Grange House, 2 & 3 The Grange, Leominster, HR6 8NP.

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17 DCNC2005/4075/F - PROPOSED TWO STOREY SIDE EXTENSION AND REAR FIRST FLOOR EXTENSION AT 12 GREEN LANE, LEOMINSTER, HEREFORDSHIRE, HR6 0QJ

For: Mr & Mrs Turner at same address

Date Received:
19th December 2005

Ward: Leominster North

Grid Ref:
49305, 59190

Expiry Date:
13th February 2006

AJ/CR

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

1. Site Description and Proposal

- 1.1 The site is located within a residential area of the market town of Leominster, and within the settlement boundary.
- 1.2 The site is a dwelling house, attached to Number 14 to the west, and detached from Number 10 to the east.
- 1.3 The proposal is for a two-storey side extension and rear first floor extension over the kitchen. The dimensions of the existing floorspace is 93.75m². The proposed extensions would measure 45.381m² an increase of just less than 50% of that which exists.
- 1.4 The rear extension proposal is for an additional fourth bedroom. Whilst the side ground floor extension enlarges the entrance and provides a study, with enlarged bathroom and third bedroom on the first floor.
- 1.5 The height to the eaves for the proposed extension is 5.5m, as for the existing property.

2. Policies

2.1 Leominster District Local Plan

Policy A.2: Settlement Hierarchy

Policy A.24: Scale and Character of Development

Policy A.52: Primarily Residential Areas

Policy A.56: Alterations, Extensions and Improvements to Dwellings

2.2 Planning Policy Guidance 3: Housing

3. Planning History

3.1 None on site

4. Consultation Summary

Statutory Consultations:

4.1 None required

Internal Council Advice

4.2 Highways Manger: No objection to the proposal

5. Representations

5.1 Leominster Town Council recommend approval but express concern about the size of the proposed extensions and possibility of overshadowing neighbouring property.

5.2 One letter of objection has been received on behalf of the neighbours at no. 14 Green Lane, Leominster.

Points made include:

- Over development
- Overhang by eaves
- Disposal of rain water from no. 12

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

6. Officers Appraisal

6.1 The proposal involves the following issues:

- Overdevelopment
- Loss of amenity to neighbours

Overdevelopment

6.2 The proposal involves a sizeable extension which is subservient to the rear only. The side extension is at the same level as that which exists, and only slightly set back, this however, in this Officer's opinion is the logical simplification of design, given the variety of roof pitches and levels involved.

6.3 For this town centre residential site, the extension, though sizeable is considered acceptable, in addition the rear extension does not extend the footprint being wholly above the kitchen.

Amenity

6.4 Councillors will note that the rear extension is to the north, and side extension to the east of the dwelling. Given these and the distance to other properties other than that in the west, that of no. 14, there is no unreasonable loss of light, privacy or overlooking from the development to any neighbouring properties.

Conclusion

6.5 In your Officer’s opinion this is a sizeable extension but appropriate to the site and area as there is no detrimental loss of amenity to neighbouring properties, neither is there any overdevelopment of the site.

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 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

5 - F20 (Scheme of surface water drainage)

Reason: To provide adequate surface water disposal within the proposal site.

Informative:

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

Decision:

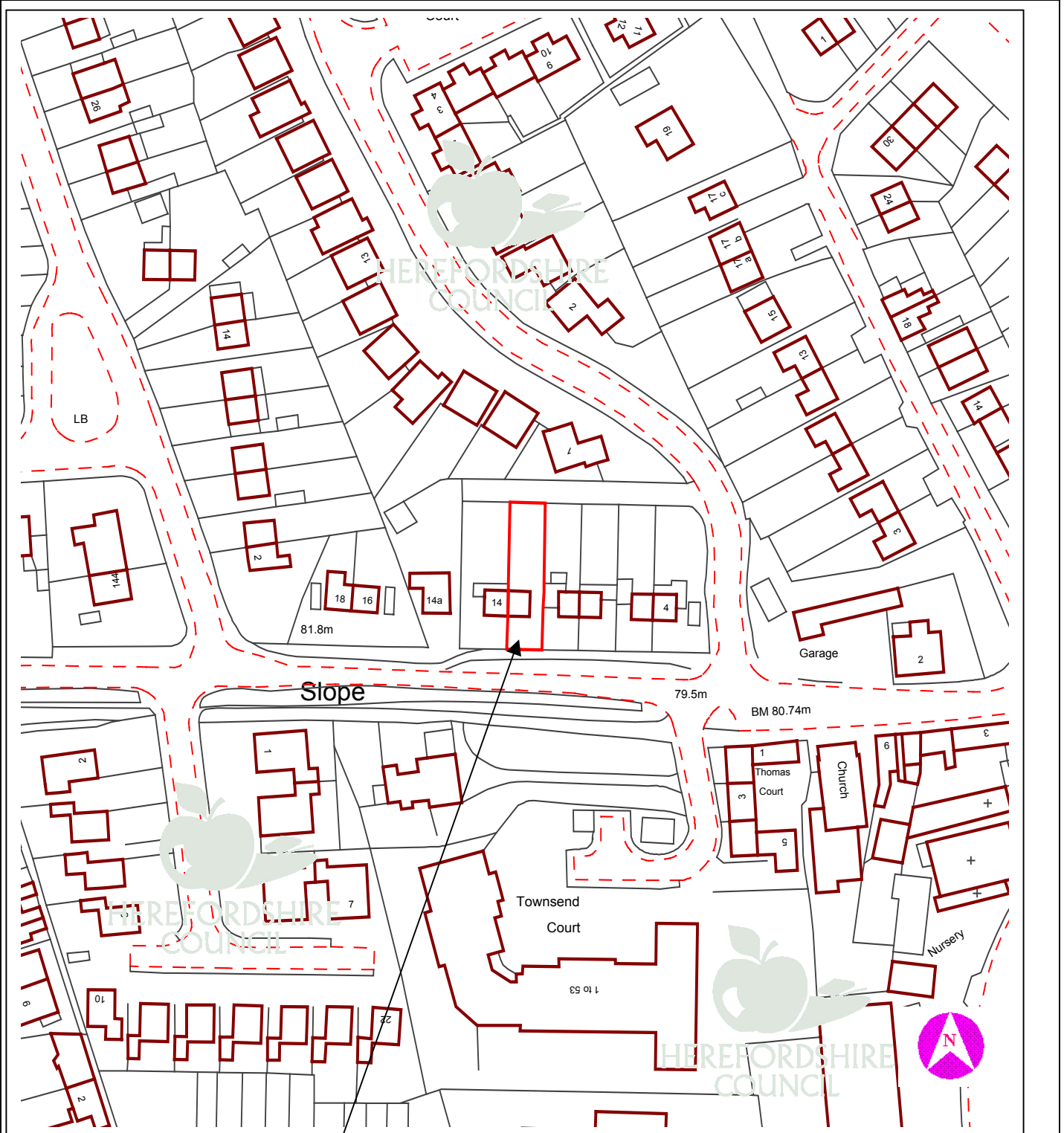
Notes:

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Background Papers

Internal departmental consultation replies.

AREA SUB-COMMITTEE



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APPLICATION NO: DCNC2005/4075/F

SCALE : 1 : 1250

SITE ADDRESS : 12, Green Lane, Leominster, Herefordshire, HR6 0QJ

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

18 DCNW2005/3273/F - REMOVAL OF MODERN FARM BUILDINGS AND ERECTION OF FIVE DETACHED HOUSES UTILISING PREVIOUSLY APPROVED MINOR ACCESS ROAD AT MODERN FARM BUILDINGS, UPPER HOUSE FARM, EARDISLEY, HEREFORD, HR3 6PW

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

Date Received:
11th October 2005

Ward: Castle

Grid Ref:
31059, 49801

Expiry Date:
6th December 2005

Local Member: Councillor J Hope

1. Site Description and Proposal

- 1.1 The application site is a 0.4ha plot of land that lies at the northern most part of the settlement boundary of the historic village of Eardisley. The site is currently part of the working farmyard at Upper House Farm and at present a large agricultural building dominates the approach to Eardisley from the North (Kington). The courtyard of listed and curtilage listed barns that lie immediately to the south of the land have recently gained approval for residential conversion and these roadside barns are also prominent on the rural street scene and approach to the village. The site is served by the existing vehicular access to the North.
- 1.2 The proposal is for the erection of five detached cottage style dwellings that would be accessed from a driveway from the main access way that leads from the A4111 to the barn conversions and farmhouse. Revised visibility splays are shown on the submitted plans.
- 1.3 There are two types of dwelling proposed. Type A is an L shaped cottage, utilising the attic space through half dormers and comprising 4 bedrooms, two baths, a sitting room, kitchen, family room and hallway. Type B is a linear formed cottage style dwelling comprising three bedrooms, 2 bathrooms, sitting room, kitchen / diner, hall and utility. The materials proposed include a natural stone with slate roof.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

Policy A1 – Managing the District's Assets and Resources
 Policy A2– Settlement Hierarchy
 Policy A18 – Listed Building and their setting
 Policy A21 – Development within conservation areas
 Policy A16 – Foul Drainage
 Policy A24 – Scale and character of development

Policy A70 – Accommodating Traffic from Development

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S2 – Development Requirements
Policy S7 – Natural and Historic Heritage
Policy H4 -
HBA6 - New development within Cons areas
Policy DR1 – Design
Policy DR2 – Land Use and Activity

2.3 Supplementary Planning Guidance Eardisley Parish Plan

3. Planning History

NW2005/2524/F and NW2005/2528/C – Removal of modern farm buildings and construction of five detached houses utilising previous approved road access – Withdrawn 23rd September 2005.

NW2004/3704/F and NW2004/3705/L – Conversion of Listed Barns to create 10 no dwellings – approved 13th April 2005

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water raise no objection subject to conditions relating to foul and surface water drainage being imposed.

Internal Council Advice

4.2 Traffic Manager raises no objection and recommends conditions H03, H05, H13, and Highway note HN1, HN5, HN10, HN22

4.3 The Conservation Manager makes the following comments:

4.3.1 The Historic Buildings Officer - initially raised concern relating to the impact of the proposal on the setting of the listed building and character of the conservation area. After further discussions with the Agent the Historic Building Officer raises no objection as they are satisfied that the layout, design and materials proposed would allow the emphasis to remain on the barns along the rural street scene. Careful screening will be required.

4.4 The Forward Planning Manager can be summarised as follows:

- The principle of development is acceptable
- In terms of density, government guidance and UDP policy H15 recommends a density of 30 – 50 dwellings per hectare. The road access may limit the number of dwellings that could be built on the site, but any developable land within a settlement should fall within PPG3 targets for sustainable development. Unless there are strong planning arguments that restrict the site from meeting these

targets, it is recommended the application be refused for failing to satisfy the requirements.

5. Representations

5.1 Eardisley Parish Council makes the following comments:

Councillors discussed this application at length. They agree the approach to the village would be improved by the construction of these 5 stone built homes, but feel there are many problems to overcome.

- a) A provision of a walkway would be essential, but a problem would be caused by the plinth at Upper House Farm. Also the 30 mph sign would have to be reviewed.
- b) Great concern is felt about the services, especially the sewer. With the 10 houses already passed plus these 5, together with recent developments, the question must be asked how many more can it take?
- c) The development at Eastfield has at the present time only sold 8 out of the 20 houses. Is there a need?
- d) It was emphasised that if permission is granted, the houses must be stone and not altered to red brick.

5.2 Letters of objection have been received from the following;

Nancy James, Hilltop, Eardisley;
Gladys Henesey, Clifton House, Eardisley
Julia Clements, 20 Eastfield, Eardisley
Mrs A.D. M Killick, The Cruck House, Eardisley,

These letters raise the following issues:

- a) The proposal does not conform with the Eardisley Parish Plan (adopted Supplementary Planning Guidance) which had strong local support. Parish Plan being ignored.
- b) The relevant plan states " The overall view was that new houses should not be built within the next five years, with Eardisley Village being the most strongly opposed to new building, especially in large developments"
- c) In the past 7 years there have been 37 houses built, of which 10 large houses are standing empty. During the past year, since the Parish Plan was published, planning permission has been granted for a further 14 houses, including 10 on the Upper House Farm site. This means an increase of more than 20% on the Eardisley Housing Stock, in a time when the Herefordshire Plan had not proposed any new housing in Eardisley.
- d) A further 5 houses at Upper House farm mean a large development – relative to the size of the village – of 15 houses, since there is already planning permission for 10. This follows Mill stream Gardens (14) and Eastfield (20) and is exactly what residents do not want.
- e) If planning permission is granted to build houses in the Village it should be for local people which will be small/ medium housing units that are financially viable for the local salary ranges.
- f) Concern over overloading of sewers
- g) Lack of paved footpath into the village from Upper House Farm on an A road that is frequently used by heavy goods vehicles.

- h) Additional traffic would cause traffic issues on an already overused by heavy lorries
 - i) The character and appearance of the 'black and white' tourist attraction is rapidly changing
- 5.3 A further letter has been received from the CPRE which makes the following points:
- a) matter so highway safety seem to be brushed aside, particularly dangerous area where vehicles fail to slow into the 30mph limit. Footpath needed.
 - b) The proposed house designs are out of keeping with the Barn Complex, mainly because of their high gables. Not enough detail. Need to be assured of detailed conditions relating to design, materials, fencing planting and landscaping.
- 5.4 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The main issues for consideration is the determination of this application are as follows:-
- a) The principle of residential development;
 - b) Supplementary Planning Guidance - Eardisley Parish Plan
 - c) The impact of the proposed building on the character and appearance of the conservation area and setting of the listed buildings and barn conversion
 - d) Density
 - e) Highway safety
 - f) drainage
- 6.2 Policy A2(C) of the Leominster District Local Plan (Herefordshire) and emerging Policy H4 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) broadly support the principle of residential developments on windfall sites within the defined settlement boundaries of main villages such as Eardisley. As such there are no objections in principle to the residential development of this site.
- 6.3 Reference is made to the Eardisley Parish Plan, and the wishes of local residents that are expressed through this document. Whilst the content of this plan is duly noted, the policies of the Leominster District Local and emerging Unitary Development Plan remain the core policies. These policies allow for the development of such land for residential development and it would be difficult to substantiate a refusal on the grounds of the guidance contained within the SPG.
- 6.4 The application site, lies within the Eardisley Conservation Area, and is clearly visible and prominent on the approach to the Village from the North. At present the view dominated by a large agricultural building that restricts views of the listed barns and detracts from the landscape quality of the area. As a requirement of a condition relating to the approved barn conversion scheme this barn must be removed. This would in itself improve the character and appearance of the Conservation Area.
- 6.5 The design and siting of the dwellings have been carefully considered having particular reference to the views and vistas on the approach to the village. Plots 3 and 4 have been sited in a set back position so to draw emphasise and preserve the

predominant view of the gable end of the roadside listed barn. The northern elevation of the listed barns will now be visible from the main road and with glimpses between the gap between plots 2 and 3 and 4 and 5. The ground level of the existing modern agricultural building is also currently at a higher level than the adjacent traditional barns. It is possible for the proposed development to be sited at a level some 1m lower than this existing ground level, again reducing the impact of the dwellings on this view and protecting the long distance views of the simple elevations of the barn conversion. There is also plenty of opportunity to introduce significant landscaping which will soften the development and impact on the landscape. As such the proposal is considered to preserve and enhance the landscape, conservation area and setting of the listed barns in accordance with policies A9, A18 and A21 of the Leominster District Local Plan.

- 6.6 The original submission involved the siting of two of the dwellings outside of the defined settlement boundary. This has been revised so that the dwellings lie within the settlement boundary. The area of the site as a whole, including the areas outside of the settlement boundary is 0.4ha. The area which is considered to be within the defined area is only 0.23 ha. This gives a density of 21.6 dwellings per hectare. Whilst this is below recommended guidelines contained in PPG3, the importance of the impact on the setting of the listed building, and restrictions due to the nature of the access to the site and highway safety have been considered. An increase in density would compromise these issues and as such a development of 5 dwellings on this area of land is considered acceptable.
- 6.7 The Parish Council and local residents make specific reference to the issue of highway safety. In response to concerns relating to visibility the proposal has been modified to include a revised access, increasing visibility splays. As such the Transportation Manager now raises no objection. There have been requests relating to the change in position of the 30mph zone. This cannot be implemented through the Planning process and must be pursued through the Highways Act. The possibility of a footpath has also been explored but there is physically not enough space between the highway and existing listed buildings to accommodate a footpath. Local residents also raise concern relating to drainage capacity. Welsh Water raise no objection to the connection.
- 6.8 To conclude, the proposal is considered to comply with policies that allow residential development within village settlements. The dwellings by virtue of their scale, design and siting are considered to be acceptable and would preserve the character of the Conservation Area, the street scene and setting of the adjacent listed buildings. As such the proposal now meets the criteria of the local plan policies and is therefore recommended for approval with the relevant conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

3 - C05 (Details of external joinery finishes)

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

4 - Non Standard (Non Standard Condition)

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

5 - 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.

6 - No land drainage run-off will be permitted, wither 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.

7 - G01 (Details of boundary treatments)

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

8 - G04 (Landscaping scheme (general))

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

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

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

10 - H03 (Visibility splays)

Reason: In the interests of highway safety.

11 - H05 (Access gates)

Reason: In the interests of highway safety.

12 - 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.

13 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

Informatives:

- 1 - HN01 - Mud on highway
- 2 - HN05 - Works within the highway
- 3 - HN10 - No drainage to discharge to highway
- 4 - N03 - Adjoining property rights
- 5 - N14 - Party Wall Act 1996
- 6 - N15 - Reason(s) for the Grant of PP/LBC/CAC

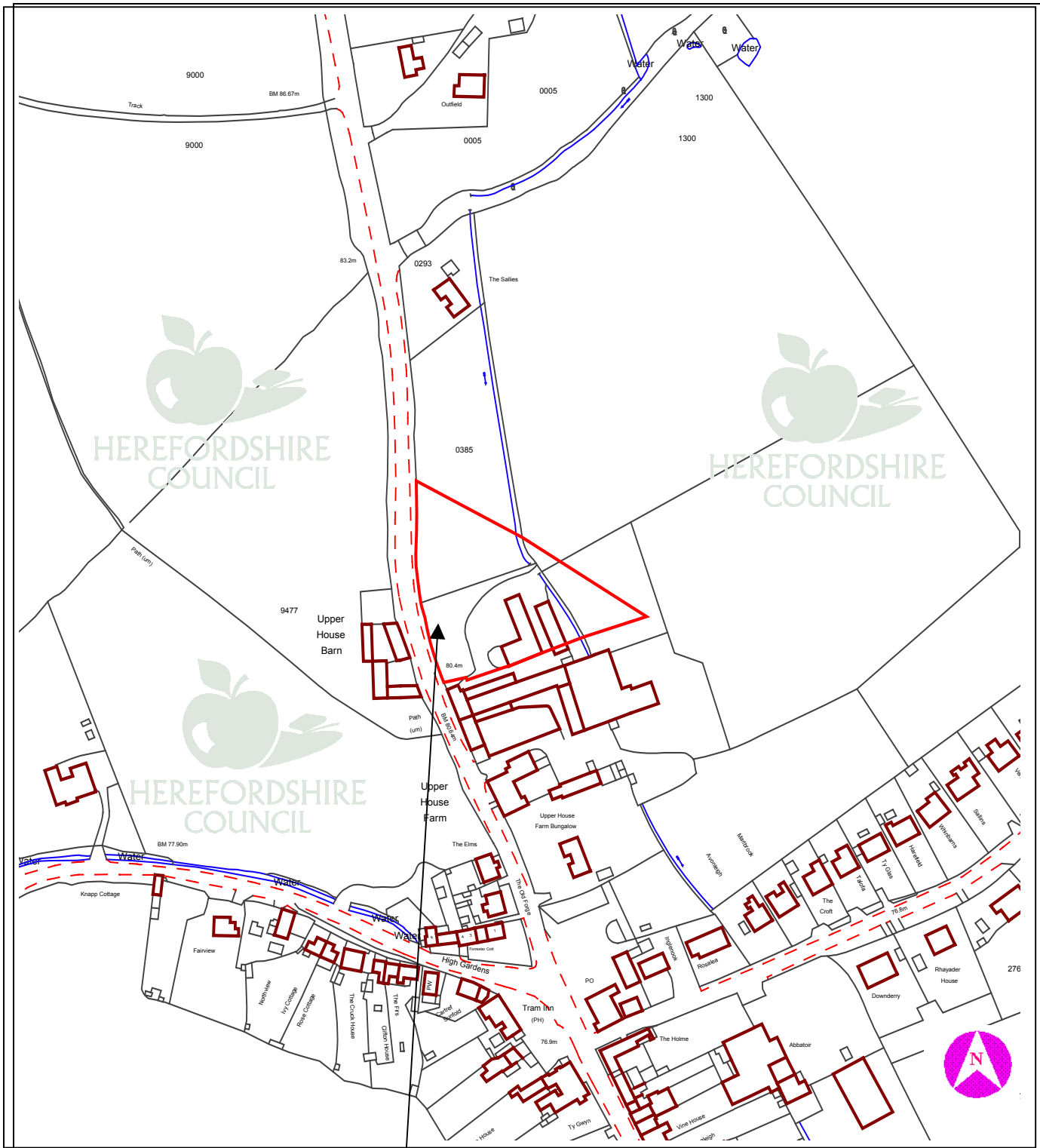
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2005/3273/F

SCALE : 1 : 2500

SITE ADDRESS : Modern Farm Buildings At Upper House Farm, Eardisley. Hereford. HR3 6PW

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19 DCNW2005/3405/F - ERECTION OF WAREHOUSE EXTENSION, NEW CANOPY, SINGLE STOREY AMENITY BLOCK AND ALTERATION TO SITE ACCESS AT KINGSPAN INSULATION, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE

For: Kingspan Insulations Ltd. per Building Design Practice, The Westlands, 132 Compton Road, Wolverhampton, WV3 9QB

Date Received:

24th October 2005

Expiry Date:

19th December 2005

Local Member: Councillor R Phillips

Ward: Pembrige & Lyonshall with Titley

Grid Ref:

39070, 60217

1. Site Description and Proposal

- 1.1 The site is located within the boundary defined as Shobdon Aerodrome, located on the eastern side of road no. C1032 which runs between Shobdon and Pembrige.
- 1.2 The boundaries of the site are defined to the south east by an access road to other industrial units on the airfield and to the north by existing industrial units.
- 1.3 Planning permission is sought for a 4,445 square metres warehouse extension to the North East of the existing building. This is required for additional bulk storage, brought about by changes in building regulations which has resulted in the expansion of demand. A canopy extension (705 square metres) is also proposed to the South east elevations for undercover loading and small amenity block extension (66 square metres) is proposed to the west elevation. These extensions are confined within the concentration of employment generating buildings within Shobdon Aerodrome.
- 1.4 As part of the application a revision to the access onto the C1032 was proposed. Due to concerns in relation to this access this part of the proposal has been withdrawn from the scheme for further discussion and negotiation. The application has been accompanied by a Traffic Impact Assessment.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

- A1 – Managing the District's Assets and Resources
- A2 – Settlement Hierarchy
- A28 – Development Control Criteria for Employment Sites
- A35 – Small Scale New Development for Rural Businesses with or around Settlements
- BA1 – Shobdon Aerodrome

2.2 Unitary Development Plan (Revised Deposit Draft)

3. Planning History

DCNW2005/2210/F - Proposed loading canopy - Approved 12 August 2005

DCNW2005/0998/F - Proposed unit extension (263sqm) _ Approved 12 August 2005

DCNW2004/1446/F - Refurbishment of industrial unit, demolition of existing buildings, re-surfacing of lorry parking and provision of car parking - Approved 29 June 2004

DCNW2003/3852/F - Two-storey extension to existing office block - Approved 6 February 2004

DCNW2003/1946/F - Extension to covered store, two-storey amenity block and 20m extension to building approved in application no. NW2002/1122/F - Approved 4 February 2003

DCNW2003/1535/F - Refurbishment and two-storey extension to existing office block - Approved 14 July 2003

NW2003/0117/F - Warehouse extension to existing planning permission no N98/0529/N - Approved 13 March 2003

NW2002/1122/F - Refurbishment and extension of existing industrial buildings to provide additional warehouse and production space with ancillary officer - Approved 23 September 2002

NW2002/0692/F - Refurbishment of an existing unit to be used to house machinery - Approved 22 May 2002

NW2001/3330/F - Variation of approved plants to NW2001/0788/F to allow a revised footprint plus additional area - Approved 5 February 2002

NW2001/3332/F - Erection of a single storey covered store to existing factory - Approved 28 January 2002

NW2001/2462/F - Erection of a three-storey office block and ancillary additional car parking area - Approved 12 November 2001

NW2001/0788/F - Extension to the factory - Approved 4 June 2001

NW2000/3165/F - Erection of a portacabin office accommodation - Granted 23 January 2001

N1998/0529/N - Warehouse extension, 5550 square metres covered loading bay extension housing a 390 sq. metre, two-storey office extension to existing unit - Granted 11 November 1998

97/0209/N - Construction of 51 m² extension to existing workshop and first floor canteen with 2 no. windows - Granted 23 April 1997

95/0654/N - Construction of laboratory/toilet block - Granted 29 September 1995

94/0715 - Erection of office and associated car parking - Granted 18 January 1995

93/391 - Extension to existing hanger building - Granted 3 August 1993

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Consultees

4.2 The Transportation Manager requests a Section 106 Agreement for a 25,000 contribution which would offer mitigation towards the increase in HGV traffic generated by the proposal. A list of possible schemes to which this could contribute include:

- Junction improvements to B4362/C1032 junction - including possible re-alignment, traffic lights, pedestrian crossing facilities
- Extend footway from Ledicot Lane to Cemetery
- Improve direction and safety signing in area
- C1031 Rhyse Lane, edge of carriageway strengthening/widening
- Safe Routes to School in Shobdon, including footway provision/widening, speed limit reduction/extension of area, equipping "walking bus" etc
- Cycle parking provision at school
- Improvements to passenger waiting facilities at Shobdon/Mortimer's Cross

4.3 Head of Environmental Health and Trading Standards has no objections to make on the application.

5. Representations

5.1 Pembridge Parish Council is in agreement with the application providing 2 issues are given due consideration:

1. That any planned external lighting is kept to the minimum and directed downwards to avoid light pollution to the area.
2. There is concern at the proposed new exit layout and we would request that Highways are asked to advice and comment.

5.2 Shobdon Parish Council has no objections to the factory extension but express concern over the increase in volume of the HGV traffic through Shobdon Village. this will incur extra expense on road maintenance and will not be conducive to road safety.

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

6. Officers Appraisal

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

- a) Principle of development
- b) Highway safety and intensification of use
- c) Impact on the landscape and surrounding area

Of direct relevant to this application is Policy BA1 of Leominster District Local Plan (Herefordshire). This policy and insert map no. 5 defines areas on Shobdon Aerodrome where employment-generating uses should be confined. The proposed extensions are located within the defined area of concentration. AS such new development within this area is acceptable in principle.

6.2 Policy BA1 seeks to limit new development upon the airfield because of traffic generation and environmental impact. In particular paragraph 11.25 indicates that any development upon the airfield should be judged primarily against the effects of heavy goods vehicles upon the local highway network and the amenity of properties along the main road.

6.3 It is well accepted that the traffic movements that result from the Kingspan site cause local concern, especially in the village of Shobdon. As a result of this a Traffic Impact Assessment was submitted with the application, which confirms that the vehicle movements will increase by 100% as a result of the proposed extension and demands on Kingspan with the introduction of the new building regulations this year. After much discussion, the Transportation Manger has accepted that the highway network cope with this increase if mitigation works are undertaken. A sum of £25,000 has been requested which will be used towards for one or more of the proposed schemes (As above). They are satisfied that this financial contribution would mitigate against the perceived harm caused by the increase in traffic movements. As such a Heads of Terms is included at the end of this report..

6.4 The proposed extensions themselves are in keeping with the existing structures and buildings on site and will have little or no impact on the surrounding landscape or area. Concerns expressed by Pembridge Parish Council's and neighbouring Parish Councils, highlighted on this and previous applications have been noted. Landscape works have been undertaken as part of previous applications and further landscaping is not required. Further conditions will seek details of all external illuminations of the site in order to minimise sky glow.

RECOMMENDATION

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

Note to Applicant

- i) **This permission is granted pursuant to an agreement under Section 106 of the Town and Country Planning Act 1990.**
- 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.**

DRAFT HEADS OF TERMS
Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990

Planning Application – DCNW2005/3405/F
Kingspan, Pembroge.

1. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £25,000 to provide transportation facilities to serve the development which sum shall be paid on or before the commencement of development.
2. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Junction improvements to B4362/C1032 junction - including possible re-alignment, traffic lights, pedestrian crossing facilities
 - b) Extend footway from Ledicot Lane to Cemetery
 - c) Improve direction and safety signing in area
 - d) C1031 Rhyse Lane, edge of carriageway strengthening/widening
 - e) Safe Routes to School in Shobdon, including footway provision/widening, speed limit reduction/extension of area, equipping "walking bus" etc
 - f) Cycle parking provision at school
 - g) Improvements to passenger waiting facilities at Shobdon/Mortimer's Cross
3. In the event that Herefordshire Council does not for any reason use the said sum of Clause 6 for the purposes specified in the agreement within 5 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof which has not been used by Herefordshire Council
4. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

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 - B03 (Matching external materials (general))

Reason: To ensure the satisfactory appearance of the development.

4 - F21 (Scheme of surface water regulation)

Reason: To prevent the increased risk of flooding.

5 - F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

6 - Details of open storage shall be submitted to and approved in writing by the local planning authority. No outside storage shall occur other than those specifically approved.

Reason: In order to protect the visual amenity.

Informatives:

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

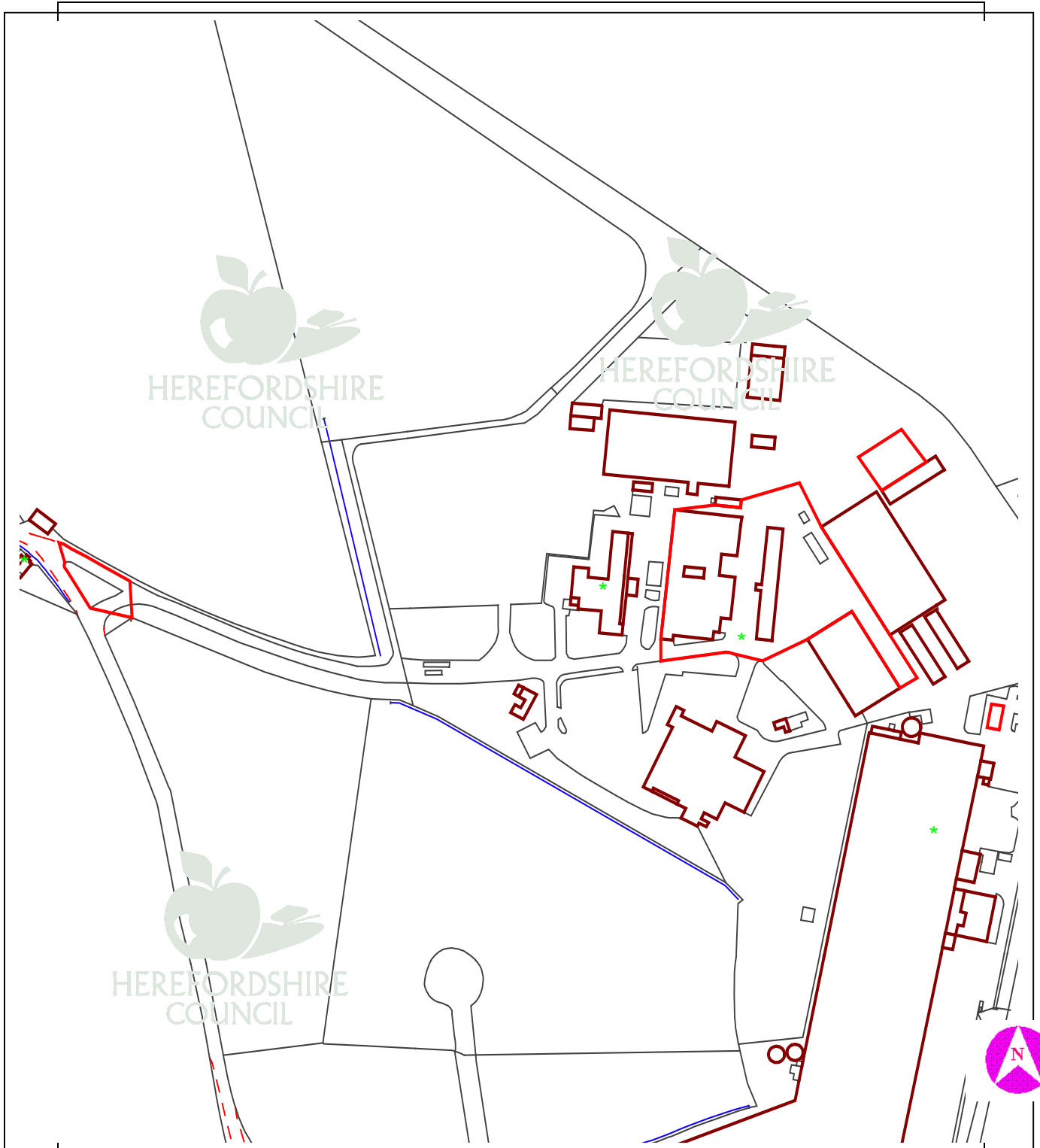
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2005/3405/F **SCALE :** 1 : 3262

SITE ADDRESS : Kingspan Insulation, Pembridge, Leominster, Herefordshire

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20 DCNW2005/3472/F - PROPOSED CHANGE OF USE TO BUSINESS USE AND STORAGE OUTBUILDINGS AT MAYFIELD, RUSHOCK, NR KINGTON, HFDS

For: Mr N Morris, 1 Downton Farm House, Walton, Nr Presteigne, Powys, LD8 2RD

Date Received:

28th October 2005

Expiry Date:

23rd December 2005

Local Member: Councillor T James

Ward: Kington Town

Grid Ref:

31038, 58122

1. Site Description and Proposal

- 1.1 The application site is a 0.15 ha site, situated to the south east of the B4355. The site currently accommodates two former agricultural buildings with footprints of 197m² and 158m², constructed of corrugated tin, block and timber. There is also a single detached garage in the far southern corner. The site is screened from the highway by an existing native hedgerow. Access to the site is gained via a single width existing access.
- 1.2 The proposal is for the Change of Use of the buildings from agricultural use to the storage of outside bar and catering equipment within the existing buildings. There are no external changes proposed.

2. Policies

2.1 Leominster District Local Plan

Policy A1 – Managing the District's Assets and Resources

Policy A2(D) – Settlement Hierarchy

Policy A9 – Safeguarding the Rural Landscape

Policy A36 – New Employment Generating Uses for Rural Buildings

Policy A70 – Accommodating Traffic from Development

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S2 – Development Requirements

Policy S4 – Employment

Policy DR1 – Design

Policy DR2 – Land Use and Activity

Policy DR13 – Noise

Policy E11 – Employment in Smaller Settlements and Open Countryside

Policy LA2 – Landscape Character

3. Planning History

NW2005/0131/O - Proposed new dwelling with annexe - Refused 01/03/05 and dismissed on Appeal on 18/10/05

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 Transportation Manager: The visibility splays are not adequate for business use and storage. Splay to north west not under applicants control. Standard required is 2m by 215m. Alterations could be made on applicants side which would improve visibility. Ultimately decision is down to the likelihood of significant intensification of use and applaneness and sustainability of such a development remote from centres of population. Business use is likely to be intensified – Recommend refusal on grounds of insufficient visibility.

5. Representations

5.1 Kington Rural and Lower Harpton Group Parish Council responds as follows:

This is an application for a change of use to business use and storage, and it is to be regretted that the applicant has not stated what business use is proposed. The Parish Council would refer you to their response of the 2 March 2005 for Proposed Site for New Dwelling and Annex and also their response to the Planning Inspectorate of the 4 August 2005.

- No evidence of requirement for agriculture, forestry etc.
- No existing business carried out on this site.
- The applicant is not connected to agriculture, horticulture or forestry but a publican and owner of licensed premises in Kington.
- Although as a rural council we do frequently support new businesses in the countryside, the proposal is we believe for outside bar catering and storage of liquor and equipment, which could be more appropriately placed in a trading estate and there are ideal premises available less than a mile and a half away in Hatton Gardens Trading Estate, Kington.
- In the circumstances, Kington Rural and Lower Harpton Group Parish Council cannot support this application because it is beyond the boundaries of development in open countryside.

5.2 A letter has been received from the agent as follows:

- a) The business is an outside bar and catering business and the units are intended as a base for the business.
- b) I will be storing all bar equipment, catering trailers, a towing vehicle and any other equipment necessary to enable me to run the above mentioned business successfully.
- c) There will be no set hours as each event is different only the time needed to prepare for each event.
- d) It is my intention that in the future, I will be able to employ a full time person at the site, but at present there will not be someone there full time.
- e) The number of vehicular movements will be based on each event but would not exceed 4 for each event.

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

The main issues for consideration in this application are:

- a) The principle of the use of the site for storage/business use in this location.
- b) Highway Safety.
- c) Impact on amenities of neighbouring property.

6.1 The site lies outside of any defined settlement boundary but alongside the B4355 (Kington to Presteigne). Policy A2(D) and Policy A36 of the Leominster District Local Plan make provision for the re-use of rural buildings for employment generating uses. Policy E11 of the Unitary Development Plan (Revised Deposit Draft) also support commercial uses, subject to the use not having an adverse impact upon the local environment, road network or amenity.

6.2 The application site lies to the south east of the highway, and the buildings are barely visible from the public vantage point due to the screening along the boundaries of the site. There will be no alterations to the buildings externally and although some highway/access improvements are required the appearance will vary little from that of the former working agricultural buildings. As such it preserves the character and appearance of the surrounding area in accordance with the above policies.

6.3 The issue of highway safety has been given particular attention during the consideration of this application. The existing access does not meet current standards for visibility. Some alterations can be made to improve visibility to the northeast and to widen the access to improve manoeuvrability. If these improvements are made, and on the basis that the access is existing and that the proposed use would have minimal vehicular movements then it is considered that a refusal in highway safety grounds could not be sustained. As this opinion is based on the information provided in relation to the applicants business it is suggested that a personal permission is granted.

6.4 Adjoining the site is a residential property. On the basis of the information provided by the applicant in relation to the business type, the proposal is unlikely to cause detriment to the living conditions currently enjoyed by those residents. This would not be above and beyond what is expected from an agricultural based enterprise.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - E10 (Use restricted to that specified in application) (the storage of outside bar and catering equipment)**

Reason: To suspend the provisions of the Town and Country Planning (Use Classes) Order currently in force, in order to assess the impact on highway safety for alternative uses.

2 - E27 (Personal condition)

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

3 - G04 (Landscaping scheme (general)) (in relation to the revised access)

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

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

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

5 - H05 (Access gates) (10 m)

Reason: In the interests of highway safety.

6 - Prior to the first use of the site, a detailed plan showing the improved access and visibility splay shall be submitted to and approved in writing by the local planning. Works shall be carried out prior to the first use of the site in accordance with the approved plan.

Reason: In the interests of highway safety.

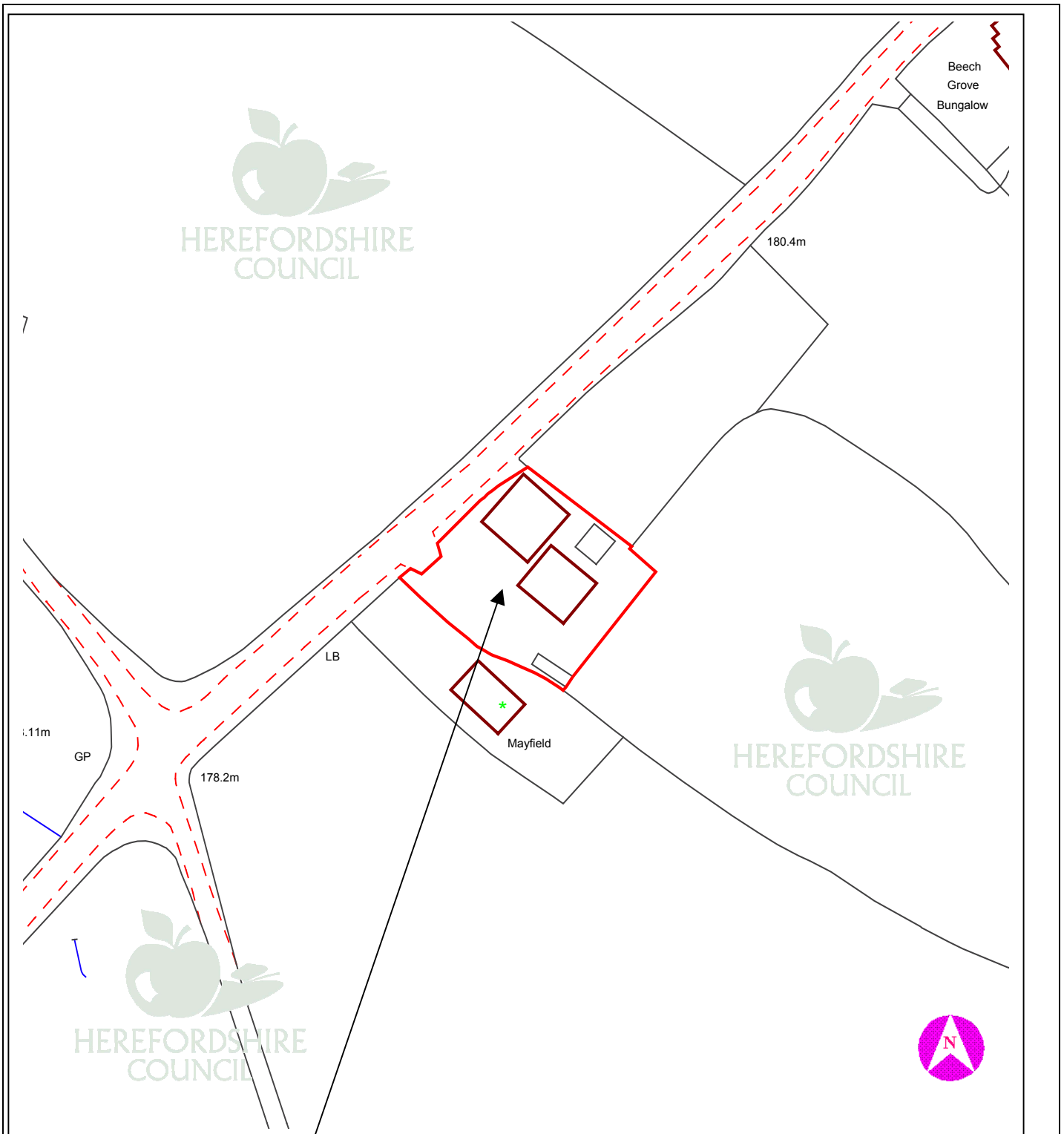
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2005/3472/F

SCALE : 1 : 1250

SITE ADDRESS : Outbuildings at Mayfield, Rushock, Nr Kington, Hfds

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21 DCNW2005/3550/F - PROVISION OF GLAZED ROOF AND METAL COLUMNED CANOPY WITH INTERNAL LIGHTING FOR MARKET FACILITIES AND RECREATIONAL FUNCTIONS AT PLACE-DE-MARINES, OFF MILL STREET, KINGTON

For: Kington Area Regeneration Co-Ordinator per Property Services Manager, Herefordshire Council Property Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB

Date Received:

2nd November 2005

Expiry Date:

28th December 2005

Local Member: Councillor T James

Ward: Kington Town

Grid Ref:

29606, 56615

1. Site Description and Proposal

- 1.1 The application site lies in an enclosed central position between the Old Coach House and Grade II Listed Market Hall within the centre of Kington. The area is currently paved and is used for outdoor markets and sales.
- 1.2 Planning Permission is sought for the erection of an open sided glazed canopy held by metal posts that spans the majority of the space between the Old Coach House and existing Market House. The eaves level of the canopy would be 3.1m high, which would be 300mm lower than that of the eaves level of the adjacent Coach House. The canopy would cover a floor area of 8.2m x 14.2m (116m²).

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

Policy A1 – Managing the District's Assets and Resources

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

A32 – Development within Town Centre Shopping and Commercial Areas

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S1 – Criteria for Retail Development

Policy S2 – Development Requirements

Policy DR1 – Design

Policy DR2 – Land Use and Activity

Policy HBA4 – Setting of Listed Buildings

Policy HBA6 – New Development within Conservation Areas

3. Planning History

None

4. Consultation Summary

Statutory Consultations

4.1 None

Internal Council Advice

4.2 The Transportation Manager raises no objection to the grant of planning permission.

4.3 The Conservation Manager responded as follows:

The design and materials are complimentary to the Conservation Area and the adjacent listed building, it is a pity that the structure is not equidistant from the adjacent buildings on the Mill Street elevation. No objections subject to the following Conditions:

C02 - Notwithstanding the approved drawings, details of the following shall be submitted to and approved by the local planning authority prior to the commencement of any works. The development shall be carried out in accordance with the approved details:-

- (a) Materials and finishes
- (b) Glazing details

Reason: To safeguard the character and appearance of Conservation Area and setting of listed buildings.

5. Representations

5.1 Kington Town Council makes the following comments:

It is recommended that this application be refused.

It was felt that the roof was too low, which could lead to vandalism. That rain would cause a noise issue. That the structure is over ornate that self-cleaning glass should be specified and that overall it is too small. This design does not create a practical usable space. The Town Council urges for a design that covers the whole space.

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 main issues for consideration in the determination of this application is:
 - The impact of the proposed building on the adjacent Listed Buildings, Conservation Area and Street Scene, in particular in relation to the design of the canopy.
- 6.2 In its current form the proposed canopy sits comfortably between the two existing buildings and preserves the setting of the listed building and character and appearance of the Conservation Area in accordance with policies A18 – (Listed Buildings and their Settings) and A21 of the Leominster District Local Plan and guidance contained within PPG15 – Planning and the Historic Environment.
- 6.3 The Town Council raises a number of issues in relation to the design and size of the building. The canopy has been designed and sited within its restricted location and is considered to be a relatively simple, open sided canopy, which would allow for the use of this area, under cover for the continue use for markets and sales etc. Due to maintenance restriction a space of approximately 1 metre has been left between the canopy and Market Hall. Whilst it would be more symmetrical and aesthetically pleasing to have a reduced gap this it is understood that this would not be possible from a practical perspective and is considered to be insufficient grounds for refusal.

RECOMMENDATION

That planning permission be granted.

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

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

2 - C02 (Approval of details)

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

Informatives:

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

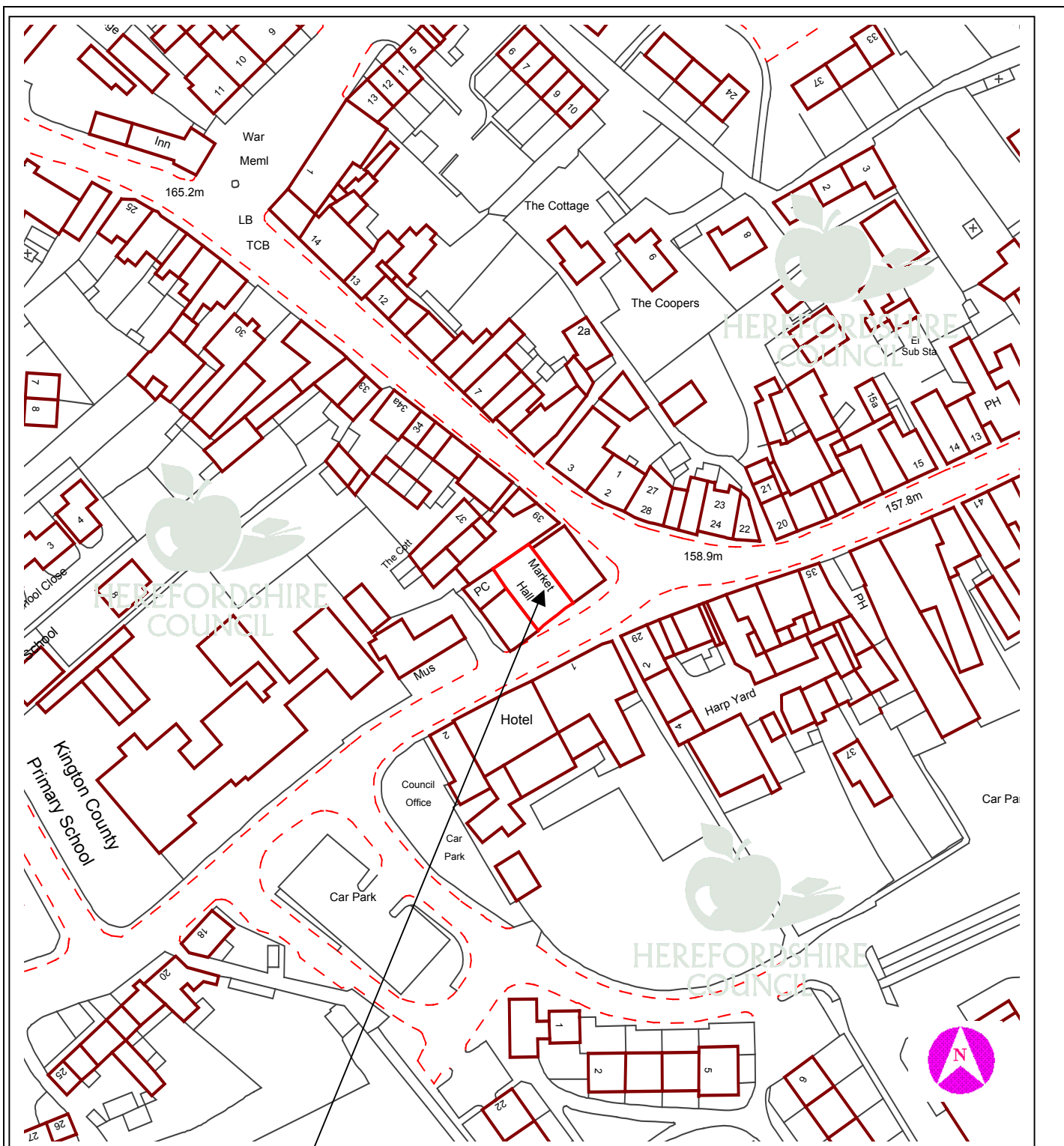
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2005/3550/F

SCALE : 1 : 1250

SITE ADDRESS : Place-De-Marines, off Mill Street, Kington

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22 DCNW2005/3638/F - PROPOSED ERECTION OF A DETACHED HOUSE AT LAND TO THE REAR OF CASTLE VIEW, HEREFORD ROAD, WEOBLEY, HEREFORD, HEREFORDSHIRE, HR4 8SW

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

Date Received:

14th November 2005

Expiry Date:

9th January 2006

Local Member: Councillor J Goodwin

**Ward: Golden Cross
with Weobley**

Grid Ref:

40448, 51482

1. Site Description and Proposal

- 1.1 The application site is a 0.06 ha plot of land that lies within the settlement boundary of the historical village of Weobley. The plot is situated immediately to the rear (east) of Grade II listed Castle View that fronts Hereford Street and lies within the Conservation Area. The plot is a level site that was formally garden area. The site is screened on all sides by mature hedgerows. Access is via an existing track that runs to the South of the dwelling known as Little Orchard, and along through the garden / paddock area belonging to Castle Orchard.
- 1.2 The proposal is for the erection of a one and a half storey detached three bed 'border oak' cottage, including dormer windows, external tiered chimney and open gabled oak framed porch. The dwelling would have a rendered finish above a brick plinth, with plain reclaimed clay tiles. A single storey timber boarded element lies to south. The dwelling has an approximate footprint of 12.1m by 5.75m and a ridge height of 6.8m (eaves 3.6m) The dwelling is sited to the front (west) of the site with garden to the rear and a turning and parking area as well as using the existing single garage.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

Policy A1 – Managing the District's Assets and Resources

Policy A2 – Settlement Hierarchy

Policy A18 – Listed Building and their Setting

Policy A21 – Development within Conservation Areas

Policy A16 – Foul Drainage

Policy A23 – Creating Identity and an Attractive Built Environment

Policy A24 – Scale and Character of Development

Policy A70 – Accommodating Traffic from Development

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S2 – Development Requirements
Policy S7 – Natural and Historic Heritage
HBA6 – New Development within Conservation Areas
Policy DR1 – Design
Policy DR2 – Land Use and Activity
Policy H4 – Main Villages: Settlement Boundaries

3. Planning History

3.1 None

4. Consultation Summary

Statutory Consultations

4.1 None

Internal Council Advice

4.2 Traffic Manager raises no objection and recommends that the hedge be trimmed to improve visibility to the left.

4.3 The Conservation Manager makes the following comments: The proposed site for this detached house is a former orchard. It is part of a section of back land which is historically significant as it illustrates the traditional settlement pattern of Weobley. There are objections to this proposal based on Policy A21: Development within Conservation Areas (C) Avoiding uncharacteristic backland development in order to 'preserve' the character of the Conservation Area.

4.4 The Councils Archaeologist raises no objection but the site is within the medieval urban core of Weobley, as defined by the Central Marches Historic Towns Survey of 1996. Accordingly the following condition is recommended:

“The applicants or their agents or successors in title shall ensure that a professional archaeological contractor undertakes an archaeological watching brief during any development to the current archaeological standards of and to the satisfaction of the local planning authority.”

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

5. Representations

5.1 Weobley Parish Council makes the following comments:

No objections to the development in principle but we uphold our previous reasons for objection to the limitations of the present access road and its entry into the Hereford Road and suggest that the developers should investigate an access through the Garbutts onto Burton Wood.

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

- Rev David and Mrs Susan Whittaker, Wits End, Hereford Road, Weobley raise concern relating the site and potential overlooking from the new dwelling, despite the high hedgerow, causing loss of privacy to their garden which is a main asset of their property. Wish that it be re-located away from the hedge, which would make a difference.
- Brian and Elizabeth Holley, Little Orchard, Hereford Road, Weobley state:

We oppose the development in the application above solely because access to the site is through our garden. We are not willing to give permission for this because of the increased traffic and decreased privacy this would create. Currently six cars make use of the drive and we are unwilling to further fence off the drive as this would prevent our view, and therefore the security, of our garage and greenhouse. the increased use of the drive by pedestrians - apparently there would be no other means of access to the proposed building other than by our drive, thus reducing our privacy and possible security.

We understand that further development in the area to the rear of the houses in Hereford Road, including our own, has previously been refused by your authority on the grounds that it would create too much traffic access to Hereford Road.

- Mr and Mrs D King of Castle Orchard, Hereford Road, Weobley make the following comment:

Mr and Mrs Shaxted of Castle View have access to their garage via a right of way across our garden. They also have a front of house access for callers from the Hereford Road.

Should the development to the rear of Castle View take place all traffic to it, both motor and pedestrian would have to cross our garden. We find this prospect alarming in terms of privacy and security. It would change a minor access route into a strut, therefore, we object to the proposed development.

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

6. Officers Appraisal

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

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

6.2 Policy A2(C) of the Leominster District Local Plan (Herefordshire) and emerging Policy H4 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) broadly

support the principle of residential developments on windfall sites within the defined settlement boundaries of main villages such as Weobley. As such there are no objections in principle to the residential development of this site. In addition to this the site lies within the area designated under policy WEO1 – Housing Sites Weobley, for Housing.

- 6.3 The application site, lies within the Weobley Conservation Area, and designated historic core but is not visible from both the adjacent highways or from any public viewpoints along Hereford Road. Broad Street. The Conservation Manager raised the issue of backland development, and the subsequent failure to preserve the character of the Conservation Area. Having regard to the fact that the site has an existing separate access and nature and form of the surrounding area it is difficult to reasonably argue that this is backland development. The site is distinctly separate from the dwelling known as Castle View, and this view must have also been taken when allocating the site for residential development in the Leominster District Local Plan. The development would preserve the character of the historic road frontage along Hereford Road. It is therefore your Officer opinion that notwithstanding the Conservation Manager's comments the proposed development would comply with policy A21 of the Leominster District Local Plan.
- 6.4 The design of the dwelling is traditional and relatively simple and modest. The setting of the Grade II listed building would be not be compromised. It is therefore considered that the proposed development would conform with local plan policies A18 and A21 and National Guidance contained within Planning Policy Guidance 15 (Planning and the Historic Environment).
- 6.5 The Parish Council have raised the issues relating to the impact of the development on highway safety due to the limitations of the existing access. The Transportation Manager has raised no objection. There is an existing vehicular access onto the site and the development for one dwelling is relatively small scale and meets current standards as such it is considered that a reason for refusal on highway safety ground could not be sustained.
- 6.6 A couple of concerns have arisen with regards to the impact on the neighbouring properties. The first relates to the potential for overlooking from the dwelling to the property known as Wits End. This has been fully considered but due to the retention of the existing hedgerow and relatively low first floor window heights (4.5m to top of window) this is unlikely to cause such significant harm as to cause detriment to the living conditions currently enjoyed by the occupiers of the dwelling.
- 6.7 The existing access drive which currently serves the garage on the site is a right of way that crosses land, described as garden. Their concerns relate to the impact of the intensified use or the right of way and potential that this may have. This has been given careful consideration, however, having regard to the vegetation of site, the degree of separation and relatively fact that this will continue to serve only one dwelling, as it could potentially now, leads to the conclusion that the amenities of those dwellings would not be so significantly harmed as to justify a reason for refusal.
- 6.8 To conclude, the proposal is considered to comply with policies that allow residential development within village settlements. The dwelling by virtue of its scale, design and siting is considered to be acceptable and would preserve the character of the Conservation Area, the street scene and setting of the adjacent listed building. As such the proposal meets the criteria of the local plan polices and is therefore recommended for approval with the relevant conditions.

RECOMMENDATION

That planning permission be granted with the following conditions:

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

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

2 - B01 (Samples of external materials)

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

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 - D01 (Site investigation - archaeology)

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

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 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

8 - G04 (Landscaping scheme (general))

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

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

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

INFORMATIVES:

1 - N03 - Adjoining property rights

2 - N14 - Party Wall Act 1996

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

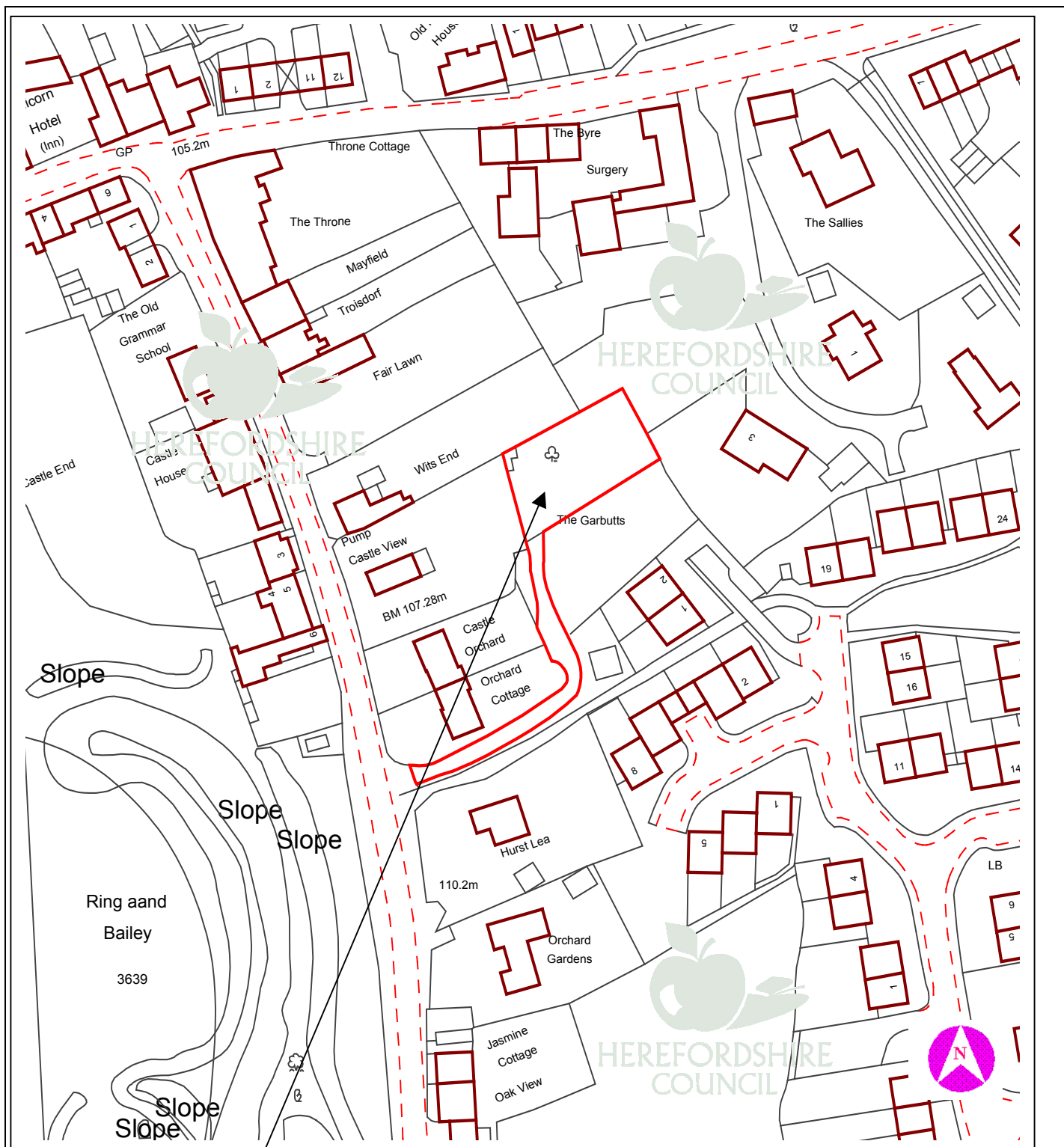
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2005/3638/F

SCALE : 1 : 1250

SITE ADDRESS : Land to the rear of Castle View, Hereford Road, Weobley, Hereford, Herefordshire, HR4 8SW

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23 DCNW2005/3732/F - CHANGE OF USE OF LAND FROM AGRICULTURAL TO DOMESTIC GARDEN AT 51 HEADBROOK, KINGTON, HEREFORDSHIRE, HR5 3DY

For: Mr T Hall per McCartneys, 54 High Street, Kington, Herefordshire, HR5 3BJ

Date Received:
18th November 2005

Ward: Kington Town

Grid Ref:
30282, 56438

Expiry Date:
13th January 2006

Local Member: Councillor T James

1. Site Description and Proposal

- 1.1 The application site comprises an area of meadow land approximately 10m by 19m that lies to the rear of the existing residential property and garden known as 51 Headbrook.
- 1.2 The proposal is to incorporate this area of land into the residential curtilage of the property for use as domestic garden.

2. Policies

2.1 Leominster District Local Plan

A1 – Managing the District's Assets and Resources
A2(D) – Settlement Hierarchy
A25 – Protection of Open Areas or Green Spaces
K9 – River Meadows

2.2 Unitary Development Plan

S7 – Natural and Historic Heritage
HBA9 – Protection of Open Areas and Green Spaces

3. Planning History

- 3.1 NW2005/1594/F - Change of use of land from agricultural to domestic garden - Refused on 1st July 2005 for the following reason:

The application site lies within an area designated for protection from development due to its significant contribution to the character and setting of the town. As such the proposed use of the site as domestic garden would be an intrusion into this protected land contrary to Policy K9 of the Leominster District Local Plan.

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency notes that the site is located within Floodzone (1% annual probability flooding)... It is noted that the proposed is to change the use of the land to domestic garden. On this basis, we recommend that there is no raising of ground levels in the 1% flood plain, above existing, to prevent the loss of flood storage and flood risk elsewhere. Condition is recommended.

Internal Council Advice

- 4.2 The Transportation Manager has no objection to the grant of permission.

5. Representations

- 5.1 Lyonshall Parish Council have no objections but would request no buildings be permitted on the land.
- 5.2 Kington Town Council:
- This application is recommended for refusal
 - This application should be retrospective as this area of agricultural land has already been fenced.
 - The land is situated on the flood plain and should remain as agricultural 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 application site lies within an area designated within the Leominster District Local Plan as "River Meadow". The area is considered and is documented as significantly contributing to the character and setting of the town and as such should be protected from intrusive development in particular having reference to policy K9 of the Leominster District Local Plan.
- 6.2 Policy K9 states that there should be no development on the river meadows of the "Arrow" and Back Brook which forms essential elements in the setting of Kington (defined on the Kington inset map). At present the area has a strong linear boundary formed by the dwellings and gardens along Headbrook. The proposed change of use would encroach into this land, and the change of use, with associated residential paraphernalia would represent an intrusive form of development within this protected area that has been identified for its special qualities. As such the proposed change of use is considered to be contrary to policies K9 of the Leominster District Local Plan.
- 6.3 In addition to this policy HBA9 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) also allocates the site for the protection of open areas and green spaces where encroachment and development is also resisted.

6.4 As this application is identical to that revised under the Council's Scheme of delegation in July 2005 there are no changes to policy on the application which would substantiate a revised recommendation.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1 - The application site lies within an area designated for protection from development due to its significant contribution to the character and setting of the town. As such the proposed use of the site as domestic garden would be an intrusion into this protected land contrary to Policy K9 of the Leominster District Local Plan.**

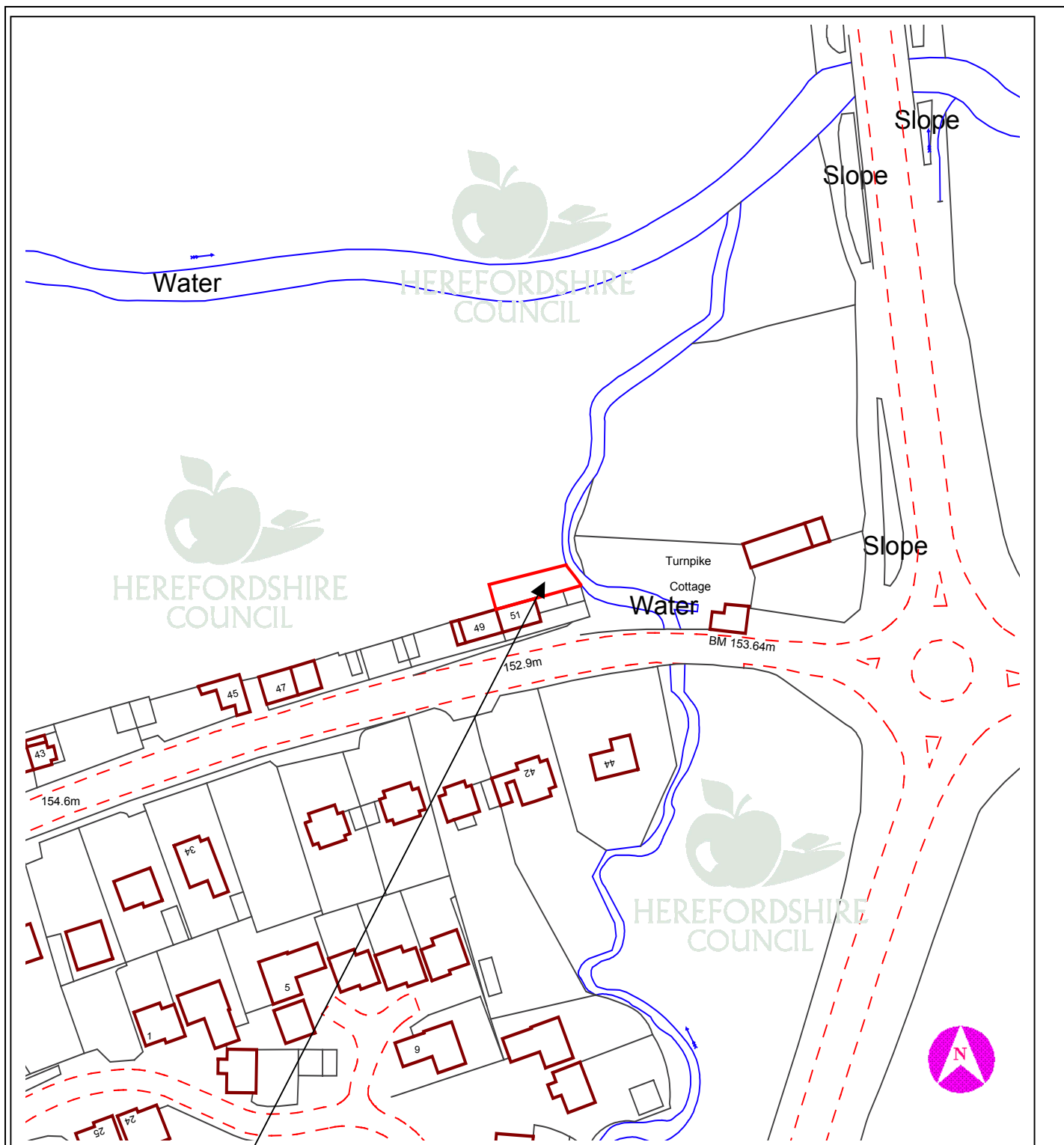
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2005/3732/F

SCALE : 1 : 1250

SITE ADDRESS : 51 Headbrook, Kington, Herefordshire, HR5 3DY

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