

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 22nd February, 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:

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01432 260248*

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Northern Area Planning Sub-Committee

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

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

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES To approve and sign the Minutes of the meeting held on 25th January, 2006.	1 - 20
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.	21 - 24
APPLICATIONS RECEIVED	
To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
Agenda items 5 to 8 are applications deferred for site inspections at the last meeting and items 9 to 22 are new applications.	

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| 5. | <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> | 25 - 32 |
| 6. | <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> | 33 - 38 |
| 7. | <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> | 39 - 42 |
| 8. | <p>DCNW2005/3472/F - PROPOSED CHANGE OF USE TO BUSINESS USE AND STORAGE OUTBUILDINGS AT MAYFIELD, RUSHOCK, NR KINGTON, HEREFORDSHIRE FOR: MR. N. MORRIS, 1 DOWNTON FARM HOUSE, WALTON, NR PRESTEIGNE, POWYS, LD8 2RD</p> <p>Ward: Kington Town</p> | 43 - 48 |
| 9. | <p>DCNW2006/0030/N - RENEWAL OF PERMISSION FOR HOUSEHOLD WASTE SITE, (PREVIOUS PERMISSION NW00/1991/N). HATTON GARDENS INDUSTRIAL ESTATE, KINGTON, HEREFORDSHIRE, HR5 3DE FOR: L. GOOD AT SAME ADDRESS</p> <p>Ward: Kington Town</p> | 49 - 60 |
| 10. | <p>DCNW2006/0033/F - RENEWAL OF PERMISSION FOR INDUSTRIAL STORAGE SHED FOR CONTINUED B2 GENERAL INDUSTRIAL USE (PREVIOUS PERMISSION NW00/1992/F) AT THE FOUNDRY, HATTON GARDENS INDUSTRIAL ESTATE, KINGTON, HEREFORDSHIRE, HR5 3DE FOR: L. GOOD AT SAME ADDRESS</p> <p>Ward: Kington Town</p> | 61 - 66 |

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| 11. | <p>DCNE2005/4153/F - RETROSPECTIVE APPLICATION FOR TEMPORARY STRUCTURE, CHILDRENS CLIMBING FRAME IN REAR GARDEN AT 1 FROME BROOK ROAD, LEDBURY, HEREFORDSHIRE, HR8 2FH FOR: MR. J. ROBERTS AT SAME ADDRESS</p> <p>Ward: Ledbury</p> | 67 - 72 |
| 12. | <p>DCNE2006/0047/F - PROPOSED TWO STOREY REAR EXTENSION AND SINGLE STOREY SIDE ANNEX. DEMOLITION OF SUN ROOM AND STORAGE BUILDING AT RIDGEWAY FARM COTTAGE, BROMYARD ROAD, CRADLEY, MALVERN, WORCESTERSHIRE, WR13 5JW FOR: S. WOODWARD PER MR. J.C. ASHTON, THE ORCHARD OFFICE, UNION PLACE, OFF NORTHWICK ROAD, WORCESTER, WR3 7DX</p> <p>Ward: Frome</p> | 73 - 78 |
| 13. | <p>DCNW2005/3811/F - ERECTION OF SINGLE STOREY EXTENSIONS AND INSTALLATION OF LPG STORAGE TANK (RETROSPECTIVE) AT THE OLD VICARAGE, AYMESTRY, LEOMINSTER, HEREFORDSHIRE, HR6 9SU FOR: MR. & MRS P. LEEDHAM-SMITH, PER BRYAN THOMAS ARCHITECTURAL DESIGN LTD, THE MALT HOUSE, SHOBDON, LEOMINSTER, HEREFORDSHIRE, HR6 9NL</p> <p>Ward: Mortimer</p> | 79 - 84 |
| 14. | <p>DCNW2005/3951/F - RETROSPECTIVE APPLICATION FOR 2 NO. FEED SILOS AT DOWNWOOD, SHOBDON, LEOMINSTER, HEREFORDSHIRE, HR6 9NH FOR: ZINTEC FEED SUPPLEMENTS AT ABOVE ADDRESS.</p> <p>Ward: Pembridge & Lyonshall with Titley</p> | 85 - 90 |
| 15. | <p>DCNW2005/4103/F - ERECTION OF 11 NO. APARTMENTS AND ASSOCIATED GARAGING AT FORMER GARAGE PREMISIES, LAND ADJACENT TO NO 2 VICTORIA ROAD, KINGTON, HEREFORDSHIRE, HR5 3BX FOR: BEECHES TWO LIMITED PER N. & J.C. DESIGN PARTNERSHIP, 9 LANCASTER CLOSE, DESFORD, LEICESTERSHIRE, LE9 9HW</p> <p>Ward: Kington Town</p> | 91 - 98 |
| 16. | <p>DCNW2005/4147/F - TWO STOREY EXTENSION TO REAR AT YE OLD HOUSE, ORLETON, LUDLOW, HEREFORDSHIRE, SY8 4HN AND DCNW2005/4148/L FOR: MRS. P. RYDER PER MR. D.R. DAVIES, 23 CHARLTON RISE, LUDLOW, SHROPSHIRE, SY8 1ND</p> <p>Ward: Bircher</p> | 99 - 106 |

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| 17. | DCNW2005/4158/F - RETROSPECTIVE PLANNING APPLICATION FOR CONSERVATORY TO REAR AT 7 MILLSTREAM GARDENS, EARDISLEY, HEREFORD, HEREFORDSHIRE, HR3 6NR FOR: MRS. J. LAWSON PER MR. D. WALTERS, 27 ELIZABETH ROAD, KINGTON, HEREFORDSHIRE, HR5 3DB | 107 - 110 |
| | Ward: Castle | |
| 18. | DCNW2006/0071/F - NEW/REPLACEMENT FARM HOUSE AT THE VALLETS, RICHARDS CASTLE, LUDLOW, SHROPSHIRE, SY8 4ET FOR: MR. & MRS. H. SALWEY PER MR. R.T.L. SALMON, THE HATCH, LINDRIDGE, TENBURY WELLS, WORCESTERSHIRE, WR15 8JT | 111 - 116 |
| | Ward: Mortimer | |
| 19. | DCNC2005/4002/F - CHANGE OF USE AND CONVERSION TO 2 STUDIO, 6 ONE BED AND 1 TWO BED FLATS AND 1 TWO BED MAISONETTE AT MASONIC HALL, 40/42 SOUTH STREET, LEOMINSTER, HEREFORDSHIRE AND DCNC2005/4003/L - AS ABOVE FOR: FINALE PROPERTIES LTD., WORMELOW HOUSE, WORMELOW, HEREFORDSHIRE, HR2 8EG | 117 - 126 |
| | Ward: Leominster South | |
| 20. | DCNC2005/3861/F - ALTERATIONS & EXTENSION TO VILLAGE HALL AT CAWLEY VILLAGE HALL, EYE LANE, LUSTON, LEOMINSTER, HEREFORDSHIRE, HR6 0DS FOR: LUSTON GROUP PARISH PER MR C GOLDSWORTHY, 85 ST OWENS STREET, HEREFORD, HR1 2JW | 127 - 132 |
| | Ward: Upton | |
| 21. | DCNC2006/0067/F - CHANGE OF USE TO A3 (RESTAURANTS AND CAFES) BETWEEN HOURS OF 8.00AM - 21.00PM MONDAY TO SATURDAY AT 73 ETNAM STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8AE FOR: MR. M. ROHDE PER J. PHIPPS, BANK LODGE, COLDWELLS ROAD, HOLMER, HEREFORD, HR1 1LH | 133 - 138 |
| | Ward: Leominster South | |
| 22. | DCNC2006/0079/F - CHANGE OF USE FROM AGRICULTURE TO DOMESTIC GARDEN AT LAXTON BARN, BODENHAM, HEREFORD, HEREFORDSHIRE, HR1 3HS FOR: MR. M. DAVIES AT SAME ADDRESS | 139 - 144 |
| | Ward: Hampton Court | |

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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, 25th January, 2006 at 2.00 p.m.

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

Councillors: Mrs. L.O. Barnett, R.B.A. Burke, P.J. Dauncey, J.H.R. Goodwin, P.E. Harling, B. Hunt, T.W. Hunt, T.M. James, R.M. Manning, R. Mills, R.J. Phillips, D.W. Rule MBE, R.V. Stockton, J. Stone and J.P. Thomas

In attendance: Councillors P.J. Edwards, Mrs. R.F. Lincoln and P.G. Turpin

170. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors BF Ashton, Mrs JP French, WLS Bowen and Brigadier P Jones.

171. DECLARATIONS OF INTEREST

Councillor R Mills declared a personal interest in Agenda item No. 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) and remained in the meeting during consideration of this item.

172. MINUTES

RESOLVED:

That the Minutes of the meeting held on 4th January, 2006 be approved as a correct record, subject to the inclusion of "E12" after "A2D" in minute 169 (DCNC2005/3689/O - SITE FOR SMITHY & STABLES WITH FARRIERS COTTAGE AND APPRENTICE FLAT ON PART PARCEL NO 4493, HOLMER FARM, PUDLESTON, LEOMINSTER)

173. ITEM FOR INFORMATION - APPEALS

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

174. 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.

175. **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**

Councillor T W Hunt the Local Ward Councillor was concerned about a further retrospective application from the owner. He felt that the previous modest bungalow had been transformed into a substantial house which was visually intrusive into the landscape and had an adverse effect upon neighbouring properties. He was also concerned about the design of the alterations and the method of construction.

RESOLVED:

That (i) The Northern Area Planning Sub-Committee is minded to refuse the application because of the following reason 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. The site is within the area of great landscape value in the Malvern Hills District Local Plan and in an area of landscape least resistant to change in the Herefordshire Unitary Development Plan. The large scale extension to the roof increases its scale, height and massing and is conspicuous in the wider landscape setting of the site and does not respect the original design of the property and detracts from the appearance of the site and its surroundings. The proposals are therefore contrary to Housing Policy 16 and Landscape Policy 3 of the Malvern Hills District Local Plan, Policy CTC.2 of the Hereford and Worcester County Structure Plan and Policies H18 and LA.2 of the Herefordshire Unitary Development Plan (revised deposit draft).**

- (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]

176. **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**

In accordance with the criteria for public speaking, Mr. D Cave (Bromyard and Wilmslow Town Council) spoke against the application.

Councillor B Hunt one of the Local Ward Members had some sympathies with the objections raised and felt that two dwellings would have been preferable on the site. He felt however that it was difficult to refuse the application and that the situation could be mitigated by retaining the party hedge with Frome Bungalow; the windows being opaque to prevent overlooking of 2 Frome View; and the hedge and trees at

the bottom of the garden being retained.

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.

- 11 - **The existing walling, hedgerows and trees on the boundaries of the application site shall be retained and form part of the approved landscaping scheme unless otherwise first agreed in writing by the Local**

Planning Authority

Reason To protect the visual amenities of the area and the residential amenities of neighbouring dwellings / residential units.

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 adjacent 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

177. DCNW2005/3737/F - CONVERSION OF AGRICULTURAL BUILDINGS TO FORM ONE HOUSE AT UPPER FARM, AILEY, KINNERSLEY, HEREFORDSHIRE AND DCNW2005/3738/L FOR: WESTATE LTD PER BURTON & CO, LYDIATT PLACE, BRIMFIELD, LUDLOW, SHROPSHIRE, SY8 4NP

The receipt of a letter from the agent of the applicant was reported.

**RESOLVED THAT
DCNW2005/3737/F**

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 roof lights 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

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 roof lights)

Reason: To ensure the roof lights 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

178. 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

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.

179. 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

In accordance with the criteria for public speaking, Mr. Jolley (applicant's agent) spoke in favour of the application.

Having considered details of the application, the Sub-Committee was in agreement with Councillor R V Stockton the Local Ward Member that because of the unique provision of holiday accommodation for disabled persons, an exception could be made to the Council's planning policies and permission granted. The Sub-Committee also agreed that the development should be tied to the existing business and that a suitable landscaping scheme should be undertaken.

RESOLVED:

That (i) The Northern Area Planning Sub-Committee is minded to approve the application subject to the following conditions and any further 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;

- 1. the new development being tied to the existing;
- 2. the new development being to provide holiday accommodation for the disabled only; and
- 3. a scheme of landscaping being agreed with the head of planning services prior to any development taking place

(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 not refer the decision to the Head of Planning Services]

180. 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

The receipt of letters from Bishops Frome Parish Council, the applicant, the applicant's agent and an objector was reported.

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.

181. 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

The receipt of four letters of objection and a letter from the applicant's agent was reported. The Principal Planning Officer said that concerns had been raised by the objectors about an underground stream but that investigation by the Council's drainage Engineer had not revealed one. The applicant's agent had stated that no abnormal ground conditions had been encountered on the site.

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

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

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

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

- 2 - A09 (Amended plans)

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

- 3 - B01 (Samples of external materials)

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

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

Reason: 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

182. 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

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

- (e) the character or appearance of the development itself is a fundamental planning consideration;
- (f) a judgement is required on visual impact; and

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

183. 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

The receipt of a fax from the agent acting on behalf of the applicant about an offer received on one of the properties was reported. A prospective purchaser had enquired if he could apply for the covenant to be lifted for a period of 10 years so that he could use the property as a home for his retirement. The Sub-Committee concurred with the views of the Development Control Manager that it was not practical for occupancy conditions to be removed and then reapplied at a later time.

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

Councillor K G Grumbley the Local Ward Member said that this was the third time that the application had been considered by the Sub-Committee and he drew attention to an offer that had been previously made on one of the properties which had been subsequently withdrawn because the applicant was not eligible for the occupancy condition to be removed. He said that there was a boundary dispute between the two neighbours and that the applicant originally intended to occupy the dwellings but because of the dispute did no longer feel that he was able to and therefore wished to offer them for sale. Councillor Grumbley outlined the options available to the sub-committee. Councillors Barnett, James and Thomas had concerns about the comments that had been made at the meeting and wondered why the occupancy condition had been imposed in the first place if it would prove to be difficult to achieve. The Northern Team Leader outlined the planning history and the steps that had been taken by the applicant to market the properties.

Having considered all the facts in relation to the application, the Sub-Committee decided that it should be approved.

**RESOLVED: That
Planning permission be granted. No conditions.**

184. 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

The receipt of the letter of objection from Leominster Town Council, a letter from the agent of the applicants and a letter from Leominster Properties was reported.

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

Councillor J P Thomas one of the Local Ward Members was not in favour of the application because he had concerns about the safety of the vehicular access, density of the proposed development and possible overlooking of adjoining properties.

Having considered all the facts regarding the application, the Sub-Committee decided that it should be approved.

RESOLVED THAT

NC2005/3982/F

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 - [the boundary wall is of special historic interest and to be retained.](#)

- 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**

NC2005/3983/C

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

- 185. 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**

RESOLVED THAT

subject to no new material planning objections being received by 26th January, 2006, 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)
the existing mature trees, stone wall and hedgerow on the northern boundary to be retained.

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

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

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

7 - G10 (retention of trees)

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

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

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

9 - G21 (Excavations beneath tree canopy)

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

186. 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

The application was withdrawn by the applicant.

187. 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

The receipt of a letter from Eardisley Parish Council reiterating concerns about pedestrian safety was reported.

In accordance with the criteria of public speaking Mrs Ellis-Jones (objector) spoke against the application and Mr Spreckley (agent) spoke in favour.

The Sub-Committee felt that the proposals would improve the approach to the village but shared the concerns of the Parish Council and objectors about pedestrian safety. It was noted that it was not feasible to put a footpath on the site but agreed that all steps possible should be taken to ensure traffic calming and that the applicants should be requested to contribute to a traffic-calming scheme.

RESOLVED

That the officers named in the Scheme of Delegation to Officers be authorised to grant planning permission in consultation with the Local Ward Member, subject to a contribution being sought from the applicant towards the costs of highway safety improvements, either by way of a planning obligation under Section 106 of the Town and Country Planning Act 1990 or appropriate condition, and 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 - Foul water and surface water must be drained separately from each other**

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, either directly or indirectly, to discharge into the public sewerage system.**

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

- 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

188. 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

RESOLVED

That

- 1) the Legal Practice Manager be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to include the following heads of agreement and any additional matters and terms as he considers appropriate;:
 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.

2) upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions;

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

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

2 - A07 (Development in accordance with approved plans)

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

3 - 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.

Note to Applicant

- i) This permission is granted pursuant to an agreement under**

- ii) **Section 106 of the Town and Country Planning Act 1990.**
Monitoring of traffic levels to continue

Informatives:

- 1 - **N15 - Reason(s) for the Grant of PP/LBC/CAC**
- 3) **the officers named in the Scheme of Delegation to Officers be authorised to amend the aforementioned conditions as necessary to reflect the terms of the planning obligation.**

189. **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**

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

- (g) **the character or appearance of the development itself is a fundamental planning consideration;**
- (h) **a judgement is required on visual impact; and**
- (c) **the setting and surroundings are fundamental to the determination or to the conditions being considered.**
190. **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**

The Sub Committee noted that the application would be submitted to The Planning Committee because the proposal involved Council owned land.

191. **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**

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

Councillor J Goodwin the Local Ward Member shared the concerns of the objector about the vehicular and pedestrian access via his property and said that the applicants would need to find an alternative. The Principal Planning Officer said that gaining planning permission did not give automatic access rights and that the applicant would need to pursue this aspect as a separate matter.

RESOLVED 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 roof lights)

Reason: To ensure the roof lights 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

192. 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

In accordance with the criteria for public speaking, Mr. Hughes (applicant's agent) spoke in favour of the application.

Councillor TM James the Local Ward Member felt that the application could be approved subject to the removal of permitted development rights because the applicants proposals would not have an adverse affect upon the river meadow and would assist with its conservation.

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:

- 1. the conditions recommended by the Environment Agency**
- 2. the removal of permitted development rights**

(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 not refer the decision to the Head of Planning Services.]

193. DATE OF NEXT MEETING

22nd February, 2006 at 2:30 pm

The meeting ended at 4.30 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCNC2005/2381/F**

- The appeal was received on 13th January, 2006
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by N. Gethin
- The site is located at Sunny Bank Farm, Stoke Prior, Leominster, Herefordshire, HR6 0NF
- The development proposed is Siting of a mobile home for occasional use by essential staff
- The appeal is to be heard by Written Representations

Case Officer: Astrid Jahn on 01432 261560**Application No. DCNE2005/2199/F**

- The appeal was received on 13th January, 2006
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr. P. Brazil
- The site is located at Eastnor House, Worcester Road, Ledbury, Herefordshire, HR8 1PL
- The development proposed is Proposed dwelling & 2 garages
- The appeal is to be heard by Written Representations

Case Officer: Ed Thomas on 01432 261795**Application No. DCNC2005/1662/F**

- The appeal was received on 16th January, 2006
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Miss T.J. Davies
- The site is located at Sorrels Paddock, Green Lane, Bromyard, Herefordshire, HR7 4RZ
- The development proposed is Erection of 2 No. holiday chalets
- The appeal is to be heard by Written Representations

Case Officer: Nigel Banning on 01432 383093**Application No. DCNC2005/2989/F**

- The appeal was received on 17th January, 2006
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr. Skuse
- The site is located at Green Lane Methodist Church, Green Lane, Leominster, Herefordshire
- The development proposed is to change wooden windows in entrance vestibule to UPVC with double glazing.
- The appeal is to be heard by Written Representations

Case Officer: Astrid Jahn on 01432 261560

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

Application No. DCNC2005/1756/F

- The appeal was received on 1st February, 2006
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mrs. E.M. Thomas
- The site is located at Sunnyhill, Luston, Leominster, Herefordshire, HR6 0DY
- The development proposed is Proposed cottage with attached garage and entrance drive
- The appeal is to be heard by Written Representations

Case Officer: Andrew Banks on 01432 261803

Application No. EN2005/0076/ZZ

- The appeal was received on 31st January, 2006
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr. G. Leake
- The site is located at Horners Mill, Ladywood, Whitbourne, WR6 5RY
- The breach of planning control alleged in this notice is "Without planning permission of a change of use of the land to a mixed use of agriculture residential and storage and repair of wooden pallets"
- The requirements of the notice are: Cease the use of the land and the open storage building thereon for the storage and repair of wooden pallets.
- The appeal is to be heard by Inquiry

Case Officer: Mark Tansley on 01432 261956

Enforcement Notice EN2005/0077/ZZ.

- The appeal was received on 2nd February, 2006
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Hereford Coach & Commercial Refinishers
- The site is located at Baddymarsh Farm, Lower Eggleton, Ledbury, Herefordshire
- The breach of planning control alleged in this notice is "Without planning permission, change of use of a building from use for storage of trucks to the housing of spray booths and their use for the purpose of re-painting vehicles"
- The requirements of the notice are "Cease using any part of the land for housing of spray booths for the re-painting of vehicles"
- The appeal is to be heard by Inquiry

Case Officer: Ed Thomas on 01432 261795

APPEALS DETERMINED

Application No. DCNW2005/2284/F

- The appeal was received on 19th October, 2005
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr. & Mrs. Smith
- The site is located at The Orchard, Bridge Street, Pembridge, Leominster, Herefordshire, HR6 9ES
- The application, dated 7th July, 2005, was refused on 25th August, 2005
- The development proposed was Loft conversion and dormer roof windows
- The main issue is the effect of the proposal on the character and appearance of the area.

Decision: The appeal was **UPHELD** on 6th February, 2006

Case Officer: Philip Mullineux on 01432 261808

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

5 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:
22nd November, 2005

Ward: Leominster South

Grid Ref:
50109, 58978

Expiry Date:
17th January, 2006

Local Members: Councillors R. Burke and J.P. Thomas

Introduction

Members conducted a site visit on 7th February, 2006 to assess the character and appearance of the development and its visual impact on the surrounding area.

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

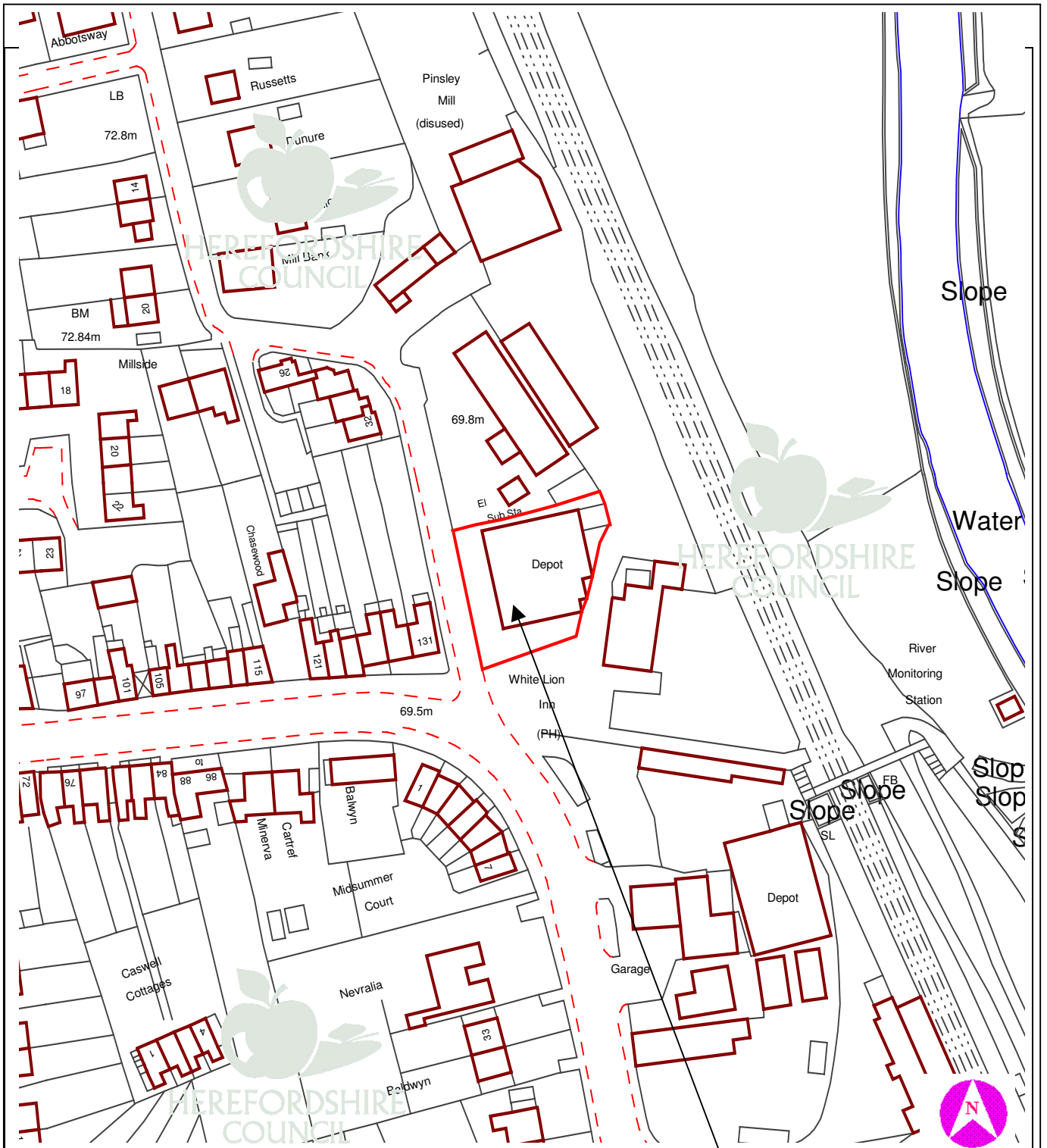
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNC2005/3751/F

SCALE : 1 : 1250

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

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6 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

Introduction

Members conducted a site visit on 7th February, 2006 to assess the relationship of the proposed barn conversion scheme to the adjacent farm.

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.

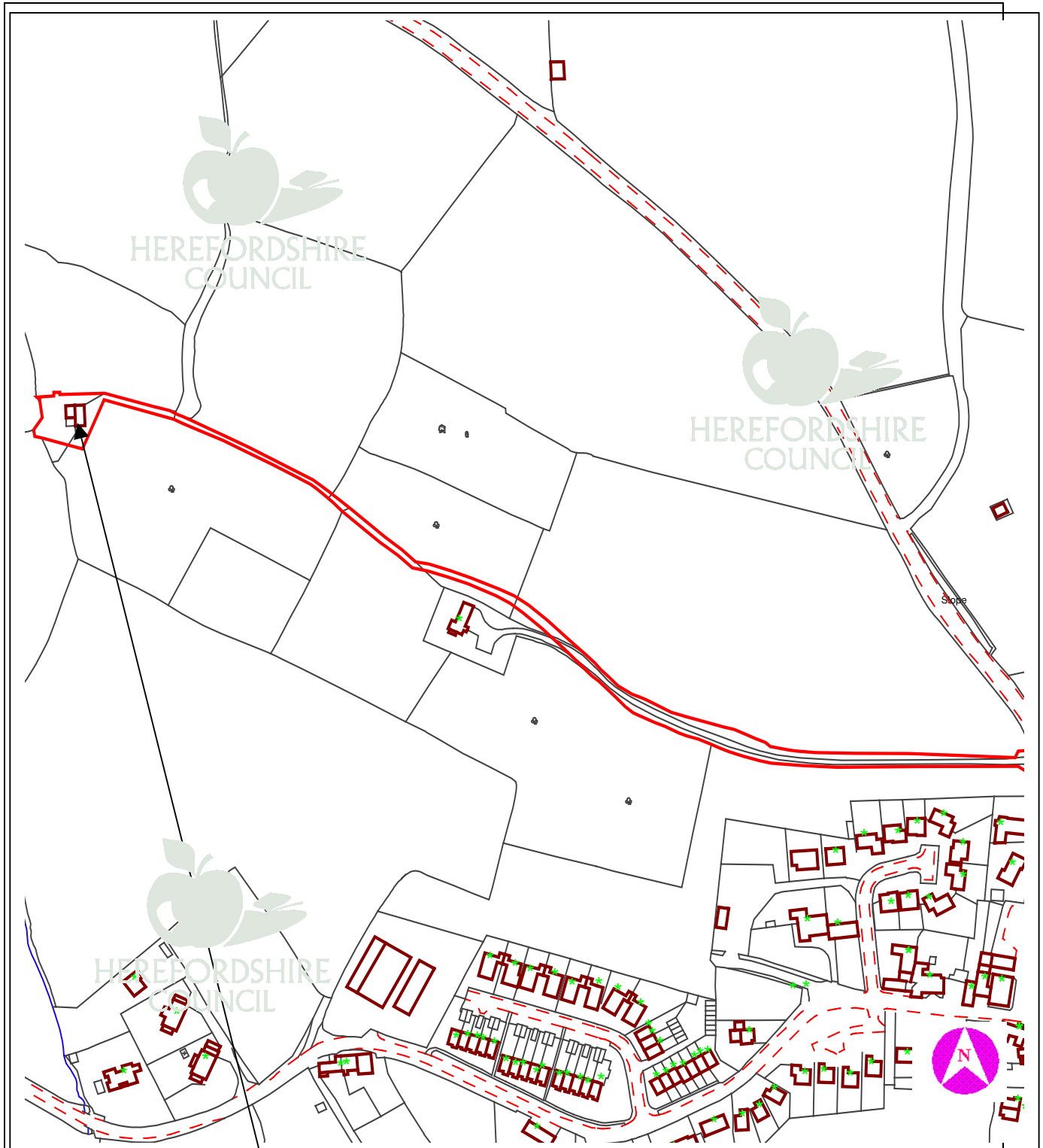
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2005/3887/F

SCALE : 1 : 2959

SITE ADDRESS : Furrows Farm, Bishops Frome, Herefordshire

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7 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: Councillors B.F. Ashton, P.E. Harling and D.W. Rule MBE

Introduction

Members conducted a site visit on 7th February, 2006 to assess the character and appearance of the development and its visual impact on the surrounding area.

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.**

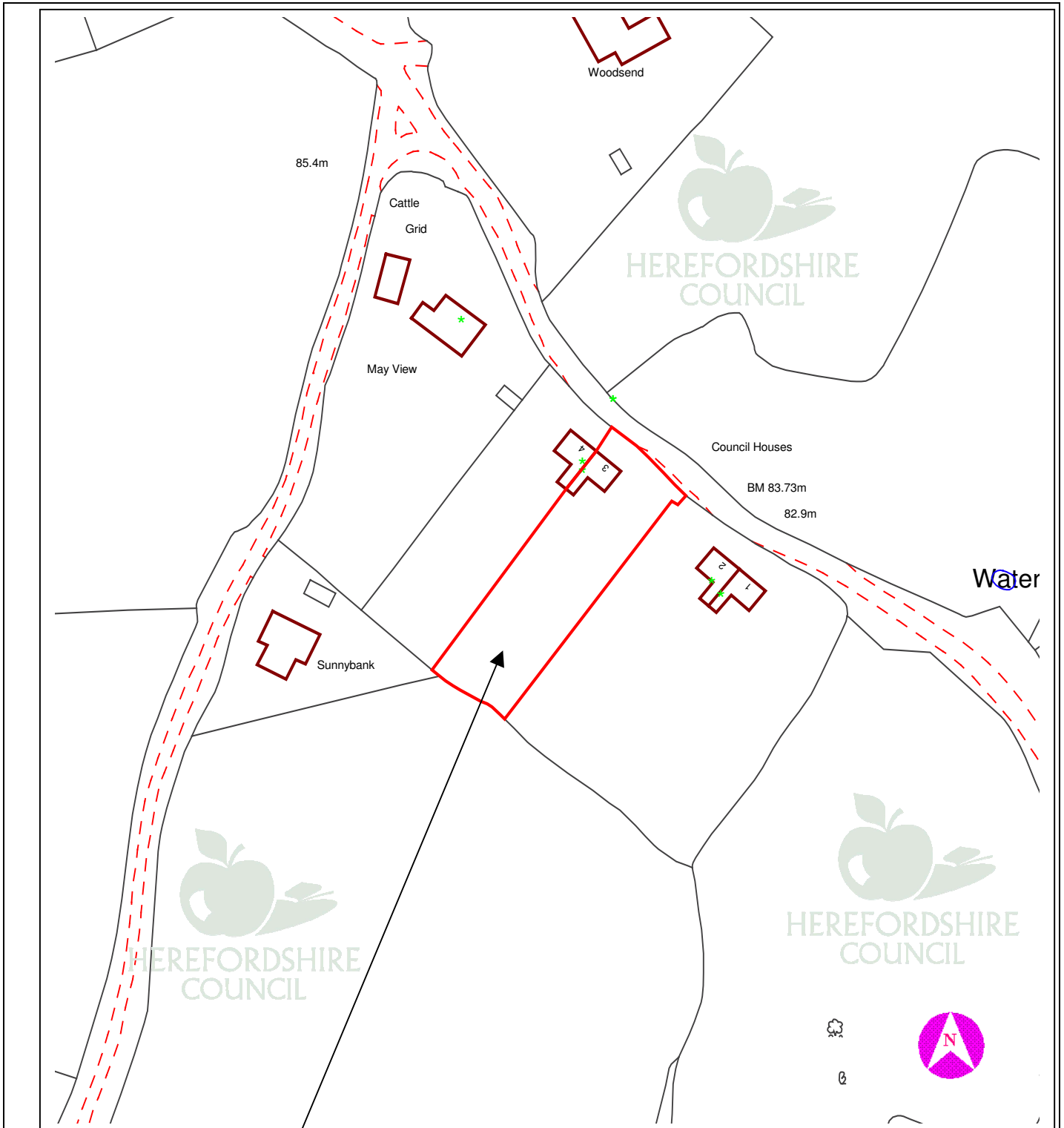
Decision:

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

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.M. James

Ward: Kington Town

Grid Ref:

31038, 58122

Introduction

Members attended a site visit on the 7th February, 2006.

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 applateness 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.

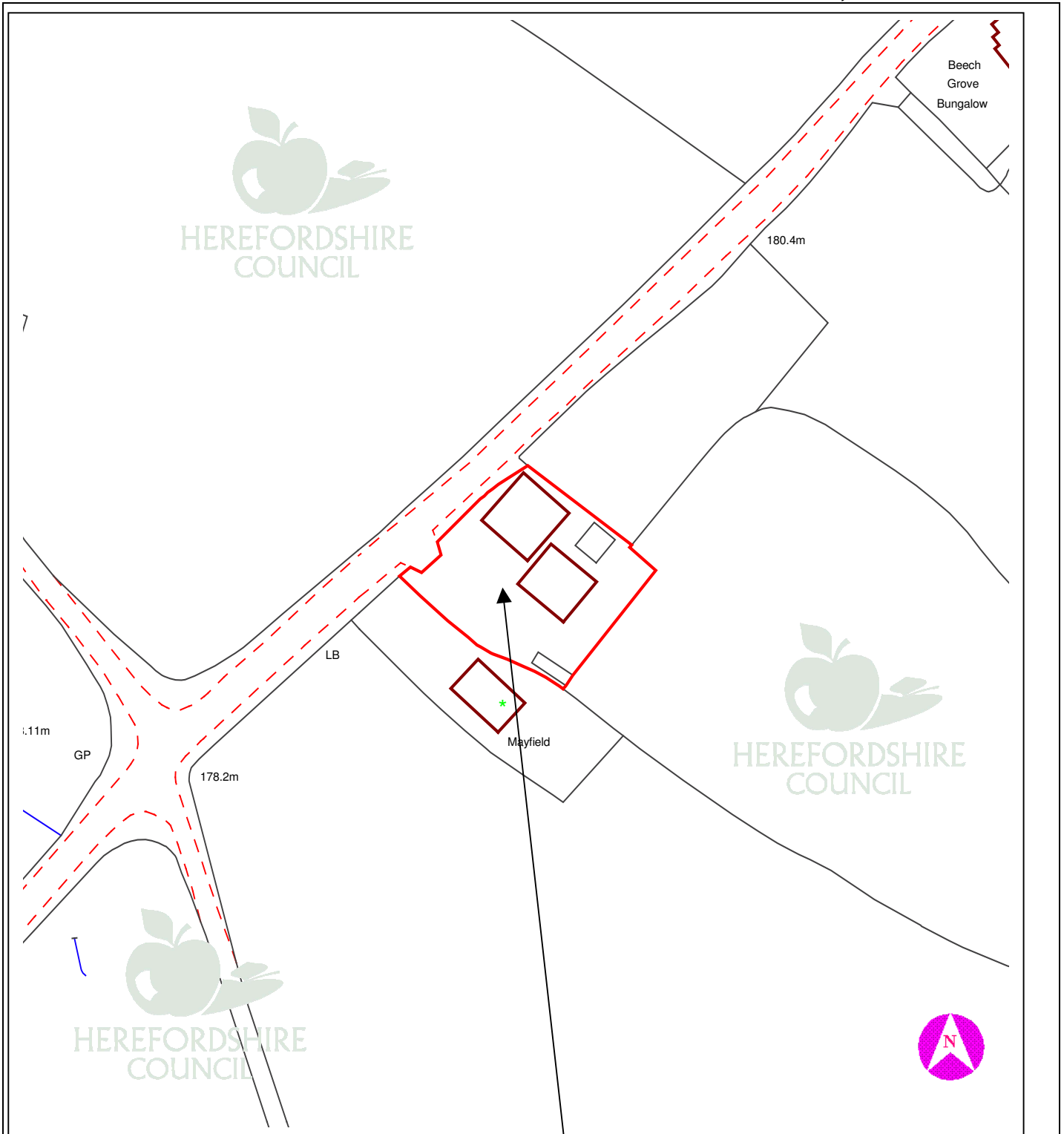
Decision:

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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9 DCNW2006/0030/N - RENEWAL OF PERMISSION FOR HOUSEHOLD WASTE SITE, (PREVIOUS PERMISSION NW00/1991/N). HATTON GARDENS INDUSTRIAL ESTATE, KINGTON, HEREFORDSHIRE, HR5 3DE

For: L. Good at same address

Date Received:
3rd January 2006

Ward: Kington Town

Grid Ref:
30600, 56986

Expiry Date:
28th February 2006

Local Member: Councillor T.M. James

1. Site Description and Proposal

- 1.1 The site lies at the eastern end of Hatton Gardens industrial estate, approximately 1 km east of Kington town centre and separated from it by the A44. It comprises about half of a larger unit, formerly a foundry and now used for the storage and maintenance of a large number of agricultural and earthmoving vehicles, plant and machinery. Several buildings exist on site of varying age and size and mostly in poor repair. The site is generally untidy and neglected.
- 1.2 The industrial estate comprises a number of businesses of varying size, but there are also dwellings on Sunset Row, Hatton Gardens and Waterloo Road, the nearest to the site being about 150 metres away. The application site lies at the far end of the access road and immediately to its east is Kington's sewage treatment works.
- 1.3 The proposal consists of an application to renew an expiring unimplemented planning permission, ref NW2000/1991/N for a waste "bring site" where householders may deposit pre-sorted unwanted materials and items of a variety of waste types in segregated bins and skips. This application is being made by the owner of the site to renew the above permission under Section 73 of the Town and Country Planning Act 1990, having been submitted immediately prior to its expiry after five years. The applicant has submitted an application form, certificate of ownership and location plan but otherwise is relying on the details contained in the earlier application. The site area is stated to be 0.2419 ha.
- 1.4 The permission also includes the erection of a brick built office/mess room and staff toilet, 5.25m x 3.4m x 3.5m high and with concrete roof tiles, 9m high lighting columns, and provision for the sale of compost from green waste. Surfaces would be tarmac with concrete hardstandings with an integrated drainage system to prevent pollution. There would be a 2.1m high galvanised security fence around the site perimeter.
- 1.5 Opening hours for the public were stated in the submitted "Working Plan" to be Wednesdays, Saturdays and Sundays weekly throughout the year, from 8.00 am to 6.00 pm (excluding bank and public holidays). Operational hours (for maintenance and the removal/replacement of skips using HGVs) would be daily between 7.30 am and 8.30 pm.
- 1.6 Two people would be employed full time with additional staff at peak times.

2. Policies

2.1 Policies and Government Advice

Planning Policy Statement 10 – Planning for Sustainable Waste Management
Planning Policy Statement 23 – Planning and Pollution Control
Waste Strategy 2000 (England and Wales)
DoE Circular 11/95 – The Use of Conditions in Planning Permissions

2.2 Regional Spatial Strategy for the West Midlands (RPG11)

WD1 –Targets for Waste Management in the Region
WD2 – Need for Waste Management Facilities
WD3 – Criteria for the Location of Waste Management Facilities

2.3 Joint Municipal Waste Management Strategy for Herefordshire and Worcestershire 2004 - 2034

2.4 Hereford and Worcester County Structure Plan

WD2 and WD3 – The Disposal of Waste

2.5 Leominster District Local Plan

A1 – General Development Control Criteria
A6 – Sites of Importance for Nature Conservation
A12 – New Development and Landscape Schemes
A13 – Pollution Control
A14 – Safeguarding Water Resources
A17 – Contaminated land
A27 – Maintaining Employment Land on Industrial Estates
A28 – Development Control Criteria for Employment Sites
A70 – Accommodating Traffic

2.6 Unitary Development Plan Revised Deposit Draft

S1 – Sustainable Development
S10 – Waste
S11 – Community Facilities and Services
DR2 - Land Use and Activity
DR10 – Contaminated land
DR13 – Noise
DR14 – Lighting
E5 – Safeguarding Employment Land and Buildings
W1 – New Waste Management Facilities
W3 – Waste Transport and Handling

3. Planning History

- 3.1 Planning permission was granted on 5th January 2001 under reference NW2000/1991/N for the provision of a facility for householders to bring pre-sorted

waste items. It was part of a series of applications made for similar facilities in Herefordshire's market towns, as a strategic response to government targets set to reduce waste going to landfill in its "Waste Strategy 2000". In that planning application, made by Mercia Waste Management, a variety of separate containers was specified to receive sorted waste such as cans, cardboard, green waste, glass, metal, refrigerators, batteries etc. The permission was never implemented.

- 3.2 A partner planning permission exists under reference NW2000/1992/F, which the owner is also seeking to renew (see planning application ref DCNW2006/0033/F), for the erection of a new industrial building on the other half of the unit to the south west. All the old buildings would be cleared away and the existing business would withdraw into this more compact area. That permission has also never been implemented.
- 3.3 As specified in the 2001 permission, details of the household waste site were as follows: Cars would enter the site via the industrial estate (not Waterloo Road), and follow a one-way system around the site to reach the containers provided for their sorted waste, using a ramp for a higher level access and leaving the site via the same gate.

4. Consultation Summary

Statutory Consultations

- 4.1 Kington Town Council - recommend refusal. Their letter is summarised as follows:
- this should be a new application and not a renewal
 - the two access roads are unsuitable
 - the service road is narrow and an increase in traffic would cause congestion
 - residential properties would suffer a loss of enjoyment
 - the site would increase the risk to children out of school hours. Increased traffic flow on the A44 raises major concerns for pedestrians
 - the restricted entrance would result in vehicles queuing on the industrial estate
 - security and potential for fly-tipping are of concern
- 4.2 Kington Rural and Lyonshall Parish Councils have both been consulted but neither wishes to make any comments.
- 4.3 Environment Agency - confirms that the site is in flood zone 2 but outside the flood plain and therefore not of concern, although a Flood Risk Assessment could be asked for if necessary, in terms of the requirements of PPS25 (para 57 on renewals). The Agency nonetheless raises no objection, subject to conditions being imposed to ensure the proper assessment and treatment of any contamination emanating from previous uses at the site, in line with PPS23. The Agency is happy to rely on its comments made in 2000 that recommended a number of conditions.
- 4.4 Network Rail do not wish to comment. (They are a statutory consultee on waste applications).
- 4.5 Advantage West Midlands also have no comment to make. In 2000 they objected on the grounds that they owned the access to the site but now advise that they no longer have an interest.

Internal Council Advice

- 4.6 Transportation Manager - raises no objection. Further comment was sought following receipt of Kington Town Council's comments, but the comment of "no objection" stands.
- 4.7 The following were consulted: Head of Environmental Health and Trading Standards, including Waste Management; Head of Conservation (Landscapes); Head of Forward Planning. At the time of writing none of these has responded or commented, but no objections were raised at the time of the earlier permission that this application is seeking to renew. Any further comments received will be reported to the Area Sub-Committee.

5. Representations

- 5.1 Eight letters of objection have been received to date from the following:

- Mrs W Jones, Waterloo Cottage, Waterloo Road
- R P Winstone, Winstone Flooring Ltd, Unit 12, Hatton Gardens Ind Est
- R B Cole, 11 Sunset Row
- Mr J Cooke, 8 Sunset Row
- Mrs J Newman, 10 Sunset Row
- Mr T Richards, 35 Hatton Gardens
- W Knight, General Builder, 3 Sunset Row
- Mr J Dennis, Arrowfield Veterinary Group, Butts Meadow, Hatton Gardens

The objection letters are summarised as follows:

- Increased numbers of children living in Hatton Gardens, playing and riding bikes
- Increased customer numbers at the Vets
- Increased activity on the industrial estate
- The site will bring more people traffic and lorries onto the road. Which is heavily congested with parked cars
- It will lead to an increase in security issues and attract an undesirable element in the close area
- We are worried that the owner has no experience in waste management
- We have a right to enjoy our homes and gardens without people's rubbish being dumped nearby
- There will be smell, vermin and flies
- The site would affect existing businesses
- It will be a slum site near my houses
- Increased pollution
- Increased risk of traffic accidents

Objectors feel that traffic has increased on the A44 in the last 5 years, and that the roundabout and access road through the industrial estate are inadequate. They comment that they and their children are at present able to use the vicinity for leisure purposes in relative safety but feel threatened by the prospect of an increase in traffic. Objectors also question the need for the site at all, bearing in mind that the 2001 permission has not been implemented, and the applicant is the owner, not the holder of the waste contract for the county

- 5.2 In 2000 11 objection letters were received, plus a petition signed by 133 people.

- 5.3 The full text of these letters can be inspected at Minerals and Waste 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 existing industrial estate designated as safeguarded employment land in both the Leominster District Local Plan and the UDP Revised Deposit Draft. This is the only such designated land within Kington. Access to it would be through the industrial estate using its existing service road from the A44 roundabout. No HWS traffic would use Waterloo Road or any other route. The possibility of any future unauthorised access from the south, i.e. from Waterloo Road, could be deterred by suitable boundary treatment and landscape schemes, which could also improve the view of the site from this point.

6.2 Policy Issues

In the five years that permission has existed for this proposal, the adopted Development Plan policies that applied in 2000/1 have not changed. The report presented to the Northern Area Sub-committee on 1st November 2000, explained that Structure Plan policy WD2 requires demonstration of need having regard to the geographical and transport relationship between sources of waste and proposed facilities. It goes on to observe that Local Plan policies A27 and A28 offer guidance on new development on industrial estates, stating that “policy A27 allows for other acceptable commercial operations not falling within a specific use class”. However this policy actually states that non-employment uses will not be permitted, although UDP policy E5 will change this by allowing for suitable alternative forms of development. Two persons would be employed at the site, but it would not be a primarily employment-generating operation. A household waste site would be classified as “*sui generis*” under the Use Classes Order, i.e. it would not fall within any established use classification, although recognised as being industrial in nature. Policy A28 concerns mainly landscaping issues, in relation to “employment uses in accordance with policies A27” etc. The proposal would therefore appear to have limited accordance with either A27 or A28, but was nevertheless approved in 2001.

- 6.3 It would however be supported by Structure Plan policy WD2 because at present there is no other facility in the west of the county apart from limited ad-hoc provision of recycling receptacles at supermarkets and village halls. Members of the public are obliged to take bulky recoverable refuse to the nearest HWS at Leominster, a 30 mile round trip from Kington. By any criteria this is not a sustainable solution to achieving waste reduction targets.
- 6.4 What has changed in the intervening five years is that the UDP is now close to adoption and therefore carries weight, the Council has published (2004) a Joint Municipal Waste Strategy (with Worcestershire) in line with Waste Strategy 2000, Government guidance has been revised as PPS10, and the West Midlands Regional Assembly has adopted the government’s revised Regional Planning Guidance note 11 (RPG11) as the Regional Spatial Strategy (RSS) that is now a statutory binding policy.
- 6.5 The UDP policies relevant to this proposal and noted above would generally support the proposal, notably Part I strategic policies S1, S10 and S11. In the absence of a suitable and available alternative site being located, it would go towards fulfilment of

the Best Practical Environmental Option (BPEO), which is integral to UDP policy, the Joint Municipal Waste Strategy and the RSS, although now given less weight in government advice (PPS10)

- 6.6 The Joint Municipal Waste Strategy outlines how the region will address government targets for recycling and recovery and the reduction of landfilling of waste. It is committed to the provision of such sites as a means of achieving compliance with the Waste Hierarchy and other government targets to reduce the final disposal of waste and increase the proportion that can be re-used or recycled. Herefordshire now has a HWS in all the market towns except Kington, and the non-implementation of the site under consideration was mainly due to a dispute as to the ownership of the entrance to it, not because of any operational problems. The present Waste Management contractors have not as yet identified any other suitable site within easy reach of Kington to complete the suite of facilities.
- 6.7 PPS10 identifies a number of criteria for site searches including industrial sites, taking into account “the capacity of existing and potential transport infrastructure to support the sustainable movement of waste”. It highlights the need to consider pollution and environmental impact but points out that “modern, appropriately located, well-run and well-regulated waste management facilities should pose little risk to human health”, being controlled not only by planning requirements but also Environmental Health and Waste Management requirements. In providing a facility for people to avoid making the journey to the Leominster HWS or elsewhere to dispose of bulky or recyclable waste, the site would contribute to a reduction of car journeys along the A44, thereby improving sustainability. It makes sense for one HGV per day to remove collected and sorted waste of many households for recycling and re-use rather than otherwise inappropriate disposal of waste to landfill, or long car journeys to the nearest facility.
- 6.8 The RSS policies on waste are not site-specific. Policy WD1 sets targets including “recycle or compost at least 25% of household waste by 2005, 45% by 2010, 67% by 2015”. WD2 apportions the responsibility for waste management between the different areas of the West Midlands region, and WD3 offers criteria for the choice of location for facilities. These include the proximity principle and BPEO, and effectively support this proposal.

6.9 Operational Concerns

A letter has been received from the present contractor commenting that since 2001 HWS provision has “*come under increasing pressure through:*

- *the popularity of the service*
- *growth in waste arisings*
- *increasing demands by the Councils to respond to government targets by improving recycling levels at the sites, leading to*
- *requirements for more and varied recycling containers for items such as timber, WEEE goods, fluorescent tubes, dry cell batteries etc.*

- 6.10 *On a footprint of the size currently permitted at The Foundry, in our experience we would find it difficult to provide the additional containers and to satisfactorily manage the traffic flow (especially segregation of private cars and HGVs)”.*

These increasing pressures highlight the importance of the need to locate a site a site convenient to Kington town residents, and in the absence of a suitable alternative this site would still be under consideration.

6.11 There is however an additional question mark over the fact that this application for renewal has been made by the owner and not the contractors, who it is believed were not aware of the owner's intentions prior to submission. Some objectors have questioned who would operate the site should permission be granted. The applicant has not expressed an intention to operate the site himself, merely to retain the existing planning permission. Anyone proposing to operate such a site would be bound not only by the planning permission but also by the terms of the Waste Management contract and all controlling and regulating environmental legislation.

6.12 Procedural Scope for Renewal

The Planning and Compulsory Purchase Act 2004 removes the provision for planning permissions to be renewed under Section 73 of the Town and Country Planning Act 1990, but existing permissions may still be renewed up to 31st August 2006. After this date, all expiring unimplemented permissions will require completely new planning applications, supported by all necessary information required to enable modern conditions to be imposed. The standard "life" of a permission has been reduced, from 5 years to 3.

6.13 In the meantime, paragraph 60 of DoE Circular 11/95 advises on the limitations of scope for refusing renewals. Three instances are cited that would justify refusal:

- a) that there has been a material change in planning circumstances;
- b) that continued failure to commence the development would create uncertainty;
- c) that the application is premature because the permission has some time to run.

The third reason does not apply in this case.

6.14 Materially changed circumstances would include:

- the adoption of new policies, which in this case support the strategic need for such a facility in Kington and increase the case for approval.
- Increased demands to provide Household Waste Sites in response to calls to recover and recycle unwanted items and reduce landfill.

6.15 New requirements under EU legislation for the segregation (for recovery, re-use and recycling) of further waste types, such as timber, fluorescent light tubes, waste electrical and electronic equipment (WEEE), tyres and other materials recently designated as hazardous and increases in waste quantities create a need for larger sites. Some questions arise as to whether The Foundry site could accommodate all the skips needed and the traffic visiting it, but these are matters of design that could be addressed without compromising the principle of using the site for such a purpose.

6.16 Limited uncertainty could be argued as to the safeguarding of employment land and the future development of this and adjoining industrial enterprises could arise if a renewed permission were granted but still not implemented. But a further argument in favour of approval would be to consider what other local site would be comparable. The Hatton Gardens site is:

- On industrial land
- Not in open countryside
- Reasonably well screened from nearby houses
- Easily accessed from the existing road network
- Available

There is currently no other site with similar characteristics, and the proposed new industrial building on the other half of the site would provide further screening if implemented. The outstanding requirement for a household “bring” site cannot be fully met by bottle banks etc at supermarkets, as a more detailed and specialised supervised collection system is necessary to comply with national and EU requirements.

7. Conclusion

7.1 It is not in doubt that a HWS is needed to serve Kington and district, or that there are few sites available that would satisfy this need. The current waste management contractors have not confirmed their definite intention to develop this site particular site and it is acknowledged that the site may not be not ideal given its small size, access arrangements and proximity to housing. The proposal to open the site to the public on only three days a week would be some mitigation, although the intention is to remain open until 6 pm including on Sundays. Limited size may be some advantage in that its capacity would be somewhat restricted and would preclude intensification of the site such as would further affect the amenity of the area.

7.2 The “working plan” document submitted in 2000 comprehensively addresses all the operational issues that have been raised, and this application is to renew that permission on the same terms.

The changes in circumstance since 2001 for the most part support the permission’s renewal, particularly the policy changes.

7.3 On balance, the fact that the issues were addressed and the permission granted in 2001, the need for a convenient site and its availability, the changes in policy that would encourage the provision of such a site (including at this location) lead to the conclusion that refusal would be difficult to justify or defend at appeal.

RECOMMENDATION

That planning permission be approved 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 in accordance with Policy A1 of the Leominster District Local Plan.

3 - B01 (Samples of external materials)

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

4 - F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities to comply with Policy A13 of the Leominster District Local Plan.

5 - F34 (Restriction on level of illuminance of lighting)

Reason: To minimise the impact of the lights and to protect the residential amenity of nearby dwellings to comply with Policy A13 of the Leominster District Local Plan.

6 - F35 (Details of shields to prevent light pollution)

Reason: To minimise light overspill and to protect the amenity of neighbouring properties to comply with Policy A13 of the Leominster District Local Plan.

7 - F44 (Investigation of contaminated land)

Reason: To ensure that potential contamination of the site is satisfactorily assessed to comply with Policy A17 of the Leominster District Local Plan.

8 - F45 (Contents of scheme to deal with contaminated land)

Reason: To ensure that potential contamination is removed or contained to the satisfaction of the local planning authority to comply with Policy A17 of the Leominster District Local Plan.

9 - F46 (Implementation of measures to deal with contaminated land)

Reason: To ensure contamination of the site is removed or contained.

10 - G02 (Landscaping scheme)

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment in accordance with Policy A12 of the Leominster District Local Plan.

11 - G03 (Landscaping scheme implementation)

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment in accordance with Policy A12 of the Leominster District Local Plan.

12 - G13 (Landscape design proposals)

Reason: In the interests of visual amenity.

13 - G14 (Soft landscaping works)

Reason: In the interests of visual amenity.

- 14 - No materials whatever shall be sold to the public from this site other than bagged, composted green waste processed and produced by the operator.

Reason: In order to define the permission and because retail sales of other materials would give rise to environmental concerns that would necessitate further consideration.

- 15 - Notwithstanding the submitted plans, none of the works hereby permitted shall be undertaken until a proposal for the construction and maintenance throughout the use of the site as a Household Waste Site, a 1.2 metre high close-boarded timber fence along the ramp adjoining the south-western and north-western corners of the site have been submitted to and approved in writing by the local planning authority. The fence shall be erected in accordance with the approved scheme and shall be additional to the proposed 2.1 metre high perimeter security fence detailed in the submission.

Reason: In the interests of public safety and to protect the amenity of local residents and other users of the site.

- 16 - F02 (Scheme of measures for controlling noise)

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

- 17 - There shall be no storage or stockpiling whatever of waste or any other materials on or around the site other than in the designated containers, skips, bins and enclosures provided for the purpose.

Reason: To prevent pollution and nuisance in the interests of the amenity of local residents in accordance with Policy A13 of the Leominster District Local Plan.

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

Reason: To prevent pollution of the water environment in accordance with Policy A13 of the Leominster District Local Plan.

- 19 - F26 (Interception of surface water run off)

Reason: To prevent pollution of the water environment in accordance with Policy A13 of Leominster District Local Plan.

- 20 - F28 (No discharge of foul/contaminated drainage)

Reason: To prevent pollution of the water environment in accordance with Policy A13 of the Leominster District Local Plan.

- 21 - E02 (Restriction on hours of delivery)

Reason: To safeguard the amenities of the locality.

- 22 - E04 (Restriction on hours of opening)

Reason: To safeguard the amenities of the locality.

Informatives:

- 1 - Lighting installations should comply with BS5489 regarding light levels or the relevant CIBSE code. Flood lights should be asymmetric beam type so the front face can be mounted as close to the horizontal as possible to minimise light spill. Light trespass should be limited so that levels of illuminance do not exceed 1.0 lux (vertical) on any windows of any adjacent residential properties or 5 lux (horizontal) on any adjacent highways. Where possible a light curfew should be imposed, depending on operating hours and need.
- 2 - N15 - Reason(s) for the Grant of PP/LBC/CAC

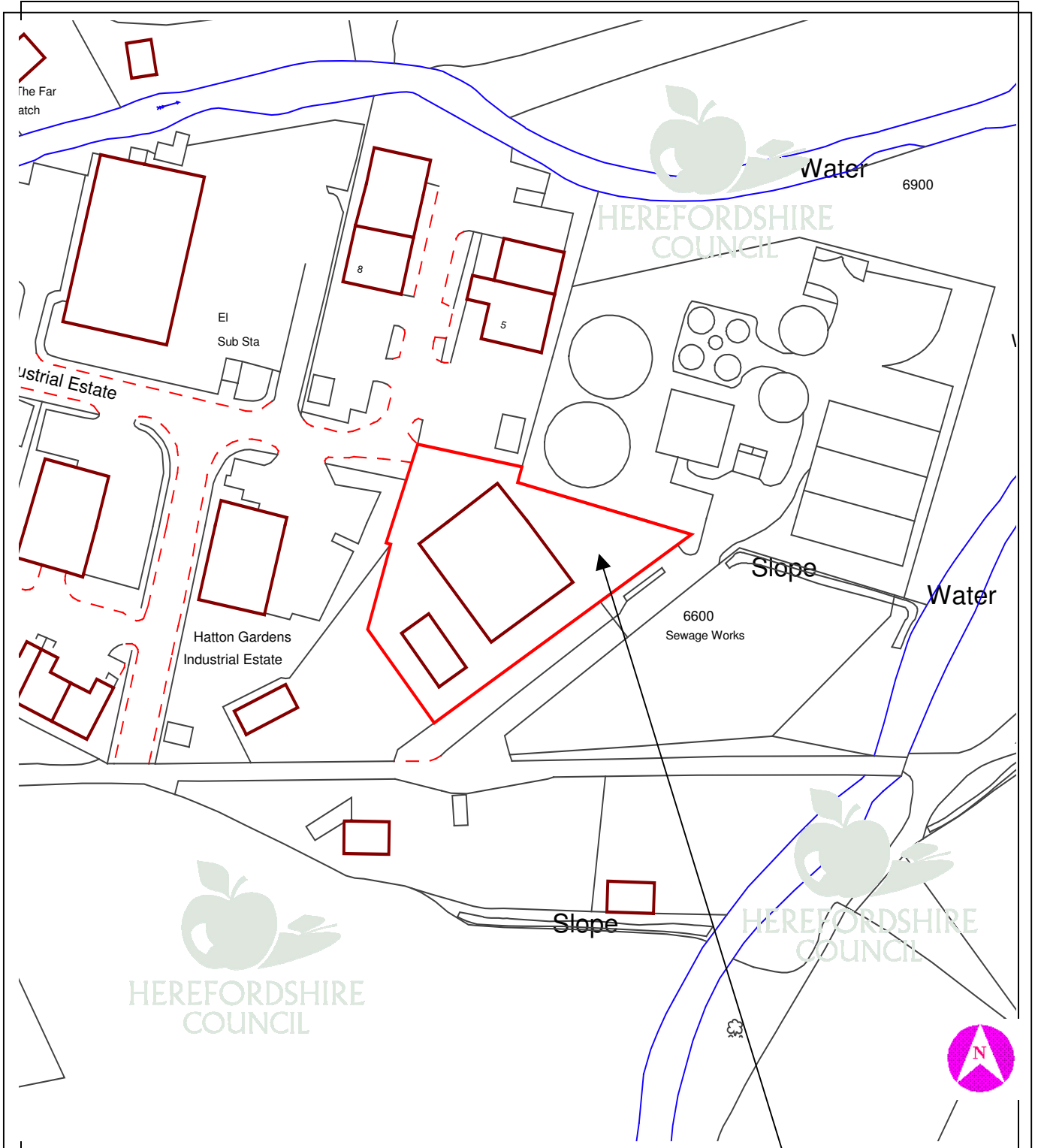
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2006/0030/N **SCALE :** 1 : 1250

SITE ADDRESS : Hatton Gardens Industrial Estate, Kington, Herefordshire, HR5 3DE

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10 DCNW2006/0033/F - RENEWAL OF PERMISSION FOR INDUSTRIAL STORAGE SHED FOR CONTINUED B2 GENERAL INDUSTRIAL USE (PREVIOUS PERMISSION NW00/1992/F) AT THE FOUNDRY, HATTON GARDENS INDUSTRIAL ESTATE, KINGTON, HEREFORDSHIRE, HR5 3DE

For: L. Good at same address

Date Received:
3rd January 2006

Ward:
Kington Town

Grid Ref:
30556, 56980

Expiry Date:
28th February 2006

Local Member: Councillor T.M. James

1. Site Description and Proposal

- 1.1 The site lies at the eastern end of Hatton Gardens industrial estate, approximately 1 km east of Kington town centre and separated from it by the A44. It comprises about half of a larger unit, formerly a foundry and now used for the storage and maintenance of a large number of agricultural and earthmoving vehicles, plant and machinery. Several buildings exist on site of varying age and size, mostly in poor repair. The site is generally untidy and neglected.
- 1.2 In addition to the other units on the industrial estate housing a variety of businesses, there are dwellings on Sunset Row, Hatton Gardens and Waterloo Road, the nearest to the site being about 105 metres away. The application site is at the far end of the access road and adjacent to Kington's sewage treatment works.
- 1.3 The proposal is an application to renew an expiring permission, ref NW2000/1992/F, to replace the existing buildings with a single utilitarian building, 24.7m x 11m x 6 m high for storage and "B2" industrial use, to continue the applicant's plant maintenance business.

2. Policies

- 2.1 PPS1 – Delivering Sustainable Development
PPG4 – Industrial and Commercial Development and Small Firms
PPS7 – Sustainable Development in Rural Areas
- 2.2 Hereford & Worcester County Structure Plan
E2 – Economic Growth
E6 – Industrial Development in Rural Areas
E11 – Industrial Development in Urban Areas
- 2.3 Leominster District Local Plan
A1 – Managing the District's Assets and Resources
A6 – Sites of Local Importance for Nature Conservation
A13 – Pollution Control

- A24 – Scale and Character of Development
- A27 – Maintaining the Supply of Employment Land on Industrial Estates
- A28 – Development Control Criteria for Employment Sites

2.4 UDP Revised Deposit Draft

- S1 – Sustainable Development
- E5 – Safeguarding Employment Land and Buildings
- NC4 – Sites of Local Importance for Nature Conservation

3. **Planning History**

- 3.1 Planning permission was granted on 5th January 2001 under reference NW2000/1992/F to clear the site of all the existing buildings and erect a single large new building. This building would be used to accommodate the existing plant maintenance business in a compacted form. The permission was never implemented.
- 3.2 There is a partner planning permission reference NW2000/1991/N, which the owner is also seeking to renew, (see planning application ref DCNW2006/0030/N) located on the other half of this site, to create a Household Waste Site for Kington residents to bring waste items for recovery and recycling.
- 3.3 These two planning permissions were granted together as a significant refurbishing of the overall site, to provide a bring site for waste recycling, rationalise the owner's existing business and tidy up a neglected area.

4. **Consultation Summary**

Statutory Consultations

- 4.1 Kington Town Council – recommend refusal as they consider the application should be a new one and not a renewal. No other reasons given.
- 4.2 Kington Rural and Lyonshall Parish Councils – No objections.
- 4.3 Network Rail were consulted on the original application as it was a partner to the waste application. No concerns are raised, then or now.
- 4.4 Herefordshire Nature Trust – have not responded.

Internal Council Advice

- 4.5 Head of Environmental Health and Trading Standards and Transport Manager have not raised any objection.
- 4.6 Head of Forward Planning, Economic Development Manager and Head of Conservation were all consulted but at the time of writing have not responded. Any further comments received will be reported verbally to the Area Sub-Committee.

5. Representations

- 5.1 One letter of representation has been received, from Mrs W Jones of Waterloo Cottage, Waterloo Road. In summary she questions the need for a new building given that “for twenty years there has been a hole in the roof of one building and no attempt to repair”. She also questions whether the conditions attached to the 2001 permission have been breached, but as that permission has not been implemented no breach can have occurred.
- 5.2 The full text of these letters can be inspected at Planning Services: Minerals & Waste, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The application site lies within an existing industrial estate designated as safeguarded employment land in both the Leominster District Local Plan and the UDP Revised Deposit Draft. This is the only such land within Kington. Access to it is via the existing service road through the industrial estate from the A44 roundabout. There is no vehicular access from Waterloo Road.

6.2 Scope for renewal

The Planning and Compulsory Purchase Act 2004 removes the option for expiring permissions to be renewed under section 73 of the Town and Country Planning Act 1990. However existing permissions may still be renewed until 31st August 2006, so the applicant is free to make this application. Paragraph 60 of DoE Circular 11/95 advises that there are only three circumstances under which a renewal could be refused:

- a) that there has been a significant material change in circumstances (policy changes or a physical change such as major development in the vicinity)
- b) that the continued non-implementation of the permission would cause uncertainty (in the delivery of policies or by preventing other development nearby)
- c) that the application would be premature as the permission has some time to run.

Item (c) does not apply in this case.

- 6.3 In the five years that permission has existed for this proposal, the adopted Development Plan policies that applied in 2000/1 have not changed. The UDP is now close to adoption and therefore carries weight, but the site will remain as industrial employment land and no change of this use is proposed. The site is not undeveloped, the plant maintenance business having been present for many years, so no uncertainty can be argued in this instance. Therefore none of the three reasons for refusal given above would apply.
- 6.4 The new Act also reduces the standard “life” of a planning permission from 5 years to 3, so a renewed permission would remain useable until 2009, after which a completely new application would be necessary if the permission were still not implemented.
- 6.5 Policy issues
Structure Plan policies E2, E6 and E11 all support the proposal, as do Local Plan policies A27 and A28 since no change of use is proposed and the improvements to the site would be beneficial in terms of visual amenity.

- 6.6 The report presented to the Northern Area Sub-committee on 1st November 2000, explained that “*the removal of the existing buildings and the erection of a new one would be beneficial in visual terms,the mature trees and hedge provide a backdrop and it is not considered that any further landscaping is required*”. The report then went on to explain the benefits of ensuring that existing trees and hedges are protected. Nothing has changed in the intervening period to alter these opinions, and the conditions imposed in 2001 should be maintained.
- 6.7 Conclusion
This application needs to be viewed in terms of overall development at the site, including the proposed Household Waste Site, as mentioned above also under consideration for renewal. The 2001 permissions were granted hand-in-hand as a means of providing land for a necessary waste site and ensuring that the plant maintenance business could continue in a tidier and more compact form. New perimeter fencing and regeneration of this rather unkempt part of an otherwise thriving industrial estate would be an improvement. Nevertheless this application would stand alone regardless of the outcome of the waste site proposal and would still allow redevelopment of the other half of the site in the event that the waste site did not proceed. All adopted and proposed policies support the continuation of this use.
- 6.8 On balance, there is no reason why the 2001 permission should not be renewed.

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 - **B10 (Details of cladding (agricultural and industrial buildings)**
Reason: To minimise the visual impact of the development to comply with Policy A24 of the Leominster District Local Plan.
- 4 - **F25 (Bunding facilities for oils/fuels/chemicals)**
Reason: To prevent pollution of the water environment to comply with Policy A13 of the Leominster District Local Plan.
- 5 - **F28 (No discharge of foul/contaminated drainage)**
Reason: To prevent pollution of the water environment to comply with Policy A13 of the Leominster District Local Plan.

6 - F40 (No burning of material/substances)

Reason: To safeguard residential amenity and prevent pollution to comply with Policy A13 of the Leominster District Local Plan.

7 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area to comply with Policy A28 of the Leominster District Local Plan.

8 - G18 (Protection of trees)

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area to comply with Policy A28 of the Leominster District Local Plan.

9 - G33 (Details of walls/fences)

Reason: In the interests of residential and visual amenity.

10 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

Informative:

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

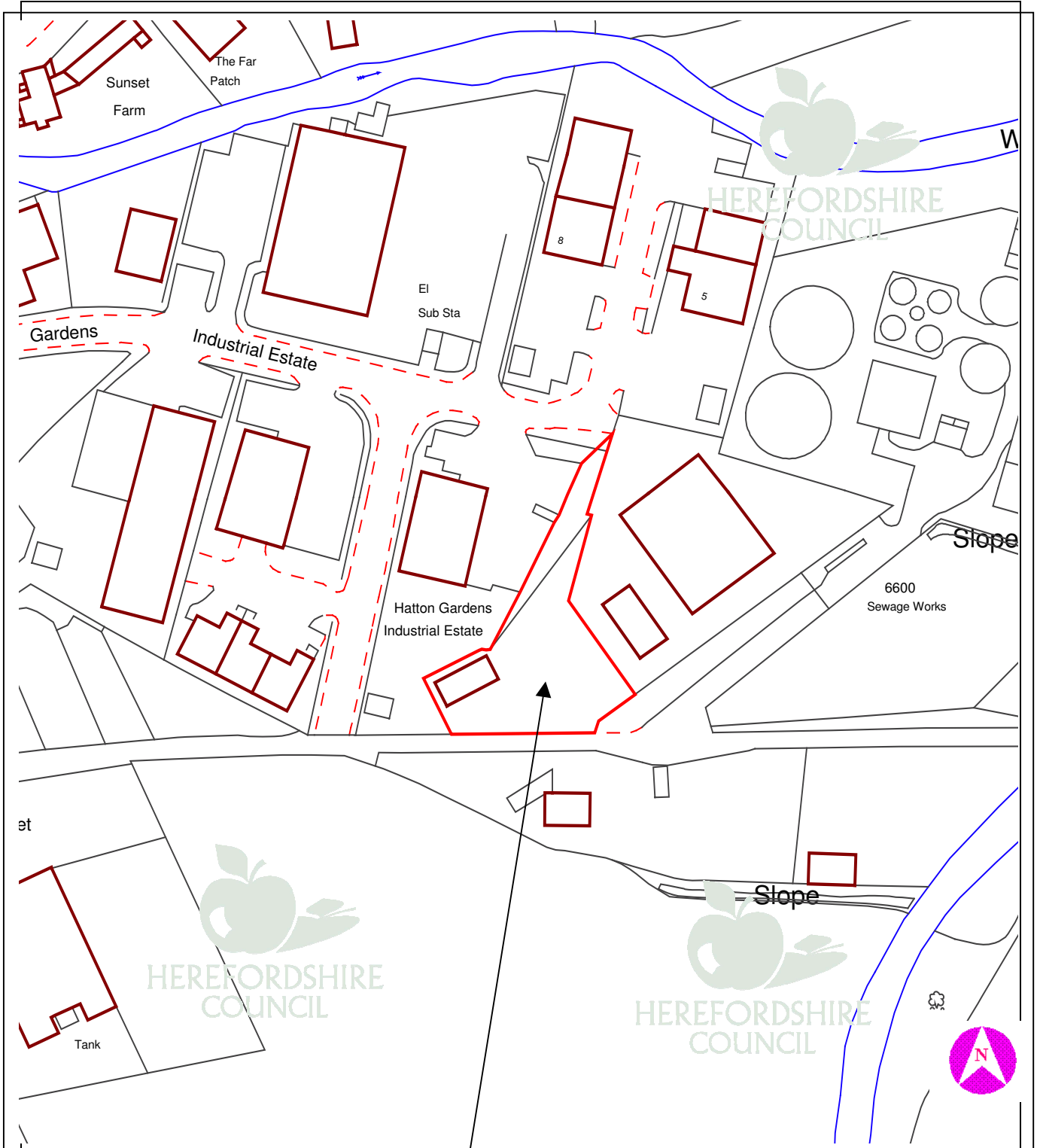
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2006/0033/F **SCALE :** 1 : 1250

SITE ADDRESS : The Foundry, Hatton Gardens Industrial Estate, Kington, Herefordshire, HR5 3DE

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11 DCNE2005/4153/F - RETROSPECTIVE APPLICATION FOR TEMPORARY STRUCTURE, CHILDRENS CLIMBING FRAME IN REAR GARDEN AT 1 FROME BROOK ROAD, LEDBURY, HEREFORDSHIRE, HR8 2FH

For: Mr. J. Roberts at same address

Date Received:
28th December 2005

Ward: Ledbury

Grid Ref:
70500, 38322

Expiry Date:
22nd February 2006

Local Members: Councillors D.W. Rule MBE, P.E. Harling and B.F. Ashton

1. Site Description and Proposal

- 1.1 The application seeks planning permission for the retention of a children's climbing frame, erected in the rear garden at No.1 Frome Brook Road, Ledbury. Planning permission for the frame is required owing to the proximity to the highway and the height of the structure, which at in excess of 3 metres, exceeds the allowance under "Class E" permitted development rights.
- 1.2 The dwelling is a detached two-storey building occupying a position at the corner of Frome Brook Road and Kempsey Brook Drive on the New Mills estate, with the rear garden bound by the two roads. The gardens to Nos. 3 and 5 Frome Brook Road are immediately to the north.
- 1.3 The timber constructed climbing frame is found in the corner of the rear garden and is thus visually prominent in the street-scene. The frame comprises two platforms that rest upon timber poles, with associated play equipment. The larger and highest of the two platforms is visible above the close-boarded fence, and at 13.3m², is large enough to allow a number of children onto the platform at any given time. This platform is surrounded by approximately twenty 6" x 1" vertical timbers with the effect that the frame has a robust and solid appearance.
- 1.4 Although referred to in the application description as a temporary structure, it is clear that the frame would be capable of remaining in situation for a number of years were the usual maintenance was undertaken.

2. Policies

2.1 Malvern Hills District Local Plan

Housing Policy 16 – Extensions

2.2 Herefordshire Unitary Development Plan – Revised Deposit Draft

DR1 - Design
H18 – Alterations and Extensions

3. Planning History

- 3.1 None relevant to the application

4. Consultation Summary

Statutory Consultations

- 4.1 None required

Internal Council Advice

- 4.2 Transportation Manager: No objection

5. Representations

- 5.1 Ledbury Town Council: No objection

- 5.2 Three letters of objection have been received from the following:-

Mr & Mrs D. W. Watson, 21 Kempley Brook Drive, Ledbury;
Mr & Mrs D Pearson, 3 Frome Brook Road, Ledbury &
Ms. S. Goldstein, 5 Frome Brook Road, Ledbury.

The points raised are summarised as follows:

- The climbing frame is tall, large and unsightly in the street-scene and uncharacteristic of the wider area;
- The use of the frame results in a loss of privacy, particularly to neighbouring gardens, with direct overlooking possible;
- The climbing frame could remain indefinitely and should not be termed temporary;
- The frame results in a loss of outlook and adversely affects the amenity of neighbouring properties.

- 5.3 A further letter has been received from Mr J. F. Barnes, 15 Kempley Brook Drive, Ledbury. Mr Barnes suggests a temporary permission expiring either at 1st January 2011, or the date of transfer of the property to someone else.

- 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 It is appropriate to apply the criteria applicable to extensions to development of this nature. Specifically, the key issues are the impact that the use of the climbing frame has upon the residential amenity of neighbouring dwellings; and the design and appearance within the street-scene.

Impact upon the street-scene

- 6.2 The climbing frame is visually prominent in the street-scene. Although some planting has been undertaken to partially screen the structure from the roadside this planting is not sufficiently dense or mature to mask the appearance of the frame from public vantage points. Moreover, the upper platform is readily visible from the rear gardens to Nos. 3 & 5 Frome Brook Road and no measures have been undertaken to reduce the impact from these vantage points.
- 6.3 Steps could be undertaken to enhance the planting with the effect that the frame could blend into its surrounds more readily, which together with the appropriate treatment of the timbers could make the appearance of the frame more acceptable in the long term.
- 6.4 The frame in its current form does not satisfy the policy criteria requiring development to be of a high standard of design and of a character and appearance complimentary to its surrounds. However, officers consider that appropriate planting and timber treatment could assist in mitigating these concerns.

Impact upon the amenity of neighbouring dwellings

- 6.5 The height of the climbing frame enables the direct overlooking of neighbouring gardens and dwellings, with a resultant loss of privacy. In this location the rear gardens are relatively small, with the effect that any climbing frame would be likely to result in a certain level of overlooking.
- 6.6 It is officers' recommendation that a temporary planning permission be considered. This would allow the applicant to examine means through which the appearance of the climbing frame within the street-scene could be improved, together with additional measures to restore the privacy to neighbour's gardens. At the expiration of the temporary permission a further application would be necessary and would be considered against the facts and site conditions as they stand at that time.

RECOMMENDATION

That planning permission be granted subject to the following condition:

- 1 - **E20 (Temporary permission)(31st December 2006)**

Reason: To allow the applicant time to consider measures to mitigate the harm and to enable the local planning authority to give further consideration of the acceptability of the proposed use after the temporary period has expired.

Informative:

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

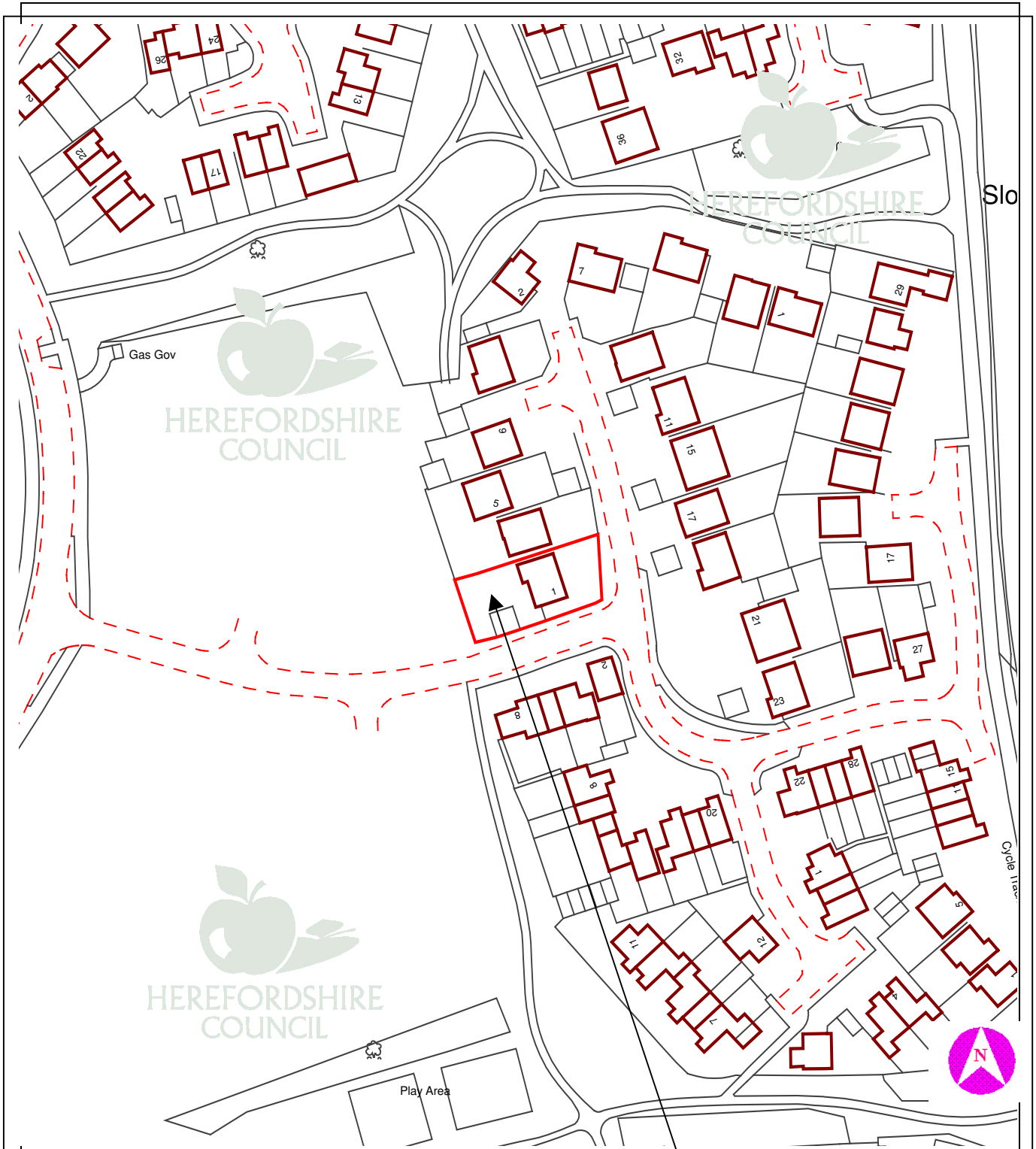
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2005/4153/F **SCALE :** 1 : 1250

SITE ADDRESS : 1 Frome Brook Road, Ledbury, Herefordshire, HR8 2FH

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12 DCNE2006/0047/F - PROPOSED TWO STOREY REAR EXTENSION AND SINGLE STOREY SIDE ANNEX. DEMOLITION OF SUN ROOM AND STORAGE BUILDING AT RIDGEWAY FARM COTTAGE, BROMYARD ROAD, CRADLEY, MALVERN, WORCESTERSHIRE, WR13 5JW

For: S. Woodward per Mr. J.C. Ashton, The Orchard Office, Union Place, Off Northwick Road, Worcester, WR3 7DX

Date Received:
6th January 2006

Ward: Frome

Grid Ref:
70585, 48557

Expiry Date:
3rd March 2006

Local Member: Councillor R.M. Manning

1. Site Description and Proposal

- 1.1 This application seeks permission for a two-storey extension and single-storey granny annexe extension at Ridgeway Farm Cottage, Cradley. The dwelling sits immediately adjacent to the B4220 Bromyard Road, northwest of Ridgeway Cross. The vehicular access is taken from the main road at a point approximately 45m to the southeast. The cottage sits in extensive grounds in a landscape that is designated as an Area of Great Landscape Value.
- 1.2 The application follows the withdrawal of application ref NE05/2752/F, withdrawn on the advice of officers and the refusal under delegated powers of application ref NE05/3582/F. This application is thus the third attempt at securing the extensions.
- 1.3 Under the original submission the proposed annexe, located to the southeast end of the existing had a footprint of approximately 71 m². This when taken in conjunction with the existing 2-storey extension and sun lounge (54.4m² combined) and proposed 2-storey extension (43m²), was considered to represent an enlargement of the original that would overwhelm and alter its character and appearance adversely and irrecoverably. The extensions proposed under the original application would have added in the region of 160m², thereby nearly trebling the size of the original in terms of floor area.
- 1.4 The second application offered the same level of accommodation in the annexe, although the overall footprint of the annexe was reduced to approximately 60m². The proposed two-storey rear extension to square off the dwelling and the introduction of 2 pitched roof dormers to the north road-fronting elevation were as previously applied for. Although it was proposed that the sun lounge be removed, the local planning authority was not satisfied that this would address the issue of scale and proportion.
- 1.5 The application currently under consideration is identical to that recently refused in terms of the two-storey and annexe extension and removal of the sun lounge. The description states that a detached storage building will be demolished. This has already been done and is of no direct relevance to the determination of this application.

- 1.6 The case officer has expressed concern at the proposals prior to resubmission and whilst the principal concern is to the design and scale of the annexe there is also concern at the design detail of the two-storey extension and the dormer windows. The south-facing element of the proposed two-storey extension is predominantly glazed, in order to utilise natural light. This design detail is uncharacteristic of the dwelling. With this level of glazing it is questionable as to whether the dormer window to the west facing elevation is necessary. These points were raised prior to resubmission, although they have not been acted upon.

2. Policies

2.1 Malvern Hills District Local Plan

Housing Policy 16 – Extensions

Landscape Policy 3 – Development in Areas of Great Landscape Value

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

DR1 – Design

H18 – Alterations and Extensions

3. Planning History

DCNE2005/2752/F: Two-storey extension to rear and single storey granny annex extension: Withdrawn 13th October 2005

DCNE2005/3582/F: Two storey rear extension and single storey side annex: Refused 22nd December 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 None necessary

Internal Council Advice

- 4.2 Traffic Manager: Recommends imposition of Standard Highway Condition 14 (Turning and Parking for 3 cars).

5. Representations

- 5.1 Evesbatch Parish Council: "These plans do not seem much different from the previous ones. Object to the overwhelming proposed extensions."

6. Officers Appraisal

- 6.1 This is a resubmission of previously withdrawn and refused applications, which sought planning permission for the erection of a two-storey rear extension and single-storey

annex. The key issues in the determination of this application are considered to be the impact of the proposed extensions upon the character and appearance of the existing dwelling.

- 6.2 It should be noted that irrespective of the removal of the sun lounge, the cottage has already been substantially extended through a two-storey extension. Despite the reduction in the size of the proposed annexe there remains concern that the extensions are excessive in scale, particularly when considered alongside the previous two-storey extension. The removal of the sun lounge, a predominantly glazed structure attached to the existing extension, does not mitigate this concern.
- 6.3 Although the applicants have undertaken to retain the existing brick wall which would shield all but the roof of the annex, officer's are not satisfied that a condition demanding the wall's perpetual retention is reasonable nor does it address the policy issue. Whilst it is accepted that certain features can help a development blend into the landscape, the development proposed should be capable of meeting the requirements of Local Plan policy without reliance upon such boundary treatments.
- 6.4 The local planning authority acknowledge the desire of the applicants to provide care for elderly relatives, although it is not at officer's discretion to set aside adopted planning policy on such grounds. Planning Policy Guidance Note 1, Para. 38 explains that personal circumstances will seldom outweigh more general planning considerations, particularly if the development entails work of a permanent nature, which is likely to remain after the personal circumstances of the applicant have ceased to be a material consideration.
- 6.5 Notwithstanding the issue of scale and design, some of the design features are not considered sympathetic to the architectural characteristics of the original dwelling and are thus contrary to Housing Policy 16 of the adopted Local Plan. These include the treatment of the south facing elevation of the two-storey extension, which is predominantly glazed and uncharacteristic of a rural cottage of this nature.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. By virtue of their size, scale, form and design, the proposed extensions would detract unacceptably from the character and appearance of the existing cottage. The architectural character of the existing cottage would no longer dominate and the development proposed is thus contrary to Housing Policy 16 of the adopted Malvern Hills District Local Plan (Herefordshire) and H18 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).**

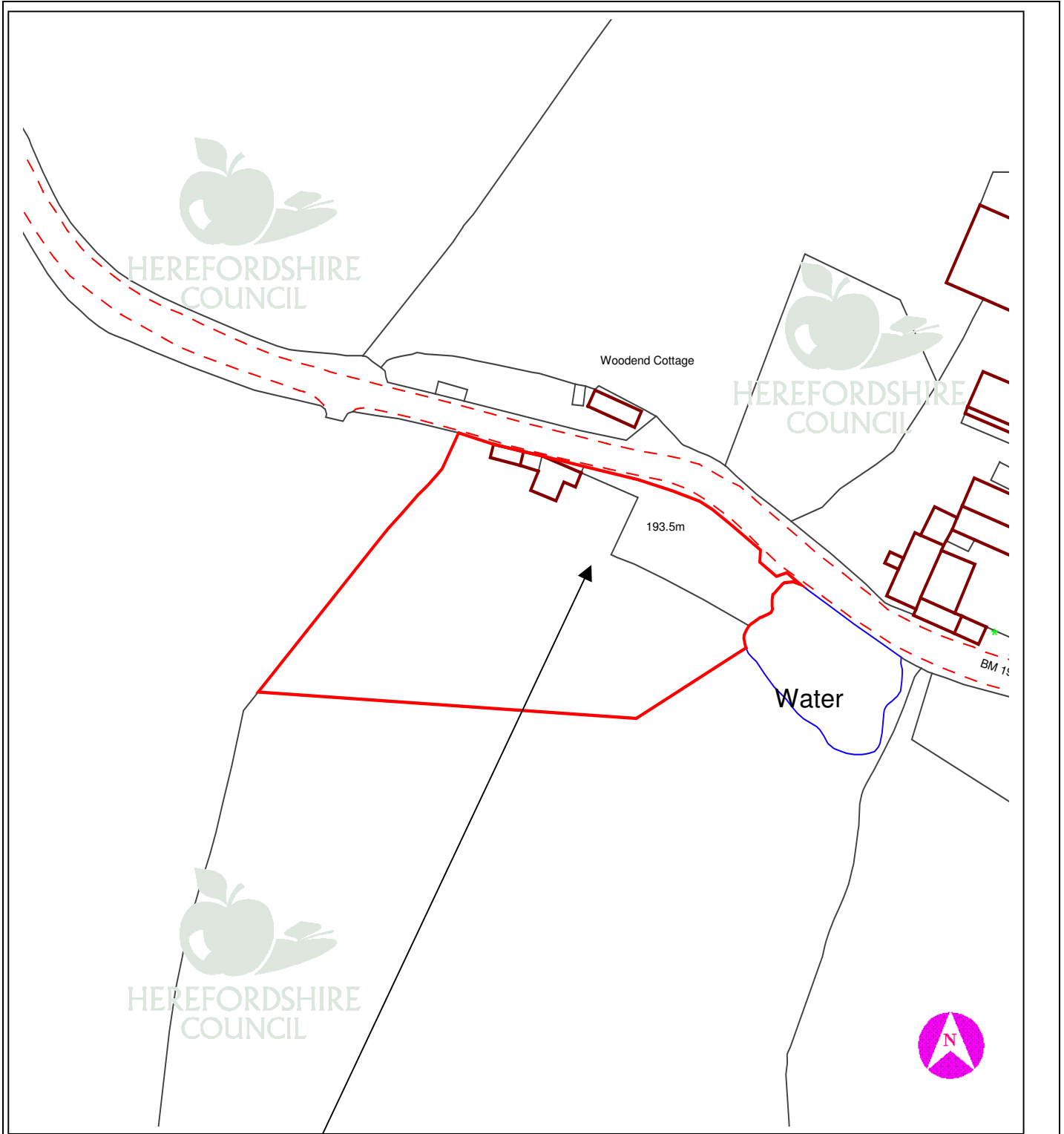
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2006/0047/F

SCALE : 1 : 1250

SITE ADDRESS : Ridgeway Farm Cottage, Bromyard Road, Cradley, Malvern, Worcestershire, WR13 5JW

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13 DCNW2005/3811/F - ERECTION OF SINGLE STOREY EXTENSIONS AND INSTALLATION OF LPG STORAGE TANK (RETROSPECTIVE) AT THE OLD VICARAGE, AYMESTRY, LEOMINSTER, HEREFORDSHIRE, HR6 9SU

**For: Mr. & Mrs P. Leedham-Smith, per Bryan Thomas
Architectural Design Ltd, The Malt House, Shobdon,
Leominster, Herefordshire, HR6 9NL**

Date Received:
28th November 2005

Ward: Mortimer

Grid Ref:
42614, 65252

Expiry Date:
23rd January 2006

Local Member: Councillor Mrs. L.O. Barnett

1. Site Description and Proposal

- 1.1 The application site comprises a detached dwelling within a large garden. The dwelling is not visible from the highway and currently has the benefit of two accesses onto the A4110. The first runs between the dwelling known as Porch House and the Listed Church and the second lies to the north of the Grade II Listed Vicarage Cottage.
- 1.2 Planning permission is sought for the extension of the property and retention of an LPG tank. The extensions to the property would consist of a single storey garden, room store and cloak room to the rear (west) elevation of the property and a small single storey extension to the front of the building which would provide a utility room. The application also includes the retention of an LPG gas tank to the north west of the dwelling. This is screened on three sides by a close board fence.

2. Policies

2.1 Herefordshire & Worcester Council Structure Plan

Policy H16A – Development Criteria

Policy CTC13 – Buildings of Special Architectural or Historic Interest

2.2 Leominster District Local Plan (Herefordshire)

Policy A1 – Managing the District's Assets and Resources

Policy A2(D) – Settlement Hierarchy

Policy A9 – Safeguarding the Rural Landscape

Policy A18 – Listed Building and their Setting

Policy A24 – Scale and Character of Development

Policy A54 – Protection of Residential Amenity

Policy A56 – Alterations, Extensions and Improvements to Dwellings

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S2 – Development Requirements
Policy S7 – Natural and Historic Heritage
Policy DR1 – Design
Policy LA2 – Landscape Character
Policy H18 – Alterations and Extensions

3. Planning History

3.1 NW2005/0287/F - Proposed 2 no. single storey extensions and change of use of ground floor to restaurant - Withdrawn

3.2 NW2005/1288/F - Proposed two single storey extension and change of use of ground floor to restaurant and new vehicular access - Refused 10th August 2005 for the following reason:-

1. The use of the proposed access for commercial purposes in such close proximity to the dwelling house known as Porch House would have a detrimental impact on the character of Porch House and on the amenities currently enjoyed by the occupiers of the dwelling. As such the proposal would conflict with Policies A1 and A54 of the Leominster District Local Plan.

2. At the time of making this decision, the dwelling known as Porch House was the subject of an application for listing. As such the dwelling has been considered as Listed at this time.

3. The proposed access drive by reason of its close proximity and relationship to Porch House would have a detrimental impact on the setting of the potentially Listed Building. As such it would be contrary to Policy A18 of the Leominster District Local Plan.

4. Consultation Summary

Statutory Consultations

4.1 None

Internal Council Advice

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

4.3 The Conservation Manager responded as follows:

- The Old Vicarage is already a large building compared to the Vicarage Cottages and this proposed extension adds to the footprint substantially. The proposed extension on the south east of the building will have some impact on the Vicarage Cottages however it appears that this could be minimised particularly if foliage is used as a 'screen'.
- The LPG Storage Tank - is located very close to the rear of 1 Vicarage Cottages. There is a lightweight panel boundary fence dividing Vicarage Cottages from the Old Vicarage. This type of fencing has also been used on two sides of the LPG tank. The location of this LPG storage tank does not enhance the setting of the

Listed Building therefore I would like to see more screening here in the form of appropriate planting rather than more fencing. Recommend landscaping.

5. Representations

5.1 Aymestrey Parish Council makes the following comments:

“The Council has no objection to the proposed works on the main building, there is concern that the LPG tank may be too close to the neighbouring properties. Building Control to check.”

5.2 A letter was received from W A and P J Cartwright, Vicarage Cottage, Aymestrey, Leominster, Herefordshire who makes the following comments:

- “The proposed extension(s) which are situated on opposite sides of the existing building are identical to the previous proposals which formed part of an application for a restaurant to be operated from the property. We have no objection to the current proposals as described but would request that a covenant be applied to restrict the use to that of a private dwelling and not for use as public restaurant business type facility.
- The location of the LPG tank is we feel situated unnecessarily close to our property. It is observed that the application here is 'retrospective' in that the LPG tank already is in position at the Applicant's property and is we believe in operation. From the plan submitted we are given to understand that the LPG tank will be moved some distant further away from our property but that an oil tank will in fact be placed immediately next to the boundary between our two properties? In any event the Applicant's plan is we feel not consistent with the site conditions, with the fuel tanks being much closer than are indicated on the plans.

Given that our property is a Listed Building and that the Applicant has a very large area of ground surrounding his building, we feel it is not necessary to place the tanks so close to our property and request the Planning Officer directs that the fuel tanks be located to a more distant, safer location.

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:-

The impact of the proposed LPG Tank and extensions on the character the property and setting of the Listed Building.

6.2 The proposed extensions are in scale and keeping with the character of the dwelling and would have no direct impact on any of the neighbouring dwellings. The existing foliage and landscaping that forms the boundary with Vicarage Cottages offers significant screening and this could be enhanced. The proposed extensions do not detract from the character of the dwelling nor do they impinge on the setting of the adjacent Listed Buildings.

6.3 The siting of the LPG tank has raised more concern, the tank is shown to be sited some 9m from the boundary with Vicarage Cottages and has only been screened to three sides. Advice contained within Part J of the Building Regulations shows that the minimum separation distance (for tank exceeding 1.1 tonnes) is 3m and this tank sited in excess of 3m to the boundary with the adjacent listed cottages. As the tank is only screened on three sides it would not be unreasonable to expect some landscaping to the west to provide additional screening to Vicarage Cottages and to protect the setting of the Listed Building.

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

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

- 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.

Informative:

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

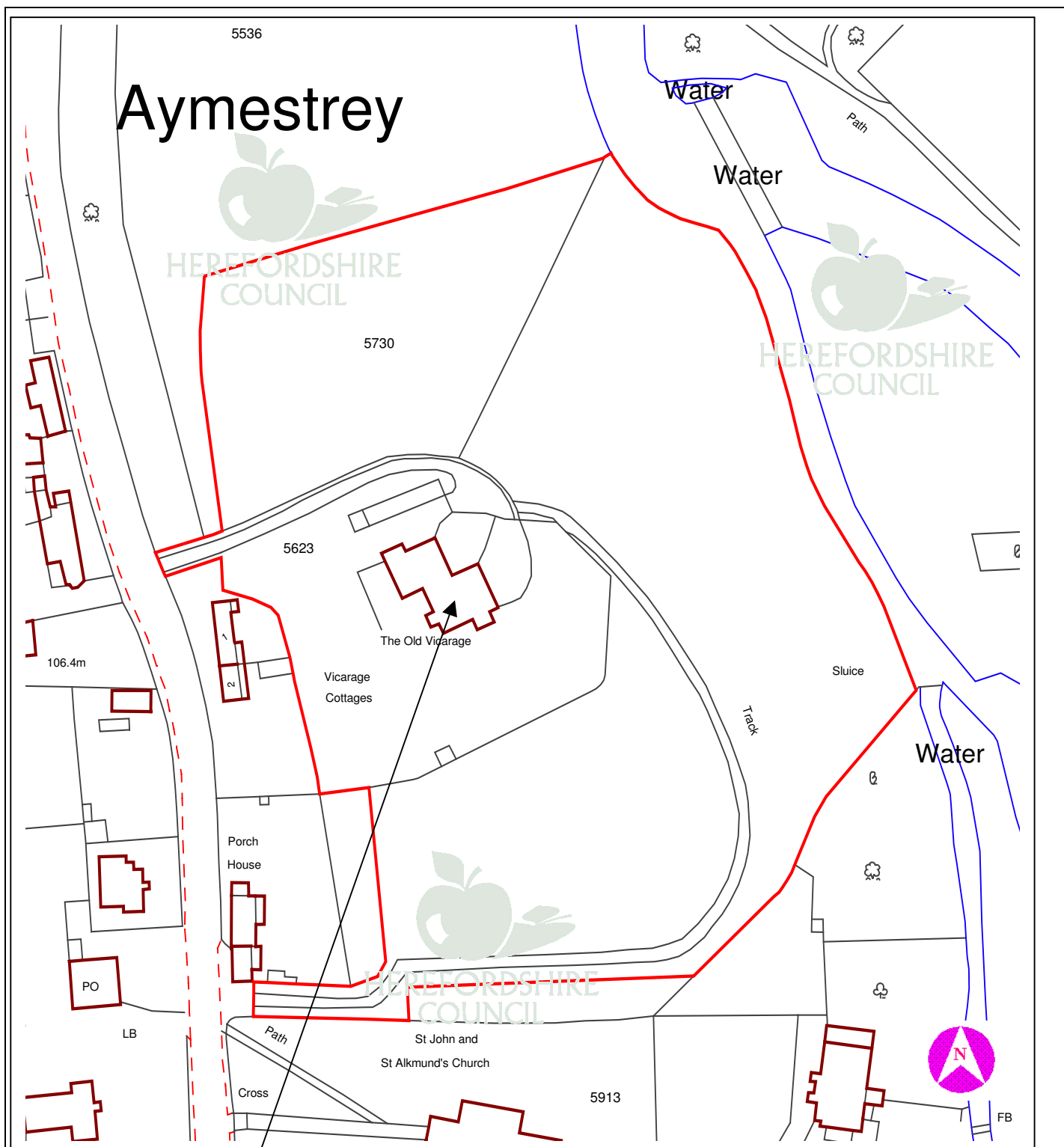
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2005/3811/F

SCALE : 1 : 1250

SITE ADDRESS : The Old Vicarage, Aymestry, Leominster, Herefordshire, HR6 9SU

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**14 DCNW2005/3951/F - RETROSPECTIVE APPLICATION
FOR 2 NO. FEED SILOS AT DOWNWOOD, SHOBDON,
LEOMINSTER, HEREFORDSHIRE, HR6 9NH**

For: Zintec Feed Supplements at above address.

Date Received:
9th December 2005

Ward:
Pembridge &
Lyonsshall with Titley

Grid Ref:
38989, 62555

Expiry Date:
3rd February 2006

Local Member: Councillor R.J. Phillips

1. Site Description and Proposal

- 1.1 The application site lies to the west of the existing industrial building at Zintec, off the B4362 road just to the west of Shobdon. It lies adjacent to the registered historic parkland of Shobdon Court, which is also a special wildlife site and within an Area of Great Landscape Value.
- 1.2 In addition to the industrial buildings of Zintec there are a cluster of dwellings and other buildings in the vicinity and the site is overlooked by the properties at Downwood Farm.
- 1.3 The proposal is for the retention of 2no. feed silos used to store raw materials used in the manufacturing of finished products. The silos are sited to the east elevation of the original building that lies to the south of the site. Each Silo is 9.548 metres in height with a radius of 2.870 metres. They extend some 3.5m from the existing building and are visible above the roofline of the existing building by approximately 2 metres.

2. Policies

Leominster District Local Plan (Herefordshire)

Policy A9 – Safeguarding the Rural Landscape
Policy A11 – Parks, Gardens and other Historical Landscape Features

Herefordshire Unitary Development Plan (Deposit Draft)

Policy LA4 – Protection of Historic Parks and Gardens
Policy LA2 – Landscape Character and Areas Least Resilient to Change
DR13 – Noise
E6 – expansion of existing businesses.
E8 - Design Standards for employment sites

3. Planning History

NW2005/1028/F – free standing light industrial storage building – approved with conditions 3rd June 2005

NW2003/2856/F – Steel framed building to house cattle – approved 31st March 2004

91/0500 – use of land and workshop for B2 industrial Use – Approved with Condition 7th October 1991

90/0501 – amendment of condition 2 on planning permission 82/530 (occupation of dwelling by owners of site) – approved 8th October 1991

85/33 – continuance of use without complying with condition 3 (personal permission) of planning permission granted under 82/530 for new workshop - approved 25th Feb 1985

85/33 – continuance of use without complying with condition 2 (tied to person employed or last employed on site) and 4 ((dwelling and building not sold separately) of planning permission granted under 82/530 for new workshop - refused 25th Feb 1985

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 The Conservation Manager (Landscape) raises no objection.

4.3 The Environmental Health Manager initially made no comments. Re-consulted in light of neighbour comments – awaiting response at time of writing.

4.4 The Transportation Manager has no objection to the granting of planning permission.

5. Representations

5.1 Shobdon Parish Council make the following comments: We do not consider this application should be refused., it is our belief that this is an industrial building and these bulk bins are a requirement of the process and necessary to maintain employment in the area.

5.2 4 Letters of objection have been received from:

- Mrs B Wells and Mr S A Howells, Downwood Cottage, Shobdon, Herefordshire
- Mrs Sheila H Rowe, The Homestead, Downwood Farm, Shobdon, Herefordshire
- Pam and Tom Morton, Little London, Downwood, Shobdon, Herefordshire
- Campaign to Protect Rural England, (NW Herefordshire Planning Group).

These letters raise the following issues:

- Detrimental visual impact of Silos for residents and neighbours
- Impact of Heavy goods vehicles and traffic through the site impacting on quality of life
- Increase in traffic to site leading to damage to road and amenities

- Highway safety issues due to increase in traffic, this is a single width track with inadequate access onto the B4362
- Noise and disturbance caused when being filled. (long lasting droning noise)
- Forklift activity
- Hours of operation of business
- Site better suited on an industrial estate
- Layout of existing site causes conflict across access to dwellings
- Concern about retrospective nature of development
- Concern about previous activities on site without gaining necessary permissions
- Concern over the size that the site has become and impact that this has on the area
- Impact on known wildlife in the area
- Extent of hard surfacing used and required by Zintec

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 this application are:

- (a) Visual impact on the landscape and surrounding area
- (b) impact on the neighbouring properties

6.2 The introduction of the two silos immediately adjacent to the existing industrial building are not particularly incongruous nor out of character with the building and its surrounds. It is acknowledged that there are residential properties immediately to the north the immediate surrounds of the Silos reads as industrial against the backdrop of mature trees and landscape. It would be difficult to sustain a reason for refusal on the grounds that the silos have a significant visual impact on the existing industrial building or on the surrounding landscape.

6.3 The impact on the neighbouring properties is also of particular concern. Visually the silos have no immediate impact on the dwellings. The dwelling most affected, visually would be Downwood House, the dwelling which is tied by condition to remain in the ownership and occupation of the industrial unit.

6.4 The main area for concern is the noise and disturbance caused to the neighbours by the filling of the silos. This is described as lasting for in excess of one hour and being a droning noise. The existing building has a B2 use category, which is designated as being for General Industrial Use. There are no hours of operation conditions attributed to this building. Notwithstanding this, it would seem appropriate to protect the residential amenities of these neighbours through the imposition of a condition restricting the hours that these silos can be filled to within the hours of 8am and 6pm Monday to Friday and 9am and 12 pm on Saturdays and not on Sundays or Bank Holidays. This should mitigate against any adverse impact that these silos may have on the living conditions currently enjoyed by these residents.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - E02 (Restriction on hours of delivery)

Reason: To safeguard the amenities of the locality.

Informative:

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

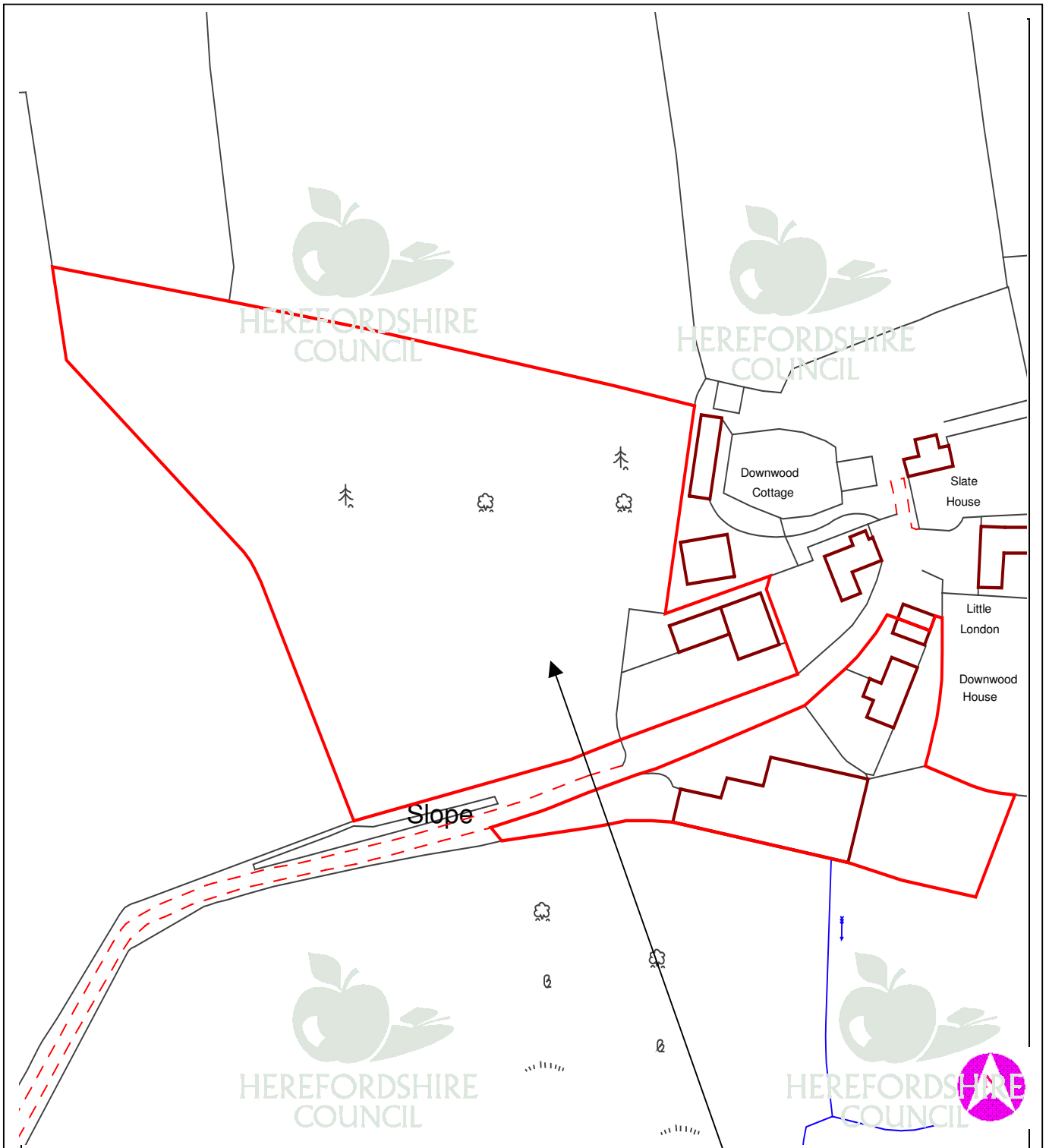
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2005/3951/F **SCALE :** 1 : 1250

SITE ADDRESS : Downwood, Shobdon, Leominster, Herefordshire, HR6 9NH

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15 DCNW2005/4103/F - ERECTION OF 11 NO. APARTMENTS AND ASSOCIATED GARAGING AT FORMER GARAGE PREMISIES, LAND ADJACENT TO NO 2 VICTORIA ROAD, KINGTON, HEREFORDSHIRE, HR5 3BX

For: Beeches Two Limited per N. & J.C. Design Partnership, 9 Lancaster Close, Desford, Leicestershire, LE9 9HW

Date Received:

21st December 2005

Ward: Kington Town

Grid Ref:

29981, 56793

BVPI Target Date:

(Major Application) 22 March 2006

Expiry Date:

15th February 2006

Local Member: Councillor T.M. James

1. Site Description and Proposal

- 1.1 The application site is the former petrol filling station site that occupies a 0.10 hectare corner plot fronting Victoria Road and Gravel Hill Drive. The site has recently been cleared and is relatively level except for a steep slope to the rear rising towards the public footpath adjacent Gravel Hill Drive. The site is set at a level comparable with the highway, which is slightly lower than the adjacent property, number 4 Victoria Road. The site lies outside of but adjacent to the Conservation Area and is a prominent site on the approach to the Town Centre from the East.
- 1.2 The proposal is for the erection of a building that accommodates 11 no. 2 bed (1 double, 1 single) residential flats. The footprint of the main building is 3 storey and L-shaped, running along the frontage of Victoria Road and Gravel Hill Drive. The building is set back from the edge of the pavement by approximately 6m, just in front of the building of the adjacent dwelling. The highest of the proposed building is 11.6m to the highest ridge point, with eaves level to 7.5m.
- 1.3 A vehicular entrance is proposed through the inclusion of an archway through to a courtyard. The proposed building also incorporates 8 garages and a shared courtyard parking to the rear. The garages are located on the ground floor of the main block and within a detached single storey block adjacent to east adjacent to the boundary with no. 4 Victoria Road. The submitted plan shows landscaping around the periphery of the site

2. Policies

2.1 Leominster District Local Plan

Policy A1 – Managing the District's Assets and Resources

Policy A16 Foul Drainage

Policy A17 Contaminated Land
 Policy A18 Listed Buildings and their settings
 Policy A21 – Development within Conservation Areas
 Policy A22 Ancient Monuments and Archaeological sites
 Policy A23 Creating Identity and an Attractive Built Environment
 Policy A24 Scale and Character of Development

Policy A49 Affordable Housing
 Policy A54 Protection of residential amenity
 Policy A55 Design and Layout of Housing Development
 Policy A61 Community, Social and Recreational Facilities
 Policy A64 Open Space standards for new residential development
 Policy A70 Accommodating traffic from development
 Policy A77 Traffic Management

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

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

- 2.3 Planning Policy Guidance Note 3: Housing
 Planning Policy Guidance Note 13: Transportation
 Planning Policy Guidance Note 16: Archaeology and Planning.
 Planning Policy Guidance Note 23: Planning and Pollution Control.
 Planning Policy Guidance Note 24: Planning and Noise.

3. Planning History

NW2005/0073/O - To demolish existing garage/petrol station and site for 4 no. town houses - Approved with conditions 3 March 2005

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water raises no objection and recommends conditions relating to foul and surface water drainage.

Internal Consultees

- 4.2 Transportation Manager - recommends that a Section 106 Agreement is sought for 1,500 dwelling for (but not limited to) schemes such as:
- a) improved public transport (shelters, kerbs, services)
 - b) cycle parking at schools and shops
- 4.3 The Environmental Health Officer makes no comment on the application.
- 4.4 The PROW Manager notes that the development would not appear to affect the public footpath.
- 4.5 The Conservation Manager makes the following points:
- Although the footprint of this proposed residential development is large compared to adjacent buildings, the impact has been lessened somewhat by partial setting back of the structure.
 - The design has incorporated features of the Conservation Area and adjacent dwellings.
 - Parking to rear and garaging complimentary to Conservation Area.
 - The scale/height is similar to that of no's 4 and 6 Victoria Road.
 - No objections subject to the following conditions:
- C02: Approval of details of materials.

5. Representations

- 5.1 Kington Town Council makes the following comments: It is felt that the small size of the rooms is an issue. Bedroom 2 is not even large enough for a bed and the garages are bigger than the rooms.

There are no gardens to the properties or grounds for children and no lift to enable disabled access to the building.

The parking has been moved to the rear making the entrance is opposite and also the entrance to Kington Court Health Centre. Other proposes development in the town would increase the volume of traffic on this junction and the location on the site of this building would make the junction very hazardous.

It has been noted that no planning notice is currently posted at the site and therefore the application is in breach of planning regulations.

Letters of objection have been received from:

Ian R Waugh, Gravel Hill House, Kington
Mrs Helen Waugh, Gravel Hill House, Kington
Mr Iain R Waugh, 9 Rock Close, Gravel Hill, Kington
Mr & Mrs A Jardine, Owners of 4 Victoria Road, Kington
Harold Dennis and Mrs C L Dennis, 10 Gravel Hill Drive, Kington
D J A Exton, 12 Gravel Hill Drive, Kington
Bob Widdowson (e-mail response)

These letters raise the following issues:

- The scale and nature of the development is uncharacteristic of Kington
- It represents an overdevelopment of the site
- The development is too high, out of place and incongruous
- Number of units is excessive
- Cramped form of development - too many people into too small a space
- Overlooking to neighbouring properties
- Loss of light to Number 4 Victoria Road
- The development is oppressive and would dominate the streetscape especially as it is in front of the building line of older houses
- Lack of amenity space
- The bedroom sizes are minimal/too small
- Lack of lift to upper floors
- Smaller scale development may be more acceptable
- Increase in traffic and parked cars of Victoria Road - nuisance to traffic flow
- Garage sizes too small for modern day cars

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 Main Issues for consideration are:

- a) Design and impact on surrounding area and street scene
- b) Impact on amenities of neighbouring properties
- c) Highway Safety and car parking
- d) Play Space / Amenity Space

Design and impact on surrounding area and street scene

6.2 The application site lies within the defined area of Kington Town and has previously received outline consent for residential development and as such there are no objections in principle to the residential development of the site. The site is also within walking distance of the facilities and amenities of the Town Centre and in a sustainable location. A block of flats on such a site will inevitably be a high-density development. In this central area this is considered acceptable with emphasis being placed on the acceptability of design and impact on the surrounding area. This is in accordance with the government's aim to make the most efficient use of land through more intensive housing schemes. Policy H15 of the Unitary Development Plan requires a density of 50 or more dwellings per hectare in market towns. The site does lie within an existing market town with public transport and easy access to Kington town centre so a higher intensity of development is acceptable subject to design and uncompromised amenity.

6.3 The design of the building has taken into account the features, heights and characteristics of the existing three storey semi-detached dwellings, which lie to the east. The building line of the new development has also been set back to respect the existing building line along Victoria Road. The roof planes of the proposed building have also been broken, using different heights to reduce the bulk and add interest to the development. Chimneys have also been introduced picking up the traditional features. The height of the building is of particular importance and to ensure that the dwellings are built at a level to compliment the height of the adjacent dwellings, a

condition is suggested which will allow the Local Planning Authority to approve the slab levels of the development, therefore ensuring the height does not unreasonably increase and reflects that shown on the plans.

- 6.4 The site lies adjacent to but outside of the Conservation Area and this development would be prevalent on the approach to the town. The height and siting of the building would preserve the character of the Conservation Area and the Conservation manager raises no objection to this proposal subject to the approval of materials which I concur would be paramount in the success of this development.
- 6.5 A number of objection letters make reference to the small size of the single bedroom (bed 2) in some of the apartments. After discussion with the applicant it would be possible, if necessary to alter the internal layouts, marginally, and without impacting on neighbouring properties to increase the sizes of these rooms.

Impact on amenities of neighbouring properties

- 6.6 The dwelling which would be most affected by the development of this site is No. 4 Gravel Hill Drive (Shown on the plans as No. 2). This dwelling has 7 windows facing into the site and is set at a level that is slightly higher than that of the adjoining site. The proposed development has taken into account the proximity of this dwelling and has proposed only a single storey garage block to the boundary adjacent to the rear garden. The side elevation of the three storey block has been set 2m from the shared boundary, with a further 2.5 metres (minimum) between the boundary and no. 4. This side elevation closest to this property has only three small bathroom windows that can be obscure glazed. The other side elevation, which forms the L shape and faces the side elevation of the dwelling, does have 2 kitchens windows which will overlook this dwelling. The remaining windows are bathrooms or stair/hall windows which can be obscured. Having regard to the distance across the courtyard being 18m, and the fact that the single storey garage will also provide a buffer between the two the impact on the dwelling is considered to be acceptable. As such this conforms to policy A54 of the Leominster District Local Plan.

Highway Safety and car parking

- 6.7 The previous use of the site was as a petrol filling station, which would have had many more vehicular movements per day than the proposed residential development. The Transportation Manager raises no objection to the proposal, which includes off road car parking for the occupants. The Transportation Manager has however requested that a financial contribution be made of £1,500 per unit. On the basis that that development would have a detrimental impact on the road network and would represent a decrease in traffic movements from the original use, the only justification for this would be the impact of the additional persons. As such a reduced figure of £500 per unit is suggested which would be used for upgrading or providing bus shelters or cycle parking provision within the town centre or locality which would help encourage sustainable forms of transport.

Play Space/Amenity Space

- 6.8 The threshold for the provision of a small children's/infants play space in the Leominster District Local Plan and Unitary Development Plan is 10 – 30 units. Some of the objections also raise the lack of amenity space as a particular issues. The site is not particularly conducive to the provision of open space or a children's play space. As such it is felt appropriate to require a £500 per unit contribution for off site provision. It

is understood that the project at Crooked Well Meadow, which is in relatively close proximity to the site would benefit from such a contribution.

Conclusion

- 6.9 To conclude, the proposed development of 11 no. 2 bed units in this central location is an acceptable form of development, which preserves, the street scene and adjacent Conservation Area. The layout of the proposed development has been carefully considered to ensure the amenities of the neighbouring properties have been respected and conditions are recommended including obscure glazing, landscaping and boundary treatments. In addition to this appropriate financial contributions have been negotiated in relation to highways and play space provision. A draft heads of terms is attached.

RECOMMENDATION

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.

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

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

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

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

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

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

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

Reason: To safeguard the character and appearance of this building of [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 - E19 (Obscure glazing to windows)**

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

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

Reason: To protect the amenity of local residents.

8 - F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

9 - F39 (Scheme of refuse storage)

Reason: In the interests of amenity.

10 - F48 (Details of slab levels)

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

11 - G01 (Details of boundary treatments)

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

12 - G04 (Landscaping scheme (general))

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

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

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

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - N14 - Party Wall Act 1996
- 3 - N03 - Adjoining property rights

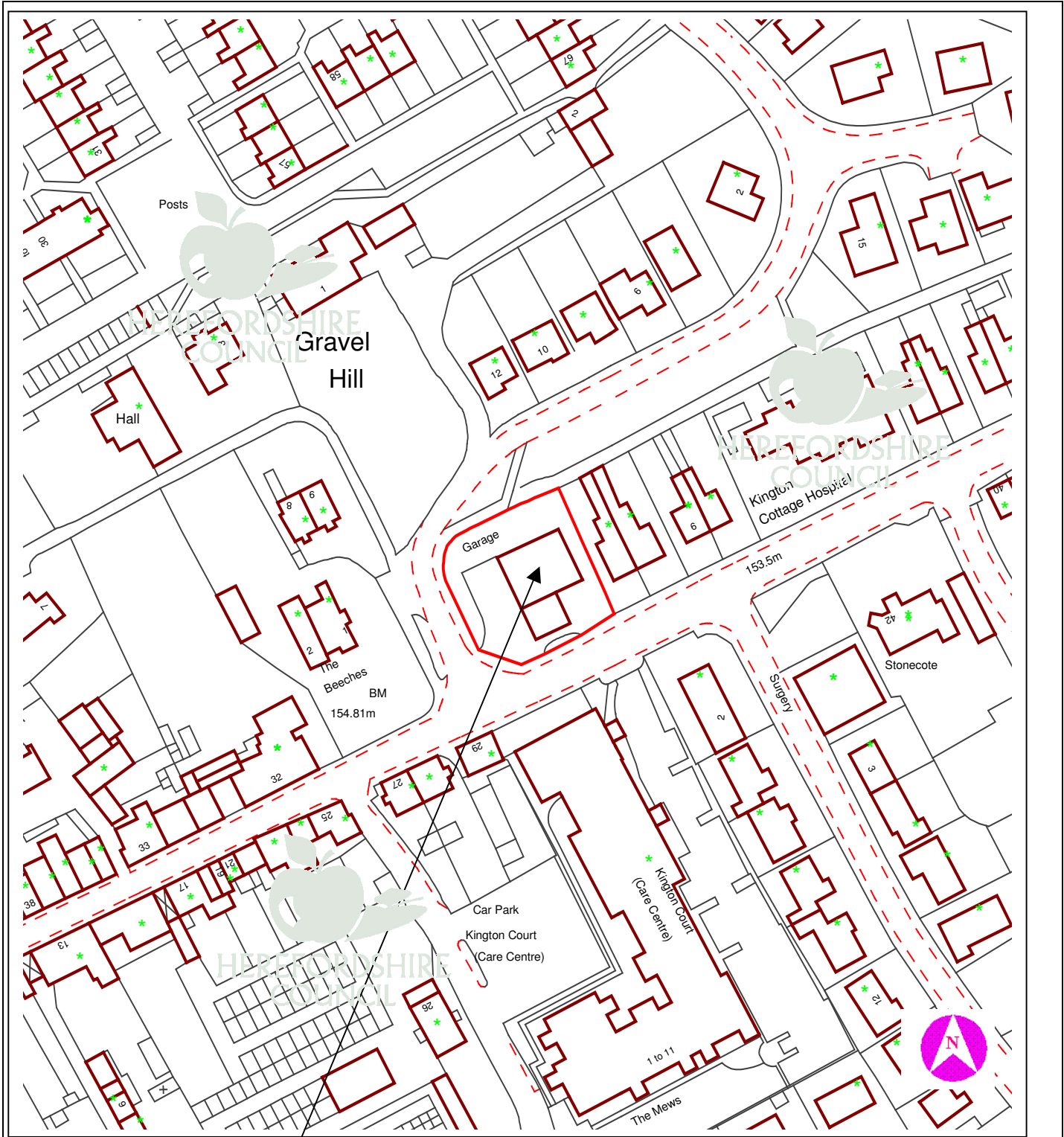
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2005/4103/F

SCALE : 1 : 1250

SITE ADDRESS : Former garage premises, land adjacent to No 2 Victoria Road, Kington, Herefordshire, HR5 3BX

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Further information on the subject of this report is available from Miss K Gibbons on 01432-261781

16A DCNW2005/4147/F - TWO STOREY EXTENSION TO REAR AT YE OLD HOUSE, ORLETON, LUDLOW, HEREFORDSHIRE, SY8 4HN

16B

DCNW2005/4148/L – AS ABOVE

For: Mrs. P. Ryder per Mr. D.R. Davies, 23 Charlton Rise, Ludlow, Shropshire, SY8 1ND

Date Received:
28th December 2005

Ward: Bircher

Grid Ref:
49199, 67112

Expiry Date:
22nd February 2006

Local Member: Councillor W.L.S. Bowen

1. Site Description and Proposal

- 1.1 The dwelling that is the subject of this application is a Grade II listed timber framed building that lies within the Settlement boundary and Conservation Area of the village of Orelton. The dwelling is semi detached and has a fairly substantial garden to the side and rear. A single storey timber boarded store that was attached to the rear elevation of the dwelling has been removed.
- 1.2 The proposal is for the erection of a two storey extension to the rear of the dwelling which would be used as ancillary accommodation to the existing dwelling. A two storey extension of a similar footprint has previously been approved on this site but problems with the construction of the approved extension have led to this revised proposal.

2. Policies

2.1 Leominster District Local Plan

A2 – Settlement Hierarchy
 A16 – Foul Drainage
 A18 – Listed Buildings and their Settings
 A21 –Development within Conservation Areas
 A24 – Scale and Character of Development
 A54 – Protection of Residential Amenity
 A56 – Alterations, Extensions and Improvements to Dwellings

2.2 Herefordshire Unitary Development Plan

Policy S2 – Development Requirements
 Policy S7 – Natural and Historic Heritage
 HBA1 – Alterations and Extension to Listed Buildings
 HBA6 – New Development within Conservation Areas
 Policy DR1 - Design

3. Planning History

NW2005/0251/F - Two storey extension to rear of property - Approved 13 April 2005

NW2005/0252/L - Two storey extension to rear of property - Approved 13 April 2005

4. Consultation Summary

Statutory Consultations

- 4.1 The Society for the Protection of Ancient Buildings comment: The proposed two-storey extension would be a substantial structure, in relation to the size of the listed building. Some reduction in size would be preferable. Possibly, omission of the east and west facing gables, so that the extension was in line with the historic range and had a low ridge through, would offer an improvement. However, we do support the use of materials, which are traditional but would distinguish the new elements from the historic timber framed part.

Perhaps our principal concern, though, is the apparent intention to cut through a main rail on the gable end of the listed building, in order to achieve access. This seems very unfortunate. We wonder whether there might be scope for forming access at first floor level, rather than ground floor level, within the height of the large central panel, leaving the rail intact? Internal access to ground floor rooms could still be achieved, but from above via the new stair. Alternatively, could the existing lean-to on the west elevation be extended slightly so it formed a link between the listed building and extension, avoiding the need for any gable end doorway?

Internal Consultations

- 4.2 The Traffic Manager raises no objection to the grant of planning permission.
- 4.3 The Conservation Manager comments: Ye Old House dates to C16 was partly rebuilt C17 with early C20 alterations. It is a timber framed building with painted brick and rendered infill on a coursed rubble plinth under a tile roof. Although the footprint of this extension is large, the impact is reduced with a low and varied roofline. The design is complimentary to the listed building and the only change that I would like to see is the use of a rendered or boarded surface instead of introducing brick.

No objections subject to the following Conditions:

C02: Approval of details of materials to be used externally

C05: Details of external joinery finishes.

C10: Details of rooflights

C11: Specification of guttering and downpipes

C17: Sample of roofing material

5. Representations

- 5.1 Orleton Parish Council makes the following comments: The parish council has no objection to the application but feels that the following should be conditions of planning consent:

- i) that the property, once completed, can only be sold as a whole
- ii) that all parking is off road.

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

Mr Colin Beever, Deakins Cottage, Orleton
Katherine Snape, Orleton House, Orleton
J A Slater, Upper House, Orleton

Which raise the following issues:

- Need for on-site car parking provision for the dwelling
- Cars parked on the road frequently cause obstruction
- The apex on the roof has been moved nearer to Deakin Cottage and although slightly lower it gives the impression of the building actually being nearer
- The tall gable end is too tall and over powering
- The whole structure blocks off the sunlight to Deakin Cottage patio and garden 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 issues for consideration in this application are:

- The impact of the extension on the character and appearance of the Listed Building.
- The impact of the proposed extension on the amenities of the neighbouring properties
- Highway safety and car parking

6.2 The previous approval has set a precedent for the extension to the property and was the subject of extensive negotiations and discussions due to the sensitivity of such a large extension to a listed building. Unfortunately the approved scheme is not physically workable in construction terms and this revised scheme has been devised which continues to reflect elements of the character of the listed building without overwhelming the original structure. As such, subject to the agreement of materials and joinery details, the proposed extension is considered to preserve the character and appearance of the listed building and represent an acceptable addition to the building.

6.3 The main issue for concern is the impact that the proposed extension would have on the adjoining neighbour. The property known as Deakins Cottage is attached to Ye Olde House but its rear access from the kitchen onto the adjoining patio is at a significantly lower level, more than 1.5m lower than the ground level of Ye Olde House and the site of the extension. Steps from this lower level rise into the garden area which is at a level approximately the same height as the neighbouring property. The garden of Deakin Cottage is relatively narrow and restricted. The proposed extension could have an overbearing impact on this dwelling, in particular the rear gable of the extension. An additional sectional drawing has clarified that the pitch of the roof that slopes away from Deakin Cottage is similar, if not the same as the approved scheme and retains the existing hall window in the rear elevation of the dwelling. As such it is not considered reasonable to object on these grounds. The

gable of the extension that faces the garden of Deakins Cottage is set at the higher level of the garden behind two mature Leylandii trees that are within the grounds of Deakins Cottage. Having regard to this it is felt that a reason for refusal on the grounds that this would impinge on the sunlight / daylight or amenities currently enjoyed by the occupiers of this dwelling could not be substantiated. To ensure the heights of this building are not increased a condition requiring details of slab levels to be submitted is suggested.

- 6.4 In relation to the concerns relating to the provision of off road car parking, the agent has provided a block plan showing a driveway, with parking and turning facilities for a minimum of three cars. A condition ensuring that this is undertaken is suggested.

RECOMMENDATION

NC2005/4147/F

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

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

Reason: To safeguard the character and appearance of 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 - C11 (Specification of guttering and downpipes)**

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 - D03 (Site observation - archaeology)

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

9 - H01 (Single access - not footway)

Reason: In the interests of highway safety.

10 - H12 (Parking and turning - single house)

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

11 - E15 (Restriction on separate sale)

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

12 - E18 (No new windows in specified elevation)

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

13 - 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.

Informatives:**1 - N15 - Reason(s) for the Grant of PP/LBC/CAC****NW2005/4148/L**

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

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

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

2 - A06 (Development in accordance with approved plans)

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

3 - B01 (Samples of external materials)

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

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

Reason: To safeguard the character and appearance of this building of [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 - C11 (Specification of guttering and downpipes)

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.

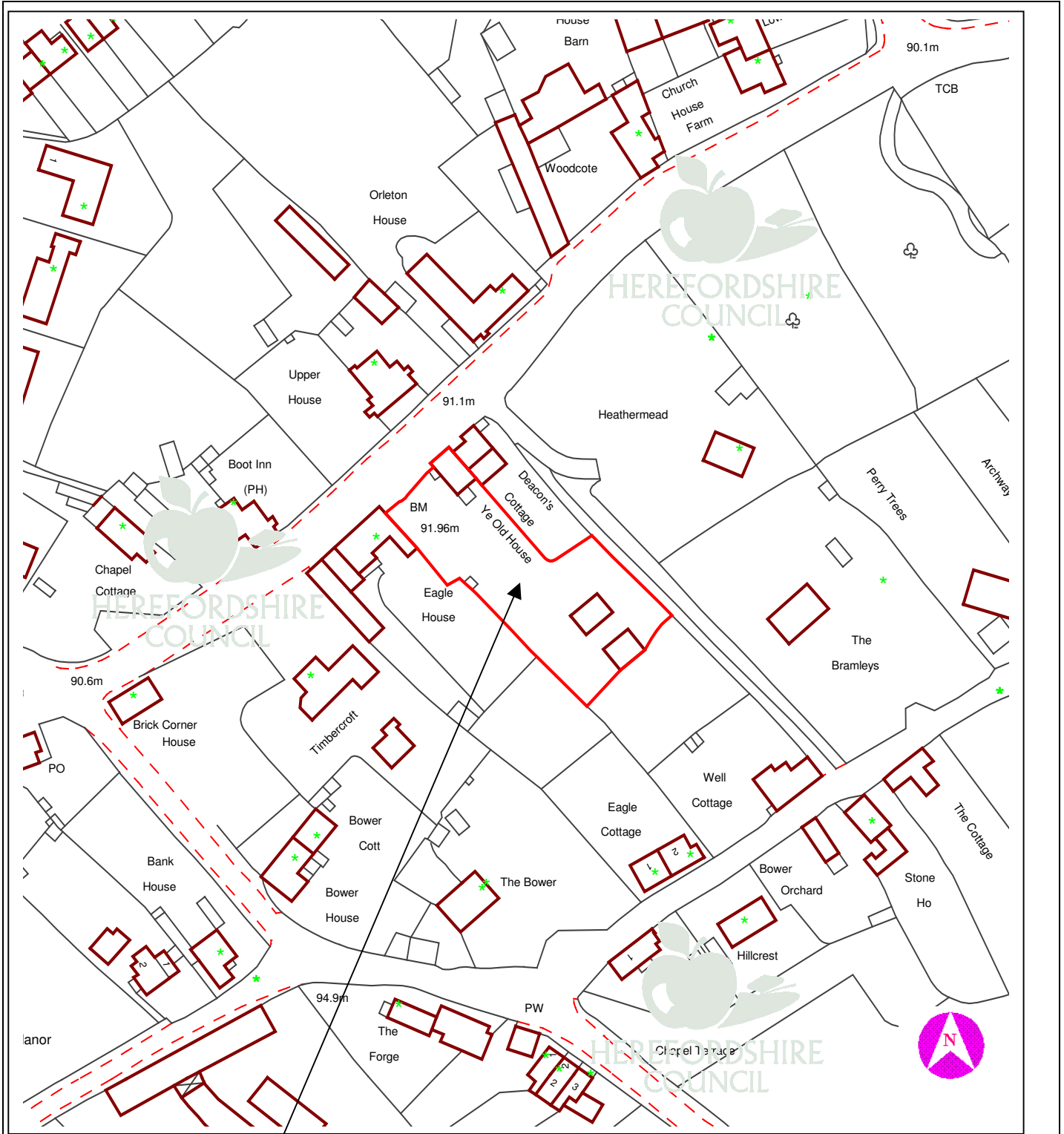
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2005/4147/F

SCALE : 1 : 1250

SITE ADDRESS : Ye Old House, Orleton, Ludlow, Herefordshire, SY8 4HN

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Further information on the subject of this report is available from Miss K Gibbons on 01432-261781

17 DCNW2005/4158/F - RETROSPECTIVE PLANNING APPLICATION FOR CONSERVATORY TO REAR AT 7 MILLSTREAM GARDENS, EARDISLEY, HEREFORD, HEREFORDSHIRE, HR3 6NR

For: Mrs. J. Lawson per Mr. D. Walters, 27 Elizabeth Road, Kington, Herefordshire, HR5 3DB

Date Received:
28th December 2005

Ward: Castle

Grid Ref:
31285, 49298

Expiry Date:
22nd February 2006

Local Member: Councillor J.W. Hope MBE

1. Site Description and Proposal

- 1.1 The application site comprises a detached dwelling sited within a cul-de-sac of modern dwellings within the settlement boundary and Conservation Area of Eardisley.
- 1.2 The proposal is for the retention of a conservatory (substantially completed) to the rear north facing elevation. The conservatory has a footprint of extending 5.87m to the rear by 3.65m and has an eaves height of 2.4m and ridge height as 3.7m. The conservatory is brick faced would have a glazed roof.

2. Policies

2.1 Leominster District Local Plan

A18 – Listed Buildings and their Settings
A21 – Development within Conservation Areas
A24 – Scale and Character of Development
A54 – Protection of Residential Amenity
A56 – Alterations, Extensions and Improvements to Dwellings

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S2 – Development Requirements
Policy S7 – Natural and Historic Heritage
DR1 - Design
H18 – Alterations and Extensions
HBA6 – New Development within Conservation Areas

3. Planning History

- 3.1 97/0891/N - Mixed residential development (14 dwellings) with new access - Approved 23-06-98

4. Consultation Summary

Statutory Consultations

4.1 None

Internal Council Advice

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

4.3 The Conservation Manager - The footprint of the conservatory is slightly larger than ideal however the impact on the Conservation Area is reduced by the fact that it is not highly visible. Also in its favour is the fact that the design is acceptable.

5. Representations

5.1 Eardisley Parish Council makes the following comments:

"The Parish Council feel the structure is larger and higher than necessary. The builders 'Atrium' are at fault for failing to apply for Planning Permission prior to erection, leaving the neighbours unable to lodge any complaints or comments. We feel ACTION should be taken so that future advantage is not taken in a Conservation Area.

5.2 One letter of objection has been received from Dr. D. M. Spencer of Glebeland, 9 Millstream Gardens, Eardisley who raises the following issues:-

- a) Object to this present, retrospective, application on the grounds of the unsuitability of such an oversize structure in a Conservation Area.
- b) Overwhelming appearance of the building over my garden.
- c) The conservatory, due to size and roofline of structure intrudes on our vista and spoils the enjoyment of our garden.
- d) Concern about retrospective nature of development.

5.3 A letter was also received from the applicants agent Mr. David Walters which states:

"My client, Mr Rump of Atrium Conservatories wishes to apologise for his misunderstanding of planning regulations - he believed that 70 cubic metres was the extent in a Conservation Area and not 50 cubic metres."

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 issues for consideration of this application are:-

- Impact of the development on the existing dwelling.
- Impact on the Conservation Area.
- Impact on the neighbouring properties.

- 6.2 The proposed conservatory is a relatively large addition to the modest sized dwelling but nonetheless the proposed extension is single storey, and is subservient to the existing dwelling. As such it accords with Policy A56 – Alterations, Extensions and Improvements to Dwellings of the Leominster District Local Plan.
- 6.3 Having regard to the siting of the conservatory, this is not prominent within the Conservation Area and has a neutral effect on the character and appearance of the Eardisley Conservation Area. As such this complies with Policy A21 of the Leominster District Local Plan.
- 6.4 The neighbour which is most affected by the development in No. 9 Millstream Gardens. Although the conservatory extends for nearly 6 metres. There is a gap of just over 1 metre between the conservatory and 1.8m close board fence, which forms the boundary. The distance from the rear of the conservatory at No. 9 to the boundary at the rear of the garden is approximately 14 metres. The conservatory is not excessive in height and although the roof will be visible the conservatory is not so overbearing or intrusive to refuse this application. The fact that the application is retrospective is not a reason for refusal. The application must be considered on its merits. On this basis the application is considered acceptable and in accordance with local plan policy.

RECOMMENDATION

That planning permission be approved.

Informative:

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

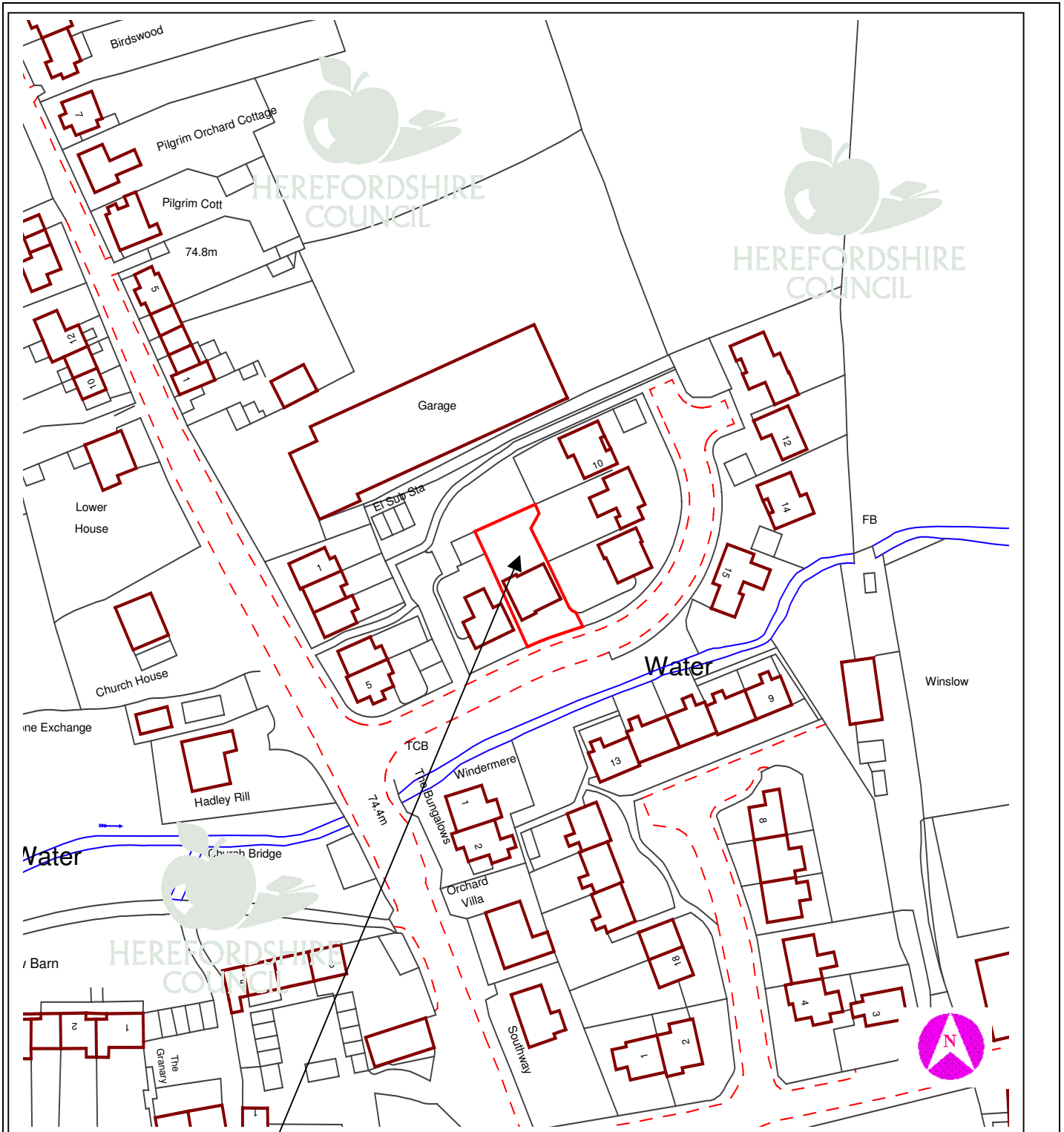
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2005/4158/F

SCALE : 1 : 1250

SITE ADDRESS : 7 Millstream Gardens, Eardisley, Hereford, Herefordshire, HR3 6NR

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18 DCNW2006/0071/F - NEW/REPLACEMENT FARM HOUSE AT THE VALLETS, RICHARDS CASTLE, LUDLOW, SHROPSHIRE, SY8 4ET

For: Mr. & Mrs. H. Salwey per Mr. R.T.L. Salmon, The Hatch, Lindridge, Tenbury Wells, Worcestershire, WR15 8JT

Date Received:
10th January 2006

Ward: Mortimer

Grid Ref:
47582, 70986

Expiry Date:
7th March 2006

Local Member: Councillor Mrs. L.O. Barnett

1. Site Description and Proposal

- 1.1 The application site comprises an existing farmhouse, which is square in shape except for a modest single storey addition to the North west elevation. It is constructed of brick under a slate roof and has a fairly unusual fully hipped roof gathering to a centrally located chimneystack with two cowls. The dwellings is 9.7m square giving an overall floor area of 191.78 square metres (measured externally, including single storey addition). The eaves level of the existing dwelling (N E Elevation) is 4.7m with the ridge height at 9.2m (chimney height 11m)
- 1.2 The dwelling is sited in open countryside in an elevated position at the top of the hill overlooking Richards Castle and Wooferton. The dwelling is accessed via a long private driveway through its associated farmland. A range of agricultural buildings is located immediately to the North East of the dwelling.
- 1.3 The proposal is for the demolition of the farm house and replacement with a new dwelling on the same footprint. The proposed dwelling is also square in shape with a footprint of 13.4m square with an addition of a conservatory / veranda to the South west elevation which measures 3m by 10m. The dwelling is three storey, including a basement area which is partially exposed with a door and window to the South East elevation. The overall floor area of the proposed building is approximately 480 square metres (measured externally). The eaves height (N E elevation) would be 5.9m and ridge height is 8.9m (10.1m to chimney).

2. Policies

2.1 Leominster District Local Plan

A2 – Settlement Hierarchy
A9 – Safeguarding the Rural Landscape

2.2 Unitary Development Plan (revised deposit draft)

DR1 – design
H7 – Housing in the countryside outside settlements

3. Planning History

NW2005/3024/F – New/replacement dwelling – refused on 24th October 2005 for the following reason:

1) The proposed replacement dwelling is of a size that exceeds what could be considered comparable to the dwelling to be replaced. The development proposed is thus contrary to the requirements of policy A2 (d) iii of the adopted Leominster District Local Plan.

2) In the absence of a full ecological survey of the buildings and the site surrounds, the local planning authority is not satisfied that adequate steps have been taken to mitigate the presence of species afforded statutory protection under the Wildlife and Countryside Act 1981 and the Habitats Regulations 1994.

4. Consultation Summary

Statutory Consultations

4.1 Severn Trent water raises no objection

Internal consultees

4.2 The Transportation Manager raises no objection subject to the provision of car parking spaces within the site.

4.3 The Conservation Manager raises the following issues:

(Landscape Officer)

The Vallets is in an isolated, prominent position high on the south-east facing slopes of Hanway Common, which rises up from Richards Castle. Two public rights of way, one of which is the Mortimer Trail cross the common below The Vallets. The site falls within an Area of Great Landscape Value.

The farm complex, comprising both the existing farmhouse and the farm buildings, is quite an imposing feature in the landscape, due to its isolated, elevated position. Although when viewed from the footpaths on Hanway Common, the lower part of the farmhouse is partially screened by the hedgerow and windbreak planting along the south-eastern boundary of the farm complex, the square form, simplicity of elevations and distinctive roofline of the house are noticeable features in the landscape.

I would not support this proposal. I am concerned that the replacement building is much larger and grander in character than the existing house. The Historic Building Officers have indicated that the architecture of the existing farmhouse is of interest and that it is locally distinctive therefore I consider that the farmhouse is an important feature in this upland landscape setting. I feel that it would be preferable to renovate and to extend the existing farmhouse, if required, if this could be achieved in a sympathetic way.

I recommend, therefore, that permission be refused for this development on the grounds that it would be contrary to Policies A.9: Safeguarding the Rural Landscape, Policy A.19: Other Buildings Worthy of Retention of the Leominster District Local Plan

(1999) and Policy HBA8: Locally important buildings of the emerging Unitary Development Plan.

Ecologist

The building had timber sarking in the roof and, together with the slate overlay, it may well house summer colonies of bats particularly as the current tenant has seen a bat within the house!

I would recommend that the application is withdrawn until the full information requested is presented with application. I am very reluctant to request a condition for further survey on this application – I would be requesting that no development takes place until after this survey in any case. If bats are present no demolition could take place until the winter months and then only if mitigation and compensation for loss of roosts and nest sites is in place.

5. Representations

- 5.1 Elton parish Council has no objections

6. Officers Appraisal

- 6.1 The proposal seeks the erection of a replacement dwelling in lieu of a building with established residential use rights. In this respect it is acceptable on a point of principle. This is a resubmission of a previous application, the only difference being the raising of the ground level in front of the basement level that attempts to reduce the scale by way of appearance of the 3-storey element of the scheme. Nonetheless the proposal is still a relatively grandiose replacement of a simple yet unusual dwelling. The relevant policy requires however, that replacement dwellings should be of a size comparable to the building to be replaced. In this instance it has been demonstrated that the replacement would be 2.5 times larger in terms of floor area and the volumetric increase would be equally significant.
- 6.2 As such, the proposed development cannot be considered as comparable with the dwelling to be replaced and the objectives of policy A2 (d) iii are thus not met. It is recommended that the application be refused on these grounds.
- 6.3 In terms of ecology, this resubmission did not supply the information required relating to bats and the ecologist maintains their objection. As such this has been included as a second reason for refusal.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1 The proposed replacement dwelling is of a size that exceeds what could be considered comparable to the dwelling to be replaced. The development proposed is thus contrary to the requirements of Policy A2(d)ii of the adopted Leominster District Local Plan.**

- 2 In the absence of a full ecological survey of the buildings and the site surrounds, the local planning authority is not satisfied that adequate steps have been taken to mitigate the presence of species afforded statutory protection under the Wildlife and Countryside Act 1981 and the Habitats Regulations 1994.

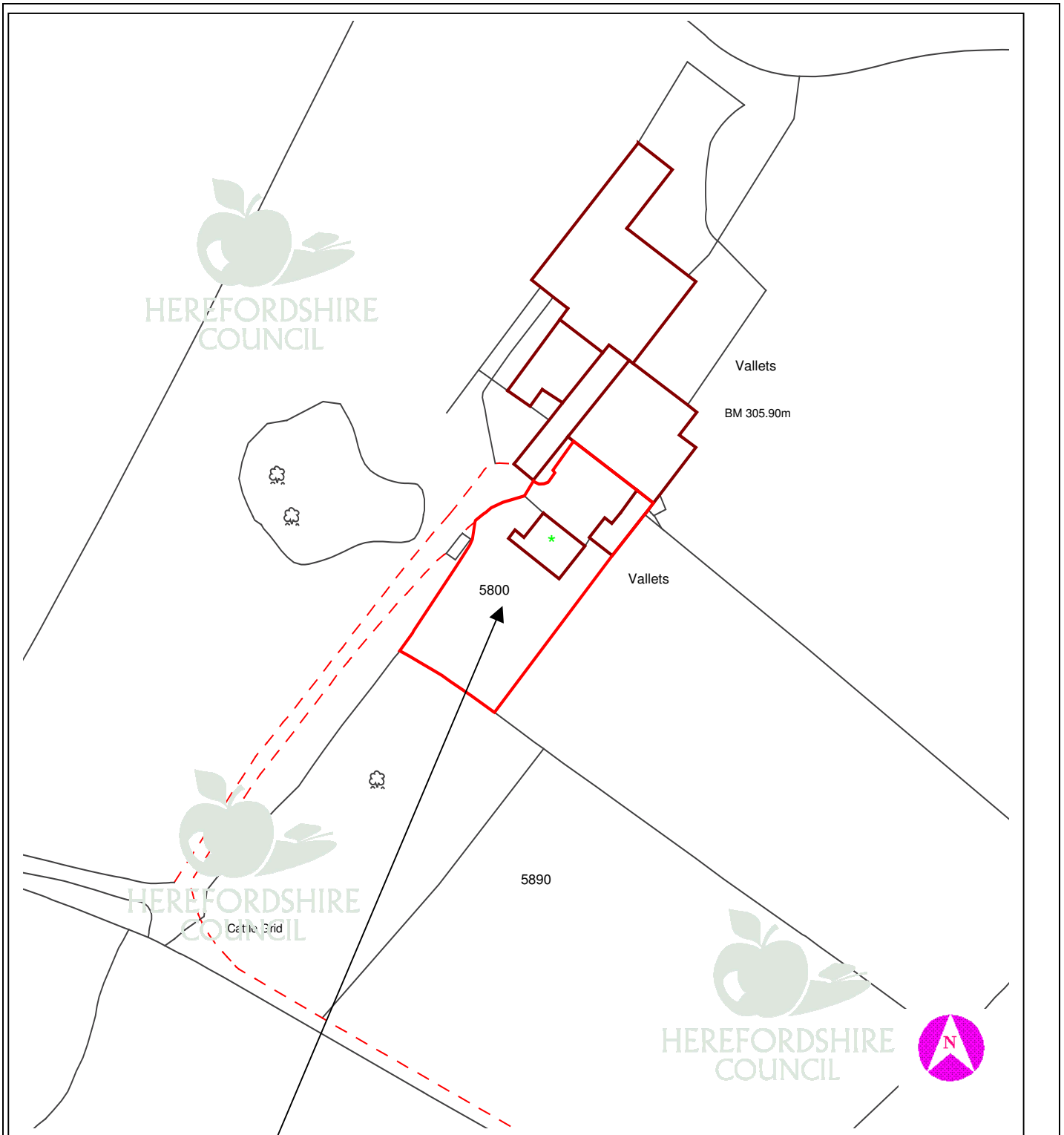
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2006/0071/F

SCALE : 1 : 1250

SITE ADDRESS : The Vallets, Richards Castle, Ludlow, Shropshire, SY8 4ET

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19A DCNC2005/4002/F - CHANGE OF USE AND CONVERSION TO 2 STUDIO, 6 ONE BED AND 1 TWO BED FLATS AND 1 TWO BED MAISONETTE AT MASONIC HALL, 40/42 SOUTH STREET, LEOMINSTER, HEREFORDSHIRE.

19B DCNC2005/4003/L – AS ABOVE

**For: Finale Properties Ltd., Wormelow House,
Wormelow, Herefordshire, HR2 8EG**

**Date Received:
15th December 2005**

Ward: Leominster South

**Grid Ref:
49589, 58807**

**Expiry Date:
9th February 2006**

AJ/CR

BVPI Date: 16 March 2006

Local Members: Councillors R.B.A. Burke and J.P. Thomas

1. Site Description and Proposal

- 1.1 The site is located within Leominster adjacent to the town centre. The Masonic Hall building is Grade II listed. The site comprises two spacious meeting halls and associated rooms. The proposal is therefore for the conversion of a community facility, as described within Leominster policy A.61, to a residential building comprising ten dwelling units. These units are proposed to include 2 studios, 6 one-bed and 1 two-bed flats and 1 two-bedroomed maisonette.
- 1.2 There are no facilities for car parking on site, and none are proposed within the application. Secure cycle parking facilities are proposed on the site.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

- A.2: Settlement Hierarchy
- A.18: Listed Buildings and their Settings
- A.24: Scale & Character of Development
- A.52: Primarily Residential Areas
- A.55: Design & Layout of Housing Development
- A.61: Community, Social & Recreational Facilities
- A.62: Proposals Resulting in the Loss of Community Facilities
- A.64: Open Space Standards for New Residential Development
- A.65: Compliance with Open Space Standards
- A.72: Parking Within or Adjacent to Central Shopping and Commercial Areas

2.2 Herefordshire Unitary Development Plan (Revised Deposit draft)

S3: Housing
S7: Natural and Historic Heritage
S11: Community Facilities and Services
H1: Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H13: Sustainable Residential Design
H14: Re-using Previously Developed Land and Buildings
H15: Density
H16: Car Parking
H19: Open Space Requirements
T6: Walking
T7: Cycling
T11: Parking Provision
HBA1: Alterations and Extensions to Listed Buildings
HBA3: Change of Use of Listed Buildings
RST3: Standards for Outdoor Playing and Public Open Space
CF6: Retention of Existing Facilities
DR5: Planning Obligations

2.3 Hereford and Worcester County Structure Plan:

CTC13: Conversion of Buildings
H2B: Location of Housing (General)
CTC9: Development Criteria

2.4 Planning Policy Guidance 3: Housing
Planning Policy Guidance 15: Conservation and the Historic Environment
Planning Policy Guidance 13: Transportation**3. Planning History**

97/0065/N – Alterations and improvements and replacement of part of toilet facilities at the Masonic Hall. Conditional approval 17.4.97.

97/0049/L – Alterations, improvements, demolish lean-to and replace with extension at the Masonic Hall. Conditional approval 17.4.97.

4. Consultation SummaryStatutory Consultations

- 4.1 Victorian Society: No reply.
4.2 Georgian Society: No reply.
4.3 Twentieth Century Society: No reply.

Internal Council Advice

- 4.4 Conservation Manager: Has no in-principle objection subject to minor amendments to include removal of one proposed new window and retaining current form of south

window. Oast House and Oast House to remain undivided. Conditions are also required.

- 4.5 Traffic Manager: Has no objection to the proposal though there is no parking provision because this is in a town centre position. Covered and secure cycle parking at one cycle space per bedroom is requested, and provision made within a S106 Agreement for transport benefit directly, fairly and reasonably related to the proposed development.
- 4.6 Parks and Countryside Manager: Notes no open space is provided on site apart from cycle parking spaces. A commuted sum is therefore requested as a contribution directly, fairly and reasonably related to the proposal to be used for the Sydonia Open Space opposite the site.

5. Representations

- 5.1 Leominster Town Council: The Council objects to the proposal on the following grounds:
- 1) Over development, and
 - 2) Poor planning
- 5.2 No other representations have been received.
- 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 concerned with this pair of applications are as follows:
- 1) Principle of Conversion
 - 2) Impact on the Listed Building
 - 3) Over Development
 - 4) Design

Principle of Conversion:

- 6.2 The site had been marketed unsuccessfully from late 2003. The requirements of Policy A62 appear to be fulfilled in that the facility has been unsuccessfully and appropriately marketed for nearly two years.
- 6.3 The site is located on an edge of town centre position in a designated residential area adjacent to other permitted residential development. The applicant was informed at the enquiry stage that the site is therefore in-principle acceptable for conversion to residential use. No specific proposal had been seen until the current applications were received.

Impact on the Listed Building:

- 6.4 The Conservation Manager's report notes that internally the halls are fairly featureless and not of outstanding quality and their loss in Conservation terms is not deemed a major concern. There is in-principle no objection from the Conservation Manager subject to minor amendments and conditions as mentioned previously.

- 6.5 Your officer considers therefore that there is no ground for objecting to the proposed applications on Listed Building grounds.

Over development:

- 6.6 The Town Council is concerned about possible over development of the site, which measures 315m², with a proposal for ten units. Planning Policy Guidance 3: Housing clearly provides for high-density housing development with established settlements. The pending Unitary Development Plan Policy H15 recommends at least 50 dwellings per hectare in town centres and adjacent sites. No maximum density is proposed. In policy terms, the applications are therefore appropriate and there are, in your officer's opinion, no grounds for objection using over development reasons. In terms of overdevelopment, this is a conversion scheme not new build.

Design:

- 6.7 The Town Council also objects to the proposed development on grounds of poor design. In itself this is a highly subjective area for objection and the Town Council's concerns are noted. Having regard for the Conservation Manager's report where minor amendments and conditions are all that are considered necessary, these are obvious ways to mitigate any such objections.
- 6.8 Due to the differing roof lines within the existing structures on site, it is hard to appreciate the real dimensions and juxtapositions of the proposal. Therefore a large number of plans, elevations, photographs and designs are included to enable as much clarity as possible.
- 6.10 In your officer's opinion, and following advice, the design of the proposal is acceptable.

Conclusion:

- 6.11 It is therefore concluded that the development is acceptable in all aspects and accords with all relevant development Plan Policies. Accordingly these are recommended for approval.

RECOMMENDATION

DCNC2005/4002/F:

- 1) **The Legal Practice Manager be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 as per the draft Heads of Agreement attached, and any additional matters and terms as he considers appropriate.**
- 2) **Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:**

- 1 - A01 (Time limit for commencement (full permission))
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 - A09 (Amended plans)
Reason: To ensure the development is carried out in accordance with the amended plans.
- 3 - H29 (Secure cycle parking provision) (12 cycles)
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.
- 4 - C04 (Details of window sections, eaves, verges and barge boards) (door and window details and sections including heads and sills)
Reason: To safeguard the character and appearance of this building of special historical interest.
- 5 - C07 (Painted finish to windows/doors) (colour to be agreed)
Reason: To safeguard the character and appearance of this building of special architectural or historical interest.
- 6 - C08 (Repairs to external brickwork)
Reason: To safeguard the character and appearance of this building of special architectural or historical interest.
- 7 - C09 (External repointing)
Reason: To safeguard the character and appearance of this building of special architectural or historical interest.
- 8 - C10 (Details of rooflights) (investigation)
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.
- 9 - C11 (Specification of guttering and downpipes)
Reason: To safeguard the character and appearance of this building of special architectural or historical interest.
- 10 - 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.

11 - C15 (Salvage recording)

Reason: To enable a record to be made of this building of historical and/or architectural interest.

12 - E16 (Removal of permitted development rights)

Reason: To enable the local planning authority to regulate any future proposals in this building of historic interest.

13 - F17 (Scheme of foul drainage disposal)

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

Informatives:

- 1 - NC01 - Alterations to submitted/approved plans
- 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 - HN22 - Works adjoining highway
- 7 - This permission is granted pursuant to an agreement under Section 106 of the Town and Country Planning Act 1990.
- 8 - N15 - Reason(s) for the Grant of PP/LBC/CAC

- 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.

DCNC2005/4003/L:

- 2) Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue listed building consent 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 - A09 (Amended plans)

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

3 - C04 (Details of window sections, eaves, verges and barge boards) (door and window details and sections including heads and sills)

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

4 - C07 (Painted finish to windows/doors) (colour to be agreed)

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

5 - C08 (Repairs to external brickwork)

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

6 - C09 (External repointing)

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

7 - C10 (Details of rooflights) (investigation)

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 historical interest.

8 - C11 (Specification of guttering and downpipes)

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

9 - 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.

10 - C15 (Salvage recording)

Reason: To enable a record to be made of this building of historical and/or architectural interest.

Informatives:

- 1 - NC01 - Alterations to submitted/approved plans
- 2 - This permission is granted pursuant to an agreement under Section 106 of the Town and Country Planning Act 1990.
- 3 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision:

Notes:

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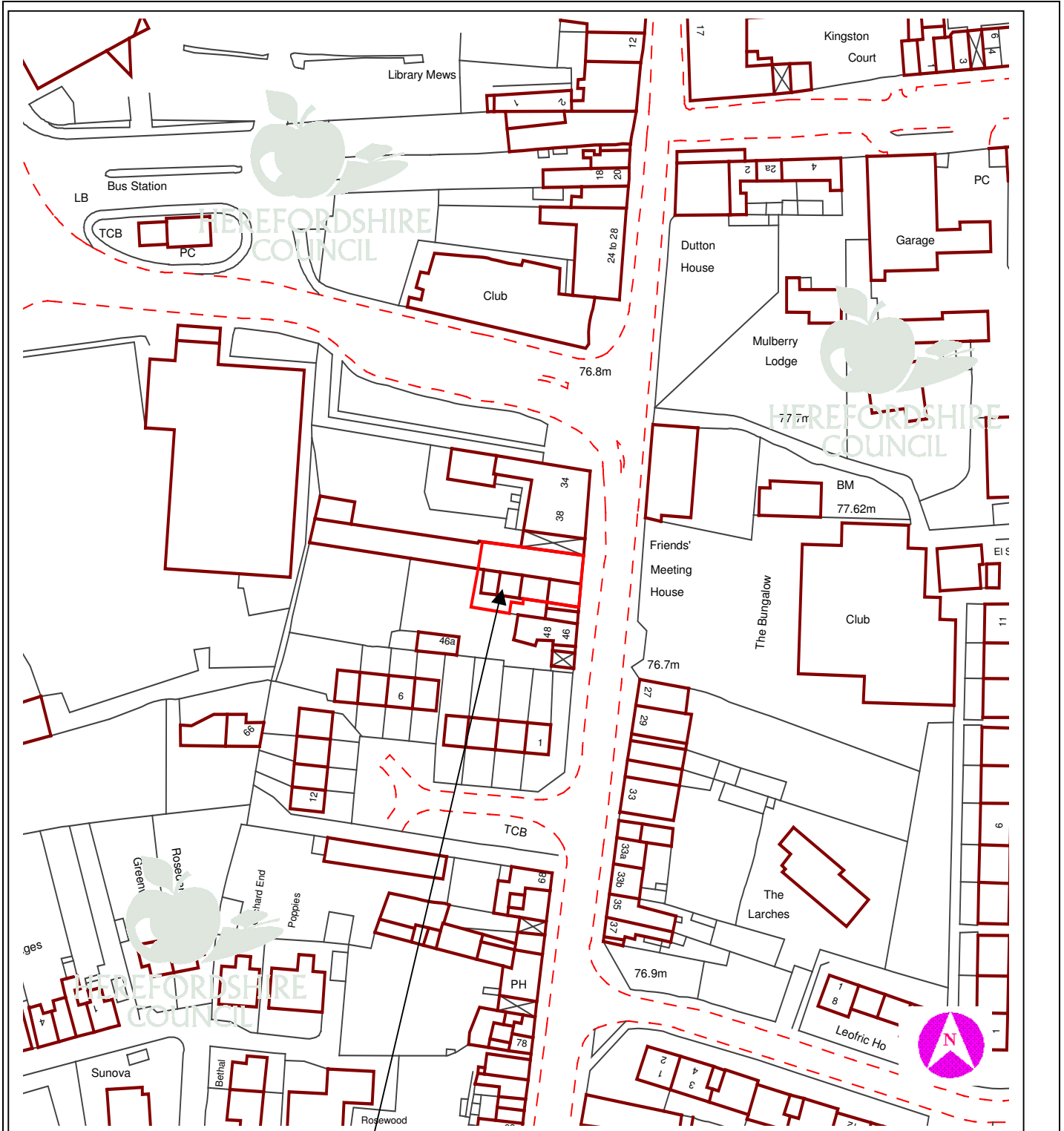
Background Papers

Internal departmental consultation replies.

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

Planning Application – DCNC2005/4003/L & 4002/F
Change of use & conversion to 2 studios, 6 one bed & 1 two bed flats & 1 two bed maisonettes. At
the Masonic Hall, South St, Leominster, Herefordshire

1. The developer covenants with Herefordshire Council, in lieu of the provision of open space on the land to serve the development to pay Herefordshire Council the sum of £3,000 which sum shall be paid on or before the commencement of development. This sum shall be index linked from the date of the agreement to the date of payment. (BCIS).
2. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - Infrastructure improvements to The Sydonia Open Space
 - Lighting at The Sydonia Open Space
3. In the event that Herefordshire Council does not for any reason use the said sum of Clause 1 for the purposes specified in the agreement in Clause 2 within 10 years of the date of payment, 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 covenants with Herefordshire Council, to pay Herefordshire Council the sum of £8,000 to provide transportation facilities to serve the development which sum shall be paid on or before the commencement of development. This sum shall be index linked from the date of the agreement to the date of payment. (BCIS).
5. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - Town centre cycle parking provision,
 - Maintenance of town centre car parking facilities
 - Leominster section of the Sustrans national cycle network.
6. 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 10 years of the date of payment, the Council shall repay to the developer the said sum or such part thereof which has not been used by Herefordshire Council.
7. 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.
8. The developer shall complete the Agreement by 14th March 2006 otherwise the application will be registered as deemed refused



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APPLICATION NO: DCNC2005/4002/F

SCALE : 1 : 1250

SITE ADDRESS : Masonic Hall, 40/42 South Street, Leominster, Herefordshire.

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20 DCNC2005/3861/F - ALTERATIONS & EXTENSION TO VILLAGE HALL AT CAWLEY VILLAGE HALL, EYE LANE, LUSTON, LEOMINSTER, HEREFORDSHIRE, HR6 0DS

For: Luston Group Parish per Mr C Goldsworthy, 85 St Owens Street, Hereford, HR1 2JW

Date Received:
1st December 2005

Ward: Upton

Grid Ref:
49140, 63939

Expiry Date:
26th January 2006

Local Member: Councillor J. Stone

1. Site Description and Proposal

- 1.1 The application site is located to the north of the C1048, Eye Lane, and is situated in open countryside to the east of the village of Luston. Four residential properties adjoin the site to the east and there is a dwelling opposite the site to the south. The site comprises approximately 0.5 hectares of land. Open farmland borders the site to the north and east.
- 1.2 The village hall is centrally sited with a hard surfaced parking area to the front of the hall, which is sufficient for accommodating 31 cars. The remaining area surrounding the village hall is grassed.
- 1.3 This application seeks full planning consent for the erection of an extension to the front and internal alterations to the Village Hall. The extension to the front of the village hall would provide a larger entrance hall and a covered ramp for disabled access. The public toilets would be extended and a new disabled w.c. would be incorporated.
- 1.4 Internally, a new kitchen would be fitted and a section of storage area would be provided in the former snooker room, which is proposed as another meeting room. Three new patio doors would provide access at the rear of the village hall onto a new terraced area.

2. Policies

2.1 National Guidance

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

2.2 Hereford and Worcester Country Structure Plan

Policy CTC9 – Development Requirements

2.3 Leominster District Local Plan (Herefordshire)

Policy A1 Managing the District's assets and resources
Policy A2 Settlement hierarchy
Policy A24 Scale and character of development
Policy A54 Protection of residential amenity
Policy A61 Community, social and recreational facilities.

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S1 Sustainable Development
Policy S2 Development Requirements
Policy DR1 Design
Policy DR2 Land Use and Activity
Policy CF5 New community facilities.

3. Planning History

3.1 None.

4. Consultation SummaryStatutory Consultations

4.1 None required.

Internal Council Advice

4.2 Traffic Manager raises no objection but suggests a condition to provide secure cycle parking for 10 bicycles.

4.3 Public Rights of Way Manager: Proposed development would not appear to affect public footpath LJ11.

5. Representations

5.1 Luston Parish Council - No objection

5.2 Letter of support received from a neighbour at 1 Manor Way.

5.3 One letter of objection has been received from the occupier of the adjacent property to the west of the Village Hall, the concerns raised can be summarised as follows:-

- Note from the plans that part of the kitchen is to be used as a bar with entrance doors directly facing our property.
- Very concerned about the potential noise spill from events especially when doors are opened and the proposed terrace area is used.
- What actual benefit would a bar and patio have for the local community?
- This change of use would clearly require careful monitoring, both to run events and to avoid abuse of the building.
- We do not object to updating the building to provide disabled facilities and improved kitchen facilities.

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

- a) the principle of the proposed development and its intended use
- b) the visual impact of the proposed extension
- c) the implications for the residential amenity of neighbouring occupiers

Principle and Intended Use

6.2 This application seeks consent for an extension to the front of the building, internal alterations and the introduction of three new door openings to the rear. It is not a change of use application. The majority of the proposed works are to provide improved facilities for disabled access in line with current building regulation access requirements.

6.3 The village hall already benefits from a room classified as a bar, a meeting area to the rear of the kitchen and the entrance door adjacent to the objector's property is an existing doorway. It is not the intention of Cawley Village Hall to trade as a public house. Such a use would require a license and would be regulated by other bodies. The application clearly seeks to improve the existing facilities and in turn, attempt to increase the viability of this community facility.

Visual Impact

6.4 Cawley Village Hall is a single storey building constructed of Bradstone and painted render under a slate roof. The main bulk of the building is under a pitched roof. Where the building has been extended in the past, (to the front and rear) these elements are under a flat felt roof. The extension to the front would continue the flat roof section of the original building and be constructed using materials to match the existing building. It is considered that the proposed external additions are appropriate to the style of building, and that the internal alterations would provide much improved facilities.

Residential Amenity

6.5 It is not considered that this proposal would result in any activities that would be beyond what would be considered normal for a community facility such as a village hall in this rural location. The one objection to this application raised some serious concerns regarding the possible noise spill from events that might take place; the noise levels and potential disturbance increasing by the creation of a patio and the provision of patio doors

6.6 Although the objection is noted, it is the officer's opinion that the objection is based on an assumption regarding potential disturbance and is not a material planning consideration for this proposal, which seeks to extend and internally alter the village hall to provide improved facilities.

Conclusion

6.7 In conclusion, the proposal to improve this community facility and make it more accessible should be supported and the application is therefore recommended for approval subject to the following conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - A06 (Development in accordance with approved plans)

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

3 - B02 (Matching external materials (extension))

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

Informative:

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

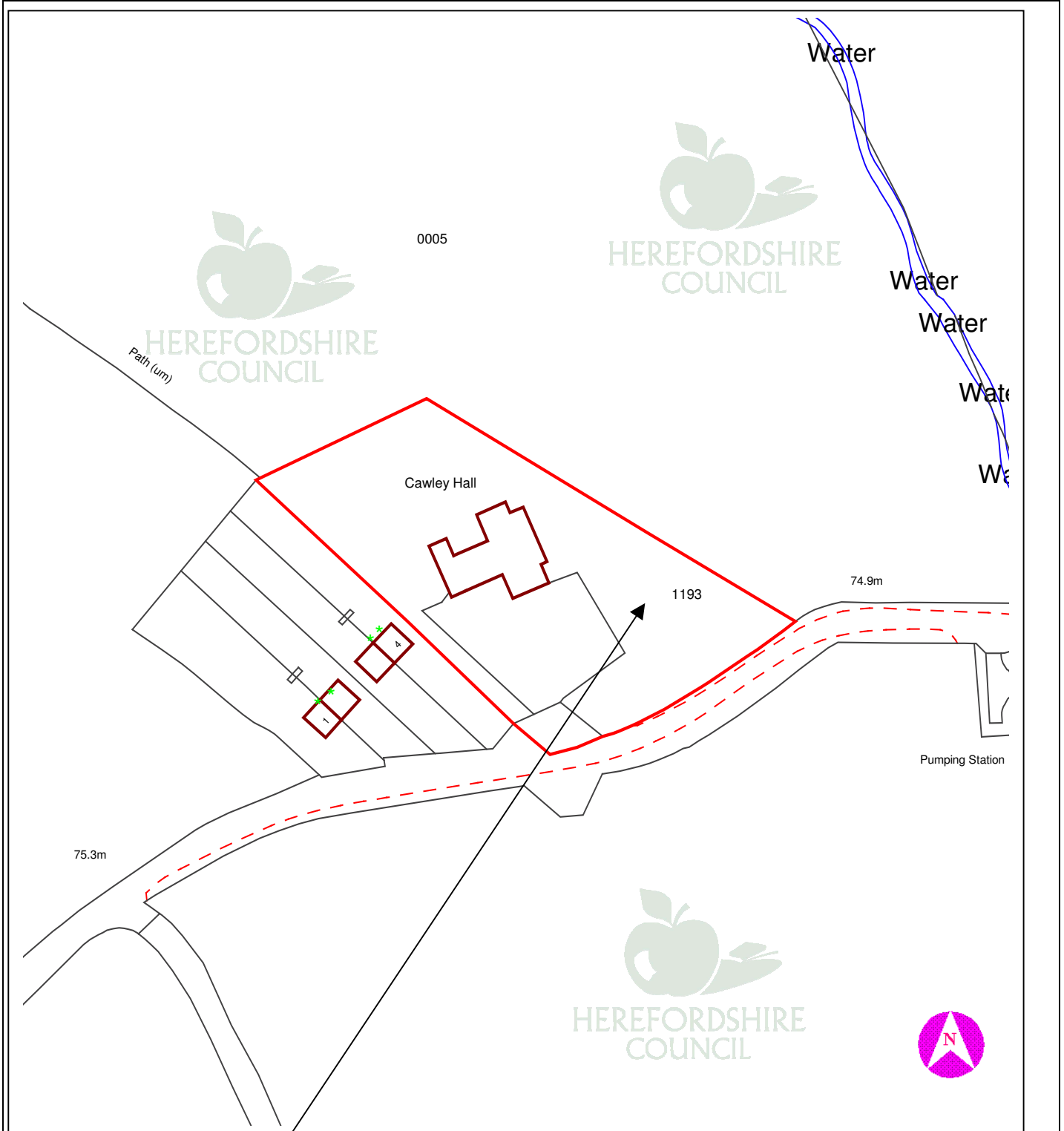
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2005/3861/F

SCALE : 1 : 1250

SITE ADDRESS : Cawley Village Hall, Eye Lane, Luston, Leominster, Herefordshire, HR6 0DS

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21 DCNC2006/0067/F - CHANGE OF USE TO A3 (RESTAURANTS AND CAFES) BETWEEN HOURS OF 8.00AM - 21.00PM MONDAY TO SATURDAY AT 73 ETNAM STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8AE

For: Mr. M. Rohde per J. Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH.

Date Received:
10th January 2006

Ward: Leominster South

Grid Ref:
49893, 58960
AJ/CR

Expiry Date:
7th March 2006

Local Member: Councillors R.B.A. Burke and J.P. Thomas

1. Site Description and Proposal

- 1.1 The site is within the market town of Leominster, within the central shopping and commercial area and the Conservation Area. This is also adjacent to a Grade II Listed Building.
- 1.2 In 2005 the site received permission for change of use to A3 use between the hours of 8am to 2pm Monday to Saturday.
- 1.3 This application is to extend the change of use between the hours of 8am and 9pm (21.00 hours) Monday to Saturday.

2. Policies

2.1 Leominster District Local Plan:

- A.2: Settlement Hierarchy
- A.18: Listed Buildings and their Settings
- A.21: Development Within Conservation Areas
- A.24: Scale and Character of Development
- A.28: Development Control Criteria for Employment Sites
- A.31: Employment Generating Uses Within or Around the Market Towns
- A.32: Development Within Town Centre Shopping and Commercial Areas
- A.72: Parking Within or Adjacent to Central Shopping and Commercial Areas
- A.73: Parking Standards and Conservation

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- S1: Sustainable Development
- S2: Development Requirements
- S4: Employment
- S5: Town Centre and Retail
- DR2: Land Use and Activity
- TCR1: Central Shopping and Commercial Area

TCR6: Non-retail Uses
T11: Parking Provision
T12: Existing Parking Areas
HBA4: Setting of Listed Buildings
HBA6: New Development Within Conservation Areas

2.3 National Policies

PPG15: Planning and the Historic Environment

3. **Planning History**

DCNC2005/0983/F - Change of use to A3 between hours of 8am and 2pm Monday to Saturday. Approved 15/06/05

88/1004 - New shop front. Approved conditionally 25/01/89

88/0540 - Conversion of existing building into 2 dwellings. Refused 03/10/88

88/0253 - Change of use to licensed Betting Office. Approved conditionally 23/05/88

87/0561 - Conversion of existing dwelling to 3 flats for residential use. Approved conditionally 16/11/87

81/0276/O - Creation of a vehicular access and erection of a garage. Withdrawn 01/06/81

81/0003/A - Erection of flat wooden sign board (non-illuminated). Approved 27/05/81

4. **Consultation Summary**

Statutory Consultations

4.1 None required

Internal Council Advice

4.2 Transportation Manager: No objection

4.3 Public Rights Of Way Manager: No objection

4.4 Environmental Health Manager: 'I can confirm that I have no objection to this proposal, and that this Service has not received any complaints about the premises. I would however recommend that the condition restricting cooking to shallow frying is maintained.'

4.5 Conservation Manager: No objection

5. **Representations**

5.1 Town Council: Recommends approval

5.2 Neighbour responses: Objections have been received from

- Mr Graham Morris, 79 Etnam Street, Leominster, HR6 8AE
- Mrs V Pearson, 77 Etnam Street, Leominster, HR6 8AE
- Mr & Mrs Davies, 65 Etnam Street, Leominster, HR6 8AE

5.3 A summary of these letters is:

- Inappropriate use in a residential area.
- Loss of amenity to residents from cooking smells, noise and litter.
- Current breach of condition preventing deep-frying.

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

6. Officers Appraisal

6.1 The key issues in this case are as follows:

- Neighbours amenity
- Appropriateness of application
- Setting of Listed Building

6.2 Loss of neighbour's amenity

Neighbours objections are on the grounds of loss of amenity. This is obviously of considerable concern to them, including possible noise, cooking smells and activity in the afternoon and evening. The Enforcement Officer has been informed of the objections regarding breach of condition.

6.3 Appropriateness of application proposal

The use itself exists from 8.00 to 14.00 hours already with a no deep-frying condition. The site is located within the central town Conservation Area and the current use is an appropriate one for such a location. Further in your officer's opinion an extension of hours to 21.00 is not beyond normal evening hours and is acceptable in this location.

6.4 It is not considered that there is any additional impact upon the setting of the Listed building.

6.5 The proposal is therefore recommended for approval subject to conditions.

RECOMMENDATION

That planning permission be approved 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 sale of hot food shall be restricted to snack food only by shallow frying. There shall be no sale of deep fried food.

Reason: In the interests of residential amenity.

Informative:

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

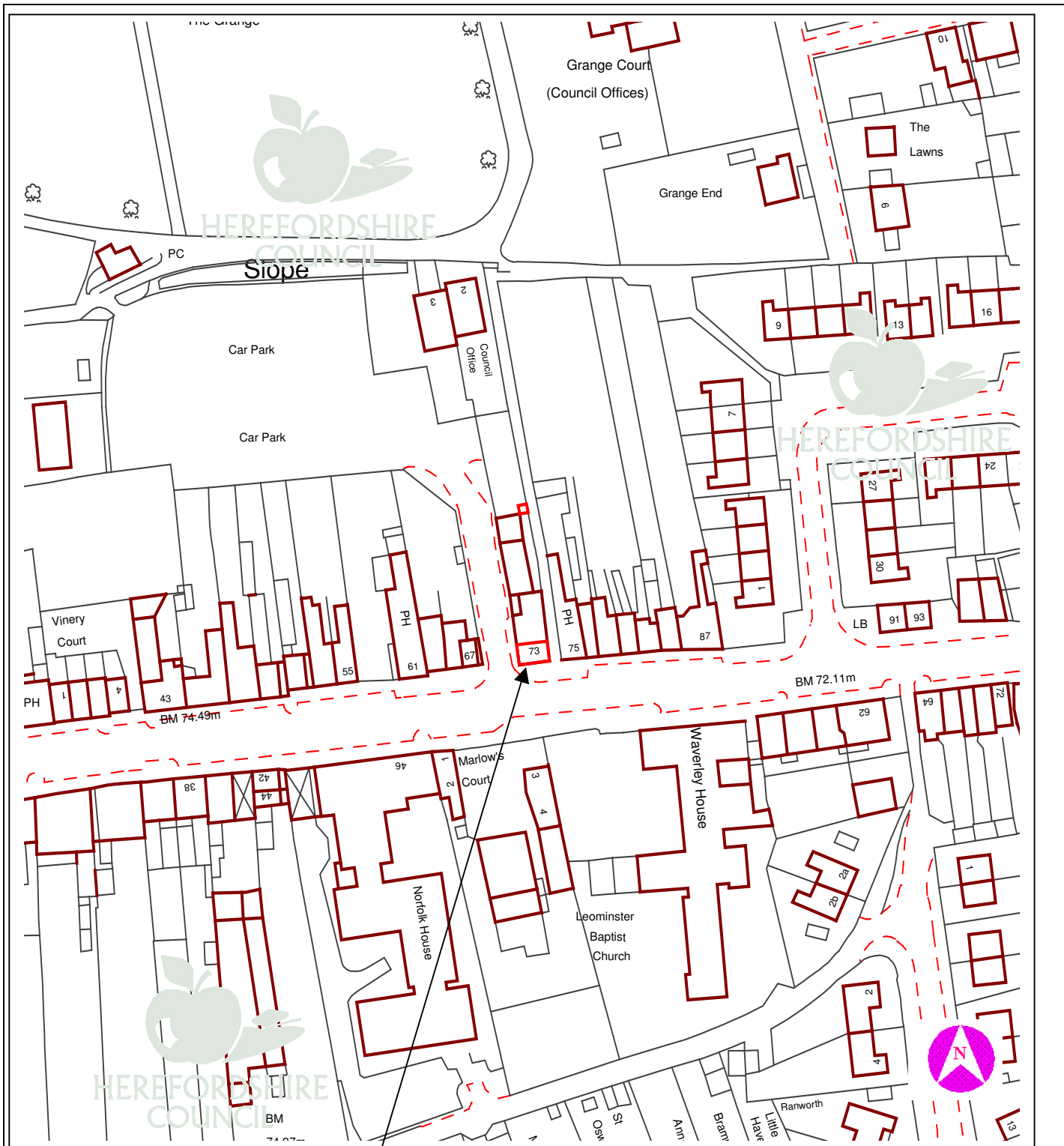
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/0067/F

SCALE : 1 : 1250

SITE ADDRESS : 73 Etnam Street, Leominster, Herefordshire, HR6 8AE

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22 DCNC2006/0079/F - CHANGE OF USE FROM AGRICULTURE TO DOMESTIC GARDEN AT LAXTON BARN, BODENHAM, HEREFORD, HEREFORDSHIRE, HR1 3HS

For: Mr. M. Davies at same address

Date Received:
11th January 2006

Ward: Hampton Court **Grid Ref:**
54447, 50048

Expiry Date:
8th March 2006

Local Member: Councillor K.G. Grumbley

1. Site Description and Proposal

- 1.1 The application site comprises an area of land measuring 0.05 hectares, to the rear of Stonehouse, the applicant's property.
- 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

2.2 Unitary Development Plan

HBA9 – Protection of Open Areas and Green Spaces

3. Planning History

3. None relevant.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Transportation Manager: No objection to the grant of permission.

5. Representations

- 5.1 Bodenham Parish Council cannot support this application for the following reasons:

- The site is outside the Bodenham Settlement boundary. This is something the Parish Council wishes to maintain.
- The proposals are contrary to Policy A53 - Protection from Encroachment into the Countryside.
- The proposals are contrary to Policy A41 - Protection of Agricultural Land.
- It is thought that the proposals may have an adverse effect on the occupants of Stonehouse, the adjacent property.

6. Officers Appraisal

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

- a) Policy and impact upon the surrounding area
- b) Residential Amenity

Policy and impact upon the surrounding area

- 6.1 The application site lies outside, but adjacent to the settlement boundary. The site is a square parcel of land, which measures approximately 20metres by 20metres. The area of land is tended and has the appearance of an informal garden area with a small storage building situated on the eastern boundary of the site.
- 6.2 The land which bounds the application site to the north is currently overgrown garden area with consent for the erection of two detached dwellings. There is presently no fence or hedge separating this section. To the east, the land is bound by a hedge and adjoins land occupied by a detached residential property known as Stonehouse. To the south of the site, there is a gravelled parking area, a timber outbuilding/garage and smaller shed which fall within the residential curtilage of Laxton Barn. Post and rail fencing and double wooden gates separate this land from the application site. The agricultural land to the west is separated from the site by a stock proof fence with a gated opening to the field.
- 6.3 Policy A25 of the Leominster District Local Plan and Policy HBA9 of the UDP both state that proposals that would result in the loss of important open areas or green spaces, which contribute to the character, form and pattern of a settlement, will not be permitted.
- 6.4 It is considered that this proposal would not result in a loss of important open land due to the fact that it is currently fenced off from the agricultural field and appears to already form part of the residential curtilage of the surrounding dwellings to the east of the site. It is not visible from the public highway and does not form an important gap in a built up frontage.
- 6.5 By removing permitted development rights, this area of land would remain open, blending into the adjacent agricultural land. Should permitted development rights be removed, the applicant would be required to apply for planning consent for any form of development on this parcel of land, including the erection of fences. It should be noted that there would be no control over the planting of hedges.

6.6 The proposed change of use would not encroach into the adjacent agricultural land, and the change of use, with associated residential paraphernalia would not represent an intrusive form of development within this area of Bodenham.

Residential Amenity

6.7 The Parish Council expressed concern that the change of use of this land to domestic curtilage could be detrimental to the amenity of the occupiers of Stonehouse, the adjoining property. It is considered that the change of use would not change the way the land is currently used and would therefore not be of further detriment to the residential amenity currently enjoyed by the occupiers of the adjoining property. No objections have been received from residents of surrounding properties.

Conclusion:

6.8 The proposed garden extension covers approximately 0.05 hectares. The land in question relates well to the surrounding residential dwellings and the area is not considered excessive. Currently the land appears to be part of the residential curtilage and it is considered that this is not detrimental to its immediate surroundings. By the inclusion of this land, the settlement boundary would still remain in its present position and by incorporating a condition removing permitted development rights, the land would be protected from development. It is therefore considered that the change of use of this land from agricultural to domestic curtilage should be support. As such approval is recommended subject to the following conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - E16 (Removal of permitted development rights) (delete ‘dormer windows’) (Incl. Part 2)

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

Informative:

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

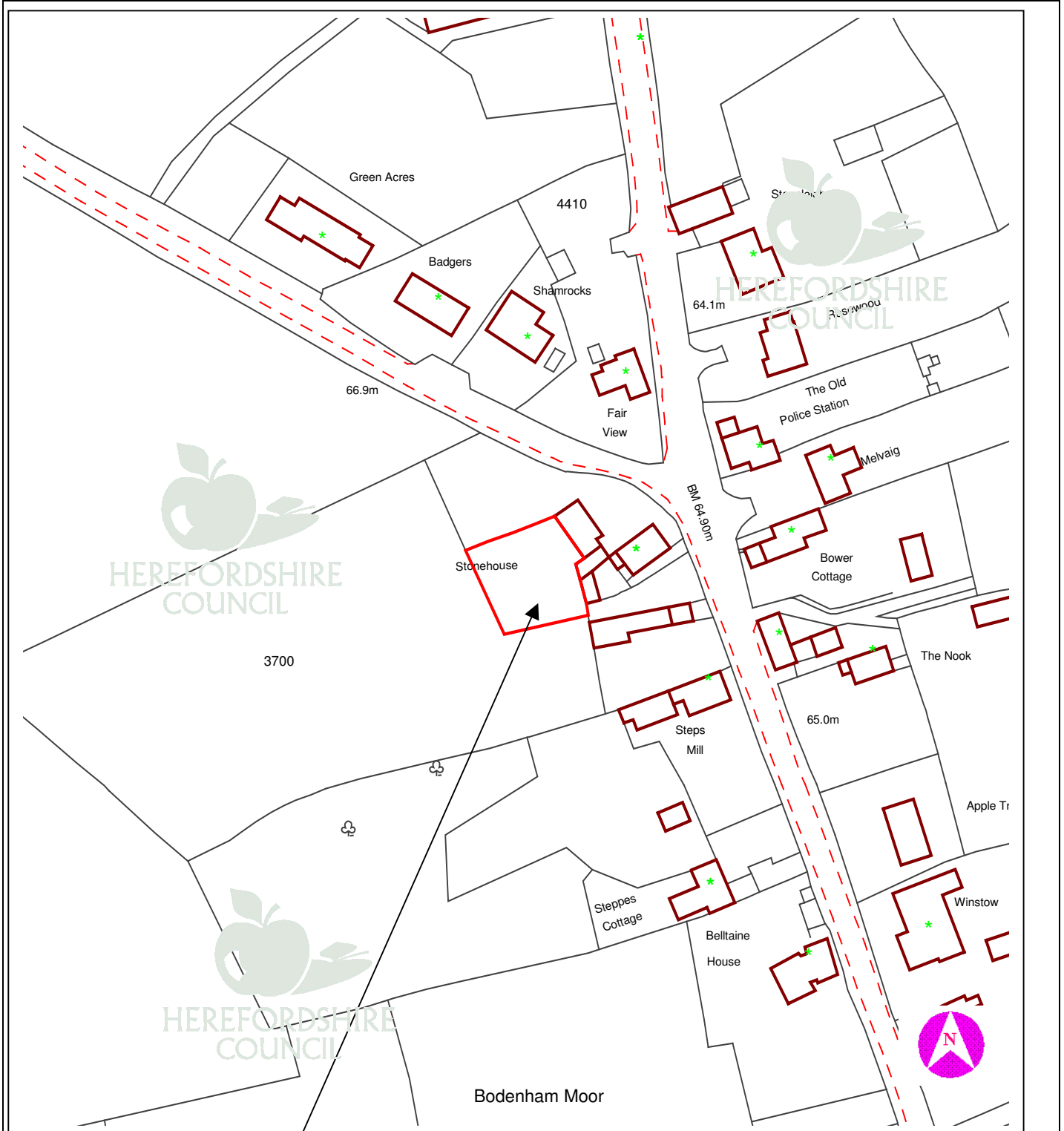
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/0079/F

SCALE : 1 : 1250

SITE ADDRESS : Laxton Barn, -, Bodenham, Hereford, Herefordshire, HR1 3HS

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