

# A G E N D A

## Northern Area Planning Sub- Committee

Date: **Wednesday, 19th April, 2006**

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Time: **2.00 p.m.**

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

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

*For any further information please contact:*

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

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**County of Herefordshire  
District Council**



# AGENDA

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

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

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

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<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. DECLARATIONS OF INTEREST</b>	
To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>3. MINUTES</b>	1 - 18
To approve and sign the Minutes of the meeting held on 22nd March, 2006.	
<b>4. ITEM FOR INFORMATION - APPEALS</b>	19 - 22
To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.	
<b>5. APPLICATIONS RECEIVED</b>	
To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary.	
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<b>6. DCNE2006/0353/F - PROPOSED TWO STOREY REAR EXTENSION AT BEULAH, BELLE ORCHARD, LEDBURY, HEREFORDSHIRE, HR8 1DD</b>	23 - 28
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<b>Ward: Ledbury</b>	

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| 7.  | <p><b>DCNE2006/0532/F - FORMATION OF PROJECTING BAYS IN GARAGE DOOR OPENINGS, PLOT 1&amp;2. ERECTION OF DETACHED DOUBLE GARAGE FOR PLOTS 1 &amp; 2. VARIATION OF CONDITION 7. PP NE2003/3874/F TO ALLOW TWO PARKING SPACES INSTEAD OF 3 AT OAK TREE COTTAGE, WELLINGTON HEATH, LEDBURY, HEREFORDSHIRE, HR8 1NA</b></p> <p><b>For: Miton Limited per Ian Guest &amp; Associates<br/>3 Juniper Way Malvern Wells Worcestershire<br/>WR14 4XG</b></p> <p><b>Ward: Hope End</b></p> | 29 - 34 |
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| <p>11. <b>DCNW2006/0543/F - RETROSPECTIVE APPLICATION FOR A BOUNDARY FENCE AND LOWER GROUND FLOOR STORE &amp; DCNW2006/0546L - RETROSPECTIVE APPLICATION FOR WORKS CARRIED OUT BOTH INTERNALLY AT THE MILL COTTAGE, PAYTOE, LEINTWARDINE, HEREFORDSHIRE, SY7 ONB</b></p> <p><b>For: Mr &amp; Mrs D Parry per McCartneys, 7 Broad Street, Leominster, Herefordshire, HR6 8BT</b></p> <p><b>Ward: Mortimer</b></p> | <p>53 - 58</p> |
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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, 22nd March, 2006 at 2.00 p.m.**

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

**Councillors:** B.F. Ashton, Mrs. L.O. Barnett, W.L.S. Bowen, P.J. Dauncey, J.H.R. Goodwin, P.E. Harling, T.W. Hunt, T.M. James, R.J. Phillips, J. Stone and J.P. Thomas

**In attendance:** Councillors Mrs. J.E. Pemberton

**216. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs. J.P. French, B. Hunt, Brig. P. Jones CBE, D.W. Rule MBE and R.V. Stockton.

**217. DECLARATIONS OF INTEREST**

The following declarations of interests were made:-

Councillor	Item	Interest
J.P. Thomas	Agenda Item 13, Minute 227 DCNW2005/3808/F <b>Porch House, Aymestrey, Leominster, Herefordshire, HR6 9SU</b>	Declared a prejudicial interest and left the meeting for the duration of this item.
R.J. Phillips	Agenda Item 16, Minute 230 DCNW2006/0298/F <b>Maesydari Site, Kington, Herefordshire, HR5 3FA</b>	Declared a prejudicial interest and left the meeting for the duration of this item.

**218. MINUTES**

**RESOLVED:**

**That the Minutes of the meeting held on 22nd February, 2006 be approved as a correct record and signed by the Chairman.**

**219. ITEM FOR INFORMATION - APPEALS**

The Sub-Committee noted the Council's current position in respect of appeals for the northern area.

**220. DCNW2005/3951/F - DOWNWOOD, SHOBDON, LEOMINSTER, HEREFORDSHIRE, HR6 9NH [AGENDA ITEM 6]**

*Retrospective application for 2 no. feed silos.*

In accordance with the criteria for public speaking, Mr. Wells and Mr. Weymouth spoke in objection to the application.

Councillor R.J. Phillips commented that industrial structures could look harsh in the landscape, particularly when set against a soft background, but noted that this specific application was for two feed silos. He noted that any business in a rural area would be subject to environmental controls and that agencies may decide to prosecute if there were any breaches of such controls. He expressed sympathy for the concerns of local residents and noted the difficulties associated with residential and industrial uses being in close proximity. Given the sensitive location of the site, Councillor Phillips proposed an additional condition in respect of landscaping, within the land owned by the applicant, to mitigate the impact on visual amenity.

In response to questions, the Principal Planning Officer confirmed that the existing building had a B2 use category, General Industrial Use, and commented that officers were not aware of any retail use in planning terms. In response to a question about whether further development could be prevented, the Principal Planning Officer advised that any future applications would need to be considered on their own merits at that time.

It was noted that planning permission may not have been required if the development was lower than the height of the existing building.

**RESOLVED:**

**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.**

- 2. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping along the boundary marked in yellow on the approved plan, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers.**

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

- 3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the seasons of 2006/2007, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.**

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

**Informative:**

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

221. DCNW2005/4103/F - FORMER GARAGE PREMISES, LAND ADJACENT TO NO 2 VICTORIA ROAD, KINGTON, HEREFORDSHIRE, HR5 3BX [AGENDA ITEM 7]

*Erection of 11 no. apartments and associated garaging.*

Councillor T.M. James, the Local Ward Member, commented that this was a relatively small corner plot and that the development would appear cramped. He noted that the restricted width of the garages could cause some practical difficulties for users. He also noted the concerns of local residents regarding the density and scale of the proposal and felt unable to support the application and would abstain.

Councillor J.P. Thomas commented that he would prefer not to see such a high concentration of dwellings but noted that other applications had been approved in recent times with even higher densities. In response to a question about the financial contributions, the Development Control Manager explained that, whilst proposal would represent a decrease in traffic movements compared to the previous use of the site, a contribution had been negotiated with the developer in order to mitigate the impact of the additional persons using the transport infrastructure through bus shelter and cycle parking provision.

Some Members expressed concerns about the density of the development and the restricted size of the apartments but noted that the proposal conformed to the relevant local and national policies.

Councillor R.J. Phillips commented that national planning policy guidance was designed around the demands of metropolitan areas and did not always translate well in rural counties, particularly where transport was concerned. He noted the need for realistic supplementary planning guidance to take account of the specific circumstances of rural areas. A number of Members supported this view.

**RESOLVED:**

1. **The Legal Practice Manager be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 as set out in the appendix to the report 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 of Officers be authorised to issue planning permission subject to the following conditions and any other conditions considered 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.
222. DCNW2005/4147/F & DCNW2005/4148/L - YE OLD HOUSE, ORLETON, LUDLOW, HEREFORDSHIRE, SY8 4HN [AGENDA ITEM 8]

*Two storey extension to rear.*

Councillor W.L.S. Bowen, the Local Ward Member, felt it regrettable that a previously negotiated and approved scheme was not considered workable and acknowledged the concerns of local residents. In response to a question, the Principal Planning Officer advised the objection raised by The Society for the Protection of Ancient Buildings regarding '...the intention to cut through a main rail on the gable end of the listed building' was not raised when the previous proposal was considered and was permitted under the approved scheme.

Councillor Bowen commented on the need for the conditions relating to parking and turning to be adhered to in order to prevent obstruction on the road and encroachment onto verges.

**RESOLVED:**

**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.

**Informative:**

- 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.

223. DCNW2006/0071/F - THE VALLETS, RICHARDS CASTLE, LUDLOW, SHROPSHIRE, SY8 4ET [AGENDA ITEM 9]

*New/replacement farm house.*

In accordance with the criteria for public speaking, Mr. Salwey spoke in support of the application.

Councillor Mrs. L.O. Barnett, the Local Ward Member, questioned the use of the term 'relatively grandiose replacement' in the officers' appraisal and sought the views of officers regarding the design. The Principal Planning Officer commented that design was subjective but the size of the proposed dwelling was significantly larger than the building to be replaced. Councillor Mrs. Barnett commented that four double bedrooms was not grandiose for many families, she felt that the design of the building was acceptable even given the prominent position of the site, and noted that the existing building was not listed. Therefore, she proposed that the application be approved subject to a condition to mitigate any ecological impact, particularly in relation to bats.

Councillor W.L.S. Bowen felt that the scale and design was acceptable and that any compromises would have a detrimental impact on the proportions of the building. He felt that it would be an improvement on the existing building and noted that it would not have a direct impact on any nearby dwellings.

Councillor J. Stone noted the comments of the Conservation Manager but felt it significant that no local residents, local parish councils or walkers' groups had submitted objections. He added that residential amenity would not be harmed and concurred with the view that the development would enhance the area.

Councillor B.F. Ashton drew attention to the significant increase in the footprint of the new/replacement dwelling; the comparison of floor area, when measured externally, was 191.78 square metres for the existing farmhouse and 480 square metres for the proposed dwelling. He felt that the policy objections outlined in the refusal reasons for planning application NW2005/3024/F remained and that the design was not sympathetic to the landscape.

Councillor T.W. Hunt expressed his dismay that the policy issues were not being given due consideration.

Councillor Mrs. Barnett noted that Members had the responsibility to represent people within their Wards and that this sometimes meant disagreeing with, or interpreting differently, certain policies and guidelines.

**RESOLVED:**

- That (i) The Northern Area Planning Sub-Committee is minded to approve the application subject to the conditions below (and any further conditions felt to be necessary by the Development Control Manager) provided that the Development Control Manager does not refer the application to the Planning Committee.
1. On receipt of a satisfactory ecological survey including full mitigation measures in relation to bats and nesting birds.
  2. Then Planning Permission be granted subject to conditions seen necessary by officers.
- (ii) If the Development Control Manager does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to approve the application subject to such conditions referred to above.

[Note: Following the vote on this application, the Development Control Manager advised that he would refer the application to the Planning Committee.]

**224. DCNC2006/0360/F - OAK VIEW, RISBURY, LEOMINSTER, HEREFORDSHIRE, HR6 0NQ [AGENDA ITEM 10]**

*Proposed porch and detached double garage.*

Councillor K.G. Grumbley, the Local Ward Member, supported 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 - A06 (Development in accordance with approved plans).

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

**Informatives:**

- 1 - N03 - Adjoining property rights.

- 2 - N14 - Party Wall Act 1996.

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

**225. DCNC2006/0380/F - VILLAGE HALL, WILDEN BANK, ULLINGSWICK, HEREFORDSHIRE, HR1 3JG [AGENDA ITEM 11]**

*Demolition of existing village hall and erection of bungalow.*

In accordance with the criteria for public speaking, Mr. Skidmore spoke in support of the application.

Councillor P.J. Dauncey, a Local Ward Member, commented on the planning history of the site. In particular, he noted that a previous application for a house on this site was refused due to excessive scale but this new application for a bungalow was some two metres lower than the roofline of the previously proposed house. He also noted that the ownership of the land was a civil matter and that issues relating to badgers had been adequately addressed through the provision of an alternative sett. He thanked the officers for their efforts with this application.

In response to a question from Councillor R.J. Phillips, the Development Control Manager explained that reference in the report to 'Brownfield land' would have been better described as 'previously developed land'.

Members felt that the proposal would enhance the area given the poor condition of the existing village hall building.

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

**Reason: In order to prevent overdevelopment of the site.**

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

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

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

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

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

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

- 8 - G18 (Protection of trees).**

**Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.**

- 9 - F18 (Scheme of foul drainage disposal).**

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

provided.

- 10 - H09 (Driveway gradient).

Reason: In the interests of highway safety.

- 11 - H10 (Parking - single house) (2 cars).

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

- 12 - The whole of the splayed entrance shall have a sealed surface and it shall remain unobstructed at all times.

Reason: In the interests of highway safety.

- 13 - The whole of the works relating to means of access, including drainage, shall be completed before the development is brought into use.

Reason: In the interests of highway safety.

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

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

#### Informatives

- 1 - 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 and that any development which physically affects or encroaches onto any adjoining property may well affect these rights. If in doubt the applicants are advised to seek legal advice on the matter prior to undertaking any further work.

- 3 - N14 - Party Wall Act 1996.

- 4 - N11A - Wildlife and Countryside Act 1981 (as amended) – Birds.

- 5 - The applicant's must ensure that they comply with the provisions of The Protection of Badgers Act 1992 with respect to this development.

- 6 - HN01 - Mud on highway.

- 7 - HN05 - Works within the highway.

- 8 - HN10 - No drainage to discharge to highway.

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

226. DCNW2006/0444/F - AYMESTREY HOUSE GARDEN CENTRE, AYMESTREY, LEOMINSTER, HEREFORDSHIRE, HR6 9ST [AGENDA ITEM 12]

*Change of use from garden centre to holiday chalet development. Erection of five*

*holiday chalets.*

The Senior Planning Officer reported the receipt of amended plans showing the inclusion of package treatment works to replace septic tank provision. The Sub-Committee was advised that the drainage works would be moved further into the site and away from the adjacent dwelling and water well. Four additional letters of objection and one letter of support were reported and it was noted that no responses had been received to the amended plans.

In accordance with the criteria for public speaking, Mr. Holland had registered to speak against the application but commented that the revised drainage arrangements had addressed his concerns. Mr. Reed had registered to speak in support of the application but had nothing further to add.

Councillor Mrs. L.O. Barnett, the Local Ward Member, welcomed the amended plans and urged the applicants and their agent to discuss with local residents the genuine concerns that had been raised.

In response to a question, the Senior Planning Officer advised that the comments of the Tourism Development Manager, with regard to oversupply of this type of holiday development, was not a material planning consideration having regard to the relevant Local Plan policies.

Councillor R.J. Phillips noted the concern about the potential for the chalets to be sold off separately and questioned whether any additional conditions were required to ensure that the development remained as holiday accommodation. In response, the Development Control Manager clarified the policy issues and drew attention to condition E31 (Use as holiday accommodation) which would control the use of the development. He noted that similar developments sometimes had a condition imposed which limited occupation to a maximum of ninety days, thereby ensuring that short term letting was maintained. The Sub-Committee discussed this option but it was felt that a condition specifying the length of occupation condition could be too restrictive in this instance.

**RESOLVED:**

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

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

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

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

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

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

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

- 4 - E31 (Use as holiday accommodation).**

**Reason: The local planning authority are not prepared to allow the introduction of a separate unit of residential accommodation, due to the relationship and close proximity of the proposed development to the**

property known as Aymestrey House and the fact that the site is outside of a recognised development boundary in accordance with the Leominster District Local Plan.

- 5 - During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday - Friday 7.00 am - 6.00 pm, Saturday 8.00 am - 1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents.

- 6 - No materials or substances shall be incinerated within the application site during the construction phase.

Reason: To safeguard residential amenity and prevent pollution.

- 7 - All machinery and plant shall be operated and maintained in accordance with BS5228:1997 'noise control of construction and open sites'.

Reason:

- 8 - G01 (Details of boundary treatments).

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

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

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

- 10 - G05 (Implementation of landscaping scheme (general)).

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

- 11 - The existing structures on site to be demolished shall be demolished and removed from site prior to any other development on site.

Reason: In the interest of the amenity of the surrounding area.

- 12 - Notwithstanding the approved plans details will be submitted and approved in writing with regards to the method of foul water disposal and location of the proposed septic tank, which must be located 50 metres from any residential dwelling outside the control of the applicant.

Reason: In the interests of the amenity of surrounding residential dwellings.

**Informative:**

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

227. DCNW2005/3808/F - PORCH HOUSE, AYMESTREY, LEOMINSTER, HEREFORDSHIRE, HR6 9SU [AGENDA ITEM 13]

*New vehicular access with parking and turning area.*

Councillor Mrs. L.O. Barnett, the Local Ward Member, sought clarification as to whether this building now had 'listed' status. The Principal Planning Officer confirmed that this was the case and, in response to another question, clarified the consultation arrangements with English Heritage.

Councillor Mrs. Barnett commented that the local community was concerned about this proposal but noted that officers did not feel that there were material planning grounds that would warrant refusal.

In response to concerns expressed by Councillor W.L.S. Bowen, the Principal Planning Officer advised that the site was not within the Conservation Area and that the Transportation Manager had not raised objections to the proposal. It was noted that the proposal included alterations to the existing stone wall to accommodate access and visibility splay requirements but the recommended conditions would ensure that the wall was retained and rebuilt in a sympathetic manner.

**RESOLVED:**

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

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

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

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

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

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

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

**Informatives:**

- 1 - **HN01 - Mud on highway.**

- 2 - **HN05 - Works within the highway.**

- 3 - **HN10 - No drainage to discharge to highway.**

- 4 - **HN22 - Works adjoining highway.**

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

- 228. DCNW2006/0101/F - WHITTON COTTAGE, WHITTON, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LS [AGENDA ITEM 14]**

*Retrospective application for two storey side extension and proposed two storey extension.*

Councillor Mrs. L.O. Barnett, the Local Ward Member, supported the application.

**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 - 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 - E18 (No new windows in specified elevation – south and west).

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

- 5 - E19 (Obscure glazing to windows).

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

**Informative:**

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

**229. DCNW2006/0224/F - THUNDERBOX COTTAGE, WEST STREET, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE, HR6 9DY [AGENDA ITEM 15]**

*Proposed rear conservatory and new window to stairwell.*

The Principal Planning Officer reported the receipt of amended plans which sought to address concerns regarding the impact on neighbouring dwellings. The immediate neighbours had been notified about the amended plans but no formal response had been received to date. The Principal Planning Officer recommended an additional informative note to draw the applicant's attention to the drains which crossed the site.

Councillor R.J. Phillips, the Local Ward Member, supported 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 - 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 - **BO1 (Samples of external materials).**

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

**Informatives:**

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

2 - **N03 - Adjoining property rights.**

3 - **N14 - Party Wall Act 1996.**

4. **It is drawn to the attention of the applicant that the drains for the neighbouring property run under the application site.**

**230. DCNW2006/0298/F - MAESYDARI SITE, KINGTON, HEREFORDSHIRE, HR5 3FA [AGENDA ITEM 16]**

*Residential development for 54 dwellings, with car parking spaces, new access road, landscaping.*

The Principal Planning Officer noted that a further letter of objection had been circulated to Sub-Committee Members individually.

In accordance with the criteria for public speaking, Mrs. Bradbury spoke on behalf of Kington Town Council, Mr. Lewis had registered to speak against the application but was unable to attend the meeting, and Mr. Smith spoke in support of the application.

Councillor T.M. James, the Local Ward Member, commented that this application was virtually the same as that previously refused (DCNW2005/3082/F), albeit with four less dwellings resulting in a density of 50 dwellings per hectare. He noted that this density was at the top end of that suggested in PPG3 – Housing and that the suitability or otherwise of the particular site was critical issue. He commented that there was ‘universal opposition’ in the local community. It was noted that Kington was a small market town, a low income area, had a high percentage of rentable accommodation and had problems with traffic congestion and lack of public transport infrastructure. He added that the proposed contribution towards education facilities at Kington Primary School would not deal with the problem of capacity on this small site and, given that it already had less than the statutory level of play and recreation space available, there was no room for further expansion. In terms of the proposed contribution of £25,000 towards the public open space, Crooked Well Meadow, Councillor James noted that this would not even be enough to re-route power cables which hindered the further development of that area. He felt that the application was out of all scale with the local community and should be refused in line with the grounds given in the refusal of the previous application.

A number of Members felt that the density model was out of keeping with the character of the historic towns and was unsustainable. Comments were also made about the level of contributions proposed and the need for adequate play space near to the site.

The Development Control Manager responded to the concerns and questions raised by Members. He advised that Policy H15 of the UDP included a guideline density of at least 50 dwellings per hectare for town centre and adjacent sites. He commented that, in terms of density and housing land supply, the planning authority was not

meeting housing needs; it was noted that the alternative was build on Greenfield sites which could be even more challenging. Given these policy considerations, he felt that refusal on the grounds of density could be difficult to defend. He acknowledged Members' comments about contributions to educational facilities but emphasised that the level and type of contributions proposed had been guided by the advice of Children's Services. On the issue of play space, he noted that the Parks and Countryside department was working with the playground committee to identify funding in order to realise the development of the public open space for the benefit of the whole community. On highway safety, he advised that the production of the Traffic Assessment meant that this element could also be difficult to defend. Regarding the character of the area, he advised that the general design approach, whilst it could be improved, was not considered inappropriate for this location. He also emphasised the difficulty in meeting affordable housing demand in the County.

Councillor Mrs. L.O. Barnett noted the difficulties of providing adequate housing but felt that this should not excuse poor development. She felt that this proposal would lead to overcrowding which would be out of character with the area.

Councillor K.G. Grumbley noted the direction of transportation policy towards modal shift but questioned whether this could be achieved in this area. He felt that the road infrastructure was not adequate for the level of development being proposed.

In response to a question from Councillor W.L.S. Bowen, the Development Control Manager advised that the potential for introducing energy saving measures into the scheme had been explored but it was difficult to deliver on tight margins. He added that it would be difficult to insist on such initiatives unless they were included in Building Regulations.

Councillor James commented that Kington had a similar population level to Colwall and it was unlikely that a development of this density would be promoted there. He also commented on the specific highway problems in the town.

**RESOLVED:**

**That (i) The Northern Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Development Control Manager) provided that the Development Control Manager does not refer the application to the Planning Committee.**

- 1. The density of the proposed development is considered to represent an overdevelopment of the site that would be out of character with the general density of the surrounding area. As such the proposal conflicts with policies A1, A23 and A24 of the Leominster District Local Plan and Policy H13 of the Herefordshire Unitary Plan (deposit draft).**
- 2. The proposed development, by virtue of the density of development would put unnecessary strain on the existing highway network to the detriment of highway safety for highway users and pedestrians in conflict with Policy A70 of the Leominster District Local Plan.**
- 3. The proposed development does not include public open space to the standard required by Policy H19 of the Unitary**

**Development Plan (Revised deposit Draft) and Policies A64 and A65 of the Leominster District Local Plan. The proposed off site provision is not considered satisfactory to meet this need.**

- (ii) If the Development Control Manager 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 refer the application to the Planning Committee.]

The meeting ended at 3.57 p.m.

**CHAIRMAN**



<b>4 ITEM FOR INFORMATION - APPEALS</b>
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**APPEALS RECEIVED****Application No. DCNW2005/3607/F**

- The appeal was received on 20th March 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 J Thorpe
- The site is located at Land at Chapel House, Orleton, Nr. Ludlow, Shropshire
- The development proposed is Erection of a two storey house.
- The appeal is to be heard by Written Representations

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

**Application No. DCNC2005/2349/F**

- The appeal was received on 14th March 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 Westbury Homes (Holdings)
- The site is located at Land at St.Botolphs Green, Southern Avenue, Leominster, Herefordshire
- The development proposed is Residential development of 44 dwellings including affordable housing.
- The appeal is to be heard by Inquiry alongside appeal DCNC2004/2651/F

**Case Officer: Andrew Banks on 01432 383085**

**APPEALS DETERMINED****Application No. DCNC2005/3089/F**

- The appeal was received on 20th December 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 C Jennings
- The site is located at 5 Old Road, Bromyard, Herefordshire, HR7 4BQ
- The application, dated 19<sup>th</sup> September 2005, was refused on 15<sup>th</sup> November 2005
- The development proposed was Two storey extension to create 2 x one bedroom flats.
- The main issue is the effect of the development on the safety and free-flow of traffic on the highway.

**Decision:** The appeal was DISMISSED on 23<sup>rd</sup> March 2006

**Case Officer: Nigel Banning on 01432 383093**

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

**Application No. DCNC2005/1870/F**

- The appeal was received on 20th December 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 C Jennings
- The site is located at 5 Old Road, Bromyard, Herefordshire, HR7 4BQ
- The application, dated 3<sup>rd</sup> June 2005, was refused on 10<sup>th</sup> August 2005
- The development proposed was Two storey extension to create 2 x one bedroom flats.
- The main issue is the effect of the development on the safety and free-flow of traffic on the highway.

**Decision:** The appeal was DISMISSED on 23<sup>rd</sup> March 2006

**Case Officer: Nigel Banning on 01432 383093**

**Application No. DCNC2004/3258/O**

- The appeal was received on 25th January 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 D Johns
- The site is located at Land adjoining Woodbine Cottage and Holme Oaks, Ocle Pychard, Herefordshire
- The application, dated 27<sup>TH</sup> September 2004, was refused on 10<sup>th</sup> November 2004
- The development proposed was Site for single dwelling and garage.
- The main issue is the effect of the proposal on the character and appearance of the surrounding rural area.

**Decision:** The appeal was DISMISSED on 6<sup>TH</sup> March 2006

**Case Officer: Duncan Thomas 01432 261974**

**Application No. DCNE2005/0926/F**

- The appeal was received on 25th November 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 R Harper Estate
- The site is located at Home End/Secret Garden, Fox Lane, Ledbury, Herefordshire
- The application, dated 18<sup>th</sup> March 2005, was refused on 13<sup>th</sup> July 2005
- The development proposed was Removal of old glass house and construction of 5 dwellings as car free scheme
- The main issues are firstly, whether the car free aspect of the appeal can be enforced and if not, whether the resultant circumstances could lead to parking or access difficulties harmful to residential amenity or public safety. Secondly, the effect of the proposed development on the surrounding area, having regard to the location of the site within the Ledbury Conservation Area and close to buildings listed as being of architectural or historic importance. Thirdly, whether demolition of the glasshouse would be justified in

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

circumstances in which there was no permitted alternative use for or development on the site.

**Decision:** The appeal was DISMISSED on 14<sup>th</sup> March 2006

**Case Officer: Ed Thomas on 01432 261795**

**Application No. DCNE2005/1020/C**

- The appeal was received on 25th November 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 R Harper
- The site is located at Homend/Secret Garden, Fox Lane, Ledbury, Herefordshire
- The application, dated 30<sup>th</sup> March 2005, was refused on 13<sup>th</sup> July 2005
- The development proposed was Removal of old glass house
- The main issues are firstly, whether the car free aspect of the appeal can be enforced and if not, whether the resultant circumstances could lead to parking or access difficulties harmful to residential amenity or public safety. Secondly, the effect of the proposed development on the surrounding area, having regard to the location of the site within the Ledbury Conservation Area and close to buildings listed as being of architectural or historic importance. Thirdly, whether demolition of the glasshouse would be justified in circumstances in which there was no permitted alternative use for or development on the site.

**Decision:** The appeal was DISMISSED on 14<sup>th</sup> March 2006

**Case Officer: Ed Thomas on 01432 261795**

**Application No. DCNC2004/3143/F**

- The appeal was received on 6th January 2005
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mrs M Tyers
- The site is located at The Riddle, Eyton, Leominster, Herefordshire, HR6 0BZ
- The application, dated 20<sup>th</sup> July 2004, was refused on 22<sup>nd</sup> November 2004
- The development proposed was Removal of condition 2 of planning permission 85/61 (occupancy condition)
- The main issue is whether the occupancy condition is necessary and reasonable having regard to the general presumption against residential development in the open countryside.

**Decision:** The appeal was UPHELD on 14<sup>th</sup> March 2006. An application for costs was DISMISSED.

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

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

- The appeal was received on 8th December 2005

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

- 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 G H Jones Esq
- The site is located at Part OS 8709, Leysters, Nr Leominster, Herefordshire
- The application, dated 17<sup>th</sup> June 2005, was refused on 29<sup>th</sup> September 2005
- The development proposed was Site for the erection of a dwelling and agricultural building for racehorse training
- The main issues are firstly whether the proposed house and associated business activity would accord with the rural settlement policies of the development plan, and secondly, the effect of the development on the character and appearance of the surrounding area.

**Decision:** The appeal was DISMISSED on 20<sup>th</sup> March 2006

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

**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 main issue is Whether the continued use of the building for re-painting of commercial vehicles was acceptable having regard to the proximity of neighbouring residential properties.

**Decision:** The appeal was WITHDRAWN on 21<sup>st</sup> March 2006

**Case Officer: Ed Thomas on 01432 261795**

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



**6 DCNE2006/0353/F - PROPOSED TWO STOREY REAR EXTENSION AT BEULAH, BELLE ORCHARD, LEDBURY, HEREFORDSHIRE, HR8 1DD**

**For: Mr & Mrs Fisher per Josh Thomas Spatial Design  
Sunnyside Wayend Street Nr. Ledbury Herefordshire  
HR8 1EW**

**Date Received:**  
6th February 2006

**Ward: Ledbury**

**Grid Ref:**  
70912, 38053

**Expiry Date:**  
3rd April 2006

Local Member: Councillors D Rule MBE, P Harling and B Ashton

**1. Site Description and Proposal**

- 1.1 The application seeks permission for the erection of a two-storey rear extension at Beulah, Belle Orchard, Ledbury. Beulah is a detached dwelling located to the northern edge of the road in a predominantly residential area, characterised by two-storey semi-detached development set a uniform distance back from the edge of the carriageway.
- 1.2 The proposed extension would abut an existing 2-storey flat roof addition at the rear and effectively "square-off" the dwelling. A traditional gable is proposed, which would run at right angles to the original and face directly down the lengthy rear garden. The ground floor would project beyond the first floor, with the resultant mono-pitch roof dressed in lead. The ground floor would project 6.1m from the rear of the original, with the first floor projecting 4.15m. The resultant accommodation would be a family room and WC at ground floor with an en-suite master bedroom at first floor.
- 1.3 Materials proposed are rendered block work walls under a plain tile roof.
- 1.4 Amended plans demonstrate revisions to the fenestration, annotated to show that the windows facing the neighbour to the west would be obscure glazed. Windows in the north facing elevation are limited to a single 900mm x 900mm window at first floor (serving the bedroom) and patio doors at ground floor.

**2. Policies**

**2.1 Malvern Hills District Local Plan**

Housing Policy 16 – Extensions  
Transport Policy 8 – Car parking and servicing requirements

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

H18 – Alterations and extensions  
DR1 - Design

### 3. Planning History

DCNE2003/3312/F - Erection of porch and replacement of existing garage with new.  
Approved 23/12/2003

### 4. Consultation Summary

#### Statutory Consultations

4.1 None required

#### Internal Council Advice

4.2 The Traffic Manager has no objection

### 5. Representations

5.1 Ledbury Town Council: Object on basis that the proposed extension "would not be in keeping with the original building. There would be an unacceptable loss of light, privacy and amenity to the neighbouring property and as such would be contrary to Housing Policy 18 (2 + 3) of the UDP and Housing Policy 16 of the MHDLP."

5.2 Letters of objection have been received from Mr & Mrs Farley, Lynwood Manor House (neighbouring dwelling to the west), Mr & Mrs Farley, 2 Mulberry Cottage, Orchard Lane and Mr & Mrs Ruscoe of Mulberry Cottage, Orchard Lane. (Mulberry Cottage is 50m to the north of the application site).

The contents can be summarised as follows:

- A modern extension would not be in keeping with an older style house;
- Objection to the choice of materials;
- The neighbour at Lynwood Manor objects on the basis of a loss of privacy arising from the new first floor window in the extension.

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

### 6. Officers Appraisal

6.1 The application falls to be considered against Housing Policy 16 of the adopted Malvern Hills District Local Plan. The key issues in the determination of this application are as follows:

1. Whether the extension allows the original building to remain the dominant feature architecturally;
2. Issues of design, including size, siting and external materials, which should compliment the character and appearance of the original and its surroundings;
3. The provision of adequate parking and amenity space; and
4. The impact upon the residential amenity to nearby properties.

- 6.2 The principal elevation faces onto Belle Orchard and this will remain unaltered by the proposal. The extension is to the rear and it is noted that a number of dwellings in the immediate vicinity have received substantial rear additions. The extension would add in the region of 48 square metres over two floors, which does not appear large by comparison with other extensions in the area. I consider that the first criterion of Local Plan policy Housing 16 is met.
- 6.3 The second criterion relates to the architectural detail of the proposal, including consideration of the materials proposed. The objectors have voiced concern at the proposed use of rendered block work, although it is noted that this has been used to the rear of the adjoining dwelling to the east. The use of rendered blocks in conjunction with brickwork is not uncommon and will normally result in a satisfactory form of development. In some instances a reasoned argument can be put forward from the use of render, where long unbroken sequences of brickwork can appear overbearing. In this instance the use of render will allow the original brick built cottage to remain readily identifiable as such.
- 6.4 Your officer expressed concern at the original choice of window, which was not typical of a dwelling of this period. Amended plans demonstrate more traditional 'cottage' style windows, which are considered to improve the external appearance of the extension. The overall construction is not considered to be overtly 'modern' as is suggested by the objectors. Rather a traditional gable is proposed with rendered block work and 'traditional' windows.
- 6.4 The rear garden is large and would allow for a provision of amenity space in excess of what could be considered reasonable for a property of this size. The Traffic Manager has no objection to the development and it is noted that two tandem spaces are available within the curtilage of the property, alongside on street parking if necessary.
- 6.6 The final policy criterion is concerned with the protection of amenity to neighbouring properties. In this respect concern has been expressed by the neighbour to the west 'Lynwood Manor House' at the first floor window in the north-facing elevation. The immediate neighbour accepts that the use of frosted glass to the windows in the flank elevation is "a better option" and this can be governed by condition. With reference to the first floor window it is considered appropriate to examine the existing arrangement. At present there is a large sash window and another smaller window in the west facing elevation of the existing flat roof extension. These look straight at the east facing elevation of Lynwood Manor. Likewise, a large casement window in the east facing elevation of Lynwood allows direct inter-looking at a distance of approximately 11 metres. The proposed first floor window is 900mm x 900mm and faces directly down the garden rather than westwards towards the neighbour. It is argued therefore that privacy is improved and the propensity for overlooking reduced.
- 6.7 The application demonstrates that the first floor extension would not breach the 45-degree "rule of thumb" and as such loss of light does not constitute an issue. Moreover, Lynwood Manor House is located to the west of the application site and sunlight would not be obstructed by an extension to the rear of Beulah to the east.
- 6.8 In conclusion the application demonstrates compliance with the criterion set down in Housing Policy 16 and notwithstanding the documented objection the application is 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 - 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 - E19 (Obscure glazing to windows )**

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

- 5 - 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**

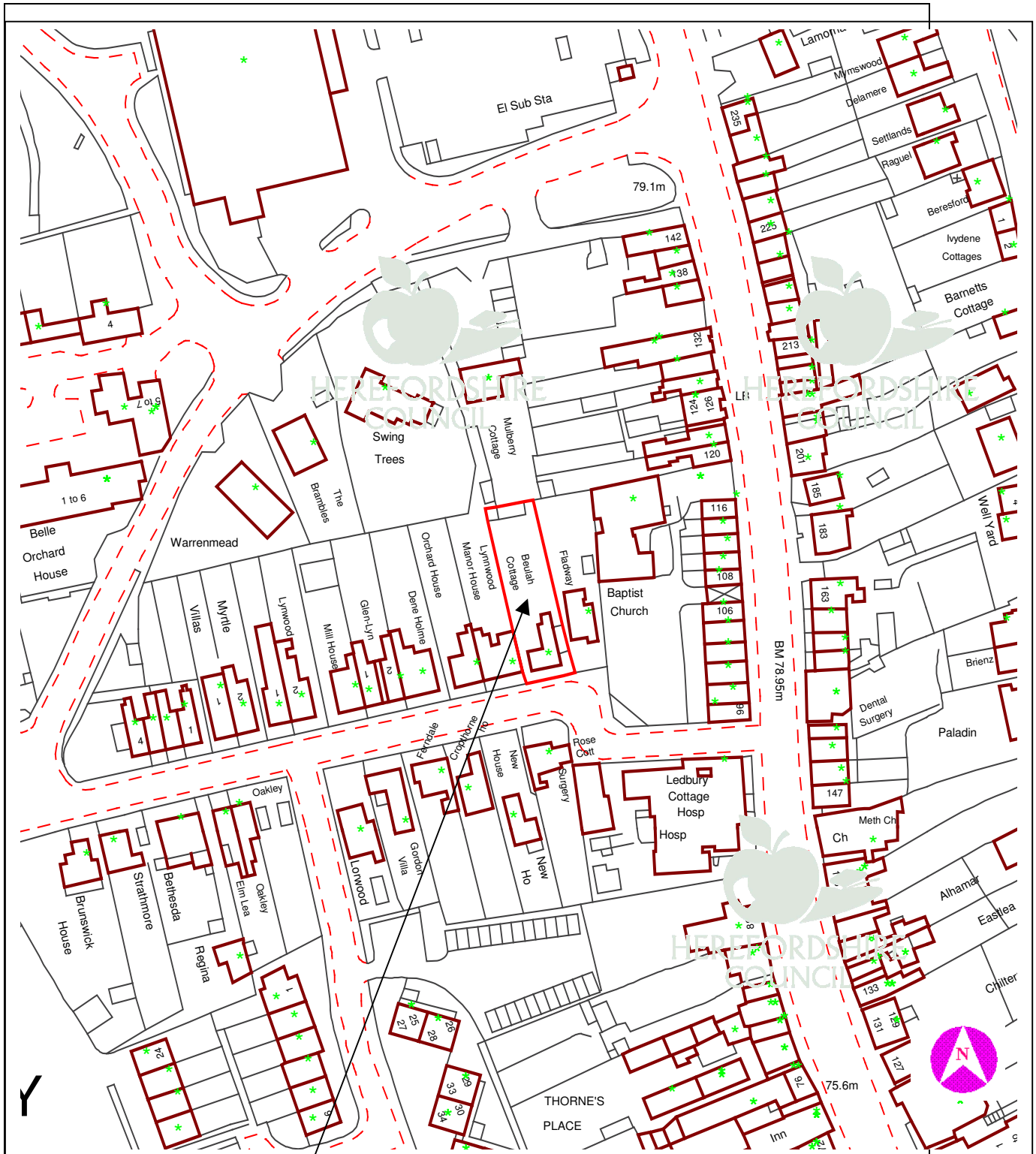
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNE2006/0353/F

**SCALE:** 1 : 1250

**SITE ADDRESS:** Beulah, Belle Orchard, Ledbury, Herefordshire, HR8 1DD

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Further information on the subject of this report is available from Mr E Thomas on 01432 261795



**7 DCNE2006/0532/F - FORMATION OF PROJECTING BAYS IN GARAGE DOOR OPENINGS, PLOT 1&2. ERECTION OF DETACHED DOUBLE GARAGE FOR PLOTS 1 & 2. VARIATION OF CONDITION 7. PP NE2003/3874/F TO ALLOW TWO PARKING SPACES INSTEAD OF 3 AT OAK TREE COTTAGE, WELLINGTON HEATH, LEDBURY, HEREFORDSHIRE, HR8 1NA**

**For: Miton Limited per Ian Guest & Associates  
3 Juniper Way Malvern Wells Worcestershire  
WR14 4XG**

**Date Received:**  
22nd February 2006

**Ward: Hope End**

**Grid Ref:**  
71313, 40718

**Expiry Date:**  
19th April 2006

Local Member: Councillors R Stockton and R Mills

## **Introduction**

Members may recall this site from earlier applications, the most recent of which (NE03/3874/F) gave approval for the demolition of the existing dwelling and erection of 3 new dwellings at Oak Tree Cottage, Wellington Heath.

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

- 1.1 The application site is a triangular shaped piece of land at the northern end of Wellington Heath, situated within the settlement boundary as identified in the Malvern Hills District Local Plan. The site is 0.2 hectares in extent and is bounded to the west by the C1157 and to the south by the unclassified 66402 road. The roadside boundaries consist of native hedge and within the site are a number of other trees, mainly fruit trees but also a Yew Tree adjacent to the existing property lying on the western boundary of the site. The site slopes markedly from the boundary with the C class road to the boundary of the unclassified road. The site lies within the Area of Outstanding Natural Beauty and Area of Great Landscape Value.
- 1.2 This application follows the grant of full planning permission for three dwellings in June 2004 and the works are now nearing completion. It has become apparent that due to the severe gradient of the driveway, use of the integral garages to plots 1 & 2 is not possible. This application thus seeks permission for the erection of a detached double garage at a point toward the southeast corner of the site in lieu of the two integral spaces that cannot be used. As a consequence the application also seeks permission for the relaxation of condition 7 of the existing approval, which stated that each property should have provision for 3 parking spaces within its curtilage.

- 1.3 The double garage would be 6 metres square with fully hipped roof. The overall height would be 3.6m. The building would not fall within the canopy spread of the tree subject to the Tree Preservation Order. The existing ground levels fall away towards the unclassified road and it is necessary to build up ground levels by 1 metre under the eastern portion of the building.
- 1.4 Materials proposed are facing bricks to match the houses, under a natural slate roof.

## 2. Policies

### Malvern Hills District Local Plan

Housing Policy 3 – Settlement Boundary  
Housing Policy 17 – Residential Standards  
Transport Policy 8 – Car Parking and Servicing Requirements  
Landscape Policy 2 – Areas of Outstanding Natural Beauty  
Landscape Policy 3 – Development in Areas of Great Landscape Value

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

Policy H6 – Housing in Small Settlements  
Policy LA1 – Areas of Outstanding Natural Beauty  
Policy LA3 – Setting of Settlements  
Policy LA5 – Protection of Trees, Woodlands and Hedgerows

### Other Guidance

Planning Policy Guidance Note 3 – Housing  
Planning Policy Guidance Note 7 – The Countryside, Environmental Quality and Economic and Social Development

## 3. Planning History

NE03/3874/F – Full Planning Permission for three dwellings granted at the Northern Area Planning Sub-Committee on 16<sup>th</sup> June 2004

NE02/3033/O – Outline Planning Permission for three dwellings granted 18<sup>th</sup> December 2002 (including demolition of existing cottage).

NE2000/3385/O – Demolition of existing dwelling and site for erection of two new dwellings and ancillary garages. Outline Permission granted 13<sup>th</sup> March 2001.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 None required

### Internal Council Advice

- 4.2 Traffic Manager – No objection



4.3 Head of Conservation (Trees and Landscapes) – No objection

## 5. Representations

5.1 Wellington Heath Parish Council: Conversion of the integral garages to additional habitable accommodation may cause additional strain on the already congested parking arrangements. The Parish Council would strongly object to any proposal likely to encourage or require the use of The Common for the parking of vehicles, particularly at this hazardous junction.

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

Mr F. A. & Mrs S. C. Eacock, 6 The Swallow, Wellington Heath  
Mr D. J. & Mrs C. Evans, The View, Ochre Hill, Wellington Heath  
Mr & Mrs A. J. Jones Rhea Hill, Rhea Lane, Ledbury

These letters raise the following issues:

- The houses as built are uncharacteristic of the village and spoil the outlook for residents opposite. To construct a garage would compound this;
- The applicants should either underpin the integral garages or otherwise build up the ground;
- The Common is already a busy road and the junction is hazardous. Overspill parking from the development will make the situation worse.

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. Officer's Appraisal

6.1 The main issues in the consideration of this application are:

- The impact of the proposed development upon the use of the adjoining highway;
- An assessment of parking provision;
- The impact of the development upon the character and appearance of this part of the
- Malvern Hills Area of Outstanding Natural Beauty.

6.2 The Traffic Manager records no objection to the proposal. The application seeks the variation of Condition 7 of the original permission to reduce the level of curtilage parking required, but even at this reduced level the relevant policy criterion is met. Currently adopted parking standards (Transport Policy 8 of the Local Plan) require two parking spaces within the curtilage of 3-bedroom dwellings. This is achievable to plot 3, which is unaffected by the application, and with the inclusion of the double garage, is also achieved at plots 1 & 2.

6.3 Owing to the difficulties presented by the severe driveway gradient, it is extremely unlikely that the existing integral garages to plots 1 & 2 could be utilised as such, even

if reserved for such purpose. The Parish Council have expressed concern that the application results in the conversion to habitable accommodation of the integral garages, which would increase the pressure to park on the adjacent highway. It is noted, however, that there is no condition preventing the conversion of the integral garages once the dwellings are occupied.

- 6.4 As noted at paragraph 1.3 the development necessitates the building up of ground levels to provide a flat approach to the proposed garage. As such, there is a reasoned argument that curtilage parking will in fact be improved by the development, which will increase the available area of flat land available for parking on site.
- 6.5 The concern at parking on the adjoining highway is noted, although if the application demonstrates that the required level of curtilage parking is provided then policing of the highway is not the preserve of the local planning authority.
- 6.6 The garage building is located on land significantly lower than the dwellings themselves and would be seen against the backdrop of plot 1. Given the scale, character and appearance of the dwellings it is not considered that the construction of a comparatively small ancillary building creates an undue adverse impact upon the area. The officer also considers that the formation of projecting bays in place of the integral garage improves the external appearance of the two dwellings in question.
- 6.7 The application is recommended for approval.

**RECOMMENDATION**

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

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

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

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

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

**Informative:**

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

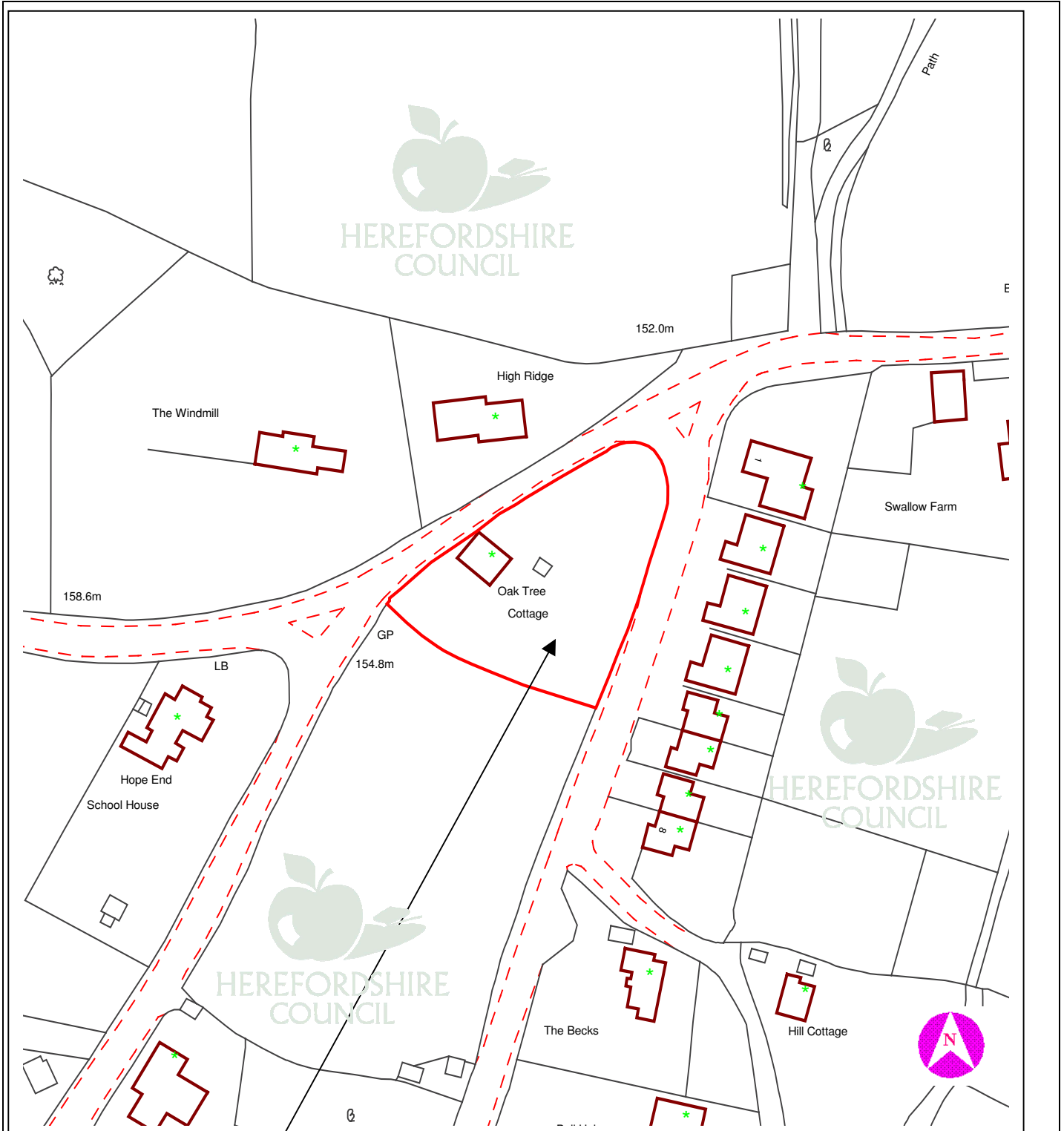
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNE2006/0532/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Oak Tree Cottage, -, Wellington Heath, Ledbury, Herefordshire, HR8 1NA

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**8 DCNC2006/0612/F - NEW POLICE STATION BUILDING WITH CUSTODIAL SUITE, ASSOCIATED PARKING AND LANDSCAPING WORKS AT PLOT 13, LEOMINSTER ENTERPRISE PARK, LEOMINSTER, HEREFORDSHIRE**

**For: West Mercia Constabulary per Buttress Fuller  
Alsop Williams 31-33 Princess Street Manchester  
M2 4BF**

**Date Received:  
1st March 2006**

**Ward: Leominster South**

**Grid Ref:  
50216, 57824**

**Expiry Date:  
26th April 2006**

Local Member: Councillors R Burke and J P Thomas

**1. Site Description and Proposal**

- 1.1 The site area is 0.8 hectares of allocated employment land on the Leominster Enterprise Park. The site is also adjacent to safeguarded employment land where industrial units are located to the south of Leominster town.
- 1.2 The proposal is to build a new police station with associated custodial suite. The site will also accommodate a helicopter pad along with 80 proposed parking spaces and landscaping. Office space is proposed on the first floor along with canteen facilities. A helipad is also proposed.

**2. Policies**

2.1 Leominster District Local Plan

- A1 – Managing the District's Assets and Resources
- A2 – Settlement Hierarchy
- A24 – Scale and Character of Development
- A27 – Maintaining the Supply of Employment Land on Industrial Estates
- A70 – Accommodating Traffic from Development
- L4 – Extension to Leominster Industrial Estate

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- DR1 – Design
- DR2 – Land use and activity
- DR3 – Movement
- DR4 – Environment
- DR7 – Flood Risk
- E3 – Other employment land allocations
- E5 – Safeguarding employment land and buildings
- E7 – Other employment proposals within Hereford and the market towns
- E8 – Design standards for employment sites
- CF4 – Renewable energy

2.3 The following Central Government advice is also relevant to the application:

- PPS 1 – Delivering Sustainable Development
- PPG 4 – Industrial and Commercial Development and Small Firms
- PPS 6 – Planning for Town Centres

### 3. Planning History

NC03/2330/F - B1 office development with ancillary workshop use - Approved 20/10/03

NC99/2883/O - Change of use to industrial use of land, construction of an access road and ancillary works - Approved 23/12/03

### 4. Consultation Summary

#### Statutory Consultations

4.1 None required

#### Internal Council Advice

4.2 Transportation Manager - No objection subject to condition

4.3 Minerals and Waste Officer - No objection

4.4 Forward Planning Manager - Since the proposal is for a sui generis use on an area of land allocated in the adopted local plan and Revised UDP (UDP Policy E3) for B1 B2 or B8 uses only, then it is contrary to that plan and the principle of development on the site is not established. The land the site is proposed on is the main industrial and commercial land for the north of Herefordshire. This application is in conflict with what the site was originally planned for in terms of employment use and if this application is granted permission then a precedent has been set for other organisations to follow. It has been taken into account that the Station needs to be accommodated within the settlement boundary and this edge of centre site can be considered if there are sufficient transport links.

### 5. Representations

5.1 Leominster Town Council - Recommends approval

5.2 River Lugg Internal Drainage Board - On the basis that the balancing pond has been designed to accommodate flows from this and other sites and the rates of discharge into the open watercourse have previously been agreed and consented to by the River Lugg Internal Drainage Board, there are no other comments to be made.

### 6. Officers Appraisal

6.1 The application raises the following issues:

1. Whether the proposal represents a departure from policy
2. Whether it is sustainable
3. Design issues

### Policy Issues

- 6.2 Leominster Enterprise Park is listed as an employment land allocation for part B uses under Policy E3 of the Unitary Development Plan. Policy E5 mentions the prevention of employment land loss to non-employment uses. The proposal does not fall within this category but is sui generis as the proposed police station is not a commercial use as required by these policies. Therefore the proposal does not entirely fit within the spirit of the policy.
- 6.3 However, PPS6 makes specific reference to developments by public bodies. It suggests that sequential tests should be used to identify the most appropriate sites for developments that would usually be expected to occupy town centre locations, and it can be argued that a police station falls within this scope. Out of town locations are the last to be considered when it can be demonstrated that no alternative exists within either a town centre or edge of centre location. In light of the scale of the facility to be provided, which includes a landing area for a helicopter, it is clear to your officers that there are no sites of sufficient size within either of the first two locations and this view is endorsed by the Urban Capacity Study carried out in May 2004. Therefore it is concluded that a sequential test would not offer any feasible alternative and the applicant's agent has not been requested to complete one.
- 6.4 In light of the fact that there is no alternative within closer proximity to the town centre it is considered that there is sufficient justification to set aside the policies seeking to protect allocated employment land. The provision of a new police station is an exceptional circumstance where no specific allocation has been made under either adopted or emerging policy and any such application is likely to come into conflict with policy in some respect.

### Sustainability

- 6.5 The design statement submitted as part of the application highlights the good transport links of the site and states that this will facilitate quick vehicular responses to incidents. In terms of its location as far as sustainability is concerned a balance needs to be struck between the advantages this provides against the slightly remote siting outside of the town centre. The design statement also highlights an intention to retain a presence within Leominster town centre, although a location is yet to be agreed. This will allow continued accessibility to members of the public and will achieve sustainability objectives.
- 6.6 More generally, the project must be commended for its proposed use of sustainable technology and renewable energy methods such as the use of ground source heat pumps, photovoltaic panels and rainwater harvesting for re-use, and meets the criteria set out in Policy CF4 of the Unitary Development Plan.

### Design

- 6.7 The architectural response to the requirements of the client has been to propose a contemporary structure with a dominant three-storey element with a monopitch roof with two single storey wings projecting in parallel to the west. The whole of the development, including parking areas and the helicopter landing pad, is situated within a comprehensively landscaped setting.

6.8 The design is well considered and will provide a high standard on the Enterprise Park that others can be encouraged to follow. The proposal accords with the criteria of policy E.8 of the Unitary Development Plan and is acceptable in this respect.

**Conclusion**

6.9 Whilst the proposal does not accord with policies requiring that the site is protected for employment generating uses described by Part B of the Use Classes Order, it is considered that the fact that no specific allocation is made for a police station, the fact that it is sustainable in terms of transport links and the high quality of design are all material planning considerations that justify those policies being set aside. It is therefore concluded that the proposal is acceptable and it is accordingly recommended for approval.

**RECOMMENDATION**

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

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

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

**2 - A09 (Amended plans )**

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

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

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

**4 - 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 - H30 (Travel plans )**

**Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives.**

**Informatives:**

**1 - HN25 - Travel plans**

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



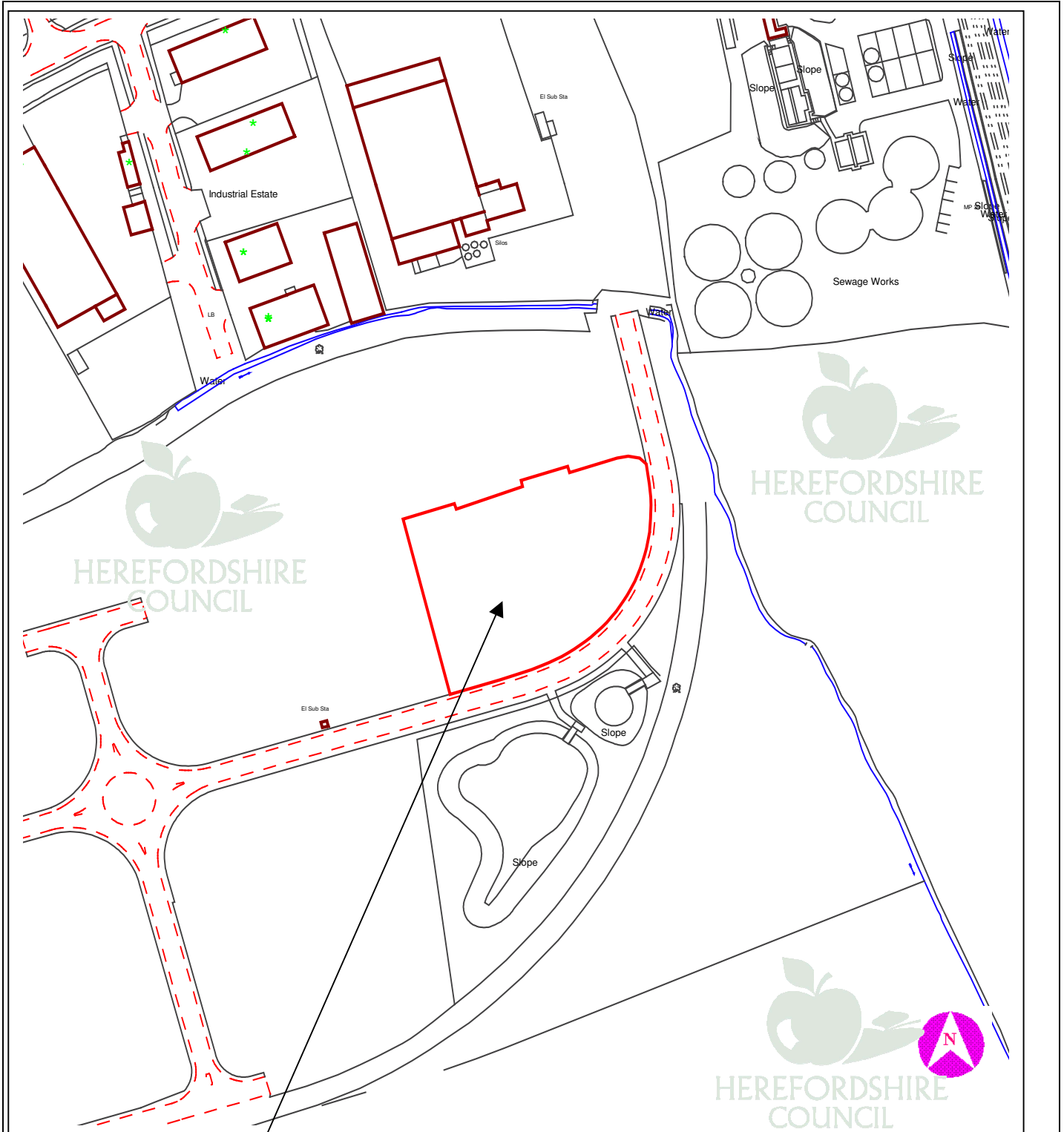
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**Background Papers**

Internal departmental consultation replies



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**APPLICATION NO:** DCNC2006/0612/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** Plot 13, Leominster Enterprise Park, Leominster, Herefordshire

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**9A DCNC2006/0634/A - PROPOSED 3 FASCIA AND 2 PROJECTING SIGNS AT 1-3, SOUTH STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8JA**

**9B DCNC2006/0633/L – AS ABOVE**

**For: T M Retail per Kirsop & Company 11 Sandridge Park Porters Wood St Albans Herts AL3 6PH**

**Date Received:**

**1st March 2006**

**Expiry Date:**

**26th April 2006**

**Ward: Leominster South**

**Grid Ref:**

**49635, 58988**

Local Member: Councillors R Burke and J P Thomas

**1. Site Description and Proposal**

- 1.1 1-3 South Street is a long-established newsagents occupying a prominent corner position within Leominster's Conservation Area. More recently it has been altered to incorporate the Post Office and these applications are submitted for the additional signage that this requires.

**2. Policies**

**2.1 Leominster District Local Plan**

A26 – Advertisements

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

HBA11 - Advertising

**3. Planning History**

- 3.1 None relevant to this application.

**4. Consultation Summary**

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.1 Transportation Manager: No objection subject to condition.
- 4.2 Conservation Manager: No objection subject to clarification of precise location of hanging signs and the brackets that they are to be mounted on.

## 5. Representations

- 5.1 Leominster Town Council: 'The advertisement signs would be inappropriate in the Conservation Area. The Council appreciates that there must be Post Office signs but is concerned that if they project from the building they will be knocked off by lorries.'

## 6. Officers Appraisal

- 6.1 There are two issues relevant to this application, the impact on the Conservation Area and highway safety.

### Conservation Area

- 6.2 The most significant signage that the application proposes is a series of internal signs. The impact on the building itself will be transitory and the glazing bars and shop frontage architecture will be unaltered.
- 6.3 Further details of the precise location of the hanging signs has been requested, although it appears that this will be to the far ends of the shop front of No. 1. The Post Office have a corporate 'conservation bracket' and its use has also been requested. On the basis that these details are confirmed, the proposal will not be detrimental to the appearance of the Conservation Area.

### Highway Safety

- 6.4 The Town Council are concerned that these will obstruct high-sided delivery vehicles. The exact projection of the signs will be determined once the additional information is received. However, it is highly unlikely that they will project beyond the kerb. It is therefore difficult to perceive that they will cause any form of obstruction to vehicular traffic. A condition is recommended that the underside of the sign is not lower than 2.4 metres to similarly avoid any obstruction.
- 6.5 Subject to the receipt of details confirming the position of the hanging sign the proposal is considered to be acceptable. It is therefore recommended that both advertisement and listed building consent be granted.

## RECOMMENDATION

### DCNC2006/0634/A

**That advertisement consent be granted subject to the following conditions:**

- 1 - I01 (Time limit on consent )

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

- 2 - H23 (Canopies/signs/projections over the highway )

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

DCNC2006/0633/L

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

- 1 - C01 (Time limit for commencement (LBC))

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

**Informative:**

- 1. N15 (Reason for LBC)

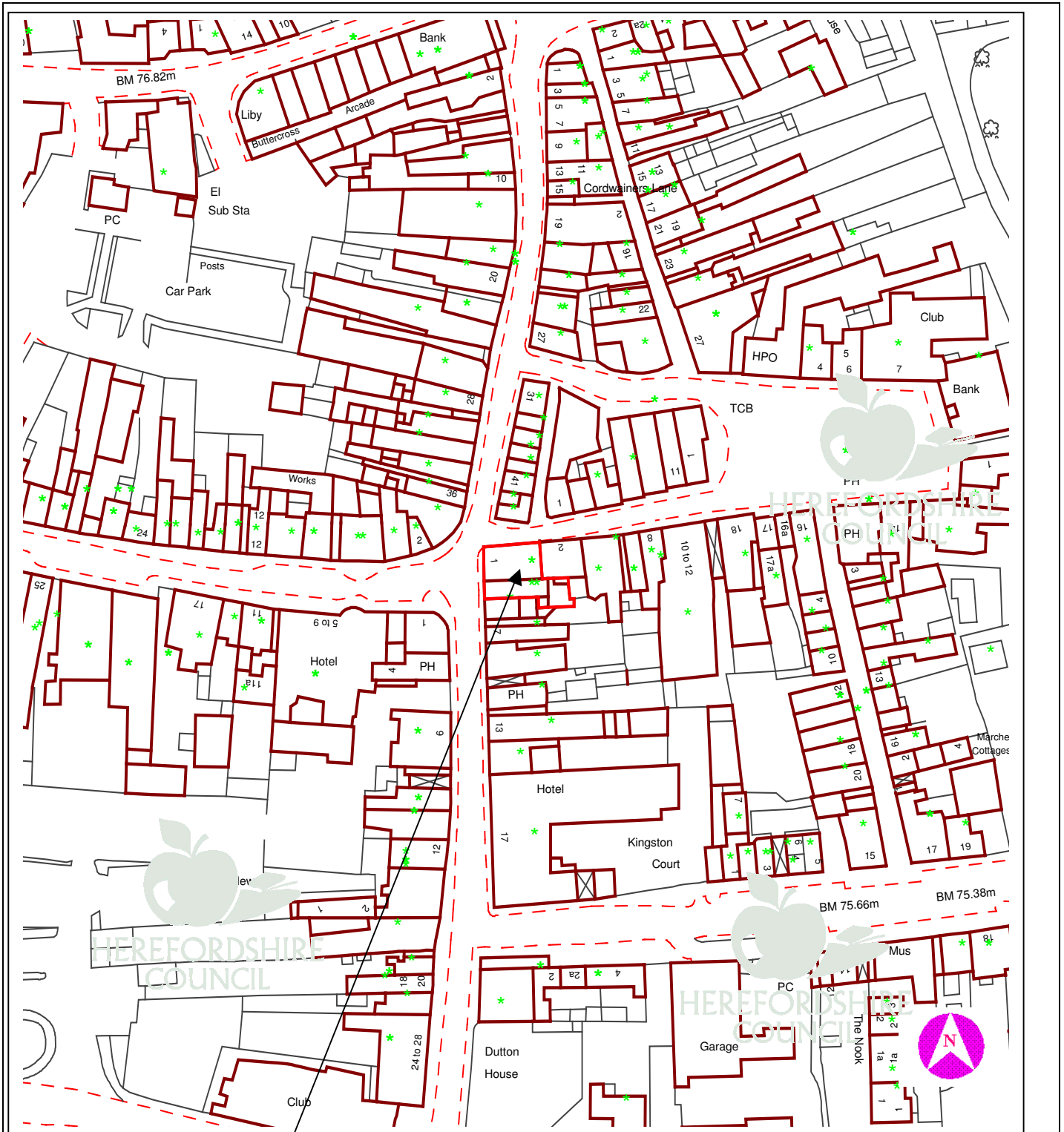
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNC2006/0634/A

**SCALE :** 1 : 1250

**SITE ADDRESS :** 1-3, South Street, Leominster, Herefordshire, HR6 8JA

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**10A DCNW2006/0280/F - PROPOSED NEW MULTI-PURPOSE ROOM AND PORCH WITH DISABLED ACCESS, INTERNAL ALTERATIONS AND DEMOLITION OF REDUNDANT SHEDS AT FRIENDS MEETING HOUSE, ALMELEY, WOOTTON, HEREFORD, HEREFORDSHIRE, HR3 6PY**

**10B DCNW2006/0281/L – AS ABOVE**

**For: K Byatt per Nicolette & Martin Baines Architects,  
6A South Street, Leominster, Herefordshire, HR6 8JB**

**Date Received:**  
27th January 2006

**Ward: Castle**

**Grid Ref:**  
33261, 52419

**Expiry Date:**  
24th March 2006

Local Member: Councillor J Hope

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

- 1.1 The application site lies within the hamlet of Almeley Wootton, it currently houses a detached Grade II\* listed building that was erected in 1672 and restored in 1957. The building has a sandstone rubble plinth with timber frame and later infill. A single storey extension was added in the early 1980's to the rear. Immediately to the south of the building there are a number of sheds constructed of corrugated tin. The existing building is used as a meeting house. The only access to the site is from the highway onto a driveway in front of these sheds, which could accommodate only 2 vehicles.
- 1.2 The proposal is for the demolition of the redundant sheds and erection of an extension, using a contemporary style in its place. The extension would have a curved façade facing out to the land at the rear. The accommodation would comprise a single meeting room and extension to the earlier modern extension, extending the kitchen and circulation space / hallway and providing disabled access to the building. The materials proposed for this use are painted render and oak boarding, standing seam zinc or aluminium for the roof and a natural finish to south west windows and oak entrance door.
- 1.3 The plans also show a disabled parking area in front of the building and new fence of the boundary with the field to the rear. The plans also show the removal of a mature Silver Birch tree to the southern corner of the site.

## **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 A21 – Development within Conservation Areas  
Policy A24 – Scale and Character of Development  
Policy A70 – Accommodating Traffic from Development

## 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

## 3. Planning History

- 3.1 DCNW2004/0565/L - Fitting of cast iron gutters to half-hips and weatherings and barge boards to end walls - Approved with Conditions - 15th April 2005
- 3.2 NW2002/0513/L - New door to porch - Approved with Conditions - 12th April 2002
- 3.3 93/0243/L - Provision of oak weather boarding to the west elevation - Approved 9th August 1993
- 3.4 87/0636 - Conversion to one residence of ex friends meeting house - Approved with conditions - 14th December 1987
- 3.5 80/0707/N - Erection of an extension comprising one children's room and a toilet and kitchen at friends - Approved 28th July 1980
- 3.6 79/0390/N - Erection of an extension to provide an additional meeting room with lobby and wc and new septic tank drainage - Refused - 23rd July 1979
- 3.7 75/0268/L - Provision of a stone front boundary wall - Approved with Conditions - 30th July 1975

## 4. Consultation Summary

### Statutory Consultations

- 4.1 English Heritage - This appears to be a well designed and appropriate scheme, but visual success will be dependent on materials, finishes and colours, together with landscaping. Conditions should be imposed requiring your prior approval of these elements.
- 4.2 Society for the Protection of Ancient Buildings - For your information the SPAB does not wish to comment on this application however this should be taken necessarily to imply support or approval.



- 4.3 Ancient Monuments Society - The newcomer is appropriately subordinate in scale and demonstrably superior as a neighbour to the tatty sheds. The crescent shape is perhaps rather formal in vernacular context but the external impression is low key whilst the use of oak left to weather to silvergrey will soften it.

The scheme should help to guarantee the long-term use of this Grade II\* listed building as a place of worship and we raise no objections on those grounds and because it is visually benign.

#### Internal Council Advice

- 4.4 Transportation Manager recommends that any permission which this Authority may wish to give include the following condition H29 - Provision of Cycle Parking.

- 4.5 The Conservation Manager responded as follows:

The redundant sheds, which are to be demolished, have no particular architectural significance.

The proposed extension is complimentary to the Meeting House in its scale, design, massing and alignment. It fulfils Policy A18 (B) of the Leominster District Local Plan.

I do not consider that this extension will have a negative impact on the architectural or historic character of the listed building. The proposed extension will enable this significant building to be used as historically intended.

No objection subject to conditions relating to the use of materials.

## **5. Representations**

- 5.1 Almeley Parish Council makes the following comments:

“The proposed flat, sloping roof would not blend with existing pitched roofs of existing building. Maintenance of such a large sloping roof could present problems. The proposed wooden slate both front and rear make the extension like a shed, or a barn conversion. The design does not blend in with buildings in the area. The design, though interesting in itself, is not sufficiently of note to be sensitive to the local environment and should be rejected. The large silver birch should be protected.”

- 5.2 Letters of objection have been received from:

- CPRE, (NW) Buttington, Hopleys Green, Almeley
- Michael Ellis Jones - Buttington, Hopleys Green, Almeley,
- Louise Parry Robbins, The Malt House, Almeley Wootton
- Peter Beresford, Corner House, Almeley

- 5.3 These letters raise the following issues:

- The design is utterly insensitive and inappropriate
- The extension is gross and cheap looking insult to the venerable and attractive 17th Century Meeting House
- The flat aluminium roof is banal and shows no sensitivity towards the delightful character of the existing tile roof

- The character of this design is weak, and is not adequate to solve the difficult problem presented by the project
- Urge that the Council is carried out in a similar vein to the original building which is timber framed, hip roofed, with boarding at the rear.
- A modern, contemporary design with a tin roof and circular form with large windows overlooking my neighbours field at the rear, some 8ft larger than the stables and shed they propose to demolish, is wholly inappropriate given the unspoilt nature of the delightful hamlet that forgot time.
- Any extension should be sympathetic in material and modest in size (not overpowering) and not impact on the valuable and unspoilt surrounding properties.
- The existing Meeting House is a sturdy, plain, square timber frame. The two elements, frame and roof, make an utterly convincing unity, and the Society of Friends is lucky to have a building so expressive of honest strength and certainty.
- The proposal shies away from the real challenge of producing a worthy companion roof, and wanders off and inserts a tin roof like that on the scruffy shed which occupies the site at the moment. The building would end up being half one thing and half another and thus lose unity.
- Modern construction, treated with simplicity, can be worthy continuation of it, without pretending to be old.
- The roofs are the key to the whole solution and, if the roofs can be got right, the walls could be got right by making it less fussy. The fancy wooden free-standing posts on the outer (west) side of the extension do nothing except make the situation worse, and plain, rendered walls all round would be far more effective and nearer the true spirit of the building.
- One of the principal messages of the UDP Design Guidance Document was that compatibility and the avoidance of incongruity was the key to harmonious development and the proper combination of new and old.
- It would be quite wrong to double the size of this splendid old building by putting an incongruous shed alongside it and trying to pretend that this was only an addition, the extension is too massive to be dealt with in this way.
- The new meeting room is larger than the existing meeting room - is this realistic of the future / potential increase in Friends that intend to use the premises?
- The felling of the splendid and mature Silver Birch tree is monstrous. Its presence is an intrinsic part of the locality.

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

## 6. Officers Appraisal

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

- The impact of the proposed extension on the Grade II\* listed building.
- The impact on the Conservation Area
- The removal of the Silver Birch tree
- Access, parking and highway safety

- 6.2 The Friends Meeting House is a distinctive Grade II\* listed building with strong characteristics. The building is clearly visible from the highway and sits amongst a number of other listed buildings within the attractive hamlet of Almeley Wootton that lies approximately  $\frac{3}{4}$  mile from the village of Almeley. The main issue for consideration is the impact that the proposed contemporary extension would have on the character, appearance and setting of this important listed building.
- 6.3 One of the prime aims of the guidance regarding listed building is to keep such buildings in use, The Friends have a desire to increase the size of their accommodation and provide an attractive environment for their members. Planning Policy Guidance 15 – Planning and the Historic Environment acknowledges that many listed buildings can sustain some degree of sensitive alteration or extension to accommodate continuing to new uses and that listed buildings vary greatly in the extent that which they can accommodate change without loss of special interest. The key is to find the proper balance and the ‘flexible’ approach is encouraged in PPG15 which states: ‘an architect can respect the structural limitations of a building and abandon conventional design solutions in favour of a more imaginative approach’.
- 6.4 Design is a subjective matter and the objectors to this development have clearly analysed and reported their thoughts on this proposal. You will note however from the responses above that this approach has gained the support of English Heritage, who undertook a site visit, and the Ancients Monuments Society, along with the Councils Conservation Manager. Emphasis is placed by each of these on the materials that would be used and this can be controlled by condition. The extension is considered to meet the tests of policy A18(B0 of the Leominster District Local Plan, HBA1 of the Unitary Development Plan and the guidance contained within PPG15 in that it is subservient in scale and design and preserves the character and appearance of the existing Grade II\* listed building.
- 6.5 In terms of impact upon the Conservation Area, this building replaced the unsightly tin sheds that currently fill this part of the site. There is no objection to their removal as they contribute little to the character of the Conservation Area or Listed Building. The proposed extension would be single storey and would be unobtrusive on the rural street scene and character due to the level of screening along the road frontage and change in levels from the highway to the application site. The proposed extension would preserve the character of the Conservation Area and accord with Policies A21 of the Leominster District Local Plan and HBA6 of the Unitary Development Plan.
- 6.6 The proposal, as submitted includes the removal of a mature Silver Birch tree to facilitate development and this has raised objection and concern from local residents and the Parish Council. It is acknowledged that this tree is quite distinctive and adds to the character of the area. The Councils Tree Officer has been consulted and his response is awaited as to its health and worth. The agent has also been asked to re-assess the need to remove the tree to facilitate this scheme which would overcome these objections.
- 6.7 The proposed extension would have the effect of increasing the size of the accommodation that the building currently provides for meetings. This would potentially increase the numbers of vehicles and persons attending the building at any one time. It is acknowledged that parking is limited on site and the plans suggest that these two parking spaces would be used for disabled parking. Presumably the remainder of the parking is on road as per the existing situation. No objections have been raised with regards to the current or proposed situation and it is acknowledged that the use is not continual. There is no scope for providing additional off road parking within the

application site. The Transportation Manager raises no objection but requests a condition requiring secure cycle parking to be provided on the site. Subject to the sensitive design and location this can help support sustainable modes of transport.

- 6.8 To conclude, the main issue is the acceptability of the design and impact on the Grade II\* Listed Building. This has been carefully considered and has gained the support of English Heritage, The Ancient Monuments Society and the Councils Conservation Officer. The proposed extension does not adversely affect the building or its setting nor does it harm the character of the Conservation Area. Materials, boundary treatments and landscaping can be controlled by condition to ensure that the development is undertaken and completed in a satisfactory manner. As such the proposal accords with the policies of the Local Plan and Unitary Development Plan and is recommended for approval subject to conditions and referral to the Secretary of State (required due to Grade II\* listed status)

## **RECOMMENDATION**

### **DCNW2006/0280/F**

**That subject to the Secretary of State confirming that he does not intend to call in the Listed Building Consent, Planning Permission be granted subject to the following conditions and any conditions considered necessary by Officers.**

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

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

- 2 - 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 - 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.**

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

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

DCNW2006/0281/L

That:

- i) The application is notified to the Secretary of State – Office of the Deputy Prime Minister.
- ii) Subject to the Secretary of State confirming that he does not intend to call it in, Listed Building Consent be granted subject to the following conditions and any conditions considered necessary by Officers.

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.

Informatives:

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

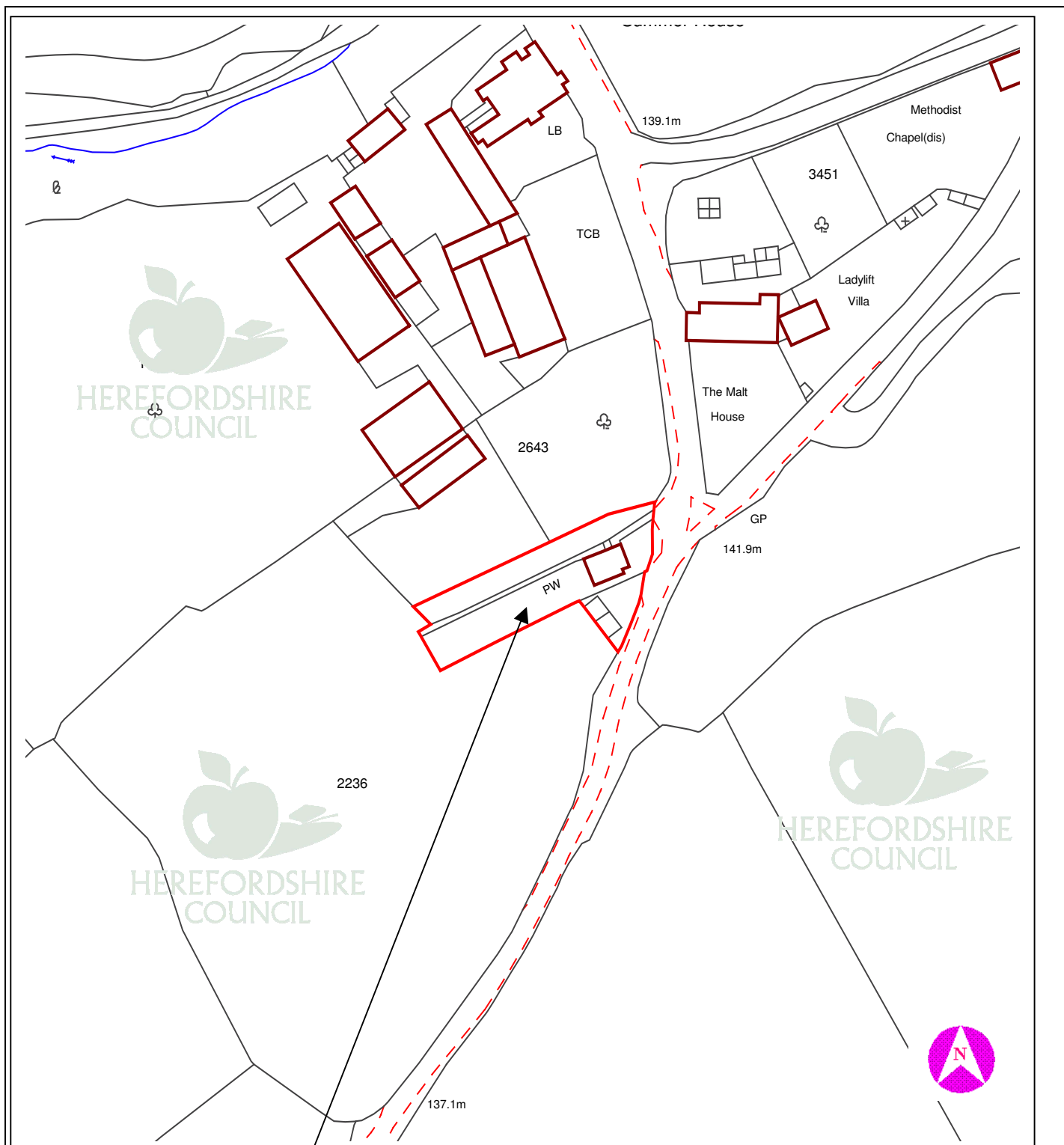
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNW2006/0280/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Friends Meeting House, Almeley Wooton, Hereford, Herefordshire, HR3 6PY

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**11A DCNW2006/0543/F - RETROSPECTIVE APPLICATION FOR A BOUNDARY FENCE AND LOWER GROUND FLOOR STORE. MILL COTTAGE, PAYTOE, LEINTWARDINE, HEREFORDSHIRE, SY7 0NB**

**11B DCNW2006/0546L – RETROSPECTIVE APPLICATION FOR WORKS CARRIED OUT BOTH INTERNALLY AT THE MILL COTTAGE, PAYTOE, LEINTWARDINE, HEREFORDSHIRE, SY7 0NB**

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

**Date Received:**  
23rd February 2006

**Ward: Mortimer**

**Grid Ref:**  
40975, 71336

**Expiry Date:**  
20th April 2006

Local Member: Councillor Mrs O Barnett

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

- 1.1 The location for the 'retrospective' application is a former farmhouse known as 'Mill Cottage' situated in open countryside, the property's curtilage is adjacent to the C1017 public highway. The property currently has planning use as a C2 residential institution for the care of four children and accommodation for seven resident carers. This approval was granted by this Committee on 5th October 2005.
- 1.2 Mill Cottage is a Grade II Listed property, a three storey structure constructed predominantly constructed externally of brick with some stone and timber frame. The roofing material externally is of slate on the oldest part of the property, with tile on the adjoining addition.
- 1.3 Within the property's curtilage is a hardstanding car parking area that can accommodate in excess of 10 cars, the rest of the cottage's domestic curtilage is laid down to lawn.
- 1.4 The property forms part of a former farmstead, to which the owner has the more modern steel framed buildings to the rear of the cottage in agricultural use. These structures are accessed via a separate access from the public highway to that of Mill Cottage itself.
- 1.5 To the rear south easterly side of the more modern agricultural structures presently in agricultural use, is the remains of Wigmore Abbey, this is a Scheduled Ancient Monument. A property known as 'The Grange' sits between the agricultural buildings and this ancient monument. These are Grade One Listed.

- 1.6 The applications include works already carried out both internally and externally at Mill Cottage and include internal partition walls, replacement windows, cladding on rear lower ground floor store using horizontal, sawn, softwood boarding, a new store, as well as proposed development including cladding the ground floor store in locally sourced natural stone and installation of boundary railings to the store.
- 1.7 Also forming part of this report is planning application Ref. No. NW06/0543/F this is also in part a retrospective application for a boundary fence surrounding three sides of Mill Cottage itself. The fence is of mainly timber construction and the application requests planning approval for removal of existing concrete posts and timber panels and replacement with horizontal rails with a stained finish.
- 1.8 It is proposed to clad both sides of the fence on the south east and north west elevations with horizontal rails and clad exposed concrete posts with vertical boarding. It is proposed to screen the fencing on the south western boundary with a 'green screen' using evergreen Ivy 'Hedra'. The existing external lighting on the fencing is to be removed and replaced by proprietary lighting bollards.

## **2. Policies**

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

- A1 – Managing the District's Assets and Resources
- A2 – Settlement Hierarchy
- A9 – Safeguarding the Rural Landscape
- A18 – Listed Buildings and their Settings
- A22 – Ancient Monuments and Archaeological sites
- A24 – Scale and Character of Development
- A45 – Diversification on Farms
- A54 – Protection of Residential Amenity
- A61 – Community, Social and Recreational Facilities
- A73 – Parking Standards and Conservation

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

- S1 – Sustainable Development
- S2 – Development Requirements
- S11 – Community Facilities and Services
- DR2 – Land Use and Activity
- H16 – Car Parking
- E12 – Farm Diversification
- T11 – Parking Provision
- HBA1 – Alterations and Extensions to Listed Buildings
- HBA4 – Setting of Listed Buildings
- ARCH3 – Scheduled Ancient Monuments
- CF1 – Residential Nursing and Care Homes

## **3. Planning History**

- 3.1 NW05/3408/F - Retrospective application for a boundary fence and lower ground floor store - Refused 12th December 2005.
- 3.2 NW05/2608/F - Retrospective application for change of use to C2 residential institution at Mill Cottage - Approved 5th October 2005.



- 3.3 NW05/1741/L - Retrospective application for works carried out to include replacement windows, partition walls, cladding to rear and mill workings, permitted fence and concrete store - Withdrawn 14th July 2005.
- 3.4 NW05/1736/F - Retrospective application for a boundary fence and lower ground floor store - Withdrawn 14th July 2005.

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 English Heritage – A verbal report will be given to Committee on this response, which at the time of writing this report has not been received.

##### Internal Council Advice

- 4.2 Traffic Manager - Has no objection to the grant of permission.
- 4.3 Conservation Manager - The proposals are as discussed on site. The previously unacceptable alterations will now be more sympathetic to the listed building. No objections to the proposals as outlined in the applications subject to inclusion of a condition with regards to details of all materials to be used to any approval notice subsequently issued.

#### 5. Representations

- 5.1 Adforton Parish Council states in response to application Ref No. NW06/0543/F:-

- 'The Council supports the cladding of exposed brickwork of concrete blocks with local stone.
- The Council does not support the use of modern materials and creating a wooden fence in close proximity to antiquities and historic sites. This should be in the same local stone as the rest of the adjacent property.'

The response to application Ref. No. NW06/0546/L states:-

'The Council supports its original concern over the extensive illegal alterations to a listed building. This is against planning regulations and creates a serious precedent if allowed, especially the outside alterations which are not sympathetic to the adjacent ancient monument.'

- 5.2 Four letters of objections to the development have been received from:-

- Alison Thomas, Stanway Bank, Adforton, Craven Arms
- John and Carol Challis, Wigmore Abbey, Leintwardine, Shropshire
- Julie W Laybourn, Paytoe Hall Cottage, Paytoe, Leintwardine, Shropshire
- Gillian Greenwood, Cranes Lane Cottage, Paytoe, Leintwardine, Shropshire

These objections can be summarised as follows:-

- Concerns raised about plans submitted for planning approval not showing 'before' and 'after' elevations.
- Proposal takes dwelling out of range of 'local affordability'.

- Concerns about water supply and foul water disposal.
- Increased road usage in relationship to the business conducted on site, and size of car parking area on site.
- Impact of the proposal on setting of Wigmore Abbey.
- Objections to proposal being considered separately to that of the change of use.
- Impact of proposal on privacy and security of Wigmore Abbey.
- Concerns that local residents views have not been taken into account in relationship to the planning history of the site.
- Cottage dwellings within the vicinity in the same ownership as that of Mill Cottage being used in connection to the care home.

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

## **6. Officers Appraisal**

6.1 This application and previous planning history of the site has created a lot of dissatisfaction in the local community, surrounding the application site. It must be emphasised for the benefit of all concerned, that the retrospective application for change of use to C2 residential institution at Mill Cottage that was approved subject to conditions by the Northern Area Planning Sub-Committee at its meeting held on 5<sup>th</sup> October 2005 in-line with officer recommendation was a completely separate planning issue to that of the retrospective works carried out to the property and works proposed subject to the applications currently under planning consideration. The change of use application had to be considered firstly so as not to prejudice the use of the site in relationship to the works subject to the present application.

6.2 Secondly planning legislation makes provision for 'retrospective applications' and therefore the applications have to be considered on their merits as presented for planning consideration against relevant planning policies.

6.3 The main issue with regards to the current applications under consideration is:-

- Impact of retrospective development and proposed development on the listed buildings and setting of listed buildings.

6.4 The Conservation Manager in the response received on 9<sup>th</sup> March 2006 acknowledges the listed status of the building as well as that of the surrounding built environment, some of which are grade I listed – The Grange and Wigmore Abbey. The response states no objections to the proposals as outlined in the application subject to a condition being attached to any approval notice issued with regards to all construction materials to be used in the development.

6.5 It is noted that Adforton Parish Council also raise no objections for proposals to the cottage itself, but do raise concerns about the unauthorised wooden fence proposals. It is considered that the fence proposals are satisfactory and in keeping with surrounding structures, parts of which are externally constructed of timber.

6.6 Careful consideration has been given to letters of objections received to this application from members of the public as well as to the comments received from the Parish Council, they are however, largely, not material to the proposals. Those that are relate to a different opinion in terms of the impact upon the character and setting of the listed buildings and ancient monument, to that of officers.

**RECOMMENDATION**

**NW06/0543/F**

That planning permission be granted subject to the following conditions:

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

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

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

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

- 3 - C02 (Approval of details )

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

**NW06/0546/L**

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

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

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

- 2 - C02 (Approval of Details)

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

**INFORMATIVES:**

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

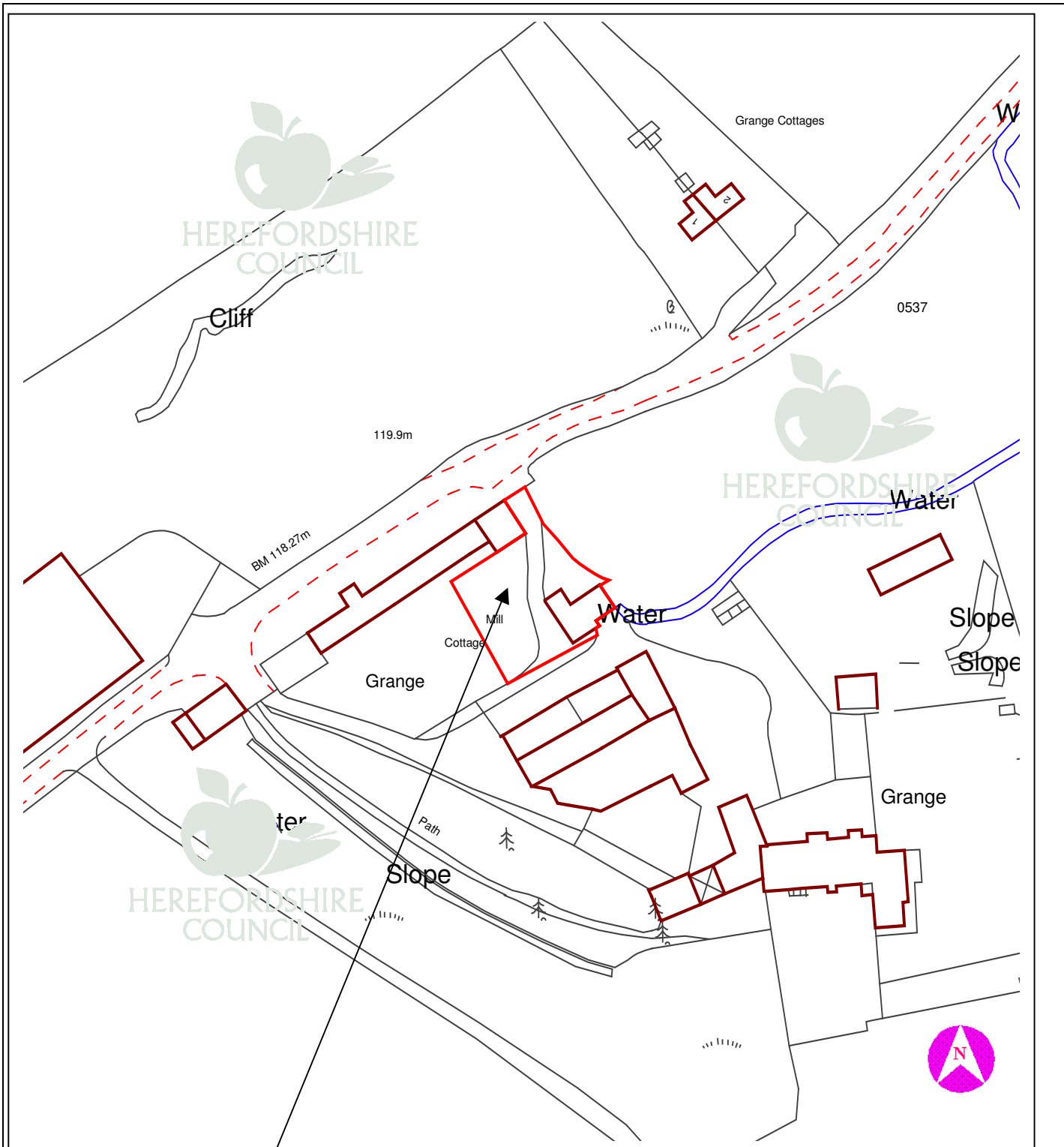
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNW2006/0543/F

**SCALE :** 1 : 1250

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

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**12A DCNW2006/0588/F - NEW VEHICULAR ACCESS AT  
RUSCOTE, EARDISLAND, LEOMINSTER,  
HEREFORDSHIRE, HR6 9BE**

**12B DCNW2006/0589/L – AS ABOVE**

**For: Mr & Mrs JM Gittoes per Mr J Needham, John  
Needham Associates, 22 Broad Street, Ludlow,  
Shropshire, SY8 1NG**

**Date Received:**

**28th February 2006**

**Expiry Date:**

**25th April 2006**

Local Member: Councillor J Goodwin

**Ward: Golden Cross  
with Weobley**

**Grid Ref:**

**41829, 58403**

**1. Site Description and Proposal**

- 1.1 The application site lies on the main road that runs through the historic village of Eardisland. The site lies within the curtilage of a Grade II Listed Building that is bounded along the roadside elevation by a small stone retaining wall, raised grass bank with a mature leylandii hedge set back marginally behind the white painted railings which runs along the entire frontage of the property and beyond the fence. The site lies opposite a pull-in bay used for the parking of vehicles.
- 1.2 The proposal is for the construction of a vehicular access involving the removal and replanting of the hedgerow, removal of stone wall and the excavation of the land running alongside the boundary hedge that projects rearward towards the dwelling to form the driveway. The proposal would retain the railings (where not required to be removed for access) and shows a visibility splay 33m in each direction from a point 2.4m back from the edge of the highway. In order to achieve the visibility splay the height of the stone piers adjacent to the pedestrian gate would be reduced to 900mm.
- 1.3 The application includes photographs of existing accesses within the village from the C1035.

**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 S2 – Development Requirements

Policy S7 – Natural and Historic Heritage

Policy DR1 – Design

HBA4 – Setting of Listed Buildings  
HBA6 – New Development within Conservation Areas

### 3. Planning History

3.1 NW2005/2310/F and NW2005/2313/L - New Vehicular Access - refused on 6th September 2005 for the following reasons:

1. The proposed access by virtue of its siting and proximity to the adjacent listed buildings would fail to preserve or enhance the setting of the listed buildings contrary to Policies A1 and A18 of the Leominster District Local Plan and advice contained within PPG 15 - Planning and the Historic Environment.

2. The proposed access would have a detrimental impact on the street frontage which forms a historic and important part of Eardisland Conservation Area. As such, the proposal fails to preserve or enhance the Conservation Area contrary to Policy A21 of the Leominster District Local Plan and advice contained within PPG 15 - Planning and the Historic Environment.

### 4. Consultation Summary

4.1 Statutory Consultations

None

Internal Council Advice

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

4.3 The Conservation Manager responded as follows:

"Ruscote is a Grade II listed house dating back to the early C17th. It is a timber framed building with painted brick and rendered infill on a coursed rubble plinth under a thatched roof. Ruscote is located next to another Grade II listed property, The Latchetts.

Ruscote and The Latchetts are the first historic houses seen after entering the Conservation Area of Eardisland from the south. They create a picturesque entrance to the village. Located on a bend in the road one is swept towards the centre of the village.

As stated in the previous application, I feel that an access to Ruscote from the main road would detract from the listed building itself and would create an unwanted break in the organic entrance to the village. Whilst there are other breaks allowing vehicular access to dwellings in the village none have quite the visual impact that this one would.

This proposal does not enhance the setting of the listed building or the Conservation Area and therefore I would recommend refusal."

### 5. Representations

5.1 Eardisland Parish Council - no response received at time of writing.

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

## 6. Officers Appraisal

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

- Impact on the setting of the listed building.
- Impact on the character and appearance of the Conservation Area.
- Highway safety.

6.2 The siting of the proposed access lies in a prominent position within the historic village of Eardisland. The Ruscote and The Latchetts are the first historic houses seen after entering the Conservation area of Eardisland from the south. They create a picturesque entr e to the village and are located on a bend in the road. The intrusion of a break in this vista, with the partial loss of stone wall and excavation of land to create the access would be visually obtrusive to the detriment of the setting of the listed buildings and to the Conservation Area. Guidance contained in PPG15 relates to matters of historic heritage, Listed Buildings and Conservation Areas and notes that the buildings setting and its contribution to the local scene may be of importance. This proposal would impact on the setting of the listed building, failing to preserve its important character and appearance contrary to guidance contained in PPG15 as well as Policy A18 of the Leominster District Local Plan and Policy HBA4 of the Unitary Development Plan (Revised Deposit Draft).

6.3 Having particular reference to the application site, the historic buildings and its setting contributes positively to the character of the Conservation Area. This proposed access would adversely affect the character of the area. Policy A21 of the Leominster District Local Plan and Policy HBA6 of the Unitary Development Plan all state that proposals within the Conservation Area should help to preserve and enhance the Conservation Area. The proposal fails to preserve or enhance the Conservation Area and as such fails to comply with these policies and guidance.

6.4 The applicants' agent has provided photographs of various accesses in the village, many of which are historic and did not have the benefit of planning permission. Whilst these have also been taken into account, they would not provide a basis to allow this further intrusion into this historic and organic entrance to the village.

6.5 The matter of highway safety has been carefully considered due to the position of the proposed access on the sweeping bend. The plans show that the required visibility can be achieved albeit reaching minimal standards only. The Highway Officer has raised no objection and as such there are no highway reasons for refusal. This advice is based on the assumption that the vehicles would be able to turn and exit the site in a forward gear.

## RECOMMENDATION

**That planning permission and listed building consent be refused for the following reasons:**

- 1 - The proposed access by virtue of its siting and proximity to the adjacent listed buildings would fail to preserve or enhance the setting of the listed buildings contrary to Policies A1 and A18 of the Leominster District Local Plan and advice contained within PPG 15 - Planning and the Historic Environment.
  
- 2 - The proposed access would have a detrimental impact on the street frontage which forms a historic and important part of Eardisland Conservation Area. As such, the proposal fails to preserve or enhance the Conservation Area contrary to Policy A21 of the Leominster District Local Plan and advice contained within PPG 15 - Planning and the Historic Environment.

Decision: .....

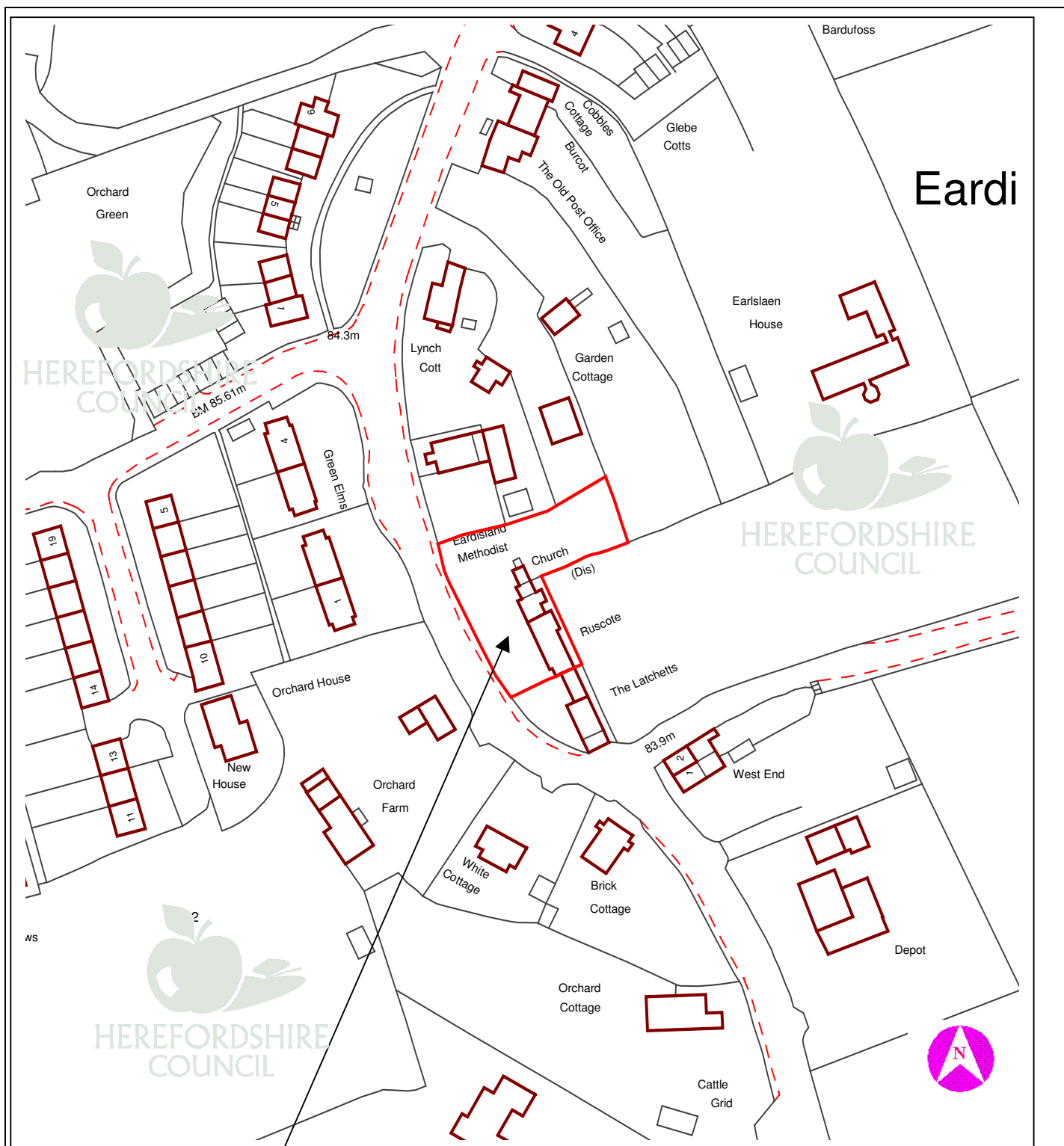
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**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** DCNW2006/0588/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Ruscote, Eardisland, Leominster, Herefordshire, HR6 9BE

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**13 DCNW2006/0583/F - AMALGAMATION OF EXISTING CARAVAN SITE TO PROVIDE 25 CARAVANS AND 18 TENT PITCHES ACROSS TWO SITES, EXTENSION AND UPGRADING OF WASHROOMS TO INCLUDE FORMER WORKSHOP AREA, CHANGE OF USE OF BARN TO OFFICE FOR PLANT HIRE, CARAVAN & FARMING BUSINESSES AND CHANGE OF USE OF LAND FOR STORAGE OF 40 CARAVANS AT HOME FARM, BIRCHER, LEOMINSTER, HEREFORDSHIRE, HR6 0AX**

**For: Mr B Mantle, John Amos and Co, Lion House, Broad Street, Leominster, Herefordshire, HR6 8BT**

**Date Received:**  
27th February 2006

**Ward: Bircher**

**Grid Ref:**  
47726, 65381

**Expiry Date:**  
24th April 2006

Local Member: Councillor S Bowen

**1. Site Description and Proposal**

1.1 The application site lies to the south of the village of Bircher and has a number of existing buildings and uses, including a plant hire business, caravan storage business and camping caravan site. The camping/caravan site lies in a slightly elevated position which can be seen from the adjacent highway. The Home Farm complex also includes a number of former agricultural buildings as well as the dwelling house.

1.2 Planning permission is sought for a number of proposals that are as follows:-

- The existing caravan/camping site which lies to the south of the site has permission for 12 touring caravans and 18 tent pitches. The proposal is to extend the site by 67m by 35m to the north west of the existing site and that the two sites be amalgamated. The proposal intends that the whole site would be able to provide 25 touring caravans and 18 tent pitches TOTAL across the whole site. The boundary of this extended site would be defined with a post and rail fence with hedgerow.
- Internal alterations to the existing former farm building to provide a reception, office (to serve plant hire, caravan and farming businesses), storeroom, toilet and shower facilities and a caravan/machinery store. Some minor external alterations would be required to include a brick face to existing block wall and vertical cladding to match existing to improve the external appearance of the building.
- The caravan storage use currently exists on site is restricted to specific areas of the site. The proposal includes for the change of use of an additional area of the site for the storage of additional caravans.

- 1.3 Access to the site would be via the existing access from the B4362 and on through the remaining site to the specific area allocated for this use. This access is hard surfaced.

## **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 A12 – New Development and Landscape Schemes  
Policy A16 – Foul Drainage  
Policy A36 – New Employment Generating Uses for Rural Buildings  
Policy A39 – Holiday Chalet, Caravan and Camping Site  
Policy A70 – Accommodating Traffic from Development

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

Policy S2 – Development Requirements  
Policy S4 - Employment  
Policy S7 – Natural and Historic Heritage  
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**

- 3.1 2005/0219/F - Amalgamation of existing caravan site with an extension site in order to provide 25 caravan and 38 tent pitches across two sites. Extension and upgrading of washrooms to include former workshop area and change of use of part of barn to office for plant room, caravan and farming business - Withdrawn 22nd February 2006.
- 3.2 2004/2618/O - Site for erection of single storey dwelling - Refused 9th September 2004.
- 3.3 2003/2402/F - Removal of agricultural occupancy condition - Approved 29th September 2003.
- 3.4 2002/3616/f - Removal of agricultural occupancy condition - Withdrawn
- 3.5 1995/0955/C - Change of use of land to provide 12 pitch (touring) caravan site - 8 of these 5 pitches (touring) caravans to be used all year and provision of 18 tent pitches - Approved 20th February 1996.
- 3.6 1995/0146/C - Change of use of land to provide 12 pitch (touring) caravans - Approved 2nd May 1995.

- 3.7 91/527 - Change of use of barn and silage pit to provide caravan storage facilities - Approved with Conditions 03/10/91.

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 None

##### Internal Council Advice

- 4.2 Traffic Manager raises no objection.

- 4.3 The Conservation Manager responded as follows:-

"No objection from an architectural point of view. Materials, finishes and details of joinery to be approved."

#### 5. Representations

- 5.1 Croft and Yarpole Parish Council have resolved to make the following comments:-

"The Parish Council agree in principle to this application but would point out that there do not appear to be provision for disabled persons in the new facilities. In view of the proximity to residential development should arrival/departure times for caravanners be restricted by condition? The plans show storage for 80 caravans – does permission exist for 40? Clarification please."

- 5.2 Two letters of objection have been received the first from S J C Mawson and H M Mawson, 6 Old Barn Court, Bircher:-

"While we support the principle that the use of farm premises and land should be diversified, there are in our view other considerations in this case which outweigh that principle and we wish to object to the application on the following grounds.

The present caravan site occupies an elevated position in this Conservation Area and is visible from a considerable distance. It already represents a visual intrusion and its proposed extension from the present limit of, we believe, 12 caravans to the proposed number of 25 touring caravans and 18 tents, with their associated cars, would cause an unacceptable loss of visual amenity. In the case of houses nearer to it than our own, unacceptable noise and light intrusion would be added to the loss of visual amenity.

The sheer size of the proposal would constitute overdevelopment of the site, even without the proposed addition of 40 stored caravans; such industrial storage facilities would constitute a wholly inappropriate use of land in a Conservation Area.

The only exit from the site is on to the busy B4362, at a point where bends in the road make it difficult to turn out safely, even with the existing 40mph speed limit. Car/caravan combinations are a particular danger because of their overall length and this proposal would greatly increase the number of movements and therefore the danger.

For all these reasons we urge your Council to reject this proposal."

The second letter from Mr & Mrs Michael and Irene Murray who make the following comments:-

1. The caravan site is elevated and can be seen from the surrounding area, and further caravans and tents would be intrusive and unsightly in this Conservation Area.
2. The request for 25 caravan and 18 tent pitches means a possible total of 43 cars using the site, which would cause increased traffic movements onto the busy B4362, where the site exit is on a dangerous bend with reduced visibility.
3. There would be increase noise level from the site with a possible total of 80 to 150 people using the facilities.  
And this noise would be 7 days a week and into the late summer evenings.
4. There would be environmental issues arising from the increase in people using the site. Has any thought been given to the increased drainage required for wastewater and sewage? Would this be done on an ad-hoc basis or an environment-aware basis? The washroom facilities would need to be floodlit, causing light pollution for the area.
5. This planning application would mean we would have to accept a further decrease in the enjoyment of our home and property.

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

## **6. Officers Appraisal**

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

- a) Principle of use of land use for caravan park and caravan storage
- b) Landscape impact of the caravan park extension
- c) Landscape impact of caravan storage area
- d) Impact on the character of the listed building and Conservation Area
- e) Highway safety

- 6.2 The application site lies to the west of the B4326, and is one of the first properties as you as you enter Bircher from the south. There is no defined settlement boundary for Bircher but the site clearly relates to the cluster of houses in the village. Policy A2(D), A36 of the Leominster District Local Plan make provision for the re-use of rural buildings for employment generating uses. The site already accommodates both the caravan/camping site and caravan storage. The approval of this application would facilitate the expansion of the caravan site, the knock on effect being that the facilities require upgrading. The internal changes to the building also offer the opportunity to remove the portacabin, currently used as an office by the plant hire business. The remainder of this barn retains its planning permission to store up to 35 caravans within the building. This application is for the storage of an additional 40 caravans within the yard area, which lies immediately to the west (rear) of the barn and is surrounded by a bund and recently planted landscaping. The buildings and yard were formally used for agricultural purposes, with the building also being used for caravan storage, the building is suitable for the use proposed with some minor amendments to improve the internal and external appearances of the building. Policy E11 of the Unitary Development (Plan (Revised Deposit Draft) also supports

commercial uses, subject to the use not having an adverse impact upon the local environment, the road network or amenity.

- 6.3 The site has successfully accommodated a small caravan site to the south of the buildings associated with Home Farm. Policy A39 of the Leominster District Local Plan makes allowances and encourages extensions to existing caravan sites subject to meeting the criteria relating to the landscape impact.
- 6.4 The site lies within an area designated as open countryside and as such the protection of the rural landscape is of particular importance. The part of the application site which would accommodate the caravan storage area are site in an area which has previously been cut away is significantly lower than the surrounding field level. The proposal does not involve any further encroachment into the countryside and reads as part of the yard and backdrop of buildings. The mature trees and hedgerow to the north of the site provide a very effective screen and backdrop to the site. Planting and further bunding has recently been undertaken which further screens this part of the site as well as the Plant Hire business and barns. The site itself, is not visually prominent or obtrusive, and is typical of a farmyard arrangement. The retention of this landscaping can be conditioned. As such the provision of the additional space for the storage provision of up to 40 caravans would not have a detrimental impact on the landscape character of the area, accords with Policy A9 of the Leominster District Local Plan.
- 6.5 In relation to the extended caravan site, this would allow for the siting of 25 touring caravans and 18 tent pitches at any one time. An increase of 13 touring caravans in relation to their existing permission. The permission is also the subject of conditions which restrict the times that caravans can use the site. These conditions would be re-imposed on any permission granted. This element of the site would be more visually prominent than the adjacent storage site and does not currently benefit from any landscaping. A fence forms the existing caravan site boundary of the site. The extension of the caravan park would not cause anymore harm and offers the opportunity to provide some hedging/screening to soften the appearance. As such and subject to the provision of a hedgerow and suitable landscaping, the proposal would comply with Policies A9 and A39 of the Leominster District Local Plan.
- 6.6 There are two listed buildings in the vicinity of the application site, Bircher Hall, that lies, behind a line of mature trees, in a slightly elevated position approximately 65m to the North, and the 'Dovecote', which lies approximately 50m to the west beyond the existing buildings. The proposed caravan storage area is relatively hidden within the site and the extended caravan site is also partially hidden. And offers the opportunity for landscaping. As such the proposal preserves the character and appearance of the setting of these listed buildings in accordance with local plan Policy A18 and national guidance contained within Planning Policy Guidance 15.
- 6.7 Access to the site is via the existing access from the B4326. This access serves a number of uses including the dwelling, caravan park, caravan storage area and plant hire business. Resident's concerns relating to an increase in use have been carefully considered, and the speed and use of the main road taken into account. The fact that the access is existing and has also been taken into account. The Traffic Manager raises no objection to this development and it is considered that a reason for refusal on highway safety ground could not be sustained.

- 6.8 With regards to the impact on the neighbouring properties, the proposal involves areas of the site that are not immediately adjacent to neighbouring properties. Even though this would intensify the uses on the site it is not considered to be detrimental to the neighbouring properties.
- 6.9 To conclude, the proposal is considered to comply with policies which seek to re-use existing buildings in the open countryside for commercial purposes without detriment to the character and appearance of the Conservation Area, setting of the listed buildings or landscape quality. As such the proposal is recommended for approval with the appropriate conditions.

## **RECOMMENDATION**

**That planning permission be granted with the following conditions:**

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

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

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

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

**3 - This permission shall be implemented in lieu of, and not in addition to the planning permission 95/0955/C dated 20th February 1996 which relates to the caravan/camping sites.**

**Reason: To clarify the terms of this permission.**

**4 - No more than 25 touring caravan and 18 tent pitches shall be allowed on site at any one time.**

**Reason: To define the terms of the permission in the interests of visual amenity.**

**5 - No more than 5 touring caravans or tents shall be allowed on site between the 30th November and 1st March.**

**Reason: To protect the visual amenities of the area during the winter months when caravans would be particularly visible in the local landscape.**

**6 - No more than 40 caravans shall be stored in the area marked in blue on the approved plans.**

**Reason: To clarify the terms of the permission and agreed area for the storage of caravans.**

**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.

**INFORMATIVES:**

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

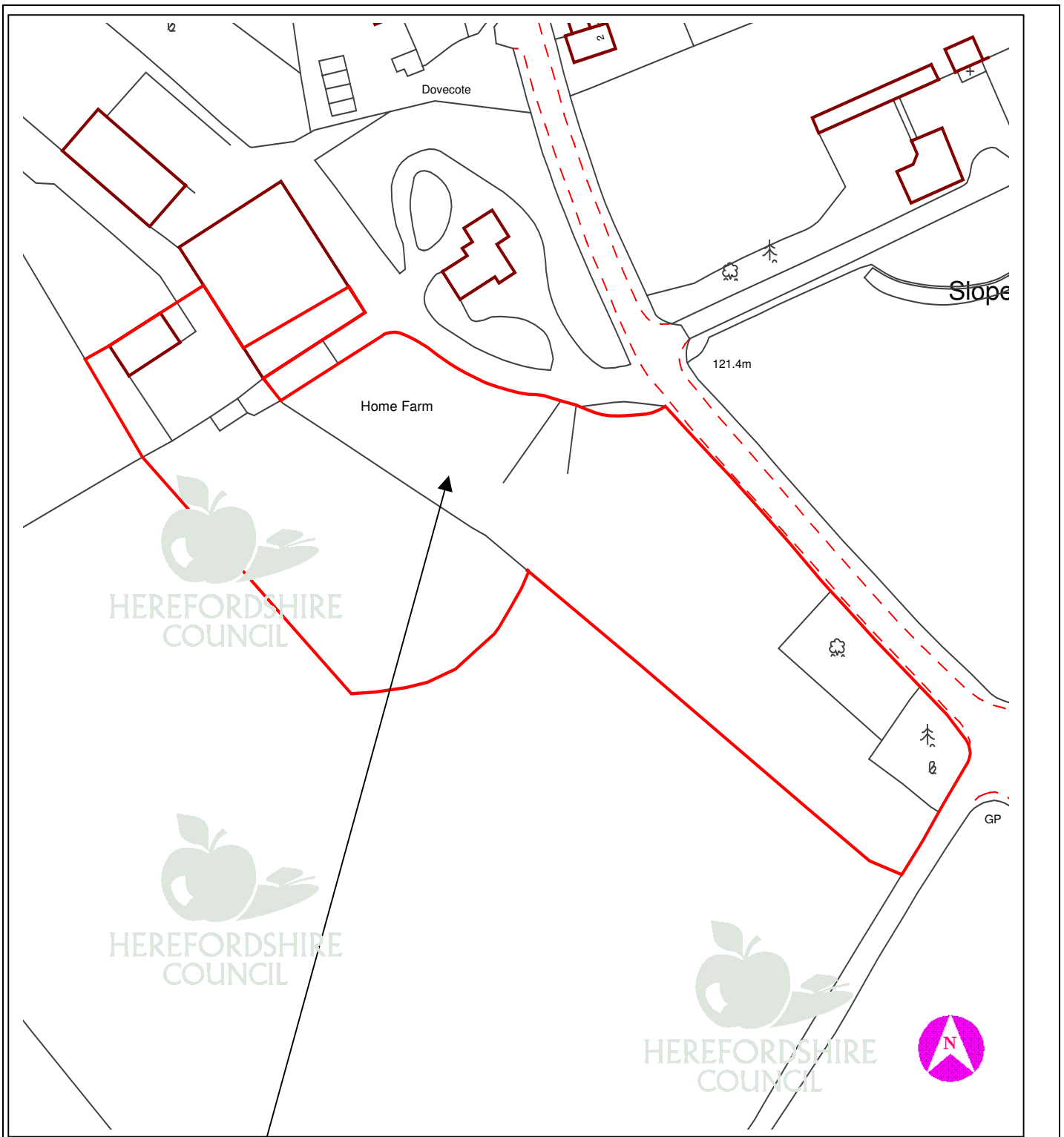
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNW2006/0583/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Home Farm, Bircher, Leominster, Herefordshire, HR6 0AX

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