

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 14th June, 2006**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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

e-mail pmartens@herefordshire.gov.uk

**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Northern Area Planning Sub-Committee

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

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

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES	1 - 4
To approve and sign the Minutes of the meeting held on 17th May 2006.	
4. ITEM FOR INFORMATION - APPEALS	5 - 8
To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.	
5. APPLICATIONS RECEIVED	
To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
Agenda items 5 & 6 are applications deferred for site inspections at the last meeting and items 7 - 21 are new applications.	

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| 6. | <p>DCNC2006/0817/F - DEMOLITION OF EXISTING HOUSE AND GARAGE AND RESIDENTIAL DEVELOPMENT COMPRISING OF 4 APARTMENTS, 3 TOWNHOUSES WITH 7 PARKING SPACES AT 55 NEW ROAD, BROMYARD, HEREFORDSHIRE, HR7 4AL</p> <p>For: C L H Industries Ltd, Boughton Butler Architects, Design Studio, 6 Sansome Walk, Worcester, WR1 1LH</p> <p>Ward: Bromyard</p> | 9 - 16 |
| 7. | <p>DCNC2006/0966/F - PROPOSED 5 NEW HOLIDAY LODGES AND BIKE STORE AT BROCKINGTON HALL GOLF CLUB, BODENHAM, HEREFORD, HEREFORDSHIRE, HR1 3HX</p> <p>For: Brockington Hall Golf Club per Barton Hasker Architects 1620 High Street Knowle Solihull West Midlands B93 0JU</p> <p>Ward: Hampton Court</p> | 17 - 22 |
| 8. | <p>DCNE2005/0825/F - CONSTRUCTION OF OIL DISTRIBUTION DEPOT AT WATSON PETROLEUM LIMITED, BROMYARD ROAD, LEDBURY, HEREFORDSHIRE, HR8</p> <p>For: RPS Mallams Court, 18 Milton Park, Abingdon, Oxfordshire, OX14 4RP</p> <p>Ward: Ledbury</p> | 23 - 34 |
| 9. | <p>DCNE2006/0934/F - PROPOSED NEW DWELLING AND GARAGE WITH NEW VEHICULAR ACCESS. LAND ADJACENT TO QUEENSWOOD, CRADLEY, MALVERN, WORCESTERSHIRE, WR13 5NF</p> <p>For: Mr & Mrs L Darrall Paul Smith Associates 19 St Martins Street Hereford HR2 7RD</p> <p>Ward: Hope End</p> | 35 - 42 |
| 10. | <p>DCNE2006/1058/F & 1059/L - PROPOSED SINGLE STOREY EXTENSION, ALTERATIONS, NEW DOG KENNELS AND ADDITIONAL PARKING AREA AT BARRATTS COTTAGE, CRADLEY, MALVERN, WORCESTERSHIRE, WR13 5NF</p> <p>For: G Dargle & D Wooderson per Mr D L Rayton, Holmbury, 60 Willowbank Road, Alderton, Nr Tewksbury, GL20 8NJ</p> <p>Ward: Hope End</p> | 43 - 50 |
| 11. | <p>DCNW2006/0543/F - RETROSPECTIVE APPLICATION FOR A BOUNDARY FENCE AND LOWER GROUND FLOOR STORE AND DCNW2006/0546L - RETROSPECTIVE APPLICATION FOR WORKS CARRIED OUT AT MILL COTTAGE, PAYTOE, LEINTWARDINE, HEREFORDSHIRE, SY7 0N</p> <p>For: Mr & Mrs D Parry per McCartneys, 7 Broad Street, Leominster, Herefordshire, HR6 8BT</p> <p>Ward: Mortimer</p> | 51 - 58 |

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| 12. | <p>DCNW2006/1034/F - PROPOSED CONVERSION OF ANNEXE INTO A SELF CONTAINED DWELLING FOR RENTING AT WALCOTE BUNGALOW ANNEXE, WEST STREET, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE, HR6 9DT</p> <p>For: Mr J Price per Mr D Walters, 27 Elizabeth Road, Kington, Herefordshire, HR5 3DB</p> <p>Ward: Pembridge & Lyonshall with Titley</p> | 59 - 64 |
| 13. | <p>DCNW2006/1458/F - PROPOSED ERECTION OF TWO DETACHED COTTAGES ON LAND TO THE REAR OF WALCOTE BUNGALOW, HIGH STREET, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE, HR6 9DT</p> <p>For: J D Greene, Easlslaen House, Eardisland, Herefordshire, HR6 9BD</p> <p>Ward: Pembridge & Lyonshall with Titley</p> | 65 - 70 |
| 14. | <p>DCNW2006/1390/F - EXTENSION OF EXISTING MOBILE HOME SITE TO PROVIDE 15 FURTHER MOBILE HOMES FOR OCCUPATION BY FRUIT PICKERS ON LAND TO NORTH OF EXISTING MOBILE HOME SITE AT OAKCHURCH FARM, STAUNTON-ON-WYE, HEREFORD, HEREFORDSHIRE, HR4 7NE</p> <p>For: Messrs E & J Price per CJ Watkinson, Brightwells, Cathedral Chambers, Thorpe House, Broad Street, Hereford, HR4 9AS</p> <p>Ward: Castle</p> | 71 - 78 |
| 15. | <p>DCNW2006/1448/F - PROPOSED AGRICULTURAL WORKERS DWELLING AT PP 890 BACON LANE, AYMESTREY, HEREFORDSHIRE, HR6 9ST</p> <p>For: W E Willmett per Mundy Construction, 5 Upper Court, Luston, Leominster, Herefordshire, HR6 OAP</p> <p>Ward: Mortimer</p> | 79 - 84 |
| 16. | <p>DCNC2006/0626/F - FORMATION OF FIRST FLOOR REAR EXTENSION AT 9 THE MEADOWS, LEOMINSTER, HEREFORDSHIRE, HR6 8QY</p> <p>For: Mr D Edwards at above address.</p> <p>Ward: Leominster North</p> | 85 - 88 |
| 17. | <p>DCNC2006/0964/F - EXTENSION TO EXISTING BLACKSMITHS FORGE WORKSHOP AT THE FORGE, TEDSTONE DELAMERE, BROMYARD, HEREFORDSHIRE, HR7 4PR</p> <p>For: The Forge Steel Fabrication & Repairs per Mr C Goldsworthy, 85 St Owens Street, Hereford, HR1 2JW</p> <p>Ward: Bringsty</p> | 89 - 94 |

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| 18. | <p>DCNC2006/1105/F - RETENTION OF AGRICULTURAL BUILDING AT THE PADDOCKS, NORMANS LANE, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE, HR6 0LQ</p> <p>For: Mr C Brant c/o 26 Cherrybrook Close, Hope-under-Dinmore, Herefordshire, HR6 0PW</p> <p>Ward: Hampton Court</p> | 95 - 98 |
| 19. | <p>DCNC2006/1205/F - PROPOSED SHOP WITH FLAT OVER AT R T ANIMAL FEEDS, KINGS ARMS YARD, BROMYARD, HEREFORDSHIRE, HR7 4EE</p> <p>For: Mr & Mrs R Jones per Linton Design 27 High Street Bromyard Herefordshire HR7 4AA</p> <p>Ward: Bromyard</p> | 99 - 106 |
| 20. | <p>DCNC2006/1215/F - EXTENSIONS TO EXISTING NURSING HOME TO ADD 16 BEDROOMS AND DAY ROOM LINK (INCLUDES DEMOLITION OF EXISTING SOUTH WING) AT 28 HIGHWELL LANE, BROMYARD, HEREFORDSHIRE, HR7 4DG</p> <p>For: Miss K Rogers per Linton Design 27 High Street Bromyard Herefordshire HR7 4AA</p> <p>Ward: Bromyard</p> | 107 - 114 |
| 21. | <p>DCNC2006/1387/F - CHANGE OF USE TO A5 (HOT FOOD TAKE-AWAYS), BETWEEN HOURS 14.00-21.00 MONDAY TO SATURDAY AT 73 ETNAM STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8AE</p> <p>For: Mr M Rohde per John Phipps Bank Lodge Coldwells Road Holmer Hereford HR1 1LH</p> <p>Ward: Leominster South</p> | 115 - 120 |
| 22. | <p>DCNC2006/1331/F - PROPOSED TWO STOREY SIDE EXTENSION AT APPLE BLOSSOM COTTAGE, LAUNDRY LANE, LEOMINSTER, HEREFORDSHIRE, HR6 8JT</p> <p>For: Mr & Mrs Clegg per Mr S Potter Pomona Office Pomona Drive Kings Acre Road Hereford HR4 0SN</p> <p>Ward: Leominster South</p> | 121 - 126 |

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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, 17th May, 2006 at 2.00 p.m.

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

Councillors: B.F. Ashton, W.L.S. Bowen, R.B.A. Burke, P.J. Dauncey, P.E. Harling, B. Hunt, T.W. Hunt, T.M. James, Brig. P. Jones CBE, R. Mills, D.W. Rule MBE, J. Stone, J.P. Thomas and J.B. Williams

244. COUNCILLOR MRS RF LINCOLN

The Chairman announced with great sadness the recent loss of Councillor Mrs RF Lincoln and those present stood in silent tribute.

245. ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN FOR THE ENSUING YEAR

It was noted that at the recent Annual Council meeting on 12th May, the Chairman had been re-elected and the Vice-Chairman had been re-appointed.

246. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs. LO Barnett, Mrs J.P. French, R.J. Phillips and RV Stockton.

247. DECLARATIONS OF INTEREST

There were no declarations of interests made.

248. MINUTES

RESOLVED:

That the Minutes of the meeting held on 19th April, 2006 be approved as a correct record and signed by the Chairman

249. ITEM FOR INFORMATION - APPEALS

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

250. APPLICATIONS RECEIVED

The Sub-Committee considered the following planning applications received for the northern area of Herefordshire and authorised the Development Control Manager to impose any additional or varied conditions and reasons considered to be necessary.

251. DCNE2006/1048/F - PROPOSED SINGLE STOREY REAR EXTENSION AT 10 BROOKE ROAD, LEDBURY, HEREFORDSHIRE, HR8 2UP

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 - B02 (Matching external materials (extension))

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

Informative:

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

252. DCNC2006/1030/F - DEMOLITION OF EXISTING WAREHOUSE AND ERECTION OF 2 NO. COTTAGES AT REAR OF 23 HIGH STREET, BROMYARD, HEREFORDSHIRE, HR7 4DE AND DCNC2006/1031/C

RESOLVED

DCNC2006/1030/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 - No dwelling hereby permitted shall be occupied until the new openings to the Bay Horse car park have been gated with gates designs submitted and approved in writing by the local planning authority.

Reason: To safeguard the character and appearance of the Conservation Area and adjacent Listed Buildings.

Informatives:

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

DCNC2006/1031/C

That Conservation Area Consent be granted subject to the following condition:

- 1 - C01 (Time limit for commencement (full permission))

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

Informatives:

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

253. DCNC2006/0817/F - DEMOLITION OF EXISTING HOUSE AND GARAGE AND RESIDENTIAL DEVELOPMENT COMPRISING OF 4 APARTMENTS, 3 TOWNHOUSES WITH 7 PARKING SPACES AT 55 NEW ROAD, BROMYARD, HEREFORDSHIRE, HR7 4AL

The Northern Team Leader said that the applicant's Agent had confirmed that storm water would be drained into a combined sewer and that the Water Authority viewed this proposal as a net drainage gain.

RESOLVED:

That consideration of the application be deferred pending a site inspection on the following grounds.

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

In accordance with the criteria for public speaking, Mr. Cave (Bromyard Town Council) and Mr Boughton the applicant's Agent, reserved their right to speak until the next meeting.

254. DCNC2006/0966/F - PROPOSED 5 NEW HOLIDAY LODGES AND BIKE STORE AT BROCKINGTON HALL GOLF CLUB, BODENHAM, HEREFORD, HEREFORDSHIRE, HR1 3HX

RESOLVED:

That consideration of the application be deferred pending a site inspection on the following grounds.

- (d) the character or appearance of the development itself is a fundamental planning consideration;
- (e) a judgement is required on visual impact; and
- (f) the setting and surroundings are fundamental to the determination or to the conditions being considered.

In accordance with the criteria for public speaking, Mr. Narbett the applicant's Agent

reserved the right to speak until the next meeting.

The meeting ended at 2.09 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Enforcement Notice EN2006/0016/ZZ**

- The appeal was received on 10th May 2006
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr A Lloyd
- The site is located at New House Farm, Cabal, Lyonshall, Herefordshire, HR5 3JF
- The breach of planning control alleged in this notice is:
Without planning permission, change of use of the land for siting of a mobile home for residential purposes and the erection of a metal shed.
- The requirements of the notice are:
 - 1) *Cease the residential use of the land.*
 - 2) *Permanently remove the mobile home from the land.*
 - 3) *Demolish the metal shed.*
 - 4) *Remove all motor vehicles from the land.*
 - 5) *Remove all materials that have arisen from the removal of the mobile home and demolition of the metal shed building off the land.*
 - 6) *Restore the land to its condition before the breach took place by seeding of the grass and other such work as is necessary to return its agricultural land quality to at least that which it formally had.*
- The appeal is to be heard by Hearing

Case Officer: Philip Mullineux on 01432 261808**Application No. DCNW2005/3134/F**

- The appeal was received on 15th May 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 A J Lloyd
- The site is located at New House Farm, Cabal, Lyonshall, Herefordshire, HR5 3JF
- The development proposed is Retrospective application for the siting of a porta home for the use of seasonal agricultural workers.
- The appeal is to be heard by Hearing

Case Officer: Philip Mullineux on 01432 261808**Application No. DCNC2005/1941/F**

- The appeal was received on 24th May 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 Lord J F Cawley
- The site is located at Eye Court Barn, Eye, Leominster, Herefordshire, HR6 0DT
- The development proposed is Conversion of listed barn into residential dwelling
- The appeal is to be heard by Written Representations

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

Case Officer: Andrew Banks on 01432 380385

APPEALS DETERMINED

Application No. DCNC2005/1756/F

- The appeal was received on 1st February 2006
- 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 E M Thomas
- The site is located at Sunnyhill, Luston, Leominster, Herefordshire, HR6 0DY
- The application, dated 23RD May 2005 , was refused on 25th July 2005
- The development proposed was Proposed cottage with attached garage and entrance drive
- The main issue is the impact of the proposal on the setting of Sunnyhill (a Grade II listed building)

Decision: The appeal was DISMISSED on 16TH May 2006

Case Officer: Andrew Banks on 01432 383093

Application No. DCNC2005/2989/F

- The appeal was received on 17th January 2006
- 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 Skuse
- The site is located at Green Lane Methodist Church, Green Lane, Leominster, Hereforshire
- The application, dated 4th August 2005, was refused on 4th November 2005
- The development proposed was To change wooden windows in entrance vestibule to UPVC with double glazing.
- The main issue is the effect of the proposal on the character and appearance of the conservation area.

Decision: The appeal was DISMISSED on 5th May 2006

Case Officer: Astrid Jahn on 01432 261560

Application No. DCNC2005/2767/F

- The appeal was received on 10th January 2006
- 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 P Kellie
- The site is located at Middleton Barn, Middleton, Little Hereford, Ludlow, Herefordshire, SY8 4LQ
- The application, dated 12 August 2005, was refused on 3 October 2005
- The development proposed was Demolition of existing conservatory and construction of single storey extension and additional roof lights.
- The main issue is the impact of the proposal on the character and appearance of the area

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

Decision: The appeal was ALLOWED subject to conditions on 10 May 2003

Application No. DCNC2005/1307/F

- The appeal was received on 8th February 2006
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr P Perry
- The site is located at Sheepcott Court, Ullingswick, Herefordshire
- The application, dated 19th April 2005, was refused on 12th September 2005
- The development proposed was Proposed summer room.
- The main issue is that the appearance and overall extensive scale and mass of the resulting building would be such that the original building would no longer be dominant in character.

Decision: The appeal was DISMISSED on 31st May 2006

Case Officer: Nigel Banning on 01432 383093

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

6 DCNC2006/0817/F - DEMOLITION OF EXISTING HOUSE AND GARAGE AND RESIDENTIAL DEVELOPMENT COMPRISING OF 4 APARTMENTS, 3 TOWNHOUSES WITH 7 PARKING SPACES AT 55 NEW ROAD, BROMYARD, HEREFORDSHIRE, HR7 4AL

For: C L H Industries Ltd, Boughton Butler Architects, Design Studio, 6 Sansome Walk, Worcester, WR1 1LH

Date Received:
15th March 2006

Ward: Bromyard

Grid Ref:
65133, 54466

Expiry Date:
10th May 2006

Local Member: Councillor P Dauncy & Councillor B Hunt

This application was deferred at the last meeting for a site inspection by Members of the Northern Area Planning Sub-Committee.

1. Site Description and Proposal

- 1.1 The site lies within the market town of Bromyard, within an established residential area and the Settlement Boundary, on the A44.
- 1.2 The proposal is to demolish the house and garage at number 55 New Road and to construct four apartments and three houses. Two of the apartments will be single bedrooomed units, and the remaining five units will be two bedrooomed.
- 1.3 The existing dwelling uses the local mains drainage for all its surface and foul waste disposal. The proposal would use existing servers for foul waste only, and a soak-away for all surface water disposal. The total predicted foul water drainage to the mains sewer is far less than that currently disposed for the existing dwelling surface and foul waste combined.
- 1.4 The walls are proposed to be constructed from facing brick with slate roofs.
- 1.5 Parking spaces are provided, with one space per dwelling, and the existing access is to be slightly adjusted in accord with the Transportation Manager's recommendation.
- 1.6 This is a 0.09 ha site with a proposal for seven dwelling units. The existing dwelling takes up 135.72m² of land whilst the proposal takes up 255.7m², an increase of nearly double the building site plan. The proposal removes the garage and reflects the design of buildings opposite.

2. Policies

2.1 Malvern Hills District Local Plan

Housing Policy 2 – Development in Main Towns
Housing Policy 3 – Settlement Boundaries
Housing Policy 17 – Residential Standards
Environment Policy 13 – Water Resources
Landscape Policy 8 – Landscape Standards
Transport Policy 3 – Provision for Pedestrian and Cyclists
Bromyard Housing Policy 1

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable Development
S2 – Development Requirements
S3 – Housing
DR1 - Design
H1 – Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H15 - Density

2.3 National Policy

Planning Policy Guidance 3 – Housing
Planning Policy Statement 6 – Planning for Town Centres

3. Planning History

- 3.1 DCNC2005/1992/F - Proposed erection of a detached 4 bedroom dwelling - Approved 11th January 2005
- 3.2 DCNC2004/3449/O - Outline application for site for detached house with garage, new vehicular and pedestrian access - Approved 9th December 2004
- 3.3 DCNC2004/3187/F - Proposed first floor extension and conservatory to the east - Approved 4th November 2004

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water initially objected to the proposal, but withdrew their objection for the following reasons:

"Further to our consultation response dated 30th March 2006 to the planning application for the above development, we would wish to offer the follow comments:-

From recent investigations on-site, it has established that surface water run-off from the existing property discharges to the public combined sewerage system. On demolition of the existing property, the developer has agreed to discharge the surface water from the new developments to soakaways, which we can confirm is sufficient to offset the increase in foul flows to the public sewerage system.

We are now satisfied that the development will not result in an increase in flows to the public sewerage system and would request that our objection be withdrawn to the planning application. However, we would ask for the following conditions and advisory notes(see final recommended conditions).

Internal Council Advice

- 4.2 The Transportation Manager raises no objection subject to the applicants revised drawings of 6th April 2006 amending the width of the access roads to 3.5m and adding cycle storage provision.

5. Representations

- 5.1 A total of 8 letters of objection have been received to the proposal. The concerns raised can be summarised as follows:-

- Demolition of a focal Bromyard dwelling
- Overdevelopment
- Highway safety and traffic access
- Drainage problems
- Lack of parking
- Recommendation to List Kerrioth House
- Overlooking and loss of privacy amenity issued
- Inadequate recreation facilities/amenity space proposed on site

- 5.3 Bromyard Town Council state:

"My Town Council's Planning Committee resolved not to support this application. My Council could not support this proposal for the following reasons:-

- The development proposed represents an overdevelopment of the site which is unsympathetic in terms of density and design with that of neighbouring dwellings.
- Welsh Water in a letter dated 27th March 2006 to a concerned local resident state that "as a result of the recent sewage flooding" its Network Development Consultant has "requested that the Local Planning Authority oppose any further development in Bromyard, as a result of the demands this would place on the sewerage system". To grant permission for this redevelopment at the present time, which involves an increase in the number of dwellings on this site from 1 to 7, would be at variance with that advice.
- The site layout plan shows that vehicular access is proposed at the junction of a private drive with the Bromyard Bypass (A44) in close proximity with its junction with the B4214 road. The increase in vehicular traffic generated by the development proposed, would not be in the interest of the safety and flow of traffic.
- The Council also recommend that consideration be given to listing the existing detached house on this site."

- 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 application is clearly locally sensitive with a wide range of concerns identified and summarised above. It is considered that the key issues for consideration in the determination of the application are as follows:-

- a) the principle of demolition of the existing dwelling
- b) the impact of the scale and character of the proposal on the site and its surroundings
- c) potential for listing Kerrioth House, the existing dwelling
- d) the impact on residential amenity of neighbouring occupiers
- e) highway safety and access issues
- f) on-site parking
- g) drainage issues
- h) lack of recreation facilities on site

a) Principle of Demolition

The dwelling is neither a listed building, nor sited within Bromyard Conservation Area. Consequently, it is not considered that there are any sustainable grounds to prevent demolition of this property.

b) Impact of Scale and Character of the Proposal

The proposal is located in an existing, established residential area of Bromyard by the busy A44 road. There are detached dwellings adjacent and terraced and semi-detached dwellings opposite. The proposal is in accordance with Planning Policy Guidance 3: Housing, density recommendations. In this Officer's opinion, there is no policy objection on that ground.

c) Listing

The Conservation Manager has been alerted to the suggestions from consultees. The Case Officer is advised, that unless English Heritage officially decide to investigate the property for listing, no policy objection can be made on this ground.

d) Impact on Local Amenity

This is an existing residential area, and local residents and Town Councils objections are noted.

Overlooking is a concern expressed by residents regarding this proposal, however it is clear both on paper and on site that the current property has a similar frontage and it is only the proposed additional rear footprint and building on which these concerns can be raised.

The proposed 3 town houses are all recessed back from the main frontage of the building and are further from the new dwelling in No. 55's garden than the current Kerrioth House. In addition, they are over 25m from numbers 4 and 61 New Road. The proposal is also over 15m from number 1 Jenks Orchard and has no direct views to this property, having no windows on the southern elevation.

It is important to note that though a 3-storey proposal, the third storey is within dormers and gables, and with sloping site levels this is lower than both 1 Jenks Orchard and the

new adjacent 2-storey dwellings and that houses opposite on New Road are of a similar two storeys plus third storey in roof dormers.

Within the terms of current local and national policy guidance, in your officer's opinion this is not considered of sufficient amenity loss to merit a refusal.

e) Highway Safety and Access Issues

The objections from local residents and the Town Council are noted. However the Transportation Manager has no objection to the revised access scheme and, though your officer shares these concerns, it is not considered sufficient to warrant refusal.

f) On-site Parking

The proposal includes seven off street parking spaces, within a town centre location. Within the terms of current policy guidance there is no requirement for off-street parking in towns and parking is not considered a sufficient reason for refusing the proposal in this location.

g) Drainage Issues

When the initial objection for Welsh Water arrived, the applicant was advised that a refusal would result. However, the applicant discovered that currently the existing Kerrioth House uses sewers for both surface water and foul drainage. Welsh Water has no objection to the proposal if the applicants use a soak-away for all surface run-off and only the main drainage for foul drainage. Therefore, in your officer's opinion, no refusal is sustainable on drainage grounds.

h) Lack of Recreation Facilities

A proposal of this scale is not required to provide for recreational facilities on or off-site. The three houses will have private gardens. The four apartments will have a parking space only. In your officer's opinion, this is not a sustainable reason to refuse planning permission for the proposal.

6.2 Conclusion

Given all these factors, there are no sustainable reasons to refuse planning permission for the proposal and it is therefore recommended for approval subject to conditions.

RECOMMENDATION

That planning permission be recommended for approval subject to 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 - Foul water and surface water discharges must be drained separately from the site.

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

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

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

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

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

7 - 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.

8 - Individual cycle parking storage for each dwelling is required. Secure and covered storage adjacent or incorporated into each dwelling.

Reason: To mitigate the parking and traffic impact of development.

9 - G01 (Details of boundary treatments)

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

10 - G04 (Landscaping scheme (general))

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

11 - F48 (Details of slab levels)

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

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

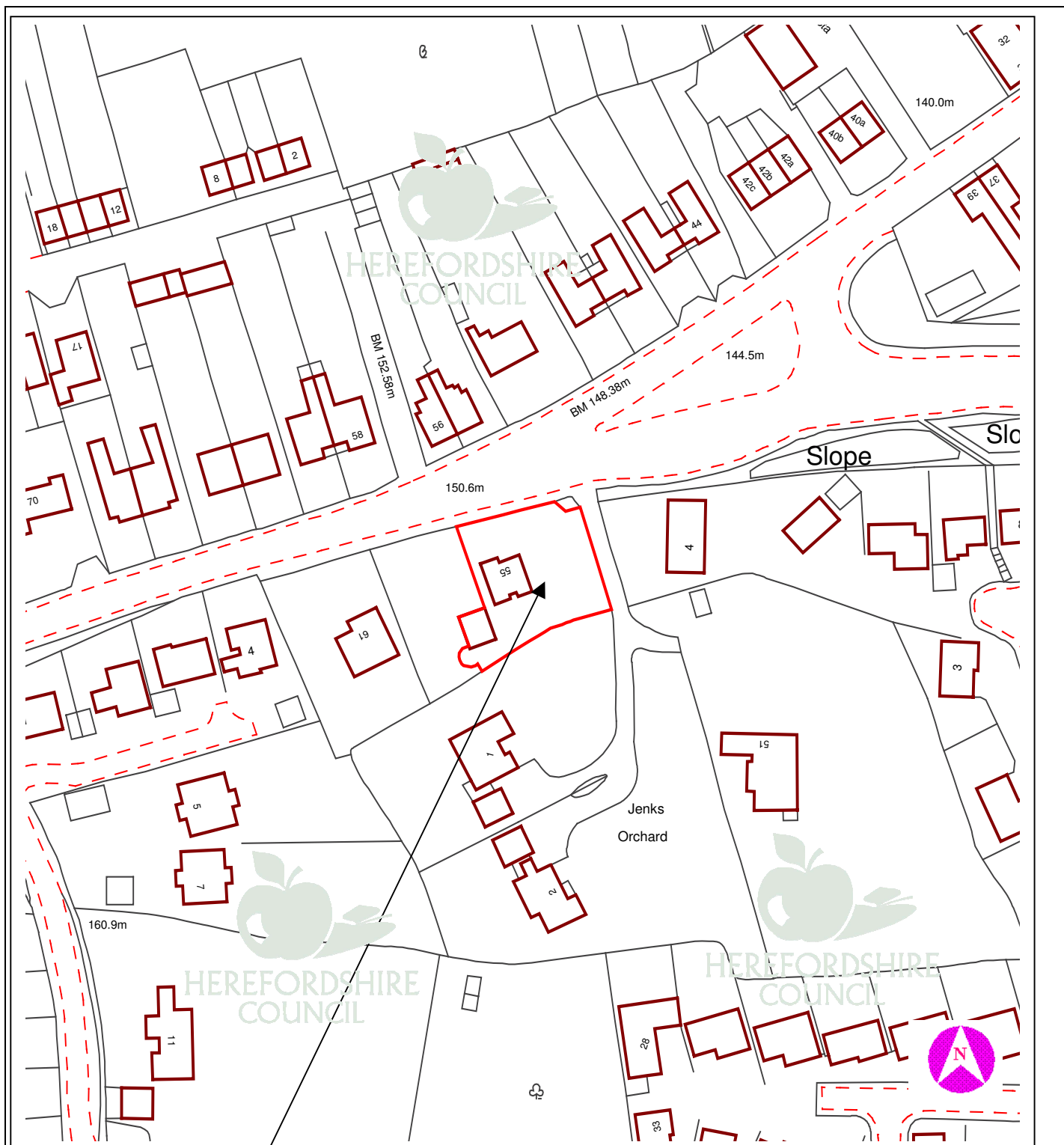
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/0817/F

SCALE : 1 : 1250

SITE ADDRESS : 55 New Road, Bromyard, Herefordshire, HR7 4AL

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7 DCNC2006/0966/F - PROPOSED 5 NEW HOLIDAY LODGES AND BIKE STORE AT BROCKINGTON HALL GOLF CLUB, BODENHAM, HEREFORD, HEREFORDSHIRE, HR1 3HX

For: Brockington Hall Golf Club per Barton Hasker Architects 1620 High Street Knowle Solihull West Midlands B93 0JU

Date Received:
27th March 2006

Ward: Hampton Court **Grid Ref:**
54648, 51150

Expiry Date:
22nd May 2006

Local Member: Councillor K Grumbley

This application was deferred for a site visit by Members subsequent to the 17 May 2006 meeting.

1. Site Description and Proposal

- 1.1 The site is located on south side of the A417 road between Leominster and Gloucester near the village of Bodenham and outside the settlement boundary.
- 1.2 The application proposes the siting of 5 new holiday lodges and bike store at Brockington Hall Golf Club, Bodenham. This is a nine-hole golf course with associated café, which has extant permission for alterations to the Club house, a new groundsman's shed and treatment plant.
- 1.3 The full extent of the application site measures 11.6 ha.

2. Policies

2.1 Leominster District Local Plan

- A1 – Managing the District's Assets and Resources
- A2 – Settlement hierarchy
- A9 – Safeguarding the Rural Landscape
- A24 – Scale and Character of Development
- A25 – Protection of Open Areas and Green Spaces
- A35 – Rural Employment and Economic Development
- A38 – Rural Tourism and Recreational Activities
- A39 – Holiday Chalet, Caravan and Camp Sites
- A53 – Protection from Encroachment into the Countryside
- A61 – Community, Social and Recreational Facilities

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable Development
S2 – Development Requirements
S4 – Employment
S11 – Community Facilities and Services
H7 – Housing in the Countryside outside Settlements
H16 – Car Parking
E11 – Employment in the Countryside
T11 – Parking Provision
RST11 – Golf Courses
RST12 – Visitor Accommodation
RST13 – Rural and Farm Tourism Development
RST14 – Static Caravans, Chalets, Camping and Touring Caravan Sites
CF5 – New Community Facilities
CF6 – Retention of Existing Facilities

2.3 National Policies

PPS1 – Delivering Sustainable Development
PPS7 – Sustainable Development in Rural Areas
PPG13 - Transportation

3. Planning History

DCNC04/3367/F - Application for an extension to the club house, new groundsman's hut and proposed holiday lodges and new treatment plant. Withdrawn 2.10.04.

DCNC05/1372/F - Alterations and extension to club house, proposed holiday lodges, new groundsman's shed and new treatment plant. Withdrawn 13.7.05.

DCNC05/2214/F - Alterations and extensions to the club house, new groundsman's shed and new treatment plant. Approved 23.8.05.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Traffic Manager: No objection subject to conditions.

4.3 Conservation Manager (Landscape): No response.

4.4 Tourism Manager: The Tourism Manager reports as follows: 'I did support this application on the proviso that the accommodation was used in the main to accommodate groups staying at the Golf Club. Self-catering accommodation in Herefordshire is at a premium and although log cabins do not currently make up a high percentage of the self-catering accommodation **there is an increase in the number of similar applications for log cabin development which will ultimately have a detrimental effect on the economy of the area and in particular the self-catering sector.**'

5. Representations

5.1 Parish Council: "In the report in support of the application, stress is laid at para A.4.19 on the encouragement given in the Local Plan to employment generating proposals. However, in dealing with benefits to the local community (page 27) there is no specific detail of the 'additional employment' that will be created by the current proposal. It may be thought that the servicing needs of five self-catering accommodation units would lead to the creation of limited employment opportunities and would not amount to sufficient justification to overcome objections based on existing policies.

At C.2.1, reference is made to the cabins being a 'subservient' form of development directly related to the Brockington Hall Golf, allowing complementary opportunities for the provision of tourism accommodation. However, UDP policy RST11 Golf Courses clearly states that new buildings will only be permitted that are essential and ancillary to the operation of the course. You are reminded that the refurbished and extended Brockington Hall is also in the ownership of the applicant and is widely advertised as being available for hire 'for weekends or longer' and as a venue for weddings and art course breaks. It is suggested that the Hall is already available as accommodation ancillary to the golf course and thus would negate the need for new build outside the settlement boundary. The reference at C.2.4 to the provision of "independent accommodation as the basis for walking and cycling holidays" seems to conflict with the earlier statement that the cabins would be directly related to the golf course.

It is considered that the proposal to erect five cabins of Norwegian Fir construction with artificial slate clad roofs would also be contrary to UDP Policy H7 and Local Plan Policies A2 and A24 in that they would be detrimental to the visual amenity of the area. It is contended that, contrary to the statement at B.2.3 (page 29), log cabins are of a simple style 'fully complementary to existing development and the landscape', they would, in fact be a visually intrusive element, ill at ease in a setting so close to Brockington Hall and to a major entry point to the village."

5.2 Supporting statement: The applicant's supporting statement states that this proposal represents the next stage in the development process of the golf course and its facilities. This statement describes the past planning history and the policy framework, particularly sustainability and tourism policies. The statement describes the history of the golf club.

Paragraph A5.6 states that Brockington Hall will become Mr Stevens' (applicant) private residence, which has on occasion been let on a short-term basis, for holiday use.

The proposal details are described, and responses to the last application also noted. This proposal is claimed to be subservient and directly related to the Golf Club, with a proposed increase in staffing levels to 15-20 full and part-time employees.

No business plan is included in this so no information is available to explain how these increases and expansions are to be funded or sustained.

The applicant has however already shown willing with regards to facilitating a footpath link direct to Bodenham village.

5.2 No representations have been received from any neighbours.

6. Officers Appraisal

6.1 The main issues arising from this application are as follows:

- a) The principle of new build in the open countryside
- b) Sustainability of the development
- c) Tourism provision
- c) Transportation

6.2 The application site lies alongside the A417 and is outside the settlement boundary of Bodenham and as such lies in the open countryside in a policy context.

a) New build in the open countryside

6.3 There are serious reservations with regards to the proposed holiday lodges which in policy terms are in the open countryside and as such would be required to comply with Policy A2(d) in terms of the overall principle of the development proposed and Policy A9 of the Leominster District Local Plan in respect of their visual impact on the landscape qualities of the site and surroundings. Policy A35 limits development proposals to small scale opportunities which are well related to settlement boundary and safely accessible by foot. In addition, Policy A36 states that employment generating enterprises wishing to locate in existing rural buildings will be permitted where conversion does not lead to dispersed activities on such a scale as to prejudice town and village vitality. The continuing approach is that proposals should be small scale and in keeping with their surroundings. Policy A38 dealing with Rural Tourism and Recreation Activities endorses this approach.

6.4 The proposal fails the policy test in that it is considered inappropriate by reason of its scale and design and is thereby contrary to the Local Plan Policies A1, AA2(d), A35, A36 and A38.

b) Sustainability of the development

6.5 Policies A1 and A38 of the Local Plan and PPS1 and PPS7 require the proposal to be sustainable.

6.6 The previous application under DCNC2005/1372/F had a section entitling itself "A Business Plan". However, the current proposal does not. The planning history details are contained within the planning application supporting statement.

6.7 At the time of writing this report there was no business development plan or redevelopment plan. There is no evidence on which to base any aspect of the sustainability of the proposal, and in the absence of this evidence the proposal is clearly contrary to Policies A1 and A38 of the Local Plan and PPS1 and PPS7.

d) Tourism provision

6.8 The Tourism Manager does not support the proposal for fears of overprovision of this style of accommodation. However, competition is not a valid reason to object to the proposal in planning terms. Additional local holiday chalets have been approved in Upper Maund, Bodenham. This was approved at Committee on 2 November 2005. This approval was subsequent to an officer recommendation for approval on the policy grounds of diversification of the enterprise, replacing an existing disused poultry house

with a building of the same size. As such this proposal differs from that currently before the Committee in most respects and it was in line with existing policies.

c) Transportation

6.9 The Traffic Manager has no objection subject to conditions in this application. There are no additional transportation implications for the proposal.

Summary

6.10 To conclude, the proposal represents a considerable investment in the expansion of the site in the open countryside. In support of this proposal there are a number of plans and a planning document. However, there is no current Business Development Plan and no support from the Tourism Officer, and substantive objection from the Parish Council. The details included with the application fail to prove the sustainability and viability of the proposal.

6.11 In addition, by reason of its scale, siting and location the proposal is contrary to Leominster District Local Plan policies and also to Planning Policy Statements 1 and 7.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1 This enterprise is considered inappropriate by reason of its scale, design and isolated rural location outside any established settlement boundary. Furthermore, in the absence of evidence to prove the viability and sustainability of the proposal it is contrary to Leominster District Local Plan (Herefordshire) Policies A1, A2(d), A35, A36, A38 and A39, and Herefordshire Unitary Development Plan (Revised Deposit Draft) S1 and E11 and thereby also contrary to Planning Policy Statements 1 and 7.**
- 2 It is considered that the proposal is contrary to the Leominster District Local Plan Policies A2 and A24 and Herefordshire Unitary Development Plan (Revised Deposit Draft) Policy H7 in that the development will be detrimental to the visual amenity of the area.**

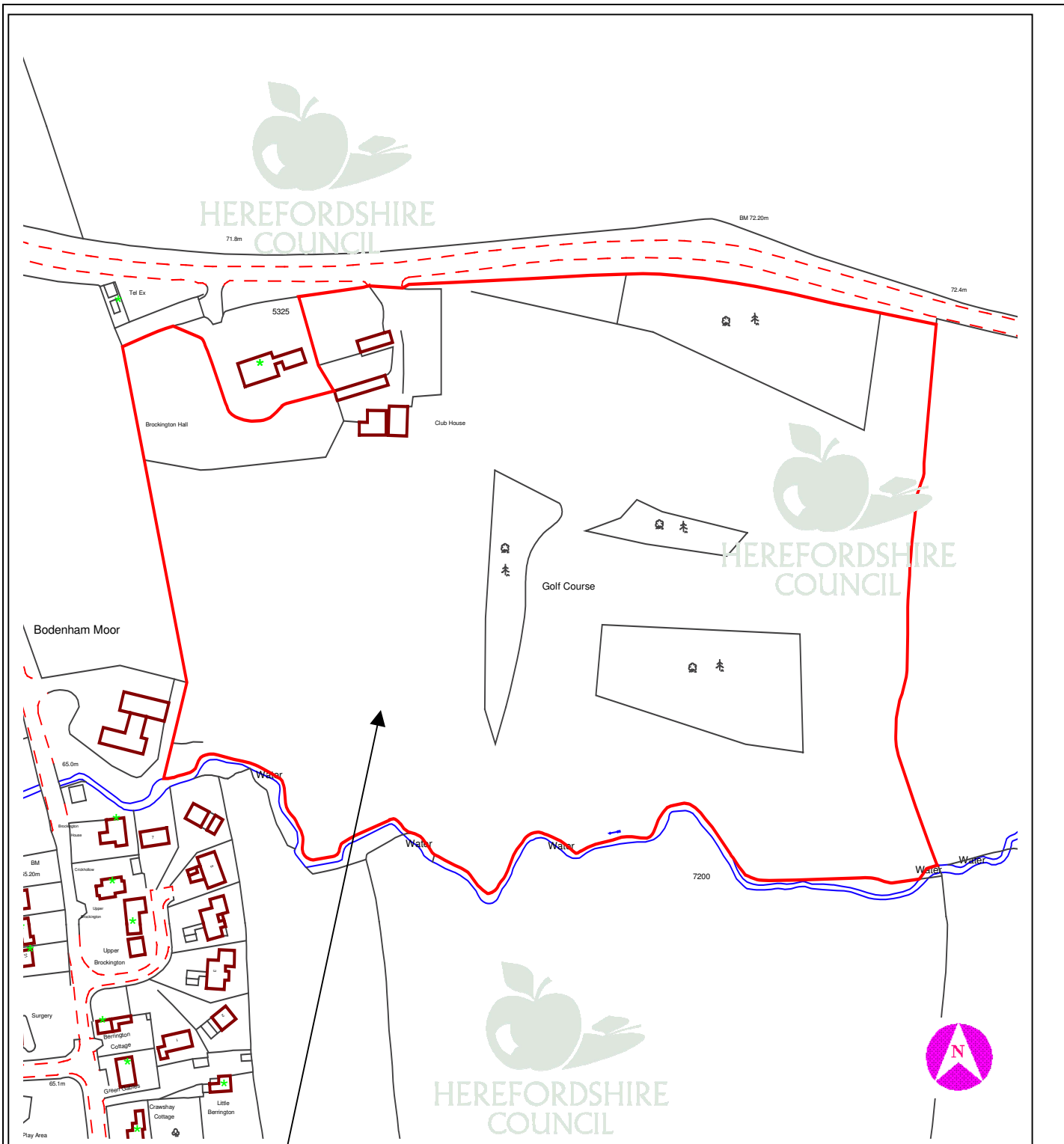
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/0966/F

SCALE : 1 : 2500

SITE ADDRESS : Brockington Hall Golf Club, -, Bodenham, Hereford, Herefordshire, HR1 3HX

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8 DCNE2005/0825/F - CONSTRUCTION OF OIL DISTRIBUTION DEPOT AT WATSON PETROLEUM LIMITED, BROMYARD ROAD, LEDBURY, HEREFORDSHIRE, HR8 1LG.

For: RPS Mallams Court, 18 Milton Park, Abingdon, Oxfordshire, OX14 4RP

Date Received:

Ward: Ledbury

Grid Ref:

70730, 38828

Expiry Date:

Local Member: Councillor P Harling and Councillor D Rule

1. Site Description and Proposal

1.1 The application site lies on the western side of the Bromyard Road (B4214), on the northern side of Ledbury. It has an area of approximately one hectare. The land slopes downwards from the road in a westward direction. The site is currently cleared and vacant. Immediately to the north of the application site is a large fruit storage and packing facility building operated by Wye Fruit Ltd. To the south of the application site is a research facility. On the opposite side of the road (east) are four residential properties. One of these dwellings, 'Orchard Cottage', is operated as a guesthouse. These properties are set back a considerable distance from the road at a higher ground level.

1.2 The proposal involves the following elements: -

The erection of three tanks for the transfer of fuel oils. These tanks would be sited in excess of 60 metres from the road in a central position upon the site such that a gap of 15 metres would be maintained with the northern boundary and a gap of 21 metres would be maintained with the southern boundary. These tanks would be aligned along a north-south axis. Two of the tanks would have a diameter of 10 metres and one would have a diameter of 8 metres. These seven metre high tanks would be set below existing ground level within an impervious bund such that their height above existing ground level would not exceed 6 metres. The fuel proposed to be stored is: -

- a) Domestic burning oil (kerosene) 540 m³
- b) DERV (Diesel-engined road vehicle oil) 350m³
- c) Gas oil ("agricultural" or "red" diesel) 540m³

1.3 The potential maximum volumes of oil held temporarily in the tanks will be adequate for approximately three days supply. In this respect it is short-term oil storage rather than a long-term storage facility.

1.4 The tank walls will be manufactured of steel and painted in an appropriate colour.

- 1.5 The erection of a flat-roofed site office measuring 20.05 metres in width and 14.64 metres in depth. The height of this building would be 3.74 metres. It would be sited some 32 metres south of the highway and set in some 6 - 9 metres from the southern boundary.
- 1.6 The provision of a new vehicular access onto the Bromyard Road. This would be set in 10.4 metres from the southern boundary of the site. There would be a barrier set into the site allowing vehicles to manoeuvre - off the public highway prior to entering the operational site. Twenty five on-site car parking spaces would be provided. In addition, provision would be made for the parking of sixteen rigid tankers. A one-way traffic system would be operational within the site for safety and operational reasons.
- 1.7 A covered cycle shed store would be provided
- 1.8 The plan shows large areas available for landscaping, especially on the eastern and western ends of the site where appropriately graded landscaped bunds would be provided.

2. Policies

2.1 Malvern Hills District Local Plan 1998

Environment Policy 1 – Location of Development
Environment Policy 3 – Environmental Assessment
Environment Policy 6 – External Lighting Details
Environment Policy 9 – Flood Defence
Environment Policy 10 – Protection of Groundwater Supplies
Environment Policy 11 – Water Pollution Prevention
Environment Policy 12 – Disposal of Foul Sewage, Trade Effluent and Surface Water
Employment Policy 2 – The Retention of Existing Industrial Land
Transport Policy 3 – Provision for Pedestrians and Cyclists
Transport Policy 8 – Car Parking and Servicing Requirements

2.2 Herefordshire Unitary Development Plan (Revised Draft Deposit Draft May 2004)

Policy S2 – Development Requirements
Policy DR1 – Design
Policy DR14 – Lighting
Policy E5 – Safeguarding Employment Land and Buildings
Policy E8 – Design Standards for Employment Sites

3. Planning History

- 3.1 DCNE2002/2948/F - Change of use of land for B1, B2 and B8 business purposes - Granted 13th November 2002.

4. Consultation Summary

- 4.1 Following the initial submission in March 2005 an Environmental Statement was required to be submitted under the provisions of the Environmental Impact Assessment Regulations 1999. The further information received in March 2006 has been the subject of full re-consultation and the consultation summary below refers to the responses to that re-consultation process.

Statutory Consultations

- 4.2 English Nature are satisfied that the proposal would not have an adverse affect upon the Ledbury Cutting Site of Special Scientific Interest (SSSI) and confirm their agreement with the findings of the Environmental Statement in that there will be no significant effect to flora or fauna.
- 4.3 Severn Trent Water has no objections to the proposed development subject to the imposition of appropriate conditions.
- 4.4 The Environment Agency has no objections to the proposed development subject to a number of conditions being attached.

Internal Council Advice

- 4.5 Transportation Manager - no objections subject to imposition of appropriate conditions.
- 4.6 Environmental Health Manager - No objections received.
- 4.7 Ecologist - recommends informative.
- 4.8 Landscape Officer - Satisfied with the landscape approach to the site.

5. Representations

- 5.1 Ledbury Town Council recommend approval of the application on the proviso that strict health and safety measures are taken particularly in the light of the recent disaster at the oil depot in the southern counties.
- 5.2 The CPRE Herefordshire Branch (Ledbury and District Group) wish to ensure that the structures upon the site are no more intrusive than the existing buildings in the vicinity and are of an appropriate colour.
- 5.3 The occupiers of five residential properties in the immediate vicinity have objected to the proposed development upon the following summarised grounds: -
 - Reference is made to the recent tragedy at the Buncefield petroleum depot and the proximity to existing dwellings;
 - There are other inherent problems with vehicles negotiating the low railway bridge at the southern end of Bromyard Road;
 - Concern regarding noise especially during the night-time;
 - Devaluation of property prices;
 - There are other alternative sites with better access;
 - The road cannot cater with the additional traffic that the development would generate;
 - There are other more appropriate sites;
 - Concerns regarding light pollution;
 - Concern as to the visual impact of the proposed development; and
 - Concern over security issues given the proximity to an animal testing laboratory.
- 5.4 The agent for the applicant has submitted various supporting documents.

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

6. Officers Appraisal

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

- The principle of the development
- The visual impact of the proposed development
- The highway implications of the proposed development
- The impact of the proposed development upon the occupiers of residential dwellings upon the eastern side of Bromyard Road
- The impact of the proposed development upon other adjoining land uses
- Water Quality, Drainage and Flood Risk

Principle

With regard the first issue the application site lies within the defined built-up area of Ledbury upon land allocated for employment related purposes. Employment Policy 2 of the Malvern Hills District Local Plan 1998 and Policy E5 of the Herefordshire Unitary Development Plan Revised Deposit Draft May 2004 specifically safeguards employment land for employment related purposes. The proposed development is an employment related use that provides a service to local businesses and residents. Most of the fuel would be supplied to premises within a 40-45 mile radius. The proposal will basically consolidate the two existing operations, one a few hundred metres to the north along the Bromyard Road (formerly known as Hills) and the other at Little Marcle (formerly known as CKM Fuels) onto a single site. The applicant considers that continuing to operate from two locations using old equipment and facilities has both environmental and operational disadvantages over a single, purpose-built facility with modern standards of environmental protection. Neither of the existing two sites is of a sufficient size. Developing a new site in Ledbury does have the benefit of maintaining continuity to both the existing workforce and customers. Thus with regard the first issue it is considered the principle of the development to be acceptable.

Visual Impact

With respect the visual impact of the proposed development, the tanks themselves would be sited a considerable distance from the roadside. The land at this position is at a materially lower ground level (more than 3 metres). Thus with the tanks set into the ground by approximately 1 metre, only say 3 metres of tank would be above the level of the road. Furthermore when viewed from the Bromyard Road to the south-east and the public footpath to the east of Bromyard Road to the south of the application site, the tanks would be set against the backdrop of a quite considerable fruit storage and packing building. In addition one needs to appreciate that there are gaps between the tanks. Such visual spaces / voids between structures rather than a single solid mass of a building means that the visual impact is lessened.

The ancillary office is a genuinely single storey building that is considered to be appropriately sited some distance from the road and visually set against the research buildings to the south.

The proposed development has been planned such that there are very generous areas available for planting to the eastern (Bromyard Road) end and western end of the site. The plans indicate the planting of a native hedge in front of a 3 metre high security fence along the road frontage interspersed with extra heavy standard trees. In addition to the rear of the fencing, to the front of the site it is proposed to create a landscaped bund. Again to the rear of the site is proposed to create a landscaped bund with appropriate native tree and shrub whip planting. The hedgerows along the northern and southern boundaries would be retained.

From a purely visual point of view it is considered that the proposed development would have a lesser visual impact than a conventional development of industrial or storage units upon the site.

Therefore on the second issue it is considered that the proposed development would not have an undue visual impact. Indeed the scheme would integrate well between the existing development that flanks it to the north and south and would be well landscaped.

Highway matters

The proposed vehicular means of access is appropriately designed and the visibility at the proposed means of access meets the required standards. The on-site parking provision is considered to be satisfactory and the circulation areas appear well planned.

No objection has been raised by the Transportation Manager in relation to the adequacy of the surrounding highway network, including the height restriction to the bridge at the southern end of Lower Road. The maximum height of vehicles operating from the fuel depot would be 11 feet and 6 inches well below the 14 feet 9 inches height restriction of the bridge.

In terms of traffic generation it must be remembered that these trips are already taking place upon the local highway network from the Little Marcle site and more locally at the site just a few hundred metres to the north.

The impact of the proposed development upon the occupiers of residential dwellings

As outlined above, it is considered that the visual impact of the proposed development would be limited. Indeed given the siting of the dwellings at a higher level on the eastern side of the Bromyard Road views over the proposed development would be maintained.

It is the case that there will be a number of vehicle movements. On an average day there would be ten oil tanker movements (5 in and 5 out) and 28 rigid oil tanker movements (14 in and 14 out). In terms of peak periods the worst-case scenario is envisaged to be 24 oil tanker movements per day (12 in and 12 out) and 74 rigid oil tanker movements per day. The local residents are concerned as to the noise arising from these movements. In this regard the following point need to be considered: -

- The relevant Government guidance states that it is recognised that relatively large changes in traffic flows are required to bring about perceivable changes in noise levels. For free flowing traffic, a difference of about 3dB is required before there is a perceivable change in noise level. A 25% increase or 20% decrease in

traffic flow normally only results in a 1dB change. In this case, when one considers that many of these vehicles already use the Bromyard Road, the increase in traffic flows would be 2% daily. Nighttime movements would be restricted to an occasional delivery of fuel to the site. Clearly few (if any) of the applicant's customers would wish to receive their fuel at night. It is not considered that this would create any perceivable change in noise levels.

Concern has expressed as to the relatively recent event at Buncefield. Members need to be aware of the following material differences: -

- The scale of storage was in the order of 50 times that proposed here;
- Delivery – Buncefield is connected and supplied by a regional pipeline network
- Most importantly the range of fuels stored at Buncefield was different. Buncefield stored significant quantities of motor spirit (petrol) that is considerably more highly volatile. It must be recognised in relation to the fuels proposed to be stored at the application site the vapour pressures of these liquids is low and accidental ignition of vapours unlikely. No hazardous technologies or substances are involved in the proposed operations and the risks do not require control under the Control of Major Accident Hazards Regulations 1999 or the Planning (Hazardous Substances) Act 1990. These regulations are available to control developments and land use where there is a significant risk or safety concern and they do not apply to the scale and nature of the development proposed in this application.

The local residents concern regarding potential light pollution is recognised. External lighting is required in relation to such an operation. It is considered that this matter can satisfactorily dealt with by way of appropriate planning conditions.

The impact of the proposed development upon other adjoining land uses

The operators of the fruit packaging and storage facility to the north object to the proposed development as they consider that their fruit would be tainted and / or that there would be a perception of their fruit being tainted. In this respect Wye Fruits have engaged technical consultants stating that there would be a problem (see documents attached as APPENDIX 1) that could potentially affect the viability of their business whilst the applicants have engaged consultants who state that there would not be a problem (see documents attached as APPENDIX 2).

The Environmental Health Section have not raised any objection to the proposal in relation to this issue and one needs to be aware that this is an allocated employment site with planning permission for B1, B2 and B8 uses. This would, for example, include vehicle body repairs including repainting / spraying.

In respect of the adjoining research establishment, it must be recognised that the applicant is proposing to erect suitable security fencing around the site and that the tanks are set into the site by a considerable distance. Matters of maintaining public order are the responsibility of the Police service.

Water Quality, Drainage and Flood Risk

The Environment Agency is now satisfied that the issues of ground contamination, management of overland flow and pollution control have been adequately addressed. A clear and comprehensive drainage design has been produced.

The on-site storage requirement for attenuating a 1 in 100 year (plus 20%) storm event is to be provided in the form of an attenuation pond.

It is therefore concluded that this proposal is to provide an employment related use on a safeguarded employment site. The operation provides a service to the local economy and community. In addition, it maintains employment opportunities within Ledbury. The physical elements of the development would have a limited visual impact. The proposed means of access and visibility splays together with the parking / manoeuvring areas are satisfactory. The amount of additional traffic flow along the Bromyard Road would be very limited. It is considered that the occupiers of dwellings in the vicinity would not suffer an undue loss of amenity. The water quality, drainage and flood risk issues have been resolved with the Environment Agency.

In forming the above views, full regard has been given to the contents of the Environmental Statement.

RECOMMENDATION

That full conditional planning permission be granted.

- 1 - The development hereby permitted shall be begun not later than the expiration of five years beginning with the date of this permission;**

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990;

- 2 - The three tanks hereby permitted shall be painted a Goosewing Grey (10 A 05) colour prior to their erection on-site or within one month of their erection on-site and shall thereafter be maintained as such;**

Reason: To ensure a satisfactory appearance to the development;

- 3 - Prior to commencement of the development hereby permitted written details of the colour that the steel paling security fencing is to be painted shall be submitted to the Local Planning Authority for written approval. No development shall commence until the written approval of the Local Planning Authority has been obtained.**

Reason: To ensure a satisfactory appearance to the development;

- 4 - The security fencing hereby permitted shall be painted in accordance with the details approved pursuant to condition 3 within one month of their erection on-site and thereafter maintained as such;**

Reason: To ensure a satisfactory appearance to the development;

- 5 - Prior to commencement of the development hereby permitted, full details of all external lighting to be installed upon the site (including upon the external elevations of the building) shall be submitted to the Local Planning Authority for their written approval. No external lighting shall be installed upon the site (including upon the external elevations of the building) without the prior written consent of the Local Planning Authority. The approved external lighting (including upon the external elevations of the building) shall be installed in full**

accordance with the approved details and thereafter maintained in accordance with those details;

Reason: To safeguard the character and appearance of the area;

- 6 - Prior to the first use of the site hereby permitted, the vehicular means of access, turning / manoeuvring areas and vehicle parking areas shall be fully implemented. Thereafter these areas shall be kept available for such use;

Reason: In the interests of highway safety;

- 7 - No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, using indigenous species 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 a programme for the approved scheme's implementation and long term management. The submitted scheme of landscaping must include details as to the location of all planting, the species, their size and the density of planting;

Reason: To ensure that the development is adequately integrated into the landscape;

- 8 - All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first use of the site or the completion of the development, whichever is the sooner, any trees or plants which within a period of five 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;

Reason: To ensure that the development is satisfactorily integrated into the landscape;

- 9 - There is a public sewer that crosses the site. No buildings shall erected or trees planted within 2.5 metres of this sewer;

Reason: To maintain essential access for maintenance, repair, renewal and to protect the structural integrity of the public sewage system;

- 10 - Development approved by this planning permission shall not be commenced unless:

a) A scheme for shallow soil sampling has been designed for the site using the information obtained from the Phase 1 Risk Assessment, dated September 2005 and Environmental Statement, dated March 2006. This shall be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site.

b) The soil sampling has been undertaken in accordance with details approved by the Local Planning Authority.

c) A Method Statement detailing any remediation requirements using the information obtained from the soil sampling has been submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.

Reason: To ensure that the proposed site investigations and remediation will not cause pollution of the environment.

- 11 - The development of the site should be carried out in accordance with the approved Method Statement;**

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

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

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and harm.

- 13 - Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.**

Reason: To protect the environment by ensuring that the remediated site has been reclaimed to an appropriate standard.

- 14 - The development shall be carried out in accordance with the details submitted, including plan JER7016-002e, dated 27.02.06, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To prevent pollution of the water environment.

- 15 - Prior to the commencement of operation, details shall be submitted to provide a maintenance plan, for the drainage scheme, including the attenuation pond and swales, for the lifetime of the development. The swales and attenuation pond shall be implemented, maintained and retained in accordance with the approved details.**

Reason: To ensure appropriate maintenance of the drainage system and prevent pollution of the water environment.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - With regard the details required to be submitted pursuant to condition 5 the Local Planning Authority would advise the applicant to engage the services of a suitably qualified lighting engineer (Institute of Lighting Engineers) and that they would require the following level of detail: -

Details as to the location of each luminaire supporting structure together with the number of lights upon each structure;

Details of lighting columns (or supporting structures)

Written details of the colour of each supporting structure

Details of each luminaire (i.e. lamp)

The wattage of each luminaire

The mounting height of each luminaire

The tilt angle of each luminaire (n.b. the Local planning Authority would recommend 0 degrees - i.e. parallel to the ground)

The rotational angle of each luminaire

An appropriately scaled metric scaled block plan detailing the resultant lux levels on the ground.

- 3 - A watching brief should be kept during the works for the presence of slow worms and if found to be present during the work, operations should cease and an ecologist licensed by English Nature for surveys should be engaged to determine the populations and impact of the works together with mitigation and compensation. The presence of nesting birds should also be evaluated throughout the works and if revealed or potentially disturbed by the development then the Herefordshire Council's Ecologist should be notified. Works should avoid disturbance to the nests, young, eggs, adults and nesting area.
- 4 - With regard condition 10 above the soil sampling testing suite must include metals, and speciated poly-aromatic hydrocarbons (PAH) and total petroleum hydrocarbons (TPH).
- 5 - Plan JER7016-002e details an acceptable surface water drainage/ pollution prevention system, with an attenuation pond (reedbed), swale and oil interceptors (type 1).
Overland flows entering the site have been satisfactorily addressed, with a cut-off system proposed at the site entrance, to prevent flow into the operational area. It is understood that the proposed system has been designed to cater for the 1 in 100 year storm event, which is acceptable. It is also noted that the existing site drain (an existing foul water sewer connection, part of the former residential property on the site) is to be removed, prior to construction so it does not act as a conduit for contaminants.

The swales and attenuation pond (wetland) will require maintenance and a statement would be required to give details to ensure this aspect.

6 - The attenuation pond and swales have added benefits, to the environment, in terms of its added water quality / biodiversity benefits. The pond should be planted with vegetation, such as reeds, in order to maximise the treatment of water quality prior to discharge to the watercourse. However, it should be noted that the part of the pond around the inlet should be designed to be kept clear of vegetation, so that it enables the boom to be properly installed and maintained thereafter. The continuous boom is considered an essential part of the design scheme, to trap any oils on the surface of the pond etc.

6 - For the avoidance of any doubt the plans to which this decision relate are: -

- Location Plan (Scale 1:35,000) Figure 1.1 received 15 March 2006
- Application Site Plan / Site Context (Scale 1:5,000) Figure 2.1 received 15 March 2006
- Block Plan - Drawing number WPL/Led (n) - 2004-2 (scales 1:200 and 1:2500) received 15 March 2006
- Indicative Landscape Proposals Figure 3.1 received 15 March 2006
- Drainage design - drawing number JER7016-002e received 15 March 2006.
- Floor plans of office accommodation / drivers reception (drawing number UO698/01 Rev. D) (Scale 1:50) received 14th March 2005
- Elevations of office accommodation /drivers reception (Scale 1:100) (drawing number U0698/02 Rev A.) received 22nd May 2006.

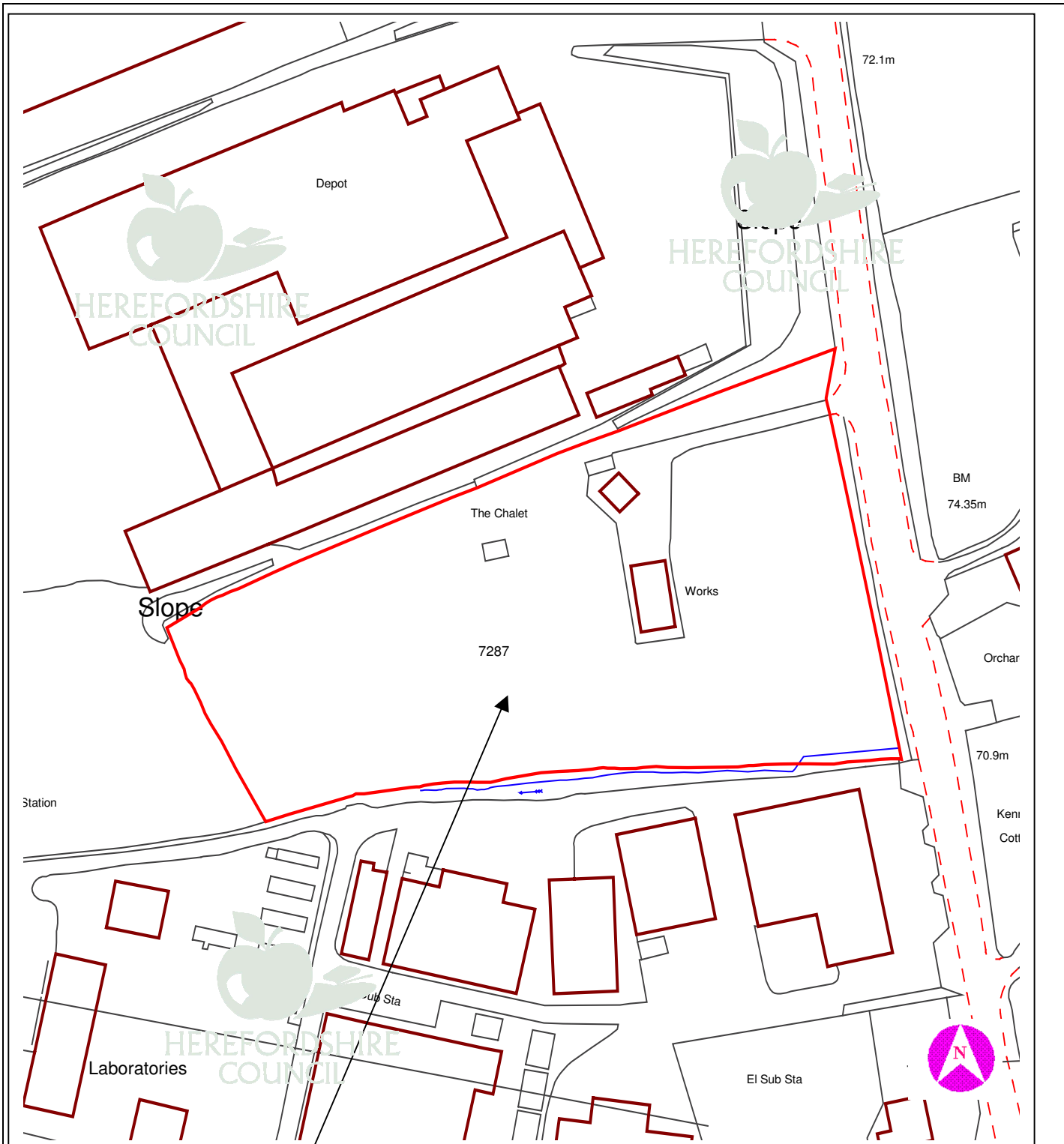
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2005/0825/F

SCALE : 1 : 1250

SITE ADDRESS : Watson Petroleum Limited, Bromyard Road, Ledbury, Herefordshire, HR8 1LG.

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9 DCNE2006/0934/F - PROPOSED NEW DWELLING AND GARAGE WITH NEW VEHICULAR ACCESS. LAND ADJACENT TO QUEENSWOOD, CRADLEY, MALVERN, WORCESTERSHIRE, WR13 5NF

For: Mr & Mrs L Darrall Paul Smith Associates 19 St Martins Street Hereford HR2 7RD

Date Received:
24th March 2006

Ward: Hope End

Grid Ref:
73621, 47454

Expiry Date:
19th May 2006

Local Member: Councillors R Mills & R Stockton

1. Site Description and Proposal

- 1.1 The application site comprises an area of land between the Grade II listed Barratts Cottage and Queenswood, and forms part of the domestic curtilage to the latter. Ground levels are approximately 1.5m above the C1162 highway, which runs parallel to the northern edge of the site. The site falls within the Cradley settlement boundary as defined in the Malvern Hills District Local Plan and the emerging Unitary Development Plan, the Cradley Conservation Area and the Malvern Hills Area of Outstanding Natural Beauty.
- 1.2 The area is predominantly residential, although the open aspect to the south gives the area a semi-rural character and appearance. This is heightened by the sparse development to the south of the road and the presence of a large, mature roadside hedge, which defines the northern boundary to the site.
- 1.3 The proposal is to erect a detached 4-bed dwelling with double detached garage and vehicular access onto the highway. The dwelling would be located centrally to the plot with the garage at the northeast corner. The vehicular access would be at a point to the northwest corner. This would require the removal of approximately 8m of existing roadside hedgerow.
- 1.4 Materials proposed are brick under a plain tile roof, together with painted timber windows and stone cills. The dwelling has been reduced in scale from that originally submitted. The span of the gable over the main part of the house has been reduced from 8m to 7.3m. Additionally, the floor level has been reduced by a further 300mm by excavating further into the site.

2. Policies

2.1 Malvern Hills District Local Plan

Housing Policy 3 – Settlement Boundaries
Housing Policy 17 – Residential Standards
Landscape Policy 2 – Areas of Outstanding Natural Beauty
Landscape Policy 3 – Development in Areas of Great Landscape Value

Conservation Policy 2 – New Development in Conservation Areas

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy H4 – Main Villages: Settlement Boundaries

Policy LA1 – Areas of Outstanding Natural Beauty

Policy LA3 – Setting of Settlements

Policy HBA6 – New development within Conservation Areas

2.3 Other Guidance

Planning Policy Guidance Note 3 – Housing

Cradley & Storrige Village Design Statement

3. Planning History

- 3.1 MH90/0383 – Erection of house and garage at Queenswood, Cradley: Refused 27.3.90. This application was refused on seven grounds, including the loss of a visually important gap in the frontage on this side of the lane and the loss of roadside hedge.

4. Consultation Summary

Statutory Consultations

- 4.1 None required

Internal Council Advice

- 4.2 Traffic Manager – Recommends conditions regarding the construction of the vehicular access and visibility splays
- 4.3 Conservation Manager (Trees and Landscapes): No objection, but recommends measures to improve the roadside hedgerow.
- 4.4 Conservation Manager (Conservation Areas): No objection subject to a small reduction in the scale of the proposal, which has subsequently been addressed through the submission of amended plans.

5. Representations

- 5.1 Cradley Parish Council: “This development is in a prominent position, we would wish to see that it should not be obtrusive. It would therefore be preferable were the facing to be in stone to match the neighbouring building. However, if brick is deemed acceptable, it should be chosen with great care and should be a muted colour. We note that excavation will be necessary for this building – to make it less obtrusive we suggest the building be set as low as is reasonable.
- 5.2 Four letters of objection have been received from the following:

Mr G. Dargle and Ms D. Wooderson, Barratts Cottage, Cradley (2 letters)
Mr & Mrs A Scarsbrook, Talland, Cradley
Rosalind Pickering, High Green, Cradley

The contents can be summarised as follows:

- The development would detract from the rural nature of this part of the village;
- The dwelling proposed is a substantial two-storey dwelling sited in a position above the road, which will dominate neighbouring development;
- The vehicular access is too close to neighbouring drives and could lead to increased congestion;
- The vehicular access could prove detrimental to highway safety at this narrow point in the road, which creates significant vehicular and pedestrian traffic at certain times of the day;
- The proposed development would adversely affect the privacy of the development directly opposite.

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 are:

- (a) The principle of development at this location;
- (b) The impact of the proposal upon the Conservation Area having regard to the duty to preserve or enhance the character or appearance of such areas;
- (c) The impact upon neighbouring properties;
- (d) The acceptability of the proposed vehicular access.

The principle of development

6.2 The site falls within the settlement boundary for Cradley as defined within both the currently adopted Malvern Hills District Local Plan and the emerging Unitary Development Plan. Notwithstanding the refusal of application MH90/0383, which questioned the suitability of the site for development, it has remained within the settlement boundary through the preparation and adoption of these Development Plans.

6.3 Reference is made in representation letters to the importance of the site as a visual break in development in this part of the Conservation Area. The site levels are approximately 4 feet above the road and the site is obscured from the north by the hedgerow. As such, there are no views *through* the site from public vantage points and it is noted that the Cradley and Storridge Village Design Statement does not identify the site as a "Strategic Gap, View or Gateway".

6.4 The Conservation Officer raises no objection to the construction of a single dwelling at this location and the principle of development is therefore accepted.

Impact upon the Conservation Area

6.5 Development along the southern edge of the highway is currently limited to Queenswood and the grade II listed Barratts Cottage. Development is sparse and well spaced and the development proposed could be termed infill. The Conservation Officer considers the development to be an acceptable form of development within the Conservation Area, with an architectural style suitable for the village. The site extends to 0.1ha, which is equivalent to a density of 10 dwellings per hectare, well

below the 30-50 dwellings/ha recommended by central government guidance. This lower density is considered appropriate given the semi-rural character of the area and the Conservation Area designation.

- 6.6 The Landscape Officer also raises no objection to the development, although it is recommended that any conifers remaining in the hedgerow on the roadside frontage, after the access is constructed, should be removed and replaced with native species planting. This measure would have the effect of enhancing the roadside frontage to the development. The proposed close-boarded fence to form the boundary to Queenswood is not considered appropriate and should be replaced with native species hedgerow and small trees. Stock proof fencing could be used as an interim measure.

The impact upon neighbouring development

- 6.7 The dwelling most closely related to the application site is Barratts Cottage. This is a modest, thatched Grade II listed cottage to the west of the site. Intervening features are a field access and mature hedgerow, which offers some screening. At its location within the plot, the two-storey element of the proposed dwelling would be 20 metres from the east elevation of Barratts Cottage. This, combined with an absence of windows in the west elevation of the proposal is considered sufficient to mitigate any perceived loss of privacy. The Conservation Officer does not make any adverse comment in respect of the relationship of the proposed development to the listed building.
- 6.8 The dwelling would be approximately 30 metres distant from the road fronting elevation of Talland (located on the opposite side of the highway). At this distance loss of privacy is not severe enough to warrant refusal of the application.
- 6.9 In conclusion, the proposal could co-exist with existing development without creating undue adverse affect upon amenity.

Vehicular access arrangements

- 6.10 The proposed vehicular access is at the north-western corner of the site, adjacent to the parking area for Barratts Cottage. It would necessitate the removal of a section of 8 metres of roadside hedgerow, but does not extend to the removal of the entire road-fronting hedgerow as proposed under the refused 1990 application.
- 6.11 The Transportation Manager recommends the access for approval subject to the imposition of conditions requiring the provision of 2m x 40m visibility splays, details regarding the construction of the access to the highway and the location of any proposed access gates.
- 6.12 The proposed access arrangements are therefore considered satisfactory.

Summary

- 6.13 The site's environmental sensitivity is indicated by its inclusion within the Conservation Area and the Malvern Hills Area of Outstanding Natural Beauty. It is also closely related to a neighbouring Grade II listed building. However, the site is also within the settlement boundary and does not form one of the village's "Strategic Gaps, Views or Gateways" as defined by the Village Design Statement. The site is thus considered suitable for the erection of a single dwelling with garage. In view of

the sensitive nature of the site it is recommended that permitted development rights for further extensions to the dwelling be removed.

- 6.14 Internal Council advice raises no material objections to the proposal, which is consequently 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 - A06 (Development in accordance with approved plans)**

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

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

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

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

Reason: In order to bring any future development under the control of the Local Planning Authority in the interest of the visual amenity of the area.

- 5 - H01 (Single access - not footway)**

Reason: In the interests of highway safety.

- 6 - H03 (Visibility splays)**

Reason: In the interests of highway safety.

- 7 - H05 (Access gates)**

Reason: In the interests of highway safety.

- 8 - H13 (Access, turning area and parking)**

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

- 9 - 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.

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

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

11 - G04 (Landscaping scheme (general))

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

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

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

13 - Notwithstanding the approved plans, the 1.8m close-boarded fence forming the boundary with Queenswood shall be substituted for a more appropriate form of boundary treatment to be agreed in writing with the local planning authority prior to the commencement of development. Any necessary planting shall be carried out during the first available planting season.

Reason: A close-boarded fence is not considered an appropriate form of boundary treatment within the Conservation Area.

Informatives:

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

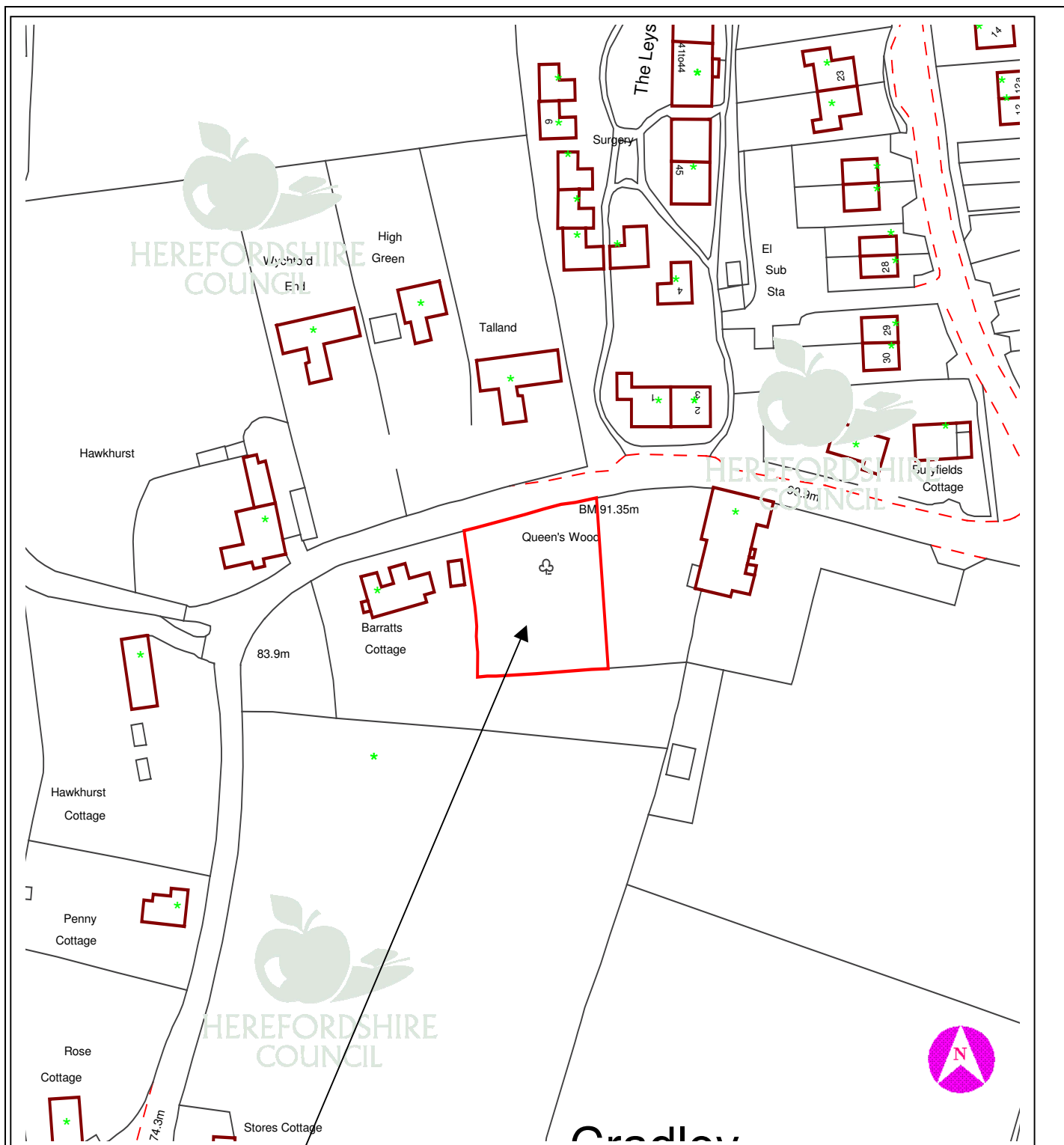
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2006/0934/F

SCALE : 1 : 1250

SITE ADDRESS : Land adjacent to Queenswood, Cradley, Malvern, Worcestershire, WR13 5NF

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10A DCNE2006/1058/F - PROPOSED SINGLE STOREY EXTENSION, ALTERATIONS, NEW DOG KENNELS AND ADDITIONAL PARKING AREA AT BARRATTS COTTAGE, CRADLEY, MALVERN, WORCESTERSHIRE, WR13 5NF

10B DCNE2006/1059/L – AS ABOVE.

**For: G Dargle & D Wooderson per Mr D L Rayton,
Holmbury, 60 Willowbank Road, Alderton,
Nr Tewksbury, GL20 8NJ**

Date Received:

5th April 2006

Expiry Date:

31st May 2006

Local Member: Councillor Roy Stockton

Ward: Hope End

Grid Ref:

73580, 47444

1. Site Description and Proposal

- 1.1 The applications seek planning permission and listed building consent for extensions and alterations to the Grade II listed building, Barratts Cottage. The full planning application also encompasses the erection of dog kennels within the curtilage of the dwelling, together with an enlargement of the existing parking area.
- 1.2 The dwelling is a 17th century timber frame cottage with thatched roof and gable ends. It is located within the Cradley Conservation Area and the Malvern Hills Area of Outstanding Natural Beauty. It occupies a location to the north of the plot in close proximity to and elevated above the C1162 highway. The garden space is located to the west and south (rear) of the dwelling in a plot that extends to 0.25 hectare. The roadside boundary is defined, in the main, by a mature hedgerow, although the front of the cottage is devoid of hedgerow and open in appearance.
- 1.3 The cottage has been extended historically through a small single-storey extension to the southeast corner. The proposed extension is centred on this point and seeks a more substantial extension to provide an enlarged kitchen, breakfast and utility room. The proposed extension would be aligned north/south and taper to run parallel to the existing boundary fence. The extension would enlarge the ground floor area of the cottage by just in excess of 40 square metres, an increase in ground floor area of approximately 50 per cent.
- 1.4 The materials proposed are painted render panels with oak framing over a stone plinth, under a tiled roof. All proposed windows and doors are to be in timber. At 4 metres in height, the extension would be 2.5m lower than the ridge over the original cottage. The extension is set to the side of the original and would not interrupt views of the historic timber framing to the rear (south) elevation. Fleeting glimpses would be possible from the southern approach.

- 1.5 The dog kennels are already in situ, located in an unobtrusive position to the northwest corner of the site. They are a monopitch construction in horizontal boarding, painted dark green. They are 2.3m at the highest point, with a footprint of 5.5m x 2m. The kennels are not readily visible from public vantage points and blend well with the mature hedgerow to the rear.
- 1.6 The extension of the parking area involves the addition of further hard standing to the front of the dwelling to create a turning head. The internal alterations involve the introduction of a partition wall and reopening of a doorway.

2. Policies

2.1 Malvern Hills District Local Plan

Housing Policy H16 – Extensions
Landscape Policy 2 – Areas of Outstanding Natural Beauty
Landscape Policy 3 – Development in Areas of Great Landscape Value
Conservation Policy 2 – New Development in Conservation Areas
Conservation Policy 9 – Alterations and Extensions to Listed Buildings
Conservation Policy 11 – The Setting of Listed Buildings

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy H18 – Alterations and Extensions
Policy LA1 – Areas of Outstanding Natural Beauty
Policy HBA1 – Alterations and Extensions to Listed Buildings
Policy HBA4 – Setting of Listed Buildings
Policy HBA6 – New Development Within Conservation Areas

2.3 Other Guidance

Planning Policy Guidance Note 15 – Planning and the Historic Environment

3. Planning History

NE05/2862/F & 2863/L - Two-storey extension & alterations to provide additional living accommodation. New dog kennels and additional parking: Applications Withdrawn

NE04/1278/L - Internal and external repairs and alterations: Approved

4. Consultation Summary

Statutory Consultations

- 4.1 None required

Internal Council Advice

- 4.2 Conservation Manager (Listed Buildings): The proposed extension does not interfere with the main faade or the roofscape and the removal of the out of keeping 20th Century extension would be welcomed. The materials are sympathetic. The internal alterations involve the reopening of a door and inserting of a partition wall, which would be acceptable provided that none of the internal timbers are altered in any way. All external materials to be subject to prior written approval.

4.3 Conservation Manager (Landscapes): The proposed development would not detract from the wider landscape (Conservation Area, AONB, AGLV). There is no objection to the siting of the dog kennels in the garden to the west of the dwelling, as these are well screened by the roadside hedgerow.

4.4 Environmental Health Manager: No objection

5. Representations

5.1 Cradley Parish Council: "No objections as we understand the kennels are a non-commercial venture."

5.2 One letter of representation has been received from the Campaign to Protect Rural England. The letter can be summarised as follows:

- The extension would have an excessively large footprint;
- It would be obtrusive and inappropriate for the setting of a listed building;
- It would substantially alter the character of the existing thatched cottage within the Malvern Hills Area of Outstanding Natural Beauty.

5.3 Two letters have been received from the following: Mrs R Adams, Hawkhurst Cottage, Cradley and R. Pickering, High Green, Cradley. These letters raise concern at the positioning of the dog kennels and the propensity for noise from the dogs barking. The latter suggests conditions limiting the number of dogs and ensuring a non-commercial use.

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

6. Officers Appraisal

6.1 The main issues for considerations are:

- (a) The impact of the proposed extension in relation to the listed building and the Conservation Area;
- (b) The siting of the dog kennels having regard to issues of amenity in the locality.

Listed building and Conservation Area issues

6.2 The current proposal to extend the cottage follows the withdrawal of earlier applications that sought permission for the erection of a 2-storey extension to the cottage, which were thought too large in relation to the thatched cottage. Extensive pre-application discussion with the Planning and Conservation Officers has informed the current proposal to extend solely at ground floor. The extension is located to the side of the original dwelling and does not interrupt views of the principal façade, which are visible from the southern approach. Existing boundary treatments act to screen the majority of the extension from other public vantage points.

6.3 The Conservation Officer has commented that the extension is now of a scale that does not interfere with the roofscape, whilst the proposed materials are sympathetic to the host building. Subject to the prior written approval of materials, no objection is raised to the extension.

- 6.4 The Landscape Officer comments that the extension would not detract from the character of the wider landscape, which is covered by a Conservation Area and Area of Outstanding Natural Beauty designation. The extension is thus considered acceptable in relation to both the host building and the wider landscape. A condition is recommended to govern the choice of surfacing material for the extended parking area.

Amenity Issues

- 6.5 The siting of the dog kennels has raised concern locally at the potential for use as a commercial venture, with one letter of representation complaining at noise from barking dogs. The Environmental Health Officer has not raised any objection to the siting of the kennels and the applicants have indicated no desire to operate the kennels on a commercial basis. Moreover, the suitability of the kennels for a commercial use is questionable given the limited scale. Separate legislation exists to cover noise should a statutory nuisance be established. Nonetheless, given the context it is considered appropriate to impose a condition restricting the use of the kennels to dogs owned by the applicants.

RECOMMENDATION

DCNE06/1058/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 - H06 (Vehicular access construction)

Reason: In the interests of highway safety.

9 - E11 (Private use of stables only)

Reason: In order to safeguard the residential amenity of the area.

Informatives:**1 - N15 - Reason(s) for the Grant of PP/LBC/CAC****DCNE06/10589/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.

Informatives:

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

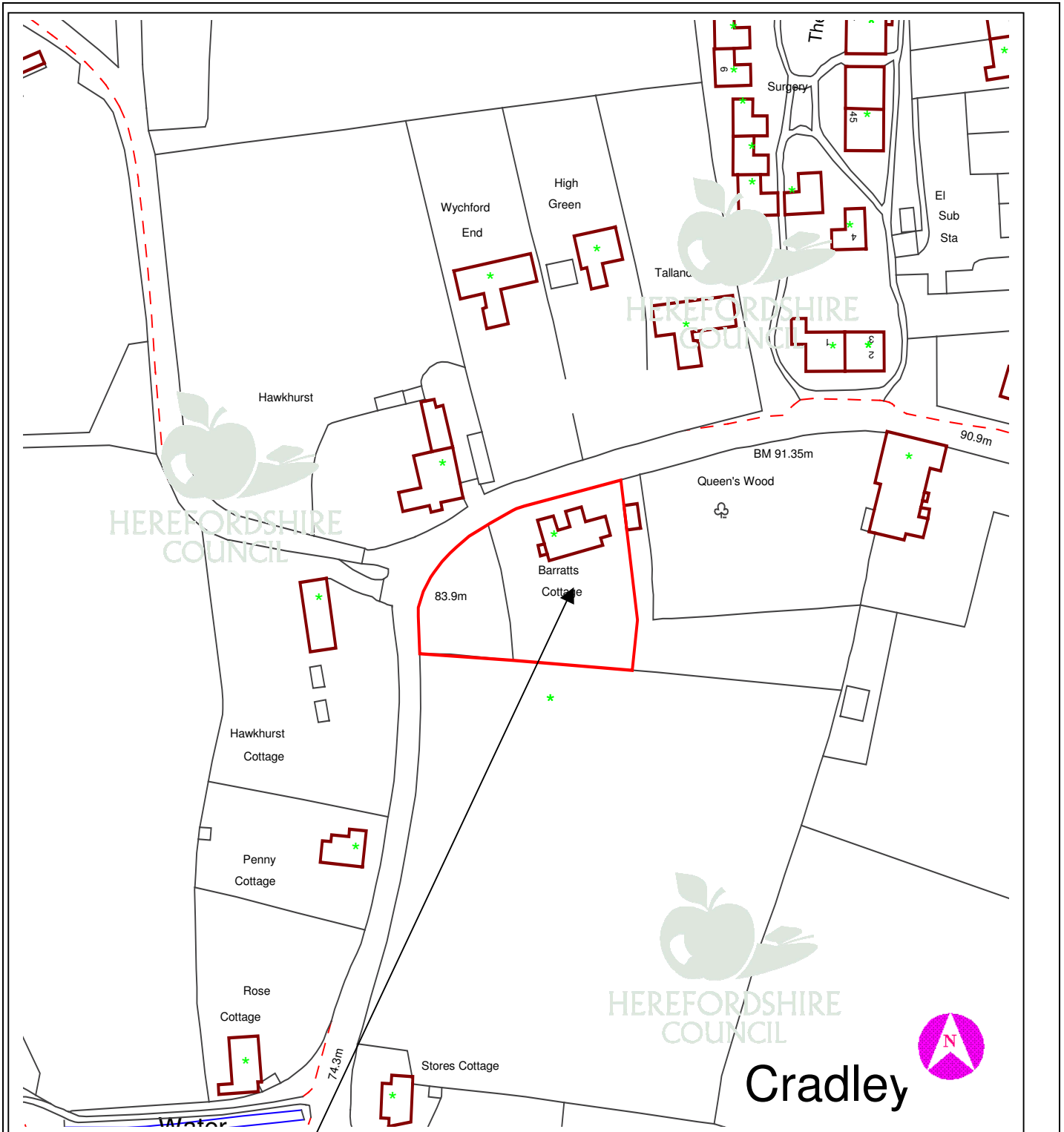
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2006/1058/F

SCALE : 1 : 1250

SITE ADDRESS : Barratts Cottage, Cradley, Malvern, Worcestershire, WR13 5NF

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

11B DCNW2006/0546L – RETROSPECTIVE APPLICATION FOR WORKS CARRIED OUT BOTH INTERNALLY AND EXTERNALLY AT SAME

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

Introduction

Further to the above-mentioned planning applications being presented to Committee on 19 April 2006, at which Members deferred the applications for further clarification about the applications and their background, a meeting was arranged with English Heritage on site on Monday, 15 May 2006, at which no representation from English Heritage was present. Therefore this meeting was rearranged for Friday, 2 June 2006. An update on the outcome of this meeting will be presented to Committee separately.

A further letter has been received from John and Carol Challis of The Grange (Wigmore Abbey) confirming that the Local Government Ombudsman has investigated their complaint with regards to the planning procedure of the Council in respect of development at Mill Cottage, and have found no case for maladministration in respect of planning procedures.

One of the main concerns with regards to local residents and English Heritage about the use of the building as a care home, is the already approved material change of use at the premises and its impact on the surrounding environment.

Officers wish to bring to Members' attention a recent planning appeal involving the issuing of a lawful development certificate for change of use of a dwelling in Cheshire to a children's home for four children between the ages of 11 and 17 who would be looked after by at least two carers operating on an eight-hour rota system. The Inspector decided that the main issue was whether the lack of any carers living permanently in the property materially changes its character as a dwellinghouse. In his opinion it did not and the certificate was issued.

Therefore in consideration of this ruling, it is considered that use of Mill Cottage as a children's care home has no more detrimental impact on the surrounding environment than its use as a dwellinghouse.

The application otherwise is as presented to Committee on 19 April 2006 for regularisation of the retrospective works to the Listed building. Meanwhile the applicants do not wish to consider the proposed boundary fencing as originally proposed, to which English Heritage object, as they now intend dismantling the existing unauthorised boundary fence.

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 5th 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 9th 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 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.

- 4 - **Notwithstanding the approved plans no permission is given to the construction of the boundary fence as indicated on the approved plan, rev. no. LSV 222/01A.**

Reason: In the interests of the setting of the Listed buildings.

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**

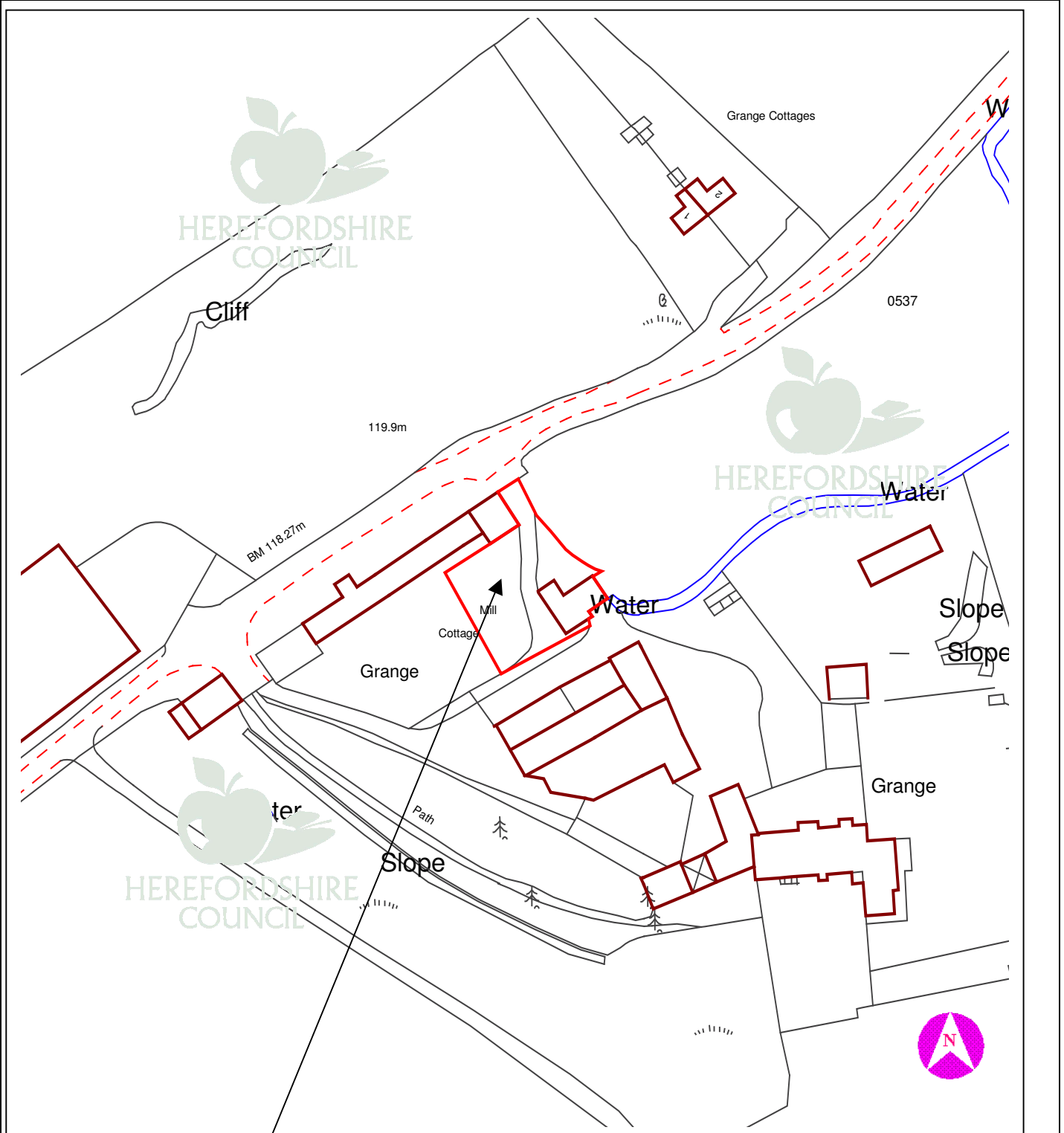
Decision:

Notes:

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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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12 DCNW2006/1034/F - PROPOSED CONVERSION OF ANNEXE INTO A SELF CONTAINED DWELLING FOR RENTING AT WALCOTE BUNGALOW ANNEXE, WEST STREET, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE, HR6 9DT

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

Date Received:

3rd April 2006

Expiry Date:

29th May 2006

Local Member: Councillor R J Phillips

Ward: Pembridge & Lyonshall with Tittley

Grid Ref:

38984, 58150

1. Site Description and Proposal

- 1.1 The site for the proposed development is to the rear of an existing 'dormer' type dwelling known as 'Walcote Bungalow'. The site subject to this application is currently an annexe to this property.
- 1.2 The application site has other dwellings on either side and to the rear is a residential development site that has planning approval for one detached four bedroomed dwelling (planning approval ref. no. NW2004/244O/F). This site is presently subject to a planning application for the erection of two detached cottages (ref. no. NW2006/1458/F) also on the agenda for Committee consideration today.
- 1.3. This application proposes conversion of an existing externally timber clad annexe under a tiled roof to a self-contained dwelling. It is presently annexed to Walcote Bungalow and is located to its southerly elevation.

2. Policies

2.1 Leominster District Local Plan

- A1 - Managing the Districts Assets and Resources.
- A2 - Settlement Hierarchy
- A18 - Listed Buildings and their Settings.
- A21 - Development within Conservation Areas.
- A54 - Protection of Residential Amenity.
- A70 - Accommodating traffic from development.
- A71 - Vehicle parking standards for development away from Central Shopping and Commercial areas and Conservation areas.

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- S1 – Sustainable development Development Requirements
- S2 – Development Requirements.

S3 – Housing
DR1 – Design
DR2 – Land use and activity.
DR3 – Movement
DR4 – Environment.
H5 – Main villages: housing land allocations
H15 – Density
H16 – Car parking
H17 – Sub-division of existing housing
HBA4 – Setting of Listed Buildings
HBA6 – New development within Conservation areas.
T11 – Parking Provision.

3. Planning History

3.1. No record of any planning history on site.

4. Consultation Summary

Statutory Consultations

4.1. None required

Internal Council Advice

4.2. Conservation Manager raises no objections.

4.3. Traffic Manager raises no objections and considers that it would be unreasonable to refuse.

5. Representations

5.1. Pembridge Parish Council object to the proposal because of the unsuitable narrow access to the site. The response also states:-

"These objections are reinforced by, and linked to, nearby application No. DCNW2006/1458/F for two further new properties proposed to the rear of this site, which it is considered will produce vehicular usage down a very narrow accessway, to a level which may well cause a highway hazard when pulling into and out of the main thoroughfare."

5.2. A letter of objection has also been received from Mrs. E. I. Fothergill, Rose Cottage, Market Square, Pembridge. The letter states concerns about over development in the vicinity and access to the site is very narrow and parking by other residents outside her property will be further exacerbated if the proposal is allowed.

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

6. Officers Appraisal

- 6.1. The application proposes the conversion of an existing timber clad annexe into a self-contained dwelling and objections to this proposal have been received with regard to highway and vehicular movement issues.
- 6.2. The applicant has submitted amended plans indicating a car parking space within the curtilage of the proposed dwelling unit to which the Traffic Manager raises no objections.
- 6.3. Pembridge Parish Council and a local resident object to the proposal, due to the poor access roadway leading to the site from the A44 (West Street).
- 6.4. There is no doubt this access route is sub-standard, of single vehicular width and serves two other properties, as well as the site to the rear that is subject to a planning application for two cottage dwellings that is also on the agenda for Committee consideration today (ref. No. NW06/1458/F). Therefore, if both applications are approved this roadway will be expected to accommodate two further vehicle movements. As already mentioned, the Traffic Manager raises no objections to this proposal.
- 6.5. The proposed conversion will not have an adverse affect on the amenity and privacy of other dwellings within the vicinity of the application site and amenity space provision is provided for the proposed dwelling. Otherwise the only other proposed development is for a window in the bedroom at high floor level for emergency escape purposes, which will not impact on neighbouring properties.

RECOMMENDATION

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

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

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

2 - A06 (Development in accordance with approved plans)

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

3 - E16 (Removal of permitted development rights)

Reason: In order to protect the privacy and amenity of surrounding dwellings and the character of the surrounding area.

Informatives:

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

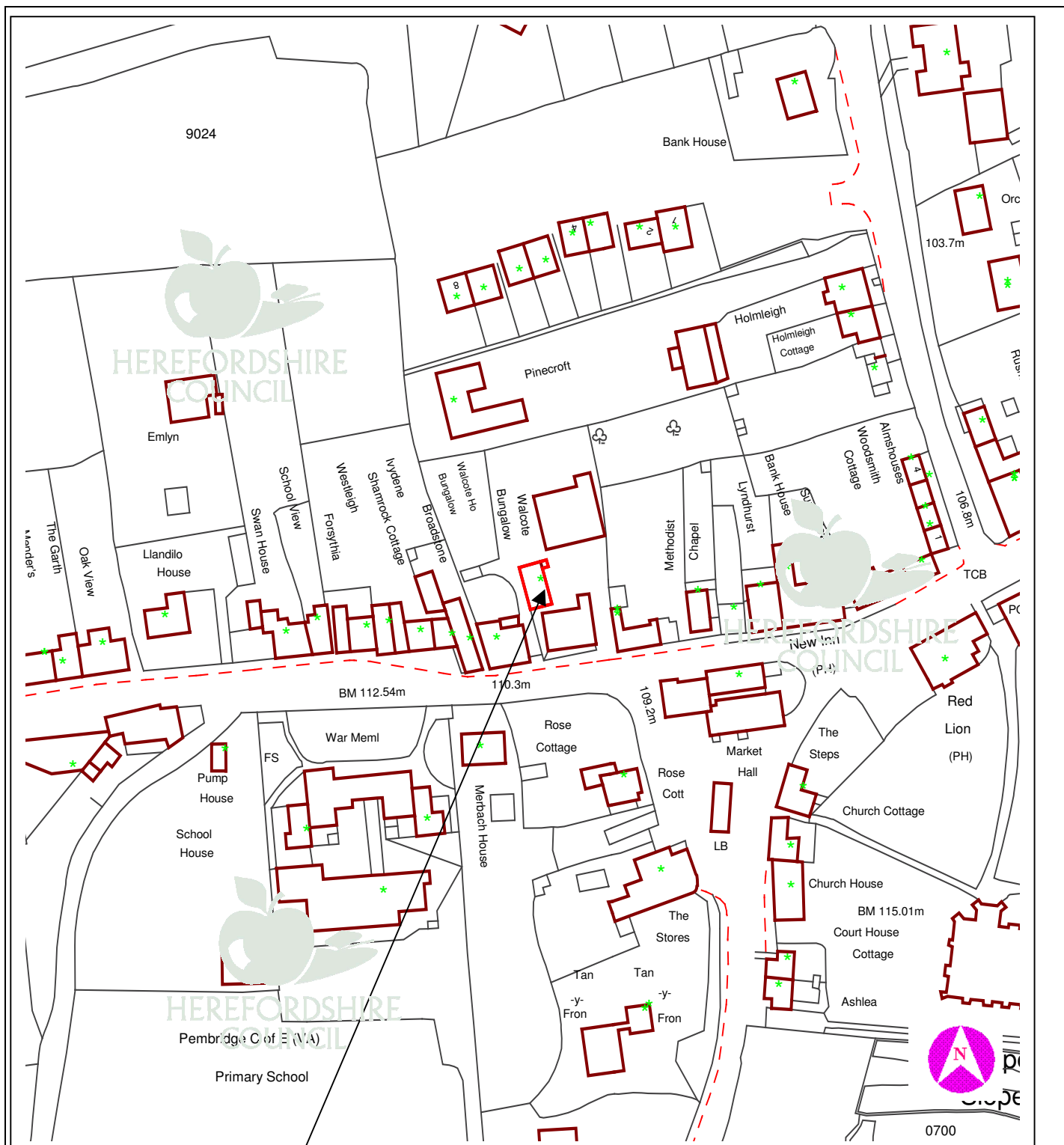
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2006/1034/F

SCALE : 1 : 1250

SITE ADDRESS : Walcote Bungalow Annexe, West Street, Pembridge, Leominster, Herefordshire, HR6 9DT

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Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

13 DCNW2006/1458/F - PROPOSED ERECTION OF TWO DETACHED COTTAGES ON LAND TO THE REAR OF WALCOTE BUNGALOW, HIGH STREET, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE, HR6 9DT

For: J D Greene, Easlslaen House, Eardisland, Herefordshire, HR6 9BD

Date Received:

11th May 2006

Expiry Date:

6th July 2006

Local Member: Councillor R. J. Phillips

Ward: Pembridge & Lyonshall with Titley

Grid Ref:

38986, 58160

1. Site Description and Proposal

- 1.1. The site subject to this application is located to the rear of 'Walcote Bungalow' on West Street, Pembridge. The site has recently been cleared of two former light industrial building used historically for builders storage.
- 1.2. Surrounding the site are other dwellings of mixed design and construction. Access to the site is obtained via a right of way that leads directly from the A44, West Street. This right of way is also used as an access by two other dwellings. Access via the right of way is also obtained to the site of 'Walcote Annexe' that is also the subject of a separate planning application for consideration by this Committee today.
- 1.3. The site has a planning history in that planning permission was granted by the Northern Area Planning Committee in January 2005 for a four bedroomed detached dwelling.
- 1.4. The development subject to this application proposes two modest sized two bedroomed cottages in a 'dormer style' that is typical of the surrounding Conservation Area within which the site is located.

2. Policies

2.1. Leominster District Local Plan

- A1 – Managing the District's Assets and Resources.
- A2 – Settlement Hierarchy.
- A18 – Listed Buildings and their settings.
- A21 – Development within Conservation Areas.
- A23 – Creating identity and an attractive built environment.
- A24 – Scale and character of Development.
- A54 – Protection of Residential Amenity.
- A53 – Design and Layout of Housing Development
- A70 – Accommodating traffic from development.

2.2 Herefordshire Unitary Development Plan (Revised Deposit Plan)

- S1 – Sustainable development.
- S2 – Development requirements.
- S3 – Housing
- DR1 – Design
- DR2 – Land use and activity
- DR3 – Movement
- DR4 – Environment
- H4 – Main villages: settlement boundaries.
- H13 – Sustainable residential design.
- H15 – Density
- H16 – Car Parking
- HBA4 – Setting of listed buildings.
- HBA6 – New development within Conservation Areas

3. **Planning History**

- 3.1. NW2004/4118/F - Proposed removal/demolition of two industrial units and erection of a house and garage - Approved 26th January 2005.
- 3.2. NW 2004/4119/C - Proposed removal/demolition of a two industrial units and erection of new double garage - Approved 26th January 2005.
- 3.3. NW2004/2440/F - Proposed removal of two industrial units. Erection of house and double garage - Withdrawn 23rd August 2004
- 3.4. NW2004/2441/C - Proposed demolition of store buildings - Withdrawn 19th August 2004.

4. **Consultation Summary**

Statutory Consultations

- 4.1. Hyder (Welsh Water) – Comments awaited.

Internal Council Advice

- 4.2. Traffic Manager - Recommends that any permission which this Authority may wish to give include a condition with regard to cycle parking provision.
- 4.3. Conservation Manager – Comments awaited.

5. **Representations**

- 5.1. Pembridge Parish Council object to the application stating:

"Level of backfilling development taking place is spoiling the character of the village.

In addition we have serious concerns about the access down a very narrow track to these proposed two new properties, combined with concerns about possible highway hazards with the increase in vehicular traffic onto and off the main thoroughfare. We wish to link these concerns to the nearby development of an annexe which will exacerbate the matter - application no. DCNW2006/1034/F"

- 5.2. One letter of objection has been received from Mrs Z I Fothergill, Rose Cottage, Market Square, Pembridge. The letter raises concerns about over development in the vicinity and poor highway access from the site to the adjoining public highway.
- 5.3 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1. This application proposes the construction of two modest sized cottages with an internal floor space on two floors measuring 94.50 square metres and 103.00 square metres respectively. The design of both proposed cottages is typical of the surrounding historic area of Pembridge in that it is proposed that they will be of an oak structural frame under a plain clay tile roof and infill walls using reclaimed brick and a smooth lime-rich render.
- 6.2. The site has a planning history in that planning permission was granted by this committee in January 2005 for the erection of a four bedroomed detached dwelling (Ref. No. NW2004/4118/F).
- 6.3 Therefore, the proposal subject of this application proposes no more increase in the amount of bedroom accommodation for the site even though this application is for two separate residential dwellings.
- 6.4 The main issue of concern with regards to this application is the sub-standard vehicular access to the site, which is gained via a private right of way from the A44 (West Street). However, the Traffic Manager does not oppose this application as the volume of vehicular traffic from residential development is assessed by considering the amount of bedrooms per property. In this case it is reasonable to consider two cars per dwelling, whereas the previous approval on the site would require three car-parking spaces (Leominster District Local Plan – Table 8-2 Adopted Car Parking Standards).
- 6.5 Therefore, Committee need to balance up whether one more vehicle movement is sufficient enough a reason to refuse this application. It is advised that this minor increase is not considered sufficient to substantiate the refusal of planning permission.
- 6.6 Pembridge Parish Council also object to the application because of backfilling development spoiling the character of the village. Although the development subject to this application is for development behind an existing dwelling, it is not strictly backfilling, as there are other dwellings around the site and, therefore, one could argue that the proposal is 'infilling'. Furthermore, the principle of a more substantial detached dwelling has already been established.

The development subject to this application is considered acceptable in that it will not create any adverse impact on the amenity and privacy of surrounding dwellings; is of a design and character considered acceptable in relationship to the surrounding built environment and will not create undue adverse impact in term of highway safety. It is recommended that permitted development rights are taken away from any planning approval if committee are mindful to approve.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

- 3 - B01 (Samples of external materials)

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

- 4 - 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 - C10 (Details of rooflights)

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

- 7 - C11 (Specification of guttering and downpipes)

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

- 8 - E01 (Restriction on hours of working)

Reason: To safeguard the amenities of the locality.

- 9 - E16 (Removal of permitted development rights)

Reason: In order to bring any future development under the control of the Local Planning Authority in the interest of the visual amenity of the area.

- 10 - 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.

11 - G01 (Details of boundary treatments)

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

Informatives

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

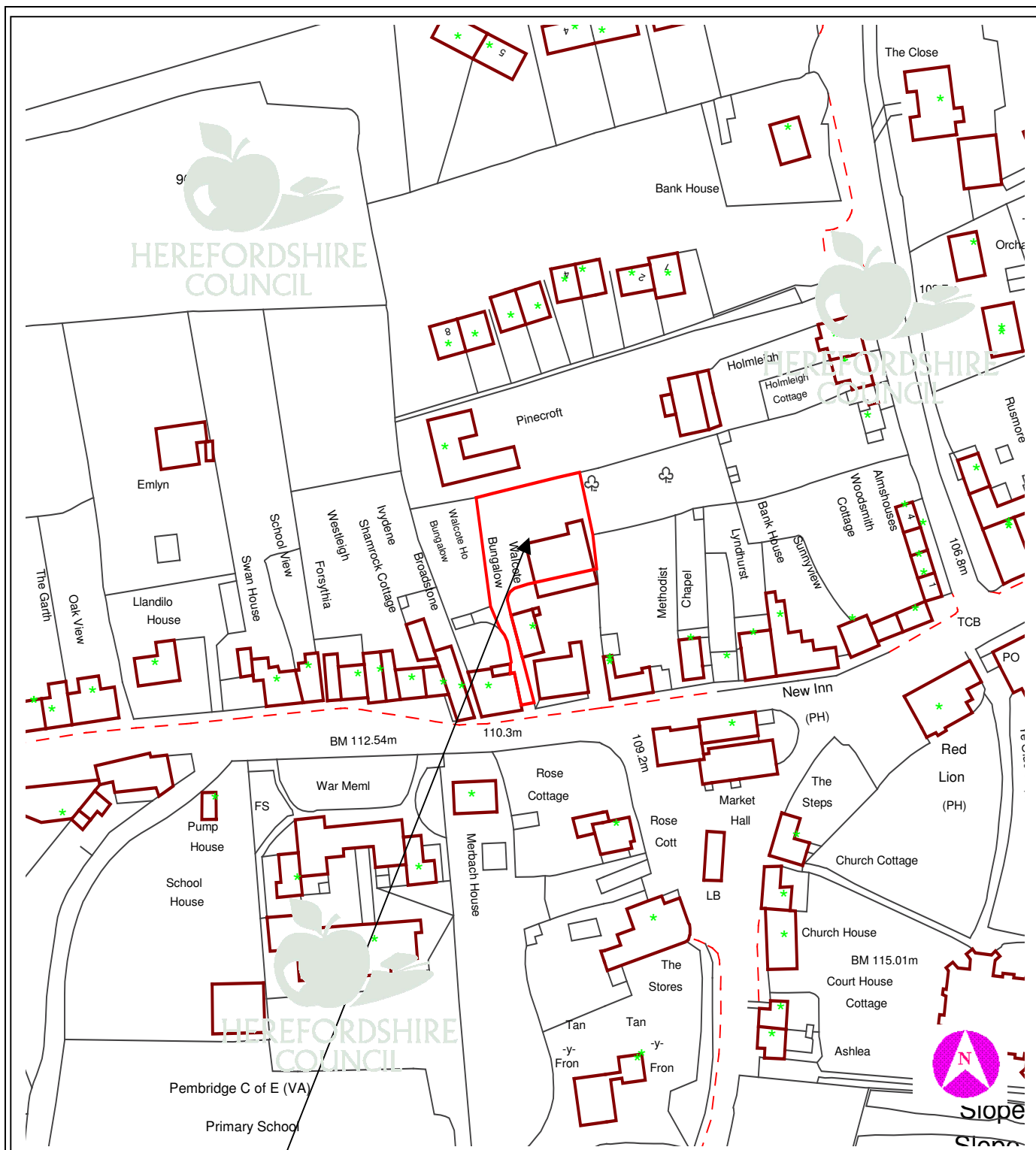
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2006/1458/F

SCALE : 1 : 1250

SITE ADDRESS : Land to the rear of Walcote Bungalow, High Street, Pembridge, Leominster, Herefordshire, HR6 9DT

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14 DCNW2006/1390/F - EXTENSION OF EXISTING MOBILE HOME SITE TO PROVIDE 15 FURTHER MOBILE HOMES FOR OCCUPATION BY FRUIT PICKERS ON LAND TO NORTH OF EXISTING MOBILE HOME SITE AT OAKCHURCH FARM, STAUNTON-ON-WYE, HEREFORD, HEREFORDSHIRE, HR4 7NE

For: Messrs E & J Price per CJ Watkinson, Brightwells, Cathedral Chambers, Thorpe House, Broad Street, Hereford, HR4 9AS

Date Received:

5th May 2006

Expiry Date:

30th June 2006

Local Member: Councillor J Hope

Ward: Castle

Grid Ref:

37397, 45024

1. Site Description and Proposal

- 1.1 The location for the development is alongside the northern boundary of an existing mobile caravan site used for the housing of fruit pickers in the employment of Oakchurch Farm.
- 1.2 Access to the site will be through the existing mobile home site from the farmyard. The site is otherwise immediately surrounded by agricultural land in the ownership and control of the applicants.
- 1.3 The existing mobile home site consists of 25 caravans that are able to house 6 - 8 persons per unit. This development was granted planning permission 'retrospectively' by Committee on 18th May 2005, and is conditioned with regards to occupancy rate and time period per unit.
- 1.4 The site as a whole has commanding views over the surrounding countryside and in particular in a south westerly direction. The farm complex itself gives reasonable screening on the eastern and south eastern elevations from where access is obtained to the public highway. The land raises slightly towards the northly elevation.
- 1.5 The development subject to this application is for a further 15 mobile units of similar size and design to those on the previously approved site. The 15 units subject to this application have already been placed on site in a layout as indicated on the plans submitted subject to this application, and foul drainage pipes have also been installed to serve the units. Therefore this application is now 'retrospective'. On a site visit by the Case Officer on 17th May 2006, there was no indication that any of the 15 units were in occupation.

2. Policies

2.1 Leominster District Local Plan

- A1 – Managing the District's Assets and Resources
- A2(D) – Settlement Hierarchy
- A9 – Safeguarding the Rural Landscape
- A12 – New Development and Landscape Schemes
- A13 – Pollution Control
- A16 – Foul Drainage
- A22 – Ancient Monuments and Archaeological Sites
- A23 – Creating Identity and an Attractive Built Environment
- A24 – Scale and Character of Development
- A28 – Development Control Criteria for Employment Site
- A35 – Small Scale New Development for Rural Businesses within or around Settlements
- A41 – Protection of Agricultural Land
- A43 – Agricultural Dwellings
- A54 – Protection of Residential Amenity
- A58 – Mobile Homes
- A78 – Protection of Public Rights of Way

2.2 Herefordshire Unitary Development Plan (Deposit Draft)

- A1 – Development Criteria
- S1 – Sustainable Development
- S2 – Development Requirements
- S3 – Housing
- S4 – Employment
- H7 – Housing in the Countryside Outside Settlements
- H8 – Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses
- H11 – Residential Caravans
- E6 – Expansion of Existing Businesses
- E11 – Employment in the Smaller Settlements and Open Countryside
- E15 – Protection of Greenfield Land
- HBA9 – Protection of Open Areas and Green Spaces
- ARCH3 – Scheduled Ancient Monuments
- CF2 – Foul Drainage
- DR13 – Noise
- LA6 – Landscaping Schemes

2.3 Planning Policy Guidance Notes

- PPG1 – General Policy and Principles
- PPS7 – Sustainable Development in Rural Areas
- PPG – Nature Conservation
- PPG16 – Archaeology and Planning
- PPG24 – Planning and Noise

3. Planning History

- 3.1 NW2004/3076/F - Change of Use to site for caravans for fruit pickers (retrospective application) - Approved 9th January 2006.

- 3.2 NW2004/3407/F - Extension to food hall and storage, construction of polytunnel type construction over plant area - Approved 8th November 2004.
- 3.3 NW2002/0832/F - Ancillary building to provide storage and shelter for fruit picking facility - Approved 1st May 2002.

(The latter two approvals were for sites adjacent to the first mentioned. The farm as a whole having a very extensive planning history in relationship to its production of fruit and retailing).

4. Consultation Summary

Internal Council Advice

- 4.1 Traffic Manager - Recommend that any permission which this Authority may wish to give include Condition Nos. 13 and 14 of planning approval reference number DCNW2004/3076/F dated 9th January 2006 for the adjacent site as well as an additional condition and highway note. Concerns are also raised that Condition Nos. 14 and 16 of the previous approval have not been discharged.

5. Representations

- 5.1 Staunton-on-Wye Parish Council state in their response:

- “1. There is increasing concern about the capacity of the sewage systems. Can the Parish Council have assurance there is adequate to cater for the increased use of occupants?
2. Landscaping should be completed within 12 months of the application date.
3. The conditions imposed on the previous application (DCNW2004/3076/F should apply equally to this extension.”

- 5.2 Letters of objection/comment have been received from three separate households:

- Drs Brian and Helen Beach, Church House, Staunton-on-Wye
- R Sanderson & I Lewis, Oakdale, Staunton-on-Wye
- Major and Mrs N Berry, Oakchurch House, Staunton-on-Wye

The objections can be summarised as follows:

- Impact of proposal on surrounding countryside insufficient screening of existing site and therefore this issue will be further exacerbated by the proposal subject to this application.
- Concerns about acreage of polytunnels on the farm unit subject to this application and impact has on the quality of the surrounding landscape.
- Disturbances created at night from occupants of existing mobile units on site.
- Concerns over the development being ‘retrospective’ like the previous and dismay at Herefordshire Council with regards to this form of development.
- Environment concerns with regards local water discharge from the existing site.

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

6. Officers Appraisal

- 6.1 Although the application was not registered as 'retrospective' it has since become retrospective, as the 15 mobile units subject to this application have recently been placed on site and the foul drainage system has been installed to serve the units. However, it must be emphasised that occupation of the units does not appear to have taken place to date.
- 6.2 The application indicates that the acreage of strawberries grown by the farming business has increased from 74 acres in 2005 to 105 acres in 2006, which represents an increase in production of approximately 35%. The supporting statement submitted with the application also indicates that all labour employed on the farm is primarily of East European origin and in 2005 comprised of 130 persons and therefore with the increase in production it is envisaged employment will increase to 175 persons.
- 6.3 The statement submitted with the application indicates that the business is also expanding in raspberry production and that this section of the business will be already established by 2007 and that a further 17 persons will be required for this part of the enterprise.
- 6.4 Therefore a total of 80 more persons will be required hence the application for a further 15 mobile units.
- 6.5 The application has aroused local opposition due in part to the rapid expansion of the farming enterprise as a whole, and its impact on the surrounding landscape.
- 6.6 Of particular concern to Officers is the fact that the applicants have not complied with conditions relating to landscaping and public highways issues, attached to Planning Permission DCNW2004/3076/F dated 9th January 2006. However, this is a separate planning issue to the development subject to this application and is being investigated separately.
- 6.7 In response to local concerns about the proposal, the site is a convenient location for mobile home expansion as it is adjoining the existing site and is reasonably well screened from the north and east by the existing land topography. However, landscaping will be required on its western boundaries. The Local Planning Authority has no record of any concerns with regard to night-time disturbances, which in any case would be an issue for the local police to investigate.
- The fact that this application is also now 'retrospective' like the previous is of concern and members need to be aware of this issue when considering necessary conditions to any approval by ensuring that details are brought forward in a timely manner.
- 6.8 In response to concerns about the capacity of the sewage system, this issue was resolved subject to the previous approval, through liaison with the Environment Agency and was the main reason for the delay in issuing the approval notice. A Consent to Discharge was issued to the applicants by the Environment Agency on 9th September 2005. A condition can also be attached to the approval notice if members are mindful to approve the application with regards to this issue.
- 6.9 The other two issues raised by the Parish Council are not directly related to the application under discussion but are noted and will be pursued by the Local Planning Authority, in respect of the previous planning approval adjoining the site subject to this application.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - The caravan hereby permitted shall be removed permanently from the site on or before 5 years and the land reinstated in accordance with details (including timescale) which shall be submitted to and approved in writing by the local planning authority.

Reason: The local planning authority is not prepared to permit a residential caravan in this location other than of a temporary basis having regard to the special circumstances of the case.

- 2 - No caravan on the site shall be occupied between 1st October in any one year and 1st May in the succeeding year.

Reason: To prevent the establishment of a residential use in the countryside where it would not normally be permitted.

- 3 - No external surface of any static caravan hereby approved shall be of a colour other than one which has previously been approved in writing by the local planning authority for that purpose.

Reason: To minimise visual intrusion.

- 4 - The foul drainage from the proposed development shall be discharged to a septic tank and soakaway system which meets the requirements of British Standard BS 6297:1983. There shall be no connection to any watercourse of land drainage system and no part of the soakaway system shall be situated within 10 metres of any ditch or watercourse.

Reason: To prevent pollution of the water environment.

- 5 - Within one month of the date of this decision notice a scheme for the provision of storage, prior to disposal, or refuse, crates, packing cases and all other waste materials shall be submitted for the approval of the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted.

Reason: In the interests of amenity.

- 6 - The occupation of the caravans shall be limited to persons in full-time employment at Oakchurch Farm under the Home Office Seasonal Agricultural workers scheme or equivalent, unless otherwise previously agreed in writing by the local planning authority.

Reason: Planning permission has only been granted given the farming requirements of Oakchurch Farm.

- 7 - Details of any external lighting proposed to illuminate the development shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

Reason: To safeguard local amenities.

- 8 - Full details will be submitted to the Local Planning Authority prior to the first recognised planting season after the issuing by the Council of this approval notice and agreed in writing by the Local Planning Authority on details of all boundary tree and hedge planting and internal tree/shrub planting within the caravan park complex.**

Reason: In order to protect the surrounding landscape and improve the visual impact of the development on the surrounding landscape.

- 9 - All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following completion of the development, whichever is the sooner, 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 ? period**

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

- 10 - The landscaping scheme required by Condition No. 8 above shall include the following:**

a) Full details of all existing physical and landscape features on the site including the position, species, height, girth, spread and condition of all trees, clearly distinguishing between those features to be retained and those to be removed.

b) Full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting.

c) Full details of all protective measures to prevent damage during the course of development to trees and other features to be retained.

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

- 11 - 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.

- 12 - Each caravan unit will have its own designated car parking space and sufficient room will be allowed in order that it may enter and leave this space in a forward gear. The car parking space will be constructed in accordance with full details as approved in writing by the Local Planning Authority within 12 months of the issuing of this approval notice.**

Reason: In the interest of highway safety and to minimise the likelihood of indiscriminate parking.

- 14 - Within 12 months of the issuing of this approval notice provision for cycle parking will be provided on site in accordance with full details as previously approved in writing by the Local Planning Authority.

Reason: In order 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 Nation Planning Policy.

- 15 - The site shall be securely locked by means of a gate and padlock during the period 1st October and 1st May of the following year. With no means of public access onto the site.

Reason: In order to ensure that the site is not in occupation for a full year, as the location is considered unsuitable as a permanent residential site.

- 16 - Within 3 months of the date of this permission the applicant shall have agreed in writing with the Local Planning Authority, a travel plan to ensure that occupiers have sustainable options to gain access to leisure/shopping facilities.

Reason: To ensure a sustainable option is available to reduce reliance upon car bourne transport.

- 17 - The occupancy of each individual caravan unit will be in accordance with a specification list submitted within one month of the date of this decision notice and approved in writing by the Local Planning Authority (or will not exceed these numbers).

Reason: In order that the Local Planning Authority can have control over the amount of persons on site, in the interests of the amenity of the surrounding areas.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - HN25 - Travel plans

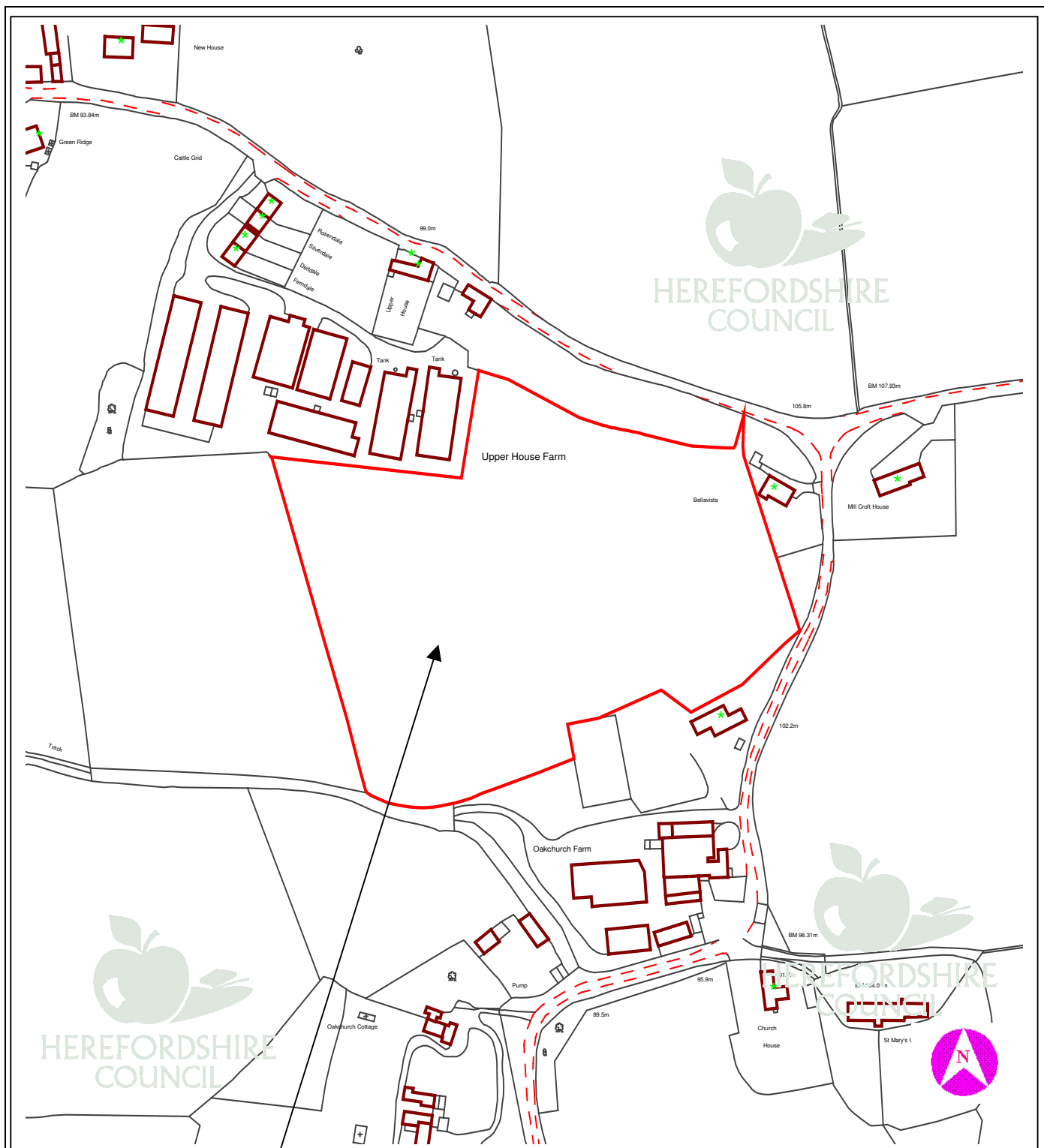
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2006/1390/F

SCALE : 1 : 2500

SITE ADDRESS : Land to north of existing mobile home site at Oakchurch Farm, Staunton-On-Wye, Herefordshire, HR4 7NE

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15 DCNW2006/1448/F - PROPOSED AGRICULTURAL WORKERS DWELLING AT PP 890 BACON LANE, AYMESTREY, HEREFORDSHIRE, HR6 9ST

For: W E Willmett per Mundy Construction, 5 Upper Court, Luston, Leominster, Herefordshire, HR6 OAP

Date Received:
10th May 2006

Ward: Mortimer

Grid Ref:
41686, 65135

Expiry Date:
5th July 2006

Local Member: Councillor Mrs O Barnett

1. Site Description and Proposal

- 1.1 The site for the proposed development is to the western side of a range of modern agricultural buildings. It is located in open countryside and benefits from commanding views over the surrounding countryside. The site is accessed via a stone/dirt track from the A4110 public highway. An existing agricultural holding known as Clerks House Farm is located at the junction. It is occupied by Mr and Mrs Willmett senior.
- 1.2 There are two mobile homes adjacent to the site of the proposed development, one of which was granted temporary planning approval on 27 November 2002 for occupation by an agricultural worker. This approval expired on 27 November 2005. The site visit by the case officer indicated that an agricultural building adjacent to the site was in residential occupation without the benefit of planning permission.
- 1.3 In 2001 a planning application was made for an agricultural worker's dwelling. It was refused permission on 13 September 2002. It was supported by an appraisal which indicated that the holding amounted to 69 ha (171 acres) of which 9 ha (22 acres) is woodland and approx. 50% in arable cultivation. It follows that under 50% of the total land area of the holding is in use for livestock production in a manner which would qualify for an essential need to house an agricultural worker on site. The appraisal further stated that the farm was managed by two full-time workers, Mr Willmett senior, and his son Stephen.
- 1.4 The development subject to this application is for a 4-bedroomed detached dwelling for the housing of an agricultural worker, a son of Mr and Mrs Willmetts, and his family.

2. Policies

2.1 Leominster District Local Plan

- A1 – Managing the District's Assets and Resources
- A2 – Settlement Hierarchy
- A6 – Sites of Local Importance to Nature Conservation
- A9 – Safeguarding the Rural Landscape
- A23 – Creating Identity and an Attractive Built Environment
- A24 – Scale and Character of Development
- A41 – Protection of Agricultural Land

A43 – Agricultural Dwellings

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable development

S2 – Development requirements

S3 – Housing

DR1 – Design

DR2 – Land use and activity

DR3 – Movement

DR4 – Environment

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

NC4 – Sites at local importance

2.3 National Planning Guidance

Planning Policy Statement 7: Sustainable Development in Rural Areas

3. Planning History

NW05/3902/F - Proposed agricultural worker's dwelling. Refused 18.1.06.

NW04/2895/F - Conversion of former Methodist Chapel to a dwelling. Approved 1.12.04.

NW02/2964/F - Temporary mobile home for agricultural worker. Approved 27.11.02.

NW02/2206/S - General purpose agricultural building. Approved 14.8.02.

NW01/3262/F - Agricultural dwelling and garage. Refused 13.9.02.

93/168 - Erection of farm labourer's cottage and calf building. Approved 15.6.93.
(Occupied by another son.)

92/213 - Erection of farm labourer's cottage. Refused 15.12.92.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

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

4.3 Landscape Manager raises no objections.

5. Representations

5.1 Aymestrey Parish Council: Comments not received at time of writing report.

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 There are three main issues with regards to this application which are:

- Is there an essential need to house an agricultural worker on site?
- Has sufficient evidence been submitted in support of the application?
- Are there any other alternative dwellings available within the vicinity for the housing of an agricultural worker?

6.2 On 27th November 2002 planning permission was granted for the siting of a temporary mobile home on this site. The permission expired on 27 November 2005. The Officer's report to Committee in relationship to the agricultural need for the proposed development stated that the siting of a temporary mobile home would constitute an appropriate compromise in order to enable the applicant to demonstrate the viability of the enterprise. At the time the farm holding already had one agricultural dwelling built on its land, known as Watercourse House. The reason for the temporary permission was: 'To enable the local planning authority to give further consideration of the acceptability of the proposed use after the temporary period has expired'.

6.3 The present application is a 'Full' application and no agricultural appraisal, or audited financial accounts have been submitted in support of the application. Instead, the applicant's agent is relying solely on the agricultural appraisal submitted in 2001. At the time, the appraisal submitted was considered insufficient as no essential agricultural need was justified. The application was accordingly refused planning permission by the Northern Area Planning Sub-Committee.

6.4 In order to address the lack of an up to date appraisal the applicants have submitted a current budget and accounts analysis prepared by an Agricultural Management Consultant. No evidence has been submitted in support of these figures and close inspection of the figures reveals the nature of the farming practice is such that no essential need to house an agricultural worker on site is proven.

6.5 The farming business the subject of this application has a relevant planning history including planning approval for the conversion of a former chapel to residential accommodation. This application was in the name of Mrs Willmet senior (ref. No. DCNW2004/2895/F), who is also a joint applicant for the current application. The former chapel is still in the same ownership and located on the approach roadway to the current application site, within close proximity to the main holding known as Clerks House, where Mr and Mrs Willmet senior presently reside. Consequently in accordance with both local and national planning policy guidance the former chapel is available for occupation by the applicant.

6.6 A site visit by the case officer on 5 January 2006 revealed that there were only three breeding cows on the holding and these were housed at Clerks House and not at the site subject of this application.

6.7 In conclusion, there is no up to date agricultural appraisal and the evidence available suggest that the need for a further dwelling has reduced than increased since 2001. In any event there is an outstanding permission available in the immediate vicinity in the form of the former chapel. The current proposal therefore falls short, by a wide margin, of the justification required for such a substantial new dwelling in open countryside.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1 Insufficient agricultural information by means of an agricultural appraisal has been submitted in support of the application and no essential need has been proven for the siting of a dwelling at this specific location. Therefore the proposal is contrary to Policies A2(D) and A43 of the Leominster District Local Plan, Policy H8 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) and Planning Policy Statement 7: Sustainable Development in Rural Areas.**

- 2 There is a property located between the two sites of the agricultural business subject to this application, in the ownership of the applicant's that was granted planning permission by the local planning authority on 1 December 2004 for residential conversion, this is considered suitable for occupation by an agricultural worker. Therefore the proposal is contrary to Planning Policy Statement 7: Sustainable Development in Rural Areas, Annexe A: Agricultural, Forestry and other Occupational Dwellings, paragraph 3, and Policy H8 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).**

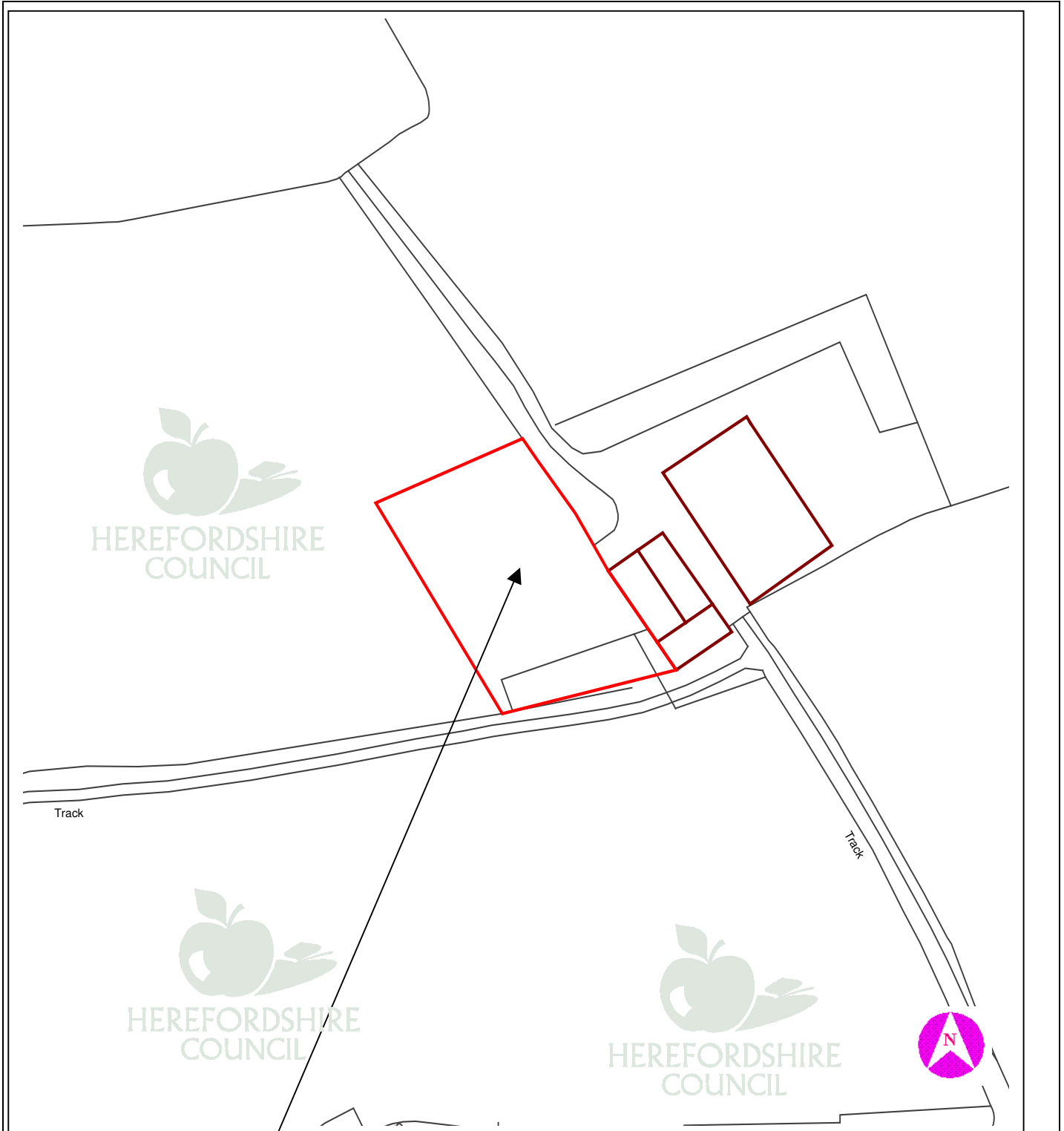
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2006/1448/F

SCALE : 1 : 1250

SITE ADDRESS : PP 890 Bacon Lane, Aymestrey, Herefordshire, HR6 9ST

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**16 DCNC2006/0626/F - FORMATION OF FIRST FLOOR
REAR EXTENSION AT 9 THE MEADOWS,
LEOMINSTER, HEREFORDSHIRE, HR6 8QY**

For: Mr D Edwards at above address.

Date Received:

**Ward: Leominster
North**

Grid Ref:

28th February 2006

49181, 59255

Expiry Date:

25th April 2006

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

1. Site Description and Proposal

1.1 9 The Meadows is located within a residential area in Leominster. It is one of a pair of semi-detached dwellings, 11 being conjoined and located immediately to the north. It is of a standard design; red brick under a concrete tile roof, and faces onto the road with a gable end. Both 9 and 11 have been extended to the rear with flat roof single storey extensions.

1.2 This application is for the addition of a second storey over the flat roofed element of 9. The plans indicate that this will be built in materials to match the existing dwelling. Its roof plane will follow that of the main dwelling, with its ridge some 1.8 metres lower. An amendment to the originally submitted plans shows that guttering at the boundary with 11 will now be boxed rather than overhanging onto the adjoining property.

2. Policies

2.1 Leominster District Local Plan

A54 – Protection of residential amenity

A56 – Alterations, extensions and improvements to dwellings

2.2 Herefordshire UDP (Revised Deposit Draft)

H18 – Alterations and extensions

3. Planning History

3.1 None identified.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Traffic Manager: No objections.

5. Representations

5.1 Leominster Town Council - recommends approval.

5.2 One objection has been received from W G Williams, 11 The Meadows, Leominster. Comments have been received in relation to the original submission and the amended plans and can be summarised as follows:

- Concerned that proposal will cause a loss of daylight and privacy.
- Possibility of development encroaching onto 11 The Meadows.
- Possibility that the development will cause subsidence.

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 acceptability or otherwise of this application rests on the potential impact on residential amenity to 11 The Meadows. In terms of scale and design, the proposal is very much subservient to the original dwelling and accords with the requirements of policy A56 of the Local Plan and the relevant parts of H18 of the UDP.

6.2 The property is positioned in an east/west plane and consequently shadows are cast to the front and rear, rather than across the gardens of adjoining dwellings. This situation will not be fundamentally altered by the proposal and therefore does not provide sufficient grounds to refuse the application.

6.3 The existing dwelling has a single large window serving a bedroom in the rear elevation. The proposal will create a new bedroom to be served by two smaller windows. However, there is no demonstrable change in the existing situation and therefore no change to the privacy levels currently enjoyed by no 11.

6.4 The issue of encroachment onto 11 is a civil matter. It was clear from the original submission that guttering would overhang, but this has been addressed by amendments showing guttering to be boxed. It is no longer evident from the plans that there is any encroachment.

6.5 The issue of structural stability and the capability of the flat roofed extension to accommodate the first floor addition is a matter to be addressed through an application for Building Regulations approval.

6.6 It is therefore concluded that the proposal accords with the identified Development Plan policies. It will not cause any demonstrable loss of privacy or daylight and therefore 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 - A09 (Amended plans)

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

3 - B02 (Matching external materials (extension))

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

Informatives

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

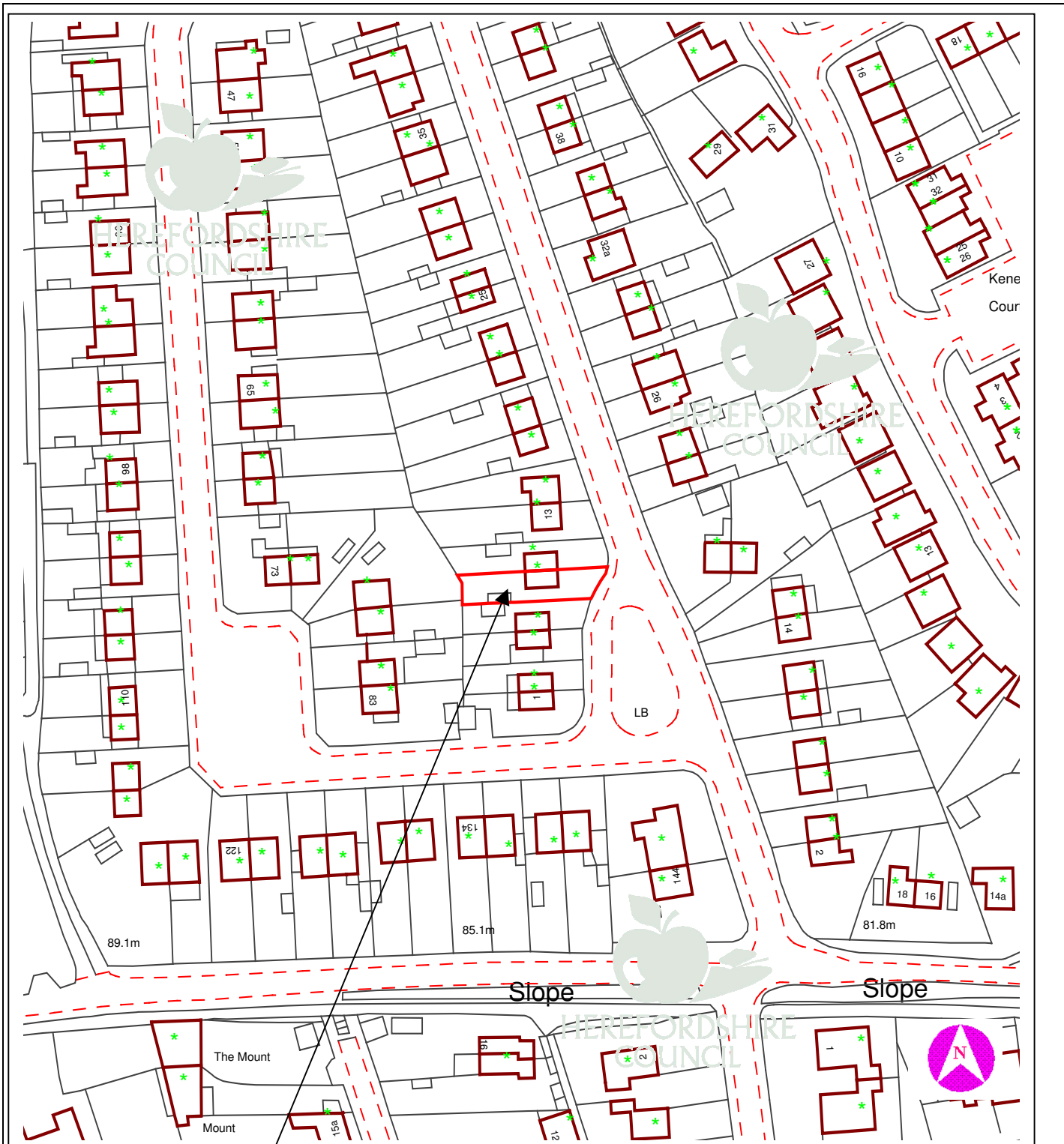
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/0626/F

SCALE : 1 : 1250

SITE ADDRESS : 9 The Meadows, Leominster, Herefordshire, HR6 8QY

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**17 DCNC2006/0964/F - EXTENSION TO EXISTING
BLACKSMITHS FORGE WORKSHOP AT THE FORGE,
TEDSTONE DELAMERE, BROMYARD,
HEREFORDSHIRE, HR7 4PR**

**For: The Forge Steel Fabrication & Repairs per Mr C
Goldsworthy, 85 St Owens Street, Hereford, HR1 2JW**

Date Received:
27th March 2006

Ward: Bringsty

Grid Ref:
68702, 58739

Expiry Date:
22nd May 2006

Local Member: Councillor T Hunt

1. Site Description and Proposal

- 1.1 The site to which this application relates stands in an area of open countryside. It is characterised by sporadic development along the roadside; either individually sited buildings or small groups. In this case the application site stands opposite a property known as Forge Cottage and a group of farm buildings, including a dwelling, known as Upper Grounds.
- 1.2 Presently a modest brick built structure with a mono-pitch roof occupies part of the site. A recent permission granted under application reference NC2004/1647/F reinstated the use of the building as a blacksmiths forge. This has been fully implemented and the building is in use for this purpose.
- 1.3 This application is for the extension of the existing premises, creating a second workshop with a small office space and toilet. The proposal will increase the floor area of the building from 42m² to 118m² and also includes the replacement of the existing mono-pitch roof with a pitch. This increases its height from 3.4 metres to 5 metres.

2. Policies

2.1 Malvern Hills District Local Plan

Landscape Policy 3 - Development in Areas of Great Landscape Value
Employment Policy 3 - Small Scale Enterprises

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

E6 - Expansion of Existing Businesses
E8 - Design Standards for Employment Sites

3. Planning History

- 3.1 NC2004/1647/F - Re-establishment of blacksmiths forge within original forge building - approved subject to conditions - 1st July 2004.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Traffic Manager - No objections.

4.3 Head of Environmental Health and Trading Standards - No response.

5. Representations

5.1 Tedstone Delamere Parish Council support the application in principle but are concerned that conditions previously imposed relating to landscaping, parking and hours of working have not been complied with.

5.2 Two letters of objection have been received from:

- Mr B Civil, Stone Cottage, Tedstone Delamere and
- Mrs K Harris, Forge Cottage, Tedstone Delamere

5.3 In summary the points raised are as follows:

- Conditions previously imposed are not being complied with.
- The extension will impinge upon an existing parking and turning area.
- The increased floor area and height of the building is excessive opposite a residential dwelling, however the need for a toilet and office are accepted.

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 site has been established as one with an employment generating use and therefore this proposal should be considered under policies dealing with extensions to existing premises. The key considerations are identified as follows:

Impact on residential amenity

Design

Non-compliance with previously imposed conditions.

Residential Amenity

6.2 There are two elements to this point of concern. First that the forge will increase in size and move away from being a low key discrete operation to something more substantial, and second that the increase in built form; particularly in terms of height, will impact unacceptably on Forge Cottage opposite.

6.3 The existing premises is of a very small scale and is undoubtedly discrete. The building would appear to be early 20th Century and consequently is not entirely suited to current demands. The applicant's agent advises that the extension is required to accommodate much of the plant and equipment that his client works upon and that the existing workshop is not sufficiently sized to do this. Furthermore, it appears to your

officers that a purpose built extension offers the opportunity to provide accommodation that can be properly insulated and designed to minimise any potential nuisance that might be caused. Accordingly a condition could be imposed to require the submission of noise attenuation measures to be implemented.

Design

- 6.4 With a combined workshop floor area of approximately 118m², it is your officers opinion that the enterprise will remain at a small scale and that the extension will not fundamentally change the site's relationship with nearby dwellings or its impact on residential amenity.
- 6.5 The size of the resultant building is also considered to be acceptable in the context of its relationship to residential dwellings. Its size, proportion and design are not unduly overbearing and the replacement of the monopitch roof with a pitch is considered to be a visual improvement.
- 6.6 The proposal is therefore considered to accord with the relevant parts of policies E6 of the Unitary Development Plan and Employment Policy 3 of the Malvern Hills District Local Plan.

Non-Compliance with Previously Imposed Conditions

- 6.7 A number of conditions were imposed when the building was brought back into use. It has come to the attention of your officers during the course of this application that these have not been complied with and the applicant has been advised of the need to provide landscaping and parking details, and also a need to comply with a working hours condition. In order to ensure consistency it is recommended that the same conditions are imposed if permission is granted in this instance. However, the non-compliance to date is not sufficient reason to withhold planning permission.
- 6.8 It is therefore concluded that the proposal accords with the relevant Development Plan policies and it is accordingly recommended that planning permission is granted.

RECOMMENDATION

That planning permission is granted subject to the following conditions:

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

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

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

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

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

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

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

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

5 - There shall be no parking at any time on the roadside frontage of the application premises.

Reason: In the interests of highway safety.

6 - E01 (Restriction on hours of working)

Reason: To safeguard the amenities of the locality.

7 - E02 (Restriction on hours of delivery)

Reason: To safeguard the amenities of the locality.

8 - H05 (Access gates)

Reason: In the interests of highway safety.

9 - H15 (Turning and parking: change of use - commercial)

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

10 - F01 (Scheme of noise attenuating measures)

Reason: To safeguard the amenity of the area.

Informatives:

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

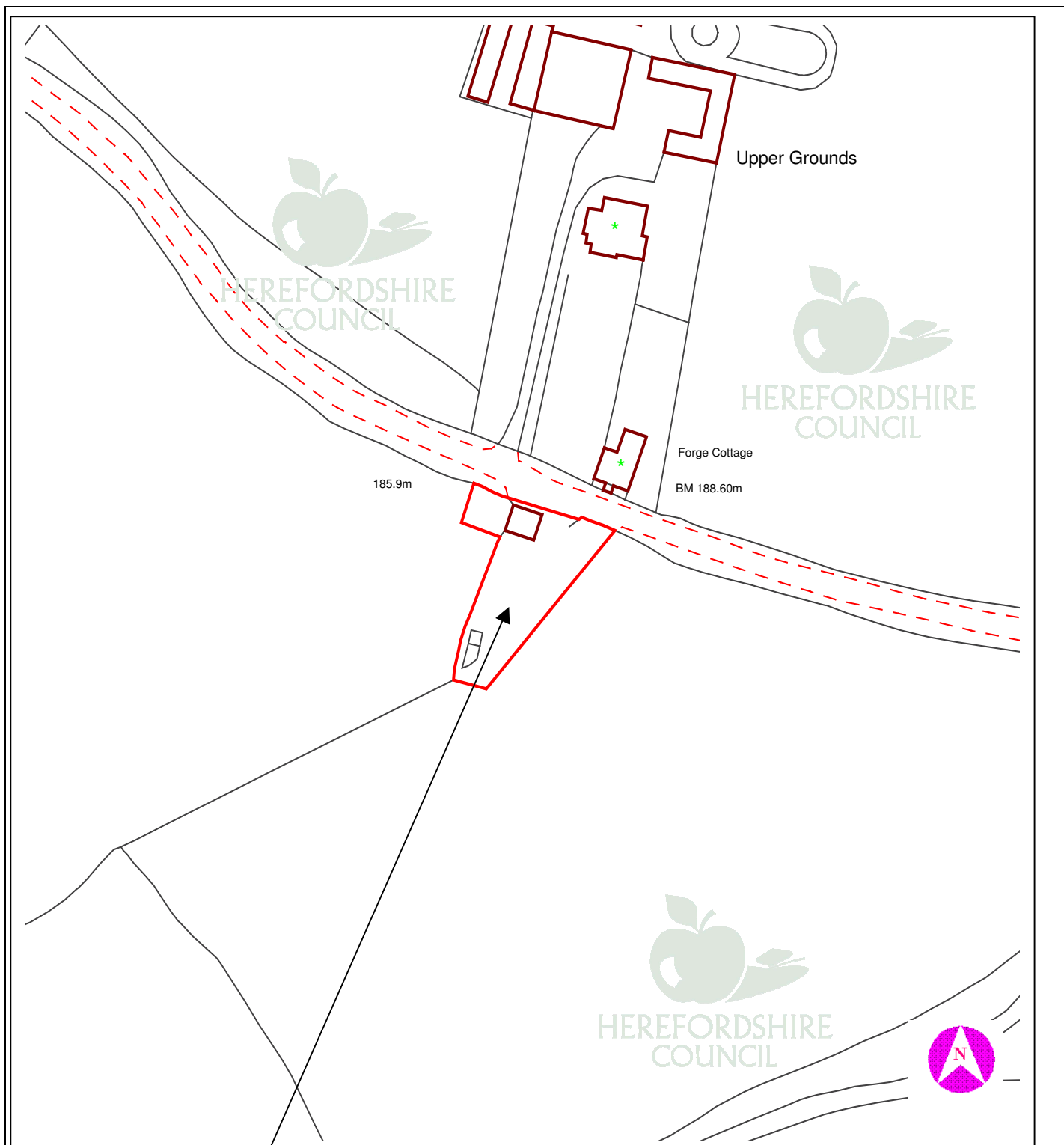
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/0964/F

SCALE : 1 : 1250

SITE ADDRESS : The Forge, Tedstone Delamere, Bromyard, Herefordshire, HR7 4PR

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18 DCNC2006/1105/F - RETENTION OF AGRICULTURAL BUILDING AT THE PADDOCKS, NORMANS LANE, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE, HR6 0LQ

For: Mr C Brant c/o 26 Cherrybrook Close, Hope-under-Dinmore, Herefordshire, HR6 0PW

Date Received:
18th April 2006

Ward: Hampton Court **Grid Ref:**
52274, 56218

Expiry Date:
13th June 2006

Local Member: Councillor K Grumbley

1. Site Description and Proposal

- 1.1 This is a retrospective application for the erection of an agricultural building on land at Normans Lane, Stoke Prior. It has a floor area of 84m² and a maximum height of approximately 3.5m. It is of steel frame construction and is faced with dark green profiled sheeting under a monopitch roof.
- 1.2 The building is sited to the northern end of a field and is positioned against a mature hedgerow that marks its boundary. A number of dwellings and their associated buildings are scattered randomly along Normans Lane with the main core of the village lying further to the north of the application site.

2. Policies

2.1 Leominster District Local Plan

A9 – Safeguarding the rural landscape

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

E13 - Agricultural and forestry development

3. Planning History

- 3.1 None identified.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Traffic Manager: No objections.

5. Representations

5.1 Ford and Stoke Prior Parish Council: Recommend refusal pending clarification of the precise use of the building.

5.2 Five letters of objection have been received from the following properties:

Mr M Hubbard, Sunset Lodge, Stoke Prior
Mr and Mrs Coupland, The Bryn, Stoke Prior
J H Buckley, Brindlehurst, Stoke Prior
Mrs Wainwright, Railway cottage, Stoke Prior
Mr and Mrs Cox, Stoke Haven, Stoke Prior

In summary, the points raised are as follows:

- The building has a negative visual impact.
- Development was undertaken without regard for planning regulations.
- If permission is granted it will set a precedent.
- There is no community benefit.
- There appears to be a material change of use of the land.
- Detrimental impact of increased traffic along Normans Lane.

5.3 One letter has been received from Mr P Dodd, Prospects Cottage, Stoke Prior, raising no objection to the proposal. It states that the building is hidden by trees and hedges and the land is being used for agricultural purposes.

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 relevant planning issues for this application can be summarised as follows:

- Design and visual impact
- Use of the building
- Traffic increases along Normans Lane

Design and visual impact

6.2 The design of the building is typical of an agricultural building and it is clear that it can serve an agricultural purpose. Policy E13 requires that buildings should be sited so as to be readily assimilated into the landscape avoiding isolated or skyline locations and should be well related in terms of scale, design, colour and materials.

6.3 The position of the building is not prominent in the landscape. The existing hedgerow to the rear provides a good visual break and minimises its impact. Its external appearance also aids its assimilation into the landscape and it is therefore considered to be acceptable in this respect.

Use of the building

6.4 The applicant has provided additional information to confirm that the use of the building is for agricultural purposes by way of DEFRA registration documents. The use is further confirmed by one of the letters of objection, which suggests that the land has been over-grazed due to heavy stocking, and by the letter of support. It appears that questions have arisen over the use of the land more generally by virtue of materials that have been deposited on the land and its perceived formalisation through the sub-division of the field by fencing. Whilst the latter does not require the benefit of planning permission, other aspects of the site continue to be investigated by the Council's Enforcement Officer. Nevertheless, there is sufficient evidence to conclude that the building is reasonably required for agricultural purposes and at 84m² is not excessively large in relation to the area of land it is intended to serve.

Traffic increases along Normans Lane

6.5 The concerns raised in this respect seem to refer to a perceived use other than agriculture on the land. Although clarification of the use of the building has been sought by your officers, they are satisfied that it is intended to be used for agricultural purposes. No clear evidence has been provided to demonstrate that the proposal will create an unacceptable increase in traffic movements and it is therefore considered to be unreasonable to withhold planning permission on this basis.

Other issues

6.6 The fact that the application is retrospective is not in itself a reason to refuse this application. As with any other application it should be assessed with regard to relevant policy and determined on this basis. Similarly, the issue of precedent is not material to the application as each is assessed on its own merits.

6.7 It must therefore be concluded that the proposal accords with the relevant Development Plan policies and the application is therefore recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - The development hereby approved shall be used solely for the purposes of agriculture and for no other purpose whatsoever.**

Reason: To define the terms of this permission.

Informative:

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

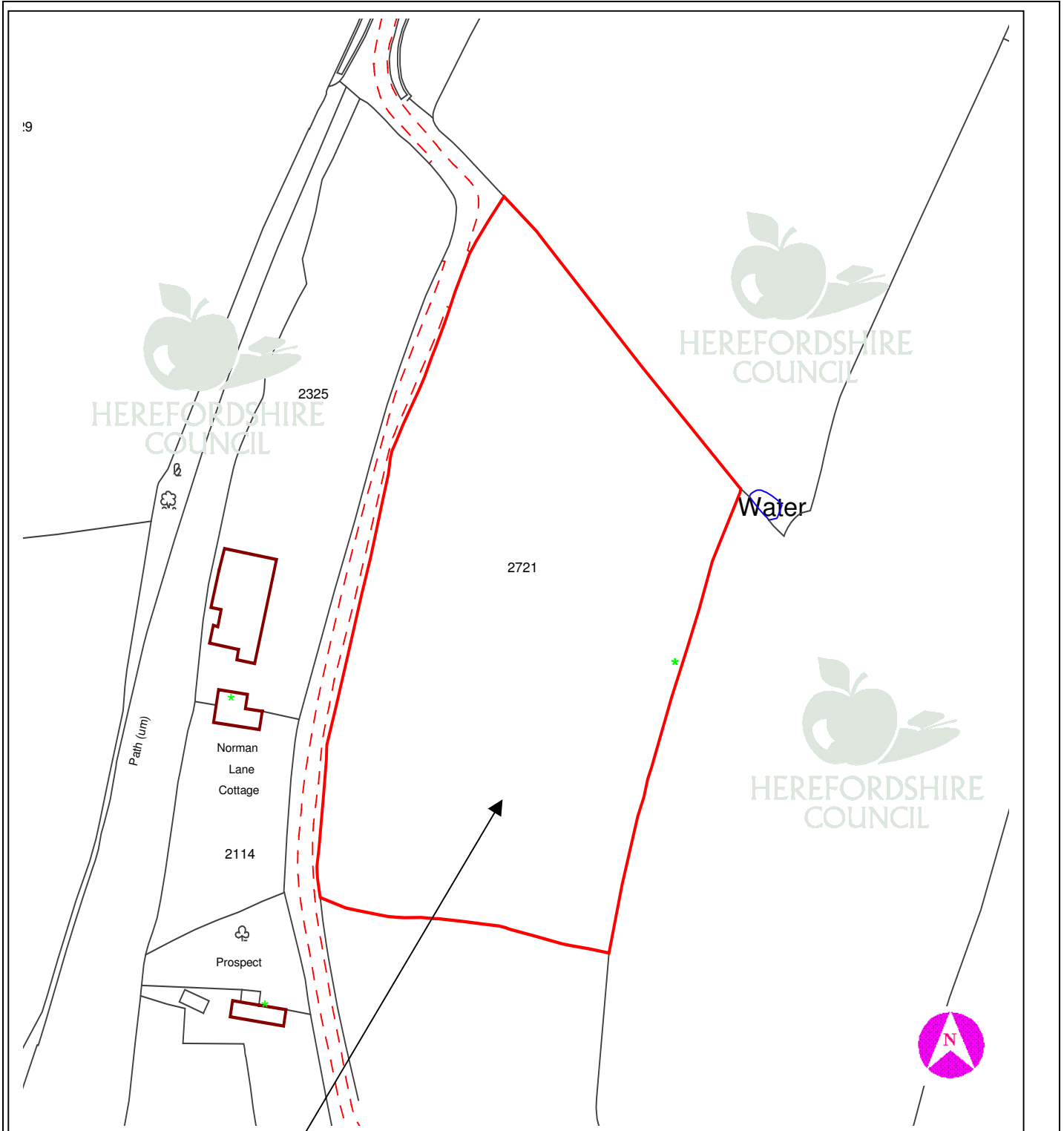
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/1105/F

SCALE : 1 : 1250

SITE ADDRESS : The Paddocks, Normans Lane, Stoke Prior. Leominster. Herefordshire. HR6 0LQ

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**19 DCNC2006/1205/F - PROPOSED SHOP WITH FLAT
OVER AT R T ANIMAL FEEDS, KINGS ARMS YARD,
BROMYARD, HEREFORDSHIRE, HR7 4EE**

**For: Mr & Mrs R Jones per Linton Design 27 High
Street Bromyard Herefordshire HR7 4AA**

Date Received:
18th April 2006

Ward: Bromyard

Grid Ref:
65323, 54680

Expiry Date:
13th June 2006

Local Member: Councillors P Dauncey and B Hunt

1. Site Description and Proposal

- 1.1 The site measures 0.1 hectares and is located in central Bromyard, within the Central Conservation Area and adjacent to a Listed Building.
- 1.2 The B4205 is adjacent to the north western end of the site close to the B4214 Tenbury Road junction.
- 1.3 The south easterly part of the site is accessed via New Road and Little Hereford Street via Kings Arms Yard.
- 1.4 The proposal is a resubmission of a withdrawn application and is for a shop with a flat over. This is an application made subsequent to enforcement enquiries regarding the existing Mobile Retail Unit currently on site.

2. Policies

2.1 Malvern Hills District Local Plan

Environment Policy 1:	Location of Development
Environment Policy 12:	Disposal of Foul Sewage, Trade Effluent and Surface Water
Employment Policy 1:	Employment Land
Employment Policy 3:	Small scale Enterprises
Housing Policy 2:	Development in Main Towns
Housing Policy 3:	Settlement Boundaries
Housing Policy 17:	Residential Standards
Shopping Policy 1:	Shopping Hierarchy
Shopping Policy 2:	Principal Shopping and Commercial Areas
Shopping Policy 3:	Restrictions on Development within the Principal Shopping and Commercial Areas
Conservation Policy 1:	Preserving or Enhancing Conservation Areas
Conservation Policy 2:	New Development in Conservation Areas
Conservation Policy 3:	Setting of Conservation Areas
Conservation Policy 11:	The Setting of Listed Buildings
Conservation Policy 20:	Shop Front Design
Transport Policy 2:	Cycle Parking
Transport Policy 8:	Car Parking and Servicing Requirements

Transport Policy 10: Car Park Design
 Transport Policy 11: Traffic Impact

2.2 Herefordshire Unitary Development Plan (Revised Development Plan) and Insp Report March 2006

S1: Sustainable Development
 S3: Housing
 S4: Employment
 S5: Town Centres and Retail
 S6: Transport
 S7: Natural and Historic Heritage
 DR1: Design
 DR2: Land Use and Activity
 H1: Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
 H13: Sustainable Residential Design
 H14: Re-using Previously Developed Land and Buildings
 H16: Car Parking
 E6: Expansion of Existing Businesses
 TCR1: Central Shopping and Commercial Areas
 TCR8: Small Scale Retail Development
 T11: Parking Provision
 T12: Existing Parking Areas
 HBA4: Setting of Listed Buildings
 HBA6: New Development within Conservation Areas

3. Planning History

- 3.1 DCNC2006/0548/C - Proposed shop with flat over. Withdrawn 12 April 2006
- 3.2 DCNC2005/2095/F - Retrospective application for the temporary siting of a portacabin. Refused 11 August 2005.
- 3.3 DCNC2003/1689/C - To demolish and remove non-essential buildings and convert existing buildings to two residential bungalows. Approved 26 November 2003.
- 3.4 DCNC2003/1688/F - Demolish and remove buildings not associated with development and convert existing building into two residential units. Approved with conditions 26 November 2003.
- 3.5 MH97/0930 - Ancillary storeroom for existing pet supplier. Approved 11 September 1997.
- 3.6 MH94/1313 - Convert redundant building to residential use. Refused 17 January 1995.
- 3.6 MH94/1314 – Listed Building Consent alterations to provide residential use in order for building to be rennovated. Approved 17 January 1995.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water: no objection subject to conditions.

Internal Council Advice

4.2 The Conservation Manager has no objection subject to conditions.

4.3 The Traffic Manager has no objection to the proposal.

4.4 The Economic Development Manager has not responded to the proposal.

5. Representations

5.1 The Town Council objects to the proposal. Their letter states that:

"It is considered that, despite certain amendments to the previous proposal (DCNC2006/0548/F), problems still exist regarding vehicular turning circles.

The area available at the rear of the building proposed as shown on the 1:200 scale site plans accompanying the application and within the applicant's control is considered too restricted to enable longer wheelbase delivery vehicles to turn around on site and enter New Road in a forward gear. This in turn would be likely to result in those vehicles being unloaded direct from the carriageway of Old Road (4214) close to its junction with Tenbury Road, which practice would not be in the interests of the safety and free flow of traffic."

5.2 Representations from neighbours include:

- Bromyard Veterinary Surgery, Kings Arms Yard, Bromyard HR7 4AH
- Mr & Mrs Jennings, owners of 5 Old Road, Bromyard HR7
- L C Lock, 8 New Road, Bromyard HR7 4AJ

Objections can be summarised as follows:

1. Right of way for public over the property - claimed by 5 Old Road and 8 New Road.
2. Loading/unloading heavy goods vehicles on Old Road/Kings Arms Yard.
3. Car parking provision needs.

1. Right of Way

No PUBLIC right of way is indicated on the site or relevant records. A personal right of way is not a matter for planning consideration, but a legal issue for individuals to deal with themselves.

5.3 The other issues are dealt with below in the Officer's Appraisal.

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

6. Officers Appraisal

6.1 The key issues are:

- Impact on Conservation Area and adjacent Listed Building.
- Impact on traffic congestion.
- HGV deliveries.
- Limited car parking.

Impact on Conservation Area and adjacent Listed Building

6.2 The Conservation Manager has no objection to the proposal subject to conditions. Any issue is mitigated by the existing proposal.

Traffic congestion

6.3 The concerns of neighbours and the Town Council are noted, however the Transportation Manager has no objection to the proposal, it being town centre, with sufficient parking spaces and cycle racks being provided as per policy requirements. In itself this could not, in your officers opinion be substantiated as a reason for refusal reason.

Delivery Vehicles

6.4 Local residents and the Town Councils objections are noted. However the site currently has deliveries from all manner of delivery vehicles and the recommendation is that any approval includes a condition limiting deliveries of 7.5 tonne vehicles for Kings Arms Yard and no deliveries to be made from Old Road. With no objection raised by the Transportation Manager and this condition recommended this overcomes these concerns.

Car Parking

6.5 In the Transportation Managers view, there is sufficient on-site parking provision within this proposal and your officer feels any refusal on this ground would therefore be unsupportable.

Conclusions

6.6 In conclusion the case is recommended for approval subject to conditions.

RECOMMENDATION

In conclusion the case is recommended for approval subject to conditions.

1 - The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

- 2 - The development hereby approved shall be carried out strictly in accordance with the amended plan[s] received by the local planning authority on 5th May 2006.

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

- 3 - No development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

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

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

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

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

- 6 - No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been agreed in writing by the Local Planning Authority in Liaison with Dwr Cymru Welsh Water's Network Development Consultant.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

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

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

- 8 - Deliveries will be from Kings Arms Yard only and restricted to vehicles of no more than 7.5 tonnes.

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

- 9 - Before development commences architectural details of window sections, eaves, verges and barge boards at a scale of 1:1 or 1:5 shall be submitted to the local planning authority and approved in writing.

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

10 - Prior to the commencement of development, details of the proposed finishes for all external joinery shall be submitted to and approved in writing by the local planning authority. The finishes so approved shall not thereafter be changed without the prior written approval of the local planning authority.

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

Informatives:

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

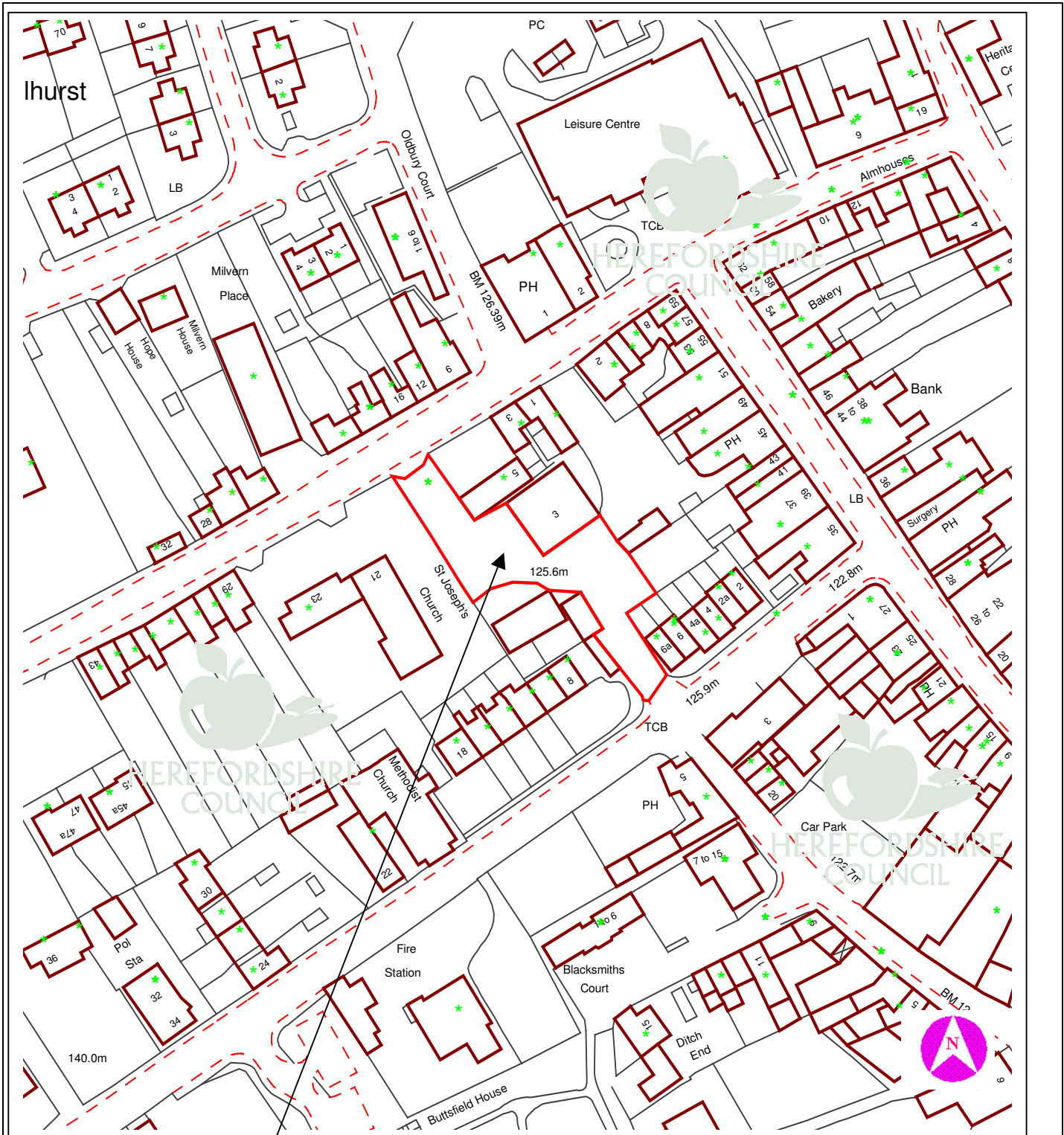
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/1205/F

SCALE : 1 : 1250

SITE ADDRESS : R.T Animal Feeds, Kings Arms Yard, -, Bromyard, Herefordshire, HR7 4EE

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20 DCNC2006/1215/F - EXTENSIONS TO EXISTING NURSING HOME TO ADD 16 BEDROOMS AND DAY ROOM LINK (INCLUDES DEMOLITION OF EXISTING SOUTH WING) AT 28 HIGHWELL LANE, BROMYARD, HEREFORDSHIRE, HR7 4DG

For: Miss K Rogers per Linton Design 27 High Street Bromyard Herefordshire HR7 4AA

Date Received:

18th April 2006

Expiry Date:

13th June 2006

Local Member: Councillor B Hunt and P J Dauncey

Ward: Bromyard

Grid Ref:

65199, 54234

1. Site Description and Proposal

- 1.1 The site is within the settlement boundary of the market town of Bromyard, within a predominantly residential area.
- 1.2 The proposal is to extend the existing nursing home to add 16 bedrooms, plus a day room link. In addition, the existing south wing is proposed for demolition.
- 1.3 The proposal site is currently a 26-bedroom nursing home with an additional private house in its grounds. The nursing home currently covers 623m² and the total application site area is 0.3 hectares. The existing total floor area measures 865m², whilst the new total floor area proposed would be 1252m², an increase in floor area of approximately 45%.
- 1.4 Nine existing car parking spaces exist and provision is made for 16 additional car parking spaces and one ambulance space in this proposal, together with alterations to the public highway.
- 1.5 Drainage is catered for with storm water disposed of in soakaways and foul water to the existing main sewer.

2. Policies

2.1 Malvern Hills District Local Plan

Environment Policy 1: Location of development

Environment Policy 12: Disposal of foul sewage, trade effluent and surface water

Employment Policy 1: Employment land

Employment Policy 3: Small scale enterprises

Housing Policy 16: Extensions

Housing Policy 13: Conversion to flats or nursing homes and other institutions

Landscape Policy 8: Landscape standards

Transport Policy 8: Car parking and servicing requirements

Transport Policy 11: Traffic impact

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- S1 – Sustainable development
- S2 – Development requirements
- S4 – Employment
- S6 – Transport
- S11 – Community facility and services
- DR1 – Design
- DR2 – Land use and activity
- DR3 – Movement
- DR4 – Environment
- H1 – Hereford and the market towns: Settlement boundaries and established residential areas
- H16 – Car parking
- H18 – Alterations and extensions
- E6 – Expansion of existing businesses

2.3 National Policies

- Planning Policy Guidance 3: Housing
- Planning Policy Statement 1: Sustainable development

3. Planning History

642/79 – Extension to private residence. Approval 1 May 1979.

MH1203/83 - Conversion of existing dwelling and garage to a rest home for the elderly and private bedrooms. Approved 12 June 1983.

MH1959/84 - Garage and lounge extension. Approved.

MH0606/85 - Conservatory. Approved.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: 'It has been confirmed by Linton Design (who are acting on behalf of the developer) that the surface water from the existing property will be redirected from the public sewerage system in order to offset the increase in foul flows from the development. We therefore do not have any adverse comments to raise in respect of this planning application subject to conditions being incorporated within the planning permission.'
- 4.2 Primary Care Trust: Comments are pending and once received will be reported at Committee.

Internal Council Advice

- 4.3 Transportation Manager: Recommends that any permission which this Authority may wish to give include the following conditions: H29, H9, H13, H17 (works), H30, plus highway notes HN1, HN4, HN5, HN7, HN10 AND HN22.

- 4.4 The Environmental Health Manager has not responded to the proposal at the time of typing this report.

5. Representations

- 5.1 The Town Council have objected to the proposal, as follows:

'Concern was expressed at the inadequacy of Highwell Lane to serve the extensions proposed, the potential for overlooking a neighbouring dwelling, the inclusion within the site of adjoining land in separate ownership and Welsh Water's current embargo on new buildings in the town. It was therefore resolved not to support this proposal for the following reasons:

The narrow, winding lane which is devoid of footways, providing the sole vehicular access to this nursing home, is totalling inadequate in width, layout and forward visibility to serve the additional commercial and private traffic, including ambulances, which will be generated by this proposal.

The 6 windows proposed in the west elevation of the 2 storey extension proposed on the south-western edge of the site will overlook the adjacent dwelling (no. 34 Highwell Lane) to the detriment of the residential amenities of same. Although all those windows are intended to have obscured glass, it is noted that they have opening lights, thereby facilitating overlooking.

Both the location plan and the site layout plan accompanying the application include land adjoining the south-west extension proposed which is within the garden of an adjacent dwelling (no. 34 Highwell Lane).

The council is aware that a local resident has recently received a letter from Welsh Water which places an embargo upon any further building in Bromyard on account of the town sewerage works being overloaded. The present proposal, if allowed to proceed, would cause additional overloading of same.'

- 5.2 A total of 8 letters of objection have been received. The key issues concerning local residents can be summarised as follows:

- inadequate entrance way
- highway safety
- inadequate access road
- inadequate drainage facilities
- loss of amenity, i.e. overlooking
- detrimental impact on adjacent trees
- overbearing mass and scale of the proposal and inappropriate design
- overdevelopment

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

6. Officers Appraisal

- 6.1 The key issues regarding this full application are as follows:

- Highways and access issues
- Inadequate drainage capacity/facilities
- Loss of residential amenity
- Loss of trees
- Overbearing and inappropriate scale and design on the original property

Highways and access

- 6.2 Local residents' concerns are noted. However, with this proposal the access arrangements are mitigated by the addition of one access. Recommended conditions help mitigate Highways concerns. In addition, the Transportation Manager has no objection on this ground and therefore your officer feels these objections could not be sustained on appeal.

Inadequate drainage capacity/facilities

- 6.3 Again, local residents and the Town Council have expressed concerns regarding local drainage matters, a concern publicly stated in relation to other cases. In this instance, however, the application includes removing storm water from the public sewers and using soakaways instead, which removes the majority of existing flows as well as the majority of proposed flows. Welsh Water raise an objection to the drainage arrangements proposed by the applicant and appropriate conditions would be attached to any permission granted.

Loss of residential amenity

- 6.4 The Town Council and local residents have objected to the proposal on this ground. The proposed plans indicate a similar footprint on the western perimeter to that which already exists, so the issue is the proposed fenestration detailing rather than the building per se. The existing building has no windows detailed on the western elevation. The original proposal had 6 windows with obscure glazing and fanlight openings. However through further negotiation an amendment has been requested and accepted which removes all windows from this western elevation which mitigates these concerns in all respects.
- 6.5 A condition ensuring that no new windows can be introduced into the western elevation is recommended.

Loss of trees

- 6.6 This is a matter for the relevant interested parties to discuss, as the trees in question are not on the applicant's land and are not therefore material to the consideration of this application.

Overbearing and inappropriate scale and design on existing property

- 6.7 The existing buildings cover a considerable site area, 623m², including two buildings of considerable age with modern extensions. The south-western building, proposed for demolition and rebuilding incorporates very little additional floor space, but regularises the building layout.

The Link Day Room effectively joins the two existing properties. In your officer's opinion, this provides an essential facility for occupants of Highwell House and improves this part of the current development.

The proposed extension to the eastern section adds to the site facilities and is not considered detrimental, in your officer's opinion.

- 6.8 It is suggested that the combined volume of extension within the context of existing buildings on this relatively spacious plot are such that there would be no serious adverse impact upon the original building or the wider character of the site and surrounding area. In terms of additional floor space the proposals would increase the footprint of the buildings by a relatively modest 45%.

Conclusions

- 6.11 In conclusion, though the neighbours' and Town Council's objections are noted, these are mitigated by the improved access arrangements, improved storm water disposal and the amended plans removing all fenestration adjacent to the neighbour's property at 34 Highwell Lane.
- 6.13 The proposal is therefore recommended for approval subject to 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 - E18 (No new windows in specified elevation) ... western elevation...**

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

- 5 - E02 (Restriction on hours of delivery)**

Reason: To safeguard the amenities of the locality.

- 6 - E10 (Use restricted to that specified in application) (Nursing Home)**

Reason: To suspend the provisions of the Town and Country Planning (Use Classes) Order currently in force, in order to safeguard [.....].

- 7 - E15 (Restriction on separate sale) (Highwell House)**

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

8 - W01 (No surface water to public sewer)

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

9 - W02 (No surface water to connect to public system)

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

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

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

11 - W04 (Comprehensive and integrated draining of site)

Reason: to ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

12 - G02 (Landscaping scheme (housing development))

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

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

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

14 - G06 (Scope of landscaping scheme)

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

15 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

16 - 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.

17 - H09 (Driveway gradient)

Reason: In the interests of highway safety.

18 - H13 (Access, turning area and parking)

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

19 - H17 (Junction improvement/off site works)

Reason: To ensure the safe and free flow of traffic on the highway.

20 - 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.

21 - F39 (Scheme of refuse storage)

Reason: In the interests of amenity.

Informatives:

- 1 - HN01 - Mud on highway
- 2 - HN04 - Private apparatus within highway
- 3 - HN05 - Works within the highway
- 4 - HN07 - Section 278 Agreement
- 5 - HN10 - No drainage to discharge to highway
- 6 - HN22 - Works adjoining highway

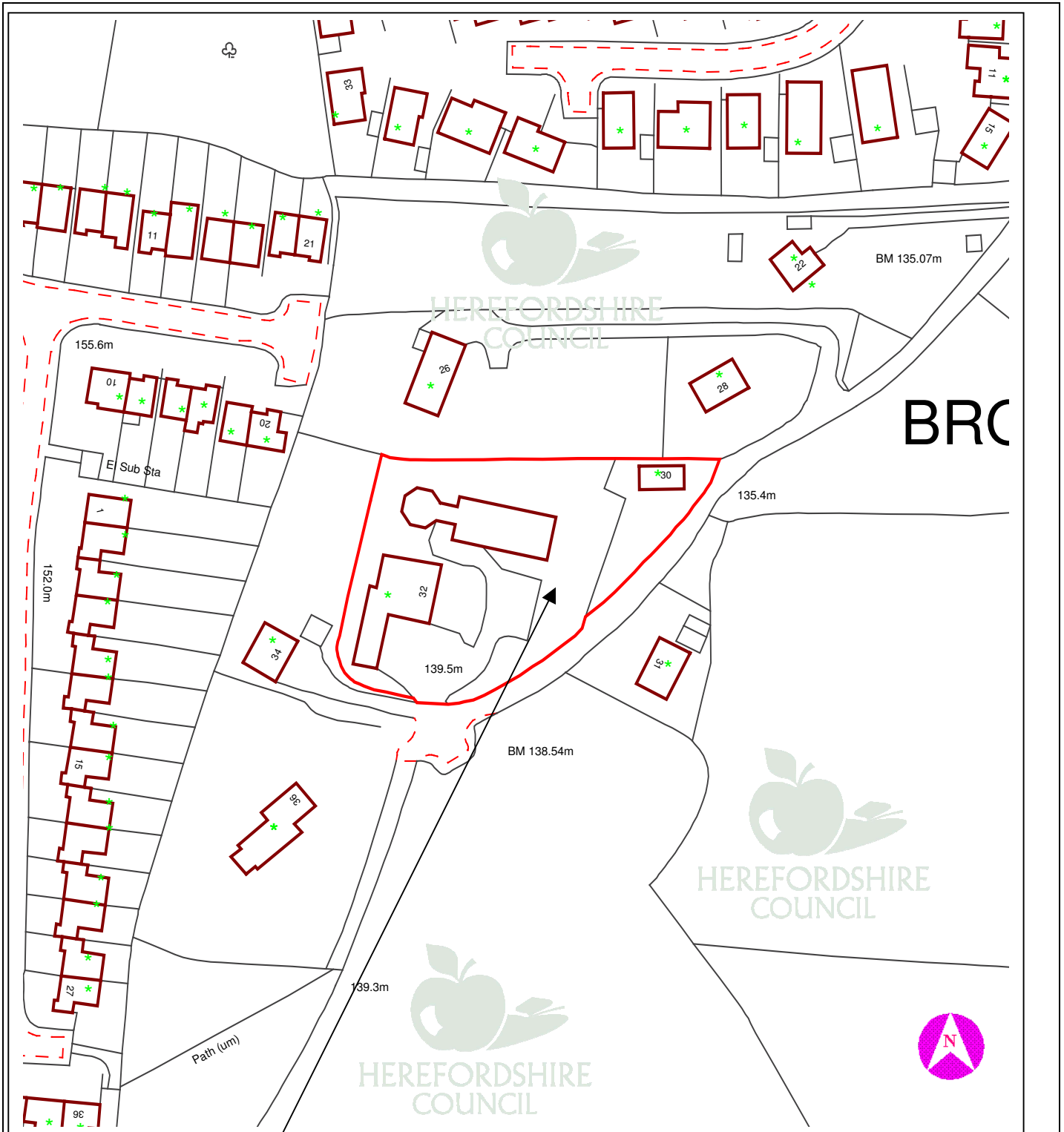
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/1215/F

SCALE : 1 : 1250

SITE ADDRESS : 28 Highwell Lane, Bromyard, Herefordshire, HR7 4DG

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21 DCNC2006/1387/F - CHANGE OF USE TO A5 (HOT FOOD TAKE-AWAYS), BETWEEN HOURS 14.00-21.00 MONDAY TO SATURDAY AT 73 ETNAM STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8AE

**For: Mr M Rohde per John Phipps Bank Lodge
Coldwells Road Holmer Hereford HR1 1LH**

Date Received:

**Ward: Leominster
South**

Grid Ref:

5th May 2006

49893, 58945

Expiry Date:

30th June 2006

Local Member: Councillors R Burke and J P Thomas

1. Site Description and Proposal

- 1.1 The site is within the market town of Leominster, within the central shopping and commercial area and the Conservation Area. This is also adjacent to a Grade II Listed Building.
- 1.2 Earlier this year the site received permission for an extension to opening hours for A3 use from 8 am to 2 pm to 8 am to 9 pm Monday to Saturday, conditional not to serve deep fried food.
- 1.3 This application is to use these permitted hours but to change for A3 restaurant/café use to a A4 hot food Take Away.

2. Policies

2.1 Leominster District Local Plan

A2 – Settlement Hierarchy
 A18 – Listed Buildings and their Settings
 A21 – Development within Conservation Areas
 A24 – Scale and Character of Development
 A28 – Development Control Criteria for Employment Sites
 A31 – Employment Generation Uses within or around the Market Towns
 A32 – Development within Town Centre Shopping and Commercial Areas
 A72 – Parking within or adjacent to central shopping and commercial areas
 A73 – Parking Standards and Conservation

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable development
 S2 – Development requirements
 S4 – Employment
 S5 – Town centre and retail
 DR2 – Land use and activity

TCR1 – Central shopping and commercial areas
TCR6 – Non-retail uses
T11 – Parking provision
T12 – Visitor parking areas
HBA4 – Setting of Listed Buildings
HBA6 – New development within Conservation Areas

2.3 National Policies

PPG15: Planning and the Historic Environment

3. Planning History

NC2006/0067/F - Change of use to A3 (restaurant/cafe) between hours of 8am to 2100 hours Monday to Saturday. Approved 22.2.06.

NC2005/0983/F - Change of use to A3 between hours of 8am to 2pm Monday to Saturday. Approved 15.6.05.

88/1004 - New shop front. Approved 25.1.89.

88/0540 - Conversion of existing building into 2 dwellings. Refused 03.10.88.

88/0253 - Change of use to licensed betting office. Approved conditionally 23.5.88.

87/0561 - Conversion of existing dwellings to 3 flats for residential use. Approved conditionally 16.11.87.

81/0276/O - Creation of a vehicular access and erection of a garage. Withdrawn 1.6.81.

81/0003/A - Erection of a flat wooden sign board (non-illuminated). Approved 27.5.81.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Transportation Manager: Objection. The Transportation Manager states that:

'No parking available, and resulting congestion from informal parking would prejudice highway safety. More information in 2006/0067/F.' However, there was no objection from the Transportation Manager in the previous application.

4.3 Public Rights of Way Manager: No objection. 'Proposed change of use to A5 (hot food takeaway) would not appear to affect the Public Footpath ZC138, which runs along Dukes Walk, and we have no objection to this application.'

4.4 Environmental Health Manager: No response at the time of typing the report.

4.5 Conservation Manager: No objection to change of use as long as external elevations are not affected by the new use. However, would welcome an improvement to side elevation.

5. Representations

5.1 Town Council: Recommends approval.

5.2 Objections have been received from:

- Mr & Mrs Halford, 81 Etnam Street, Leominster HR6 8AE

Issues include

- 1) Amenity issues – noise
- 2) Safety issues - vandalism

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

6. Officers Appraisal

6.1 The key issues in this case are as follows:

6.2

- 1) Neighbours' amenity
- 2) Appropriateness of application proposal
- 3) Highway safety
- 4) Setting of Listed Buildings

Loss of neighbours' amenity

6.3 Neighbours' objections are on the grounds of loss of amenity. This is obviously of considerable concern to them, including possible noise, cooking smells and extra activity in the vicinity of No. 73 from 8am onwards. The Enforcement Officer has been informed of the objection regarding concerns on potential breach of condition that the sale of hot food shall be restricted to snack food only by shallow frying, and that there shall be no sale of deep-fried food. It is recommended that this same condition would be attached to any potential approval that this application might receive.

Appropriateness of application proposal

6.4 Use as a restaurant/café already exists between the hours of 8am to 2100 hours Monday to Saturday on site so use for the site for such use is not in question. The issue here is whether there should be change purely to a hot food takeaway within the existing hours of opening. It is noted that there might be some difference in accessing the premises due to the nature of it being a takeaway, not purely for a restaurant facility. However, in your officer's opinion, the hours of use between 8am to 2100 hours within this town centre position are considered acceptable. In addition the Etnam Street Car Park is alongside the premises.

Highway safety

6.5 The Transportation Manager points out that no parking is available. However, the site is just around the corner quite literally from the Etnam Street Car Park. A refusal on this ground therefore is not considered appropriate in this location, neither is it considered feasible to defend any subsequent appeal should this aspect be used as a reason for refusal. In your Officer’s opinion highway safety concerns cannot be substantiated should there be an appeal.

Setting of Listed Building

6.6 The current use is not considered to be of detriment to the adjacent Listed Building and the Conservation Manager has no objection to the proposed use either. It is not considered therefore that there is any additional impact upon the setting of the adjacent Listed Building.

6.6 The proposal is therefore recommended for approval subject to 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 - The sale of hot food shall be restricted to snack food only by shallow frying and there shall be no sale of deep-fried food.
Reason: In the interest of residential amenity.**
- 3 - The change of use hereby permitted shall only be open to customers between the hours of 8am and 9pm Monday to Saturday only, and not at any time on Sundays, Bank or Public Holidays.
Reason: In the interest of the amenities of existing residential properties in the locality.**

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/1387/F

SCALE : 1 : 1250

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

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22 DCNC2006/1331/F - PROPOSED TWO STOREY SIDE EXTENSION AT APPLE BLOSSOM COTTAGE, LAUNDRY LANE, LEOMINSTER, HEREFORDSHIRE, HR6 8JT

**For: Mr & Mrs Clegg per Mr S Potter Pomona Office
Pomona Drive Kings Acre Road Hereford HR4 0SN**

Date Received:

**Ward: Leominster
South**

Grid Ref:

28th April 2006

49682, 58091

Expiry Date:

23rd June 2006

Local Member: Councillors R Burke and J P Thomas

1. Site Description and Proposal

- 1.1 The site is located in the south of the market town of Leominster, in an area designated as primarily residential in the Leominster Local Plan.
- 1.2 The proposal is for a two-storey side extension to this semi-detached dwelling.
- 1.3 The site is adjacent to a public right of way.

2. Policies

2.1 Leominster District Local Plan

- A 2 - Settlement Hierarchy
- A 24 - Scale & Character of Development
- A 52 - Primarily Residential Areas
- A 56 - Alterations, Extensions and Improvements to dwellings

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- S1 - Sustainable development
- S3 - Housing
- H1 - Hereford & the market Towns: settlement boundaries & established residential areas
- H13 - Sustainable residential design
- H18 - Alterations & extensions

2.3 National Guidance

Planning Policy Guidance 3: Housing

3. Planning History

N98/0446/N - Pair of semi-detached dwellings on plot adjacent to The Sallies, Laundry Lane. Approved with conditions 20.10.98

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 The Traffic Manager has no objection to the granting of permission.

4.3 The Public Rights of Way Officer states that the proposed development would not appear to affect public footpath ZC101, which runs along Laundry Lane, and we have no objection to this application.

5. Representations

5.1 The Town Council objects to the proposal and comments as follows: "Recommends refusal as this would constitute overdevelopment. It would overshadow the neighbouring property and would be too close to the boundary fence".

5.2 Representations have been received from one member of the public:

Mr GJ Pritchard, 8 Richard Weaver Court, Hereford.

Concerns are raised about:

- effluent disposal and flooding;
- proximity to a Public Right of Way;
- landscape matters;
- encroachment onto Laundry Lane.

The effluent concerns have been forwarded to the Environmental Health Manager but are not relevant to this application. The PROW Officers response above confirms no impact on the adjacent PROW. The remaining issues are also noted but not relevant to this application and are civil matters.

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 Town Council's objections are noted. However, in line with current policies, overdevelopment would not, in your officer's opinion, be a substantiationable refusal reason for this case. Likewise, though the extension proposal includes building to the boundary line, this again is not a categorical refusal reason. The location of the proposal in relation to the neighbour's property prevents the possibility of overshadowing. The Town Council's objections would therefore appear to be mitigated and the proposal is therefore recommended for approval subject to conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

Informatives:

1 - N14 - Party Wall Act 1996

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

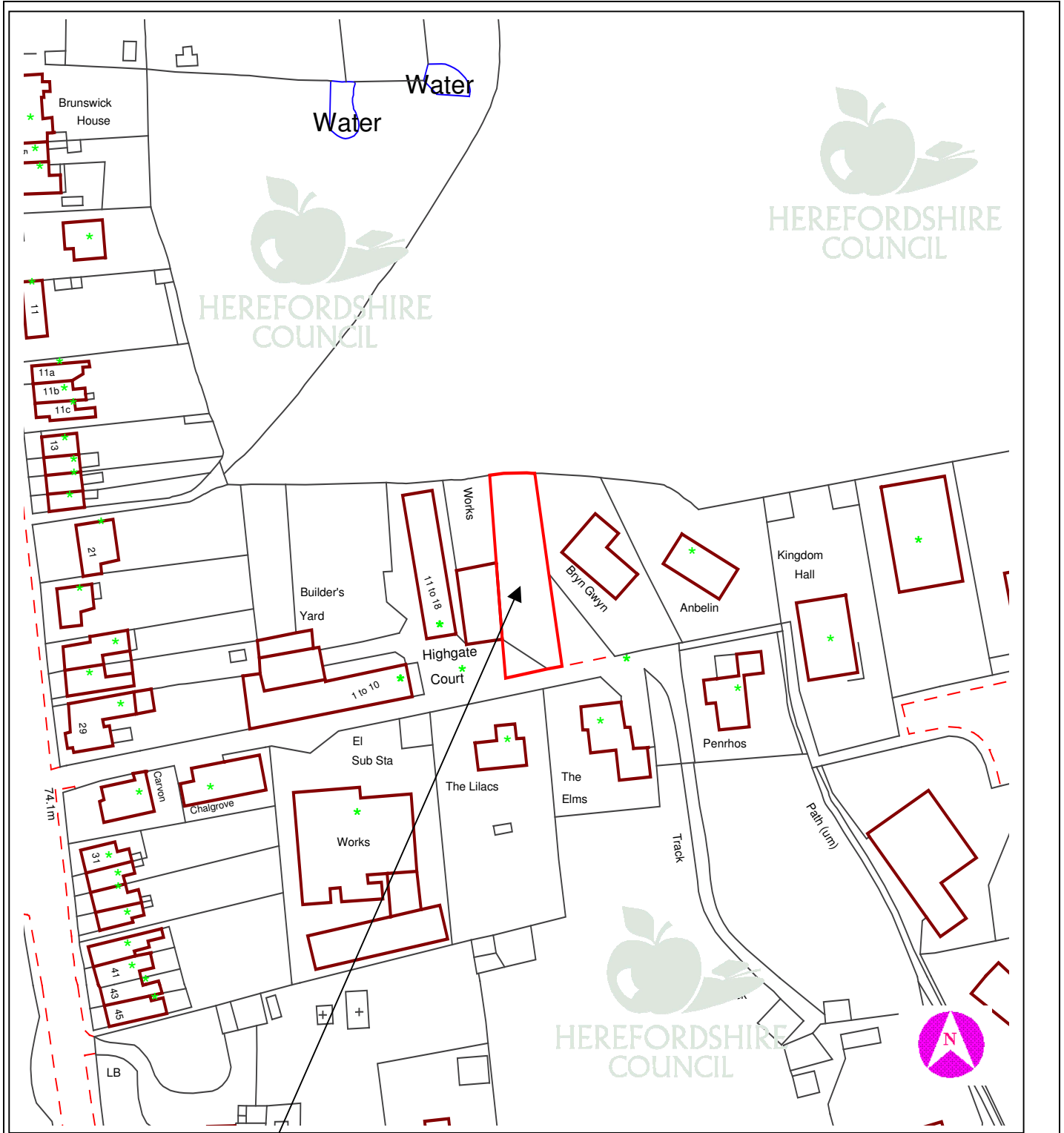
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/1331/F

SCALE : 1 : 1250

SITE ADDRESS : Apple Blossom Cottage, Laundry Lane, Leominster, Herefordshire, HR6 8JT

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