

# A G E N D A

## Northern Area Planning Sub- Committee

Date: **Wednesday, 12th July, 2006**

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Time: **2.00 p.m.**

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

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

*For any further information please contact:*

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

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**County of Herefordshire  
District Council**



# AGENDA

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

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

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

	Pages
1. <b>APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
2. <b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
3. <b>MINUTES</b> To approve and sign the Minutes of the meeting held on 14th June, 2006.	1 - 20
4. <b>ITEM FOR INFORMATION - APPEALS</b> To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.	21 - 24
5. <b>APPLICATIONS RECEIVED</b> To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary.  Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.  Agenda items 6 and 7 are applications deferred for site inspections at the last meeting and the rest of the items are new applications.	
6. <b>DCNE2005/0825/F - CONSTRUCTION OF OIL DISTRIBUTION DEPOT AT WATSON PETROLEUM LIMITED, BROMYARD ROAD, LEDBURY, HEREFORDSHIRE, HR8 1LG</b>  For: RPS Mallams Court, 18 Milton Park, Abingdon, Oxfordshire, OX14 4RP  Ward: Ledbury	25 - 38

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| 7.  | <p><b>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</b></p> <p><b>For: Miss K Rogers per Linton Design, 27 High Street, Bromyard, Herefordshire, HR7 4AA</b></p> <p><b>Ward: Bromyard</b></p>  | 39 - 48 |
| 8.  | <p><b>DCNC2006/1225/F - DEMOLITION OF STEEL FRAMED BUILDING FOR ERECTION OF 4 NO. FLATS INCLUDING REFURBISHMENT OF ADJACENT BRICK BUILDING WORKSHOPS AT LEOPARD ALLEY, BROMYARD, HEREFORDSHIRE, HR7 4DT</b></p> <p><b>For: M F Evans per Linton Design 27 High Street Bromyard Herefordshire HR7 4AA</b></p> <p><b>Ward: Bromyard</b></p>  | 49 - 54 |
| 9.  | <p><b>DCNC2006/1266/F - ERECTION OF STEEL FRAMED BUILDING FOR THE STORAGE OF ANIMAL FOOD AND STORAGE OF MACHINERY AT THE PRIORY, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE</b></p> <p><b>For: Mr P Hunt per John Ruck Construction Elms Green Leominster Herefordshire HR6 0NS</b></p> <p><b>Ward: Hampton Court</b></p>  | 55 - 58 |
| 10. | <p><b>DCNC2006/1637/A - PROPOSED FREE STANDING AND WALL MOUNTED SIGNS AT BISHOPS OF BROMYARD, 1 THE BYPASS, BROMYARD, HEREFORDSHIRE, HR7 4DJ</b></p> <p><b>For: Bishops Of Bromyard per ASG Essex, 1 Bentalls, Basildon, Essex, SS14 3BS</b></p> <p><b>Ward: Bromyard</b></p>  | 59 - 64 |
| 11. | <p><b>DCNC2006/1717/F - CHANGE OF USE FROM REDUNDANT FARM BUILDINGS TO NON-COMMERCIAL AGRICULTURAL MACHINERY REPAIR AND SERVICE WORKSHOP WITH OFF ROAD PARKING FOR THREE LORRIES AT UPPER HOUSE, EDWYN RALPH, BROMYARD, HEREFORDSHIRE, HR7 4LU</b></p> <p><b>For: R Harris per The Land Use Consultancy 141 Bargates Leominster Herefordshire HR6 8QS</b></p> <p><b>Ward: Bringsty</b></p> | 65 - 72 |
| 12. | <p><b>DCNW2006/1288/F - FIRST FLOOR EXTENSION AT CHAPEL COTTAGE, WEST STREET, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE, HR6 9DT</b></p> <p><b>For: Mr &amp; Mrs Palmer per Mr R Pritchard, The Mill, Kenchester, Hereford, HR4 7QJ</b></p> <p><b>Ward: Pembridge &amp; Lyonshall with Titley</b></p>   | 73 - 76 |

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| 13. | <p><b>DCNW2006/1310/F - CONVERSION TO RESIDENTIAL USE AT THE OLD STATION HOUSE, ALMELEY, HEREFORDSHIRE</b></p> <p><b>For: Mr J Lewis per McCartneys, 7 Broad Street, Leominster, Herefordshire, HR6 8BT</b></p> <p><b>Ward: Castle</b></p>   | 77 - 82   |
| 14. | <p><b>DCNW2006/1470/F - PROPOSED DEMOLITION OF EXISTING HOUSE AND ERECTION OF A REPLACEMENT HOUSE AND NEW VEHICULAR ACCESS AT KNOCK HUNDRED COTTAGE, BEARWOOD, LEOMINSTER, HEREFORDSHIRE, HR6 9EF</b></p> <p><b>For: Mr &amp; Dr Plant per Border Oak Design &amp; Construction, Kingsland Sawmills, Kingsland, Leominster, Herefordshire, HR6 9SF</b></p> <p><b>Ward: Pembridge &amp; Lyonshall with Titley</b></p> | 83 - 88   |
| 15. | <p><b>DCNW2006/1473/RM - PROPOSED AGRICULTURAL DWELLING LAND AT STOWE FARM, AT WHITNEY-ON-WYE, HEREFORD, HEREFORDSHIRE, HR3 6EL</b></p> <p><b>For: L Price per Mr E Price Moorcourt Lyonshall Kington Herefordshire HR5 3JZ</b></p> <p><b>Ward: Castle</b></p>   | 89 - 94   |
| 16. | <p><b>DCNW2006/1476/F - GARDEN CAFE AND TEA ROOM AT WALFORD COURT, WALFORD, LEINTWARDINE, CRAVEN ARMS, SHROPSHIRE, SY7 0JT</b></p> <p><b>For: Mrs Fraser at above address</b></p> <p><b>Ward: Mortimer</b></p>   | 95 - 100  |
| 17. | <p><b>DCNW2006/1523/RM - ERECTION OF SIX NO. DWELLINGS AT BURNSIDE, HIGH STREET, LEINTWARDINE, CRAVEN ARMS, SHROPSHIRE, SY7 0LQ</b></p> <p><b>For: Homewood Developments Ltd, Wheelers Kiln, Bush Bank, Hereford, HR4 8ED</b></p> <p><b>Ward: Mortimer</b></p>   | 101 - 108 |
| 18. | <p><b>DCNW2006/1573/F - CONVERSION OF ATTIC TO INCLUDE DORMER WINDOW TO REAR AND VELUX ROOFLIGHTS AT GOOSE COTTAGE, ORLETON COURT, ORLETON, NR. LUDLOW</b></p> <p><b>For: Mr &amp; Mrs Burrows, per Mr D R Davies, 23 Charlton Rise, Ludlow, Shropshire, SY8 1ND</b></p> <p><b>Ward: Bircher</b></p>   | 109 - 112 |



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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, 14th June, 2006 at 2.00 p.m.**

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

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

**12. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors T.M. James and R.J. Phillips and J P Thomas.

**13. DECLARATIONS OF INTEREST**

<b>Councillor/Officer</b>	<b>Item</b>	<b>Interest</b>
Cllr R.M. Manning	8 – DCNE2005/0825/F - construction of oil distribution depot at Watson Petroleum Limited, Bromyard Road, Ledbury	personal and remained in the meeting.
Cllr R.B.A. Burke	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	prejudicial and left the meeting for the duration of this item.
Mr M Tansley	12 & 13 – DCNW/2006/1034/F - proposed conversion of annexe into a self contained dwelling for renting at Walcote Bungalow Annexe, West Street, Pembridge and DCNW2006/1458/F - proposed erection of two detached cottages on land to the rear of Walcote Bungalow, High Street, Pembridge	prejudicial and left the meeting for the duration of this item.

**14. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 17th May, 2006 be approved as a correct record and signed by the Chairman.

**15. ITEM FOR INFORMATION - APPEALS**

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

**16. APPLICATIONS RECEIVED**

The Sub-Committee considered the following planning applications received for the Northern Area of Herefordshire and authorised the Head of Planning Services to impose any additional or varied conditions and reasons which he considered to be necessary.

**17. 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**

In accordance with the criteria for public speaking, Mrs Churchill of Bromyard Town Council spoke against the application and Mr Boughton the applicant's agent spoke in favour.

The Senior Planning Officer reported the receipt of amended plans with improved access arrangements. The Area Engineer (Development Control) said that he was satisfied with the access and parking proposals.

Councillor PJ Dauncey, a local Ward Member, expressed reservations about the access arrangements in view of the number of dwellings proposed. Access was via a junction onto a very busy road with the view to the east often restricted by parked HGV's. He was also concerned at the proposals to deal with surface water and foul drainage. The Senior Planning Officer said that the Welsh Water Authority was satisfied with the arrangements.

A motion that the Sub-Committee was minded to refuse the application was lost.

**RESOLVED**

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

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

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

**2 - A09 (Amended plans )**

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

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

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

**4 - 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 - . 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.

- 12 - No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the local planning authority. Such scheme shall be implemented before the first use of the development hereby approved.

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

**Informatives:**

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

- 2 – H29 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

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

The Senior Planning Officer said that two additional letters of support had been received.

In accordance with the criteria for public speaking, Mr Narbett the agent acting on behalf of the applicant spoke in favour of the application.

Councillor KG Grumbley the Local Ward Member was in favour of the application, commenting that there was sufficient flexibility within the policies of the emerging Unitary Development Plan for the support of small-scale rural businesses and associated re-use of rural buildings. He was disappointed that the Tourism Officer had supported a previous application for the site but was now against this one.

Councillor BF Ashton had concerns about the permanency of the scheme and felt that new buildings could be permitted if essential but that in this case the application constituted development in the open countryside.

On balance the Sub-Committee supported the application with appropriate conditions to limit the length of occupancy time for those using the proposed holiday accommodation.

**RESOLVED:**

- That (i) The Northern Area Planning Sub-Committee is minded to approve the application subject to the conditions set out below (and any other conditions felt to be necessary by the Development Control Manager) provided that the Development Control Manager does not refer the application to the Planning Committee.**
- 1. maximum period of stay for the holiday units**
  - 2. landscaping**
  - 3. drainage**
  - 4. use – for holiday lets only, not retirement residence**
- (ii) If the Development Control Manager does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to approve the application subject to such conditions referred to above.**

[Note: Following the vote on this application, the Development Control Manager advised that he would not refer the application to the Planning Committee.]

19. **DCNE2005/0825/F - CONSTRUCTION OF OIL DISTRIBUTION DEPOT AT WATSON PETROLEUM LIMITED, BROMYARD ROAD, LEDBURY, HEREFORDSHIRE, HR8 LLG**

**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 Williams an objector and Mr Cowan the applicant's agent deferred their right to speak until the next meeting.

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

The receipt of a further letter of support from the applicants agent was reported.

In accordance with the criteria for public speaking, Mr Dargle and Mrs Wooderson spoke against the application.

**RESOLVED**

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

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

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

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

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

- 3 - 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.

14. Prior to the commencement of development, a detailed plan, showing the levels of the existing site, the proposed slab levels of the dwelling approved and a datum point outside of the site, shall be submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.

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

15. Prior to the commencement of the development details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use of the building hereby permitted.



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

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

Reason: To protect the amenity of local residents.

**Informatives:**

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

21. 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

In accordance with the criteria for public speaking, Mr Dargle and Mrs Wooderson spoke in favour of their application.

**RESOLVED**

**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 kennels 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

**22. DCNW2006/0543/F - RETROSPECTIVE APPLICATION FOR A LOWER GROUND FLOOR STORE AND DCNW2006/0546L - RETROSPECTIVE APPLICATION FOR WORKS CARRIED OUT AT MILL COTTAGE, PAYTOE, LEINTWARDINE, HEREFORDSHIRE, SY7 0NB**

The Senior Planning Officer said that three further letters of objection had had been received. He also said that the Conservation Manager had no objections to the application. He reminded the Sub-Committee that in response to an objection received from English Heritage, the applicant had withdrawn the boundary fence element from the application. The application therefore sought retrospective planning consent for a lower ground floor store and retrospective listed building consent for works carried out at Mill Cottage. Arising on previous complaints by an objector regarding other work undertaken by the applicant, the Ombudsman had investigated but had not found there to be maladministration.

In accordance with the criteria for public speaking, Mrs Thomas spoke against the application and Mr Hughes the applicant's agent spoke in favour.

Councillor Mrs LO Barnett the Local Ward Member still had a number of reservations about the applications and felt that the building was not in a suitable location to provide care for youngsters from an urban environment. She was also concerned at the extent of work undertaken without the owner first having obtained the necessary consents. Councillor WLS Bowen felt that there had been a confusing number of applications and enquired why there appeared to have been a lack of enforcement regarding this important historic building on an exceptional site. The Senior Planning Officer said following negotiations with the applicant, the stage had been reached where the work carried out on the listed building was acceptable to English Heritage and to the Conservation Officer. Planning permission and listed building consent would strengthen the control that could be exercised by the Council.

**RESOLVED  
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.**

**NOTE**

**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.**

**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****23. 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**

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

**RESOLVED**

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

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

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

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

The Senior Planning Officer reported the receipt of a letter of objection and a letter from the applicant regarding the objections from the parish council. He also said that the Conservation Manager had no objections to the application.

**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****25. 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**

The receipt of two letters of objection was reported. It was also reported that the Conservation Officer had no objection to the application.

In accordance with the criteria for public speaking, Major Berry spoke against the application.

The Sub Committee debated the concerns raised by the objector regarding noise and effluent and Councillor BF Ashton asked if the application could be deferred pending resolution of these issues. The question was also raised about whether retrospective consent should be granted at all. The Northern Team Leader said that there were a number of conditions in the recommendation which covered landscaping, noise and drainage and that it would strengthen the enforcement capacity of the officers if permission was granted as recommended. The Sub Committee still had a number of concerns about these issues and said that it was important for them to be properly addressed within the conditions and subsequently enforced. It was agreed that the Environmental health Officer should be notified about the objectors' concerns.

**RESOLVED**

**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 from the date of this approval 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 residential caravans 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.

- 13 - 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.

- 14 - 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.

- 15 - 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 borne transport.

- 16 - 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 number 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

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

It was reported that the application had been withdrawn by the applicants.

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

**RESOLVED**

That planning permission be granted subject to the following conditions:

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

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

- 2 - A09 (Amended plans )

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

- 3 - 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

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

**RESOLVED**

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

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

It was reported that one of the objectors was on holiday and unable to attend and speak but that he had reiterated his objection.

Councillor KG Grumbley, the Local Ward Member had a number of concerns about the application and was not satisfied about the use of the building and adjoining land despite assurances from the applicant that it was for agricultural purposes. He therefore did not feel that the operation satisfied the requirements for an agricultural

building and the Sub-Committee concurred with this view.

**RESOLVED:**

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

**1. The local planning authority is not satisfied that a building of this size is reasonably necessary for the purposes of agriculture within this unit. The proposal is therefore considered to be contrary to Policy A3 of the Hereford and Worcester County Structure Plan and Policy A2(d) of the Leominster District Local Plan.**

**(ii) If the Development Control Manager does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to approve the application subject to such conditions referred to above.**

[Note: Following the vote on this application, the Development Control Manager advised that he would not refer the application to the Planning Committee.]

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

Councillor B Hunt, a Local Ward Councillor had considerable reservations about the proposals because of the way delivery vehicles were likely to gain access. He pointed out that the area at the rear of the building was very restricted for 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 which could generate traffic problems. The Senior Planning Officer said that the applicant would be gaining access from the north but that she would put an informative note on the Decision Notice to draw his attention to the potential problems.

**RECOMMENDATION**

**That planning permission is granted subject to the following 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 5<sup>th</sup> 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
- 2 - Delivery vehicles entering the site

31. 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

**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, Mrs Churchill of Bromyard Town Council and Mrs Mitchell the applicant's agent deferred their right to speak until the next meeting.

32. 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

The receipt of a further letter of objection was reported.

**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**

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

**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**

The meeting ended at 4.45 p.m.

**CHAIRMAN**

<b>4 ITEM FOR INFORMATION - APPEALS</b>
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**APPEALS RECEIVED****Application No. DCNW2006/0205/F**

- The appeal was received on 22nd June 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 Ms A Cleverly & Mr R Wells
- The site is located at Ash Farm (OS 406, 689), Barnet Lane Wigmore, Leominster, Herefordshire, HR6 9UJ
- The development proposed is Change of use from agricultural land to a one-family travellers site including stationing of 2 dwelling vehicles and storage space (retrospective application).
- The appeal is to be heard by Hearing

**Case Officer: Philip Mullineux on 01432 261808****Application No. DCNC2006/0533/F**

- The appeal was received on 9th June 2006
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr P Titley
- The site is located at New Cottage, Upper Common, Eyton, Leominster, Herefordshire, HR6 0AQ
- The development proposed is Proposed two storey extension
- The appeal is to be heard by Written Representations

**Case Officer: Astrid Jahn on 01432 261560****Application No. DCNC2005/4140/F**

- The appeal was received on 8th June 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 R Woods
- The site is located at The Steppes, Luston, Leominster, Herefordshire, HR6 0EA
- The development proposed is Erection of a detached dwelling with garage.
- The appeal is to be heard by Written Representations

**Case Officer: Astrid Jahn on 01432 261560****Application No. DCNC2005/4160/L**

- The appeal was received on 8th June 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 & Mrs R Evans
- The site is located at Longlands Barn, Whitbourne Hall Park, Whitbourne, Worcs, WR6 5SG

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

- The development proposed is Installation of four, 1.3m square surface area, solar collectors positioned on the existing south facing inclined roof surface
- The appeal is to be heard by Written Representations

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

**Enforcement Notice EN2006/0020/ZZ**

- The appeal was received on 23rd June 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 J.C Hanson
- The site is located at Home Farm, Eardisland, Leominster, Herefordshire, HR6 9DN
- The breach of planning control alleged in this notice is:  
*Without planning permission, the erection of an unauthorized cattle shed on the site*
- The requirements of the notice are:  
*Remove the cattle shed building and all resultant materials from the land*
- The appeal is to be heard by Written Representations

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

**Enforcement Notice EN2006/0038/ZZ**

- The appeal was received on 23rd June 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 J Needham
- The site is located at Church Farm, Leinthall Starkes, Wigmore, Herefordshire
- The breach of planning control alleged in this notice is:  
*Without planning permission, change of use of the land for siting of two mobile homes.*
- The requirements of the notice are:
  - (i) *Cease the residential use of the land*
  - (ii) *Permanently remove the two mobile homes from the land*
  - (iii) *Restore the land to its former condition before the breach took place*
- The appeal is to be heard by Written Representations

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

**APPEALS DETERMINED**

**Application No. DCNE2005/3491/F**

- The appeal was received on 23rd 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 E L Payne & Son
- The site is located at Radlow, Canon Frome, Herefordshire
- The application, dated 31<sup>st</sup> October 2005, was refused on 14<sup>th</sup> December 2005
- The development proposed was Conversion of barn to dwelling.



**NORTHERN AREA PLANNING SUB-COMMITTEE**

**12 July 2006**

- The main issues are whether the proposal would require a substantial amount of reconstruction work, and whether there is sufficient information available to assess the possible impact of the proposal on protected species and their habitat.

**Decision:** The appeal was DISMISSED on 15<sup>th</sup> June 2006

**Case Officer: Roland Close on 01432 261803**

**Application No. DCNW2005/3607/F**

- The appeal was received on 20<sup>th</sup> March 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 J Thorpe
- The site is located at Land at Chapel House, Orleton, Nr. Ludlow, Shropshire
- The application, dated 3<sup>rd</sup> November 2005, was refused on 4<sup>th</sup> January 2006
- The development proposed was Erection of a two-storey house.
- The main issue is the effect of the proposal on the Orleton Conservation Area.

**Decision:** The appeal was DISMISSED on 28<sup>th</sup> June 2006

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

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



**6 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 applicant is Watson Petroleum Ltd who employ 26 staff across its two existing operational sites in the Ledbury area.

1.3 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 m<sup>3</sup>
- b) DERV (Diesel-engined road vehicle oil) 350m<sup>3</sup>
- c) Gas oil ("agricultural" or "red" diesel) 540m<sup>3</sup>

1.4 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.

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

- 1.6 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.
- 1.7 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.
- 1.8 A covered cycle shed store would be provided
- 1.9 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 effect 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.

On the issue of food tainting that has been raised they make the following material points:

- As this facility is not for petroleum it does not require a Local Air Pollution Prevention and Control Permit as provided for by the Pollution Prevention and Control Regulations. This regime recognises that certain activities have a greater potential to give rise to unacceptable emissions to air than others. By implication the proposed activity must be considered lower risk;
- If complaints were received about unacceptable odours from the site then the Council would investigate these as required by the Environmental Protection Act 1990 and should a statutory nuisance be established remedial action can be required by the service of an Abatement Notice;
- When one reads the ADAS report commissioned by Wye Fruits, paragraph 9.5 accepts that it is uncertain whether the facility would present actual risk of tainting. The risk appears to be a perceived risk.

- 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;
  - Concern over security issues given the proximity to an animal testing laboratory;
  - When the occupiers of one of the dwellings in the vicinity purchased their dwelling the Estate Agent led them to believe that the land was designated for light industrial use only.
- 5.4 Councillor Sally Robertson expresses concern as to the risk of contamination to local fruit stored at Wyre Fruits Ltd and the potential impact this would have upon the business.
- 5.5 The agent for the applicant has submitted various supporting documents.
- 5.6 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 notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking**

and re-enacting that Order with or without modification) 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 until:

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.

7 - 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 14<sup>th</sup> March 2005
- Elevations of office accommodation /drivers reception (Scale 1:100) (drawing number U0698/02 Rev A.) received 22<sup>nd</sup> May 2006.

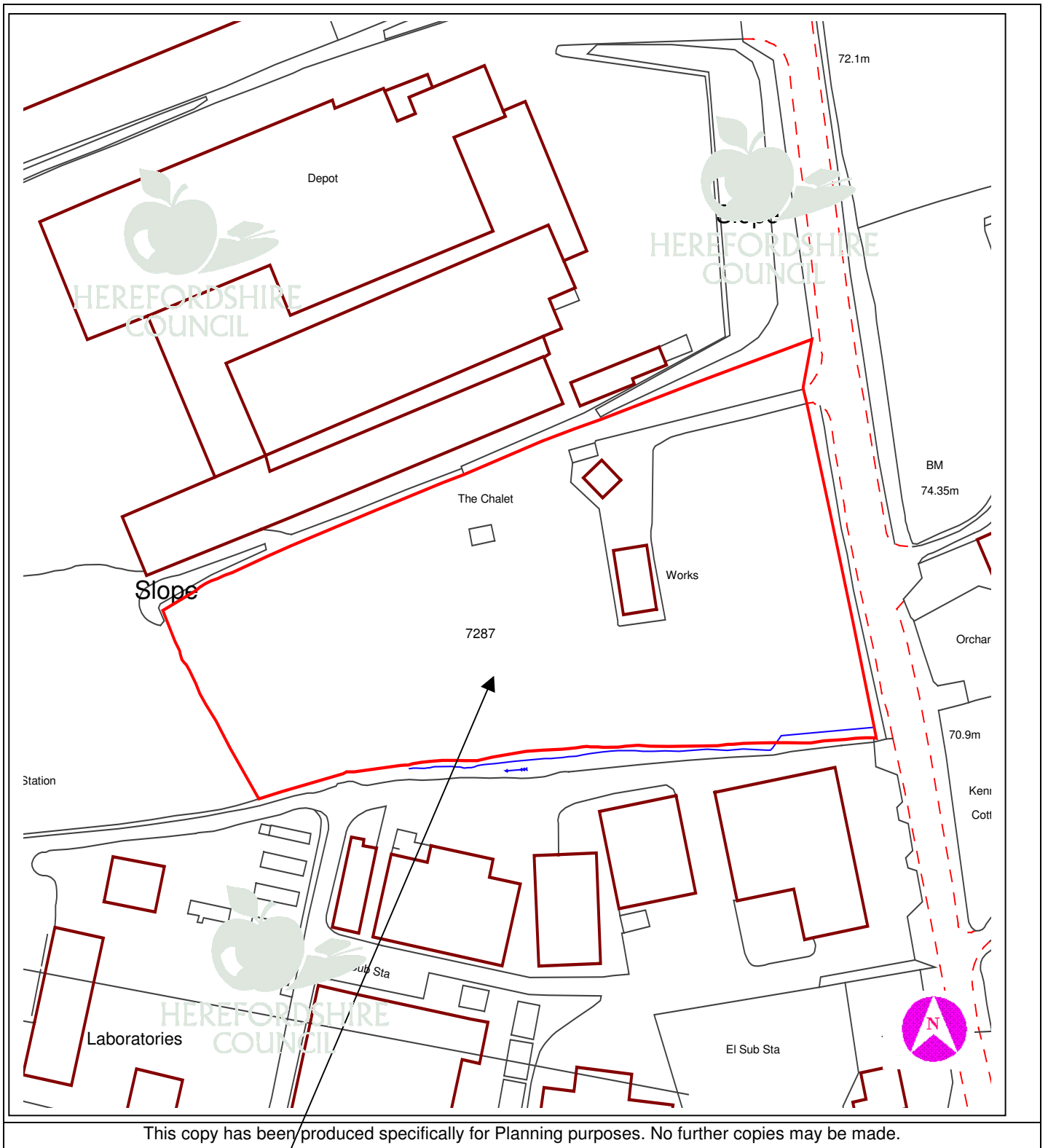
Decision: .....

Notes: .....

.....

**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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**7 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: Councillors B Hunt and P J Dauncey

**Ward: Bromyard**

**Grid Ref:**

**65199, 54234**

**This application was deferred from the Northern Area Planning Sub-Committee on 14 June 2006 following a resolution for a Members site visit.**

**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 623m<sup>2</sup> and the total application site area is 0.3 hectares. The existing total floor area measures 865m<sup>2</sup>, whilst the new total floor area proposed would be 1252m<sup>2</sup>, 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. These highway alterations include a new passing bay as shown on the amended access plan, submitted 20<sup>th</sup> June 2006.
- 1.5 Drainage is catered for, with storm water disposed of in soakaways, and foul water in 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: Conversions 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: An objection has been received, with respect to concerns on the access and proposed passing bays, and related concerns for the health and safety of hospital occupants and facilities.

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, and a S106 or 278 agreement to develop the highway to suitable "Adopted" standards.

During the site visit Members were advised that TRICS data indicates that out of town centre nursing homes generate 3.85 two way trips per day per resident.

- 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 place 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 Letters of objection have been received from:

- 31 Highwell Lane, Bromyard, Herefordshire HR7 4DG
- 34 Highwell Lane, Bromyard, Herefordshire HR7 4DG
- 22 Highwell Lane, Bromyard, Herefordshire HR7 4DG
- High Ridge, 26 Highwell Lane, Bromyard, Herefordshire HR7 4DG
- Heron Lodge, Highwell Lane, Bromyard, Herefordshire HR7 4DG
- Thatado, Highwell Lane, Bromyard, Herefordshire HR7 4DG
- The Braes, 28 Highwell Lane, Bromyard, Herefordshire HR7 4DG
- Highlands, 18 Highwell Lane, Bromyard, Herefordshire HR7 4DG

5.3 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

Following the site visit by Members the applicant's agent advises: Because some of the existing rooms are shared by two people, I can confirm that the resultant total number of bedspaces, should the applicant be granted, will be 40. This is an additional 12 residents and not the 16 as I previously suggested.

From the records of Highwell House, (going back to 2002), there has never been more than five visitors per day (apart from visiting planning sub-committee members). The statistics quoted by your Transportation Manager do not seem appropriate to this property.

The layout of the proposed passing bay adjacent to Froome Bank Hospital is outlined on drawing 1261/100 (additional copy enclosed). The adjoining land owner has agreed to this layout.

My client has the support of the Primary Care Trust and Social Services Department for this proposal for which she already has a waiting list.

In owning and managing Highwell House and Whitegates my client always uses local suppliers and expertise and is keen to continue supporting the Bromyard community with this development.

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 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 issues

6.2 Local residents' concerns are noted. However, with this proposal the access arrangements are mitigated by the addition of one access. Recommended conditions and a S278 highways agreement would help mitigate highways concerns.

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. An amended has been submitted in this respect.

Loss of residential amenity

- 6.4 The Town Council and local residents have objected to the proposal on this ground. The proposed plans indicate that the proposed footprint is merely a rationalised 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 detained on the western elevation. The original proposal had 6 windows with obscure glazing and fanlight openings. However through further negotiation an amendment has been accepted which removes all windows, except two small rooflights, 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, 623m<sup>2</sup>, including two buildings of considerable age with modern extensions. The south-western building, proposed for demolition and rebuilding incorporated very little additional floor space, but rationalises 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 comprises this part of the current development.

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

- 6.8 It is considered 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

- 6.9 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 recycled water suggestion), and the amended plans removing all fenestration adjacent to the neighbour's property at 34 Highwell Lane.
- 6.10 The proposal is therefore recommended for approval with a condition requiring a Section 278 highway agreement that provides for the upgrading of Highwell Lane to adopted standards to the satisfaction of the County Highways Engineer.

**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 - No development hereby permitted shall be commenced until a S278 highway agreement has completed in relation to the passing bays, and that work has been completed in accordance with that agreement.**

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

- 3 - A09 (Amended plans )**

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

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

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

- 5 - E18 (No new windows in specified elevation ) ( western elevation)**

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

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

**Reason: To safeguard the amenities of the locality.**

- 7 – E 10 (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 [.....].**

- 8 - 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.**

**9 - W01 (Foul/surface water drainage )**

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

**10 - 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.**

**11 - W03 (No drainage run-off to public system )**

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

**12 - W04 (Comprehensive & 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.**

**13 - G02 (Landscaping scheme (housing development) )**

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

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

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

**15 - G06 (Scope of landscaping scheme )**

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

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

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

**17 - 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.**

**18 - H09 (Driveway gradient )**

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

**19 - 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.**

20 - H17 (Junction improvement/off site works )

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

21 - 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.

22 - F39 (Scheme of refuse storage )

Reason: In the interests of amenity.

I Informatives

- 1 - N02 - This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
- 2 - HN01 - Mud on highway
- 3 - HN04 - Private apparatus within highway
- 4 - HN05 - Works within the highway
- 5 - HN07 - Section 278 Agreement
- 6 - HN10 - No drainage to discharge to highway
- 7 - HN22 - Works adjoining highway

Decision: .....

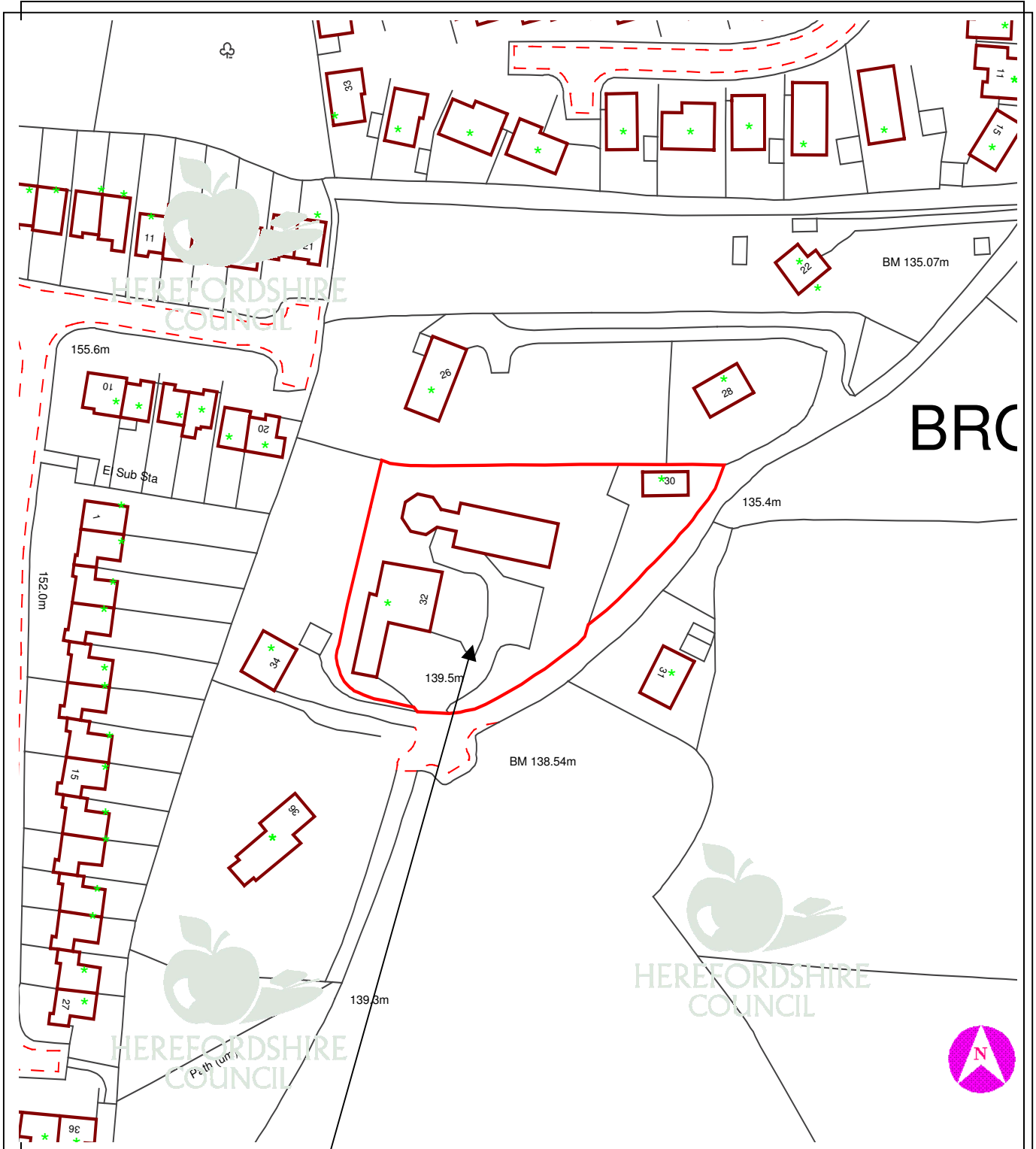
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**Background Papers**

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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**8 DCNC2006/1225/F - DEMOLITION OF STEEL FRAMED BUILDING FOR ERECTION OF 4 NO. FLATS INCLUDING REFURBISHMENT OF ADJACENT BRICK BUILDING WORKSHOPS AT LEOPARD ALLEY, BROMYARD, HEREFORDSHIRE, HR7 4DT**

**For: M F Evans per Linton Design 27 High Street Bromyard Herefordshire HR7 4AA**

**Date Received:**  
18th April 2006

**Ward: Bromyard**

**Grid Ref:**  
65446, 54699

**Expiry Date:**  
13th June 2006

Local Member: Councillors P Dauncey and B Hunt

**1. Site Description and Proposal**

- 1.1 The site is located in Central Bromyard, adjacent to the listed Queen's Arms Public House, on Leopard Alley. Vehicular access is from Rowberry Street.
- 1.2 The building currently on site is a vacant steel framed industrial unit attached to a three storey brick industrial building. The proposal is to change the use to residential, for four number flats, three with a single bedroom and one with two bedrooms.
- 1.3 The proposal would involve the demolition of the steel framed building and rebuilding this to a reduced footprint by 10% in accord with the plans received on 6th June 2006. The existing brick section is to be converted.
- 1.4 Four secure cycle lockers are proposed for the flats accessed by the communal front door, and an additional secure locker proposed by condition for location in the gravelled front courtyard, for the single bed flat with its own private access.
- 1.5 The existing brick section would thus comprise a ground floor single bed flat with bathroom, kitchen and living room, and a secure cycle locker, and upper two storeys a maisonette with two bedrooms on the second floor, bathroom, kitchen and living room on first floor, and a pair of secure cycle lockers in the communal ground floor entrance lobby.
- 1.6 The rebuilt section would comprise of a pair of single bed flats, each with living room, kitchen and bathroom. The first floor accessed from the communal entrance lobby, having a single secure cycle locker alongside the other three. The ground floor front flat is adjacent to the ground floor front garden where a secure cycle locker would be positioned.
- 1.7 Storm water is for disposal in a recycled system, to the toilets of the proposed flats, and excess to soakaways in the front gravelled courtyard. Foul water is proposed to the existing combined system.

- 1.8 The site is within the Conservation Area and the principal shopping and commercial areas of the town.

## **2. Policies**

### **2.1 Malvern Hills District Local Plan**

Environment Policy 12: Disposal of foul sewerage, trade effluent and surface water  
Employment Policy 1: Employment land  
Employment Policy 2: The retention of existing industrial land  
Housing Policy 2: Development in main towns  
Housing Policy 3: Settlement boundaries  
Housing Policy 17: Residential standards  
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 4: Demolition of Unlisted Buildings in Conservation Areas  
Conservation Policy 11: The setting of Listed Building  
Transport Policy 2: Cycle Parking

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

S1: Sustainable Development  
S3: Housing  
S4: Employment  
S10: Waste  
DR1: Design  
DR2: Land use and activity  
H16: Car parking  
E5: Safeguarding employment land and buildings  
TCR1: Central shopping and commercial areas  
HBA4: Setting of Listed Buildings  
HBA6: New development within Conservation Areas  
W11: Development - waste implications

### **2.3 National Planning Policy**

PPG3: Housing  
PPG13: Transport  
PPG15: Planning and the historic environment  
PPS1: Delivering sustainable development  
PPS6: Housing for Town Centres

## **3. Planning History**

- 3.1 DCNC2006/1226/C - Conservation Area Consent for the demolition of the steel framed workshop to allow for redevelopment. Approved with conditions – 15<sup>th</sup> June 2006.

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 Welsh Water have no objection to the amended proposal subject to conditions.

##### Internal Council Advice

- 4.2 The Traffic Manager has no objection to the proposal subject to conditions relating to secure cycle storage provision.
- 4.3 The Conservation Manager comments as follows:  
“Demolition of steel building to be welcomed. Proposaed replacement building is a vast improvement on existing and is appropriate in this location. Minor note – existing window style and heavy window frames are a characteristic of this type of building. Would request retention. New lintel over door opening on existing building would be visually beneficial.” No objection subject to conditions.

#### 5. Representations

- 5.1 One response had been received from Ms J Wainwright, The Flat, 32 High Street, Bromyard. This is an objection concerning overlooking of her verandah and garden and parking issues.
- 5.2 The Town Council objects to the proposal on the grounds that there is an "embargo" from Welsh Water on any further building in Bromyard, and because of the lack of car parking provision.
- 5.3 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

#### 6. Officers Appraisal

- 6.1 The proposal was subject to pre-application enquiry and amendments have also been made subsequent to the full submission. The key issues for this application are:
- Drainage
  - Transport
  - Amenity

##### Drainage

- 6.2 The Town Council's objection is noted, however Welsh Water have no objection to the amended proposal which would appear to mitigate their objection.

##### Transport

- 6.3 Both the Town Council and a local resident object on transport grounds – there being a total lack of car parking on site in the proposal. The Transportation Manager has, however, reported no objection subject to the provision of secure cycle parking which, in this central town location is thought to mitigate the proposal sufficiently, in your officer's opinion.

Amenity

- 6.4 The local residents concerns regarding overlooking and privacy are noted. However, the degree of overlooking is limited and is not unusual for town centre locations. It is not considered that the concerns are such that a reason for refusal could be substantiated.
- 6.5 The concerns of the Town council and local resident are noted, however with appropriate conditioning as mentioned in the responses from Welsh Water, the Council's Transportation and Conservation Managers, your officer would recommend approval for this town centre development proposal. On balance, this proposal is seen as a distinct improvement on the current unused industrial building, with the provision of four small dwellings and enhancing both Leopard Alley and Rowberry Street.

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

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

**4 - 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.**

**5 - A scheme for the secure recycling of collected grey water and reuse in internal wc systems shall be submitted and approved in writing by the Loal Planning Authority before the commencement of this development.**

**6 - C09 (External repointing )**

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

**7 - C02 (Approval of details )**

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

**8 - 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.**

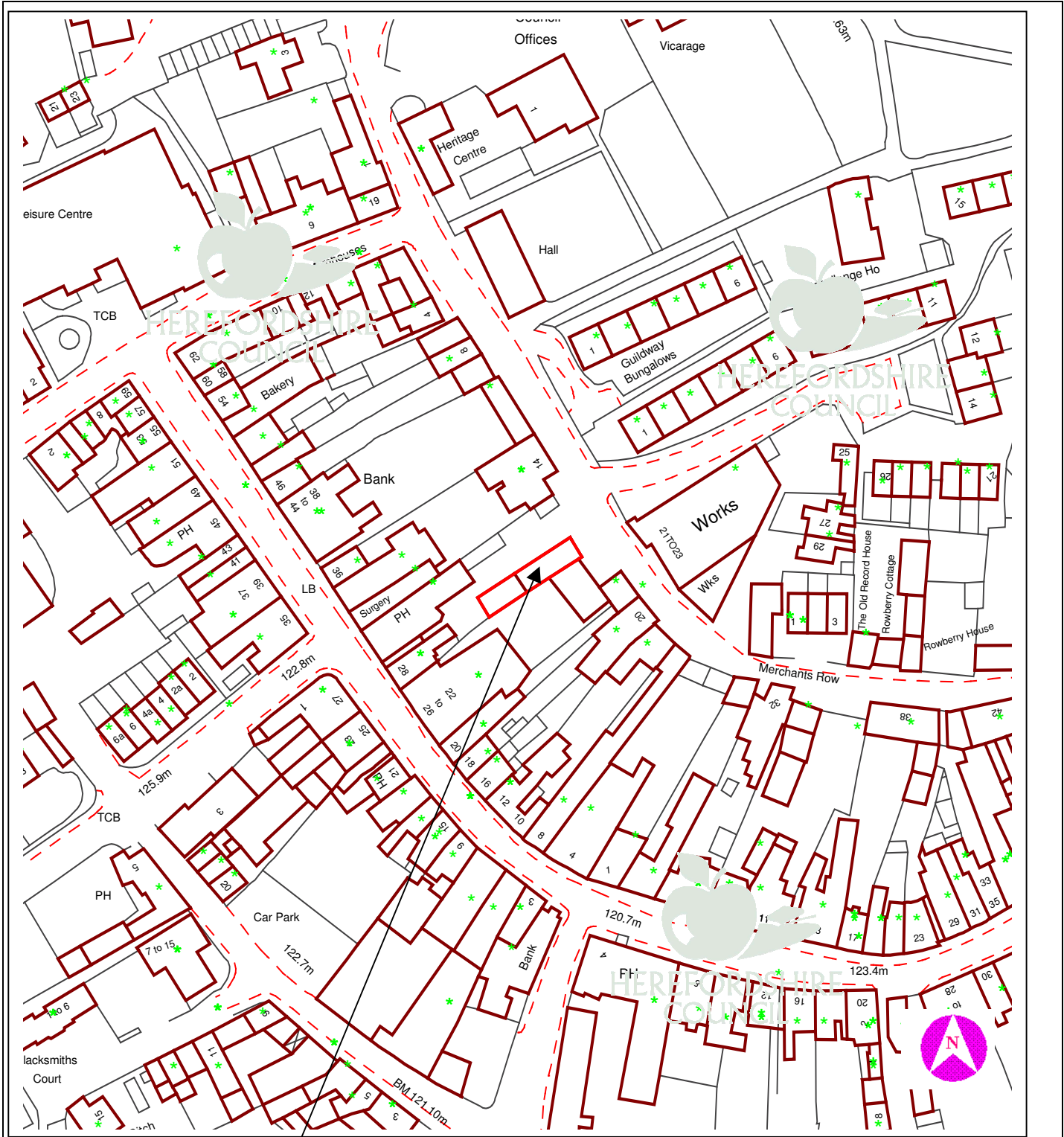
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNC2006/1225/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Workshops, Leopard Alley, Bromyard, Herefordshire, HR7 4DT

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Further information on the subject of this report is available from Mrs A Jahn on 01432 261560



**9 DCNC2006/1266/F - ERECTION OF STEEL FRAMED BUILDING FOR THE STORAGE OF ANIMAL FOOD AND STORAGE OF MACHINERY AT THE PRIORY, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE.**

**For: Mr P Hunt per John Ruck Construction Elms Green Leominster Herefordshire HR6 0NS**

**Date Received:**  
21st April 2006

**Ward: Hampton Court**    **Grid Ref:**  
52241, 56570

**Expiry Date:**  
16th June 2006

Local Member:    Councillor K Grumbley

**1. Site Description and Proposal**

- 1.1 The Priory is located centrally within the village of Stoke Prior. It is an imposing part timber framed house with various historic additions, and is Grade II listed. Two small stone barns lie in the south of the dwelling and lie gable end on to the road. A new stable building has been erected with the benefit of planning permission between the two and is to be used in conjunction with the applicant's intention to re-home horses.
- 1.2 The application is for the erection of a building to store equipment and animal feed in connection with the re-homed horses. It has been amended since its original submission following concerns over its location. It is now to be sited to the west of the Priory as opposed to the south, immediately adjacent to the existing outbuildings.
- 1.3 The proposed building has a footprint of 185m<sup>2</sup> and a height to its ridge of 5 metres and is a steel framed construction clad with feather edged weatherboards and a mid-grey profiled sheet roof.

**2. Policies**

Leominster District Local Plan

A18 - Listed buildings and their settings  
A24 - Scale and character of development

Herefordshire Unitary Development Plan (Revised Deposit Draft)

E13 - Agricultural and forestry development  
HBA4 - Setting of listed buildings

**3. Planning History**

- 3.1 DCNC2005/0734/F - Erection of stables - Approved 28th April 2005

#### 4. Consultation Summary

##### Statutory Consultations

4.1 None required

##### Internal Council Advice

4.2 Traffic Manager - No objection.

4.3 Conservation Manager - amended location is more acceptable than previous submission and will not affect the setting of The Priory so much. Request the inclusion of landscaping/tree planting condition.

#### 5. Representations

5.1 Ford and Stoke Prior Parish Council, maintain a concern that even with the amended location, the proposed building will be obtrusive and out of keeping with the neighbouring listed buildings and other buildings on site.

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

#### 6. Officers Appraisal

6.1 The principal consideration of this application is the potential impact of the building on the setting of The Priory on a listed building and on surrounding dwellings.

6.2 In its original roadside location, the building was considered by officers to be unduly dominant in the street scene and to have an unacceptable impact on the setting of The Priory. An amended position is proposed to the west on level ground and bounded by mature trees and shrubs. This is considered to address the previous concerns and is sufficiently distant from neighbouring properties to ensure that they will not suffer any detriment to amenity. This is reflected in the absence of any neighbour objection following specific consultation.

6.3 The amended location gives the opportunity to secure additional planting to soften any perceived visual impact. The choice of feather-edged weatherboards as external cladding will further aid in terms of visual appearance. At 185m<sup>2</sup> and 5 metres to the ridge, the building is not unduly large and appears to be commensurate with its intended use.

6.4 It is therefore concluded that the proposal accords with the redundant policies and it 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) (19<sup>th</sup> May 2006)

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

3 - B09 (Colour of cladding (stables) )

Reason: To protect the visual amenities of the area.

4 - G04 (Landscaping scheme (general) )

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

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

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

**Informative:**

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

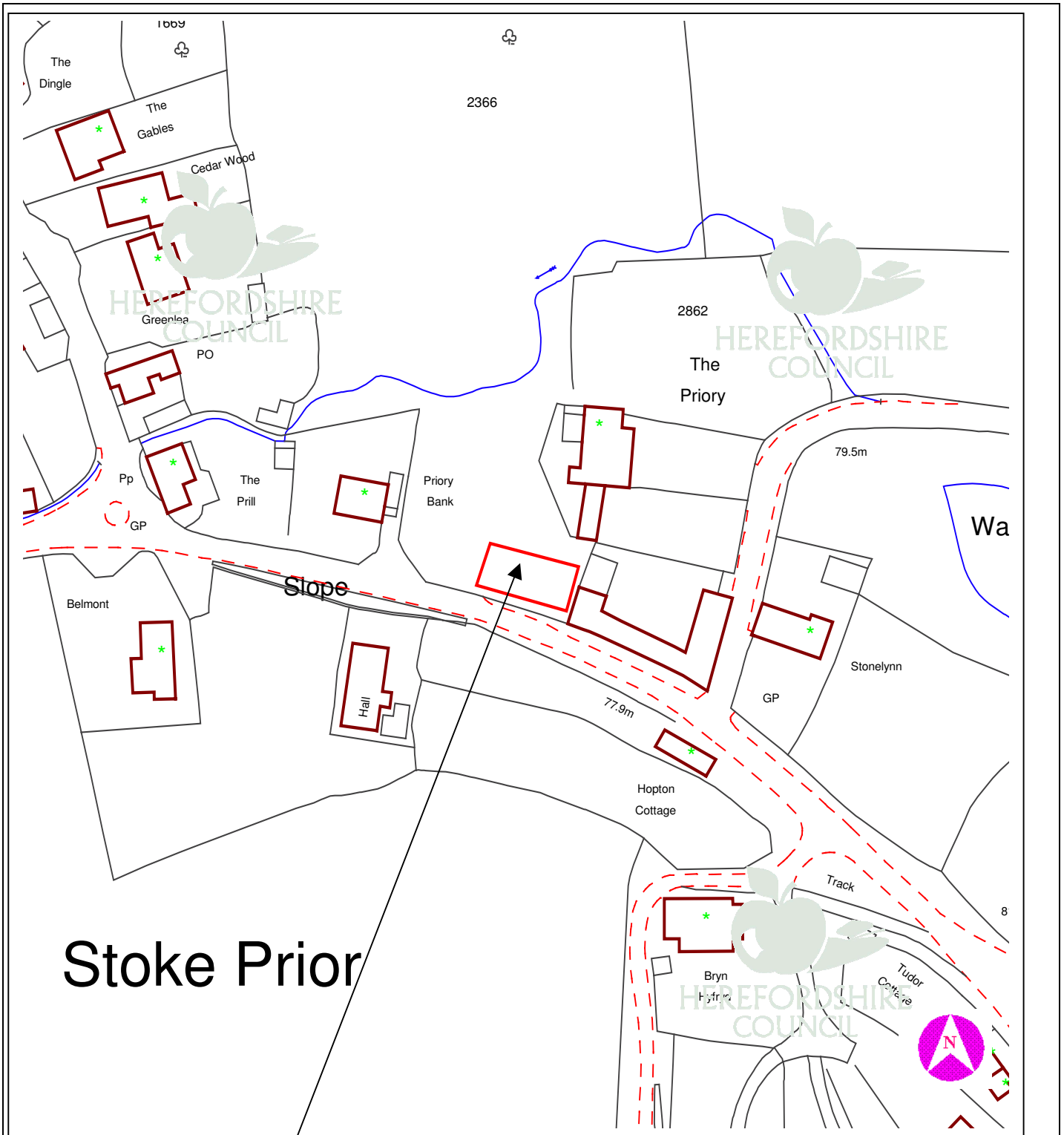
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNC2006/1266/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** The Priory, Stoke Prior, Leominster, Herefordshire.

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**10 DCNC2006/1637/A - PROPOSED FREE STANDING AND WALL MOUNTED SIGNS AT BISHOPS OF BROMYARD, 1 THE BYPASS, BROMYARD, HEREFORDSHIRE, HR7 4DJ**

**For: Bishops Of Bromyard per ASG Essex, 1 Bentalls, Basildon, Essex, SS14 3BS**

**Date Received:**  
26th May 2006

**Ward: Bromyard**

**Grid Ref:**  
65597, 54505

**Expiry Date:**  
21st July 2006

Local Member: Councillors P Dauncey and B Hunt

**1. Site Description and Proposal**

1.1 This site, located within the town of Bromyard, flanks the northern side of the Bromyard by-pass (A44) which runs through the town. The site itself is an existing garage i.e. petrol station/car sales and maintenance. There are three existing free standing signs on the grassed area on the main road frontage.

1.2 This application is for advertisement consent for two free standing signs and three wall mounted signs. There will be a new pole sign (A) five metres high on the site frontage to replace a two post mounted sign, a new panel sign (B) 2.38 metres high on the grassed area by Frog Lane, two new fascia signs to replace the existing on the front of the building (C1 and C2) and also a new wall mounted sign (D) on the rear of the building. Only the two fascia signs (C1 and C2) will be illuminated.

**2. Policies**

**2.1 Planning Policy Guidance**

PPG 19 – Outdoor Advertisement Control

**2.2 Hereford and Worcester County Structure Plan**

Policy CTC9 – Development Criteria

**2.3 Malvern Hills District Local Plan**

Conservation Policy 3 – Setting of Conservation Areas  
Conservation Policy 21 – Advertisements and Signs

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

Policy S2 – Development Requirements  
Policy DR1 – Design  
Policy HBA11 - Advertising

### 3. Planning History

- 3.1 DCNC2006/0121/A - Proposed wall mounted and free standing signs - Refused 13/03/06

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 None required.

#### Internal Council Advice

- 4.2 The Traffic Manager has no objection.
- 4.3 The Conservation Manager considers the impact on the setting of adjacent Conservation Area is minimal and therefore has no objection.

### 5. Representations

- 5.1 The Town Council states:-

Whilst we shall object to the totem pole signs on grounds already quoted we would support the remaining signs except the one at the entrance to Frog Lane.

- 5.2 To date (i.e. at the time of drafting this report as the site notice expires on 18th July 2006) there have been two letters of objection from:-

- R C & E Phillips, 1 Victoria Close, Bromyard, Herefordshire, HR7 4ED
- Mr P B Ascroft, Sherford House, Sherford Street, Bromyard, Herefordshire, HR7 4DL

The main points being:-

- The premises are within a Conservation Area and the advertisements would be contrary to good conservation practice.
  - There are sufficient Ford information signs on the property.
  - Sign A will be a large size and dominate the area and will be a danger to motorists generally and also block view of motorists emerging from the garage. This is especially dangerous as the by-pass is getting busier.
  - Sign B should be reduced in size and be an indicator sign without the advertising logo.
  - Sign B is on Local Authority land. Has the Authority given permission for their land to be so used?
  - Sign A will block view from objectors property towards the Downs.
- 5.3 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford, and prior to the Sub-Committee meeting.

## 6. Officers Appraisal

### 6.1 The main issues relate:-

- (i) The visual appearance of the signs
- (ii) The effect of the signs on highway safety

The most relevant policies with respect to these issues are Conservation Policies 3 and 21 of the Malvern Hills District Local Plan and Policy HBA11 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).

6.2 The size, design and position of the proposed signs are considered to be acceptable and not out of keeping with the character and visual amenities of the surrounding area. The application site is not contained within the Bromyard Conservation Area although it is adjacent to its designated boundary. The tallest of the proposed signs (i.e. sign A) is not as tall as the existing freestanding sign on the premises i.e. the 'Total' sign.

6.3 In addition it is considered that the proposed signs will not adversely affect highway safety. They will not cause a distraction to road users and will not obstruct the view of traffic entering/exiting the garage premises nor Frog Lane.

6.4 These current proposals are considered to be a significant improvement on the previous scheme (which was refused advertisement consent on 13<sup>th</sup> March 2006 – ref. no. DCNC2006/0121/A) in which sign A was much larger and sign B was positioned on the main road frontage. The current proposals overcome the refusal reasons in the previous application and are now considered to be acceptable and in accordance with planning policies and guidance. The Council's Conservation Officer and Transportation Manager have no objections to the proposals.

## RECOMMENDATION

**That subject to no new representations being received raising material planning considerations not previously considered, the Head of Planning Services (following the expiration of the public consultation period) be given authority to approve the application subject to the following conditions:-**

**1 - I01 (Time limit on consent )**

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

**2 - I02 (Removal of existing signs )**

**Reason: To preclude the build-up of unnecessary advertisements on the application site to the detriment of visual amenity.**

**3 - H24 (Illumination of signs and canopies and floodlighting )**

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

**4 - The illumination of advertising shall comply with Technical Report No. 5 issued by the Institute of Lighting Engineers.**

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

**Informatives:**

- 1 - The applicant must ensure that the proposed signage does not encroach onto or over land not in their ownership. If any sign hereby approved is placed/encroaches on land not in the applicants ownership then the applicant is advised to contact the owners of the said land before the signs are erected.
  
- 2 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision: .....

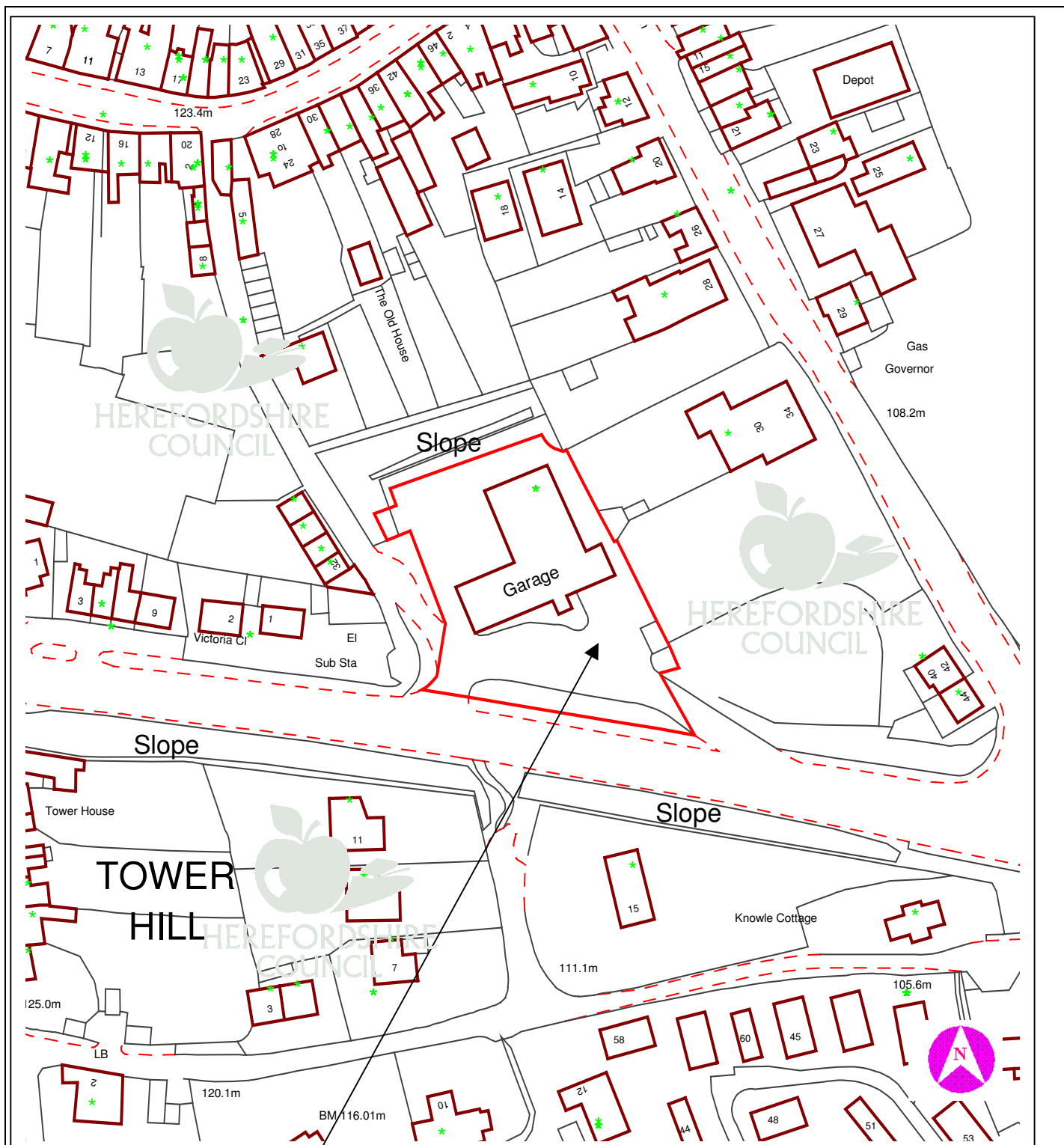
Notes: .....

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**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** DCNC2006/1637/A

**SCALE :** 1 : 1250

**SITE ADDRESS :** Bishops Of Bromyard, 1 The Bye Pass, Bromyard, Herefordshire, HR7 4DJ

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**11 DCNC2006/1717/F - CHANGE OF USE FROM REDUNDANT FARM BUILDINGS TO NON-COMMERCIAL AGRICULTURAL MACHINERY REPAIR AND SERVICE WORKSHOP WITH OFF ROAD PARKING FOR THREE LORRIES AT UPPER HOUSE, EDWYN RALPH, BROMYARD, HEREFORDSHIRE, HR7 4LU**

**For: R Harris per The Land Use Consultancy  
141 Bargates Leominster Herefordshire HR6 8QS**

**Date Received:**  
31st May 2006

**Ward: Bringsty**

**Grid Ref:**  
64312, 58058

**Expiry Date:**  
26th July 2006

Local Member: Councillor T Hunt

**1. Site Description and Proposal**

- 1.1 Upper House Farm is located in open countryside, designated as being of Great Landscape Value, to the south of Edwyn Ralph.
- 1.2 This application proposes the use of a modern portal framed building that has a floor area of some 620m<sup>2</sup>, and is on the north side of Upper House, to non-commercial agricultural machinery repair and service workshop with off-road parking for 3 lorries.
- 1.3 Members may recall an identical application, 13 July, when it was resolved as follows:
- 1) The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990, to set out heads of agreement and deal with any other appropriate and incidental terms or issues.
  - 2) Upon completion of the aforementioned planning obligation that officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:
- 1.4 Despite numerous requests/reminders insufficient progress was made in terms of the Section 106 agreement, and the application was subsequently determined as 'finally disposed of' on 10 May 2006.
- 1.5 The current application, now retrospective, seeks to resolve the outstanding matters. The agent has been advised that in line with current advice, in order to meet BVpi 109 targets, if so resolved, the Section 106 will be required to be signed before the 8 week deadline.

## **2. Policies**

### **2.1 Malvern Hills District Local Plan**

Employment Policy 6 – Re-use of Rural Buildings  
Landscape Policy 1 – Development outside Settlement Boundaries  
Landscape Policy 3 – Development in Areas of Great Landscape Value

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

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

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

E11 – Employment in the countryside  
LA2 – Landscape character and areas least resilient to change

- 2.4 PPS1 – Delivering Sustainable Development  
PPG4 – Industrial and Commercial Development and Small Firms  
PPS7 – Sustainable Development in Rural Areas  
PPG13 - Transport

## **3. Planning History**

NC2002/2174/F - Change of use of barn to workshop for light industrial use. Refused 17.10.2002.

NC2002/3592/F - Change of use of agricultural building to light industrial workshop. Refused 19.3.2003.

NC2004/0706/F - Change of use, with associated highway works, from redundant farm buildings to non-commercial agricultural machinery repair and service workshop with off-road lorry parking. Refused 12.7.2004. Appeal withdrawn.

NC2004/0707/F - Change of use, with associated works, from redundant farm building to non-commercial agricultural machinery repair and service workshop with off-road lorry parking. Refused 12.7.2004. Appeal withdrawn.

NC2005/1012/F - Change of use with associated works to non-commercial agricultural machinery repair and service workshop with off-road lorry parking for 3 lorries. Finally disposed of 10.5.06.

## **4. Consultation Summary**

### Statutory Consultations

- 4.1 None required.

### Internal Council Advice

- 4.2 Traffic Manager: No objection subject to conditions.

## 5. Representations

- 5.1 Parish Council observations not yet received.
- 5.2 A letter of objection has been received from Mr R Turner, Old Cross Farmhouse, making the following comments:
1. How many more retrospective applications will there be?
  2. No mains sewer at Upper House Farm, and a public right of way crosses the site, despite what is said on the application form.
  3. Conditions proposed on the previous application have not been met.
  4. It is absurd to describe the proposal as non-commercial.
  5. I maintain that this location is unsuitable for an industrial operation. Far more appropriate locations exist in Bromyard.
- 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 background to the submission of this application is set out in paras 1.4 and 1.5. The appeals made prior to the previous recommendation were withdrawn following that decision.
- 6.2 Employment Policy 6 of the Malvern Hills District Local Plan deals specifically with the re-use of rural buildings to business uses, as defined in Use Classes B1, B2 and B8, subject to an extensive criterion, including landscape impact, highway safety and effect on the amenity of neighbours. The proposal falls within Use Class B2.
- 6.3 Whilst the application building is a modern portal framed structure, it is of a size and construction suitable for employment use. Although located outside the settlement boundary of Edwyn Ralph, it is considered to be closely related to the village for economic use.
- 6.4 The determining factor in this application is the matter of highway safety. The site is accessed off a narrow unclassified road that exits onto Church Lane. Although previously the Traffic Manager has considered the road network unsuitable in its width to serve the previous proposals, which were unlimited in terms of traffic generation, no objection is raised to this proposal subject to the applicant entering into an agreement with the Council restricting the development to 3 lorries and movements of vehicles throughout the day, which is in line with the Vehicle Operators Licence granted by the Traffic Commissioners. By restricting the application to this number of lorries, the Traffic Manager does not consider the proposal will lead to an intensification in use of a junction, Church Lane, with the B4214, which does not have an accident history.

**RECOMMENDATION**

1) Subject to no representation raising matters not previously considered by 19 July, the Legal Practice Manager be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990, to set out heads of agreement and deal with any other appropriate and incidental terms or issues. The Heads of Terms are as set out below.

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

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

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

- 2. E06 - Restriction of Use (non-commercial agricultural machinery repairs and service workshop) (Class B2)

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

**Informatives:**

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

- 2. N15 (Reasons for planning permission)

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

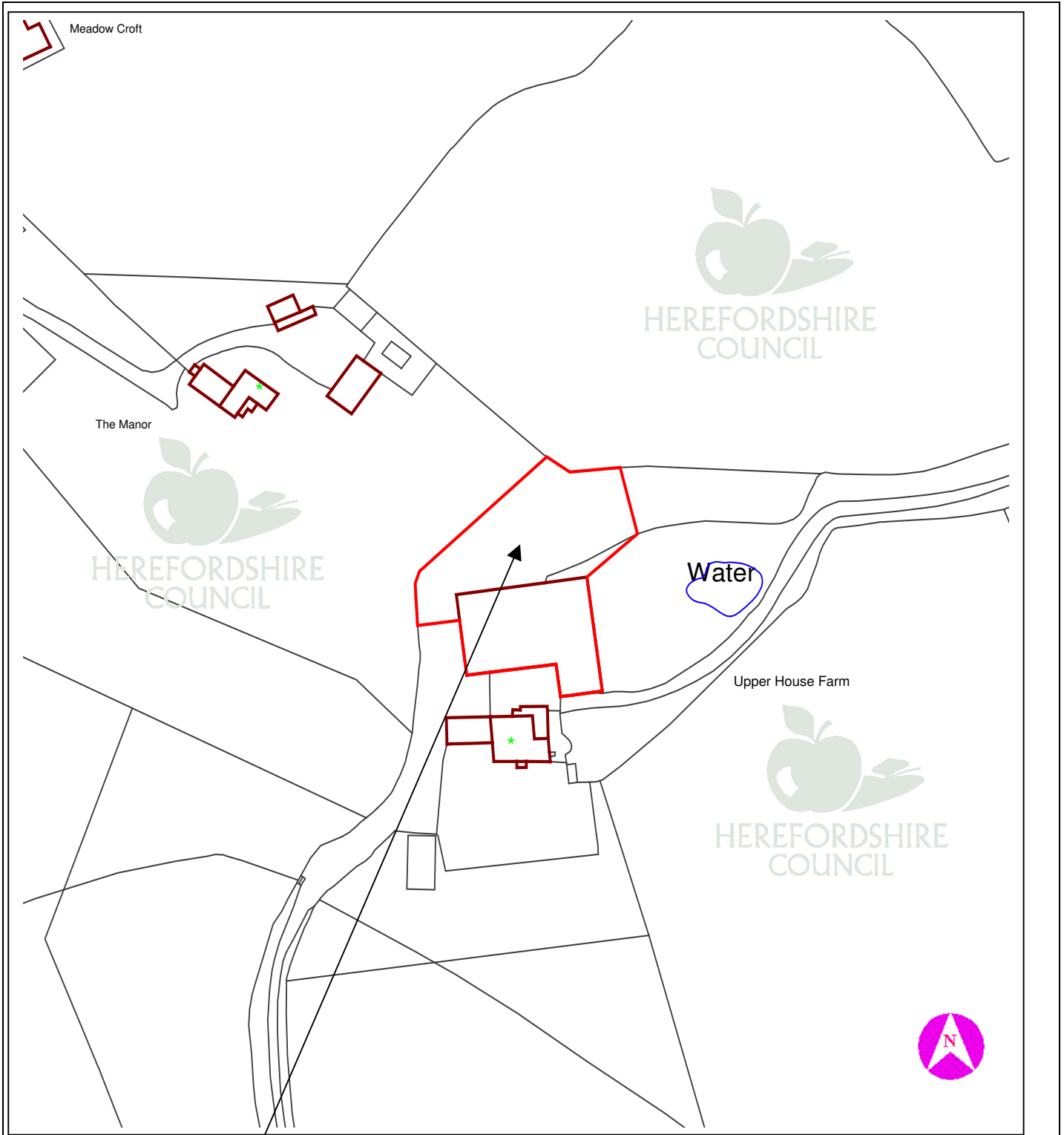
DRAFT HEADS OF TERMS  
Proposed Planning Obligation Agreement  
Section 106 Town and Country Planning Act 1990

Planning Application – DCNC2006/1717/F  
Change of use from redundant farm buildings to non-commercial agricultural machinery  
repair and service workshop with off road parking for 3 lorries.  
At Upper House, Edwyn Ralph, Bromyard, Herefordshire, HR7 4LU

1. Not more than three lorries shall be permitted on Site A at any time
2. Not to keep any lorries on Site A except within the Buildings
3. The maximum gross weight of a lorry permitted under paragraphs 1 and 2 of this Schedule shall not exceed 27 tonnes
4. Not to exceed three lorry movements at Site A during the 24 hour day
5. Lorry movements shall not occur outside the hours of:
  - 5.1 0700 hours to 2200 hours on weekdays;
  - 5.2 0700 hours to 1300 hours on Saturdays; or
  - 5.3 at any time whatsoever on Sundays Bank holidays and Public Holidays
6. Lorry engines shall not run for more than 3 minutes on starting up or upon return to Site A
7. Not at any time to keep store or operate any lorries on Site B [except for                    ]
8. Not to carry out any works or actions to the hedgerows between the classified highways U65017 and U65016 and Site A and Site B except in accordance with a scheme of management previously agreed in writing with the Council (“the Scheme”) that specifies:
  - 8.1 the objectives of the Scheme
  - 8.2 the name address and appropriate qualifications of the contractor appointed by the Owner to deliver the Scheme
  - 8.3 the timetable for routine inspections of the Scheme by the contractor and the submission of written reports to the Council
  - 8.4 the proposed schedule and content of the maintenance operations that are required to establish the new planting arrangements
  - 8.5 the proposed schedule and content of the operations that will be applied in the post establishment period in order to manage the new planting arrangements to achieve the overall objectives of the Scheme in accordance with good aboricultural and landscape management practice

9. The Owner and the Council will jointly review the Scheme at intervals not exceeding 1 year commencing from the date of [ ] and may agree appropriate changes to the schedule of operations for the remainder of the Scheme consistent with the Scheme objectives
10. The Scheme shall include indications of all existing trees and hedgerows within Site A and Site B beside the classified highways U65016 and U65017 and details of any to be retained, together with measures for their protection. All proposed planting shall be clearly described with species, sizes and planting numbers.
  - 10.1 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 occupation of the buildings or the 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 defects period.
  - 10.2 None of the existing trees and hedgerows on the site (other than those specifically shown to be removed on the approved drawings) shall be removed, destroyed, felled, lopped or pruned without the prior consent in writing of the local planning authority.





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**APPLICATION NO:** DCNG2006/1717/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Upper House, Edwyn Ralph, Bromyard, Herefordshire, HR7 4LU

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**12 DCNW2006/1288/F - FIRST FLOOR EXTENSION AT CHAPEL COTTAGE, WEST STREET, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE, HR6 9DT**

**For: Mr & Mrs Palmer per Mr R Pritchard, The Mill, Kenchester, Hereford, HR4 7QJ**

**Date Received: 24th April, 2006      Ward: Pembridge & Lyonshall with Tittle      Grid Ref: 39028, 58153**

**Expiry Date: 19th June 2006**

Local Member:    Councillor R Phillips

**1. Site Description and Proposal**

1. The application site comprises a detached dwelling which fronts the A44 in the centre of Pembridge Village adjacent to the former Methodist Chapel building. The dwelling is a brick built cottage with a large single storey extension which projects to the rear and garden which is elevated above the level of the dwelling and adjacent highway. There are walkways to either side of the property serving the adjacent dwelling (Lyndhurst) and chapel building. The cottage lies within the Pembridge Conservation Area.
- 1.2 Planning permission is sought for the extension of the property and formation of a first floor above part of the existing single storey extension. The extension would project for 4.1m along the extension before stepping down for 2.8m. The extension would join the main roof of the dwelling at a level 1.1m below the ridge height of the existing dwelling. It is proposed that the building would be timber clad above the oak framed ground floor and would have a slate roof to match the existing dwelling. The rooms created would be used as a bedroom and windows are proposed to the side and end elevation.

**2. Policies**

**2.1 Leominster District Local Plan**

Policy A24	-	Scale and Character of Development
Policy A54	-	Protection of Residential Amenity
Policy A56	-	Alterations, Extensions and Improvements to Dwellings
Policy A70	-	Accommodating Traffic from Development

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

Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy H18	-	Alterations and extensions

**3. Planning History**

- 3.1 NW2000/0731/F - Proposed single storey extension to the rear of the property. Approved 9th May, 2000.

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

##### Statutory Consultations

4.1 None required.

##### Internal Council Advice

4.2 Traffic Manager: No objection to this application.

#### **5. Representations**

5.1 Pembridge Parish Council: No objection to this application.

5.2 One letter of objection has been received from Peter Klein, Lyndhurst, High Street, Pembridge who makes the following points:

- Overlooking of their garden, and into the two existing side windows of their house from the window in the side elevations;
- Loss of daylight to windows in the side elevation serving the bathroom and kitchen;
- Photos have been submitted showing the potential effect of the extension;
- The proposal conflicts with Policies A21, A56 of the Leominster District Local Plan and HBA6 of the Unitary Development Plan as the extension would not complement the original cottage or the existing single storey extension nor enhance the character of the conservation area;
- The visual effects would be unsympathetic and incongruous giving the impression of a garden shed stuck on the roof and would have an overbearing and dominant effect on what was once a modest and affordable red brick cottage;
- No other properties have got two storey extensions.

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

#### **6. Officers Appraisal**

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

- a) The impact of the proposed extensions on the character of the dwelling and Conservation Area;
- b) The impact of the use on the amenities if the occupiers of the adjoining properties.

6.2 The linear form of the existing ground floor extension lends itself to this simplistic form of development and the stepped effect of the two extensions help to reduce the overall impact of the two-storey extension. Although the extensions will increase quite substantially the overall size of the dwelling they will not overwhelm the existing cottage. As such the proposed extensions are considered to accord with Policies A24 and A56 of the Leominster District Local Plan. It is not considered that the proposal is unacceptable in respect of the Conservation Area.

- 6.3 The main cause for concern in relation to the impact of the proposed extension lies with the impact on the neighbouring property, Lyndhurst. This property lies in relatively close proximity (approximately 2m) and has two windows in its side elevation. I accept that the proposed window at first floor level in the side elevation of the dwelling could cause overlooking and amenity issues and it has been agreed that this window should be obscure glazed to reduce this potential
- 6.4 The loss of daylight and overbearing nature of this extension has also been carefully considered but given the distance between the two dwellings and nature of the windows it is not considered that a reason for refusal could be sustained on these grounds. As such the proposal, with the appropriate conditions would conform to Policies A54 and A56 of the Leominster District Local Plan.

**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 **E18 (No new windows in specified elevation )**  
**Reason: In order to protect the residential amenity of adjacent properties.**
- 5 **E19 (Obscure glazing to windows )**  
**Reason: In order to protect the residential amenity of adjacent properties.**

**Informative**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



## **13 DCNW2006/1310/F - CONVERSION TO RESIDENTIAL USE AT THE OLD STATION HOUSE, ALMELEY, HEREFORDSHIRE**

**For: Mr J Lewis per McCartneys, 7 Broad Street,  
Leominster, Herefordshire, HR6 8BT**

**Date Received:**  
27th April 2006

**Ward: Castle**

**Grid Ref:**  
32903, 51615

**Expiry Date:**  
22nd June 2006

Local Member: Councillor J Hope

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

- 1.1 The structure subject to this application is of stone construction under a slate roof and is located in open countryside surrounded by agricultural livestock grazing land.
- 1.2 The applicant's submission states that the structure formed part of the former Kington - Eardisley Railway Company and was used as the station for the nearby village of Almeley. This railway line closed permanently in 1940.
- 1.3 The structure although undoubtedly of some local historic significance is not a listed building.
- 1.4 The application proposes conversion of the structure to residential use, which entails conversion of the existing single storey structure into a living room and staircase to an underground new build consisting of a kitchen/dining room, bedroom and bathroom/storage. The only visible signs of this proposed new build underground development will be an entrance door to the underground kitchen/dining room by means of double glazed doors and surrounding brickwork. It is proposed that these doors lead out onto the former railway line (not in place) which is on lower ground to that of the former railway station.
- 1.5 The plans submitted for planning consideration indicate a large domestic curtilage with a site allocated to the side for garden sheds and greenhouses etc.

### **2. Policies**

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

- A1 – Managing the Districts Assets and Resources
- A2 – Settlement Hierarchy
- A6 – Sites of Local Importance to Nature Conservation
- A9 – Safeguarding the Rural Landscape
- A16 – Foul Drainage
- A21 – Development within Conservation Areas
- A23 – Creating Identity and an Attractive Built Environment
- A24 – Scale and Character of Development
- A60 – Conversion of Rural Buildings Outside Settlements to Residential Use
- A20 – Accommodating Traffic from Development

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

S1 – Sustainable Development  
S2 – Development Requirements  
DR1 – Design  
DR2 – Land Use and Activity  
DR3 – Movement  
DR4 – Environment  
DR7 – Floor Risk  
H7 – Housing in the Countryside Outside Settlements  
H13 – Sustainable Residential Design  
H14 – Re-Using Previous Development Land and Buildings  
H16 – Car Parking  
NC1 – Biodiversity and Development  
NC4 – Sites of Local Importance  
HBA6 – New Development within Conservation Areas  
HBA8 – Locally Important Buildings  
HBA12 – Re-Use of Rural Buildings  
HBA13 – Re-Use of Rural Buildings for residential purposes.

## 2.3 National Policy Statement 7: Sustainable Development in Rural Areas

## 2.4 Herefordshire Supplementary Planning Guidance Re-Use and Adaptation of Rural Buildings.

## 3. Planning History

NW04/2370/F - Refurbishment for residential use - Withdrawn 25 August 2004

NW04/1542/F - Refurbishment and extension to the old railway station for residential use - Withdrawn 28 June 2004

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Traffic Manager - Has no objection to the grant of permission.
- 4.2 Conservation Manager - No objections subject to conditions with regards to construction materials.
- 4.3 Building Control Manager stated in his response: "I would not by any means go so far as to say that the proposals are not feasible, but a full assessment along with detailed structural proposals would be required from a suitably qualified specialist before we could be confident in the success of this scheme."
- 4.4 Environmental Health Manager raises concerns about potential land contamination in consideration of the former use of the site as a railway station and line.

## 5. Representations

- 5.1 Almeley Parish Council state: "No objections were raised to this interesting plan."



5.2 Two letters of objection have been received from:

P G Beresford, Corner House, Almeley and  
Verlie Battenti, The Hazels, Almeley.

The objections can be summarised as follows:

- A dwelling at this location would be out of character with the surrounding area.
- Impact of proposal on adjoining public highway.
- Impact of proposed residential use on historic merits of the building as a former railway station.
- Impact on local bio-diversity.
- Concerns about an extension to the existing building being completely contrary to relevant planning policies.
- Impact of domestication at surrounding land proposed for garden cartilage.

5.3 A letter of comment has also been received from Mrs Ellis-Jones of Campaign to Protect Rural England (Herefordshire). The letter comments on the application being rather over complicated in design.

5.4 A Structural Engineers letter submitted latterly on behalf of the applicant states the following:

*'Thank you for the copy of the drawings. We have made a careful appraisal of the proposals on this building. Whilst being very complicated, we can see that by careful needling and underpinning of the gable wall and the returns from here, before undertaking any other works that this can be constructed safely. The remaining areas afterwards can be constructed with the ground battered away from the construction areas. This being necessary as retaining walls will, of necessity, be very slow to construct and without battering the residual faces of the earth would become unsable when dried out. I trust that this is sufficeint for your needs at the moment, but should you have any queries please contact me'*

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 key issues with regards to this proposal are:

- Impact of proposal on historical merit of existing building.
- Planning Policy in relationship to extension to structure of this calibre.
- Impact on the surrounding countryside.
- Sustainability issues.

### 6.2 Impact of proposal on historical merit of existing building

The existing building is a simple stone structure under a slate roof and represents a structure of local significance is that it was the former railway station for the nearby village of Almeley. The structure ceased use in 1940 when the railway line permanently closed. The line is no longer in place. Although undoubtably the structure does attract local sympathy for its retention it is not a listed building and therefore of no significant architectural merit. The development subject to this application proposes to convert it to residential use with an underground addition, as

the existing structure has a very small floor area. As part of the application it is proposed to create a domestic curtilage for use by the proposed dwelling. This is large in area and will have a significant impact on the setting of the building, for the proposed car parking, greenhouses, garden sheds and general domestication of the site.

The structural engineers letter advises that the proposed works can be carried out by careful needling and underpinning of the gable wall. As members can see the letter is minimal in content and lacks sufficient information on the required works to be carried out on site in order to satisfy officers that the works can be successfully completed without detrimental harm to the existing structure on site.

### 6.3 Planning Policy in relationship to extensions to structures of this calibre

Policy A60 on Conversion of rural buildings outside settlements to residential use states buildings should be capable of conversion without extensive alteration, major or complete reconstruction and the creation of any residential curtilage would not harm the character and appearance of the countryside.

Herefordshire Council Supplementary Planning Guidance on Re-Use and Adaptation of Rural Buildings state that: "buildings shall be large enough to be capable of conversion without the need for extensions and any scheme submitted shall be considered in principle as finite. Any scheme using the existing structure as a cornerstone to what will alternatively be a new building will not be supported."

Clearly the proposal subject to this application does not comply with the above-mentioned policies, (The Herefordshire Unitary Development Plan – Revised Deposit Draft also stating similar views).

The existing structure will only create approximately 25.84 square metres of living space to be used as a living room. It is proposed to create the rest of the residential accommodation underground and therefore although not all visible above-ground this is tantamount to the construction of a new dwelling in open countryside and therefore a dangerous precedent created here. It is noted the structure is not of any national significance as it is not a listed building.

### 6.4 Impact on the surrounding countryside

The plans indicate a large proposed domestic curtilage that will have a significant 'domestication' on the structure and therefore detrimental to the building's local significance. The site is particularly prominent when approached from the Almeley direction. Therefore the proposal also does not comply with Policies A9 and A24 of the Leominster District Local Plan and Policies DR1 and LA3 of the Herefordshire Unitary Development Plan, Revised Deposit Draft.

### 6.5 Sustainability issues

This is an unsustainable location in consideration of services, and access to facilities representing development of a building which is unsuitable for residential use without substantial new build development.

**RECOMMENDATION**

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

- 1. The proposal represents conversion of a building that is incapable of residential use without significant new build development. Therefore the proposal is contrary to Policies A60 of the Herefordshire Unitary Development Plan, Policies HBA12 and HBA13 of the Herefordshire Unitary Development Plan - Revised Deposit Draft and Herefordshire Council Supplementary Planning Guidance on Re-Use and Adaptation of Rural Buildings.**
- 2. The proposed development by means of its surrounding domestication and paraphernalia will have a detrimental impact on the surrounding landscape or setting of the existing building. Therefore the proposal is contrary to Policy A9 of the Leominster District Local Plan and Policies DR1, LA2 and LA3 of the Herefordshire Unitary Development Plan - Revised Deposit Draft.**
- 3. The proposal represents development of a building structure that in an isolated rural location that is not connected to local services. Therefore the proposal is contrary to Policy A1 of the Leominster District Local Plan, Policies S1, DR2 and DR3 of the Herefordshire Unitary Development Plan - Revised Deposit Draft and National Planning Policy Statement 7: Sustainable Development in Rural Areas.**

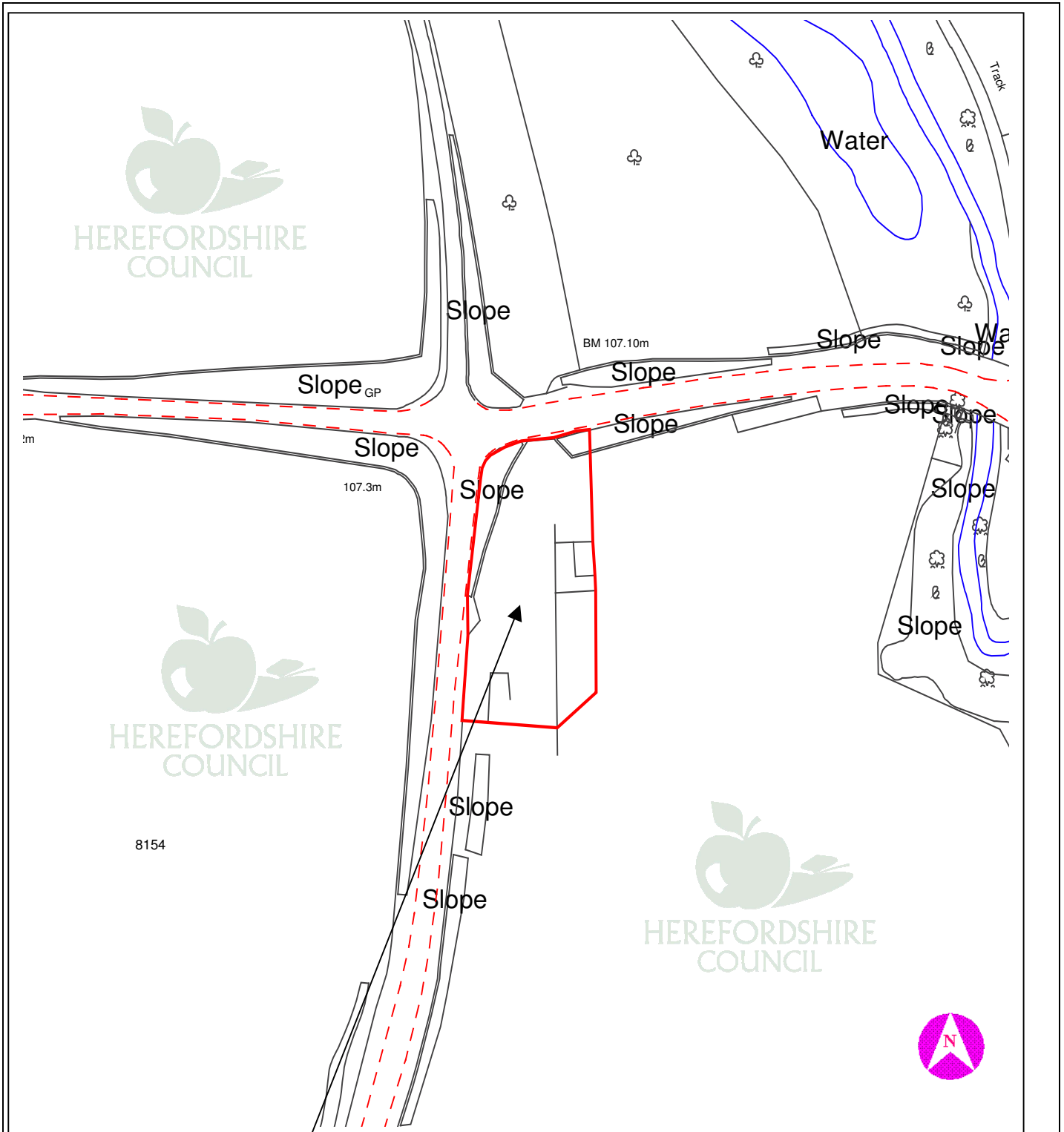
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNW2006/1310/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** The Old Station House, Almeley, Herefordshire

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**14 DCNW2006/1470/F - PROPOSED DEMOLITION OF EXISTING HOUSE AND ERECTION OF A REPLACEMENT HOUSE AND NEW VEHICULAR ACCESS AT KNOCK HUNDRED COTTAGE, BEARWOOD, LEOMINSTER, HEREFORDSHIRE, HR6 9EF**

**For: Mr & Dr Plant per Border Oak Design & Construction, Kingsland Sawmills, Kingsland, Leominster, Herefordshire, HR6 9SF**

**Date Received: 12th May, 2006**

**Ward: Pembridge & Lyonshall with Titley**

**Grid Ref: 38009, 56083**

**Expiry Date: 7th July, 2006**

Local Member: Councillor R. Phillips

**1. Site Description and Proposal**

- 1.1 The application site lies in open countryside and comprises the existing cottage (Knock Hundred Cottage), its associated outbuildings, garden and agricultural land which lies to the east of the residential curtilage.
- 1.2 The property is a modest two storey timber framed house which has been extended with a single storey lean-to side extension and a conservatory. It is set back from the roadside boundary and is generally inconspicuous in view of the mature hedgerow which runs the length of the site.
- 1.3 There is an existing vehicular and pedestrian access serving the site.
- 1.4 Planning permission is sought for a replacement dwelling on the site and the formation of a new access, driveway and hardstanding through and on the adjacent arable land to the north east of the dwelling.
- 1.5 The proposed replacement dwelling comprises a predominantly timber framed and thatched design located on the footprint of the existing cottage and outbuilding. The existing dwelling has a floor area of approximately 104 sq m (measured externally) an eaves level of 4.2m and ridge height of 6m. The proposed dwelling represents an enlargement to this with an approximate floor area of 148 sq m (measured externally), eaves level of 3.5m and ridge height of 7.5m.
- 1.6 The application is a re-submission following a refusal of a previous application in 2004, which was subsequently dismissed at appeal. The alterations include the removal of the three bay garage from the scheme and the simplification of design and clear reduction in size and scale of the dwelling (floor area of approximately 276 sq m (measured externally)).

**2. Policies****2.1 Hereford and Worcester County Structure Plan**

Policy 16A	-	Housing in Rural Areas
Holicy H20	-	Housing in Rural Areas Outside the Green Belt
Policy CTC9	-	Development Requirements

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

Policy A1	-	Managing the District's Assets and Resources
Policy A2(D)	-	Settlement Hierarchy
Policy A9	-	Safeguarding the Rural Landscape
Policy A10	-	Trees and Woodland
Policy A16	-	Foul Drainage
Policy A24	-	Scale and Character of Development
Policy A54	-	Residential Amenity
Policy A70	-	Accommodating Traffic from Development

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

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy H7	-	Housing in the Countryside Outside Settlements
Policy LA2	-	Landscape Character and Areas Least Resilient to Change
Policy LA5	-	Trees, Woodlands and Hedgerows
Policy LA6	-	Landscaping Schemes

**3. Planning History**

- 3.1 NW2003/1960/F - Proposed replacement dwelling and garage. Refused.
- 3.2 NW2004/3347/F - Proposed replacement dwelling. Refused 1st December, 2004 and dismissed on appeal on 1st August, 2005.

**4. Consultation Summary**Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager: No objections subject to conditions.

**5. Representations**

- 5.1 Pembridge Parish Council: Completely opposed to this application for the following reasons: The existing house is a pleasant black and white small cottage which is wholly in character with its surrounding area and which could be sympathetically extended. There is not considered sufficient need to demolish it and the Parish Council would like to request that consideration be given to listed it.

5.2 One letter of objection has been received from Patricia and Alan Stokes of Rose Cottage, Upper Bearwood who make the following points:

- Knock Hundred is a typical black and white cottage in our hamlet and is not uninhabitable. To demolish a building of this type would remove part of the very unique character and heritage of houses in this area of rural Herefordshire.
- If this application were to succeed, it would mean the removal of a section of ancient hedgerow, with a subsequent loss of the natural wildlife environment.
- The adjacent Border Oak House that has been built replaced a condemned and uninhabitable cottage that was of a brick construction.
- Please do not permit this application in this area so typical of the Black and White Village Trail.

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 principle of a replacement dwelling on this site is considered acceptable in the light of its clearly established residential use rights and the generally poor state that this timber framed property is now in. In terms of the principle of replacing dwellings in the open countryside, Policy A2(D) of the Local Plan establishes a further test insofar as replacement dwellings should be comparable in size to the original dwelling and within the established residential curtilage.

6.2 The proposed replacement dwelling represents a replacement of a size comparable with the size and scale of the existing dwelling, albeit the appearance and character of the dwelling will be altered. There has also been a substantial reduction in the size of the replacement dwelling when compared to previous submissions and this is considered to have overcome the concerns of the local planning authority and objections raised by the Inspector in the appeal.

6.3 With regard to the access issue the benefits of improving visibility by moving the point of access are clearly acknowledged since the existing arrangement is very dangerous. The new access and driveway, subject to careful consideration of the surfacing and associated landscaping (orchard planting is proposed), would in its own right have a limited visual impact and additional restrictions on permitted development rights would enable control over further development in the curtilage to be exerted.

## **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: [Special Reason].**

**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 H08 (Access closure )**

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

**9 G04 (Landscaping scheme (general) )**

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

**10 G05 (Implementation of landscaping scheme (general) )**

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

**INFORMATIVE:**

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

Decision: .....

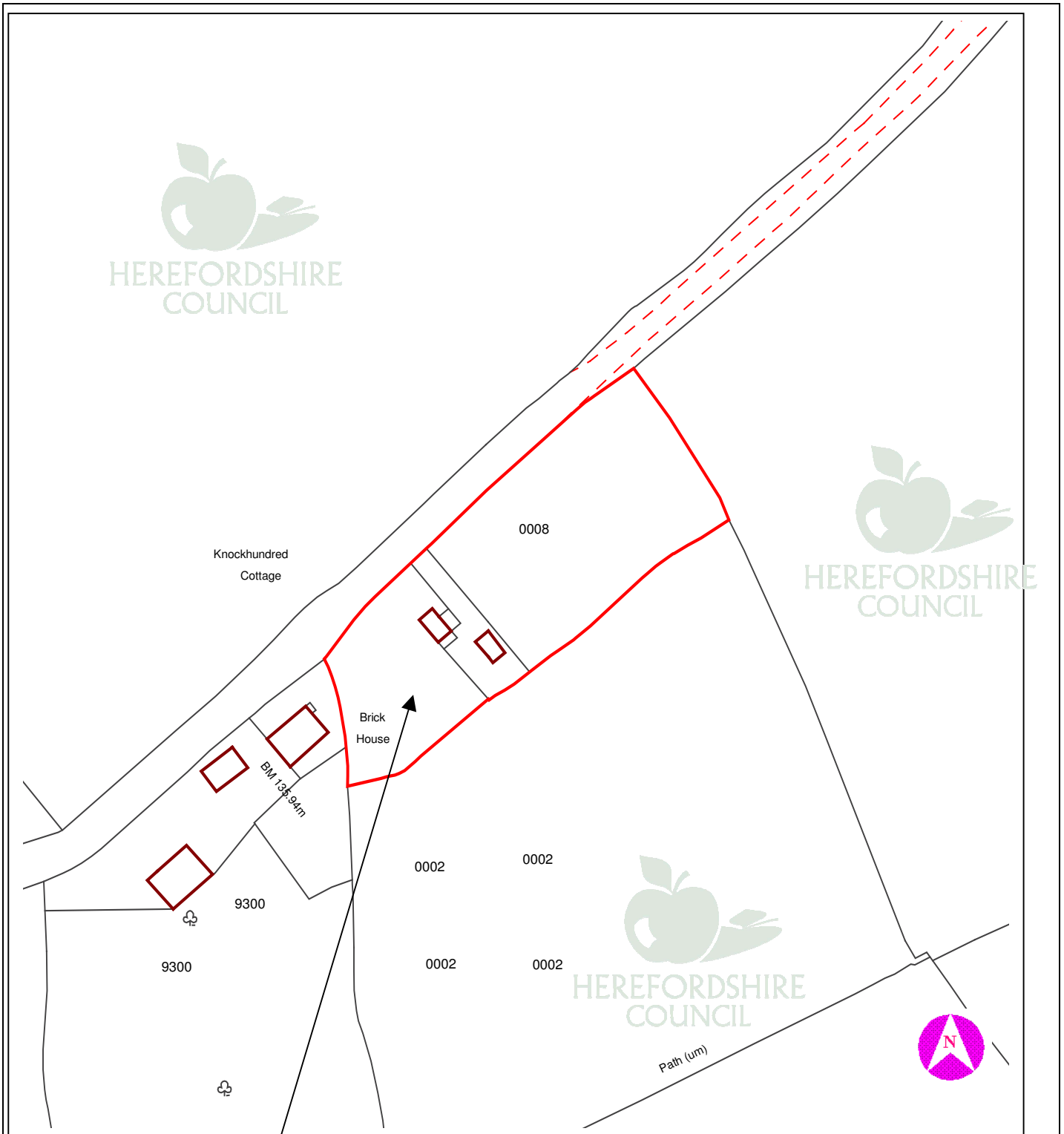
Notes: .....

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**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** DCNW2006/1470/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Knock Hundred Cottage, Bearwood, Leominster, Herefordshire, HR6 9EF

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**15 DCNW2006/1473/RM - PROPOSED AGRICULTURAL DWELLING LAND AT STOWE FARM, AT WHITNEY-ON-WYE, HEREFORD, HEREFORDSHIRE, HR3 6EL**

**For: L Price per Mr E Price Moorcourt Lyonshall  
Kington Herefordshire HR5 3JZ**

**Date Received:**  
11th May 2006

**Ward: Castle**

**Grid Ref:**  
28467, 47044

**Expiry Date:**  
6th July 2006

Local Member: Councillor J Hope

**1. Site Description and Proposal**

- 1.1 The site for the proposed development is a rural location, lying to the west of the hamlet known as Winforton, alongside the A438 public highway.
- 1.2 The site is located alongside the eastern side of a property known as 'Greenacres', this property is outside the control of the applicant. The proposed development site forms part of the agricultural unit known as Stowe Farm.
- 1.3 The application is 'reserved matters' in relationship to 'outline planning' permission ref. DCNW2004//3697/O dated 18th January 2005 and therefore the principal of the development is accepted.
- 1.4 The application proposes an agricultural dwelling of two storey construction consisting of a lounge, kitchen/dining and utility room on the ground floor and two bedrooms and a bathroom on the first floor.

**2. Policies**

**2.1 Leominster and District Local Plan**

A1 - Managing the District's Assets and Resources  
A2(b) - Settlement Hierarchy  
A6 - Sites of Local Importance for Nature Conservation  
A9 - Safeguarding the Rural Landscape  
A24 - Scale and Character of Development  
A41 - Protection of Agricultural Land  
A43 - Agricultural Dwellings

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

S1 - Sustainable Development  
S2 - Development Requirements  
S7 - Natural and Historic Heritage  
DR1 - Design  
DR2 - Land Use and Activity  
DR3 - Movement

- DR4 - Environment
- DR7 - Flood Risk
- H8 - Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses
- H16 - Car Parking

### 2.3 National Planning Policy

Statement 7: Sustainable Development in Rural Areas

## 3. Planning History

- 3.1 DCNW2006/0265/RM - Proposed dairy manager's dwelling - Refused 7th March 2006.
- 3.2 DCNW/2004/3697/O - Erection of dairy manager's dwelling - Approved 10th January 2005.
- 3.3 DCNW/2004/2074/F - Site for agricultural worker's dwelling - withdrawn - 26th July 2004.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Environment Agency raises no objections to the proposed development.

### Internal Council Advice

- 4.2 The Transportation Manager raises no objection to the granting of permission.

## 5. Representations

- 5.1 Willersley and Winforton Parish Council raise no objections to the proposed development.
- 5.2 Whitney-on-Wye Parish Council raise no objections to the proposed development.
- 5.3 One letter of objection has been received from the occupants of the adjoining dwelling to the application site.

RF & VM Pennington, Greenacre, Whitney-on-Wye.

The letter states:

"We have seen the plans and supporting documents for the above planning application, which is adjacent to our property. We are objecting to the proposal on two counts.

Firstly we can see no need for a new agricultural dwelling to be build on prime agricultural land when the applicant (or immediate family) already has two houses nearby: Yew Tree Cottage (this property is not owned by Beatty as indicated on Planning Documentation) and The Old Stowe Inn. Yew Tree Cottage is much closer to the Dairy than the proposed site and has good road access, consequently it would be more suitable for agricultural workers. In addition Stowe Farm has three more

dwellings; Stowe Farmhouse (with self contained flat) and two three bedroomed farm cottages which we believe are occupied by farm workers.

Secondly, the proposed new track bordering the south and west of our property would bring additional noise to our home and is an invasion of our privacy. The road would only be 13 metres away from the house. Milking starts at a very early hour and cars and farm vehicles passing at that time would be most disruptive. The roadway may be intended only for access to the house but once it is there what is to stop it being used for heavy farm machinery and tanker lorries.

Furthermore, the previous application (No DCNW2006/0265/RM) was refused on the grounds of poor access emerging as it did onto the A438 a busy main road. The access in this application is even worse emerging onto a more dangerous section with double bends, where the accident rate is known to be high."

- 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 issue of concern with regards to this application is the positioning of the access road to this proposed development which adjoins the objectors dwelling known as Green Acres alongside its entire southern boundary to the eastern side where the proposed development site is located and whether it has a detrimental impact on the amenity and privacy of the property.
- 6.2 Adjacent to the northern side of the objectors property is the A438 public highway.
- 6.3 The proposed new access will only serve one dwelling to which it is proposed to house an agricultural worker who in accordance with information provided to the Local Planning Authority will work at the adjacent 'Stowe Farm', part of his work involves the milking of cows at what most people may well consider antisocial hours.
- 6.4 Taking into account the amount of vehicle movements along the proposed new roadway to serve the proposed dwelling and the land being in the ownership of the applicant and therefore having the option to landscape, it is considered that on balance this application is acceptable on amenity terms.
- 6.5 The proposed new roadway will have minimal impact on the agricultural land, as the proposed new roadway is alongside the field boundary and therefore landscape impact will also be minimal.

## **RECOMMENDATION**

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

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

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

- 2 - No work shall commence in respect of the access to the site until a scheme for landscaping of this feature has been submitted to and approved in writing by the local planning authority.

Reason: In the interest of the visual amenity of the surrounding landscape.

- 3 - G06 (Scope of landscaping scheme)  
The landscaping scheme required by condition no. 2 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, floorspace, 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.

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

**Informative:**

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

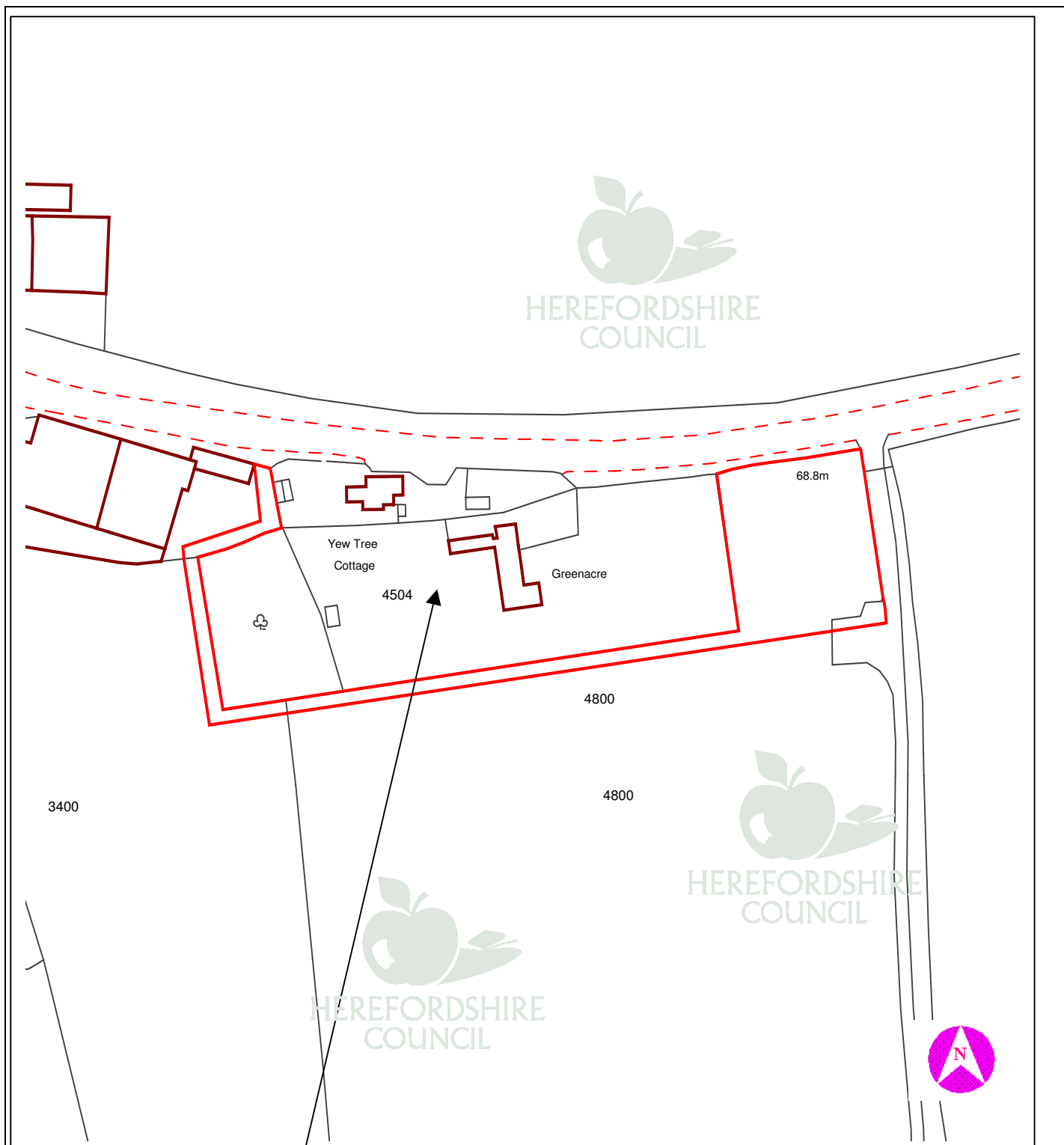
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNW2006/1473/RM

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land at Stowe Farm, Whitney-On-Wye, Hereford, Herefordshire, HR3 6EL

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**16 DCNW2006/1476/F - GARDEN CAFE AND TEA ROOM  
AT WALFORD COURT, WALFORD, LEINTWARDINE,  
CRAVEN ARMS, SHROPSHIRE, SY7 0JT**

**For: Mrs Fraser at above address.**

**Date Received:**  
12th May 2006

**Ward: Mortimer**

**Grid Ref:**  
39062, 72337

**Expiry Date:**  
7th July 2006

Local Member: Councillor Mrs O Barnett

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

- 1.1 The dwelling subject of this application is a two-storey Grade II listed building and of timber frame and render painted white external construction under a slate roof.
- 1.2 The property has a large domestic curtilage with driveway and parking area. The curtilage is mainly laid down to lawn with informal planting of mature trees and shrubs.
- 1.3 The property is one of a small cluster of dwellings located in open countryside. Access to the site is obtained via the unclassified 92004 public highway, from the A4113 public highway. The unclassified public highway also serves the surrounding neighbouring dwellings four of which have boundaries neighbouring the dwelling subject to this application.
- 1.4 The development subject to this application proposes a garden cafe and tea room.
- 1.5 As part of the application, the applicant has submitted a supporting statement which includes an impact analysis for the proposed garden cafe. This impact analysis concludes that no detrimental impact will be created as a result of the proposal on the amenity and privacy of the surrounding environment.
- 1.6 The site commenced trading in 2005 and has since ceased trading due to concerns raised by members of the public and the need for planning approval for this form of business from the local planning authority.

## **2. Policies**

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

A1 – Managing the Districts Assets and Resources  
 A2 – Settlement Hierarchy  
 A9 – Safeguarding the Rural Landscape  
 A16 – Foul Drainage  
 A18 – Listed Buildings and their Settings  
 A24 – Scale and Character of Development  
 A38 – Rural Tourism and Recreational  
 A34 – Protection of Residential Amenity  
 A77 – Traffic Manager

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

S1 – Sustainable Development  
S2 – Development Requirements  
DR1 – Design  
DR2 – Land Use and Activity  
DR3 – Movement  
DR4 – Environment  
DR13 – Noise  
T8 – Road Hierarchy  
T11 – Parking Provision  
NC1 – Biodiversity and Development  
HBA4 – Setting of Listed Buildings  
RST12 – Visitor Accommodation  
RST13 – Rural and Town Tourism Development  
CR2 – Foul Drainage

## 3. Planning History

NW04/2919/L - Removal of 3 no. ground floor and 3 no. first floor windows - Approved 20th October 2004.

NW04/0721/L - External weatherproofing and external alterations - Withdrawn 7th September 2004.

## 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 Conservation Manager - No objections subject to details of new window sections.

4.4 Environmental Health Manager – No response received.

## 5. Representations

5.1 Walford Parish Council have made no comments on their response to the application.

5.2 Letters of objection have been received from six separate householders to the application. They are as follows:

- Jenny Maxwell, Court Cottage, Walford, Leintwardine.
- Mr G C Macfarquhar, Walford Grange, Walford, Leintwardine.
- Allan Grimley, Maplecroft, Walford, Leintwardine.
- K F & J Davison, Motte House, Walford, Leintwardine.
- Colin Brady, Walford Farm, Leintwardine.
- Lucy Clothier, Fold Cottage, Walford, Leintwardine.

The objections can be summarised as follows:

- Impact on neighbours privacy
- Impact of proposal on public highway leading to the site
- Impact on sewerage system
- Impact on the character of the surrounding environment
- Concerns about accuracy of applicants submission

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 planning consideration are:

- a) Impact of proposal on neighbouring dwellings.
- b) Impact of the proposal on the public highway leading to the site.
- c) Sustainability.

6.2 The application proposes a garden café and tea room at a dwelling house used as a family home, that also provides bed and breakfast accommodation. The applicant as part of her submission has submitted a supporting statement which states that the garden café and tea room was open from 10.30 am until 4.30 pm and that visitor numbers to these facilities during the summer of 2005 did not exceed more than 6 persons per day.

6.3 The detached dwelling subject to this application has a large domestic curtilage which consists mainly of lawned areas and plantings of mature shrubs and trees. The application indicates that a section of the lawned area is available for members of the public to use as the proposed 'garden café'. This site is located directly in front of the dwelling and is surrounded by mature shrubs/trees alongside its boundaries.

6.4 The proposed 'tea room' is on the ground floor adjacent to the dwellings kitchen on the western side of the house.

6.5 The Council's Highways Manager raises no objections to the proposed development.

6.6 It is noted that some of the letters of objections received do not object to the proposal in principal on the basis of past numbers of visitors using the premises for the garden café and tea room. However they do raise concerns about future growth of the business if planning approval is granted.

6.7 The issue with regards to the sewerage system is not considered directly problematic provided number restrictions are attached to the decision notice if Members are mindful to approve this application.

6.8 The development is considered acceptable on sustainability grounds as the business proposal is aimed at tourism and passing motorists within the vicinity of the application site. It is unlikely to become a destination in its own right, with the possible exception of local residents.

**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 - The premises shall provide facilities for no more than 24 table top covers at any one particular time.

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

- 4 - E03 (Restriction on hours of opening ) 10.30 a.m. – 4.30 p.m.

Reason: In the interests of the amenities of existing residential property in the locality.

- 5. The use hereby permitted shall be carried on only by Mrs. Deborah Fraser and shall be for the period during which the premises are occupied by Mrs. Deborah Fraser.

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

- 6 . 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.

**Informatives:**

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

- 2 - The applicant is reminded that Listed Building Consent is required from the Local Planning Authority for new window sections before development commences.

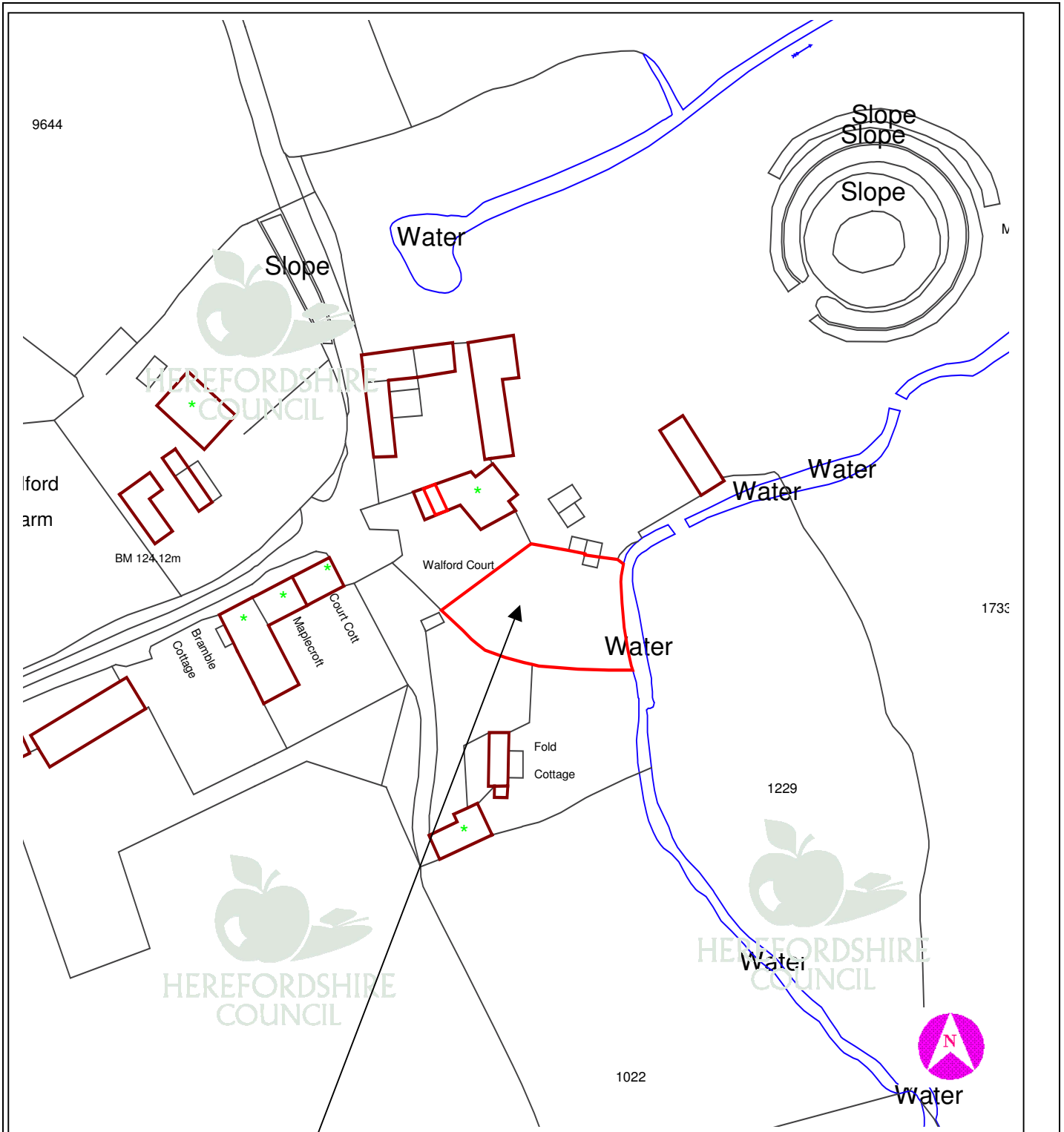
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNW2006/1476/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** WALFORD COURT, Walford, Leintwardine, Craven Arms, Herefordshire, SY7 0JT

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**17 DCNW2006/1523/RM - ERECTION OF SIX NO. DWELLINGS AT BURNSIDE, HIGH STREET, LEINTWARDINE, CRAVEN ARMS, SHROPSHIRE, SY7 0LQ**

**For: Homewood Developments Ltd, Wheelers Kiln, Bush Bank, Hereford, HR4 8ED**

**Date Received:**  
19th May 2006

**Ward:**  
Mortimer

**Grid Ref:**  
40338, 74527

**Expiry Date:**  
14th July 2006

Local Member: Councillor Mrs O Barnett

**1. Site Description and Proposal**

- 1.1 The application site comprises a 0.198 hectare plot, located on the western side of the A4113 (High Street). An elevated site, the plot formally contained a detached bungalow behind a well-established screen of trees and shrubs. To the north and south of the application site are properties known as Needwood Rise and the Old Police Station House respectively, these have fenced and planted boundaries.
- 1.2 The rear boundary of the site benefits from mature landscaping, including coniferous trees and hedgerow along the boundary with Meadowbank to the west. Distinctive trees alongside the rear boundary include a copper beach, blue atlas cedar, rowan and a silver birch.
- 1.3 The site is within the settlement boundary of Leintwardine, outside of a designated Conservation Area. The prevailing character of the area is one of mixed residential development, including detached and terraced properties of single and two storey scale. The area is within a Landscape Protection Area.
- 1.4 The application is for Reserved Matters in respect of planning approval reference no. NW05/1542/O dated 26th August 2005 for demolition of existing dwelling, garage and outbuildings. Site for construction of a residential development of six dwellings.
- 1.5 The development proposal is for a terrace of six two-storey dwellings, each containing internally on the ground floor a lounge, kitchen and utility and three bedrooms and a bathroom on the first floor. Included within the development are three individual attached garages, one on either end of the terrace for the end properties and one in between two properties, thus the overall development scheme is one of a 'terrace development'.
- 1.6 An indicative 'view from High Street' has been provided as part of the application showing the visual relationship of the proposed development in relationship to the properties located on the northern and southern sides of the application site.

## **2. Policies**

### **2.1 Government Guidance**

PPS1 – Delivering Sustainable Development  
PPG3 – Housing  
PPS7 – Sustainable Development in Rural Areas  
PPG13 – Transport  
PPG15 – Planning and the Historic Environment

### **2.2 Leominster District Local Plan (Herefordshire)**

A1 – Managing the District's Assets and Resources  
A2(C) – Settlement Hierarchy  
A9 – Safeguarding the Rural Landscape  
A10 – Trees and Woodland  
A18 – Listed Buildings and their Settings  
A23 – Creating Identity and an Attractive Built Environment  
A24 – Scale and Character of Development  
A25 – Protection of Open Areas or Green Spaces  
A54 – Protection of Residential Amenity  
A55 – Design and Layout of Housing Development  
A70 – Accommodating Traffic From Development

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

S1 – Sustainable Development  
S2 – Development Requirements  
S3 – Housing  
S7 – Natural and Historic Heritage  
DR1 – Design  
DR2 – Land Use and Activity  
DR3 – Movement  
DR4 – Environment  
H4 – Main Villages: Settlement Boundaries  
H13 – Sustainable Residential Development  
H14 – Re-Using Previously Development Land and Buildings  
H15 – Density  
H16 – Parking  
LA5 – Protection of Trees, Woodland and Hedgerows  
HBA4 – Setting of Listed Buildings

### **2.4 Supplementary Planning Guidance**

Leintwardine Village Design Statement

## **3. Planning History**

- 3.1 NW2005/1542/O - Demolition of existing dwelling and outbuildings and site for construction of residential development of six dwellings - Approved 26th August 2005.
- 3.2 NW2004/3350/F - Demolition of existing dwelling and outbuildings and construction of two five-bedroomed dwellings - Refused 5th January 2005.



- 3.3 NW2004/2056/F - Demolition of existing dwelling and outbuildings for construction of three four-bedroomed dwellings - Refused at Northern Area Planning Sub-Committee - 8th December 2004. Dismissed on appeal 30th March 2005.

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

##### Statutory Consultations

- 4.1 Severn Trent Water - No objection subject to the inclusion of a condition with regards to disposal of surface water and foul sewage.

##### Internal Council Advice

- 4.2 The Transportation Manager - Raises no objections to the proposed development.
- 4.3 Conservation Manager - No objection raised.

#### **5. Representations**

- 5.1 Leintwardine Parish Council state in their response: "The Parish Council cannot accept the intended planning for the following reasons:"

1. It is in contradiction to the Village Design Statement which was wholly endorsed by Herefordshire Council Supplementary Planning Guidance.
    - a. It is not complementary with adjacent or opposing buildings.
    - b. It encroaches severely on adjacent properties destroying their quality of light and respect.
    - c. The pitch of the roofs is steep and with the structures being elevated from the road, it will add to its monolithic appearance.
    - d. It is planned as a terrace more suitable for an urban setting.
  2. It is too dense and potentially overcrowded with cars leading to likely social conflict.
  3. The access to the highway is direct and there is a blind spot. There is also no pavement. The number of cars and people would suggest the likelihood of accidents.
  4. The density of the housing could be disguised by designing them as flats in three separate units. This would create front and back spacing with access to garden views and reduction of the monolithic style. First floor flats are less likely to be occupied by families which would again help to reduce the density.
- 5.2 Letters of objection have been received from the following:
- H Campbell, All-Ardock, High Street, Leintwardine.
  - K A Farrell, Beau Vallon, High Street, Leintwardine.
  - Thain Hatherly, Roman Rise, High Street, Leintwardine.
  - Bridget Sudworth, Kinton Farm, Leintwardine.
  - Mrs M J Edwards, 5 Tipton's Lane, Leintwardine.
  - Mr & Mrs L G Knowles, Whispering Oaks, 6a High Street, Leintwardine.
  - Jerzy Josef Cebo, The Old Police House, High Street, Leintwardine.

Concerns raised can be summarised as follows:

- Concerns about south facing windows.
- Scale and character of overall development detrimental to the locality.
- Access to the site is dangerous off adjacent A4113 public highway.
- Insufficient public transport insufficient other than to Ludlow.
- No pavement outside the site.
- Proposal is conflict with the Village Design Statement.
- Poor overall design of the development.
- Proposal more appropriate to a urban scene.
- Concerns about existing vegetation on 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 This is a 'Reserved Matters' application, which seeks approval for the development of six dwellings. This is the fourth application on this site and continues to generate significant numbers of objections.

6.2 An appeal decision on the site dismissed the development of three detached dwellings as an under development of the site contrary to guidance contained within PPG3 and Policy H15 of the Herefordshire Unitary Development Plan (Revised Deposit Draft). This application is in accordance with advice given in the appeal decision. The advice given in the appeal decision is a material consideration in respect of this application.

6.3 The key issues for consideration in the determination of this application are as follows:

- The density of the development.
- The effect of the proposal on the character and appearance of the surrounding built environment.
- Public highway and access issues.
- Amenity and privacy of surrounding dwellings.

### The density of the development

6.4 This in principle has already been accepted and approved by Members of the Herefordshire Planning Committee by means of approval to the application reference no. NW2005/1542/O – Demolition of existing dwelling and outbuildings and site for construction of six dwellings – Approved 26<sup>th</sup> August 2005.

6.5 The proposal is in accordance with Government Guidance set out in PPG3 and Policy H15 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) and the Inspector's Decision with regards to the appeal on the site.

The effect of the proposal on the character and appearance of the surrounding built environment

- 6.7 The site is not within a Conservation Area and an assessment of the site and its surroundings indicates a diverse mix of housing types and architectural styles and as such there is no predominant character of dwellings in the locality.
- 6.8 The plans submitted for planning determination indicate that the front building line of the proposed development will respect the existing building line established by the existing development to the north and south of the application site. The block plan indicates that the existing vegetative landscaping to the front, as well as the rear of the application site, will be retained with an access point to the public highway at the existing point, therefore minimal effect will be created to the existing south plantings on the frontal elevation adjoining the public highway.
- 6.9 Although the site is elevated and the proposal is for two-storey development, it is considered the proposed dwellings will not be overly prominent in the street scene. Furthermore the two-storey scale is one that exists in the locality and by reference of the proposed street scene, the development appears to be in keeping with the locality.
- 6.10 The proposal is for external construction of the development using brickwork for the external walls and tiles for the roof. It is proposed to use softwood for the external joinery.
- 6.11 External wall construction using brick is considered acceptable as the vast majority of surrounding properties are of brick construction with some external render construction. Tiles for the external roof construction is considered acceptable providing they are plain tiles. The amended plans received on 23<sup>rd</sup> June 2006 in support of the application indicate chimney pots and a slightly reduced ridge height, this is considered acceptable and an improvement on the previously submitted plans.
- 6.12 It is considered that the proposal is in accordance with the Leintwardine Village Design Statement in that the site is well screened by existing vegetation, to which it is proposed to be retained as part of the proposed development and the proposed development is in keeping with the surrounding built environment.

Public highway and access issues

- 6.13 The Traffic Manager raises no objection to the proposed development.
- 6.14 Public Highway issues have been an important factor in objections to the proposed development. This is an issue that the Planning Inspector in relationship to the appeal decision on the application site stated in his decision that there was no material considerations not to justify a scheme for six residential dwelling units on site.
- 6.15 In response to public concerns about lack of a pedestrian footway on the western side at the adjoining public highway and the fact that pedestrians will need to cross the public highway. Clearly the proposal will mean additional pedestrian activity and the need to cross the highway, however this is not so significant a threat to pedestrian safety on which grounds for refusal can be substantiated.

Amenity and privacy of surrounding dwellings

- 6.16 Inevitably the proposal will result in a more built up form of the site, than that of the previous development on site. However the proposal is of a form that overall is considered acceptable in accordance with the street scene, submitted as part of the applications, in that there will be a sufficient break between the built form on the application site and those of the adjoining properties on the northern and southern sides. The development is arranged as such that there will also be no significant overlooking onto the adjacent properties.
- 6.17 Concerns were raised about window proposals on both the northern and southern elevations, however these are windows for non-principal rooms. It is recommended to attach a condition, if Members are mindful to approve the application, that all windows on the northern and southern elevations of the proposed development are in opaque glazing and non-opening.
- 6.18 The Planning Inspectors report in relationship to the appeal decision for the site paid particular attention to the relationship of the application site and surrounding properties and the conclusion was that the privacy and amenity of surrounding properties could be adequately addressed through the imposition of appropriate conditions to any approval notice issued.
- 6.19 In consideration of the plans submitted for planning determination and the Inspectors report, officers are of the opinion that the proposal is in-line with the criteria of Policy A54 of the Leominster District Local Plan and other relevant planning policies on this issue.

Conclusion

- 6.20 The application has generated strong objections from the local Parish Council and members of the public. However in planning policy terms it is considered that the proposal is of a scale and character in-line with all relevant planning policies. The proposal is acceptable on public highway issues, enables the retention of all significant landscape plantings on site, with no grounds in planning terms to refuse on privacy and amenity issues.

**RECOMMENDATION**

**That Reserved Matters be approved subject to the following conditions:**

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

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

- 2 - The windows to be installed into the northern and southern gable elevations shall be glazed with obscure glass only and shall be non-opening and shall thereafter be maintained.**

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

**Informatives:**

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

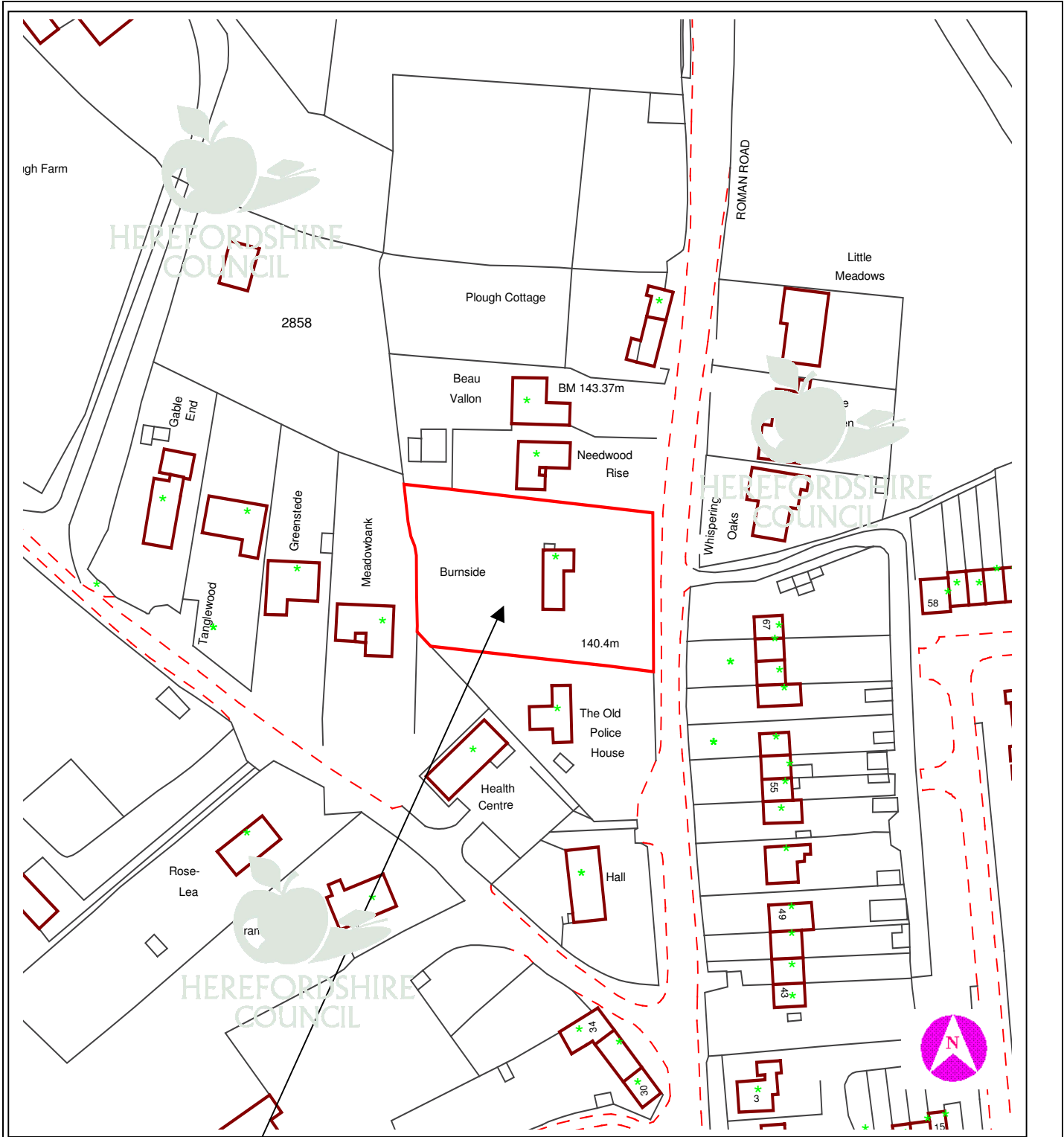
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNW2006/1523/RM

**SCALE:** 1 : 1250

**SITE ADDRESS:** Burnside, High Street, Leintwardine, Craven Arms, Worcestershire, SY7 0LQ

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

**18 DCNW2006/1573/F - CONVERSION OF ATTIC TO INCLUDE DORMER WINDOW TO REAR AND VELUX ROOFLIGHTS AT GOOSE COTTAGE, ORLETON COURT, ORLETON, NR. LUDLOW**

**For: Mr & Mrs Burrows, per Mr D R Davies, 23 Charlton Rise, Ludlow, Shropshire, SY8 1ND**

**Date Received: 23rd May, 2006      Ward: Bircher      Grid Ref: 49268, 67269**

**Expiry Date: 18th July, 2006**

Local Member:    Councillor W.L.S. Bowen

**1. Site Description and Proposal**

- 1.1 The application site is a semi-detached modern brick built dwelling that lies in a corner position on Mortimer Mews in the centre of the village and conservation area of Orleton.
- 1.2 The proposal is for the conversion of the existing attic to living accommodation. In order to facilitate this dormer window is proposed to the rear elevation. The dormer window is situated above the eaves level and has a pitched style roof. Three velux windows are also shown to the rear elevation but these do not require the express benefit of planning permission.

**2. Policies**

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

Policy A21        -        Development within Conservation Areas  
Policy A24        -        Scale and Character of Development

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

Policy S2        -        Development Requirements  
Policy HBA6      -        New Development within Conservation Areas  
Policy DR1       -        Design

**3. Planning History**

- 3.1 NW2005/3349/F - Velux roof lights to south elevation and dormer to rear. Refused 21st November, 2005 for the following reason:

‘The proposed dormer window, by virtue of its scale, design and external appearance would constitute an unsympathetic extension to the existing dwelling and is thus contrary to Policy A21(A) of the Leominster District Local Plan’.

- 3.2 NW2001/1053/F - Erection of four dwellings with parking area. Approved.

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

##### Statutory Consultations

4.1 None.

##### Internal Council Advice

4.2 Traffic Manager: No objection to the grant of permission.

4.3 Conservation Manager: No objection subject to details of materials.

#### **5. Representations**

5.1 Orleton Parish Council: The Parish Council opposes the application for the following reasons:

1. It is architecturally unsympathetic to the adjacent bungalows and imbalance the Orleton Court development, thus causing damage to the Conservation Area.
2. To create a 3 bedroom/3 bathroom house on this site conflicts with the policy on which the original development was approved with the loss of affordable housing.

5.2 One letter of concern has also been received from the adjoining neighbour, Joan Sparrow, Walnut Cottage, 5 Orleton Court, who raises concern in relation to the structural implications of the proposed dormer window on her property.

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

#### **6. Officers Appraisal**

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

- a) The impact of the proposed building on the character and appearance of the conservation area and setting of the listed building;
- b) The impact of the use on the amenities of the occupiers of the adjoining properties.

6.2 The application site, lies within the Orleton Conservation Area, and is clearly visible from both of the adjacent highways and public viewpoints. The surrounding area has a mix of bungalows and two storey dwellings: the adjacent dwelling also incorporates a pitched roof dormer window. This application is a re-submission following the refusal of a cat slide type dormer window, which was considered uncharacteristic of the Conservation Area. This revised scheme has a more traditional pitched roof that is in scale and keeping with both the dwelling and the character of the surrounding Conservation Area. The impact on the street scene is minimal, and overall the proposal preserves the character and appearance of the Conservation Area in accordance with Local Plan Policy A21 and national guidance contained within Planning Policy Guidance 15.



6.3 As this window would introduce a window at a second floor level, the impact of this on nearby residents was also considered. Having regard to the distances between the dwellings the proposal would not cause detriment to the living conditions currently enjoyed.

**RECOMMENDATION**

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

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

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

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

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

**3 C05 (Details of external joinery finishes )**

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

**4 C10 (Details of rooflights )**

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

**INFORMATIVES:**

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

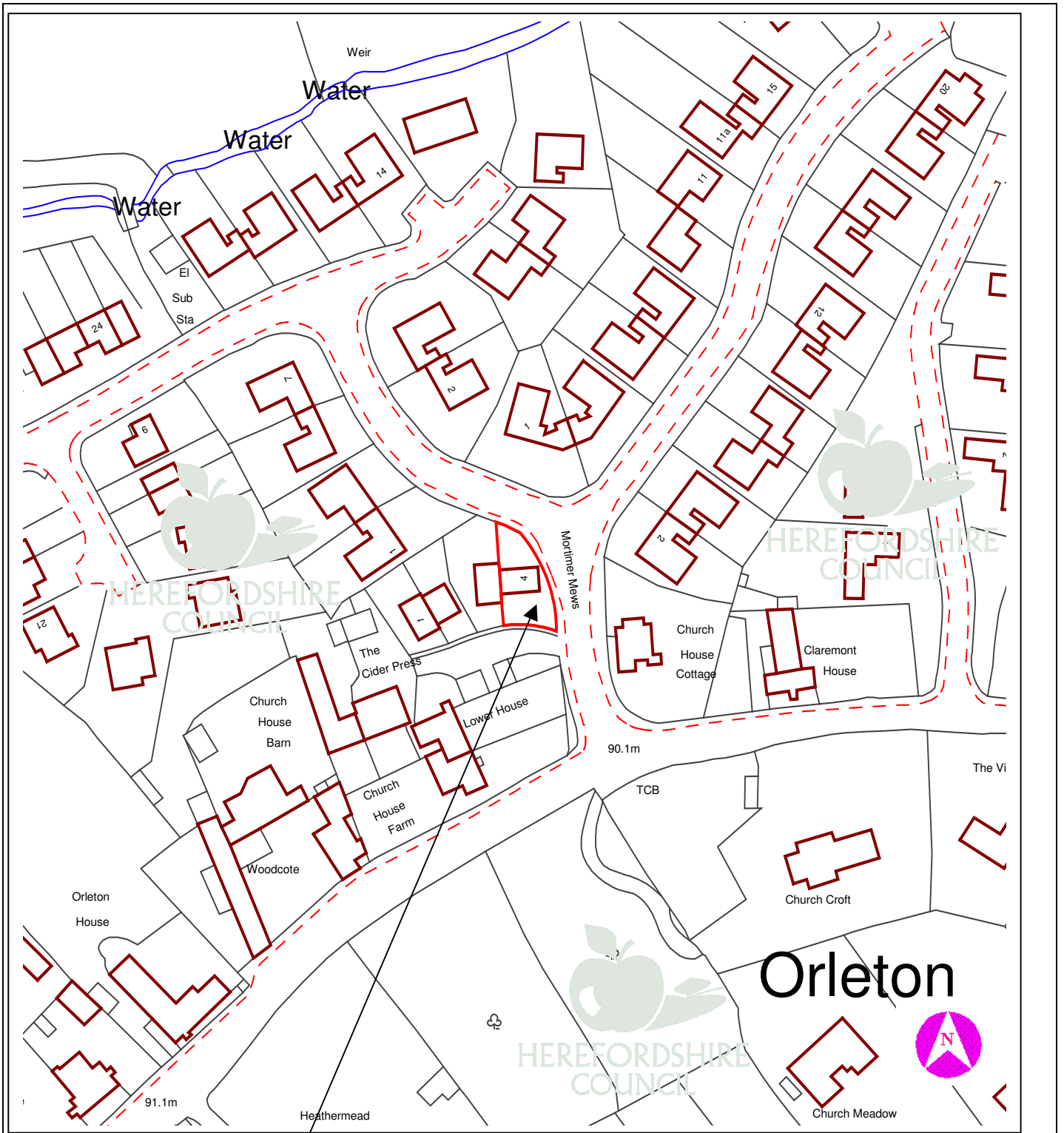
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNW2006/1573/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Goose Cottage, Orleton Court, Orleton, Nr. Ludlow

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