

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 8th November, 2006**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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Tel 01432 260248*

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Northern Area Planning Sub-Committee

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

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

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES To approve and sign the Minutes of the meeting held on 11th October 2006.	1 - 12
4. ITEM FOR INFORMATION - APPEALS To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.	13 - 18
5. APPLICATIONS RECEIVED To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary. Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
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| <p>12. DCNW2006/2991/F - PROPOSED DEMOLITION OF EXISTING HOUSE AND GARAGE AND ERECTION OF TWO HOUSES AND ANCILLARY GARAGES AT WOODCOTE, BACK LANE, WEOBLEY, HEREFORD, HEREFORDSHIRE, HR4 8SG</p> <p>For: Border Oak Design & Construction LTD.</p> <p>Ward: Golden Cross with Weobley</p> | <p>57 - 64</p> |
| <p>13. DCNW2006/3043/F - BALCONY TO FIRST FLOOR SITTING ROOM ON SOUTH EAST ELEVATION. AMENDMENT TO PP NW2006/0682/F AT HILLCREST, CHURCH LANE, ORLETON, LUDLOW, SHORPSHIRE, SY8 4HU</p> <p>For: Mr & Mrs C E & J D Mason</p> <p>Ward: Bircher</p> | <p>65 - 70</p> |

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 11th October, 2006 at 2.00 p.m.

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

Councillors: B.F. Ashton, W.L.S. Bowen, R.B.A. Burke, P.J. Dauncey, 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, J. Stone, J.P. Thomas and J.B. Williams

79. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mrs LO Barnett and RV Stockton.

80. DECLARATIONS OF INTEREST

The following declaration of interest was made:-

Councillor	Item	Interest
J Stone	Agenda item 11, Minute 89 DCNC2006/2690/F – proposed new dwelling with detached garage at, Marcle, Brimfield, Herefordshire, SY8 4NE	Declared a prejudicial interest and left the meeting for the duration of this item.

81. MINUTES

RESOLVED: That the Minutes of the meeting held on 13th September, 2006 be approved as a correct record and signed by the Chairman.

82. DCNW2006/2019/F - NIEUPORT HOUSE, ALMELEY, HEREFORDSHIRE, HR3 6LL

On the suggestion of the Chairman it was agreed that a site inspection should be held in advance of the planning application being submitted to the Sub-Committee.

RESOLVED:

That a site inspection be held for the following reasons:

- i. The character or appearance of the development itself is a fundamental planning consideration;
- ii. A judgement is required on visual impact; and
- iii. The setting and surroundings are fundamental to the determination or

to the conditions being considered.

83. 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.

84. DCNW2006/1466/F - TO DEMOLISH EXISTING DWELLING AND ERECT FIVE NEW DWELLINGS AT YEW TREE, SHOBDON, LEOMINSTER, HEREFORDSHIRE, HR6 9ND

It was reported that Welsh water Authority had no objections to the application subject to acceptable foul and surface water drainage being provided.

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

Councillor RJ Phillips, the local Ward Member, said that although the principle of development was accepted and vehicular access would be improved, he still had a number of concerns about the design of the proposed development and highway safety issues. He referred to the comments made by Shobdon Parish Council about the scale of the dwellings and possible problems of overlooking the existing properties adjoining the site. He shared their concerns that the site was on a busy main road at one of its narrowest points opposite to the school which was very busy when children were entering and leaving when this section of the road was full of vehicles. He pointed out that some 4000 vehicles used the road each day and was concerned that this had not been fully taken into account in arriving at the recommendation. He proposed that the application should be refused on the grounds of Policies A1, A70, and A77 of the Leominster District Plan and DR1 of the Herefordshire Unitary Development Plan.

Members discussed details of the application with many sharing the concerns of Councillor Phillips about the highway safety issues. Councillor JP Thomas suggested there was merit in holding further negotiations with the applicants about improved highway safety issues and ideally, the imposition of a lower speed limit in the vicinity of the application site. Councillor Phillips said that he was happy for further negotiations provided that the application came back to the Sub Committee.

RESOLVED

That consideration of the application be deferred for further negotiations with the applicants about improved highway safety issues.

85. DCNE2006/2156/F - CHANGE OF USE OF ORCHARD TO PRIVATE WINTER CARAVAN STORAGE (TEMPORARY), ANCILLARY TO SIDDINGTON FARM AT SIDDINGTON FARM, LEDDINGTON, LEDBURY, HEREFORDSHIRE, HR8 2LN

In accordance with the criteria for public speaking, Mr Davies spoke against the application.

Councillor BF Ashton, one of the Local Ward Members, had grave reservations about the application because the activity had been going on for a number of years with blatant disregard to the correct procedures that should have been met by the applicants. He enquired what was defined as temporary because he felt that the situation could become permanent and lead to the need for enforcement. He asked what steps could be taken to ensure that the matter was carefully monitored and regulated. The Principal Planning Officer said that Government advice was that retrospective applications should be considered on merit and that the expediency of enforcement should be looked at. He said that it was preferable to have a situation like this one controlled within the planning regulations to enable action to be taken if they were breached. Landscaping would be required to mitigate the view of the caravans from the A417 and planning consent expiry would be monitored by the computerised system used by Planning Services. Councillor Mrs JP French asked if the caravans could be painted green as on some other sites and the Principal Planning Officer said that conditions could be imposed for them to be painted within a certain time limit in a colour to be first agreed by the officers.

RESOLVED

That planning permission be granted subject to the Caravans being painted in a colour to be first agreed by the officers and the following conditions:-

- 1 - The use hereby permitted shall cease and the caravans removed from the land prior to 1st March 2012.**

Reason: In order that the agricultural need for the caravans upon the site can be reviewed.

- 2 - Prior to 22nd December 2006 the applicant or any other person(s) carrying out the development hereby permitted shall submit and obtain the written approval of the Local Planning Authority in respect of a scheme of landscaping using indigenous species. This landscaping scheme shall include indications of all existing trees and hedgerows on the land, and details of any to be retained. 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 visual impact of the development upon the wider landscape is satisfactorily mitigated.

- 3 - All planting comprised in the approved details of landscaping shall be carried out prior to 1st March 2007. Any trees or plants which within the period until 1st March 2012 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 visual impact of the development upon the wider landscape is satisfactorily mitigated.

- 4 - There shall be no more than 69 caravans upon the site at any one time.

Reason: To safeguard the character and appearance of the countryside.

- 5 - No external lighting shall be installed upon the site without the prior written consent of the Local Planning Authority.

Reason: To safeguard the character and appearance of the countryside.

INFORMATIVES:

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

- 2 - In respect of the landscaping scheme required to be submitted pursuant to condition 2 the applicant is advised to engage the services of a suitably qualified landscape architect. The person appointed to prepare the landscaping scheme is advised to view the site from both short distances and long distances (including the A417 to the east and south-east). They are also advised to liaise closely with the Council's Landscape Officer (Juliet Wheatley - 01432-260157 - jwheatley@herefordshire.gov.uk).

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

Application Site Plan Drwg No 4787/1 received 21 June 2006;

Drawing No 9146/1 received 21 June 2006;

Drawing No 91456/2 received 21 June 2006.

- 4 - With regard any details submitted at a later date pursuant to condition 5 above the Local Planning Authority would advise the applicant to engage the services of a suitably qualified engineer (Institute of Lighting Engineers) and they would require the following details:

- 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 (e.g. height, material, colour);
- Details of each luminaire (i.e. lamp wattage, 'flat-glass design', forward throw projector);
- 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 block plan detailing the resultant lux levels on the ground.

86. DCNE2005/3784/RM - ERECTION OF ONE DWELLING ON SITE OF ROSE & COOME COTTAGES, FLOYDS LANE, WELLINGTON HEATH, LEDBURY, HEREFORDSHIRE, HR8 1LR

The receipt of three further letters of objection and a letter from Wellington Heath Parish Council questioning the capacity of the proposed drainage scheme was reported. The Building Control Officer had said that the scheme had a capacity to cope with 22 minutes of sustained rainfall (1"). The Met Office website had revealed that the average rainfall between 1971 and 2000 was 33 ¼ per annum and ¼" per day during peak times in December and January.

In accordance with the criteria for public speaking, Mr Smith spoke against the application on behalf of himself and adjoining neighbours and Mr Tufnell the agent acting for the applicant spoke in favour.

Councillor R Mills, one of the Local Ward Members, referred to the concerns raised by the objectors. The Principal Planning Officer said that this was a reserved matters application with amended plans and that the application met the necessary criteria which he explained. Councillor Mills had concerns about the proposed ridge height and slab level of the dwelling and proposed that it be repositioned slightly clock-wise which he described. The Principal Planning Officer said that the concerns raised could be discussed with the applicant. The Sub committee discussed the details of the application and agreed with the views of Councillor Mills.

RESOLVED

That consideration of the application be deferred for further negotiations with the applicants about repositioning the line of the proposed dwelling.

87. DCNC2006/2367/A - FASCIA SIGNAGE AND POLE SIGN AT MCCOLLS, 2 HATTON PARK, BROMYARD, HEREFORDSHIRE, HR7 4EY

Councillor B Hunt one of the Local Ward Councillors said that Bromyard Town Council was concerned at the name "Booze Buster" which it did not feel to be appropriate near to the High School. Other Members were concerned that the application was a retrospective application and it was agreed that the Officers write a strongly worded letter to the applicants about this. Members also felt that the sign on the pole would impair visibility for motorists and Councillor B Hunt moved that the application should be refused because the sign was too close to the carriageway. The Northern Team Leader said that there were two issues involved with the application, visual amenity and highway safety. He felt that although the wording could not be controlled, the pole-mounted sign element of the application could be refused and the Sub-Committee was agreeable to this suggestion.

RESOLVED

That the pole mounted sign be refused on the grounds that it impairs highway safety and Consent to Display Advertisements be granted in respect of the remaining signage subject to the following conditions:

- 1 - I01 (Time limit on consent)

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

- 2 - H24 (Illumination of signs and canopies and floodlighting)

Reason: In the interests of highway safety.

- 3 - The illumination of advertising shall comply with Technical Report No 5 issued by the Institute of Lighting Engineers unless otherwise first agreed in writing by the Local Planning Authority.**

Reason: In the interests of highway safety.

INFORMATIVES:

- 1 - N19 - Avoidance of doubt**
2 - N15 - Reason(s) for the Grant of PP/LBC/CAC

88. DCNC2006/2440/F - PROPOSED VARIATION TO PLANNING APPROVAL REF. DCNC2004/0778/RM TO AMEND DESIGN TO PLOT 2 AT PLOT 2, LAND ADJACENT VILLAGE HALL, STOKE PRIOR, LEOMINSTER

In accordance with the criteria for public speaking, Mr Lefroy-Owen of Stoke Prior Parish Council spoke against the application.

Councillor KG Grumbley the Local Ward Member shared local concerns that the small estate was carefully planned with long negotiations and that no piecemeal alteration to footprint of the property should be permitted. He noted that Stoke prior Parish Council was opposed to any increase in size of the footprint or other dimensions of the property to be built on Plot 2 and that Stoke Prior Village Hall Committee objected to a potential risk if fire occurred at the village hall which relied on the footpath between both Plots 1 and 2 as an evacuation route. He felt that the main issues raised related to the plot being fairly small and that an increase in dwelling size could pose overdevelopment of the site. He felt that the changes to the house would be quite minor but sought assurances that the footprint of the dwelling would not be increased. Several Members voiced their concerns about the application and felt that the amendments should be refused.

The Principal Planning Officer provided details about the dwelling and garage and suggested that the concerns of Members could be partially met if appropriate condition were imposed to restrict the use of the garage to the housing of domestic vehicles only, and to remove Permitted Development Rights. The Development Control Manager took the view that this was a preferable approach to give some control rather than a refusal which risked a successful appeal. Notwithstanding this however, the Sub-Committee had significant reservations and felt that the application should be refused.

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 Head of Planning Services) provided that the Head of Planning Services does not refer the application to the Planning Committee:

- 1. change in design to a previously agreed permission;**
- 2. potential overdevelopment of the plot.**

(ii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application subject to the reason for refusal referred to above.

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

89. DCNC2006/2690/F - PROPOSED NEW DWELLING WITH DETACHED GARAGE AT MARCLE, BRIMFIELD, LUDLOW, SHROPSHIRE, SY8 4NE

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 - B01 (Samples of external materials)

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

3 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

4 - F20 (Scheme of surface water drainage)

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

5 - 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.

6 - G01 (Details of boundary treatments)

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

7 - G04 (Landscaping scheme (general))

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

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

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

Informatives:

**1 - N19 - Avoidance of doubt
Drawing no. 556/1**

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

90. **DCNC2006/2926/F - ERECTION OF TIMBER GARDEN FENCE AT LAND ADJOINING GREYSTONES, WYSON, BRIMFIELD, LUDLOW, HEREFORDSHIRE, SY8 4NL**

It was reported that an objection had been received from Brimfield and Little Hereford Parish Council objecting to the application because they considered that the fence posed a highway safety issue, particularly for bus users, because it obscured visibility. The Principal Planning Officer said that although visibility was not ideal, it was acceptable on highway grounds and that the Transportation Manager felt that it would in fact help to reduce vehicle speeds.

Councillor J Stone the Local Ward Member drew attention to the planning history of the site and concerns expressed about visibility in 2004. Although the fence had been moved slightly following discussions with officers he felt that it still posed a safety threat to motorists, pedestrians, horse riders and cyclists. There were no traffic calming measures in the area and he felt that particular difficulties would arise at peak times such as the start and end of the school day. Although there did not appear to be significant material planning grounds for refusal, he felt that Policy H13 may be appropriate. Members discussed the application and felt that it should be refused on the grounds of highway safety. The Principal Planning Officer reiterated that the Transportation Manager was satisfied with the highway safety issues and that it would be difficult to defend an appeal.

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 Head of Planning Services) provided that the Head of Planning Services does not refer the application to the Planning Committee:

1. highway safety

(iii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application subject to the reason for refusal referred to above.

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

91. **DCNE2006/2623/F - ERECTION OF A LOG CABIN FOR USE AS HOLIDAY ACCOMMODATION AT LITTLE VERZONS GARDEN CENTRE, HEREFORD ROAD, LEDBURY, HEREFORDSHIRE, HR8 2PZ**

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

Councillor RM Manning drew attention to the planning history of the site and the Council's planning policies regarding self-catering holiday accommodation within rural areas. He said that log cabin holiday units were popular with tourists wanting to enjoy the open countryside in fairly remote areas. The applicant already had one log cabin that achieved high occupancy rates and provided for the needs of disabled persons and he felt that the proposal would attract income into the local economy.

NORTHERN AREA PLANNING SUB-COMMITTEE WEDNESDAY, 11TH OCTOBER, 2006

Unfortunately the applicant did not have any redundant agricultural buildings for conversion and the applicant's clients wanted something more substantial than a caravan. He felt that there was sufficient flexibility within the Councils Planning Policies for an exception to be made to permit this modest application.

The Sub-Committee discussed the merits of the application and whilst having some sympathy for the applicants felt that the application did constitute development in the open countryside. The Principal Planning Officer pointed out that the application did not comply with the new policies within the Herefordshire Unitary Development Plan which should now be taken notice of in advance of its adoption. He also stated that the Tourism Section of the Council had advised him that there was evidence of an oversupply of self-catering tourist units in the County. Councillor Mrs JP French had some concerns about the tourism aspect. She requested that the Cultural Services Manager be asked to prepare a report for the relevant Committee addressing the issues about the adequacy of supply of accommodation for tourists, with specific reference to self-catering units in the open countryside. She also wished the report to address whether there were any shortfalls of supply in terms of specific niche markets such as accommodation for the elderly or disabled.

RESOLVED

That planning permission refused for the following reason:

- 1. The proposal represents new built development outside of any settlement boundary in an unsustainable location. As such the proposal is contrary to the Central Government advice contained within Planning Policy Statement 7, Planning Policy Guidance Note 13, 'Good Practice Guide on Planning for Tourism and policies S1 and RST12 of the Herefordshire Unitary Development Plan Revised Deposit Draft (May 2004).**

Informatives

- 1. For the avoidance of any doubt the plans to which this decision relate are:-**

Application Site Plan (Scale 1:2500) received 21 September 2006;

- Plan showing fence re-alignment (Scale 1:200) received 21st September 2006;**
- Proposed Floor Plan (Scale 1:100) received 7th September 2006;**
- Proposed Rear and Left Elevation (Scale 1:100) received 21st September 2006;**
- Proposed Front and Right Elevation (Scale 1:100) received 7th September 2006;**
- Cross-Section - Drawing number BS/109567-50-02 Rev.A received 10th August 2006.**

92. DCNE2006/2724/F - TEMPORARY CHANGE OF USE FROM RESIDENTIAL TO B1 USE (MAKING OF HAND SEWN CURTAINS AND BLINDS) AT FLAT-1, 37 NEW STREET, LEDBURY, HEREFORDSHIRE, HR8 2EA

Councillor BF Ashton, one of the Local Ward Members, had some reservations about the impact of the application on a Grade II Listed Building in a Conservation Area and the implications for residential accommodation and affordable housing. The Principal Planning Officer said that the appearance and character of the building was protected by listed building legislation and that a Conservation Area related to the character of that area. There was a mix of residential and commercial use of properties and in this instance no policies were applicable regarding the retention of local housing stock. The Sub-Committee noted that the application was for temporary use and that there would be no alterations to the interior or exterior of the building.

RESOLVED

That planning permission be granted subject to the following conditions:

- 1 - The use hereby permitted shall cease on or before 1st November 2009.**

Reason: To enable the full impact of the use to be assessed.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC**
- 2 - For the avoidance of any doubt the plan to which this decision relates is:
- Application Site Plan received 18th August 2006.**
- 3 - The applicant is advised to contact Mr Chris Massey (01432-260061) of the Council's Building Control Section to establish whether Building Regulations approval will be required. If any physical works were required as a result of the requirement of the building regulations an application for Listed Building Consent may be required.**

93. DCNW2006/2919/F - PROPOSED NEW BUILD OF COLLAPSED BARN INTO TWO HOLIDAY LETS AT CROONES HOUSE, BROXWOOD, LEOMINSTER, HEREFORDSHIRE, HR6 9JR

It was reported that Weobley Parish Council had no comments to make about the application.

Councillor RJ Phillips the Local Ward Member drew attention to the planning history of the site and an approval in July 2004 for conversion into two holiday lets. Part of the building had collapsed during work and the applicant had been advised to make a new application. He felt that the application constituted a re-instatement rather than new build and was similar to the original approval. He felt that approval could be granted with the appropriate conditions. Having discussed the merits of the application the Sub-Committee agreed with the views of the Local Member. The Development Control Manager felt that approval was an allowable exception to Planning Policies given the unique set of circumstances.

RESOLVED:

- That (i) The Northern Area Planning Sub-Committee is minded to approve the application subject to any conditions felt to be necessary by the Development Control Manager, provided that the Head of Planning Services does not refer the application to the Planning Committee.**
- (iv) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to approve the application subject to such conditions referred to above.**

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

The meeting ended at 4.56 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCNE2006/2305/A**

- The appeal was received on 6th September 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 Titan Outdoor Advertising LTD
- The site is located at External Wall of Railway Station, Ledbury, Herefordshire
- The development proposed is 1 no. "16 Sheet" measuring 1300x1900 mm
- The appeal is to be heard by Written Representations

Case Officer: Roland Close on 01432 261803

Application No. DCNC2006/0795/F

- The appeal was received on 12th September 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 J.F. Bell
- The site is located at Land at the Baiting House, Stourport Road, Upper Sapey, Herefordshire
- The development proposed is Change of use to locate 12 No. lodge style holiday static caravans with landscaping and environmental improvements.
- The appeal is to be heard by Written Representations

Case Officer: Andrew Banks on 01432 383085

Application No. DCNC2006/1225/F

- The appeal was received on 13th September 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 F Evans
- The site is located at Workshops, Leopard Alley, Bromyard, Herefordshire, HR7 4DT
- The development proposed is Demolition of steel framed building for erection of 4 No. flats including refurbishment of adjacent brick building
- The appeal is to be heard by Written Representations

Case Officer: Andrew Banks on 01432 383085

Application No. DCNC2006/1304/O

- The appeal was received on 14th September 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 F Tisdale
- The site is located at Cherry Tree Cottage, Leysters, Leominster, Herefordshire, HR6 0HW
- The development proposed is Site for the erection of one dwelling.

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

- The appeal is to be heard by Written Representations

Case Officer: Nigel Banning on 01432 383093

Application No. DCNE2005/3887/F

- The appeal was received on 19th September 2006
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mrs S Vaughan
- The site is located at Furrows Farm, Bishops Frome, Herefordshire
- The development proposed is Conversion of barn to dwelling; new detached garage with studio/workshop over and new vehicle access.
- The appeal is to be heard by Written Representations

Case Officer: Edward Thomas on 01432 261795

Application No. DCNC2006/1105/F

- The appeal was received on 29th September 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 C Brant
- The site is located at The Paddocks, Normans Lane, Stoke Prior. Leominster. Herefordshire. HR6 0LQ
- The development proposed is Retention of Agricultural Building.
- The appeal is to be heard by Written Representations

Case Officer: Nigel Banning on 01432 383093

Application No. DCNE2006/0450/F

- The appeal was received on 16th October 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 I Dovey
- The site is located at Plot 2 Sunnyside, Acton Beauchamp, WR6 5AF
- The development proposed is Re-location and enlargement of garage, (ppNE2003/1209/F) to include office over and covered walkway connecting it to house,
- The appeal is to be heard by Hearing

Case Officer: Roland Close on 01432 261803

Application No. DCNC2006/2020/F

- The appeal was received on 25th October 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 G Bradbury
- The site is located at Land to the rear of 79 South Street, Leominster, Herefordshire, HR6 8JH
- The development proposed is Proposed 3 no. detached dwellings and garages.

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

- The appeal is to be heard by Written Representations

Case Officer: Nigel Banning on 01432 383093

APPEALS DETERMINED

Application No. DCNC2004/3910/O

- The appeal was received on 15th September 2005
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by JP Farms Ltd
- The site is located at Sodgley Farm Buildings, Sodgley, Leominster
- The application, dated 27th October 2004, was refused on 6th September 2005
- The development proposed was Site for a farm workers dwelling
- The main issue is whether the proposal is acceptable as an exception to policy on the grounds of agricultural need, whether the Functional Test is satisfied, and whether there is an essential need for an agricultural workers dwelling at this specific location in consideration of the farming enterprise.

Decision: The appeal was DISMISSED on 31st August 2006
An application for the award of costs against the Council was also DISMISSED.

Case Officer: Philip Mullineux on 01432 261808

Enforcement Notice. EN2005/0076/ZZ

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

Decision: The appeal was DISMISSED on 5th September 2006
An application for the award of costs, made by the appellant against the Council, was DISMISSED
An application for the award of costs, made by the Council against the appellant, was DISMISSED

Case Officer: Mark Tansley on 01432 261956

Application No. DCNC2006/0533/F

- The appeal was received on 9th June 2006
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr P Tittley
- The site is located at New Cottage, Upper Common, Eyton, Leominster, Herefordshire, HR6 0AQ
- The application, dated 20th February 2006, was refused on 18th April 2006
- The development proposed was Proposed two storey extension
- The main issues are the relationship of the proposed extension with the existing dwelling, and the impact upon the setting of a nearby listed building.

Decision: The appeal was DISMISSED on 11th September 2006

Case Officer: Mark Tansley on 01432 261956

Application No. DCNC2005/0750/O

- The appeal was received on 1st December 2005
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr E G Gillum
- The site is located at North Road Stables, North Road, Leominster, Herefordshire, HR6 8OB
- The application, dated 8th March 2005, was refused on 5th September 2005
- The development proposed was Site for the erection of an equine workers dwelling.
- The main issue is erection of a dwelling house in the countryside

Decision: The appeal was DISMISSED on 6th October 2006

Case Officer: Nigel Banning on 01432 383093

Application No. DCNW2005/3082/F

- The appeal was received on 16th 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 J R M Developments Ltd
- The site is located at Maesydari Site, Kington, Herefordshire, HR5 3FA
- The application, dated 20th September 2005, was refused on 30th November 2005
- The development proposed was Residential development for 58 dwellings, 88 car parking spaces, new access road and landscaping
- The main issue is whether the proposal would result in a form and layout of development that would acceptably relate to the character and appearance of the surrounding area, and whether the proposal would preserve or enhance the character or appearance of the adjacent Kington Conservation Area

Decision: The appeal was UPHeld on 10th October 2006
The application by the appellant for the award of costs against the Council was DISMISSED

Case Officer: Ed Thomas on 01432 261795

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 main issue is the effect of the unauthorized building on the adjacent stable block, which is Listed by virtue of its relationship with Burton Court, a Grade II* Listed Building.

Decision: The appeal was UPHeld on 18th October 2006

Case Officer: Philip Mullineux on 01432 261808

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

6 DCNW2006/1466/F - TO DEMOLISH EXISTING DWELLING AND ERECT FIVE NEW DWELLINGS AT YEW TREE, SHOBDON, LEOMINSTER, HEREFORDSHIRE, HR6 9ND

For: Mr B Griffiths per Mr C Goldsworthy, 85 St Owens Street, Hereford. HR1 2JW

Date Received:

11th May 2006

Expiry Date:

6th July 2006

Local Member: Councillor R Phillips

Ward: Pembridge & Lyonshall with Titley

Grid Ref:

39885, 61868

This application was deferred at the last meeting for further negotiations.

1. Introduction

- 1.1 This application was deferred at the previous meeting of the Northern Area Planning Sub-Committee to enable further negotiation in relation to a highway safety contribution through a Section 106 legal agreement, and to address the issue of the character of the development and amenity of neighbours.
- 1.2 The applicant has agreed to enter into a S106 agreement to contribute a sum of £6000 towards highway safety improvements, on the basis that the application is determined at this meeting. This equates to £1500 per additional house.
- 1.3 In all other respects the application remains as previously reported.

2. Site Description and Proposal

- 2.1 The application site lies on the north side of the B4362 road through Shobdon, almost exactly opposite the school. The application site measures approximately 0.28 of a hectare with a frontage to that road of approximately 55 metres and a depth of just over 50 metres.
- 2.2 Part of the site is currently occupied by a dwelling which is to be demolished as part of the scheme, the remainder being a paddock area from which a stable building has recently been removed. The remaining 3 boundaries of the site are adjacent to other residential properties. There is a difference in levels across the site from the road frontage approximately 3.4 metres.
- 2.3 Plot 1 indicates a two-bedroom property with the bedrooms provided in the roof space. It has a single garage attached to the double garage of Plot 2, a four-bedroomed dwelling. The remaining 3 houses are also 2-storey four-bedroomed houses with

double garage attached. The design of Plots 3 and 4 are identical, with Plots 2 and 5 being very similar to one another.

- 2.4 A new access is proposed just to the west of the site of the existing dwelling to be demolished. A new single driveway will then serve all the 5 properties.
- 2.5 The ridge height of the 2-storey dwellings is approximately 8.4 metres.
- 2.6 The site lies within the settlement boundary, as indicated in the Inset Map for Shobdon within the Leominster District Local Plan and within the Revised Deposit Draft Unitary Development Plan.

3. Policies

3.1 Leominster District Local Plan

A2(C) - Settlement hierarchy
A54 - Protection of residential amenity
A55 - Design and layout of housing development
A70 - Accommodating traffic from development

3.2 Hereford & Worcester County Structure Plan

H16A - Housing in rural areas
H18 - Housing in rural areas outside the Green Belt

3.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

H4 - Main villages settlement boundaries
H9 - Affordable housing
H13 - Sustainable residential design
H15 - Density
H16 - Car parking

3.4 National Policies

PPG3 - Housing
PPS1 - Sustainable development

4. Planning History

- 4.1 None.

5. Consultation Summary

Statutory Consultations

- 5.1 Welsh Water has no objection subject to conditions.

Internal Council Advice

- 5.2 Conservation Manager: No objection in principle, but concern about formal entrance, with curved walls and pillars.
- 5.3 Traffic Manager: No objection.
- 5.4 Enabling Manager, Strategic Housing:

'Housing Needs Study for Shobdon November 2004 is showing a housing need of 7 and this is highlighted in the Herefordshire Housing Needs Assessment 2005. However the Housing Needs Study for Shobdon is a local housing needs study and is carried out on residents currently living in Shobdon, which is necessary in the case of an exception site in identifying local housing need.

I understand the site you are currently looking at is infill along with the UDP site. Therefore I have looked at Homepoint data and the bidding information which shows that for each house advertised there has been an average of 15 bids per property and based on this needs information Strategic Housing would be looking to seek 35% affordable housing on the current application opposite the school as well as the UDP site when it comes up.'

6. Representations

6.1 Shobdon Parish Council:

'We do not agree with the present application for 4 houses and one bungalow. Surrounding the property are bungalows and four large houses on elevated ground are going to look out of place, as well as causing a possible overlooking problem for the adjacent bungalow properties. We might look favourably on a suitably modified application.

Sewerage. In 1995 the Welsh Water Authority wrote to the Parish Council and stated until adequate work was carried out on the sewerage pipes no more properties should be connected to the mains sewerage. Since this date some 15 properties (including small developments) have been allowed to connect. Shobdon village experiences disgusting overspill of raw sewerage from the manholes during any heavy rainstorm. This especially affects Canterbury Road residents. WWA have made no effort to remedy the pipe situation during these years and we are very concerned about adding more properties.

Foul drainage. Although the application states soakaway we doubt whether a soakaway will cope with drainage from a sloping area during heavy rain which means the grids will overflow onto the road where it will eventually enter the main sewerage system adding to the above problems.

Stone walls are a feature of Shobdon Village and we would appreciate the stone wall fronting the property to be retained, even if it is moved back by a metre.

Traffic. The application allows for at least 10 vehicles to enter the busy main road at one of its narrowest points opposite to the school grounds. There is already great concern about the danger to children, especially at delivering and collection times of the children, when this section of the road is full of vehicles. The Parish Council and school are trying to remedy this situation by a proposal to construct a new turning area, collection/delivery adjacent to the village stores. This will cost several thousand pounds to construct and if planning consent is sought on the present application we would be looking for some planning gain to help towards the construction of this new area to alleviate the problem.'

6.2 Letters of objection have been received from:

Longreach, Blessings, Summer Lea, Pendle and Spring, Shobdon.

The objections are summarised as follows:

1. Overlooking kitchen of Longreach.
2. Suggest bungalows would blend better with the bungalows on adjoining sites.
3. Overlooking of Blessings by two of the houses.
4. Two storey dwellings would be incongruous.
5. Drainage/sewage facilities overstretched.
6. Highway safety.

6.3 In support of the application, and in relation to questions of overlooking, the agent has submitted additional cross-sectional details and a letter, summarised as follows:

6.3.1 "Yew Tree Cottage and the remainder of the land were owned by Mr Gwyn Dyke and he is having a replacement dwelling built as part of his settlement for releasing the remaining development land. He has lived in yew Tree Cottage all his life and has no desire to move from Shobdon.

6.3.2 Two applications could have been submitted, one for a replacement dwelling and one for the remaining four dwellings. Both of which I believe are covered by the current and emerging policies without the need to provide affordable housing.

6.3.3 It was necessary to demolish Yew Tree cottage because the existing vehicular access was so poor. The dwelling itself is of poor construction and it was also considered to be better value to build new.

6.3.4 Mr Dyke will be retaining the freehold of not only dwelling land but also the access land. The land that is left for development would be a lot less than 0.2 hectares.

6.3.5 Had it been appreciated that the emerging UDP document would have been the dominant policy and not the current planning policy we would have split the applications. Our first consultation with your authority was August 2005 and affordable housing provisions of the current planning policy did not apply to this site and for this reason we dealt with the site as a single application."

6.4 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.

7. Officers Appraisal

7.1 The main issues here are considered to be:

1. Overlooking
2. Scale of development
3. Highway safety
4. Affordable housing
5. Drainage

7.2 Overlooking

7.2.1 Concern regarding overlooking has been particularly expressed by the occupiers of Longreach, and Blessings. Longreach, a bungalow, lies 23m from

the common boundary with plot 4. This plot lies approximately 1.8m lower than the garden of Longreach. There is an existing hedge which further protects the privacy of Longreach, to the extent that overlooking of the garden is confined to 2 bedroom windows and a staircase. Given the distance of the proposed dwelling of approximately 2.7m to the common boundary, the distance from the boundary of Longreach, the difference in levels and its extensive garden, it is not considered that the loss of privacy due to overlooking is so harmful as to warrant refusal.

- 7.2.2 In respect of Blessings, this has a common boundary with plots 1-3 inclusive. There is no overlooking from plot 1. The property on plot 2 lies approximately 8.4m from the boundary, with Blessings approximately 2m away and on plot 3 just 10m. There is a difference of levels between the sites of between 0.5-1m, Blessings being higher. There is also a hedge with small trees on this common boundary. It is considered that the distance of the proposed dwellings from that boundary, is, given current density requirements such that privacy and amenity is not so compromised as to sustain a reason for refusal.

7.3 Scale of Development

- 7.3.1 Whilst there are bungalows on adjoining sites, Shobdon exhibits a varied scale of development. The relative positions of the existing and proposed dwellings is such that the scale and development would not look out of place.

7.4 Highway safety

- 7.4.1 The existing access to the site has limited visibility. The Highways Manager has no objection to the proposed new arrangement.

7.5 Affordable housing

- 7.5.1 Under the current adopted Leominster District Local Plan there is no requirement for affordable housing on a site of this size. The relevant section of the deposit draft UDP however requires 35% on sites over 0.2 hectares. This is not yet the adopted plan and whilst some weight can be given to the policy, it is considered that given the local circumstances, including the availability of affordable housing elsewhere in Shobdon, it would be unreasonable to insist on an affordable element on this occasion.

7.6 Drainage

- 7.6.1 Welsh Water has no objection subject to the inclusion of conditions. Consequently it is not considered to constitute a reason for refusal.

- 7.7 Whilst the density of development proposed, at approximately 20 per hectare, is below the government guideline of 30-50 per hectare it is considered to be an appropriate density for the location. Additional dwellings would stretch the ability of the site to keep levels of privacy and amenity to acceptable proportions. Consequently, given the findings of the preceding paragraphs the proposal is considered to be acceptable.

RECOMMENDATION

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, matters or issues.

2 - Upon completion of the aforementioned planning obligation officers named in the scheme of delegation 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 - 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 - F48 (Details of slab levels)

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

5 - E16 (Removal of permitted development rights)

Reason: In order that the local planning authority can have control over the form of development in this sensitive location.

6 - E18 (No new windows in specified elevation)

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

7 - G01 (Details of boundary treatments)

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

8 - G04 (Landscaping scheme (general))

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

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

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

10 – G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

11 – 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.

12 – H27 (Parking for site operatives)

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

13 – F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

14 - F18 (Scheme of foul drainage disposal)

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

15 - There shall be no, direct or indirect, discharge of surface water to the public foul sewer.

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.

16 – Foul water and surface water discharges must be drained separately from the site.

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

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

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

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - HN01 - Mud on highway
- 3 - HN05 - Works within the highway
- 4 - HN10 - No drainage to discharge to highway

Note to Applicant:

The named officers be authorised to amend the above conditions as necessary to reflect the terms of the planning obligation.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

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

Planning Application – DCNW2006/1466/F
Demolition of existing dwelling and erection of five new dwellings at Yew Tree, Shobdon, Leominster,
HR6 9ND

1. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £6000 which sum shall be paid on or before the commencement of the development.
2. The monies shall be used by Herefordshire Council for contribution to highway safety improvements in Shobdon, such as, but not limited to:-
 - (i) Dropped kerbs at the school and/or shop
 - (ii) 20 mph zone outside school
 - (iii) Public widening of footway rear of shop towards C1032
3. In the event that Herefordshire Council does not for any reason use the said sum of clause 6 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
4. The sums referred to in paragraph 1 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
5. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
6. The developer shall complete the Agreement by 6th January 2007 otherwise the application will be registered as deemed refusal.

M Tansley

8th November 2006



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APPLICATION NO: DCNW2006/1466/F

SCALE : 1 : 1250

SITE ADDRESS : Yew Tree, Shobdon, Leominster, Herefordshire, HR6 9ND

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7 DCNW2006/2019/F - PROPOSED DETACHED ORANGERY TO HOUSE, SWIMMING POOL AT NIEUPORT HOUSE, ALMELEY, HEREFORD, HEREFORDSHIRE, HR3 6LL

For: Mr & Mrs D Crichton-Watt, Peter Cripwell & Associates, 3 St. Nicholas Street, Hereford, HR4 OBG

Date Received:

19th June 2006

Ward: Castle

Grid Ref:

31899, 52040

Expiry Date:

14th August 2006

Local Member: Councillor J Hope

1. Site Description and Proposal

- 1.1 The application site is within the curtilage of a Grade II Listed Building situated in the village of Almeley. The house is set in a designed landscape registered as Grade II on English Heritage's Registered Parks and Gardens of Special Historic Interest.
- 1.2 Nieuport House dates from the early C18 but was altered during the second half of the C19 to give it a more fashionable Italianate character by adding the large bay windows on the southern elevation. It is constructed of brick with limestone dressings and Welsh slate roofs.
- 1.3 The proposal comprises the erection of an orangery to incorporate a 24m x 4m swimming pool. The building would be located within close proximity and to the south west of the house.

2. Policies

2.1 Central Government Advice

Planning Policy Guidance Note 15 – Planning and the Historic Environment

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

DR1 - Design

LA4 - Protection of Historic Parks and Gardens

HBA1 - Alterations and Extensions to Listed Buildings

3. Planning History

- 3.1 None directly relevant

4. Consultation Summary

Statutory Consultations

4.1 Hereford and Worcester Gardens Trust

Initial letter received (dated 23rd August 2006) - Concern was expressed regarding the scale and siting of the proposal. It stressed that the proposal should be rejected.

A further letter was received (dated 25th September 2006) to replace the previous letter - The Garden's Trust fully supports in principle the proposal for a large covered swimming pool in a building which picks up historical cadences of an early C18th orangery. Advises that a site further from the house and at 90 degrees would allow only one ornamental elevation to be viewed against the house. Any building close to the listed property would require a design, which would not challenge the quiet dignity of the garden.

- 4.2 The Georgian Group (letter dated 25th September 2006) - The scale and style of the new building appears to be inappropriate - it is overly large and harshly detailed and does not sit well alongside the house. The position of this building also presents a problem as highlighted by objections from the Gardens Trust. Unsuitable and poorly designed additions or other buildings nearby could easily destroy the symmetrical arrangement and self-effacing modesty of the early Georgian house. It is worth noting that the later C19 additions have been carried out with a degree of respect and consideration of the original building, something that the proposed orangery has completely failed at.

It is for these reasons that we recommend that consent be refused for this application in its current form.

Internal Council Advice

- 4.3 Conservation Manager - Initial comments (dated 24th July 2006) stated that the setting of Nieuport House would not be compromised by the proposal although concern was raised about the cluttered feel to the parapet.
- 4.4 In response to various comments received from statutory consultees and third parties, the site was revisited (13th October 2006) by the Senior Building Conservation Officer and Team Leader and it was agreed that the proposal by virtue of its scale, form, massing, position and elevational treatment would be an intrusive and discordant element which would not preserve the character and setting of this restrained and symmetrical Georgian country house.
- 4.5 Ecology - concern was expressed about the removal of a Yew tree and the proximity of the building to a mature Oak, which could damage the root system. The building should be positioned differently to avoid these issues.
- 4.6 Landscape - The proposal does not respect the scale or architectural detailing of the house. It would dwarf the grouping of the existing buildings. The floor plan is acceptable but overall the height of the building, its fenestration, roofline and detailing are not sympathetic to those of the main house or its subsidiary buildings. Concern also raise about the disposal of chlorinated water, which could affect wildlife if it were to reach streams, ditches or ponds.

- 4.7 Archaeology – No objection.
- 4.8 Traffic Manager – No objection.
- 4.9 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.

5. Representations

- 5.1 In response to the objections raised the architect has provided the following comments: “The aim has always been to create a sympathetic building in scale and proportion to compliment the recently restored house and gardens. By tradition orangeries were designed largely as follies – fun buildings whose main purpose was to celebrate the joys of nature. They were usually simple, south facing buildings providing maximum light, of good proportions in the best classical tradition, but nevertheless flamboyant. Often built as an addition to the main house in well-chosen stone, they would probably have arched windows, parapets, stone pinnacles and a pleasing cast iron structure to support differing shapes of roof glazing. For Nieuport House, the decision was made largely to follow this traditional pattern. The design created for the building aims to complement the main house, rather than perpetuate its window type and style, raking it slightly to the east to overlook the main garden, but not enough to deprive it of south light. Similarly, rather than extending the restored historic formal layout, with its knot gardens, parterres, perfect symmetry and vista to the lake and beyond, here there is a more relaxed feel to enhance the existing symmetry. The orangery is to house orange and lemon trees, and the shallow pool will cast reflections in the changing light from the fruit trees and the interesting roof-structure above.

Special attention has been given to the size, scale and proportions of the new building to ensure that it has its own focal point, yet does not dominate or detract from the formal facades and conception of the main house.

The orangery will be energy efficient, well insulated with geo-thermal heating for both the building and the saline pool. Chlorine will not be used.”

- 5.2 Almeley Parish Council – No objection

6. Officers Appraisal

- 6.1 This application is the subject to wide ranging views from the statutory bodies, and interested parties involved in the consultation exercise.
- 6.2 Pre- application advice was requested and informal agreement was given to the siting and design of the proposal. However, following the submission of the application, adverse comments were received from statutory consultees raising concern with regard to the scale, design and siting of the building.
- 6.3 Following the receipt of comments from the statutory consultees and internal council advice, the proposal was discussed with the applicant’s architect to seek amendments to the scheme to satisfy the concerns expressed. In a letter dated 27th September 2006 the architect states that he is pleased that The Gardens Trust now fully support (in principle) the proposal however, if the orangery were moved 100m to the left, it would be in a field and no longer within the garden; by rotating the building through 90

degrees to the east it would then face east-north-east and receive very little sun and be unsuitable for exotic plants; and most orangeries associated with red brick houses appear to have been built in natural stone rather than in matching red brick, as the arched columns had to be strong enough to support a heavy roof with cast iron lantern lights. The Council was requested that it be sited as shown on the original layout.

6.4 It is considered that Members should have regard to the recent comments from the Council's Conservation Manager which state that the proposal would have an adverse effect on the special interest of the listed building and its setting due to the scale, form, massing, position and elevational treatment. The orangery would be an intrusive and discordant element, which would not preserve the character and setting of the restrained and symmetrical Georgian country house. In view of the concerns the recommendation is therefore one of refusal based upon the scheme in its current form.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1 - The proposal would have an adverse effect on the special interest of this Grade II listed building and its setting due to the scale, form, massing, position and elevational treatment, and would be an intrusive and discordant element which would not preserve the character and setting of the restrained and symmetrical Georgian country house. The proposal would be contrary to Policies DR1, LA4 and HBA1 of the Herefordshire Unitary Development Plan (Revised Draft) and Planning Policy Guidance Note 15 – Planning and the Historic Environment.**

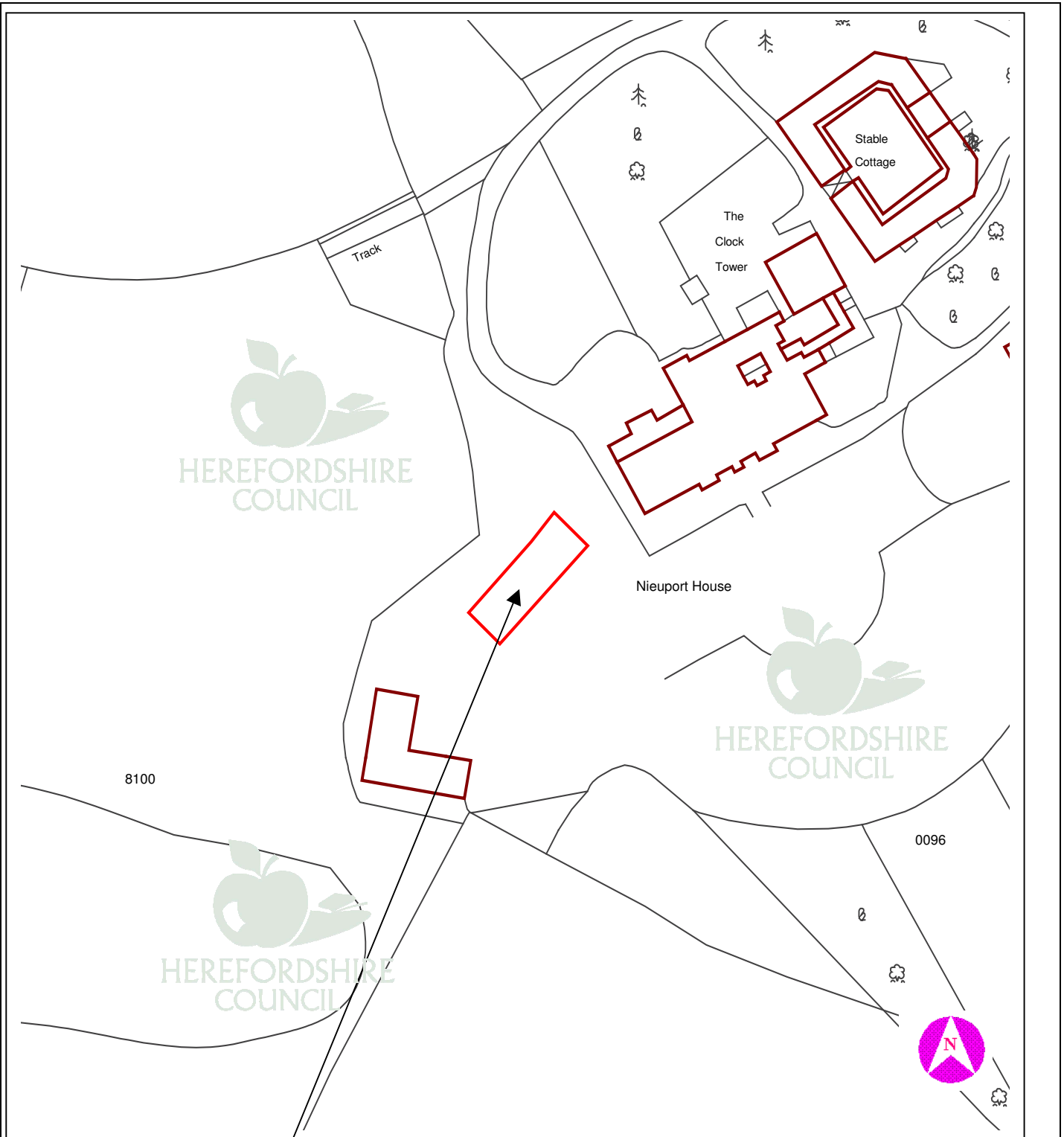
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2006/2019/F

SCALE : 1 : 1250

SITE ADDRESS : Nieuport House, Almeley, Hereford, Herefordshire, HR3 6LL

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8 DCNE2006/2906/F - SUBDIVISION OF EXISTING DWELLING INTO 2 ONE BED UNITS AT 50 LOWER ROAD, LEDBURY, HEREFORDSHIRE, HR8 2DH

For: J Birch, The Old Barn, Marstow, Ross-on-Wye, Herefordshire, HR9 6HF

Date Received:
8th September 2006
Expiry Date:
3rd November 2006

Ward: Ledbury

Grid Ref:
70040, 37338

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

1. Site Description and Proposal

- 1.1 No. 50 Lower Road, Ledbury is one of a pair of semi-detached bungalows set at the pavement edge on one of the principal routes into the town centre. The building is located opposite the turning into Childer Road.
- 1.2 The building has a simple rectangular plan and presents a bland rendered elevation to Lower Road, under a slate roof. The application proposes the subdivision of the dwelling into 2 no. one bed units, which together with No.51 would create a terrace of three single storey dwellings.
- 1.3 The existing accommodation comprises two bedrooms, a kitchen, lounge and bathroom with sizeable integral storage space, capable of subdivision into two further rooms. A garden is located to the rear.
- 1.4 There is no formal off street parking. The kerb is raised along the entire application site frontage and the site is located on the inside of a bend. Visibility would be poor even if parking were available within the site and vehicles would have to either reverse into or out of the space.
- 1.5 The proposal would see the dwelling split down the middle, offering one-bed units of 35 square metres each. They would comprise open plan living and kitchen area with a bedroom and separate bathroom. Externally the alterations to the front elevation would involve the addition of two windows, matching the existing.
- 1.6 To the rear French windows and a door would be introduced to each unit, with the amenity space divided equally. Pedestrian access to both units would be past the side elevation to unit 2 and through the rear gardens. Secure, covered cycle parking would be provided in lieu of car parking.

2. Policies

2.1 Malvern Hills District Local Plan

Housing Policy 2 – Development in main towns

Housing Policy 3 – Settlement boundaries
Housing Policy 17 – Residential Standards

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Housing Policy 16 – Car parking
Housing Policy 17 – Subdivision of existing housing

2.3 Planning Policy Guidance

Planning Policy Guidance Note 3 – Housing
Planning Policy Guidance Note 13 - Transport

3. Planning History

3.1 None identified.

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Advice

4.2 Traffic Manager - Has no objection and observes that single bedroom accommodation is less likely to attract car owners, whilst adequate sustainable transport measures are proposed. Census data indicates that over 20% of households in Ledbury do not have access to a car.

5. Representations

5.1 Ledbury Town Council: Object to the proposal. “The application has no on-site parking provision. Members believe that the intensification of on-street parking on this blind bend of the busy Lower Road would be contrary to highway safety.”

5.2 Letters of objection have been received from residents of two properties located immediately to the northeast of the application site.

- Mrs L Bullock, “Otterburn, Lower Road, Ledbury HR8 2DH: &
- Mrs R Barnes, Nr N Coopey and Ms T Barnes, “Watersedge”, Lower Road, Ledbury HR8 2DH

The content of the objection letters is summarised as follows:

5.3 Parking: There is no on-site parking provision and driving around parked vehicles is difficult as there is no clear view to judge oncoming traffic. This part of Lower Road is busy at all times;

Access: The proposed area for planting is across the pedestrian right of access to the rear of Otterburn and should remain unobstructed.

Flooding: Flash flooding is experienced at times along this stretch of Lower Road, which exacerbates problems.

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

6. Officers Appraisal

6.1 The key issues in the determination of this application are:

- The lack of on-site parking provision having regard to Local Plan policy and central government guidance;
- The impact that subdivision would have upon the amenity of the adjoining properties.

6.2 The relevant UDP policy is H17 – Subdivision of existing housing, which should be read in conjunction with H16 Car parking. H17 is not subject to proposed modification and the requirements of the policy are as follows:

- Adequate and appropriate car parking and access is available as set out in policy H16;
- There is a satisfactory standard of accommodation provided including internal layout and private amenity space;
- The proposal has no undue adverse impact on the character of the property and its curtilage, the amenity and privacy of neighbouring dwellings, and the amenity and general character of the area.

6.3 Policy H16 sets out car parking requirements for residential development and does not specify a minimum provision. Site parking should reflect the type of housing proposed, location and types of household likely to occupy the development. In appropriate locations, therefore, the provision of no on-site parking is acceptable. The highways officer is satisfied that there is access to public transport (the site is within walking distance of the town centre), whilst the provision of secure bike stores demonstrates that adequate sustainable transport measures are proposed.

6.4 It should be noted that there is no existing formalised parking for the existing dwelling, which could be occupied at any time, with more bedrooms than the application proposes. There is an argument that the existing bungalow, if occupied to its fullest extent, would generate as much if not more vehicular traffic than the proposal, whilst remaining outside the scope of planning control.

6.5 Moreover, the space at the side of the building between No.50 and Watersedge is not suited to parking, and vehicles would inevitably have to reverse either into or out of the site onto a busy highway with limited visibility. The highways officer has expressed his dissatisfaction at this prospect.

6.6 Members may recall the case at The Secret Garden (Fox Lane, The Homend) where an appeal in respect of 5 new dwellings was dismissed by an Inspector on the grounds that no off-street parking was proposed and there was no suitable on-street parking nearby. However, there are some very important differences between that case and this one. The appeal at The Secret Garden concerned the erection of four three bedroomed houses and one two bedroomed house. In this case No. 50 Lower Road already exists and is capable of residential occupation as it stands. Furthermore The Secret Garden appeal case was for predominantly three bedroomed houses which are

much more likely to be occupied by car owning households, and to create more traffic demands, than the two one bedrooomed units proposed in the current application.

- 6.7 In respect of highway matters it is therefore concluded that the scheme is acceptable without off-street car parking provision.
- 6.8 The layout, accommodation and private amenity space, as described above, are all satisfactory, and the development would not affect the privacy or amenity of neighbouring dwellings. The introduction of fenestration to the front elevation would improve the appearance of the building.
- 6.9 The applicant has agreed to remove the proposed planting in response to the neighbour's concern at the obstruction of a pedestrian right of access to the rear of Otterburn.

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 - G04 (Landscaping scheme (general))**

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

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

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

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

Reason: In order to ensure that the proposed windows to the Lower Road elevation do not obstruct the adjoining footway.

Informatives:

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

- 2 - N19 - Avoidance of doubt**

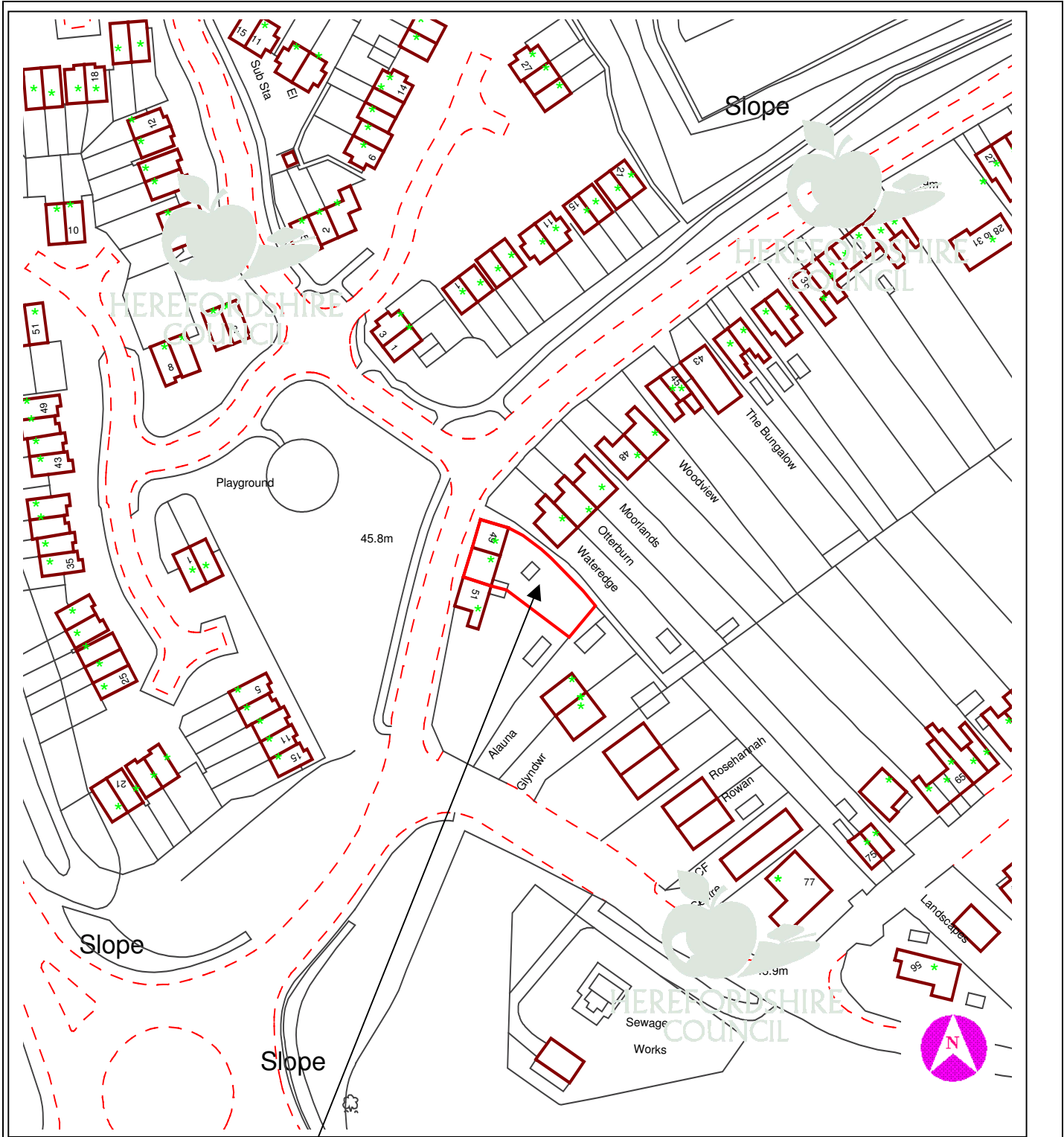
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2006/2906/F

SCALE : 1 : 1250

SITE ADDRESS : 50 Lower Road, Ledbury, Herefordshire, HR8 2DH

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

9 DCNC2006/2953/O - SITE FOR THE ERECTION OF A DETACHED DWELLING AT 78 CASTLEFIELDS, LEOMINSTER, HEREFORDSHIRE, HR6 8BJ

For: Mr SW Lloyd at same address

Date Received:
13th September 2006

Ward: Leominster South

Grid Ref:
49814, 58520

Expiry Date:
8th November 2006

Local Members: Councillors R Burke & J P Thomas

1. Site Description and Proposal

- 1.1 The site is located in a designated residential area of Leominster, in the garden of 78 Castlefields. The proposal is for outline planning permission for a single residential detached dwelling to the north side of the existing property. All matters are reserved for future consideration. A detached garage measuring 3.2 x 8.2 metres currently sits on the plot.
- 1.2 The site is situated opposite the junction between Castlefields and John Abel Close. There is a well used footpath that runs between the boundary of 78 Castlefields and 17 John Abel Close.

2. Policies

2.1 Herefordshire Unitary Development Plan

Policy S1 - Sustainable development

S2 - Development requirements

DR2 - Land use and activity

H1 - Housing and the market towns: settlement boundaries and established residential areas.

H9 - Affordable housing.

H13 - Sustainable residential design

H16 - Car parking

H16 - Car parking

2.2 Leominster District Local Plan

A1 - Managing the districts assets and resources

A2(A) - Settlement hierarchy

A24 - Scale and character of development

A52 - Primarily residential area

A54 - Protection of residential amenity

A55 - Design and layout of housing development

A70 - Accommodating traffic from development

2.3 Central Government Advice

Planning Policy Statement 1 - Delivering sustainable development

Planning Policy Guidance 3 - Housing

3. Planning History

NC2006/2366/0 - Site for the erection of a detached dwelling - withdrawn.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water - advise that the proposed development would overload the existing public sewerage system. Improvements are planned for completion by April 2008. We consider any development prior to this date to be premature and, therefore, object to the proposals, unless appropriate conditions can be attached to prevent occupation prior to the completion of these essential works

Internal Council Advice

- 4.2 Traffic Manager - Some reservations about sufficient space for the proposals to work, though not enough to strongly recommend refusal.

5. Representations

- 5.1 Leominster Town Council - recommend refusal for reasons of overdevelopment, inappropriate site and infilling.

- 5.2 The occupants of 80 Castlefields, 86 Castlefields and 17 John Abel Close object to the proposed development on the following grounds -

- 1) Impact of a dwelling on amenity and privacy of surrounding dwellings.
- 2) Any dwelling will cause a loss of daylight to both properties.
- 3) Concerns about parking arrangement given the two caravans, trailer and boat, which are frequently situated on the driveway of 78 Castlefields.
- 4) Impact to pedestrians using the path that runs between the application site and 17 John Abel Close.

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

6. Officers Appraisal

- 6.1 This application is for outline consent only and, as such, the principle of development on the site is the primary consideration. Policy A2(A) of the Leominster District Local Plan and policy H2 of the Hereford Unitary Development Plan permit small scale development within the defined settlement boundaries as long as it is in accordance with policies seeking to secure an appropriate design and layout. The site is clearly within Leominster's primary residential area and, as such, the principal of residential development on the site for one dwelling is considered acceptable.

- 6.2 The neighbours comments regarding parking arrangements and access are noted, along with the Traffic Manager's concerns regarding insufficient space for the proposal to work. However, if the principle of development is acceptable, then the details of access and parking would reasonably be dealt with at a subsequent reserved matters stage.

- 6.3 78 Castlefields benefits from a reasonably sized garden which is capable of subdivision and it would appear that, with the removal of the detached garage, there would be sufficient space within the curtilage to accommodate a second dwelling.
- 6.4 The objections raised are noted but are not considered sufficient to warrant the refusal of the application. The reserved matters application would consider the siting, design, access and external appearance of the proposed dwelling and the concerns raised can be addressed through careful design and the imposition of appropriate conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - A02 (Time limit for submission of reserved matters (outline permission))**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 2 - A03 (Time limit for commencement (outline permission))**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 3 - A04 (Approval of reserved matters)**

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

Informative:

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

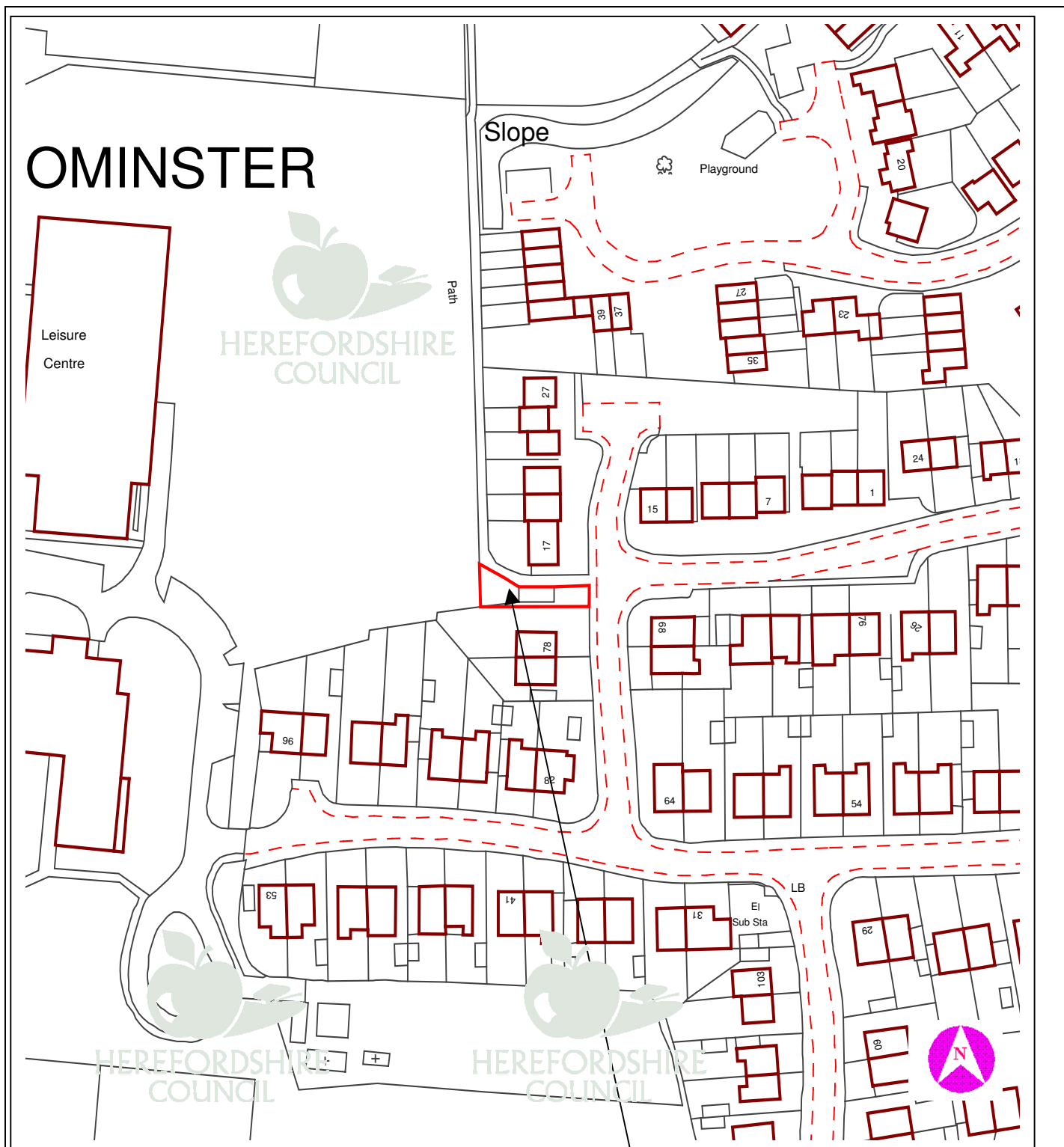
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/2953/O

SCALE : 1 : 1250

SITE ADDRESS : 78 Castlefields, Leominster, Herefordshire, HR6 8BJ

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10 DCNW2006/2867/F - PROPOSED TWO STOREY SIDE EXTENSION AT PEAR TREE COTTAGE, STAUNTON-ON-ARROW, LEOMINSTER, HEREFORDSHIRE, HR6 9LE

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

Date Received:

Ward: Pembridge & Lyonshall with Titley

Grid Ref:

5th September 2006

36793, 61177

Expiry Date:

31st October 2006

Local Member: Councillor R Phillips

1. Site Description and Proposal

- 1.1 The application site consists of a modest sized detached two-storey dwelling of timber frame construction under a tiled roof. A focal point of the dwelling is a stone constructed chimney that is located on the southern gable side of the main dwelling, behind which is located a single-storey section presently used as a kitchen to the dwelling.
- 1.2 The site is accessed via a single track roadway from the adjoining public highway which also serves approximately 4 other dwellings within the vicinity of the application site. Otherwise the application site is surrounded by open countryside.
- 1.3 The application proposes an extension to the rear of the existing kitchen to create a 'snug' and an extension above the existing kitchen and over the proposed 'snug' to create a first floor en-suite bedroom using external construction materials that are sympathetic to the existing dwelling's external appearance.

2. Policies

2.1 Leominster District Local Plan

A1 – Managing the District's Assets and Resources
 A2(D) – Settlement Hierarchy
 A6 – Sites of Local Importance for Nature Conservation
 A9 – Safeguarding the Rural Landscape
 A23 – Creating Identity and an Attractive Built Environment
 A24 – Scale and Character of Development
 A5 – Protection of Residential Amenity
 A56 – Alterations, Extensions and Improvements to Dwellings

2.2 Herefordshire Unitary Development Plan – Revised Deposit Draft

S1 – Sustainable Development

S2 – Development Requirements
DR1 – Design
DR2 – Land Use and Activity
DR3 – Movement
H13 – Sustainable Residential Design
H18 – Alterations and Extensions
LA2 – Landscape Character and Areas least Resilient to Change

3. Planning History

3.1 NW06/1620/F - Proposed two-storey side extension - Refused 4th July 2006

4. Consultation Summary

Internal Council Advice

4.1 Transportation Manager raises no objections.

5. Representations

5.1 Staunton on Arrow Parish Council state:

'Other than some concerns about traffic which seems unfounded, no objection or comments. The Parish Council is content to recommend these revised plans.'

5.2 Letters of objection have been received from:

- Mr R F Crooks, Brick Cottage, Staunton-on-Arrow
- Mr Keith Brandwood, c/o Dingle Top, Staunton-on-Arrow

The objections can be summarised as follows:

1. Concerns about access from the site along a single width track that is a bridleway onto the adjoining public highway in that the junction is considered dangerous and the surface condition of the access road serving the application site.
2. Concerns about the impact of the proposed extension on the character of the existing property, and in particular the roof ridge-line.
3. Concerns about the quality of the plans submitted for planning determination in that they are not clear as to what the extension will finally look like.
4. Concerns about the site notice being placed in an inconspicuous place and then disappearing.

5.3 A letter of support has also been received from Mr David Busby, Ferndale, Staunton-on-Arrow. The letter states that his property adjoins Pear Tree Cottage, and that it is the only neighbouring property that has any view of Pear Tree Cottage, he fully supports the application considering the proposed changes to the house will be a visual improvement and that objections with regards to traffic up and down the access road to the application site is absolutely normal and that any objections on that basis are unreasonable and unrealistic.

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 of concern with regards to this application are:

- Public highway access
- Impact of proposed extension onto the existing property's character.
- Concerns about the site notice informing members of the public with regards to the proposed development.

Public Highway Access

6.2 Objections to the proposed development have been received from members of the public on highway issues. It is considered that the nature of the proposed development is of such that it will not lead to a significant detrimental impact on vehicular movements in relationship to public highway issues, a view shared by the Transportation Manager who raises no objections to the proposed development.

Impact of proposed extension onto the existing property's character

6.3 The proposal is for a modest rear extension onto the rear eastern elevation of the dwelling's existing kitchen to create a small room to be used as a snug. The application also proposes a first floor extension above the existing kitchen and over the proposed ground floor snug to create an additional bedroom with en-suite facilities. Due to the nature of the existing character of the property with the bedrooms using the existing roof space with 'dormer windows', height is restricted and therefore the ridge line of the proposed first floor extension will be almost identical to the existing, however it will appear subservient as the extension, is set behind the existing chimney stack on the southern gable of the existing dwelling. Amended plans were received on the 13th September 2006 indicating that this chimneystack will be retained as the dominant feature with the proposed first floor bedroom extension wrapped around it. The proposal will have no detrimental impact on the amenity or privacy of surrounding dwellings.

Concerns about the site notice informing members of the public with regards to the proposed development

6.4 A site notice was placed by the Case Officer on a telegraph pole on the entrance of the access road, to the application site, from the adjoining public highway. It was considered that this was the most appropriate place in order for members of the public to be made aware of the proposed development. The property subject to the application being the last property at the end of a dirt track. Letters were also sent to adjacent property occupiers informing them of the proposal, as is the standard practice of the planning authority.

A letter of complaint was subsequently received from Mr R F Cooks, Brick Cottage, stating that the notice had been removed. As the result of a conversation between the applicant and the Case Officer, a new notice was issued and placed on site of the former notice, by the applicant, who was unaware of any knowledge on its disappearance. No subsequent complaints have been received.

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 - **B03 (Matching external materials (general))**

Reason: To ensure the satisfactory appearance of the development.

- 3 - **E29 (Occupation ancillary to existing dwelling only (granny annexes))**

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

- 4 - **For the avoidance of doubt this approval relates to drawing revision 3 - amended plan dated 13th September 2006.**

INFORMATIVES:

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

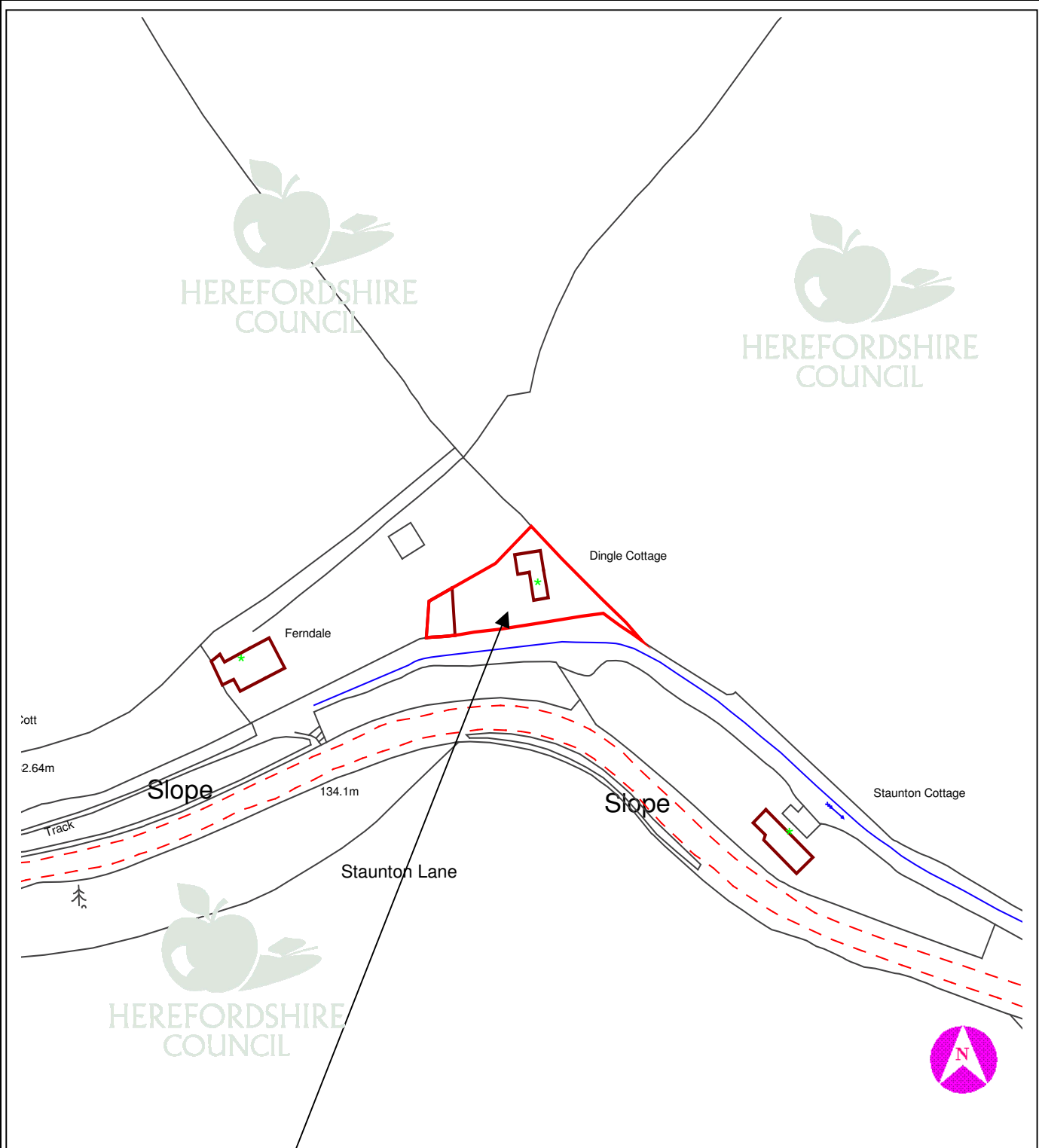
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2006/2867/F

SCALE : 1 : 1250

SITE ADDRESS : Pear Tree Cottage, Staunton-On-Arrow, Leominster Herefordshire HR6 9LE

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11 DCNW2006/2889/F - PROPOSED FLOODLIGHTS TO "BEAGLES PITCH" (SCHOOL, YOUTH & DEVELOPMENT TEAMS) AT OLD LUCTONIANS SPORTS CLUB, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9SB

**For: Luctonians Sports Club Ltd per Mr A Last,
Brookside Cottage, Knapton Green, Herefordshire,
HR4 8ER**

Date Received:
7th September 2006

Ward: Bircher

Grid Ref:
43404, 61767

Expiry Date:
2nd November 2006

Local Member: Councillor S Bowen

1. Site Description and Proposal

- 1.1 The application site is located to the rear of the existing sports club ground on its western elevation, on the site of pitch no. 5. The site is surrounded by agricultural fields on three elevations. To the north is the rest of the sports ground complex, consisting of four other pitches and the club house and parking area.
- 1.2 The application proposes the installation of 6 floodlight columns around the pitches perimeter (which includes playing and training pitch area).

2. Policies

2.1 Leominster District Local Plan

A1 – Managing the District's Assets and Resources
A9 – Safeguarding the Rural Landscape
A21 – Development within Conservation Areas
A23 – Creating Identity and an Attractive Built Environment
A24 – Scale and Character of Development
A78 – Rural Tourism and Recreational Activities
A41 – Protection of Agricultural Land
A61 – Community, Social and Recreational Facilities

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable Development
S2 – Development Requirements
S11 – Community Facilities and Services
DR1 – Design
DR2 – Land Use and Activity
DR3 – Movement
DR4 – Environment
DR14 – Lighting

LA2 – Landscape Character and Areas Least Resilient to Change
HBA6 – New Development with Conservation Areas
RST1 – Criteria for Recreation, Sport and Tourism Development
RST3 – Standards for Outdoor Playing and Public Open Space
RST10 – Major Sports Facilities

3. Planning History

3.1 NW01/0294/F - Change of use of field to rugby pitch - Approved 16th March 2001.

4. Consultation Summary

Statutory Consultations

4.1 Public Rights of Way Manager states that the proposed floodlights to the 'Beagles Pitch' would not appear to affect public footpath KL28, which crosses the development site.

4.2 Environment Health Manager - No comment received at time of writing this report.

5. Representations

5.1 Kingsland Parish Council recommend approval.

5.2 Three letters of comments/objection have been received from:-

- P C & Mrs E A Shorrocks, The Woodhouse, Kingsland
- Richard Knight, Downs Farm, Kimbolton, Leominster
- Mr & Mrs P N Friend, Brook Farm, Kingsland (object).

The comments can be summarised as follows:-

- Concerns about existing lights being incorrectly angled, allowing light to escape.
- Impact of light pollution on the surrounding countryside.
- If mindful to support application, lights are fitted at a horizontal angle and existing lights are adjusted.
- Impact on local security.

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

6. Officers Appraisal

6.1 The key issue with regards to this application is the impact of the proposed development on the surrounding landscape.

6.2 The proposal is for 6 floodlight columns to light up pitch no. 5 known as 'Beagles Pitch'. This pitch is the furthest pitch from the adjoining public highway of the sports ground and therefore the furthest pitch from that of the built up area of 'Kingsland Village'. The pitch itself being surrounded by open farmland.

- 6.3 The application proposes floodlights that will achieve 200 lux average and 0.6 min/average uniformity on the pitch itself and 100 lux average and a 0.5 min/average uniformity on an adjacent training pitch, utilising a maintenance factor of 0.70.
- 6.4 Information provided in support of the application indicates that each of the proposed luminance and visor incorporate advanced photometrics for each of the fixed locations to minimise spill and glare in order to ensure that the light is directed to the playing surface in order to minimise light pollution.
- 6.5 Therefore the applicants' are proposing a system of lights which seek to minimise impact on the surrounding landscape. I consider that this is an acceptable form of artificial lighting, with appropriate conditions attached.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2 - A07 (Development in accordance with approved plans)**

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

- 3 - F33 (Time limit on floodlighting (sports grounds))**

Reason: To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings.

- 4 - F34 (Restriction on level of illuminance of floodlighting (sports grounds))**

Reason: To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings.

- 5 - F35 (Details of shields to prevent light pollution)**

Reason: To minimise light overspill and to protect the amenity of neighbouring properties.

- 6 - F36 (Angle of floodlighting)**

Reason: To minimise light overspill and to protect the amenity of neighbouring properties.

Informatives:

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

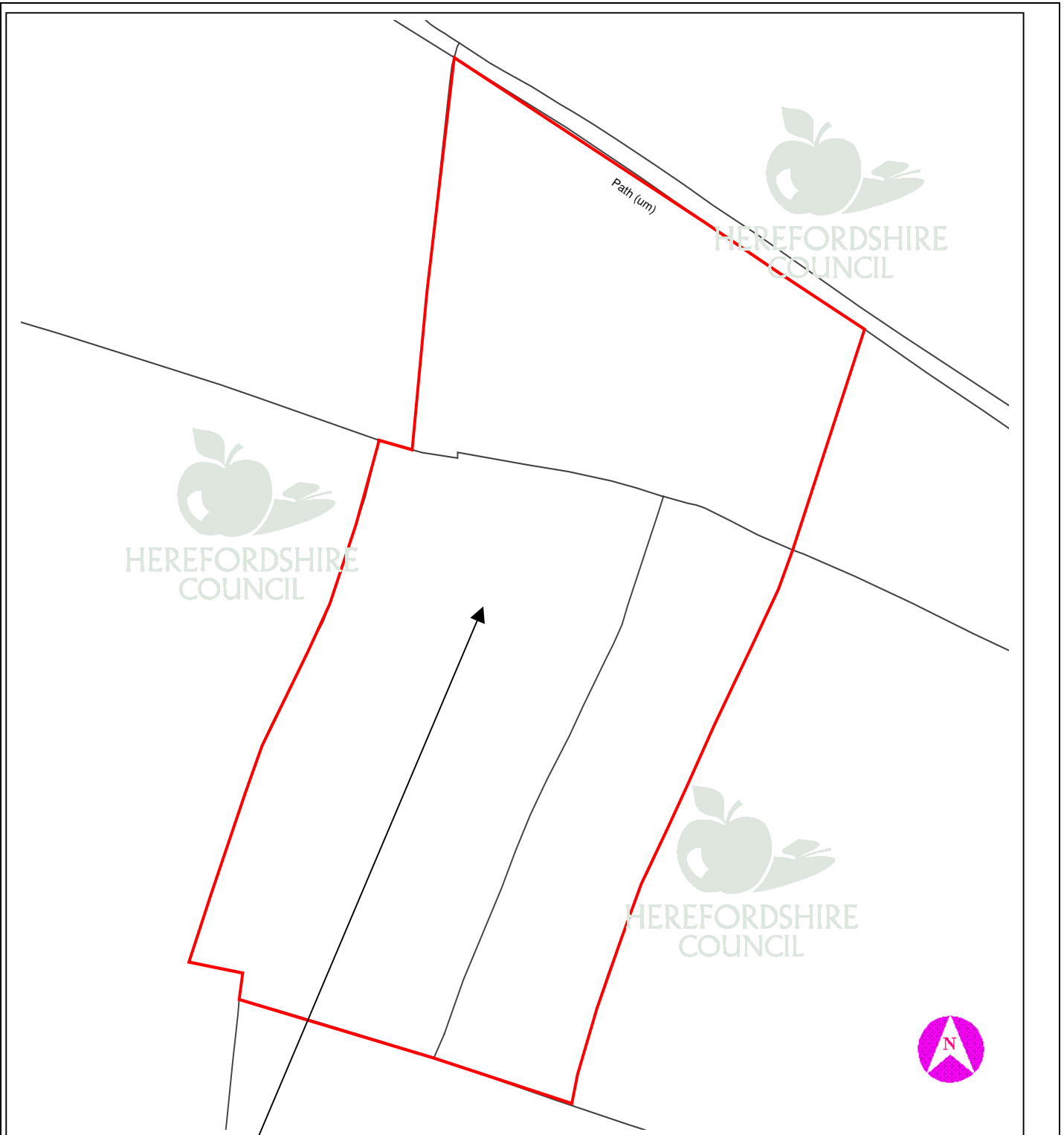
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2006/2889/F

SCALE : 1 : 1250

SITE ADDRESS : Old Luctonians Sports Club, Kingsland, Leominster, Herefordshire, HR6 9SB

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12 DCNW2006/2991/F - PROPOSED DEMOLITION OF EXISTING HOUSE AND GARAGE AND ERECTION OF TWO HOUSES AND ANCILLARY GARAGES AT WOODCOTE, BACK LANE, WEOBLEY, HEREFORD, HEREFORDSHIRE, HR4 8SG

For: Border Oak Design & Construction LTD.

Date Received:

**Ward: Golden Cross
with Weobley**

Grid Ref:

14th September 2006

40156, 51627

Expiry Date:

9th November 2006

Local Member: Councillor J Goodwin

1. Site Description and Proposal

- 1.1 The application site is located on the eastern side of the B4230 public highway known as 'Back Lane', Weobley and is surrounded on either side and to the rear by other dwellings of various architectural design and historical interest.
- 1.2 The site itself contains a detached single-storey dwelling of external render and stone detail construction, under a tiled roof. The property appears to be of the 1960's era, and is of no specific architectural merit in relationship to the Weobley Conservation Area, to which, in accordance with the Weobley Parish Plan, Weobley has a mix of housing stock from its 15th-17th century historical core. The site is located on the periphery of this historic core.
- 1.3 The application site is an area of 0.12 hectares, relatively flat and contains an abundance of ornamental plantings and a natural boundary hedge around its rear and side boundaries. Alongside the front elevation is a stone wall that is of architectural interest in relationship to the surrounding Conservation Area.
- 1.4 The application proposes demolition of the existing dwelling on site and construction of two detached two-storey dwellings of timber frame construction under clay tile roofs. The proposed dwelling for plot no 1 has an externally measured floorspace of approximately 118 square metres plot no 2 dwelling measures approximately 156 square metres.
- 1.5 The application proposes to retain the existing entrance and access off the adjoining public highway into the site and erect two detached 'two-bay' cart shed garages located to the rear of each of the proposed properties. These will be in external construction materials to match the proposed dwellings.
- 1.6 The application site is located within a Conservation Area and therefore separate Conservation Area Consent is required for demolition of the existing dwelling on site as their volume is in excess of 115 cubic metres. This was granted subject to application ref NW06/1791/C dated 27th June 2006. This planning approval does not prejudice the present application under planning consideration.

2. Policies

2.1 Leominster 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
A18 – Listed Buildings and their Settings
A21 – Development within Conservation Areas
A23 – Creating Identity and an Attractive Built Environment
A24 – Scale and Character of Development
A54 – Protection of Residential Amenity
A55 – Design and Layout of Residential Development
A70 – Accommodating Traffic from Development

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable Development
S2 – Development Requirements
S7 – Natural and Historic Heritage
DR1 – Design
DR2 – Land Use and Activity
DR3 – Movement
DR4 – Environment
H4 – Main Villages: Settlement Boundaries
H13 – Sustainable Residential Design
H14 – Re-using previously Development Land and Buildings
H15 – Density
H16 – Car Parking
LA2 – Landcape Character and Areas Least Resilient to Change
HBA4 – Setting of Listed Building
HBA6 – New Development within Conservation Areas
HBA7 – Demolition of Unlisted Buildings within Conservation Areas
CF2 – Foul Drainage

2.3 Weobley Parish Plan Supplementary Planning Guidance

3. Planning History

- 3.1 NW2006/1790/F - Proposed demolition of existing house and garage and erection of two houses and ancillary garages - Withdrawn 18th July 2006.
- 3.2 NW2006/0721/F - Demolition of existing dwelling and erection of two houses and detached garage of plot 2 - Withdrawn 10th April 2006.
- 3.3 NW2006/1791/C - Demolition of existing bungalow, partial demolition and re-instatement of stone boundary wall. Erection of two dwellings and ancillary garage. Approved 27th June 2005.

- 3.4 NW2006/0883/L - Demolition of existing bungalow and partial demolition and re-instatement of stone boundary wall. Erection of two dwellings - Refused 10th April 2006.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water (Hyder) - No objections subject to conditions attached to any approval notice issued with regards to foul and surface water discharges being drained separately from the site.

Internal Council Advice

- 4.2 Conservation Manager - Considers that following several changes the proposed two dwellings compliment the character of the Weobley Conservation Area and therefore no objections to this proposal.
- 4.3 Transportation Manager considers that the proposal is acceptable, although has some reservation about the access. It has reduced visibility, but as it is existing, it is unlikely that a refusal would be robust enough to stand up at appeal.
- 4.4 Archaeological Manager raises no objections subject to attachment of a condition with regards to an archaeological watching brief during development.

5. Representations

- 5.1 Weobley Parish Council - No response to amended plans at time of writing report.
- 5.2 Letters of objection/comment have been received from the following:

- Beatrice Dennis, Bell House, Weobley
- Mrs C B Havard, Bell Meadow, Weobley
- D B Swinfen, Old Orchard, Back Lane, Weobley
- L C Rhodes, Bell Brook, Bell Square, Weobley
- Bryan Bradbury, Clee View, Weobley
- Beryl Bradbury, Clee View, Weobley
- Mrs G P Amos, Misty Glen, Back Lane, Weobley
- Andrew and Jane Parsons, The Old Shop Limited, 6 Portland Street, Weobley
- G P and I M Williams, Church View, Weobley
- P W Lippitt, 4 Broad Street, Weobley
- Mrs Ellis-Jones, 2 The Cornmills, Weobley on behalf of Campaign to Protect Rural England

The issues raised can be summarised as follows:-

- Concern about impact on adjoining public highway.
- Density of proposed development.
- Concerns about demolition of existing dwelling on site, which is considered a satisfactory dwelling.
- Proposed dwellings have no specific quality in relationship to Weobley Conservation Area.

- Proposal subject to this application differs very little from previous proposals for the site.
- Impact on adjoining dwelling known as 'The Pippins'.
- If proposal is allowed the property on plot no 1 needs to be moved further back into the site and the garages behind each of the two proposed dwellings rather than behind the one property.
- Lack of suitable amenity garden area in relationship to 2 four bedroomed houses.
- Dangerous precedent will be created with regards to similar dwellings in Weobley if planning approval is granted.
- Overlooking onto adjacent properties.

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 Re-development of this specific site has caused much controversy amongst members of the public within Weobley generating 11 letters of objection to the proposal.

6.2 The key issues of concern raised are:

- Impact on adjoining public highway.
- Density of proposed development and impact on surrounding Conservation Area.
- Loss of a dwelling on site that is of interest.
- Impact on amenity and privacy of adjoining neighbouring dwellings.

Impact on adjoining public highway

6.3 The proposal is for two detached dwellings, containing three bedrooms each. Therefore in accordance with Herefordshire Council car parking spaces per unit, the proposal subject to this application will not significantly generate additional traffic movements to the detriment of the adjoining public highway. The Transportation Manager has stated in the response to the application that the proposal is acceptable and that the proposal would not be robust enough to defend on appeal. The proposal contains acceptable internal vehicle car parking provision and access and therefore your Officer is of the opinion that the proposal on highway grounds is acceptable.

Density of proposed development and impact on surrounding Conservation Area

6.4 The application size measures approximately 0.12 hectare. The proposal is for two detached dwellings measuring approximately 118 and 156 square metres respectively. This proposal is much less than original proposals subject to previous applications for development on site, the applicant having scaled back the proposed development and in particular the proposal for Plot 1. This latest proposal is considered acceptable on density.

6.5 The Conservation Manager raises no objections to the proposal stating: "The proposed two dwellings compliment the character of the Weobley Conservation Area".

Loss of a dwelling on site that is of interest

6.6 The existing dwelling on site is a single-storey detached dwelling of the 1960's era, of render construction under a shallow pitched roof of interlocking concrete files. The

property features a chimney stack constructed of Forest of Dean stone to which the Design and Access Statement submitted by the applicants in support of the application states the property requires extensive improvement and refurbishment. The dwelling is of no architectural or historic interest in relationship to the Weobley Conservation Area and is not a listed building. The Conservation Manager raised no objection to its demolition. Therefore its demolition is considered acceptable as the property does not have any specific protection with regards to its preservation, other than it is located within a Conservation Area.

Impact on amenity and privacy of adjoining neighbouring properties

- 6.7 The nearest dwellings to the site are located on either side of the site and are known as 'Willow Cottage' and 'The Pippins'. Willow Cottage is located 6 metres from that of the proposal for Plot 2. There are no proposals for windows in the southern gable elevation of the proposed property nearest to this dwelling and there is adequate land available for screening between both properties if necessary.

'The Pippins' is located 6.5 metres from the nearest wall of the property subject to Plot 1.

It is this property (The Pippins), that development on site will have the most impact upon, due to an existing primary window (lounge) in its side elevation facing into the site. However, as a result of extensive negotiation and revised plans, the applicant has reduced the size of the proposal for Plot 1 and set it further back into the site to such an extent that it is considered that the proposal subject to this application will on visual, amenity and privacy issues be a significant improvement in relationship to the existing dwelling on site. A letter in support of the amended plans from the applicants states: 'The building on Plot 1 is located 600 mm behind the front line of 'The Pippins' and a further 1.5 metres from the west side of The Pippins. The gable has a smaller area than the previously proposed, and in fact, is smaller than the existing bungalow'.

This appears to be in accordance with the revised amended plans submitted and the result of extensive dialogue between the applicant, Case Officer and occupiers of 'The Pippins'. It is noted that neither occupiers of the properties on either side of the application site have objected to the proposal.

Other properties located to the east of the application site (rear) are considered to be sufficiently far enough away in that no detrimental impact will be created as a result of the proposal in 'planning terms'.

Conclusion

- 6.8 As a result of extensive negotiation the applicant, as a result of this application (the third for development on site), has submitted proposals that are considered acceptable, having generated no adverse comments from the statutory consultees. On balance the proposal will enhance the surrounding Conservation Area and with no adverse effect on privacy and amenity issues, or public highway issues, despite the numerous concerns raised by members of the public, this application is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2 - B01 (Samples of external materials)

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

- 3 - All external joinery will be of timber construction.

Reason: In the interests of the surrounding Conservation Area.

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

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

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

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

- 6 - 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.

- 7 - 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.

- 8 - E01 (Restriction on hours of working)

Reason: To safeguard the amenities of the locality.

- 9 - E09 (No conversion of garage to habitable accommodation)

Reason: To ensure adequate off street parking arrangements remain available at all times.

10 - E16 (Removal of permitted development rights)

Reason: In order to protect the character of the surrounding Conservation Area and amenity of surrounding dwellings.

11 - G09 (Retention of hedgerows/boundary walls)

Reason: To safeguard the amenity of the area.

12 – 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.

Informatives:

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

2 - N19 - Avoidance of doubt

Notes

1 - The proposed development site is crossed by a public sewer with the approximate position being marked on the 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.

2 - If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01443 331155.

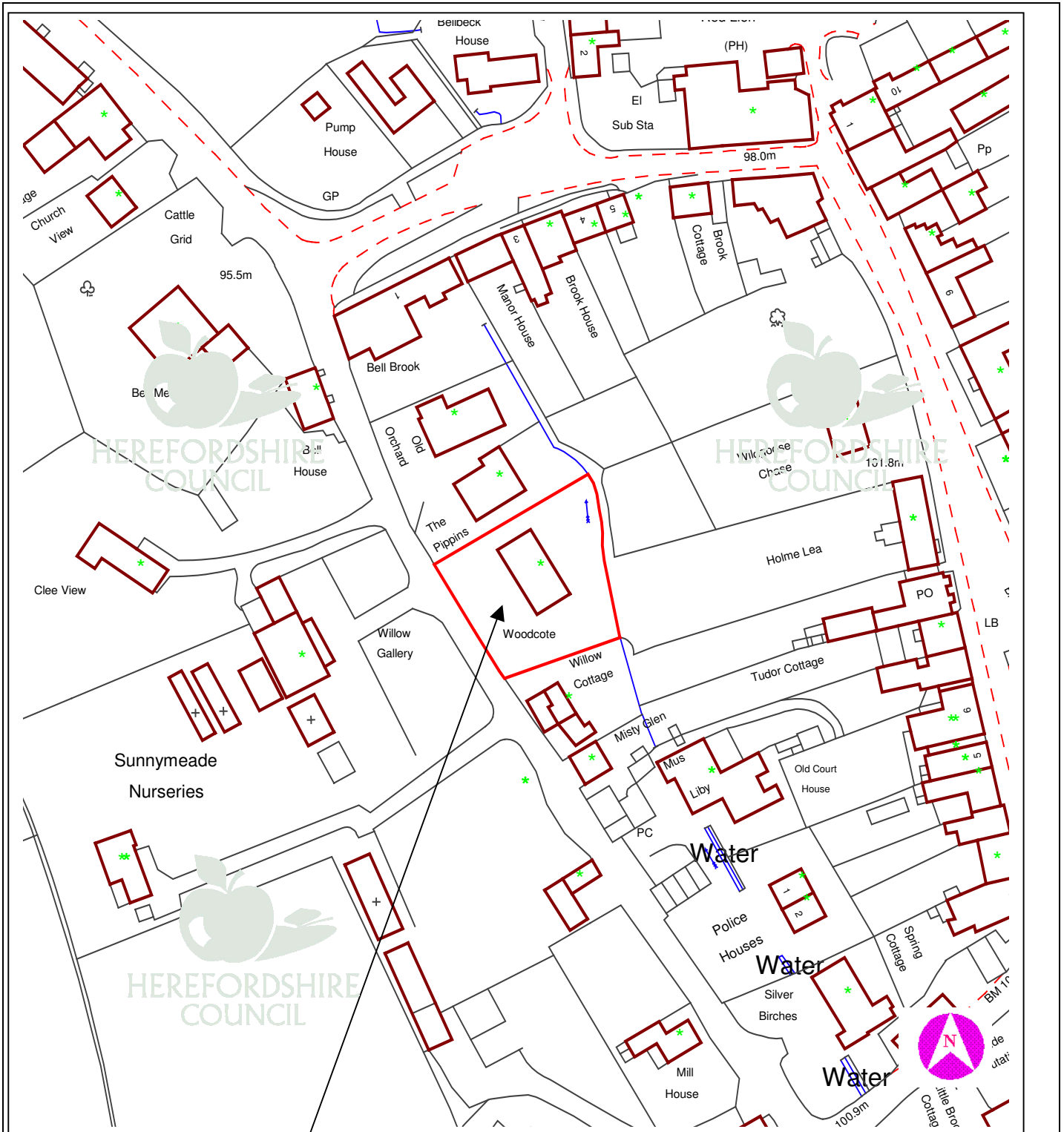
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2006/2991/F

SCALE : 1 : 1250

SITE ADDRESS : Woodcote, Back Lane, Weobley, Hereford, Herefordshire, HR4 8SG

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13 DCNW2006/3043/F - BALCONY TO FIRST FLOOR SITTING ROOM ON SOUTH EAST ELEVATION. AMENDMENT TO PP NW2006/0682/F AT HILLCREST, CHURCH LANE, ORLETON, LUDLOW, SHORPSHIRE, SY8 4HU

For: Mr & Mrs C E & J D Mason

Date Received:
20th September 2006

Ward: Bircher

Grid Ref:
49249, 67032

Expiry Date:
15th November 2006

Local Member: Councillor S Bowen

1. Site Description and Proposal

- 1.1 The application site is within the village settlement boundary of Orleton and the Conservation Area.
- 1.2 The property is currently being constructed having been granted permission for a replacement dwelling (NW/06/0682/F refers).
- 1.3 This application seeks an amendment to the approved scheme to add a balcony at first floor level to the proposed sitting room at the rear of the property.
- 1.4 The balcony would measure 4.2m in width and would have a depth of 1.8m. It would be constructed using open wood planks on the floor with a wooden handrail and metal railings. It would be supported by oak pillars and have a floor level of 2.8m above ground level.

2. Policies

2.1 Central Government Advice

Planning Policy Guidance Note 15 – Planning and the Historic Environment

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

DR1 Design
LA4 Protection of Historic Parks and Gardens
HBA1 Alterations and Extensions to Listed Buildings

3. Planning History

- 3.1 NW/2006/0682/F Proposed replacement dwelling. Approved with conditions 28th April 2006

4. Consultation Summary

Statutory Consultations

4.1 None necessary.

Internal Council Advice

4.2 Conservation Manager - No objections to this proposal

4.3 Traffic Manager - No objection.

5. Representations

5.1 Orleton Parish Council - Does not support this application because although it will not affect the building footprint, it will cause the neighbouring property a significant loss of privacy.

5.2 Three letters of objection received from occupiers of neighbouring properties.

- 2 Eagle Cottages, Church Lane
- Well Cottage, Church Lane
- Bower Orchard, Church Lane

The concerns raised focus on the issue of loss of privacy to neighbours, particularly Bower Orchard, the property adjoining the site to the northeast. It is considered that the balcony would be out of place within the conservation area and totally unsuitable for Church Lane.

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 concerning this application are design and loss of privacy to adjacent properties.

Design

6.2 It is considered that the balcony is well designed in the context of the new dwelling. The scale is appropriate to the new house and it is considered that because the balcony would be positioned on the rear elevation, the character of the Conservation Area would be preserved by the addition. The materials proposed are simple and not ornate and would compliment the style of the property.

Loss of Privacy

6.3 The property is a replacement dwelling on an infill plot and is surrounded on three sides by other dwellings. To the rear is open countryside.

Concern has been expressed about the potential loss of privacy essentially to Bower Orchard the property to the northeast. Bower Orchard benefits from a conservatory to

the rear and a garden, which extends beyond that of the application site. The formal sitting out area to Bower Orchard is immediately to the rear of the conservatory.

- 6.4 The application site has been viewed from Bower Orchard and the neighbouring property has been viewed from the scaffolding to understand the implications of the proposal. There is a wooden fence between the properties and mature planting which is of sufficient height to block a significant view of the new dwelling from the neighbouring property. It is considered that this screening provides an acceptable boundary to minimise overlooking.
- 6.5 The applicant has agreed to provide further screening in the form of extra planting along the boundary and for a screen to be incorporated within the balcony to restrict views towards neighbouring property.

7. Conclusion

It is considered that although the proposed balcony could lead to a loss of privacy to the adjoining property to the northeast, it would not be significantly detrimental to sustain a refusal and with conditions the impact would be limited to an unacceptable level. Furthermore, it is worth noting that once the property is completed and occupied, a balcony could be constructed under permitted development rights without the need for planning permission and as such this application enables control to be maintained over the balcony.

RECOMMENDATION

That planning permission be granted with the following conditions:

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

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

2 - A10 (Amendment to existing permission)

Reason: For the avoidance of doubt.

3 - The balcony shall not be constructed until details or samples of materials to be used 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 - Details of the proposed screening for the balcony shall be submitted to and approved in writing by the local planning authority prior to the construction of the balcony. Development shall be carried out in accordance with the approved details and the screens shall thereafter maintained in perpetuity.

Reason: In the interest of residential amenity.

- 5 - Prior to the occupation of the property, landscaping details shall be submitted to and approved in writing by the local planning authority. The landscaping shall be completed no later than the first planting season following the occupation of the property. The landscaping shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously retarded shall be replaced during the next planting season with others or 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 maintenance period.

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

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - N19 - Avoidance of doubt

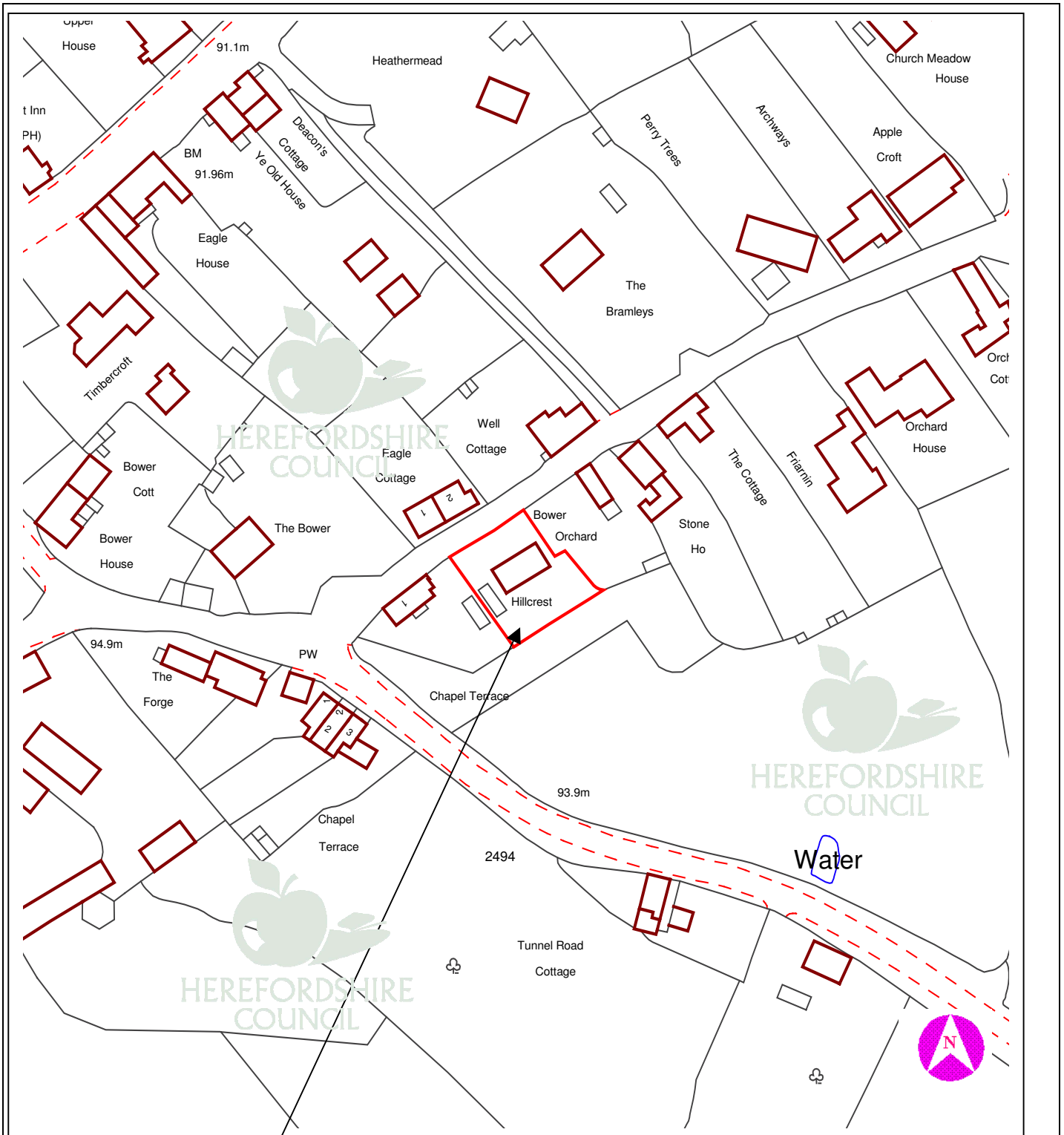
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2006/3043/F

SCALE : 1 : 1250

SITE ADDRESS : Hillcrest, Church Lane, Orleton, Ludlow, Herefordshire, SY8 4HU

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