

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 6th December, 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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**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
<p>1. APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
<p>2. DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p>3. MINUTES</p> <p>To approve and sign the Minutes of the meeting held on 8th November, 2006.</p>	1 - 10
<p>4. ITEM FOR INFORMATION - APPEALS</p> <p>To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.</p>	11 - 14
<p>5. APPLICATIONS RECEIVED</p> <p>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.</p> <p>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.</p> <p>Agenda item 6 was deferred for a site inspection at the last meeting, Agenda item 9 was deferred for further negotiations at a previous meeting and items 7 – 8 and 10 – 14 are new applications.</p>	

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| 6. | DCNC2006/2953/O - SITE FOR THE ERECTION OF A DETACHED DWELLING AT 78 CASTLEFIELDS, LEOMINSTER, HEREFORDSHIRE, HR6 8BJ | 15 - 18 |
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| | For: KTH Group Ltd per Gill Pawson Planning, Westman House, Chapel Lane, Nr. Tewkesbury, Gloucestershire, GL20 7ER | |
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| 10. | DCNC2006/3283/F - USE OF LAND FOR SITING MOBILE HOMES BY THE DELETION OF CONDITION 2 IN THE CONSENT WHICH STATES NO CARAVAN SHALL BE USED AS PERMANENT RESIDENTIAL ACCOMMODATION ON LAND AT MEADOW BANK, HAMNISH, LEOMINSTER, HEREFORDSHIRE. HR6 0QN. | 45 - 50 |
| | For: Miss D Moore per HLL Humberts Leisure, Pavilion View, 19 New Road, Brighton, E. Sussex. BN1 1UF | |
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| 11. | DCNC2006/3379/F - USE OF LAND FOR SITING MOBILE HOMES BY THE DELETION OF CONDITION 2 IN THE CONSENT REF. NC2002/1416/F WHICH STATES "THE CARAVANS SHALL BE USED FOR HOLIDAY PURPOSES ONLY AND SHALL NOT AT ANY TIME BE USED AS THE SOLE PRIMARY RESIDENCE" AT MEADOW BANK, HAMNISH, LEOMINSTER, HEREFORDSHIRE, HR6 0QN | 51 - 56 |
| | For: Miss P Moore, HLL Humberts Leisure, Pavilion View, 19 New Road, Brighton, E. Sussex. BN1 1UF | |
| | Ward: Leominster South | |

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| 12. | <p>DCNC2006/3330/F - RETENTION OF DOMESTIC OIL STORAGE TANK AT 15 HOLME OAKS, OCLE PYCHARD, HEREFORDSHIRE, HR1 3RE</p> <p>For: Elgar Housing Association per Mr P Bingham, Festival Housing Group, Partnership House, Grovewood Road, Malvern, Worcestershire. WR14 1GD</p> <p>Ward: Bromyard</p> | 57 - 62 |
| 13. | <p>DCNC2006/3328/F - RETENTION OF DOMESTIC OIL STORAGE TANKS AT 18 HOLME OAKS, OCLE PYCHARD, HEREFORDSHIRE, HR1 3RE</p> <p>For: Elgar Housing Association per Mr P Bingham, Festival Housing Group, Partnership House, Grovewood Road, Malvern, Worcestershire, WR14 1GD</p> <p>Ward: Bromyard</p> | 63 - 66 |
| 14. | <p>DCNC2006/3364/F - PROPOSED TEMPORARY MOBILE HEALTH FACILITIES (TEMPORARY FOR SEVEN YEARS) AT BROAD STREET CAR PARK, LEOMINSTER, HEREFORDSHIRE</p> <p>For: Mercury Health Ltd per Tribal MJP, 70 High Street, Chislehurst, Kent. BR7 5AQ</p> <p>Ward: Leominster South</p> | 67 - 72 |
| 15. | <p>DATE OF NEXT MEETING</p> <p>The next meeting is scheduled for 2:00 pm on Wednesday 3rd January, 2007.</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, 8th November, 2006 at 2.00 p.m.

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

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

In attendance: Councillors (none)

94. APOLOGIES FOR ABSENCE

Apologies were received from Councillors PJ Dauncey, Brig P Jones and R Mills.

95. DECLARATIONS OF INTEREST

The following declaration of interest was made:-

Councillor/Officer	Item	Interest
Councillor RBA Burke	Agenda item 11, Minute 104 DCNW2006/2889/F - proposed floodlights to "Beagles Pitch" (School, Youth & Development Teams) at Old Luctonians Sports Club, Kingsland, Leominster, Herefordshire, HR6 9SB	Declared a prejudicial interest and left the meeting for the duration of this item.
Mr M Tansley	Agenda item 11, Minute 104 DCNW2006/2889/F - proposed floodlights to "Beagles Pitch" (School, Youth & Development Teams) at Old Luctonians Sports Club, Kingsland, Leominster, Herefordshire, HR6 9SB	Declared a prejudicial interest and left the meeting for the duration of this item.

96. MINUTES

RESOLVED: That the Minutes of the meeting held on 11th October, 2006 be approved as a correct record and signed by the Chairman.

97. ITEM FOR INFORMATION - APPEALS

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

98. 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.

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

Councillor RJ Phillips the Local Ward Member had some reservations about highway safety issues in respect of the Scheme and asked that a further condition be put in the Draft Heads of Terms to include off street parking for the use of the monies obtained from the applicant which would contribute towards the improvement of highway safety.

RESOLVED THAT

1 - the Head of Legal & Democratic Services 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 including use of the monies from the applicant for off-street car parking.

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.

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

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

The Sub Committee discussed details of the application and the likely impact that the proposal would have on an important Grade II Listed Building and associated parkland and gardens which were of special historic interest. Councillor WLS Bowen felt that the applicants had achieved a sympathetic building in scale and proportion to compliment the recently restored house and gardens. Councillor T James was of the view that the proposal was aesthetically and visually pleasing and that it would help to preserve the character and setting of Nieuport House for the future. The Sub committee shared these views and proposed that the application should be granted.

The Development Control Manager advised that the relevant legislation required the local planning authority to take into account any representations made in respect of the impact on the setting of the listed building. Furthermore, the Council's own policy in the Unitary Development Plan was quite strict; if the proposals damaged the setting then the application should be refused. Consequently the representations received from the Conservation Officer and other expert consultees which identified damage to the setting must be taken into account. In order to justify granting permission Members had to satisfy themselves that the development would not damage the setting notwithstanding any views to the contrary expressed by consultees and the planning officers in their recommendation. In the subsequent debate Members who had visited the site expressed their view that the development would not detract from the setting of the listed building and, therefore, the Unitary Development Plan policy would not be breached.

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

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

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

The Senior Planning Officer recommended that Permitted Development Rights should be removed if the application was approved.

In accordance with the criteria for public speaking, Mr Birch the applicant spoke in favour of the application.

The Local Ward Members had concerns about the lack of off street car parking for the scheme and felt that it was inevitable that occupants would use the adjoining road and create highway safety problems on a busy bend. It was therefore requested that investigation be made into the provision of double-yellow lines on the road. The Ward Members were asked to request the Town Council to make the necessary approach to the Transportation Manager.

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 - 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.

5 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no garages, building or extension shall be erected or constructed.

Reason: In order that the scale of the dwellings remains appropriate in the absence of off-street parking provision and in order to preserve the amenity of future inhabitants.

Informatives:

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

2 - N19 - Avoidance of doubt

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

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.

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

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 - 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

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

The receipt of a further letter of objection from a neighbour was reported. It was also reported that the Head of Environmental Health and Trading Standards had stipulations about the control of light pollution and that the recommendation in the report included the appropriate conditions.

Councillor WLS Bowen the Local Ward Member commended the club for its

promotion of rugby in the local community but requested that checks be made to ensure that the proposed conditions were complied with. The Development Control Manager said that the detailed specification for the lights formed an important part of the application and was aimed at minimizing the effects of light pollution.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

2 - A07 (Development in accordance with approved plans)

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

3 - 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

105. 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

In accordance with the criteria for public speaking, Mrs Dennis and Mrs Parsons spoke against the application and Mr Greene the agent acting on behalf of the applicant spoke in favour.

The Senior Planning Officer said that Weobley Parish Council felt that the scheme should include more car parking and that vehicular access should be improved. The applicants had submitted revised plans to comply with the conditions which would be imposed by the Council which met the requirements of the Transportation Manager. There were no objections from adjoining residents to the proposals.

Councillor JHR Goodwin the Local Ward Member said that the application had been the source of much debate locally regarding the density of proposed development, the demolition of an existing satisfactory dwelling and the impact on 'The Pippins' which adjoined the site.

Councillor Mrs J French was concerned at the impact of the proposed dwellings on the Weobley Conservation Area and affect they would have on the character and balance of the village, particularly if further applications were received which would lead to pressure for the similar development on other larger gardens nearby. Councillor TM James was also concerned that such applications were detrimental to the character of the villages and several Members shared these concerns. However a motion to refuse the application was lost.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

- 2 - 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.

106. 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

The Northern Team Leader reported that a letter had been received from the applicant agreeing to the requirement to erect screening on the side of the balcony which faced the adjoining property. He also said that a further letter had been received from an objector raising a number of points.

In accordance with the criteria for public speaking, Mrs Stobart spoke against the application.

Councillor WLS Bowen the Local Ward Member said that care must be taken to minimise the affect of the application on the amenity of the adjoining property and that the balcony needed appropriate screening to prevent overlooking. The Northern Team Leader explained how this would be achieved.

RESOLVED

That planning permission be granted with the following conditions:

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

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

- 2 - 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

The meeting ended at 3:30 pm

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Enforcement Notice EN2006/0090/ZZ**

- The appeal was received on 26th October 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 M.D, P.G. & G.W. Ridge
- The site is located at Land at The Deep Litter Shed, Norton Canon, Hereford, HR4 7BH
- The breach of planning control alleged in this notice is "Without planning permission, change of use of the land from use for agriculture to use for the siting of a mobile home for residential purposes"
- The requirements of the notice are:
 - Cease the residential use of the land
 - Permanently remove the mobile home from the land
- The appeal is to be heard by Inquiry

Case Officer: Philip Mullineux on 01432 261808

Enforcement Notice EN2006/0093/ZZ

- The appeal was received on 19th October 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 D.A. Kirk
- The site is located at Frith Wood, Stapleton, Presteigne, LD8 2LS
- The breach of planning control alleged in this notice is:

Without planning permission, the material change of use of a forestry tool store and rest room building to a single residential dwelling house, together with the construction of an associated wooden shed.
- The requirements of the notice are:
 - (i) *Permanently cease the residential use of the forestry tool store and rest room building.*
 - (ii) *Demolish the wooden shed building.*
 - (iii) *Remove all materials that arise from the demolition of the wooden shed building from the land*
- The appeal is to be heard by Inquiry

Case Officer: Philip Mullineux on 01432 261808

Application No. DCNW2006/0657/U

- The appeal was received on 19th 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 DA Kirk
- The site is located at "Tool shed & rest room" at the Frith Wood, Stapleton
- The development proposed is Residential dwelling.

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

- The appeal is to be heard by Inquiry

Case Officer: Philip Mullineux on 01432 261808

Application No. DCNC2006/2800/O

- The appeal was received on 6th November 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 D Howe
- The site is located at West Eaton Nurseries, Bromyard Road, Leominster, Herefordshire, HR6 0NA
- The development proposed is a proposed new dwelling.
- The appeal is to be heard by Written Representations

Case Officer: Andrew Banks on 01432 383085

Application No. DCNE2006/0758/F

- The appeal was received on 6th November 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 Rev G T Sykes
- The site is located at St James Church, Stanford Bishop, Bringsty, Worcester
- The development proposed is Change of use of farmland to car parking facilities.
- The appeal is to be heard by Written Representations

Case Officer: Roland Close on 01432 261803

APPEALS DETERMINED

Enforcement Notice EN2006/0016/ZZ

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

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

- The main issues are whether there is an essential need for a mobile home at this site, and also the impact of the proposed mobile home on the appearance of the area and in particular the Area Of Great Landscape Value

Decision: The appeal was DISMISSED on 26th October 2006

Case Officer: Philip Mullineux on 01432 261808

Application No. DCNW2005/3134/F

- The appeal was received on 15th May 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 A J LLoyd
- The site is located at New House Farm, Lyonshall, Kington, Herefordshire, HR5 3JF
- The application, dated 30th September 2005, was refused on 16th November 2005
- The development proposed was Retrospective application for the siting of a porta home for the use of seasonal agricultural workers.
- The main issue is The main issues are whether there is an essential need for a mobile home at this site, and also the impact of the proposed mobile home on the appearance of the area and in particular the Area Of Great Landscape Value

Decision: The appeal was DISMISSED on 26th October 2006

Case Officer: Philip Mullineux on 01432 261808

Application No. DCNE2006/2305/A

- The appeal was received on 6th September 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 Titan Outdoor Advertising LTD
- The site is located at External Wall of Railway Station, Ledbury, Herefordshire
- The application, dated 12th July 2006, was refused on 21st August 2006
- The development proposed was 1 no. "16 Sheet" measuring 1300x1900 mm
- The main issue is the impact of the proposed panel on the appearance of the site and the general street scene

Decision: The appeal was DISMISSED on 1st November 2006

Case Officer: Roland Close on 01432 261803

Application No. DCNC2005/1941/F

- The appeal was received on 24th May 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 Lord J F Cawley
- The site is located at Eye Court Barn, Eye, Leominster, Herefordshire, HR6 0DT
- The application, dated 23rd May 2005, was refused on 4th January 2006

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

- The development proposed was Conversion of listed barn into residential dwelling
- The main issue is access.

Decision: The appeal was DISMISSED on 2nd November 2006

Case Officer: Andrew Banks on 01432 380385

Application No. DCNC2005/4160/L

- The appeal was received on 8th 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 & Mrs R Evans
- The site is located at Longlands Barn, Whitbourne Hall Park, Whitbourne, Worcs, WR6 5SG
- The application, dated 22nd December 2005, was refused on 15th February 2006
- The development proposed was Installation of four, 1.3m square surface area, solar collectors positioned on the existing south facing inclined roof surface
- The main issue is the effect of the proposal on the special architectural and historic interest of the building.

Decision: The appeal was DISMISSED on 2nd November 2006

Case Officer: Nigel Banning on 01432 383093

Application No. DCNC2006/0890/F

- The appeal was received on 5th July 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 A Judge
- The site is located at 5 Old Forge, Whitbourne, Worcester, Herefordshire, WR6 5SB
- The application, dated 17th March 2006, was refused on 10th May 2006
- The development proposed was Application under S73 of the town and country planning act 1990 to delete condition 3 of permission DCNC2005/3189/F. Level of conservatory.
- The main issue is the effect of the proposal on the living conditions of the occupiers of the adjoining properties, with particular reference to overlooking.

Decision: The appeal was DISMISSED on 14th November 2006

Case Officer: Andrew Banks on 01432 383085

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

6 DCNC2006/2953/O - SITE FOR THE ERECTION OF A DETACHED DWELLING AT 78 CASTLEFIELDS, LEOMINSTER, HEREFORDSHIRE, HR6 8BJ**For: Mr S W 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

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

1. Site Description and Proposal

- 1.1 The site 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 - Accomodating 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

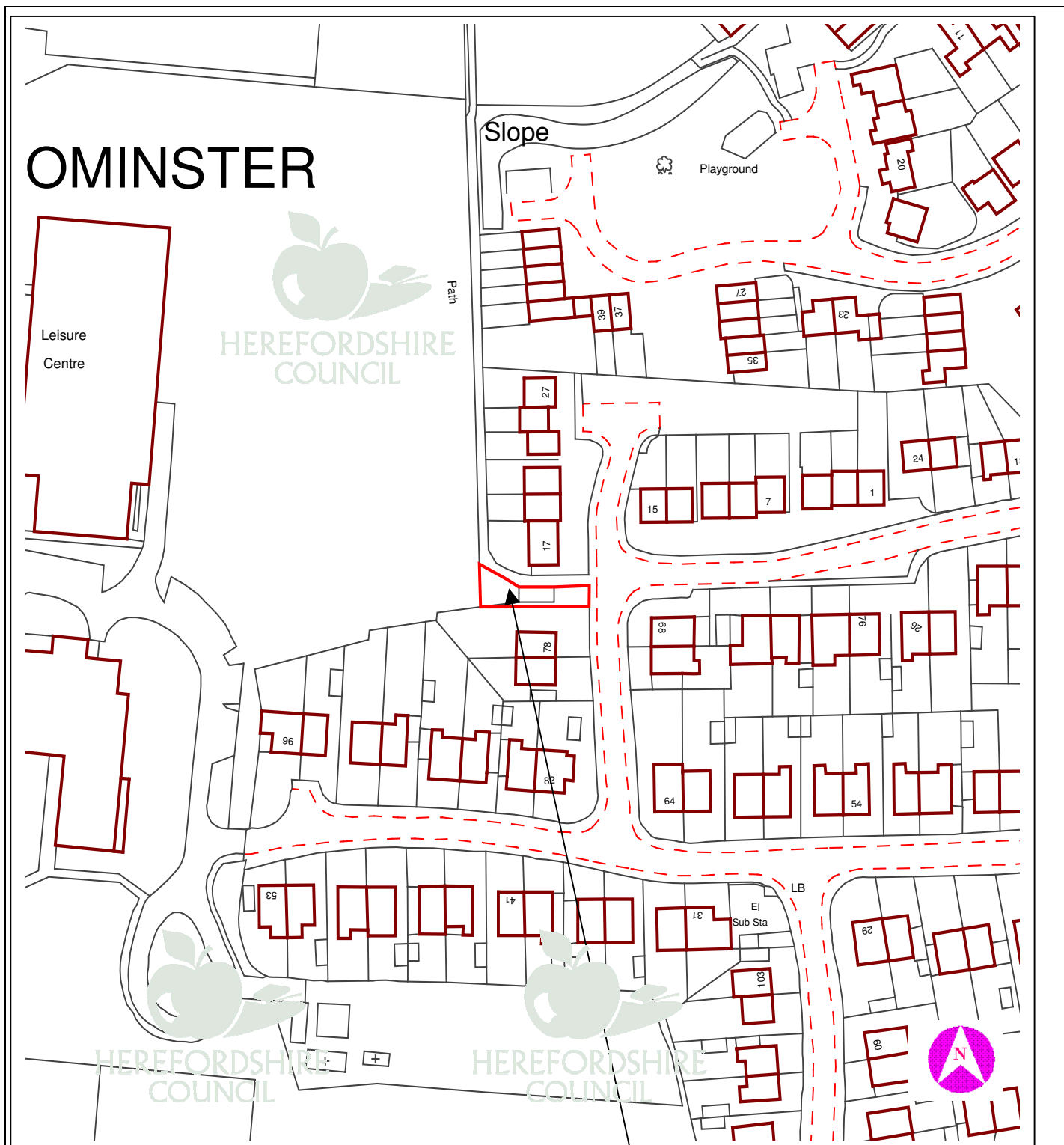
Decision:

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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7 DCNC2006/3324/N - CHANGE OF USE OF LAND TO A WASTE TRANSFER STATION FOR CONSTRUCTION AND DEMOLITION WASTE AT EXISTING TRANSPORT AND SAND/GRAVEL DEPOT AT UNIT 11, BROMYARD INDUSTRIAL ESTATE, BROMYARD, HEREFORDSHIRE, HR7 4NS

**For: KTH Group Ltd per Gill Pawson Planning,
Westman House, Chapel Lane, Nr. Tewkesbury,
Gloucestershire, GL20 7ER**

Date Received:
17th October 2006

Ward: Bromyard

Grid Ref:
65385, 55033

Expiry Date:
12th December 2006

Local Member: Councillors P Dauncey and B Hunt

1. Site Description and Proposal

- 1.1 The application site lies within Bromyard Industrial Estate at the former Porthouse Farm, to the north of Bromyard town centre.
- 1.2 The yard is used for the transfer of new aggregates (sand and gravel) stored in the bunkers and bagged up for onward transmission to customers. It has a good access road and there are industrial and manufacturing activities at other premises nearby.
- 1.3 The site accommodates the public weighbridge for the Bromyard area, also used by VOSA (heavy vehicle inspections) for checking loads.
- 1.4 In line with the Waste Hierarchy and government policies to reduce construction waste going landfill and to encourage re-use and recycling, the applicants wish to add the transfer of inert construction/demolition material (soil and stone, rubble, hardcore etc) to the existing use.
- 1.5 Skips containing such material would be brought to the site for sorting and bulking up to the existing outdoor storage bays or for transfer on in larger tipper lorries. No processing or treatment is proposed, any crushing or screening would be undertaken at other premises elsewhere. Sorting would be undertaken indoors in an existing building currently used for vehicle maintenance. Sorted materials would then be transferred to the yard bays for selling on in a similar way to the existing sand and gravel transfer, or trucked out in bulk as necessary. The vehicle maintenance repair workshop would be relocated elsewhere off-site.

2. Policies

2.1 Regional Spatial Strategy

WD1 Targets for waste management in the region

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1	Sustainable development
S2	Development requirements
S6	Transport
S10	Waste
DR2	Land use and activity
DR4	Environment
DR9	Air quality
DR13	Noise
E6	Expansion of existing businesses
E8	Design standards for employment sites
W1	New waste management facilities
W3	Waste transport and handling

2.3 Herefordshire and Worcestershire County Structure Plan

WD2 The disposal of waste

2.4 Government Guidance

Planning Policy Statement 10 Sustainable Waste Management
Minerals Policy Guidance 6 for Aggregates Supply in England (Amended 2003)
Minerals Policy Statement 1 Planning and Minerals, Nov 2006
Waste Strategy 2000

3. Planning History

3.1 MH1557/78 - Erection of original buildings, vehicle maintenance, office, parking.

3.2 MH1033/80 - HGV hardstanding, storage bunkers.

3.3 MH0929/82 - upper floor office extension

3.4 The applicants acquired the site relatively recently, but they took over from the previous occupant (Delahay) who had developed the site as a transport yard since 1978 under planning permission reference MH1557/78. A further planning permission for a HGV hardstanding and storage bunkers was granted on 9th June 1981 under reference MH1033/80. The site is therefore long-established as a haulage and storage yard. There are no conditions on either permission that restrict the type or quantity of goods to be stored or transported.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency have no objection, recommending one condition as a precaution should any contamination be unexpectedly discovered in the course of any remodelling works.

Internal Council Advice

- 4.2 Traffic Manager - No objection
- 4.3 Head of Environmental Health and Trading Standards - No objection

"I would advise that I have no objection to this proposal; however if it is minded to approve this application I would recommend the conditions suggested by the applicant in 6.1 of the supporting statement. Furthermore a site boundary noise level could be considered to control the noise from the sorting operation, however further noise monitoring would be required to verify the measurements taken by the applicant and to establish the existing background levels. Due to the nature of the existing operations it may prove difficult to set a reasonable enforceable level.

Conditions prohibiting the processing eg screening or crushing on site and restricting the operation to the handling of inert wastes with incidental timber from construction and demolition sites, could also be considered, however there may be some duplicity with the controls provided by the waste licensing systems."

5. Representations

- 5.1 Bromyard Town Council - supports the proposal, on the understanding that planning conditions and Environment Agency licensing would offer effective environmental protection.
- 5.2 Letters of objection have been received from Mr & Mrs D Quinton of 54 Kirkham Gardens, Bromyard, HR7 4EA, G T Ashford of 52 Kirkham Gardens, Bromyard, HR7 4EA, A M Harper, Hainsford, Tenbury Road, Bromyard HR7 4LP and Mrs O Richards of 66 Kirkham Gardens, Bromyard, HR7 4EA, also from Ms J McCarthy by email, jmccarthy@festivalhousing.org representing the landlord of Kirkham Gardens. Kirkham Gardens comprises sheltered bungalow accommodation adjoining the application site to the south.
- 5.3 The points raised are summarised as follows:
- Since KTH took over the site it has become considerably busier with an increase in noise and pollution;
 - One of their employees is using a fore-end loader bucket to scrape the yard surface;
 - The proposed change of use will undoubtedly cause an increase in noise and pollution;
 - Our bungalows are warden-controlled residences for the elderly, who cannot easily escape from the daily noise and we are at home for the most part;
 - The noise and dust will be totally unacceptable;
 - We are unable to hang out washing because of the dust;
 - The site is within a few yards of the bungalows in which many very elderly tenants live, most of them housebound;

- Most of us have breathing problems, the dust is very intense.
- Increased noise as loads are delivered by HGV
- More traffic using the site
- Increased amounts of dust
- Hazardous materials being brought to the site
- Difficulty in letting the properties
- Excessive noise and dust will be created
- HGV traffic will increase
- The building is insufficient in size
- There will be a conflict of interest in enforcing the legislation on this site
- Housing and wildlife will be affected by the pollution
- Bromyard already has a refuse tip

5.4 In addition to the submitted supporting statement and Environmental Information, a letter dated 7th November 2006 has been received from the applicant's agent. In summary it provides the following further information in support of the application.

- There are no other local sites able to accept clean inert waste for recycling and there is an urgent need to accommodate increasing arisings of Construction and Demolition waste;
- The site has a long-standing established use as a haulage depot for sand and gravel supplies and vehicle repair workshop, and the proposal is consistent with that use;
- If permission were granted, the heavy vehicle repair workshop would be relocated elsewhere and the waste transfer station would be located within the workshop building;
- Noise is created on site by vehicle reversing beeps, bagging operations, and yard cleaning, but there are also adjacent industrial sites generating similar or more noise. However, the applicant's vehicles are fitted with low-level beepers that are silent when vehicle lights are on. There is also an informal offer to relocate or insulate the bagging hopper to reduce existing noise impact.
- If planning permission is granted, a Waste Management Licence would be necessary. This would require in particular:
 - i. Improvements to the yard surface and drainage - it is anticipated that quieter cleaning operations would then be possible;
 - ii. Installation of a sprinkler system to control dust in dry weather;
 - iii. A Working Plan. This would specify that tipper lorries would not be used to access the building (therefore no increase in its height would be needed). Material would be delivered in smaller skip lorries, to be unloaded within the building for sorting and bulking up to full skips with clean loads to be removed off-site.
- Vehicle movements are summarised as the established use generating around 243 weekly trips to the yard, and with the proposed use approximately 260 trips including use of the weighbridge. However a reduction of about 10 trips could be achieved by utilising empty vehicles for transporting the waste transfer material. The proposal therefore does not represent a significant material increase in lorry traffic.

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

6. Officers Appraisal

- 6.1 The Hereford and Worcester County Structure Plan and Malvern Hills District Local Plan are generally silent on matters relevant to this application, apart from Structure Plan policy WD2 which refers to the geographical relationship between waste sources and handling facilities. Malvern Hills District Local Plan Section 3 "Employment" highlights the need for industrial development to avoid significant harm to neighbouring properties (policy EMP 3) and to promote a safe environment. However all of section 3 relates in principle to new development, whereas the proposal is for a change to a well-established existing site on an industrial estate, with no requirement for new or altered buildings.
- 6.2 The emerging Unitary Development Plan is therefore the appropriate policy basis in this instance.

Existing land use

- 6.3 The area around the application site is generally a mixture of residential and industrial employment uses, with no other environmental designations or constraints. In this respect the proposal complies with UDP (Revised Deposit Draft) policy W1. Waste Transfer is classed as a sui generis use, and therefore the proposal requires planning permission, however the site is an existing transport yard used for sand and gravel transfer, comparable to and compatible with the proposal.
- 6.4 Nevertheless, the nearest neighbours are residents of a sheltered housing scheme, who are likely to be vulnerable and elderly, spending much of their time at home. The applicant is aware of this and acknowledges concern for their welfare.
- 6.5 Bearing this in mind, the key issues in this application are:
- Sustainability;
 - Intensification of operational use;
 - Noise impact;
 - Dust and mud, according to weather conditions;
 - Traffic.

Sustainability

- 6.6 The applicant's skip-hire business serves the construction industry. At present the application site is used for bagging up and transporting new sand and gravel, but there is increasing pressure on such businesses to re-use waste soil and rubble in line with the Waste Hierarchy, to comply with the Waste Framework Directive through the UK Waste Strategy 2000. Re-use of secondary aggregates also reduces the drain on regional natural mineral reserves as required by targets set in MPG6, now incorporated into the new MPS1.
- 6.7 The proposal to sort, separate and bulk up incoming mixed skip-loads of construction waste would enable a high proportion of this material to be re-used and/or recycled, significantly reducing the amount going to landfill. The yard would offer local facilities for the Bromyard area, observing the proximity principle and Best Practical Environmental Option (BPEO). These factors are supported by UDP (Revised Deposit Draft) policies S1, S10 and Structure Plan policy WD2.

Intensification of use

- 6.8 Rather than an additional use, the proposal comprises a substitute use for the building currently used as a heavy vehicle repair workshop – which would be relocated elsewhere. Therefore there should not be any net overall intensification arising directly from the proposal. The waste transfer station would complement the existing established sand and gravel bagging operations and would seem to be an appropriate and logical expansion/rationalisation of an existing business in line with UDP (Revised Deposit Draft) policies E6 and E8. There is no proposal to treat or process any wastes at the site, and any wastes other than inert soil, rubble and hardcore would either not be accepted at the site or would be transferred out for disposal/treatment elsewhere.

Noise

- 6.9 The applicant acknowledges that some of the operations at this site are noisy, however the site is on an established industrial estate surrounded by other noisy establishments including a tool hirer and a metal component manufacturer in the immediate vicinity. Nevertheless, mitigation is offered through planning conditions in terms of confining waste transfer work within the existing building, keeping the doors of the building closed during tipping and sorting, and ensuring minimal reversing beepers on vehicles. There is also the possibility of relocating and/or noise insulating the existing bagging hopper, although this would be on a voluntary basis as it would be outside the remit of this planning application.
- 6.10 The proposal to bring in waste would require a Waste Management Licence from the Environment Agency, which would very likely require improvements to the yard surface and cleaning methods, precluding the practice of yard scraping with a fore-end loader bucket. If permission were to be granted significant environmental improvements could be achieved - and reductions in existing noise nuisance to residents would therefore be possible, to ensure compliance with UDP (Revised Deposit Draft) policies DR4 and DR13.

Dust and Mud

- 6.11 Dust and mud are acknowledged to be a problem, but as with noise issues, mitigation is available through planning conditions and would also be a requirement of the Waste Management Licensing regime. Waste tipping and sorting would be undertaken entirely within the building and a ventilation system to arrest dust particles would be essential. Emissions of dust to air would not be acceptable to either the local planning authority or the Environment Agency. The aforementioned improvements to the yard surface would enable regular sweeping, and a sprinkler system could dampen down outdoor dust from stockpiles of sand and gravel as well as control any fugitive dust from skips accessing and leaving the building, to comply with UDP (Revised Deposit Draft) policy DR4. Waste Management Licensing conditions would therefore control emissions including dust from both the yard and the building.

Vehicle Movements

- 6.12 The applicant has demonstrated that whilst the proposal involves some increase in vehicle trips the removal of the heavy vehicle repair workshop would be a reduction, the net difference being approximately 10 extra trips per week. The site is currently a transport yard with no existing restrictions on vehicle numbers or tips. On the basis of the submitted details the proposal would not constitute a significant increase in traffic,

and the Traffic Manager has not raised any objection or concern. The proposal does not therefore conflict with UDP (Revised Deposit Draft) policies S6 and W3.

Conclusion

- 6.13 The identified environmental effects (mainly noise and dust) could be controlled and mitigated through planning conditions, but in any event the proposal could not be implemented unless a Waste Management Licence were granted by the Environment Agency. This licence would set stringent standards for environmental protection and control of emission, subject to regular inspections and enforcement if necessary.
- 6.14 The existing 1978 planning permission reference MH1557/78 does not include any protective or restrictive conditions. Members are urged to consider the fact that regardless of the outcome of this proposal the applicant is therefore free to continue current operations unrestricted by the local planning authority or the Environment Agency, on an established industrial estate.
- 6.15 The proposal however offers an opportunity to impose modern planning conditions at the site to protect the amenity of neighbours (in particular the elderly and vulnerable residents of Kirkham Gardens), which would also be regulated by the Environment Agency. This would reduce the current impact of the established sand and gravel yard, as well as mitigate any adverse effects of the proposed waste transfer station, and should actually improve conditions for neighbouring residents once the physical improvements had been implemented. Informal offers to further improve working practices at the site are welcomed, including noise insulation for the bagging hopper.
- 6.16 In addition, the proposal could contribute positively to the concept of a sustainable network of small, manageable facilities to assist and improve recycling of the large amounts of construction waste generated within the county and reduce amounts going to landfill.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - The development hereby permitted shall be undertaken in accordance with the operational details found at paragraphs 2.0 - 2.4 inclusive of the submitted supporting statement dated October 2006.

Reason: To define the terms under which permission for change of use is granted.

3 - A11 (Change of use only details required of any alterations)

Reason: To define the terms under which permission for change of use is granted.

- 4 - No waste materials shall be deposited or sorted in the building, outside the hours of 08.00 to 18.00 hours Monday to Friday unless otherwise agreed in advance in writing by the local planning authority.
- 5 - Before the development commences a scheme for a water misting system in the yard shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details. The installed system shall be maintained in good working order and used to damp down all stored materials kept out of doors whenever dry weather allows dust to blow around the site.

Reason: To protect the amenity of local residents and to minimise any adverse effects of dust, in accordance with Herefordshire Unitary Development Plan (Revised Deposit Draft) policies S2 and DR9.

- 6 - Before the development commences a detailed scheme for a ventilation and air extraction system within the building, including dust particle arrestment, shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and the ventilation system used and maintained in good working order throughout the use of the waste transfer station.

Reason: To prevent pollution and dust emissions to atmosphere, in the interests of health and safety and the amenity of local residents in accordance with Herefordshire Unitary Development Plan (Revised Deposit Draft) policies S2, DR4 and DR9.

- 7 - All waste tipping and sorting shall take place within the building with the doors kept closed.

Reason: To protect the amenity of local residents and to ensure the efficiency of the ventilation system required by condition 6 of this permission, in accordance with Herefordshire Unitary Development Plan (Revised Deposit Draft) policies S2 and DR9.

- 8 - No unsorted waste materials shall be stockpiled or stored outside the building unless otherwise agreed in advance in writing by the local planning authority.

Reason: To protect the amenity of the local area in accordance with Herefordshire Unitary Development Plan (Revised Deposit Draft) policy S2.

- 9 - No wastes or waste materials other than those specified in this application shall be received at the application site.

Reason: To prevent pollution in accordance with Herefordshire Unitary Development Plan (Revised Deposit Draft) policies S2 and DR4 and because any other type of waste materials would raise environmental and amenity issues that would require further consideration by the local planning authority.

- 10 - No burning, incineration, crushing, screening or otherwise treatment or processing of any waste materials shall take place at the premises.

Reason: To prevent pollution and protect the amenity of the occupiers of nearby properties in accordance with Herefordshire Unitary Development Plan (Revised Deposit Draft) policies S2, DR4 and DR9.

- 11 - All wastes brought into or taken out from the site shall be transported in securely covered or enclosed skips or vehicles.

Reason: In the interests of road safety and to prevent pollution or nuisance, in accordance with Herefordshire Unitary Development Plan (Revised Deposit Draft) policies S2, DR4 and W3.

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

Reason: To prevent pollution of the water environment.

- 13 - If, during development, contamination not previously identified is found to be present at the site then, unless otherwise agreed in writing by the local planning authority, no further development shall be carried out until a Method Statement detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. Thereafter development of the site shall be carried out in accordance with the approved Method Statement.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and harm to human health. [Environment Agency's required condition, - see informative note 2]

- 14 – *(Adapted) G04 (Landscaping scheme (general)) (Landscaping/planting scheme for SE boundary to be submitted within 12 months of the permission)*

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

- 15 - *(Adapted) G05 (Implementation of landscaping scheme (general)) (implementation of approved landscaping in first planting season following scheme approval)*

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

INFORMATIVES

- 1 - To protect local amenity in accordance with Herefordshire Unitary Development Plan (Revised Deposit Draft) policies S2 and DR13, it would be of great benefit to residential neighbours if a scheme of noise mitigation for the existing bagging hopper could be produced and agreed with the local planning authority, to include either relocating the hopper away from residential neighbours, or enclosing it or lining it with sound insulating material.

- 2 - Condition 13 refers to mitigation for the possibility of contaminated material being inadvertently imported with the construction waste, and also to any alterations to the surface of the yard or to the building, including changes to the inspection pit currently at the site.

- 3 - If the inspection pit will be filled in, only inert material should be used. Only clean uncontaminated rock, subsoil, brick, rubble or ceramic should be permitted as infill. Such other materials as timber, paper, plasterboard, plastics, or any other material capable of producing polluting leachate, should not be permitted, to prevent pollution.
- 4 - The applicant should contact the Environment Agency local regulatory waste team regarding a Waste Management Licence, available on 08708 506506.
- 5 - HN01 - Mud on highway
- 6 - N15 - Reason(s) for the Grant of PP/LBC/CAC

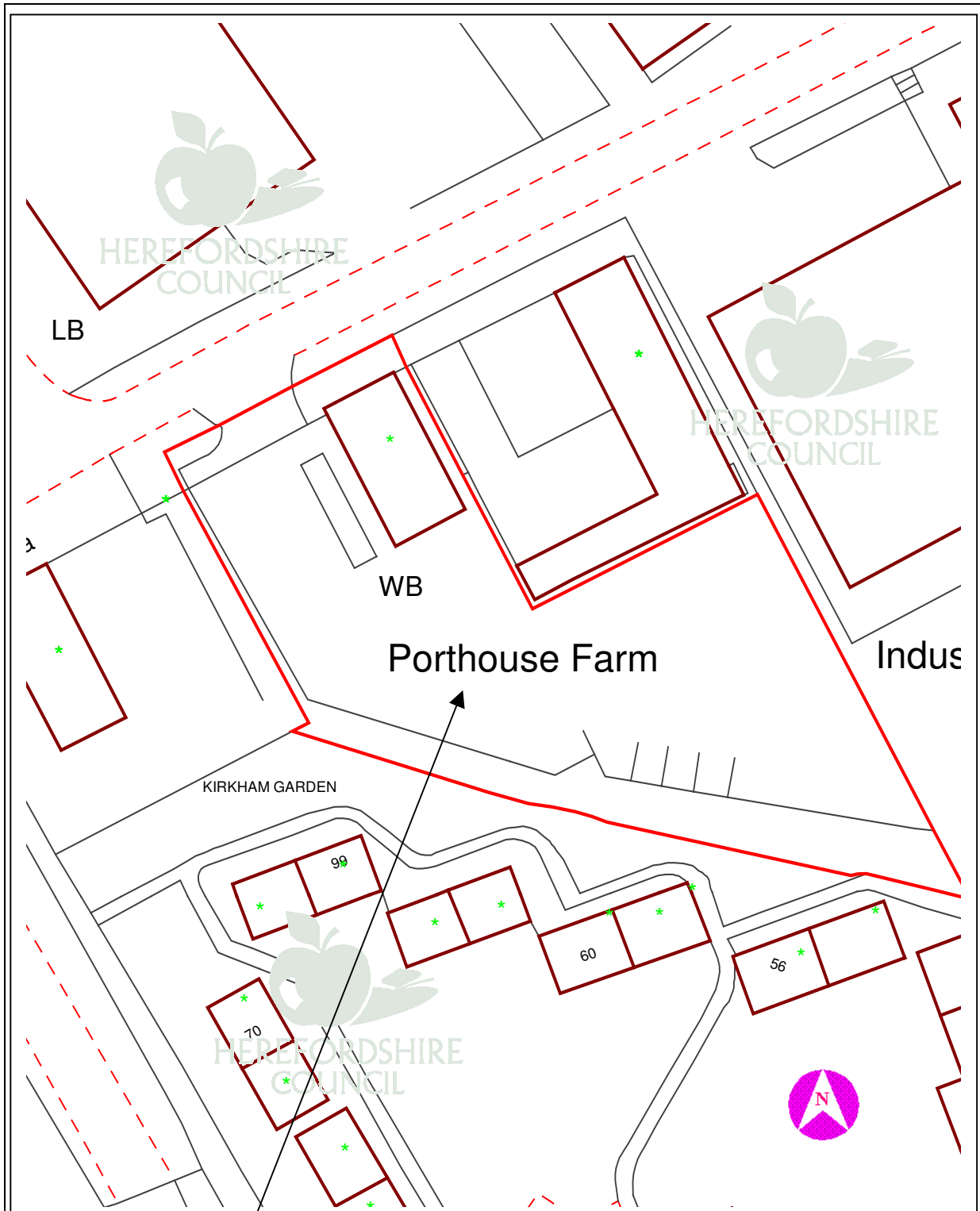
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/3324/N

SCALE : 1 : 714

SITE ADDRESS : Unit 11, Bromyard Industrial Estate, Bromyard, Herefordshire, HR7 4NS

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8 DCNE2006/3134/F - PROPOSED BAY WINDOWS TO FRONT ELEVATION AND RECONSTRUCTION OF DOUBLE GARAGE WITH PITCHED ROOF AT KYLDONAN, WOODLEIGH ROAD, LEDBURY, HEREFORDSHIRE, HR8 2BG

For: Mr & Mrs S Gummery per Meredith Architectural Design, 34 Montpelier Road, West Malvern, Worcestershire, WR14 4BS

Date Received:
29th September 2006

Ward: Ledbury

Grid Ref:
70652, 37587

Expiry Date:
24th November 2006

Local Members: Councillor B Ashton, Councillor P Harling & Councillor D Rule MBE

1. Site Description and Proposal

- 1.1 The application site lies on the eastern side of Woodleigh Road within Ledbury. Upon the site at present is a two-storey house with a detached single garage to the north with an extensive 'lean-to' store. To the north of the application site is a detached two-storey house known as 'Brynderwyn'. The application site has a 2.4 metre wide vehicular means of access. Opposite the application site on the western side of Woodleigh Road is a row of terraced cottages.
- 1.2 The proposal is to demolish the existing single garage and attached corrugated sheeted 'lean-to' structure and replace it with a double garage of a similar footprint but with a pitched roof. The building would have a depth of 9.5 metres, a width at the front of 6.9 metres and a width at the rear of 2.9 metres. It would have a height to eaves of 2.6 metres and a height to ridge of 4.65 metres. The ridge would run in a north-south direction. The building would be set in off the boundary with 'Brynderwyn' to the north by 40 cm. This northern flank wall would be an oblique gable. A gap of 0.95 metres would be maintained with the northern flank elevation of the house and it would be set back some 5.9 metres from the front building line of the house.
- 1.3 It is also proposed to erect two modest bays to the ground floor frontage windows with a 'lean-to' roof over connecting both bays and erecting a shelter to the front door.

2. Policies

2.1 Central Government Advice

Planning Policy Statement 1 – Delivering Sustainable Development

3. Planning History

- 3.1 None relevant.

4. Consultation Summary

Statutory Consultations

- 4.1 None

Internal Council Advice

4.2 The Transportation Manager has no objections to the proposed development.

5. Representations

5.1 The Ledbury Parish Council wish to see the application approved.

5.2 The occupiers of four dwellings in the immediate vicinity have the following concerns:

- The proposal may involve the lowering of kerbstones;
- During the construction process less on-street parking spaces would be available;
- The side of the vehicles kept at the property, including the tractor and trailer, are of concern. There is limited turning space;
- Concern as to the time that construction would take place;
- The existing 'lean-to' cannot accommodate a vehicle;
- The need for a pitched roof is questioned and it is suggested that the occupiers of dwellings in the immediate vicinity will suffer an undue loss of light;
- Concern as to possible future proposals; and
- A tile roof would be more appropriate than a slate roof.

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 site lies within the defined settlement boundary of Ledbury where the principle of erecting extensions and outbuildings to existing dwellings is acceptable. However, any such proposal to extend must be appropriate. In this regard such proposals are the subject to criteria based policies. These are established in Housing Policy 16 of the Malvern Hills District Local Plan 1998 and policy H18 of the Herefordshire Unitary Development Plan Revised Deposit Draft May 2004.

6.2 The proposed outbuilding is to be sited upon the approximate footprint of an existing outbuilding. Its siting detached from the house and set back from its front building line is welcomed. A gap would be maintained with the boundary of the house known as 'Brynderwyn' to the north.

6.3 In terms of the design of the proposed building the provision of a pitched roof is logical. Its height of 4.7 metres, below the eaves height of the house, is considered to be appropriate. The use of artificial slates is considered to be appropriate. Many of the dwellings in this street would originally have had slate roofs, although somewhat unfortunately many have been replaced by concrete pantiles.

6.4 No alterations are proposed to the access onto the highway, which has an adequate width, and sufficient space would be maintained in front of the building for the parking of at least two cars.

6.5 In terms of the use of the building it is only the applicant's intention to use it for purposes incidental to the use of 'Kyldonan' as a single-family dwelling house. I understand that the applicant has an interest in restoring / maintaining vintage tractors. This does not represent a material change of use.

6.6 The siting and design of the proposed outbuilding is such that there would not be any undue loss of sunlight or daylight to occupiers of other existing dwellings in the vicinity.

6.7 The bay windows and lean-to roof to the front would not have any adverse impact.

6.8 I therefore recommend that full conditional planning permission be granted.

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 - Prior to commencement of the development hereby permitted, full written details and samples of all materials to be used in the construction of the external surfaces of the developments hereby permitted shall be submitted to the Local Planning Authority for their written approval. No development shall commence until the written approval of the Local Planning Authority has been given.

Reason: To ensure a satisfactory appearance to the development.

- 3 - The garage building hereby permitted shall only be used for purposes incidental to the use of 'Kyldonan' as a single family dwelling house and shall not be used in connection with any trade or business.

Reason: To safeguard the character of the area and the amenities of occupiers of existing dwellings in the immediate vicinity.

Informatives:

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

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



APPLICATION NO: DCNE2006/3134/F

SCALE : 1 : 1250

SITE ADDRESS : Kyldonan, Woodleigh Road, Ledbury, Herefordshire, HR8 2BG

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

For: Ms H Kent per Mr P H Tufnell, Tufnell Town & Country Planning, Waverley Studio, Gloucester Road, Hartpury, Gloucester, GL19 3BG

Date Received:
25th November 2005

Ward: Hope End

Grid Ref:
71128, 40138

Expiry Date:
20th January 2006

Local Member: Councillors R Mills and R Stockton

This application was deferred by Committee on 11th October 2006 in order that officers could discuss further amendments to the position of the dwelling with the applicant's agent.

The Committee suggested that the dwelling ought to be rotated in a clockwise direction in order that over looking of the property to the rear (Hillside) is reduced.

The applicant's agent has considered the views of the Committee but has felt unable to amend the scheme as suggested. The reasons for this are detailed later in this report. However an agreement has been reached regarding the fenestration of the eastern elevation. The amount of glazing has been reduced slightly to give a more traditional residential appearance.

1. Site Description and Proposal

- 1.1 The site is located on the eastern side of unclassified road 66401, known as Floyds Lane within the village of Wellington Heath. Until approximately 40 years ago two dwellings occupied the site but both were demolished and the site is currently undeveloped. The northern, eastern and southern boundaries are enclosed by existing mature hedges and the roadside frontage remains open. Ground levels fall relatively steeply eastwards and to a lesser extent southwards within the site. The site is largely enclosed by existing residential development to the north, east and south and the western side of Floyds Lane.
- 1.2 The site lies within the Malvern Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value and is also within the settlement boundary for Wellington Heath as defined in the Malvern Hills District Local Plan.
- 1.3 This is a Reserved Matters application following an outline approval under reference NE02/2904/O. The plans have been amended since their original submission and show a property that appears as a single storey dwelling from the roadside (the west elevation), but as two storey at the rear, eastern elevation. This is facilitated by the considerable change in levels across the site as described above.

- 1.4 The dwelling is orientated in an east/west plane with a gabled projection on both front and rear elevations. It is set back from the road frontage with a vehicle turning area to the fore and parking to the southern side.
- 1.5 The dwelling has a total floor area of approximately 125m². From the front, its height from ground to ridge measures 5.4 metres and 7.7 metres from the rear. Accommodation is effectively reversed with bedrooms at the lower level and living areas and kitchen at the upper level. The rear, eastern elevation includes a significant amount of glazing, but a balcony originally included has been omitted from an amended scheme.
- 1.6 Further details have also been submitted in relation to drainage arrangements with a sustainable drainage scheme proposed to deal with surface water in particular. This will see 'grey' water being re-used whilst foul water will be discharged to an existing mains sewer.

2. Policies

2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft)

H6 - Housing in Smaller Settlements

H14 - Re-using Previously Developed Land and Buildings

LA1 - Areas of Outstanding Natural Beauty

LA2 - Landscape Character and Areas Least Resilient to Change

LA3 - Setting of Settlements

H13 - Sustainable Residential Design

2.2 Hereford and Worcester County Structure Plan

H16A - Housing in Rural Areas

H18 - Housing in Rural Areas Outside the Green Belt

CTC1 - Areas of Outstanding Natural Beauty

CTC2 - Areas of Great Landscape Value

2.3 Malvern Hills District Local Plan

Housing Policy 3 - Settlement Boundaries

Landscape Policy 2 - Areas of Outstanding Natural Beauty

Landscape Policy 3 - Development in Areas of Great Landscape Value

3. Planning History

- 3.1 NE02/2904/O - Site for the erection of one dwelling - Approved 29th January 2003.
- 3.2 NE03/3437/F - Application for non-compliance with condition 15 of NE02/2904/O (that the development should be a single storey bungalow with ground floor accommodation only) - Approved 28th January 2004

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Transportation manager - No objections.

5. Representations

- 5.1 Wellington Heath Parish Council - No objections to the application as originally submitted. Reconsultation, following amendments to remove the balcony, resulted in the following comments:

*"Height and size of dwelling is inappropriate for the size of the plot.
Concerns over site traffic and density in Floyds Lane, with no passing places.
'Clay' soil causing drainage problems, particularly on sloping site.
Strongly object - single storey might not result in quite such opposition."*

- 5.2 In response to the further amendments the parish council comment that the reasons for not adjusting the position of the dwelling or further reducing the first floor windows in the east elevation are not convincing. They also consider that drainage remains a problem and that a 2,000 litre tank to store surface water will be insufficient in a downpour and will cause problems for properties lower down the slope to Horse Road.

- 5.3 Severn Trent Water - No objection to the original submission subject to a condition requiring details of the disposal of surface water and foul sewage. Following the submission of the revised drainage strategy, they confirm that there is no objection to the proposal.

- 5.4 Objections have been received from the following:

- Mr & Mrs Blundell, Woodfields, Floyds Lane, Wellington Heath
- Mr & Mrs Holden-Smith, Hillside, Horse Road, Wellington Heath
- Dr & Mr Maclean, Jay House, Floyds Lane, Wellington Heath
- Mr Moore, Vine Cottage, Floyds Lane, Wellington Heath
- Frances Bradley, Pear Tree Cottage, Floyds Lane, Wellington Heath

- 5.5 In summary the points raised are as follows:

- 5.5.1 The proposal will cause overlooking and loss of privacy to adjacent dwellings.
- 5.5.2 Concerns over the finished floor levels of the proposed dwelling and the accuracy of the figures shown.
- 5.5.3 Some adjacent properties are not shown and the plans are therefore misleading.
- 5.5.4 The proposal constitutes over-development.
- 5.5.5 Concerns over traffic generation and highway safety.
- 5.5.6 Concerns relating to the drainage arrangements for the site, in particular surface water drainage.
- 5.5.7 Excavation of the site required to facilitate the development may cause subsidence to adjacent properties.
- 5.5.8 The scale and design of the proposal is inappropriate in an Area of Natural Beauty.

- 5.6 In light of the further amendments to the scheme, further letters of objection have been received from:

- Mr & Mrs Blundell, Woodfields, Floyds Lane, Wellington Heath
- Mr & Mrs Holden-Smith, Hillside, Horse Road, Wellington Heath
- Dr & Mr Maclean, Jay House, Floyds Lane, Wellington Heath
- Mr Moore, Vine Cottage, Floyds Lane, Wellington Heath

- 5.7 Each re-affirms their objection to the application and, in summary, the points raised are as follows:
- 5.7.1 The changes made are purely cosmetic and do nothing to address issues of residential amenity.
 - 5.7.2 The inability to relocate the proposal is further evidence that the plans represent inappropriate density of development.
 - 5.7.3 The revised plan is misleading, particularly as it does not show levels.
 - 5.7.4 The scheme will be overbearing and detrimental to residential amenity.
 - 5.7.5 Serious concerns regarding the disposal of surface water.
 - 5.7.6 Concerns about the possible removal of 4 metres of boundary hedge between the application site and Jay House.
 - 5.7.7 Reference is also made to a refused application at Jay House to add a first floor extension (application reference NE2000/1708/F). The application was also dismissed on appeal due to a loss of amenity to houses to the south and east of Jay House. It is considered that this demonstrates that this proposal will also result in a loss of amenity.
- 5.8 The applicant's agent has also submitted correspondence in relation to the most recent amendments and this can be summarised as follows:
- 5.8.1 Rotating the dwelling would mean that it would actually have to be located closer to Hillside in order that the parking and turning areas could be maintained.
 - 5.8.2 Reorientation would also bring the north west corner of the dwelling much closer to Woodfields, creating a discordant feature that would be at odds with the street scene.
 - 5.8.3 It is considered that reorientation would achieve the stated goal of reducing the degree of overlooking. Whilst the angle of view would be less direct, it would inevitably be closer.
- 5.9 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.

6. Officers Appraisal

- 6.1 The principle of residential development has been accepted on the site by virtue of the outline application, whilst the acceptability of a two-storey development has effectively been considered under the later application to remove condition no 15 of the outline permission. The application was approved and it can be reasonably concluded that the committee considered issues relating to residential amenity and overlooking at that time. The current application does of course, provide detail against which the full extent of this and not just the principle, can be fully assessed.

Residential Amenity

- 6.2 It is your officer's opinion that the re-positioning of the dwelling will create a less satisfactory appearance in terms of the street scene and will not significantly change the relationship between the existing dwellings and the proposal in terms of amenity issues.
- 6.3 A combination of restrictions resulting from conditions imposed on the outline permission, and the constraints created by the nature of the site, limit the position of

the dwelling. The outline consent requires that vehicles should be able to turn on site, and this can only realistically be achieved by allowing parking at the side of the dwelling with a turning area at the front, as shown on the submitted block plan. The dwelling cannot be moved further from the rear boundary, shared with Hillside, to increase separation between the two as a result. When viewed from Floyds Lane, the proposal continues the form of development in its immediate locality with dwellings being set back from the road. As a consequence, the proposal may cause some overlooking of the gardens of the dwellings either side, Woodfields and Jay House, but not significantly greater than in any usual residential context. The degree of overlooking of Hillside may be more significant, but in light of the approval to effectively allow two-storey accommodation, it is not considered that this is sufficient to warrant refusal. The scheme is therefore considered to be acceptable in terms of impact on residential amenity.

Design

- 6.4 As has been referred to earlier, the design is also influenced by the conditions originally imposed and the constraints of the site, those being its steep slope and narrowness.
- 6.5 The site does lend itself to a split-level design and this is not dissimilar to the adjacent dwelling known as Woodfields. Land further to the south is much flatter and allows for single storey accommodation without significant degrees of excavation.
- 6.6 In your officer's opinion the design of this proposal is of a character scale and appearance that reflects the modern development, which surrounds it. It is therefore difficult to argue that it has a detrimental impact on the Area of Outstanding Natural beauty.
- 6.7 With a total floor area of 125m² it is not overly large, and the slope of the site dictates its ridge height. It is therefore considered that the scheme accords with policy in terms of its design and its impact on the area of natural beauty.
- 6.8 As stated previously, the size of the dwelling is not considered to be excessive in relation to the plot itself. It is estimated that the dwelling occupies approximately 1/5 of the site's entire area, and this is not considered to be excessive.

Drainage

- 6.9 This has been a major point of contention with the owner of Hillside, who is particularly concerned that the treatment of surface water through a soakaway system will cause problems of seepage onto his property. He considers that the area of land is insufficient to provide adequate soakaways, particularly in light of the poor ground conditions.
- 6.10 A solution has been proposed to use a sustainable drainage scheme where surface water will be recycled and used within the household. This will considerably reduce surface water run-off and alleviate the concerns raised. The applicant is able to connect to the mains sewer to dispose of foul water, but as it is not a combined system an alternative solution for surface water must be found.
- 6.11 Consultation responses from Severn Trent Water confirm that they raise no objection to the scheme. Advice from the Building Control Officer assumes that a worst case scenario of very heavy rainfall, based on an assumption that 25mm will fall in one hour.

- 6.12 An analysis of information on the Met Office website suggests that in the months with the most rainfall; those being January, November and December, the average rainfall on days when it does rain is 6.5mm per day.
- 6.13 Whilst it is accepted that there will be events of heavy rainfall in excess of the average, it should be taken into account that the tank will fill and be emptied continuously.
- 6.14 The scheme is therefore considered satisfactory in terms of the proposed method of surface water drainage.

Southern Boundary with Jay House

- 6.15 The objectors at Jay House considers that the level of excavation likely to be required to create the parking area with store beneath will impact upon the continued viability of the hedgerow between the two. They also advise that the plans indicate the removal of 4 metres of a hedgerow and a low stone wall that fall under their control.
- 6.16 A condition of the outline planning permission required the submission of plans showing the proposed levels of the site, and this remains the case.
- 6.17 Notwithstanding any planning permission that may be granted, the removal of all or part of a boundary owned by an adjoining landowner is a legal matter to be agreed by both parties.

Refused Application and Dismissed Appeal at Jay House

- 6.18 The comments at paragraphs 6.1 and 6.2 are of considerable relevance in relation to this particular objection. A two storey development has been accepted through the removal of an original condition requiring development to be single storey. Each application must be treated on its own merits and on balance, the potential loss of residential amenity that may be caused by this particular proposal does not justify the refusal of planning permission.

Highway Safety

- 6.19 The issue of highway safety was debated as part of the outline application and conditions were imposed relating to off street parking and provision of parking for site operatives, and as such this point should not be revisited at this stage.

Other Issues

- 6.20 In light of the fact that the site is in a primarily residential area, it would seem reasonable to impose a condition to limit construction times. Other matters such as site levels and the extent of excavation works are addressed by conditions on the outline permission.
- 6.21 It is therefore concluded that the proposal accords with the relevant policies and the application is recommended for approval.

RECOMMENDATION

That reserved matters be approved subject to the following conditions:

- 1 - B01 (Samples of external materials)

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

- 2 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

- 3 - The development shall be carried out in accordance with the details of the sustainable drainage system for the treatment of surface water received by the local planning authority on 22nd September 2006. The scheme shall be completed in accordance with the approved details before the dwelling is first occupied.

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

- 4 - F40 (No burning of material/substances)

Reason: To safeguard residential amenity and prevent pollution.

- 5 - A09 (Amended plans)

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

- 6 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no works other than those expressly authorised by this permission shall be undertaken within the site that would fall within Classes, A, B, C, E and F of Part 1 or Class A of Part 2 of Schedule 2 of that order.

Reason: To define the terms of this permission.

- 7 - The flat roofed element of the east elevation shall not be used as a balcony or outside amenity area.

Reason: In the interests of adjoining residential amenity.

Informatives:

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

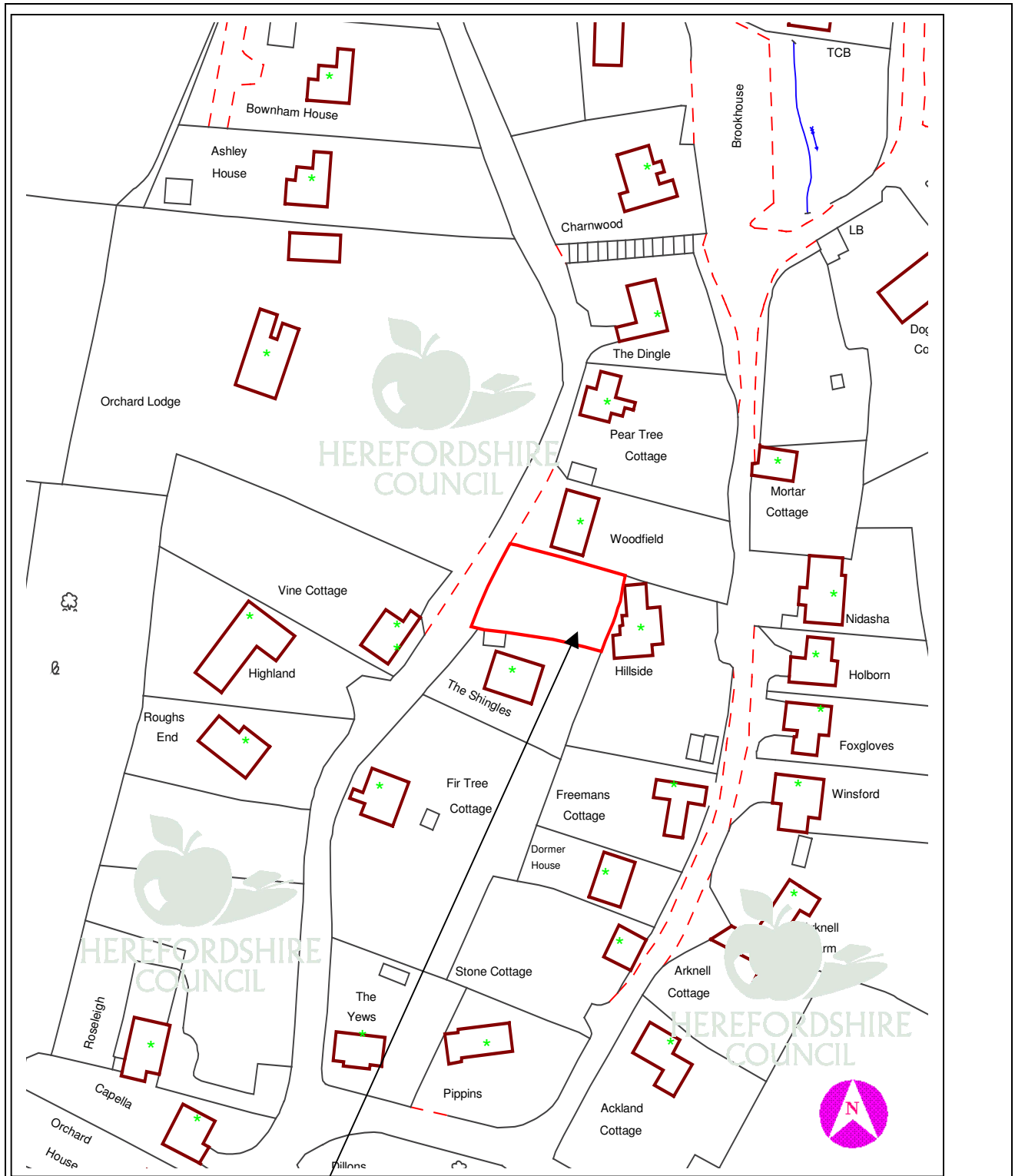
- 2 - N09 - Approval of Reserved Matters

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2005/3784/RM

SCALE : 1 : 1250

SITE ADDRESS : Site of Rose & Coome Cottages, Floyds Lane, Wellington Heath, Ledbury, Herefordshire, HR8 1LR

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**10 DCNC2006/3283/F - USE OF LAND FOR SITING
MOBILE HOMES BY THE DELETION OF CONDITION 2
IN THE CONSENT WHICH STATES NO CARAVAN
SHALL BE USED AS PERMANENT RESIDENTIAL
ACCOMMODATION ON LAND AT MEADOW BANK,
HAMNISH, LEOMINSTER, HEREFORDSHIRE. HR6 0QN.**

**For: Miss D Moore per HLL Humberts Leisure, Pavilion
View, 19 New Road, Brighton, E. Sussex. BN1 1UF**

Date Received:
16th October 2006

Ward: Leominster South

Grid Ref:
52731, 58513

Expiry Date:
11th December 2006

Local Member: Councillors D Burke and J Thomas

1. Site Description and Proposal

- 1.1 Meadow Bank is an established caravan park. It is located within the open countryside in an undulating landscape. The application site is positioned on an area of low lying flat land. It is formally laid out as a caravan park with surfaced access roads and designated plots for each of the static caravans.
- 1.2 Other parts of the site lie on sloping land. To the north are a number of other caravans and a large complex of agricultural buildings beyond. These are used in conjunction with the applicants equestrian based business. The land to the south also rises but is open agricultural land.
- 1.3 The application is for the removal of condition no 2 of 92/0042/C which prohibits the use of caravans as permanent residential accommodation. In light of the fact that the majority of the units on the application site are permanently occupied and have been for some time, the application is retrospective and seeks permanent residential use.

2. Policies

2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1 - Sustainable Development
H7 - Housing in the Countryside Outside Settlements
RST14 - Static Caravans, Chalets, Camping and Touring Caravan Sites

2.2 Leominster District Local Plan

A40 - Change of use from Holiday Chalet or Caravan Sites
A2 - Settlement Hierarchy

3. Planning History

- 3.1 NC2002/1416/F - Use of land for siting 10 static holiday caravans as an extension of existing park - Approved 15.7.02
- 3.2 NC2000/2090/F - Change of use to extend caravan park - Refused 09.10.00
- 3.3 N98/0220/U - Certificate of lawfulness for the use of land as residential caravan site for 5 caravans - Approved 6.10.98
- 3.4 92/0042/C - Extension of site for static holiday caravans - Approved 31.03.92
- 3.5 91/0655/C - Continued use of land for siting 14 static holiday caravans - Approved 03.12.91

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Transportation Manager - not received.
- 4.3 Head of Environmental Health and Trading Standards - no objection.

5. Representations

- 5.1 Leominster Town Council - object to the application by saying that Condition No 2 should be left in place.
- 5.2 Four letter of objections have been received from the following:

- H F Parsons, North Rowley, Hamnish
- Mr & Mrs Foster, Patty's Cross, Hamnish
- Mr & Mrs Young, Juniper, Hamish
- Mr Owest, Colaba Lodge, Hamnish

- 5.3 In summary the points raised are as follows:

5.3.1 The application is contrary to Policy A40 and A58 of the Leominster District Local Plan.

5.3.2 The applicant has erroneously translated what was a misleading site licence and thought that it altered the planning permission.

- 5.4 A supporting statement has also been submitted by the applicant's agent and this reads as follows:

"Following the issue of the planning consent to extend the park, Miss Moore received an amended site licence which was headed 'Permanent residential mobile site licence conditions Caravan Sites and Control of Development Act 1960 Section 5'.

The amended site licence indicated that the number of mobile homes to be sited should not exceed 86.

Our client made the assumption that the site licence had been issued in good faith and that Herefordshire Council had decided to authorise the use of Meadow Bank Caravan Park for the siting of mobile homes. The interpretation is not entirely surprising as it was well known that over the years Miss Moore had assisted the council by accommodating homeless people at Meadow Bank Caravan Park and that several of the occupiers on the static leisure park were occupying their units as a main residence and claiming housing benefit from the council. Indeed, over a period of time all of the caravans on the lower park had been assessed to Council Tax, indicating that your Council were treating them as dwellings rather than static leisure caravans.

To cap it all, I believe Herefordshire council carried out works to several of the caravans by way of exterior claddings to make them more suitable for occupation as residential units.

Against this background, Miss Moore proceeded to make investments in the caravan park with a view to changing all of the static holiday caravans on the lower park to mobile homes by way of additional exterior cladding and the construction of pitched and tiled roofs. Improvements have been made to the roadway and additional security has been provided in the form of an electronically operated entrance barrier, all in the belief that residential use was authorised by your Council."

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

6. Officers Appraisal

- 6.1 The starting point for this application is that it is clearly contrary to policy A40 of the Leominster District Local Plan which states that:

"Planning permission of the change of use of holiday chalets or caravan sites to residential chalets or mobile home sites respectively will not be permitted."

- 6.2 However, the history of the site is also an important material planning consideration. The contents of the applicant's agent's comments are not in doubt and it is clear that there has been a history of permanent residential use. This is confirmed by one of the letters of objection which suggests that up to 120 people reside on the site, and that units have been advertised for sale as residential units by local estate agents.
- 6.3 In your officers opinion there are two options that can be taken. First would be to make a decision in accordance with policy and to refuse the application. The logical step from this position would then be to take enforcement action issuing a breach of condition notice and require that the units are occupied in accordance with the original condition; that they should not be used for residential purposes. In effect this could require the units on site to be vacated by their occupants.
- 6.4 The Local Planning Authority could not take action against any mobile home which has been occupied for residential, as opposed to holiday purposes, for in excess of 4 years.

- 6.5 The alternative would be to take a more pragmatic view of the current situation, accepting the history of the site and granting a permission that allows permanent residential occupancy. This would draw a line under the current situation. The site would be required to comply with the requirements of a residential site licence and therefore an element of control would remain.

- 6.6 On balance it is your officer's opinion that the latter approach is most appropriate and the application is therefore recommended for approval. No conditions are required in this instance.

RECOMMENDATION

That planning permission be approved

Informative:

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

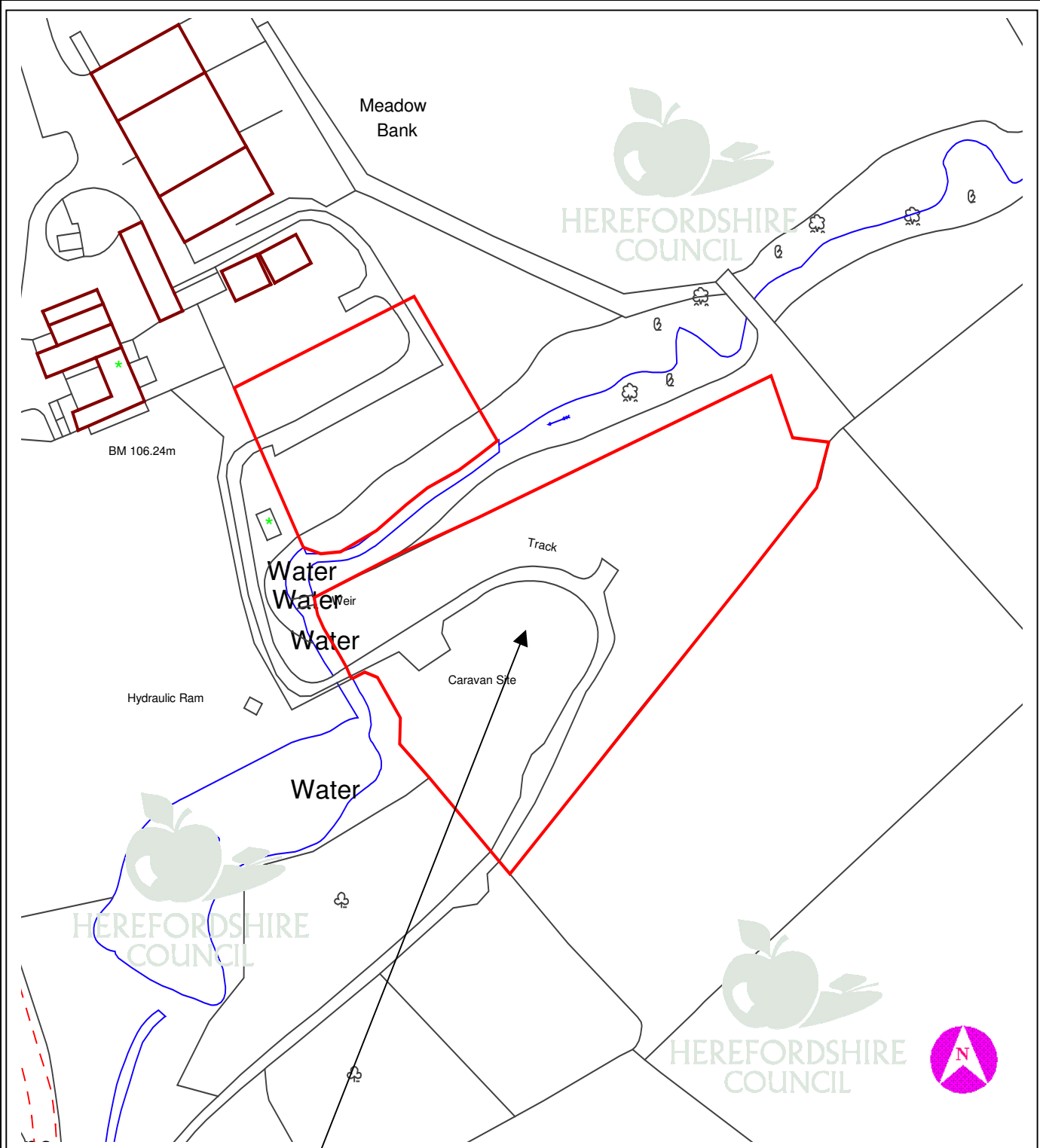
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/3283/F

SCALE : 1 : 1250

SITE ADDRESS : Land at Meadow Bank, Hamnish, Leominster, Herefordshire. HR6 0QN.

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11 DCNC2006/3379/F – USE OF LAND FOR SITING MOBILE HOMES BY THE DELETION OF CONDITION 2 IN THE CONSENT REF. NC2002/1416/F WHICH STATES “THE CARAVANS SHALL BE USED FOR HOLIDAY PURPOSES ONLY AND SHALL NOT AT ANY TIME BE USED AS THE SOLE PRIMARY RESIDENCE” AT MEADOW BANK, HAMNISH, LEOMINSTER, HEREFORDSHIRE, HR6 0QN.

For: Miss P Moore, HLL Humberts Leisure, Pavilion View, 19 New Road, Brighton, E. Sussex. BN1 1UF

Date Received:
25th October 2006

Ward: Leominster South

Grid Ref:
52835, 58589

Expiry Date:
20th December 2006

Local Member: Councillors D Burke and J Thomas

1. Site Description and Proposal

- 1.1 Meadow Bank is an established caravan park. It is located within the open countryside in an undulating landscape. The application site is positioned on an area of low lying flat land. It is formally laid out as a caravan park with surfaced access roads and designated plots for each of the static caravans.
- 1.2 Other parts of the site lie on sloping land. To the north are a number of other caravans and a large complex of agricultural buildings beyond. These are used in conjunction with the applicants equestrian based business. The land to the south also rises but is open agricultural land.
- 1.3 The application is for the removal of condition no.2 of NC2002/1416/F. Planning permission was granted for the extension of the caravan park to accommodate a further 10 units and condition no.2 prohibits the use of caravans as permanent residential accommodation. It now appears that all of the units on the site are permanently occupied, and have been for some time. The application is retrospective and seeks permanent residential use.

2. Policies

- 2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft):
S1 - Sustainable Development
H7 - Housing in the Countryside Outside Settlements
RST14 - Static Caravans, Chalets, Camping and Touring Caravan Sites

2.2 Leominster District Local Plan

- A40 - Change of use from Holiday Chalet or Caravan Sites
- A2 - Settlement Hierarchy

3. Planning History

- 3.1 NC2002/1416/F - Use of land for siting 10 static holiday caravans as an extension of existing park - Approved 15.7.02
- 3.2 NC2000/2090/F - Change of use to extend caravan park - Refused 09.10.00
- 3.3 N98/0220/U - Certificate of lawfulness for the use of land as residential caravan site for 5 caravans - Approved 6.10.98
- 3.4 92/0042/C - Extension of site for static holiday caravans - Approved 31.03.92
- 3.5 91/0655/C - Continued use of land for siting 14 static holiday caravans - Approved 03.12.91

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Transportation Manager - No objections
- 4.3 Head of Environmental Health and Trading Standards - no objection.

5. Representations

- 5.1 Leominster Town Council - object to the application as the site is sufficiently large.
- 5.2 Five letters of objections have been received from the following:
 - H F Parsons, North Rowley, Hamnish
 - Mr & Mrs Foster, Patty's Cross, Hamnish
 - Mr & Mrs Young, Juniper, Hamish
 - Mr Guest, Colaba Lodge, Hamnish
 - CCN Davis, South Rowley, Hamnish
- 5.3 In summary the points raised are as follows:
 - 5.3.1 The application is contrary to Policy A40 and A58 of the Leominster District Local Plan.
 - 5.3.2 The applicant has erroneously translated what was a misleading site licence and thought that it altered the planning permission.
 - 5.3.3 It is unclear what the actual number of units on site will be.
 - 5.3.4 Access to the site is onto a narrow road, inappropriate for such a large development.
 - 5.3.5 Foul drainage from the site is believed to seep into nearby watercourses.

- 5.4 A supporting statement has also been submitted by the applicant's agent and this reads as follows:

"Following the issue of the planning consent to extend the park, Miss Moore received an amended site licence which was headed 'Permanent residential mobile site licence conditions Caravan Sites and Control of Development Act 1960 Section 5'.

The amended site licence indicated that the number of mobile homes to be sited should not exceed 86.

Our client made the assumption that the site licence had been issued in good faith and that Herefordshire Council had decided to authorise the use of Meadow Bank Caravan Park for the siting of mobile homes. The interpretation is not entirely surprising as it was well known that over the years Miss Moore had assisted the council by accommodating homeless people at Meadow Bank Caravan Park and that several of the occupiers on the static leisure park were occupying their units as a main residence and claiming housing benefit from the council. Indeed, over a period of time all of the caravans on the lower park had been assessed to Council Tax, indicating that your Council were treating them as dwellings rather than static leisure caravans.

To cap it all, I believe Herefordshire council carried out works to several of the caravans by way of exterior claddings to make them more suitable for occupation as residential units.

Against this background, Miss Moore proceeded to make investments in the caravan park with a view to changing all of the static holiday caravans on the lower park to mobile homes by way of additional exterior cladding and the construction of pitched and tiled roofs. Improvements have been made to the roadway and additional security has been provided in the form of an electronically operated entrance barrier, all in the belief that residential use was authorised by your Council."

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

6. Officers Appraisal

- 6.1 The starting point for this application is that it is clearly contrary to policy A40 of the Leominster District Local Plan which states that:

"Planning permission of the change of use of holiday chalets or caravan sites to residential chalets or mobile home sites respectively will not be permitted."

- 6.2 However, the history of the site is also an important material planning consideration. The contents of the applicant's agent's comments are not in doubt and it is clear that there has been a history of permanent residential use. This is confirmed by one of the letters of objection which suggests that up to 120 people reside on the site, and that units have been advertised for sale as residential units by local estate agents.
- 6.3 In your officers opinion there are two options that can be taken. First would be to make a decision in accordance with policy and to refuse the application. The logical step from this position would then be to take enforcement action issuing a breach of condition notice and require that the units are occupied in accordance with the original

condition; that they should not be used for residential purposes. In effect this could require the units on site to be vacated by their occupants.

- 6.4 The Local Planning Authority could not take action against any mobile home which has been occupied for residential, as opposed to holiday purposes, for in excess of 4 years.
- 6.5 The alternative would be to take a more pragmatic view of the current situation, accepting the history of the site and granting a permission that allows permanent residential occupancy. This would draw a line under the current situation. The site would be required to comply with the requirements of a residential site licence and therefore an element of control would remain.
- 6.6 On balance it is your officer's opinion that the latter approach is most appropriate and the application is therefore recommended for approval. No conditions are required in this instance.
- 6.7 Issues relating to existing drainage problems and the existing vehicular access are not material to this particular application as no intensification of use will result. They would be relevant if further applications are made to extend the caravan park.

RECOMMENDATION

That planning permission be approved

INFORMATIVES

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

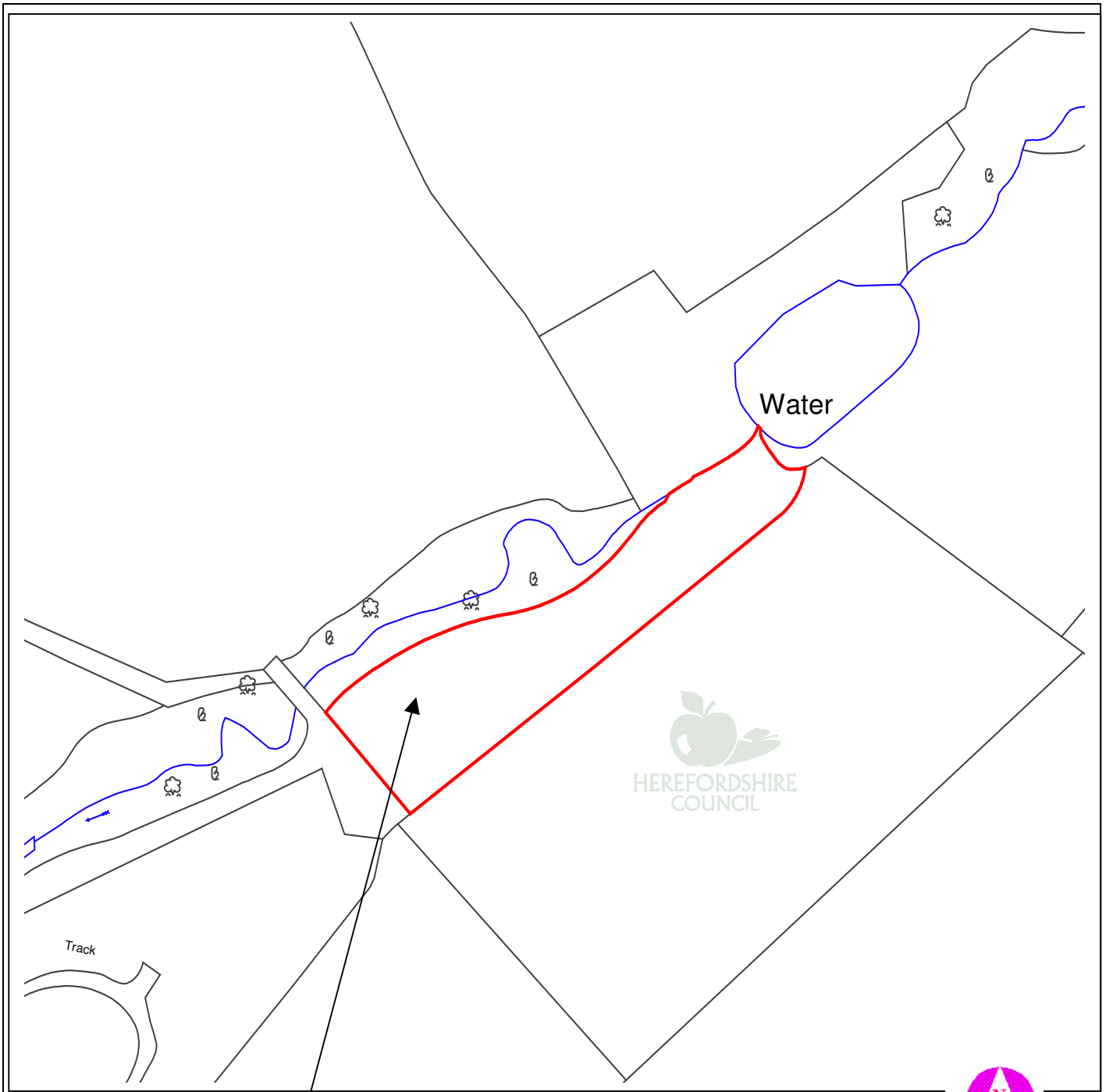
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/3379/F

SCALE : 1 : 1250

SITE ADDRESS : Land at Meadow Bank, Hamnish, Leominster, Herefordshire

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12 DCNC2006/3330/F - RETENTION OF DOMESTIC OIL STORAGE TANK AT 15 HOLME OAKS, OCLE PYCHARD, HEREFORDSHIRE, HR1 3RE

**For: Elgar Housing Association per Mr P Bingham,
Festival Housing Group, Partnership House,
Groewood Road, Malvern, Worcestershire. WR14 1GD**

Date Received:
18th October 2006

Ward: Bromyard

Grid Ref:
58939, 46527

Expiry Date:
13th December 2006

Local Member: Councillor B Hunt and Councillor P Dauncey

1. Site Description and Proposal

- 1.1. The site is located in the garden of an existing dwelling which forms a small group of dwellings in the countryside. The dwellings are situated on the south western side of the C1131 and are approximately a quarter of a mile to the south east of the A465 Hereford to Bromyard road.
- 1.2. The proposed development is for the retention of a domestic oil storage tank coloured dark green. The tank measures 2.05 metres by 0.7 metres and is 1.5 metres high and is on a concrete base. The tank is situated in the front garden of the dwelling and is near to the neighbours boundary hedgerow. There are two small trees near to the tank.

2. Policies

2.1. Hereford and Worcester County Structure Plan

Policy H16A – Development criteria
Policy CTC9 – Development criteria
Policy H20 – Residential Development in the open countryside

2.2. Malvern Hills District Local Plan

Housing Policy 4 – Development in the countryside
Housing Policy 16 – Extensions

2.3. Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy H18 – Alterations and extensions
Policy S2 – Development Requirements
Policy DR1 – Design
Policy LA3 – Setting of settlements

2.4. Supplementary Planning Guidance

Design and development requirements

3. Planning History

None identified

4. Consultation Summary

Statutory Consultations

4.1. None required

Internal Council Advice

4.2. The Council's Transportation Manager has no objections

4.3. The Council's Chief Environmental Health Officer has no objections

5. Representations

5.1. The applicant states that the cluster of bungalows which face onto a grassed front garden area i.e. numbers 15, 16, 17 and 18 are owned by Elgar Housing Association, whose policy is to upgrade inefficient central heating systems to properties. The oil storage tank is coloured olive green and is positioned in the front garden. It could not be sited in the small rear garden, as it would not comply with the mandatory combustible clearance dimensions. There is an opportunity to further screen the lower part of the tank with a knee rail fence and hedging plants such as hawthorn or beech.

5.2. The Parish Council states:-

"The same comments apply here as for DDCNC2006/3328/F

Ocle Pychard group Parish Councillors feel that the oil tank is in the wrong position and spoils the surrounding area. Trying to mask the tank will not improve the situation. Any leakage from these tanks would run towards the nearby bungalows. As with the other application it is felt that the tanks should be bunded. All the tanks are badly sited, and the Parish Council objects to the proposals."

5.3. A letter of objection, which was accompanied by a previously sent letter and also a petition with 28 signatures, was received from Mrs. M. Preece, No. 1 Holme Oaks, Ocle Pychard HR1 3RE. The main points being:-

- The oil tank is poorly positioned and should be re-sited to a more suitable location to restore the aesthetic balance to a well established community.
- The tank is unsightly and may affect valuations of objectors properties.
- Needs to be suitably fenced to obscure it from view or relocated to the rear or side of No. 15.
- Concern over the proximity of oil tank in case of spillage or tank rupture. There must be a safety distance within which there should be no naked flames or smoking. No signage to this effect.

- Tank has been sited with total disregard to the wishes of neighbouring private property.

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

6. Officers Appraisal

6.1. The main issues relate to:-

- (i) The visual appearance of the tank and its effect on the visual amenities and character of the area.
- (ii) The effect on the residential amenities of neighbouring dwellings.
- (iii) Safety issues.

The most relevant policies with respect to these issues are H18 and LA3 of the Herefordshire Unitary Development Plan.

6.2. It is considered that the tank is not obtrusive to the extent that it would adversely affect the visual amenities and character of the area. Nor will it adversely affect the residential amenities of the neighbouring dwellings. However a small amount of screening would help to soften its appearance on the street scene i.e. fencing/a small hedgerow etc.

6.3. The Council's Chief Environmental Officer has no objections and it would appear to comply with the relevant safety requirements.

6.4. The proposed development is, therefore, considered to be acceptable and in accordance with planning policies.

RECOMMENDATION

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

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

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

2 - The oil tank shall be screened i.e. fencing and/or planting, in accordance with a scheme to be submitted to and approved in writing by the local planning authority. This scheme shall be submitted and implemented within 3 months of the date of this permission, unless otherwise first agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

INFORMATIVES:

1 - N19 - Avoidance of doubt

2 - The applicants must ensure that the tank is properly bunded and is in accordance

with the relevant health/safety regulations

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

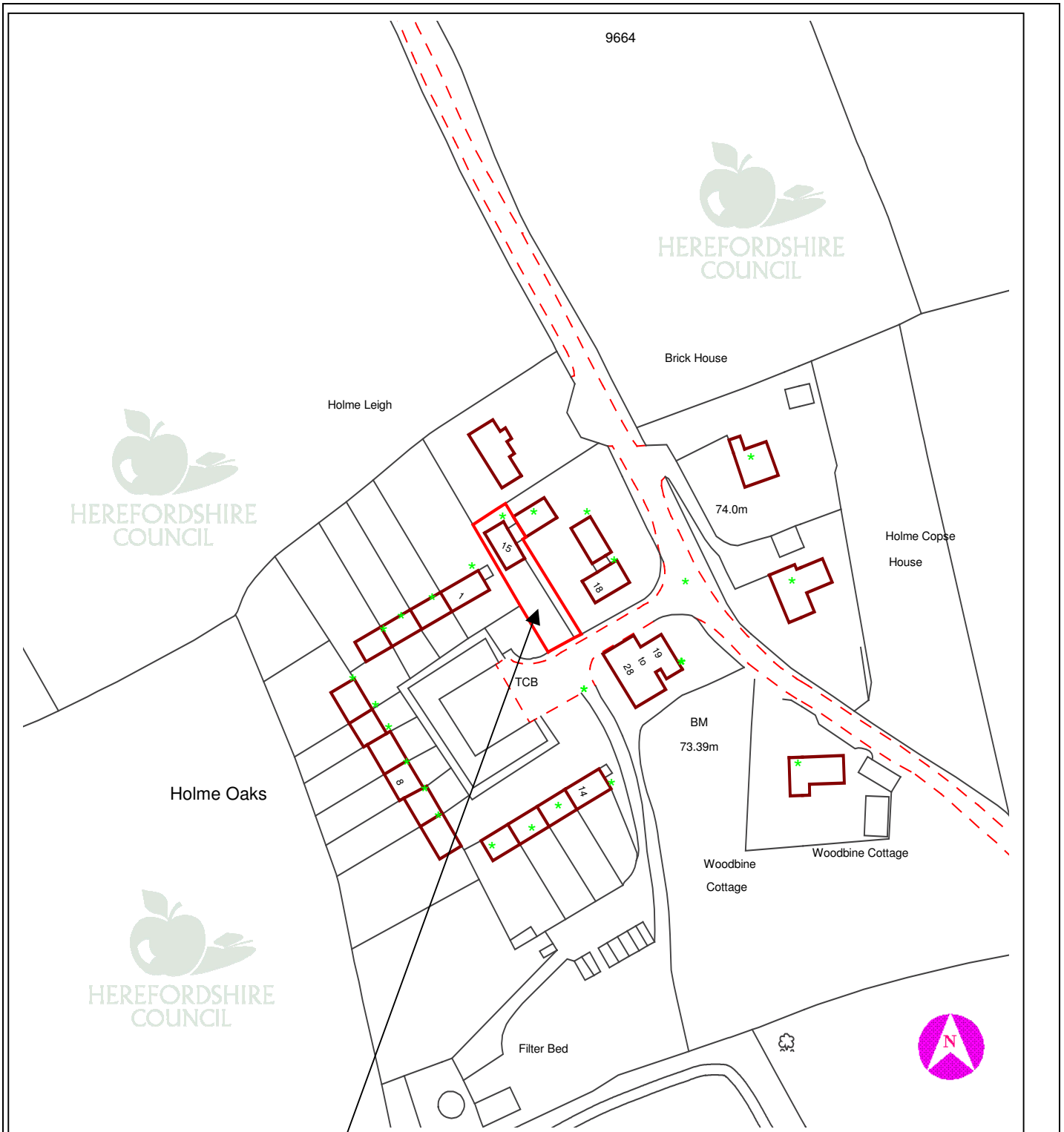
Decision:

Notes:

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Background Papers

Internal departmental consultation replies



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APPLICATION NO: DCNC2006/3330/F

SCALE : 1 : 1250

SITE ADDRESS : 15 Holme Oaks, Ocle Pychard, Herefordshire HR1 3RE

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13 DCNC2006/3328/F - RETENTION OF DOMESTIC OIL STORAGE TANKS AT 18 HOLME OAKS, OCLE PYCHARD, HEREFORDSHIRE, HR1 3RE

**For: Elgar Housing Association per Mr P Bingham,
Festival Housing Group, Partnership House,
Groewood Road, Malvern, Worcestershire, WR14 1GD**

Date Received:
18th October 2006

Ward: Bromyard

Grid Ref:
58956, 46525

Expiry Date:
13th December 2006

Local Member: Councillor B Hunt and Councillor P Dauncey

1. Site Description and Proposal

- 1.1 This site is located in the garden of an existing dwelling which forms a small group of dwellings in the countryside. The dwellings are situated on the south western side of the C1131 and are approximately 1/4 mile to the south east of the A465 Hereford to Bromyard road.
- 1.2 The proposed development is for the retention of two domestic oil storage tanks coloured dark green one serving no. 18 and one no. 17. The tanks each measure 2.05 metres by 0.7 metres and are 1.5 metres high and are on a concrete base. A 1.2 metre high fence and a hedgerow will be erected/planted on the north east and south east sides of the tanks for screening purposes. The tanks are situated in the rear garden of no. 18.

2. Policies

2.1 Hereford and Worcester County Structure Plan

Policy H16A – Development Criteria
Policy CTC.9 – Development Criteria
Policy H20 – Residential Development in the Open Countryside

2.2 Malvern Hills District Local Plan

Housing Policy 16 – Extensions
Housing Policy 4 – Development in the Countryside

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy H18 – Alterations and Extensions
Policy S2 – Development Requirements
Policy DR1 – Design
Policy LA3 – Setting of Settlements

2.4 Supplementary Planning Guidance

Design and Development Requirements

3. Planning History

None identified.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 The Council's Transportation Manager has no objection.

4.3 The Council's Chief Environmental Health Officer has no objections.

5. Representations

5.1 The applicant states that the cluster of bungalows which face onto a grassed front garden area i.e. no's 15, 16, 17 and 18 are owned by Elgar Housing Association. The groups policy is to upgrade inefficient central heating systems to properties. As the rear garden of no. 18 is partly open plan in nature it is proposed to construct a timber boarded fence with a low level hedge in order to mask the impact of the tanks. The tanks were coloured green and positioned in the rear garden rather than impact on the open plan front garden.

5.2 The Parish Council states:-

Ocle Pychard Group Councillors feel that the oil tank is in the wrong position and spoils the surrounding area. Trying to mask the tank will not improve the situation. Any leakage from this tank, and from others not included in this application, will run directly towards the nearby bungalows. There is a query as to whether they should be bunded. All the tanks are poorly sited, and the Parish Council objects to the proposals.

5.3 A petition with 28 signatures was received from local residents in which it stated that there was general unease regarding the position of the tanks. (see DCNC2006/3330/F)

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

6. Officers Appraisal

6.1 The main issues relate to:-

- i. The visual appearance of the tanks and their affect on the visual amenities and character of the area
- ii. The effect on the residential amenities of neighbouring dwellings
- iii. Safety issues

The most relevant policies with respect to these issues are H18 and LA3 of the Herefordshire Unitary Development Plan.

- 6.2 It is considered that the two tanks which will be screened by a timber fence and a hedgerow will not be prominent on the street scene and will not adversely affect the character and visual appearance of the vicinity. Nor will they adversely affect the residential amenities of any of the nearby dwellings.
- 6.3 The proposed development will not interfere with highway visibility. In addition there do not appear to be any health and safety issues.
- 6.4 The proposal development is therefore considered to be acceptable and in accordance with planning policies.

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.

INFORMATIVES:

- 1 - N19 - Avoidance of doubt**
- 2 - The applicants must ensure that the tanks are properly bunded and is in accordance with the relevant health/safety regulations.**
- 3 - N15 - Reason(s) for the Grant of PP/LBC/CAC**

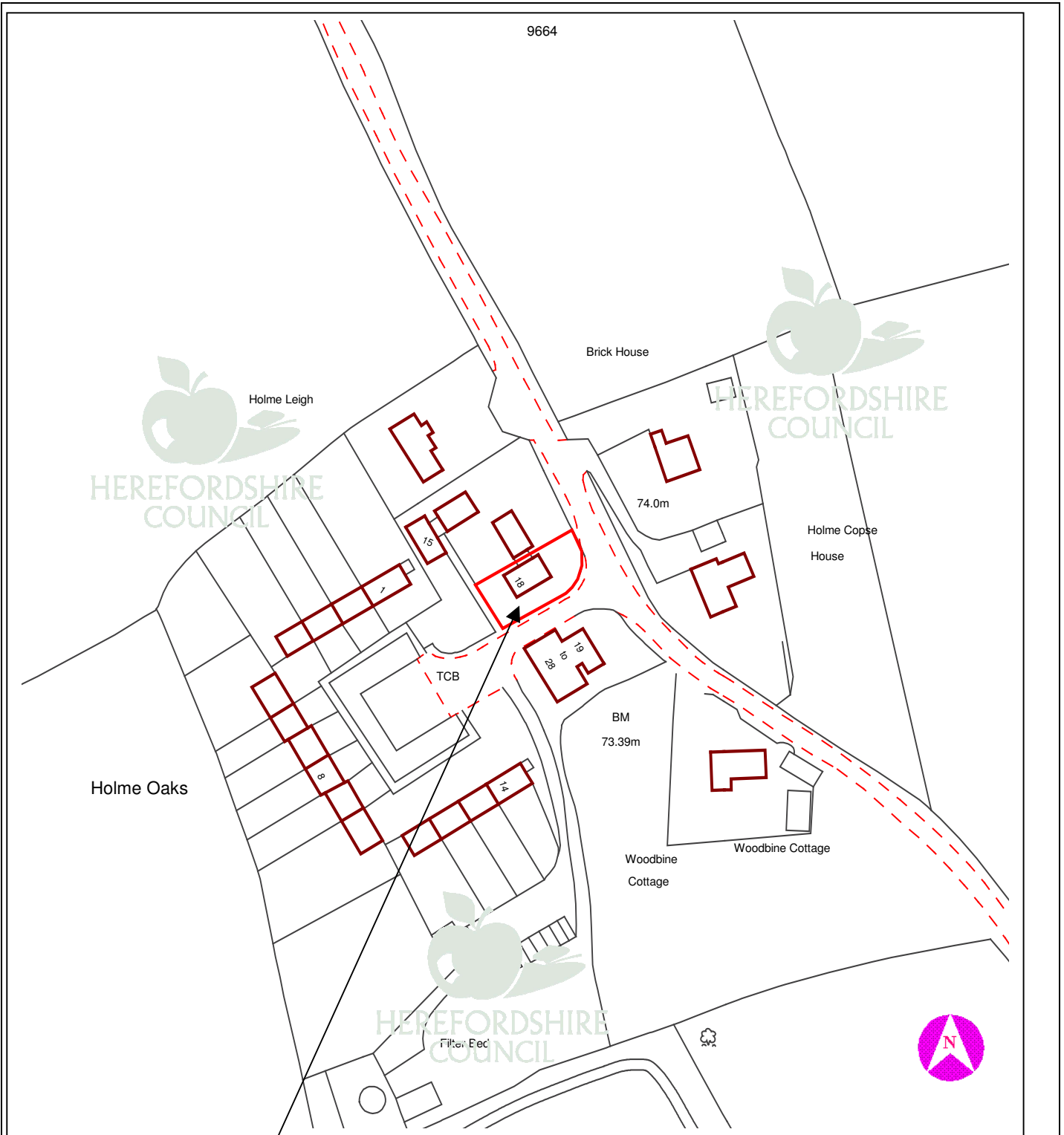
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/3328/F

SCALE : 1 : 1250

SITE ADDRESS : 18 Holme Oaks, Ocle Pychard, Herefordshire, HR1 3RE

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14 DCNC2006/3364/F - PROPOSED TEMPORARY MOBILE HEALTH FACILITIES (TEMPORARY FOR SEVEN YEARS) AT BROAD STREET CAR PARK, LEOMINSTER, HEREFORDSHIRE.

For: Mercury Health Ltd per Tribal MJP, 70 High Street, Chislehurst, Kent. BR7 5AQ

Date Received:
20th October 2006

Ward: Leominster South

Grid Ref:
49717, 59316

Expiry Date:
15th December 2006

Local Member: Councillors D Burke and J Thomas

1. Site Description and Proposal

- 1.1 The application relates to an area of Broad Street car park in Leominster, adjacent to the Community Centre and Arkwright Court.
- 1.2 It seeks temporary permission for seven years for the periodic siting of mobile health facilities. The proposal forms part of an NHS initiative to provide diagnostic facilities through the private sector. It has been approved by Herefordshire Primary Care Trust and intends to provide high quality health services for people living in and around the Leominster area.
- 1.3 The site is one of 52 in the West Midlands area from which it is intended to operate such facilities. Similar applications have also been submitted in Hereford, Ledbury and Ross on Wye. A fleet of units will rotate around selected sites, staying at each location for varying periods, based upon need and pre-determined appointment arrangements.
- 1.4 It is intended that the units will be located in the same position each time that they visit a site. They are entirely mobile, no on site works are proposed and this allows the site to be returned to its original use as soon as they are removed. They are mounted on spreader plates to ensure that no damage is caused to the surface.
- 1.5 The units will be sited for periods between 1 and 3 days per week and therefore between 52 and 156 days per year. This falls beyond the scope of the temporary use of land for 28 days as described by the Town and Country Planning (General Permitted Development) Order 1995, and hence an application for planning permission has been submitted.

2. Policies

2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S11 - Community facilities and services
HBA4 - Setting of listed buildings
HBA6 - New development within conservation areas

CF5 - New community facilities

2.2 Leominster District Local Plan

- A.18 - Listed buildings and their settings
- A.21 - Development within conservation areas
- A.61 - Community, social and recreational facilities
- A.74 - Avoiding the loss of shopper car parking

3. Planning History

3.1 None relevant to this application.

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Advice

4.2. Transportation Manager - Comments as follows:

4.2.1 Broad Street car park in Leominster has 269 spaces and is the only "All Day Free" car park in Leominster. As such it is a popular car park and is normally full to capacity on most days of the week and particularly Friday which is Market Day in Leominster when parking space generally is at a premium in the town. With the exception of Fridays, there is capacity within other public car parks in the town, although these are either charged or limited waiting.

4.2.2 There are no implications in relation to lost revenue arising from this planning application because the car park is free. However, the fee payable by the applicant for licensed usage is upwards of £1,000 per annum depending on the number of days per week on site and will represent an additional income stream.

4.2.3. During operational hours 6 parking spaces are required for staff and 8 for patients and depending on the Unit to be used a further 4 to 30 spaces for parking the Unit. A maximum of 44 spaces would therefore be required at any one time which equates to 16% of overall available parking space in this car park. Some amendment to the Car Park Order will probably be necessary to facilitate this. This shortfall in parking space could be accommodated by displacement to other car parks where there is a charging regime, with the exception of Market day as highlighted above.

4.2.4 The suggested location of the Unit is considered to be acceptable as it does not interfere with traffic flow to the remaining areas of the car park.

4.2.5 Conservation Manager - No objection to a temporary use.

4.2.6 Head of Environmental Health and Trading Standards - No objection.

5. Representations

5.1 Leominster Town Council - Recommends refusal due to loss of car parking spaces and suggests that an alternative site be found on one of the industrial estates.

5.2 Two letters of objection have been received from Mr A. Dadswell, 15 The Priory, Leominster and Mr M. Bufton, 31 Arkwright Court, Leominster. In summary the points raised are as follows:

5.2.1 The loss of car parking will reduce the viability of the town centre.

5.2.2 Shoppers and tourists will bypass the town if they cannot park.

5.2.3 Has alternative parking been identified?

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 Policies S11 and CF5 of the Unitary Development Plan and A.61 of the Leominster District Local Plan all encourage the provision of new community facilities, including those for health care. The premise for such provisions is that they should:

- be appropriate in scale to the needs of the local community,
- are located in or around the settlement that they serve,
- do not impact upon residential amenity, and;
- are accessible to pedestrian users as well as car users.

6.2 The proposal is considered to accord with all of these criteria. Its central location means that it is accessible to both pedestrian and car users alike. It appears to be of a scale commensurate to the needs of Leominster and the surrounding area and is unlikely to cause any detriment to adjacent residential amenity given that it would be located in a car park where there are frequent vehicle movements throughout the day. The applicants advise in their supporting documents that the unit would be open between 7.30am and 8.30pm, but that staff will need to be on site one hour before opening and after the unit has closed. A condition to this effect would further protect residential amenity.

6.3 The key consideration is whether the temporary loss of a maximum of 44 parking spaces is likely to be so harmful to the vitality of the town centre to outweigh the benefits of the provision of up to date health care facilities.

6.4 The Transportation Manager has commented at some length about the implications on parking provision in Leominster, but concludes that the shortfall in free parking could be accommodated by displacement to other car parks in the town. It is therefore considered that there is unlikely to be any long term impact on the vitality of the town centre, especially as the spaces taken by the units will be available for at least part of each week.

6.5 It is therefore concluded that the proposal accords with the Development Plan and the application is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - E03 (Restriction on hours of opening)

(8.30 p.m. to 7.30 a.m.)

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

3 - The use of the land hereby approved shall be limited to a maximum of 156 days per calendar year.

Reason: to define the terms of the permission and to protect long term car parking provision.

4 - E20 (Temporary permission)

(6th December 2013)

Reason: To enable the local planning authority to give further consideration of the acceptability of the proposed use after the temporary period has expired.

Informative:

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

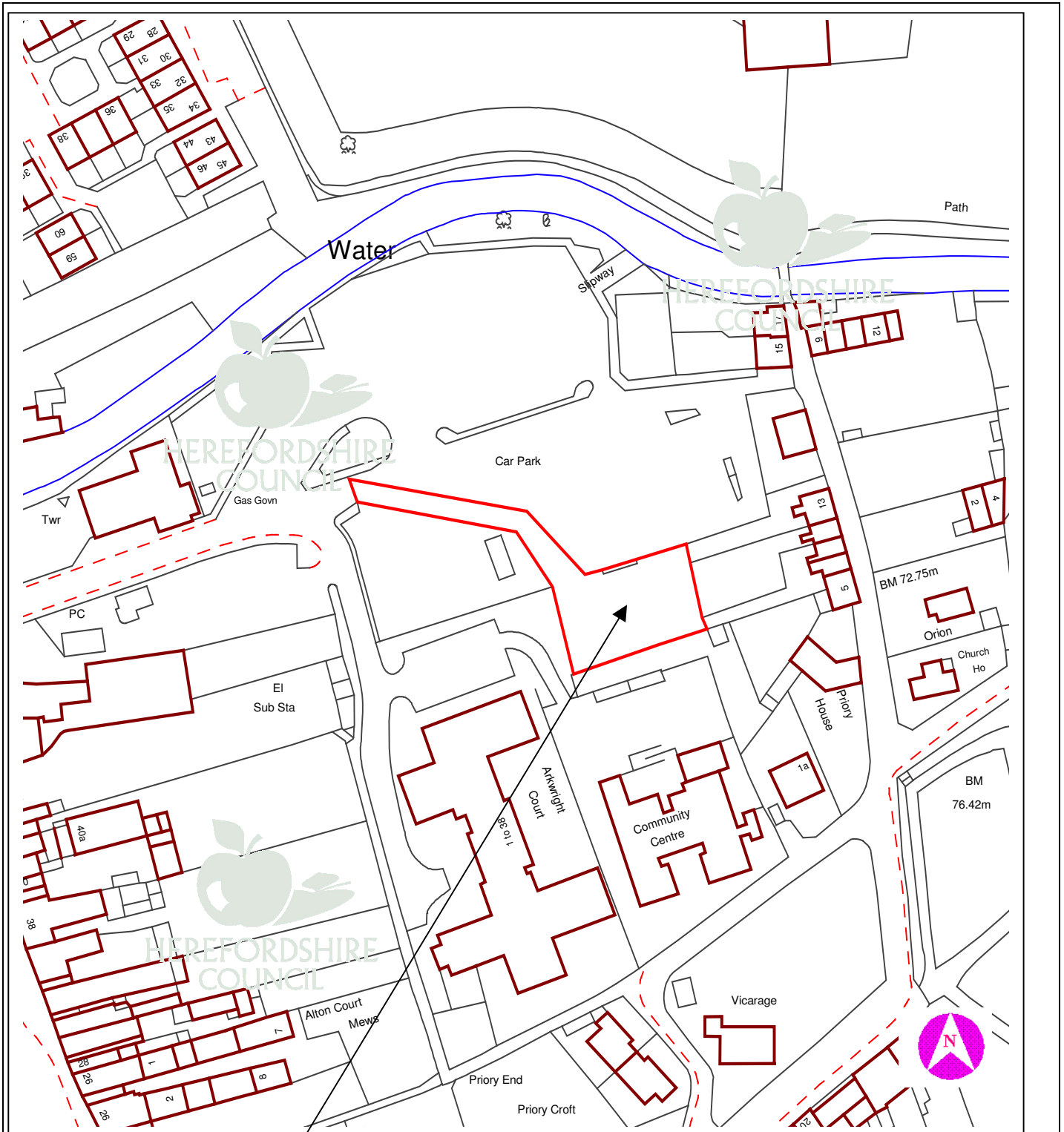
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/3364/F

SCALE : 1 : 1250

SITE ADDRESS : Broad Street Car Park, Leominster, Herefordshire.

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