

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 3rd January, 2007**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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

e-mail pmartens@herefordshire.gov.uk

**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Northern Area Planning Sub-Committee

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

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

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES To approve and sign the Minutes of the meeting held on 6 December 2006.	1 - 8
4. ITEM FOR INFORMATION - APPEALS To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.	9 - 12
5. APPLICATIONS RECEIVED To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary. Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting. Agenda item 6 is an applications deferred for a site inspection at the last meeting and items 7 - 12 are new applications.	

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|-----|--|---------|
| 6. | DCNC2006/3522/F - WIDENING OF FIELD ENTRANCE AND PROVISION OF TEMPORARY HARDSTANDING AT LAND AT WICTON FARM, STOKE PRIOR, LEOMINSTER HEREFORDSHIRE | 13 - 18 |
| | For: S & A Davies per Mr P Dunham, Paul Dunham Associates, 19 Townsend, Soham, Cambridgeshire CB7 5DD | |
| | Ward: Hampton Court | |
| 7. | DCNC2006/3235/F - PROPOSED TWO STOREY SIDE EXTENSION AND CREATION OF A NEW PARKING AREA AT 49 MIDDLEMARSH, LEOMINSTER, HEREFORDSHIRE, HR6 8UP | 19 - 22 |
| | For: Mr Bufton | |
| | Ward: Leominster North | |
| 8. | DCNC2006/3515/F - VARIATION OF CONDITION NO.2 TO ENABLE USE OF 18 LITRE DEEP FAT FRYER AT 73 ETNAM STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8AE | 23 - 28 |
| | For: Mr M Rohde per John Phipps Bank Lodge Coldwells Road Holmer Hereford HR1 1LH | |
| | Ward: Leominster North | |
| 9. | DCNC2006/3509/F & DCNC2006/3511/L - CHANGE OF USE FROM GRASS VERGE TO PRIVATE GARDEN AND ERECTION OF BOUNDARY FENCE AT 78 BRIDGE STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DZ | 29 - 34 |
| | For: Mr N Staples | |
| | Ward: Leominster North | |
| 10. | DCNE2006/3640/F - REPLACEMENT FRONT PORCH AT 33 VIKING WAY, LEDBURY, HEREFORDSHIRE, HR8 2DU | 35 - 38 |
| | For: Mr J Gorton per Mr V C Arnold, Mount Ottawa, Upleadon, Newent Glos. GL18 1HN | |
| | Ward: Ledbury | |
| 11. | DCNE2006/3494/F - DEMOLITION OF GARAGES, NEW DOUBLE GARAGE, DRIVEWAY AND ACCESS TO HIGHWAY. 2M HIGH CLOSE BOARDED FENCE TO BOUNDARY AT 25 BIDDULPH WAY, LEDBURY, HEREFORDSHIRE, HR8 2HP | 39 - 44 |
| | For: Mr & Mrs C Matthews per Mr P Matthews, Lions Den, Bredwardine, Herefordshire. HR3 6DE | |
| | Ward: Ledbury | |

12. **DCNC2006/1215/F - EXTENSIONS TO EXISTING NURSING HOME TO ADD 16 BEDROOMS AND DAY ROOM LINK (INCLUDES DEMOLITION OF EXISTING SOUTH WING) AT 28 HIGHWELL LANE, BROMYARD, HEREFORDSHIRE, HR7 4DG** 45 - 60

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

Ward: Bromyard

13. **DATE OF NEXT MEETING**

Wednesday 31st January, 2007 at 2:00 pm

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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, 6th December, 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, Brig. P. Jones CBE, R.M. Manning, R. Mills, R.V. Stockton, J.P. Thomas and J.B. Williams

In attendance: Councillors J.W. Edwards

107. APOLOGIES FOR ABSENCE

Apologies were received from Councillors PJ Dauncey, TM James, RJ Phillips DW Rule and J Stone.

108. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

109. MINUTES

RESOLVED: That the Minutes of the meeting held on 8th November, 2006 be approved as a correct record and signed by the Chairman.

110. ITEM FOR INFORMATION - APPEALS

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

111. 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.

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

Councillor JP Thomas, one of the Local Ward Members, had a number of concerns about the application. The land formed a natural break between existing dwellings and a public footpath and was a very small plot for a house and garage to be located on. Access to the rear of a property would be difficult to achieve as would parking a vehicle in the limited space available. It would be necessary to close a well-used public footpath adjoining the land during building and Welsh Water was concerned about the sewer being overloaded and did not want any further connections until the

NORTHERN AREA PLANNING SUB-COMMITTEE WEDNESDAY, 6TH DECEMBER, 2006

upgrade planned for April 2008 was completed. The Sub Committee concurred with the views of Councillor Thomas.

RESOLVED:

- That (i) **The Northern Area Planning Sub-Committee is minded to refuse the application because the site was not considered large enough for a house, garden and off-street car-parking and subject to any further reasons 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 refuse the application subject to the reasons 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.]

113. 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

The receipt of a further letter of objection was reported.

In accordance with the criteria for public speaking, Hazel Edwards the Agent acting on behalf of the applicant spoke in favour of the application.

Councillor B Hunt the Local Ward Member felt that approval of the application would enable greater control over the activities which would take place on the site but noted the concerns of local residents. He felt that it was essential for a the site to be adequately landscaped to improve the amenity of the adjoining properties.

RESOLVED

That planning permission be granted subject to the prior submission of a landscaping scheme which was acceptable to the Officers named in the Scheme of Delegation to Officers and 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

114. **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**

The receipt of a further letter of objection was reported.

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 - 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

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

The Development Control Manager said that a complaint had been received about the contents of the report and that this was being dealt with through the formal complaints procedure.

The receipt of a letter of objection and a letter from the applicant's agent answering the objection was reported.

The Principal Planning Officer said that the application was previously deferred by the Sub-Committee for discussions about amendments to the position of the dwelling. The Sub-Committee had favoured the position of the dwelling being rotated in a clockwise direction to reduce over-looking of a property to the rear. He advised that the applicants had felt unable to amend the scheme as suggested.

Councillor R Mills, one of the Local Ward Members thanked the officers for their work on the application. He said that the local parish council and neighbours were opposed to the application, feeling that the proposed dwelling would be too large and overbearing on the site. He shared these views and was disappointed that the applicant was not prepared to alter the orientation of the building because overlooking of an adjoining property was quite significant. The Sub-Committee agreed that the building was too large for the site and shared the concerns about the problem of overlooking. It was felt that the application should therefore be refused.

RESOLVED:

- That (i) The Northern Area Planning Sub-Committee is minded to refuse the application because the proposed dwelling would severely overlook an adjoining property and subject to any further reasons 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.**
- (iii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application subject to the reasons 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.]

116. 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.

The receipt of letters of objection from local residents and Leominster Town Council was reported.

Councillor JP Thomas, one of the Local Ward Members had a number of concerns about the application and the fact that the use of the units for residential accommodation had existed for some time without the necessary authorisation. He was also concerned at the potential for pollution with the sewage outfall going into

NORTHERN AREA PLANNING SUB-COMMITTEE WEDNESDAY, 6TH DECEMBER, 2006

the adjoining holly brook. Councillor RBA Burke, one of the Local Ward Members said that the site had been used for residential accommodation for some years without any problems arising. Mrs Barnett was of the view that the units helped to provide accommodation for those in greatest need and that the application should be supported.

The Sub-Committee discussed the merits of the application and whether residential accommodation should be permitted in the location. The Development Control Manager explained the planning and enforcement advantages which would arise if permission was granted. Councillor JP Thomas suggested that consideration of the application should be deferred for the views of the Councils Strategic Housing department to be sought about the provision of accommodation for the homeless. The Sub-Committee concurred with this view.

RESOLVED:

that consideration of the application be deferred for the views of the Councils Strategic Housing department to be sought about the provision of accommodation for the homeless.

117. **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**

The debate on the previous item set out in Minute No 116 also related to this item.

RESOLVED:

that consideration of the application be deferred for the views of the Councils Strategic Housing department to be sought about the provision of accommodation for the homeless.

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

In accordance with the criteria for public speaking, Mrs Preece and Mrs Warren spoke against the application.

The receipt of further objections from Ocle Pychard Parish Council was reported.

Councillor B Hunt, one of the Local Ward Members was unhappy that the oil storage tanks had been located in such prominent locations without prior consent being obtained, and the adverse impact they had on the amenity of local residents. He felt that the application should be refused or further negotiations held with the applicants. Members discussed the application and noted that there was limited scope available for satisfactory location because the bungalows did not have rear gardens. It was felt that the application should be refused but that the officers could use their discretion for removal to take place after the winter.

RESOLVED:

- That (i) The Northern Area Planning Sub-Committee is minded to refuse the application on the grounds of the visual amenity of adjoining properties and subject to any further reasons felt to be necessary by the Development Control Manager, provided that the Head of Planning Services does not refer the application to the Planning Committee.**
- (iv) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application subject to the reasons 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.]

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

The debate on the previous item set out in Minute No 118 also related to this item.

- That (i) The Northern Area Planning Sub-Committee is minded to refuse the application on the grounds of the visual amenity of adjoining properties and subject to any further reasons 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.**
- (v) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application subject to the reasons 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.]

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

It was noted that this item would need to be submitted to the Planning Committee because it involved Council owned land.

121. DATE OF NEXT MEETING

Wednesday 3 January, 2007.

The meeting ended at 3.30 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCNW2006/2418/F**

- The appeal was received on 22nd 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 Mr HA Tipton
- The site is located at Crackadonia, Lyonshall, Kington, HR5 3LN
- The development proposed is Subdivision of existing single residential unit to form two dwelling houses.
- The appeal is to be heard by Written Representations

Case Officer: Philip Mullineux on 01432 261808

Application No. DCNW2006/3143/F

- The appeal was received on 28th 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 Downton Estate Ltd
- The site is located at Old Downton Buildings, Downton-on-the-Rock, Nr Ludlow, Hfds SY8 2HU
- The development proposed is Change of Use to restaurant.
- The appeal is to be heard by Hearing

Case Officer: Philip Mullineux on 01432 261808

Application No. DCNE2006/2156/F

- The appeal was received on 29th 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 G & B B Houlbrooke & Son
- The site is located at Siddington Farm, Leddington, Ledbury, Herefordshire, HR8 2LN
- The development proposed is Change of use of orchard to private winter caravan storage (temporary), ancillary to Siddington Farm.
- The appeal is to be heard by Written Representations

Case Officer: Roland Close on 01432 261803

Application No. DCNW2006/1085/F

- The appeal was received on 30th 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 Mr & Mrs Fox
- The site is located at Lawton Hall, Eardisland, Leominster, Herefordshire, HR6 9AX
- The development proposed is Conversion of granary to holiday let.

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

- The appeal is to be heard by Written Representations

Case Officer: Philip Mullineux on 01432 261808

Application No. DCNW2006/1104/F

- The appeal was received on 30th 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 Mr & Mrs Fox
- The site is located at Byre, Lawton Hall, Eardisland, Leominster, Herefordshire, HR6 9AX
- The development proposed is Conversion of byre to residential
- The appeal is to be heard by Written Representations

Case Officer: Philip Mullineux on 01432 261808

Application No. DCNW2006/1693/F

- The appeal was received on 6th December 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 Downton Estate
- The site is located at Nacklestone Farm, Nacklestone, Leintwardine, Craven Arms, Shropshire.
- The development proposed is Change of use from agricultural to storage and warehousing (B8)
- The appeal is to be heard by Hearing

Case Officer: Philip Mullineux on 01432 261808

APPEALS DETERMINED

Application No. DCNC2005/4140/F

- 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 R Woods
- The site is located at The Steppes, Luston, Leominster, Herefordshire, HR6 0EA
- The application, dated 22nd December 2005, was refused on 20th February 2006
- The development proposed was Erection of a detached dwelling with garage.
- The main issue is the effect of the proposal on the character and appearance of the area.

Decision: The appeal was DISMISSED on 30th November 2006

Case Officer: Nigel Banning on 01432 383083

Application No. DCNC2006/0140/F

- The appeal was received on 14th August 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 B.P. Legge
- The site is located at Ideal Bungalow, Thornbury, Bromyard, Herefordshire, HR7 4NJ
- The application, dated 11th January 2006, was refused on 7th March 2006
- The development proposed was Conversion of and addition to redundant agricultural building to form a holiday bungalow.
- The main issue is the effect of the proposal on the character and appearance of the existing building

Decision: The appeal was WITHDRAWN on 13th December 2006

Case Officer: Nigel Banning on 01432 383093

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

6 DCNC2006/3522/F - WIDENING OF FIELD ENTRANCE AND PROVISION OF TEMPORARY HARDSTANDING AT LAND AT WICTON FARM, STOKE PRIOR, LEOMINSTER HEREFORDSHIRE.

For: S & A Davies per Mr P Dunham, Paul Dunham Associates, 19 Townsend, Soham, Cambridgeshire CB7 5DD

Date Received:
7th November 2006

Ward: Hampton Court **Grid Ref:**
52503, 55034

Expiry Date:
2nd January 2007

Local Member: Councillor K Grumbley

1. Site Description and Proposal

- 1.1 The application site lies on an unclassified road between Stoke Prior and the hamlet of Wickton. It is a narrow hedge-lined road with agricultural land to either side.
- 1.2 The application is retrospective and is described as being for the widening of a field entrance and the provision of a temporary hardstanding. It is accompanied by a Design and Access Statement that advises that the widened access is intended to serve the applicant's strawberry growing on the western side of the lane.
- 1.3 Harvests are transported by refrigerated lorries lorries and the hardstanding will provide an area for the storing and loading of strawberries, allow a turning area for lorries and also provides a drop off area for workers. It covers an area of approximately 1000m² which is laid with compacted stone chippings.
- 2.4 Similarly, the widened access allows HGV'S to enter and leave the site. The plans indicate that the opening has a width of 10 metres, although it is not clear from the submitted plans what the original opening amounted to.

2. Policies

2.1. Herefordshire Unitary Development Plan (Revised Deposit Draft)

S7 - Natural and historic heritage
 DR3 - Movement
 T8 - Road hierarchy
 LA5 - Protection of trees, woodlands and hedgerows.
 NC6 - Biodiversity Action Plan priority habitats and species.

3. Planning History

None identified.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Consultations

- 4.2 Transportation Manager – In light of the fact that there has been a collision at this site and the more intensive use of this access over a more traditional agricultural field access, it is recommended that a minimum visibility splay of 2.4 metres by 90 metres be required. This may require the removal of further hedgerow; perhaps a further 10 metres.
- 4.3 Conservation Manager - Although a full survey has not been conducted at this stage (see below), the hedgerow fronting the road appears to be ancient and species-rich. Such hedgerows are identified as a priority habitat and listed in the Herefordshire Biodiversity Action Plan. UDP Policy NC6 seeks to protect, manage and enhance such habitats and proposals resulting in a threat to them should not be permitted unless the reasons for the development clearly outweigh the need to safeguard them. The BAP itself has an objective to maintain the extent and distribution of this habitat, and to incorporate habitat mitigation in any planning permission.
- 4.4 I visited the site on 5/12/2006, and from that and viewing Herefordshire Council's aerial photographs (dated 2003), my impression is that there was no access through the hedgerow in the location of this planning application. The field accesses would appear to be in the southern and north-western corners. My site inspection suggested to me that a stretch of hedgerow may have been recently removed to create this access. If this is the case, we have no record of any Hedgerow Removal Notice being served upon the Council, and the relevant regulation may have been contravened. This issue is still under investigation.
- 4.5 I would advise that you will need to consider whether the development justifies the removal of the hedgerow in accordance with UDP policy NC6. Should you consider this to be the case then mitigation and/or compensation in accordance with UDP policy NC7 should be sought. I am also aware that there may be visibility concerns, and that further hedgerow may need to be removed. A further site survey to assess the whole hedgerow will be required in such an instance and can be undertaken when the Hedgerow Removal issues have been resolved.”

5. Representations

- 5.1. Ford and Stoke Prior Parish Council - Raise a number of queries about the application:
- (i) Whether there was originally a field access. Local residents have evidence to suggest there was no access. If so, the application is inaccurate.
 - (ii) Is the Certificate of Ownership correct?
 - (iii) Note that the hardstanding will be removed once the land ceases to be used for strawberry growing. What is the time scale for this?

- (iv) The Parish Council generally has concerns about the intensive use of the land and the unsuitability of access to it, particularly given the poor state of the road.

5.2 Ten letters of objection have been received in relation to this application. In summary, the points raised are as follow:-

- The creation of an opening is detrimental to highway safety.
- The single track road is not wide enough for the volume and size of vehicles coming to and from the site.
- A length of ancient hedgerow has been removed illegally.
- There was no break in the hedgerow before this access was created.
- Having lived in the area since 1971, one objector advises that there has never been an entrance in this position.
- Two other areas of hardstanding exist on the opposite side of the road. A third one is unnecessary.
- Noise nuisance caused by vehicles arriving at anti-social hours. Conditions should be imposed to limit hours of use.

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

6. Officers Appraisal

6.1. There would appear to be three main issues to be considered as far as this application is concerned and these are:

- (i) Whether a field access previously existed or not.
- (ii) Whether the removal of hedgerow (notwithstanding point 1 above) is so harmful to warrant refusal of the application.
- (iii) Whether the new access unacceptably compromises highway safety.

6.2 All of the evidence available to your officers at the time of writing this report would appear to indicate that there was not an access prior to this one being opened. The circumstantial evidence from local residents, combined with aerial photographs from 2003 would indicate that an access did not exist. For the purposes of this application and, notwithstanding the description given by the applicant's agent, your officers have considered this application on the basis that an entirely new access has been created.

6.3. The Council's Ecologist has responded to the application and the comments are reproduced in full at paragraph 4.2. It is noted that the hedgerow is likely to be ancient, species rich and a priority habitat as per Policy NC6 of the UDP. The comments acknowledge that an additional length of hedgerow may well need to be removed but do not advise of an outright objection to this. Conditions of mitigation are recommended, if

the application is approved and if the development justifies the removal of the hedgerow.

- 6.4 In the absence of an outright objection, it is concluded that the removal of part of this hedgerow does not do sufficient damage to a priority habitat to warrant the refusal of this application. Therefore, the scheme is considered to accord with Policy NC6 of the UDP.
- 6.5 Similarly, the Council's Transportation Manager does not raise an objection to the scheme and considers that issues of highway safety can be addressed through the imposition of a condition relating to the provision of visibility splays. It is, therefore concluded that the scheme is also acceptable on highway grounds.
- 6.6 The objection relating to hours of operation may well be relevant, but would be almost impossible to police if covered by a planning condition. It could only be applied to this application if deemed to be enforceable, reasonable and necessary, but could not seek to place restrictions over a wider area. The value of such a condition is therefore limited and it is not recommended to impose such a condition if members are minded to approve this application.
- 6.7 The matter of the service of the appropriate Certificate of Ownership is a procedural one and does not ultimately affect any decision that the Council may make. The applicant's agent has confirmed that the correct notice has now been served on the land owner.
- 6.8 It is, therefore, concluded that the proposal is in accordance with the policies identified above and the application is accordingly recommended for approval.

RECOMMENDATION

That planning permission be

1 - G12 (Planting of hedgerows which comply with Hedgerow Regulations)

Reason: To ensure that hedges planted are ecologically and environmentally rich and to assist their permanent retention in the landscape.

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

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

3 - H03 (Visibility splays)

Reason: In the interests of highway safety.

4 - E20 (Temporary permission) (3rd Jan)

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

INFORMATIVES:

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

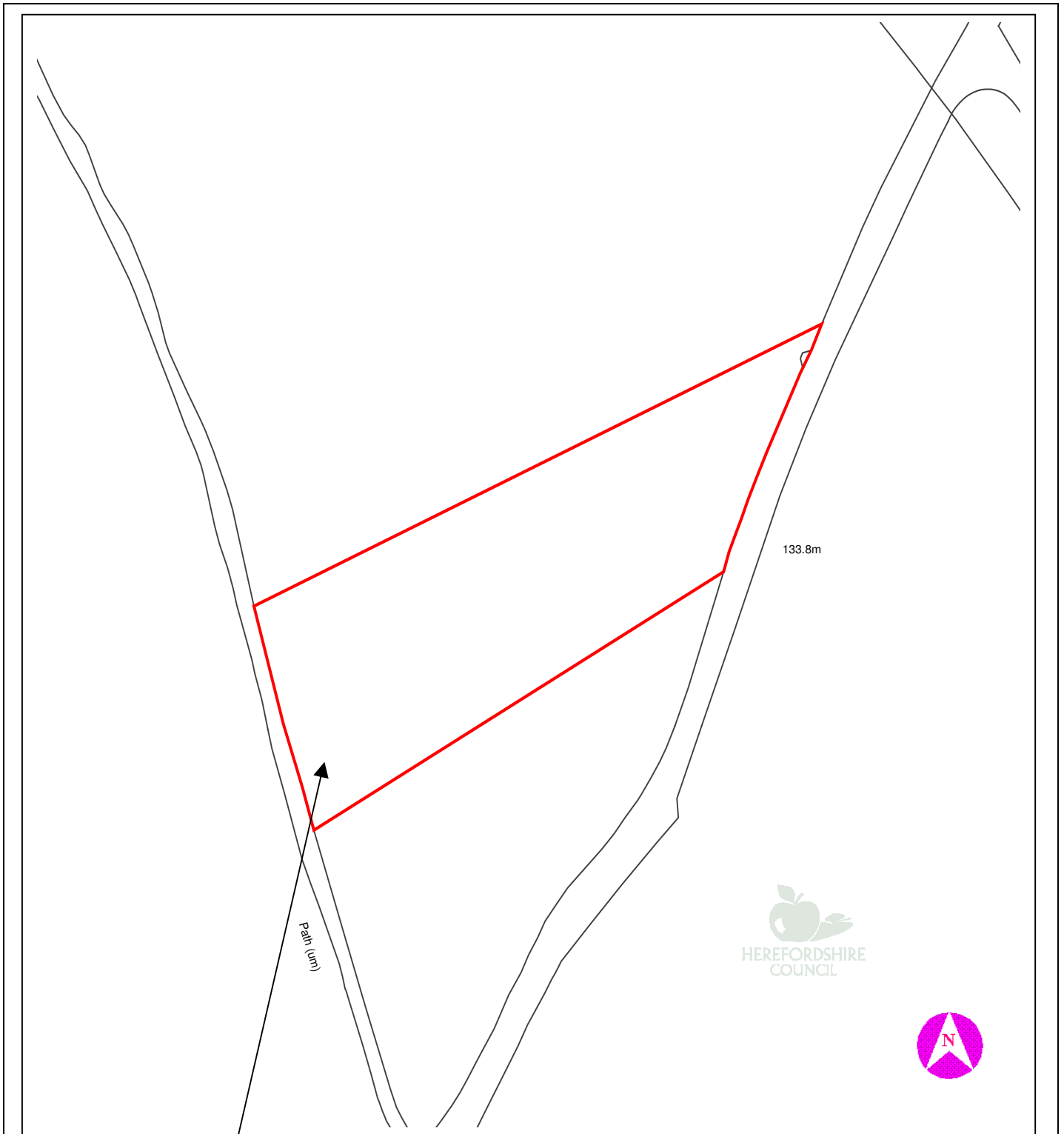
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/3522/F

SCALE : 1 : 1250

SITE ADDRESS : Land at Wicton Farm, Stoke Prior, Leominster

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7 DCNC2006/3235/F - PROPOSED TWO STOREY SIDE EXTENSION AND CREATION OF A NEW PARKING AREA AT 49 MIDDLEMARSH, LEOMINSTER, HEREFORDSHIRE, HR6 8UP

For: Mr Bufton

Date Received:
10th October 2006

Ward: Leominster North

Grid Ref:
49617, 59834

Expiry Date:
5th December 2006

Local Member: Councillors J French and Brig P Jones

1. Site Description and Proposal

- 1.1 The site is located in the north of the market town of Leominster in an area designated as primarily residential in the Leominster District Local Plan and the Herefordshire Unitary Development Plan (Revised Deposit Draft).
- 1.2 The existing dwelling is a red brick two-storey dwelling under a tiled roof. The garage has already been converted into a dining room. There are other properties of similar size and design in all directions.
- 1.3 The proposal is for a two storey extension, incorporating the garage extension to accommodate two further bedrooms and bathroom. Materials are to match that of the existing building.

2. Policies

2.1 Central Government Advice

PPG 3: Housing

2.2 Leominster District Local Plan

A1 Managing the District's Local Plan
A2 Settlement hierarchy
A24 Scale and Character of Development
A52 Primarily Residential Areas
A54 Protection of Residential Amenity
A56 Alterations, Extensions and Improvements to Dwellings

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 - Sustainable Development
S3 - Housing
DR1 - Design
H13 - Sustainable Residential Design
H18 - Alterations and Extensions

3. Planning History

3.1 None identified.

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Advice

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

5. Representations

5.1 The Town Council object to the proposal and comments as follow: "Recommends refusal as Council is concerned that the development may impinge on the amenity of neighbouring properties. The site is too small for this development."

5.2 One letter of objection has been received from Miss Delia Powis, 47 Middlemarsh, Leominster. In summary the points raised are as follows:

5.2.1 The proposal is not within keeping of the current estate and existing properties.

5.2.2 The proposed extension looks cramped into a small area and is too close to an existing property.

5.2.3 Concerns over the loss of light the development may cause to number 47.

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

6. Officers Appraisal

6.1 The main issues arising from this application relate to design and residential amenity.

6.2 Amended plans have been received addressing the concerns raised by the Parish Council and neighbour. At the time of writing this report the neighbour still objects to the proposed extension, while the Town Council have yet to respond to the amended plans. The proposed extension and alterations shown on the amended plans will look and be in keeping with the size and design of the existing/original dwelling. It is considered that the amended proposal will not adversely affect the residential amenities of the neighbouring dwellings.

6.3 The proposed development is considered to be acceptable and in accordance with planning policy and as such is recommended for approval subject to conditions set out overleaf.

RECOMMENDATION

That planning permission be approved subject to conditions set out below:

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

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

- 2 - A09 (Amended plans)

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

- 3 - B02 (Matching external materials (extension))

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

Informatives:

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

- 2 - N19 - Avoidance of doubt

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/3235/F

SCALE : 1 : 1250

SITE ADDRESS : 49 Middlemarsh, Leominster, Herefordshire, HR6 8UP

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**8 DCNC2006/3515/F - VARIATION OF CONDITION NO.2
TO ENABLE USE OF 18 LITRE DEEP FAT FRYER.
DCNC2006/1387/F AT 73 ETNAM STREET,
LEOMINSTER, HEREFORDSHIRE, HR6 8AE**

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

Date Received:
3rd November 2006

Ward: Leominster South

Grid Ref:
49893, 58944

Expiry Date:
29th December 2006

Local Member: Councillor J Thomas and D Burke

1. Site Description and Proposal

- 1.1 This site near the town centre of Leominster, is situated on the northern side of Etnam Street adjacent to the entrance to the public car park. The site itself is a three storey building with the ground floor used as an Indian Take Away. There are mostly dwellings in this section of the road although there is an existing public house nearby and a church on the opposite side of the road.
- 1.2 The application is to vary a condition on a previous planning permission (DCNC2006/1387/F) which restricts the "sale of hot food to snack food by shallow frying and no sale of deep-fried food", to the proposed use of an 18 litre deep fat fryer.

2. Policies

2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S2 - Development requirements
Policy S5 - Town centres and retail
Policy TCR1 - Central shopping and commercial areas
Policy TCR2 - Vitality and viability
Policy HBA4 - Setting of Listed Buildings
Policy HBA6 - New development within Conservation Areas

2.2 Leominster District Local Plan:

Policy A1 - Managing the Districts Assets and Resources
Policy A2 - Settlement Hierarchy
Policy A18 - Listed Buildings and their Settings
Policy A21 - Development within Conservation Areas
Policy A24 - Scale and Character of Development
Policy A31 - Employment Generating Uses Within or Around the Market Towns
Policy A32 - Development Within Town Centre Shopping and Commercial Areas

2.3 Hereford and Worcester County Structure Plan:

Policy CTC9 - Development Requirements
Policy CTC15 - Conservation Areas

3. **Planning History**

3.1 DCNC2006/0067/F - Change of use to A3 (restaurants and cafes) between hours of 8.00 am to 21.00 pm Monday to Saturday. Planning Permission granted 22nd February 2006.

3.2 DCNC2006/1387/F - Change of use to A5 (hot food take-aways) between hours of 14.00 pm - 21.00 pm Monday to Saturday. Planning Permission granted 14th June 2006.

4. **Consultation Summary**

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 The Traffic Manager has no objections.

4.3 The Chief Environmental Health Officer does not believe that the use of a small 18 litre fryer will significantly increase the odour nuisance at the premises. There is a need to ensure that no further deep fat frying equipment is added to the kitchen without prior approval. Recommends that a variation of condition 2 to allow the use of one deep fat frying device which has a maximum capacity of 18 litres and also impose a condition stating that no additional frying equipment be installed without the prior written approval of the local planning authority.

4.4 The Public Rights of Way Manager comments that the proposed development would not appear to affect public footpath no. ZC 138. Any extraction fumes from the deep fat fryer should be sited so that no danger or nuisance is caused to members of the public using the said public footpath.

5. **Representations**

5.1 The Town Council state: Recommends approval subject to extractor fans being adequate to deal with fumes generated by the equipment.

5.2 There has been a letter of representation received from Leominster Civic Trust, Westbury House, Ryelands Road, Herefordshire HR6 8NZ. The main points being:-

- a) No information as to how condition 2 is to be varied.
- b) Are new external flues proposed as building is in prominent position in Conservation Area.

5.3 There have been two letters of objection from:-

Mr W Bird, 75 Etman Street, Leominster, Herefordshire HR6 8AE

Mr & Mrs Halford, 81 Etman Street, Leominster, Herefordshire HR6 8AE

The main points being:-

- a) The original condition on a previous planning permission restricting frying methods should not be removed as reason for its imposition is still valid.
- b) There are existing strong cooking odours already being generated from the premises and by allowing deep fried food will only add to this and affect enjoyment of neighbouring dwellings.
- c) Existing environmental issues of discarded polystyrene bags left along road.

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 effect the use of the 18 litre deep fat fryers would have on the residential amenities of neighbouring dwellings.
- ii The effect on the visual appearance and setting of the Conservation Area.

The most relevant policies with respect to these issues are Policies S2 and HBA6 of the Herefordshire Unitary Development Plan.

6.2 The applicant requires the 18 litre deep fat fryer in order to cater for a demand from his customers for particular food items, in particular chips and it is understood to have been in operation for a period of time.

6.3 The 18 litre deep fat fryer is only small and whilst there is potential for additional odour nuisance to neighbours it is not considered that it will significantly increase the odour nuisance at the premises. As such it is considered that the residential amenities of the occupants of neighbouring dwellings will not be adversely affected by the use of the deep fat fryer.

6.4 Furthermore the use of the 18 litre deep fat fryer does not require any additional flues or vents to be provided at the premises other than that which has already been in use at the premises. Consequently there are no external alterations required at the building and as such the setting of the Conservation Area will not be affected.

6.5 In conclusion it is considered that the use of the deep fat fryer at the premises is acceptable and will have no adverse impact on neighbours and the Conservation Area and it is in accordance with planning policies.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - There shall be no more than one deep fat frying device which has a maximum capacity of 18 litres in use at the premises and no additional deep fat frying equipment should be used or installed at the premises without the prior written approval of the local planning authority.

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

Informatives:

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

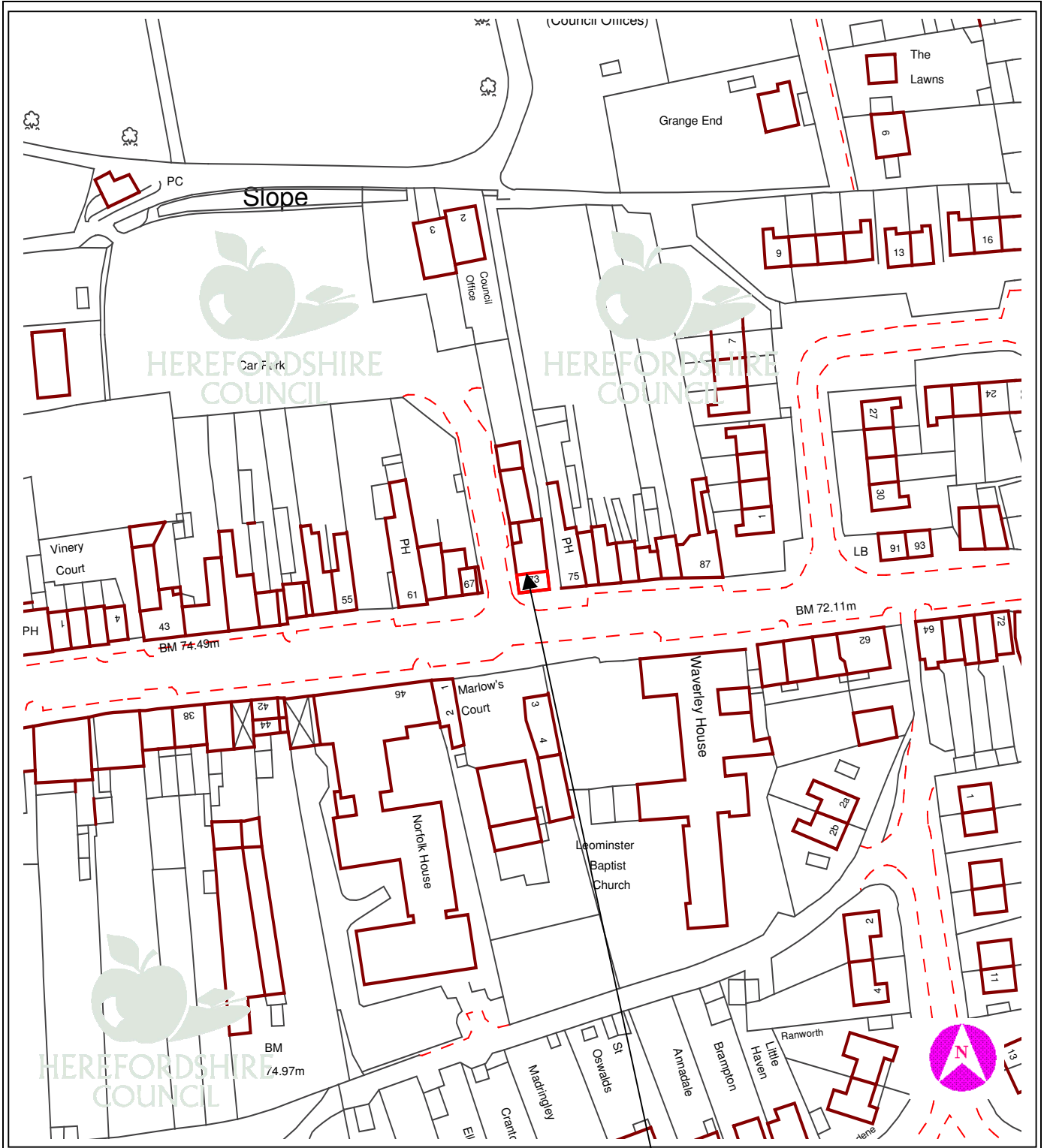
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/3515/F

SCALE: 1 : 1250

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

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9A DCNC2006/3509/F - CHANGE OF USE FROM GRASS VERGE TO PRIVATE GARDEN AND ERECTION OF BOUNDARY FENCE AT 78 BRIDGE STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DZ

& and

9B DCNC2006/3511/L - CHANGE OF USE FROM GRASS VERGE TO PRIVATE GARDEN AND ERECTION OF TIMBER BOUNDARY FENCE AT 78 BRIDGE STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DZ

For: Mr N Staples

Date Received:
3rd November 2006

Ward: Leominster North

Grid Ref:
49447, 59624

Expiry Date:
29th December 2006

Local Member: Councillors J French and Brig P Jones

1. Site Description and Proposal

- 1.1 This site, within Leominster, is located on the eastern side of the B4361 (Bridge Street) at the junction with Ridgemoor Road which serves a residential housing estate. The site itself is an existing grassed area currently used as public open space situated adjacent to the applicant's dwelling which is a grade II Listed Building. There is wooden fencing (mostly larch lap and approximately 6 foot high) which extends along the southern (side) boundary of the existing curtilage of the applicants dwelling.
- 1.2 The proposal is to change the use of the grassed area to residential and encompass it with the garden area of the applicant's dwelling. A new boundary fence ie a 1.8 metre high picket style wooden fence will be erected within 1 metre of the footpath edge and fixed to the south western corner of the applicants dwelling. The fence will be dark stained with native trees and shrubs planted inside the boundary fence.

2. Policies

2.1 Planning Policy Guidance

PPG15 - Planning and the Historic Environment

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S2 - Development Requirements
Policy DR1 - Design
Policy H18 - Alterations and Extensions
Policy H19 - Open Space Requirements

Policy HBA1 - Alterations and Extensions to Listed Buildings
Policy HBA4 - Setting of Listed Buildings

2.3 Leominster District Local Plan

Policy A1 - Managing the District's Assets and Resources
Policy A2 - Settlement Hierarchy
Policy A18 - Listed Buildings and their Settings
Policy A24 - Scale and Character of Development
Policy A25 - Protection of Open Spaces or Green Spaces
Policy A54 - Protection of Residential Amenity
Policy A56 - Alterations, Extensions and Improvements to Dwellings

2.4 Hereford and Worcester County Structure Plan

Policy CTC9 - Development Requirements
Policy CTC17 - Green Open Space in Urban Areas
Policy CTC18 - Development in Urban Areas

2.5 Herefordshire Council's Supplementary Planning Guidance

Design and Development Requirements

3. **Planning History**

- 3.1 DCNC2006/0808/F - Change of use of grass verge to private garden and erection of fence. Refusal of Planning Permission 04/05/06.
- 3.2 DCNC2006/0809/L - Change of use of grass verge to private garden and erection of fence. Refusal of Listed Building Consent 04/05/06.

4. **Consultation Summary**

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 The Traffic Manager has no objection.
- 4.3 The Chief Conservation Officer has no objections and recommends that a condition be imposed requiring fence to be stained black.

5. **Representations**

- 5.1 The Applicant states:

- small scale scheme to improve character and aspect of dwelling.
- advice has been sought from owners of the land the Marches Housing Association and officers from the Herefordshire Council in order to address concerns.

- the existing perimeter fence would be removed and a new fence erected. No other alterations within curtilage of house.
- telephone box, mail storage installation and refuse bin will be unaffected.
- new fenceline to follow edge of footpath approximately 1 metre from footpath edge.
- no charges to vehicular access.
- new fence will not adversely affect highway visibility.
- fence to be finished in dark oak or black stain.
- native trees and shrubs to be planted inside fenceline to provide a natural appearance and further screening.
- the new garden area created will be in keeping with character of listed building ie a cottage garden.
- intended to improve aspect of house, one of the oldest in Leominster, by the extension of garden area and thereby moving fence further from building.
- a great deal of thought and consultation has been given to the project including the style and type of the new fencing.

5.2 The Town Council states:

"Recommends refusal on the grounds that the type of fencing is inappropriate for the period of the Listed Building and it will restrict the view for traffic." Council is also unhappy about the loss of public open space.

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

6. Officers Appraisal

6.1 The main issues relate to:

- i. The principle of extending the curtilage of the dwelling.
- ii. The effect on the character and setting of the listed building.
- iii. The loss of public open space.
- iv. Highway safety.

The most relevant policies will respect to these issues are HBA1 and HBA4 of the Herefordshire Unitary Development Plan and A25 of the Leominster District Local Plan.

6.2 The change of use of this grassed area in order to enlarge the curtilage of the existing dwelling is considered to be acceptable. The extra curtilage will form a natural extension to the garden area and will not adversely affect the character and setting of this grade II listed building. Nor will it adversely affect the residential amenities of nearby dwellings. The proposed fencing is also considered to be acceptable and not out of keeping with the character and appearance of the listed building.

- 6.3 The grassed area is designated as public open space. However it is a very small area which does not serve any useful or functional purpose and also does not conflict with Policy A25 of the Leominster District Local Plan which sets out the parameters for the protection of open areas or green areas. In any event there was another similar sized open space area on the other side of the road junction which has subsequently been built on and in view of that it would be unreasonable to withhold planning permission for the change of use of the application site.
- 6.4 The proposed development will not affect visibility at the road junction and as such will not adversely affect highway safety.
- 6.5 In conclusion the proposed development is considered to be acceptable and in accordance with planning policy and guidance.

RECOMMENDATION

With respect to DCNC2006/3509/F that planning permission be granted subject to the following conditions:

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

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

- 2 - **Non Standard (Non Standard Condition)**

The external surfaces of the wooden boundary fencing shall be stained a matt black colour concurrently with its erection unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In order to protect the visual appearance, character and setting of this grade II listed building.

INFORMATIVES

- 1 - **N19 - Avoidance of doubt – Drawing Nos LOC1, LOC2, Fence 1, Sheet 1 & 3.**

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

- 3 – **N15 - Reason(s) for the Grant of PP – (HUDP): HBA1 & HBA4**

With respect to DCNC2006/3511/L that listed building consent be granted subject to the following conditions:

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

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

- 2 - **Non Standard (Non Standard Condition)**

The external surfaces of the wooden boundary fencing shall be stained a matt black colour concurrently with its erection unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In order to protect the visual appearance, character and setting of this grade II listed building.

INFORMATIVES

1 - N19 - Avoidance of doubt – Drawing Nos LOC1, LOC2, Fence 1, Sheet 1 & 3.

2 - N03 - Adjoining property rights

3 – N15 - Reason(s) for the Grant of LBC – (HUDP): HBA1 & HBA4

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/3509/F & DCNC2006/3511/L **SCALE :** 1 : 1250

SITE ADDRESS : 78 Bridge Street, Leominster, Herefordshire, HR6 8DZ

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**10 DCNE2006/3640/F - REPLACEMENT FRONT PORCH AT
33 VIKING WAY, LEDBURY, HEREFORDSHIRE,
HR8 2DU**

**For: Mr J Gorton per Mr V C Arnold, Mount Ottawa,
Upleadon, Newent Glos. GL18 1HN**

Date Received:
16th November 2006

Ward: Ledbury

Grid Ref:
70412, 38538

Expiry Date:
11th January 2007

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

1. Site Description and Proposal

- 1.1 Planning permission is sought for the erection of a front porch at No.33 Viking Way, Ledbury. The dwelling forms part of a small terrace with nos. 35 and 37 to the east and an attached garage to the west. The porch is proposed to the south facing elevation.
- 1.2 A lean-to construction, the proposed porch would have a floor area marginally in excess of the permitted development allowance, at 3.19 square metres. Owing to the slight fall in ground levels the overall height would be 3.65m at the east elevation, rising to 3.85m at the west. Facing materials would match the existing, with corbel detail and contrasting brick quoins as per the dwelling.

2. Policies

- 2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft)
H18 – Alterations and Extensions

3. Planning History

- 3.1 None relevant.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Traffic Manager - No objection.

5. Representations

- 5.1 Ledbury Town Council - No objection.

5.2 One letter of objection has been received from the immediate neighbour, Mrs Taylor, 35 Viking Way. The points raised can be summarised as follows:

- The porch would result in a loss of daylight into the living room, which is served by a single window. This effect will be most obvious during the afternoon.
- The porch would obstruct a view of the allotted parking space, reducing security and completely masking a view to the west.
- The porch would be uncharacteristic of the size of house to which it relates.
- The precise boundary between the two properties is unclear.

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

6. Officers Appraisal

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

- An assessment of the impact that the development would have upon the residential amenity of the adjoining dwelling;
- An assessment of the impact that the development would have upon the character and appearance of the dwelling and the immediate surroundings.

Impact upon the adjoining property

6.2 Loss of daylight to adjoining windows is judged by reference to the 45-degree 'rule'. A line is drawn at 45 degrees from the mid-point of the window in question. If any part of the proposal breaks this 'line', the typical conclusion is that an unacceptable loss of light will have occurred. In this case the porch would not break the 'line' and it is therefore concluded that the loss of light would not be unacceptable in this instance.

6.3 It should also be noted that a porch could be erected under permitted development rights with the same forward projection (1.575m) from the front of the house. Thus a porch could be erected without planning permission for a structure that would have the same effect.

6.4 The loss of view referred to by the objector is not a material planning consideration.

Impact upon the character and appearance of the area

6.5 The proposed porch is identical in design and appearance to some constructed on nearby properties further to the west. An objection on design led grounds would be difficult to sustain. Again, the applicant could erect a marginally smaller porch under permitted development rights, in which case the local planning authority would have no control over the choice of facing materials.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - B01 (Samples of external materials)

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

3 - E17 (No windows in side elevation of extension)

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

Informatives:

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

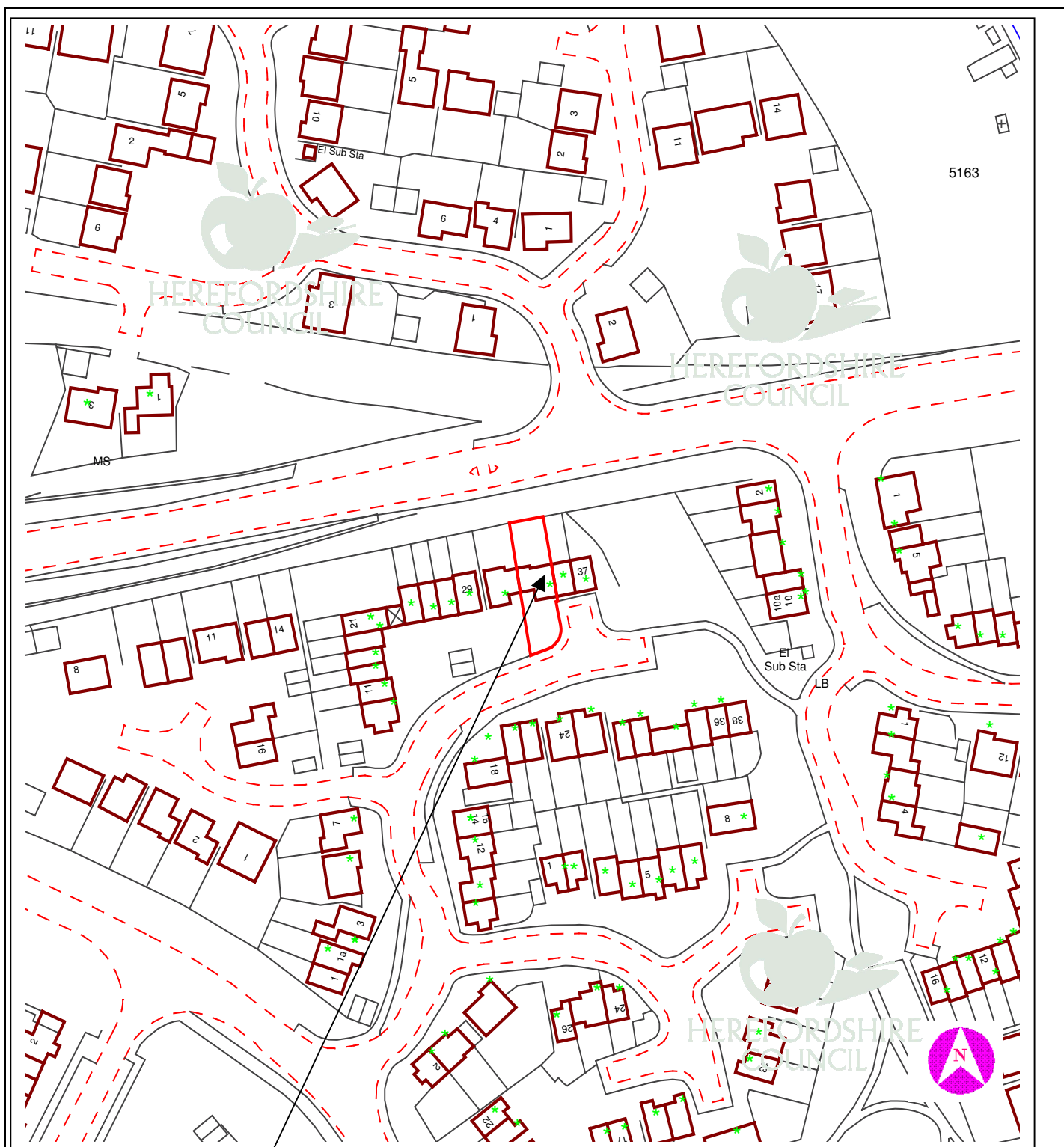
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2006/3640/F

SCALE : 1 : 1250

SITE ADDRESS : 33 Viking Way, Ledbury, Herefordshire, HR8 2DU

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11 DCNE2006/3494/F - DEMOLITION OF GARAGES, NEW DOUBLE GARAGE, DRIVEWAY AND ACCESS TO HIGHWAY. 2M HIGH CLOSE BOARDED FENCE TO BOUNDARY AT 25 BIDDULPH WAY, LEDBURY, HEREFORDSHIRE, HR8 2HP

For: Mr & Mrs C Matthews per Mr P Matthews, Lions Den, Bredwardine, Herefordshire. HR3 6DE

Date Received:

1st November 2006

Ward: Ledbury

Grid Ref:

71194, 36871

Expiry Date:

27th December 2006

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

1. Site Description and Proposal

- 1.1 The application seeks permission for the erection of a replacement double garage and new driveway and 1.8m high close-boarded fence at No. 25 Biddulph Way, Ledbury. The application site lies on the Deer Park estate and comprises a detached two-storey dwelling with a mono-pitch double garage to the side, fronting Traherne Close. There is an open area of lawn to the front of the dwelling, but the bulk of the private garden is located to the rear, parallel to Traherne Close.
- 1.2 The bulk of the operational development relates to the demolition of the existing garages, which appear to date from the same time as the house, and replacement with a new double garage. This would also necessitate the creation of a new vehicle access onto Traherne Close.
- 1.3 The more controversial aspect of the application is the proposed erection of a close-boarded boundary fence. Originally a 2m high fence was proposed tight up against the pavement edge and running out from the corner of the dwelling. Following negotiation the fence has been reduced in height to 1.8m and set back 2m from the pavement edge to allow for the introduction of hedgerow planting.

2. Policies

- 2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft)

H18 – Alterations and Extensions

3. Planning History

- 3.1 None

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Advice

4.2 Traffic Manager – Recommends conditions relating to the construction of the access.

5. Representations

5.1 Ledbury Town Council – Objection. Members thought that the fencing would be totally out of character with the street scene, would set a precedent and cause a hazard to the visibility of road users.

5.2 8 letters of objection, together with a 14-signature petition, were received in response to the original proposal. The amendments referred to in 1.3 (above) sought to address the concerns raised. Correspondence in response to the amended scheme comprises a covering letter and further 20-signature petition from local residents.

5.3 The key issues raised in response to the amended proposal can be summarised as follows:

- The amended plans would still result in a potential restriction of visibility splays for vehicles reversing from nos. 1 & 3 Traherne Close by the 1.8m high fence, and also a solid hedge, with no height restriction;
- The suggested plants for the hedgerow are inappropriate with prickly plants posing a health and safety risk to children playing nearby;
- A solid fence (without planting) could be built on the building line. If planting is required it should be set 3.5m back from the pavement, with the fence set back 4m.

5.4 The full text of this letter (and those submitted in response to the original proposal) can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

6.1 The key issues in the determination are as follows:

- The impact that the proposed fence would have upon the character and appearance of the area;
- The impact that the proposed fence would have upon the provision of a safe vehicular access and egress to neighbouring residential property.

6.2 The impact of development upon the character and appearance of the area

Deer Park is characterised by the openness of property frontages. Typically small areas of lawn and soft landscaping are presented to the highway with the dwellings beyond set back from the highway. No.25 Biddulph Way is a corner plot, sharing boundaries with both Biddulph Way and Traherne Close – a cul-de-sac of single and two-storey dwellings. Ostensibly the proposal would respect the openness of the frontage onto Biddulph Way, the fence being set in 11m from the pavement.

- 6.3 The impact of the development is more obvious along the Traherne Close frontage and it was in response to this that the height and positioning of the fence have been revised and a scheme of soft landscaping proposed. The amendments have been recognised by the signatories to the petition, although they recommend that the fence be positioned 4m from the pavements edge parallel to Traherne Close and have suggested that the landscaping would not be necessary if this distance could be achieved.
- 6.4 However, in locating a fence 4m from the highway, there is then the secondary question as to whether planning permission would be required at all. Permission for fences is required where the height of the fence exceeds 1m in height and it is located adjacent to a highway used by vehicular traffic. A 4m distance from the highway (excluding the pavement) would stretch the definition of "adjacent", thus calling into question the requirement for planning permission.
- 6.5 It is the opinion of the case officer that the amended scheme represents the best solution aesthetically, giving the applicants a reasonable level of privacy, whilst providing a meaningful scheme of soft landscaping to help reduce the stark visual impact that an unshielded 1.8m fence would have.
- 6.6 The impact upon vehicular access to Nos. 1 & 3 Traherne Close
- 6.7 The representation letter has suggested that the vehicular access to nos. 1 & 3 Traherne Close would be unduly compromised by the positioning of both the fence and the proposed soft landscaping.
- 6.8 Members will note that the Traffic Manager at paragraph 4.2 has no objection to the development in relation to the impact upon these properties. The application proposes the erection of the fence to the boundary between No.25 Biddulph Way and NO.1 Traherne Close, perpendicular to the highway. A fence of this height would not require planning permission, but would obscure vision towards the junction with Biddulph Way for vehicles reversing into the highway from the identified dwellings. The remainder of the fence, running parallel to Traherne Close would make no discernible difference to the situation.
- 6.9 This notwithstanding, Traherne Close is a small residential cul-de-sac in a built up area. Vehicles speeds upon entry to the cul-de-sac will be slow and the access points to nos. 1 & 3 Traherne Close are a sufficient distance from the junction with Biddulph Way to mitigate any perceived danger.
- 6.10 Soft landscaping is considered essential to the proposal and its retention is considered to outweigh any perceived reduction in visibility from the access points identified above.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - A09 (Amended plans)

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

3 - G04 (Landscaping scheme (general))

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

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

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

Informatives:

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

2 - N19 - Avoidance of doubt

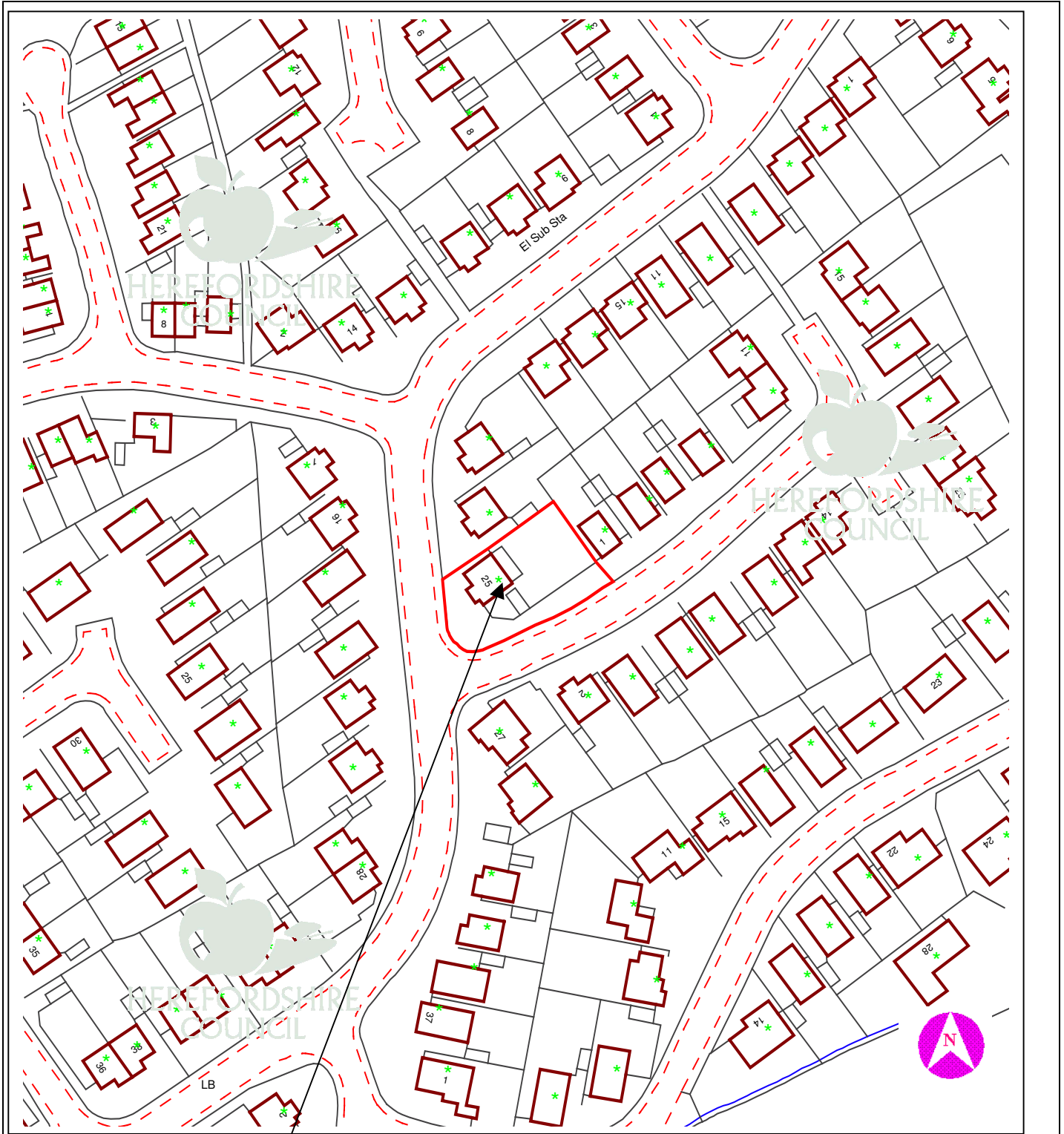
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2006/3494/F

SCALE : 1 : 1250

SITE ADDRESS : 25 Biddulph Way, Ledbury, Herefordshire, HR8 2HP

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

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

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

Date Received:
18th April 2006

Ward: Bromyard

Grid Ref:
65199, 54234

Expiry Date:
13th June 2006

Local Members: Councillors B Hunt and P J Dauncey

1. Introduction

- 1.1 At the meeting on 12th July 2006, Members resolved to defer determination for further discussion regarding highway concerns. It was not possible to resolve the issues relating to the provision of passing bays along Highwell Lane.
- 1.2. Consequently, the proposal was revised, deleting reference to the erection of the extension of the east wing. The proposal is now for the replacement of the five bed south wing with a new 6 bed wing and the replacement day room link. This would result in a net increase of 1 bed space.
- 1.3. Further consideration of the application has been delayed awaiting the decision on a request to "list" the building. The decision has now been made not to add the building to the statutory list. Consequently, determination can proceed without reference to the requirements of the 1990 Listed Buildings Act and Regulations.

2. Site Description and Proposal

- 2.1. The site lies within the settlement boundary of Bromyard, within a predominantly residential area, accessed via a narrow lane, Highwell Lane.
- 2.2. The amended proposal seeks a replacement for the existing south wing to provide 6 bedrooms, a net increase of 1 on the current potential bedspaces. The main part of new building measures approx 7.2m x 13.2m, with a narrower element to include the staircase, with a main ridge height of approximately 6.4m, dropping to 5.9m (when measured from the rear). These heights compare with 5.1m and 5.4m respectively. The rear elevation, situated along the boundary of the site has no openings other than two small roof lights along the corridor.
- 2.3. The new day room link remains as previously proposed, namely a single storey building linking the main house to the existing east wing.
- 2.4 The proposed parking bay submitted on 20th June is no longer part of the proposal.

3. Policies

3.1 Herefordshire Unitary Development Plan (Revised Deposit Draft)

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

3.2 Malvern Hills District Local Plan

Environment Policy 1: Location of development
Environment Policy 12: Disposal of foul sewage, trade effluent and surface water
Employment Policy 1: Employment land
Employment Policy 3: Small scale enterprises
Housing Policy 16: Extensions
Housing Policy 13: Conversions to flats or nursing homes and other institutions
Landscape Policy 8: Landscape standards
Transport Policy 8: Car parking and servicing requirements
Transport Policy 11: Traffic impact

3.3 National Policies

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

4. Planning History

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

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

MH1959/84 - Garage and lounge extension. Approved.

MH0606/85 - Conservatory. Approved.

5. Consultation Summary

Statutory Consultations

5.1 No comment yet in response to amended proposal.

- 5.2 The Primary Care Trust previously objected to the provision of a parking bay close to the community hospital. This is no longer proposed.

Internal Council Advice

- 5.3 Transportation Manager – no objection.

6. Representations

- 6.1 Bromyard Town Council resolved to support the application.

- 6.2 In response to the amended proposal 8 objections have been received from

- Mrs. McCallum, 11 Highwell Avenue
- R. Silcock, 26 Highwell Lane
- Mr. and Mrs. J. Harris, 22 Highwell Lane
- L and J Normal, Heron Lodge, Highwell Lane
- Wall James & Davies on behalf of Mr. and Mrs. Welsey, 34 Highwell Lane, they have also written on their own behalf.
- Mrs. J. Jones, 18 Highwell Lane
- Mrs. E. Crewdan, 3 Highwell Lane.

- 6.3 The main points are summarised below:-

- 6.3.1 The lane is too narrow for additional traffic.
- 6.3.2 Capacity problem with sewers.
- 6.3.3 Loss of historic building.
- 6.3.4 Precedent for further development.
- 6.3.5 The south wing was previously used for the owners family and staff use, not elderly residents.
- 6.3.6 Nuisance during construction work.
- 6.3.7 The ridge height increase will cause loss of amenity to occupier.
- 6.3.8 Geological faults/springs will cause problems.

7. Officers Appraisal

- 7.1. Members will recall their visit to this site, prior to the meeting in July last year. The issue at the time appeared to be related to the increase in traffic along Highwell Lane.
- 7.2. The reduction in the proposal has resulted in no objection being raised by the Transportation Manager. Whilst, as a number of objectors point out, the south wing was not used for residents, but the family of the owner and staff, the net increase in bed spaces is 1. Even with full occupancy of the south wing by new residents, rather than family and/or staff, it is not considered that the increase in traffic likely to be generated is significant.
- 7.3. Problems relating to sewer capacity are largely caused by storm water run off, which would not be significantly different as a result of this proposal. Welsh Water has no objection.

- 7.4. It is not considered that the increase in the ridge height of the new building is so detrimental to the amenity of the neighbour to justify refusal. Since the building is not to be listed there is no policy obstacle to its demolition.
- 7.5 Any issues relating to the geological suitability of the site would be addressed during the construction and building regulation stage.
- 7.6 A condition to limit times of operation during building works is suggested to safeguard amenity during this period.
- 7.7 In conclusion, it is considered that the amended proposals are sufficient to overcome the original concerns regarding the traffic issues. Remaining issues can be resolved by the imposition of conditions, consequently the application is recommended for approval as set out below.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

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

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

- 5 - W02 (No surface water to connect to public system)**

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

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

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

- 7 - W04 (Comprehensive & Integrated draining of site)**

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

8 - G02 (Landscaping scheme (housing development))

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

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

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

10 - G06 (Scope of landscaping scheme)

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

11 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

12 - H29 (Secure cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

13 - N19 Restriction on hours of working

Reason: To safeguard the amenities of the locality.

Informatives

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

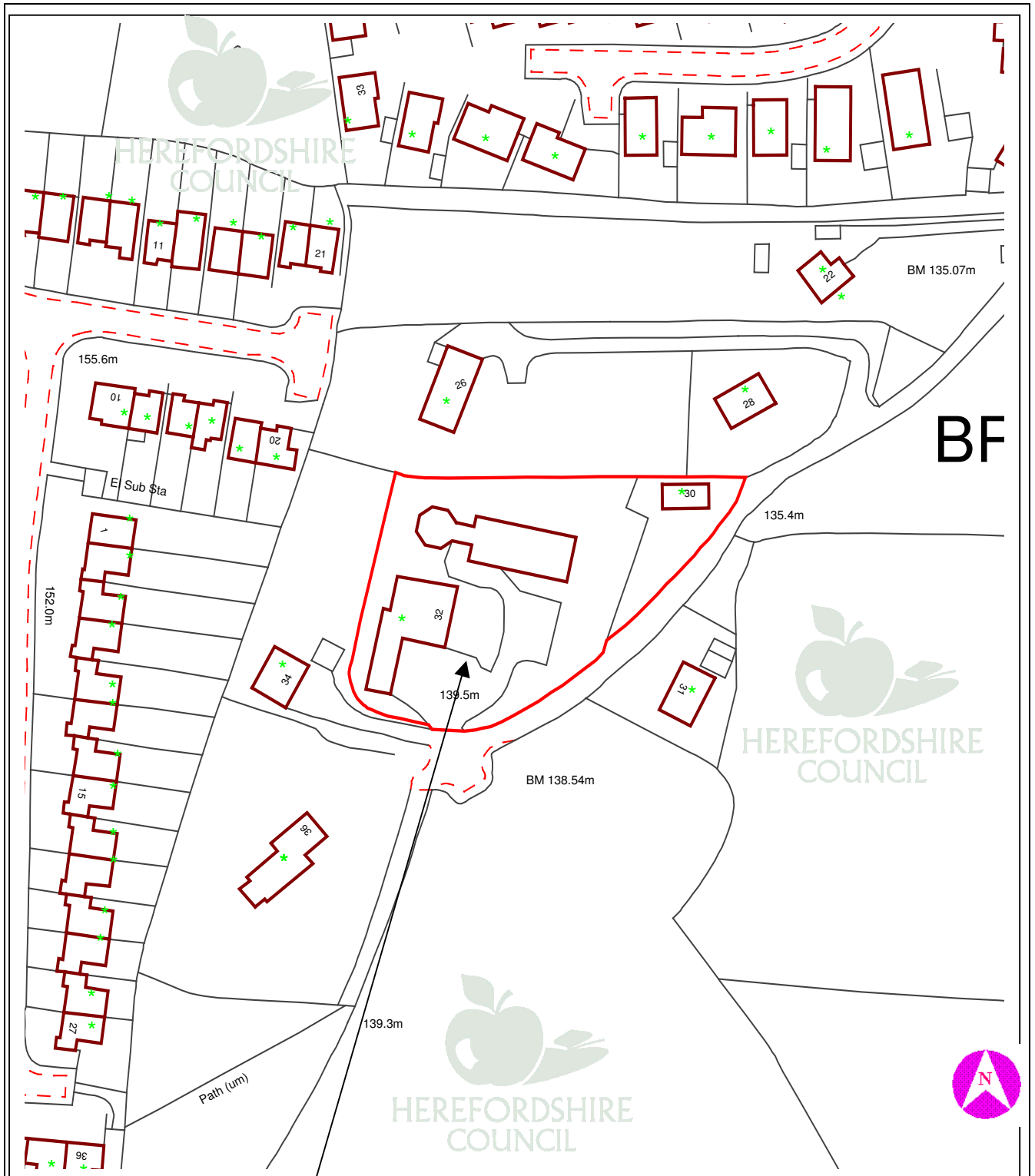
Decision:

Notes:

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Background Papers

Internal departmental consultation replies



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APPLICATION NO: DCNC2006/1215/F

SCALE : 1 : 1250

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

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DCNC2006/1215/F - EXTENSIONS TO EXISTING**PREVIOUS OLD REPORT****HEREFORDSHIRE, HR7 4DG****For: Miss K Rogers per Linton Design, 27 High Street,
Bromyard, Herefordshire, HR7 4AA****Date Received:**

18th April 2006

Ward:

Bromyard

Grid Ref:

65199, 54234

Expiry Date:

13th June 2006

Local Member: Councillors B Hunt and P J Dauncey

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

1. Site Description and Proposal

- 1.1 The site is within the settlement boundary of the market town of Bromyard, within a predominantly residential area.
- 1.2 The proposal is to extend the existing nursing home to add 16 bedrooms, plus a day room link. In addition, the existing south wing is proposed for demolition.
- 1.3 The proposal site is currently a 26-bedroom nursing home with an additional private house in its grounds. The nursing home currently covers 623m² and the total application site area is 0.3 hectares. The existing total floor area measures 865m², whilst the new total floor area proposed would be 1252m², an increase in floor area of approximately 45%
- 1.4 Nine existing car parking spaces exist and provision is made for 16 additional car parking spaces and one ambulance space in this proposal, together with alterations to the public highway. These highway alterations include a new passing bay as shown on the amended access plan, submitted 20th June 2006.
- 1.5 Drainage is catered for, with storm water disposed of in soakaways, and foul water in the existing main sewer.

2. Policies**2.1 Malvern Hills District Local Plan**

Environment Policy 1: Location of development

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

Employment Policy 1: Employment land

Employment Policy 3: Small scale enterprises

Housing Policy 16: Extensions

Housing Policy 13: Conversions to flats or nursing homes and other institutions
Landscape Policy 8: Landscape standards
Transport Policy 8: Car parking and servicing requirements
Transport Policy 11: Traffic impact

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

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

2.3 National Policies

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

3. Planning History

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

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

MH1959/84 - Garage and lounge extension. Approved.

MH0606/85 - Conservatory. Approved.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: 'It has been confirmed by Linton Design (who are acting on behalf of the developer) that the surface water from the existing property will be redirected from the public sewerage system in order to offset the increase in foul flows from the development. We therefore do not have any adverse comments to raise in respect of this planning application subject to conditions being incorporated within the planning permission.'
- 4.2 Primary Care Trust: An objection has been received, with respect to concerns on the access and proposed passing bays, and related concerns for the health and safety of hospital occupants and facilities.

Internal Council Advice

- 4.3 Transportation Manager: Recommends that any permission which this Authority may wish to give include the following conditions: H29, H9, H13, H17 (works), H30, plus highway notes HN1, HN4, HN5, HN7, HN10 AND HN22, and a S106 or 278 agreement to develop the highway to suitable "Adopted" standards.

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

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

5. Representations

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

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

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

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

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

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

- 5.2 Letters of objection have been received from:

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

5.3 The key issues concerning local residents can be summarised as follows:

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

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

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

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

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

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

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

6. Officers Appraisal

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

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

Highways and access issues

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

Inadequate drainage capacity/facilities

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

Loss of residential amenity

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

Loss of trees

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

Overbearing and inappropriate scale and design on existing property

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

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

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

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

Conclusions

- 6.9 In conclusion, though the neighbours' and Town Council's objections are noted, these are mitigated by the improved access arrangements, improved storm water disposal (and recycled water suggestion), and the amended plans removing all fenestration adjacent to the neighbour's property at 34 Highwell Lane.
- 6.10 The proposal is therefore recommended for approval with a condition requiring a Section 278 highway agreement that provides for the upgrading of Highwell Lane to adopted standards to the satisfaction of the County Highways Engineer.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

Reason: In the interest of highway safety.

- 3 - A09 (Amended plans)**

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

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

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

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

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

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

Reason: To safeguard the amenities of the locality.

- 7 – E 10 (Use restricted to that specified in application) (Nursing Home)**

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

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

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

9 - W01 (Foul/surface water drainage)

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

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

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

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

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

12 - W04 (Comprehensive & Integrated draining of site)

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

13 - G02 (Landscaping scheme (housing development))

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

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

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

15 - G06 (Scope of landscaping scheme)

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

16 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

17 - H29 (Secure cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

18 - H09 (Driveway gradient)

Reason: In the interests of highway safety.

19 - H13 (Access, turning area and parking)

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

20 - H17 (Junction improvement/off site works)

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

21 - H30 (Travel plans)

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

22 - F39 (Scheme of refuse storage)

Reason: In the interests of amenity.

I Informatives

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

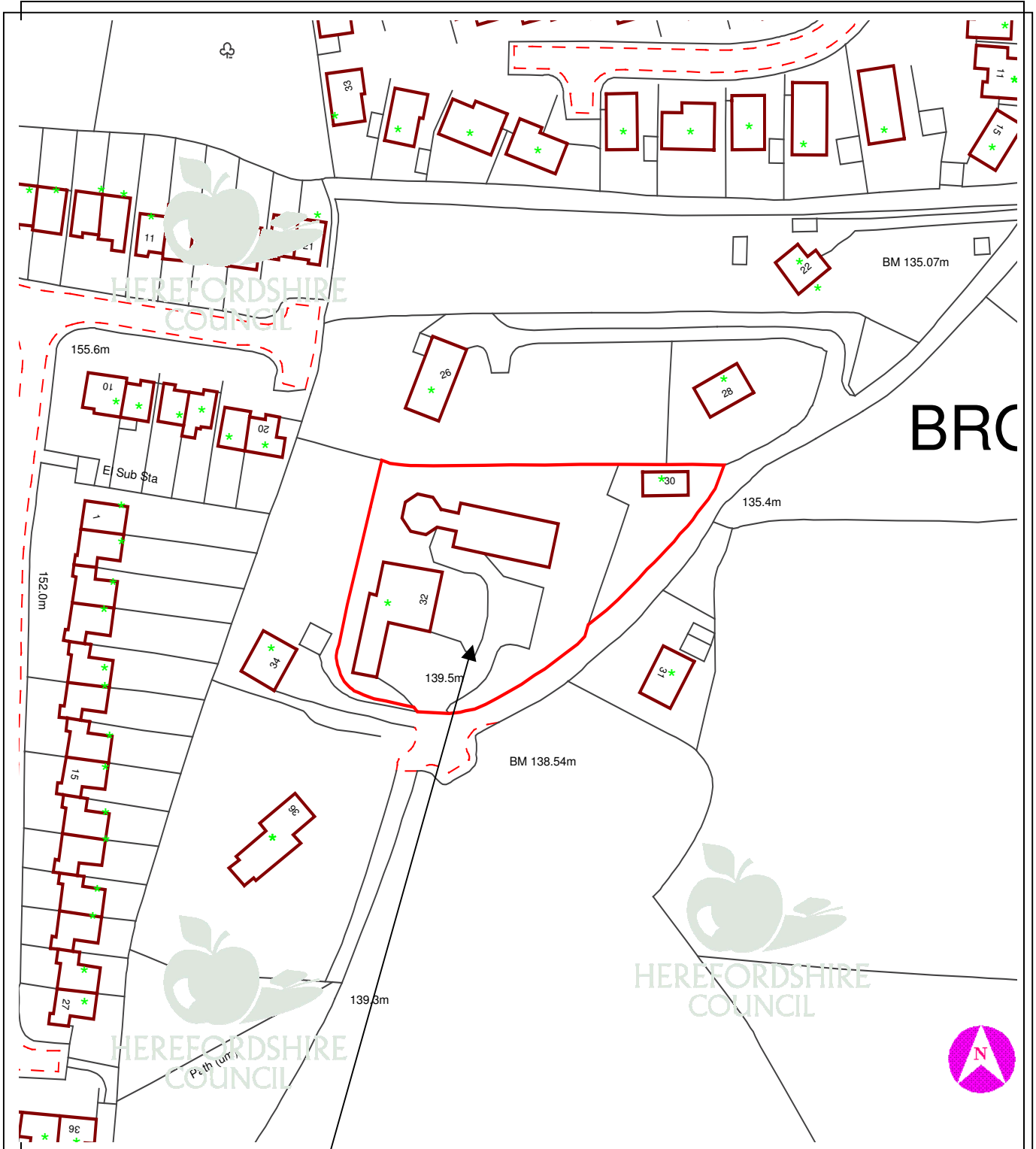
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/1215/F

SCALE : 1 : 1250

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

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