

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 31st 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 3rd January, 2007.	1 - 6
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.	7 - 10
5. APPLICATIONS RECEIVED To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary. Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting. Agenda items 6 was deferred at the previous meeting and items 7 to 13 are new applications.	
6. 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 at above address. Ward: Leominster North	11 - 14

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|-----|---|---------|
| 7. | <p>DCNE2006/3799/F - FURTHER STOREY ON REAR OF HOUSE AT HIGH VINNALLS, UPPERFIELDS, LEDBURY, HEREFORDSHIRE, HR8 1LE</p> <p>For: Mr & Mrs S L Davies per Mr M Cleaver, 10 Gilbert Road, Malvern, Worcs, WR14 3RQ</p> <p>Ward: Ledbury</p> | 15 - 18 |
| 8. | <p>DCNC2006/4003/O - SITE FOR A TWO STOREY HOUSE WITH 3 CAR PARKING SPACES AT THE REAR OF 64 NEW ROAD, BROMYARD, HEREFORDSHIRE, HR7 4AN</p> <p>For: Mrs E Bateson per Linton Design, 27 High Street, Bromyard, Herefordshire, HR7 4AA</p> <p>Ward: Bromyard</p> | 19 - 24 |
| 9. | <p>DCNC2006/3893/F - DEMOLITION OF REDUNDANT RACING STABLES AND ERECTION OF 4 NO. 3 BED HOUSES (LOW COST MARKET) TOGETHER WITH 8 PARKING SPACES AT RISBURY RACING STABLES, RISBURY, LEOMINSTER, HEREFORDSHIRE, HR6 0NQ</p> <p>For: Mr P Kelsall per Linton Design, 27 High Street, Bromyard, Herefordshire
HR7 4AA</p> <p>Ward: Hampton Court</p> | 25 - 32 |
| 10. | <p>DCNW2006/3816/F - RETROSPECTIVE APPLICATION FOR CHANGE OF USE FOR SITING OF RESIDENTIAL CARAVAN MOBILE HOME AT THE GARDEN, NUTFIELD COTTAGE, BEARWOOD, PEMBRIDGE HEREFORDSHIRE HR6 9EF</p> <p>For: Mr P Layton per McCartneys, 7 Broad Street, Leominster, Herefordshire,
HR6 8BT</p> <p>Ward: Pembridge & Lyonshall with Titley</p> | 33 - 38 |
| 11. | <p>DCNW2006/3850/F - REPLACEMENT DWELLING AND GARAGE AT PINECROFT, WEST STREET, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE,</p> <p>For: Mr J Purslow per Mr S Hayes, Oak House, 62 Shrub Lane, Burwash, East Sussex, TN19 7EB</p> <p>Ward: Pembridge & Lyonshall with Titley</p> | 39 - 46 |

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|---|----------------|
| <p>12. DCNW2006/4007/F - ERECTION OF 2 NO. DWELLINGS WITH DETACHED GARAGES AT SUNNYMEADE, BACK LANE, WEOBLEY, HEREFORD, HR4 8SG</p> <p>For: Mr & Mrs I C & F K Dyer per Mr L B Ray, Waterloo, Ledgemoor, Weobley, Herefordshire, HR4 8RJ</p> <p>Ward: Golden Cross with Weobley</p> | <p>47 - 54</p> |
| <p>13. DCNW2006/4049/O - OUTLINE APPLICATION FOR AGRICULTURAL DWELLING TO REPLACE COLLAPSED FARMHOUSE AT SPOND FARM, SPOND, KINGTON, HEREFORDSHIRE, HR5 3LB</p> <p>For: C Matthews per Mr E Price, Moorcourt, Lyonshall, Kington, Herefordshire, HR5 3JZ</p> <p>Ward: Castle</p> | <p>55 - 60</p> |
| <p>14. DATE OF FORTHCOMING MEETINGS</p> <p>28th February, 2007
28th March, 2007
25th Apri, 2007I</p> | |

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 3rd January, 2007 at 2.00 p.m.

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

Councillors: 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. Mills, R.V. Stockton, J. Stone, J.P. Thomas and J.B. Williams

122. APOLOGIES FOR ABSENCE

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

123. DECLARATIONS OF INTEREST

Councillor JP Thomas declared a prejudicial interest in item 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 (Minute 130) and left the meeting for the duration of this item.

124. MINUTES

RESOLVED: That the Minutes of the meeting held on 6th December, 2006 be approved as a correct record and signed by the Chairman.

125. ITEM FOR INFORMATION - APPEALS

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

126. 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.

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

The Principal Planning Officer said that the Conservation Officer had asked for the hedgerow to be reinstated when the use had ceased and he suggested an additional condition which could be included to cover this if permission was granted.

In accordance with the criteria for public speaking, Mr Gwynne the applicant's farm manager spoke in favour of the application.

Councillor KG Grumbley the Local Ward Member was concerned at the condition of the road since the company had been using it and asked if they could be required to make a contribution to its reinstatement. The Principal Planning Officer said that the Transportation Manager was discussing this aspect with the Company and that the matter should be dealt with separately from the application.

RESOLVED

that planning permission be granted subject to the following conditions:

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 January 2009)

Reason: the access and hard standing is only necessary on a temporary basis

5 – The hedgerow be reinstated on expiry of the temporary period with a planting scheme to be first agreed in writing by the officers

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

INFORMATIVES:

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

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

It was noted that the observations of the Town Council had not been received about the application.

RESOLVED THAT: consideration of the application be deferred pending the receipt of the views of Leominster Town Council upon it.

129. 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

Councillor JP Thomas one of the Local Ward Members said that the original planning consent had included the condition to prevent the sale of deep-fried food for the protection of the amenity of local residents. . He could not see what circumstances had changed to merit relaxation of the condition and felt that its removal would have an adverse affect on adjoining properties and that it should therefore remain in place. The Sub-Committee concurred with this view.

RESOLVED:

- That (i) **The Northern Area Planning Sub-Committee is minded to refuse the application because varying the condition would have an adverse impact upon the amenity of local residents, 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.]

130. 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

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

RESOLVED THAT

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 – (HU DP): 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 – (HU DP): HBA1 & HBA4

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

In accordance with the criteria for public speaking Mrs Taylor, the owner of the adjoining dwelling, spoke against the application.

RESOLVED

that planning permission be granted subject to the following conditions:

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

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

- 2 - 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

132. DCNE2006/3494/F - DEMOLITION OF GARAGES, NEW DOUBLE GARAGE, DRIVEWAY AND ACCESS TO HIGHWAY. 1.8M HIGH CLOSE BOARDED FENCE TO BOUNDARY AT 25 BIDDULPH WAY, LEDBURY, HEREFORDSHIRE, HR8 2HP

RESOLVED

that planning permission be granted subject to the following conditions:

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

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

- 2 - A09 (Amended plans)

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

- 3 - 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

133. DCNC2006/1215/F - EXTENSIONS TO EXISTING NURSING HOME TO ADD 6 BEDROOMS AND DAY ROOM LINK (INCLUDES DEMOLITION OF EXISTING SOUTH WING) AT 32 HIGHWELL LANE, BROMYARD, HEREFORDSHIRE, HR7 4DG

The Northern Team Leader reported the receipt of a letter from a local resident about a land ownership dispute and that the applicants had adjusted the scheme to avoid the boundary in question. A further letter had been received from Messrs Wall James & Davies on behalf of local residents questioning the affects of additional bed spaces on traffic movement and claiming that the application was contrary to UDP Policy DR3.

In accordance with the criteria for public speaking, Mrs Crewdan spoke against the application on behalf of a number of residents of Highwell Lane.

Councillor PJ Dauncey, one of the Local Ward Member felt that the concerns expressed about the first planning application still stood in that the key issue was the very narrow approach road which even with passing bays would prove difficult for visitors, service and emergency vehicles to negotiate. Councillor B Hunt, a local Ward Member, shared the concerns expressed by Councillor Dauncey and was also doubtful about the adequate capacity of the sewers to accommodate further development. The Sub-Committee noted the valuable service provided by the applicants for the elderly but felt that there were too many problems associated with the application to warrant its approval.

RESOLVED:

- That (i) **The Northern Area Planning Sub-Committee is minded to refuse the application because of the highway safety issues arising from the narrow approach road to the site with a lack of passing places, 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.]

134. DATE OF NEXT MEETING

31st January, 2007

The meeting ended at 3.15 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCNW2006/1423/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 Fernhazel
- The site is located at Welshwood Farm, Whitney-On-Wye, Hereford, Herefordshire, HR3 6JA
- The development proposed is Demolition and conversion of farm buildings to 3 dwellings, garaging and storage.
- The appeal is to be heard by Inquiry

Case Officer: Philip Mullineux on 01432 261808**Application No. DCNW2006/1296/U**

- The appeal was received on 13th December 2006
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal of Lawful Certificate
- The appeal is brought by Mr M D Ridge
- The site is located at The Deep Litter Shed, Eccles Green, Norton Canon, Hereford, Herefordshire, HR4 7BH
- The development proposed is Sited mobile home used as permanent dwelling.
- The appeal is to be heard by Inquiry

Case Officer: Philip Mullineux on 01432 261808**Application No. DCNC2006/2661/F**

- The appeal was received on 16th January 2007
- 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 A Pritchard
- The site is located at Little West, Pinsley Road, Leominster, Herefordshire, HR6 8NN
- The development proposed is Subdivision of "Little West" and proposed new dwelling.
- The appeal is to be heard by Written Representations

Case Officer: Nigel Banning on 01432 383093**Application No. DCNW2006/2915/F**

- The appeal was received on 9th January 2007
- 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 W & E Willmetts
- The site is located at P.P. 890 Bacon Lane, Aymestry, Leominster, Herefordshire, HR6 9ST
- The development proposed is Agricultural workers dwelling.

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

- The appeal is to be heard by Hearing

Case Officer: Philip Mullineux on 01432 261808

APPEALS DETERMINED

Enforcement Appeal Application No. EN2006/0038/ZZ

- The appeal was received on 23rd June 2006
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr J Needham
- The site is located at Church Farm, Leinthall Starkes, Wigmore, Herefordshire
- The breach of planning control alleged in this notice is:
Without planning permission, change of use of the land for siting of two mobile homes.
- The requirements of the notice are:
 - (i) *Cease the residential use of the land*
 - (ii) *Permanently remove the two mobile homes from the land*
 - (iii) *Restore the land to its former condition before the breach took place*
- The main issue is whether there is a functional need for a dwelling which could not be fulfilled elsewhere.

Decision: The appeal was DISMISSED on 24th November 2006 and the enforcement notice is varied but UPHELD.

Case Officer: Philip Mullineux on 01432 261808

Application No. DCNE2006/0745/F

- The appeal was received on 20th July 2006
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr S R Austen
- The site is located at 16 Oakland Drive, Ledbury, Herefordshire, HR8 2ER
- The application, dated 7th March 2006, was refused on 21st April 2006
- The development proposed was Proposed loft conversion
- The main issue is the effect of the proposal on the character and appearance of the existing house and the surrounding area.

Decision: The appeal was DISMISSED on 8th January 2007

Case Officer: Roland Close on 01432 261803

Application No. DCNE2006/0401/O

- The appeal was received on 18th July 2006
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr L A Watkins
- The site is located at Land adjacent to Holmlea, Ashperton, Herefordshire, HR8 2RZ

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

NORTHERN AREA PLANNING SUB-COMMITTEE

31ST JANUARY, 2007

- The application, dated 6th February 2006, was refused on 3rd April 2006
- The development proposed was Outline planning for two dwellings.
- The main issues are the effect of the proposal on the character and appearance of the area, and the effect of the proposal on highway safety.

Decision: The appeal was DISMISSED on 11th January 2007

Case Officer: Edward Thomas on 01432 261795

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

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

6 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 at above address.

Date Received:
10th October 2006

Ward: Leominster North

Grid Ref:
49617, 59834

Expiry Date:
5th December 2006

Local Members: Councillors JP French and Brig P Jones

This application was deferred at the last meeting as the Town Council's comments on amended plans had not been received. The Town Council have now recommended the application for approval.

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

PPS 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 had objected to the proposal on grounds that the development may impinge on the amenity of neighbouring properties and over development on the site. Amended plans have now been received addressing the concerns and having now considered the amended plans further Leominster Town Council now recommend approval.

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 The amended plans received addressing the concerns raised by the Town Council and neighbour have gained the support of the Town Council, the neighbour however still objects to the proposed extension. The officer is satisfied that 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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7 DCNE2006/3799/F - FURTHER STOREY ON REAR OF HOUSE AT HIGH VINNALLS, UPPERFIELDS, LEDBURY, HEREFORDSHIRE, HR8 1LE

For: Mr & Mrs S L Davies per Mr M Cleaver, 10 Gilbert Road, Malvern, Worcs, WR14 3RQ

Date Received:
30th November 2006

Ward: Ledbury

Grid Ref:
71192, 38391

Expiry Date:
25th January 2007

Local Members: Councillors DW Rule MBE, PE Harling & BF Ashton

1. Site Description and Proposal

- 1.1 The application site lies on the eastern side of the road known as Upperfields within Ledbury. Upon the site at present is a late twentieth century detached house of no particular architectural merit. Upperfields has no consistent character or appearance to its street scene. It comprises of a series of dwellings that vary completely in design and appearance. The application site and the surrounding land rises steeply from west to east. To the rear (east) of the application site is a dense area of woodland upon the rising land.
- 1.2 The proposal is to erect a part second floor extension upon the rear (eastern) most half of the house. The rear half of the existing roof would be removed, the rear wall would be increased in height by 2.6 metres and a new wall would be built from a central position within the existing dwelling projecting above the existing ridge by one metre. A pitched roof would then be provided by this element. This extension would provide an additional two bedrooms creating a four bedroomed house.

2. Policies

2.1 Central Government Advice

Planning Policy Statement 1 – Delivering Sustainable Development

2.2 Hereford and Worcester County Structure Plan 1993

Policy CTC.9 – Development Requirements

2.3 Malvern Hills District Local Plan 1998

Housing Policy 16 – Extensions

2.4 Herefordshire Unitary Development Plan Revised Deposit Draft May 2004

Policy DR1 – Design
Policy H18 – Alterations and extensions

3. Planning History

3.1 None relevant

4. Consultation Summary

Statutory Consultations

4.1 None

Internal Council Advice

4.2 The Transportation Section have no objections.

5. Representations

5.1 No local residents have objected

5.2 The Parish Council object on the following ground: -

"Members felt that the changes to the roofline would be out of keeping with the area, thereby having an adverse impact upon the street scene."

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 property the subject of this application is located with a street with no consistent character or appearance. The design of the dwellings vary greatly although spaces between them and landscaping means that each dwelling virtually reads as a separate entity rather than their being a consistent street scene.

6.2 On plan the proposed extension does appear somewhat unusual. However, when viewed on site in three dimension the proposed extension appears to be logical and well designed. The fact that the proposed extension is set back from the front of the building at a higher level means that it would be stepped back into the building. This lessens any visual mass that a straightforward second storey extension flush with the front wall would have created. It would not be that visible from the street scene. From the architects viewpoint he has designed a building that takes advantage of the view and daylight available from the east. Furthermore the proposed extension is set against a woodland backdrop upon rising land. This assists in integrating it into the landscape.

6.3 In terms of the relationship with the neighbouring buildings the ridge height of the proposed addition would not be higher than the ridge height of the neighbouring dwelling at 'Farm View' to the south.

6.4 The on-site car parking provision is satisfactory.

6.5 Therefore whilst the concerns of the Parish Council, the proposed extension is considered to be appropriate to this particular building and surroundings. It is therefore recommended that full conditional planning permission be granted.

RECOMMENDATION

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

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

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

- 2 - Prior to commencement of the development hereby permitted full written details and samples of all external materials 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 obtained. The development shall be carried out in full accordance with the approved details and thereafter maintained as such;

Reason: - To ensure a satisfactory appearance to the development;

Informatives:

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

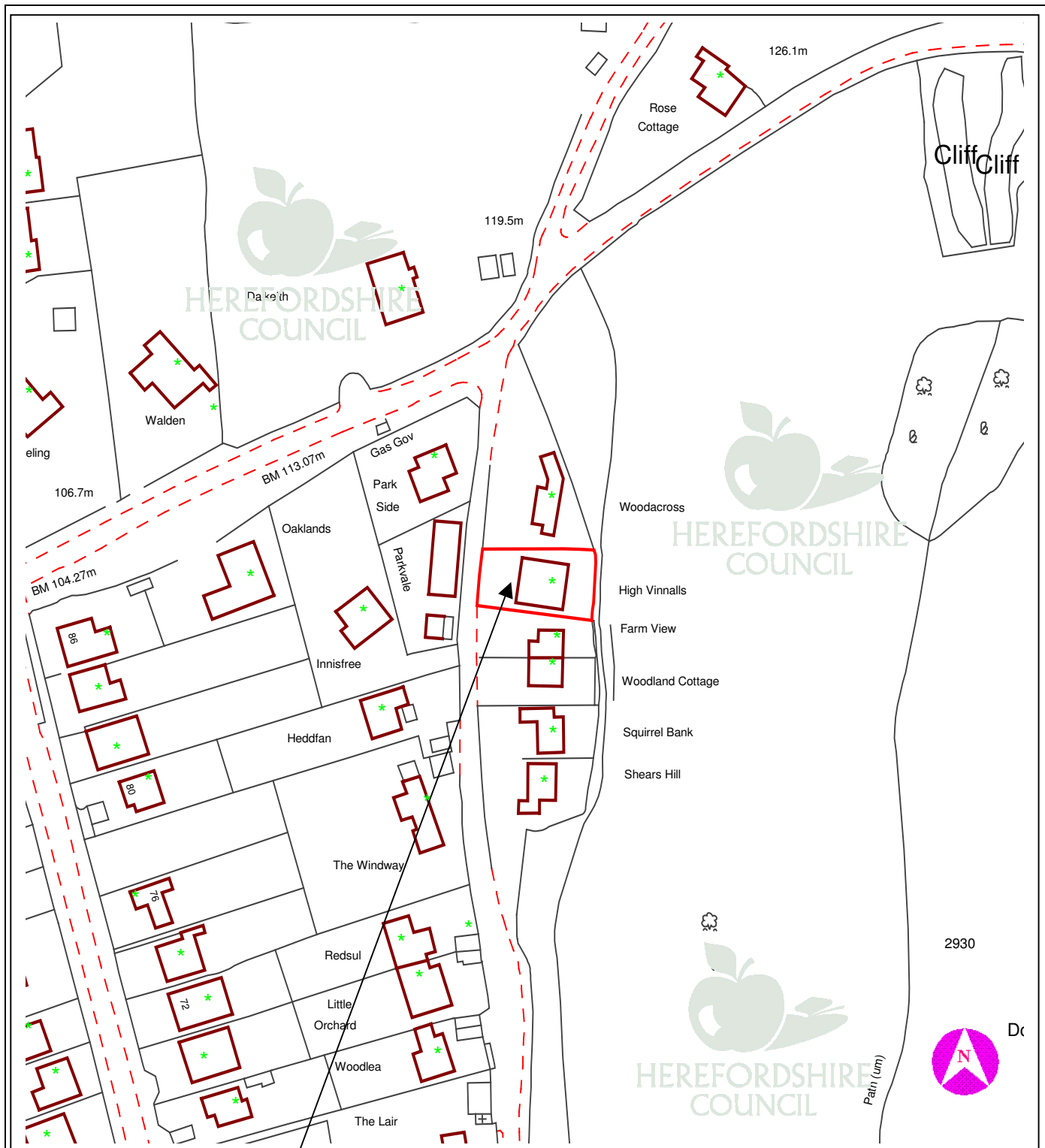
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2006/3799/F

SCALE : 1 : 1250

SITE ADDRESS : High Vinnalls, Upperfields, Ledbury, Herefordshire, HR8 1LE

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8 DCNC2006/4003/O - SITE FOR A TWO STOREY HOUSE WITH 3 CAR PARKING SPACES AT THE REAR OF 64 NEW ROAD, BROMYARD, HEREFORDSHIRE, HR7 4AN

For: Mrs E Bateson per Linton Design, 27 High Street, Bromyard, Herefordshire, HR7 4AA

Date Received:
20th December 2006

Ward: Bromyard

Grid Ref:
65051, 54526

Expiry Date:
14th February 2007

Local Members: Councillors PJ Dauncey and B Hunt

1. Site Description and Proposal

- 1.1 The application site forms part of the back garden of no 64 New Road. It has a frontage onto Clover Terrace, an unclassified road, which comprises a block built double garage and storage building with an off road parking area to the fore.
- 1.2 These are at road level and the garden is then raised and continues to slope up to the existing property.
- 1.3 The application is made in outline and is for the erection of a single detached dwelling. Means of access and siting are to be considered at this stage with all other matters reserved for future consideration.

2. Policies

2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft)

DR3 - Movement
H1 - Hereford and the Market Towns
H13 - Sustainable Residential Design
T8 - Road Hierarchy

2.2 Malvern Hills District Local Plan

Housing Policy 2 - Development in Main Towns
Housing Policy 17 - Residential Standards
Transport Policy 8 - Car Parking and Servicing Requirements

3. Planning History

- 3.1 NC06/2245/O - Site for the erection of a dwelling with 3 parking space on land to the rear of 64 New Road. Refused - 23/8/06 for the following reason:

The local planning authority is not satisfied that alternative off road parking arrangements can be provided to serve 64 New Road. Consequently the erection of a dwelling on the application site would result in the loss of existing off road parking facilities and is likely to result in vehicles parking on the A44. This is considered to be

contrary to highway safety and to Transport policy 8 and Housing Policy 17(k) of the Malvern Hills District Local Plan and DR3(5) and T8 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).

3.2 NC06/2277/F - New Vehicular Access. Refused - 23/8/06 for the following reason:

The proposal will not enable vehicles to turn on site and therefore will be required to manoeuvre within the A44 public highway. This is considered to be contrary to highway safety and to Transport Policy 8 of the Malvern Hills District Local Plan and DR3(5) and T8 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).

3.3 NC06/3036/F - New vehicular access. Approved 13/11/06.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Transportation Manager - no objection.

5. Representations

5.1 Bromyard Town Council - support the application subject to foul and surface water being disposed of to the satisfaction of Welsh Water and that due regard be given to vehicular access, particularly for emergency vehicles.

5.2 Four letters of objection have been received from:

- Mrs J Jarman, 66 New Road, Bromyard
- P & M Byney, R Hadley, & E Bowen, 12 Clover Terrace, Bromyard
- J Moore, 16 Clover Terrace, Bromyard
- A Lloyd, 14 Clover Terrace, Bromyard

5.3 In summary the points raised are as follows:

- Clover Terrace is very narrow. concerns about traffic increases and highway safety.
- The proposal will affect the residential amenity of the residents of 66 New Road and 12 Clover Terrace.
- The development is too large and will be an eyesore.

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

6. Officers Appraisal

6.1 The relevant issues in respect of this application are as follows:

- Provision of an acceptable alternative means of access and parking to 64 New Road.
 - Impact on highway safety on Clover Terrace.
 - Impact on residential amenity.
 - Scale of the proposal based on the footprint shown.
- 6.2 Previously the application was refused on the basis that no alternative means of access and parking had been provided for 64 New Road; the proposal for a new access at that time was unsatisfactory (NC06/2277/F). This has been resolved, and planning permission granted for a new access onto New Road to serve no 64 by application reference NC06/3036/F. The previous reason for refusal has therefore been removed.
- 6.3 This is reflected in the response from the Transportation Manager who has visited the site but does not object to the proposal. Clearly the scheme will not be so harmful in terms of highway safety along clover Terrace to warrant refusal. It will not actually increase traffic movements along Clover Terrace in the long term as the development would simply replace those currently associated with 64 New Road.
- 6.4 In terms of residential amenity, the proposed dwelling is in the region of 30 metres distant from 66 new Road and is likely to have a ground floor level of at least 2 metres lower. Whilst on a similar level to 12 clover Terrace opposite, it will be approximately 15 metres from its front elevation, and will not directly oppose it. These distances are considered more than sufficient to ensure that there will not be any demonstrable loss of privacy or overshadowing.
- 6.5 The submitted plan indicates a floor area of approximately 90m², not unduly large for this area. The precise design of the scheme will be subject to a further application if this one is approved.
- 6.6 It is therefore concluded that this proposal accords with policy and the application is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

3 - A04 (Approval of reserved matters)

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

- 4 - The development hereby approved shall not be commenced until the new vehicular access to serve 64 New Road, as approved under application reference DCNC2006/3036/F, has been completed and brought into use to the written satisfaction of the local planning authority.

Reason: To ensure satisfactory alternative parking exists for 64 New road, in the interests of highway safety.

- 5 - F48 (Details of slab levels)

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

- 6 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

- 7 - W01 (Foul/surface water drainage)

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

- 8 - 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.

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

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

INFORMATIVES

- 1 - N19 - Avoidance of doubt

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

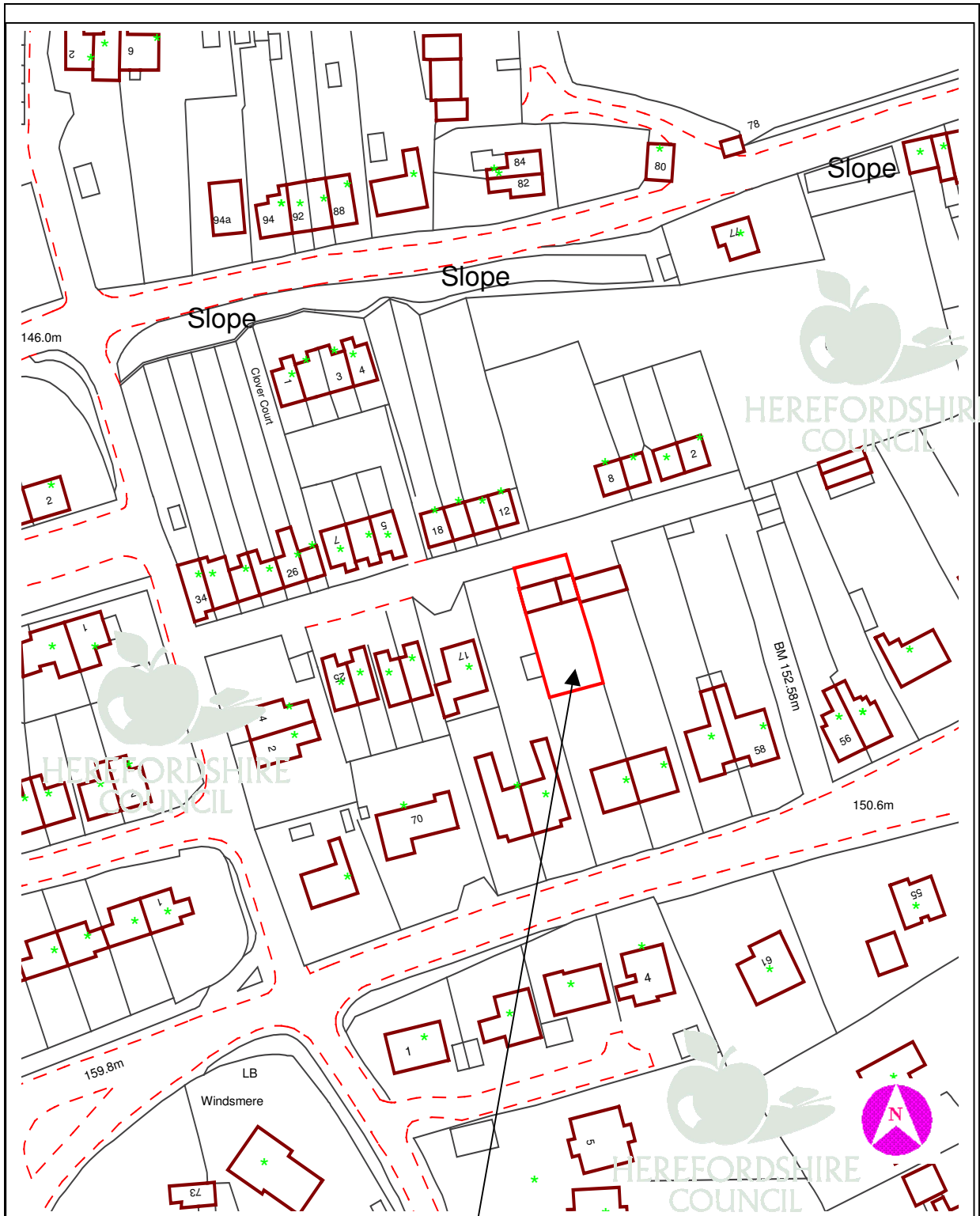
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/4003/O

SCALE : 1 : 1250

SITE ADDRESS : Rear of 64 New Road, Bromyard, Herefordshire, HR7 4AN

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9 DCNC2006/3893/F - DEMOLITION OF REDUNDANT RACING STABLES AND ERECTION OF 4 NO. 3 BED HOUSES (LOW COST MARKET) TOGETHER WITH 8 PARKING SPACES AT RISBURY RACING STABLES, RISBURY, LEOMINSTER, HEREFORDSHIRE, HR6 0NQ

For: Mr P Kelsall per Linton Design, 27 High Street, Bromyard, Herefordshire. HR7 4AA

Date Received:
11th December 2006

Ward: Hampton Court **Grid Ref:**
55289, 54941

Expiry Date:
5th February 2007

Local Member: Councillor KG Grumbley

1. Site Description and Proposal

- 1.1 The application site is located on the eastern fringe of the village of Risbury. It is currently occupied by a large vacant agricultural building that has previously been used in connection with a racing stables. The village has a linear form with little depth to development on either side of the road. Residential dwellings lie to either side of the site.
- 1.2 The site is flat but at a significantly lower level to the road and the open countryside to the north continues to fall away, giving extensive views across the wider landscape.
- 1.3 The existing building sits quite close to the road, behind a mature native species hedgerow. A separate building is located on the roadside boundary further to the east.
- 1.4 The application is made in full and seeks to erect fair low cost open market dwellings with associated vehicular access and parking. It is accompanied by a draft Section 106 Agreement that is intended to ensure that the dwellings remain as Discounted Low Cost Housing and that they are made available for Herefordshire residents to purchase.
- 1.5 The dwellings are arranged as two pairs of three bed semi detached properties, with a shared parking and turning area to the front. The access remains in the same position as exists at present, with the existing hedge removed and a new one replanted further back behind the visibility splay. The building on the road frontage will be removed to the boundary of the applicant's land to maximise visibility in an easterly direction.
- 1.6 The plans indicate that the dwellings would be simply designed, finished in red brick with tiled roofs and a lean-to porch to the front. Drainage is shown to be via a bio-disc discharging to a series of soakaways located on an adjoining field that is also owned by the applicant.

2. Policies

Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 - Sustainable Development
S2 - Development requirements
DR1 - Design
DR5 - Planning obligations
H6 - Housing in smaller settlements
H9 - Affordable housing
H10 - Rural exceptions housing
H13 - Sustainable residential design.

Leominster District Local Plan

A2 - Settlement hierarchy
A24 - Scale and character of development
D48 - Affordable housing for local needs in rural areas.

3. Planning History

NC00/2791/0 - Proposed erection of three detached dwellings - dismissed on appeal 11th July 2001.

The Inspector upheld the Council's reasons relating to a lack of exceptional justification for redevelopment of the site for residential development in the open countryside, but attached little weight to the loss of an employment generating site.

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Consultations

4.2 Transportation Manager -

"Whilst the visibility "y" distances are around 35m, the speeds are lowish, and it is debateable if four dwellings would generate more traffic than the racing stables, so intensification is difficult to argue. The proposal actually improves the visibility by resiting the hedge, and further improves the access by regrading the driveway adjacent to the carriageway to no more than 1 in 12. On balance, we consider that, whilst the "y" distances do not meet standards fully, the proposal is a significant improvement over the existing acces, and doubt if a refusal would be robust enough to succeed if appealed. It is, therefore, recommended that conditions are imposed if planning permission is forthcoming."

4.3 Strategic Housing -

Strategic Housing supports the application for four affordable houses in the form of Low Cost Market provided it is discounted in line with the SPG Provision of Affordable

Housing 2001 (updated 2004) in perpetuity. Alternatively, Strategic Housing would support Shared Ownership managed by a Registered Social Landlord, provided it remains affordable.

5. Representations

5.1 Humber Parish Council - Recommends refusal

Whilst recognising the need for affordable housing in the area, the Council does not consider that it is the correct place for such housing, because of the lack of facilities and the minimal public transport.

5.2 Letters of objection have been received from the following:-

M. J. White, Pentwyn, Risbury
Mr. and Mrs. White, New Pentwyn, Turning Ways, Risbury
Mr. D. Shelley, The Birches Farm, Pencombe
Ms. C. Davies, The Birches Farm, Pencombe
Mr. M. Warlock, The Birches Farm, Pencombe
Mr. S. Thompson, Kia-Ora, Risbury

In summary the points raised are as follows:-

1. The proposal is contrary to policy.
2. The vacancy of other dwellings built by the applicant demonstrates that there is not a need for further property in the area.
3. Concerns about highway safety and access out of the site.

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

6. Officer's Appraisal

6.1 The Herefordshire Unitary Development Plan has reached an advanced state, having been recommended by Cabinet on 18th January 2007 for adoption by the Council. The policies thereby are now effectively the policies of the Council, subject to the remaining procedures, which will lead to adoption in March. Consequently the relevant policies in the UDP carry significant weight in assessing planning applications.

6.2 In this case the key policy is H10 which sets out the criteria for "rural exception housing" outside the Market Towns and other identified settlements.

6.3 Policy H10 advises that affordable housing may be permitted on land, with or adjoining the main villages or smaller settlements, which would not normally be released for development, subject to the following criteria :-

1. the scheme contributes to meeting a proven genuine and quantifiable local need for affordable housing, ascertained from an up to date needs survey;
2. the scheme reflects the scale and character of the settlement concerned;

3. arrangements are made to ensure that the benefits of affordable housing will be enjoyed in perpetuity;
4. the site's location affords reasonable access to facilities and public transport;
5. in settlements, other than the main villages and smaller settlements, the proposal is limited to the construction of a single affordable dwelling that does not exceed the constraints set by policy H6.

The report will look at each of these points in turn.

1. Local Need

Although the application is broadly supported by Strategic Housing, it is not accompanied by an up to date housing needs survey. This may be because the scheme does not seek to provide affordable housing in its usual sense, that being, accommodation whose occupancy is controlled by a Registered Social Landlord, but rather, low cost open market housing. However, if relying on this policy for support, the application should provide evidence to demonstrate that a need exists.

2. Scale and character

The proposal reflects the linear form of the village and is generally considered to be of an acceptable scale and character. It is noted that no objections have been raised to the scheme in respect of its design.

3. Retention of affordable housing in perpetuity

The application is accompanied by a draft Section 106 Agreement. In light of the fact that it is for open market housing, this seeks to ensure that the value of the dwellings is discounted. The terms for this are set by a requirement for two separate valuations to be completed and the mean taken as the sale price.

Occupancy is also limited, through a requirement for the owner at the time of any sale to notify the Council of an intention to sell. The Council is then to notify a potential purchaser who meets the terms of being a local person as defined by the Agreement.

The draft Section 106 Agreement would appear to provide an appropriate mechanism to control the value and occupancy of the dwellings.

4. Sustainability

Risbury has not been identified as a smaller settlement for a reason. It has no facilities and poor public transport links. Hence, it is not considered to be a sustainable location for further residential development. The framework for the provision of affordable housing is set by other policies in the UDP and settlements where it will be accepted, due to the existence of services and facilities, are identified. Risbury is not a sustainable location and, therefore, the application fails this policy test.

5. Mixed development

Policy H10 expects developments to be affordable in the sense that they are applications made for rented or shared ownership dwellings. The proposal does not accord with this part of the policy, as it is entirely for open market housing.

7. Single affordable dwellings

This part of the policy allows for developments of single dwellings outside of the main villages and smaller settlements. In effect, this will be for local needs housing on a case by case basis. The application is for four dwellings and does not comply with this part of the policy.

To summarise, the site is in an unsustainable location, where there is a presumption against further residential development, both open market and affordable. No definitive need for further housing in this location has been demonstrated and, whilst the scale and character of the development and the mechanism to control value and occupancy may be acceptable, the proposal fails on policy grounds. In any event the new policy would only permit a single such dwelling, not four as is proposed.

6.5 Other material planning considerations

6.5.1 It may be argued that the proposal allows the re-use of previously developed land and that the site does not have an alternative use. Therefore, it is appropriate to consider its redevelopment.

6.5.2 The site is occupied by an agricultural building and falls within a predominantly rural area. The circumstances of such a building adjacent to residential dwellings is not uncommon across Herefordshire. It does not cause undue harm to the amenity of dwellings within the vicinity. It is your officer’s opinion that this does not offer sufficient justification to override the Policy H10.

6.5.3 It is, therefore, concluded that the proposal represents development in the open countryside. Without any exceptional justification, it is contrary to policy H10 of the Herefordshire UDP and is, therefore, recommended for refusal.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. **The proposal represents development in the open countryside, beyond any recognised settlement boundary, and in an unsustainable location. The applicant has failed to demonstrate that there are exceptional circumstances to warrant a departure from the policy considerations and, therefore, the application is contrary to Policy H10 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).**

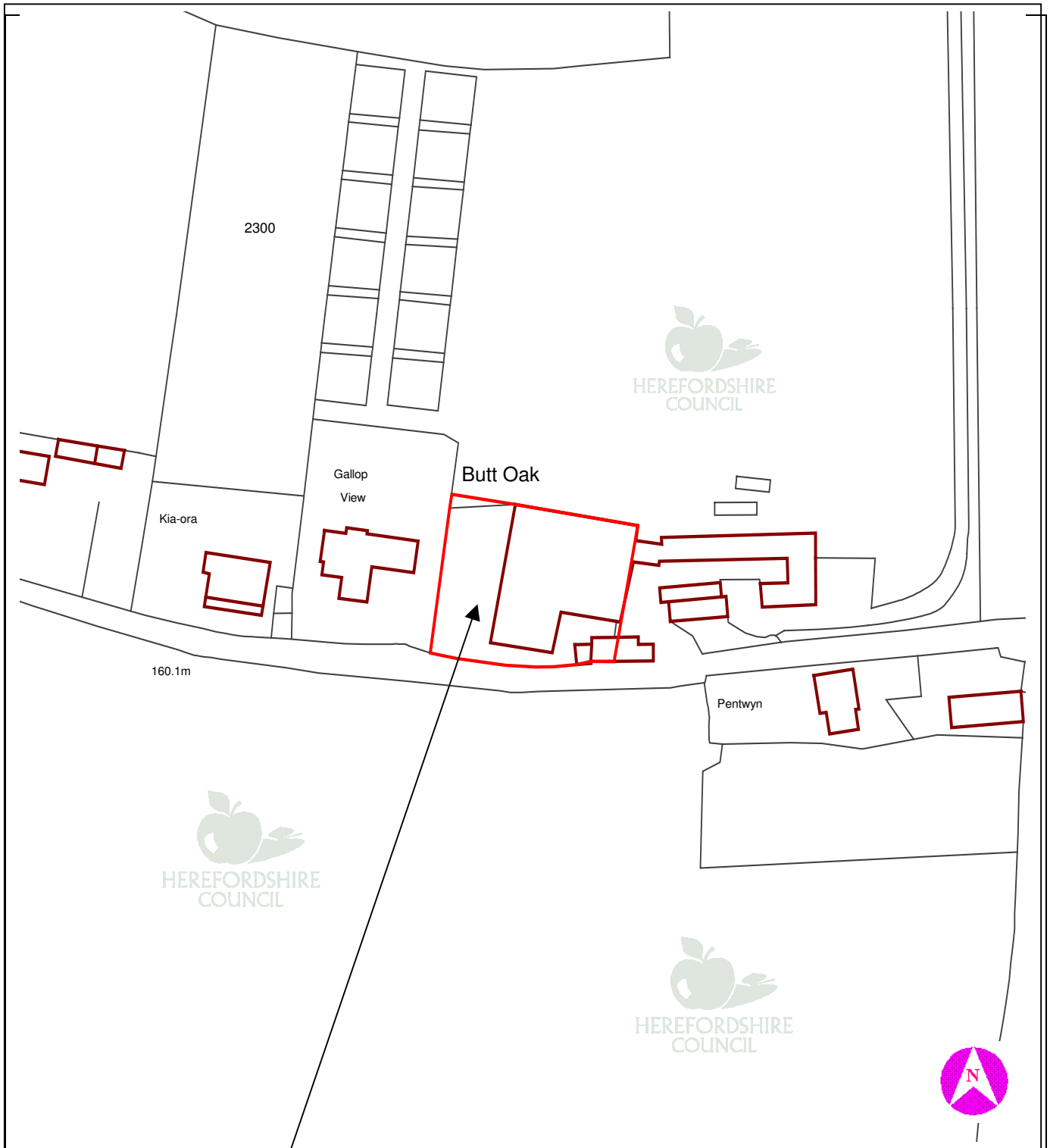
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/3893/F

SCALE : 1 : 1250

SITE ADDRESS : Risbury Racing Stables, Risbury, Leominster, Herefordshire, HR6 0NQ

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10 DCNW2006/3816/F - RETROSPECTIVE APPLICATION FOR CHANGE OF USE FOR SITING OF RESIDENTIAL CARAVAN MOBILE HOME AT THE GARDEN, NUTFIELD COTTAGE, BEARWOOD, PEMBRIDGE HEREFORDSHIRE HR6 9EF

For: Mr P Layton per McCartneys, 7 Broad Street, Leominster, Herefordshire, HR6 8BT

Date Received:
1st December 2006

Ward:
Pembridge &
Lyonshall with Titley

Grid Ref:
37756, 55994

Expiry Date:
26th January 2007

Local Member: Councillor RJ Phillips

1. Site Description and Proposal

- 1.1 The site for the retrospective development is in open countryside and forms a small flat piece of land measuring approximately 0.2 hectare adjacent to the C1082 public highway.
- 1.2 On site are two mobile caravans that are in use as one residential unit. Also on site are dog kennels and domestic/agricultural related, storage area.
- 1.3 The application proposes the retention of both mobile homes on site and change of use of the site to residential use.

2. Policies

2.1 Planning Policy Statement 7: Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable Development

S2 – Development Requirements

DR1 – Design

DR2 – Land Use and Activity

DR3 – Movement

DR4 – Environment

H7 – Housing in the Countryside outside Settlements

H8 – Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses

H10 – Rural Exception Housing

H11 – Residential Caravans

LA2 – Landscape Character and Areas Least Resilient to Change

CF2 – Foul Drainage

2.3 Leominster District Local Plan

- A1 – Managing the District’s Assets and Resources
- A2(D) – Settlement Hierarchy
- A9 – Safeguarding the Rural Landscape
- A23 – Creating Identity and an Attractive Built Environment
- A24 – Scale and Character of Development
- A54 – Protection of Residential Amenity
- A58 – Mobile Homes
- A70 – Accommodating Traffic from Development

3. Planning History

- 3.1 NW03/2193/F - Proposed single-storey agricultural building and proposed new vehicular access - Refused 2nd September 2003.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Transportation Manager - Recommends conditions be attached to any approval notice issued as visibility from the site onto the adjoining public highway is below acceptable standard.

5. Representations

- 5.1 Pembridge Parish Council object to the application stating:

'Pembridge Parish Council is sympathetic to the personal circumstances put forward by the applicant's agent in respect of this change of use application. However, this Council objects to the application on the following grounds:-

1. The residential caravan is not for use by an agricultural worker, therefore no essential long term need has been proven, and there is no justification for over riding the established planning considerations set out in the Town and Country Planning (General Permitted Development) Order 1995 as far as this relates to the siting of residential caravans.

2. The area indicated for the continued siting of the residential caravan is on open rural land that should be protected from such damaging development that would have a negative impact on the visual amenity of the locality. There is a need to safeguard the rural landscape.

3. The application does not comply with either of the following emerging Unitary Development Plan Policies:-

H7 Housing in the Countryside outside Settlements

H8 Agricultural and Forestry Dwellings Associated with Rural Businesses

The Council requests that under all the circumstances this application be refused.'

- 5.2 One letter from the occupant of Nutfield Cottage, Bearwood, has been received to this application querying the correct postal address of the application site. The letter also states no objection to the proposal.

- 5.3 As part of the application the applicant has submitted a brief statement stating that the applicant and his family were living in rented accommodation within the locality and were given notice to relinquish the tenancy as the owner wished to sell the property. As they had no where to go they decided to move on the piece of land in Mr Layton's ownership. The statement emphasises that the family are neither travellers or gypsies.
- 5.4 Also submitted with the application are several letters and photocopied letters in support of the application signed by persons either living in the locality or connected to Mr Layton who is a self-employed rural labourer.
- 5.5 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 This application is presented to Committee at the request of the local Member who has stated as the reason for it to be presented to Committee 'to determine the strength of business case'.
- 6.2 The key issue in relationship to this application is:-
'Is there sufficient essential need to house the applicant on site'
- 6.3 National Planning Policy Statement 7: Sustainable Development in Rural Areas states in Annexe A: Agricultural, Forestry and other Occupational Dwellings that one of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of their place of work and that essential work related need must be proven for such a need to live on site and must not be on the personal preferences or circumstances of any of the individuals involved.
- 6.4 Policy H11 – Residential Caravans in the Herefordshire Unitary Development Plan (Revised Deposit Draft) states:-
'Proposals for the use of caravans or mobile homes for permanent residential use will be subject to the same locational requirements as permanent residential development. Temporary planning permission for caravans or mobile homes may be permitted to meet special identified shorter term needs under Policy H8.'
- 6.5 Policy H8 – Agricultural and Forestry Dwellings and dwellings associated with rural businesses emphasises that it must be demonstrated that a long-term genuine need exists for the dwelling as an essential part of a financially viable business. Policy A43: Agricultural or Forestry Dwellings in the Leominster District Local Plan also emphasises this requirement.
- 6.6 The applicant has not supplied as part of his application any information on the essential need to live on site. Other than to state that he and his family had to vacate their rented accommodation on 5th June 2006 as the owner wished to sell the property. As they had nowhere to go they decided to move into mobile homes on the site subject to this application that is in Mr Layton's ownership. The applicant as part of his application has emphasised that he has lived and worked in the area for over 42 years, working on surrounding farms and businesses and has two small children one of which attends Pembridge Junior School.

6.7 Whilst the personal circumstances of the applicant and his family are to be sympathised with, this does not justify development, which is contrary to Policies S1, H7, H11 and H8 of the Herefordshire Unitary Development Plan. Policies A1, A2(D), A43 and A58 of the Leominster District Local Plan and National Planning Policy Statement 7: Sustainable Development in Rural Areas.

RECOMMENDATION

That planning permission be Refused for the following reason:-

- 1 - The application proposes residential development in the open countryside for which no essential need has been proven. Therefore the application does not comply with Policies S1, H7, H11 and H8 of the Herefordshire Unitary Development Plan. Policies A1, A2(D), A43 and A58 of the Leominster District Local Plan and National Planning Policy Statement 7: Sustainable Development in Rural Areas.**

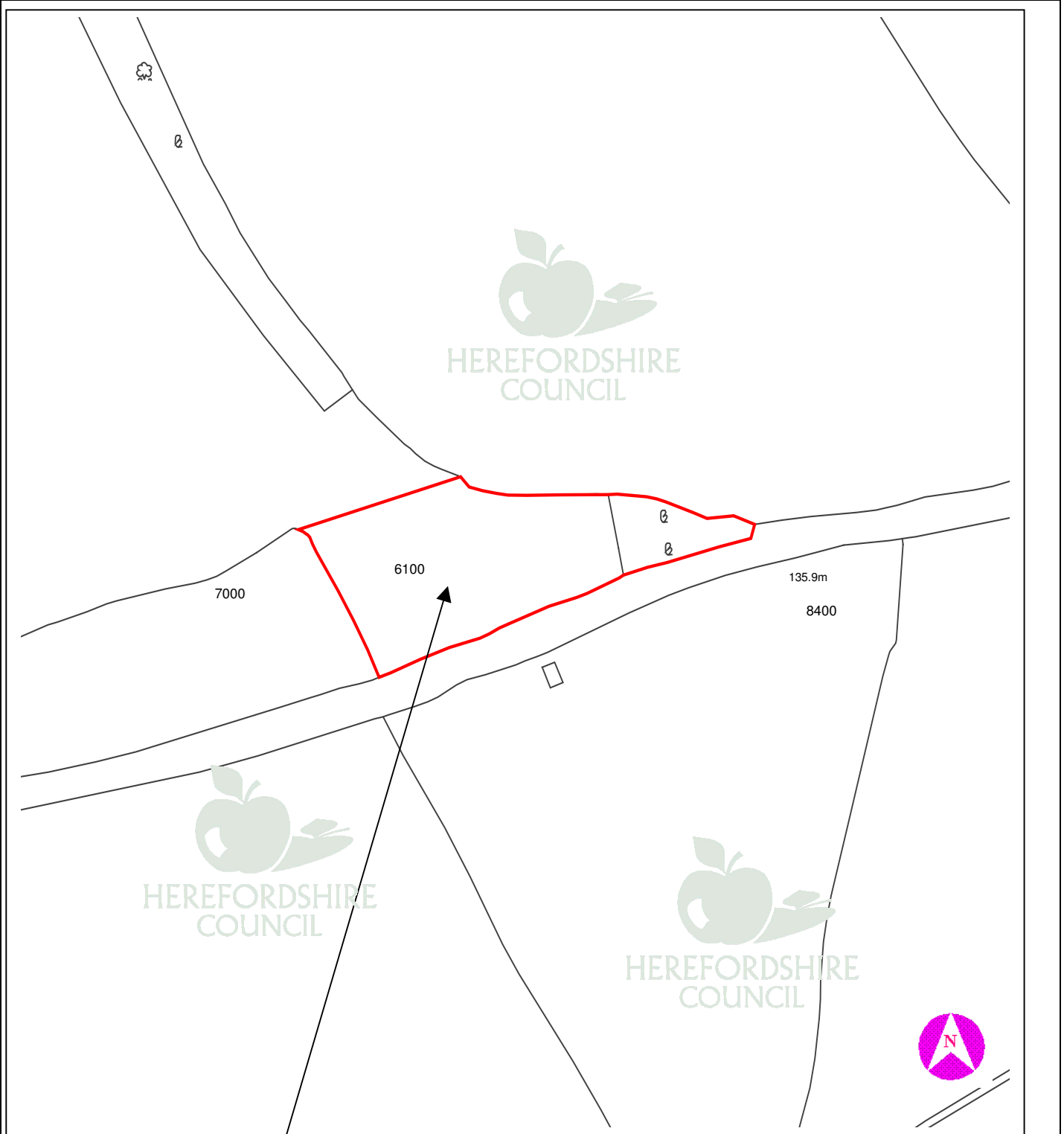
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2006/3816/F

SCALE : 1 : 1250

SITE ADDRESS : Mobile Home at The Garden, Nutfield Cottage, Bearwood, Pembridge Herefordshire HR6 9EF

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11 DCNW2006/3850/F - REPLACEMENT DWELLING AND GARAGE AT PINECROFT, WEST STREET, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE, HR6 9DU

**For: Mr J Purslow per Mr S Hayes, Oak House,
62 Shrub Lane, Burwash, East Sussex, TN19 7EB**

Date Received:
6th December 2006

Ward:
Pembroke &
Lyonshall with Titley

Grid Ref:
38900, 58191

Expiry Date:
31st January 2007

Local Member: Councillor RJ Phillips

1. Site Description and Proposal

- 1.1 The site for the proposed development is located within the Settlement's development boundary, to the rear of a two-storey dwelling known as Llandilo House, off West Street's northern side.
- 1.2 Presently on the application site, is a 'dormer type' bungalow, known as Pinecroft, this is of no historic merit in relationship to the Settlement's Conservation Area. Pinecroft is constructed externally of render and brick under a tiled roof. To the south east of the application site is a pair of detached single bay garages. The dwelling has a large domestic curtilage mostly consisting of informal lawn and shrub and tree borders.
- 1.3 The site is surrounded by agricultural farmland to the rear and sides. Adjacent to the southern boundary are other residential units situated in a linear fashion alongside West Street. These properties are mostly timber-framed and are of group value in relationship to the Conservation Area as well as some being of listed status. Llandilo House is of no historic merit in relationship to the Conservation Area, and is located directly south of the application site.
- 1.4 The application proposes demolition of the existing detached dwelling and garages on site and its replacement with a two-storey detached dwelling and double garage. It is proposed to construct the development externally of brick under slate roofs.

2. Policies

2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable Development
 S2 – Development Requirements
 DR1 – Design
 DR2 – Land Use and Activity
 DR3 – Movement
 DR4 – Environment
 H4 – Main Villages – Settlement Boundaries

H14 – Re-using previously Developed Land and Buildings
LA3 – Setting of Listed Buildings
HBA6 – New Development within Conservation Areas
HBA9 – Protection of Open Areas and Green Spaces

2.2 Leominster District Local Plan

A1 – Managing the District's Assets and Resources
A2(C) – Settlement Hierarchy
A18 – Listed Buildings and their Settings
A21 – Development within Conservation Areas
A23 – Creating Identity and an Attractive Built Environment
A24 – Scale and Character of Development
A54 – Protection of Residential Amenity
A55 – Design and Layout of Housing Development

3. **Planning History**

- 3.1 DCNW2006/2591/F - Proposed replacement dwelling and garage - Refused of Planning Permission 11th September 2006.
- 3.2 DCNW2006/1351/F - Demolition of chalet bungalow and garage. Erection of two storey house and detached garage - Withdrawn 16th June 2006.

4. **Consultation Summary**

Statutory Consultations

- 4.1 Welsh Water - No response

Internal Council Advice

- 4.2 Archaeology Manager - No objection to the proposed development subject to inclusion of a standard condition with regards to archaeological mitigation to any approval notice subsequently issued.
- 4.3 Conservation Manager - Response concludes by stating:-
'The new building will have a more of an impact on the Conservation Area and this impact will be more assertive than the existing building, which it is to replace. It follows therefore that the impact will cause greater harm, which will in my view neither preserves or enhances the character, appearance and setting of the Conservation Area. This is contrary to the Policies within the emerging UDP, (Policy HBA6) statutory requirements and advice in PPG15 and PPS1. The presumption therefore has to be one of refusal.

Whereas I consider the principle of development here is wrong, historic precedence for a dwelling exists. I am of the view that a scheme could be prepared which ameliorates the harmful impact of the existing development by a development that has significantly less visual impact on the street frontage. This requires an imaginative scheme of quality carefully dovetailed into the site, possibly single storey or split-level.

- 4.4 Landscape Manager – Recommends that the application be refused due to the impact of the proposed development on the surrounding Conservation Area.

5. **Representations**

5.1 Pembridge Parish Council approves the re-submitted application, whilst still having some concerns regarding the effect that the buildings mass will have on the locality, and in this respect would request that sympathetic planting be incorporated, which would soften the effect on the proposed dwellings immediate surroundings.

5.2 Two letters of objection/comment have been received from members of the public:-

- Mrs J I Price, Llandilo House, Pembridge
- Ms G Dutton-Scholler, Swan House, West Street, Pembridge (raises comments but does not object)

The objections/comments raised can be summarised as follows:-

- House too large and modern for area and out of character with surrounding area.
- Impact of proposed dwelling and its rear balcony on surrounding area and footpath.
- Impact of increased vehicular traffic using the site.
- Proposal represents a dwelling that is not affordable to the surrounding area.

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 issue with regards to this application is the impact of the proposed development on the surrounding Conservation Area.

6.2 This application is the result of two previous applications the first withdrawn and the second refused planning permission. Both these applications were for a dwelling of a very large scale and mass that did not respect surrounding buildings built form, representing unsympathetic dominant development.

6.3 The applicants have re-submitted the latest proposal, subject to this application with represents a proposal for a two-storey four bedroomed dwelling much reduced in bulk and scale and of a more visually acceptable design in relationship to the surrounding area in which the site is located.

6.4 The Council's Conservation Manager raises concerns about the latest proposal in that it will have more of an impact on the Conservation Area than the existing building on site. The response also states that neither the existing or the proposed dwelling enhance or preserve the surrounding Conservation Area, although the response acknowledges the fact that the existing dwelling on site has significantly less visual impact on the street frontage. The Council's Landscape Manager has also responded to the application with a recommendation for refusal due to impact of the proposed development on the surrounding Conservation Area.

6.5 The site is not located alongside the main street but set back behind an existing two-storey dwelling that also does not enhance or preserve the surrounding Conservation Area being as it is a dwelling of the 1950's/60's era.

6.6 Members will have to assess whether the latest proposal is of so significant a detrimental impact as to warrant refusal to the application. The site backs onto farmland and the proposed dwelling will be partially visible from West Street by means of a gap between

Llandilo House and a dwelling known as Swan House, which is of considerable significance to the surrounding Conservation Area.

- 6.7 The site is within the settlement boundary and therefore as the proposal is to replace an existing dwelling on site of no specific architectural or historic merit, relevant local plan policy does not state that a replacement has to be of similar scale and size as would be the case if the site was in open countryside.
- 6.8 The proposed dwelling has an internal floor space of approximately 190 square metres, when measured externally. The existing dwelling on site approximately 150 square metres. Therefore not a hugely significant increase in floor space, as was the case with previous proposals for the site. It is considered that the latest proposal does not have any significant additional detrimental harm on the amenity and privacy of surrounding dwellings and the Council's Transportation Manager raises no objections to the proposal.

A letter of objection received from a member of the public raises concerns about a 'balcony', the latest proposal does not include a balcony, although previous applications for the site did so.

- 6.9 The construction materials for the proposed dwelling is brick under a natural slate roof. The Design and Access Statement submitted as part of the application emphasising how the proposed replacement dwelling will pay particular attention to achieving high levels of energy efficiency.

Llandilo House is also of external brick construction under a tiled roof. It is considered that a slate roof for the proposed subject to this application will be an improvement in that it will better integrate with the surrounding historic core which is mainly of slate roof construction.

Conclusion

- 6.10 This is a finely balanced proposal, in that it does not represent a proposal for a cottage style dwelling that is typical of the Pembridge Conservation Area. However the latest proposal is much reduced in size and scale to previous proposals, the application site is set back from the main street behind a dwelling that is also of no overriding significance to the surrounding Conservation Area. On opposite side of the street alongside the frontal elevation are other recently constructed dwellings that can also be considered not to enhance the surrounding Conservation Area in relationship to their scale and design. It is considered that the proposal does represent an improvement than that currently on site, and therefore meets the requirements to preserve or enhance the Conservation Area. The proposal subject to this application having no significant detrimental impact on the amenity and privacy of other residential units.

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

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

- 4 - C05 (Details of external joinery finishes)

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

- 5 - C11 (Specification of guttering and downpipes)

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

- 6 - E16 (Removal of permitted development rights)

Reason: In the interests of the surrounding Conservation Area and landscape designation.

- 7- F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

- 8 - G04 (Landscaping scheme (general))

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

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

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

- 10 - D01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded.

Informatives:

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

- 2 - N19 - Avoidance of doubt

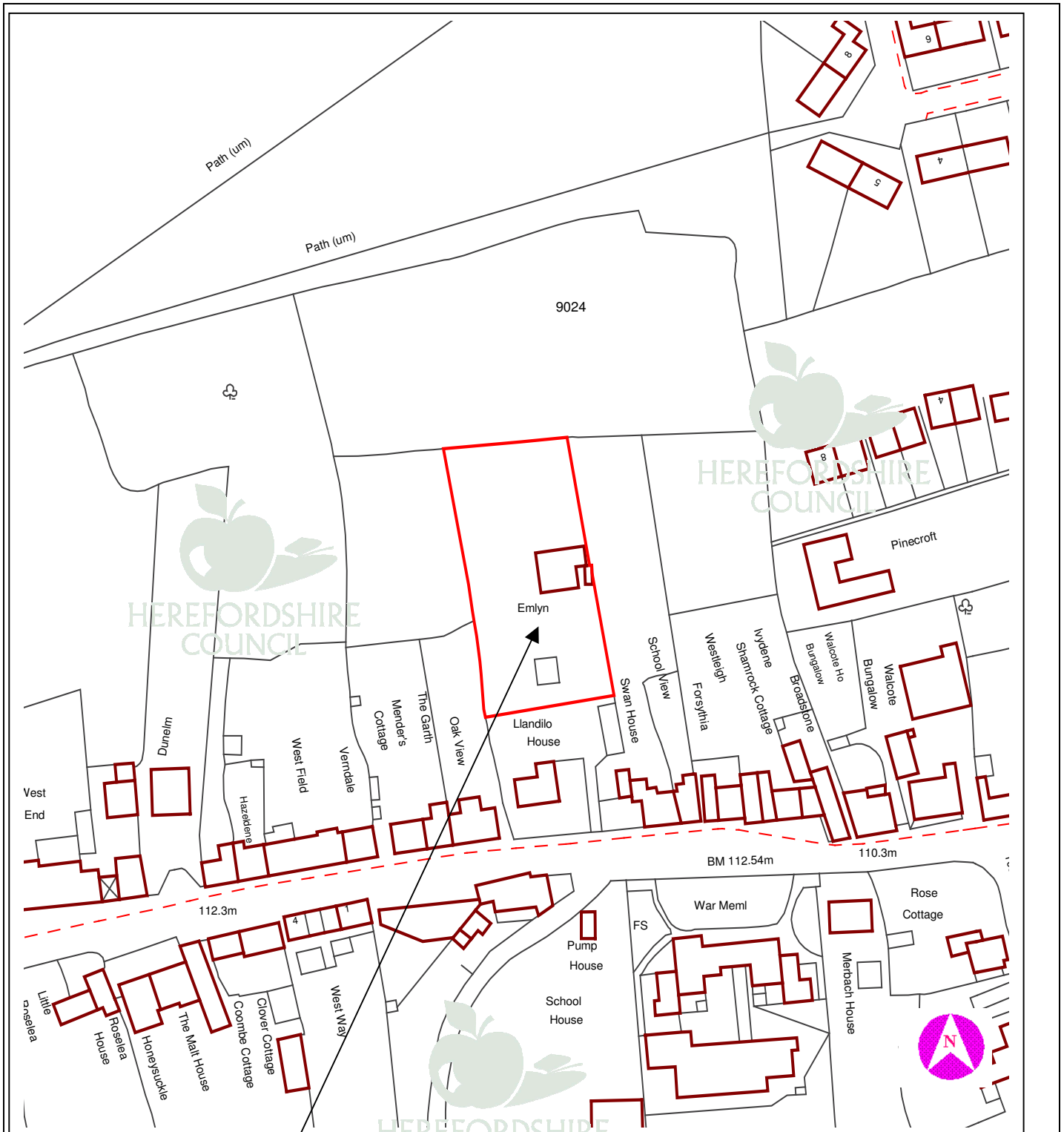
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2006/3850/F

SCALE : 1 : 1250

SITE ADDRESS : Pinecroft, West Street, Pembridge, Leominster, Herefordshire, HR6 9DU

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12 DCNW2006/4007/F - ERECTION OF 2 NO. DWELLINGS WITH DETACHED GARAGES AT SUNNYMEADE, BACK LANE, WEOBLEY, HEREFORD, HR4 8SG

For: Mr & Mrs I C & F K Dyer per Mr L B Ray, Waterloo, Ledgemoor, Weobley, Herefordshire, HR4 8RJ

Date Received:

21st December 2006

Expiry Date:

15th February 2007

Local Member: Councillor JR Goodwin

Ward: Golden Cross with Weobley

Grid Ref:

40121, 51606

1. Site Description and Proposal

- 1.1 The site is located on an elevated site overlooking the adjacent B4230 public highway known as 'Back Lane', Weobley, this roadway is alongside the eastern boundary of the application site.
- 1.2 Presently located to the rear of the application site is a timber built structure, last used as a 'gallery/pottery' workshop.
- 1.3 The site is located within the 'Weobley development limits' this is adjacent to the site's western and southern boundaries.
- 1.4 The site is situated within the Conservation Area in a predominantly residential area, that is surrounded by a mixture of types of dwellings, of various architectural and historic character.
- 1.5 The application proposes the erection of two detached two-storey dwellings. On an application site of approximately 0.14 hectares, house no. 1 will have a sitting room, dining room, hallway, kitchen and utility on the ground floor and 4 bedrooms and bathroom on the first floor and measures approximately 216.25 metres floor spaces measured externally.
- 1.6 House no. 2 will have 2 sitting rooms, kitchen, hall and utility on the ground floor and three bedrooms and bathrooms on the first floor and has a floorspace when measured externally of approximately 164.5 square metres.
- 1.7 The application also proposes a two bay detached garage to the rear of each property. Proposed construction materials for the development is brick, render, and weather boarding for the external walls under clay tile roofs.
- 1.8 As the site is located within the Conservation Area, a separate application has been submitted (ref. NW2006/3068/C), for the demolition of the existing structures on site, as they exceed 115 cubic metres. No adverse comments were received to this application and it was subsequently granted planning approval under the Council's scheme of delegation.

2. Policies

2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable Development
S2 – Development Requirements
S7 – Natural and Historic Heritage
DR1 – Design
DR2 – Land Use and Activity
DR3 – Movement
DR4 – Environment
H4 – Main Villages – Settlement Boundaries
H13 – Sustainable Residential Design
H14 – Re-using Previously Developed Land and Buildings
H15 – Density
H16 – Car Parking
LA2 – Landscape Character and Areas Least Resilient to Change
ARCH1 – Archaeological Assessments and Field Evaluations
ARCH3 – Scheduled Ancient Monuments
HBA4 – Setting of Listed Buildings
HBA6 – New Development within Conservation Areas
HBA7 – Demolition of Unlisted Buildings within Conservation Areas
CF2 – Foul Drainage
TCR14 – Village Commercial Facilities

2.2 Leominster District Local Plan

A1 – Managing the District's Assets and Resources

A2(D) – Settlement Hierarchy

A6 – Sites of Local Importance for Nature Conservation

A9 – Safeguarding the Rural Landscape
A18 – Listed Buildings and their Settings
A21 – Development within Conservation Areas
A22 – Ancient Monuments and Archaeological Sites
A23 – Creating Identity and an Attractive Built Environment
A24 – Scale and Character of Development
A54 – Protection of Residential Amenity
A55 – Design and Layout of Housing Development
A70 – Accommodating Traffic from Development

2.3 **Supplementary Planning Guidance Weobley Parish Plan**

2.4 **National Planning Policy Statement 7 – Sustainable Development in Rural Areas (PPS 7)**

Planning Policy Guidance 16 – Archaeology (PPG 16)

3. Planning History

- 3.1 93/0120/N – Conversion and extension of existing building to form 2 bedroom dwelling and erection of a 3 bedroom dwelling and creation of a 3 bedroom dwelling. Refused 5th May 1993.
- 3.2 NW2006/ 3068/C – Proposed demolition of the Willow Gallery and adjacent sheds. Approved 6th November 2006.
- 3.3 NW2006/3067/F - Proposed erection of 2 dwellings - Withdrawn 26th October 2006.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water (Hyder) - No objections subject to inclusion of conditions with regards to foul and surface water discharge.
- 4.2 English Heritage - No objections.

Internal Council Advice

- 4.3 Transportation Manager has no objection to the grant of permission.
- 4.4 The County Archaeologist raises no objections to the proposal stating the results of the recent archaeological evaluation were largely negative.
- 4.5 The Conservation Manager considers the proposal to be appropriate to this part of the Conservation Area.
- 4.6 The Landscape Manager has responded to the application recommending that the ornamental willow tree on the site is not pollarded but reduced in overall size by means of a crown reduction. The tree is considered not to be worthy of a Tree Preservation Order. Alternatively dwelling no. 2 will need to be sited further back from the tree.

5. Representations

- 5.1 Weobley Parish Council raise no objections to the proposed development in principle but do raise concerns about entrance visibility to the site and further state in their response:-

'The Parish Council feels that some 'planning gain' should be requested from the developers to provide some form of traffic calming along Back Lane and to provide a passing bay at a convenient point along this narrow road.'

- 5.2 Letters of objection/comment have been received from the following members of the public:-

- Beryl Bradbury, Cleevew, Weobley
- Bryan Bradbury, Cleevew, Weobley

Issues raised can be summarised as follows:-

- Access from site onto adjacent public highway.
- Density of proposed development is high.

- Existing Willow Tree and gently sloping lawns on site are a cherished part of the settlement.
- Proximity of proposed development in relationship to the northern boundary of the application site.
- Impact of proposal on residential amenity of dwelling known as 'Clee View'.

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 of concern in relationship to this application are:-

- The existing use of the site
- Impact of proposal on surrounding area.

Existing use of the site

6.2 The site's last use was a gallery/pottery shop. The Design and Access statement submitted in support of the application indicates that the structure on site is unused, despite efforts to keep it open. The site having been redundant/empty for a number of years. Formally it formed part of a nursery to the adjoining dwelling, situated to the west of the application site, known as 'Sunnymead', (applicant's dwelling). In accordance with one of the letters of objection/comment from a member of the public to a previous application for the site it has also been used for the housing of chickens.

6.3 In accordance with Policy TLR14 – Village Commercial Facilities in the Herefordshire Unitary Development Plan (Revised Deposit Draft) to which the Inspector in his report recommended no changes to this Policy. A local commercial facility such as the 'Willow Gallery' has an opportunity for an economic and social function on site.

6.4 The site is elevated and has substantial views over the surrounding area of Weobley Village. The site having had no business use for a number of years. The last business use on site did not provide an essential service to the district, the site is not located in the centre of the Settlement, where other services are provided, ie. village shop, Post Office, public house etc. The village also has an existing pottery business, located further along 'Back Lane'. The Transportation Manager has responded to the application with no objections in consideration of the existing use of the site. The site is served by the adjacent B4230 public highway known as 'Back Lane' to which there are public concerns about vehicle movements along this stretch of road. The proposal subject to this application refers to a use of the site that should lead to far less vehicular movement in and out of the site than the existing planning use of the site.

6.5 It is considered that the proposal represents an overall planning gain with regards use of the site, being as it is within the Settlement's historic core and designated Conservation Area.

Impact of proposal on surrounding area

6.6 The site has an area of approximately 0.15 hectares and proposes two separate dwellings. This is below recommended national guidelines on density per hectare. However the site is located within a Conservation Area and at a higher level than

- properties and the opposite side of the road. To increase the amenity on site would have implications for the character of the area and amenity of local residents.
- 6.7 The application proposes two detached garages, one for each of the proposed dwellings – due to the land topography, it is essential that any garaging or residential structural paraphernalia is located to the rear of any residential development on site.
- 6.8 To the north west of the application site is the property known as ‘Clee View’ . This property is located in excess of 20 metres from the nearest proposed dwelling, on the application site. The plans indicated house no 2 to be nearest to Clee View, it has no proposed windows on its first floor gable elevation and only two small secondary windows in its ground floor elevations facing towards Clee View, frontal cartilage, within which are situated a garage and garden shed. Therefore it is considered that the proposal does not represent a detrimental impact on either the amenity or privacy of this property.
- 6.9 The front section of the site, facing the adjoining public highway has formal lawned gardens and a significant weeping Willow tree towards its northern boundary, it is proposed to pollardise the existing willow tree.
- 7.0 The Willow tree is ornamental in variety and represents a species of no significant native value. The occupants of Clee View, Mr Bryan and Mrs Beryl Bradbury have welcomed proposals to pollardise this tree. The Landscape Manager advises that the tree is not pollardised because it will spoil the appearance of the tree. An alternative solution would be to reduce the crown of the tree. Therefore as the tree is not considered worthy of a Tree Preservation Order it is recommended that a condition be attached to permission with regards to any proposed pruning works prior to development on site.
- 7.1 The layout of the site is proposed in order to retain the existing access road into the site from the public highway and frontal formal lawned gardens. The Parish Council’s suggestions of public highway improvements are not shared by the Transportation Manager and would have a detrimental impact on this part of the Conservation Area of the Settlement.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

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

Reason: In the interests of the surrounding Conservation Area.

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

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

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

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

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

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

- 7 - **E01 (Restriction on hours of working)**

Reason: To safeguard the amenities of the locality.

- 8 - **E09 (No conversion of garage to habitable accommodation)**

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

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

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

- 10 - **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.

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

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

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

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

Informatives:-

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

- 2 - **N19 - Avoidance of doubt**

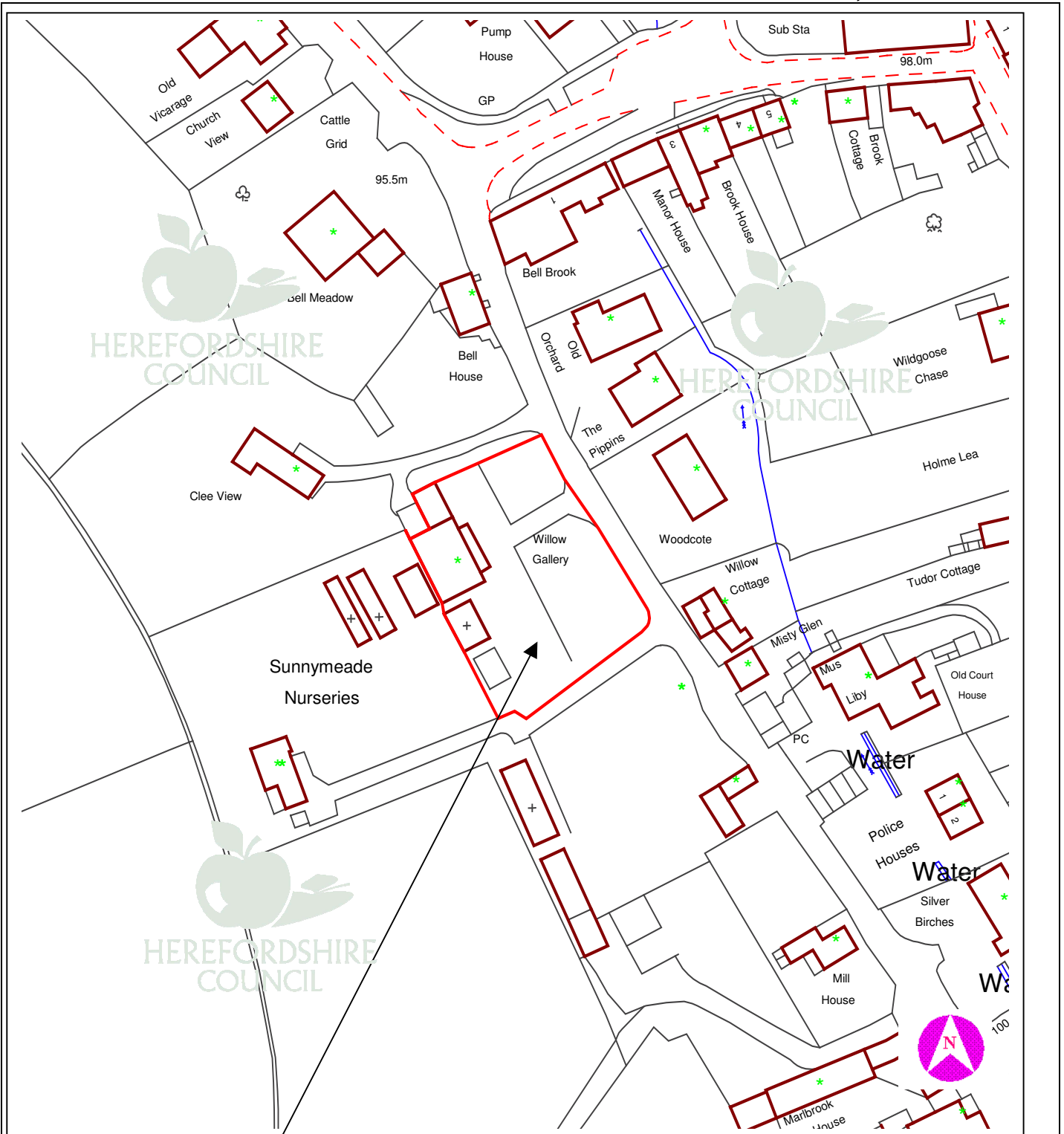
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2006/4007/F

SCALE : 1 : 1250

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

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13 DCNW2006/4049/O - OUTLINE APPLICATION FOR AGRICULTURAL DWELLING TO REPLACE COLLAPSED FARMHOUSE AT SPOND FARM, SPOND, KINGTON, HEREFORDSHIRE, HR5 3LB

For: C Matthews per Mr E Price, Moorcourt, Lyonshall, Kington, Herefordshire, HR5 3JZ

Date Received:
28th December 2006

Ward: Castle

Grid Ref:
31369, 53549

Expiry Date:
22nd February 2007

Local Member: Councillor JW Hope

1. Site Description and Proposal

- 1.1 The site is located adjacent to a working farmyard located to the east of the application site, containing a range of modern farm buildings. Directly abutting the western elevation is the unclassified 91032 public highway. To the north of the application site is a detached two-storey farmhouse, in occupation by the applicant. To the eastern side of this dwelling is a traditional farm building.
- 1.2 On site itself stands the ruins of a former dwelling that is Grade II listed. The remains are clearly beyond repair, the only significant section still remaining on site is the chimney stack.
- 1.3 The application is made in 'outline' with all matters reserved for future consideration for an agricultural dwelling to replace the collapsed farmhouse on site.

2. Policies

2.1 National Planning Policy Statement 7: Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable Development

S2 – Development Requirements

DR1 – Design

DR2 – Land Use and Activity

DR3 – Movement

DR4 – Environment

H7 – Housing in the Countryside Outside Settlements

H8 – Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses

LA2 – Landscape Character and Areas Least Resilient to Change

HBA1 – Alterations and Extensions to Listed Buildings

HBA2 – Demolition of Listed Buildings

HBA4 – Setting of Listed Buildings

CF2 – Foul Drainage

2.3 Leominster District Local Plan

- A1 – Managing the District's Assets and Resources
- A2(D) – Settlement Hierarchy
- A9 – Safeguarding the Rural Landscape
- A18 – Listed Buildings and their Settings
- A23 – Creating Identity and an Attractive Built Environment
- A24 – Scale and Character of Development
- A43 – Agricultural Dwellings
- A70 – Accommodating Traffic from Development

3. Planning History

- 3.1 NW02/1099/L - Repair, reconstruction and improvement of the old farmhouse, including retention and conversion of attached barn to form additional living accommodation - Refused 13th June 2002.
- 3.2 NW02/1098/F - Repair, reconstruction and improvement of the old farmhouse including retention and conversion of attached barn to form additional living accommodation - Refused 13th June 2002.
- 3.3 NW02/0614/L - Reconstruction, repair and renewal of farmhouse - Withdrawn 26th March 2002.
- 3.4 NW02/0612/F - Reconstruction, repair and renewal of farmhouse - Withdrawn 26th March 2002.
- 3.5 NW02/0215/L - Dismantling of existing building to allow reconstruction and repair - Withdrawn 22nd January 2002.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Transportation Manager raises no objections to the proposed development.
- 4.3 County Land Agent raises concerns about the proposal in that no accounts have been submitted in support of the enterprise, land ownership appears complicated, there is already a farmhouse on site and that a previous listed house on site was allowed to fall down.
- 4.4 Archaeology Manager - states that given the current condition of the structure on site I have no comment to make.

6. Representations

- 5.1 Parish Council: No response received at time of writing this report.

6. □ Officers Appraisal

6.11 This application is presented to Committee at the request of the local Member who has requested Committee consideration because of the planning circumstances of the site.

6.2 The key issues in respect of this application are:

- Is there an essential need for an agricultural dwelling at this location.
- Listed status of existing structure on site.

Essential need

6.11 The applicant as part of his application has submitted an agricultural appraisal. This appraisal states that Upper Spond Farm is a traditional upland livestock farm and that the applicant has within his control 37.16 hectare (91.82 acres) of land at this specific location. The business enterprise also includes 35.99 hectare (88.93 acres) of land at other locations away from the main unit. The appraisal also states that the applicant operates a mixed livestock enterprise comprising some 80 suckler cows that calf all year round producing single suckler calves, 50 beef stores are over-wintered, and 350 breeding ewes producing lambs for the fat and store market, 12 rams and 150 ewes for fattening.

6.11 Relevant Local Plan policies to this application are Policy H8 – Agricultural and Forestry Dwellings and Dwellings associated with Rural Businesses in the Herefordshire Unitary Development Plan (Revised Deposit Draft) and Policy A43 – Agricultural Dwellings in the Leominster District Local Plan.

Both policies emphasise that it must be demonstrated that a long term genuine need exists for the dwelling as an essential part of a financially viable business and that such need cannot be met in existing accommodation and wherever possible make use of existing buildings in preference to new development.

6.11 The agricultural appraisal as part of the application in paragraph 7.5 on existing accommodation states:-

“There is no other existing suitable accommodation available. The house is where the applicant currently resides and is jointly owned and he may not be able to continue to reside there indefinitely.” Paragraph 7.6 on labour states Mr Colin Mathews is engaged full-time with casual labour support from his 17-year-old son.

6.11 The appraisal establishes that the holding requires functional need for 2.18 labour units. However the appraisal has stated that the holding is divided between 4 separate sites (paragraph 3). Therefore in consideration of the nature of the business, Officers are of the opinion that this holding only generates need for one person to be on site, where the main holding is based. 37.16 hectare (91.82 acres). It is considered that this amount of land would not generate sufficient income for an additional worker, in consideration of the nature of the enterprise.

6.11 The applicant has also stated that he currently resides in a dwelling adjacent to the site, in which he does have a share in the ownership. Adjacent to this house alongside its eastern elevation is a traditional barn of external brick construction. The application further states that as a result of a recent family bereavement it is the family's wish to sell this house as it has no agricultural occupancy restriction placed upon it.

6.8 Planning Policy Statement 7: Sustainable Development in Rural Areas in Annexe 1: Agricultural, Forestry and other Occupational Dwellings states in paragraph 3 on Permanent Agricultural Dwellings. In order to show consideration for a new dwelling on site that it must be demonstrated that the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned. Paragraph 5 states that Local Planning Authorities should also investigate the history of a holding to establish the recent pattern of use of land buildings including buildings suitable for conversion to dwellings. As earlier mentioned in this appraisal the holding does contain a traditional farm building within close proximity to the dwelling where the applicant currently resides.

6.11 There is an existing dwelling adjacent to the site which satisfies any essential need. Furthermore there is a traditional barn adjacent to the site suitable for residential use should a further dwelling be required.

Listed status of the existing building on site.

6.11 The site has an extensive planning history in that an application for repair, reconstruction and improvement of the structure on site was refused planning permission on 13th June 2002. The applicants were Mr & Mrs P Dye, 11 Chapel Close, Wesham, Preston, Lancashire. The ownership form submitted as part of the application stated that Mr Mathews, Spond Farm was the owner of the site. It was considered that although the collapsed structure was Grade II listed, it was in such a poor state of repair that the proposal was tantamount to the erection of a new dwelling in open countryside and hence the application was refused.

6.11 Previously listed building consent was refused, as too little of the building was being retained. Since that time the building has significantly deteriorated. A comment on the total loss of the listed building will be made at the meeting.

RECOMMENDATION

That planning permission be refused for the following reasons:

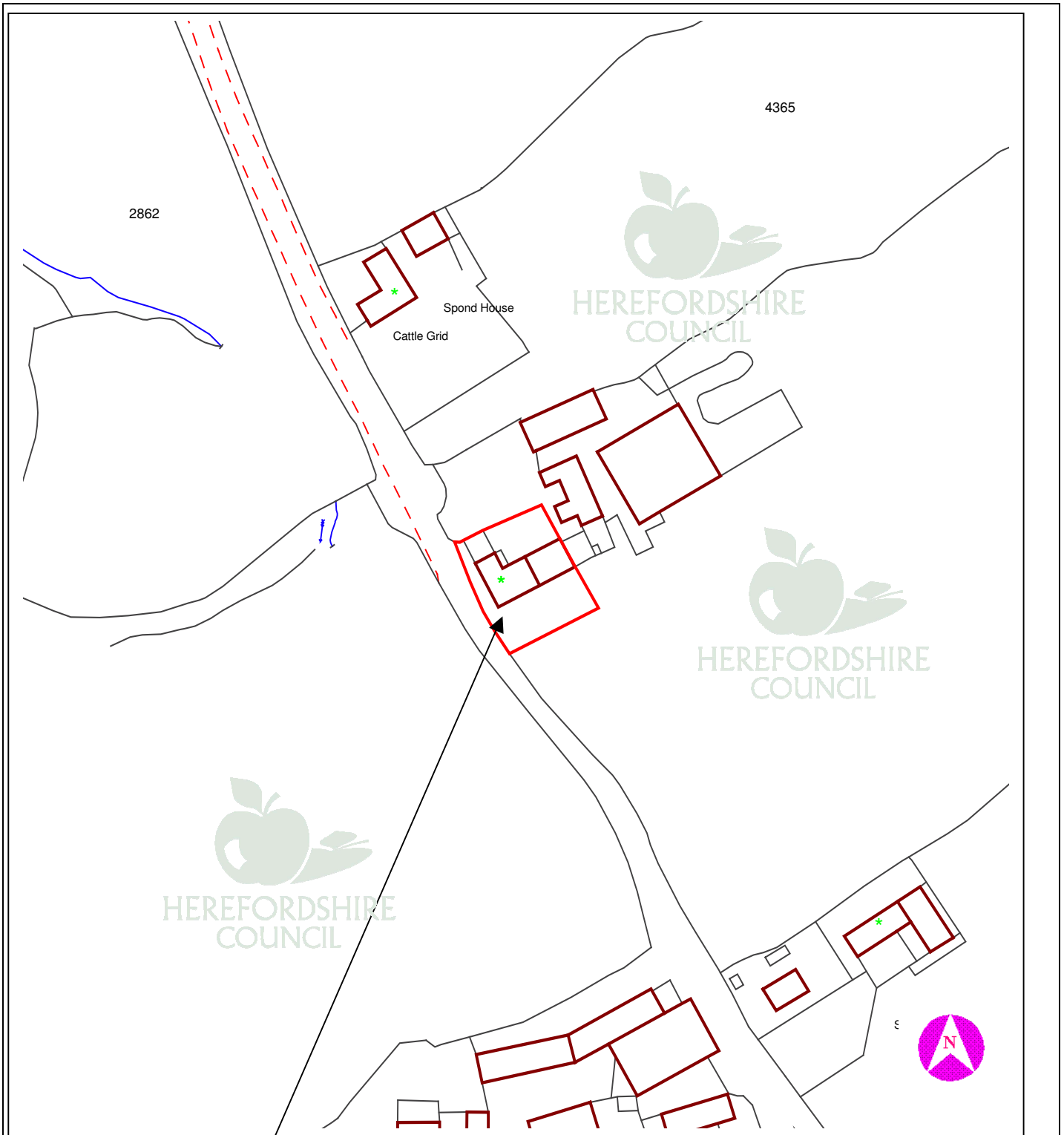
- 1. No essential need has been proven for an additional agricultural worker to be on site. Therefore the proposal does not comply with Policy H8: Agricultural and Forestry Dwellings and Dwellings associated with Rural Businesses in the Herefordshire Unitary Development Plan (Revised Deposit Draft), Policy A43: Agricultural Dwellings in the Leominster District Local Plan and National Planning Policy Statement 7: Sustainable Development in Rural Areas**
- 2. Notwithstanding the above should an essential need for a further dwelling be proven, there is a suitable building adjacent which could be converted for such a use. Therefore the proposal does not comply with National Planning Policy Statement 7: Sustainable Development in Rural Areas And Policy H8: Agricultural and Forestry Dwellings and Dwellings associated with Rural Businesses in the Herefordshire Unitary Development Plan (Revised Deposit Draft), on this issue.**

Decision:

Notes:
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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2006/4049/O

SCALE : 1 : 1250

SITE ADDRESS : Spond Farm, Spond, Kington, Herefordshire, HR5 3LB

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