

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 28th March, 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 and J.P. Thomas

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|--|--------|
| 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 28th February, 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 - 12 |
| 5. APPLICATIONS RECEIVED To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary. Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting. Agenda item 6 is an application deferred for more information at a previous meeting and items 7 to 11 are new applications. | |

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|-----|--|---------|
| 6. | 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 | 13 - 18 |
| | For: Mr. P. Layton per McCartneys, 7 Broad Street, Leominster, Herefordshire, HR6 8BT | |
| | Ward: Pembridge & Lyonshall with Titley | |
| 7. | DCNW2006/3978/F - STEEL PORTAL FRAMED PRODUCTION AND STORAGE BUILDINGS, LORRY PARK, ALTERATIONS TO INTERNAL ROADWAYS AND NEW ACCESS AT KINGSPAN INSULATIONS LTD, TORVALE INDUSTRIAL ESTATE, PEMBRIDGE, HEREFORDSHIRE. | 19 - 28 |
| | For: Kingspan Insulations Ltd, Supercraft, Shobdon Airfield, Shobdon, Leominster, Herefordshire, HR6 9NR | |
| | Ward: Pembridge & Lyonshall with Titley | |
| 8. | DCNE2007/0307/F - THREE NEW HOLIDAY LODGES AT WOODSIDE LODGES COUNTRY PARK, FALCON LANE, LEDBURY, HEREFORDSHIRE, HR8 2JN | 29 - 36 |
| | For: Woodside Lodges Country Park per McCartneys, 7 Broad Street, Leominster, Herefordshire, HR6 8BT | |
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| 9. | DCNE2006/3843/F - SITING OF A MOBILE HOME FOR AN AGRICULTURAL WORKER AT THE SPONEND FARM, FROMES HILL, LEDBURY, HEREFORDSHIRE, HR8 1HT. | 37 - 42 |
| | For: Mr. R. Coleman per McCartneys, 54 High Street, Kington, Herefordshire, HR5 3BJ. | |
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| 10. | DCNE2006/4028/F - PROPOSED LIVESTOCK BUILDING AT THE SPONEND FARM, FROMES HILL, LEDBURY, HEREFORDSHIRE, HR8 1HT | 43 - 48 |
| | For: Mr. R. Coleman per McCartneys, 54 High Street, Kington, Herefordshire, HR5 3BJ | |
| | Ward: Frome | |

11. **DCNC2007/0404/F - ALTERATIONS AND EXTENSION TO EXISTING DWELLINGS TO FORM 3 NO. COTTAGES AT TREWEN HOUSE, NEW STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DP** 49 - 54

For: Mortimer Projects per James Morris Associates, Stocks Tree Cottage, Kings Pyon, Herefordshire, HR4 8PT

Ward: Leominster North

12. **DATE OF NEXT MEETING**

To note that the next meeting will be held on **TUESDAY 24TH APRIL, 2007**

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- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
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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, HR1 1SH on Wednesday, 28th February, 2007 at 2.00 p.m.

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

Councillors: B.F. Ashton, 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, D.W. Rule MBE, R.V. Stockton, J. Stone, J.P. Thomas and J.B. Williams

149. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mrs LO Barnett and WLS Bowen.

150. DECLARATIONS OF INTEREST

Councillor JP Thomas declared a prejudicial interest in item 8, (minute No.156) - DCNC2007/0044/F erection of 14 affordable dwellings, associated highway and external works at land on Middlemarsh, Leominster and left the meeting for the duration of this item.

151. MINUTES

RESOLVED: That the Minutes of the meeting held on 31st January, 2007 be approved as a correct record and signed by the Chairman, subject to the inclusion of the words "including confirmation of the need for affordable housing" in the resolution of minute No 143 - 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.

152. ITEM FOR INFORMATION - APPEALS

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

153. 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.

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

Councillor JP Thomas, one of the Local Ward Members noted that the site was well laid out and maintained but he had a number of concerns about the application and the fact that the use of the units for residential accommodation had existed for some time without the necessary authorisation. He also noted the contents of the information provided by the applicant about the site licence and recognised that this may have created a misunderstanding on her part. He also felt that it would be helpful to have the results of investigation by the Environment Agency about discharge from the site into the holly brook. He did not want a situation arising where occupants could lose their homes but felt that if permission was granted, there would need to be assurances that no more land was used for residential accommodation and that units should not be replaced when they reached the end of their lives. Councillor RBA Burke, one of the Local Ward Members Had concerns about potential traffic problems in the narrow lanes around the site. Councillor TM James said that if approval was granted there could be similar situations arising on other sites where holiday units were gradually replaced by residential occupation. He felt that problems could be created for enforcement because it was not easy to prove or disprove that units had been occupied for residential to qualify for an established use. Councillor BF Ashton was of the view that the application was based on a number of unknown factors and that there was a danger of creeping urbanisation taking place. He also felt that there was a danger that if consent was granted, planning conditions may be ignored or prove difficult to enforce and that residential occupation could be established by default with the passage of time.

The Sub-Committee discussed the merits of the application and whether residential accommodation should be permitted in the location. They considered the advice offered by the officers but concluded that there were a number of disadvantages in granting planning permission and that it should be refused

RESOLVED:

- That (i) The Northern Area Planning Sub-Committee is minded to refuse the application because it is contrary to policies A40 and A58 of the Leominster District Local Plan 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.]

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

The debate on the previous item set out in Minute No 154 also related to this item.

- That (i) **The Northern Area Planning Sub-Committee is minded to refuse the application because it is contrary to policies A40 and A58 of the Leominster District Local Plan 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.]

156. **DCNC2007/0044/F - ERECTION OF 14 AFFORDABLE DWELLINGS, ASSOCIATED HIGHWAY AND EXTERNAL WORKS AT LAND ON MIDDLEMARSH, LEOMINSTER, HEREFORDSHIRE, HR6 9NF**

Councillor Mrs JP French, one of the Local Ward Members felt that the scheme was an innovative design good layout but that she would like to see some traffic calming measures in the approach roads. She enquired about the flood warning scheme and the Development Control Manager said that this would be by way of an automated telephone call system to the residents. The Sub-Committee concurred with the view of Councillor Mrs French that the Chairman and the Local Ward Members should be consulted about the terms to be set out in the planning obligation.

RESOLVED

That the Head of Legal and Democratic Services be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to (set out heads of agreement) and any additional matters and terms as he considers appropriated, in consultation with the Chairman and Local Ward Members.

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

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

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

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

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

3 - E16 (Removal of permitted development rights)

Reason: In order that the local planning authority can consider the impact of any further development on the flood plain.

4 - F48 (Details of slab levels)

Reason: In order to define the permission and ensure that the development takes account of the flood risk associated with the site.

5 - G02 (Landscaping scheme (housing development))

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

6 - G03 (Landscaping scheme (housing development) - implementation)

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

7 - H29 (Secure cycle parking provision)

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

8 - W01 (Foul/surface water drainage)

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

9 - 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.

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

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

11 - No development shall commence until the Developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been agreed in writing by the Local Planning Authority in liaison with Dwr Cymru Welsh Water's Network Development Consultant.

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

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - N19 - Avoidance of doubt
- 3 - If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01443 331155.

157. DCNE2007/0178/F - ERECTION OF PALISADE FENCING & GATES AT BRADFORD BUILDING SUPPLIES, HEREFORD ROAD, LEDBURY, HEREFORDSHIRE, HR8 2PR

Councillor DW Rule, one of the Local Ward Members was happy with the application but noted that Ledbury Town Council was opposed to it. Councillor BF Ashton, another of the Local Ward Members, noted that fencing was already in place within the site and could not see the need to extend it around the roadside boundary of the premises. He felt that the proposal would create a situation where the car park would be used for storage and vehicles would be displaced onto a busy road. He was of the opinion that the applicants could achieve a better layout by simply installing gates on the existing fence. He therefore proposed that it should be refused.

Having considered all the aspects of the application, the Sub-Committee decided that it should be approved.

RESOLVED

that planning permission be granted subject to the following conditions:

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

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

- 2 - **Prior to the commencement of development details of the proposed finish for the approved palisade fence and gates shall be submitted to and approved in writing by the local planning authority. The finishes so approved shall not thereafter be changed without the prior written approval of the local planning authority.**

Reason: In the interests of a satisfactory form of development.

- H04 (Visibility over frontage)

Reason: In the interests of highway safety.

- 4 - H16 (Parking/unloading provision - submission of details)

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

Informatives:

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

158. DATE OF NEXT MEETING

28th March, 2007.

The meeting ended at 3.20 pm

CHAIRMAN

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| ITEM FOR INFORMATION - APPEALS |
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APPEALS RECEIVED**Enforcement Notice EN2006/0161/ZZ**

- The appeal was received on 16th February 2007
- 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 S Willmet
- The site is located at Land at Bacon Lane, Aymestry
- The breach of planning control alleged in this notice is:
Without planning permission, the material change of use of an agricultural building to a mixed use for agricultural storage and residential purposes and the material change of use of agricultural land to garden land.
- The requirements of the notice are:
Permanently cease the residential use of the agricultural building; Remove all domestic fixtures and fittings from the said building; Remove the central heating system and all associated fixtures and fittings from the said building; Remove all materials resulting from the cessation of the residential use of the agricultural building from the land subject of this Notice; Permanently cease use of the agricultural land as garden land; Remove all garden furniture and play equipment from the said land; Infill the pond with inert uncontaminated material from a licensed reputable source; Remove all items resulting from the cessation of the unauthorized use of the agricultural land from the land subject of this Notice.
- The appeal is to be heard by Written Representations

Case Officer: Philip Mullineux on 01432 261808**Application No. DCNW2006/1672/F**

- The appeal was received on 23rd February 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 Mr P S Williams
- The site is located at Mortimers Cross Inn (land to rear), Mortimers Cross, Leominster, Herefordshire, HR6 9PD
- The development proposed is Change of use of land for holiday chalet development, erection of 8 chalets in landscaped gardens
- The appeal is to be heard by Written Representations

Case Officer: Philip Mullineux on 01432 261808**Application No. DCNC2006/2136/F**

- The appeal was received on 23rd February 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 Mr S Cooke

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

- The site is located at Garden on east side of 2 Cross Cottages, Risbury, Leominster, Herefordshire, HR6 0NQ
- The development proposed is Proposed two storey dwelling.
- The appeal is to be heard by Written Representations

Case Officer: Andrew Banks on 01432 383085

Application No. DCNW2006/2702/F

- The appeal was received on 23rd February 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 J P Turner & Son
- The site is located at Headbrook Barn, Headbrook, Kington, Herefordshire
- The development proposed is Proposed Barn Conversion.
- The appeal is to be heard by Written Representations

Case Officer: Philip Mullineux on 01432 261808

Application No. DCNW2006/2252/F

- The appeal was received on 23rd February 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 Mr & Mrs B Crick
- The site is located at Willow Cottage, Monkland Common, Leominster, Herefordshire, HR6 9DD
- The development proposed is Proposed replacement cottage.
- The appeal is to be heard by Written Representations

Case Officer: Philip Mullineux on 01432 261808

Application No. DCNE2005/3784/RM

- The appeal was received on 15th March 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 Ms H Kent
- The site is located at Site of Rose & Coome Cottages, Floyds Lane, Wellington Heath, Ledbury, Herefordshire, HR8 1LR
- The development proposed is Erection of one dwelling
- The appeal is to be heard by Hearing

Case Officer: Ed Thomas on 01432 261795

APPEALS DETERMINED

Application No. DCNC2006/1225/F

- The appeal was received on 13th September 2006

- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr F Evans
- The site is located at Workshops, Leopard Alley, Bromyard, Herefordshire, HR7 4DT
- The application, dated 12th April 2006, was refused on 12th July 2006
- The development proposed was Demolition of steel framed building for erection of 4 No. flats including refurbishment of adjacent brick building
- The main issue is the effect of the proposal on highway safety with specific reference to parking provision

Decision: The appeal was UPHeld on 19th February 2007

Case Officer: Andrew Banks on 01432 383085

Application No. DCNC2006/2800/O

- The appeal was received on 6th November 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 D Howe
- The site is located at West Eaton Nurseries, Bromyard Road, Leominster, Herefordshire, HR6 0NA
- The application, dated 23rd August 2006, was refused on 20th February 2007
- The development proposed was Proposed new dwelling.
- The main issue is whether there is a financial and functional need for a permanent dwelling on the site.

Decision: The appeal was DISMISSED on 20th February 2007

Case Officer: Andrew Banks on 01432 383085

Application No. DCNC2006/0795/F

- The appeal was received on 12th September 2006
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by J.F. Bell
- The site is located at Land at the Baiting House, Stourport Road, Upper Sapey, Herefordshire
- The application, dated 10th March 2006, was refused on 9th May 2006
- The development proposed was Change of use to locate 12 No. lodge style holiday static caravans with landscaping and environmental improvements.
- The main issue is Impact on landscape

Decision: The appeal was DIMISSED on 2ND March 2007

Case Officer: Andrew Banks on 01432 383085

Application No. DCNE2006/2156/F

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

- The appeal was received on 29th November 2006
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against planning conditions
- The appeal was brought by G & B B Houlbrooke & Son
- The site is located at Siddington Farm, Leddington, Ledbury, Herefordshire, HR8 2LN
- The application, dated 19th June 2006, was allowed on 11th October 2006
- The development proposed was Change of use of orchard to private winter caravan storage (temporary), ancillary to Siddington Farm.
- The main issue is whether the disputed conditions are reasonable and necessary in the interests of protecting the character and appearance of the surrounding countryside.

Decision: The appeal was UPHELD on 7th March 2007

Case Officer: Roland Close on 01432 261803

Application No. DCNW2006/0205/F

- The appeal was received on 22nd June 2006
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Ms A Cleverly & Mr R Wells
- The site is located at Ash Farm (OS 406, 689), Barnet Lane Wigmore, Leominster, Herefordshire, HR6 9UJ
- The application, dated 19th January 2006, was refused on 17th March 2006
- The development proposed was Change of use from agricultural land to a one family travellers site including stationing of 2 dwelling vehicles and storage space (retrospective application).
- The main issues are:
 - (i) *The effect of the proposal on the character and appearance of the area.*
 - (ii) *The effect of the proposal on the setting of the village of Wigmore, and on the setting of Wigmore Castle, a Scheduled Ancient Monument and a Grade I listed building.*

Decision: The appeal was UPHELD on 7th March 2007

Case Officer: Philip Mullineux on 01432 261808

Enforcement Notice EN2006/0040/ZZ

- The appeal was received on 3rd August 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 R Wells & Mrs A Cleverley
- The site is located at Ash Farm, Barnet Lane, Wigmore, Hereford
- The breach of planning control alleged in this notice is "Without planning permission, change of use or agricultural land for the stationing of a mobile home for residential use together with the siting of three associated container units and a tin shed structure.
- The requirements of the notice are:
 - 1) *Cease the residential use of the land.*

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

- 2) *Permanently remove the mobile residential motor home from the land.*
 - 3) *Remove the three container units from the land.*
 - 4) *Remove all commercial vehicles from the land.*
 - 5) *Remove all materials that have arisen from the removal of the mobile residential motorhome, the three container units and tin shed structure from the land..*
 - 6) *Restore the land to its condition before the breach took place by seeding of the grass and other such work as is necessary to return its agricultural land quality to at least that which it formally had.*
- The main issues are:
 - (iii) *The effect of the proposal on the character and appearance of the area.*
 - (iv) *The effect of the proposal on the setting of the village of Wigmore, and on the setting of Wigmore Castle, a Scheduled Ancient Monument and a Grade I listed building.*

Decision: The appeal was UPHeld on 7th March 2007
With the Enforcement Notice being corrected

Case Officer: Philip Mullineux on 01432 261808

Application No. DCNW2006/2418/F

- The appeal was received on 22nd November 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 HA Tipton
- The site is located at Crackadonia, Lyonshall, Kington, HR5 3LN
- The application, dated 25th July 2006, was refused on 13th September 2006
- The development proposed was Subdivision of existing single residential unit to form two dwelling houses.
- The main issue is whether the proposal would comply with policies aimed at restricting residential development in the countryside and the effect of the proposal on highway safety.

Decision: The appeal was DISMISSED on 12th March 2007

Case Officer: Philip Mullineux on 01432 261808

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

6 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 R.J. Phillips

1. Introduction

- 1.1 The application was deferred by members for the submission of additional information to support the applicant's case. This has been received and can be summarised as follows:

6 letters of support from:

G.T. & C.J. Hughes, Lower Green Farm, Broxwood
 D.T. Owens, Luntley Court Farm, Pembridge
 Weston House Farm, Pembridge
 Sue Nevill-Parker 7 Ron Hill, Curlew Cottage, Weston
 P.J. Thomas, Weston Court, Pembridge
 C. Herraty, Waggoners Cottage, Weston.

- 1.2 These letters raise the following points:

Offer confirmation of the legitimacy of the applicant being bona fide local person employed in agriculture in and around the locality

Mr Layton assists on local small-holding with sheep, hedge trimming, fencing etc as and when he is needed.

This is an obvious site for the purpose suggested and ideal chance for Mr Layton to continue with the work he's done here for many years. He is a great asset to the local community with his expert knowledge in many areas. He manages to divide his time and skills amongst the local farms. Skills include being able to lay hedges and repair machinery, fencing and hedge trimming, apple picking, lambing and crops. He is an essential part of the local labour force.

Mr Layton is a hard working individual simply trying to earn an honest living in the countryside where his family has lived for at least three generations to my knowledge.

There is an absence of reasonable priced accommodation in the area.
 His wife works locally and children attend the local school (or will do)

- 1.3 In addition to these letters the applicant has produced a summary of the earnings (invoiced) for 2002 – 2006 as well as a schedule of the hours and work undertaken.
- 1.4 Although these documents provide some further information with regards to the nature of work they do not justify the development, which is contrary to policies as per the following report.

2. Site Description and Proposal

- 2.1 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.
- 2.2 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.
- 2.3 The application proposes the retention of both mobile homes on site and change of use of the site to residential use.

3. Policies

3.1 Planning Policy Statement 7: Sustainable Development in Rural Areas

3.2 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

3.3 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

4. Planning History

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

5. Consultation Summary

Statutory Consultations

- 5.1 None required.

Internal Council Advice

- 5.2 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.

6. Representations

- 6.1 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.'

- 6.2 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.
- 6.3 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.
- 6.4 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.

6.5 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.

7. Officers Appraisal

7.1 The key issue in relationship to this application is:-

'Is there sufficient essential need to house the applicant on site'

7.2 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.

7.3 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.'

7.4 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.

7.5 The applicant has not supplied as part of his application any agricultural justification of 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.

7.6 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.**

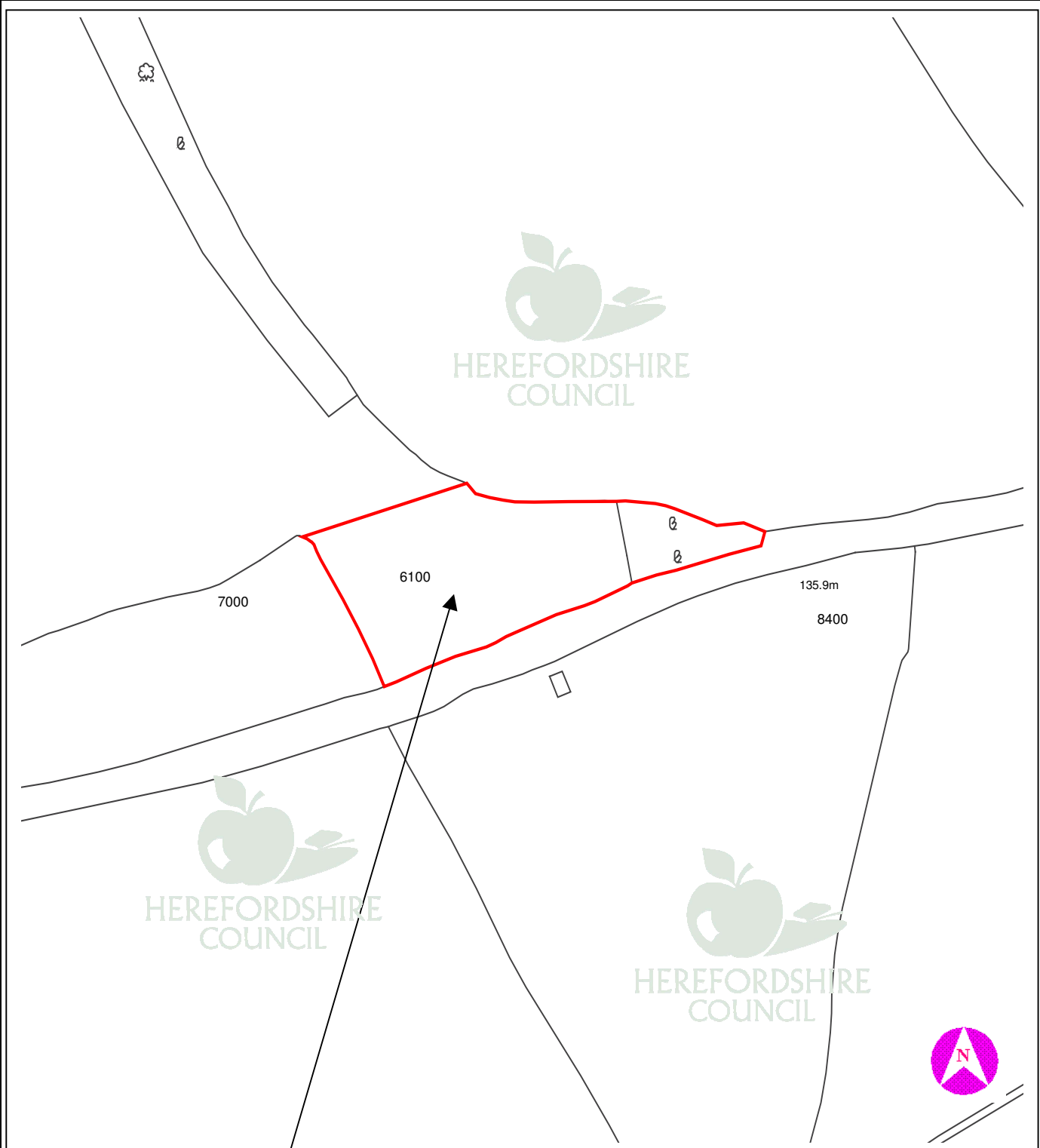
Decision:

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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7 DCNW2006/3978/F - STEEL PORTAL FRAMED PRODUCTION AND STORAGE BUILDINGS, LORRY PARK, ALTERATIONS TO INTERNAL ROADWAYS AND NEW ACCESS AT KINGSPAN INSULATIONS LTD, TORVALE INDUSTRIAL ESTATE, PEMBRIDGE, HEREFORDSHIRE.

For: Kingspan Insulations Ltd, Supercraft, Shobdon Airfield, Shobdon, Leominster, Herefordshire, HR6 9NR

**Date Received: 14th December 2006 Ward: Pembridge & Grid Ref: 39094, 60096
Lyonshall with Titley**

Expiry Date: 15th March 2007

Local Member: Councillor R.J. Phillips

1. Site Description and Proposal

- 1.1 The site is located within the boundary defined as Shobdon Aerodrome, located on the eastern side of road no. C1032 which runs between Shobdon and Pembridge.
- 1.2 The boundaries of the site are defined to the south east by an access road to other industrial units on the airfield and to the north by existing industrial units.
- 1.3 Planning permission is sought for a an extension to the existing buildings to provide additional storage capacity for the increased range of products now being produced as a result of the new Building Regulation standards. The first building is an extension to the existing production building and is located in the centre of the site. This would provide measure 145m x 45m . The roof height reflects that of the adjacent building. Building 2 is an extension to the Hanger that lies to the North of the site. This building would have a floor area of 50 m by 100m and a roof height matching the adjoining building. Building 2 would provide additional storage. These extensions are confined within the concentration of employment generating buildings within Shobdon Aerodrome.
- 1.4 As part of the application a revision to the main access onto the C1032 is also proposed. This has been amended once during the application process. A new lorry park and some revisions to the internal road layout is also proposed. The application has been accompanied by a Road Safety Audit.

2. Policies

2.1 Unitary Development Plan (Revised Deposit Draft)

S4 - Employment
DR1 - Design
DR2 – Land Use and Activity
DR14 - Noise
E6 – Expansion of Existing Businesses
E8 – Design Standards for Employment sites

3. Planning History

- 3.1 DCNW2006/2389/F - Proposed extension to production building (building 1) and extension to storage building (building 2). Lorry park and new access to south of site - withdrawn
- 3.2 DCNW2006/2415/F - Sewage pump chamber.- approved 13th September, 2006.
- 3.3 DCNW2005/ /3405/f - erection of warehouse extension, new canopy, single storey amenity block- Approved 7th April, 2006.
- 3.4 DCNW2005/2210/F - Proposed loading canopy - Approved 12th August, 2005
- 3.5 DCNW2005/0998/F - Proposed unit extension (263sqm) - Approved 12th August, 2005
- 3.6 DCNW2004/1446/F - Refurbishment of industrial unit, demolition of existing buildings, re-surfacing of lorry parking and provision of car parking - Approved 29th June, 2004
- 3.7 DCNW2003/3852/F - Two-storey extension to existing office block - Approved 6th February, 2004
- 3.8 DCNW2003/1946/F - Extension to covered store, two-storey amenity block and 20m extension to building approved in application no. NW2002/1122/F - Approved 4th February, 2003
- 3.9 DCNW2003/1535/F - Refurbishment and two-storey extension to existing office block - Approved 14th July, 2003
- 3.10 NW2003/0117/F - Warehouse extension to existing planning permission no N98/0529/N - Approved 13th March, 2003
- 3.11 NW2002/1122/F - Refurbishment and extension of existing industrial buildings to provide additional warehouse and production space with ancillary officer - Approved 23rd September, 2002
- 3.12 NW2002/0692/F - Refurbishment of an existing unit to be used to house machinery - Approved 22nd May, 2002
- 3.13 NW2001/3330/F - Variation of approved plants to NW2001/0788/F to allow a revised footprint plus additional area - Approved 5th February, 2002
- 3.14 NW2001/3332/F - Erection of a single storey covered store to existing factory - Approved 28th January, 2002

- 3.15 NW2001/2462/F - Erection of a three-storey office block and ancillary additional car parking area - Approved 12th November, 2001
- 3.16 NW2001/0788/F - Extension to the factory - Approved 4th June, 2001
- 3.17 NW2000/3165/F - Erection of a portacabin office accommodation - Granted 23rd January, 2001
- 3.18 N1998/0529/N - Warehouse extension, 5550 square metres covered loading bay extension housing a 390 sq. metre, two-storey office extension to existing unit - Granted 11th November, 1998
- 3.19 97/0209/N - Construction of 51 m2 extension to existing workshop and first floor canteen with 2 no. windows - Granted 23rd April, 1997
- 3.20 95/0654/N - Construction of laboratory/toilet block - Granted 29th September, 1995
- 3.21 94/0715 - Erection of office and associated car parking - Granted 18th January, 1995
- 3.22 93/391 - Extension to existing hanger building - Granted 3rd August, 1993

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency - raises no objection to the proposed development as submitted.

Internal Consultees

- 4.2 The Transportation Manager requests a Section 106 Agreement for a £26,639 contribution which would offer mitigation towards the increase in HGV traffic generated by the proposal. A list of possible schemes to which this could contribute include:
- Junction improvements to B4362/C1032 junction - including possible re-alignment, traffic lights, pedestrian crossing facilities
 - Extend footway from Ledicot Lane to Cemetery
 - Improve direction and safety signing in area
 - C1031 Rhyse Lane, edge of carriageway strengthening/widening
 - Safe Routes to School in Shobdon, including footway provision/widening, speed limit reduction/extension of area, equipping "walking bus" etc
 - Cycle parking provision at school
 - Improvements to passenger waiting facilities at Shobdon/Mortimer's Cross

- 4.3 The Conservation Manager (Archaeology) has no objection in principle but is concerned by the ground disturbance in a sensitive location. The application site is within an area of particularly high potential for prehistoric remain. Just to the east is a significant group of Bronze Age burial mounds. Standard condition D01 should be attached to any planning permission.

5. Representations

- 5.1 Pembridge Parish Council has no objection to this application provided that::

- a) Any additional security lighting is angled downwards
- b) all drivers of HGV entering and leaving the site are made aware of using the agreed route and are not to travel through Pembridge Village.

- 5.2 Shobdon Parish Council has no objections .

"No objection to the site improvements, we favour SK10 for the access alterations as it would slow vehicles done. Although the report only considered Mortimers Cross junction we felt that the Pembridge/Presteigne junction at Shobdon should also have been included. We are also concerned at the 100% increase in HGVs and the environmental impact this will have on the village of Shobdon."

- 5.3 Titley Parish Council make the following comments:

"While no specific objections were noted, the Parish Council wished to draw to the Planning Department's attention the following:

1. *As shown in the planning documents submitted, a 100% increase in traffic movements is anticipated in the surrounding area;*
2. *In order to go some way to ameliorate the traffic problems and given the nature of roads in the area it was felt that Planners in consultation with the Highways department should ask the applicant for a significant contribution under Section 106 of the LA Acts towards road improvements and maintenance; and*
3. *Concerns have been raised in the past about light pollution of the surrounding area which have been recognised and certain remedial actions taken by the applicant; the Parish Council would like to draw the Planners attention to ensuring that in this subsequent phase of the plant's expansion, the same care and attention is given to making sure that lighting is directed into work areas and not dissipated around the surrounding countryside (this should also be environmentally friendly in terms of conserving energy and focussing artificial light where it's needed)."*

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

6. Officers Appraisal

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

- a) Principle of development
- b) Highway safety and intensification of use
- c) Impact on the landscape and surrounding area

Of direct relevant to this application is Policy E5 of the Herefordshire Unitary Development Plan. Inset Map 53 of the UDP defines the area of Shobdon Airfield as 'safeguarded employment land' where employment-generating uses should be confined. The proposed extensions are located within the defined area of concentration. AS such new development within this area is acceptable in principle.

- 6.2 It is well accepted that the traffic movements that result from the Kingspan site cause local concern, especially in the village of Shobdon. As a result of this a Traffic Impact Assessment (safety audit) was submitted with the application, which confirms that Kingspan intend to increase the output of this plant by 25% over the next 4 – 5 years. This will mean that vehicle movements will increase by 100% as a result of the proposed extension and demands on Kingspan with the introduction of the new building regulations this year. The plant currently employs 350 personnel in total and the increase in staff is likely to be 5% maximum.
- 6.3 Since 2003 Kingspan has routed all of their HGV traffic through the new main entrance. All HGV traffic is currently directed away from Pembridge. The main entrance has restricted visibility and the change proposed improves this through the alteration of the layout and improved line marking. The proposed layout is considered acceptable and subject to engineering specifications being submitted (appropriate condition attached) the Transportation Manager is satisfied.
- 6.4 The Transportation Manger has also accepted that the highway network can cope with this increase if mitigation works are undertaken. A sum of £26,650.00 has been requested which will be used towards for one or more of the proposed schemes (As above). They are satisfied that this financial contribution would mitigate against the perceived harm caused by the increase in traffic movements. As such a Heads of Terms is included at the end of this report..
- 6.5 In relation to the laying of the lorry park and alteration of internal road layouts, these will improve the lorry manoeuvring space within the site. There is no impact externally.
- 6.6 The proposed extensions themselves are in keeping with the existing structures and buildings on site and will have little or no impact on the surrounding landscape or area. Concerns expressed by Pembridge Parish Council's and neighbouring Parish Councils, highlighted on this and previous applications have been noted. Landscape works have been undertaken as part of previous applications and further landscaping is not required. Further conditions will seek details of all external illuminations of the site in order to minimise sky glow.

RECOMMENDATION

- 1) **That The Legal Practice Manager be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to (set out heads of agreement) and any additional matters and terms as he considers appropriate.**
- 2) **Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:**

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

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

2 - A07 (Development in accordance with approved plans)

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

3 - B03 (Matching external materials (general))

Reason: To ensure the satisfactory appearance of the development.

4 - F21 (Scheme of surface water regulation)

Reason: To prevent the increased risk of flooding.

5 - F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

6 - D01 (Site investigation - archaeology)

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

7 - 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.

8 - H17 (Junction improvement/off site works)

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

9 - H18 (On site roads - submission of details)

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

10 - H19 (On site roads - phasing)

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

11 - H21 (Wheel washing)

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

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

Informatives:

- 1 - HN01 - Mud on highway
- 2 - HN04 - Private apparatus within highway
- 3 - HN05 - Works within the highway
- 4 - HN10 - No drainage to discharge to highway
- 5 - HN22 - Works adjoining highway
- 6 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 7 - N19 - Avoidance of doubt

Note to Applicant

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

Decision:

Notes:

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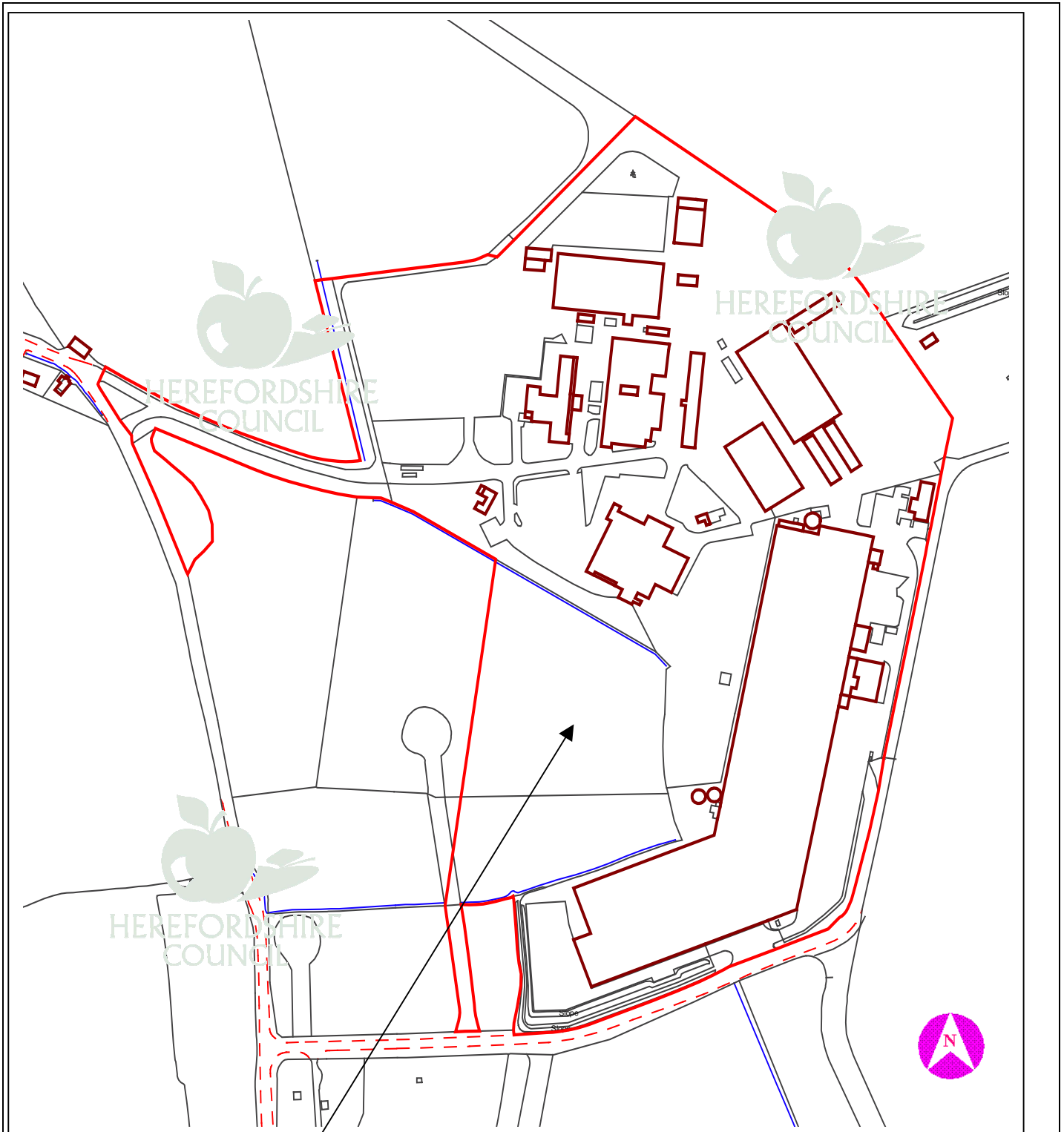
Background Papers

Internal departmental consultation replies.

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

Planning Application – DCNW2005/3405/F
Kingspan, Pembridge.

1. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £26,650 to provide transportation facilities to serve the development which sum shall be paid on or before the commencement of development.
2. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Junction improvements to B4362/C1032 junction - including possible re-alignment, traffic lights, pedestrian crossing facilities
 - b) Extend footway from Ledicot Lane to Cemetery
 - c) Improve direction and safety signing in area
 - d) C1031 Rhyse Lane, edge of carriageway strengthening/widening
 - e) Safe Routes to School in Shobdon, including footway provision/widening, speed limit reduction/extension of area, equipping "walking bus" etc
 - f) Cycle parking provision at school
 - g) Improvements to passenger waiting facilities at Shobdon/Mortimer's Cross
3. In the event that Herefordshire Council does not for any reason use the said sum of Clause 6 for the purposes specified in the agreement within 5 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof which has not been used by Herefordshire Council
4. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.



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APPLICATION NO: DCNW2006/3978/F

SCALE : 1 : 3816

SITE ADDRESS : Kingspan Insulations Ltd, Torvale Industrial Estate, Pembridge, Herefordshire

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8 DCNE2007/0307/F - THREE NEW HOLIDAY LODGES AT WOODSIDE LODGES COUNTRY PARK, FALCON LANE, LEDBURY, HEREFORDSHIRE, HR8 2JN.

For: Woodside Lodges Country Park per McCartneys, 7 Broad Street, Leominster, Herefordshire, HR6 8BT.

Date Received: 29th January 2007 Ward: Frome

Grid Ref: 68041, 38235

Expiry Date: 26th March 2007

Local Member: Councillor R.M. Manning

1. Site Description and Proposal

- 1.1 The application site lies on the south-western side of Falcon Lane. It forms part of the existing lawful long-established Woodside Lodges Country Park that straddles both sides of Falcon Lane. There are eleven existing lodges and an extant historic partially implemented planning permission for a further three (part of MH/93/0852). The site has substantial vegetation along its north-western boundary and a row of alders to the south-east. There is a roadside hedge.
- 1.2 Beyond the row of Alders further to south-east are a series of pools, which provide both a recreational facility and a nature conservation resource.
- 1.3 Vehicular access to the site is provided to the north-east off Falcon Lane.
- 1.4 Upon the application site at present are three holiday lodges that are nearing completion following their grant of planning permission in November of 2005.
- 1.5 The proposal is to erect three further timber chalets / lodges to be occupied by tourists. These would be sited to the north –east of the existing row of three along the same axis.
- 1.6 Each chalet / lodge would have a width of 8.4 metres and a length of 12 metres. They would have a height to eaves of 3.2 metres and a height to ridge of 6 metres. The external walls would be constructed of timber and the steel roofing material would have a charcoal colour.
- 1.7 I understand that it is the applicant's intention to ensure that the proposed accommodation meets the level 3 standard of the 'Quality Standard – National Accessible scheme for serviced, self-catering, hostel and campus accommodation'. This would mean the chalet / lodges being fully accessible to the independent traveller who is dependant upon the use of a wheelchair.

2. Policies

2.1 Central Government Advice

Planning Policy Statement 1 'Delivering Sustainable Development'
 Planning Policy Statement 7 – 'Sustainable Development in Rural Areas'
 Planning Policy Guidance Note 13 – 'Transport'

'Good Practice on Planning and Tourism'

2.2 Development Plan Policies

Herefordshire Unitary Development Plan 2007

Policy S1 'Sustainable development'

Policy DR2 'Land Use and Activity'

Policy LA2 'Landscape Character and areas least resilient to change'

Policy RST1 'Criteria for recreation, sport and tourism development'

Policy RST14 'Static caravans, chalets, camping and touring caravan sites'

Policy NC4 – Sites of local importance

3. Planning History

3.1 The Woodside Lodges Country Park has an extensive planning history. However, the only applications considered of direct relevance to this case are: -

3.2 MH/90/711 – 5 holiday chalets – Approved 21/6/90

3.3 MH/93/0852 – 6 holiday chalets – Approved 25/4/94

3.4 NE05/3087/F – Erection of three two-bedroomed holiday log cabins – Permitted 11th November 2005

4. Consultation Summary

Statutory Consultations

4.1 None

Internal Council Advice

4.2 The Tourism Section object to the application on the basis of an oversupply of self-catering tourism accommodation. However, they do state that there is a need for accommodation that is fully compliant for wheelchair access.

4.3 The Transportation Section does not object to the proposed development. They consider that the local highway network has adequate capacity to cater with the traffic generated by the proposed development.

4.4 The Forward Planning Section considers that the proposal should be assessed against the provisions of policy RST14 of the Unitary Development Plan.

5. Representations

5.1 The Pixley Parish Council recommend approval of the application although they have raised concern as to the cumulative increase in traffic upon the local highway network.

5.2 The Council for the Protection of Rural England object to the proposed development on the basis that it represents new build development in the open countryside.

- 5.3 The occupiers of Bargains Farm object to the proposed development on the following summarised grounds: -
- Falcon Lane is inadequate in terms of width to cater with the additional traffic that the proposed development would generate; and
 - The need for the additional accommodation is questioned.
- 5.4 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The application site lies outside of any defined settlement and as such lies within the countryside in planning policy terms. However, the site upon which the proposed chalets would be sited lies within the confines of the existing lawful chalet park. In this regard it lies within the red line planning application site area as approved in relation to planning permission DCNE2005/3087/F. This is an important point as the proposed development lies within an existing chalet park and does not relate to fresh open land outside of the existing lawful cartilage. It is for this reason that it is considered policy RST14 (as opposed to policy RST12) to be the primary policy against which this application should be assessed.
- 6.2 Policy RST 14 of the Herefordshire Unitary Development Plan 2007 allows for extensions to existing “chalet parks” where they would not harm the character and appearance of the countryside. The policy provides a series of criteria that any such proposal should meet.
- 6.3 The proposed siting of the lodge closest to Falcon Lane is in excess of 60 metres from the road. The lodges are single storey. The lodges would be relatively well screened from the south-east by an existing row of alders and there is landscaping along the north-western boundary. The proposed materials are considered to be sympathetic to the surroundings. Therefore it is considered that the proposed lodges would integrate well into the landscape and would not harm the character or appearance of the countryside hereabouts. It is considered that there is some scope for additional planting including in the gap between the lodges and Falcon Lane and along the south-western boundary. An appropriate condition is recommended.
- 6.4 It is considered that the local highway network has adequate capacity to accommodate the traffic that the proposed development would generate.
- 6.5 The occupancy of the proposed chalets by tourists would be controlled by way of planning condition.
- 6.6 The chalet park is located such that visitors are rather dependant upon the private motor vehicle to access the majority of tourist attractions, retail facilities (including restaurants) and other leisure facilities. However, Ledbury is within walking distance via a good network of public rights of way.
- 6.7 The issue as to the supply of self-catering tourism accommodation is effectively now being controlled through the Unitary Development Plan. The Plan allows for new build and conversion of buildings within existing settlements, allows for the appropriate conversion of buildings in the open countryside and allows for the provision and extension of appropriate caravan, chalet and camping parks. However, policy RST12 of the Unitary Development Plan establishes a presumption against

new build self-catering units for tourists upon fresh open land outside of the existing lawful curtilage” within the open countryside.

- 6.8 The fact that the applicant has stated that he intends to ensure that the chalets are fully accessible to wheelchair users is welcomed.
- 6.9 The proposed development is not considered to have any adverse impact upon the ecology of the area.
- 6.10 Therefore it is considered that the proposal complies with the provisions of policy RST14 of the Unitary Development Plan and that the concern with regard accessibility of the site by modes of transport other than the private motor vehicle (Policy S1) is not sufficient to outweigh the policy RST14 that allows for such tourism development in the countryside.

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 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking and re-enacting that Order with or without modification) no development normally permitted by Classes A, B, C, D, E and F of Part 1 and Class A of Part 2 of Schedule 2 of Article 3 of the General Permitted Development Order 1995 shall be carried out.**

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

- 3 - Prior to commencement of the development hereby permitted full written details and samples of the materials to be used on the external surfaces of the building hereby permitted shall be submitted to the Local Planning Authority for their written approval. The development shall not commence without the prior written consent of the Local Planning Authority. 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.

- 4 - The dwellinghouse hereby permitted shall only be used for holiday purposes by tourists. No person or group of persons shall occupy the dwellinghouse for more than 28 days in any calendar year and shall not be occupied by any one person or group of persons for more than 156 days in any one calendar year.**

The owners/operators of the site shall maintain an up-to-date register of the names of all occupiers of the dwellinghouse hereby permitted and of their main home address (i.e. place of residence) and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the development hereby permitted is not used as a permanent unrestricted dwellinghouse contrary to Development Plan policies.

- 5 - Prior to commencement of the development hereby permitted the applicant or any person(s) carrying out the development hereby permitted shall submit to the Local Planning Authority in respect of a scheme of landscaping indigenous species. The landscaping shall include indications of all existing trees and hedgerows on the land, and details of any to be retained. The submitted scheme of landscaping must include details as to the location of all planting, their species and the density of planting. The development shall not commence until the landscaping scheme has been approved in writing by the Local Planning Authority.

Reason: To ensure that the development integrates appropriately within the wider landscape.

- 6 - All planting comprised in the approved details of landscaping shall be carried out in the first planting season following completion of the development hereby permitted or the first use of any of the tourist lodges. Any trees or plants which within a period of five years of their planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the development integrates appropriately within the wider landscape.

- 7 - Prior to commencement of the development hereby permitted, full written details of all external lighting to be installed upon the site (if any) shall be submitted to the Local Planning Authority for their written approval. No external lighting shall be installed upon the site without the prior written consent of the Local Planning Authority. The approved external lighting shall be installed in full accordance with the approved details and thereafter maintained in accordance with those details.

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

Informatives:

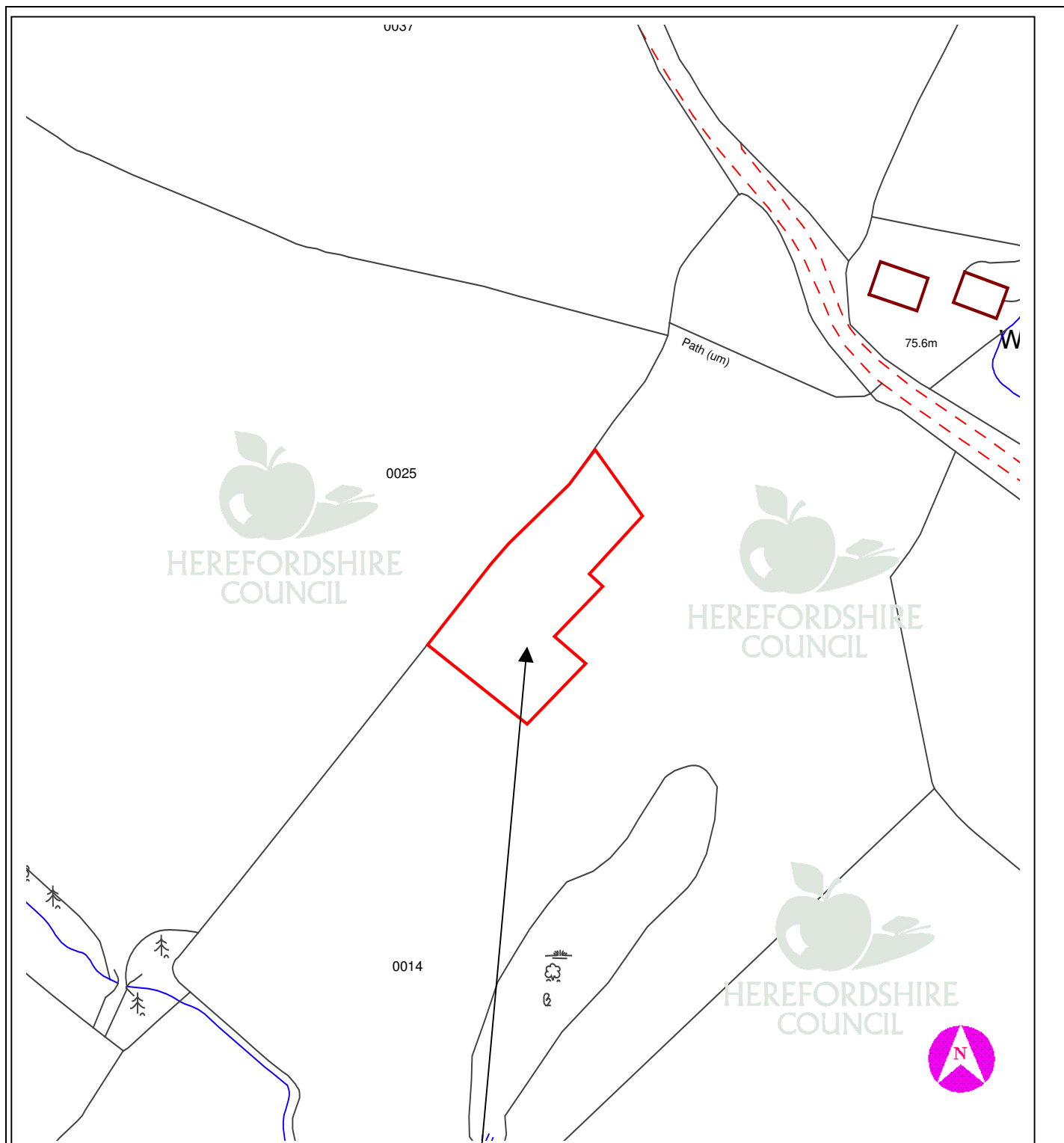
- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - For the avoidance of any doubt the plans to which this decision relate are:
 - Proposed Site Plan (Scale 1:1250) - Drawing Number LSV 330/02 received 29th January 2007;
 - Proposed Site Plan, Floor Plans and Elevations (Scales 1:500 and 1:100) - Drawing Number LSV 300/20 received 29th January 2007;
 - Existing Site Plan, Block Plan and Elevations (Scales 1:5000 and 1:1250) - Drawing Number LSV 300/01 received 29th January 2007.

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2007/0307/F

SCALE : 1 : 1250

SITE ADDRESS : Woodside Lodges Country Park, Falcon Lane, Ledbury, Herefordshire, HR8 2JN

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9 DCNE2006/3843/F - SITING OF A MOBILE HOME FOR AN AGRICULTURAL WORKER AT THE SPONEND FARM, FROMES HILL, LEDBURY, HEREFORDSHIRE, HR8 1HT.

For: Mr. R. Coleman per McCartneys, 54 High Street, Kington, Herefordshire, HR5 3BJ.

Date Received: 5th December 2006 Ward: Frome Grid Ref: 68639, 46461

Expiry Date: 30th January 2007

Local Member: Councillor R.M. Manning

1. Site Description and Proposal

- 1.1 The application seeks full planning permission for the erection of an agricultural worker's mobile home. The site occupies a relatively isolated location approximately 100 metres to the north east of the main farm complex of Sponend Farm and 150 metres to the east of two independently occupied cottages. It is accessed by an existing track that is also a public bridleway. The land is currently used for agriculture, the proposed site positioned in the corner of the field on an east-facing slope. Well established hedgerows form the northern and western boundaries whilst aspects to the south and east are open with distant views to the Malvern Hills.
- 1.2 The application is made subsequent to 3 applications (2 submitted in 2005 and 1 in 2006) all for permanent agricultural worker's dwellings. The first was withdrawn, the second and third refused. The reasons for refusal were a lack of agriculturally based justification and the adverse landscape impact.
- 1.3 Applications have also been received for the erection of an agricultural building a short distance from the proposed residential site. These have either been withdrawn or refused.
- 1.4 The applicant owns 80 acres at Sponend, of which the site for the mobile home and agricultural buildings are part. The farmhouse and buildings are tenanted on short term agreements, with a further 20 acres tenanted at Sponend and 120 acres taken on a Farm Business Tenancy at Stretton Grandison (4 miles away). In essence, therefore, because of land ownership issues the applicant is seeking to establish what would effectively become a new farmstead in open countryside and within close proximity to the existing.

2. Policies

2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft 2004)

Policy H7 – Housing in the countryside outside settlements

Policy H8 – Agricultural and forestry dwellings and dwellings associated with rural business

Planning Policy Statement 7 – Sustainable Development in Rural Areas

3. Planning History

3.1 Agricultural worker's dwelling applications:

NE05/0154/O - Site for agricultural workers dwelling - Withdrawn
NE05/2026/O - Site for erection of agricultural workers dwelling - Refused
NE06/1431/O - Site for an agricultural dwelling - Refused

3.2 Agricultural (livestock) building applications:

NE03/1796/S - Planning permission required
NE05/0092/F - Withdrawn
NE05/2021/F - Planning permission refused
NE06/4028/F – Undetermined on this agenda

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Traffic Manager - No objection.

4.3 Environmental Health - No objection.

4.4 Landscapes - "The application site neither coalesces with the existing dwellings adjacent to the main road and Sponend Farm, nor is it remote from them. I believe that the development of a new farm holding in open countryside must be considered in relation to all necessary ancillary buildings to ensure integration into the wider landscape the application site is not widely overlooked and specific detrimental impact upon the landscape character or important views would be difficult to define. If the application were to be approved it would be necessary to require detailed landscaping for the scheme for the site reinforcing existing hedge boundaries, creating new hedge boundaries and incorporating some additional tree planting. On balance I would recommend refusal. Submission of a more comprehensive scheme with more detail and strong justification may be acceptable".

4.5 The County Land Agent: Concludes that the applicants should be offered a temporary rather than permanent dwelling in the first instance on account of the financial burden associated with the capital outlay required for buildings etc. At this stage the financial viability of the enterprise is not proven.

5. Representations

5.1 Parish Council - The Parish Council observed that there were no detailed plans for the structure and reserve comment. They do not comment unequivocally, but voice concern at the proposal to erect a house for 6 people and agricultural building(s), which they consider would be of detriment to the visual amenity of the area of great

landscape value. Concern is also expressed at the proposed erection of agricultural buildings.

- 5.2 Campaign to Protect Rural England - The applicant already lives on the site and there is no compelling case for another agricultural dwelling.
- 5.3 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The applicants, Mr & Mrs Coleman live in the existing farmhouse at Sponend, which is rented on an assured short hold tenancy. An adjoining 20 acres and the farm buildings are also rented on separate short-term agreements.
- 6.2 The applicants own 80 acres adjoining Sponend (including the site for the proposed development) and rent a further 120 acres on a 5 year agreement at Stretton Grandison, 4 miles away.
- 6.3 The key issues in the determination of this application are as follows:
1. The establishment of the principle of development having regard to development plan policies and government guidance;
 2. The landscape impact

Principle of Development

- 6.4 The enterprise is run from the existing house and buildings at Sponend farm. However, the applicant's are on notice that these tenancies may have to be surrendered in the near future. The landlord is required to give two months notice to quit the house and buildings. As such, the applicants have no long-term security of tenure over the house, buildings and 20 acres of bare land at Sponend, with the effect that if forced to quit the applicants would have no dwelling or buildings upon their 80 acres at Sponend Farm.
- 6.5 The applicants and their children run the enterprise with all labour (690 standard man days) met by the family. At the time of the application the breakdown of livestock was as follows:
- | | |
|-----------|--|
| Livestock | 400 ewes lambing at approximately 1.7% |
| | 50 suckler cows |
| | 40 fattening cattle |
- 6.6 The livestock are in a farm assured scheme. There is no arable production on the 200 acres and all livestock rearing takes place at Sponend. 400 ewes produce approximately 680 lambs, 225 of which are sold fat at under 6 months. The remainder are kept on through the winter. The majority of calves are sold fat at 22-25 months.
- 6.7 In accordance with the guidance contained within Planning Policy Statement 7 – Sustainable Development in Rural Areas, new agricultural dwellings, whether temporary or permanent must satisfy the test of functionality. In essence, is the provision of accommodation *essential* to the proper functioning of the enterprise? In this case, the nature of the livestock enterprise is such that the provision of living accommodation upon the holding for a full-time agricultural worker is warranted, but

only when the tenancy of Sponend Farm is terminated. In the absence of alternatives the functional test is considered met.

- 6.8 The second fundamental test is financially based. Before permitting applications for the provision of agricultural worker's dwellings in open countryside, the local planning authority should be satisfied that the enterprise is planned on a sound financial basis and has the prospect of remaining so. When considering applications for permanent dwellings it is customary to examine the last 3 years accounts, which should demonstrate profit in at least one of these years.
- 6.9 In this case, the enterprise, although established at Sponend Farm for 8 years, is being considered as a new venture. This is because surrendering the tenancies at Sponend will require not only the provision of farm worker accommodation but also capital outlay for the provision of buildings and other infrastructure.
- 6.10 The enterprise has worked profitably at the present house and buildings but a great long term strain will be placed on the farm business by the necessity of putting in a road suitable for vehicles, erecting a dwelling and new barns, silage storage areas etc, although part of the rental costs will be removed. The financial tests are marginal without these added costs and proof of capability of showing a profit after all these costs is unlikely.
- 6.11 The Land Agent recommends that a temporary dwelling be considered, which will give the applicant the opportunity to prove that the enterprise is viable over the next 3 years, capable of sustaining a full-time living and the capital costs of establishing the farmstead. This approach is considered reasonable in the circumstances.

Landscape Impact

- 6.12 The site is located on an east-facing slope with distant views to the Malvern Hills. The site is within a landscape identified as having some intrinsic quality worthy of protection and enhancement. Typically, policies contained within the Unitary Development Plan would support refusal of development in open countryside, although the Landscapes Officer accepts that this proposal constitutes one of the exceptions where development can be considered warranted.
- 6.13 Moreover, it is also acknowledged that the site is not widely overlooked and specific detrimental impact upon the landscape would be difficult to define. The Landscapes officer concludes that if the application were to be recommended for approval, the existing landscaping should be reinforced along hedge boundaries incorporating some new tree planting.
- 6.14 On balance the application is recommended for approval subject to the conditions set out below.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2 - Within 2 months of the date of this permission, details of the mobile home hereby approved shall be submitted to and approved in writing by the local planning authority. Details shall include:

Elevations at a scale of 1:50 or 1:100;
 Floor plans at a scale of 1:50 or 1:100;
 Details of the external materials and finish thereto.

Development shall be carried out in accordance with the agreed details and not changed thereafter.

Reason: In the interests of visual amenity.

- 3 - E28 (Agricultural occupancy)

Reason: It would be contrary to Development Plan policies to grant planning permission for a dwelling in this location except to meet the expressed case of agricultural need.

- 4 - E23 (Temporary permission (3 years) and reinstatement of land (mobile home/caravan))

Reason: The local planning authority is not prepared to permit a residential mobile home in this location other than on a temporary basis having regard to the special circumstances of the case.

- 5 - G04 (Landscaping scheme (general))

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

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

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

Informative:

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

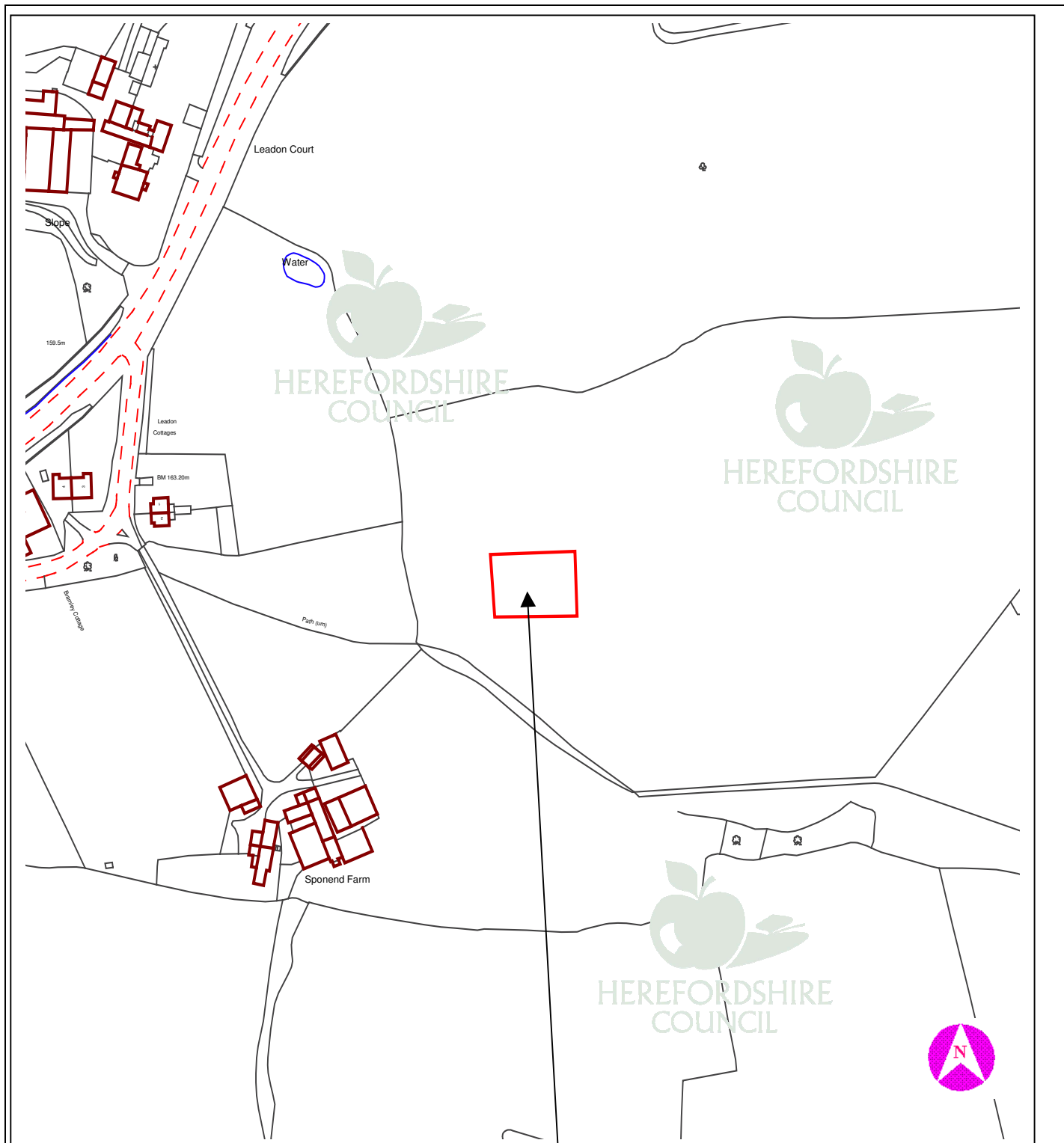
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2006/3843/F

SCALE : 1 : 2500

SITE ADDRESS : The Sponend Farm, Fromes Hill, Ledbury, Herefordshire, HR8 1HT

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10 DCNE2006/4028/F - PROPOSED LIVESTOCK BUILDING AT THE SPONEND FARM, FROMES HILL, LEDBURY, HEREFORDSHIRE, HR8 1HT.

For: Mr. R. Coleman per McCartneys, 54 High Street, Kington, Herefordshire, HR5 3BJ.

Date Received: 27th December, 2006 Ward: Frome Grid Ref: 68595, 46512

Expiry Date: 21st February, 2007

Local Member: Councillor R.M. Manning

1. Site Description and Proposal

- 1.1 The application seeks full planning permission for the erection of a livestock building on a site a short distance to the north of the proposed agricultural worker's mobile home, within the same field at Sponend Farm, Fromes Hill.
- 1.2 The site occupies a relatively isolated location approximately 100 metres to the north east of the main farm complex of Sponend Farm and 150 metres to the east of two independently occupied cottages. It is accessed by an existing track that is a public bridleway. The land is currently used for grazing and the site is positioned in the corner of the field on an east-facing slope. Well-established hedgerows from the northern and western boundaries whilst aspects to the south and east are open with distant views to the Malvern Hills.
- 1.3 The application is made subsequent to 2 applications involving a livestock building, listed at section 3 - planning history. The application is considered alongside that for a temporary mobile home for an agricultural worker (ref: NE2006/3843/F), made by the same applicant on land in his ownership.
- 1.4 The building would have a simple rectangular plan and appear typical of modern livestock buildings, with 7 open fronted bays to the front and Yorkshire boarding above blockwork to the rear. 32m x 13.7m, the gross floor area would be 438 square metres. Height to the ridge would be just in excess of 6m.
- 1.5 The applicant owns 80 acres at Sponend, of which the site for the mobile home and agricultural buildings are part. The farmhouse and buildings are tenanted on short term agreements, with a further 20 acres tenanted at Sponend and 120 acres taken on a Farm Business Tenancy at Stretton Grandison (4 miles away). In essence, therefore, because of land ownership issues the applicant seeks to establish what would effectively become a new farmstead in open countryside within close proximity of the existing.

2. Policies

2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft)

E13 – Agricultural and forestry development

Planning Policy Statement 7 – Sustainable Development in Rural Areas

3. Planning History

NE03/1796/S – General purpose shed housing livestock, straw and machinery - Planning permission required
NE05/0092/F – General purpose farm building for livestock/machinery -Withdrawn
NE05/2021/F – Erection of agricultural livestock building -Refused

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Traffic Manager - No objection.

4.3 Environmental Health - No objection.

4.4 County Land Agent - Has responded to this proposal and the proposed temporary dwelling under the same heading. The observations are incorporated within the Officers Appraisal.

4.5 Conservation Officer - "The application site neither coalesces with the existing dwellings adjacent to the main road and Sponed Farm, nor is it remote from them. I believe that the development of a new farm holding in open countryside must be considered in relation to all necessary ancillary buildings to ensure integration into the wider landscape ... the application site is not widely overlooked and specific detrimental impact upon the landscape character or important views would be difficult to define. If the application were to be approved it would be necessary to require detailed landscaping for the scheme for the site reinforcing existing hedge boundaries, creating new hedge boundaries and incorporating some additional tree planting. On balance I would recommend refusal. Submission of a more comprehensive scheme with more detail and strong justification may be acceptable".

5. Representations

5.1 Parish Council - The Parish Council observed that there were no detailed plans for the structure and reserve comment. They do not comment unequivocally, but voice concern at the proposal to erect a house for 6 people and agricultural building(s), which they consider would be of detriment to the visual amenity of the Area of Great Landscape Value.

5.2 The Campaign to Protect Rural England - Objection. The proposed building would detract significantly for the visual amenity (of the area) and should be sited close to the other farm buildings.

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

6. Officers Appraisal

- 6.1 The key issue in the determination of this application is the impact that the development would have upon the surrounding landscape.
- 6.2 The application relates to the proposal for temporary agricultural worker's accommodation also made by the applicant (ref: DCNE2006/3843/F). The building would be used for the housing of livestock within 400m of protected buildings, although the Environmental Health Manager raises no objection on amenity grounds.
- 6.3 Policy E13 (Agricultural and forestry development) requires that proposals be sited with existing groups of buildings where practicable or sited so as to be readily assimilated into the landscape where this can not be achieved. Proposals should also relate well to the landscape in terms of scale, design, colour and materials.
- 6.4 In this case, land ownership issues prevent a siting closer to the existing farmstead. Moreover the Landscapes Officer has identified that the site is not readily overlooked from public vantage points and the harm to the landscape is thus difficult to define. The site is already well screened around the majority of the field margins, although this can be reinforced where appropriate incorporating hedgerow trees.
- 6.5 The building is a necessary accompaniment to the accommodation sought under NE2006/3843/F and is recommended for approval subject to conditions.

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 - B10 (Details of cladding (agricultural and industrial buildings))

Reason: To minimise the visual impact of the development.

3 - G04 (Landscaping scheme (general))

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

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

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

5 - 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.

Informative:

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

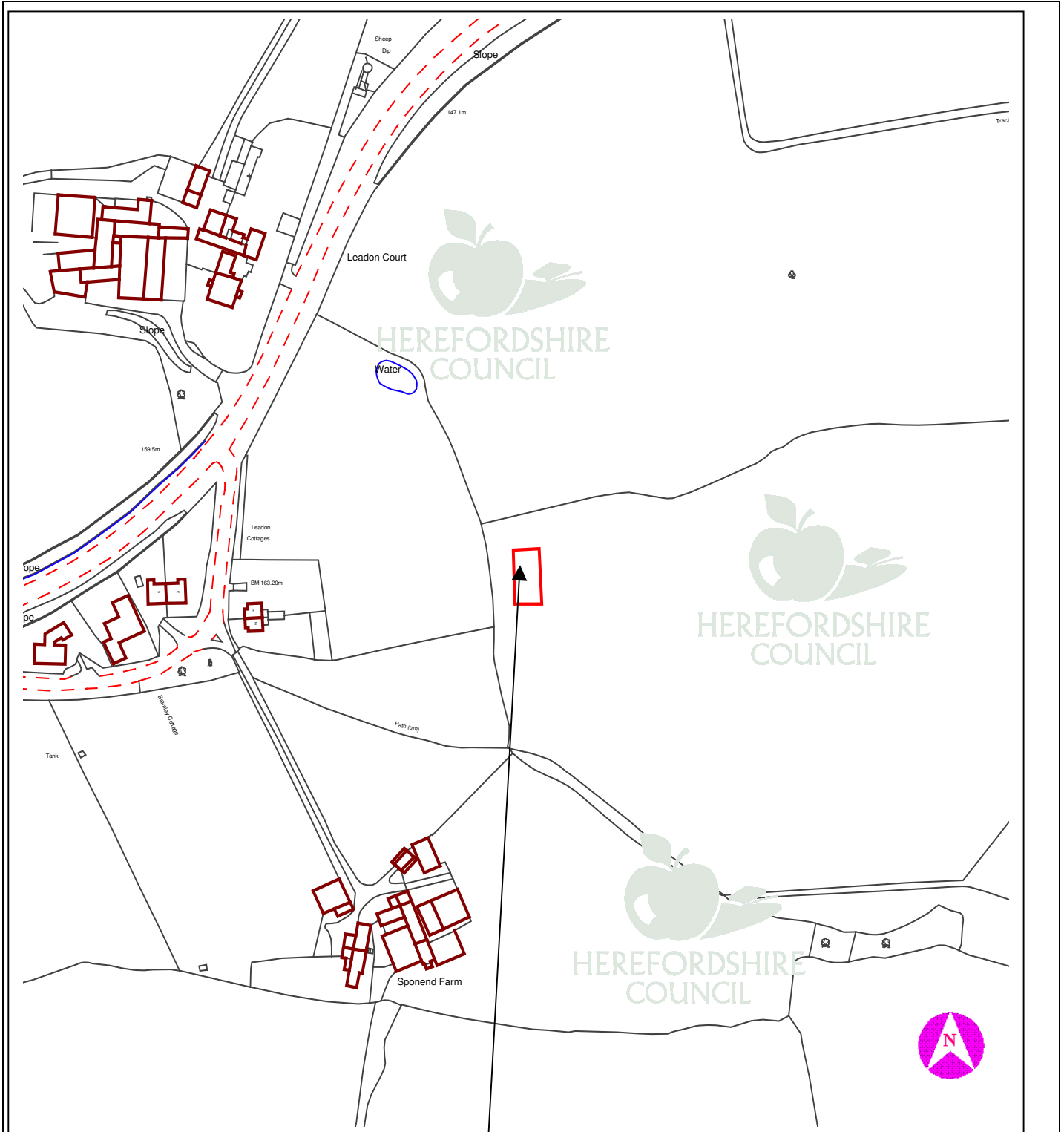
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2006/4028/F

SCALE : 1 : 2500

SITE ADDRESS : The Sponend Farm, Fromes Hill, Ledbury, Herefordshire, HR8 1HT

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11 DCNC2007/0404/F - ALTERATIONS AND EXTENSION TO EXISTING DWELLINGS TO FORM 3 NO. COTTAGES AT TREWEN HOUSE, NEW STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DP.

For: Mortimer Projects per James Morris Associates, Stocks Tree Cottage, Kings Pyon, Herefordshire, HR4 8PT.

**Date Received: 5th February 2007 Ward: Leominster North Grid Ref: 49502, 59196
Expiry Date: 2nd April 2007**

Local Members: Councillor J.P. French and Councillor Brig P. Jones

1. Site Description and Proposal

- 1.1. This application relates to a property known as Trewen House, a vacant property lying immediately adjacent to the roadside on New Street, Leominster.
- 1.2 It is rendered with a tiled roof and appears as part of a terrace of buildings. A separately owned commercial business is linked to the east and it has a brick wing that extends to the rear. This includes an element of residential use.
- 1.3 The building lies at the edge of Leominster's town centre and Conservation Area. Residential dwellings lie to the rear, whilst a range of residential and commercial buildings lie to the west and south. The area has no strong architectural character with a mix of old and new buildings.
- 1.4 The proposal seeks to extend Trewen House to the rear and intensify its use as residential accommodation from two to three units. Apart from renovation works, the front elevation remains unaltered. The extension to the rear comprises two projecting gables and a lean to element closest to the eastern boundary and the adjoining residence. The extension will be finished with a roughcast render and tiled roof to match the existing building.

2. Policies

2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 - Sustainable development
DR1 - Design
H13 - Sustainable residential design
H15 - Density
H16 - Car parking
H17 - Sub-division of existing housing
H18 - Alterations and extensions

3. Planning History

- 3.1 NC06/3121/F - Alterations and extension to existing dwellings to form three cottages - Withdrawn.

The application was withdrawn following concerns regarding the raising of the ridge height of the existing building and the proximity of the extension to adjoining residential dwellings causing direct overlooking and overbearance.

4. Consultation Summary

Statutory Consultations

- 4.1 None required

Internal Council Advice

- 4.2 Transportation Manager - no cycle parking shown. If provided in accordance with Highways Design Guide the development would be acceptable. Provision should be within the curtilage of each dwelling.

5. Representations

- 5.1 Leominster Town Council - Recommends refusal for reasons of overdevelopment. Two properties would be more appropriate for the size of site.
- 5.2 Welsh Water - The proposed development would overload the existing public sewerage system. Improvements are planned for completion by 1st April 2008.

The proposal is considered to be premature and, therefore, Welsh Water objects, unless a condition can be attached to prevent occupation prior to the completion of these works.

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

6. Officers Appraisal

- 6.1 The concerns previously expressed, relating to proximity and overlooking, have been addressed through the re-design of the rear extension. This has occurred through the use of the lean-to at the closest point to the neighbouring dwelling and has removed the situation of two opposing windows at first floor level. An existing first floor window is retained and a bathroom window proposed in the new extension. Subject to a condition requiring the latter to be obscure glazed, this is considered to be acceptable. It should also be noted that the neighbours have been consulted but have not maintained their original objection.
- 6.2 The town council object on the basis of over-development and suggest that two houses are more acceptable. This is the current use of the site. They do not raise an objection to the extension as such.
- 6.3 The site is at the edge of the town centre and is, therefore, sustainable. Because of this, the provision of car parking can be waived on the proviso that bicycle parking is

provided. Subject to a suitably worded condition, this can be achieved and addresses the comments of the Transportation Manager.

- 6.4 A small private courtyard is available for each of the dwellings, and the fact that all of these can be provided, leads your officers to conclude that the proposal does not constitute over-development and is, therefore, acceptable in this respect.
- 6.5 Welsh Water's concerns can be readily addressed through the imposition of a condition. It is considered unreasonable, however, to prevent occupation of two of the houses, given that they already exist and could be occupied, without any further permission. It is, therefore, suggested that occupation of the third house is prevented until the improvement works are completed. Similarly, to require surface water to be dealt with separately, when it is already discharging to the mains sewer, is considered to be unreasonable,
- 6.6 On this basis the application is considered to accord with policy and is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - B02 (Matching external materials (extension))

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

3 - E19 (Obscure glazing to windows and to be maintained as such in perpetuity)

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

4 - H29 (Secure cycle parking provision)

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

5 - The third dwelling hereby approved shall not be occupied until essential improvement works to the public sewerage system have been completed and the local planning authority advised of this in writing, or until 1st April 2008 whichever is the sooner.

Reason: To mitigate the existing hydraulic overloading of the public sewerage system.

Informatives:

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

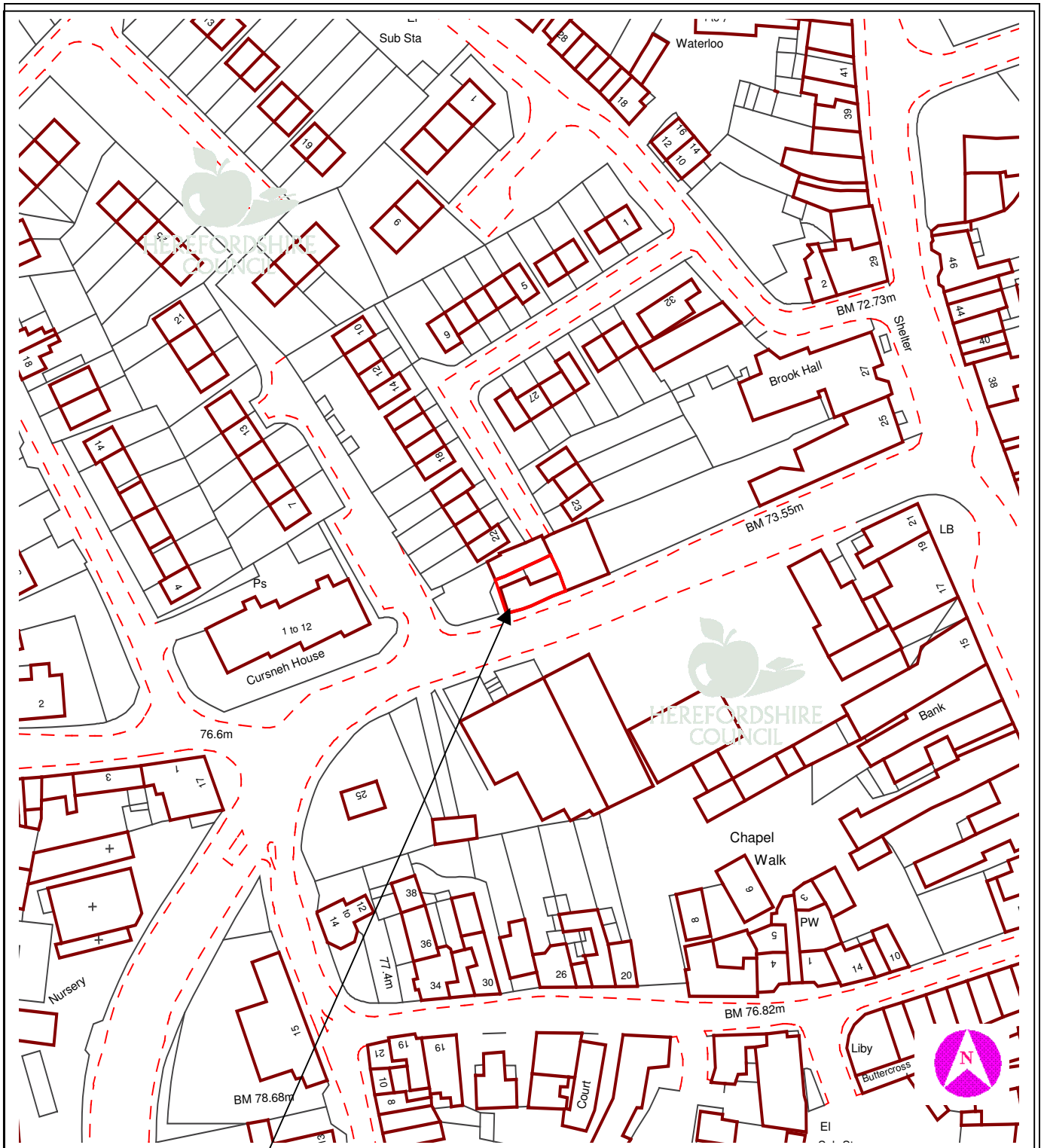
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2007/0404/F

SCALE : 1 : 1250

SITE ADDRESS : Trewen, New Street, Leominster, Herefordshire, HR6 8DP

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