

A G E N D A

Northern Area Planning Sub- Committee

Date: **Tuesday, 29th May, 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:

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Tel 01432 260248*

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Northern Area Planning Sub-Committee

To: Councillors Mrs. L.O. Barnett, W.L.S. Bowen, R.B.A. Burke, Miss M.E. Cooper, Mrs. J.P. French, J.H.R. Goodwin, K.G. Grumbley, J.W. Hope MBE, B. Hunt, R.C. Hunt, T.W. Hunt, T.M. James, Brig. P. Jones CBE, R. Mills, Mrs. P.M. Morgan, R.J. Phillips, A. Seldon, R.V. Stockton, J. Stone, Dr. K. Swinburne and P.J. Watts

	Pages
<p>1. ELECTION OF CHAIRMAN FOR THE ENSUING YEAR.</p> <p>To note that the Chairman was due to be elected at Annual Council on 25th May, 2007.</p>	
<p>2. APPOINTMENT OF VICE-CHAIRMAN</p> <p>To note that the Vice Chairman was due to be appointed at Annual Council on 25th May, 2007.</p>	
<p>3. APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
<p>4. DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p>5. MINUTES</p> <p>To approve and sign the Minutes of the meeting held on 24th April, 2007.</p>	1 - 10
<p>6. ITEM FOR INFORMATION - APPEALS</p> <p>To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.</p>	11 - 14
<p>7. APPLICATIONS RECEIVED</p> <p>To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary.</p> <p>Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.</p> <p>Agenda item 8 is an application deferred for a site inspection at the previous meeting and items 9 to 20 are new applications.</p>	

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| 8. | <p>DCNC2007/0715/F - CHANGE OF USE FROM STABLES TO DOG KENNELS FOR ANIMAL RESCUE CHARITY AT MEADOW BANK RIDING CENTRE, HAMNISH, LEOMINSTER, HEREFORDSHIRE, HR6 0QN</p> <p>For: Mrs C Smith, Linton Design, 27 High Street, Bromyard, Herefordshire, HR7 4AA</p> <p>Ward: Leominster South</p> | 15 - 18 |
| 9. | <p>DCNW2007/0744/F - DEMOLITION OF RESIDENTIAL CARE FACILITY AND THE ERECTION OF 12 AFFORDABLE HOUSING UNITS, ASSOCIATED CAR PARKING AND LANDSCAPING AND ALTERATIONS OF EXISTING ACCESS AT KINGSWOOD HALL, KINGSWOOD ROAD, KINGTON, HEREFORDSHIRE, HR5 3HE</p> <p>For: South Shropshire Housing Association, Savills Commercial Ltd, Caxton House, 1 Fore Street, Birmingham, B2 5ER</p> <p>Ward: Kington Town</p> | 19 - 30 |
| 10. | <p>DCNW2007/0773/F - EXTENSION TO FORM SINGLE GARAGE (SUBSEQUENT TO PLANNING PERMISSION DCNW/2004/3925/F) ON LAND ADJACENT TO EAST COTTAGE, ALMELEY, HEREFORD, HEREFORDSHIRE, HR3 6LF</p> <p>For: Cherry Orchard Developments Ltd, Axys Design, 30 Grove Road, Hereford, HR1 2QP</p> <p>Ward: Castle</p> | 31 - 36 |
| 11. | <p>DCNW2007/0972/F - PROPOSED CHANGE OF USE FROM RESIDENTIAL OUTBUILDING FOR BUSINESS USE (OUTSIDE CATERING FOR A TEMPORARY PERIOD OF TWO YEARS) AT THE RED HOUSE, DILWYN, HEREFORD, HEREFORDSHIRE, HR4 8JS</p> <p>For: Mr Bailey</p> <p>Ward: Golden Cross with Weobley</p> | 37 - 44 |
| 12. | <p>DCNW2006/3986/O - SITE FOR RESIDENTIAL DEVELOPMENT OF 46 DWELLINGS AT LAND WEST OF OLD EARDISLEY ROAD, KINGTON, HEREFORDSHIRE</p> <p>For: Mr & Mrs T Watkins per Mr J Spreckley, Brinsop House, Brinsop, Hereford, HR4 7AS</p> <p>Ward: Kington Town</p> | 45 - 56 |
| 13. | <p>DCNW2007/0603/F - PROPOSED ERECTION OF 12 DWELLING UNITS AND ANCILLARY GARAGES AT LAND ADJACENT TO WEOBLEY METHODIST CHAPEL WEOBLEY.</p> <p>for: Border Oak Design & Construction Ltd, Kingsland Sawmills, Kingsland, Leominster, Herefordshire, HR6 9SF</p> <p>Ward: Golden Cross with Weobley</p> | 57 - 68 |

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| 14. | DCNW2007/1277/F - PROPOSED FIRST FLOOR EXTENSION, NEW FRONT PORCH AND ALTERATIONS AT DUNELM, WEST STREET, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE, HR6 9DX | 69 - 74 |
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| | Ward: Pembridge & Lyonshall with Titley | |
| 15. | DCNC2007/0586/O - SITE FOR DWELLING FOR A RURAL ENTERPRISE AT THE OLD BLACKSMITH'S SHOP, DOCKLOW, LEOMINSTER, HEREFORDSHIRE | 75 - 80 |
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| | For: Mr N Williams per Wall, James & Davies 15-23 Hagley Road Stourbridge West Midlands DY8 1QW | |
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| | Ward: Upton | |
| 19. | DCNC2007/0952/F - RETENTION OF TWO COLD STORAGE UNITS AND SOUND REDUCING SCREEN AT TROUGHLES FINE FOOD LTD, UNIT 12 CLINTON ROAD, LEOMINSTER, HEREFORDSHIRE HR6 0RJ | 101 - 106 |
| | For: Troughles Fine Foods Ltd per Mr Morris, Stocks Tree Cottage, Kings Pyon, Hereford, HR4 8PT | |
| | Ward: Leominster South | |

20. **DCNC2007/0506/F AND 21 - DCNC2007/0507/C - CHANGE OF USE TO A4 (DRINKING ESTABLISHMENT). DEMOLITION OF SINGLE STOREY REAR EXTENSION AND OUT-BUILDING AND NEW REAR EXTENSION. FORMER POST OFFICE COUNTERS LTD, CORN SQUARE, LEOMINSTER, HEREFORDSHIRE** | 107 - 116

For: J.D. Wetherspoon plc per Lawrence Beckingham Field LLP The Sail Loft Limehouse Court 3-11 Dod Street London E14 7EQ

Ward: Leominster South

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday, 24th April, 2007 at 2.00 p.m.

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

Councillors: B.F. Ashton, Mrs. L.O. Barnett, P.J. Dauncey, Mrs. J.P. French, J.H.R. Goodwin, P.E. Harling, B. Hunt, T.W. Hunt, Brig. P. Jones CBE, R.M. Manning, R.J. Phillips, D.W. Rule MBE, J. Stone and J.P. Thomas

171. APOLOGIES FOR ABSENCE

Apologies were received from Councillor RBA Burke

172. DECLARATIONS OF INTEREST

Councillor	Item	Interest
Cllr Mrs LO Barnet	Agenda item 7, Minute 177 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	Declared a personal interest and remained in the meeting.
Cllrs P Jones and J.P. Thomas	Agenda Item 12, Minute 182 DCNC2007/0861/F - proposed single storey extension to provide additional bedroom accommodation at The Forbury Residential Home, Church Street, Leominster	Declared a prejudicial interest and left the meeting for the duration of this item.

173. MINUTES

RESOLVED: That the Minutes of the meeting held on 28th March, 2007 be approved as a correct record and signed by the Chairman.

174. ITEM FOR INFORMATION - APPEALS

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

175. TREE PRESERVATION ORDER 529, LARKRISE, KNAPP LANE, LEDBURY

The Senior Landscape Officer presented a report about the representations made in relation to proposals for a Tree Preservation Order (TPO) upon trees in the grounds of Larkrise, Knapp Lane, Ledbury. He said that an objection had been received from the owner of the site who wished to develop it. The objection related to a cherry tree which the owner said had a limited life expectancy of ten to twenty years and that it did not contribute to the future well-being or setting of the other trees within the TPO.

Having considered details of the application and the representations received, the Committee concurred with the views of the Senior Landscape Officer that it should be confirmed.

RESOLVED

THAT Tree Preservation Order no.529 at Larkrise, Knapp Lane, Ledbury be confirmed

176. 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.

177. 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

Councillor RJ Phillips the Local Ward Member said that following further negotiations with the applicants, he was satisfied with the proposals put forward in respect of off-street parking to serve the local school.

RESOLVED

- 1) 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 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:**
- 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.**

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**

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

178. DCNE2006/4018/F - PROPOSED TRACK AND CAR PARK TO ALLOTMENT SITE AT FIELD NO'S 0363 AND 0824 OFF ROSS ROAD, LEDBURY (OPP RUGBY CLUB)

The Principal Planning Officer said that a further letter of representation had been received from the agent for the applicant making the following points:

- the report omitted the applicant's offer to spread a layer of top soil onto the proposed track and to spread grass seed in order to promote the growth of grass and the CPRE view that this would ensure minimal impact on the landscape;
- the report failed to mention Policy CF5 of the Unitary Development Plan that provided support for the provision of community facilities;
- the site was within easy walking distance of a number of houses on the south-western side of town and it was an Officer assumption that users are unlikely to arrive by bus;
- the association was confident that due to the profile of their members at least 50% (and probably higher) of trips to the site would be by means other than car;
- following a survey of allotment association's members, the association was confident that at least 75% of trips to the site would be either by foot or bicycle. The survey only revealed seven members who would travel to the allotments by car;
- a significant proportion of the roadside hedge could be retained;
- the proposed replacement hedge would only take 1 or 2 years to establish itself, not 20 ;
- there was a contradiction in the Council's Landscape Assessment - The Council was attempting to retain a riverside meadow whilst proposing a wet woodland in mitigation;
- the applicant had offered the planting of a hedgerow on the western side of the proposed access track;
- the issue of the requirement for future storage buildings was not a matter under consideration; and
- the report failed to stress the support for the proposal afforded by policies S8 and RST1.

The Principal Planning Officer said that the officer response to these issues is as follows:

- the undertaking to spread soil and grass seed on the proposed track surface is welcomed in principle but unlikely to be successful in practice with the following likely:
 1. if the work was carried out as an autumn sowing, the first winter flooding would wash the material away before establishment,
 2. If the work was carried out as a spring sowing, dry summer conditions would cause the sowing to fail due to drought stress;
- Gilbert & Anderson – Habitat Creation & Management (1998 OUP) explained at some length the difficulties of grassland establishment in non-normal conditions as well as normal. The likelihood of floristic habitat establishment in this situation was low that even should the application be approved, a condition requiring the seeding of this track would be unreasonable;
- Policy CF5 of the Unitary Development Plan related to the provision of community facilities (to the general public) within buildings as opposed to open-air recreational uses. Nevertheless it was accepted that in addition to being a recreational facility the provision of allotments may afford a wider community benefit;
- the allotments would be approximately 520 metres from the Ross Road, approximately 800 metres to the south-west of the Ross Road (A449) and A417 roundabout and approximately one mile from the central parts of the primary residential areas of Ledbury;
- whilst the association surveys may represent the intentions of members, it may be a different matter when actual usage occurs and, particularly some years hence, is measured. There did not appear to have been any survey work relating to existing allotment sites in other locations in terms of distances travelled and modes of transport used. The application drawing showed the provision of 16 car parking spaces, presumed to be based on the applicant's anticipated need;
- the Officer's recollection of the site meeting was different to the Agent - it was clearly demonstrated (sighting between garden canes) that approximately half of the hedge along the 160 metres of visibility splay would need to be removed and a further 10-15m would probably be no longer viable, having been reduced so much as to cause individual plants to fail. This was a significant proportion to be removed and a significant section of it would be required to be removed for the visibility splay to be achieved contrary to policy LA5. Although it was possible to recreate a hedge of the same height in two years, the same maturity of width and density would take a considerably longer period of time;
- landscape character – little could be added other than that the preferred option would be to have a restoration of the floristic value of the riverside meadow. No change in the character of the meadows would be preferred and development should be avoided. If an access track or any other feature was to be approved, then assimilation should be attempted. The Officers did not consider the introduction of the track into the landscape acceptable and that it would have a detrimental impact on the character of the landscape

- grassing over – during the site meeting it was confirmed that agricultural access tracks were an element in most agricultural landscapes. It was pointed out that they are not necessarily a defining element in a landscape and the typically wet conditions in low lying landscapes often discouraged the repeated use of one track.
- whilst the Allotment Association were willing to undertake landscaping, there was insufficient land within their control to secure an appropriate scheme.

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

Councillor DW Rule one of the Local Ward Members said that the Ledbury Allotments Association had been searching for a suitable site for a number of years. The application site had been identified as being the only one available that was within a reasonable distance of the town. He said that there was a strong community need for allotments in the area and the Association had found that the likelihood of finding a more appropriate site closer to the Town at a price that was affordable to them was unlikely. He pointed out that the owner of the land frequently held sales of agricultural vehicles and car boot sales upon it and felt that the existing access was adequate and would not necessitate removal of the hedge.

Councillor BF Ashton another Local Ward Member concurred with the views of Councillor Rule and felt that the access track way and allotments would not be too obtrusive on the landscape. The Principal Planning Officer reiterated the planning and ecological grounds for refusing the application. The Sub-Committee discussed the merits of a site inspection but noted that any further delays could result in the association losing the site. Councillor Mrs JP French felt that if permission was granted there should be careful controls over any sheds that were erected on site. The Northern Team Leader advised that there were no permitted development rights and that planning permission would need to be sought for such facilities.

Having considered all the aspects of the application, the Sub-Committee felt that notwithstanding the advice of the Officers, permission should be granted.

RESOLVED:

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

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

179. DCNC2007/0623/F - PROPOSED HOUSING DEVELOPMENT TO CREATE SIX DWELLINGS AT THE BUNGALOW, RYELANDS ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8PE

Councillor JP Thomas one of the Local Ward Members had a number of concerns about the application. He felt that the proposal constituted over-development of the site, that there would be an adverse impact on the amenity of neighbours and that the access near to a bend in the road would not be safe for motorists. Councillors Mrs JP French and Bf Ashton shared these concerns and considered that the proposed density whilst possibly appropriate for a large urban area, was completely out of keeping with the character of a market town. The Sub-Committee endorsed the views of the Local Ward Member and considered that the application should be refused.

RESOLVED:

That (i) The Northern Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the application to the Planning Committee:

- 1. overdevelopment;**
- 2. vehicular access; and**
- 3. character and design**

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

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

180. DCNC2007/0715/F - CHANGE OF USE FROM STABLES TO DOG KENNELS FOR ANIMAL RESCUE CHARITY AT MEADOW BANK RIDING CENTRE, HAMNISH, LEOMINSTER, HEREFORDSHIRE, HR6 0QN

RESOLVED:

That a site inspection be held for the following reasons:

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

In accordance with the criteria for public speaking, Mrs Smith the applicant decided to defer her right to speak until the application came back to the Sub-Committee.

181. DCNC2007/0665/RM - DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF 6 DWELLINGS AT DOWNES GARAGE, 70A, SOUTH STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8JF

The Northern Team Leader said that it would not be necessary to include conditions 2, 6 and 7 set out in the report because these were already part of the original permission.

Councillor JP Thomas one of the Local Ward Members had some concerns about the application because vehicular access was through an existing archway and vehicles leaving the site would do so over a pavement straight onto a busy road and have limited visibility. Whilst acknowledging the concerns of the Local Member, the Sub-Committee noted that the application was one for reserved matters and felt that it would be difficult to sustain a refusal.

RESOLVED

That the application for Reserved Matters be granted subject to the following conditions:

1 - A09 (Amended plans)

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

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

Reason: In the interests of visual amenity.

3 - C05 (Details of external joinery finishes)

Reason: In the interests of visual amenity.

4 - G01 (Details of boundary treatments)

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

5 - H27 (Parking for site operatives)

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

6 - Notwithstanding the plans hereby approved and before development commences, details of the provision of secure cycle storage within the curtilage of each dwelling shall be submitted to and approved in writing by the local planning authority.

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

Informative:

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

**182. DCNC2007 0861 F THE FORBURY RESIDENTIAL HOME CHURCH ST
LEOMINSTER**

It was reported that the following representations had been received after the report had been produced:

Dr S. M. G. Crosland, Priory Croft, Leominster. Objection summary:

- inappropriate to setting of Listed Building;
- would conflict with Conservation Area;
- inappropriate materials used on drive and parking area for previous extension;
- lighting in and around existing extension causes nuisance and proposal would cause further light pollution;
- garden although reduced from previous extensions provides a pleasant environment; and
- ongoing disturbance of works on property over 12 years.

In accordance with the criteria for public speaking, Dr Crossland spoke against the application.

The Sub-Committee noted the concerns of the applicant and asked for appropriate conditions to be included in the planning permission to minimise the effect of light pollution to her property and that of her neighbour. It was also agreed to add a condition to ensure that provision was made for construction workers to park within the cartilage of the application site and not on adjoining roads.

RESOLVED

That planning permission be granted subject to appropriate conditions to minimise the effect of light pollution to the properties of the objectors, and 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 - C05 (Details of external joinery finishes)

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

4 - D01 (Site investigation - archaeology)

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

- 5 - E10 (Use restricted to that specified in application)

Reason: To suspend the provisions of the Town and Country Planning (Use Classes) Order currently in force.

- 6 - E18 (No new windows in specified elevation)

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

- 7 - F32 Details of floodlighting/external lighting

Reason: To safeguard local amenities.

- 7 - G02 (Landscaping scheme (housing development))

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

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

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

- 9 – H27 (Parking for site operatives)

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

- 9 - 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.

- 10 - H30 (Travel plans)

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

INFORMATIVES:

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

- 2 - HN25 - Travel plans

- 3 - N19 - Avoidance of doubt

183. DATE OF NEXT MEETING

29th May, 2007

The meeting ended at 3.15 p.m.

CHAIRMAN

6 ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCNW2006/3338/F**

- The appeal was received on 12th April 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 Haywood Developments Ltd
- The site is located at Former Keeble Timber Yard, Kinnersley, Hereford, HR3 6QD
- The development proposed is Conversion and alteration of offices and workshop to create four live/work units including demolition of factory sheds.
- The appeal is to be heard by Hearing

Case Officer: Phillip Mullineux 01432 261808**Enforcement Notice EN2006/00164/ZZ**

- The appeal was received on 18th April 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 D Welson
- The site is located at Newhouse Farm, Hergest, Kington, Herefordshire, HR5 3EW
- The breach of planning control alleged in this notice is
Without planning permission, the material change of use of the land from that of agriculture to the siting of three caravans (one of which is being used for residential purposes) and one portacabin.
- The requirements of the notice are
 - Cease the residential use of the land.*
 - Permanently remove the caravans from the land.*
 - Permanently remove the portacabin from the land.*
 - Remove all materials resulting in the removal of the three caravans and portacabin from the land.*
- The appeal is to be heard by Inquiry

Case Officer: Kelly Gibbons on 01432 261781**Application No. DCNC2007/0201/F**

- The appeal was received on 19th April 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 C Mackenzie
- The site is located at Land at Court Farm, Tedstone Wafre, Bromyard, Herefordshire, HR7 4PP
- The development proposed is Proposed holiday chalet
- The appeal is to be heard by Written Representations

Case Officer: Julia Shields on 01432 261560

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

Application No. DCNW2007/0193/O

- The appeal was received on 19th April 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 M.P. & P.M Bashford
- The site is located at Land adjacent to village hall, Bircher, Leominster, Herefordshire, HR6 0BL
- The development proposed is Site for one residential building plot.
- The appeal is to be heard by Written Representations

Case Officer: Kelly Gibbons on 01432 261781

Application No. DCNC2007/0737/L

- The appeal was received on 30th April 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 Preservation
- The site is located at Forbury Chase, Sherford Street, Bromyard, Herefordshire, HR7 4DL
- The development proposed is retention and conversion of the existing schoolhouse.
- The appeal is to be heard by Written Representations

Case Officer: Andrew Banks on 01432 383085

Application No. DCNC2006/2860/F

- The appeal was received on 30th April 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 & B Motors
- The site is located at J & B Motors, Burley Gate, Hereford, Herefordshire, HR1 3QS
- The development proposed is Demolition of workshop and buildings and erection of replacement MOT workshop and one single storey dwelling with parking.
- The appeal is to be heard by Hearing

Case Officer: Nigel Banning 01432 383093

Application No. DCNE2006/3151/F

- The appeal was received on 2nd May 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 Miss J Brobyn
- The site is located at 35 & 36 Lower Road, Ledbury, Herefordshire, HR8 2DH
- The development proposed is New parking/turning area, replace kerbstones of pavement with drop kerbstones
- The appeal is to be heard by Written Representations

Case Officer: Roland Close on 01432 261803

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

APPEALS DETERMINED

Application No. DCNW2006/0982/F

- The appeal was received on 30th August 2006
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Downton Estate Ltd
- The site is located at Pryce's Barn, Downton Estate Nr Leintwardine, Herefordshire
- The application, dated 22nd March 2006, was refused on 16th May 2006
- The development proposed was Conversion of redundant agricultural building to residential use.
- The main issues are the effect of the proposed development on the character and appearance of the surrounding countryside, including the landscape and whether, having regard to the location, it would represent sustainable development.

Decision: The appeal was DISMISSED on 17th April 2007

Case Officer: Philip Mullineux on 01432 261808

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

8 DCNC2007/0715/F - CHANGE OF USE FROM STABLES TO DOG KENNELS FOR ANIMAL RESCUE CHARITY AT MEADOW BANK RIDING CENTRE, HAMNISH, LEOMINSTER, HEREFORDSHIRE, HR6 0QN

For: Mrs C Smith, Linton Design, 27 High Street, Bromyard, Herefordshire, HR7 4AA

Date Received:

6th March 2007

Ward:

Leominster South

Grid Ref:

52631, 58610

Expiry Date:

1st May 2007

Local Members: Councillor RBA Burke & Councillor RC Hunt

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

1. Site Description and Proposal

- 1.1 This application relates to a redundant stable building that forms part of a larger group of agricultural buildings at Meadow Bank, Hamnish. It is a single storey painted brick structure that runs approximately north/south, lying to the north-east of the principal dwelling. Vehicular access is gained via an existing entrance to the north.
- 1.2 The application seeks to change the use of the building from stables to kennelling for dogs. The applicant intends to create a rescue facility for up to 12 dogs with a desire for them to be re-homed.
- 1.3 The applicant's agent has advised that the kennels will provide accommodation for a maximum of 12 dogs and that members of the public will be permitted to make visits on an appointment only basis.

2. Policies

- 2.1 Herefordshire Unitary Development Plan

E11 – Employment in the smaller settlements and open countryside
HBA12 – Re-use of rural buildings

3. Planning History

- 3.1 None relevant to this application.

4. Consultation Summary

Statutory Consultations

- 4.1 None required

Internal Council Consultations

4.2 Transportation Manager - No objections

4.3 Head of Environmental Health and Trading Standards - Comments as follows:

'I have some concerns regarding this application due to the potential for it to affect the amenity of the area and give rise to complaints from nearby residents, notably at the properties known as Colaba and Juniper. Although I have asked for additional information from the applicants agent regarding exercise areas, operating hours and the management of the kennels, the information provided is limited. As management of a business such as this greatly affects the noise emissions, I believe a temporary permission would be advisable in order that further consideration can be made to noise once the business is operational. Although there is the potential for noise from the proposed kennels, I am satisfied that with suitable conditions concerning a noise management scheme and the limiting the number of dogs kept on site the business can operate without detriment to the amenity of the area.

I would also query as to the ownership of the site as if the kennels are in separate ownership to Meadow Bank House, this would raise serious noise concerns due to the close proximity of residential accommodation not related to the kennels, I therefore believe a condition restricting the site of the kennels should be attached to the permission.'

5. Representations

5.1 Leominster Town Council - Recommends approval

5.2 Three letters of objection have been received from the following:

Mr & Mrs Young, Juniper, Hamnish
Mrs M. Ffello, 1A Meadow Bank Park, Hamnish
Mr P. Guest, Colaba Lodge, Hamnish

5.3 A petition with 15 signatories has also been received. In summary the points raised are as follows:

Concerns about increases in noise level.
Inappropriate mix of uses in close proximity to one another
The proposal will add traffic movements to an already over used and dangerous entrance.
Concerns about the lack of supervision of dogs that are already on site.

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

6. Officers Appraisal

6.1 The comments of the Environmental Health Officer comprehensively cover the issue of noise and recommend a series of conditions that will properly cover the concerns that have been raised. The suggestion that a temporary permission be granted in the first instance is considered to be reasonable in order that a re-assessment of the situation can be made in light of any complaints that may or may not arise. It is suggested that a period of 18 months is granted in the first instance.

- 6.2 The suggestion of a mix of inappropriate uses is mentioned only in respect of the caravan park lying to the south of the application site. The comments above in relation to noise are equally as relevant in this respect.
- 6.3 In more general terms Meadow Bank also has a legitimate planning use as a riding school and associated equestrian matters pertaining to the manufacture and sale of equipment. This is not considered to conflict with the proposed use as a kennels.
- 6.4 The applicant's agent has confirmed the number of dogs to be kept at any one time and the method by which members of the public will be able to make visits. On such a small scale the proposal will not result in a demonstrable intensification of traffic movements in and out of the site to such a degree to make the application unacceptable in terms of highway safety. Accordingly the Transportation Manager does not object to the proposal.
- 6.5 It is therefore concluded that the application does accord with policy and it is recommended for approval on a temporary basis in the first instance.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - E20 (Temporary permission)

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

- 2 - E15 (Restriction on separate sale)

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

- 3 - F02 (Scheme of measures for controlling noise)

Reason: In order to protect the amenity of occupiers of nearby properties.

- 4 - The kennels shall accommodate a maximum of 12 dogs at any one time.

Reason: To define the terms of the permission and in the interests of residential amenity.

Informatives:

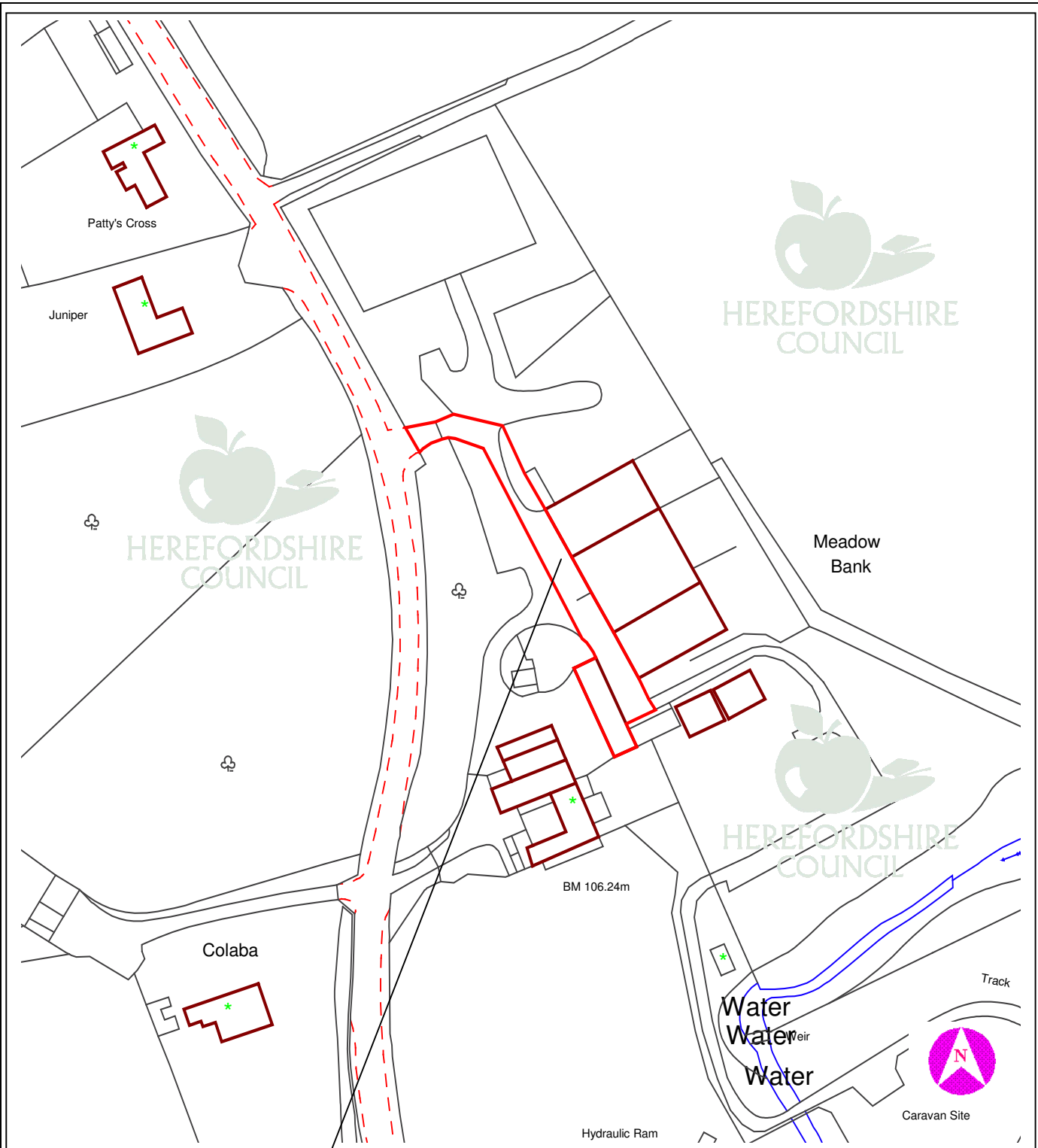
- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCNC2007/0715/F

SCALE : 1 : 1250

SITE ADDRESS : Meadow Bank Riding Centre, Hamnish, Leominster, Herefordshire, HR6 0QN

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9 DCNW2007/0744/F - DEMOLITION OF RESIDENTIAL CARE FACILITY AND THE ERECTION OF 12 AFFORDABLE HOUSING UNITS, ASSOCIATED CAR PARKING AND LANDSCAPING AND ALTERATIONS OF EXISTING ACCESS AT KINGSWOOD HALL, KINGSWOOD ROAD, KINGTON, HEREFORDSHIRE, HR5 3HE

For: South Shropshire Housing Association, Savills Commercial Ltd, Caxton House, 1 Fore Street, Birmingham, B2 5ER

Date Received:

7th March 2007

Ward:

Kington Town

Grid Ref:

29777, 55862

Expiry Date:

6th June 2007

Local Member: Councillor TM James

1. Site Description and Proposal

- 1.1 The Kingswood Hall site comprises land and buildings running to approximately 0.58 hectares and is characterised by the disused former nursing home of a T shaped form of mainly two and three storey brick buildings as well as two former residential dwellings. It is notable for the contribution of the mature trees and hedgerows both within and defining the boundary of the site. These trees, in the majority are protected by individual and group Tree Preservation Orders
- 1.2 It is located immediately to the south and east of existing dwellings comprising Kingswood and is currently accessed via an existing access point to the North end of the site. The site is approximately 0.5km from the town via an existing footpath.
- 1.3 The site slopes up in a southerly direction towards a hardstanding area and is enclosed by a wall along its eastern and southern boundary. Beyond the site is agricultural land that slopes downwards in an easterly direction and rises gently to the south. Adjoining the south of the site lies an elevated area of land that is currently the subject of an application for two dwellings, replacing the 2 unencumbered dwellings that are located on the application site.
- 1.4 The proposal is for the erection of 12 Affordable dwellings, the applicant being South Shropshire Housing Association. This will be a mix of rented and shared ownership flats and dwellings as follows:-

Type	Property	Size	Rented	Shared Ownership
Type A	4 x 2 bed, 3 person flats	70m ²	0	2
Type B	2 x 2 bed, 4 person dwellings	75m ²	2	1
Type C	3 x 3 bed, 5 person dwellings	90m ²	2	1
Type D	3 x 2 bed, 4 person bungalows	75m ²	2	2

- 1.5 The proposal has been amended to take into account concerns relating to impact on the trees protected by Tree Preservation Orders and highway safety. As such it is the amended site layout plan received on the 11th May 2007 which is the subject of this report.
- 1.6 A traffic speed survey was also undertaken and this report has been submitted and forms part of the application. A comprehensive Design and Access Statement as well as a detailed document containing local information and details of the application

2. Policies

Herefordshire Unitary Development Plan

S1 – Sustainable Development

S2 – Development Requirements

S3 – Housing

S7 – Natural and Historic Heritage

DR1 – Design

DR2 – Land Use and Activity

DR3 – Movement

DR4 – Environment

H4 – Main Villages: Settlement Boundaries

H7 – Housing in the Countryside Outside Settlements

H9 – Affordable Housing

H10 – Rural Exception House

H13 – Sustainable Residential Design

H14 – Re-using Previously Developed Land and Buildings

H15 – Density

H19 – Open Space Requirements

LA2 – Landscape Character and Areas Least Resilient to Change

LA5 – Protection of Trees, Woodlands and Hedgerows

LA6 – Landscaping Schemes

CF6 – Retention of Existing Facilities

3. Planning History

- 3.1 The application site ceased use as a residential care home in 2003 because much of the accommodation had become obsolete and failed to meet the necessary standards. It also coincided with newer care homes opening in the centre of Kington. Prior to this use the site was used by the Kington Poor Law Union Workhouse until about 1962.
- 3.2 NW2004/1439/O - Site for ten houses and site works. Demolition of Kingswood Hall Old Peoples Home - Refused 21st June 2004
- 3.3 NW99/3159 - change of use of staff flat to day nursery - Approved 11th January 2000
- 3.4 97/0576 - Construction of new residential accommodation to replace existing - involving demolition of existing hospital building and ultimately accommodation replaced. New building to be two storey with minimal link to part of existing building retained - Approved 16th September 1997.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water raises no objection subject to the imposition of conditions.

Internal Council Advice

- 4.2 The Parks and Countryside Manager makes the following comments (after discussion):

Play Provision: The development represents a potential concentration of mixed age children which is some 1.3km from the town's recreation ground. Whilst the dense area around the protected trees will afford good play value for older children there will be a need an area suitable for ball games

Amenity Provision: There is sufficient amenity area shown on plan, provided that access is not excluded by means of fencing, or future plans for further development on the site. I have agreed in principal that the area in question is properly fenced, with some seating for carers/parents and bins but provides no formal play equipment. This would still meet the policy standard. It is understood that the Applicants Agent that he is seeking approval from his client (South Herefordshire Housing) for this proposal and for the maintenance to remain with them. We would be supportive of this option as it is not cost effective in such rural areas to adopt small areas. I would also comment that the applicant in not providing play equipment is also making a saving. Existing policy H19 requires a small fenced infants play area for schemes of 10-30 family dwellings.

Sport & Leisure Provision: All developments are now asked to make a contribution towards sport and leisure services within the district. This contribution has been calculated by Sport England at £630 per dwelling, making a total contribution required of £7,560 the Sport England contribution will be used a Lady Hawkins Leisure Centre for improvements.

- 4.3 The Transportation Manager makes the following comments (amended plans):

'I can confirm that the proposed new access is satisfactory, although the visibility achievable to the north is below standard. However, given the low traffic volumes on the road, I consider that the improvement over the existing access makes the proposal acceptable. Please note that cycle parking, preferably in a locker or similar and within the curtilage of each dwelling, is not shown on the drawing. Details of requirements are in our Highways Design Guide.

Therefore recommend that the application be approved with conditions as well as well the S106 contribution stands (£1500/dwelling) for use for but not limited to improvements to pedestrian facilities between the development and Kington town centre.'

- 4.4 The Forward Planning Manager makes the following comments:

The two main policies that apply in this case are Policy H14 and Policy H10. The site is a vacant residential care facility since 2003. Given that the proposal is taking the same foot print of the care facility and is two storey in height, it is consistent with the aims of criterion 2 of Policy H14. Criterion 1 of H14 must be assessed against H10.

Policy H10 permits affordable housing outside the settlement boundary of established rural settlements. Although the site is not adjoining the settlement boundary which Policy H10 stipulates the need for affordable housing must be balanced against other considerations. The Housing Need Survey for Kington found a need for 61 affordable houses over the next 5 years. Given the high need in Kington the scheme would meet a proven need for affordable housing. The site is also within reasonable distance of Kington in terms of its location and could be served by public transport along Kingswood Road. The proposal is for all affordable housing and no market housing is proposed, therefore it fulfils the rural exception policy. Strategic Housing should be consulted on the type of affordable housing proposed

4.5 The Environmental Health Officer makes the following comments:

'I refer to the above application and make these comments in relations to contaminated land issues only.

According to our records the site has been in use since 1850's (approx), as a workhouse, hospital and residential home. There is also an old quarry 65m (quarried prior to 1850 approx) to the east of the site that is indicated on the potentially contaminative land use records (as it has the potential to have been filled at some time).

In view of the above information and because the development has a sensitive land use (ie residential development), I would recommend that a contaminated land condition is attached to any permission granted, requiring a phased investigation to ensure that the site will be made suitable for use.

4.6 The Strategic Housing Manager makes the following comments:

Strategic Housing fully supports this application to provide 12 affordable dwellings to meet an identified housing need in Kington.

This scheme will assist in meeting our priorities as identified in the Herefordshire Housing Strategy 2005-2008, to achieve a more balanced housing market and to address the increasing levels of homelessness. As well as contributing to meeting the affordable homes target set out in the UDP.

The scheme is also supported by the Housing Corporation, which has agreed funding in excess of £484,000 to enable the scheme to proceed.

4.7 The Conservation Manager makes the following comments:

This will be updated verbally in response to the amended plans.

5. Representations

5.1 Kington Town Council makes the following comments on the original plans (any further comments will be updated verbally):

This application recommended for approval and the layout and low density of the site is welcomed. Kington Town Council believes that consideration should be given to replacing the proposed flats with houses due to the high level of flat provision already existing in Kington.

It is requested that in line with this application the footpath on the opposite side of the road be extended up to the existing bungalow and should include drop kerbs. It is also requested that the existing footpath be widened by removal of the verge and that adequate street lighting be provided. It is recommended that the 30 mph restriction area be extended to include the entrance to the end of the whole site. Minimising carbon footprint of the constructions should be taken into consideration on this development and the dwellings should be built to as high an ecologically friendly level as possible.

5.2 12 letters of objection have been received from:

- Peter Jones, Oak House, Kingswood, Kington
- Occupier, The Laurels, Kingswood Road, Kington
- Mr and Mrs S Jones, Oakleigh, Kingswood Road, Kington
- J Smith, Westerings, Kingswood Road, Kington
- A, Walker (?) Lanes End, Kingswood, Kington
- Mrs Davies, Redlands, Kingswood Road, Kington
- Mr Geoffrey Marshall, Bay Tree Cottage, Kingswood Road, Kington
- P Burlace, Denrae, Kingswood Road, Kington
- GR Layton, Fernside, Kingswood Road, Kington
- Miss S Cadwallader, 3 Ashmorr Place, Kingswood Road, Kington
- Mr John Brown, Burnside, Kingswood, Kington
- Mrs Helen Waugh, Gravel Hill House, Gravel Hill, Kington
- Dr R King, The Surgery, The Meads, Kington

5.3 These letters can be summarised as follows:

- The site lies outside of the settlement boundary. Why is this being built on a green field site?
- Access to the site could prove vulnerable with beds in the adjoining road and a 60mph limit.
- Has provision been made for sewerage disposal, water supply and education for primary age children?
- Kingswood is access by a narrow and over used road - the 6 rental properties at Newburn Farm plus the 4 new properties at the bottom of Kingswood road has already put strain on an inadequate road. The road is not suited for the inevitable additional vehicular and pedestrian traffic.
- A smaller development of the site would be much more in keeping with the semi-rural feel and would be less disruptive for the residents living in that community.
- Kingswood is a small well-balanced community with mixed dwelling, some owned, some rented. This scheme, which will accommodate over 40 people, 1 rented type accommodation, would easily double the local population and cause a total imbalance of the community.
- Recent plans have been approved for two new development within the town, plus the Old Eardisley Road application. These developments all incorporate affordable housing and when these are built there will be an abundance of this type of property within the Town, Therefore this scheme, which is aimed to address the current shortfall of this type of property for local people, will be totally unnecessary.
- The site could be developed with a scheme of far less density, having less impact on the local community and highway (and with the right scheme may even enhance the locality)

- Why does every development have to have affordable housing - Kington is inundated!
- The doctors surgery have expressed an interest in purchasing the site.

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 main issues for consideration are:

- The principle of development
- Trees and Landscape
- Highway Safety
- Design and Appearance
- Play Areas
- Section 106 Agreement – Financial Contributions

6.2 Policy H10 permits affordable housing outside the settlement boundary of established rural settlements. Although the site is not adjoining the settlement boundary which Policy H10 stipulates the need for affordable housing must be balanced against other considerations. The Housing Need Survey for Kington found a need for 61 affordable houses over the next 5 years. Given the high need in Kington the scheme would meet a proven need for affordable housing. The site is also within reasonable distance of Kington and is within walking distance of the town centre and its facilities. The proposal is for all affordable housing and no market housing is proposed, therefore it fulfils the rural exception policy.

6.3 The site has a 'Group Tree Preservation Order' on the majority of the trees plus some individual orders that are an important and prominent characteristic of the site and rural street scene. The application has been amended so that the access does not harm the roots of these trees. In terms of landscape impact, the proposed development follows the form of the existing buildings and retains much of the landscaping and screening. As such, subject to the suitable conditions ensuring the protection of the trees, especially during construction and demolition, the proposal is considered to preserve the landscape quality of the area and comply with policy LA2 and LA5 of the UDP.

6.4 It is acknowledged that the highway that leads to the site is narrow and that the existing access to the site has restricted visibility. As such the applicant was asked to address these concerns. As a consequence the access was moved further south, improving visibility to the north. The applicant also engaged Herefordshire Council to undertake a speed survey that was carried out between Friday 27th April and 3rd May (24 hour period). The results of this survey confirmed that the average speed is within 33 – 40mph. This coupled with the revised plan has overcome the concerns relating to visibility and highway safety. It should also be noted that the previous use as a nursing home would have also generated traffic movements out of the existing substandard access point. As such the proposed development now complies with Policy DR3 of the Herefordshire Unitary Development Plan (2007).

6.5 In addition to the above, the Transportation Manager has requested that financial contributions of £1,500 per dwelling be paid for schemes such as, but not limited to, the upgrade of the footpath that leads from Kington to the application site. This has been agreed by the applicant.

- 6.6 The proposed dwellings will offer a mix of accommodation and tenure. The buildings are sited in a manner that reflects the form of the building already on the site, in respects the landscape character and features. The design is also considered to respect the surrounding dwellings and rural character. As such the proposal is considered to comply with policy H13 and H14 of the Unitary Development Plan.
- 6.7 Policy H19 of the Herefordshire Unitary Development Plan expects that the development provide play space. A scheme has been agreed which will provide a fenced area, with bin and bench, within the site. There is also informal play space available within the site. The Councils Parks and Countryside Manager has confirmed that this is acceptable. A sum of £630 per dwelling has also been agreed in the form of a 'Sport England' Contribution towards the upgrade and refurbishment of Lady Hawkins Leisure Centre.
- 6.7 The Section 106 Agreements will cover a number of issues. Firstly securing the affordability and tenure of the properties. Secondly securing the financial contributions in respect of highways and Sport England. A draft Heads of Terms is attached.

RECOMMENDATION

The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to (set out heads of agreement) and any additional matters and terms as she considers appropriate.

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 - B01 (Samples of external materials)

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

3 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

4 - G01 (Details of boundary treatments)

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

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 - G18 (Protection of trees)

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

8 - H01 (Single access - not footway)

Reason: In the interests of highway safety.

9 - H06 (Vehicular access construction)

Reason: In the interests of highway safety.

10 - H08 (Access closure)

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

11 - H13 (Access, turning area and parking)

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

12 - H27 (Parking for site operatives)

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

13 - 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.

14 - No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice.

b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and as assessment of risk to identified receptors.

c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme

shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

- 15 - The Remediation Scheme, as approved pursuant to condition no (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the local planning authority in advance of works being undertaken.

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

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

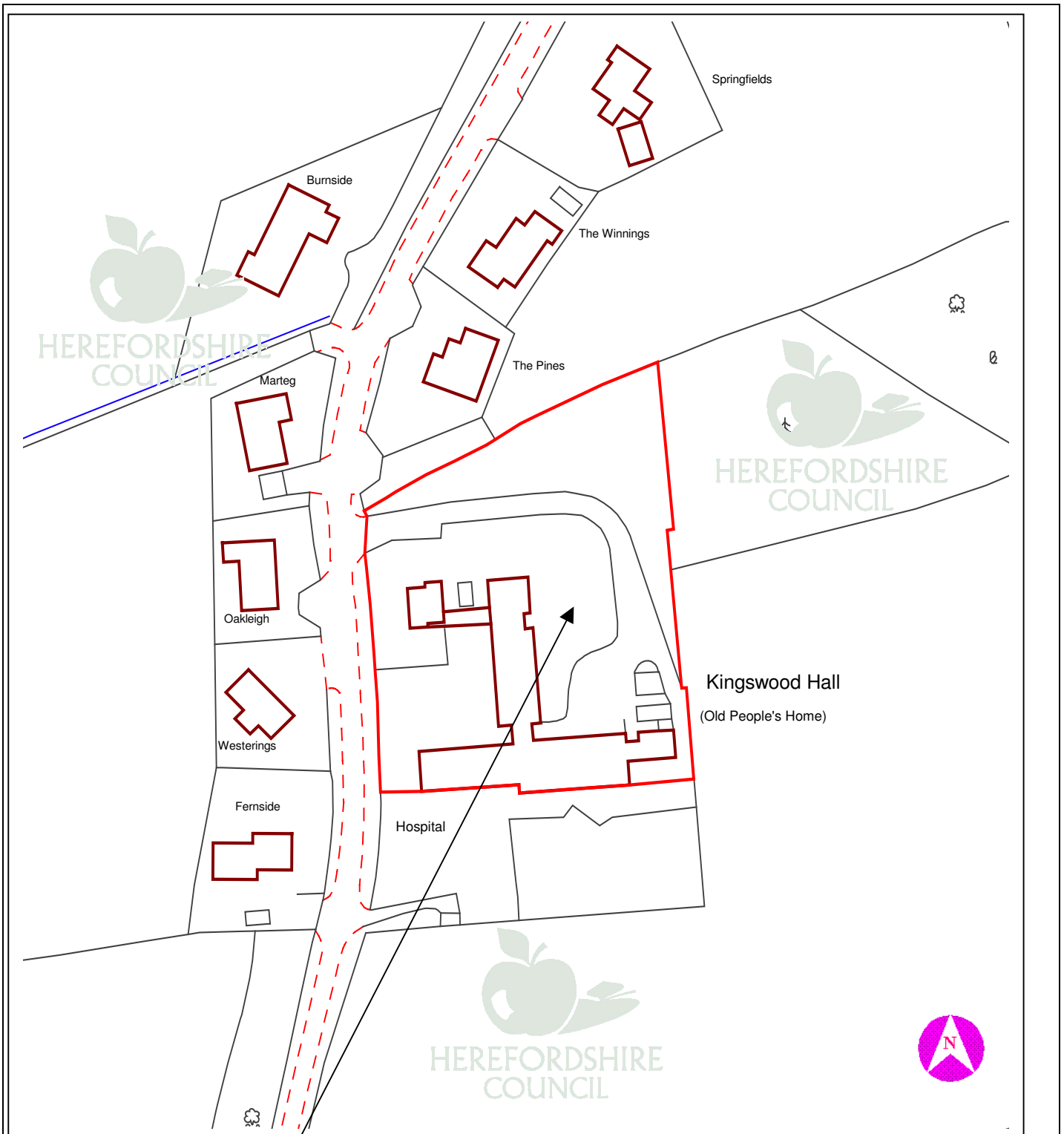
Planning Application – DCNW07/0744/F

Demolition of residential care facility and the erection of 12 affordable housing units, associated car parking and landscaping and alterations of existing access.

1. The developer covenants with Herefordshire Council, in support of local sports provision for improved local facilities, to pay Herefordshire Council the sum of £7,560 which sum shall be paid on or before the commencement of development.
2. In the event that Herefordshire Council does not for any reason use the said sum, in clauses 1, 3 & 4 above, within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part there of, which has not been used by Herefordshire Council.
3. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £18,000 to provide sustainable transport measures in Kington. The sum shall be paid on or before the commencement of development.
4. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Pedestrian improvements between the site and the town centre.
 - b) Town Centre and schools to assist disabled access.
 - c) Improvements to local bus services.
 - d) Improvements to local bus passenger waiting facilities.
 - e) Improvements to safe routes to the local schools..
5. In the event that Herefordshire Council does not for any reason use the said sum of Clause 6 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
6. The Developer shall provide 12 “Affordable Housing” units, which meet the criteria set out in Section 5.5 of the Unitary Development Plan for Herefordshire and related policy H9 or any statutory replacement of those criteria and that policy. The detailed provision shall be as follows: 11 affordable housing units for rent and 5 affordable housing units for shared ownership. The applicant or successor in title -shall procure the construction of the affordable housing in accordance with the current Housing Corporation Scheme Development Standards and Lifetime Home Standards.
7. The sums referred to in paragraphs 1 and 4 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council

8. 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.

K Gibbons, P. J. Yates 14th May 2007.



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APPLICATION NO: DCNW2007/0744/F

SCALE : 1 : 1250

SITE ADDRESS : Kingswood Hall, Kingswood Road, Kington, Herefordshire, HR5 3HE

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10 DCNW2007/0773/F - EXTENSION TO FORM SINGLE GARAGE(SUBSEQUENT TO PLANNING PERMISSION DCNW/2004/3925/F AT LAND ADJACENT TO EAST COTTAGE, ALMELEY, HEREFORD, HEREFORDSHIRE, HR3 6LF

**For: Cherry Orchard Developments Ltd, Axys Design,
30 Grove Road, Hereford, HR1 2QP**

Date Received:
8th March 2007

Ward: Castle

Grid Ref:
33351, 51791

Expiry Date:
3rd May 2007

Local Member: Councillor JW Hope

1. Site Description and Proposal

- 1.1 The application site comprises a plot of land that comprises a new, complete but unoccupied dormer bungalow. The site was formally the garden of the cottage known as East Cottage, which was sub-divided and sold with planning permission for the dormer bungalow. East Cottage is set at a level which is approximately 1m lower than the application site. The site is within the village settlement and is clearly visible from the adjacent highway and Bulls Lane.
- 1.2 The proposal is for the extension of the dormer bungalow to provide a single garage. This garage would be constructed to the south elevation which is the closest to East Cottage on the area already laid to hardstanding (gravel). It would have a footprint of 3.2m by 6m with a garage door to the front elevation and door and window to the rear. The garage would be set back from the front of the dwelling by 1m and would have an eaves level of 2.3m and ridge height of 5m. The pitch of the roof is irregular with a longer front facing slope. The side elevation, facing East Cottage, would have no windows or openings inserted.

2. Policies

- 2.1 Herefordshire Unitary Development Plan

DR1 - Design
H18 – Alterations and Extensions
HBA6 – New Development within Conservation Areas

3. Planning History

- 3.1 DCNW2004/2154/O - Site for new dwelling - Withdrawn for submission of full application.
- 3.2 DCNW2004/3925/F - Proposed new dwelling - Approved 23rd March 2005

- 3.3 DCNW2004/3923/F - relocation of garage / workshop - Approved (Garage associated with East Cottage)
- 3.4 DCNW2006/1380/F - erection of a detached garage - Withdrawn
- 3.5 DCNW2007/0026/F- erection of a detached garage - Refused for the following reason:

The proposed garage, by reason of its siting, mass and elevated position in relation to the neighbouring property, would cause the loss of light and have an overbearing impact on East Cottage. As such the proposed garage would adversely affect the living conditions currently enjoyed by the residents of East Cottage, contrary to Policy H18 of the Unitary Development Plan (Revised Deposit Draft) and Policy A56 of the Leominster District Local Plan.

4. Consultation Summary

Statutory Consultations

- 4.1 None required

Internal Council Advice

- 4.2 The Transportation Manager has no objection to the grant of planning permission.

5. Representations

- 5.1 6 Letters of objection have been received from:

J R Crippin - 25 Bells Orchard, Almeley
Mrs M Hindley - Lingfield, Almeley
P G Beresford, Corner House, Almeley
Mr and Mrs R Powell, East Cottage, Almeley
Mr R D McMillan, East Orchard, Almeley
V M and R V Woodcock, Sherwell Cottage, Spearmarsh, Almeley

- 5.2 The issues raised can be summarised as follows:

- The site is overcrowded.
- Oppressive impact on East Cottage.
- Would limit the views of the neighbour (East Cottage).
- The extension would take light and be in close proximity to the fence (Lingfield).
- Removal of permitted development rights from dwelling should be enforced and no further development allowed.
- Visual impact of the house forces the need to prevent further building on this site.
- The original planning permission for the dwelling was amended to reduce the footprint.
- The new garage would impact on the individual character of East Cottage and become overcrowded.
- The new attached garage would totally overshadow the utility and dining area causing a detrimental impact on our house and so it is totally unacceptable.
- Concern over the differences in levels between the two properties which would increase the impact.
- The neighbour has suggested that a car port would be more suitable.

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 main issues for consideration of this application are the impact of the proposed development on the amenities of the neighbouring properties and the impact of the proposal on the character of the dwelling as a whole.

6.2 There have been two previous applications for garages on this site. The first was Withdrawn, the second Refused due to Officer concern about the impact that the detached garage in the southwest corner of the site would have to the neighbouring property. In particular the fact the siting would mean that there would be a built form of development for the majority of this aspect when viewed from East Cottage. This was exacerbated by the differences in levels between the two sites.

6.3 The proposal submitted would extend the existing dwelling to its southern elevation. Whilst it is noted that there are windows in the northern elevation of the adjacent dwelling it is considered that the impact of the garage would not adversely affect the living conditions of the neighbours in such a way that this would sustain a reason for refusal. The fact that this is the southern elevation reduces any loss of light through shadowing and there is sufficient room between the boundary, dwelling and new garage to prevent and overbearing impact. The garage reads clearly as a subservient addition to the existing dwelling and as such complies with Policy H18 of the Herefordshire Unitary Development Plan.

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 - A06 (Development in accordance with approved plans)

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

3 - B02 (Matching external materials (extension))

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

4 - E08 (Domestic use only of garage)

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - N14 - Party Wall Act 1996
- 3 - N19 - Avoidance of doubt

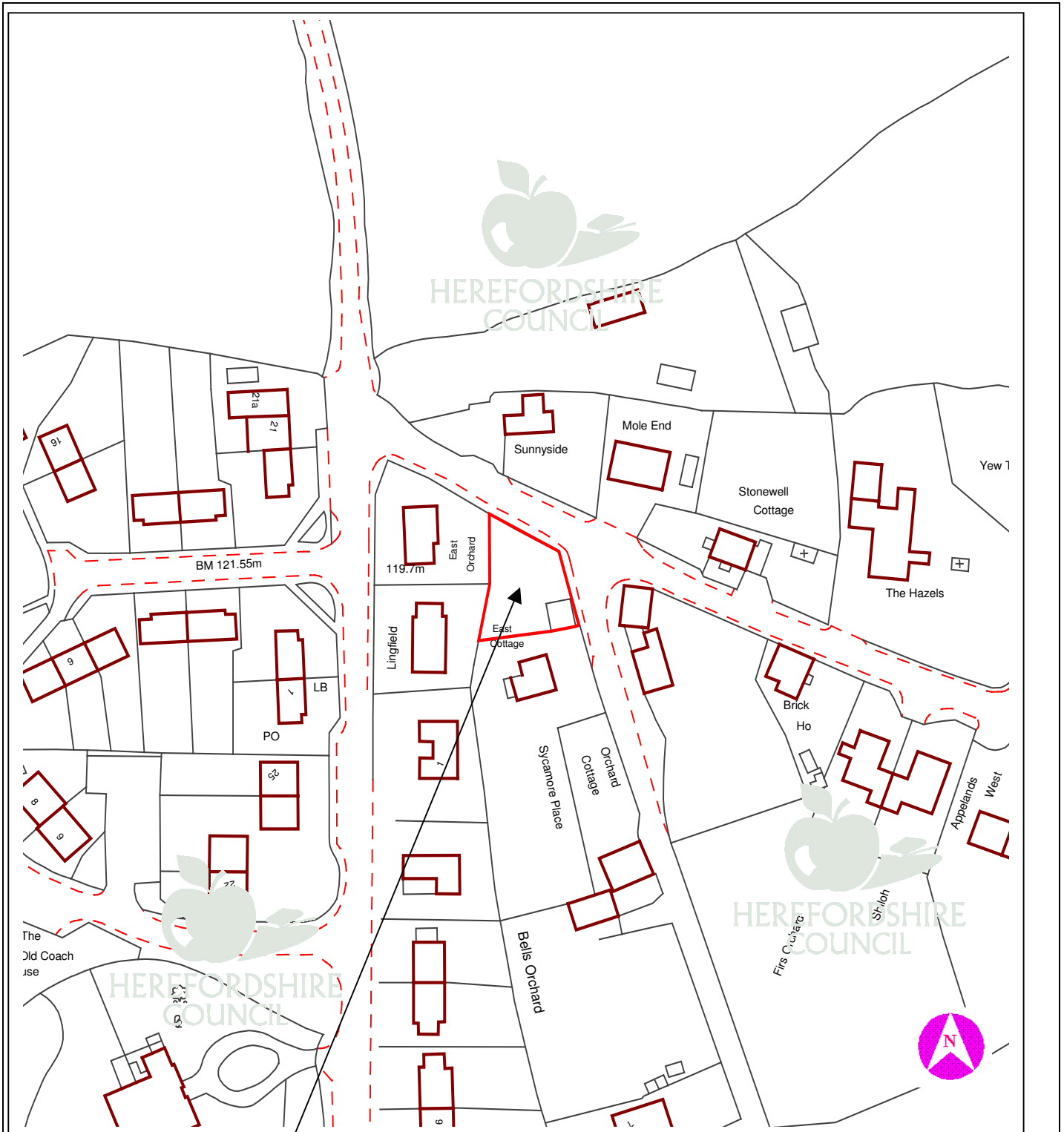
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2007/0773/F

SCALE : 1 : 1250

SITE ADDRESS : Land adjacent to East Cottage, Almeley, Hereford, Herefordshire, HR3 6LF

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11 DCNW2007/0972/F - PROPOSED CHANGE OF USE FROM RESIDENTIAL OUTBUILDING FOR BUSINESS USE (OUTSIDE CATERING FOR A TEMPORARY PERIOD OF TWO YEARS) AT THE RED HOUSE, DILWYN, HEREFORD, HEREFORDSHIRE, HR4 8JS

For: Mr Bailey

Date Received:
26th March 2007

Ward:
Golden Cross with
Weobley

Grid Ref:
41684, 54674

Expiry Date:
21st May 2007

Local Member: Councillor JHR Goodwin

1. Site Description and Proposal

- 1.1 The application site lies in the centre of the village of Dilwyn, opposite the village hall. The site is within the village settlement boundary (identified as a Main Village in the Herefordshire Unitary Development Plan) and Conservation Area. The building that is the subject of the change of use is a traditional brick and timber clad barn / outbuilding with a slate roof. The building's gable end fronts the main highway whilst the front of the building faces into the driveway and garden of the associated dwelling, The Red House. Parking lies to the front of the dwelling and building with access along an existing path to the rear of the site where there is also the opportunity to park.
- 1.2 The proposal is for the continued use of the building for the purpose of running an outside catering business. It is understood that this involves the preparation of food, although the majority of cooking takes place off site. The business has been operating for a period of approximately 18 months from these premises. Internally the building provides two kitchens, an office and w.c at ground floor with storage space for the business and domestic use at first floor. There are no external alterations to the building proposed.

2. Policies

2.1 Herefordshire Unitary Development Plan (2007)

S1 – Sustainable Development
 S4 - Employment
 DR2 – Land Use and Activity
 DR13 – Noise
 E9 – Home Based Businesses
 E10 – Employment Proposals Within Or Adjacent To Main Villages
 HBA6 – New development within Conservation Areas
 HBA12 – Re-use of Rural Buildings

3. Planning History

NW2000/0416/F – Erection of 2 houses, 1 dormer bungalow, conversion of existing barns into 3 dwellings and alteration works to existing 'new house' – Approved 26th May 2000

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Advice

4.2 Transportation Manager comments that there is adequate Parking and that access is reasonable

4.3 The Conservation Manager:
As this is an amenity rather than conservation issue, accordingly I would not wish to make a recommendation.

4.4 Head of Environmental Health and Trading Standards comments as follows:

'I visited the above site on 30/4/2007 and was advised by the applicant that the business has been in operation from this location for approximately 18 months, although I am aware that the Planning department has received objections to this proposed use, the Environmental Health department has not received any complaints regarding activities from the site during this time.

My main concerns from a application of this nature is the likelihood that business activities give rise to increased levels of noise and odour emissions. I have been advised that presently the activities carried out are mainly the preparation of food stuffs with the majority of cooking taking place off site. Currently the extraction at the premises is minimal and domestic in nature and for this reason I would advise that a restriction be placed upon the use of deep fat frying equipment on site to ensure nearby residents do not suffer from odour nuisance. Should further extraction/ventilation units be required at a later date, these would need to be approved by the planning department to ensure that the noise and odour impact is minimal.

I would raise concerns that due to the layout and design of the entrance and the close proximity of residential accommodation to the site, there is a potential for complaints to be received regarding noise from vehicles entering and exiting the site. I would therefore recommend that conditions restricting the hours of work that may take place and the hours of delivery permissible be placed on any permission that may be granted. I have been advised that changes are planned to alter the entrance to the site and improve access, however this has not been detailed in this application.

I would also raise concerns regarding the use of refrigerated vehicles to the rear of the premises during the evening and early hours of the morning, this has the potential to give rise to noise complaints, particularly when more than one vehicle is in operation. However, the Council has powers to investigate noise nuisance under the Environmental protection Act 1990 and can deal with any complaints received under this legislation.

As the type of cooking undertaken, the level of usage and the management of a business such as this greatly affects the likely noise and odour emissions, I believe a temporary permission would be advisable in order that further consideration can be made to both the noise and odour once the business is fully operational. Although there is the potential for complaints to be received, I am satisfied that with suitable conditions attached to the permission, the business can operate without detriment to the amenity of the area.

Should Members be minded to approve the proposal I would recommend the following conditions be attached to the permission; see recommendation conditions 1 – 8.

5. Representations

5.1 Dilwyn Parish Council make the following observations:

Dilwyn Parish Council would wish to oppose this application on the general grounds that running a business on this site, in a Conservation Area, is quite inappropriate.

Detailed objections are as follows and are based on the experience of at least the last six months:

- Vehicle access is via a shared drive.
- Large and numerous vehicles have been coming and going in the near vicinity of the village school and playgroup.
- Vehicles have been illegally parked on the village hall car park.
- Refrigerator vehicles have been running for many hours at a time, including the early hours of the morning, with significant noise pollution.
- There have been, on frequent occasions, significant cooking odours.
- This usage clearly infringes the planning permission originally granted for the building in question and also the enforcement order served earlier and should, therefore, cease forthwith.

5.2 4 letters of objection have been received from C P and M Jennings, 5 Walnut Tree Close and Ms J Greasley and Ms J Goode, Mews Cottage, 2 Walnut Tree Close, Mr & Mrs Jones, 2 The Glebelands, Dilwyn and Mrs Val Key, 1 The Glebelands, Dilwyn who raise the following issues:

- For the past two years they have experienced periods of disruption in the form of refrigerated vehicles running throughout the days and night causing noise disturbance
- The dwellings face the side of the property where the refrigerated vans park
- Vehicles and trucks delivering goods congest the lane outside of the property
- Disturbance from early morning activities at 5am preparing and unloading vehicles
- Misuse of village hall car park - employees parking at the premises
- Increased vehicles activity would have highway safety issues due to proximity of school and busy hall (clubs etc)
- Not a suitable use in a Conservation Area
- There would be an increase in traffic - workers, deliveries, event transport,
- Access across Walnut Tree Close would no longer be for 'reasonable purposes'
- Parking problems

- Cooking smells
- 5.3 One letter of support has been received from Erica Creer, The White House, Dilwyn states that the activity has not caused her any inconvenience and she lives within 50 m and that life in the village would be poorer but for the small businesses supporting young families, mostly bases in the proprietors homes or, in this case, in a barn within the boundary of the applicants home.
- 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 Policy E10 (Employment Proposals within of adjacent to main villages) of the Herefordshire Unitary Development Plan (2007) states:

Proposals for employment generating uses within of adjacent to the main villages identified in policy H4 will be permitted providing that the proposals are in keeping with the character of the settlement and that the level of development can be clearly related to the employment needs of the local economy.

- 6.2 In addition to this Policy E9 (Home based Businesses) of the UDP (2007) states:

Proposals to allow a small business to operate from home will be permitted where:

1. The business operation will not lead to adverse impact on residential amenity or the character of the area through its scale, nature of operation, access and parking provision, noise or traffic generated including visitors, staff and deliveries: and
 2. The appearance of the building is not materially altered and on the cessation of the business can revert to its previous use.
- 6.3 In considering these policies in relation to the proposal it indicates that whilst there is broadly support for businesses within the main villages it is the impact that the use would have that needs to be given careful thought and assessment. In this instance I would refer to the assessment of the proposed (albeit existing) use by the Council's Environmental Health Officer above.
- 6.4 The business has been operating without permission or controls imposed upon the areas which have caused grievance to neighbours, in particular the deliveries and use of refrigerated vehicles. It is considered that if the business was conducted within the limitations placed on it through the use of the appropriate conditions then this would alleviate the objections and concerns relating to the adverse impact that the business would have on the neighbouring properties and comply with the policies detailed above. If the business cannot operate within these restrictions then the location for such a business is inappropriate and premises in a more suitable location (industrial estate) should be sought.
- 6.5 The size and scale of the business is considered to be acceptable at this time. However, it is not possible to predict or control its growth. As such, although the applicant has applied for a two year temporary consent, a one year temporary consent is suggested I light of the objections received. This would enable further consideration of the use in respect of noise, disturbance and odour within this period.

This would also allow the applicant time to consider new premises from which to operate his business whilst affording protection to the neighbours.

- 6.6 In addition to the above consideration has also been given to the character of the Conservation Area. As the building has no external changes and the movements are not significant. There is no direct impact on the character and appearance of the Conservation Area and as such the proposal is considered to accord with Policy HBA6 and guidance contained within PPG15 – planning and the historic environment.
- 6.7 Concern has also been raised regarding the parking of staff cars. The application details two current spaces and proposes that 6 will be made available. It is therefore proposed that a condition requiring a plan showing these spaces is provided within one month of the date of this permission, and that the spaces are made available for the life of the permission within 2 months of the grant of Approval

RECOMMENDATION

That planning permission be approved subject to the following conditions:

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

Reason: To safeguard the amenities of the locality.

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

Reason: To safeguard the amenities of the locality.

- 3 - E06 (Restriction on Use)**

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity.

- 4 - E15 (Restriction on separate sale)**

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

- 5 - E25 (Personal and time limited permission) Mr S Bailey, one year**

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.

- 6 - F03 (Restriction on specified activities)**

Reason: To protect the amenities of nearby properties.

- 7 - F38 (Details of flues or extractors)**

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

- 8 - F40 (No burning of material/substances)**

Reason: To safeguard residential amenity and prevent pollution.

- 9 - Within one month of the date of this permission, a plan detailing the existing and proposed car parking spaces within the application site shall be submitted to and approved in writing by the local planning authority. These spaces shall be provided within 2 months of the date of this permission and kept free for the parking of vehicles only until the expiry of the permission.**

Reason: To ensure the provision of car parking provision for staff and delivery vehicles within the application site in the interests of highway safety.

Informatives:

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

- 2 - N19 - Avoidance of doubt**

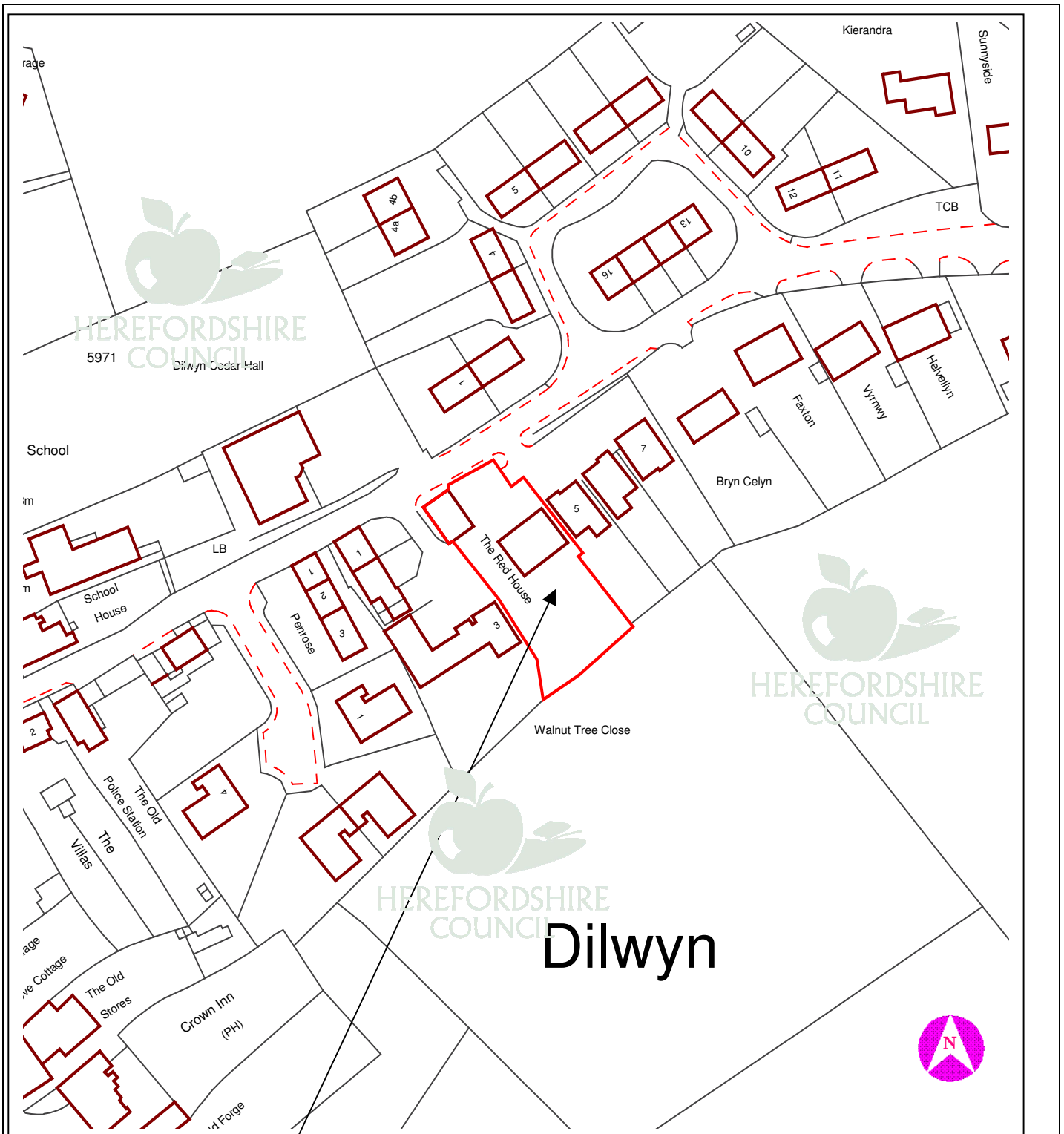
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2007/0972/F

SCALE : 1 : 1250

SITE ADDRESS : The Red House, Dilwyn, Hereford, Herefordshire, HR4 8JS

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12 DCNW2006/3986/O - SITE FOR RESIDENTIAL DEVELOPMENT OF 46 DWELLINGS AT LAND WEST OF OLD EARDISLEY ROAD, KINGTON, HEREFORDSHIRE.

For: Mr & Mrs T Watkins per Mr J Spreckley, Brinsop House, Brinsop, Hereford, HR4 7AS

Date Received:
18th December 2006

Ward: Kington Town

Grid Ref:
30100, 56188

Expiry Date:
19th March 2007

Local Member: Councillor TM James

1. Site Description and Proposal

- 1.1 The application site is located on the south-eastern fringe of the settlement known as Kington and measures approx 3.66 hectares in area.
- 1.2 The site is abutted alongside its eastern elevation by the unclassified 91226 public highway known as 'Old Eardisley Road' on the opposite side of this highway to the application site are dwelling units of various sizes and character, mostly of fairly recent construction. Adjoining the southern and western elevations of the application site is farmland laid down to pasture. The northern elevation side, is adjoined by a garage/petrol filling station and other residential units.
- 1.3 The application is made in 'outline' to which the application form indicates layout, appearance, scale and access as reserved for future consideration. Therefore only landscaping is considered as part of the current application for the proposed 46 dwelling units, of which 16 are proposed as 'affordable units'. The application is also accompanied by an indicative layout of the site as well as a landscape strategy site plan and report. Also accompanying the application are detailed plans of the type of dwellings considered acceptable for the site, these range from 1-5 bedroomed units.

2. Policies

2.1 National Planning Policies

Planning Policy Statement 3 – Housing
Planning Policy Statement 1 – Sustainable Development

2.2 Herefordshire Unitary Development Plan

S1 – Sustainable Development
S2 – Development Requirements
S3 – Housing
DR1 – Design
DR2 – Land Use and Activity
DR3 – Movement

DR4 – Environment
DR5 – Planning Obligations
H1 – Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H2 – Hereford and the Market Towns: Housing Land Allocations
H3 – Managing the Release of Housing Land
H9 – Affordable Housing
H15 – Density
H19 – Open Space Requirements
LA2 – Landscape Character and Areas Least Resilient to Change
LA3 – Setting of Settlements
LA6 – Landscaping Schemes
RST3 – Standards for Outdoor Playing and Public Open Space
CF2 – Foul Drainage
ARCH1 – Archaeological Assessments and Field Evaluations

3. Planning History

- 3.1 The site has no known planning history, other than it is designated in the Herefordshire Unitary Development Plan for residential development.

4. Consultation Summary

External Council Advice

- 4.1 Environment Agency - No objections raised.
- 4.2 Welsh Water - No objections raised subject to attachment of conditions in relationship to foul and surface water run off from the site to any approval notice subsequently issued.

Internal Council Advice

- 4.3 Archaeological Advisor recommends the attachment of a standard archaeological condition, (DO3), with regards to potential archaeological interests on site to any approval notice issued.
- 4.4 Strategic Housing Manager supports the application, stating that the proposed 16 affordable units equates to 35% of the proposed housing on site which meets targets as outlined in Policy H9 of the Herefordshire Unitary Development Plan.
- 4.5 Forward Planning Manager considers the proposal acceptable.
- 4.6 Landscape Manager raises no objections.
- 4.7 Parks Development Manager raises no objections to the proposal in accordance with the revised Draft Heads of Terms on planning gain towards recreational space provision, maintenance, provision of childrens play area and play equipment.
- 4.8 Education Manager raises no objections in accordance with proposed planning gain towards state educational establishments in the town.
- 4.9 Transportation Manager raises no objections.

5. Representations

5.1 Kington Town Council are concerned about the proposed development in relationship to overall housing targets for Kington in that in their opinion targets will be exceeded. Concerns are also raised about no Development Brief being prepared by the Council for the site. Issues are also raised about the impact of the proposed development on the local infrastructure, amount of residential units exceeding 40, as indicated in the Unitary Development Plan for the site and impact of the proposal on the surrounding bio-diversity.

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

- Mrs G Simcock, 20 Rose Cottage, Headbrook
- David M Shayler on behalf of the Arrow Masonic Hall Company Ltd c/o Crispin, Woonton, Almeley
- S Dudhill, Mount Pleasant, Kingwood Road, Kington
- Mrs Helen Waugh, Gravel Hill House, Gravel Hill, Kington
- R & M Gwynee, 31 Eardisley Road, Kington
- B Bromhead Wragg on behalf of Campaign to Protect Rural England (Herefordshire)

5.3 Objections raised can be summarised as follows:-

- Impact on adjoining public highway
- Concerns about surface water
- Impact on local infrastructure as a result of proposed development
- Loss of a greenfield site
- Application not in accordance with Herefordshire Unitary Development Plan guidance with regards to a development brief for the site

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 key issues with regards to this application are:-

- The principle of the development
- Impact on the surrounding landscape
- Impact on local infrastructure
- Planning gain – Draft Heads of Terms

The Principle of the Development

6.2 The site is located within the development boundary of Kington, on an allocated site for housing development as indicated in paragraph 5.4.31 of the Unitary Development Plan (UDP).

This said paragraph of the UDP indicates not all of the site is appropriate for development due to the impact of complete site development on the wider landscape. (The site has an area of 3.5 hectares and therefore can accommodate significantly higher density of development than that subject to this application.) The paragraph

indicating that the area nearest its northern side should be protected from development.

- 6.3 The Council's Forward Planning Manager has responded to the application stating that the proposal is acceptable under current and emerging policies.
- 6.4 Kington Town Council have raised concerns about housing completions in Kington Town area in general, and are particularly concerned about over-supply of dwellings and impact on local infrastructure.
- 6.5 The site is an allocated site in the UDP, to which the Town Council initially supported its designation for housing development.
- 6.6 The UDP anticipated that 275 dwellings would be completed. In the period 1996-2006 some 123 houses were completed. In addition in April 2006 there were outstanding commitments for 37 further dwellings and the housing allocation for the site subject to this application for a further 40 units. These figures do not include the approval for the 'Maesydari' site. However completions are well below the anticipated 275 dwellings for Kington and therefore on this issue there is insufficient grounds for me to recommend refusal to the application as this would not in your Officer's opinion be strong enough of a reason to justify in the event of an appeal situation. The Inspector at the public inquiry into the UDP in relationship to the site stated: 'I am satisfied that Kington's contribution to the strategic housing requirement cannot be met without making use of an urban extension site' (paragraph 5.30.4). He recommended no modification to the plan in this respect and his recommendation has been accepted by the Council – Kington Town Council have also raised concerns about no Development Brief being prepared by the Council for the site. All issues that would be considered as the result of a development brief have been carefully examined subject to this application and paragraph 72 of National Planning Policy Statement 3 – Housing states: 'Local Planning Authorities should not refuse application solely on the grounds of prematurity.'

Impact on the Surrounding Landscape

- 6.7 The UPD acknowledges the site is rather conspicuous in relationship to the wider immediate area and therefore has recommended that part of the site is used for community open space.' This was a reason for the UDP stating a development brief will be prepared to provide detailed guidance for the development of the site.
- 6.8 The developer's agent has been in extensive negotiations with regards to the site's development and has as part of the application provided a landscape strategy and indication site layout, to which the Landscape Manager has approved of the proposed development along with all of the Council's relevant consultee participants in the Draft Heads of Terms process in relationship to planning gain for the site.
- 6.9 The proposed development is for 46 dwelling units, it is acknowledged this is above 40 as suggested in the UDP for the site. However it is considered that the proposed density is acceptable and represents for the area of the site proposed for development, a density on the low side, with sufficient land on the sites northern area allocated for open space/play area, as well as a landscaped buffer on its western and southern fringes in order to further integrate the proposal into the surrounding landscape. The Council's Landscape Manager raises no objections to the latest amended indicative site plan, submitted in relationship to the landscape strategy plan and report originally

submitted as part of the application. The application does not trigger the need for an Environmental Impact assessment as requested by the Town Council.

Impact on Local Infrastructure

- 6.10 The site is an allocated housing site in the UDP and therefore consideration has been shown to impact on the local infrastructure such as adjoining public highways, schools, water supply etc. Welsh Water did initially raise concerns to the proposal, however have since responded with no objections subject to recommended conditions with regards foul and surface water drainage being attached to any approval notice subsequently issued. There also have been no objections received from any of the other consultees on infrastructure issues such as Education, Strategic Housing, Parks and Countryside or the Environment Agency. As previously mentioned when the site was allocated for housing Kington Town Council raised no objections.

Planning Gain – Draft Heads of Terms

- 6.11 Attached to this report is a Draft Heads of Terms in accordance with the Town and Country Planning Act 1990 and Section 106 Agreements with regards planning gain.
- 6.12 The developer has agreed to provide 16 affordable units in-line with criteria as requested by the Council's Strategic Housing Manager, briefly comprises of 11 rented units ranging from 1 bedroomed units to four bedroomed units and 5 share ownership units consisting of 2 or 3 bedroomed each.
- 6.13 Also forming part of the proposed Draft Heads of Terms is provision for local public highway improvements in accordance with criteria as requested by the Council's Transportation Manager.
- 6.14 The developer has also agreed a sum of £92,000 towards local education establishment improvements. These are both the local Primary and Senior Schools, to which the Council's Education Manager raises no objections.
- 6.15 The Drafted Heads of Terms also makes provision for a contribution of £112,826 towards shrub and tree planting and maintenance of the site's proposed open space. The financial sum agreed is in recognition of the site's topography and the UDP's statement with regards part of the site being designated for open space. The Heads of Terms also makes provision for £48,000 towards provision of play equipment for the children's play area and a sum of money towards local sports provision in recognition of 'Sport England' and upgrading of existing surrounding sports establishments.

7.0 Conclusion

- 7.1 The application represents a proposal that is considered acceptable in relationship to the site. Careful consideration has been shown towards integrating the development into the surrounding countryside through extensive negotiation with relevant Council Consultees in the absence of a Development Brief as indicated in the UDP.
- 7.2 The proposed 46 units are considered acceptable, representing a wide range in variety of properties in both scale and mass. Four of the proposed units are in the form of a block of flats and therefore a wide range of property types envisaged. The overall density being at the lower end of the scale in reflection of the site's topography and location.

RECOMMENDATION

1 - The County Secretary and Solicitor be authorised to complete the planning obligation under Section 106 of the Town and Country Planning Act 1990 to (set out Heads of Agreement) and deal with any other appropriate and incidental terms, matters or issues.

2 - Upon completion of the above-mentioned planning obligation Officers named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions:-

1 - A02 (Time limit for submission of reserved matters (outline permission))
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

[Note: Time limits can be varied - special reason to justify]

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

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

[Note: Time limits can be varied - special reason to justify]

3 - A04 (Approval of reserved matters)

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

[Note: Delete reserved matters which are not applicable]

4 - A05 (Plans and particulars of reserved matters)

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

[Note: Delete reserved matters which are not applicable]

[Note: Outline planning permissions will normally require conditions A02, A03, A04 and A05 to be imposed]

5 - The development hereby approved shall be in accordance with the amended site plan drawing no. 1246.00B and associated landscape strategy and housing type plans received as part of the application.

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

6 - D03 (Site observation - archaeology)

Reason: To allow the potential archaeological interest of the site to be investigated and recorded.

[Note ND3 should be used in conjunction with this condition].

- 7 - Foul water and surface water discharging shall be discharged separately from the site.

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

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

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

- 9 - Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

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

- 10 - No development will commence until the developer or his successor in title 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 the Dwr Cymru Welsh Water's Network Development Consultant.

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

- 11 - E01 (Restriction on hours of working)

Reason: To safeguard the amenities of the locality.

- 12 - E16 (Removal of permitted development rights)

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

- 13 - G04 (Landscaping scheme (general))

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

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

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

Advisory Notes

- 1 - If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultant on Tel No: 01443 331155.
- 2 - The applicant or successor in title is reminded that public highway access details are reserved for future consideration. Therefore details may include adequate visibility splays from the site, pedestrianation routes, street lighting, drainage and internal road layout in accordance with the Council's relevant Highway's Design Guide.

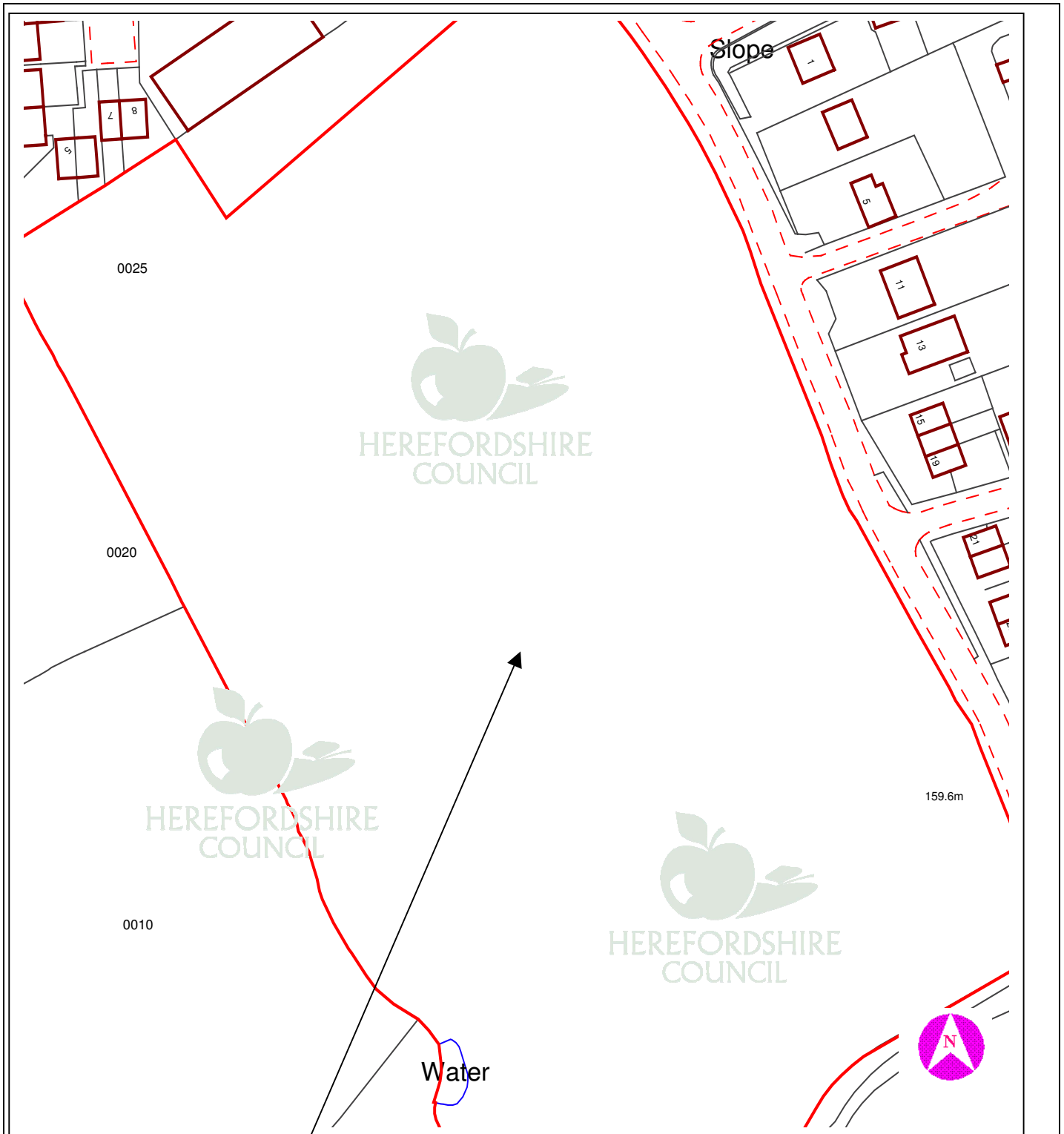
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2006/3986/O

SCALE : 1 : 1250

SITE ADDRESS : Land west of Old Eardisley Road, Kington, Herefordshire.

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

Planning Application – DCNW06/3986/0
Site for residential development of 46 dwellings
On land west of Old Eardisley Road, Kington, Herefordshire

1. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £112,826 which sum shall be paid on or before the commencement of development.
2. The monies shall be used by Herefordshire Council as referred to in paragraph 1 above at its option for any or all of the following purposes:
 - (i) Maintenance of the site's designated open space.
 - (ii) Tree and shrub planting of the designated open space areas.
 - (iii) General maintenance of the designated play area.
3. The developer covenants with Herefordshire Council, the provision of play equipment for the play space area to serve the development and to pay Herefordshire Council the sum of £48,000, which sum shall be paid on or before the commencement of development.
4. The developer covenants with Herefordshire Council, in support of local sports provision for improved local facilities, to pay Herefordshire Council the sum of £28,980 which sum shall be paid on or before the commencement of development.
5. In the event that Herefordshire Council does not for any reason use the said sum, in clauses 1, 3 & 4 above, within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part there of, which has not been used by Herefordshire Council.
6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £92,000 to provide education improvements to Kington Primary School and Lady Hawkins High School, Kington, which sum shall be paid on or before the commencement of development.
7. In the event that Herefordshire Council does not for any reason use the said sum of Clause 4 for the purposes specified in the Agreement within 10 years of the date of this Agreement, the Council shall repay to the developer the said sum or such part there of which has not been used by Herefordshire Council.
8. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £69,000 to provide sustainable transport measures in Kington. The sum shall be paid on or before the commencement of development.
9. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Pedestrian improvements between the site and the town centre.
 - b) Town Centre and schools to assist disabled access.
 - c) Improvements to local bus services.
 - d) Improvements to local bus passenger waiting facilities.
 - e) Improvements to safe routes to the local schools.

10. In the event that Herefordshire Council does not for any reason use the said sum of Clause 6 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
11. The Developer shall provide 16 "Affordable Housing" units, which meet the criteria set out in Section 5.5 of the Unitary Development Plan for Herefordshire and related policy H9 or any statutory replacement of those criteria and that policy. The detailed provision shall be as follows: 11 affordable housing units for rent and 5 affordable housing units for shared ownership. The applicant or successor in title -shall procure the construction of the affordable housing in accordance with the current Housing Corporation Scheme Development Standards and Lifetime Home Standards with no Affordable Housing grant input. None of the Affordable Housing shall be occupied unless the Herefordshire Council has given its written agreement to the means of securing the status and use of these units as Affordable Housing. These 16 units shall be on plots to be defined by reference to the site layout plan unless otherwise agreed in writing by the Herefordshire Council. All the affordable housing units shall be completed and made available for occupation prior to the occupation of more than 50% of the other residential units on the development.
12. The sums referred to in paragraphs 1, 4, 6 and 9 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council
13. 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.
14. The developer shall complete the Agreement by 28th June 2007 otherwise the application will be registered as deemed refused

P. Mullineux, P. J. Yates 13th February 2007

13 DCNW2007/0603/F - PROPOSED ERECTION OF 12 DWELLING UNITS AND ANCILLARY GARAGES AT LAND ADJACENT TO WEOBLEY METHODIST CHAPEL WEOBLEY.

**For: BORDER OAK DESIGN & CONSTRUCTION LTD,
KINGSLAND SAWMILLS, KINGSLAND, LEOMINSTER,
HEREFORDSHIRE, HR6 9SF**

Date Received:
23rd February 2007

Ward:
Golden Cross with
Weobley

Grid Ref:
40466, 51366

Expiry Date:
25th May 2007

Local Member: Councillor JHR Goodwin

1. Site Description and Proposal

- 1.1 The site for the proposed development is on land allocated in the Herefordshire Unitary Development Plan for housing to the rear of the Methodist Chapel, Hereford Road.
- 1.2 To the south of the application site is the residential area known as 'Chapel Orchard', this housing estate consists of two-storey dwellings constructed externally of brick under tiled roofs. Access to the proposed development is through this housing area.
- 1.3 The application site is also surrounded by residential areas to its northern and eastern sides, these are of mixed type housing, again mainly of red brick external construction. To the west of the site on opposite side of the adjacent C1095 public highway is the site of Weobley Castle, a Scheduled Ancient Monument, this survives as a massive earthworks.
- 1.4 The application site itself consists of an area of 0.41 hectares, relatively flat under a covering of grassland, the boundaries consist of various natural and evergreen vegetation, being of no particular outstanding merit.
- 1.5 The application proposes the construction of 12 timber-framed dwellings and ancillary garages under natural slate/plain clay tiled roofs. The proposed dwelling units consist of: 7 three-bedroomed units and 5 two-bedroomed units, 5 of which are to be affordable units in accordance with criteria as requested by the Council's Strategic Housing Section.
- 1.6 The application under consideration is as a result of a previous application withdrawn by the applicants on 4th January 2007 at the request of the Case Officer, due to local issues of concern.

2. Policies

- 2.1 National Planning Policy Statement 3: Housing

- 2.2 Herefordshire Unitary Development Plan
 - S1 – Sustainable Development
 - S2 – Development Requirements
 - S7 – Natural and Historic Heritage
 - DR1 – Design
 - DR2 – Land Use and Activity
 - DR3 - Movement
 - DR4 – Environment
 - H4 – Main Villages: Settlement Boundaries
 - H13 – Sustainable Residential Design
 - H15 – Density
 - H16 – Car Parking
 - LA2 – Landscape Character and Areas Least Resilient to Change
 - HBA6 – New Development within Conservation Areas
 - ARCH1 – Archaeological Assessments and Field Evaluations
 - CF2 – Foul Drainage

2.3 Weobley Parish Plan Supplementary Planning Guidance

2.4 Housing Needs Study for Weobley – February 2007

3. Planning History

3.1 NW06/3549/F - Proposed erection of 13 dwelling units and ancillary garages - Withdrawn 4th January 2007.

3.2 NW03/2057/F - Construction of 9 houses with garages - Withdrawn 8th December 2003.

3.3 N98/0827/O - Erection of four dwellings served by a private drive - Refused 17th February 1999. Later dismissed on appeal 16th September 1999.

3.4 N98/0014/O - Site for erection of four dwellings served by private drive - Refused 10th March 1998.

4. Consultation Summary

Statutory Consultations

4.1 English Heritage - No response to the current application. However a response was received to the previous withdrawn application, this stated that the proposed development needed to respect the character of Hereford Road, whose boundary is of historical importance in relationship to part of an old boundary embracing, presumably old town crofts along the road, forming part of the historic urban envelope in respect of Weobley Castle, a Schedule Ancient Monument. They also stated that reference should be made to their response to application ref: NW03/2057/F, this also highlighted the importance of the adjacent Weobley Castle and its Scheduled Ancient Monument and how the street scene alongside Hereford Road must be preserved, Weobley being an historic settlement of the highest quality containing a remarkable collection of timber framed houses in a landscape setting also of very high quality to which the Castle and Scheduled Ancient Monument form an important part of. The response stated in principal they did not object to residential

development of the site on the understanding that the character of Hereford Road was preserved.

- 4.2 Welsh Water raise no objections subject to inclusion of conditions with regards to foul and surface water drainage.

Internal Council Advice

- 4.3 Archaeology Manager raises no objections subject to the inclusion of a condition with regards to archaeological evaluation to any approval notice subsequently issued.
- 4.4 Forward Planning - No objections raised to the current application under consideration.
- 4.5 Landscape Manager - raises no objections subject to the inclusion of a condition in relationship to hard and soft landscaping of the site to any approval notice if subsequently issued.
- 4.6 Transportation Manager raises no objections subject to inclusion of a condition with regards to a ramp at the entrance to the proposed development site.
- 4.7 Parks Development Manager requests the sum of £9,500 towards improvements to the Hopelands Village Hall play area in Weobley and £7,560 towards local sport and leisure provision as a result of recent changes in relationship to Sport England.
- 4.8 Strategic Housing Enabling Manager raises no objections to the proposal.
- 4.9 Children and Young People's Directorate requests a contribution of £6,057 per dwelling in consideration of the Supplementary Planning Document currently in 'draft form'.
- 4.10 Conservation Manager raises no objections to the proposal.

5. Representations

- 5.1 Weobley Parish Council in their latest response note that the proposed 'affordable housing' is as requested. Concerns are raised about access to a proposed garage at the rear of an existing barn adjoining the site on the north western edge in that this access may possibly allow future development at the rear of the barn and adjoining properties. The Council states its main objection to the proposed development is the fact that the access to the site is through the adjacent Chapel Orchard housing estate. Clarification is required with regards to the Herefordshire Unitary Development Plan and access into the site from Hereford Road.
- 5.2 Letters of comment/objection have been received from the following:

C B Havard, Bell Meadow, Weobley
Eileen King, 1 Chapel Orchard, Weobley
Donald Kilgour, 2 Chapel Orchard, Weobley
J A Eady, 5 Chapel Orchard, Weobley
Mr E C Crumplin, 6 Chapel Orchard, Weobley
Pamela McGill, 9 Chapel Orchard, Weobley
Rosemary Tilbury, 12 Chapel Orchard, Weobley
K Metcalfe/T Griffiths, 13 Chapel Orchard, Weobley

Mr & Mrs D Bradley, 14 Chapel Orchard, Weobley
Claire Pennington, 15 Chapel Orchard, Weobley
Joyce Godfrey-Merrick, The Old Grammar School, Hereford Road, Weobley
Mr F T Rawlings, 'Winnal', Bishopstone, Hereford
Mrs Ellis-Jones on behalf of Campaign to Protect Rural England N W Group, 2 The Corn Mills, Weobley

The primary reason for objection from the above-mentioned to this application is the proposed access to the development through the existing Chapel Orchard Estate. Objections/comments are also raised about foul/surface water drainage, layout of garaging on site, further development by 'Border Oak' in Weobley and views enjoyed by existing dwellings adjacent to the site.

- 5.3 One of the letters of objection received was accompanied by a petition list signed by residents of all properties in Chapel Orchard, many of whom have sent in their own letters of objection as stated above, stating 'In principle we are not objecting to the erection of 13 dwellings, however we strongly object to the access to this site by extending Chapel Orchard into it. (This letter refers to 13 dwellings as it is a copy of the letter sent in response to the previous application.)
- 5.4 One letter of support has been received from Weobley Church Leader and Superintendent Minister of the Methodist Church, Leominster Methodist Circuit, on behalf of Weobley Methodist Church. The letter further states its full support for the proposed development on land and agreement with English Heritage advice that the street frontage should be maintained alongside Hereford Road in consideration of the adjacent Schedule Ancient Monument.
- 5.5 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 main issue with regards the development subject to this application is the proposed access to the site through the existing Chapel Orchard housing estate.
- 6.2 Other relevant planning issues are:-
- Section 106 Agreement with regards local education
 - Layout of the proposed development
 - Foul and surface water drainage
 - Orchard on site.

6.3 Access to the Site

The application proposes access into the proposed development through Chapel Orchard. This is without doubt the most contentious issue with regards to the proposed development.

- 6.4 The applicants have stated in their Design and Access Statement that the reasoning for access to the site through Chapel Orchard was paragraph 5.4.61 in the Herefordshire Unitary Development Plan – Revised Deposit Draft which stated:

'Access to the site should be taken from one of the existing residential accesses which adjoin the site. Direct access onto Hereford Road will not be permitted'

(This requirement has been amended, see para 6.8)

- 6.5 This supporting text in the Herefordshire Unitary Development Plan's text in compliance with an Inspectors appeal decision for the site in respect of application ref N/98/0827/O, refused planning permission on 17th February 1999, for erection of four dwellings, which stated in relationship to public highway access to the site:-

'The development proposed includes a new access from Hereford Road, sited immediately to the south of the existing farm gate. Hereford Road is a classified road (C1095) that leads to other small villages to the south of Weobley and is subject to a 30 mph speed limit. The written justification to the local plan states that access onto Hereford Road to serve this site would be undesirable but does not give reasons why this is so. To provide for the necessary visibility splays for the proposed access it would be necessary to remove a substantial proportion of the existing hedge along the frontage. To my mind this would detract from the historic landscape. It would open up views of modern development, particularly from the pedestrian entrance/exit to the castle opposite the appeal site. This would be at odds with the enclosed setting of the castle. It would also introduce a new feature and activity into the area. In my view this would impair the quietude of the castle and so adversely affect its setting.'

- 6.6 A subsequent application reference number NW03/2057/F – Construction of 9 houses with garages was submitted to the Council for planning determination and later withdrawn on 8th December 2003. The primary reasons for withdrawal of this application appear to be in relationship to design issues of the proposed development. Access to the site was from both Chapel Orchard and Burton Gardens, (on the northern side of the application site).

- 6.7 The Weobley Parish Plan (Supplementary Planning Guidance) states how development should be in accordance with the Herefordshire Unitary Development Plan and in keeping with local character and needs whilst protecting the commercial core.

- 6.8 The Herefordshire Unitary Development Plan was formally adopted on 23rd March 2007. The Inspector's report in relationship to the Revised Deposit Draft recommended in relationship to paragraph 5.4.61 that in his opinion direct access to the site from Hereford Road would be the safest option. He therefore recommended that in paragraph 5.4.61 the deletion of :-

'Direct access onto Hereford Road will not be permitted.'

Consequently these words were omitted and the Herefordshire Unitary Development Plan formally adopted on 23rd March 2007, ie after the application was submitted.

- 6.9 Therefore as a result of the deletion of the words 'direct access onto Hereford Road will not be permitted' it leaves three options of access into the site:-

- Through Burton Wood
- Directly off Hereford Road
- Through Chapel Orchard

Officer opinion is that the most natural point of access to the site is through Chapel Orchard and that access off Hereford Road would undermine the setting and

character of the adjacent Weobley Castle, a Scheduled Ancient Monument. Access through the Burton Wood residential area is also not considered appropriate.

- 6.10 The Council's Transportation Manager raises no objections to the proposed access through Chapel Orchard. In response to concerns raised with regards access visibility from the public highway and specifications of the existing proposed access route through Chapel Orchard, the Transportation Manager considers the proposed access route is in accordance with the Council's required Highways specifications.

Section 106 Agreement

- 6.11 The applicants have agreed to the Council's requests for planning gain in accordance with the Draft Heads of Terms attached to this report. However there is one issue with respect to this Draft Heads of Terms to which the relevant internal consultees have requested additional funding, this is contributions towards local educational establishments (ie local primary and secondary school).
- 6.12 The applicants in relationship to the previous application, withdrawn for development on the site, (application ref NW06/3549/F) agreed to a financial contribution towards local school funding of £1000 per dwelling.
- 6.13 The Council's Childrens and Young People's Directorate in response to the current application have requested a contribution in line with the Draft Supplementary Planning Guidance on Section 106 contribution for education, a sum of £6,057 per dwelling. This Supplementary Planning Guidance is in draft form only and presently approved for consultation purposes only, therefore carries little weight in the event of an appeal situation. Insufficient justification has been presented by the Directorate in order to secure more than £1000 as already offered

Layout of the Proposed Development

- 6.14 Concerns have been raised with regards to a block of garaging on site by a local resident and the Parish Council in consideration of a proposed access to one of the garage units on site.
- 6.15 The proposed internal layout is accepted by the Council's Transportation and Conservation Manager, garaging is considered necessary in consideration of the development and it is preferred that ancillary garaging be considered as part of the application site as a whole, rather than in a piece meal situation, post housing construction. The site is allocated for 12 units in the Herefordshire Unitary Development Plan and therefore any additional units would be generally resisted as was the case by Officers to the previous withdrawn application in consideration of general layout and density of the site in relationship to surrounding residential development.

Foul and Surface Water Drainage

- 6.16 One of the objectors has raised concerns about surface water run-off and why storm water cannot be disposed of via the main sewer.
- 6.17 Welsh Water in their response to the application has requested that surface and land drainage run-off is not allowed to be connected to the public system for reasoning of hydraulic overloading of the public system. They further state a request for a condition to be attached to any subsequent approval notice issued with regards a

scheme for the comprehensive and integrated drainage of the site between themselves the applicants and the Local Planning Authority.

Orchard on site.

- 6.18 Another issue raised is the fact that the Herefordshire Unitary Development Plan in its paragraph on the allocated housing land subject to this application refers to land on the western side of the application site only being developed as there is an Orchard on site of importance to the character of the Conservation Area.
- 6.19 Clearly there is no longer an orchard on site.
- 6.20 The Council's Landscape Manager has responded to requests from Officers with regards to the Herefordshire Unitary Development Plan statement about development on site being retained only to the western side, in respect of an Orchard on site, that they have no re-recollection of an orchard on site. In accordance with records from 2001 there is no evidence of trees having been on site that have recently been removed. Therefore as nothing remains that resembles an Orchard, and given the fact that the Herefordshire Unitary Development Plan recommends 12 dwellings for the site, it is recommended that this statement with regards the western side of the site in the Herefordshire Unitary Development Plan no longer has any justifiable relevance.

RECOMMENDATION

- 1) **The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to (set out heads of agreement) and any additional matters and terms as she 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:**

Note to Applicant:

- i) **This permission is granted pursuant to an agreement under Section 106 of the Town and Country Planning Act 1990.**
- 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)**
 - 3 - **C04 (Details of window sections, eaves, verges and barge boards)**
Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.
 - 4 - **C05 (Details of external joinery finishes)**

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

5 - D03 (Site observation - archaeology)

Reason: To allow the potential archaeological interest of the site to be investigated and recorded.

[Note ND3 should be used in conjunction with this condition].

6 - Foul water and surface water discharges shall be drained separately from the site.

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

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

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

8 - Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

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

9 - 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 Natural 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.

10 - Prior to any development on site details will be submitted to and approved in writing by the local planning authority of the ramp on the entrance to the development site. The ramp will be in accordance with specifications on page 15 of the Council's Highways Design Guide and page 39 of the Council's 'Highways Specification for New Developments.'

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

2 - N19 - Avoidance of doubt

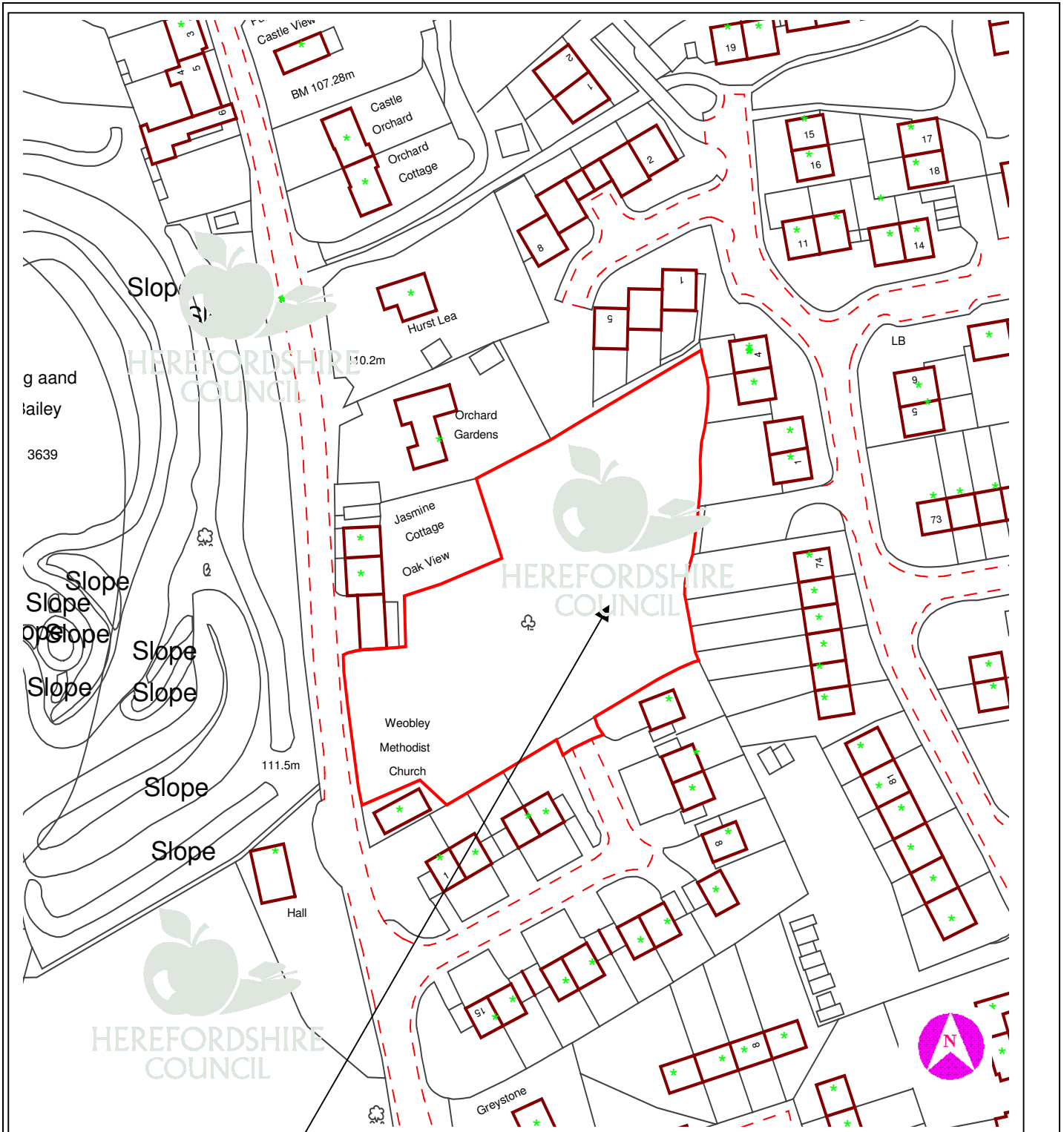
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2007/0603/F

SCALE : 1 : 1250

SITE ADDRESS : Land adjacent to Weobley Methodist Chaple Weobley.

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

Planning Application – NW07/0603/F.

Proposed erection of 12. no. dwelling and ancillary garages, on land adjacent to Weobley Methodist Chapel, Weobley, Herefordshire.

1. The developer shall provide 5 affordable housing units as indicated on plan ref. No. D603.1K submitted as part of the application, which meets the criteria as set out in section 5.5 of the Unitary Development Plan, Herefordshire. The affordable housing units will comprise of 2 shared ownership houses and 3 Social Housing in accordance with the information as stated on the approved plans. The applicants or successors in title shall procure the construction of the affordable housing in accordance with the current Housing Corporation Scheme Development Standards and Lifetime Home Standards with no affordable housing grant input.
2. The developer covenants with Herefordshire Council, in lieu of the provision of open space on the land to serve the development to pay Herefordshire Council the sum of £9,500 which sum shall be paid on or before the commencement of development.
3. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - (i) Infrastructure improvements in relationship to Hopelands Village Hall, Play Area, Weobley.
4. In the event that Herefordshire Council does not for any reason use the said sum, within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof which has not been used by Herefordshire Council.
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £12,000 to provide education improvements to Weobley High School, this sum shall be paid on or before the commencement of development.
6. In the event that Herefordshire Council does not for any reason use the said sum of Clause 5 for the purposes specified in the Agreement within 10 years of the date of this Agreement, the Council shall repay to the developer the said sum or such part thereof which has not been used by Herefordshire Council.
7. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £18,000 to provide sustainable transport measures in Weobley. The sum shall be paid on or before the commencement of development.
8. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Pedestrian access improvements near the development and within Weobley.
 - b) Improvements to bus provision/passenger waiting facilities.
 - c) Improvements to safe routes to local schools etc.
 - d) Contribution to safe routes to schools.
9. The developer covenants with Herefordshire Council, in support of local sports provision for improved local facilities, to pay Herefordshire Council the sum of £7,560.00 which sum shall be paid on or before the commencement of development. In the event that Herefordshire Council does not for any reason use the said sum of Clause 7 and 8 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.

10. The sums referred to in paragraphs 2, 5, 7 & 9 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council
11. 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.
12. The developer shall complete the Agreement by 1st July 2007 otherwise the application will be registered as deemed refused

P. Mullineux, P. J. Yates 26th April 2007

14 DCNW2007/1277/F - PROPOSED FIRST FLOOR EXTENSION, NEW FRONT PORCH AND ALTERATIONS AT DUNELM, WEST STREET, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE, HR6 9DX

For: Mr & Mrs R Shipley Bryan Thomas Architectural Design Ltd The Malt House Shobdon Leominster Herefordshire HR6 9NL

Date Received:
25th April 2007

Ward:
Pembridge &
Lyonshall with Titley

Grid Ref:
38822, 58168

Expiry Date:
20th June 2007

Local Member: Councillor RJ Phillips

1. Site Description and Proposal

- 1.1 Located within the Conservation Area, the dwelling is detached, two-storey, and of external brick and render construction, under a tiled roof. It is of no architectural or historic value in relationship to the surrounding Conservation Area.
- 1.2 The dwelling is located within a residential area and backs onto open farmland.
- 1.3 The application proposes a first floor extension above the existing attached garage on the western elevation of the property, re-organisation of the internal lay out and a porch onto the property's frontal elevation.
- 1.4 As a result of the proposed development the dwelling will have an additional floor space of approximately 30 sq m when measured externally, presently the dwelling has a floor area of approximately 151.25 sq m floor space. The proposal will result in the loss of the integral garage to that of additional domestic accommodation.

2. Policies

2.1 Herefordshire Unitary Development Plan

S1 – Sustainable development
 S2 – Development requirements
 DR1 – Design
 DR2 – Land use and activity
 DR3 – Movement
 DR4 – Environment
 H4 – Main villages – settlement boundaries
 H18 – Alterations and extensions
 LA2 – Landscape character and areas least resilient to change
 HBA4 – Setting of listed buildings
 HBA6 – New development within Conservation Areas

3. Planning History

3.1 There is no planning history identified with regards to this site.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Transportation Manager - Raises no objection to the proposed development subject to the inclusion of a condition with regards to parking and turning area to any approval notice subsequently issued.

4.3 Conservation Manager recommends approval to the proposed development.

5. Representations

5.1 Pembridge Parish Council. No response received at time of writing report.

5.2 One letter of objection has been received from Mr and Mrs T J Baker, Westfields, West Street, Pembridge. The letter can be summarised as follows:

- a) Increasing the size of the dwelling subject to this application will have a harmed effect on the setting of nearby listed buildings and surrounding Conservation Area.
- b) Character of the existing dwelling.
- c) Impact on adjoining neighbours.
- d) In conflict with relevant local plan policy.

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 of concern with regards to this application is as outlined in the letter of objection from Mr and Mrs T J Baker.

Issues raised are as follows:

- Effect on adjacent listed buildings and surrounding Conservation Area.
- Character of existing property.
- Effect on neighbouring dwellings.
- Policy criteria.

6.2 The dwelling is of the 1960's era and of no architectural merit in relationship to the surrounding Conservation Area and is set back from the frontage of other buildings and therefore plays little part in the surrounding street scene.

- 6.3 The proposed development takes a form which will play down the additional volume and as a result the extended building will remain of little visual significant to the surrounding built environment.
- 6.4 The proposed development will not result in the loss of privacy or amenity to adjacent properties and is for a proposed increase in floor space of approximately 30 sq m mainly on the first floor, above the existing attached garage, which will be lost to additional domestic accommodation.
- 6.5 The Council's Transportation Manager raises no objections to the proposed development subject to the inclusion of a condition with regards to parking and turning area, to which the property does have adequate land within its curtilage in front of the property.
- 6.6 Consequently the proposal is considered to comply with Unitary Development Plan policies.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2 - **B02 (Matching external materials (extension))**

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

- 3 - **Notwithstanding the approved plans no approval is given to the construction detail and design of the windows. Full details of the window design and construction materials will be submitted to the local planning authority and approved in writing prior to any development on site.**

Reason: In the interests of the surrounding Conservation Area and setting of adjacent listed buildings.

- 4 - **H12 (Parking and turning - single house)(Curtilages)(3)**

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

Informatives:

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

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

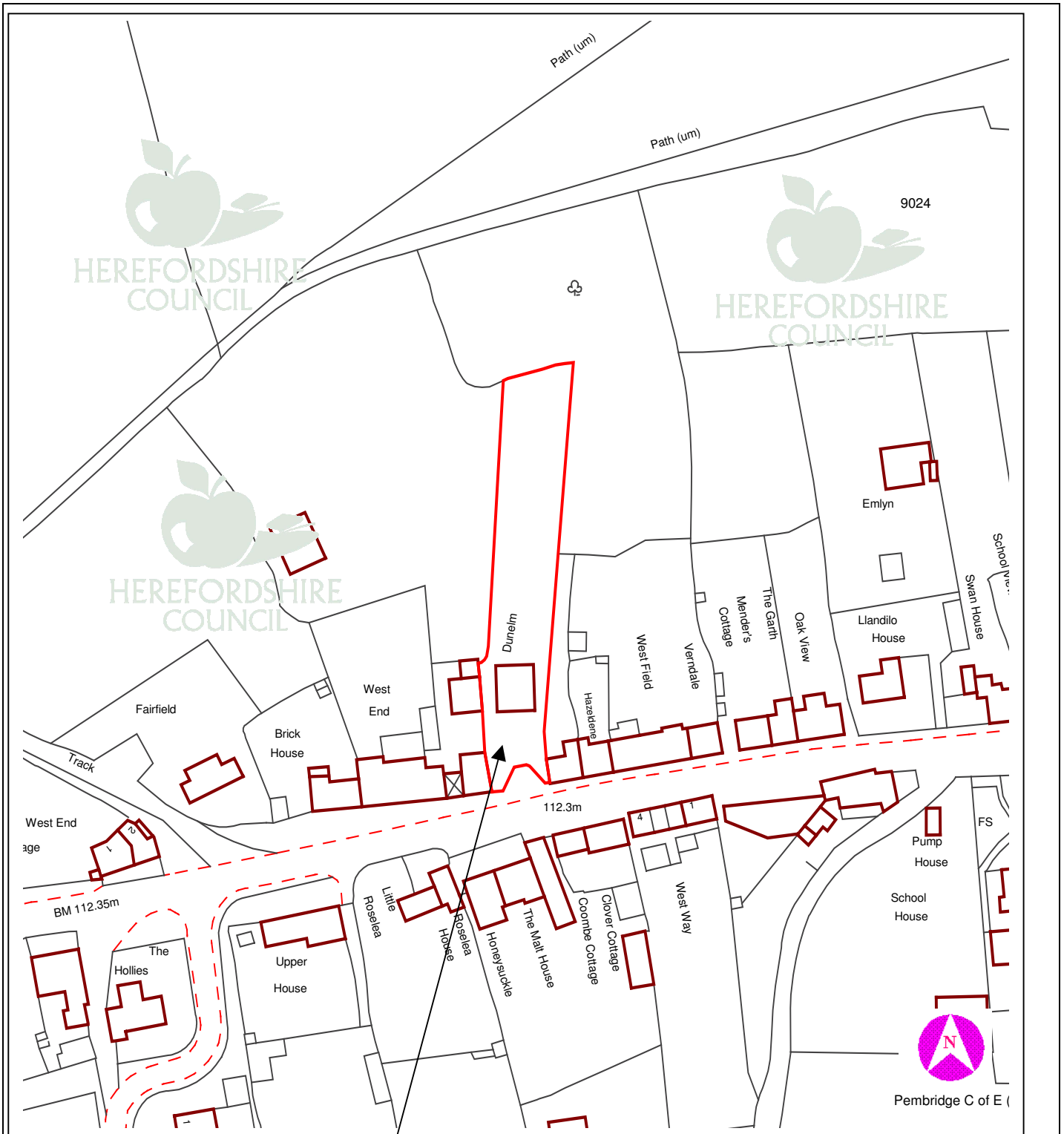
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2007/1277/F **SCALE :** 1 : 1250

SITE ADDRESS : Dunelm, West Street, Pembridge, Leominster, Herefordshire, HR6 9DX

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15 DCNC2007/0586/O - SITE FOR DWELLING FOR A RURAL ENTERPRISE AT THE OLD BLACKSMITH'S SHOP, DOCKLOW, LEOMINSTER, HEREFORDSHIRE

For: Mr & Mrs Hill per Burton & Co, Lydiatt Place, Brimfield, Ludlow, Shropshire, SY8 4NP

Date Received:
22nd February 2007

Ward: Hampton Court **Grid Ref:**
56474, 57420

Expiry Date:
19th April 2007

Local Member: Councillor KG Grumbley

1. Site Description and Proposal

- 1.1 The application site lies on the southern side of the A44, with an existing vehicular access directly on to it. It lies within a small paddock bounded to the south east and west by mature hedgerows and trees.
- 1.2 The paddock is set back from the road by approximately 65 metres, the area between being occupied by a workshop and yard from where the applicant runs an agricultural engineering business.
- 1.3 The application is made in outline and is for the erection of a dwelling to be occupied in connection with the agricultural engineering business. The application form reserves all matters for future consideration, although the design and access statement accompanying it states that the existing access serving the yard and workshop would be shared.
- 1.4 A general statement supporting the application is also included. This suggests that the proposal accords with policy H7 and H8 of the Herefordshire Unitary Development Plan and Planning Policy Statement Note 7 - Sustainable Development in Rural Areas.

2. Policies

Herefordshire Unitary Development Plan

H7 – Housing in the countryside outside settlements

H8 – Agricultural and forestry dwellings and dwellings associated with rural businesses

Planning Policy Statement 7 – Sustainable Development in Rural Areas – Annex A: Agricultural, Forestry and Other Occupational Dwellings

3. Planning History

NC2001/0631/O - Site for proposed dwelling and garage - Refused 25/04/01 and dismissed on appeal due to lack of need.

93/0355/N - Erection of a replacement workshop - Approved 13/08/93.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Consultations

4.2 Transportation Manager - No objections subject to conditions.

4.3 Forward Planning Manager - There is insufficient/unclear supporting information to answer the functional and financial tests of PPS7 and therefore it is contrary to Policies H7 and H8 of the UDP.

5. Representations

5.1 Docklow and Hampton Wafer Parish Council - No objections.

5.2 12 letters of support have been received from a combination of local residents and customers of the applicant. In summary the points raised are as follows:

1. The applicant is a hard working member of the community.
2. A dwelling in close proximity to the business will allow it to be run more successfully.
3. It would save the applicant a lot of time and money in travelling expenses.

Agents Comments

5.3 The application is not accompanied by a detailed functional and financial appraisal as is required by PPS7. A statement submitted with the application advises that the applicant runs a 24 hour breakdown service and is on call most of the time. It states that he needs to be on site in order to respond quickly to emergencies. At present he has to travel from Pembridge to his workshop to collect tools and replacement parts, and then onto a client.

5.4 It also stated that there is a need for a permanent presence to received parts deliveries, to provide security and an on-site office, which is currently lacking.

5.5 The statement also advises that the business is financially viable. Figures have not been submitted, as is the norm, but a note that accounts can be made available is included.

5.6 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 site lies outside of a settlement boundary and is thus classed as open countryside. A fundamental aim of the Unitary Development Plan (UDP) is to protect the open countryside from unnecessary development. New build residential development in the open countryside is not permitted by the UDP, other than in the exceptional circumstances set out in Policy H8. One of those circumstances is where there is a clear need for accommodation for persons employed in agriculture, forestry, horticulture or other rural businesses.

- 6.2 This proposal for a new house in the countryside can also be assessed against PPS7. Paragraph 10 of PPS7 makes clear that isolated new houses in the countryside require special justification for planning permission to be granted. 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. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.
- 6.3 Planning permission was refused in 2001 and dismissed on appeal due to a lack of need for a dwelling. The key to this application is whether those circumstances have changed so significantly to warrant a different decision.
- 6.4 The functional requirement for a dwelling is based on a combination of convenience and a need for security, and not on any essential requirement to be permanently on site.
- 6.5 It is accepted that a journey from Pembridge to Docklow may be inconvenient and may delay the applicants arrival at a site. However, this in itself does not demonstrate a functional requirement to live on site. It is not imperative for an agricultural engineer to be on site to respond immediately to an emergency in the same manner as a livestock farmer for example.
- 6.6 The statement accompanying the application advises of two properties sold recently in Docklow for £500,000 and £400,000 respectively. Whilst these may well be out of the price range of the applicant, no details are given as to why other properties further afield have not been considered, perhaps in Leominster or other villages in closer proximity.
- 6.7 Other matters relating to deliveries and security are not in themselves justification for a dwelling and your officers are not convinced that there is a functional need for a dwelling on the site. It will always be more convenient for an individual to live closer to their place of work and this application seems to be based on this premise.
- 6.8 The business may well be financially viable. This was not used as part of the refusal reason in 2000 and it is not intended to refer to it here. Nevertheless, the proposal does not meet the functional test of PPS7 and it is therefore concluded that it is contrary to policy. The application is therefore recommended for refusal.

RECOMMENDATION

That planning permission be refused for the following reason:

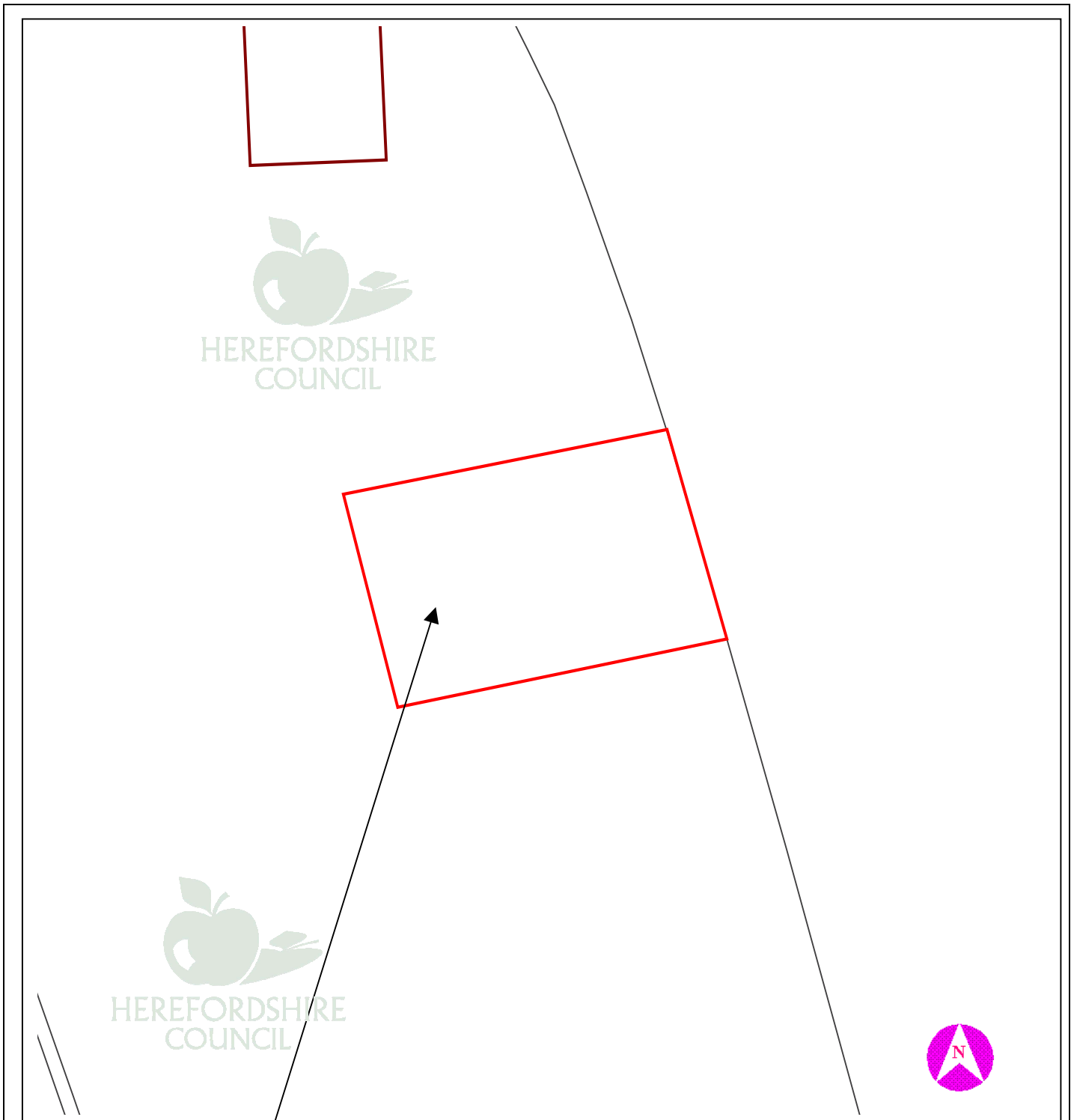
- 1 The applicant has failed to demonstrate that a functional need exists for a dwelling on the site. Without any exceptional justification the proposal is contrary to Policies H7 and H8 of the Herefordshire Unitary Development Plan and Annex A of Planning Policy Statement 7 - Sustainable Development in Rural Areas.**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2007/0586/O

SCALE : 1 : 391

SITE ADDRESS : The Old Blacksmith's Shop, Docklow, Leominster, Herefordshire

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16 DCNC2007/0656/F - ERECTION OF DWELLING HOUSE & GARAGE/GARDEN STORE (AMENDMENTS TO PREVIOUS APPROVAL NC2004/0778/RM) AT PLOT 3, LAND ADJACENT VILLAGE HALL, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE

**For: Mr & Mrs K Dowling per Ian Murray Associates,
The Granary, Wormington Farm Barns, Nr Broadway,
Worcester, WR12 7NL**

**Date Received:
1st March 2007**

**Ward: Hampton Court Grid Ref:
52164, 56536**

**Expiry Date:
26th April 2007**

Local Member: Councillor KG Grumbley

1. Site Description and Proposal

- 1.1 The site is located on the south side of the C1110 to the south-east of its junction with the Stoke Prior Road and between the village hall and Belmont, a detached bungalow. Reserved Matters planning approval was granted for residential development at the site on 19 May 2004 under application reference DCNC2004/0778/RM. The permission was for three dwellings, all of similar design and scale.
- 1.2 This application seeks to vary the design of the dwelling on Plot 3. For ease, the differences are compared below and are as follows:

	Approved Scheme NC2004/0778/RM	Current Proposal
Height	6.7m	7.3m
Length	10m	12.5m
Width	5.5m	6.5m
Materials	Brick/Clay Tile With weatherboard attached garage to western gable end	Timber Frame/Clay Tile With weatherboard secondary element to western gable end

- 1.3 In effect the proposal seeks to use the attached garage as additional habitable accommodation, providing a utility room and study at ground floor and an en-suite bathroom at first floor.
- 1.4 The dwelling is to be slightly re-orientated from the approved scheme, and looks slightly more towards the dwelling on Plot 1 than as approved. However, its vista remains along the drive serving the estate in a north-easterly direction.
- 1.5 The domestic storage lost through the use of the attached garage as habitable accommodation is to be replaced and significantly added to through the provision of a double garage and garden store with further storage over. The new building has a

footprint of 48m² and a height to its ridge of 5.2m, and is located in the western corner of the plot.

2. Policies

Herefordshire Unitary Development Plan

DR1 – Design

H18 – Alterations and Extensions

H13 – Sustainable Residential Design

H6 – Housing in Smaller Settlements

3. Planning History

3.1 The following applications are considered to be relevant to this proposal:

NC2006/3217/F - Proposed variation to planning permission NC2004/0778/RM to amend the design and siting of Plot 3 - Withdrawn.

NC2006/2440/F - Proposed variation to planning permission NC2004/0778/RM to amend the design on Plot 2 - Refused 11/10/06 for the following reasons:

1. The proposed dwelling would detract from the character and amenity of the area particularly by reason of the increased size and changes to the elevational treatment by comparison with the previously approved house on the same plot. The development would thereby be contrary to Policies DR1 and H13 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) and Policy A24 of the Leominster District Local Plan.
2. The approved design for the whole site (including the adjoining plots) came through consultation with the local community, including the Parish Council. In that context the current proposal, by being significant departure from the approved scheme, is contrary to the principles of community involvement as advocated in PPS1, paragraphs 40 to 43, the related guidance in 'Community Involvement in Planning: The Government's Objectives' published in 2004, and the principles of the emerging statement of Community Involvement for Herefordshire.

NC2006/1927/F - Proposed variation to planning permission NC2004/0778/RM to amend design and siting of Plot 3 - Withdrawn.

NC2006/1660/F - Proposed amendments to design and siting of Plot 2 - Withdrawn.

NC2004/0778/RM - Residential development, for approval of Reserved Matters - Approved 19.5.2004.

NC2003/1503/F - Erection of 4 detached dwellings with garages and private drive - Refused 28.1.2004.

NC2000/3426/O - Residential development - Outline planning permission granted 7.3.2001.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Consultations

4.2 Transportation Manager - No objection.

4.3 Public rights of Way Officer comments as follows: 'The proposed amendments will have less of an effect on public footpath SP9 than the previous application DCNC2006/1660/F. This footpath was recently diverted to allow the overall development of the site'.

5. Representations

5.1 Stoke Prior Parish Council - Objects to the application on the following grounds:

1. This small estate was planned in consultation with local people. The properties have a balance with one another and the local area which will be lost by increasing the size or position of any one property.
2. This is larger than the approved plans and is considered to be over-development.
3. The re-positioning of the dwelling would increase over-looking.

5.2 Stoke Prior Village Hall Committee - Objects to the application for the following reasons:

1. The development should be viewed as a whole and not a plot by plot basis.
2. The proposal is larger than the other two dwellings and is considered to be over-development.

5.3 One letter of objection has been received from David Taylor Consultants on behalf of Mr & Mrs Bromley, Belmont, Stoke Prior. In summary the points raised are as follows:

1. The proposal will be detrimental to the amenity of the occupants of Belmont and by virtue of its elevated position will be unduly dominant.
2. The re-orientation of the dwelling will increase overlooking. The position of the drive will mean that this cannot be ameliorated by planting.
3. The approved layout was designed and considered as a whole with buildings relating to each other and their surroundings. No material change to the size of the dwelling should be permitted.

5.4 A letter has also been received from Mr & Mrs McArdle who are the owners of Plot 1. They comment that they are happier with this design and layout than the previously withdrawn scheme, but express concern about the arrangements for vehicle turning on site, suggesting that this is more likely to take place within the shared drive.

5.5 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 factors to consider in the determination of this application are as follows:

1. The increased size and change in appearance of the dwelling.
2. The impact on the amenities of the occupants of Belmont in light of these changes and the provision of a detached garage.
3. The impacts in terms of highway safety.

Changes to size and design

6.2 These are rehearsed under the site description and proposal heading. The dwelling will be larger in all respects. However, permitted development rights were not withdrawn by condition at either outline or reserved matters stages and therefore if the dwelling were to be constructed as approved, further additions could be made without the need for a further application. Potentially this might be the addition of an extension to the eastern gable end and/or the erection of a detached garage and the provision of an access to it. It would also allow for the use of the attached garage as additional habitable accommodation without the need for a further application.

6.3 Whilst the proposed changes would not in themselves be permitted development, this application does offer the opportunity for permitted development rights to be removed in order for the local planning authority to consider the implications of any further changes and to secure the appearance of the development. This opportunity does not exist for Plots 1 and 2 but could be legitimately imposed here given the size increase.

6.4 Notwithstanding all of this it is your officer's opinion the changes proposed do not demonstrably alter the character or appearance of the development as a whole, or its relationship to the wider area.

Amenity

6.5 At their closest points (gable end to gable end) the proposal and Belmont are 15 metres from each other. This is no different to the approved scheme. The lengthening of the dwelling actually occurs to the eastern gable end where it will be closer to the dwelling on Plot 2. The proposal is orientated to the north-east to look away from Belmont and will not cause any demonstrable increase in overlooking to the approved scheme. This does not provide a justifiable reason to refuse the application. Similarly the provision of a detached garage will not be so harmful to amenity, particularly when assessed against what might be allowed as permitted development.

Highway Safety

6.6 As the development of three dwellings is served by a private drive, the usual criteria for ensuring vehicles can turn on site can be relaxed, as is the case within larger residential development. The key factor is that vehicles can enter and leave the public highway safely and this was dealt within the original outline and reserved matters applications. The fact that vehicles may have to manoeuvre within the shared drive will not give rise to such an issue of highway safety to warrant the refusal of this application.

6.7 In conclusion, it is your officer’s opinion that the development is acceptable and accords with the relevant policies. It is therefore recommended that the application is approved.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - B01 (Samples of external materials)

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

3 - E08 (Domestic use only of garage)

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling.

4 - G01 (Details of boundary treatments)

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

5 - H27 (Parking for site operatives)

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

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

Reason: In order that the local planning authority can assess the impact of any future development on the character and appearance of the wider area.

Informatives:

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

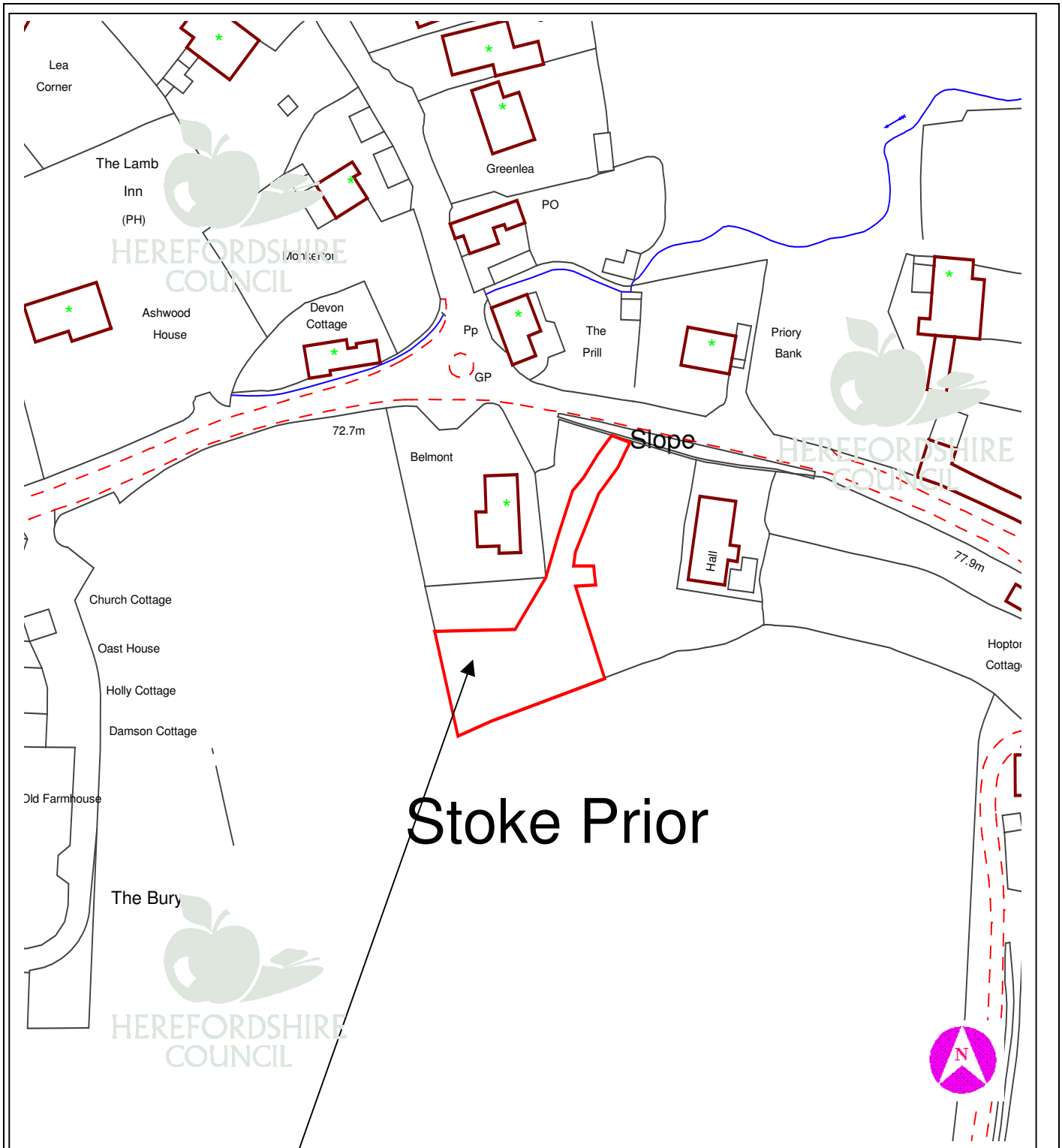
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



Stoke Prior

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APPLICATION NO: DCNC2007/0656/F

SCALE : 1 : 1250

SITE ADDRESS : Plot 3, Land adjacent Village Hall, Stoke Prior, Leominster, Herefordshire

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17 DCNC2007/0667/O - SITE FOR THE ERECTION OF AN ADDITIONAL BUILDING FOR PROVISION OF CARE TO THE ELDERLY MENTALLY INFIRM AT PENCOMBE HALL, PENCOMBE, BROMYARD, HEREFORDSHIRE, HR7 4RL

For: Mr N Williams per Wall, James & Davies 15-23 Hagley Road Stourbridge West Midlands DY8 1QW

Date Received:
2nd March 2007

Ward: Bromyard

Grid Ref:
60224, 52072

Expiry Date:
27th April 2007

Local Members: Councillor B Hunt and Councillor A Seldon

1. Site Description and Proposal

- 1.1 Pencombe Hall is a large Victorian house that is currently in use as a 30 bed care home for the elderly. It is an impressive building of stone construction with a slate roof, set within landscaped grounds with a number of mature specimen trees surrounding. The land slopes down to the north-west to a tennis court and is bounded to the south west by the Little Cowarne to Pencombe road, onto which the property has two points of access. The former coach house lies to the north-east and is now occupied as an entirely independent dwelling.
- 1.2 The property occupies a raised position in the landscape with extensive views to the north towards Pencombe village.
- 1.3 The application is made in outline with all matters reserved for future consideration and is for the erection of a building for the provision of care for elderly and mentally infirm people. The application is accompanied by indicative plans which suggest the erection of a split level single/two storey building to be located to the north west of the existing building, partly on the site of the tennis court. The building will provide 40 bedroom accommodation and also incorporates facilities such as medical areas, staff rooms and day rooms for residents.

2. Policies

2.1 Herefordshire Unitary Development Plan

S1 – Sustainable development
 DR1 – Design
 DR2 – Land use and activity
 LA2 – Landscape character and areas least resilient to change
 LA3 – Setting of settlements
 LA5 – Protection of trees, woodlands and hedgerows
 CF7 – Residential nursing and care homes

3. Planning History

None identified.

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Consultations

4.2 Transportation Manager – No objection subject to conditions

4.3 Environmental Health and Trading Standards Manager – No objections

4.4 Forward Planning Manager - The application should be assessed against policy CF7 of the UDP. The proposed care home is a new development and is considered to fall within the category of a residential use. Pencombe is a rural open countryside location where there are strict controls on new residential development as far as the UDP is concerned. Policy CF7 states that proposals for the provision of residential nursing and care homes will be permitted in areas where new residential development is acceptable. Therefore policy H7 is applicable and this application does not meet any of the set criteria in this policy. The proposal is contrary to policy.

Conservation Manager

4.5 Historic Buildings - This appears to be the right place to site an extension being set down at the back of the house. It is however of a significant size and its essentially linear shape makes it stretch out into the countryside, fronting onto public footways. It might have been preferable to set it round an enclosed courtyard and reduce its size so that it is clearly subservient to the main house reading more as a group of ancillary buildings rather than a major building in its own right, which competes with the main house, particularly when viewed from the north.

4.6 Landscape - None of the trees on or adjacent to the site are protected by a TPO and the proposed application would have no direct impact on trees within or adjacent to the site.

4.7 I am concerned that the proposed development would result in a dramatic increase in the volume of building in the area. The proposal dramatically extends the building into the lawned element of the site and would visually encroach into open countryside. The landscape character (Timbered Plateau Farmlands) surrounding the site is defined by wooded valleys and dingles and distinct boundary hedges and would generally be considered unable to accommodate significant development. The settlement pattern in this landscape is of dispersed farmsteads and hamlets and the clearly defined enclosure pattern relates to the historic integrity of this landscape.

4.8 Whilst not an old or listed building the historic and cultural relationship of Pencombe Hall to the village should be considered important. I consider the development overly large and intrusive in relation to the existing buildings, landscaped grounds and the relationship of the hall to the nearby village.

4.9 I would recommend the application be refused as contrary to policies DR1 and LA2 of the UDP.

5. Representations

5.1 Little Cowarne Parish Council – Raise concerns regarding poor water supply and in respect to the treatment of sewerage. Conclude that as the proposal is within the existing grounds there is no objection to the siting of the new building.

5.2 Three letters of objection have been received from the following:

Mr P. Mitchell, Gable Cottage, Bredenbury

Mr & Mrs Tilling, Glebe House, Pencombe

B.G. Potter, The Coach House, Pencombe

In summary the points raised are as follows:

1. A large building would detract from the setting and importance of Pencombe Hall.
 2. The property is in a rural area and is not accessible and would be better placed in a town.
 3. The increase in traffic would have an adverse impact on the road network.
 4. No access to mains sewers. The existing septic tank is inadequate and causes a nuisance.
- 5.3 One letter of support has also been received from Mrs Williams, The Finches, Wellington, whose father is presently a resident at Pencombe Hall. She is concerned that he continues to receive a high level of care and is concerned that he would have to move to another home if his condition continues to deteriorate.
- 5.4 The application is supported by a statement submitted on behalf of the applicant by his agent. This advises of the need for specialist elderly mentally infirm (EMI) in light of the fact that Herefordshire has the second oldest population in England.
- 5.5 It goes on to say that a report published by Herefordshire Council in conjunction with the NHS Primary Care Trust notes "*a shortage of beds for people with mental health problems.*" And, in addition that there appears to be a shortage of Nursing/EMI places.
- 5.6 The applicant has a particular interest in this type of care and Pencombe Hall already has a high reputation in this field. One of the advantages of locating a new specialist unit at Pencombe Hall is that residents would be able to transfer from a home providing residential care to one providing nursing care without enduring the disturbance of moving at a time of greatest need.
- 5.7 The statement concludes that the advantages of the proposal would be that it would:
- a) make a significant contribution and investment to counter the shortfall in this type of care.
 - b) Go hand in hand with the established facilities at Pencombe Hall.

- c) Represent a sensitive addition to the existing facilities which would blend comfortably with the architectural design of Pencombe Hall.

5.8 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 In the first instance the key consideration to be made with this proposal is whether it is acceptable as a matter of principle. Policy CF7 of the UDP refers specifically to residential nursing and care homes and states that:

Proposals for the provision of residential nursing and care homes will be permitted in areas where new residential development is acceptable or where they involve the environmentally acceptable conversion of existing buildings...

6.2 The site lies in an area of open countryside where there would be a presumption against further residential development and therefore the proposal fails the policy test. Consequently it falls to be considered whether there are any other material planning considerations that outweigh the policy.

6.3 The applicant's agent has identified the lack of specialist EMI care and the fact that Pencombe Hall already has a background in providing it, and this forms the basis of their exceptional justification for the proposal.

6.4 It remains the case that Pencombe is only identified as a smaller settlement and that the application site is some way outside of the village. It does not represent a sustainable location in terms of access to services or in terms of minimising people's need to travel. Policies such as S1 and DR2 reinforce the principle of sustainable development and this is a key theme of the UDP.

6.5 For a site on the fringes of a larger settlement with access to services and/or public transport, there may be greater justification for setting aside the provisions of CF7. However, this application site is so remote that the issues of sustainability cannot be set aside and therefore are not outweighed by the material considerations described by the applicant's agent.

6.6 The indicative plans give an idea of the scale of the proposal. The Historic Buildings Officer has opined that the site is appropriate, but raises some reservations over the form of the new building. It is considered that this could be addressed at the reserved matters stage through negotiation and an informed design. The changes in levels across the site would assist in reducing the perceived scale of any development and the siting of the proposal also takes advantage of this.

6.7 The Landscape Officer considers that the scheme would have an unacceptable visual impact on its surroundings. However, the site is well screened by the mature trees that surround the site and his comments acknowledge that the scheme would have no impact upon these. It is your Officer's opinion that the proposal would have a limited visual impact. An assessment has been made of this in the wider area and the site is not at all prominent from Pencombe village. The retention of surrounding trees would help to ensure that this remains the case, as would a design that makes full use in the changes in levels across the site. The proposal is therefore considered to be appropriate in terms of visual impact.

- 6.8 Matters relating to existing drainage problems and inadequacy of an existing septic tank are addressed by the submission which includes details of a replacement to serve the new development.
- 6.9 However, it is concluded that the proposal is contrary to policy as a matter of principle and therefore the application is recommended for refusal.

RECOMMENDATION

That planning permission be refused for the following reason:

The proposal represents the provision of a new residential care facilities in an open countryside location beyond an area where new residential development would be acceptable. Its location is therefore considered to be unsustainable by virtue of its proximity to services and that it does not minimise the need to travel. The applicant has failed to demonstrate that there are sufficient material planning considerations to outweigh these factors and therefore the proposal is contrary to Policies S1, DR2 and CF7 of the Herefordshire Unitary Development Plan

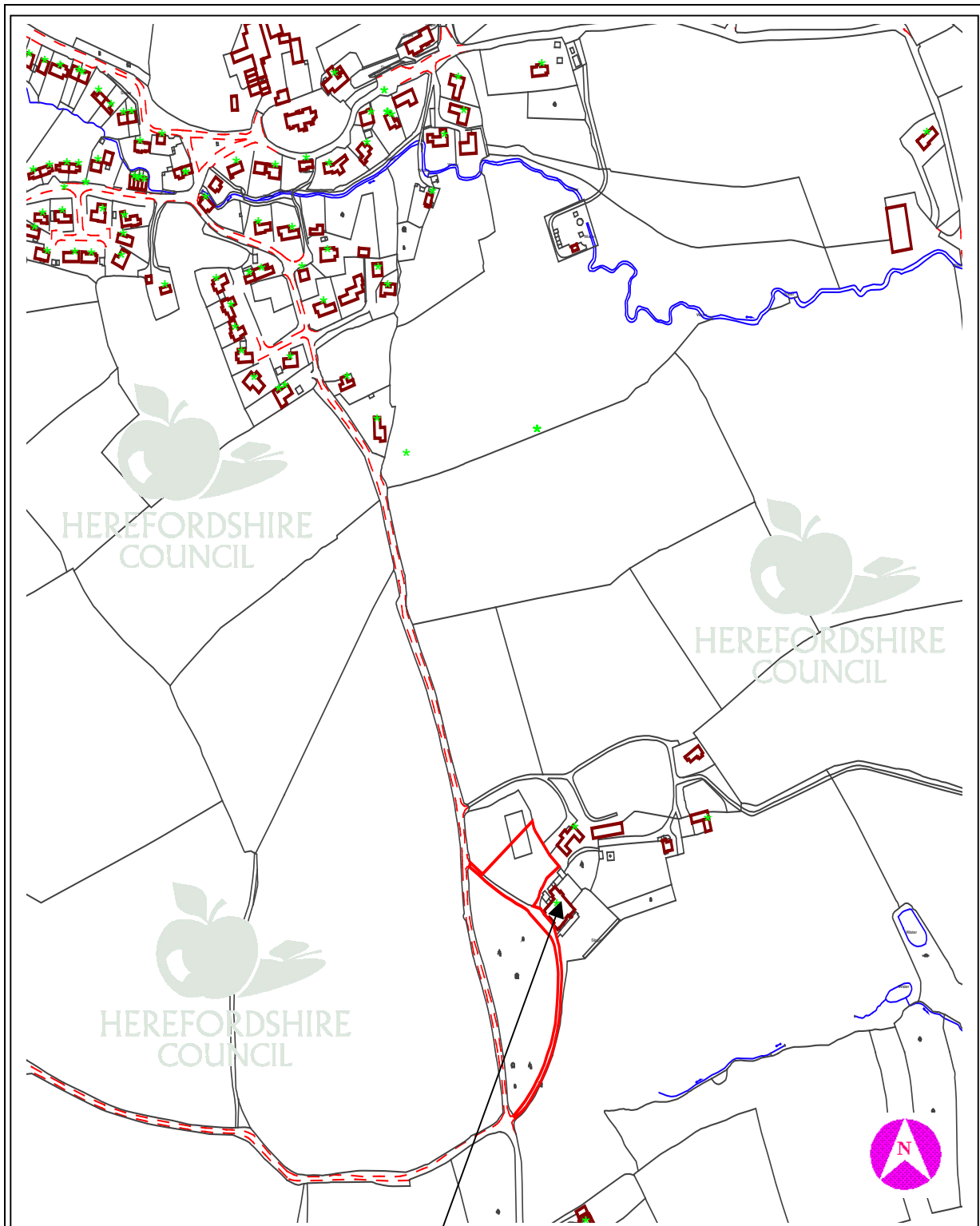
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNG2007/0667/O

SCALE : 1 : 5000

SITE ADDRESS : Pencombe Hall, Pencombe, Bromyard, Herefordshire, HR7 4RL

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**18 DCNC2007/0807/F - NEW DWELLING AND GARAGES.
SITE ADJACENT TO LUSTON COURT, LUSTON,
LEOMINSTER, HEREFORDSHIRE, HR6 0DU**

**For: Mr W Beaumont per Mr T Margrett, Green Cottage,
Hope Mansel, Ross-on-Wye, Herefordshire HR9 5TJ**

Date Received:
12th March 2007

Ward: Upton

Grid Ref:
48686, 63477

Expiry Date:
7th May 2007

Local Member: Councillor J Stone

1. Site Description and Proposal

- 1.1 The application site lies to the east of a range of converted barns at the eastern fringe of the village of Luston. It occupies a raised position in relation to the road and is set back from it, originally behind a brick and stone retaining wall that has now been removed. An existing access is positioned to the south-east corner. Agricultural land lies immediately to the north and east of the site.
- 1.2 The proposal is for the erection of an alternative single detached dwelling to that previously approved, positioned to the rear of the site and for two garage blocks to be located along the southern and eastern boundaries. The dwelling has a simple appearance to reflect that of the converted barns adjacent. It provides three bedroom accommodation in a building constructed in brick with the details of the roofing materials to be agreed. An open fronted double garage is attached to the west elevation and it is to be weatherboarded. The two detached garage block are to be of a similar design and will serve the completed barn conversions. The application has been amended since its original submission. The intention to retain the roadside wall in situ has now been omitted and it will be demolished and replaced as per the originally approved scheme.

2. Policies

- 2.1 Herefordshire Unitary Development Plan
DR1 – Design
H4 – Main villages: settlement boundaries
H13 – Sustainable residential design
HBA4 – Setting of listed buildings
HBA6 – New development within conservation areas

3. Planning History

NC2007/0107F – Proposed new dwelling – Withdrawn
NC2007/0105/F – Proposed new dwelling – Withdrawn
NC2005/3626/F – Conversion of redundant farm buildings to four houses and erection of one house – Approved 04/01/06

NC2005/2514/L - Conversion of redundant farm buildings to four houses and erection of one house – Approved 23/09/05
NC2005/2513/F - Conversion of redundant farm buildings to four houses and erection of one house –Refused 23/09/05 on highway safety grounds.

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Advice

4.2 Transportation Manager – No objection subject to conditions

4.3 Conservation Manager – No objection subject to conditions

5. Representations

5.1 Luston Parish Council – Object to the application on the following grounds:

1. Over-development
2. Poor access to the site
3. Concern about materials
4. North boundary hedge has been removed

5.2 Four letters of objection have been received from the following:

J.M. Chilvers, Hillside, Eye Lane
Mr A. Shepherd, Luston Court, Eye Lane
Mrs J Shepherd, Luston Court, Eye Lane
Miss E. Gentle, Court Cottage, Eye Lane

5.3 In summary the points raised are:

1. The proposal will be higher than the adjacent barn, unduly dominant and detrimental to the setting of it as a listed building and the conservation area.
2. The removal of hedgerows along the northern and eastern boundaries is detrimental to the setting of the conservation area.
3. The proposal will be detrimental to the privacy and amenity of Luston Court.
4. The proposal represents over-development.
5. The proposal will create further traffic problems.

5.4 The application is also accompanied by a design and access statement in which the applicant's agent provides some further justification for the development. This advises that the proposal is a replacement for the previously approved 'Gatehouse' style dwelling and not in addition to it. It suggests that the proposal is more in keeping as a gate house would never have been part of this range of traditional buildings. The two garage blocks are of a traditional open fronted design and will provide a screen to the development.

5.5 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 Planning permission exists and has been implemented through the conversion of the barn for a new dwelling on this site. Objections relating to matters of over-development and increased traffic problems cannot be substantiated as the proposal does not actually result in circumstances any different to those that would result if the site is developed as approved. It is therefore necessary to consider the current application in terms of its design and its impact on its surroundings in comparison to the scheme as approved.
- 6.2 The current proposal for a dwelling is smaller in terms of its floor area and ridge height and is positioned to the rear of the site as opposed to the approved gate house which sits at the road frontage. It is acknowledged that the current proposal does occupy a more elevated position and that it includes garaging that will sit on the frontage. However, it is a far more considered response to its surroundings than the approved scheme. The dwelling does have a more 'barn-like' appearance and both it and the garaging pay greater regard to the former agricultural use of the site and the barn than the previously approved gate house, appearing as subservient buildings to the barn. The gate house would undoubtedly have a more dominant effect than this proposal due to its height, bulk and position at the front of the site. Although the position of this proposal is more elevated, its impact will be limited as it is to the rear of the site and by virtue of the garaging that will appear in the foreground.
- 6.3 It is therefore your officer's opinion that the proposal is acceptable in terms of its design and its relationship to the adjacent listed building and the conservation area. Consequently it accords to policies HBA 4 and HBA6 of the UDP.
- 6.4 The proposal is orientated to face in a north/south direction. An existing building falls between it and Luston Court and it is not considered that there will be any demonstrable impact on the privacy of the latter as a result of this proposal.
- 6.5 Finally, concerns raised about the removal of hedgerows along the northern and eastern boundaries can be addressed by a condition requiring an appropriate replacement. Similarly the details of materials can be satisfied by condition.
- 6.6 On this basis the proposal is considered to accord with the UDP and the application is therefore 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 - A09 (Amended plans)**

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

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

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

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

Reason: To safeguard the character and appearance of the conservation area and the adjacent listed building.

5 - C05 (Details of external joinery finishes)

Reason: To safeguard the character and appearance of the conservation area and the adjacent listed building.

6 - C11 (Specification of guttering and downpipes)

Reason: To safeguard the character and appearance of the conservation area and the adjacent listed building.

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

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

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

Reason: In order that the local planning authority can consider the impact of any further development in respect of its surroundings.

9 - G01 (Details of boundary treatments)

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

10 - G04 (Landscaping scheme (general))

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

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

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

12 - This permission is in lieu of, and not as well of, the new dwelling approved under application reference NC05/3626/F.

Reason: To prevent over development of the site.

Informative(s):

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

2 - N19 - Avoidance of doubt

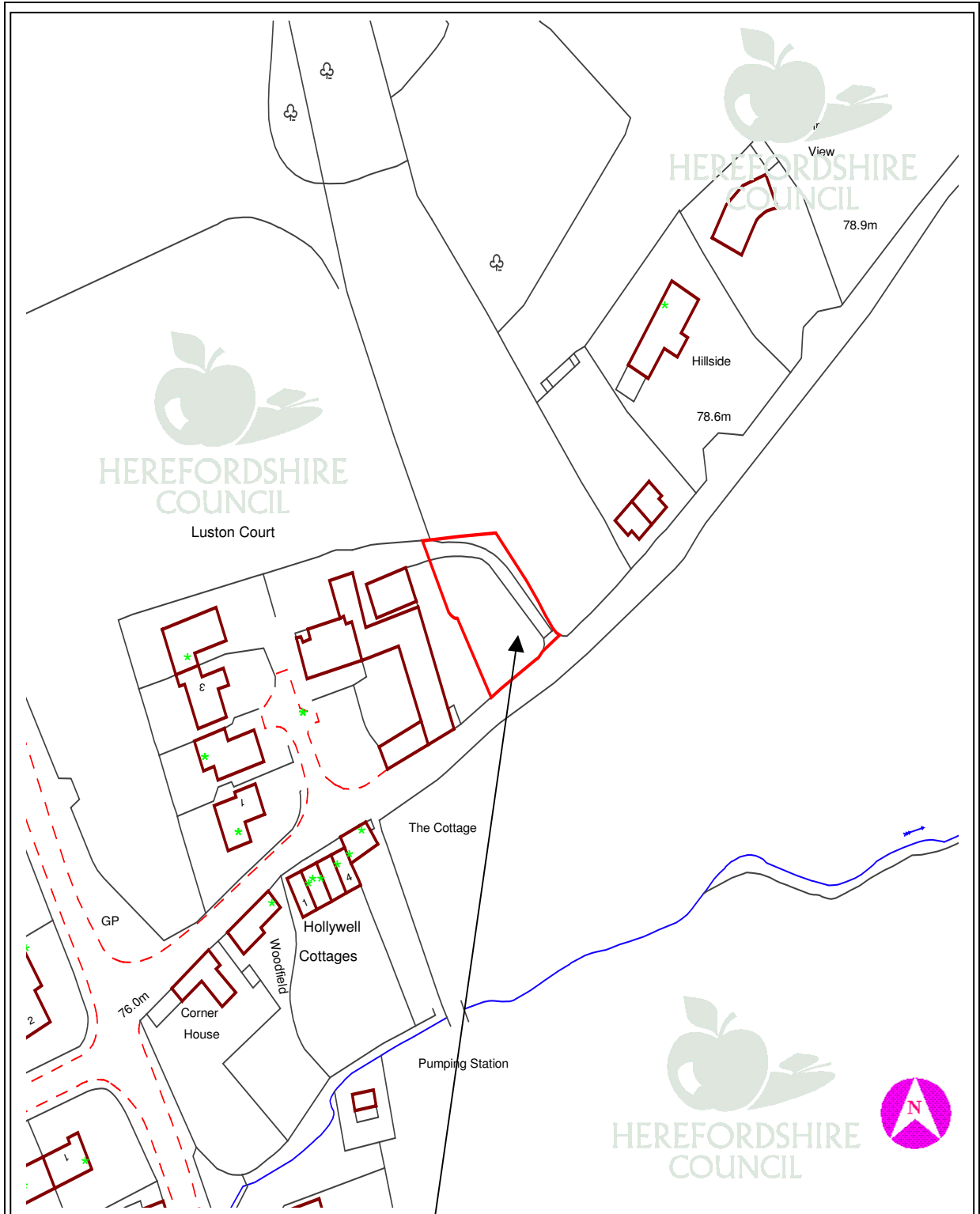
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2007/0807/F

SCALE : 1 : 1250

SITE ADDRESS : Site adjacent to Luston Court, Luston, Leominster, Herefordshire, HR6 0DU

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19 DCNC2007/0952/F - RETENTION OF TWO COLD STORAGE UNITS AND SOUND REDUCING SCREEN AT TROUGHLES FINE FOOD LTD, UNIT 12 CLINTON ROAD, LEOMINSTER, HEREFORDSHIRE HR6 0RJ

For: Troughles Fine Foods Ltd per Mr Morris, Stocks Tree Cottage, Kings Pyon, Hereford, HR4 8PT

Date Received:
21st March 2007

Ward: Leominster South

Grid Ref:
50038, 58312

Expiry Date:
16th May 2007

Local Members: Councillor RBA Burke and Councillor RC Hunt

1. Site Description and Proposal

- 1.1 The site lies on allocated employment land and is bounded to the west by residential development, particularly properties on Caradoc Drive and Silurian Close.
- 1.2 The application is retrospective and seeks to retain two refrigerated lorry units to be used as cold storage facilities. These are required by the user of the building immediately adjacent who is involved in the distribution of speciality foods.
- 1.3 The application also includes the retention of an acoustic barrier between the units and the dwellings behind. This has been erected following complaints from local residents and has been constructed using sound attenuating material.

2. Policies

Herefordshire Unitary Development Plan

E8 – Design standards for employment sites

3. Planning History

NC2006/2747/F - Retrospective application for the retention of two former refrigerated vehicle bodies with noise alleviation screens, to be used as temporary cold stores. Refused 6.10.06 for the following reason:

Noise assessment of the proposal demonstrates that it creates a rating over the background level of at least 11.2dB. At this level it is likely to be detrimental to the amenity of local residents and therefore it is considered to be contrary to Policy E8 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Consultations

- 4.2 Transport Manager - No objections.
- 4.3 Environmental Health and Trading Standards Manager - Comments as follows:

I am aware of at least eight residences in close proximity of the site who have raised objection to the planning application and I have spoken to a number of residents about their concerns, which are primarily related to noise. I believe many of these objections to be historical in nature and relating to noise emitted prior to the acoustic barrier being erected and improvements made to the refrigeration equipment. Although at the time the refrigerated units were first installed I believe the noise emitted was at a level that was unacceptable and likely to disturb nearby residents within their properties, I no longer believe this to be the case and I think there is a concern from residents that should this planning consent be granted that levels will return to those that were first emitted.

The site was visited by two of my colleagues on 25/2/2007 at approximately 22:30, and although the units were audible, this was only at the site boundary and they were satisfied it would not constitute a Statutory Nuisance. During my first visit on 17/4/2007 at 21:24, the refrigeration unit appeared to be operating on a cycle of approximately 5 minutes at one setting followed by 2 minutes at another, which was continuously repeated. During the 5 minute period the units were barely audible above background levels, but during the 2 minute period the level was audible from the facade of the nearest property. The levels measured during this 2 minute period were approximately 42dB, with background levels measured at approximately 39 dB, which would indicate a marginal result and that the noise is unlikely to give rise to complaints, particularly considering that the measurements were taken at an exterior location.

I conducted a second visit to the site on 26/4/2007 at 20:00 to carry out an assessment within the property of a nearby resident (43 Caradoc Drive). At the time of my visit work was being undertaken at another unit, however when this ceased, I was unable to hear the units operating without moving to the boundary of the site and they were not audible at the footpath behind Silurian Close or at 43 Caradoc Drive.

The noise assessment was carried out during a relatively cool evening and I would raise concerns regarding the potential for the units to increase the noise level emitted during warmer weather. If the units are run using a thermostat, during periods of high temperatures it is likely that the unit will be operating using a greater number of fans and therefore higher noise levels may be witnessed, this is particularly noticeable when people have windows open. However, I believe with suitable conditions, this site can operate the two units without giving rise to further complaints.

5. Representations

- 5.1 Leominster Town Council - Recommend approval.

5.2 Seven letters of objection have been received from the following:

Mrs S Matthews, 43 Caradoc Drive, Leominster
Mr & Mrs McKay, 7 Silurian Close, Leominster
Mr & Mrs Fish, 4 Silurian Close, Leominster
The Owner/Occupier, 8 Silurian Close, Leominster
Mr & Mrs Davies, 11 Silurian Close, Leominster
Mr & Mrs Healey, 45 Caradoc Drive, Leominster
C J Sergeant, 2 Silurian Close, Leominster

All of the letters concentrate on the issue of noise nuisance associated with the development.

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 principal issue as far as this application is concerned is that of noise nuisance. This is covered in some detail by the comments of by the Environmental Health Officer who has concluded that the site can operate the two units without giving rise to further complaint, subject to the imposition of conditions. These would relate to the submission of a further scheme of sound attenuation and a restriction on noise levels and that these should not exceed the background level of 40dB by 5 dB between the hours of 9pm to 7am.

6.2 As a secondary matter, the original proposal suggested that the retention of the units was required as a temporary expedient. The current application does not make reference to this but it is your officer's opinion that the retention of the units should only be accepted as a temporary measure in order that a permanent solution can be found.

6.3 It is therefore recommended that planning permission be granted for a temporary period of three years in order that a properly planned solution can be found.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1 - E20 (Temporary permission) (29 May 2010)

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

2 - F01 (Scheme of noise attenuating measures)

Reason: To safeguard the amenity of the area.

3 - F03 (Restriction on specified activities)

Reason: To protect the amenities of nearby properties.

Informatives:

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

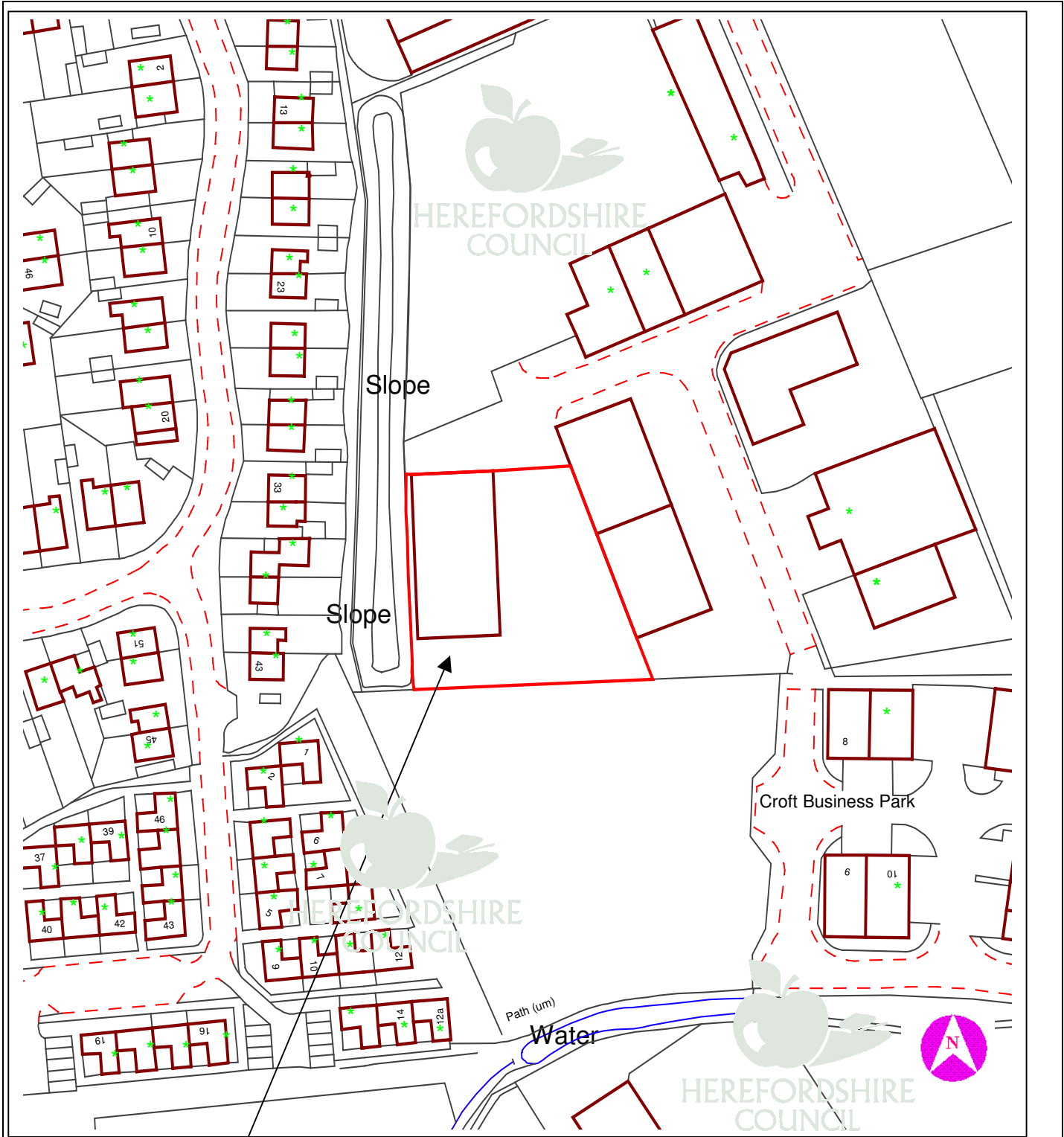
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2007/0952/F

SCALE : 1 : 1250

SITE ADDRESS : Troughles Fine Food Ltd, Unit 12 Clinton Road, Leominster, Herefordshire HR6 0RJ

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Further information on the subject of this report is available from Mr A Banks on 01432-383085

20 DCNC2007/0506/F - CHANGE OF USE TO A4 (DRINKING ESTABLISHMENT). DEMOLITION OF SINGLE STOREY REAR EXTENSION AND OUT-BUILDING AND NEW REAR EXTENSION. FORMER POST OFFICE COUNTERS LTD, CORN SQUARE, LEOMINSTER, HEREFORDSHIRE, HR6 8LR

21 DCNC2007/0507/C – AS ABOVE

**For: J.D. Wetherspoon plc per Lawrence Beckingham
Field LLP The Sail Loft Limehouse Court 3-11 Dod
Street London E14 7EQ**

Date Received:
19th February 2007

Ward:
Leominster South

Grid Ref:
49720, 59086

Expiry Date:
16th April 2007

Local Member: Councillor D Burke and Councillor RC Hunt

1. Site Description and Proposal

- 1.1 This site, within the town centre of Leominster, is located within Corn Square on its northern side. The existing building now vacant was formerly a post office. The section of building facing Corn Square is red brick with a plain tile roof. There is black timber frame with white render infill panels at first floor level facing Corn Square. This part of the building has a ground floor, two upper floors and a basement. The section of building to the rear is single storey with red brick walls, part of which has a slate roof with an additional raised section along the ridge line. The eastern section of the building has a flat roof. There is yard area at the rear with an access track leading to Church Street.
- 1.2 The site is surrounded by a mixture of uses ie residential, retail and the 'Conservative Club'. There is an existing public house on the opposite side of Corn Square. The Grange open space area is located to the east.
- 1.3 The proposal is to change the use of the building to A4 use ie as a drinking establishment/public house. This will involve the demolition of the single storey sections at the rear and replacing it with a new single storey extension with brick walls and a slate roof. The roof will be a mixture of flat and pitched roofs. There will also be a small glazed canopy at the eastern end. Vehicular access for deliveries will be via the existing rear access ie the same route used by the post office. As the proposed development involves demolition within a designated Conservation Area, an application for Conservation Area Consent has also been submitted with the planning application.

2. Policies

2.1 Planning Policy Guidance

PPG 6 - Town Centres and Retail Developments
PPG 15 - Planning and the Historic Environment

2.2 Herefordshire Unitary Development Plan

TCR 1 - Central Shopping and Commercial Areas
TCR 2 - Vitality and Viability
TCR 3 - Primary Shopping Frontage
HBA 4 - Setting of Listed Buildings
HBA 6 - New Development within Conservation Areas
HBA 7 - Demolition of Unlisted Buildings within Conservation Areas
S2 - Development Requirements
S5 - Town Centre and Retail
DR1 - Design
DR13 - Noise

2.3 Supplementary Planning Guidance

Design and Development Requirements - July 2004

3. Planning History

3.1 None.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 The Traffic Manager recommends that any permission includes certain conditions relating to secure cycle parking provision and a travel plan.

4.3 Forward Planning Officer observes that the site is in area designated as a 'primary shopping frontage' in the Unitary Development Plan where policy TCR 3 is most applicable. The policy does allow for the integration of non-retail uses in a dispersed manner and this proposal does not appear to conflict with the policy aims.

4.4 The Chief Environmental Health Officer has no objections in principle, although limited information has been submitted with the application with respect to impact on neighbouring properties. There are concerns with respect to affect on neighbouring dwellings in terms of noise and odour. In particular it is unclear if there will be an outside area for people to sit etc. Any such area due to 'people noise' could well adversely affect the residential amenities of neighbouring dwellings. If members are minded to approve the application then certain conditions need to be imposed on any planning permission in order to protect the residential amenity of neighbouring dwellings. In particular a scheme of odour control measures, restriction on outdoor use, scheme for noise controlling measures in general and for additional plant, details

of flues and extractors and also restrictions on hours of demolition and construction work.

- 4.5 The Chief Conservation Officer observes that the submitted scheme would not secure either the preservation or enhancement of the special architectural and historic character of the Conservation Area. The modern buildings at the east end of the site have no architectural merit. However the sorting office is well constructed building of some quality (eg the continuous glazed lantern light and architectural detailing) and fits comfortably in the context of the surrounding buildings and views from Grange Park. The quality of the replacement building falls considerable short of the existing building. The replacement building needs to be justified within the criteria set out in PPG15. Suggest that the scheme be reconsidered. The proposed replacement would not be a fitting replacement for the loss of the existing building. The way the new section is connected to the main frontage building will result in the loss of window details that contribute to the character of the principle building.

5. Representations

- 5.1 The applicants/agents state that Wetherspoon currently operates over 650 licensed premises throughout the united Kingdom and has developed a sophisticated range of practices and procedures aimed at providing a safe and convivial environment in which the public may enjoy the facilities on offer. The great majority of premises are converted and are designed to provide a welcoming environment complementary to the building and the surrounding area. Aim to provide a traditional pub atmosphere with features found in modern cafe bars and restaurants. Extensive food menus with high standards of management and maintenance. Standards of customer behaviour are closely monitored. Developed a high reputation for the aesthetic appeal of Wetherspoon premises. The proposed extension will be sympathetic to style of existing building. All deliveries will be to rear of site using same route as that used by post office.
- 5.2 The Town Council considers that the delivery arrangements through the Church Street entrance would be totally impossible. However approval is recommended, but subject to alternative delivery access arrangements. Three letters of objection from local residents attached.
- 5.3 26 letters of objection have been received from local residents, the main points being:
- 5.3.1 The loss of the post office is a loss of a public service.
 - 5.3.2 Already enough public houses in Leominster which are finding it hard to compete with each other let alone the low prices which Wetherspoons charge.
 - 5.3.3 No need has been proven for a further drinking establishment in area. Independent cost benefit analysis would be required to back up need for another drinking premises.
 - 5.3.4 The proposal will lead to rowdiness and attract undesirable elements to the area. Unruliness, anti-social behaviour, vandalism and noise will be generated in the area by proposal.
 - 5.3.5 Change character of town due to scale of proposal and anticipated number of drinkers.
 - 5.3.6 Already a public house in vicinity. Will make situation worse.
 - 5.3.7 Police already have problems in area.
 - 5.3.8 Noise will affect residential amenities of adjacent dwellings.
 - 5.3.9 Problems of litter.

- 5.3.10 Proposal will destroy amiable atmosphere of corn Square.
 - 5.3.11 Landscaped area at rear could be screened.
 - 5.3.12 Maybe managed inside but problems will occur outside.
 - 5.3.13 Enough public houses in Leominster and more will lead to more trouble.
 - 5.3.14 The vehicular access onto Church Street is very narrow and delivery lorries will have problems entering and leaving access.
 - 5.3.15 Church Street already busy with problems of parking which will be made worse by proposal.
 - 5.3.16 Large lorries have caused problems to local people over the years.
 - 5.3.17 More use of rear access track will make surface even worse.
 - 5.3.18 Public access along track will cause problems. Parking in local streets by customers will add to existing problems.
 - 5.3.19 Extra cars will be attracted to area.
 - 5.3.20 Not enough room for delivery lorries to turn within site.
 - 5.3.21 Delivery lorries could take light from dwellings in Church Street.
 - 5.3.22 Vehicular access from Corn Square would also be a problem due to narrowness of streets.
 - 5.3.23 The proposal could adversely affect tourism.
 - 5.3.24 Leominster needs to address its social problems.
 - 5.3.25 The proposal would destroy character of landmark building in town centre.
 - 5.3.26 More about demolition than conservation.
 - 5.3.27 Former post office building has strong period character. Loss of distinctive lantern roof and windows is undesirable as they complement fenestration of surrounding buildings.
 - 5.3.28 The replacement building is featureless and undistinguished and gives little consideration to its exterior and surroundings.
 - 5.3.29 Wetherspoons can do a better job of redesign than this.
 - 5.3.30 There are a number of inconsistencies in the drawings, ie drawing no 173, "area to be demolished", fails to show the removal or covering of four first floor and one ground floor window, and does not agree with elevation no 173/12 and plan no 173/10E. The smaller size of this drawing makes it an easier point of reference making its potential to mislead the more likely. There are other more minor discrepancies between drawings 173/10E and 173/12.
 - 5.3.31 Church Street is an historic street and could be damaged by additional traffic generated by proposal.
- 5.4 There have been three letters of support received. The main points being:
- 5.4.1 Wetherspoons has high standards and is very popular with no rowdyism.
 - 5.4.2 Will attract people to the centre of town and will help to aid local businesses.
 - 5.4.3 Large company having confidence to invest in Leominster will be good for town and provide employment.
 - 5.4.4 The empty commercial properties in town can be used as proposal will attract more people to area.
 - 5.4.5 The Kings Fee in Hereford shows what can happen.
 - 5.4.6 The competition generated will be a benefit to Leominster economy.
 - 5.4.7 Corn Square could be utilised more for local events. Perhaps Wetherspoon could contribute to this as part of application for planning permission.
- 5.5 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 main issues relate to:

- i. The use of the site as a drinking establishment.
- ii. The size and design of the proposed new extensions and its affect on its surroundings and the Conservation Area.
- iii. The desirability of retaining the existing building at the rear and the extent its loss will have on the character and appearance of the Conservation Area.
- iv. The effect the proposed use will have on adjacent residential dwellings and the area in general.
- v. Issues relating to vehicular access and movement.

6.2 The site frontage is designated as part of a designated 'primary shopping frontage' where retail use is encouraged to be the dominant use. However the Policy TCR3 does allow for a proportion of non retail uses and as such it is considered that this proposal complies with the policy aims and is acceptable in this town centre location.

6.3 The proposed new rear extension is considered to be acceptable, be in keeping with the visual appearance and character of the conservation area and will not adversely affect the amenities of the occupants on adjacent properties. As such the proposed development is considered to be in accordance with policy HBA6 which relates to new development in Conservation Areas. The existing single storey buildings at the rear which are proposed to be demolished are not considered to have any significant merit to warrant their retention. The Council's Conservation considers that they should be retained. However these buildings are very basic in their design, they are hidden from view to a certain extent and are not listed buildings. Although the upper levels of the buildings can be seen from the Grange, it is considered that their removal will not adversely affect the character and appearance of the Conservation Area. As such the proposal will be in accordance with policy HBA7 of the Unitary Development Plan. There are some minor discrepancies between the proposed floor and elevational plans which can easily be rectified.

6.4 The use of the proposed development as a drinking establishment in this town centre location is considered to be acceptable. There is an existing public house in Corn Square and public houses in the town centre in general. As such it is considered that an additional public house will not adversely affect Leominster Town Centre. The Council's Chief Environmental Health Officer has recommended that if the Committee is minded to approve the applications then certain conditions relating principally to noise attenuation measures and odour control measures be imposed. The use of any areas outside the proposed building for customers to sit etc is considered to be unacceptable and would lead to noise disturbance to adjacent residential dwellings. The applicants have not proposed any outside area as such although they do show a landscaped area at the eastern end of the building. However this area is the only place where delivery vehicles could park and turn within the site.

6.5 The use of the existing vehicular access onto Church Street and the track leading to the rear of the premises for deliveries is considered to be acceptable. There have been strong objections received from local residents with respect to this aspect of the development. However the Council's Traffic Manager has raised no objection to the

proposed development. The area at the east end of the proposed building can be used for turning of delivery lorries provided the lorries are not too large.

- 6.6 The proposed development is therefore considered to be acceptable and in accordance with planning policies and guidance. There have been a large amount of objections to the development received from local residents. However after fully taking into account their objections they are not considered to be sufficient to warrant refusing the applications.

RECOMMENDATION

In respect to the application ref no DCNC2007/0506/F that planning permission be granted subject to the following conditions:

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

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

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

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

- 3 - Before any work commences on site drawings showing all of the proposed elevations of the new extension at its western end and the rear of the main building (including floor plans) shall first be submitted to and be subject to the prior written approval of the local planning authority.**

Reason: To ensure the development is satisfactory in appearance and due to the east and west elevations at that end not being submitted and minor discrepancies on the submitted drawings.

- 4 - Before any work commences on site details of the proposed boundary and surface treatments and also any parking/turning and landscaped areas within the site shall first be submitted to and be subject to the prior written approval of the local planning authority.**

Reason: To protect the visual amenities of the area.

- 5 - No customer access to the site shall be allowed from the rear access track onto Church Street.**

Reason: To define the terms to which this planning permission relates and to protect the residential amenities of nearby dwellings.

- 6 - F02 (Scheme of measures for controlling noise)**

Reason: In order to protect the amenity of occupiers of nearby properties.

- 7 - Before any additional fixed ventilation, refrigeration or other noise penetrating plant is used on the premises, the applicant shall submit for the prior approval of the local planning authority a scheme of noise attenuating measures. The approved scheme shall be implemented before the first use of the development to which it relates commences and shall be retained for the duration of use.**

Reason: To safeguard amenity of the area.

- 8 - The utilisation of any outdoor areas for customer drinking and dining use shall not be permitted without the prior written approval of the local planning authority.**

Reason: To safeguard the residential amenity of the area.

- 9 - F37 (Scheme of odour and fume control)**

Reason: In order to ensure that fumes and odours are properly discharged and in the interests of the amenities of residential property in the locality.

- 10 - F38 (Details of flues or extractors)**

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

- 11 - F41 (No burning of materials/substances during construction phase)**

Reason: To safeguard residential amenity and prevent pollution.

- 12 - All machinery and plant shall be operated and maintained in accordance with BS5228:1997 'noise control of construction and open sites'.**

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

- 13 - F16 (Restriction of hours during construction)**

Reason: To protect the amenity of local residents.

- 14 - 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.

Informatives:

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

- 2 - N03 - Adjoining property rights**

- 3 - The applicants should be aware that this planning permission does not over-ride any civil/legal rights enjoyed by adjacent property owners and that any development which physically affects or encroaches onto any adjoining property may well affect these rights. As such, the applicants are advised to contact the owners of adjacent properties where these rights may be affected and seek legal advice on the matter prior to undertaking any building work.**

- 4 - The applicants are advised to contact the Commercial Team of the Environmental Health Department at Herefordshire Council to discuss the Food Safety and Hygiene implications of the proposed development to ensure they**

comply with the legislative requirements of the Food Safety Act 1990 and related regulations.

The applicant is also advised to contact the Licensing Team of the Environmental Health Department at Herefordshire Council to discuss any issues of compliance with the Licensing Act 20003 and related legislation.

5 - N19 - Avoidance of doubt

In respect to the application ref no DCNC2007/0507/C that conservation area consent be granted subject to the following conditions:

1 - C01 (Time limit for commencement (Listed Building Consent))

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

2 - Before any work relating to demolition/alterations occurs on site the drawing showing the rear elevation of the main building (to remain) shall be amended to show all the windows to be removed and submitted to and be subject to the prior approval of the local planning authority.

Reason: To define the terms to which this consent relates.

3 - No demolition shall take place until a contract of work has been agreed in writing between the applicant and the developer. Evidence of this shall first be submitted to and be subject to the prior approval of the local planning authority.

Reason: To ensure the new development and the demolition coincide.

Informatives:

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

2 - N19 - Avoidance of doubt

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2007/0506/F

SCALE : 1 : 1250

SITE ADDRESS : Former Post Office Counters Ltd, Corn Square, Leominster, Herefordshire, HR6 8LR

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Further information on the subject of this report is available from Mr N Banning on 01432 383093

