

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 22nd August, 2007**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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

e-mail pmartens@herefordshire.gov.uk

**County of Herefordshire
District Council**



HEREFORDSHIRE
COUNCIL

AGENDA

for the Meeting of the Northern Area Planning Sub-Committee

To: Councillor JW Hope MBE (Chairman)
Councillor PM Morgan (Vice-Chairman)

Councillors LO Barnett, WLS Bowen, RBA Burke, ME Cooper, JP French, JHR Goodwin, KG Grumbley, B Hunt, RC Hunt, TW Hunt, TM James, P Jones CBE, R Mills, RJ Phillips, A Seldon, J Stone, K Swinburne and PJ Watts

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES To approve and sign the Minutes of the meeting held on 25th July, 2007.	1 - 28
4. ITEM FOR INFORMATION - APPEALS To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.	29 - 32
5. APPLICATIONS RECEIVED To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary. Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting. Agenda item 6 was deferred for more information at the previous meeting and the remaining items are new applications.	
6. DCNC2007/1809/O - DEMOLISH EXISTING BUNGALOW AND SITE FOR NEW TERRACE BLOCK AT 104 BRIDGE STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DZ. For: Mrs P Leigh per Mr R Davies, R Design, Ennador, Newlands Road, Leominster, Herefordshire, HR6 8HN. Ward: Leominster North	33 - 40

- | | | |
|-----|--|---------|
| 7. | <p>DCNC2007/1981/F - USE OF LAND FOR SITING MOBILE HOMES BY THE DELETION OF CONDITION 2 IN THE CONSENT REF NC2002/1416/F WHICH STATES "THE CARAVANS SHALL BE USED FOR HOLIDAY PURPOSES ONLY AND SHALL NOT AT ANY TIME BE USED AS THE SOLE PRIMARY RESIDENCE" AT LAND AT MEADOW BANK, HAMNISH, LEOMINSTER, HEREFORDSHIRE. HR6 0GN.</p> <p>For: Miss P Moore per HLL Humberts Leisure, Pavilion View, 19 New Road, Brighton, E. Sussex, BN1 1UF.</p> <p>Ward: Leominster South</p> | 41 - 46 |
| 8. | <p>DCNC2007/1986/F - USE OF LAND FOR SITING MOBILE HOMES BY THE DELETION OF CONDITION 2 IN THE CONSENT REF 92C42 WHICH STATES NO CARAVAN SHALL BE USED AS PERMANENT RESIDENTIAL ACCOMMODATION AT LAND AT MEADOW BANK, HAMNISH, LEOMINSTER, HEREFORDSHIRE. HR6 0GN.</p> <p>For: Miss P Moore per HLL Humberts Leisure, Pavilion View, 19 New Road, Brighton, E. Sussex, BN1 1UF.</p> <p>Ward: Leominster South</p> | 47 - 52 |
| 9. | <p>DCNC2007/2153/F - RELOCATION OF PERIMETER FENCE AT ALEXANDER & DUNCAN LTD, SOUTHERN AVENUE, LEOMINSTER, HEREFORDSHIRE, HR6 0QB.</p> <p>For: Alexander Duncan Ltd. per Mr C Goldsworthy, 85 St Owens Street, Hereford, HR1 2JW.</p> <p>Ward: Leominster South</p> | 53 - 56 |
| 10. | <p>DCNE2007/1183/F - PROPOSED 3 BEDROOM DWELLING INCORPORATING STABLES AND ASSOCIATED LANDSCAPE WORKS TO REPLACE EXISTING AGRICULTURAL SHEDS AT LAND FORMING PART OF PERRYCROFT LODGE ESTATE, JUBILEE DRIVE, UPPER COLWALL, MALVERN, WORCESTERSHIRE, WR13 6DN.</p> <p>For: Mr & Mrs M Claffey per Aedas Architects Ltd, Parsonage Chambers, 3 The Parsonage, Manchester, M3 2HW.</p> <p>Ward: Hope End</p> | 57 - 68 |
| 11. | <p>DCNE2007/1703/F - PROVISION OF A ROOFTOP FLAGPOLE TELECOMMUNICATIONS INSTALLATION, 3 NO. GROUND BASED EQUIPMENT CABINETS AND ANCILLARY DEVELOPMENT AT BT EXCHANGE, WALWYN ROAD, COLWALL STONE, MALVERN, WORCS, WR13 6ED.</p> <p>For: National Grid Wireless (For T-Mobile (UK)) Ltd, Higham & Co, 500 Styal Road, Manchester, M22 5HQ.</p> <p>Ward: Hope End</p> | 69 - 76 |

- | | | |
|-----|---|-----------|
| 12. | DCNW2007/1832/N - PROPOSED BIOMASS FUEL POWER PLANT IN A PURPOSE BUILT BUILDING ON THE SITE OF AN OLD QUARRY AT LOWER WOODSIDE, KNILL, PRESTEIGNE, HEREFORDSHIRE, LD8 2PR. | 77 - 92 |
| | For: Mr B Davies per Mr Day, Sanderum Centre, Oakley Road, Chinnor, Oxfordshire, OX39 4TW. | |
| | Ward: Pembridge & Lyonshall with Titley | |
| 13. | DCNW2007/2110/F - PROPOSED RESIDENTIAL DEVELOPMENT AT ST. ANTHONY'S, YARPOLE, LEOMINSTER, HR6 0BA. | 93 - 100 |
| | For: G. P. Thomas & Son Ltd, McCartneys, 7 Broad Street, Leominster, Herefordshire, HR6 8BT. | |
| | Ward: Bircher | |
| 14. | DCNW2007/2132/F - PROPOSED CHANGE OF USE OF LAND TO EXTEND EXISTING HOLIDAY HOME PARK TO SITE 8 NEW MOBILE HOMES AT COMPASSES HOTEL, FORD STREET, WIGMORE, LEOMINSTER, HEREFORDSHIRE, HR6 9UN. | 101 - 106 |
| | For: Mr & Mrs Crabtree at above address. | |
| | Ward: Mortimer | |
| 15. | DCNW2007/2136/F - PROPOSED CONVERSION OF ATTACHED STORE TO PROVIDE ADDITIONAL LOUNGE ACCOMMODATION AT HAYWAIN, WOONTON, HEREFORDSHIRE, HR3 6QN. | 107 - 110 |
| | For: Mr J Argent per Mr D Walters, 27 Elizabeth Road Kington, Herefordshire, HR5 3DB. | |
| | Ward: Castle | |
| 16. | DCNW2007/2326/F - PROPOSED AREA FOR THE DISPLAY OF DECORATIVE GARDEN PRODUCTS AT THE OAKS, MARSTON, PEMBRIDGE, HEREFORDSHIRE HR6 9HZ | 111 - 116 |
| | For: Mr & Mrs A Davies per McCartneys, 7 Broad Street, Leominster, Herefordshire HR6 8BT | |
| | Ward: Pembridge & Lyonshall with Titley | |

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

Please Note:

Agenda and individual reports can be made available in large print. Please contact the officer named on the front cover of this agenda **in advance** of the meeting who will be pleased to deal with your request.

The meeting venue is accessible for visitors in wheelchairs.

A public telephone is available in the reception area.

Public Transport Links

- Public transport access can be gained to Brockington via the service runs approximately every half hour from the 'Hopper' bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

If you have any questions about this agenda, how the Council works or would like more information or wish to exercise your rights to access the information described above, you may do so either by telephoning the officer named on the front cover of this agenda or by visiting in person during office hours (8.45 a.m. - 5.00 p.m. Monday - Thursday and 8.45 a.m. - 4.45 p.m. Friday) at the Council Offices, Brockington, 35 Hafod Road, Hereford.

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point J which is located at the southern entrance to the car park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 25th July, 2007 at 2.00 p.m.

Present: Councillor JW Hope MBE (Chairman)
Councillor PM Morgan (Vice Chairman)

Councillors: LO Barnett, WLS Bowen, RBA Burke, ME Cooper, JP French, JHR Goodwin, KG Grumbley, B Hunt, TW Hunt, TM James, P Jones CBE, R Mills, A Seldon, J Stone, K Swinburne and PJ Watts

In attendance: Councillors JE Pemberton

43. APOLOGIES FOR ABSENCE

Apologies were received from Councillors RC Hunt and RJ Phillips.

44. DECLARATIONS OF INTEREST

Councillor	Item	Interest
WLS Bowen	Agenda item 6, Minute 48 DCNW2007/1214/F - proposed 15 dwellings, garages, parking spaces, amenity area and minor access road on land at Croftmead, North Road, Kingsland	Declared a personal interest.
R Mills & RV Stockton	Agenda Item 14, Minute 56 DCNE2007/1224/F - proposed two storey dwelling for ancillary accommodation at Black Hill, British Camp, Malvern	Declared a personal interest.
ME Cooper	Agenda Item 13, Minute 55 DCNE2007/0966/F - proposed three storey building to provide 13 apartments, with 18 parking spaces and associated cycle parking at land rear of Homend Service Station, The Homend, Ledbury	Declared a prejudicial interest and left the meeting for the duration of the item
PM Morgan	Agenda Item 12, Minute 54 DCNE2007/0729/F - erection of 17 residential units with ancillary car parking on land at Frome Valley Haulage Depot, Bishops Frome	Declared a personal interest.

45. MINUTES

RESOLVED: That the Minutes of the meeting held on 27th June, 2007 be approved as a correct record and signed by the Chairman.

46. ITEM FOR INFORMATION - APPEALS

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

47. 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.

48. DCNW2007/1214/F - PROPOSED 15 DWELLINGS, GARAGES, PARKING SPACES, AMENITY AREA AND MINOR ACCESS ROAD ON LAND AT CROFTMEAD, NORTH ROAD, KINGSLAND, HEREFORDSHIRE

The Senior Planning Officer reported that amended plans in respect of the highway issues had been received and that less of the hedgerow would be removed.

In accordance with the criteria for public speaking, Mr Thomson spoke against the application and Mr Spreckley, the agent acting for the applicants, spoke in favour.

Councillor WLS Bowen the Local Ward Member had a number of concerns about the application relating to the loss of valuable open space and the density of the proposed development. The site formed part of the Kingsland Conservation Area and he felt that the proposed development would have an adverse impact upon it because the proposed dwellings were completely out of keeping with the style, density and layout of those adjoining. He said that the parish council were also concerned that any future alterations and extensions could exacerbate the problem. Although the site had been originally earmarked for development in the Herefordshire Unitary Development Plan (UDP) he was of the view that it should be retained as a valuable green corridor within the village, or if it was developed that it should be in keeping with the locality and that dwellings should have environmentally friendly values. He was of the view that the application was not in keeping with planning policy HBA9 in this respect. Several Members concurred with these views and the shared the concerns raised by existing residents about drainage and potential flooding.

Councillor Mrs LO Barnett asked about the availability of the land for development. The Senior Planning Officer said that the site had allocated for housing development in the draft UDP but that the owner had not agreed to its release and that the site had been withdrawn. The owner had subsequently had a change of mind and because it was within the development limits of the settlement, it was deemed to be a 'windfall site' for housing.

The Head of Planning Services commented that the scheme was at the lower end of the scale in accordance with Central Government guidance on density and UDP policies. He felt the site should be viewed in relation to the diverse layouts and house types in the Conservation Area as a whole.

A motion that the application should be refused on the grounds of density and impact on the Conservation Area was lost.

RESOLVED

that the Head of Legal and Democratic Services be authorised to complete a planning obligation agreement under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional or amended matters which he considers to be necessary and appropriate.

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

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

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

2 - B01 (Samples of external materials)

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

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

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

4 - C05 (Details of external joinery finishes)

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

5 - Notwithstanding the approved plans no windows will be installed in the first floor western elevations of Plots 2 and 3 as indicated on the approved amended site plan drawing no. 1159.00F.

Reason: In order to protect the amenity of the adjacent dwellings on the western side of the application site.

6 - E16 (Removal of permitted development rights)

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

7 - E01 (Restriction on hours of working)

Reason: To safeguard the amenities of the locality.

8 - The amenity area as indicated on the approved amended plan drawing no. 1159.00F shall be retained as amenity area with no development on site. The existing trees on site shall be retained and the grassland area retained. Full details of a management plan for this area of land will be submitted and approved in writing by the Local Planning Authority before any development commences on site.

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

9 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

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

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

11 - 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.

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

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

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

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

14 - G19 (Existing trees which are to be retained)

Reason: In order to preserve the character and amenity of the area.

15 - G04 (Landscaping scheme (general))

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

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

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

17 - H29 - Secure cycle parking

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 - N19 - Avoidance of doubt

Councillors Mrs LO Barnet, TM James and J Stone abstained.

49. **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**

The Principal Planning Officer presented the following updates:

Member raised two issues for further consideration – Design and the need for rented / affordable housing. Both of these issues have been fully considered and members can be further updated as follows:

Design

Revised plans altering the design of the proposed dwellings have been submitted and re-consultations have been undertaken. The consultations on the revised proposal expire on the 2nd August 2007. She therefore proposed appropriate changes the recommendation.

Affordable Housing Tenure / Need

In response to members comments that Kington was in need of 'shared ownership' affordable housing rather than 'rented' affordable housing. Further investigation and discussions have been undertaken in order to respond to these queries.

Following this meeting the Councils Strategic Housing Manager has responded as follows:

On Friday 20th July 2007 an information day was held in Kington by Strategic Housing and in Partnership with the Town Council inviting members of the public to come and discuss what housing options were available. Each member of the public was spoken to individually about their options and advised what schemes could possibly be coming forward over the next 12 months. People were also advised about Shared Ownership, Renting from a RSL and what other property purchase schemes were available, such as Homebuy, DIYSO and Festival Property Purchase.

A questionnaire was under taken gathering information about income, what tenure they would be interested in i.e. renting from RSL, Renting Privately, Share Ownership etc.

The outcome of the questionnaires is as follows:

- 10 applicants wanted rented accommodation from RSL
- 3 applicants wanted to purchase a shared ownership property
- 4 applicants asked for rented and/or shared ownership, but when income details were supplied it was questionable as to whether

they would be able to afford to purchase.

Actual figures from The Housing Needs Study shows a need for 34 properties for rent, 7 for shared ownership and 8 wanted to purchase low cost or discounted properties. Strategic Housing no longer negotiate low cost or discounted units as these have proven not to be affordable and would require a discount of approx 50%+.

Home point data shows that there are 103 people in Kington (currently living in Kington) on the common housing register. Of these 103 applicants 77 have stated a preference to stay in Kington.

As you are aware there are three planning applications in planning with an overall total of 46 affordable units. Strategic Housing has negotiated the mix and tenure as follows.

Kingswood Hall Kington 6 shared ownership 6 rented
Old Eardisley Road 5 shared ownership and 11 rented
Maesydari 10 rented and 8 shared ownership

Strategic Housing feels that in light of the evidence supplied via the Housing Needs Study, Home point data and evidence gathered from the Information Day the mix and tenure secured on all three sites is a true reflection of the needs of Kington and would look for the Committee to support the mix and tenure secured.

Additional Correspondence

In response to Members Concerns an additional Letter from Applicants Agent (Savills) has been received which can be summarised as follows:

The changes to the elevations include:

Upper Walls – Horizontal lap untreated larch boarding traditional to Marches Counties. Needs no initial or subsequent staining or maintenance and fades naturally to silver grey colour.

Lower Walls – natural through coloured sand lime render using Bromfield sand to provide a creamy grey colour.

Brick Detailing 0 small area of Marches Handmade clay stock brick around porch and door details.

In relation to the mix of tenure of the dwellings the Association currently propose six shared ownership and six rented as has been indicated by the Housing Strategy. Should members wish to increase the proportion of shared ownership dwellings in determining the application, then the Association can be flexible in include this within the section 106.

Officers Comments

Officers are now fully satisfied that the dwellings in their revised form will be a successful form of development which will improve the existing character and appearance of the site.

With regards to the proposed mix of tenure on the site. Advice has been taken from the Councils Strategic Housing Team who have provided a fully informed opinion of the needs of this particular part of the County. To update this the further meeting was held which appears to reiterate the findings of previous surveys and current date held by Homepoint. It is acknowledge that

'expressions of interest' or a 'desire' to purchase an affordable dwelling may well be frequent, however the ability to be able to 'afford' to buy is sometimes questionable.

As such the proposal to provide a 50/50 split on this site is the conclusion of findings based on factual evidence and will meet the needs for both rented and shared accommodation in the area. As such Officers recommend that no change to the mix of housing to be provided be made.

Councillor TM James the Local Ward Member thanked the officers for their hard work in negotiating a much more favourable scheme. He still had concerns about the extent of rented accommodation when viewed within the context of that provided at Kington and suggested that the development should be comprised of 8 for purchase and 4 for rent. The Head of Strategic Housing Services said that the scheme submitted was had the benefit of a £400,000 grant from the Housing Corporation and that any changes to it would affect this. He also advised that tenants had the right to choose the location of their accommodation now rather have to take what was available. Councillor Mrs JP French said that the recent information day about the scheme had proved to be a great success and that she would like to see a similar approach on future ones. The Chairman said that Kington Town Council had expressed their thanks to the enabling officer about her presentation.

RESOLVED

that subject to no further objections raising additional material planning considerations by the end of the consultation period then;

The Head of Legal and Democratic Services be authorised to complete a planning obligation agreement under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional or amended matters which he considers to be necessary and appropriate.

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

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.
- 16 - Prior to the commencement of development on the site the recommendations set out in the ecological report by Carter Ecological Limited as a result of their survey of the site on 30/05/2007 shall be undertaken and details of mitigation and findings submitted to and approved in writing by the local planning authority.

Reason: To protect the ecological interests of the site.

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

50. DCNW2007/1179/F - RESIDENTIAL DEVELOPMENT COMPRISING OF 58 DWELLINGS WITH CAR PARKING, NEW ACCESS ROAD AND LANDSCAPING AT MAESYDARI SITE, OFF OXFORD LANE, KINGTON, HEREFORDSHIRE.

The Principal Planning Officer said that no further objections raising material planning considerations had been received at the end of the consultation period. She presented the following updates:

The Councils Conservation Manager made the following further comments on the amended plans:

Following discussions with the developer, the form of the block of flats has been changed completely. It now consists of elements of appropriate scale, details and materials. I recommend acceptance of this approach subject to conditions requiring approval of large scale details of openings, windows, doors and doorcases, eaves, verges and rainwater goods. In addition approval of a sample panel of the stone walling should be the subject of a condition.

The extent of the stone boundary walling to the lane on the conservation area boundary and the changes in the south elevation of the development to show a more interesting roof outline and the use of slate are also significant improvements over the original submission, and, on balance, I consider the scheme to be of an acceptable standard in terms of its impact on the adjacent conservation area

Additional Representations

Mr Kenneth Lewis, 9 Greenfield Drive made the additional extra comments:

There are a number of points I wish to make which I will try to keep brief and itemise.

1. Why did all the officers concerned not recognise or initially determine the objections to the development from members of the locals or community leaders?.

2 Why did the officers not consider the local views as those that, as employees of the Local Authority, they should promulgate and defend?.

3. Why did the Planning Department not carry out its own investigation into traffic matters?

4. Why did the Planning Department accept the Traffic Statement made by Peter Evans Partnership (Transport Planning and Traffic Engineering Consultants) which was submitted by the applicant and therefore likely to be biased in his favour, as any one with any knowledge of traffic problems would see as clearly as daylight that this development will cause serious dangers and disruption?

5. Why was the statement that the effect of extra traffic flow would effect the quality of life due to extra noise (this statement was made by your own environmental officer) for people living locally ignored?

6. In the letter from Drivers Jonas dated 9th July 2007, they state that they contacted the Crime Risk Manager at Hereford Police Station and he has stated that "The long term effect of allowing the development to have general permeability is likely to cause residents an increase in crime and disorder and the fear of crime." Will this be put to the meeting on Wednesday the 25th July inst? If not why not and could I not be allowed to comment on this matter?

7. Has the planning Department contacted Taylor Woodrow's Public Relations Department to ask them to reconsider the whole sorry mess, purchase the land on the old Eardisley Road and take some of the Maesydari development to this site to ease the problems and concerns of the residents.?

8 Has any investigation by the Local Authority taken place as to why the trees were felled before the result of decisions?

9. Should this application be successful, will the Planning Department consider suggesting that the rates of local households should be reduced?

I object to the latest application for car parking for 108 vehicles.

A further letter was received from Mr G Burton who makes the following comments:

Thank you for informing me of the new amended plans. Our opinion, as the owners of the adjacent site to the south, is that the new design for the apartment block is a significant improvement upon the two previous designs. However, I wish to make the following points:

1. There remains an appalling lack of outdoor amenity area available to the residents of 'the block'.
2. The annex to the Design and Access Statement refers to the introduction of a hipped roof but this is not what the revised plans show. Please confirm which is correct.
3. The annex refers to window 'detailing', but these details are not described. What are they?
4. The external brick needs to be chosen with great care and approved by the Conservation Officer. What happened to the stonework walls shown on the approved plans.
5. The site plan refers to 'new stone boundary wall'. This is a very important feature of the design and should be, in my view, fully specified at this stage and approved by the Conservation Officer.

The applicants agent have noted a minor error on the annotations of the apartment block. This should have been Welland rather than Chilver / Kelsey. A new plan amending this type error has been submitted.

Officers Response:

The majority of the issues raised in the letter from Mr Lewis relate to the processing of previous applications and are not material to the consideration of this application. Members are reminded that there is an extant permission for 58 dwellings on this site and this application represents relatively minor amendments to the scheme which are considered to improve the appearance, layout, private amenity space and car parking provision. Other issues raised can be dealt with through the imposition of appropriate conditions.

Councillor TM James the Local Ward Member was of the view that the latest proposals were of considerable improvement over the original scheme. He was considerably concerned however that the Crime Risk Manager of Police had indicated that there may be a danger of an increased risk of crime along the proposed pedestrian links from the southern part of the site into the town. He therefore felt that a decision on the application should be deferred for clarification on this important aspect. The Principal Planning Officer said that further discussions had been held about the proposals with a view to reaching agreement with the Crime Risk Manager. The Area Engineer (Development Control) said that if the routes were more open, lit and adopted they would be acceptable. Notwithstanding this Councillor James felt that the issue should be resolved before a decision was made. The Principal Planning Officer said that the matter could be resolved by the

appropriate conditions and the Sub-Committee agreed with this proposal subject to the Chairman and Local Ward Member being consulted.

RESOLVED

that Subject to conditions considered necessary by the officers in respect of the footpath links from the site, in consultation with the Chairman and Local Ward Member:

the Head of Legal and Democratic Services be authorised to complete a planning obligation agreement under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional or amended matters which he considers to be necessary and appropriate, and

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

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

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

2 - B01 (Samples of external materials)

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

3 - E16 (Removal of permitted development rights)

Reason: To protect the amenities of adjacent and to ensure a satisfactory form of development.

4 - G04 (Landscaping scheme (general))

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

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

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

6 - G08 (Retention of trees/hedgerows (outline applications))

Reason: To safeguard the amenity of the area.

7 - No development shall take place until an ecological survey, the scope of which shall first be approved in writing by the local planning authority and which shall include a mitigation strategy, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved mitigation strategy.

Reason: To protect the ecological interest on the site.

8 - No development shall take place until details of off-site highway works associated with the development hereby permitted, including widening of Prospect Lane and Greenfield Drive footpath connections and installation of improved lighting and re-surfacing works to Prospect Lane and

Greenfield Drive have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall not be occupied until the approved scheme has been completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development.

- 9 - No development shall take place until the details of the highway drains and roads associated with the development hereby permitted, including the works necessary to provide access from the public highway, have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall not be occupied until the approved scheme has been completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development.

- 10 - 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.

- 11 - H27 (Parking for site operatives)

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

- 12 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

INFORMATIVES:

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

51. DCNC2007/0916/RM - THE ERECTION OF 425 DWELLINGS AND THE ASSOCIATED INFRASTRUCTURE, PARKING AND LANDSCAPING AT BARONS CROSS CAMP, CHOLSTREY, LEOMINSTER, HEREFORDSHIRE.

The Principal Planning Officer presented the application and said that those trees which were not worthy of retention or which were not suitable for a residential site would be removed and replaced with those which were deemed more suitable by the officers. He presented the following updates:

Representations

Leominster Town Council have raised a query regarding the bus gate from the application site onto Far Meadow Road and whether the design of this was approved under the outline planning permission. Their opinion on the subject reads as follows:

“Prevention of use of the bus route by unauthorised vehicles would be vital to the comfort and safety of future residents and the only way to achieve this, in my view, would be the implementation of a rising bollard system, radio controlled from the bus. We should not be fobbed off with inferior ‘sleeping policemen’ type traffic calming. There must be an effective discretionary entrance, allowing access by buses as appropriate and emergency vehicles when necessary.

I would be much obliged if you would give your assurance that there will be an agreement between Herefordshire Council and the developers to provide a controlled bus access along the lines outlined above.”

A further letter has also been received from Mr Barker of 26 Far Meadow Road, also referring to the bus gate and requesting that a rising bollard system is used. He further queries whether the route will obstruct access to his garage.

Officer’s Response

Details of the bus gate are contained within the Transportation Assessment that accompanied the outline planning application. The plan shows a solution whereby a ‘pinch point’ of 3.5 metres and a series of priority signs and those advising that access is only for buses and cycles.

The plan does not, in your Officer’s opinion, form part of the outline approval as such. However, the bus gate will be adopted as part of the Section 38 Agreement for the site as a whole and will have to be constructed to an agreed standard. It will also serve as an access for the emergency services and must meet an acceptable standard to them. Advice from the Council’s Senior Engineer responsible for adoption of highways is that this is unlikely to include the provision of a rising bollard system.

With regard to Mr Barker’s comments, the bus gate is contained entirely within the application site and does not obstruct access to the garage to the rear of 26 Far Meadow Road.

In accordance with the criteria for public speaking, Mr Jessop an objector, spoke against the application and Mr Pollock, the Agent acting for the applicants, spoke in favour.

Councillor Mrs JP French one of the Local Ward Members said that the recent public meeting about the application had been very successful and she expressed her appreciation for the very clear and informative presentation by the Development Control Manager. She felt that the meeting was much more effective than staging an exhibition. She said that there had been some concerns raised about traffic routes, cycle routes and bus provision but that this would be subject to an appropriate design by the by the Council’s Transportation Department in consultation with Planning Services and a scheme funded through the planning obligation money of £600,000. She referred to the tree planting proposals and asked for the inclusion of mature trees as well as saplings to be included in the landscaping design. She also felt that further work should be done in respect of the site levels for Phase 5 of the development because of concerns raised about the dominance of the three-storey blocks on the northern boundary of the site. She had concerns about the proposals for surface drainage and the design of the bus gate which needed to be subject to further discussion. She also proposed the removal of permitted development rights and that the above points should be the subject of further discussions between the Chairman, Local Ward Members and the Officers.

The Principal Planning Officer said that appropriate conditions could be imposed about the floor levels of the three-storey flats to meet the concerns raised. The Area Engineer (Development Control) expressed reservations about the maintenance and reliability issues regarding the proposed rising bollards for the bus gate. The Northern Team Leader said that the drainage proposals had been dealt with at outline planning stage and that no problems had been identified. Councillor WLS Bowen was disappointed that the scheme did not include more in respect of environmental issues such as eco-orientation of the dwellings and solar heating, together with individual storage for cycles rather than a communal area.

RESOLVED

that subject to the conditions considered necessary by the officers in consultation with the Chairman and Local Ward Member regarding the withdrawal of permitted development rights, grown trees to be included in the landscape scheme, site levels of the three-storey units in Phase 5, surface drainage and the design of the bus gate:

- 1. The Head of Legal and Democratic Services be authorised to complete a Deed of Variation to the planning obligation under Section 106 of the Town & Country Planning Act 1990 signed under planning application reference DCNC2005/0917/0. The Deed of Variation shall refer specifically to the deletion of the requirement for Local Areas of Play (LAPs) to be equipped.**
- 2. Upon completion of the aforementioned Deed of Variation, the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission, subject to the following conditions:**
 - (i) A09 (Amended plans)
Reason: To ensure the development is carried out in accordance with the amended plans.**
 - (ii) B01 – Samples of external materials.
Reason: To ensure that the materials harmonise with the surroundings.**
 - (iii) C04 - Details of window sections, eaves, verges and barge boards
Reason: To secure the appearance of the development as a whole.**
 - (iv) E09 - No conversion of garage to habitable accommodation.
Reason: To ensure adequate off street parking arrangements remain available at all times.**
 - (v) Landscaping along the southern boundary of the site shall be carried out in accordance with the details shown on Drawing no. ACJ 4851/310 Rev.D received by the local planning authority on 6th June 2007. The approved landscaping shall be carried out in the first planting season following the date of this permission
Reason: In the interests of the residential amenity of adjoining dwellings.**

- (vi) Prior to the commencement of development, details for the provision of water butts shall be submitted to and approved in writing by the local planning authority. The provision shall be for a minimum of 50% of the residential units hereby approved.
Reason: In order to achieve a sustainable form of development.

INFORMATIVES

1. The attention of the applicant is drawn to the conditions on the outline planning permission granted on 10th October 2006. Reference No. DCNC/0917/0. This application for the approval of reserved matters is granted subject to these conditions.
 2. N15 – Reason(s) for the Grant of PP/LBC/CAC
 3. Avoidance of doubt.
52. DCNC2007/1479/F - PROPOSED REAR EXTENSION AND NEW FRONT PORCH AT MIDDLETON FARM HOUSE, MIDDLETON, LITTLE HEREFORD, LUDLOW, SHROPSHIRE, SY8 4LQ

Councillor J Stone the Local Ward Member felt that the revised application was more acceptable on the grounds of size, and the reduction of overlooking of neighbouring property.

RESOLVED

that planning permission be granted subject to the following conditions

- 1 - A01 (Time limit for commencement (full permission))
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 - B01 (Samples of external materials)
Reason: To ensure that the materials harmonise with the surroundings.
- 3 - C04 (Details of window sections, eaves, verges and barge boards)
Reason: To safeguard the character and appearance of this building.
- 4 - C05 (Details of external joinery finishes)
Reason: To safeguard the character and appearance of this building.
- 5 - Prior to the commencement of the development hereby approved, full details of the alterations to the existing access shall be submitted to, and approved in writing by, the local planning authority. The alterations shall be carried out in accordance with the approved details.
Reason: In the interests of the character and appearance of the surrounding area.

6. A09 (Amended plans)

INFORMATIVES:

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

- 3 - The applicant is advised that the fence shown on the approved plan constitutes permitted development by virtue of Schedule 2, Part 2, Class A of the Town & Country Planning (General Permitted Development) Order 1995, provided that it does not exceed 2 metres in height.

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

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

Councillor KG Grumbley the Local Ward Member said that the Housing Needs Survey had identified a requirement for 16 affordable homes in the Parish which he felt that this scheme would be ideal to contribute to. He enquired about the criteria for affordable housing and the Head of Strategic Housing Services said that there was limited affordable housing in Herefordshire. Some developments had properties offered at a discount from say £200,000 - £180,000 for a three-bedroomed dwelling but that to be truly affordable based on average wages, they would need to be offered at £110,000. Councillor Grumbley suggested the imposition of a planning obligation so that the dwellings would remain as affordable units and not later sold at full market value. The Principal Planning Officer confirmed that in the majority of Herefordshire's smaller rural settlements, house prices were beyond the means of the average local wage-earner. There were not sufficient properties within the village to meet the potential demand identified by the Housing Needs Survey. Attempts had been made to draft a form of words for a Section 106 Agreement to address all of the issues raised in the comments from Strategic Housing with limited success. An Agreement would have to work on the basis that the applicant must sell the four 3-bedroomed dwellings at a fixed price of £110,320 to persons with a local parish connection. He added that Risbury had no facilities and poor public transport links and was not considered to be a sustainable location for further residential development.

Notwithstanding the views of the Officers, several Members agreed with the Local Ward Councillor that it was difficult to provide suitable accommodation in the rural areas and that an exception could be made to the planning policies within the UDP.

RESOLVED:

- that (i) **The Northern Area Planning Sub-Committee is minded to approve the application subject to the following conditions and any further 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.**
- 1. Section 106 agreement for affordable housing**
 - 2. Scheme for the disposal of surface water and foul drainage**
- (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 Head of Planning Services said that he would refer the application to the Planning Committee]

54. DCNE2007/0729/F - ERECTION OF 17 RESIDENTIAL UNITS WITH ANCILLARY CAR PARKING ON LAND AT FROME VALLEY HAULAGE DEPOT, BISHOPS FROME, WR6 5BZ

In accordance with the criteria for public speaking, Mr Shave of Bishops Frome Parish Council and Mr Owen an objector spoke against the application and Mr Garnham the Agent acting for the applicants, spoke in favour.

Councillor Mrs PM Morgan the Local Ward Member had concerns about the proposed development because of the density and limited car parking which was likely to lead to parking on the roadside causing safety problems for pedestrians and motorists on a busy road. She felt that a scheme with a lower density and better car-parking would be more appropriate for the setting of the area. Councillor Mrs K Swinburne shared the concerns of Mrs Morgan and felt that the hazards created by roadside parking would increase when added to the recent development opposite the site. She also drew attention to the concerns expressed by the parish council and the sustainability issues over children having to travel to school by car.

The Senior Planning Officer explained how the concerns about drainage, footpaths and play facilities would be addressed within the scheme and how it complied with the Council's planning policies. Provision was also included for street lighting and traffic calming. The Head of Planning Services said that the scheme should be viewed in the context of the diversity of house types within the village and that it was an imaginative way of laying out the site.

Notwithstanding the views of the officers, the Sub-Committee felt that the application should be refused because of the concerns raised.

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. **The proposal represents an overdevelopment of the site and an inappropriate density to the village settlement of Bishops Frome. The lack of on-site car parking provision is likely to lead to on-street car parking prejudicial to pedestrian safety and detrimental to the amenities of the occupiers of the dwellings opposite the application site. As such the proposed development is considered to be contrary to policies DR1 and DR3 of the Herefordshire Unitary Development Plan 2007.**

INFORMATIVE

1. **N19 – Avoidance of doubt**

- (ii) **If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application in consultation with the Local Ward Member, subject to the reason for refusal referred to above.**

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

55. DCNE2007/0966/F - PROPOSED THREE STOREY BUILDING TO PROVIDE 13 APARTMENTS, WITH 18 PARKING SPACES AND ASSOCIATED CYCLE PARKING AT LAND REAR OF HOMEND SERVICE STATION, THE HOMEND, LEDBURY, HEREFORDSHIRE, HR8 1DS

The Principal Planning Officer referred to his report and said that in paragraph 2 of the draft Heads of Terms of the Proposed Planning Agreement, the commuted sum towards the provision / enhancement of the children's play space / equipment should was £3,000 and not £1,500 as stated.

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

Councillor PJ Watts one of the Local Ward Members outlined the history of the site and was of the opinion that the scheme was unacceptable because there were an excessive number of dwellings; there would be an adverse impact on the local footpath and highway network; the design and scale of the building was out of keeping with the locality and would adversely impact on adjoining properties. He also felt that the dwellings would suffer from fumes from the petrol station and disturbance from its late-night opening. Councillor Mrs K Swinburne another Local Ward Member also felt that the height of the building was inappropriate; the design was unsympathetic to the surroundings; parking provision was inadequate and footpath provision adversely affected. Overall there would be an adverse impact on a medieval town and landscape area.

The Principal Planning Officer said that the application complied with the Council's planning policies on a number of counts. Whilst Homend Crescent was a pleasant

residential street, there were a range of buildings from various eras with no consistent architectural style or design. The site was not within the Conservation Area or adjoining it. The proposed building was of a contemporary design and would be sited at a lower ground level than Homend Crescent. It would be no higher above ordnance datum than the ridge heights of the dwellings opposite which were situated on the eastern side of Homend crescent. With regard to the transportation matters, the Transportation Manager considered that the local highway network had sufficient capacity to cater with the additional traffic that the proposed development would generate. There were eighteen car parking spaces within the scheme and the site was in a highly sustainable location within easy walking distance of the Town Centre and adjoining facilities. The applicant had agreed that the private right of way through the site could be retained as a permissive route. The height of the petrol station meant that the development would not be readily visible from The Homend. He therefore considered that the proposed development was acceptable and would integrate satisfactorily within the environment.

The Sub-Committee still had reservations about the proposals because of the concerns raised and felt that whereas it may not be too visible from under the petrol station canopy it would be highly visible from elsewhere.

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:**

2. design and visual impact
3. density

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

[Note: Following the vote on this application, the Head of Planning Services said that he would refer the application to the Planning Committee]

56. DCNE2007/1224/F - PROPOSED TWO STOREY DWELLING FOR ANCILLARY ACCOMMODATION AT BLACK HILL, BRITISH CAMP, MALVERN, HEREFORDSHIRE, WR13 6DW

Councillor R Mills and RV Stockton the Local Ward Members were of the view that the proposed dwelling was ancillary accommodation to the main dwelling and that because of its design and location, it did not detract from it or have an adverse impact on the rural setting. They felt that Suitable conditions could be imposed which tied it to Blackhill. The Principal Planning Officer explained why the application did not comply with the Council's Planning Policies and that there was a danger that if permitted, the dwelling could be sold separately from Blackhill.

Having considered all the aspects regarding the application, the Sub-committee decided that it should be granted.

RESOLVED:

- that (i) The Northern Area Planning Sub-Committee is minded to approve the application subject to the following conditions and any further 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.
1. ancillary to the main dwelling
- (iii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to 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 Head of Planning Services advised that he would refer the application to the Planning Committee.]

57. DCNW2007/1389/F - TWO STOREY EXTENSION AT 15 HATTON GARDENS, KINGTON, HEREFORDSHIRE, HR5 3DD

RESOLVED

that planning permission be granted subject to the following conditions:

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

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

- 2 - A09 (Amended plans)

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

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

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

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

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

Informatives:

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

58. DCNW2007/1459/F - PROPOSED CONSERVATORY AT THE OAKLANDS, KINGSWOOD, KINGTON, HEREFORDSHIRE, HR5 3HF

RESOLVED

that planning permission be granted subject to the following conditions:

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

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

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

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

INFORMATIVES:

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

- 2 - N19 – Avoidance of doubt

59. DCNC2007/1675/O - SITE FOR PROPOSED RESIDENTIAL DEVELOPMENT AT RYELANDS VETERINARY CLINIC, RYELANDS ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8PN

RESOLVED

that planning permission be granted subject to the following conditions:

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

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

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

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

- 3 - A04 (Approval of reserved matters)

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

- 4 - A09 (Amended plans)

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

- 5 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

6 - F48 (Details of slab levels)

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

7 - G01 (Details of boundary treatments)

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

8 - W01 (Foul/surface water drainage)

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

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

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

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

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

11 - None of the buildings hereby approved shall be occupied until essential improvements to the public sewerage system have been completed by Dwr Cymru Welsh Water, and the Local Planning Authority have been informed in writing of its completion. This work is scheduled for completion by 1st April 2008.

Reason: To mitigate the existing hydraulic overloading of the public sewerage system and ensure the local community and environment are not unduly compromised.

Informatives:**1 - N15 - Reason(s) for the Grant of PP/LBC/CAC****2 - N19 - Avoidance of doubt****60. DCNC2007/1809/O - DEMOLISH EXISTING BUNGALOW AND SITE FOR NEW TERRACE BLOCK AT 104 BRIDGE STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DZ**

In accordance with the criteria for public speaking, Ms Jenman an objector spoke against the application and Mrs Leigh the applicant spoke in favour.

The Sub-Committee noted the concerns raised by the objector and decided that the application should be deferred for clarification about the drainage issues.

RESOLVED

that consideration of the application be deferred pending the receipt of further information from Welsh Water and the Officers about the drainage issues arising from the proposed development.

61. DCNC2007/1873/F - PROPOSED FIRST FLOOR EXTENSION OVER GARAGE AT HUNGRY DEAN, WHITBOURNE, WORCESTERSHIRE, WR6 5SP

The Northern team Leader reported the receipt of the following updates:

Mrs Lewis of Ambermead, 6 Ashpool has sent a letter objecting to the current application and refers to all the reasons given against the previous application:

- impact of application site on quality of light reaching her garden, it blocks the afternoon sunlight, lleylandii hedgerow is 4m 90cm in height and blocks sunlight to garden and ground floor rooms. Proposal will therefore block out the remaining sunlight;
- if lleylandii was reduced in height, the proposed rear window would look directly in to her property;
- the development is unnecessary in light of applicants being elderly and without children, and surplus to requirements;
- proposal affects environment of others; and
- requests that Council protect her interests in respect of the hedgerow in particular, and given that she is now suffering ill health.

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

RESOLVED

that planning permission be approved with the following conditions:

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

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

2 - B02 (Matching external materials (extension))

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

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

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

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

62. DCNE2007/1658/F - CHANGE OF USE TO A CHIROPRACTIC OFFICE AT 11 THE MEWS, ORCHARD LANE, LEDBURY, HEREFORDSHIRE, HR8 1DQ

In accordance with the criteria for public speaking, Dr Wilmhurst-Smith spoke in favour of his application.

RESOLVED

that planning permission be granted subject to the following conditions:

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

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

2 - The use hereby permitted shall not be open to customers/patients outside the following times:

- 9am - 6pm Mondays to Fridays,
- 10am - 1pm Saturdays,
- nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of occupiers of surrounding residential properties.

Informatives:

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

2 - For the avoidance of any doubt the plans to which this decision relate are:

- Planning Application Site Plan (Scale 1:1250) received 24 May 2007 and
- Proposed Floor Plan received 24 May 2007.

63. DCNE2007/1497/F - CHANGE OF USE FROM PACKHOUSE TO USE FOR AGRICULTURAL ENGINEERING BUSINESS AT PRIORS GROVE PACKHOUSE, PUTLEY, LEDBURY, HEREFORDSHIRE, HR8 2RE

In accordance with the criteria for public speaking, Mr Hunter of Putley Parish Council spoke in favour of the application.

RESOLVED

that planning permission be granted subject to the following conditions:

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

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

2 - F32 (Details of floodlighting/external lighting)(external lighting)(the use hereby permitted)

Reason: To safeguard local amenities.

- 3 - E06 (Restriction on Use)(agricultural engineering)(B2)

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

- 4 - E16 (Removal of permitted development rights)(no extension or installations of plant or machinery outside the building)

Reason: To retain control over the size of the premises in the interests of protecting the amenities of the area.

- 5 - No goods, plant, material or machinery shall be deposited or stored outside the application site edged in red on the plan received by the local planning authority on 21st June 2007.

Reason: To protect the appearance of the locality.

- 6 - G12 (Planting of hedgerows which comply with Hedgerow Regulations)(around the boundary of the site)

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

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

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

- 8 - G09 (Retention of trees/hedgerows)(existing trees or hedgerow along the road frontage of the site)

Reason: To safeguard the amenity of the area.

- 9 - The existing pond adjoining the road and shown on the plan received by the local planning authority on 21st June 2007 shall be retained and protected from contamination in accordance with a scheme that shall be submitted to and agreed in writing with the local planning authority before the use commences, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect a water habitat that has the potential to support locally important or protected species.

- 10 - F18 (Scheme of foul drainage disposal)

Reason: In order to ensure that satisfactory drainage arrangements are provided.

Informatives:

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

64. DATE OF NEXT MEETING

22nd August 2007

The meeting ended at 6.15 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCNW2007/1349/F**

- The appeal was received on 23rd July 2007
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs J.W. Morris
- The site is located at Portway Cottage Farm, Portway, Orleton, Ludlow, Herefordshire, SY8 4HG
- The development proposed is Construction of two timber framed dwellings
- The appeal is to be heard by Hearing

Case Officer: Philip Mullineux on 01432 261808

Application No. DCNE2006/3444/U

- The appeal was received on 25th July 2007
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant Certificate of Lawful Use
- The appeal is brought by M Smith
- The site is located at The Caravans, Townsend Farm, Bosbury, Ledbury, Herefordshire, HR8 1JT
- The development proposed is Use of land for the siting of one caravan used for residential purposes.
- The appeal is to be heard by Inquiry

Case Officer: Roland Close on 01432 261803

Application No. DCNC2007/1623/F

- The appeal was received on 30th July 2007
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs R Woods
- The site is located at Land at The Steppes, Luston, Leominster, Herefordshire, HR6 0EA
- The development proposed is Proposed two storey oak framed dwelling and alterations to existing access drive.
- The appeal is to be heard by Written Representations

Case Officer: Nigel Banning on 01432 383093

Application No. DCNE2006/3802/F

- The appeal was received on 31st July 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 J Evans
- The site is located at Site adj. Reafields, Bearswood Common, Cradley, Herefordshire, WR13 5EP
- The development proposed is Erection of 2 transportable log lodges for holiday use.
- The appeal is to be heard by Written Representations

Case Officer: Julie Preston on 01432 260536

Application No. DCNW2007/0818/F

- The appeal was received on 1st August 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 T E Hughes
- The site is located at Land adjacent Church Croft, Orleton, Ludlow, Herefordshire, SY8 4HN
- The development proposed is Erection of three houses and garages.
- The appeal is to be heard by Written Representations

Case Officer: Kelly Gibbons on 01432 261781

Application No. DCNE2007/0448/F

- The appeal was received on 6th August 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 Fair-Sky Ltd
- The site is located at Monksbury Court Barns, Monkhide, Ledbury, Herefordshire, HR8 2TU
- The development proposed is Retrospective application for formation of bay window and provision of new porch to units 1,2, & 5.
- The appeal is to be heard by Written Representations

Case Officer: Carl Brace on 01432 261795

APPEALS DETERMINED

Application No. DCNW2006/1672/F

- The appeal was received on 23rd February 2007
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr P S Williams
- The site is located at land to the rear of Mortimers Cross Inn, Mortimers Cross, Leominster, Herefordshire, HR6 9PD
- The application, dated 24th May 2006, was refused on 21st July 2006
- The development proposed was Change of use of land for holiday chalet development, erection of 8 chalets in landscaped gardens

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

- The main issues are the effect of the proposed development on the character and appearance of the countryside and its effect on highway safety.

Decision: The appeal was DISMISSED on 25th July 2007

Case Officer: Kelly Gibbons on 01432 261808

Application No. DCNW2006/2252/F

- The appeal was received on 23rd February 2007
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs B Crick
- The site is located at Willow Cottage, Monkland Common, Leominster, Herefordshire, HR6 9DD
- The application, dated 4th July 2006, was refused on 13th September 2006
- The development proposed was Proposed replacement cottage.
- The main issue is the effect of the proposed replacement cottage on the character and appearance of the countryside.

Decision: The appeal was DISMISSED on 27th July 2007

Case Officer: Philip Mullineux 01432 261808

Application No. DCNC2006/2953/O

- The appeal was received on 25th January 2007
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr SW Lloyd
- The site is located at 78 Castlefields, Leominster, Herefordshire, HR6 8BJ
- The application, dated 6th September 2006, was refused on 8th December 2006
- The development proposed was Site for the erection of a detached dwelling.
- The main issue is the effect of the proposal on the street scene.

Decision: The appeal was DISMISSED on 30th July 2007

Case Officer: Rebecca Jenman on 01432 261781

Application No. DCNW2006/1657/F

- The appeal was received on 24th January 2007
- 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 R.J. Verdin Esq
- The site is located at The Browns, Weobley, Herefordshire
- The application, dated 25th May 2006, was refused on 21st July 2006
- The development proposed was Conversion of and alterations to a group of redundant period barns to create three residential dwellings.

- The main issues are whether or not the conversion of Barn A would involve substantial alteration that would adversely affect the character and appearance of the building or have an adverse impact on its surrounding – which in this case would involve the setting of the listed building; secondly, whether or not it would involve major reconstruction and thirdly whether or not the proposed scheme as a whole would conflict with the Council's aim of promoting sustainable development

Decision: The appeal was DISMISSED on 31st July 2007

Case Officer: Philip Mullineux on 01432 261808

Application No. DCNW2006/2721/O

- The appeal was received on 22nd January 2007
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr G Lewis
- The site is located at Land adjoining Overton Farm Shop, Orleton, Ludlow
- The application, dated 16th August 2006, was refused on 2nd October 2006
- The development proposed was Site for the erection of a dwelling
- The main issue is whether the proposal would undermine rural settlement policy which seeks to safeguard the character and appearance of the countryside.

Decision: The appeal was DISMISSED on 1st August 2007

Case Officer: Philip Mullineux on 01432 261808

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

6 DCNC2007/1809/O - DEMOLISH EXISTING BUNGALOW AND SITE FOR NEW TERRACE BLOCK AT 104 BRIDGE STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DZ.

For: Mrs P Leigh per Mr R Davies, R Design, Ennador, Newlands Road, Leominster, Herefordshire, HR6 8HN.

Date Received: 5th June 2007

Ward:

Grid Ref:

Expiry Date: 31st July 2007

Leominster North

49417, 59688

Local Members: Councillors JP French and P Jones

Introduction

This application was deferred by Committee on 25th July, 2007 in order to enable Welsh Water to be formally consulted on the proposed development. The formal response from Welsh Water has been received and has been incorporated within the report.

1. Site Description and Proposal

- 1.1 This site, which flanks the eastern side of Bridge Street, is located in a residential area in the northern part of Leominster. This site itself consists of a single bungalow, set in its own garden area, with an existing vehicular access onto Bridge Street (B4361). There is a terrace of dwellinghouses to the north of the site, semi-detached dwellinghouses on the opposite side of the road and a large dwelling on both the east and south sides.
- 1.2 This outline application is for the erection of a terrace block of three dwellings to directly replace the existing bungalow on the site, which will be demolished. Details relating to layout and vehicular access have been submitted for consideration at this stage, with the details relating to appearance, scale and landscape reserved for future consideration. The proposed terrace block will be positioned towards the front of the site, with a new vehicular access at the northern end of the road frontage with the existing access blocked up. A new access driveway will lead to a new parking/turning area in the rear garden for six cars.

2. Policies

2.1 Planning Policy Guidance:

PPS1 - Delivering sustainable development

PPG3 - Housing

2.2 Herefordshire Unitary Development Plan:

Policy S2 - Development requirements

Policy S3 - Housing

Policy DR1 - Design

Policy H1 - Hereford and the Market Towns: Settlement boundaries and established residential areas.

Policy H13 - Sustainable residential design

Policy H14 - Re-using previously developed land and buildings

Policy - H16 Car Parking

Policy HBA6 - New development within Conservation Areas.

2.3. Herefordshire Council's Supplementary Planning Guidance:-
Design and Development Requirements

3. Planning History

3.1. DCNC2006/3589/0 – Demolition of existing bungalow and site for new terrace block. Refused 08-01-07.

3.2. DCNC2007/0546/0- Demolish existing bungalow and site for new terrace block. Refused 17-04-07.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water recommends that any planning permission granted shall include certain conditions and advisory note relating to foul and surface water discharges.

Internal Council Advice

4.2 The Traffic Manager recommends that any permission includes certain conditions relating to the new access/parking provision and closure of existing access.

4.3. The County Archarologist has no objection in principle. However, the site is within the recorded medieval core of Leominster and recommends that the standard archaeological "site investigation" condition be imposed on any planning permission granted.

5. Representations

5.1. The applicant states that there is an existing rundown bungalow on the site, which has become an eye sore. It is intended to replace it with a terrace block of one three bedroom and two two bedroom dwellings. The proposed block will fit into the character of the area where there are existing semi-detached and terraced houses. The proposal will be in keeping with the building line and enhance the local conservation area. Parking will be provided within site, therefore eliminating the need for visitors to park on the roadside. Historic president to provide a terrace on this site. The front of the building will be mainly facing brickwork and the roof will be tiled to match adjacent properties. The existing side and rear boundaries consist of timber fencing, mature hedging and some trees, which will all remain. This project will provide reasonably priced sought after accommodation.

5.2 The Town council recommends approval.

5.3. There have been four letters of objection from:-

Mr P Gallimore, 94 Bridge Street, Leominster
Miss T Jenman and Mr R Morris, 106a Bridge Street, Leominster
Mr and Mrs M Baldwin, Mostyn House, Bridge Street, Leominster
Mr S Hughes, 16 Sunningdale, Bridge Street, Leominster (This letter is also signed by Mr L Price, Mr P Hartley and Mr D Mifflin of 15, 17 and 18 Sunningdale)

The main points being:-

- Extra properties will affect amount of on street car parking in area. There is already insufficient off road parking in Bridge Street with many residents/visitors having to park on road.
- Six parking spaces per dwelling not enough as an average family has two cars resulting in any visitors having to park on road.
- The main road is very busy with heavy commercial vehicles and any additional on street parking will make situation worse.
- The proposed vehicular access will have visibility impaired by existing cars parked on roadside which will constitute a hazard to highway safety.
- Parking cars at the rear of the property will be accompanied by headlights and engine noise, which will be detrimental to quality of life of neighbours.
- Neighbouring dwellings will be adversely overlooked by proposal, resulting in loss of residential amenities.
- Outlook from properties will be compromised.
- The development will result in the cramming of the site and will be against all the present themes of this residential area.
- The laying of drains and tarmac could have an effect on the roots of neighbours hedge and established trees.
- Already problems of back flow of sewage in area. More dwellings will add to problems.
- Only solution is to replace existing bungalow with another bungalow.
- The proposal will block sunlight into rear windows and garden of dwellinghouse to north.

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. Officer's Appraisal

6.1 The main issues relate to:

- (i) The principle of erecting dwellings on this site and whether the number and type of development is suitable for this site.
- (ii) The effect of the proposal on the residential amenities of the occupants of neighbouring dwellings.
- (iii) highway safety issues relating to parking and vehicular access.

- 6.2 The proposed development is located in an established residential area within the town, where the principle of new residential development is considered to be acceptable. The proposed new terrace block will accommodate three dwelling units and it is intended that the eaves and ridge height will not exceed the height of the adjacent terrace of houses to the north. As such, it is considered that the proposed building, set in this position within the site, is considered to be acceptable and will not constitute unacceptable cramming of the site. It would not be out of keeping with the scale and character of the existing residential development in the area. Nor will it adversely affect the character and appearance of the adjacent Conservation Area situated to the north of the application site.
- 6.3 With regard to the intended position and size of the building, it is not considered that the residential amenities of the adjacent dwellings will be adversely affected by the proposed development. The proposal will not adversely take light from the neighbour's windows nor will it adversely overlook their dwellings. The applicant does not intend to put windows in either of the end (north/south) elevations, so as to prevent any direct overlooking into the neighbours windows. A planning condition can be imposed to prevent the insertion of any windows in these elevations.
- 6.4. The proposed new vehicular access is considered to be acceptable. Visibility in both directions will be acceptable and it will be a direct replacement for the existing vehicular access. The proposed parking at the rear of the terrace block will provide suitable parking and turning provision within the site. It is not considered that the residential amenities of the adjacent dwelling will be unreasonably affected by the proposed parking arrangements.
- 6.5. The proposed development is, therefore, considered to be acceptable and in accordance with the residential policies in the Herefordshire Unitary Development Plan, in particular H1, H13, S2, S3 and DR1. The revised proposal also overcomes the refusal reasons set out in the two previous applications on the site, relating to the unacceptable cramming of the site, adverse affect on the residential amenities of neighbours and unacceptable parking/turning arrangements. The comments of the objectors have been fully taken into account, but are not considered sufficient to warrant refusal of the application.
- 6.6. The public consultation period for this application expires on 19th July 2007, which is after the date this report was drafted.
- 6.7. Welsh Water were formally consulted on the proposed development and recommended that any planning permission includes certain conditions relating to foul and surface water discharges. These recommended conditions plus an advisory note have been added to the recommendation.

RECOMMENDATION

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

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

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

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

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

3 - A04 (Approval of reserved matters)

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

4 - A05 (Plans and particulars of reserved matters)

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

5 - D01 (Site investigation - archaeology)

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

6 - 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.

7 – Notwithstanding the provisions of Condition 6, each individual parking space shall measure 4.8 metres by 2.4 metres, unless otherwise first agreed in writing by the local planning authority

Reason: In the interests of highway safety.

8 - H08 (Access closure)

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

9 – No windows shall be provided in either of the first floor north west or south east facing end elevations of the proposed terrace, without the prior written permission of the local planning authority.

Reason: In the interest of privacy and amenity.

10 - W01 – (Foul/surface water drainage)

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

11 - W02 – (No surface water to connect to public system)

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

12 - W03 – (No drainage run-off to public system)

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

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC**
- 2 - N03 - Adjoining property rights**
- 3 - HN01 - Mud on highway**
- 4 - HN04 - Private apparatus within highway**
- 5 - HN05 - Works within the highway**
- 6 - HN10 - No drainage to discharge to highway**
- 7 - HN22 - Works adjoining highway**
- 8 - The applicant should be aware that this outline planning permission does not override 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 applicant is 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.**
- 9 - N14 - Party Wall Act 1996**
- 10 - This outline application is granted on the understanding that the eaves and ridge levels of the building hereby approved will not be higher than those of the adjacent terrace of houses, adjacent to the site on its north west side (i.e. those levels at the south east end of the terrace).**
- 11 - N19 - Avoidance of doubt**
- 12 - N16 - Welsh Water Informative**

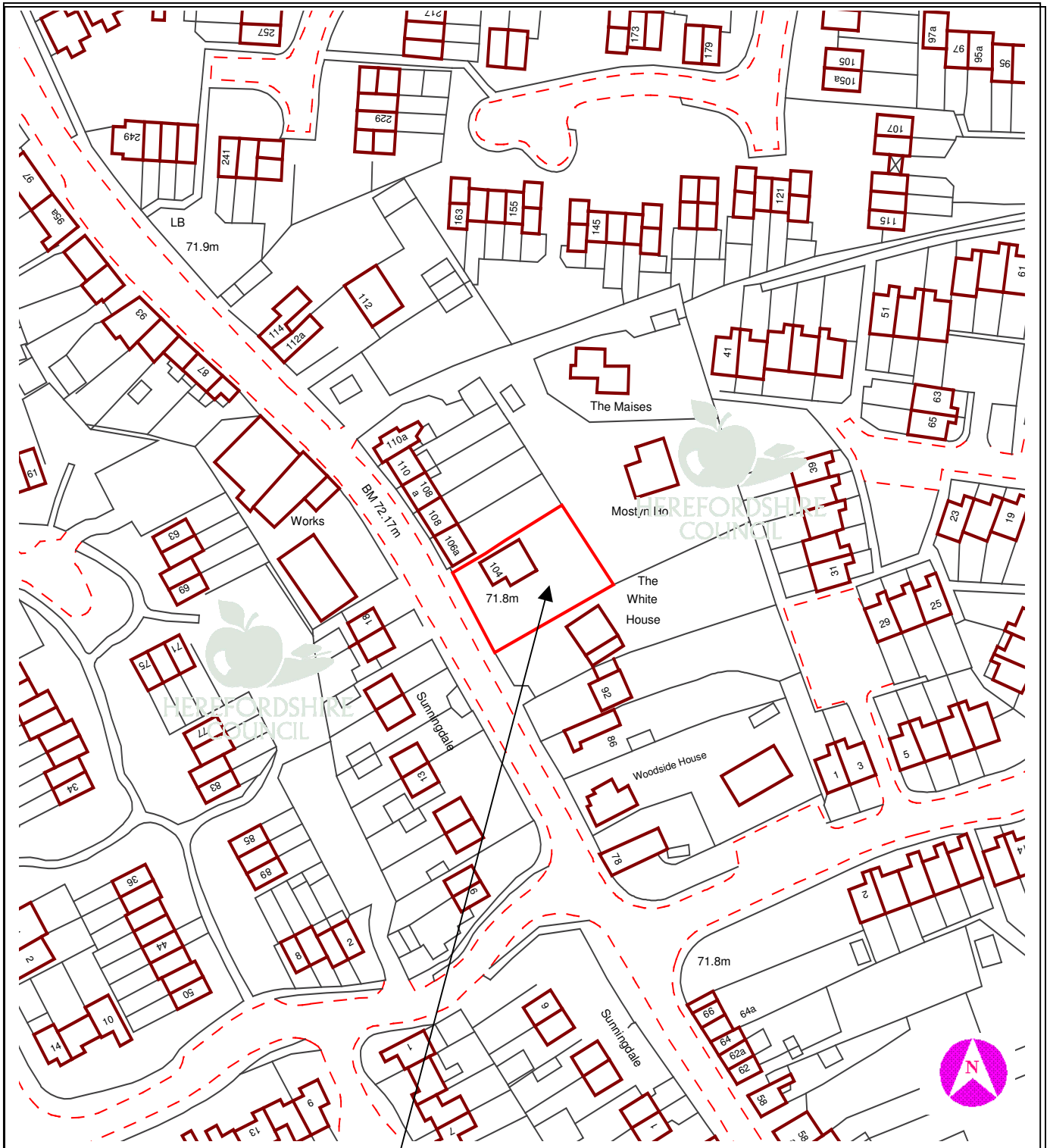
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNC2007/1809/O

SCALE : 1 : 1250

SITE ADDRESS : 104 Bridge Street, Leominster, Herefordshire, HR6 8DZ

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

7 DCNC2007/1981/F - USE OF LAND FOR SITING MOBILE HOMES BY THE DELETION OF CONDITION 2 IN THE CONSENT REF NC2002/1416/F WHICH STATES "THE CARAVANS SHALL BE USED FOR HOLIDAY PURPOSES ONLY AND SHALL NOT AT ANY TIME BE USED AS THE SOLE PRIMARY RESIDENCE" AT LAND AT MEADOW BANK, HAMNISH, LEOMINSTER, HEREFORDSHIRE. HR6 0GN.

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

Date Received: 19th June, 2007 Ward: Grid Ref:
Expiry Date: 14th August, 2007 Leominster South 52835, 58589
 Local Member: Councillors RBA Burke and RC Hunt

1. Site Description and Proposal

- 1.1 Meadow Bank is an established caravan park. It is located within the open countryside in an undulating landscape. The application site is positioned on an area of low lying flat land. It is formally laid out as a caravan park with surfaced access roads and designated plots for each of the static caravans.
- 1.2 Other parts of the site lie on sloping land. To the north are a number of other caravans and a large complex of agricultural buildings beyond. These are used in conjunction with the applicants equestrian based business. The land to the south also rises but is open agricultural land.
- 1.3 The application is for the removal of condition no.2 of NC2002/1416/F. Planning permission was granted for the extension of the caravan park to accommodate a further 10 units and condition no.2 prohibits the use of caravans as permanent residential accommodation. It now appears that all of the units on the site are permanently occupied, and have been for some time. The application is retrospective and seeks permanent residential use.
- 1.4 It is accompanied by a supporting statement, extracts of which are re-produced later in this report, and also by the results of a questionnaire completed by the current residents of the site. The results of this show that 47 of the 50 units are occupied as permanent residences by their occupants and that length of occupancy ranges from a matter of months to 15 years.

2. Policies

2.1 Herefordshire Unitary Development Plan

S1 - Sustainable development
 H7 - Housing in the countryside outside settlements
 H11 – Residential caravans
 RST14 - Static caravans, chalets, camping and touring caravan sites

3. Planning History

- 3.1 DCNC2006/3283/F – Use of land for siting mobile homes by the deletion of condition 2 in the consent which states no caravan shall be used as permanent residential accommodation – Refused 28.2.07
- 3.2 NC2002/1416/F - Use of land for siting 10 static holiday caravans as an extension of existing park - Approved 15.7.02
- 3.3 NC2000/2090/F - Change of use to extend caravan park - Refused 09.10.00
- 3.4 N98/0220/U - Certificate of lawfulness for the use of land as residential caravan site for 5 caravans - Approved 6.10.98
- 3.5 92/0042/C - Extension of site for static holiday caravans - Approved 31.03.92
- 3.6 91/0655/C - Continued use of land for siting 14 static holiday caravans - Approved 03.12.91

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Transportation Manager - No objections

5. Representations

- 5.1 Leominster Town Council – As a result of the failure of communication and action of the councils generally over the years, they provide a unique set of circumstances and feel obliged to recommend approval.
- 5.2 Kimbolton Parish Council – object to the application on the grounds of overdevelopment, amenity value, access and sewerage
- 5.3 Six letters of objections have been received from the following:
 - HF Parsons, North Rowley, Hamnish
 - Mr & Mrs Foster, Patty's Cross, Hamnish
 - Mr & Mrs Young, Juniper Cottage, Hamish
 - Mr Guest, Colaba Lodge, Hamnish
 - CCN Davis, South Rowley, Hamnish
 - Dr & Mrs Bowen, Rowley Grange, Hamnish, Leominster

In summary the points raised are as follows:

- 5.3.1 The application is contrary to Policy H11 of the Herefordshire Unitary Development Plan.
- 5.3.2 The applicant has erroneously translated what was a misleading site licence and thought that it altered the planning permission.

- 5.3.3 It is unclear what the actual number of units on site will be.
- 5.3.4 Access to the site is onto a narrow road, inappropriate for such a large development.
- 5.3.5 Foul drainage from the site is believed to seep into nearby watercourses.
- 5.3.6 The application is simply a re-submission of a previously refused scheme.
- 5.4 Seven letters in support of the application have been received from the following:
- Miss A Cann, 4 Shobdon Lodge, Meadowbank Park
 - Mrs JJ McCoy, 44 Meadowbank Park
 - Mrs A.E Williams, 43 Meadowbank Park
 - Mr B Palliser, 42 Meadowbank Park
 - Mr AC Davis, 12A Meadowbank Park
 - Mr & Mrs Smith, 45 Meadowbank Park
 - Mr & Mrs Capper, 41 Meadowbank Park

All of the letters refer to the fact that their authors are permanent residents on the site. One has been resident since 1995 whilst the others vary in their length of occupancy from 1 to 4 years. Four of the seven letters state that caravans have been bought and are the occupants only residence. Their purchase was based on the fact that the site has a licence from the Council for permanent residential occupation. The authors also confirm that they pay Council Tax on the basis of the mobile homes being their permanent residences.

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

I know that you are fully aware of the circumstances that surround the present dilemma and that the Council's decision to refuse planning permission for the continued use of the caravans for residential purposes has naturally caused concern to both the owner of Meadowbank and to the occupiers of those mobile homes likely to be affected by these decisions.

I am aware that the Planning Committee expressed a number of concerns in their deliberations regarding my client's original applications and since that time my client has assembled further information regarding the occupation of the various caravans since 1994, in respect of the original caravan site and, since 2003 in respect of the site extension.

It is hoped that the additional information will enable the Planning Sub-Committee to give further consideration to this matter.

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

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

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

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

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

- 5.6 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 starting point for this application is that it is clearly contrary to policy RST14 of the Herefordshire Unitary Development Plan which states that:

"Proposals to change of use of existing chalets and caravan sites to permanent residential sites respectively will not be permitted unless they are located within an area where the principle of residential development is acceptable"

- 6.2 However, the history of the site is also an important material planning consideration. The contents of the applicant's agent's comments are not in doubt and it is clear that there has been a history of permanent residential use. This is confirmed by the letters received from some of the residents on the site and the questionnaires submitted as part of the application.
- 6.3 In your officers opinion there are two options that can be taken. First would be to make a decision in accordance with policy and to refuse the application. The logical step from this position would then to be to take enforcement action issuing a breach of condition notice and require that the units are occupied in accordance with the original condition; that they should not be used for residential purposes. In effect this could require the units on site to be vacated by their occupants.
- 6.4 The Local Planning Authority could not take action against any mobile home which has been occupied for residential, as opposed to holiday purposes, for in excess of 10 years.
- 6.5 The alternative would be to take a more pragmatic view of the current situation, accepting the history of the site and granting a permission that allows permanent residential occupancy. This would draw a line under the current situation. The site

would be required to comply with the requirements of a residential site licence and therefore an element of control would remain.

- 6.6 On balance it is your officer’s opinion that the latter approach is most appropriate and the application is therefore recommended for approval. No conditions are required in this instance.
- 6.7 Issues relating to existing drainage problems and the existing vehicular access are not material to this particular application as no intensification of use will result. They would be relevant if further applications are made to extend the caravan park.

RECOMMENDATION

That planning permission be approved subject to the following conditions:

- 1. G04 - Landscaping scheme (general)**

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

- 2. G05 – Implementation of landscaping scheme (general)**

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

INFORMATIVES

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

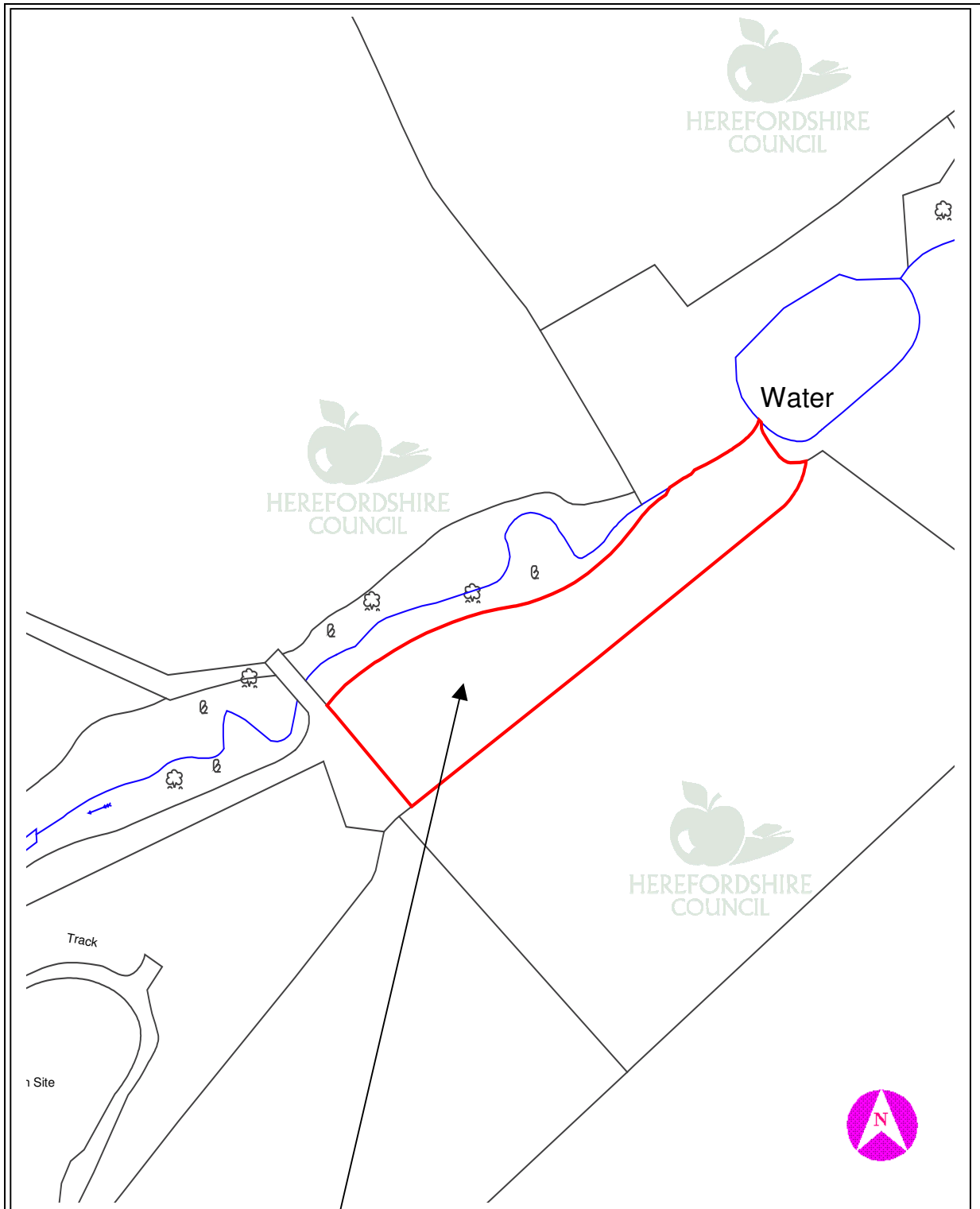
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNC2007/1981/F

SCALE : 1 : 1250

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

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No:
100024168/2005

8 DCNC2007/1986/F - USE OF LAND FOR SITING MOBILE HOMES BY THE DELETION OF CONDITION 2 IN THE CONSENT REF 92C42 WHICH STATES NO CARAVAN SHALL BE USED AS PERMANENT RESIDENTIAL ACCOMMODATION AT LAND AT MEADOW BANK, HAMNISH, LEOMINSTER, HEREFORDSHIRE. HR6 0GN.

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

Date Received: 19th June, 2007 Ward: Grid Ref:
Expiry Date: 14th August, 2007 Leominster South 52731, 58511
 Local Member: Councillors RBA Burke and RC Hunt

1. Site Description and Proposal

- 1.1 Meadow Bank is an established caravan park. It is located within the open countryside in an undulating landscape. The application site is positioned on an area of low lying flat land. It is formally laid out as a caravan park with surfaced access roads and designated plots for each of the static caravans.
- 1.2 Other parts of the site lie on sloping land. To the north are a number of other caravans and a large complex of agricultural buildings beyond. These are used in conjunction with the applicants equestrian based business. The land to the south also rises but is open agricultural land.
- 1.3 The application is for the removal of condition no.2 of application reference 92C42. Planning permission was granted for the extension of the site for the stationing of static caravans and condition no.2 prohibits the use of caravans as permanent residential accommodation. No restriction was placed on the number of static caravans that can be stationed on the land. It now appears that all of the units on the site are permanently occupied, and have been for some time. The application is retrospective and seeks permanent residential use.
- 1.4 It is accompanied by a supporting statement, extracts of which are re-produced later in this report, and also by the results of a questionnaire completed by the current residents of the site. The results of this show that 47 of the 50 units are occupied as permanent residences by their occupants and that length of occupancy ranges from a matter of months to 15 years.

2. Policies

2.1 Herefordshire Unitary Development Plan

- S1 - Sustainable development
 H7 - Housing in the countryside outside settlements
 H11 - Residential caravans

RST14 - Static caravans, chalets, camping and touring caravan sites

3. Planning History

- 3.1 Use of land for siting mobile homes by the deletion of condition 2 in the consent which states no caravan shall be used as permanent residential accommodation - Refused 28.2.07
- 3.2 NC2002/1416/F - Use of land for siting 10 static holiday caravans as an extension of existing park - Approved 15.7.02
- 3.3 NC2000/2090/F - Change of use to extend caravan park - Refused 09.10.00
- 3.4 N98/0220/U - Certificate of lawfulness for the use of land as residential caravan site for 5 caravans - Approved 6.10.98
- 3.5 92/0042/C - Extension of site for static holiday caravans - Approved 31.03.92
- 3.6 91/0655/C - Continued use of land for siting 14 static holiday caravans - Approved 03.12.91

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Transportation Manager - No objections

5. Representations

- 5.1 Leominster Town Council – As a result of the failure of communication and action of the councils generally over the years, they provide a unique set of circumstances and feel obliged to recommend approval.
- 5.2 Kimbolton Parish Council – object to the application on the grounds of overdevelopment, amenity value, access and sewerage
- 5.3 Six letters of objections have been received from the following:
 - HF Parsons, North Rowley, Hamnish
 - Mr & Mrs Foster, Patty's Cross, Hamnish
 - Mr & Mrs Young, Juniper Cottage, Hamish
 - Mr Guest, Colaba Lodge, Hamnish
 - CCN Davis, South Rowley, Hamnish
 - Dr & Mrs Bowen, Rowley Grange, Hamnish, Leominster

In summary the points raised are as follows:

- 5.3.1 The application is contrary to Policy H11 of the Herefordshire Unitary Development Plan.

- 5.3.2 The applicant has erroneously translated what was a misleading site licence and thought that it altered the planning permission.
- 5.3.3 It is unclear what the actual number of units on site will be.
- 5.3.4 Access to the site is onto a narrow road, inappropriate for such a large development.
- 5.3.5 Foul drainage from the site is believed to seep into nearby watercourses.
- 5.3.6 The application is simply a re-submission of a previously refused scheme.
- 5.4 Seven letters in support of the application have been received from the following:
- Miss A Cann, 4 Shobdon Lodge, Meadowbank Park
 - Mrs JJ McCoy, 44 Meadowbank Park
 - Mrs AE Williams, 43 Meadowbank Park
 - Mr B Palliser, 42 Meadowbank Park
 - Mr AC Davis, 12A Meadowbank Park
 - Mr & Mrs Smith, 45 Meadowbank Park
 - Mr & Mrs Capper, 41 Meadowbank Park

All of the letters refer to the fact that their authors are permanent residents on the site. One has been resident since 1995 whilst the others vary in their length of occupancy from 1 to 4 years. Four of the seven letters state that caravans have been bought and are the occupants only residence. Their purchase was based on the fact that the site has a licence from the Council for permanent residential occupation. The authors also confirm that they pay Council Tax on the basis of the mobile homes being their permanent residences.

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

I know that you are fully aware of the circumstances that surround the present dilemma and that the Council's decision to refuse planning permission for the continued use of the caravans for residential purposes has naturally caused concern to both the owner of Meadowbank and to the occupiers of those mobile homes likely to be affected by these decisions.

I am aware that the Planning Committee expressed a number of concerns in their deliberations regarding my client's original applications and since that time my client has assembled further information regarding the occupation of the various caravans since 1994, in respect of the original caravan site and, since 2003 in respect of the site extension.

It is hoped that the additional information will enable the Planning Sub-Committee to give further consideration to this matter.

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

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

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

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

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

- 5.6 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 starting point for this application is that it is clearly contrary to policy RST14 of the Herefordshire Unitary Development Plan which states that:

"Proposals to change of use of existing chalets and caravan sites to permanent residential sites respectively will not be permitted unless they are located within an area where the principle of residential development is acceptable"

- 6.2 However, the history of the site is also an important material planning consideration. The contents of the applicant's agent's comments are not in doubt and it is clear that there has been a history of permanent residential use. This is confirmed by the letters received from some of the residents on the site and the questionnaires submitted as part of the application.
- 6.3 In your officers opinion there are two options that can be taken. First would be to make a decision in accordance with policy and to refuse the application. The logical step from this position would then be to take enforcement action issuing a breach of condition notice and require that the units are occupied in accordance with the original condition; that they should not be used for residential purposes. In effect this could require the units on site to be vacated by their occupants.
- 6.4 The Local Planning Authority could not take action against any mobile home which has been occupied for residential, as opposed to holiday purposes, for in excess of 10 years.
- 6.5 The alternative would be to take a more pragmatic view of the current situation, accepting the history of the site and granting a permission that allows permanent

residential occupancy. This would draw a line under the current situation. The site would be required to comply with the requirements of a residential site licence and therefore an element of control would remain.

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

6.7 Issues relating to existing drainage problems and the existing vehicular access are not material to this particular application as no intensification of use will result. They would be relevant if further applications are made to extend the caravan park.

RECOMMENDATION

That planning permission be approved subject to the following conditions:

1. G04 - Landscaping scheme (general)

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

2. G05 – Implementation of landscaping scheme (general)

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

INFORMATIVES

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

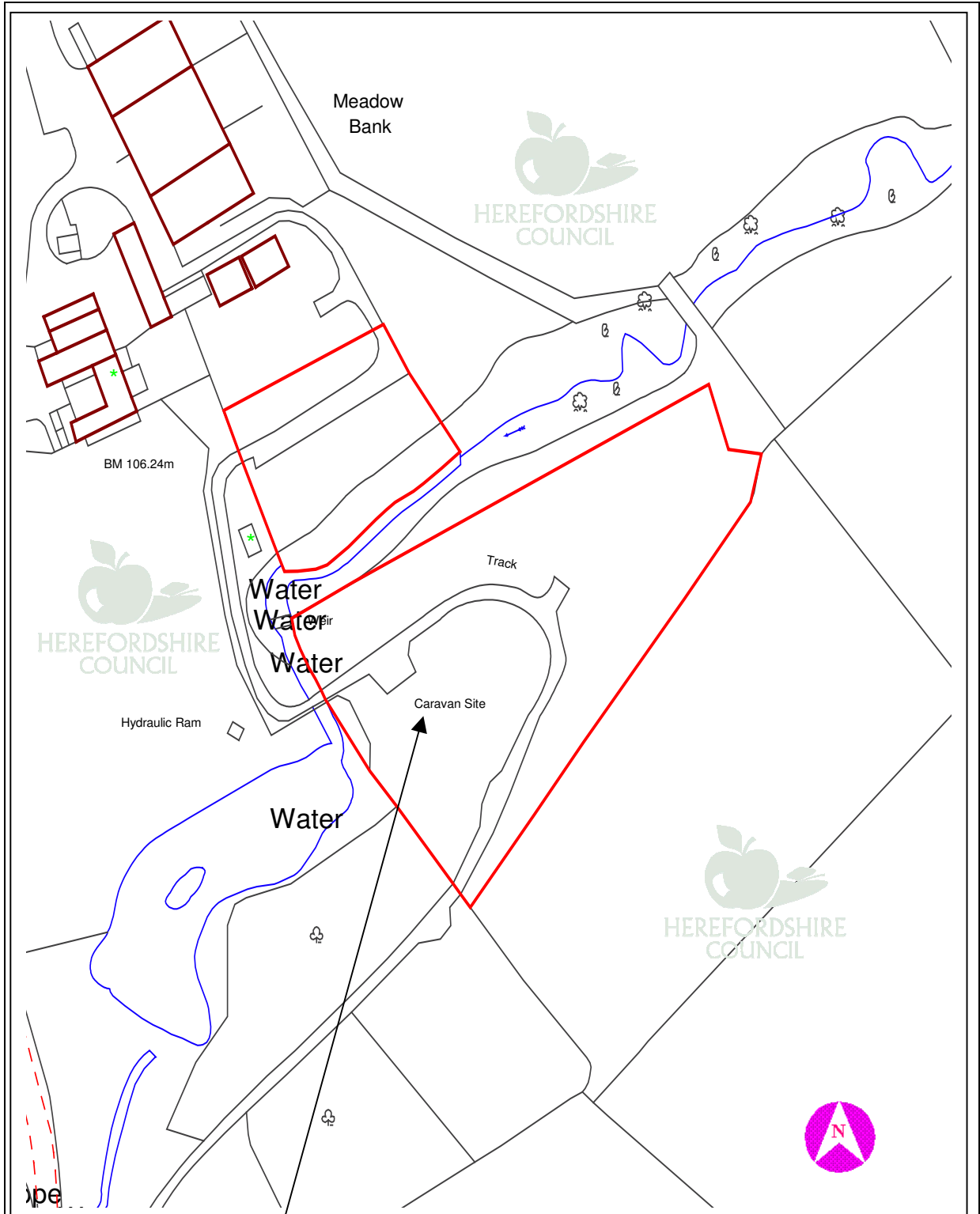
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNC2007/1986/F

SCALE : 1 : 1250

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

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

9 DCNC2007/2153/F - RELOCATION OF PERIMETER FENCE AT ALEXANDER & DUNCAN LTD, SOUTHERN AVENUE, LEOMINSTER, HEREFORDSHIRE, HR6 0QB.

For: Alexander Duncan Ltd. per Mr C Goldsworthy, 85 St Owens Street, Hereford, HR1 2JW.

Date Received: 4th July, 2007

Ward:

Grid Ref:

Expiry Date: 29th August, 2007

Leominster South

49837, 57960

Local Member: Councillors RBA Burke and RC Hunt

1. Site Description and Proposal

- 1.1 The application made in retrospect as parking is already taking place on part of the former strip of grass adjacent to the highway. The area has been surfaced and access is gained to it via the entrance to the premises but across the public footpath.
- 1.2 The proposal seeks to remedy this by incorporating it and the remaining grassed strip of land into the curtilage of the premises, thus widening the parking area at the front of the building, utilising the existing access and eliminating the unsatisfactory situation that currently sees vehicles mounting the footpath. The plans show that a new fence would be erected immediately adjacent to the footpath and a native species hedgerow would be planted.

2. Policies

- 2.1 Herefordshire Unitary Development Plan
DR1 - Design
E8 – Design standards for employment sites
T11 – Parking provision

3. Planning History

- 3.1 NC07/0702/F - Relocation of perimeter fence - Refused 18.04.07 for the following reason:

The proposal does not respect the open character and appearance of the wider area by virtue of the unacceptable degree of enclosure that it would introduce. It is consequently contrary to policy DR1(1) of the Herefordshire Unitary Development Plan.

- 3.2 NC07/0040/F retrospectively sought permission for a similar proposal on land to the fore of Skymark Packaging, the adjacent premises to the north east. Planning permission was refused on highway safety grounds.

4. Consultation Summary

Statutory Consultations

- 4.1 None required

Internal Council Advice

4.2 Transportation Manager - Raises no objection but comments that fence posts should not overhang the footway. Also queries the ownership of the application site.

4.3 Public Rights of Way Manager - Raises no objection

5. Representations

5.1 Leominster Town Council - Recommends approval

5.2 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 industrial estate is characterised by wide strips of land between the highway and the buildings and their associated parking and storage areas. The result is to give a sense of space and openness to the whole area. It seems that this must have been a matter of design when the estate was first developed as it is a situation that occurs consistently throughout.

6.2 Whilst the proposal includes the establishment of a native species hedgerow, it would result in a degree of enclosure which, if repeated across the estate would create a significant and detrimental change to its open character.

6.3 With regard to the comments made by the Transportation Manager, the applicant has signed a Certificate A stating that they are the owner of the land. The matter is being investigated further to try and determine whether this is the case or if it forms part of the adopted highway.

6.4 This proposal does differ considerably from the refused scheme at the adjacent Skymark Packaging premises that saw vehicles reversing onto the road and did not offer any mitigation by way of landscaping.

6.5 This proposal does not give rise to the same highway safety issues as it will utilise the existing access, allowing vehicles to manoeuvre on site, and separates the conflicting movements of pedestrians and vehicles.

6.6 Notwithstanding this, and for the reasons described above it is concluded that the proposal is contrary to policy DR1 of the UDP. The application is therefore recommended for refusal.

RECOMMENDATION

That planning permission be refused for the following reason:

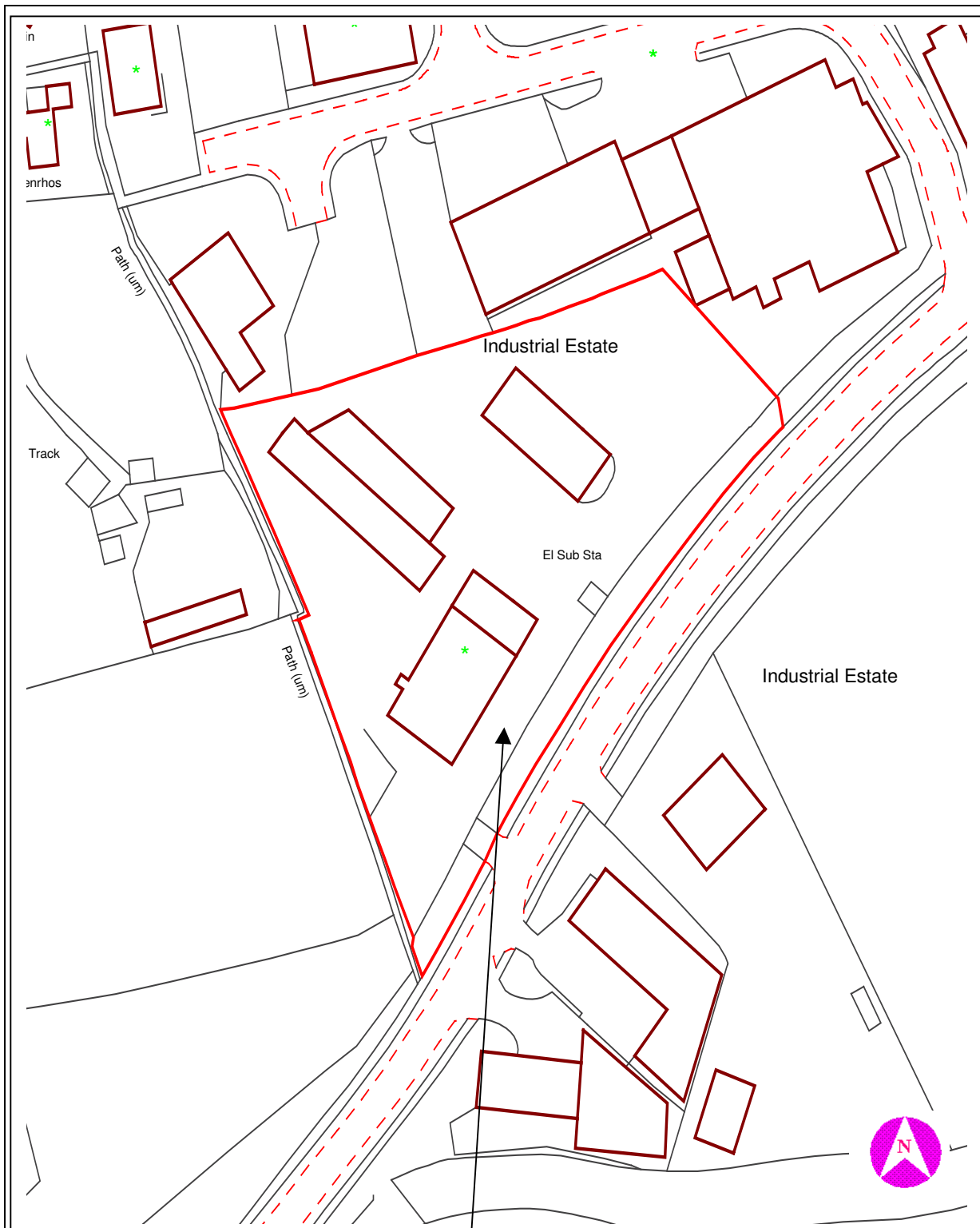
- 1 The proposal does not respect the current open character and appearance of the wider area by virtue of the unacceptable degree of enclosure that it would introduce. It is consequently contrary to Policy DR1 (1) of the Herefordshire Unitary Development Plan.**

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: DCNC2007/2153/F

SCALE : 1 : 1250

SITE ADDRESS : Alexander & Duncan Ltd, Southern Avenue, Leominster, Herefordshire, HR6 0QB

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

10 DCNE2007/1183/F - PROPOSED 3 BEDROOM DWELLING INCORPORATING STABLES AND ASSOCIATED LANDSCAPE WORKS TO REPLACE EXISTING AGRICULTURAL SHEDS AT LAND FORMING PART OF PERRYCROFT LODGE ESTATE, JUBILEE DRIVE, UPPER COLWALL, MALVERN, WORCESTERSHIRE, WR13 6DN.

For: Mr & Mrs M Claffey per Aedas Architects Ltd, Parsonage Chambers, 3 The Parsonage, Manchester, M3 2HW.

Date Received: 3rd May, 2007

Ward:

Grid Ref:

Expiry Date: 28th June, 2007

Hope End

76549, 41929

Local Members: Councillors RV Stockton and R Mills

1. Site Description and Proposal

- 1.1 The site is located below Jubilee Drive on its western side. Jubilee Drive runs between the Wyche Cutting and British Camp. The village of Colwall lies below to the north-west, approximately one kilometre distant. The site lies within the Malvern Hills Area of Outstanding Natural Beauty.
- 1.2 Above (to the east) of Jubilee Drive are a series of footpaths along the ridge of Pinnacle Hill following the historic Shire Ditch past Bronze Age tumuli. The application site is visible through the lower tree line.
- 1.3 To the north of the application site lays Gardiners Common.
- 1.4 To the south of the application site, beyond a tree lined boundary and at a materially lower ground level is Perrycroft Estate, that includes the Grade 2* listed Perrycroft House. This is an Arts and Craft Country House (1893-5) designed by the Architect C.F.A. Voysey.
- 1.5 The application site and adjoining land within the applicant's control, originally formed part of the wider Perrycroft Estate, however, since 1950 the outbuildings that form the Perrycroft Lodge Estate were separated. The Perrycroft Lodge Estate outbuildings currently accommodate four dwellings (i.e. 'The Byre', 'The Coach House', 'Ostlers' and 'The Lodge'). These buildings are Grade 2 listed. To the north-west of this cluster of historic buildings are a series of low, but extensive, low quality timber clad buildings. These were originally used for agricultural purposes. However, during the 1970's and 1980's these were used as a commercial dog-breeding establishment. That use ceased in 1989. The applicant purchased the Perrycroft Lodge Estate in 1992.
- 1.6 Perrycroft Lodge is located at the head of the driveway and the remaining buildings are arranged around two spaces. Ostlers Cottage and The Coach House face the lawn and drive leading to the stables, whilst The Byre faces the garden courtyard behind.

This creates an intimate character. The buildings have diminishing slate roofs, typically with hipped ends, overhanging eaves and cast iron gutters above cream painted roughcast render walls with projecting buttresses. The buildings have small timber painted windows.

- 1.7 With their low-slung roofs, and linear facades the buildings have a horizontal emphasis.
- 1.8 The proposal under consideration is to demolish the four low quality timber clad buildings that have a combined floorspace of 873 square metres and to erect a new dwelling set over two levels with the lower part set into the hillside. It would have a total area of 340 square metres.
- 1.9 The existing four timber clad outbuildings would be demolished and the new dwelling erected in the approximate position of the northernmost of this series of four buildings. It would be set over two levels with only the upper level projecting above the original ground level of the hillside. . The upper level living area is lightweight and would cantilever out towards the south-west view whilst to the rear it would give level access to the coppice of Silver Birch and Scot's Pine.
- 1.10 The building would have a width of approximately 22.2 metres and a depth of approximately 9.2 metres. It would provide a three bedroomed dwelling with integral garaging for two cars accessed via the north-east flank elevation in addition to provision for cycle parking. A terrace would be provided to upon the north-western end elevation
- 1.11 The building has been designed to maximise views to the south-west and to reflect sustainable building principles. In this regard the development would incorporate the following elements: -
 - Extensive glazing to the south-west with hard and dense surfaces internally to give thermal mass – a means of absorbing the sun's energy and gradually releasing it during cooler periods;
 - An extended roof overhang, high performance glazing and ventilation preventing overheating;
 - Daylight is maximised to avoid unnecessary lighting;
 - Ground source heat pumps provides the primary means of heating;
 - Photovoltaic panels are to be provided upon the roof;
 - A sedum roof is to be utilised;
 - Water consumption will be minimised by a range of measures. Composting toilets will separate liquid and solid waste in the plant area beneath the house, with grey water draining to an existing soakaway; and
 - Surface and storm water will be minimised by rainwater harvesting and natural percolation through the soft landscape.
- 1.12 The ground floor of the building would primarily be black mountain stone with some stack-bonded oak cladding (which should weather to a shiny silver with subtle variations). The first floor of the building (south-west) would primarily be triple glazed hardwood windows. The cantilevered balcony would have a glass balustrade and a stainless steel handrail. A sedum roof is proposed.
- 1.13 A driveway would be provided off the existing driveway. The drive would be sinuously curving reflecting the natural contours. A gap would be maintained between the new

driveway and 'The Byre' and the stables affording the opportunity for planting. This driveway would be surfaced in black mountain stone cobbles.

- 1.14 The application is accompanied by a full landscaping scheme. This scheme includes: -
- To the south and east of the proposed dwelling, returning the landscape to a natural meadow;
 - To the north of the proposed dwelling to retain the existing coppice but to add additional indigenous trees and under-storey planting;
 - To the east of the house and new driveway, a more formal line of trees and shrubs would extend the traditional character of the estate as far as the proposed new dwelling.
- 1.15 As part of this proposal the applicant has provided a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended) which would ensure the inclusion of the entire Perrycroft Lodge Estate buildings in the annual Heritage Open Days scheme administered by the Civic Trust. This provides free access to view all the on-site listed buildings together with the proposed new building free of charge. Interpretative material would be provided for the visitors.
- 1.16 This planning application is fully detailed in all aspects and the above represents a summary of the proposal.

2. Policies

1.1 Central Government advice

Planning Policy Statement 1 – 'Delivering Sustainable Development'
Planning Policy Statement 7 – 'Sustainable Development in Rural Areas'
Planning Policy Statement 13 – 'Transport'
Planning Policy Guidance Note 15 – 'Planning and the Historic Environment'

1.2 Herefordshire Unitary Development Plan 2007

S1 – Sustainable Development
S2 – Development Requirements
DR1 – Design
H7 – Housing in the countryside outside settlements
H13 – Sustainable residential design
LA1 – Areas of Outstanding Natural Beauty
HBA4 – Setting of listed buildings

3. Planning History

- 3.1 In 1990 a planning application (MH2116/90) was refused and dismissed upon appeal for the demolition of the timber clad buildings and the erection of a bungalow.

4. Consultation Summary

Statutory Consultations

- 4.1 English Heritage supports this application. It considers the architectural concept to be of high quality. It states: -

“In coming to that advice our primary consideration is the potential impact of the proposal as a whole on the setting of the grade 1 listed and nationally renowned Perrycroft, but we have also taken into account its impact on the wider landscape – itself a historic place of great quality. Particular considerations for us have been the potential architectural quality and impact of the new house, which will be visible with Perrycroft in certain distant views, and the opportunity to ride the site of the disfiguring sheds it presently accommodates.

English Heritage is most impressed by the architectural quality and clarity of design of the proposed house. We consider that it responds very well to this most sensitive site, and that the architect has risen to the challenge by producing something that is expressive and consistent but not loud. Its subdued natural materials and finishes will make this a relatively ‘quiet’ building by comparison with the bold white walls of Perrycroft. The new house promises to take forward the traditions of the modern movement into the age of sustainable building in a remarkable way.

We therefore consider that this proposal does meet the very high standards of paragraph 11 of PPS7, and commend it to you.”

Internal Council Advice

- 4.2 The Conservation Officer supports this proposal and concludes: -

‘This is an outstanding, thoroughly-considered scheme which continues the progressive tradition of its distinguished Arts and Crafts neighbours into the 21st century. It presents a coherent synthesis of the main design and siting issues but has also given a high priority to its environmental credentials, which is exemplary. This scheme has the potential to be a significant addition to Herefordshire’s contemporary architectural canon and is likely to attract national attention.’

5. Representations

- 5.1 The Malvern Hills AONB Partnership considers the design of the house responds well to its location and considers that the proposal would enhance the Area of Outstanding Natural Beauty.
- 5.2 The Colwall Parish Council has no objections to the proposed development. They recognise that whilst the proposed dwelling lies outside of the settlement boundary it is of a significantly less footprint than the existing buildings.
- 5.3 No responses have been received from local residents.
- 5.4 The Midlands Architecture & The Designed Environment (MADE) Design Review Panel have been consulted upon this planning application. It support the planning application and in the conclusions of its report state: -

“...the Panel would like to commend the quality of design and clarity of thought that permeates right through from site clearance and design conception throughout this project. This is an exceptionally well-designed dwelling that provides an exemplar for raising design aspirations in Herefordshire”.

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 Section 54A of the Town and Country Planning Act 1990 as amended by Section 38 of the Planning and Compulsory Purchase Act 2004 require planning decisions to be made in accordance with the provisions of the Development Plan unless other material planning considerations indicate otherwise.

6.2 The application site lies outside any of the defined market towns, the main settlements or the smaller settlements. As such the site lies within the open countryside in planning policy terms. Policy H7 of the Herefordshire Unitary Development Plan basically establishes a presumption against new residential development in the countryside. Although exceptions are provided for, none apply to this particular case. On this basis the proposal is contrary to adopted Unitary Development Plan policy.

6.3 Furthermore the site is located in an unsustainable location where occupiers of the proposed dwelling would be reliant upon the private motor vehicle.

6.4 It is considered that in this case there are "other material planning considerations" that need to be considered. These are: -

- Whether the proposed development would enhance the setting of the listed buildings; and
- Whether the proposal meets the provisions of paragraph 11 of Planning Policy Statement 7 which states: -

"Very occasionally the exceptional quality and innovative nature of the design of a proposed, isolated new house may provide sufficient justification for granting planning permission. Such a design should be truly outstanding and ground breaking, for example in its use of materials, methods of construction or its contribution to protecting and enhancing the environment, so helping to raise standards of design in rural areas. The value of such a building will be found in its contemporary architecture, the significant enhancement of its immediate setting and its sensitivity to the defining characteristics of the local area."

Setting of the listed buildings

6.4 The existing timber clad buildings upon the site are unattractive. They are readily visible from numerous short and long-distant public vantage points including from Black Hill and The Herefordshire Beacon. The buildings do to a degree detract from the setting of the all of the listed buildings referred to above. It is their scale in terms of footprint, their external appearance and the manner in which the natural topography of the land has historically been altered through excavation to accommodate them that detracts from the setting of the listed buildings. However, the buildings are low and have a certain agricultural appearance. Nevertheless, these buildings do detract from the setting of the listed surrounding listed buildings and their removal would represent an enhancement.

6.5 However, such an enhancement could be secured by merely removing the existing buildings and restoring the pasture without erecting a new dwelling. Therefore I do not consider this factor alone represents a sufficient reason to grant planning permission for any new dwelling in this location.

Exceptional & Innovative Isolated New House

- 6.6 With regard the provisions of paragraph 11 of Planning Policy Statement 7 a detailed analysis is required. Clearly, like many planning matters it is a subjective judgement.
- 6.8 The proposed building is of a contemporary design. Its siting has been extremely carefully chosen to ensure a visual break between it and the listed buildings whilst maximising views to the south-west. This visual separation would mean that the new building and the listed buildings could be appreciated in isolation. This orientation has also benefited the proposed building in terms of solar gain, daylight and sunlight. The building also responds to the natural topography of the land. Its siting towards the upper area of a previously excavated parcel of land is such that only the upper level of the accommodation would be readily visible from a distance. The natural topography of the foreground would be restored to pasture.
- 6.9 Given that a new house in this location would have the distinguished company of the Voysey designed listed buildings a pastiche approach would never succeed in this context. It is considered that the submitted scheme has recognised that it is more appropriate to emulate the spirit of the Arts and Craft movement by creating an outstanding design, which expresses the aesthetics, technology and living requirements of the age. Inevitably this has resulted in a different style but the result is considered to be complementary. The scheme reflects the tradition of Modernist villas set in outstanding landscapes.
- 6.10 The materials specified upon the submitted documents would ensure a very high external appearance to the building and integration into the wider landscape.
- 6.11 Sustainability is the scheme's guiding principle and this has been the determinant of most decisions in the design process. As a result the structural system and cladding are of timber, with glazing concentrated to exploit the south-westerly orientation. The flat roof is divided between photovoltaic panels and sedum. The "green roof" reduces run-off and also helps to reduce the impact of the building when viewed from the Malverns above. The scheme's combination of active and passive environmental technologies means it achieves the Ecohomes "excellent" rating and significantly, calculations forecast it will be carbon neutral in operation. In this regard it is anticipated that the energy system will be connected to the grid enabling summer surplus energy to be credited for winter use and providing a carbon neutral solution. In this regard I am unaware of any other such dwelling in Herefordshire. In this respect the design is considered to be innovative and in its totality truly outstanding.
- 6.12 All elements of the submitted landscaping scheme are supported by the Council's Landscape Section. This includes the reshaping of the land upon which the timber clad buildings currently sit, to create more natural contours to the new area of pasture, the restoration / creation of pasture and meadow, the re-stocking of the stand of Scots Pine and birch; with native trees and shrubbery and trees between the proposed new dwelling and the neighbouring group of listed buildings. All of the landscaping proposals are considered to be in keeping with the Principal Wooded Hills character of the area identified in the Council's adopted Landscape Character Assessment and would enhance the Area of Outstanding Natural Beauty. It is considered that the proposed development would enhance the landscape.
- 6.13 It is considered that the proposed dwelling is both exceptional in its quality and innovative in its design. Furthermore the sustainable nature of the building design is

considered to be truly outstanding and should assist in raising the standard of design in the County.

Other Matters

- 6.14 The securing of public access to the site via the submitted Unilateral Undertaking is welcomed. This would not only afford the general public the opportunity to view, free of charge, historic buildings of architectural interest but also a contemporary sustainable building of architectural interest. In itself, however, this is not sufficiently important to justify a planning consent for a dwelling in this location.

7. Conclusions

- 7.1 Whilst the proposal represents a new dwelling in the open countryside, in an unsustainable location, contrary to Development Plan policy, it is considered on the basis of the submission itself, and detailed comments from MADE and English Heritage in particular that the scheme would meet the exception provided by paragraph 11 of Planning Policy Statement 7 as being a dwelling of exceptional quality and of an innovative design. Furthermore it is considered that the development would have the added benefits of enhancing the setting of the neighbouring listed buildings, enhancing the landscape (a designated Area of Outstanding Natural Beauty) and securing public access to the site.
- 7.2 The combination of these factors, and consultee responses properly suggests that this application proposes a generally exceptional case.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2 - Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-**

- **Written details and samples of all external materials to the dwelling**
- **Written details and samples of the surfacing materials to the driveway**
- **Full details of the fenestration system**

The development shall not commence until the local planning authority has given such written approval. The development shall be carried out in strict accordance with the approved details and thereafter maintained as such;

Reason: - To ensure a satisfactory appearance to the development, to safeguard the setting of the neighbouring listed buildings and to safeguard the character of the Area of Outstanding Natural Beauty.

- 3 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that**

Order), no development normally permitted by that Order shall be carried out without the express consent of the Local Planning Authority.

Reason: To safeguard the architectural integrity of the dwelling hereby permitted, to safeguard the setting of the neighbouring listed buildings and to safeguard the character of the Area of Outstanding Natural Beauty.

- 4 - All planting, seeding and turfing in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the dwelling hereby permitted or the completion of the development (whichever is the sooner). Any trees or plants which within a period of ten years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory setting to the building hereby permitted and to enhance the Area of Outstanding Natural Beauty.

- 5 - Prior to the first occupation of the dwelling hereby permitted the new driveway, integral garaging and turning / manoeuvring area(s) for motor vehicles and secure cycle storage facilities shown upon the approved plans shall be implemented. Thereafter these areas and facilities will be kept available for such use.

Reason: In the interests of highway safety and to safeguard the setting of the building hereby permitted, the neighbouring listed buildings and the Area of Outstanding Natural Beauty.

- 6 - The buildings shown upon the approved plans to be demolished shall be demolished and all resultant materials removed from the land prior to the first occupation of the dwelling hereby permitted.

Reason: To safeguard the architectural integrity of the dwelling hereby permitted, to safeguard the setting of the neighbouring listed buildings and to safeguard the character of the Area of Outstanding Natural Beauty.

- 7 - The demolition referred to in condition 6. above shall not take place between 1st March and 31st August (inclusive) in any calendar year, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats) Regulations 1994 and policies NC1, NC5, NC6 and NC7 of the Herefordshire Unitary Development Plan 2007.

- 8 - Prior to commencement of the development hereby permitted the following matter shall be submitted to the Local Planning Authority for their written approval:-

Full details of a habitat creation scheme (to include details of boxes for nesting birds and bats).

The development shall not commence until the Local Planning Authority has given such written approval. The approved details shall be fully implemented prior to the first occupation of the dwelling hereby permitted and shall thereafter be maintained as such;

Reason: To ensure that the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats) Regulations 1994 and policies NC1, NC5, NC6 and NC7 of the Herefordshire Unitary Development Plan 2007.

- 9 - Prior to the first occupation of the dwelling house hereby permitted the development shall be carried out in full accordance with the EcoHomes 2006 Pre-assessment Report BREAM dated 05/04/2007 prepared by Scott-Wilson received 23rd April 2007 and thereafter be maintained as such;

Reason:- To ensure that the sustainable building credentials of the development which represent one of the reasons for granting this planning permission are both provided and maintained.

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

Reason: To safeguard the character and appearance of the countryside which hereabouts is designated as an Area of Outstanding Natural Beauty and to safeguard the architectural integrity of the development.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - The reason for the granting of this planning permission contrary to the provisions of the Development Plan is that the scheme is considered to comply with paragraph 11 of Planning Policy Statement 7.
- 3 - N19 - Avoidance of doubt

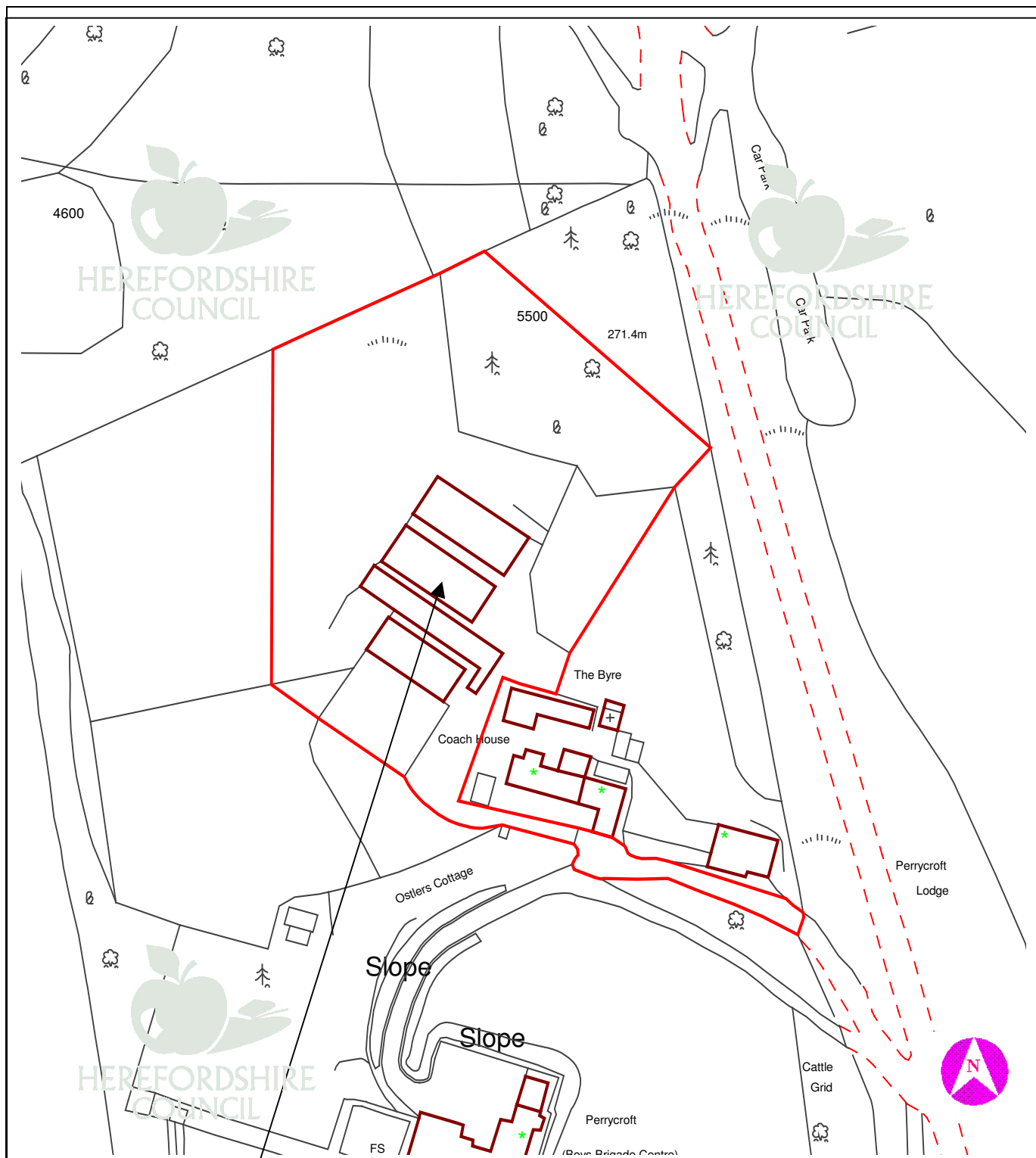
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNE2007/1183/F

SCALE : 1 : 1250

SITE ADDRESS : Land forming part of Perrycroft Lodge Estate, Jubilee Drive, Upper Colwall, Malvern, WR13 6DN

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

11 DCNE2007/1703/F - PROVISION OF A ROOFTOP FLAGPOLE TELECOMMUNICATIONS INSTALLATION, 3 NO. GROUND BASED EQUIPMENT CABINETS AND ANCILLARY DEVELOPMENT AT BT EXCHANGE, WALWYN ROAD, COLWALL STONE, MALVERN, WORCS, WR13 6ED.

**For: National Grid Wireless (For T-Mobile (UK)) Ltd,
Higham & Co, 500 Styal Road, Manchester, M22 5HQ.**

Date Received: 31st May, 2007

Ward:

Grid Ref:

Expiry Date: 26th July, 2007

Hope End

75807, 42727

Local Members: Councillors RV Stockton and R Mills

1. Site Description and Proposal

- 1.1 This application is for the erection of a flagpole style telecommunications installation on the roof of the telephone exchange building off Walwyn Road, Colwall together with ancillary development.
- 1.2 The site lies within the Malvern Hills Area of Outstanding Natural Beauty and is located 60m to the east of Walwyn Road (B4218) between the Cadbury Schweppes premises and the railway line. Houses on Harbour Drive are located to the north and an industrial area to the south. There is an existing access to the telephone exchange from Walwyn Road. The site is well screened by tall trees and hedges. The site lies 75m to the south of Colwall Conservation Area.
- 1.3 The proposed mast would be attached to the plant room on the roof of the telephone exchange. It would project 5.86m above the flat roof of the plant room and 8m above the roof level of the rest of the building. The top of the antenna would be a total of 12.86m above ground level. In addition, three small ground based equipment cabinets are proposed 7m to the east of the building along with minor ancillary works such as cable trays. The cabinets have a combined length of 5.2m, a width of 1m and a maximum height of 2m.

2. Policies

2.1 Planning Policy Statements

PPS 7 – Sustainable Development in Rural Areas
PPG 8 – Telecommunications

2.2 Herefordshire Unitary Development Plan 2007

LA1 – Areas of Outstanding Natural Beauty
CF3 – Telecommunications

3. Planning History

3.1 There is no relevant planning history on the site.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 The Traffic Manager has no objection.

4.3 The Conservation Manager has no objection and confirms that the proposed development would be acceptable because it would have a negligible visual impact and would not, therefore, harm the character of the Area of Outstanding Natural Beauty.

5. Representations

5.1 The agent has submitted

- a) a statement in support of the application incorporating the Design and Access Statement
- b) existing and planned coverage plots
- c) a certificate from International Commission for Non-Ionising Radiation Protection (ICNIRP certificate)
- d) a copy of letters sent to the Council and local community during the community consultation exercise carried out prior to the submission of the application

In summary the supporting statement makes the following points:

- The proposal is required to address a site specific technical requirement to provide both Second Generation (2G) and Third Generation (3G) telecommunications coverage to Colwall Stone and the local road network.
- The development proposed is shown in detail on the submitted drawings and includes
 - a single face mounted flagpole style installation positioned on the plant room of the telephone exchange
 - 3 ground based small equipment cabinets
 - minor ancillary works
- The radio equipment housing will need to be mechanically ventilated to avoid overheating of equipment. The ventilation equipment is only likely to operate during the day and the level of emissions is unlikely to exceed background noise levels.
- To make an important contribution to sustainable development and provide the range of services demanded by the public, mobile networks have to be supported by an infrastructure of base stations.
- There is a gap in coverage in Colwall Stone from the 2G and 3G networks in the wider area. This is caused by signal loss arising out of distance, topography and the effect of other obstacles such as buildings. Coverage plots are provided

showing the present gaps in coverage and and the coverage provided by the proposal.

- The proposal is in accordance with national and local planning policies and site selection followed the recommended process set out in The Code of Best Practice on Mobile Phone Network Development. Seven alternative sites were explored. Pre application consultation letters were sent to over 30 local residents, Councillors and the Parish Council.
- A slimline flagpole design has been selected and the antennas will be housed within the flagpole structure. No dish antennas are proposed. The design is the option that best balances environmental and operational considerations.
- The proposed antennas will comply with all relevant health and safety requirements and will be compliant with ICNIRP guidelines. There are no exceptional circumstances in this case and therefore no need to consider further health effects and related concerns such as the perception of risk.

5.2 Colwall Parish Council state:

The Council raises no objection but asks that consideration should be given to the colour of the pole so it blends in with its surroundings as the site is in an Area of Outstanding Natural Beauty.

5.3 Letters of objection have been received from eight local residents. The representations make the following points:

- The site is close to houses, a school, shops, factories and the centre of the village. The mast will pose a health risk to local residents and particularly children. The mast will generate microwave radiation and the proposal is causing considerable anxiety to the residents of Colwall Stone.
- The research into health risk is seven years old and out of date. Sir William Stewart who carried out the research has recently said that a review of health implications of mobile phone masts should be carried out.
- The grounds of The Downs School extend to within 150m of the site and the school has not been consulted as required by PPG 8.
- The mast will be unsightly in an area designated as an AONB and an eyesore to nearby houses. It will be unacceptably harmful to the character and appearance of the area and clearly visible from footpaths used by residents and tourists.
- There are suitable alternative sites outside Colwall and an inadequate selection of alternative sites have been considered.
- T Mobile users in Colwall have a good signal and there is no need for further coverage.
- The proposed site is low down and surrounded by trees. It may prove inadequate and a more substantial structure may be required.
- The noise from the ventilation of the equipment could result in a noise nuisance if it is above current background levels.

5.4 A letter of objection has been received from the Headmaster of The Downs School. His concerns are as follows:

- It was my understanding that following the Stewart Report masts would not be planned without first consulting headmasters and parents of local schools. The school grounds extend to within 200m of the site.
- There is widespread acceptance that young children are very susceptible to the effects of mobile technology. This mast would be close to a school with 180 pupils aged 3months to 13 years.
- As a boarding school many children would be susceptible to the dangers for 24 hours a day.
- The school has massive outdoor resources and particularly the very youngest children spend a great deal of each day outside in the area of the proposed mast.
- It is difficult to believe that there are not more suitable locations for the mast at a greater distance from the school.

5.5 A petition of 208 signatures has been submitted against the application. The petition is headed ' Against the proposed T-Mobile mast installation on the BT Exchange in Walwyn Road. If you live or work in Colwall, Upper Colwall and surrounding area the microwave radiation from the proposed mast will have harmful effect on your health and your life as you know it, so please sign'.

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

6. Officer's Appraisal

6.1 The Government's general policy on telecommunications, as set out in PPG 8, is to facilitate the growth of new and existing systems whilst keeping the environmental impact to a minimum. Unitary Development Plan Policy CF3 - Telecommunications sets out three criteria that should be met by new development. These are

- i. demonstrate that there is no opportunity for mast or site sharing
- ii. ensure the siting and external appearance minimise the impact on the countryside or urban area and residential amenity
- iii. where appropriate provide a scheme of landscaping

6.2 In addition, the policy requires a high priority is given to the need to safeguard the AONB. Proposals must be sensitively designed and sited. Applicants must also demonstrate that there are no suitable alternative sites. The policy acknowledges that when determining applications the significance of the proposed development as part of a national network and special siting needs, technical and operational constraints will be taken into account.

6.3 Arising from the policy background and the representations received from local residents, there are two key issues in the determination of this application

- The visual impact of the proposed development having regard to the AONB designation and consideration of alternative sites
- Considerations of public health

Visual Impact and Consideration of Alternative Sites

6.4 The proposed site for the mast is a position adjacent to the plant room on the roof of the BT Exchange. This building is sited 60m to the west of Walwyn Road on lower

land. The site is well screened by trees up to 10m in height. There are fairly continuous mature trees to the north-east, south-east and south –west of the application site and more scattered trees in the open area which fronts onto Walwyn Road. The top of the antenna will be a total of 12.86m above the surrounding ground level and will be just above the crown of nearby trees. The proposed mast is a very slim flagpole structure with a diameter in the order of 20cm. It will not be a prominent feature in views around the village or surrounding hillsides. The fact that the flagpole is visually related to an existing building also helps to minimise the visual impact and painting the pole an appropriate colour will also further mitigate any impact.

- 6.5 The coverage required by the applicant is a specific area target area centred on Colwall Stone. A site selection process has been followed involving the examination of alternative locations and existing masts for site sharing options. Officers agree with the conclusions of the applicant's report that the three telecommunications installations in the vicinity of the target area could not be shared in an environmentally acceptable manner. All would need to be significantly increased in height to cover the target area. Four alternative sites were also examined and discounted because of problems with coverage or the potential visual impact.
- 6.6 Members will note that the Landscape Officer has raised no objection to the application and confirms that the visual impact will be negligible and the proposal will not harm the character of the Area of Outstanding Natural Beauty.

Public Health

- 6.7 Along with the visual impact of the installation, local residents are concerned about the effect of electromagnetic radiation from the antenna on their health and the health of children, in particular. PPG 8 advises that health considerations and public concern (the 'perception of harm') can in principle be material considerations in determining applications. It is for the Council to decide what weight should be attached to such considerations in any particular case. The PPG goes on to state:

'However, it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority...to consider further the health aspects and concerns about them.'

- 6.8 The proposed installation has an ICNIRP certificate and this satisfies the Government's recommended precautionary approach. The nearest houses are just over 30m to the north of the mast and there are industrial units a similar distance to the south and west. The playing fields of The Downs School extend to just over 200m from the mast and the buildings are about 400m away. There are no advisory minimum distances between new telecommunications development and existing development and local council's are specifically advised not to implement their own precautionary policies. There is no justification for the Council to place any additional weight on health issues over and above that advocated by central Government in this instance. The concerns of local residents are acknowledged but they cannot be a determining factor in making a decision on this application.

Conclusion

6.9 Having regard to the guidance in PPG 8, the Unitary Development Plan and all other material considerations, it is considered that the application should be 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 - **The flagpole and equipment cabins shall be finished in a colour agreed in writing by the Local Planning Authority prior to the commencement of development. The mast and equipment cabins shall be coloured in accordance with the approved details and maintained in perpetuity.**

Reason: To minimise the visual impact of the development in an area designated as an Area of Outstanding Natural Beauty.

Informative(s):

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

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

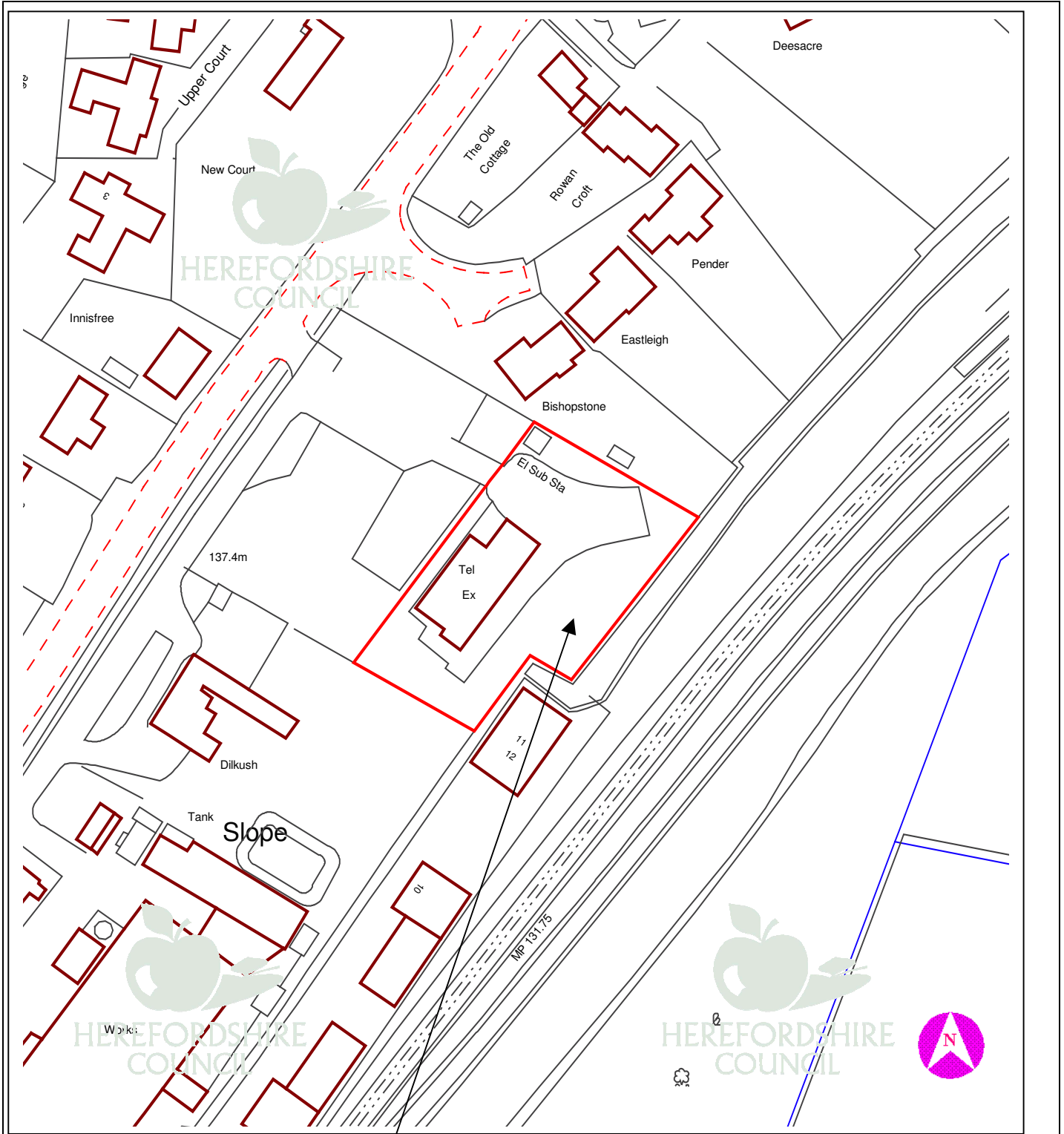
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNE2007/1703/F **SCALE :** 1 : 1250

SITE ADDRESS : BT Exchange, Walwyn Road, Colwall Stone, Malvern, Worcs, WR13 6ED

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

12 DCNW2007/1832/N - PROPOSED BIOMASS FUEL POWER PLANT IN A PURPOSE BUILT BUILDING ON THE SITE OF AN OLD QUARRY AT LOWER WOODSIDE, KNILL, PRESTEIGNE, HEREFORDSHIRE, LD8 2PR.

For: Mr B Davies per Mr Day, Sanderum Centre, Oakley Road, Chinnor, Oxfordshire, OX39 4TW.

Date Received: 5th June, 2007

Ward:

Grid Ref:

Expiry Date: 4th September, 2007

**Pembridge &
Lyonshall with Titley**

29682, 61817

Local Member: Councillor RJ Phillips

1. Site Description and Proposal

- 1.1 The proposal site lies approximately 3 km southwest of Presteigne on the B4362. It consists of a small disused quarry that has had a number of uses since stone extraction and lime burning ceased, including a sawmill and tannin wood treatment plant, and currently an agricultural depot, workshop and yard. There is an existing access to a group of utilitarian agricultural buildings on the quarry floor, backed by the quarry wall which is topped with mature trees.
- 1.2 The applicant operates six poultry units on adjacent land. The proposal is to install a biomass combined heat and power (CHP) plant, fuelled by used chicken litter, woodchip and energy crops. The proposed energy generation would be 2.5MWe of power to be exported to the local substation for grid distribution. The technology would be a combustion steam cycle, designed to meet high environmental standards. Surplus heat would be recovered for use in the poultry units and for drying wood. Recovered Wood ash would be used for fertiliser.
- 1.3 The development would comprise removing the assortment of buildings currently on site, levelling the quarry floor, and constructing a steel frame acoustic building 62m x 32m which would house delivery bays, fuel processing and power island. Outside would be a cooling plant and stack. The building's height is stated to be 12m above grade with the stack set at 28.7m - approximately the height of the mature trees above the quarry.

2. Policies

Planning Policy Statements:

PPS1 - Sustainable Development

PPS7 - Sustainable Development in Rural Areas

PPS9 – Biodiversity and geological conservation

PPS10 - Planning for Sustainable Waste Management

PPS22 - Planning for Renewable Energy

PPS23 - Planning and Pollution Control
PPS25 – Development and Flood Risk

Regional Spatial Strategy:

EN1 - Energy generation
WD1 - Targets for waste management in the region

Herefordshire Unitary Development Plan 2007:

Policy S1 - Sustainable development
Policy S2 - Development requirements
Policy S10 - Waste
Policy S11 - Community facilities
Policy DR1 - Design
Policy DR2 - Land use and activity
Policy DR4 - Environment
Policy DR6 - Water resources
Policy DR7 – Flood risk
Policy DR9 - Air quality
Policy DR10 – Contaminated land
Policy DR13 - Noise
Policy DR14 – Lighting
Policy E12 – Farm diversification
Policy T8 – Road hierarchy
Policy LA2 - Landscape character
Policy LA5 - Protection of trees, woodland and hedgerows
Policy LA6 - Landscaping schemes
Policy NC1 – Biodiversity and development
Policy NC5 – European and nationally protected species
Policy NC6 – Biodiversity Action Plan priority habitats and species
Policy NC7 – Compensation for loss of biodiversity
Policy NC8 - Habitat creation, restoration and enhancement
Policy NC9 – Management of features of the landscape important for fauna and flora
Policy W1 - New waste management facilities
Policy W11 – Development – waste implications
Policy CF4 - Renewable energy

Supplementary Planning Guidance

Landscape Character Assessment Nov 2004

3. Planning History

NW2001/2006/O - Outline application for the erection of light industrial units - refused
25th September, 2001.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency have no objections in principle, recommending one condition to secure a proposed Sustainable Urban Drainage System (SUDS).
- 4.2 Defra, Natural England and Welsh Water have not made any comment on this application.

Non-Statutory Consultees

- 4.3 The Forestry Commission, Herefordshire Nature Trust, Open Spaces Society and Ramblers Association have all been consulted but none has made any representation. Powys County Council consider the proposal to be well conceived and have no further comments.

Internal Council Advice

- 4.4 Traffic Manager has no objections.
- 4.5 Conservation Manager makes the following comments:
- a) Landscape Officer
- The development would have a neutral impact on the quality and character of the landscape.
- b) Ecologist
- Accepts the findings of the submitted ecological report, and the proposed mitigation and enhancement measures. One condition is recommended to secure these measures.
- c) Conservation Officer
- The proposal is sufficiently removed from Listed Buildings to have no direct impact on their immediate setting. The proposed planting would further assist in increasing the capacity of the landscape to absorb the proposal.
- d) Archaeological Advisor
- No objections.
- 4.6 Head of Environmental Health and Trading Standards
- Confirms that the Environment Agency would be the regulating body with regard to all emissions including noise. No objections in principle, conditions recommended on delivery and construction times, and precautions for investigating potential contamination from previous uses.

4.7 Forward Planning Manager

The proposal meets with the requirements of HUDP policy CF4 on renewable energy and is acceptable in principle.

4.8 Public Rights of Way Manager

The proposal would not appear to affect public footpath KN6 which passes close to the north west quarry edge.

4.9 Drainage Engineer :

No objections.

5. Representations

5.1 The Parish Clerk reports that the group of parishes comprising Knill, Titley, Rodd Nash and Little Brampton, and Staunton-on-Arrow held a public meeting on 26th June, 2007 attended by the Ward Councillor RJ Phillips, at which the applicant was invited to make a presentation, between 40 and 50 residents attending. The joint response from this and a subsequent formal parish council meeting on 3rd July, 2007 was that there are no fundamental objections. The Parish Clerk has since confirmed verbally that this should be taken to mean that the relevant parish councils have no objection to the proposal in principle. His letter is summarised as follows:

‘Local residents were able to express any concerns, which the applicant was invited to comment on. The Chairman noted that those present represented only about 10% of the group parish electorate, and that they did not necessarily constitute a representative body as they were likely to be undecided or in opposition. Those in favour of the project might not be in attendance. Comments reported are as follows:

- ‘The unspoilt beauty of the Hindwell valley would be compromised by the proposal’: In response the applicant reminded people that the site had previously been a working quarry and a wood products tannin treatment plant;
- Concerns were raised about traffic flows, but the applicant pointed out that these would be neutral in terms of current flows on the B4362 and surrounding roads;
- ‘Would the proposal be likely to create less or more pollution than the former tannin plant? – there is a contradiction in using intensive poultry unit litter in a scheme purporting to have ‘green’ credentials’. The applicant pointed out that all emissions would be monitored [regulated] by the Environment Agency and would not present a problem.’

‘At the subsequent formal group parish council meeting, Parish Councillors combined their findings from the public meeting, individual consultations with residents, and their own views including visiting other sites. The following points were noted:

- The aspect of the quarry and the tree planting scheme means there will be little visual impact;
- Traffic concerns included Tarmac and other unrelated hgv use of the B4362. The Parish Council would like to see general improvements to road safety.
- Considerable reliance is placed on the Environment Agency’s role in monitoring and controlling noise and emissions.

- The proposal would have less environmental impact than the current practice of storing and spreading chicken litter on land’.
- 5.2 The CPRE supports the proposal [response by email], observing that ‘the scheme is a good example of appropriate rural development that will bring environmental and economic benefits’. Commendation is given on the thoroughness of the submitted background information.
- 5.3 One letter of representation has been received from Mr & Mrs Martyn Gardiner of Piggery Ridge, Roddhurst, Presteigne, LD8 2LH, summarised as follows:
- We feel this is an industrial process and should be sited on the industrial estate in Presteigne.
 - We were told there would be no emissions but this is obviously not quite correct, but just supposing everything is within guidelines the ‘experts’ [sic] may say the plume will disperse quickly, I cant believe this, this will create a dead air well;
 - The chemical makeup of the plume will depend on third parties, what they use for chicken litter will be difficult to monitor;
 - Provided the plant does not expand in the future, something we cannot be sure of, the 4 lorries/8 trips a day should not be a problem for us but the roads are very narrow and they already have Tarmac lorries.
- 5.4 The applicant has undertaken extensive pre-submission liaison with local people and businesses, producing and distributing a leaflet summarising the proposal. In support of his application he has submitted copies of 8 letters received from:

John Reed, Director, Sun Valley Foods Ltd, Hereford HR4 9PB;
Sir Ben Gill, Hawkhill Consultancy Ltd, Prospect Farm, Dormington, Hereford, HR1 4ED;
Mr E Davies, Horseyard House, Evenjobb, Presteigne, LD8 2SA;
Richard Collins, Director, Johnamos Energy Ltd, Barnhall Orleton, Ludlow, SY8 4JQ
Mr S Eckley, Yeld Farm, Lyonshall, Kington, HR5 3LY;
Maryvale Farms, Hill House, Knighton, LD7 1NA;
Bill Wiggin MP, House of Commons, London SW1AA 0AA;
Sarah Faulkner, NFU West Midlands Region, Agriculture House, Southwater Way, Telford, TF3 4NR.

Many points are raised, including in particular:

- Reducing the amount of poultry manure being spread to land will have major environmental benefits including animal health;
- It will reduce the environmental impact and carbon emissions from long distance haulage of poultry litter to bio-energy plants in the Eastern counties;
- PPS 7 supports sustainable farm diversification projects;
- The need to reduce dependency on fossil fuels for electricity and transport has never been greater;
- Poultry producers in the area would be offered an invaluable outlet for safe disposal of litter;
- It will help the UK reach its CO₂ reduction targets and also help local farmers to diversify through energy crops;
- It will be a great advantage to produce electricity in the local area.
- Burning litter removes all odours and nitrogen, the ash can be used as fertiliser. I wish you every success;

- The fertiliser from your plant will be ideal, eliminating nitrogen completely, with less methane being released into the atmosphere – another part of the virtuous circle with strong environmental benefit;
 - I was extremely interested to hear about your project, it sounds very innovative and you have my full support (Bill Wiggin MP);
 - The plant will provide Herefordshire with green energy and help solve a problem with poultry waste disposal, as concerns have been raised about the spreading of untreated poultry litter on land. New restrictions under the Nitrate Vulnerable Zone Regulations will limit spreading and generate transportation of large quantities of litter over long distances. The new plant will cut the carbon emissions from this. This diversification will provide valuable service to other local farms, reduce pollution and provide renewable energy. I therefore have no hesitation in supporting the proposal on behalf of the NFU.
- 5.6 The full text of these letters can be inspected by appointment on request at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

Background

- 6.1 Discussions with planning officers about this proposal began in June 2005, since when the applicant has undertaken extensive consultation with planning and other Council officers, the Environment Agency, neighbours and farming colleagues. This preparatory work included a site visit attended by planning and environmental health officers and representatives from the Environment Agency. Once the development principles were established, a formal screening opinion was sought to determine whether the proposal would fall within the Environmental Impact Assessment Regulations. The Screening Opinion was that an Environmental Statement would not be required since the area and output of the proposal fall below government thresholds, and was issued on 7th March 2007, prior to this application being made. Nevertheless, the application includes a comprehensive environmental report that covers all the relevant matters.
- 6.2 The site does not lie in or immediately adjoining any designated site, although the woodland to the north is Special Wildlife Site and Ancient & Semi-natural Woodland. There are no Listed Buildings in the site's immediate vicinity although important examples do exist in the general area. Of these, only Little Brampton is distantly visible across the valley.

The main issues for consideration are:

- Traffic impact;
- Odour and emissions;
- Visual and landscape impact;
- Land use, siting and design;
- Noise;
- Flood risk and water usage;
- Public Right of Way;
- Biodiversity and habitats including enhancement;
- Sustainability and renewable energy (including benefits);

6.3 Traffic impact:

- 6.3.1 The proposal requires approximately 20,000 dry tonnes per year of used chicken litter/biomass, to be sourced from the applicant's own poultry sheds and other farms in the local area. The applicant has confirmed that up to a maximum of 1,000 tonnes of forestry woodchip might also be imported to utilise surplus heat, producing high quality dry wood pellets. Moisture content in the imported material would vary, which the applicant estimates at up to 30% additional weight. Even allowing for 35%, at 29 tonnes per load 5 days a week, a total of 3.71 trips per weekday is calculated giving an average of 4 per day, including the imported woodchip (which would account for less than 1 vehicle *per week*). Offset against this would be a reduction in the current movement of used chicken litter (12% would be sourced from the adjacent poultry units), and a significant reduction of hgv deliveries of fuel oil for the poultry units. The saving in oil is calculated at approximately 430,000 litres per year, comprising 24 tanker loads.
- 6.3.2 Although there would necessarily be some convergence of vehicles on the site, the overall local traffic impact is assessed as neutral. In the wider transport network, the proposal could help prevent long-distance transportation of used litter when the new restrictions on nitrates are implemented as noted by the NFU letter cited at 5.4 above. The applicant has also mentioned verbally other operational changes to his farming practices that will lead to reduced vehicle numbers and better environmental standards. The site has an existing wide access and the applicant has offered to undertake judicious pruning of existing vegetation to improve and maintain visibility. The proposal does not conflict with HUDP policy T8 and the Traffic Manager has no objections, observing that traffic generation would be within the capacity of the local highway network and noting the likely net reduction of journeys/distance in the wider context.

6.4 Odour and emissions:

- 6.4.1 The submitted Environmental Report includes a comprehensive assessment of air quality. Integral pollution control systems for the proposed plant are explained in detail, giving calculated comparisons against background conditions in a variety of meteorological circumstances. The assessment concludes that 'the maximum long-term concentrations for particulates and CO are very low - under 1% of the Limit Values. NO_x is reported as at 10% of the Limit Values and is itself very low against background and peak traffic in local rural towns' (Environmental Report para 2.5, p.10).
- 6.4.2 The proposal would require a Pollution Prevention and Control (PPC) permit from the Environment Agency, which they have confirmed would reflect the terms of the Waste Incineration Directive (WID), placing stricter than normal operating controls on emissions from the plant. The WID states 'The requirements of the Directive have been developed to reflect the ability of modern incineration plants to achieve high standards of emission control more effectively' and is concerned with the tight regulation of incinerators. The Agency are satisfied that the submitted evaluation is the 'best available information and covers the matters relevant to the PPC permit regime. The PPC permit, if granted, would control the development under very strict measures and would be regulated by the Agency'. Pollution prevention would therefore fall within their control rather than the local authority, and the Environmental Health and Trading Standards advice confirms that all aspects of pollution control, including emissions and noise from the plant, would fall within the PPC permit requirements. In accordance with PPS 23 it is therefore inappropriate and

unnecessary to impose further conditions as these would duplicate those in the permit.

6.4.3 Furthermore, there are advantages of utilising chicken litter waste in this manner, including in particular the removal of the need to spread it on land, and the combustion process itself, which removes nitrogen and odours and destroys bacteria. Most importantly this would eliminate both the offensive odour that litter spreading generates and the potential for disease such as salmonella on grazing land.

6.4.4 The proposal therefore does not conflict with HUDP policies DR4 and DR9 or the key requirement of PPS23 on air quality

6.5 Visual and landscape impact:

6.5.1 The descriptive paragraph 3.1 of the submitted Environmental Report is somewhat unclear, but nonetheless according to the Landscape Character Assessment the site lies within 'Principle Settled Farmlands', typified by dispersed scattered farms and small villages. Immediately to the north the landscape character changes to 'Principle Wooded Hills', typified by sparse farmsteads and wayside cottages, views being framed between woodland blocks. Outcropping limestone in this valley also makes quarries a significant feature. The proposal aims to retain and enhance these elements including additional tree cover. HUDP policy LA2 requires proposals to demonstrate that the landscape character has been taken into account, and this is shown throughout section 3 of the Environmental Report. The stack height has been designed so as not to protrude above the tree line on the quarry top and the height of the building has also been minimised. The Environmental Report includes photographs from various view points to demonstrate efforts to restrict visual impact. Tree planting is proposed not only within the site and along the quarry top, but also around the existing poultry units. Existing trees and hedgerows would not be affected. The proposal is therefore capable of meeting the requirements of HUDP policies LA2, LA5 and LA6.

6.6 Land use, Siting and design:

6.6.1 The proposal would be contained within the confines of a former limestone quarry and sawmill/wood treatment plant, currently used as an agricultural yard with associated sheds and equipment. The previous uses have prompted a recommendation from the Head of Environmental Health and Trading Standards for a precautionary condition requiring a sequential site investigation to ensure that any potential for residual contamination could be picked up and dealt with before any development took place, to comply with HUDP policy DR10.

6.6.2 A 2001 outline application (reference NW001/2006/O) to erect light industrial units was refused due to its scale and landscape impact in terms of policies relating to the former County Structure and Leominster District Local Plans. That proposal would have generated significant traffic and visual impact, however the nature of this new application is different and the policy regime has now changed since adoption of the HUDP and introduction of PPSs 7, 10 and 22. The proposal would utilise a previously developed site with existing buildings, enable the efficient use of resources, generate renewable electricity, stimulate economic growth and farm diversification, and would be appropriate development in accordance with the key principles of PPS7 and HUDP policy E12.

6.7 Noise:

6.7.1 Background noise levels in this rural setting are generally low: according to the submitted survey details they range from over 50 dB(A) during the day to between 25 and 40 dB(A) at night depending on conditions and other activity. The report states that apart from vehicles there would be three main sources of noise from the development: the power island, designed as an acoustic building with noise levels of 68dB(A) at 5 metres; the cooling plant, designed for 33dB(A) at 100 metres; and the stack, also specified at 33dB(A) at 100 metres. The nearest residential properties to the site are Upper Woodside at about 250 metres and Ivy Cottage at 400 metres metres. The stack and cooling plant would be located behind the main building to minimise noise and the overall noise impact is calculated by the report as under 35dB(A) at 100m, and 29dB(A) at 200m, which would be compatible with the majority of night-time conditions. The Head of Environmental Health and Trading Standards has confirmed that these noise levels are very low and unlikely to cause any nuisance, but in any event issues of plant noise would be controlled by the Environment Agency under the PPC regime so there would be no necessity to impose further conditions which would duplicate those requirements. The proposal would therefore comply with HUDP policy DR13.

6.8 Flood risk and water usage;

6.8.1 The site lies within flood risk zone 1 (low probability risk, suitable for all forms of development). Nevertheless the applicant has undertaken a flood risk assessment, stating that the site would be developed within a bunded area with a perimeter drain, within which a Sustainable Urban Drainage System (SUDS) is proposed. There would be two storage tanks designed to exceed total rainfall based on 1 in 1 year estimates plus 20%. All rainwater from roofs and hardstanding would be collected in a downhill sump to be filtered and pumped to a raw water tank for the cooling plant, to supplement the 2.8 litres per second estimated abstraction required and prevent any effluent discharge off-site. According to the submitted hydrological report, existing land drains on Knill Farm provide an estimated 10 litres per second to the Hindwell Brook. For 1 in 100 year events flood risk mitigation is based on a full 48 hours of maximum rainfall intensity. PPG25 encourages the use of SUDS and the Environment Agency accepts the report, recommending securing the applicant's proposed SUDS through a pre-commencement condition to that effect. The development would therefore fulfil all the requirements of HUDP policies DR6 and DR7, and the requirements of Annex F of PPS 25.

6.9 Public Right Of Way

6.9.1 Public footpath KN6 passes close to the top edge of the former quarry. The Rights of Way Manager has observed that the statutory route is currently overgrown and partially obstructed by a low fence at two points. Walkers appear to be using an informal alternative route higher up to cross the field. Discussions with the applicant's agent have secured an assurance that the low fence would be removed, and if better security is required would be erected to the south east of the path. Also, new tree planting to screen the plant would be carefully undertaken so as not to impede public access along the path. The Rights of Way Manager is of the opinion that this informal agreement would be satisfactory.

6.10 Biodiversity and habitats including enhancement.

6.10.1 The applicant commissioned an ecological survey of the existing site in August 2006. A total of 42 plant species were identified, along with breeding birds (House sparrows and swallows) within the buildings and other species being present. No evidence of great crested newts, bats or badgers, or potential habitats for these, were found. The applicant proposes to incorporate swallow tunnels under the ridge of the new building, and to create new habitat for bats inside the perimeter fence above the quarry. In the wider farm environment the ecological benefits of removing the need to spread chicken litter on land (and subsequent leaching to watercourses) are noted. The limestone wall of the quarry is a scarce environment and supports a variety of plant life which was not surveyed but this could be protected and is outside of the development area. The quarry bedrock floor also supports poor soil-loving plant species and seasonal pools. The Council's Ecologist accepts the survey findings and recommends a condition to secure the proposed ecological mitigation and enhancement and ensure compliance with HUDP policies NC1, NC5, NC6, NC7, NC8, NC9 and the key principles of PPS 9.

6.11 Sustainability and Renewable energy

6.11.1 The submitted details define the power plant as 13MW (thermal) maximum input, generating 2.5 MWe of renewable electricity for export to the local grid, surplus heat being used to produce high quality pelleted woodchip, and heat for nearby poultry units, cottages and workshop. This contributes to national and regional targets outlined in policy EN1 of the Regional Spatial Strategy (RSS) and PPS22. In utilising local waste chicken litter and avoiding the need to spread this waste on land, the proposal also contributes to RSS targets in policy WD1 for sustainable waste management and fulfils the key planning objectives in PPS10 and PPS7. PPS22 requires developers to 'engage in active discussion with local communities at an early stage' and to 'demonstrate any environmental, economic and social benefits as well as how any ... impacts have been minimised'. The application makes it clear that this requirement has been actively fulfilled.

6.11.2 In encouraging and supporting renewable energy installations, PPS22 also requires local authorities to ensure that plant is located in 'as close a proximity as possible to the sources of fuel that have been identified'. The planning application covers these matters, in particular the proximity of the key source of fuel from the applicant's own and neighbouring poultry sheds and other farms, the use of previously developed land, the efforts made to open dialogue with neighbours at a very early stage, and the assessments and mitigation measures proposed to minimise or eliminate adverse environmental effects. It is notable that the companion guide to PPS22 identifies chicken litter as 'a good fuel for electricity generation with nearly half the calorific value of coal' (Technical Annex para 20, p. 84). In terms of both local issues and the wider strategic picture, the proposal meets all of the requirements of HUDP policies S1, S2 and CF4.

6.12 Conclusion

In view of increasing concerns about the use of fossil fuels, climate change, sustainable resources and proximity, this application is welcomed in principle. Furthermore, the lengths which the applicant and agent have gone to, in preparing a comprehensive and clear report, assessing and mitigating possible adverse effects, meeting policy requirements, and engaging with the local community, are commendable. The Environment Agency would regulate the most serious potential

effects such as emissions through their own very stringent licensing regime and legislation. In consequence the development would not conflict with any relevant planning policies at national, regional or local level, and there are no other overriding concerns. From the information provided and the responses of professional consultees I am satisfied that there would be no adverse environmental effects and the proposal is therefore recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - A01 (Time limit for commencement (full permission)) (5 years – Special Circumstances)**

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 - No combustor unit or other energy-generating equipment shall be installed at the site other than that specified in sections 4, 5 and 6 (pp 10-16) of the submitted 'Description of the project' dated April 2007.**

Reason: Because any other type of such equipment would require further consideration by the local planning authority.

- 4 - 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, extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an 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 an 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.**

Reason: To ensure any potential soil contamination is satisfactorily dealt with before the development takes place, in accordance with HUDP policies DR4 and DR10.

- 5 - On completion of the remediation scheme specified in condition 4, 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.

Reason: To ensure any potential soil contamination is satisfactory dealt with before the development takes place, in accordance with HUDP policies DR4 and DR10.

- 6 - No development shall take place until a Site Waste Management Plan for the construction phases has been implemented in accordance with details which have first been submitted to and approved in writing by the local planning authority. (Please see informative note 1).

Reason: In the interests of pollution prevention and waste minimisation and management, in accordance with the Waste Hierarchy and HUDP policies S10, W11 and DR4.

- 7 - No development shall take place until a method statement detailing proposed wildlife habitat management including post-development aftercare has been submitted to and approved in writing by the local planning authority. The recommendations for nesting birds and habitat enhancement outlined in section 4 of the submitted Ecological Report should be followed and the method statement should include an extended Phase 1 survey of the whole site and identify those areas where no development shall take place, which should include the quarry face. The method statement should be implemented as approved unless otherwise agreed in writing in advance with the local planning authority. (Please see informative note 2).

Reason: To ensure compliance with protected species legislation, to conserve and protect scarce and protected habitats and to maintain foraging areas for protected species, to comply with HUDP policies NC1, NC5, NC6, NC7, NC8 and NC9.

- 8 - No development shall take place until a scheme for the provision and implementation of a surface water regulation system, including the use of Sustainable Urban Drainage Systems as described in the submitted Flood Risk Assessment dated April 2007, has been submitted to and approved in writing by the local planning authority. Surface water generated from the site shall be limited to the equivalent Greenfield runoff rate for the site (10 litres/sec/ha). The scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing in advance with the local planning authority in consultation with the Environment Agency.

Reason: To prevent increasing any risk of flooding and provide water quality benefits by ensuring a satisfactory means of surface water disposal, and to comply with HUDP policies DR6 and DR7.

- 9 - G04 (Landscaping scheme (general)) (in accordance with HUDP policies LA2, LA5 and LA6).

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

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

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

- 11 - F16 (Restriction of hours during construction)(Monday-Friday 7.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays) and to comply with HUDP policy DR13.

Reason: To protect the amenity of local residents.

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

Reason: To safeguard residential amenity and prevent pollution and ensure compliance with HUDP policies DR4 and DR9.

- 13 - E10 (Use restricted to biomass energy generation and agriculture)

Reason: For the avoidance of doubt and to suspend the provisions of the Town and Country Planning (Use Classes) Order currently in force, in order to safeguard the amenity of the area and because any other use could have adverse environmental effects requiring further consideration by the local planning authority.

- 14 - No waste, chicken litter, biomass, forestry waste, dry wood pellets or other feedstock/fuel materials shall be stored or stockpiled outside the proposed building unless otherwise agreed in writing in advance by the local planning authority.

Reason: To protect the amenity of the local area and prevent any pollution or nuisance on the overall site, in accordance with HUDP policies S2 DR4 and DR9.

- 15 - No wastes or waste materials other than those specified in this application shall be received at the application site unless otherwise agreed in writing in advance by the local planning authority.

Reason: To prevent any pollution or nuisance on the overall site, in accordance with HUDP policies S2, DR4 and DR9 and because any other type of waste materials could raise environmental and amenity issues that would require further consideration by the local planning authority.

- 16 - E02 (Restriction on hours of delivery) of [07.00 to 18.00] Mondays to Fridays and [07.00 to 13.00] on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenity of the area in accordance with the HUDP policies DR9 and DR13.

- 17 - All materials brought into or out from the site shall be transported in securely covered or enclosed vehicles.

Reason: In the interests of road safety and to prevent pollution or nuisance in accordance with Hereford Unitary Development Plan policies S2 and DR4.

- 18 - F40 (No burning on site other than within the plant hereby permitted)

Reason: To safeguard residential amenity and prevent pollution in accordance with HUDP policy DR9.

- 19 - F22 (No surface water to public sewer)

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding in accordance with the HUDP policy DR6.

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

Reason: To prevent pollution of the water environment, and to comply with HUDP policy DR6.

- 21 - The site shall not be used for any retail sales.

Reason: In the interests of road safety and the amenity of the area and to prevent development that would be contrary to development plan policies.

- 22 - F32 (Details of external lighting)

Reason: To safeguard local amenities and to comply with the HUDP policy DR14.

- 23 - In connection with the development approved by this permission, all buildings shall be kept in good decorative order and all plant, machinery and equipment shall be maintained in accordance with manufacturers' specifications.

Reason: In the interests of the amenity of the area and to ensure a satisfactory form of development.

- 24 - In the event of the cessation of the operations hereby permitted for a period exceeding 12 months, all plant, equipment and machinery shall be removed within a further 6 months unless otherwise agreed in writing, by the local planning authority.

Reason: To ensure the timely removal of redundant equipment in the event that operations permanently cease.

Informatives:

- 1 - In connection with condition 6 above, advice on Site Waste Management Plans is freely available on www.netregs.gov.uk, www.envirowise.gov.uk, or www.wrap.org.uk. The plan should include in particular:

- a) The appointment of a person in charge;
- b) How construction waste will be segregated and managed;

- c) Proposals for re-using, recovering and recycling materials and equipment wherever possible;
- d) Measures for procurement efficiency;
- e) Details of a secure compound for materials and equipment, including proposals for the protection of this area and its access from compaction, and its restoration on completion;
- f) How the plan will be implemented.

2 - The biodiversity method statement required by condition 7 shall include details of:

- Results of the extended Phase 1 ecological survey;
- Pools and shallow scrapes to be created and maintained in the interests of biodiversity enhancement;
- Retention of the poor-nutrient soil currently present on site, and the minimisation of importing topsoil;
- Provison for bat roosting and bird nesting including provision for swallows;
- Plans showing identified areas that will be protected from development, including measures to protect the existing quarry face from damage;
- Retention of stone and log piles already on site;
- Measures for ensuring continued monitoring and maintenance of all the above.

Further advice and assistance is available from the Council's Ecology section, contactable on 01432 383507 or 10432 260150.

3 - HN01 - Mud on highway

4 - In the interests of road safety and visibility you are advised to keep vegetation at the site access well trimmed.

5 - The Highway Authority reserves the right to take action to open up the legal route of the public footpath at any time, and the applicant should note that the footpath could be diverted using the provisions of S119 of the Highways Act 1980. More information on path diversion orders is available from the Public Rights of Way office on 01432 261721.

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

7 - For the avoidance of any doubt the plans for the development hereby approved are as follows:-

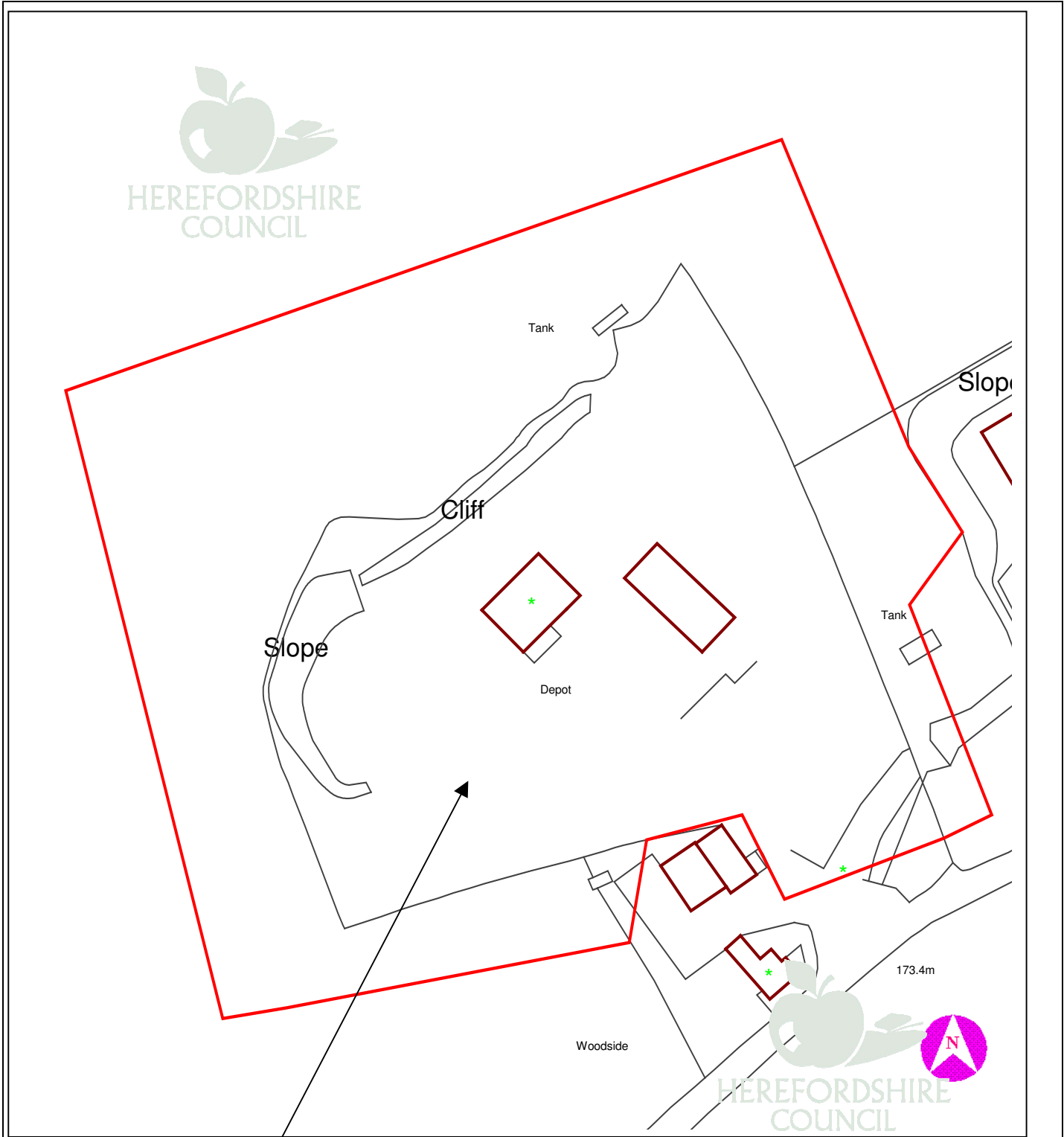
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNW2007/1832/N

SCALE : 1 : 1250

SITE ADDRESS : Lower Woodside, Knill, Presteigne, Herefordshire, LD8 2PR

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

Further information on the subject of this report is available from Mrs D Klein on 01432 260136

13 DCNW2007/2110/F - PROPOSED RESIDENTIAL DEVELOPMENT AT ST. ANTHONY'S, YARPOLE, LEOMINSTER, HR6 0BA.

For: G. P. Thomas & Son Ltd, McCartneys, 7 Broad Street, Leominster, Herefordshire, HR6 8BT.

Date Received: 2nd July, 2007

Ward:

Grid Ref:

Expiry Date: 27th August, 2007

Bircher

47046, 64921

Local Member: Councillor WLS Bowen

1. Site Description and Proposal

- 1.1 The site is located within the development limits of Yarpole, and the Conservation Area, on a plot of land measuring approximately 0.2 hectares. There is a bungalow towards the front of the site. Towards the rear of the site is an industrial type building of mainly asbestos construction. On the site's western boundary is a stream, alongside which are several tree species.
- 1.2 The site is surrounded on all sides by dwellings. The dwellings located to the north and west of the application site are grade II listed.
- 1.3 The current lawful use of the site is for employment/industrial use.
- 1.4 The proposal is for residential re-development for four detached two-storey dwellings. The dwelling on Plot 1 has floor space of approx 129 square metres. Plot 2 120.5 square metres and Plots 3 and 4 192.5 square metres (all measured externally). Plots 1 and 2 have attached garages and Plots 3 and 4 separate detached double garages.
- 1.5 The proposed external facing materials are 'Blockleys Heritage' brick under clay tiled roofs.
- 1.6 A separate application for Conservation Area Consent for demolition of the existing dwelling and industrial buildings on site was granted subject to conditions on 4th July 2007 (application ref NW07/1467/C). Condition no 2 attached to the approval notice states no demolition is to take place until a contract for the carrying out of the works of redevelopment of the site has been made and planning permission granted for redevelopment of the site.

2. Policies

- 2.1 National Planning Policy Statement 3: Housing
- 2.2 Herefordshire Unitary Development Plan

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

DR4 – Environment
DR10 – Contaminated Land
H4 – Main Villages: Settlement Boundaries
H14 – Re-using previously Developed Land and Buildings
H15 – Density
E5 – Safeguarding Employment Land and Buildings
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 NW07/1467/C - Demolition of existing bungalow and small industrial building - Approved 4th July 2007.
- 3.2 NW07/1316/F - Proposed residential development of 4 no dwellings - Withdrawn 11th June 2007.
- 3.3 N98/0818/N - Demolition of industrial building and erection of new dwelling house with separate double garage on land adjoining St Anthony - Refused 17th February 1999. Dismissed on appeal 3rd August 1999.
- 3.4 97/0561/N - Change of use from coal merchants yard to manufacture of extraction systems - Approved 11th September 1997.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water raises no objections subject to inclusion of conditions relating to foul and surface water drainage.
- 4.2 Environment Agency raise no objections subject to inclusion of conditions relating to surface water drainage and finished floor levels to any approval notice subsequently issued.

Internal Council Advice

- 4.3 The Archaeology Manager raises no objections.
- 4.4 The Forward Planning Manager has no objections.
- 4.5 The Transportation Manager raises no objections.
- 4.6 The Conservation Manager raises no objections, but would like to see omission of the porch to unit 1.
- 4.7 The Landscape Manager raises no objections subject to inclusion of a condition relating to the protection of existing trees in site during construction works and also a condition in respect of additional tree planting on site.

5. Representations

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

5.2 Letters of comment/objections have been received from the following:-

- Dr Julian Stokes, Church House Farm, Yarpole
- Mr Roger King, Brick Cottage, Yarpole
- Mrs Carol Clare, Red Oak, Yarpole
- Mr & Mrs AF Mears, Stoneybrook, Yarpole
- Mrs PA Earle, Windrush, Bircher Road, Yarpole
- Mr R Ellway, Stone Cottage, Leys Lane, Bircher

Some of the above-mentioned have stated they do not object in principle to residential development on site. The main issues of concern relate to:-

- Impact on drainage from the site.
- Impact of additional traffic from the site.
- Loss of an employment site.
- Density of the proposed development.
- Impact of development on surrounding Conservation Area.
- Concerns about existing vegetation on site.
- No affordable housing on site.

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. Officer's Appraisal

6.1 The main issues with this application are:

- Loss of an employment site
- Density of the proposed development
- Drainage
- Conservation Area and setting of Listed Buildings.

6.2 Loss of an employment site

The site is presently an employment site in planning class terms representing a 'brownfield site' within the development limits and Conservation Area of the Settlement.

6.3 Policy E5 – Safeguarding Employment Land and Buildings of the Herefordshire Unitary Development Plan (UDP), states that proposals which would result in the loss of existing employment land will be permitted if there would be substantial benefits to residential or other amenity in allowing alternative forms of development.

6.4 4 letters received from members of the public do not object in principle to residential development on site.

6.5 Policy H14: "Re-using previously developed land and buildings" encourages change of use of previously developed land for residential purposes as long as the proposal

respects the character and appearance of its location and protects existing and proposed residential amenity, and is consistent with other UDP policies.

6.6 Both the Conservation Manager and Landscape Manager raise no objections to the proposed development. The Conservation Manager comments that the proposal represents a general and significant improvement over the previous withdrawn application, and the proposal will be an improvement on the setting of the listed barn and mill compared with the existing industrial building on site.

6.7 An appeal against the Council's refusal for demolition of industrial building and erection of new dwelling house with separate double garage was dismissed on 3rd August 1999.

The appeal was considered against policies in the former Leominster District Local Plan now replaced by the Herefordshire Unitary Development Plan. The relevant policies emphasise the need to have regard to the surrounding area as summarised in paragraph 6.5 above.

6.8 By comparison with the existing industrial use of the site, residential development will be more compatible with the surrounding Conservation Area as well as improve the amenity of surrounding dwellings including those recently formed on the western boundary of the site where a listed barn has been converted to residential use (ref NW03/3254/L and NW03/3253/F). This barn was also formally in a use class B1 use. Consequently it is considered that the benefit of the residential redevelopment of the site outweighs the loss of the employment land (Policy E5).

6.9 Affordable Housing and Housing Density

Paragraph 5.5.12 in the Herefordshire Unitary Development Plan states that in rural areas the threshold for the requirement for affordable housing is set at 6 or more dwellings or site of more than 0.2 hectares. The site falls below both these thresholds. The density policy sets guidelines for sites of 1 hectare or more. As the site is 0.2 of an hectare those guidelines do not apply.

6.10 The site covers an area of approximately 0.2 hectares, however part of the western elevation of the site is considered unsuitable for development, due to its topography. Also on the opposite side of this boundary, are barns that have been converted to residential use, therefore retention of the vegetation on this section of the site as well as the introduction of additional planting, will help screen and integrate the proposed development into the surrounding area. Consequently the effective development area is less than 0.2 hectares.

6.11 The proposed layout is considered acceptable with regard to residential amenity and privacy for each dwelling and the nearby existing dwellings. The nearest point from the proposed dwellings to an existing dwelling is plot 2 which measures 12 metres. Appropriate conditions on boundary treatments will further assist to protect the amenities of nearby dwellings.

Drainage

6.12 The Environment Agency and Welsh Water have no objections to the proposed development subject to inclusion of conditions in respect of foul and surface water drainage.

Traffic

- 6.13 The Transportation Manager raises no objections to the proposed development. Given the current planning status of the site vehicle movements could well be higher than that for 4 dwellings.

Trees and Landscape

- 6.14 The Landscape Manager raises no objections. The applicants have submitted a detailed tree report which the Landscape Manager considers addresses the issues of the existing trees on the site while also making adequate provision for planting new trees of suitable species.
- 6.15 In conclusion the proposal accords with relevant UDP policies and is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

- 4 - No surface water shall be allowed to connect (either directly or indirectly), to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.**

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.

- 5 - 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.

- 6 - No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system including the use of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details, unless**

otherwise agreed in writing by the Local Planning Authority, in consultation with the Environment Agency.

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

- 7 - No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:

a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.

b) the details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule.

c) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).

d) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.

e) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).

f) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).

g) the timing of the various phases of the works or development in the context of the tree protection measures.

Reason: To safeguard the amenity of the surrounding area.

- 8 - No works or development shall take place until a specification of all proposed tree planting has been approved in writing by the Local Planning Authority. This specification will include details of the quantity, size, species, position and the proposed time of planting of all trees to be planted. All tree, shrub and hedge planting included within that specification shall be carried out in accordance with that specification and in accordance with BS 3936 (parts 1, 1992, Nursery Stock, Specification for trees and shrubs, and 4, 1984, Specification for forest trees); BS4043, 1989, Transplanting root-balled trees; and BS4428, 1989, Code of practice for general landscape operations (excluding hard surfaces).

Reason: In order to protect the visual amenity of the surrounding area.

- 9 – GO1 (Details of boundary treatments)

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

- 10 - If within a period of five years from the date of planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies,

(or becomes in the opinion of the LPA seriously damaged or defective), another tree of the same species and size originally planted shall be planted at the same place, unless the LPA gives its written consent to any variations.

Reason: In order to protect the visual amenity of the surrounding area.

11- E16 (Removal of permitted development rights)

Reason: In order to preserve the setting of the surrounding Conservation Area and amenity of surrounding dwellings.

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

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

13 - F48 (Details of slab levels)

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

INFORMATIVES

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

2 - N19 - Avoidance of doubt

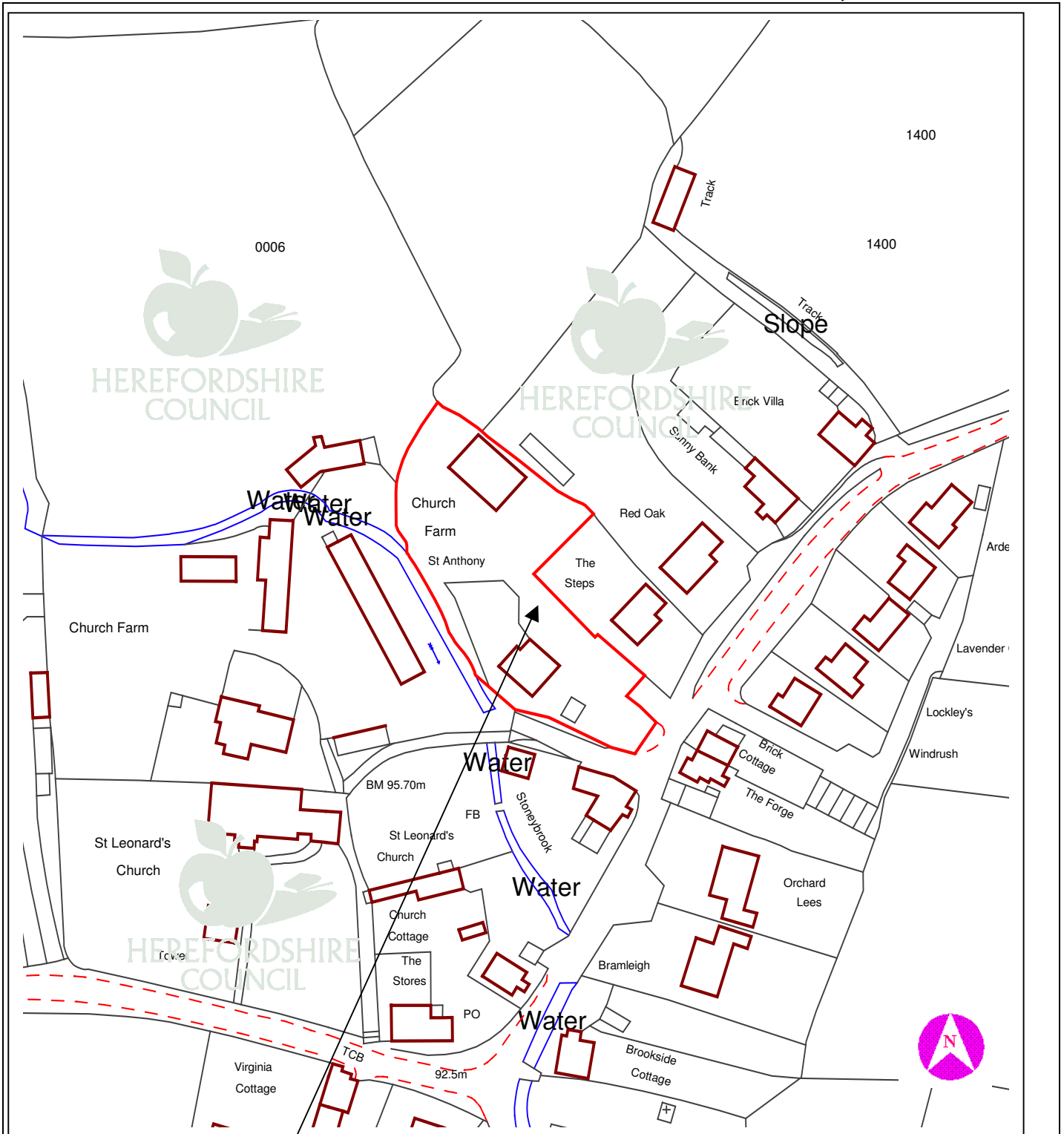
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNW2007/2110/F

SCALE : 1 : 1250

SITE ADDRESS : St. Anthony's, Yarpole, Leominster, HR6 0BA

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

14 DCNW2007/2132/F - PROPOSED CHANGE OF USE OF LAND TO EXTEND EXISTING HOLIDAY HOME PARK TO SITE 8 NEW MOBILE HOMES AT COMPASSES HOTEL, FORD STREET, WIGMORE, LEOMINSTER, HEREFORDSHIRE, HR6 9UN.

For: Mr & Mrs Crabtree at above address.

Date Received: 4th July 2007

Ward:

Grid Ref:

Expiry Date: 29th August 2007

Mortimer

41576, 69139

Local Member: Councillor LO Barnett

1. Site Description and Proposal

- 1.1 The site is adjacent to an existing mobile home holiday park containing 12 pitches. This is located alongside the site's western elevation. The site lies outside of the settlement boundary and outside of the Conservation Area.

To the north of the application site is open countryside. Part of the eastern boundary is adjoined by the curtilage of a dwelling outside the control of the applicants.

- 1.2 The application proposes change of use of the land to extend the existing holiday park and create 8 additional holiday pitches alongside the eastern side of the site.

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

E6 - Expansion of existing businesses

E10 - Employment proposals within or adjacent to main villages

RST12 - Visitor accommodation

RST14 - Static caravans, chalets, camping and touring caravan sites

- 2.2 National Planning Policy Statement 7: Sustainable development in rural areas.

3. Planning History

- 3.1 NW2007/2137/F - Proposed owners house. Currently under consideration.
- 3.2 N98/0072 - Erection of metal first floor verandah and fire escape. Refused 22nd September 1998.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 The Transportation Manager recommends that development must remain in the same ownership as the pub to ensure adequate unrestricted access.

4.3 The Landscape Manager considers the proposed development will have a neutral impact on the character and quality of the landscape. A condition is recommended to be attached to any subsequent approval notice issued with regards to retention of the site boundary hedges and trees are their present height and width.

4.4 The Conservation Manager raises no objections.

4.5 The Environmental Health Manager raises no objections in principle. However, concerns are raised about whether the existing septic tank and soakaway system can accommodate the proposed increase in units on the site.

4.6 The Tourism Manager requests any development be fully compliant with wheelchair access.

4.7 Land Drainage requests consideration be shown to existing drainage in and adjacent to the site.

5. Representations

5.1 Wigmore Parish Council: No response at time of writing report.

5.2 Three letters of objection/comment have been received from

- Gina Hill, Lakelands, Ford Street, Wigmore,
- Iain Field, Claremont Cottages, Ford Street, Wigmore
- Mark and Janet Oddey, Yew Tree Cottage, Ford Street, Wigmore

Issues raised refer to:

- access to the site
- Impact on surrounding drainage
- Impact of the proposal on the surrounding landscape

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 in respect of this application relate to:

- Public highway access
- Impact on the surrounding landscape/Conservation Area
- Drainage

Public highway access.

- 6.2 The Council's Transportation Manager has raised no objections to the proposed development on the understanding that the development remains in the same ownership as the pub to ensure adequate unrestricted access.
- 6.3 The site is located to the rear of a public house also in the ownership and control of the applicants. Access to the proposed development site and adjacent existing holiday mobile home site is through the car park in connection to the public house known as the Compass Hotel.
- 6.4 The application proposes 8 mobile holiday units. The site itself contains sufficient space to accommodate vehicles in relationship to the proposed holiday units.

Impact on the surrounding landscape.

- 6.5 The Landscape Manager has responded to the application stating that the proposed development will have a neutral impact on the character and quality of the landscape. However, the response does state in order to protect the quality of the existing landscape a condition to be attached to any approval notice subsequently issued ensuring the retention of the site boundary hedges and trees at their present height and width.
- 6.6 The Conservation Manager raises no objections stating that the proposed development will not be seen from within the Conservation Area.
- 6.7 Therefore objections raised on landscape or Conservation Area grounds cannot be sustained.

Drainage

- 6.8 The Council's Environmental Health Manager and Land Drainage Manager have no objections in principle. Concerns are raised about the increase of units on site, on the existing septic tank to which it is proposed to use for foul drainage from the proposed development.
- 6.9 In consideration of drainage issues, officers consider attachment of suitably worded conditions to any approved notice issued, if Committee are minded to approve the application will suffice to overcome this issue.

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 - E31 (Use as holiday accommodation)**

Reason: The local planning authority are not prepared to allow the introduction of separate units of residential accommodation, due to the site being outside a recognised development boundary in accordance with the Herefordshire Unitary Development Plan.

- 4 - No holiday unit on site shall be occupied by the same person for more than one calendar month and that same person shall not return to the site within 6 weeks of the last date of being on site.

Reason: To prevent the establishment of a residential use of the site, which is located outside of a recognised development boundary in accordance with the Herefordshire Unitary Development Plan.

- 5 - A record of names and addresses of all occupants of the holiday units hereby approved will be maintained by the applicants, or their successors in title and produced to the Local Planning Authority when requested.

Reason: To prevent the establishment of a residential use of the site, which is located outside of a recognised development boundary in accordance with the Herefordshire Unitary Development Plan.

- 6 - During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday - Friday 7.00 am - 6.00 pm, Saturday 8.00 am - 1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents.

- 7 - G10 (Retention of trees)

Reason: In order to preserve the character and amenities of the area.

- 8 - F20 (Scheme of surface water drainage)

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

- 9 - F23 (Improvement of existing sewerage system)

Reason: To prevent pollution of the water environment.

- 10 - The entire mobile holiday park and the adjacent public house known as the Compass Hotel shall not be sold separately from each other.

Reason: To ensure unrestricted access from the site to the public highway.

- 11 - Prior to any development of site full details will be submitted to and approved in writing by the Local Planning Authority of the site layout, additional landscaping, size and colour of the mobile units to be placed on site.

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

Informatives:

- 1 - The applicants or successors in title are reminded that the site is served by land drainage that also affects adjoining land to the application site and that all necessary precautions must be undertaken to fully allow for continued use of this land drainage system.

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

- 3 - N19 - Avoidance of doubt

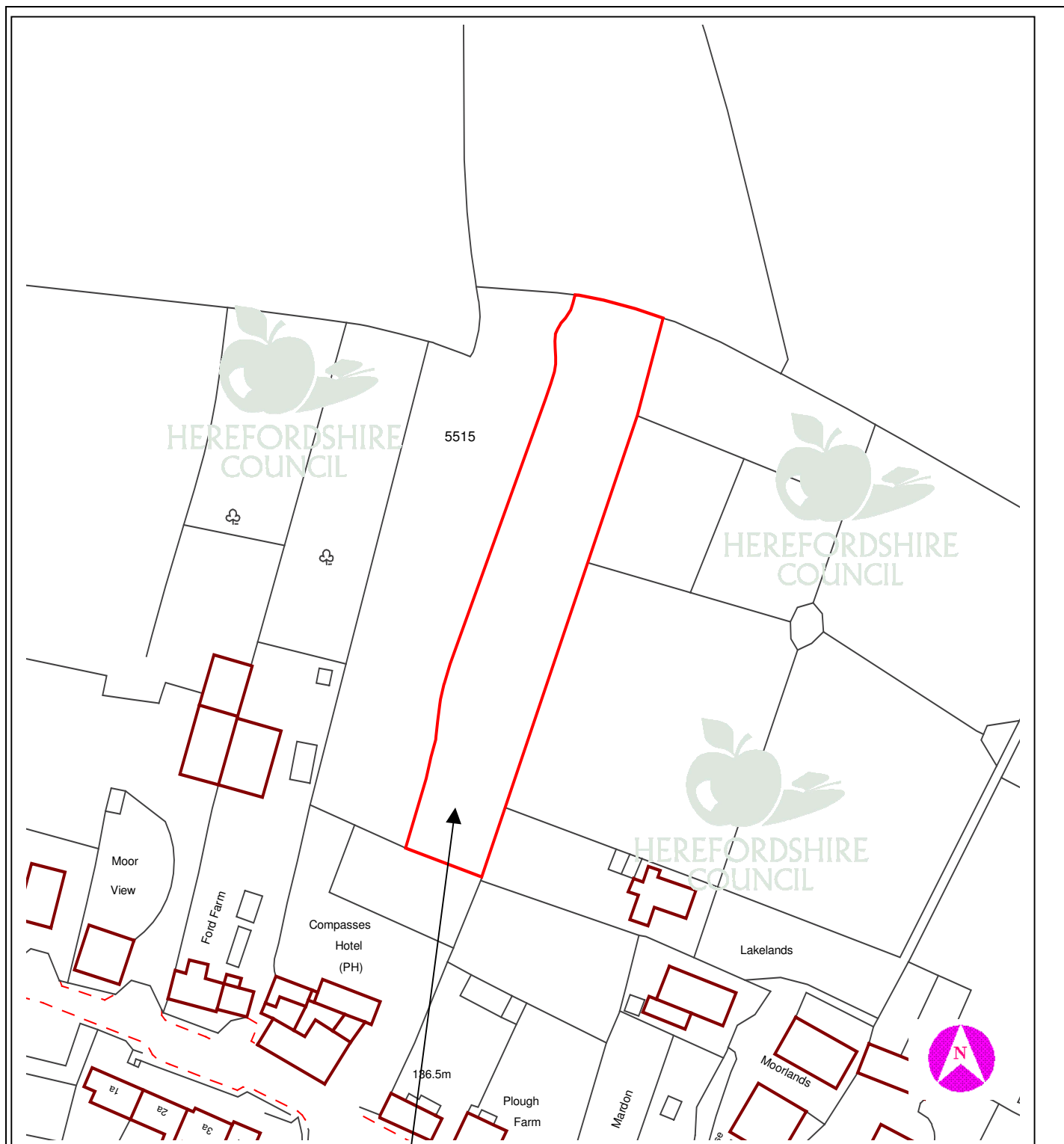
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNW2007/2132/F

SCALE : 1 : 1250

SITE ADDRESS : Compasses Hotel, Ford Street, Wigmore, Leominster, Herefordshire, HR6 9UN

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

15 DCNW2007/2136/F - PROPOSED CONVERSION OF ATTACHED STORE TO PROVIDE ADDITIONAL LOUNGE ACCOMMODATION AT HAYWAIN, WOONTON, HEREFORDSHIRE, HR3 6QN.

**For: Mr J Argent per Mr D Walters, 27 Elizabeth Road
Kington, Herefordshire, HR5 3DB.**

Date Received: 4th July 2007

Ward:

Grid Ref:

Expiry Date: 29th August 2007

Castle

35288, 52335

Local Member: Councillor JW Hope

1. Site Description and Proposal

- 1.1 The dwelling Haywain is a large converted barn residence in the small settlement of Woonton.
- 1.2 This application follows the refusal of a previous application for the conversion of an attached store to provide additional lounge accommodation. The application was refused as it involved the reconstruction/new building work and alterations to the building, which altered the character and appearance of the existing building.
- 1.3 This new application still seeks to convert the attached store outbuilding into a lounge extension and proposes an identical scheme to that which was refused under application DCNW2007/2136/F.

2. Policies

2.1 Herefordshire Unitary Development Plan

S1- Sustainable Development
DR1 – Design
H18 – Alterations and Extensions
HBA12 – Re-use of rural buildings
HBA13 – Re-use of rural buildings for residential purposes

2.2 Herefordshire Council's Supplementary Planning Guidance;-

Re-use and Adaptation of Rural Buildings

3. Planning History

- 3.1 NW2007/1387/F - Proposed conversion of attached store to provide additional lounge accommodation at Haywain. Refused for the following reason:

Having regard to policies HBA12 and HBA13 of the Herefordshire Unitary Development Plan and also advice contained in the Councils Supplementary Planning Guidance 'Re-use and Adaptation of Rural Buildings', the Local Planning Authority considers the proposal to be unacceptable in that it will involve reconstruction/new

building work and alterations to the building which will alter the character and appearance of the existing building.

- 3.2 NW2001/1931/F - Retrospective revision of approval N99/0068/N. Removal of collapsed section of barn and rebuild (as dwelling) - Refused.
- 3.3 NW2001/3073/F - Erection of garage to barn 1 - Approved.
- 3.4 N99/0068/N - Proposed conversion of redundant farm buildings into 2 residential dwellings - Approved.

4. Consultation Summary

Statutory Consultations

- 4.1 None required

Internal Council Advice

- 4.2 The Traffic Manager has raised no objection to the proposal

5. Representations

- 5.1 The Parish Council raised no objection to the application.
- 5.2 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. Officer's Appraisal

- 6.1 The main issue for consideration in the determination of this application is considered to be the impact of the proposed extension on the original building structure.
- 6.2 Policies HBA12 and HBA13 of the Herefordshire Unitary Development Plan 2007 considers the re-use of rural buildings for residential purposes. This policy advises that a re-use will be permitted where:
- The building is capable of conversion without major or complete reconstruction;
 - The building is capable of accommodating the new use without the need for extension, ancillary outbuildings or hard standing which would adversely impact upon the character or appearance of the building, surroundings, or landscape.
- 6.3 It is stated in the Councils Supplementary Planning Guidance for the Re-use and Adaptation of Rural Buildings that 'the building shall be large enough to be capable of conversion without the need for extensions and any scheme submitted shall be considered, in principle, as finite'. It also states that the proposed new use should retain the existing buildings qualities and essential features including the original structure of both walls and roof.
- 6.4 The application proposes to convert an attached store outbuilding into a lounge extension that currently projects 2.5 metres out from the house and 4.2 metres across the width of the house. The scheme proposed will project 2.7 metres out from the house and extend across the whole width of the house at 6.10 metres. The existing height of the lean to is 2.8 metres, this is proposed to increase to 3.6 metres.

Photographic evidence of the original building. Prior to the conversion shows that the existing height of the lean to at 2.8 is likely to be that of the original.

- 6.5 The proposal involves some reconstruction and new building work, including raising the roof of the existing store outbuilding. The applicant has made no effort to alter the proposed scheme from that which was refused under a DCNW2007/1387/F. As such the proposal is still contrary to policies contained within the Herefordshire Unitary Development Plan and advice contained in the Councils Supplementary Planning Guidance and is recommended for refusal.

RECOMMENDATION

That planning permission be refused for the following reason:

Having regard to policies HBA12 and HBA13 of the Herefordshire Unitary Development Plan and also advice contained in the Councils Supplementary Planning Guidance 'Re-use and Adaptation of Rural Buildings', the Local Planning Authority considers the proposal to be unacceptable in that it will involve reconstruction/new building work and alterations to the building which will alter the character and appearance of the existing building.

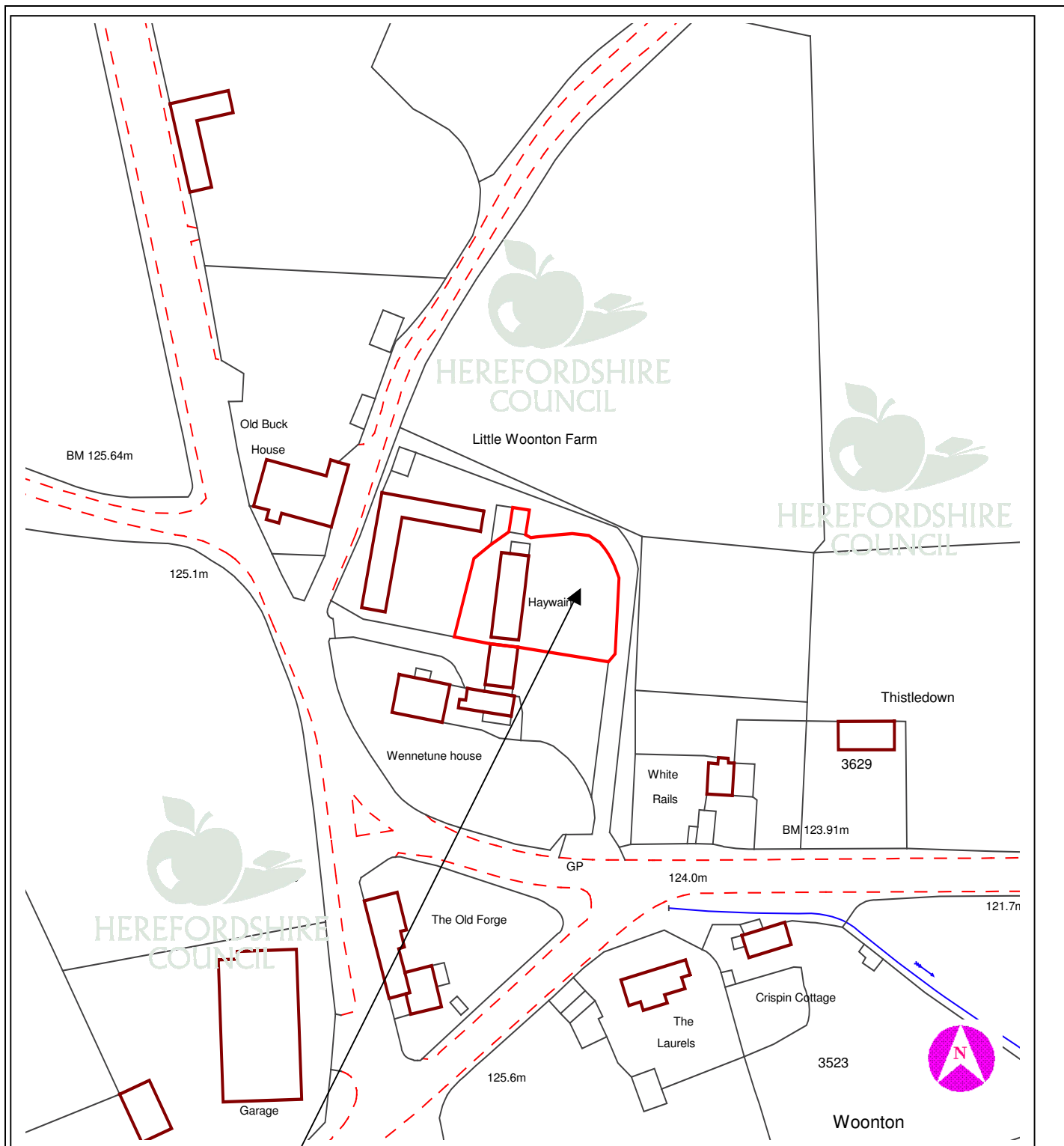
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNW2007/2136/F

SCALE : 1 : 1250

SITE ADDRESS : Haywain, Woonton, Hereford, Herefordshire, HR3 6QN

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

**16 DCNW2007/2326/F - PROPOSED AREA FOR THE
DISPLAY OF DECORATIVE GARDEN PRODUCTS AT
THE OAKS, MARSTON, PEMBRIDGE,
HEREFORDSHIRE HR6 9HZ**

**For: Mr & Mrs A Davies per McCartneys, 7 Broad
Street, Leominster, Herefordshire HR6 8BT**

Date Received:

18th July 2007

Expiry Date:

12th September 2007

Local Member: Councillor R Phillips

**Ward: Pembridge &
Lyonshall with Titley**

Grid Ref:

36559, 57297

1. Site Description and Proposal

- 1.1 The application site is a green field located in open countryside adjacent to a stable block and yard. Access to the site is obtained from an unclassified public highway (91418) that adjoins the western boundary of the application site.
- 1.2 The application proposes an ornamented landscaped area for the display of decorative garden products, consisting of a series of paths constructed with different sized and colour decorative gravels to allow potential customers to view a variety of garden products. Also, forming part of the application, is a proposal for a gazebo to provide an office facility.
- 1.3 The application is accompanied by an accountant's letter, explaining that the proposal has a prospect of being a viable business given adequate facilities. Also, accompanying the application are 6 supporting letters from members of the public and potential customers, as well as a petition signed by 8 local residents.

2. Policies

- 2.1. Planning Policy Statement 7: Sustainable Development in Rural Areas.
- 2.2. Herefordshire Unitary Development Plan

S3 - Sustainable development

S2 - Development requirements

S3 - Employment

DR1 - Design

DR2 - Land use and activity

DR3 - Movement

DR4 - Environment

E8 - Design standards for employment sites.

E11 - Employment in the smaller settlements and open countryside.

E15 - Protection of green field land.

LA2 - Landscape character and areas least resilient to change.
LA5 - Protection of trees, woodlands and hedgerows.

3. Planning History

- 3.1. NW0711279/F - Proposed area for the display of decorative garden products - Refused 15th June 2007.
- 3.2. NW04/2545/f - Timber stable block - Approved 3rd September 2004.

4. Consultation Summary

Statutory Consultations

- 4.1 None required

Internal Council Advice

- 4.2. The Public Rights of Way Manager raises no objections.
- 4.3. The Transportation Manager objects to the application, if total projected trips to the site exceed 10 per day, because of highway safety and sustainability.

5. Representations

- 5.1. Pembridge Parish Council - A verbal report will be presented on their response.

6. Officer's Appraisal

- 6.1 The main issues of concern in relationship to this application are:-

- sustainability
- public highway access
- impact on landscape character

6.2. Sustainability

The site is located in open countryside, outside a designated settlement boundary and forms part of a green field site with no buildings upon it.

- 6.3 Policy S1: emphasises how development proposals must protect and enhance the natural environment, respect local landscape character, regenerate previously developed land, direct new development to sites that best meet the appropriate sustainable development criteria, while reducing the need to travel, making use of different modes of transport from that of personal motor transport.
- 6.4. The site for the proposed development is in open countryside on a green field site with no existing buildings and served by an unclassified public highway (U9141P) with no evidence of access by alternative modes of transport.

6.5 The application proposes the creation of a business to display decorative garden products along with a gazebo for use as an office and, therefore, very domestic in appearance on a site in open countryside, and hence not respecting the local landscape's distinctive character. Neither does the proposed use have any functional relationship with any nearby use. No audited accounts have been submitted to support the viability of the business. For these reasons the application does not comply with Policy S1: Sustainable Development of the UDP or the relevant criteria of Planning Policy Statement 7: Sustainable Development in Rural Areas.

6.6. Policy E11: Employment in the smaller settlements and open countryside emphasises that development proposals in locations such as this will not be permitted, unless it is an operation of agriculture, forestry or mining of minerals, represents a form of farm diversification or re-use of a rural building in accordance with Policies HBA12 and HBA13. The proposal does not meet these criteria and consequently does not comply with Policy E11.

6.7 Public Highway Access

The Transportation Manager has recommended refusal to the application if total projected trips to the site exceed 10 per day, on the grounds of highway safety and sustainability.

6.8 The applicants, in their Design and Access Statement, have stated that it is anticipated that, during the summer, opening times will be 9.00 am until 5.30 pm Tuesday – Saturday and 10 am until 4.00 pm on Sundays, with more limited opening hours during the winter months, to allow for darkness. The statement further states that there will be at least one member of staff on site at any one time, along with one or two part-time staff.

6.9 Anticipated vehicles movements to and from the site are difficult to predict. However, in order for the business to be viable, in consideration of its opening hours and staffing arrangements, visitor traffic, along with vehicle movements to service the site, is likely to exceed 10 on many days.

6.10 Impact on Landscape Character

The application proposes ornamental garden development in the open countryside, completely divorced from any domestic habitations such as dwelling houses, with no essential need for locating to this specific site. The proposal, therefore, will have an adverse affect on the overall character of the landscape, with no demonstration provided as to why the landscape character has influenced the design, scale, nature and site selection of the proposal. Therefore, the application is also contrary to Policy LA2 – Landscape Character and Areas Least Resilient to Change of the UDP.

6.11 Therefore, in consideration of sustainability issues and impact on landscape, this application does not conform with relevant national and local policies, and cannot be supported.

RECOMMENDATION

That planning permission be refused for the following reason:-

The proposed development represents a form of unsustainable development in a rural location, unlikely to be accessed by modes of transport other than private motor vehicles. Furthermore the proposal will also have a detrimental impact on the landscape character of the surrounding area by means of its domestic nature.

Therefore, the proposed development is contrary to policies S1, S2, DR2, DR3, DR4, E11 and LA2 of the Herefordshire Unitary Development Plan 2007 and Planning Policy Statement 7 Sustainable Development in Rural Areas.

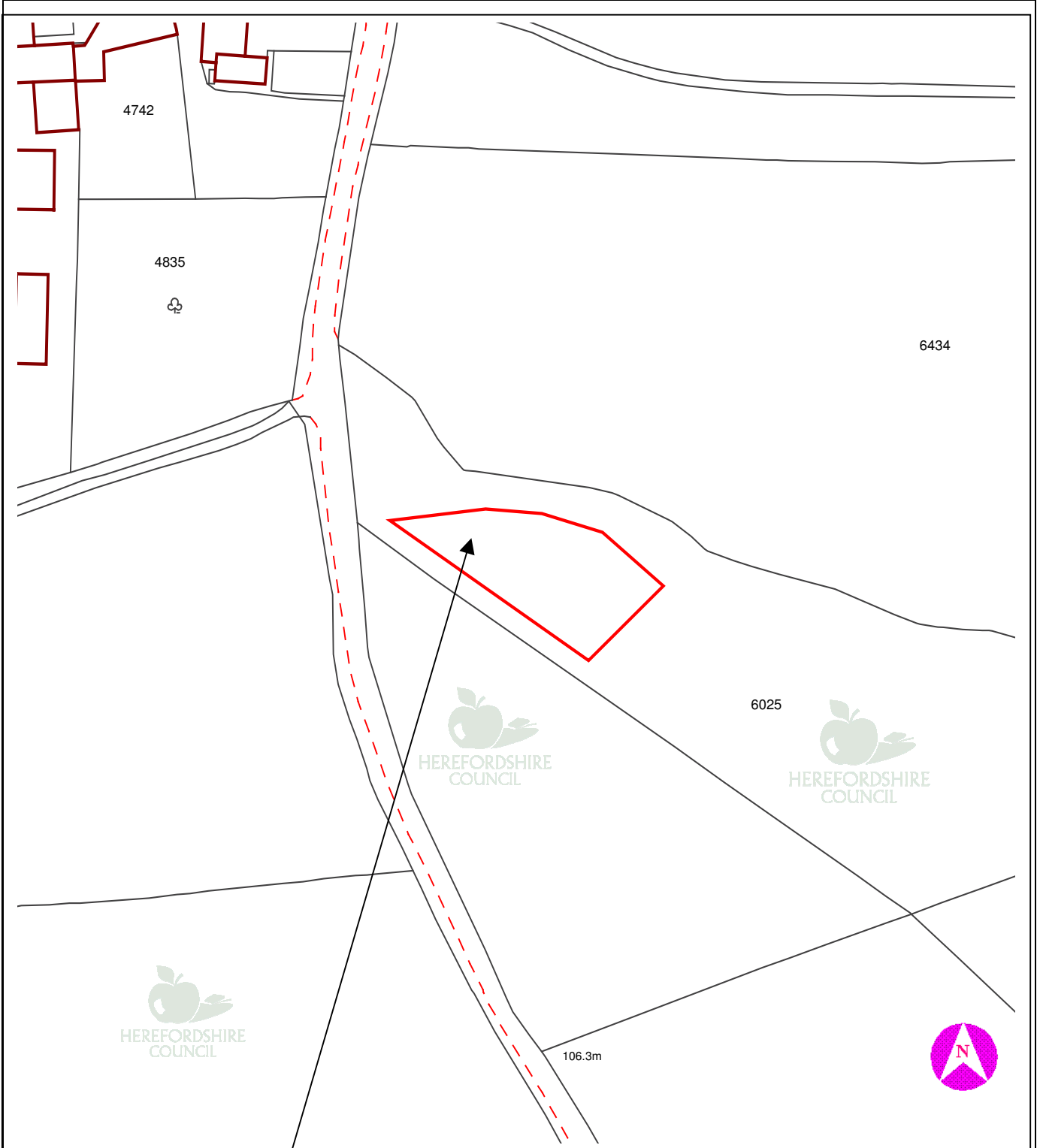
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNW2007/2326/F

SCALE : 1 : 1250

SITE ADDRESS : The Oaks Marston Pembridge Herefordshire HR6 9HZ

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

