

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 19th September, 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, RV Stockton, J Stone, JK 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 22nd August 2007.	1 - 20
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.	
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.	
6. DCNC2007/1062/F - PROPOSED TWO BAY OAK FRAMED CART SHED/GARAGE AT CROFTLANDS BARN, HOPE-UNDER-DINMORE, LEOMINSTER, HEREFORDSHIRE, HR6 0PW For: Mr A.J. Reid MC Ward: Hampton Court	21 - 26

- | | | |
|-----|--|---------|
| 7. | DCNC2007/2352/F - ERECTION OF DETACHED HOUSE AND GARAGE AT REAR OF 34 WEST HILL, BROMYARD, HEREFORDSHIRE, HR7 4EX | 27 - 32 |
| | For: Mr & Mrs J. Read per Gibson Associates Bank House Bank Crescent Ledbury Herefordshire HR8 1AA | |
| | Ward: Bromyard | |
| 8. | DCNC2007/2448/F - PROPOSED AGRICULTURAL BUILDING TO STORE HOP GROWING RELATED IMPLEMENTS AND HOPS AT HAWTHORNE HOP YARD, AVENBURY, BROMYARD, HEREFORDSHIRE, HR7 4JZ | 33 - 38 |
| | For: Mr E. Lewis per Linton Design 27 High Street Bromyard Herefordshire HR7 4AA | |
| | Ward: Bromyard | |
| 9. | DCNW2007/2155/F - CHANGE OF USE OF THE WEST PART OF THE NAVE TO SHOP AT ST LEONARD'S CHURCH, GREEN LANE, YARPOLE, HEREFORDSHIRE | 39 - 44 |
| | For: Croft with Yarpole Parochial Church Council per Mr RWJ Chitham, South Bank, Green Lane, Yarpole, Herefordshire, HR6 0BD | |
| | Ward: Bircher | |
| 10. | DCNW2007/2220/F - PROPOSED TWO SEMI-DETACHED DWELLINGS AT DARK LANE, LEINTWARDINE, SY7 0LY | 45 - 50 |
| | For: Keith Pearce & Roger Davies per Mr K Pearce, Glenhayden, Donkey Lane, Ashford Carbonel, Ludlow, SY8 4DA | |
| | Ward: Mortimer | |
| 11. | DCNW2007/2238/F - PROPOSED GARAGE AT THE BRAMLEYS, CHURCH LANE, ORLETON. SY8 4HU | 51 - 56 |
| | For: Mr & Mrs D. Kingan | |
| | Ward: Bircher | |
| 12. | DCNE2007/2042/F - PROPOSED SINGLE STOREY EXTENSION AT 21 JOHN LEE ROAD, LEDBURY, HEREFORDSHIRE, HR8 2FE | 57 - 60 |
| | For: Mr & Mrs S Ratcliff, Tudor Design, Caerswall Farm, Much Marcle, Herefordshire, HR8 2NY | |
| | Ward: Ledbury | |

13. DCNE2007/2216/F - PROPOSED LIVESTOCK SHED AT LAUREL COTTAGE, STORRIDGE, MALVERN, HEREFORDSHIRE, WR13 5HA 61 - 66

For: Mr P Chalk per Mr J Taplin, John Taplin Associates, The Orchard, Clevelode, Malvern, Worcs, WR13 6PD

Ward: Hope End

14. DATE OF NEXT MEETING

17th October 2007

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, 22nd August, 2007 at 2.00 p.m.

Present: Councillor JW Hope MBE (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, RJ Phillips, A Seldon, RV Stockton, J Stone, JK Swinburne and PJ Watts

In attendance: Councillor JE Pemberton

65. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mrs PM Morgan and RC Hunt.

66. DECLARATIONS OF INTEREST

Councillor Mrs K Swinburne declared a personal interest in respect of planning application **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**

67. MINUTES

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

68. ITEM FOR INFORMATION - APPEALS

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

69. 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.

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

The Principal Planning Officer said that consideration of the application had been deferred at the previous meeting to enable Welsh Water to be formally consulted on the proposed development arising on concerns raised by adjoining residents about

foul and surface water disposal. Welsh Water had recommended that any planning permission granted should include conditions and advisory notes relating to foul and surface water discharges. On this basis the Sub-Committee decided that planning permission could be granted as recommended.

RESOLVED

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 northwest or southeast 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**

71. **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.**

The Principal Planning Officer presented the following updates:

Miss A Cann, who is listed as being in support of the application, has asked that her letter be considered as an objection. As a resident on the site, she is concerned at the manner in which the site has been run and refers to a number of disputes that she has had with her landlady. She also feels that the site has not been properly checked by the Council.

Two further e-mail correspondence have been received. One is submitted on behalf of the residents of Meadow Bank. The points raised are as follows and are considered to demonstrate that the park has been used for residential purposes for some time:

1. Many occupants of the site are there as a sole place of residence and are registered with the Post Office.
2. All are registered with local dentists and doctors, and one with a local school.
3. All are on the electoral register.
4. The majority have BT land lines
5. The majority of residents have bank accounts, pay Income Tax and National Insurance.
6. Several residents are Hungarian Nationals and have been granted work permits by the Home Office.

None of this would be possible if the site was not considered to have permanent residential status.

The second is from Mr K Fello who is also a resident on the site. He comments as follows:

Meadow Bank Park was established as a holiday caravan site during the 1960's and in 1998 was given a Certificate of Lawfulness for 5 homes when it was known that 11 existed on that section. Since 2003 the park has operated as 'Residential' with people buying homes intending to spend a peaceful retirement and leaving city living and the crimes that plague our cities far behind. Indeed my research has shown that over the past 5 years only 5 crimes have been recorded in the whole of the Hamnish area, 2 crimes of theft of motor vehicles, 1 a caravan from storage at Meadow Bank in 2002. and, 3 of burglary from non domestic dwellings, in that 5 years I understand that 14 other incidents were attended covering an area from the A44 to Kimbolton. Some residents have had grants to better insulate their home and add pitched roofs. Some also maintain gardens which also adds to the pleasant views and creates a mutual interest in the general appearance around our homes. New residents are vetted by Miss Moore which has resulted in very good close knit multi racial community where everyone gets on together.

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

The Sub-Committee discussed the merits of the application and whether residential

accommodation should be permitted in the location. Councillor RBA Burke, one of the Local Ward Members Had concerns about potential traffic problems in the narrow lanes around the site and expressed the view that the application should be refused. Councillor WLS Bowen on the other hand was of the view that because of the way residential occupation had evolved over a number of years, it would be difficult to sustain a refusal. Councillor J Stone felt that little had changed since the previous application was refused and he shared the concerns of Kimbolton Parish Council regarding overdevelopment, amenity value, vehicular access and sewage disposal

The Principal Planning Officer said that because of the planning history of the site; the mix of residential and holiday accommodation; and Certificate of Lawful Use, the officers had taken a pragmatic approach and had felt that it would be better for a permission to be granted which allowed permanent residential occupancy. This would then require the site to comply with the residential site licence and afford officers a greater degree of control.

At this juncture the Sub-Committee decided to withdraw from the public arena to seek advice about some of the legal aspects associated with the site. The Sub-Committee then returned.

Having considered all the facts regarding the application and the advice offered by the officers, the Sub-Committee still had some concerns about the situation but on balance decided the approval should be granted.

RESOLVED

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**

72. **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.**

The debate set out in the previous minute also relates to this application.

RESOLVED

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

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

The Principal Planning Officer said that the Ramblers Association had raised no objections to the proposal on the basis that it would not impact upon an adjacent footpath.

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

Having considered the details about the application, the Sub-Committee felt that approval would not be detrimental to the area and would give much more flexibility to the applicant in developing his business. It was therefore considered that despite the contrary advice from the officers, it should be approved.

RESOLVED:

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

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

74. **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.**

In accordance with the criteria for public speaking, Mr Browning of Colwall Parish Council and Mr Jolly, the Agent acting for the applicants, spoke in favour of the application.

The Principal Planning Officer explained that the officers were in favour of the application because the proposal was for a dwelling which would be exceptional in respect of its design and eco-friendly attributes. The Development Control Manager said that although the proposal was for a new dwelling in the open countryside and

contrary to some policies, it was acceptable by virtue of its exceptional quality and innovative design. He felt that it would enhance the setting of the neighbouring listed buildings and landscape. The Sub-Committee concurred with the view of the officers.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

2 - Prior to commencement of the development hereby permitted 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

75. 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.

The Principal Planning Officer said that a further three letters of objection had been received from residents in the vicinity.

In accordance with the criteria for public speaking, Mr Browning of Colwall Parish Council spoke in favour, Mr MacGregor an objector spoke against and Mr Waugh the agent acting for the applicants spoke in favour of the application.

Having considered all the details about the application, the Sub-Committee did not feel that there were sufficient grounds to refuse it because of health concerns that had been raised, and was of the view that the proposal was well designed to have a minimum impact on the surrounding area.

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 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

76. 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.

The Senior Planning Officer said that the Head of Environmental Health and Trading Standards had requested an additional condition about noise attenuation to cover areas not controlled by a PPC permit. The Committee was agreeable to this request.

Councillor RJ Phillips the Local Ward Member said that the public meeting held about the application in June had been particularly helpful to explain details of the application for the benefit of local residents and the parish council. He felt that the applicants had made strenuous efforts to ensure that the application met the Council's policies and conditions about noise control, pollution control, bio-diversity and sustainability.

RESOLVED

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 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. F06 (restriction on noise levels)

Reason: to protect the amenities of nearby properties.

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

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

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

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

12 - 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.

13 - 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.

14 - 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.

15 - 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.

16 - 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.

- 17 - 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.

- 18 - 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.

- 19 - 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.

- 20 - 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.

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

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

- 22 - 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.

- 23 - F32 (Details of external lighting)

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

- 24 - 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.

- 25 - 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:
 - a) Results of the extended Phase 1 ecological survey;
 - b) Pools and shallow scrapes to be created and maintained in the interests of biodiversity enhancement;
 - c) Retention of the poor-nutrient soil currently present on site, and the minimisation of importing topsoil;
 - d) Provision for bat roosting and bird nesting including provision for swallows;
 - e) Plans showing identified areas that will be protected from development, including measures to protect the existing quarry face from damage;
 - f) Retention of stone and log piles already on site;
 - g) Measures for ensuring continued monitoring and maintenance of all the above.
- 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:-

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

The Principal Planning Officer said that the Head of Environmental Health and Trading Standards had requested an additional condition regarding the times that machinery was operated on site and deliveries were made.

In accordance with the criteria for public speaking, Mr Hughes the agent acting for the applicants 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 - 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. F06 (restriction on noise levels)

Reason: to protect the amenities of nearby properties.

14 - 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

78. 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.

The Sub-Committee was agreeable to the application subject to condition No.4 being worded as set out below:

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 - 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 three calendar months and that same person shall not reoccupy part of the site within 6 weeks of the last date of occupation.

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

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

In accordance with the criteria for public speaking Mr Walters the agent acting for the applicants spoke in favour of the application.

The Sub-Committee discussed the details of the application and felt that the proposal would considerably enhance the dwelling and setting, and be preferable to the existing breezeblock and zinc structure which they felt had no architectural merit. They therefore felt that the application should be approved

RESOLVED:

- that
- (i) **The Northern Area Planning Sub-Committee is minded to approve the application subject to any appropriate 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.**
 - (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 Development Control Manager said that he would not refer the application to the Head of Planning Services]

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

The Principal Planning Officer presented the following updates:

Pembridge Parish Council consider that any previous reasons for refusal had been addressed in the submitted Design and Access Statement and therefore has no objections to this application.

Letter of objection received signed by residents of 13 local households in and around Marston. Letter raises objections to the proposed development on grounds of impact on the natural environment, highway infrastructure, impact on local community and represents incremental and unsustainable development. The proposal is no different to that previously refused. Concerns are also raised about a list of persons who indicated no objection to the proposed development. This list was submitted as part of the application, the letter of objection stating that most are not local residents to the application site, unlike the signatories to the letter of objection.

Landscape Manager has stated that the application site is within Wet Pasture Meadow in Landscape type in accordance with the Council's Landscape Character Assessment and that a decision to refuse the application in relation to Policies LA2 and LA6 of the UDP would be justified.

In accordance with the criteria for public speaking Mr Hughes the agent acting for the applicants spoke in favour.

Councillor RJ Phillips the Local Ward Member said that there were four passing bays on the road approaching the site and that given that the majority of the applicants business was conducted on an appointment basis, he did not feel that there would be a highway safety problem. He suggested that a temporary three-year planning consent could be granted with appropriate conditions which would enable any problems to be identified. The Sub-Committee agreed with this view and felt that consent should be granted subject to the Chairman and Local Ward Member being first consulted.

RESOLVED:

- that (i) **The Northern Area Planning Sub-Committee is minded to approve the application subject to approval being granted in consultation with the Chairman and Local Ward Member, 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. Temporary permission for three years**
 - 2. Use, sales, opening hours, delivery times, noise and light pollution**
 - 3. Landscaping**
 - 4. Access**
 - 5. Land to be reinstated if use ceases**
- (ii) **If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to approve the application in consultation with the Local Ward Members and subject to such conditions referred to above.**

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

The meeting ended at 4.56 p.m.

CHAIRMAN

**6 DCNC2007/1062/F - PROPOSED TWO BAY OAK
FRAMED CART SHED/GARAGE AT CROFTLANDS
BARN, HOPE-UNDER-DINMORE, LEOMINSTER,
HEREFORDSHIRE, HR6 0PW**

For: Mr A.J. Reid MC

Date Received:

2nd April 2007

Expiry Date:

28th May 2007

Local Member: Councillor KG Grumbley

Ward: Hampton Court

Grid Ref:

50549, 53103

1. Site Description and Proposal

- 1.1 This site is located in the countryside approximately 1/4 mile to the north west of Hope-under-Dinmore. The site forms part of a group of four dwellings, three of which are barns converted to dwellings and the other is the original farmhouse, which is a Grade II Listed Building. There are fields to the front and rear of the site ie east and west.
- 1.2 The existing dwelling constitutes the northern end of two attached dwellings which were originally a barn. The dwelling has natural stone and horizontal timber boarding on the walls with grey slate on the roof. At the front of the dwelling is an area comprised mostly of loose gravel which is used for parking. This area is enclosed on its northern and east boundaries by a natural stone wall approximately 1.2 metres high. Behind the wall on its northern side is an existing mature hedgerow approximately 1.4 metres high.
- 1.3 The proposed development is to erect a two bay garage in the north east corner of the site. The garage will be an oak framed structure with oak feather edged timber cladding on the walls with a slate roof. The building will measure 5.68 metres by 5.04 metres and will have a ridged roof, the top of which will be 3.872 metres above ground level. The eaves level at the front will be 2 metres high and the eaves level at the rear will be 1.25 metres high.

2. Policies

2.1 Planning Policy Guidance

PPS1 - Delivering Sustainable Development
PPS7 - Sustainable Development in Rural Areas
PPG15 - Planning and the Historic Environment

2.2 Herefordshire Unitary Development Plan

Policy S2 - Development Requirements
Policy DR1 - Design
Policy H18 - Alterations and Extensions
Policy HBA1 - Alterations and Extensions to Listed Buildings
Policy HBA4 - Settings of Listed Buildings

2.3 The Council's Supplementary Planning Guidance

Re-use and Adaptation of Rural Buildings

Design and Development Requirements

3. Planning History

DCNC2003/2686/L - Conversion of barns to three dwellings plus detached garages. Demolition of existing steel framed buildings. Listed Building Consent 08/03/04

DCNC2003/2687/F - Conversions of barns to three dwellings plus detached garages. Demolition of existing steel framed buildings. Planning permission 08/03/04.

DCNC2005/0451/F - Conversion of barns and retention of lean-to's. Planning Permission 11/04/05.

DCNC2005/0452/L - Proposed conversion of barns and retention of lean-to's. Listed Building Consent 11/04/05.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 The Traffic Manager has no objections.

4.3 The Team Leader (Building Conservation) recommends that the application be refused. In his view, the proposed garage would have a significant intrusive impact on the approach to the existing farmhouse (which is a Grade II Listed Building) and significantly detract from and affect its setting. There is a statutory assumption that the setting of listed buildings should be preserved and this is carried forward into the Unitary Development Plan. The proposed building will also harm the setting of the barns by extending the domestic usage into the 'farmyard' which is an integral part of the farm and barn setting. It would seem that one of the main objectives of the original application was to secure a clear open area (removing the eyesore buildings) on the approach to the farmhouse and why the new garages were to be sited at the rear of the barns. Conversion schemes should be regarded as finite. There is potential to erect the garage at the side (north end) of the barn where it would be better with regard to the setting of the listed building.

5. Representations

5.1 The applicants state that although there is currently approval for a garage at the rear of their property, they would like to reposition it at the front due to problems arising from recent heavy rainfall. Large volumes of water flow down the right hand side of garden where the proposed drive would have been constructed, along with any structure being likely to flood. There were two garages to the front area of plot prior to the development of the barns.

5.2 The Parish Council observes:

- i) Size of proposal disproportionate to size of dwelling
- ii) Proposal in proximity of listed building
- iii) Proposed site is below electricity/telephone lines
- iv) Size of proposal will impair view from neighbouring property

- v) Consider a more appropriate siting of proposal could be developed

5.3 A letter of objection has been received from Mr R J Beddoes, Brownsland Farm, Hope under Dinmore, Leominster, Herefordshire HR6 0PW. The main points being:

- Garage is 12 foot high and will restrict the outlook from objectors property. This could be overcome if height was lowered, 12 foot is unnecessarily high.
- The new building will kill some of the hedge.
- There are other positions more suitable for the development.

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 size, design and appearance of the proposed building.
- ii) The effect of the building on the residential amenities of the occupants of adjacent dwellings.
- iii) The effect of the building on the character, appearance and setting of the adjacent Grade II Listed Building.

6.2 The proposed building is not very large and will be situated in the corner of the site away from the converted barn building. The design of the proposed garage and also the proposed external materials will be in keeping with the character and appearance of the converted barn. As such it is considered that the proposed building will look acceptable and have no adverse affect on the character and setting of the converted barn.

6.3 The cottage/farmhouse to the north of the site is on a higher level than the site of the proposed garage ie approximately 1 metre higher and is situated behind a stone retaining wall and a mature hedgerow. In this position the proposed building will be masked to a certain extent from the view of the existing cottage to the north. As such in this position it considered that the proposed building will not adversely affect the residential amenities of any of the occupants of any of the neighbouring dwellings.

6.4 Similarly it is considered that the proposed new garage will not adversely affect the setting, character or appearance of the adjacent Grade II Listed Building situated to the north of the site ie the existing farmhouse. The proposed garage is on a lower level than the farmhouse and will be partially hidden by the existing mature hedgerow. Consequently, the proposed building, when viewed in conjunction with the farmhouse, will be at a much lower level and set against the backdrop of the retaining wall and hedgerow where it will not be prominent nor intrusive on the setting of the listed building. The Conservation Officer has raised concerns over the impact the proposed building will have on the approach to the farmhouse. However for the above mentioned reasons plus the fact that there is also an existing stone boundary wall (approximately 1.3 metres in height) extending along the eastern boundary of the site, the visual impact of the proposed building on the setting of the farmhouse will be minimal. On balance, therefore, it is concluded that the impact on the setting of the listed building is not sufficient to warrant refusal.

- 6.5 The Conservation Officer has put forward the view that the original planning permission for the conversion of the barns had the specific benefit of keeping the parking area to the east open. However the buildings that were removed as part of that permission were not located in that specific part of the site. The new garage buildings approved under the original permission were approved on the site of or near buildings to be removed.
- 6.6 The garage block building, which was originally approved to serve both the applicants' dwelling and the attached dwelling, has not been built. The proposed siting of the proposed new garage would be in a practical position for its purpose. The proposed development is therefore considered to be acceptable and in accordance with planning policies and guidance, in particular Policy HBA4 of the Herefordshire Unitary Development Plan which relates to the settings of listed buildings.

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 - E08 (Domestic use only of garage)**

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

- 3 - The garage building hereby approved and that section of the garage building previously approved to serve the applicant's dwelling under planning permission no DCNC2003/2687/F and Listed Building Consent no DCNC2003/2686/L shall not be implemented in conjunction with each other.**

Reason: To define the terms to which this planning permission relates and to prevent a proliferation of buildings on the site, which would conflict with Policy HBA4 of The Herefordshire Unitary Development Plan 2007.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC**
- 2 - N03 - Adjoining property rights**
- 3 - The applicant should be aware that this planning permission does not override any civil/legal rights enjoyed by adjacent property owners and that any development which physically affects any adjoining property may affect these rights. If in doubt the applicant is advised to seek legal advice on the matter prior to undertaking any building work.**
- 4 - N14 - Party Wall Act 1996**
- 5 - 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: DCNC2007/1062/F

SCALE : 1 : 1250

SITE ADDRESS : Croftlands Barn, -, Hope-Under-Dinmore, Leominster, Herefordshire, HR6 0PW

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: 10024168/2005

7 DCNC2007/2352/F - ERECTION OF DETACHED HOUSE AND GARAGE AT REAR OF 34 WEST HILL, BROMYARD, HEREFORDSHIRE, HR7 4EX

**For: Mr & Mrs J. Read per Gibson Associates Bank
House Bank Crescent Ledbury Herefordshire HR8 1AA**

Date Received:
20th July 2007

Ward: Bromyard

Grid Ref:
64757, 54415

Expiry Date:
14th September 2007

Local Member: Councillors B Hunt & A Seldon

1. Site Description and Proposal

- 1.1 This application relates to the garden lying to the rear of 34 Westhill, Bromyard. The property fronts on to the A44 and is in a primarily residential area. Westhill Gardens bounds the site to the east with a wide grassed verge between the site and the metalled road. Residential dwellings bound the site to all of its other sides. The land slopes from west to east. The garden area is roughly rectangular and measures approximately 30 x 15 metres.
- 1.2 The proposal is for the erection of a single three bedroomed detached dwelling. The plans show a typical cross-winged arrangement with a covered porch and attached garage and the application form indicates a finish of red brick and a dark coloured concrete tile. Separate vehicular access is to be provided via Westhill Gardens.

2. Policies

- 2.1 Herefordshire Unitary Development Plan
DR1 - Design
DR2 - Land use and activity
H1 - Hereford and the market towns: settlement boundaries and established residential areas
H13 - Sustainable residential design

3. Planning History

- 3.1 None identified

4. Consultation Summary

Statutory Consultations

- 4.1 None required

Internal Council Advice

- 4.2 Transportation Manager - No objection subject to conditions

5. Representations

- 5.1 Severn Trent Water - No objection subject to condition
- 5.2 Welsh Water - The proposed development would overload the existing public sewerage system. No improvements are planned within Dwr Cymru Welsh Water's Capital Investment Programme. We consider any development prior to improvements being undertaken to be premature and therefore object to the development.
- 5.3 However, Welsh Water have subsequently advised that their primary concern is the addition of surface water run-off to the combined sewerage system and that if this can be dealt with on-site they would not object.
- 5.4 Bromyard Town Council - object to the application on the basis that it will be detrimental to the visual amenities of neighbouring properties and that it will have a damaging impact on the sewerage system.
- 5.5 One letter of objection has been received from Mr D R Wilmshurst, 115 Old Road who considers that the proposal will cause him a loss of privacy. However, he does advise that he would re-consider his objection on the proviso that there are no windows in the elevation facing his property.
- 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 key consideration of this proposal is its impact on the residential amenity of adjacent dwellings. 115 Old Road is the closest to the proposed development and approximately 15 metres away. The site is at a slightly higher level to those properties bounding it on Old Road, but the change in level is not so significant to result in an unacceptable overbearing effect on them. A condition requiring details of the slab level of the proposed dwelling, particularly in light of the slope across the site from east to west, will ensure that there is a satisfactory relationship between it and those surrounding.
- 6.2 Similarly a condition to ensure that no windows are inserted into the northwest elevation which faces the dwellings on Old Road will ensure that no direct overlooking occurs in the future. Subject to the conditions recommended above, the dwellings on Old Road will not suffer any detriment to residential amenity either in terms of loss of privacy or through an overbearing effect.
- 6.3 It is therefore the opinion of your officers that the proposal accords with policies DR2 and H13 of the Unitary Development Plan in respect of impact upon residential amenity.
- 6.4 The applicant's agent has submitted additional information regarding the treatment of surface water and this demonstrates that it will be dealt with on site. This approach has been agreed on sites elsewhere in Bromyard and on the basis that this satisfies the concerns raised by Welsh Water the application is acceptable and recommended for approval.

RECOMMENDATION:

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 - B01 (Samples of external materials)**

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

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

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

- 4 - F22 (No surface water to public sewer)**

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.

- 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 - H01 (Single access - not footway)**

Reason: In the interests of highway safety.

- 8 - H06 (Vehicular access construction)**

Reason: In the interests of highway safety.

- 9 - H05 (Access gates)**

Reason: In the interests of highway safety.

- 10 - H12 (Parking and turning - single house)**

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

Informatives:

- 1 - HN01 - Mud on highway**

- 2 - HN05 - Works within the highway**

- 3 - HN10 - No drainage to discharge to highway
- 4 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 5 - N19 - Avoidance of doubt

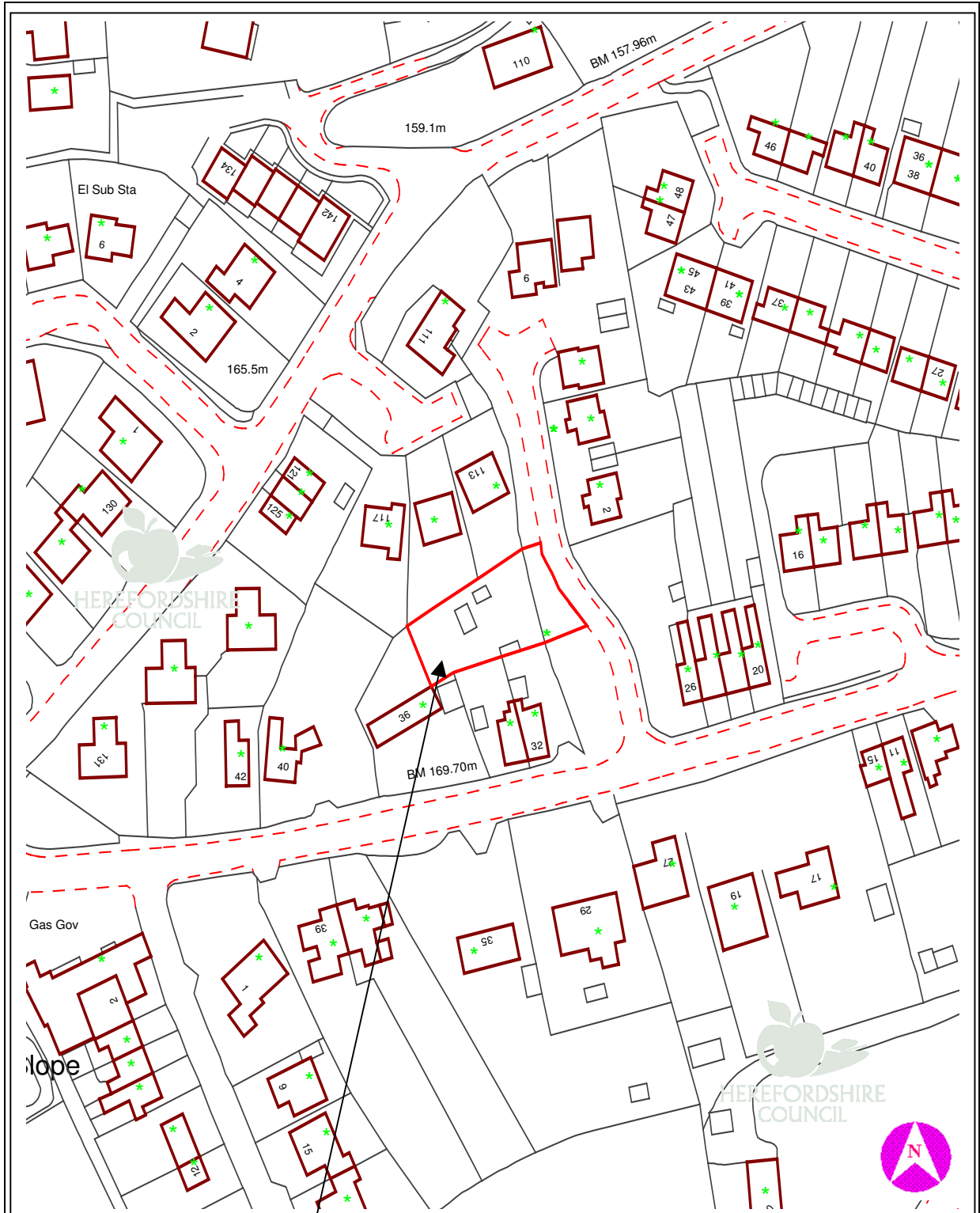
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNC2007/2352/F

SCALE : 1 : 1250

SITE ADDRESS : Rear of 34 West Hill, Bromyard, Herefordshire, HR7 4EX

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 DCNC2007/2448/F - PROPOSED AGRICULTURAL BUILDING TO STORE HOP GROWING RELATED IMPLEMENTS AND HOPS AT HAWTHORNE HOP YARD, AVENBURY, BROMYARD, HEREFORDSHIRE, HR7 4JZ

For: Mr E. Lewis per Linton Design 27 High Street Bromyard Herefordshire HR7 4AA

Date Received:

31st July 2007

Ward:

Bromyard

Grid Ref:

65335, 52520

Expiry Date:

25th September 2007

Local Member: Councillors B Hunt & A Seldon

1. Site Description and Proposal

- 1.1 The application relates to an area of land within a larger field given over for the production of hops. In total this area amounts to approximately 2.4 hectares.
- 1.2 The site is located at the easternmost end of the field and this is also the lowest lying area owned by the applicant with the land continuing to rise to the southwest. It is close to an existing field access and is bounded by high field hedgerows to the east and northwest. A small group of dwellings lie to the southwest, the closest being approximately 200 metres away. Development is otherwise randomly dispersed along the lane and the site therefore lies in an open countryside location.
- 1.3 The proposal is for the erection of an agricultural storage building. It has a floor area of 307 square metres and a height to its ridge of 7 metres. The plans indicate that the building will be finished with profiled sheeting coloured green for the walls and grey for the roof.

2. Policies

- 2.1 Herefordshire Unitary Development Plan
 DR3 - Movement
 E13 - Agricultural and forestry development
 LA2 - Landscape character and areas least resilient to change

3. Planning History

- 3.1 NC2007/2211/S - Prior notification application for the erection of an agricultural building for hop and related implement storage - Concluded that the proposed building required planning permission for two reasons. First is that it would have been within 25 metres of a classified road. Secondly is that the building relates to a farm holding of less than 5 hectares.

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Advice

4.2 Transportation Manager - Notes that the existing vehicular access is poor but raises no objection subject to a series of conditions to improve visibility splays, suitably surface the area immediately adjoining the carriageway and to ensure that any gates are set back.

5. Representations

5.1 Avenbury Parish Council - Do not support the application because it fails to meet policy E13, Sections 1, 2 and 4 of the Herefordshire Unitary Development Plan.

5.2 Nine letters of objection have been received in response to the public consultation period. In summary the points raised are as follows:

1. Poor vehicular access to the site.
2. Any access improvement would lead to the removal of hedgerow.
3. Junction of the lane with the B4214 is has poor visibility.
4. Elevated position will mean that any building is highly visible and will constitute a significant intrusion in the landscape.
5. The size of the building is not necessary for such a small area of land.
6. The size and nature of the proposal will significantly reduce the quality of life for occupants of adjoining properties.

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

6. Officers Appraisal

6.1 The key considerations in respect of this application are visual and landscape impact, highway safety and whether there is a need for a building of the scale proposed.

6.2 Policy E13 is specifically referred to by the parish council who believe that it fails on points 1, 2 and 4. The policy reads as follows:

6.3 Proposals for agricultural and forestry development subject to planning controls including prior approval of details will be permitted where:

1. in the case of new buildings, development is sited with existing groups of buildings where practicable, having regard to the functional relationship with other buildings and services;

2. where new buildings cannot be located with existing buildings, that such development is sited so as to be readily assimilated into the landscape, avoiding isolated or skyline locations and taking advantage of natural land form;
 3. adverse impacts on residential amenity and the environment are avoided; and
 4. proposals are well related to existing development and the landscape in terms of scale, design, colour and materials.
- 6.4 With regard to the first point, no other buildings exist on the land and therefore it is not practicable to site this proposal as part of a group. To do so would suggest that it should be immediately adjacent to the nearby residential dwellings. This would not be favoured for two reasons, residential amenity and landscape impact.
- 6.5 The second point is therefore of most relevance to this application. It does occupy an isolated location in an area characterized by randomly spaced development in the open countryside. Contrary to the comments of the objectors, the site is not one of significant prominence. It occupies the lowest lying part of the applicants land and is well screened by existing hedgerows. Its position also allows the use of an existing field access without the need for significant engineering works to create an access track. It is concluded that the proposal does not occupy a position on the skyline and takes advantage of the natural land form, therefore complying with this part of the policy.
- 6.6 Although not mentioned by the parish council, the issue of residential amenity is referred to by a number of the objectors. Being used for storage purposes and some 200 metres away from the nearest dwelling, the proposal will not cause any demonstrable detriment to residential amenity. The scheme accords with this element of the policy.
- 6.7 Finally, the proposal should be considered in terms of its scale, design and appearance. In itself an agricultural building of just over 300 square metres is not unduly large. Its design and appearance is that of a typical modern farm building. The choice of materials, subject to precise details, is considered to be acceptable and again the scheme accords with this part of policy E13.
- 6.8 It is concluded that the proposal accords entirely with E13 of the UDP. The application should now be considered in terms of highway safety and need.
- 6.9 The Transportation Manager notes that the existing field access is not of a particularly good standard and that visibility is poor. However his comments suggest that the proposal is acceptable subject to the imposition of conditions and therefore it is not considered that the issue of highway safety represents a justifiable reason to refuse the application.
- 6.10 The applicant's agent has advised that the building is to be used in connection with the use of the land for the growing of hops. Specifically, it will be used to house agricultural machinery including two tractors, and a range of equipment to be used in connection with hop growing on the land.
- 6.11 It is therefore concluded that the proposal is acceptable and accords with the Unitary Development Plan. The application is recommended for approval.

RECOMMENDATION

That planning permission be granted 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 - B10 (Details of cladding (agricultural and industrial buildings)**

Reason: To minimise the visual impact of the development.

- 3 - 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.

- 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 - H05 (Access gates)**

Reason: In the interests of highway safety.

- 7 - H06 (Vehicular access construction)**

Reason: In the interests of highway safety.

Informatives:

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

- 2 - N19 - Avoidance of doubt**

- 3 - HN05 – Works within the highway.**

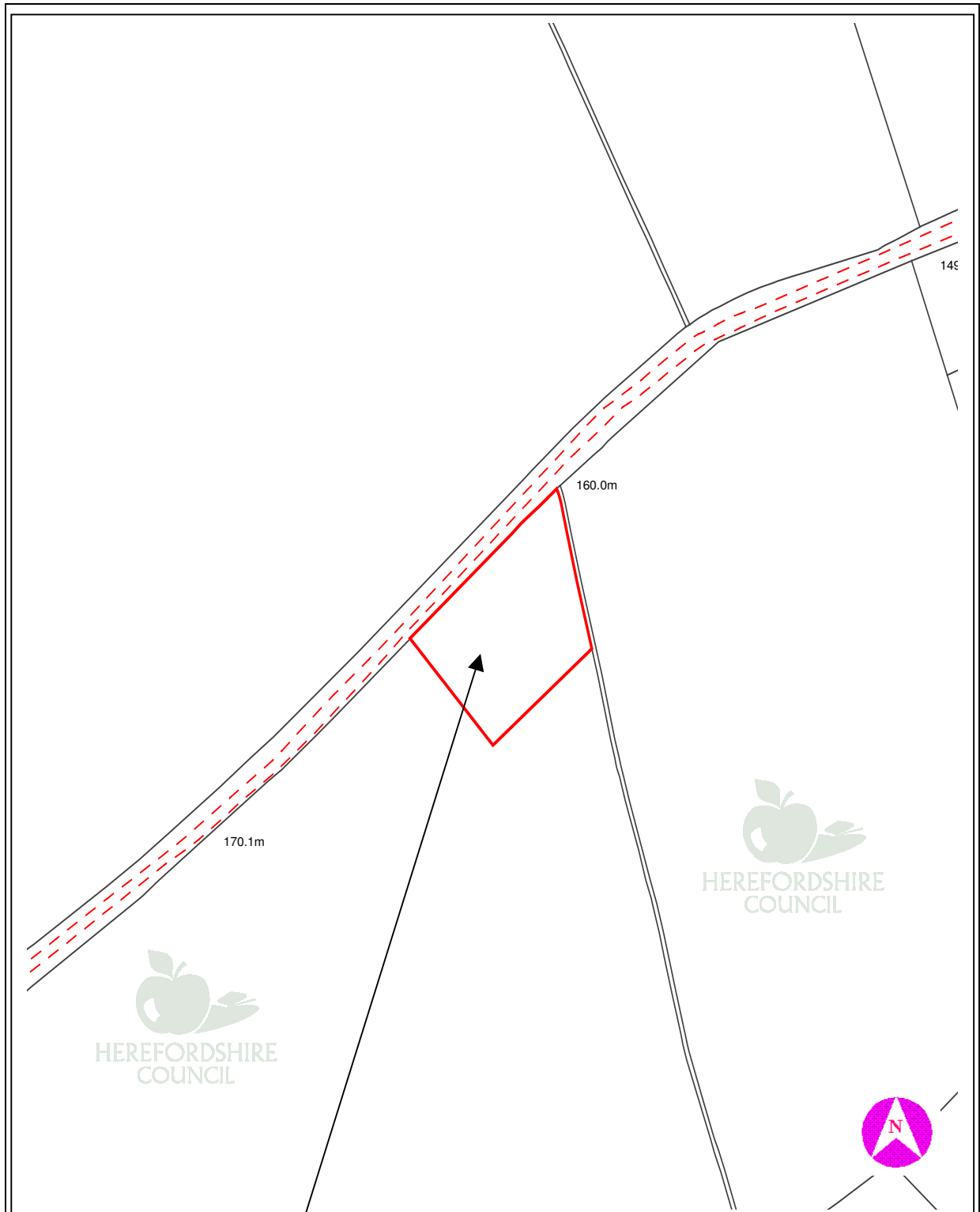
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNC2007/2448/F

SCALE : 1 : 1250

SITE ADDRESS : Hawthorne Hop Yard, -, Avenbury, Bromyard, Herefordshire, HR7 4JZ

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 DCNW2007/2155/F - CHANGE OF USE OF THE WEST PART OF THE NAVE TO SHOP AT ST LEONARD'S CHURCH, GREEN LANE, YARPOLE, HEREFORDSHIRE

For: Croft with Yarpole Parochial Church Council per Mr RWJ Chitham, South Bank, Green Lane, Yarpole, Herefordshire, HR6 0BD

Date Received:
4th July 2007

Ward: Bircher

Grid Ref:
46974, 64848

Expiry Date:
29th August 2007

Local Member: Councillor WLS Bowen

1. Site Description and Proposal

- 1.1 The application site is west part of the nave of Saint Leonards Church. This Grade II* listed church lies in the centre of the village of Yarpole. The church itself is an important medieval church with an outstandingly interesting detached belfry that is Grade I listed. Pedestrian access is available from Green Lane.
- 1.2 This application is for the change of use only to part of the building. For information purposes some draft indicative plans of the internal alterations have been provided. However this level of details is still being negotiated with the Diocesan Advisory Committee and the Council's Historic Building Officers. Separate applications for Listed Building Consent and Planning Permission (if necessary) for any physical alterations will be submitted if the change of use is considered favourably.

2. Policies

S1 – Sustainable Development
S5 – Town Centres and Retail
S7 – Natural and Historic Heritage
DR2 – Land Use and Activity
E10 – Employment Proposals within or adjacent to Main Villages
TCR14 – Village Commercial Facilities
HBA3 – Change of Use of Listed Buildings

3. Planning History

- 3.1 None on site.
- 3.2 History relating to temporary community shop to rear of The Bell Inn, Yarpole:-

DCNW2005/0088/F - Erection of a temporary portacabin for village shop and post office - Approved 10th March 2005 (2 year temporary permission).
DCNW2007/0478/F - Siting of a temporary portacabin for village shop and post office - Approved 12th April 2007 (2 year temporary permission).

4. Consultation Summary

Statutory Consultations

4.1 None

Internal Council Advice

4.2 The Environment Protection Manager raises no objection.

4.3 The Transportation Manager raises no objection.

4.4 The Conservation Manager makes the following comments:-

- The introduction of new uses into churches is generally to be welcomed and I consider the principle here to be very positive in bringing greater use to a building at the heart of the community.
- The application form says there will be no external alterations and it is indeed important to avoid unnecessary changes in the churchyard because the setting of the detached belfry is sensitive. A condition would be appropriate to require any advertisements, direction signs, lights or other features arising from the change of use to be the subject of the Council's written approval.
- There are no details of how the shop will work inside. Once this change of use is agreed, the west end of the church will lose the ecclesiastical exemption from listed building controls because it will no longer be a building (in the Act the definition of a 'building' includes 'part of a building') in use for ecclesiastical purposes. It is important that the application contains a plan of the building which shows the area to be changed and that the applicants also submit a schedule of the internal works required to accommodate the retail use, because in determining the planning application this Council must have regard to the effect of the change of use on the listed church. If necessary an application for listed building consent should be made.
- No objection in principle but further information required about the interior of the church and the works to be carried out to accommodate the shop before a conservation recommendation can be made.

4.5 On the submission of indicative plans the Conservation Manager made the following comments:-

- The most significant implications of the change of use are subdivision of the interior of the church, the formation of a new entrance and the setting out of a 'patio' outside the proposed shop door.
- The west end of the interior has already been screened off, and this proposal is broadly acceptable in terms of the additional effect on the interior. The exact extent and details of that subdivision could be the subject of a condition on this permission. The details will also form part of an application for listed building consent. I note that the Diocesan Advisory Committee (DAC) has not dismissed the principle but has raised concerns about the details.
- The formation of a new entrance is too expansive in terms of ancient fabric and too damaging to the appearance of the church. The porch should remain the single access point. It is very important that it is made clear that approval of the change of use does not convey approval of this proposed doorway. (The DAC is also of this view).

- The patio would be a hard and urban element which would harm the appearance of the churchyard and the setting of the Grade I Belfry. Again this element should be excluded from the approval of the use.
- Approval recommended in principle but the proposed doorway and paved area to be excluded.
- A condition that the details of the work to the interior of the church be agreed in writing prior to commencement would be appropriate.

5. Representations

5.1 Yarpole Parish Council- No response

5.2 One letter of support has been received from Mr & Mrs Wingfield, 6 Phillips Acre, Yarpole which can be summarised as follows:-

- The community shop in Yarpole is an outstanding example of what can be achieved by a small village such as Yarpole when villages pool their resources and offer their time on a voluntary basis.
- The shop provides an essential local facility for those that cannot drive and it helps minimise the impact on the local environment.
- The facility within the church will be to the benefit of the local community.
- The application should be supported and encouraged to continue to offer a sustainable and environmentally friendly service to the community.

5.3 Letters of objection have been received from:

- Richard Elway, Stone Cottage, Leys Lane, Bircher
- Mr & Mrs Taylor, Virginia Cottage, Green Lane, Yarpole
- Dr Boulton, Long Fridays, Yarpole

Comments can be summarised as follows:-

- I am not in favour of the church being used for such a purpose, even if it does attract funding. This is not justification.
- It is intended to be used as a Post Office but Yarpole not sure it will retain a Post Office.
- As a resident I would not be prepared to use a shop in a church, but may use the one in the Bell car park or even Village Hall, which is woefully underused.
- Concern relating to car parking outside church causing problems for residents nearby.
- Concern regarding delivery vehicles parking on road.

5.4 In support of the application the Yarpole Community Group Project has provided a copy of the questionnaire that was distributed to all households in the Parish in April and a note subsequently published in the Parish Newsletter analysing the responses received. This letter (received 16th July 2007) states that in broad terms local people are in favour of the proposal by a majority of 85% (109 questionnaire forms were returned out of a possible 310 households).

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

6. Officer's Appraisal

- 6.1 This application, for the change of use of part of the church for use as a village shop and associated Post Office, raises several issues for consideration:
- a) The principle of a village shop in this location
 - b) Highway safety issues and implications
 - c) Impact on the conservation Area and Setting of the Listed Building
- 6.2 Policy TCR14 of the UDP (2007) makes provision for new retail and commercial developments subject to them being of an appropriate scale and it not threatening the vitality of viability of an existing centre or compromising the County's retail hierarchy. The proposed shop and post office within the church would take over from the current temporary arrangement of the portacabin sited on land adjacent to the Bell Inn Car park. This permission expires in April 2009. As such this would not be an additional service but continuing one. There are no objections, as a matter of principle to a village shop and post office being provided in this central location as it is of an appropriate scale and would not impact on the retail hierarchy of the surrounding area. It will continue to provide an important local facility for the village.
- 6.3 The application site lies in the centre of the village. The scale of the shop is relatively small, offering a local service for convenience goods and post office facilities. The highway outside of the church along Green Lane is suitable for on-road parking and is used in this way by users of the church. The level of use of the shop is unlikely to be of such a scale that would cause a highway safety issue. It is also worth noting that prior to the shop being located within the portacabin to the rear of the Public House, the shop was located approximately 75m east on the junction of Green Lane.
- 6.4 Deliveries to the shop would also be able to be accommodated from the highway. Should any alterations be required to provide access to the site for vehicles (including alterations to the access or laying of any hard surface) this would require the benefit of planning permission, which would be considered accordingly on its own merits. One letter of objection raises the possibility of demarking parking areas for the shop and residents, the parking is however on a public highway and this is not within the application site or jurisdiction of the applicant or planning authority. In considering this use, the highway safety impact of parking and manoeuvres have been carefully appraised and the Council's Planning and Highway officers are satisfied that the proposal complies with policy DR3 of the UDP (2007).
- 6.5 Although this application relates to the change of use only, indicative plans of the proposal were requested in order that some assessment of the impact on the Conservation Area and setting of the Listed Building could be considered. The Conservation Officer has raised issues in relation to external works that could give rise to concern. Separate Planning Permission and Listed Building Consents would be required and an informative note and condition is suggested to bring this to the attention of the applicant. Negotiations and discussions with the DAC and Council's Conservation Officer are ongoing. In principle however no objection has been raised by the Conservation Officer and as such the proposed change of use conforms with Policies HBA4 and HBA6 of the UDP (2007).

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 - A11 (Change of use only details required of any alterations)

Reason: To define the terms under which permission for change of use is granted.

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

Reason: To suspend the provisions of the Town and Country Planning (Use Classes) Order currently in force, in order to safeguard the amenity of local residents, highway safety and the setting of the listed buildings.

INFORMATIVES:-

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

- 2 - Non Standard

- 3 - N19 - Avoidance of doubt

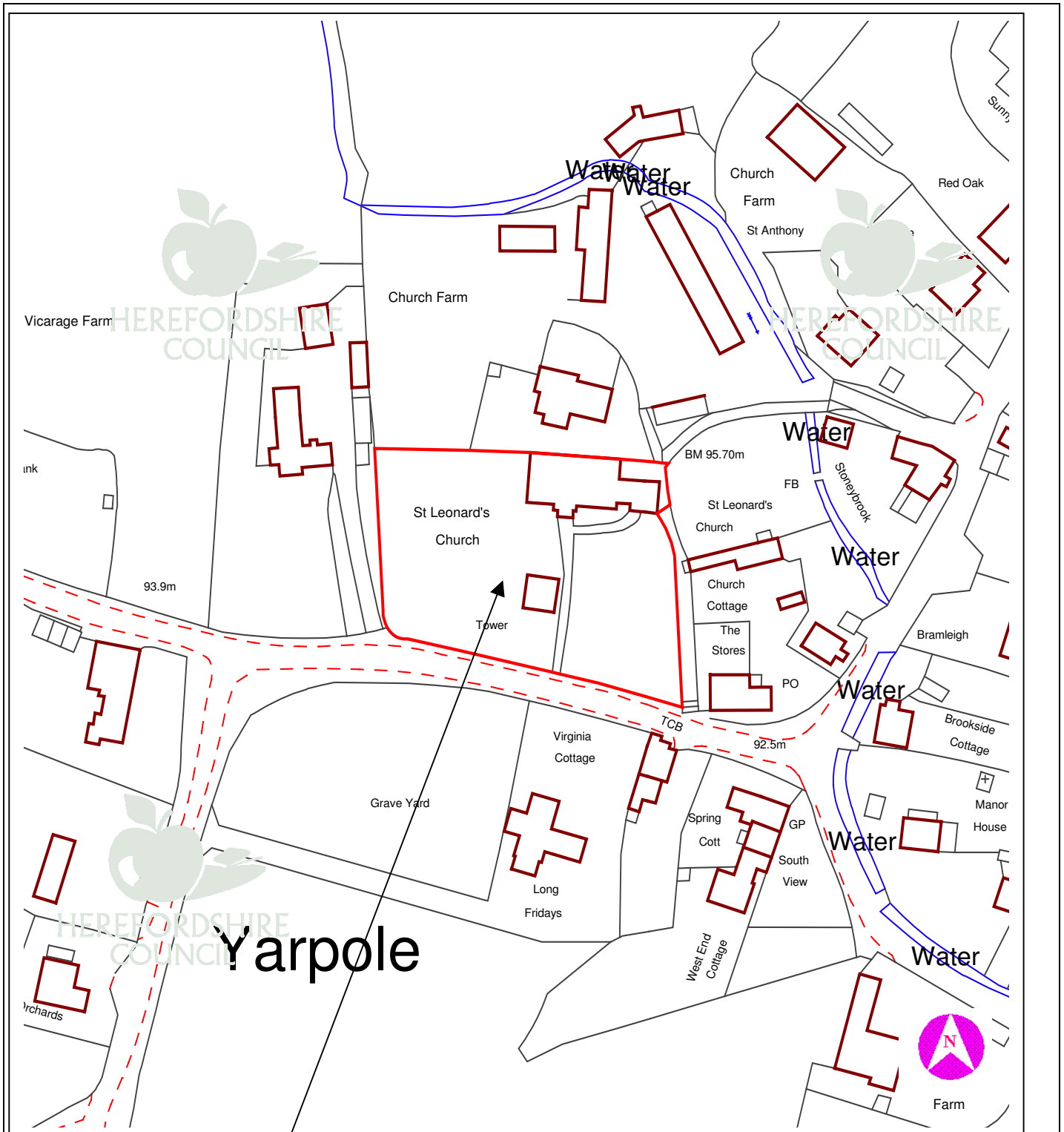
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNW2007/2155/F

SCALE : 1 : 1250

SITE ADDRESS : St Leonard's Church, Green Lane, Yarpole, Herefordshire

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 DCNW2007/2220/F - PROPOSED TWO SEMI-DETACHED DWELLINGS AT DARK LANE, LEINTWARDINE, SY7 0LY

For: Keith Pearce & Roger Davies per Mr K Pearce, Glenhayden, Donkey Lane, Ashford Carbonel, Ludlow, SY8 4DA

Date Received:
18th July 2007

Ward: Mortimer

Grid Ref:
40476, 74521

Expiry Date:
12th September 2007

Local Member: Councillor Mrs LO Barnett

1. Site Description and Proposal

- 1.1 The site is located within the recognised development boundary for Leintwardine. Relatively flat in area it is in an elevated position above the unclassified 92211 public highway which abuts its eastern elevation. The other three boundaries to the application site are adjoined by dwellings of various scale and character.
- 1.2 The application proposes construction of a pair of semi-detached two-storey dwellings, with an internal floor space of approximately 87.5 square metres, (when measured externally). Also proposed are two attached garages one for each dwelling located on either side of the proposed development.

2. Policies

S1 – Sustainable Development
 S2 – Development Requirements
 DR1 – Design
 DR2 – Land Use and Activity
 DR3 – Movement
 DR4 – Environment
 H4 – Main Villages: Settlement Boundaries
 H16 – Car Parking
 LA2 – Landscape Character and Areas Least Resilient to Change

3. Planning History

- 3.1 NW2006/1724/0 - Site for residential development - Approved 18th July 2006.

4. Consultation Summary

Statutory Consultations

- 4.1 Severn Trent Water raises no objections subject to the inclusion of a condition with regards to on site drainage details to any approved notice subsequently issued.

Internal Council Advice

- 4.2 The Transportation Manager raises no objections subject to the inclusion of conditions with regards to visibility splays and on site parking to any approval notice subsequently issued.

5. Representations

- 5.1 Leintwardine Parish Council has responded to the application stating 'no comment'.

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

- Mr & Mrs Stead, 48 The Criftins, Leintwardine
- Mrs Heather Davies, Cartref, Dark Lane, Leintwardine
- Mr & Mrs S Jukes, 46 The Criftins, Leintwardine
- Mr & Mrs P Ferguson, Creig Nordie, Dark Lane, Leintwardine

Issues raised include:-

- Impact of proposed development on the adjoining public highway.
- Impact on view from neighbouring dwelling to the rear of the application site.
- Impact on privacy and amenity of adjoining dwellings.

- 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 key issues in respect of this application are:-

- Impact of the proposed development on the adjoining public highway.
- Privacy and amenity of surrounding dwellings.

6.2 Impact of the proposed development on the adjoining public highway

The applicant submitted amended plans indicating a shared access from the adjoining public highway to the application site, to which the residents located alongside the application site adjacent to 'Dark Lane' have raised no objections. The Transportation Manager also raises no objections to the proposed development subject to the inclusion of appropriate conditions with regards to visibility splays, access gates and parking to any approval notice subsequently issued.

6.3 Privacy and amenity of surrounding dwellings

The application site measures approximately 0.06 hectares, and the proposed development has a ground floor area of approximately 120 square metres. The nearest existing dwelling to the proposed development is located alongside the southern boundary of the site and is located approximately 8 metres in distance from the proposed development.

- 6.4 The proposed dwellings have no windows in their side elevation facing the neighbouring dwelling alongside the southern elevation and is situated sufficiently far away (20 metres) as to have no adverse impact on the dwellings located to the west of the application site, which has its side elevation facing towards the application site.
- 6.5 It is the occupants of the dwelling located alongside the western side of the application site, who have raised objections due to impact on their view. This is not considered a sufficient planning reason for refusal of the application.
- 6.6 The proposed development is of such that it is considered acceptable on amenity and privacy issues and with no adverse impact on public highway issues, the application 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 - E16 (Removal of permitted development rights)**

Reason: In order to protect the residential amenity of surrounding dwellings.

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

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

- 5 - Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed/occupied.**

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

- 6 - H04 (Visibility over frontage)**

Reason: In the interests of highway safety.

- 7 - H01 (Single access - not footway)**

Reason: In the interests of highway safety.

8 - H05 (Access gates)

Reason: In the interests of highway safety.

9 - H09 (Driveway gradient)

Reason: In the interests of highway safety.

10 - H13 (Access, turning area and parking)

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

11 - H06 (Vehicular access construction)

Reason: In the interests of highway safety.

INFORMATIVES:

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

2 - HN01 - Mud on highway

3 - HN04 - Private apparatus within highway

4 - HN05 - Works within the highway

5 - HN10 - No drainage to discharge to highway

6 - HN21 - Extraordinary maintenance

7 - N19 - Avoidance of doubt

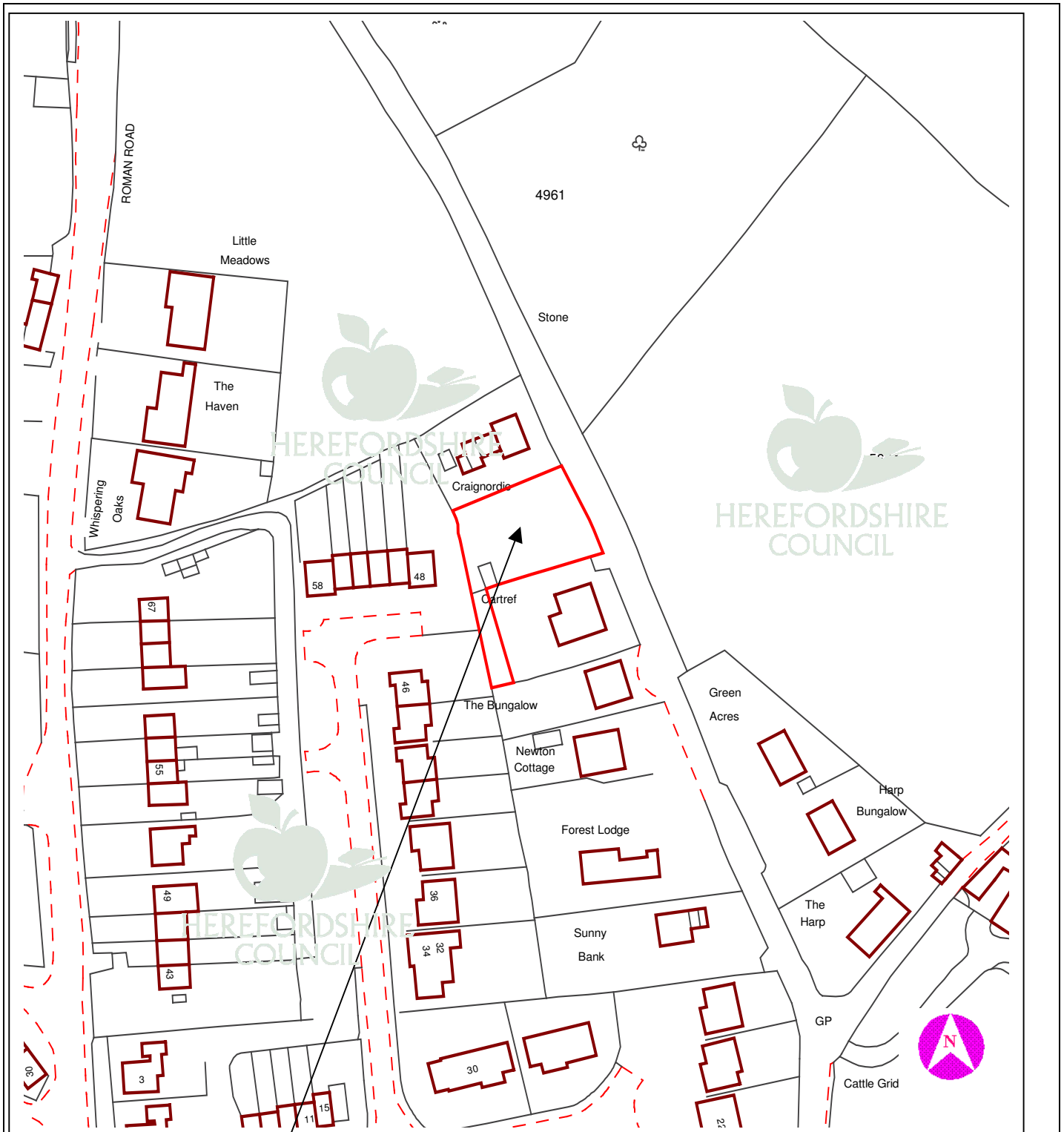
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNW2007/2220/F

SCALE : 1 : 1250

SITE ADDRESS : Dark Lane, Leintwardine, SY7 0LY

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 DCNW2007/2238/F - PROPOSED GARAGE AT THE BRAMLEYS, CHURCH LANE, ORLETON. SY8 4HU

For: Mr & Mrs D. Kingan

Date Received:

12th July 2007

Expiry Date:

6th September 2007

Local Member: Councillor WLS Bowen

Ward: Bircher

Grid Ref:

49258, 67096

1. Site Description and Proposal

- 1.1 The application site comprises a 1970's detached bungalow which has a single garage to the east elevation. The dwelling sits in a fairly significant garden and is set back from Church Lane by approximately 32 metres. The dwelling has a mix of stone and render with a tiled roof. Church Lane has a mix of dwellings of varying ages and styles. The boundary with the lane has a post and rail fence with some shrubs. The boundary to the west adjacent Well Cottage (Grade II Listed) is primarily a substantial hedgerow. A Public Right of Way runs along this boundary.
- 1.2 This application seeks permission to erect a double garage to the front of the property (southwest). The garage would have a footprint of 6.6m by 6.6m, an eaves height of 2.2m and an overall ridge height of 4.4m. The garage would be constructed with a brick plinth, rendered walls and clay tiled roof to match dwelling. The garage would be sited 20m from the boundary with Church Lane, 6m from the South Western Boundary. A Public Right of Way runs between The Bramleys and the neighbouring property, Well Cottage. The existing oil tank would remain in situ between the boundary and proposed garage. Planting is suggested to the south east wall of the garage as well as planting between the garage and road.

2. Policies

S7 – Natural and Historic Heritage

DR1 – Design

H18 – Alterations and Extensions

HBA4 – Setting of Listed Buildings

HBA6 – New Development within Conservation Areas

3. Planning History

- 3.1 NW2007/1472/F - Construction of a greenhouse - Approved 3rd July 2007 - (please note that this application also originally sought approval for a garage. This element was withdrawn on advice of Officers prior to determining the application)

4. Consultation Summary

Statutory Consultations

- 4.1 None

Internal Council Advice

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

4.3 The Conservation Manager makes the following comments:

4.4 The proposal generally follows earlier advice, The scale and most details are now appropriate and I can see no potential harm, to the character and appearance of the Conservation Area. Approval is recommended.

5. Representations

5.1 Orleton Parish Council has no objections

5.2 Letters of objection have been received from:

- W R Sanders, Well Cottage, Church Lane
- Mr M F Jukes, Calvados, Church Lane (2 letters with annotated photos and plans enclosed)
- Mrs M James, Calvados, Church Lane (with photos enclosed)
- MA Gargolinski, Stone House, Church Lane (with annotated photos enclosed)

5.3 These objections can be summarised as follows:

- Concern about use of garage as a workshop and potential noise nuisance
- Lack of evidence that the single garage is not suitable for a modern car to justify building a new garage
- The application is identical to the original one apart from cosmetic adjustments to the ridge and eaves height and roof pitch which might have little perceived effect in view of the location on a slope at a higher level than the bungalow.
- A single garage could have been sited in a position to the west of the dwelling
- The garage would impact on the setting of Well Cottage
- The garage would conflict with policies that clearly acknowledge the importance of open space and open character in the core of Conservation Areas.
- We could not and cannot define the many enhancements that a new detached building fairly centrally located in the front garden would bring to the architectural, historic or open character of the Conservation Area.
- The garage is of too great a scale and is wrongly located
- Conservation Officers comments are still appropriate
- Views would be impeded by a mass of unrelieved, rendered blockwork and roof tiles and the general open aspect of the view eliminated.
- The design does nothing to complement the bungalow or its surroundings. It is totally undistinguished and takes no account of its location within the Conservation Area.
- The garage is dominant, prominent and intrusive
- The outlook from Calvados would be replaced by an over scaled, poorly designed, wrongly located, new building. It would impact us adversely without proving and enhancement to the open setting, historical and rural character of this Conservation Area.

5.4 The applicants have responded to the objections submitted and these comments can be summarised as follows:

- On the advice of Officers the wall height has been reduced and roof pitch reduced to 30 degrees. This gave a ridge height reduction of 1 m or about 20%.
- The Bramleys is not a listed property; it is a modern family bungalow. The rendered and painted garage wall would match the rendering on the front aspect of the bungalow and roof tiles will blend with the bungalow roof tiles.
- Inevitably the garage would be visible to anybody looking directly into the garden, but it would not greatly impact onto the lane because it would be 20m from the front boundary. This would also be screened by further trees and shrubs.
- The garage would be used to garage cars and other uses commensurate with a dwelling house.

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

6. Officer's Appraisal

6.1 The main issues in the consideration of this application are:

- The scale and design of the garage and the impact on the character and appearance of the Conservation Area and setting of the Listed Building.
- The impact of the proposed building on the amenities currently enjoyed by neighbouring properties.

6.2 Church Lane is a narrow lane, characterised by a variation of dwelling types and styles, some of which immediately front the highway. The Bramleys, and its neighbour Calvados (built in the original garden of the Bramleys) sit back from the lane unlike other dwellings on the northern side of this lane which are much more prominent.

6.3 The previous application on this site proposed a similar double garage which was withdrawn due to concerns raised by the Conservation and Planning Officers with regards to the bulk and scale of the proposal which were a result of the excessive height of the proposed building. This garage had the same footprint but had an eaves height of 2.7m and a ridge height of 5.4m.

6.4 The concerns of the neighbours have been carefully considered in assessing this application due to its sensitive location within the Conservation Area. However, the height of the garage has now been reduced by one metre, the result being the loss of much of the bulk and massing of the building. This is now considered to be a much more appropriate size and scale for an ancillary domestic garage building. The garage is set back some 20m from the lane and is subservient to the dwelling house in siting and design.

6.5 The historic views along Church Lane towards St Georges Parish Church are not affected. As such the proposed garage would preserve the character and appearance of the Conservation Area in accordance with Policy HBA6 of the UDP and in accordance with guidance contained within PPG 15 – Planning and the Historic Environment. Likewise, now that the height has been adjusted, the setting of the Grade II Listed Well Cottage would not be adversely affected and the proposal would accord with Policy HBA4 and the national guidance above.

6.6 Letters of objection have raised concerns with regards to the loss of view and overbearing nature of this development. The proposed garage lies some 12- 15m from the boundary with Calvados and has no direct impact other than being seen from their

garden. The garage does not affect their living conditions. The garage is set back 6m from the boundary with the Public Right of Way to the west, and due to the roadside location of Well Cottage, the height of the garage and presence of significant landscaping there is no direct impact on the living conditions of Well Cottage. It is accepted that the residents of Stone House and other occupiers of dwellings across the lane would see the garage, it would however not directly affect their living conditions being set approximately 23m from their boundaries. As such the proposal is considered to comply with Policy H18 of the Herefordshire Unitary Development Plan (2007).

6.7 To conclude, the proposed garage given its revised height and subsequent reduced mass, would preserve the character and appearance of the Conservation Area and Setting of the Listed Building. Its design and relationship is appropriate in context with the dwelling. There will be no immediate neighbour impact leading to a loss of amenities. As such the proposal is considered to be acceptable, subject to conditions relating to use, landscaping and materials, and conforms with the relevant policies of the Unitary Development Plan 2007.

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 - G04 (Landscaping scheme (general))**

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

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

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

- 5 - E08 (Domestic use only of garage)**

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

INFORMATIVES:-

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

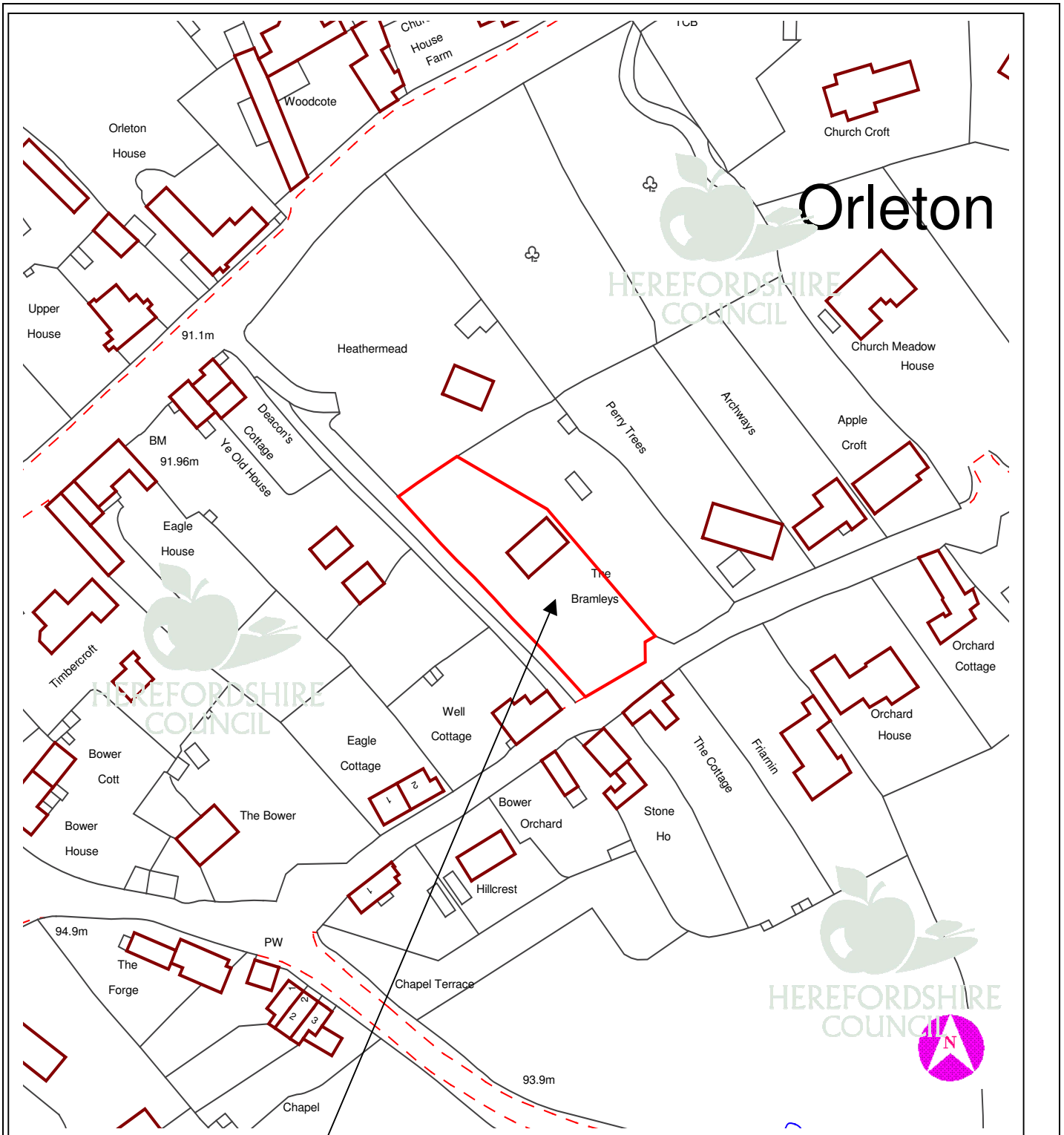
- 2 - N19 - Avoidance of doubt**

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: DCNW2007/2238/F

SCALE : 1 : 1250

SITE ADDRESS : The Bramleys, Church Lane, Orleton. SY8 4HU

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 DCNE2007/2042/F - PROPOSED SINGLE STOREY EXTENSION AT 21 JOHN LEE ROAD, LEDBURY, HEREFORDSHIRE, HR8 2FE

For: Mr & Mrs S Ratcliff, Tudor Design, Caerswall Farm, Much Marcle, Herefordshire, HR8 2NY

Date Received:
26th June 2007

Ward: Ledbury

Grid Ref:
70083, 37949

Expiry Date:
21st August 2007

Local Members: Councillor Mrs ME Cooper, Councillor Mrs K Swinburne, Councillor PJ Watts

1. Site Description and Proposal

- 1.1 The application site lies on the eastern side of John Lee Road within Ledbury. The housing hereabouts forms part of a modern housing estate. The property the subject of this application is the southern-most of a terrace of three houses. To the north-west of the site in front of numbers 17 and 10 John Lee Road is an equipped children's play area.
- 1.2 The proposal is to erect a single storey front extension to number 21 John Lee Road. The extension would have a depth of 2 metres, a width of 5.2 metres and a height to eaves of 2.7 metres. The extension would have a lean-to roof that would meet the height of the house below the first floor window cills.
- 1.3 This extension would create a larger kitchen area and an entrance lobby / porch area.

2. Policies

2.1 Central Government Advice

Planning Policy Statement 1 – 'Delivering Sustainable Development'

2.2 Herefordshire Unitary Development 2007

Policy DR1 – Design

Policy H18 – Alterations & extensions

3. Planning History

- 3.1 NE2004/2097/F - Loft Conversion - Permitted

4. Consultation Summary

Statutory Consultations

4.1 None

Internal Council Advice

4.2 Highways & Transportation: - No objection

5. Representations

5.1 Two letters of objection have been received from owners / occupiers of dwellings in the immediate vicinity. They object on the following summarised planning grounds: -

- The proposed extension would be a visual intrusion within the pleasant street scene detracting from the original design;
- The proposal would obstruct the footpath;
- The proposed development would obstruct vehicles manoeuvring from the parking area to the south-east;
- The proposed development would result in a loss of daylight to number 23 John Lee Road and would result in an undue physical mass.

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 proposed extension would be sited to the front of the dwelling. Its siting is entirely within the curtilage of the existing property and indeed the case officer has measured the site such that a 40 centimetre gap would be maintained to the back edge of the footway.

6.2 The design of the proposed extension is considered to be appropriate and it would certainly be modest and subordinate to the original dwelling. It is considered to be of an appropriate design to the original dwelling and not adversely affect the appearance of the street scene.

6.3 In terms of the manoeuvring of motor vehicles, as previously stated the proposed extension would be entirely sited within the front garden area of number 21 John Lee Road. The proposal would not obstruct an existing area that is afforded to the turning / manoeuvring of motor vehicles.

6.4 The distance from the front elevation of number 23 John Lee Road and the flank elevation of the proposed single storey side extension is approximately 11 metres. Given that distance, the fact that number 21 John Lee Road is sited to the north-east and the single storey nature of the proposed extension, it is considered that the occupiers of the existing dwelling at number 23 John Lee Road would not suffer any undue loss of amenity.

6.5 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))**

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**

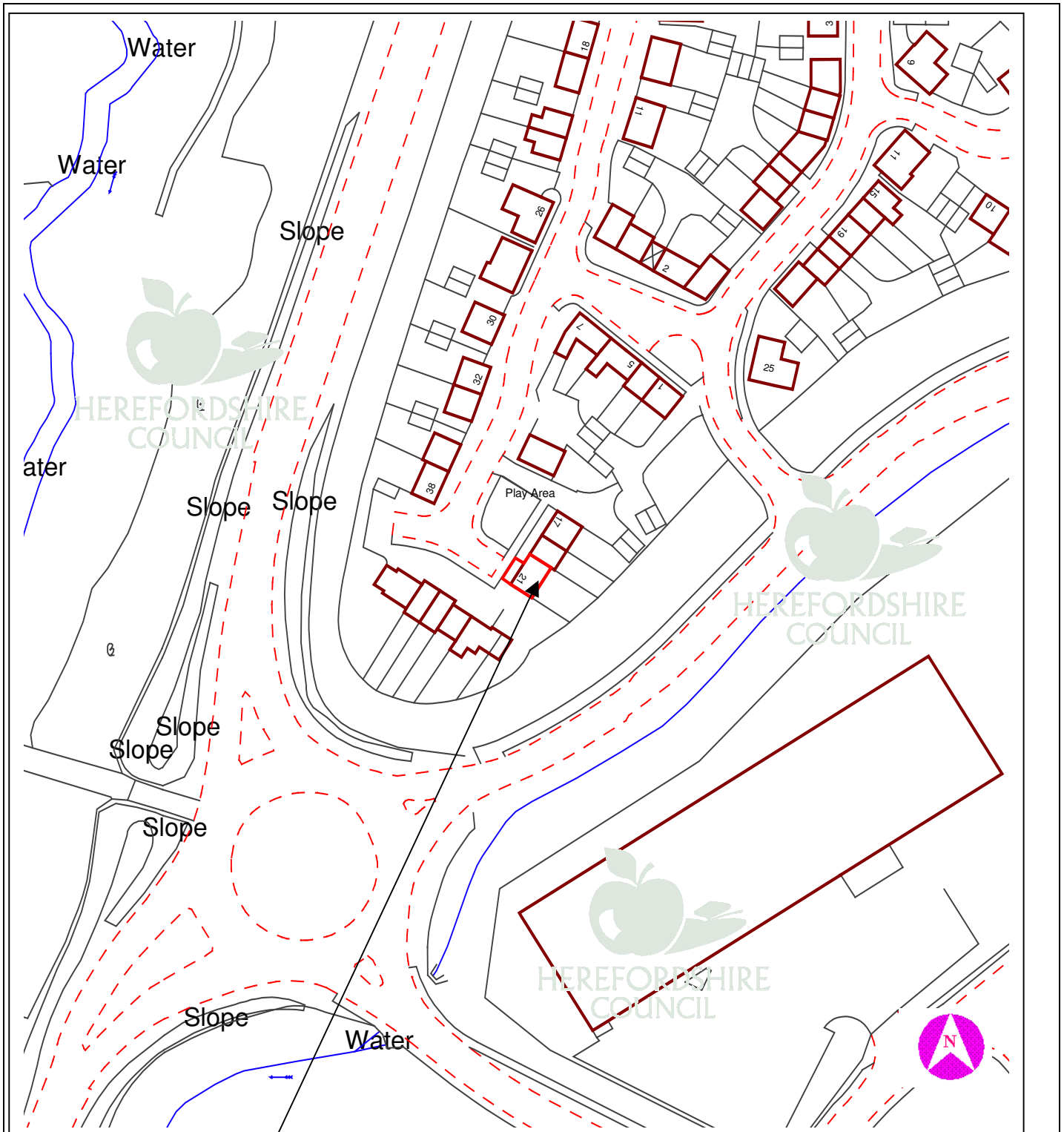
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNE2007/2042/F

SCALE : 1 : 1250

SITE ADDRESS : 21 John Lee Road, Ledbury, Herefordshire, HR8 2FE

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

**13 DCNE2007/2216/F - PROPOSED LIVESTOCK SHED AT
LAUREL COTTAGE, STORRIDGE, MALVERN,
HEREFORDSHIRE, WR13 5HA**

**For: Mr P Chalk per Mr J Taplin, John Taplin
Associates, The Orchard, Clevelode, Malvern, Worcs,
WR13 6PD**

Date Received:

11th July 2007

Ward: Hope End

Grid Ref:

74743, 50487

Expiry Date:

5th September 2007

Local Member: Councillor R Mills

1. Site Description and Proposal

- 1.1 The application site is a 5.2 ha field on the east side of the C1142 in the area known as Birchwood, 2km to the north of the A4103 at Storrige. The land slopes upwards away from the road and is bounded by a mature hedgerow. The field is prominent in the wider landscape. A recently constructed agricultural storage building, 15.6m x 8m in size, adjoins the southern boundary of the site. The building is sited 25m from the road and is served by an existing access.
- 1.2 This application is for the construction of a 12.8m x 5.4m extension to the northern elevation of the building. It would be built and clad in timber with a green sheet roof to match the existing building. The extension would have a mono pitched roof with a maximum height of 3.6m and have two open bays facing on to the existing yard. The extension is required for lambing and to house the applicant's Highland cattle for 3 months during wet weather in winter. Drainage, as proposed, would be to a new 1.5m x 1.2m sump filled with crushed stone with an overflow via land drains to the lowest point in the field.
- 1.3 The farm unit is 12.3ha in size, including 4ha of rented land and is run as a traditional smallholding with a mixed stock of cattle, pigs and sheep. Produce is sold direct to the public.
- 1.4 The site is in the Malvern Hills Area of Outstanding Natural Beauty.

2. Policies

2.1 Planning Policy Statements

PPS 7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007

Policy E13 - Agricultural and forestry development

Policy LA1 - Areas of Outstanding Natural Beauty

Policy DR4 - Environment

3. Planning History

- 3.1 NE06/0580/S Agricultural storage building - Prior Approval Refused 15.03.06
- 3.2 NE06/1263/S Agricultural Storage Building - Withdrawn 26.05.06
- 3.3 NE/06/1862/S Agricultural Storage Building - Prior Approval Not Required 27.06.06

4. Consultation Summary

Non-Statutory Consultation

4.1 The Environment Agency advise:-

As it stands the proposed drainage arrangement based the plan dated May 2007 is not considered satisfactory. Further to discussion with Michael Morris in our EM team we would recommend that the drainage from within the buildings and from any yard areas that are likely to produce contaminated run-off must drain to a sealed tank or lagoon, for later disposal by spreading or some other approved disposal route. So as to minimise the quantity of uncontaminated liquid entering the tank (or lagoon) all roof drainage and uncontaminated drainage from surrounding land should be diverted away from this tank. If the building and/or yard areas are likely to be contaminated with polluting material for only part of the year, the applicant may wish to consider using some form of diversion system to channel clean water away from the tank at times when there is a low risk of contamination.

We would have no objection, in principle, to the proposed development and recommend a condition to secure the above.

4.2 The Traffic Manager has no objection.

4.3 The Environmental Health and Trading Standards Manager has no objection.

4.4 The County Land Agent has provided a report on the farm and concludes that 'The proposed extension is justified and will help keep the smallholding run on traditional lines in a position to comply with cross compliance and give the necessary control over grazing to keep pastures in good heart.'

5. Representations

5.1 The Design and Access Statement that accompanies the application makes the following points:

- The application is submitted to improve livestock welfare facilities. The Environment Agency requires that the cattle should not be housed in an open facility even for short periods due to the serious issue with run-off.
- The size of the building is based on current livestock levels and DEFRA recommendations as follows:
Highland cattle - 10 breeding cows and heifers, 1 breeding bull, 6 steers and 5 to 8 calves. Feeding facilities will be incorporated with the hard standing. Whilst Highland cattle can live out all year round, the housing is required for the winter

months during extremely wet weather to prevent poaching of the land especially around feeders and drinkers. Minimum recommended space per 500kg cow is 5.85 sq.m. Heifer calves require a separate space away from the bull.

Highland calves (10-12 months of age) - these calves have to be halter trained for ease of handling, showing and sale. The first year the calves are wintered in to facilitate halter training. For personal safety and to prevent injury to each other they require a space of 9 sq. m./head.

Sheep - 20 to 25 breeding ewes have to be housed at lambing time at a rate of 2.0 -2.2sq m/ewe and lamb. In addition, six 4 sq m pens are required for welfare during lambing.

- The Council's Landscape Architect's recommendations on the building style, area plan, height and tree planting have been followed. The timber framed building will match the existing.
- The drainage details are based on the advice of the Environment Agency to build a sump with over flow to the lowest point in the field. This recommendation was made during a site visit where it was suggested that the sump would collect any possible run off and dissipate it before entering any watercourse.

5.2 Cradley Parish Council have no objections.

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

- There is a serious issue with run off from the existing barn and drainage. Potable spring water originally discharged into a 'catch pit' that provided a private water supply to Laburnum Cottage. The barn's drainage has diverted the supply and it now discharges into an orchard causing water logging, fruit trees to die and concern that it is backfeeding into the septic tank.
- The catch pit now only receives run off water from the existing barn. It becomes a torrent in heavy rain and gets contaminated when livestock are in the barn or corral. Analysis of the water by the Council shows that it does not comply with the required standard.
- The application doubles the size of the barn and will increase the severity of the problems. The proposed drainage system is unlikely to resolve the problem as the sub strata does not soak away water. It is in the poorest category in terms of soaking away water and explains why the land is so poached during the winter months. Previous stocking levels were lower.
- Highland cattle are hardy and suitable for more inclement conditions than Herefordshire. If it is necessary to house them in the winter months then it suggests that the land is not suitable or the stock levels too high.
- The proposed drainage scheme does nothing to dissipate or filter foul matter. It will be deposited in the pond or sump at the lowest point of the field opposite Vineyard Cottage creating a potential health hazard.
- Any increase in run off from the field or road will exacerbate flooding of the gateway to Vineyard Cottage which is opposite the lowest point of the site.
- The present proposal would result in a larger structure than those previously turned down. These applications were refused or withdrawn due to their size and visual impact on the AONB.
- There is a restriction on the current use of the building for housing animals due to the proximity of residential properties.

5.4 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 This application is for the extension of an existing agricultural building. The site is in open countryside designated as an Area of Outstanding Natural Beauty and there are a number of houses to the east of the site. The main issues are the impact on the landscape and nearby residential properties. In addition, the site is on land with poor natural drainage and drainage is a material consideration in determining this application.

6.2 The existing agricultural building on the site was 'permitted development' where the Council determined that Prior Approval was not required. It is built in timber with a green coloured sheet roof. Although the site is quite prominent, it has assimilated into the landscape well and does not detract from the character of the area. The proposed extension to the building is modest in size and will be built in matching materials. In terms of policy LA1 officers are satisfied that the proposal is small in scale, is necessary to improve livestock housing and will not harm the intrinsic natural beauty of the landscape.

6.3 In addition to a satisfactory design and impact on the landscape, policy E13 requires that agricultural development should not have adverse impacts on residential amenity or the environment. The nearest house is about 70m to the west of the site and there are a number of cottages situated along the lane. Taking into account the small size of the extension, the number of stock and the need to provide housing only during the winter months, officers are satisfied that the proposal will not have a detrimental impact on the residential amenities of nearby residential properties. The livestock cannot be housed in the existing building without the submission of a further planning application.

6.4 The site is in an area with acknowledged drainage difficulties and the proposed drainage arrangements are of considerable concern to nearby residents. The Environment Agency is not satisfied with the drainage proposals submitted with the application and advise that drainage from the buildings and yard that are likely to produce contaminated run-off must drain to a sealed tank or lagoon, for later disposal by spreading or other approved means of disposal. The Environment Agency suggest imposing a planning condition to require a suitable drainage scheme to be submitted. However, officers consider that the revised drainage proposals should be submitted and considered prior to planning permission being granted and a condition imposed to ensure that the approved scheme is implemented prior to the first use of the building. The recommendation therefore requests delegated powers to approve the application on receipt of satisfactory drainage proposals.

RECOMMENDATION

Subject to the receipt of a suitably amended drainage scheme, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

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 - B03 (Matching external materials (general))

Reason: To ensure the satisfactory appearance of the development.

3 - G04 (Landscaping scheme (general))

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

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

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

5 - The livestock shed hereby permitted shall not be brought into use until the approved drainage scheme has been completed in accordance with the approved plans.

Reason: In order to ensure satisfactory drainage arrangements are provided in accordance with Policy DR4 of the Herefordshire Unitary Development Plan 2007.

INFORMATIVES:-

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

2 - N19 - Avoidance of doubt

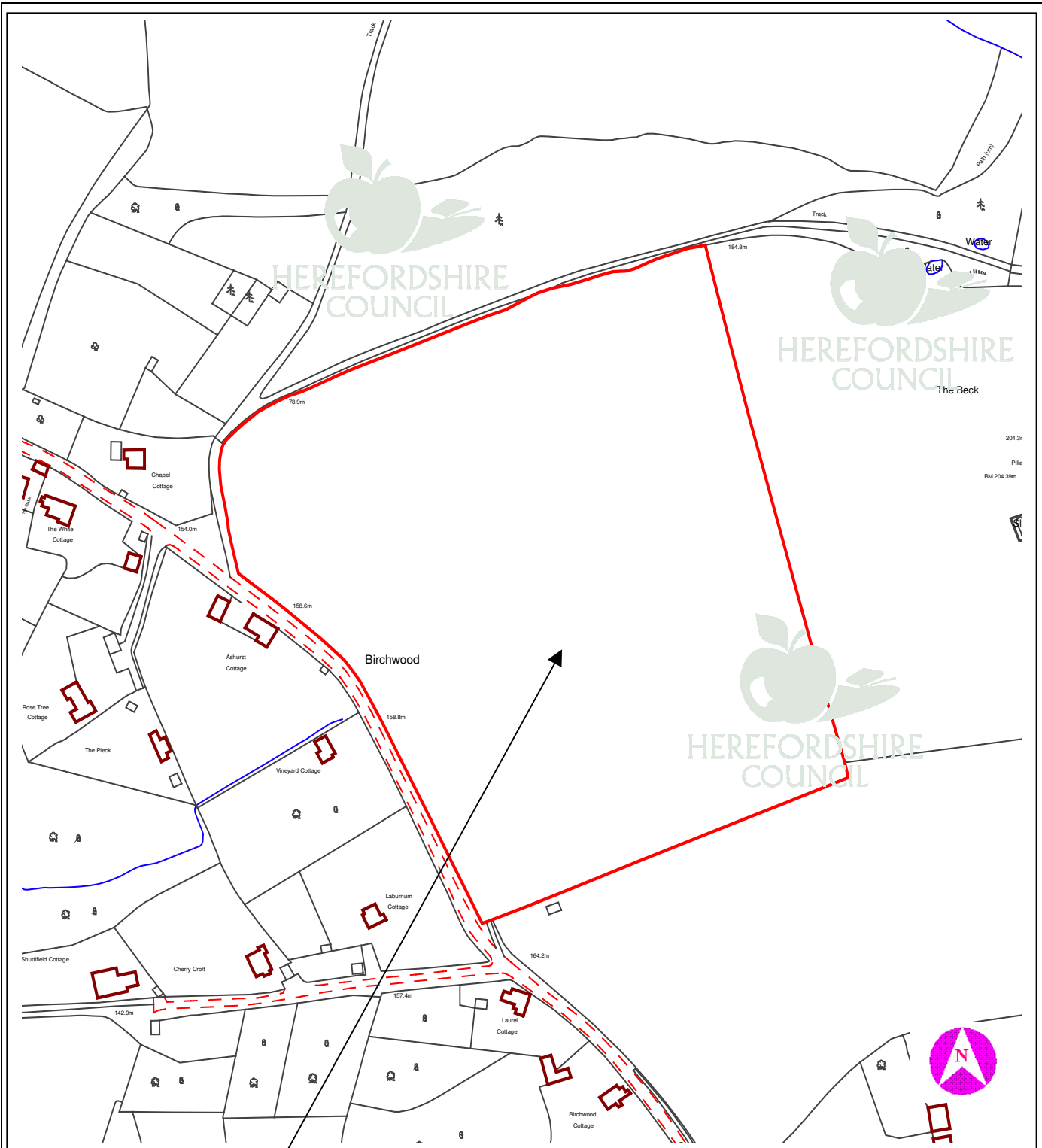
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNE2007/2216/F

SCALE : 1 : 2500

SITE ADDRESS : Laurel Cottage, Storridge, Malvern, Herefordshire, WR13 5HA

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