

Northern Area Planning Sub- Committee

Date: **Wednesday, 17th October, 2007**

Time: **2.00 p.m.**

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

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

For any further information please contact:

*Pete Martens, Members' Services,
Tel 01432 260248
e-mail pmartens@herefordshire.gov.uk*

**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Northern Area Planning Sub-Committee

To: Councillor 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 19th September 2007.	1 - 12
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.	13 - 16
5. APPLICATIONS RECEIVED To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary. Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting. Agenda items No 6 was deferred at the last meeting for more information and the other items are new applications.	
6. DCNE2007/2216/F - PROPOSED LIVESTOCK SHED AT LAUREL COTTAGE, STORRIDGE, MALVERN, WORCESTERSHIRE, WR13 5HA For: Mr P Chalk per Mr J Taplin, John Taplin Associates, The Orchard, Clevelode, Malvern, Worcs, WR13 6PD Ward: Hope End	17 - 24

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|-----|--|---------|
| 7. | <p>DCNE2007/2621/F - DEMOLITION OF EXISTING DWELLING AND ERECTION OF 5 NO. DWELLINGS AND ASSOCIATED PARKING AT FOUR GABLES, WALWYN ROAD, COLWALL, MALVERN, WORCESTERSHIRE.</p> <p>For: Mr R Langley per Neil Boddison Associates Ltd, The Studio, 19 Bird Street, Lichfield, Staffordshire. WS13 6PW</p> <p>Ward: Hope End</p> | 25 - 32 |
| 8. | <p>DCNC2007/2869/F - PROPOSED 4 NEW HOUSES ON LAND ADJACENT TO 44 VICARAGE STREET, LEOMINSTER, HEREFORDSHIRE</p> <p>For: CNG Developments Ltd per Mr L F Hulse, 19 Friars Gardens, Ludlow, Shropshire SY8 1RX</p> <p>Ward: Leominster North</p> | 33 - 42 |
| 9. | <p>DCNW2007/2652/F - PROPOSED FIRST FLOOR EXTENSION AT GREENFIELDS, ALMELEY, HEREFORDSHIRE, HR3 6LH</p> <p>For: Mr T Baldwin per Mr D Walters, David Walters, 27 Elizabeth Road, Kington, Herefordshire, HR5 3DB</p> <p>Ward: Castle</p> | 43 - 48 |
| 10. | <p>DCNW2007/2737/F - PROPOSED EXTENSION TO ROOF HEIGHT TO PROVIDE ADDITIONAL LIVING ACCOMMODATION AT THE WHITE HOUSE, BIRCHER COMMON, LEOMINSTER, HEREFORDSHIRE, HR6 0BU</p> <p>For: Mr & Mrs J Hargreaves, David Taylor Consultants, The Wheelwright's Shop, Pudleston, Leominster, Herefordshire, HR6 0RE</p> <p>Ward: Bircher</p> | 49 - 56 |
| 11. | <p>DCNW2007/2653/F - PROPOSED ERECTION OF 6 DWELLING UNITS AND ANCILLARY GARAGES AND FORMATION OF NEW VEHICULAR ACCESS AT LAND ADJACENT TO METHODIST CHAPEL, HEREFORD ROAD, WEOBLEY, HEREFORDSHIRE</p> <p>For: Border Oak Design & Construction Ltd</p> <p>Ward: Golden Cross with Weobley</p> | 57 - 64 |

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Northern Area Planning Sub-Committee held at : The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 19th September, 2007 at 2.00 p.m.

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

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

In attendance: Councillors JE Pemberton

81. APOLOGIES FOR ABSENCE

Apologies were received from Councillors KG Grumbley, RC Hunt and RJ Phillips.

82. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

83. MINUTES

RESOLVED: That the Minutes of the meeting held on 22nd August, 2007 be approved as a correct record and signed by the Chairman.

84. ITEM FOR INFORMATION - APPEALS

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

85. 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.

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

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 - 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

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

The Principal Planning Officer presented the following updates:

The objection raised by Mr Wilmshurst has been withdrawn following confirmation of the fact that there are no windows proposed in the elevation facing his property and that the position of the dwelling would not change without a further application.

Welsh Water have commented on the additional information in relation to surface water treatment and advise that it is acceptable in principle. However they want to be assured that the surface water run-off from 32 and 34 Westhill will be removed from the public sewerage system and re-directed to soakaways.

The Principal Planning Officer said that the comments made by Welsh Water could be addressed through the imposition of an additional condition to ensure that the surface water run-off generated by 34 Westhill was re-directed to a soakaway prior to the first occupation of the new dwelling. He considered that it was unreasonable

and beyond the scope of the application to require that run-off from 32 Westhill was also re-directed, given that it was not in the ownership of the applicant.

Councillor A Seldon one of the Local Ward Members shared the concerns of the Town Council about the foul drainage situation at Bromyard and the Legal Practice Manager said that the matter was being investigated with Welsh Water.

RESOLVED

That planning permission be approved with the following conditions.

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

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

- 2 - 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**

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

In accordance with the criteria for public speaking, Mrs Churchill of Avebury Parish Council spoke against the application.

The Sub-Committee discussed the various aspects of the application and noted the concerns raised by objectors about the narrow vehicular access to the site, removal of some hedgerow, the size and scale of the building. On balance it was felt however that the application should be approved.

RESOLVED

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

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

The Principal Planning Officer presented the following updates:

A letter received from M G Boulton of Long Fridays, Green Lane, summarised as follows:

- concerned about car parking, deliveries and possible increase in litter around the church;
- when the church is busy with funerals etc. parking in Green Lane is very congested. Any emergency vehicles such as an ambulance or fire engine have great difficulty in getting through. Farm vehicles also have problems;
- the usage of the Church by shop customers will increase the number of cars parked in the lane. The lane is unlit (this is part of the charm of Yarpole) and late afternoons in Winter are dark. With the increased traffic using the shop this has the potential of making the area more hazardous;
- delivery vans would have to remain in Green Lane unless access was granted to enable them to drive up to the Church entrance. This in itself may then cause problems as the vans would be passing very close to the historic Bell Tower with the potential risk for damage. It is intended to have a store at the shop so deliveries would not necessarily be small. Modifications to the entrance off Green Lane would need to be quite substantial, and would also necessitate a turning circle being created near the Church door where, at present, there are grave stones; and
- how would the shop propose to manage its affairs when there was a funeral or other major event taking place at the Church?

Councillor WLS Bowen the Local Ward Member noted the concerns that had been raised by objectors but pointed out that historically churches had been used as meeting places and for commercial activities and felt that the proposal was an imaginative one which would help to revive the vitality of the local community.

The Sub-Committee agreed to a suggestion by the Principal Planning Officer that a condition should be added requiring details of the method of deliveries of goods to the shop being approved in writing by the Council prior to the scheme commencing.

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 - 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.

- 4 - Prior to the use of the proposed shop, details of the method of deliveries of goods to the shop shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety.

INFORMATIVES:-

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

- 2 - Non Standard

- 3 - N19 - Avoidance

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

The Principal Planning Officer presented reported the receipt of an e-mail from the resident of 48 The Criftins reiterating points already detailed in the report.

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 - 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

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

Councillor WLS Bowen the Local Ward Member said that he had received representations from a neighbour about the adverse effect of the proposal on views and amenity. Having looked at the site he felt that the location of the garage was well set back and would not have a detrimental affect.

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 - 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

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

The Senior Planning Officer said that a neighbour had expressed concern that the application involved land over which he gained access to his garage. Investigation revealed however that all of the land within the application site on the submitted plans had been confirmed as belonging to the applicants.

RESOLVED

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

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

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

2 - B02 (Matching external materials (extension))

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

Informatives:

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

2 - N19 - Avoidance of doubt

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

The Principal Planning Officer presented the following updates:

a copy of a letter from the applicant to the Environment Agency had been received making the following points:

- the proposed livestock shed will not be used for intensive farming;
- we own 18 acres and the current livestock numbers are the maximum for the holding;
- the livestock shelter will be used for Highland cattle in extremely wet weather, first year calves for halter training for about 4 weeks and ewes during the 4 week lambing period;
- all building and hill water runs into a separate French drain system;
- the livestock building has a 70 mm crushed stone floor over geotextile membrane and will be strawed/hayed to absorb effluent with fresh material added daily;
- the yard has a 70 mm crushed stone floor over geotextile membrane and will also be strawed/hayed to retain effluent;

- the yard and shelter is a level site with a land drain on the downside end connected to the sump shown on the plan. The area has a limited percolation rate;
- the sump overflow is a 100mm land drain which runs for 100m to an open sump which is spring fed at a rate of 4300 litres per day. The ground between the sump and open sump has a percolation rate of 156. Before drawing up the proposal we took on board the Environment Agency's suggestion to collect any possible run off and percolate it through the ground before entering any watercourse; and
- the applicant is asking the Environment Agency to review their comments and advise if the proposed drainage as set out in the application is acceptable.

A further letter has been received from Mr Humphries, Laburnum Cottage, Birchwood making the following additional points:

- the original drainage system installed when the barn was constructed diverted my private water supply causing part of my land to be come water logged, fruit trees to die and concern that it is backfeeding into my septic tank;
- the applicant installed a secondary drainage system below the barn which discharged into my (by then dry) private water supply. I now only receive run off which becomes a torrent in heavy rain and gets contaminated by livestock in the barn or yard. The Environment agency have only discussed the secondary drainage with the applicant;
- the source of contamination is claimed to have been rectified but I remain sceptical. Livestock in or around the barn in winter will prove whether it has been rectified or not; and
- a possible solution to all run off issues from the barn is to redirect all drainage onto the applicant's own land below the barn. It is unreasonable for other residents to bear the impact of the serious run off issues.

The applicant has responded to these points in a letter addressed to the Environment Agency as follows:

- we understand that the private water supply was via a pipe which was removed in the 1970's, since then the private water supply has only been fed by a drainage sump in the road;
- when the site of the barn and yard was excavated only one land drain was found which ran towards a different drainage sump;
- as per our agreement we disabled the quoted secondary drainage system in April 2007;
- we are not aware of any land drains that feed under the road to Mr Humphries land. All land drains are shown on the plan. They feed the open sump which overflows into a different drainage sump which over flows lower down the hill;

- in the area of the barn and yard there are no land drains; and
- the issue last winter was run off from the corral entering the secondary drainage system. To overcome the problem we moved the livestock to the barn, being enclosed, there was no run off from the barn area.

The Development Control Manager said that the advice of the Environment Agency on the applicant's letter was awaited and that the letter from Mr Humphries had been sent to it for information. In view of the possibility that the Environment Agency may accept the applicant's original drainage proposals as requested in the letter, he suggested the following underlined addition to the recommendation:

Subject to the receipt of a suitably amended drainage scheme or confirmation from the Environment Agency that they accept the proposals submitted with the application, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions (as set out in the report) and any additional conditions considered necessary.

In accordance with the criteria for public speaking, Mr Greenway an objector spoke against the application.

The Sub-Committee discussed the details of the proposals and noted the concerns of the objector that all the drainage issues needed to be resolved before a decision could be made. It was therefore decided to defer the matter accordingly.

RESOLVED

That consideration of the application be deferred pending the receipt of a suitably amended drainage scheme or confirmation from the Environment Agency that it accepts the proposals submitted with the application

94. DATE OF NEXT MEETING

17th October, 2007

The meeting ended at 3:10 pm

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Enforcement Notice EN2007/0078/ZZ**

- The appeal was received on 18th September 2007
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr A Willis
- The site is located at Ledwyche Farm, Bleathwood, Little Hereford
- The breach of planning control alleged in this notice is:
Without Planning Permission, change of use of the land from agriculture and site for two holiday houses to a mixed use of agriculture, site for two holiday houses and for the siting of two conjoined mobile homes for residential purposes together with the siting of lorry containers for domestic storage and electricity generator.
- The requirements of the notice are:
 - i) *Permanently remove the mobile homes from the land.*
 - ii) *Permanently remove the lorry containers from the land.*
- The appeal is to be heard by Hearing

Case Officer: Andrew Banks on 01432 383085

APPEALS DETERMINED**Application No. DCNW2007/1281/F**

- The appeal was received on 13th August 2007
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr A Wright
- The site is located at The Old Barn, The Tan House, Shobdon, Leominster, Herefordshire, HR6 9LX
- The application, dated 25th April 2007, was refused on 8th June 2007
- The development proposed was to extend the scope of an existing development to include 'let residential accommodation'. Removal of condition 3 of planning permission 94/0758
- The main issue is that the proximity of the development is close to an existing dwelling

Decision: The appeal was WITHDRAWN on 11th September 2007

Case Officer: Philip Mullineux on 01432 261808

Application No. DCNW2007/0066/F

- The appeal was received on 30th March 2007
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mrs R Hall
- The site is located at Land to the rear of Terracotta barn, East Street, Pembridge, Leominster, Herefordshire, HR6 9HB
- The application, dated 8th January 2007, was refused on 21st February 2007
- The development proposed was Proposed construction of a pair of semi-detached cottages.
- The main issue is the impact of the proposed back land development on the historic character of the settlement.

Decision: The appeal was DISMISSED on 28th September 2007

Case Officer: Philip Mullineux on 01432 261808

Application No. DCNC2007/0623/F

- The appeal was received on 22nd May 2007
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs F Rooke
- The site is located at The Bungalow, Ryelands Road, Leominster, Herefordshire, HR6 8PE
- The application, dated 27th February 2007, was refused on 24th April 2007
- The development proposed was Proposed housing development to create six dwellings.
- The main issue is the effect of the proposal on the character and appearance of the area.

Decision: The appeal was UPHELD on 28th September 2007

Case Officer: Andrew Banks on 01432 383085

Application No. DCNC2007/0234/S

- The appeal was received on 31st May 2007
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr A Willis
- The site is located at Ledwyche Farm, Bleathwood, Ludlow, Herefordshire, SY8 4LF
- The application, dated 29th January 2007, was refused on 22nd February 2007
- The development proposed was Proposed free range pig farrowing house.
- The main issue is the effect and impact of the proposal on the character of the landscape.

Decision: The appeal was DISMISSED on 2nd October 2007

Case Officer: Andrew Banks on 01432 383085

Application No. DCNE2006/3151/F

- The appeal was received on 2nd May 2007
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Miss J Brobyn
- The site is located at 35 & 36 Lower Road, Ledbury, Herefordshire, HR8 2DH
- The application, dated 20th September 2006, was refused on 7th November 2006
- The development proposed was New parking/turning area, replace kerbstones of pavement with drop kerbstones
- The main issues are the effect of the proposal on the character and appearance of the surrounding area and whether the proposal would have a harmful effect on highway safety in Lower Road.

Decision: The appeal was UPHeld on 1st October 2007

Case Officer: Roland Close on 01432 261803

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

6 DCNE2007/2216/F - PROPOSED LIVESTOCK SHED AT LAUREL COTTAGE, STORRIDGE, MALVERN, WORCESTERSHIRE, 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

Introduction

This application was deferred at the Northern Area Planning Sub-Committee on 19th September 2007 to enable the drainage issues to be resolved. An amended plan has been received incorporating a sealed lagoon as requested by the Environment Agency. The advice of the Environment Agency on the amended plan will be reported to the meeting. The report has been updated and includes additional representations from the applicant and objectors and the Council's Land Drainage Engineer.

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 a closed bay and 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 originally proposed, was to a 1.5m x 1.2m sump filled with crushed stone. The Environment Agency did not consider this was suitable for the local ground conditions. Following consultation, the applicant has submitted an amended plan proposing a sealed lagoon to collect contaminated run off from the buildings and yard area. Run off from the roof of the building would be to a french drain draining to an existing sump at the lowest point of 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 advice on the amended drainage scheme is awaited. For information, their response to the original proposal was as follows:-

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.'

4.5 The Land Drainage Engineer offers the following comments:

1. I have spoken to Mr Chalk who assures me that the 100mm dia. land drain from the collecting sump in the yard is to be deleted from the design. I understand that this sump is the subject of the EA's request to provide a holding tank for the contaminated drainage.
2. The main sump at the lowest point in the field has a 225mm dia. outlet that accommodates a connection from a spring which then crosses the road to discharge into a watercourse. Therefore there should be sufficient capacity for the additional 100mm dia. drain connection from the development.
3. The highway has recently flooded in the area but I have been informed by highway colleagues that this was a result of a blocked drain that has now been cleared.

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.
- A possible solution to all run off issues from the barn is to redirect all drainage onto the applicant's own land below the barn. It is unreasonable for other residents to bear the impact of the serious run off issues.

5.4 A further letter from one of the objectors has been received commenting on the report to the Northern Area Planning Sub-committee on 19 September 2007. The letter makes the following points:

- The installation of a sealed tank would be acceptable provided it is completely sealed to reduce the risk of smells, it is positioned as far away from residential properties as possible and the contaminated drainage will be disposed of in an acceptable way.
- There are other drainage issues affecting Laburnum Cottage following the diversion of the original drainage system (outlined in paragraph 5.3 above). The objector queries whether the new drainage system is expected to solve these issues.

5.5 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 west 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 was not satisfied with the drainage proposals submitted with the application and advise that contaminated run-off from the buildings and yard must drain to a sealed tank or lagoon, for later disposal by spreading or other approved means of disposal. The applicant has submitted an amended plan proposing a sealed lagoon with a capacity of 2500 litres located in north-west corner of the yard. The lagoon will collect contaminated run off during periods when cattle are housed in the building or yard. The Environment Agency has been asked to confirm that the amended proposals are suitable for the site and their advice will be reported at the Committee meeting. The run off from the roof of the building will be collected by a French drain draining to an existing sump close to the lane at the lowest point in the field. This sump discharges to a watercourse on the opposite side of the road. The Council's Land Drainage Engineer has confirmed that this is a satisfactory arrangement with sufficient capacity to take the additional drain connection from the development. Subject to the advice of the Environment Agency, officers are satisfied that the pollution and land drainage issues arising from the proposal have been adequately considered and resolved.

RECOMMENDATION

Subject to the Environment Agency confirming that the amended drainage proposals are satisfactory, 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 for the housing of livestock until the drainage scheme has been completed in accordance with the amended plan received by the local planning authority on 3 October 2007.

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

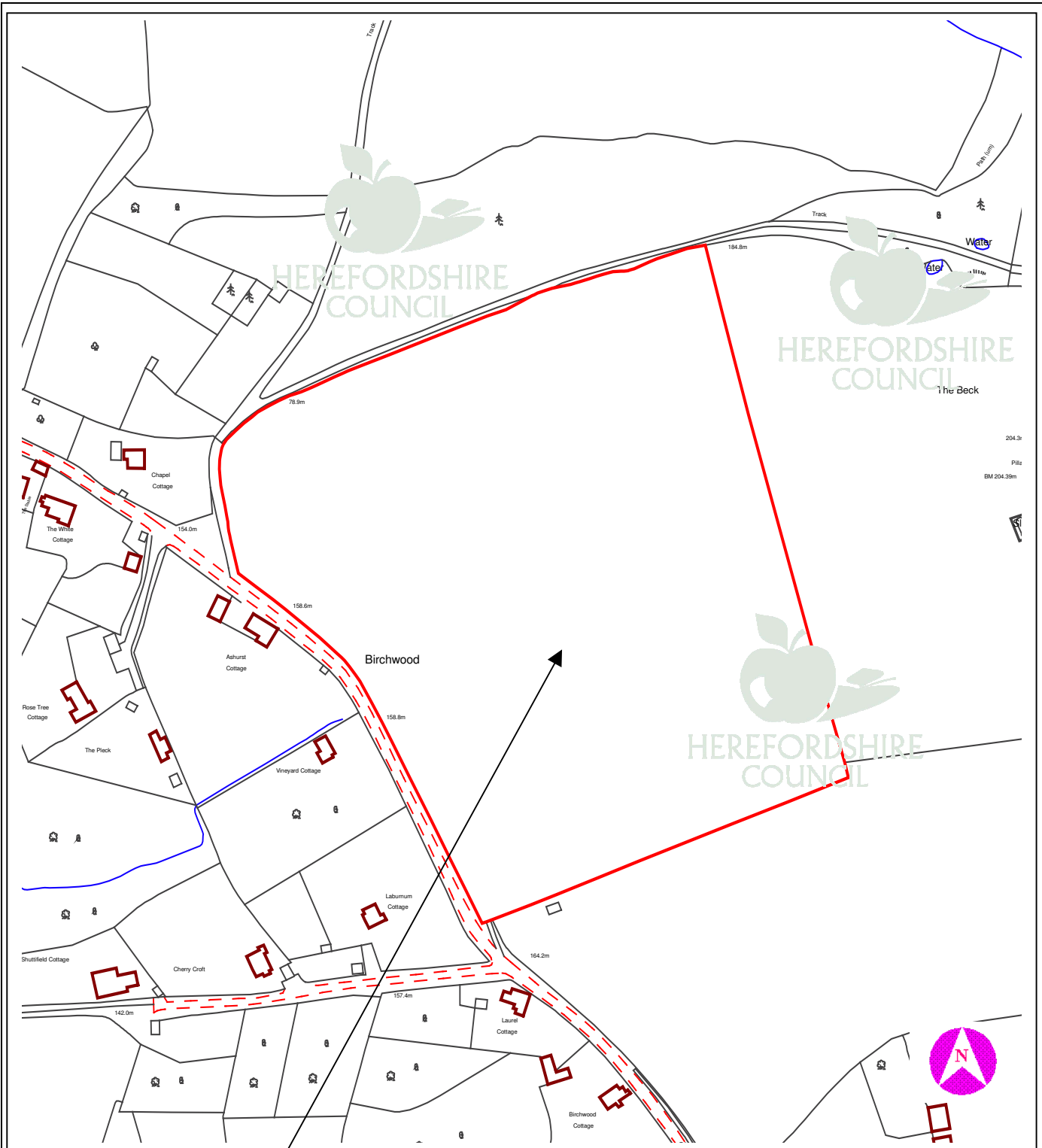
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2007/2216/F

SCALE : 1 : 2500

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

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7 DCNE2007/2621/F - DEMOLITION OF EXISTING DWELLING AND ERECTION OF 5 NO. DWELLINGS AND ASSOCIATED PARKING AT FOUR GABLES, WALWYN ROAD, COLWALL, MALVERN, WORCESTERSHIRE.

**For: Mr R Langley per Neil Boddison Associates Ltd,
The Studio, 19 Bird Street, Lichfield, Staffordshire.
WS13 6PW**

**Date Received:
10th August 2007**

Ward: Hope End

**Grid Ref:
75270, 42336**

**Expiry Date:
5th October 2007**

Local Member: Councillor RV Stockton & Councillor R Mills

1. Site Description and Proposal

- 1.1 The application site lies on the western side of Walwyn Road within the settlement boundary of Colwall, which lies within the Malvern Hills Area of Outstanding Natural Beauty. The site has an area of some 0.23 of a hectare.
- 1.2 Upon the site at present, set back from the road, is a two storey detached house of no significant architectural merit. Along the road frontage, at a higher level than the road, is an attractive hedgerow. The site has a number of Ash trees upon it, which are protected by way of tree preservation orders. The rear boundary also has an attractive hedgerow.
- 1.3 To the south of the site at a lower ground level than the application site is a single storey bungalow known as 'Ashmead' whilst to the north at a materially higher ground level is a pair of semi-detached houses known as 'Ashleigh' and 'Milborne'.
- 1.4 The existing vehicular means of access is located at the northern end of the road frontage.
- 1.5 The proposal is to demolish the existing dwelling and to erect five three bedroomed two-storey dwellings. All of these dwellings would front the highway. They would be arranged as a pair of semi-detached houses at the southern portion of the site and then a row of three terraced houses. A gap of 5 metres would be maintained with the southern boundary of the site, a gap of 2 metres would be maintained between the proposed buildings and a gap of 1.5 metres maintained with the northern boundary.
- 1.6 The houses would be two storeys with rooms within their roofspaces. The span of the two storey elements of these dwellings would be 7 metres and they would have a height to eaves of 5.1 metres. The proposed dwellings would reflect the local vernacular.

- 1.7 The existing vehicular means of access would be utilised with ten car parking spaces proposed in a communal car parking area to the front to the rear of the roadside hedgerow.

2. Policies

2.1 Central Government advice

Planning Policy Statement 1 – ‘Delivering Sustainable Development’

Planning Policy Statement 3 – ‘Housing’

Planning Policy Statement 7 ‘Sustainable Development in Rural Areas’;

Planning Policy Guidance Note 13 – ‘Transport’

2.2 Herefordshire Unitary Development Plan 2007

S1 – Sustainable development

DR1 – Design

H4 –Main Villages – Settlement boundary

H13 – Sustainable residential design

H16 – Car parking

3. Planning History

- 3.1 None relevant

4. Consultation Summary

4.1 Statutory Consultations

None

4.2 Internal Council advice

- 4.3 Landscape Section - No objection subject to imposition of appropriate conditions.

- 4.4 Transportation Section - No objections subject to imposition of appropriate conditions.

5. Representations

- 5.1 The Colwall Parish Council make it clear that whilst they would normally object to the removal of a single dwelling in a large garden with five dwellings, in this particular case they do not object. They are satisfied with the appearance of the proposal in the street scene and wish the issue of visibility splays to be addressed.

- 5.2 Four letters expressing concern and / or objection to the proposed development have been received, from:-

R B & D L Elmes, Gildene, 1 Crescent Road, Colwall.

Miss J L Brookes, Hollyhocks, 2 Crescent Road, Colwall.

R W & J Moody, Two Elms, 5 Crescent Road, Colwall.

Miss D I Hutton, 3 Crescent Road, Colwall.

The areas of concern are: -

The loss of an attractive large dwelling;
The precedent that the proposal would set;
Increased noise and disturbance;
The height of the proposed dwellings;
Surface water drainage
The impact upon trees
The proposed dwellings would represent an eyesore

- 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 application site lies within the defined settlement boundary of Colwall. Policy H4 of the Herefordshire Unitary Development Plan allows for residential development within the settlement boundary of Colwall. Therefore the principle of the proposed development is considered to be acceptable.
- 6.2 The density of the proposed development is equivalent to 22 dwellings to the hectare. This is below the density of 30 dwellings to the hectare that one would normally attempt to secure to make the most effective and efficient use of land. However, given the local context I consider this lower density to be appropriate in this particular case.
- 6.3 Therefore it is the matters of detail that require addressing. Negotiations have secured a development of dwellings that respect the existing building line and front the roads. A larger gap of five metres has been secured to the northern flank elevation of the bungalow known as 'Ashmead' to ensure an appropriate visual gap in the street scene in the transition between an existing bungalow and a house. A gap of 2 metres would be maintained between the pair of semi-detached houses and the terrace of three dwellings, which would be stepped back by 2 metres. The gap between the northern flank elevation of Plot 5 and the southern flank elevation would be 24.5 metres. It is considered that this siting ensures sufficient spacing within the street scene.
- 6.4 The precise design of the proposed dwellings is considered to be of a high quality. The relatively restricted spans of the dwellings ensure that their overall height is limited. It should be noted that the dwellings would be constructed at different slab levels such that the rooflines would "step-down" from north to south. This articulation in the roof form is welcomed.
- 6.5 The vehicular means of access is considered to be acceptable and the important southerly visibility splay can be secured by way of a planning condition. The use of this existing vehicular means of access ensures that the visually important frontage hedgerow can be retained. The parking provision equates to two car parking spaces per dwelling. This exceeds this Authority's normal standard of 1.5 spaces per dwelling, but given the limited accessibility I consider this provision to be appropriate.
- 6.6 The two Ash trees to the front of the site and the three Ash trees to the rear of the site would not be adversely affected by the proposed development. Their protection during the construction phase can be controlled by way of an appropriate planning condition.

- 6.7 The habitable rooms of the proposed dwellings are not within 21 metres of habitable room windows of neighbouring dwellings. No flank windows are proposed in the plots 1 or 5.
- 6.8 It is considered that the proposed development would not create any undue level of noise and disturbance to the occupiers of neighbouring dwellings and it is considered that the matter of surface water drainage can satisfactorily be dealt with by way of planning condition.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

- **Written details and samples of all external materials to be used in the construction of the houses;**
- **Written details and samples of all surfacing materials in relation to the vehicular means of access, turning/manoeuvring areas and car parking;**
- **The finished ground floor slab levels (above ordnance datum) of each dwelling.**

The development hereby permitted 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.

- 3 - Prior to commencement of the development hereby permitted full written details of the proposed boundary treatments shall be submitted to the Local Planning Authority for their written approval. The development hereby permitted shall not commence until the Local Planning Authority has given such written approval. The approved boundary treatments shall be fully implemented prior to the first occupation of any of the dwellings hereby permitted and thereafter maintained as such.**

Reason: To ensure a satisfactory appearance to the development.

- 4 - No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping using indigenous species. The submitted scheme of landscaping must detail the location of all planting, the species, their size and the density of planting.**

Reason: To ensure that the development is satisfactorily integrated into the locality.

- 5 - 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 dwellings hereby permitted or completion of the development (whichever is the sooner). Any trees or plants which within a period of five years from the 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 that the development is satisfactorily integrated into the locality.

- 6 - Prior to the first occupation of any of the dwellings hereby permitted the vehicular means of access, car parking, turning/manoeuvring areas for vehicles shown upon the approved plans shall be implemented. Thereafter these areas and facilities shall be kept available for such use.

Reason: In the interests of highway safety.

- 7 - Prior to commencement of the development hereby permitted details of surface water drainage arrangements shall be submitted to the Local Planning Authority for their written approval. The development hereby permitted shall not commence until the Local Planning Authority has given such written approval. None of the dwellings hereby permitted shall be occupied until the approved surface water drainage arrangements have been implemented. Thereafter the implemented surface water drainage arrangements shall be maintained.

Reason: To ensure satisfactory surface water drainage arrangements.

- 8 - Prior to commencement of the development hereby permitted the trees upon the site that are the subject of a tree preservation order shall be protected by fencing of at least 1.2 metres in height in accordance with section 9.2 of BS5837:2005 comprising vertical and horizontal framework of scaffolding (well braced to withstand impacts) supporting either chestnut cleft fencing or chain link fencing in accordance with figure 2 of BS5837:2005. Once these protective measures have been erected but prior to the commencement of the development a suitably qualified arboricultural consultant shall inspect the site and write to confirm that the protective measures are in situ. Upon confirmation of receipt of that letter by the Local Planning Authority the development may commence but the tree protection measures must remain in situ until completion of the development.

Reason: To safeguard the trees upon the site that are of amenity value.

- 9 - None of the houses hereby permitted shall be occupied until a visibility splay of 2.4 metres x 30 metres kept free of obstruction from a height of 90 centimetres above existing ground level has been provided in a southerly direction. Thereafter this visibility splay shall be maintained and kept free of obstruction from a height of 90 centimetres above existing ground level.

Reason: In the interests of highway safety.

Informatives:

- 1 - The details required to be submitted pursuant to condition 2 should include a high quality plain or multi red stock brick and a clay plain tile.

- 2 - The details required to be submitted pursuant to condition 4 should show the retention of the existing frontage hedge and the hedgerow along the rear (western) boundary.
- 3 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 4 - For the avoidance of any doubt the plans to which this decision relates are:-
 - Location Plan (Scale 1:500) Drawing No. 30118 02 received 30th July 2007;
 - Proposed Site Layout (Scale 1:200) Drawing No. 30118 01 received 30th July 2007;
 - Plots 1 & 2 Floor Plans and Elevations (Scale 1:100) Drawing No. 30118 03 received 30th July 2007;
 - Plots 3, 4 & 5 Floor Plans and Elevations (Scale 1:100) Drawing No. 30118 04 received 30th July 2007;
 - Street Scenes (Scale 1:200) Drawing No. 30118 05 received 31st July 2007.

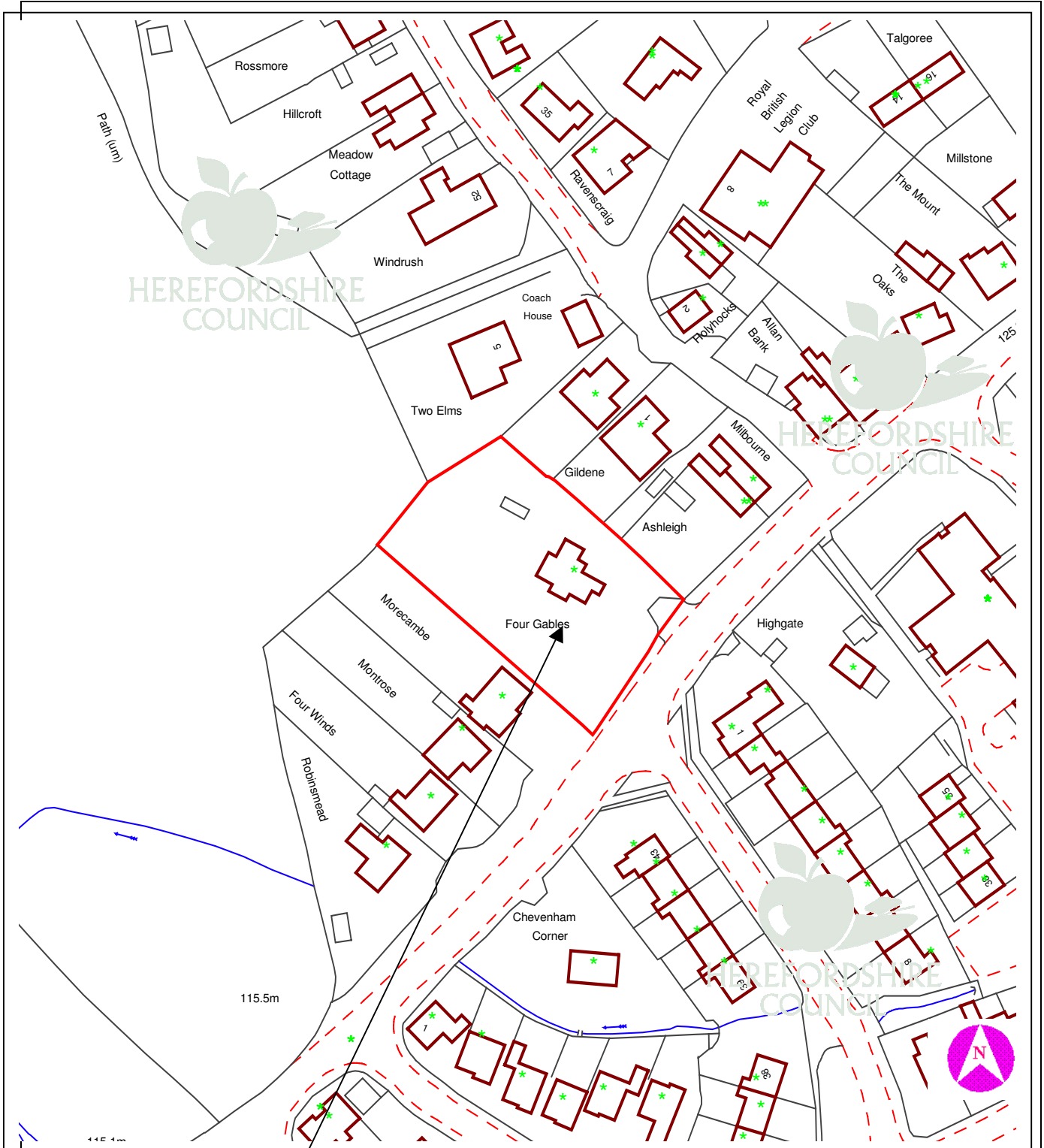
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2007/2621/F

SCALE : 1 : 1250

SITE ADDRESS : Four Gables, Walwyn Road, Colwall, Malvern, Worcestershire.

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8 DCNC2007/2869/F - PROPOSED 4 NEW HOUSES ON LAND ADJACENT TO 44 VICARAGE STREET, LEOMINSTER, HEREFORDSHIRE

**For: CNG Developments Ltd per Mr L F Hulse,
19 Friars Gardens, Ludlow, Shropshire SY8 1RX**

Date Received:
7th September 2007

Ward: Leominster North

Grid Ref:
49431, 59369

Expiry Date:
2nd November 2007

Local Member: Councillor Mrs JP French & Councillor Brig P Jones CBE

1. Site Description and Proposal

- 1.1 The application relates to a strip of land associated to 44 Vicarage Street in Leominster. Part of it forms the residential curtilage of the dwelling, whilst a second part is a vacant and overgrown area. The site is triangulated to the western end and is sandwiched between the Kenwater to the north-east and a public footpath to the south.
- 1.2 The proposal is for the erection of four two bed dwellings arranged as two pairs of semis. The plans show that each dwelling will be provided with two parking spaces to their side with gardens to the rear onto the Kenwater. In this respect the plans indicate a seven metre exclusion zone within which no building should be placed. This is to ensure that the Kenwater can be maintained by the Environment Agency without obstruction.
- 1.3 The design of the dwellings is basic, but not dissimilar to other developments along Vicarage Street. Access to each of the properties is via the public footpath. The ownership of this area has not been determined and accordingly the proposals have been advertised by the applicant in accordance with Article 6 of the Town and Country Planning (General Development Procedure) Order 1995.

2. Policies

2.1 Herefordshire Unitary Development Plan

S1 - Sustainable development
 S2 - Development requirements
 DR1 - Design
 DR7 - Flood risk
 H1 - Hereford and the market towns - settlement boundaries and established residential areas
 H13 - Sustainable residential design
 NC1 - Biodiversity and development
 NC3 - Sites of national importance
 CF2 - Foul drainage

3. Planning History

3.1 DCNC07/1263/F - Erection of five dwellings - Withdrawn

3.2 DCNC07/2258/F - Erection of four dwellings - Refused 29th August 2007. For the following reason:

- In the absence of an ecological survey of the site the local planning authority is unable to assess the impact of the proposal on the adjacent Site of Special Scientific Interest and the acknowledged habitat for protected species. The proposal is therefore contrary to Policies DR1, NC1 and NC3 of the Herefordshire Unitary Development Plan.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 **Transportation Manager** raises no objection.

4.3 **Archaeological Advisor** - No objection subject to condition

4.4 **PROW Officer**

“The proposed erection of 4 new houses will affect public footpath ZC5, which as the applicant acknowledges, passes along the extension of Vicarage Street, and would provide the vehicular access to the site.

We will require full details of any proposed surface treatments so that they can be considered for approval by the PROW Manager, acting as highway authority. This is to ensure that the footpath surface is well drained and of a construction standard so as to minimise future maintenance. I would be grateful for a condition that details of surface treatments need written approval from the planning authority, and to be advised when they are submitted.

The applicant should note that because the right of way has footpath status it will only be maintained by the highway authority as such. I would be grateful for an informative note to this effect.

Although two parking bays are provided for each dwelling, I am concerned that because of their layout, residents or their visitors may be tempted to park their vehicles on the public footpath. This would constitute an obstruction of the public's right of way, which extends across the full width of the land comprising the existing track and its verges and would be viewed as an offence under the Highways Act 1980. I request an informative note to this effect so that future residents are aware of this situation.

The applicant should ensure that the residents of any new dwelling will have lawful authority to drive over the public footpath and he is strongly advised to seek independent legal advice on this matter.

I would be grateful if you include standard informative note HN03 if permission is granted so that future purchasers of properties are aware of this.”

4.5 **Ecologist:-**

“I have received the ecological report for this application by Will Watson and Nigel Hand dated August 2007 and note that they found grass snake and slow worm on the site. These species are protected from intentional killing, sale and injury under the Wildlife and Countryside Act 1981; their habitat is not protected. Whilst I cannot condone the unnecessary removal of these animals from the site prior to the determination of planning permission, it appears that the consultants had thought that outline permission had already been granted and that translocation was therefore necessary and appropriate. The receptor site is ideally suited for these species.

I welcome the retention of an area for nature conservation to the northwest of the car parking area for house 1. This needs to be identified upon the site plan; I would suggest this to be all the land to the north west of the car parking. This area can include the refugia for reptiles as detailed in the ecological report.

The Kenwater is a SSSI and the riverbank must remain undeveloped and uncultivated. A buffer strip of 7 metres along the river shall be maintained during development works.

I have no objection to approval of this application subject to the inclusion of conditions.

5. **Representations**

5.1 **Leominster Town Council** - object to the application as they have concerns about the small green habitat area. The Council was also shocked to discover that wildlife had been removed from the area. This application has not shown a true mitigation on the wildlife situation.

5.2 **Environment Agency** - comment as follows:

“The development site lies within Flood Zone 2 (1 in 1000 year annual probability flooding) of the Kenwater (Main River). According to our Section 105 (detailed flood study) flood outlines for this area, the site is defended against flooding from the Kenwater during the 1 in 100 year flood event by the Leominster Flood Alleviation Scheme (FAS).

As part of the planning application the applicant submitted a site levels survey as part of the required Flood Risk Assessment (FRA) comparative to relevant flood levels. This demonstrated that both the site and access route were flood free during the 1 in 100 year, plus 20% allowance for climate change, flood event, in line with PPS25. Finished floor levels were also proposed at an appropriate level to ensure a safe development for the lifetime of the use. A copy of our formal response dated 24 July 2007 to the planning application confirms our position, which stated that we had no objection subject to the LPA being satisfied on the sequential test.

In response to potential concerns regarding machinery along the riverbanks, the Environment Agency requires a Flood Defence Consent (FDC) to be applied for prior to the commencement of any works in, under or over a Main River (such as the

Kenwater) or within 7 metres of the top of the Main riverbank (or from the landward toe of a flood defence). This is to ensure that there is no adverse effect on access for maintenance, flood risk (including flow) and the biodiversity of the river system.

As part of the application for planning permission on the site in question, the applicant incorporated within the layout of the development, a 7 metre grassed buffer strip along the top of the riverbank, which we recommend be secured through a condition of any planning permission that may be granted. This would ensure that there will be no adverse effects to the riverbanks concerned and we were satisfied with this aspect of the proposal.

Bridge Street sports field is part of the Leominster FAS and is designed to flood during an extreme flood event.”

In response to comments relating to the accuracy of current data, the Environment Agency comments as follows:

“The comments in point 1 of the letter dated 12th May 2007 have been noted. However, our Section 105 flood model shows the 1 in 100 year flood (flood zone 3) to be contained within the river channel with the development site, in question, lying outside this boundary. This is the best available information at the present time.

In support of the development there was no proposed flood alleviation scheme because the topographical survey submitted in support of the planning application demonstrated that the site lay in excess of 400mm above the 1 in 100 year, plus 20% (climate change) flood level. We recommended that finished floor levels be set at least 600mm above the 1 in 100 year, plus 20% flood level, to ensure a safe development for the lifetime of the use, as detailed within the planning application.

- 5.3 **Welsh Water** - object on the grounds that the proposal has been submitted prior to the completion of improvement works to the sewerage system due to be completed by 1st April 2008 and is therefore premature. They also advise that if the Council is minded to approve the application that a condition is attached to ensure that none of the dwellings are occupied before the completion of the improvement works.
- 5.4 Two letters of objection from local residents and one petition in objection with a total of 29 signatories have been received. In summary the points raised are as follows:
1. Concerns about flooding and obstruction of land used to maintain the Kenwater.
 2. The proposal will add to the burden of an already stretched sewage system.
 3. Would be more appropriate for an area of land adjacent to the SSSI to be used for community purposes.
 4. The proposal constitutes over-development.
 5. Not appropriate to allow vehicular traffic to use a public footpath.
 6. Access from Vicarage Street onto Broad Street is inadequate.
 7. The proposal will impact on the privacy of the bungalow (Elba) to the rear of the site.
 8. The Council should review the flood zones allocated by the Environment Agency as they are outdated.
- 5.5 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The application has generated significant public opposition, the reasons for which seem to focus primarily on the flood risk associated with the site and the requirement for vehicles to pass along a public footpath to gain access to the site. Detailed responses have been included in this report from both the PROW Officer and the Environment Agency and both conclude that there is no objection to the scheme.
- 6.2 The site falls within a flood risk zone 2 and the Environment Agency are satisfied that sufficient information has been submitted with the application by way of the topographical survey showing finished floor levels 400mm above the 1 in 100 year flood level. This also accounts for a 20% increase as a result of climate change. A flood alleviation scheme is not required and the proposal accords with policy DR7 as a result.
- 6.3 Similarly the Environment Agency has commented in some detail on their need for access to the river bank for maintenance purposes. Pre-application discussions did take place between the Agency and the applicant and as a result a 7 metre maintenance strip is shown on the submitted block plan. Concerns raised about the erosion of the river bank are also covered in their response and consequently the objections raised in this respect do not provide sufficient justification to refuse the application.
- 6.4 The comments made by the Environment Agency have been made in full knowledge of the recent flood events and the comments made by objectors to the proposal. The Council does not have any scientific basis i.e. its own flood risk assessment, upon which to question the advice given by the Environment Agency and the fact remains that the site was not flooded as a result of the recent heavy rainfall.
- 6.5 Improvement works for Leominster's main sewage system are set for completion in April 2008. Although Welsh Water consider the application to be premature, they do advise that if the local planning authority were minded to approve the application a condition should be imposed to require that none of the dwellings be occupied before improvement works are complete. A condition of this nature would completely satisfy the objection raised by them.
- 6.6 The number of dwellings has been reduced on the site from the original submission from five to four. Principally the reason for this was to remove a concern regarding overlooking and overshadowing of the bungalow to the rear known as Elba. The current proposal is well spaced from the bungalow with the side elevation of the dwelling on plot four corresponding with its north-western boundary, with approximate distance between buildings of 14 metres measured from corner to corner. The distance and relationship between the two is sufficient to ensure that there will be no demonstrable overlooking or overshadowing of Elba and therefore the scheme is acceptable in this respect and accords with policy H13.
- 6.7 Objections raised in respect of overdevelopment cannot be substantiated. Each dwelling is afforded two parking spaces and has well sized gardens. In light of the reduction in numbers the relationship with surrounding properties is acceptable.
- 6.8 Similarly the increases in traffic movements onto Broad Street from the Vicarage Street junction will be negligible in terms of the existing residential context of the area. Whilst it is accepted that the junction is not ideal and does not afford the level of visibility that would be expected from a new development, traffic speeds are slow due to the 90

degree bend to the south-east and the addition of traffic movements associated with a development of four 2 bed dwellings is not sufficient to refuse the application on highway safety grounds.

- 6.9 The only outstanding issue from the previous application, which was refused, is the proximity of the site to the SSSI. The application is accompanied by an ecological report that was previously missing. It has been acknowledged that the site provides a habitat for grass snakes and slow worms and the comments from the Council's Ecologist deal with this in detail, concluding that the proposal is acceptable, subject to conditions. On this basis the previous refusal reason has been addressed.
- 6.10 In conclusion the proposal accords with the Unitary Development Plan. The previous reason for refusal has been addressed and therefore the application is recommended for approval.

RECOMMENDATION

That the application be delegated to officers named in the officer's scheme of delegation to approve the application following the expiry of the consultation period on the 22nd October , subject to no previously unconsidered material considerations being raised, 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. C04 - Details of window sections, eaves, verges and barge boards**

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

- 4. C05 - Details of external joinery finishes**

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

- 5. E16 - Removal of permitted development rights**

Reason: To maintain access to the watercourse for maintenance or improvements of the Flood Alleviation Scheme and as a buffer to protect and enhance the water environment.

- 6. F16 - Restriction of hours during construction**

Reason: To protect the amenity of local residents.

- 7. F49 - Finished floor levels (area at risk from flooding)**

Reason: To protect the development from flooding.

- 8. G01 - Details of boundary treatments**

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

9. None of the dwellings hereby approved shall be occupied before the 1st April 2008 or until such time that essential improvements to the public sewerage have been completed by Welsh Water.

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

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.

13. The recommendations set out in the ecologists' report dated August 2007 should be followed unless otherwise agreed in writing with the Local Planning Authority. Details of the agreement for habitat management and reptile monitoring as well as a site plan detailing the area to be retained undisturbed for nature conservation shall be submitted for written approval by the Local Planning Authority.

Reason: To ensure the law is not breached with regard to protected species and nesting birds which are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and policies NC1, NC5, NC6 and NC7 within the UDP.

14. No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the local planning authority. The plan shall include an appropriate scale drawing showing "Wildlife Protection Zones" where construction activities are restricted and where protective measures will be installed or implemented and details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction. Development shall proceed in accordance with the approved plan.

Reason: To comply with Herefordshire Council's UDP Policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

- 15. **An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work including clearance of the site.”**

Reason: To conserve and enhance protected habitat and designated sites in compliance with UDP Policies NC3, NC6, NC7, NC8 & NC9, and PPS9

Informatives:

- 1 - **N15 - Reason(s) for the Grant of PP/LBC/CAC**
- 2 - **N19 - Avoidance of doubt**
- 3 - **HN03 - Access via public right of way**

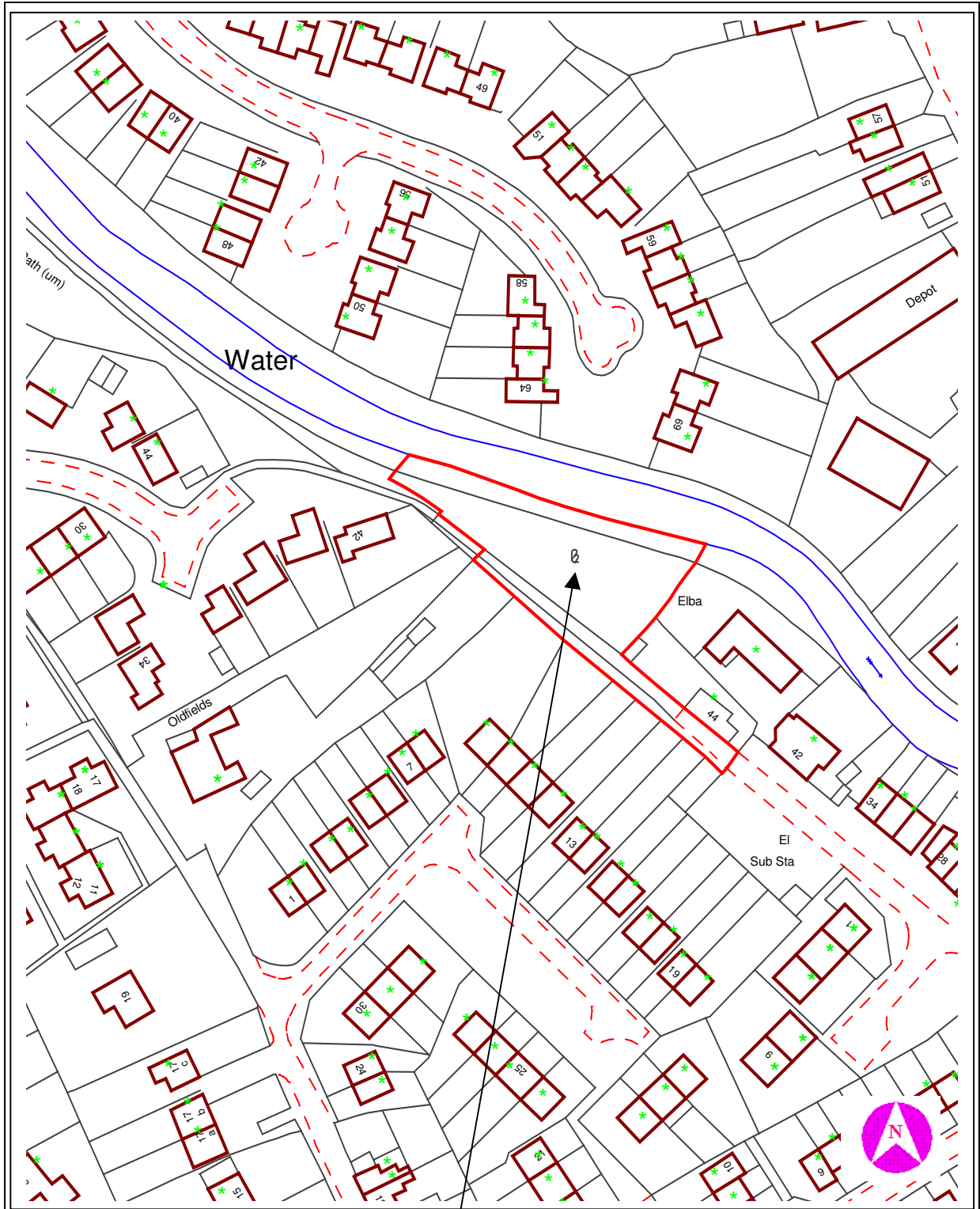
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2007/2869/F

SCALE : 1 : 1250

SITE ADDRESS : Adjacent to 44 Vicarage Street, Leominster, Herefordshire

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9 DCNW2007/2652/F - PROPOSED FIRST FLOOR EXTENSION AT GREENFIELDS, ALMELEY, HEREFORDSHIRE, HR3 6LH

For: Mr T Baldwin per Mr D Walters, David Walters, 27 Elizabeth Road, Kington, Herefordshire, HR5 3DB

Date Received:
14th August 2007

Ward: Castle

Grid Ref:
33443, 51537

Expiry Date:
9th October 2007

Local Member: Councillor J Hope MBE

1. Site Description and Proposal

- 1.1 Located just outside the Almeley Conservation Area, Greenfields is a detached modern bungalow of external brick construction, under a tiled roof. It is of no architectural or historic value in relationship to the near by Conservation Area.
- 1.2 The dwelling is located within the village of Almeley and fronts onto open farmland. The property immediately to the east is of similar construction and design, however the area it self is characterised by a mix of properties of different designs and sizes. An updated location plan is annexed to this report showing recent housing developments to the rear of the property.
- 1.3 The proposal is for the increase in the height of the roof from 4.4m to 6.3m to create a first floor to the property. The first floor would accommodate two further bedrooms and bathroom. Each of the bedrooms created would be served by a window located either end of the property.

2. Policies

- 2.1 Herefordshire Unitary Development Plan

S1 - Sustainable development
S2 - Development requirements
DR1 - Design
H18 - Alterations and extensions

3. Planning History

- 3.1 None identified.

4. Consultation Summary

Internal Council Advice

- 4.1 Transportation Manager - no objection to the proposal.

5. Representations

- 5.1 Almeley Parish Council object to the application as they believe if the application was approved it would set a precedent in the village for similar type of development. They express concerns over the height of the extension and its impact on surrounding properties.
- 5.2 Letters of objection have been received from the following:
- Mr & Mrs A.G.Brindley, The Dell, Bells Orchard, Almeley, HR3 6NE
 - R.G. Watts, 13 Bells Orchard, Almeley, Hereford, HR3 6NE
 - Mr. R.V. & Mrs. C. Hazell, Holly Bank, Bells Orchard, Almeley, HR3 6NE
 - Christine A. Wilcoxson, 122 Alton Street, Crewe, CW2 7PY.
 - Ms J. Goddard, Sunnymead, Almeley, Hereford HR3 6LH
- 5.3 In summary the issues raised are as follows:
- Concerns about potential loss of privacy and daylight
 - Consider the proposal to be out of keeping with the area and represents over-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 key considerations in determining this application are considered to be:
- the scale and design of the proposal, and
 - the impact upon residential amenity of neighbouring properties

Scale and Design

- 6.2 The area is characterised by a mix of different designed properties of various sizes. The proposed alterations and extensions will alter the appearance of the simple bungalow. I do not consider the increase in height significant and although the character will be altered it would not be to the detriment of the property or the surrounding area. The use of matching external materials will ensure that the resultant extension will lie in harmony with the existing dwelling.

Amenity

- 6.3 The impact on residential amenity on both the residents of neighbouring properties and within the application site it self have been carefully considered by the case officer. The current concerns of the neighbours in relation to potential loss of privacy and daylight are noted. The application site is however lower than the property 'The Dell' which is located directly to the rear, with some 13 metres separating the two properties. It is not considered that the proposed development will result in any detrimental impact upon the amenity of the neighbouring properties either side or to the rear of Greenfields.
- 6.4 Overall, the proposal accords with the relevant development plan policy and therefore a conditional planning permission is recommended.

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.

Informatives:

- 1 - N19 - Avoidance of doubt**

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

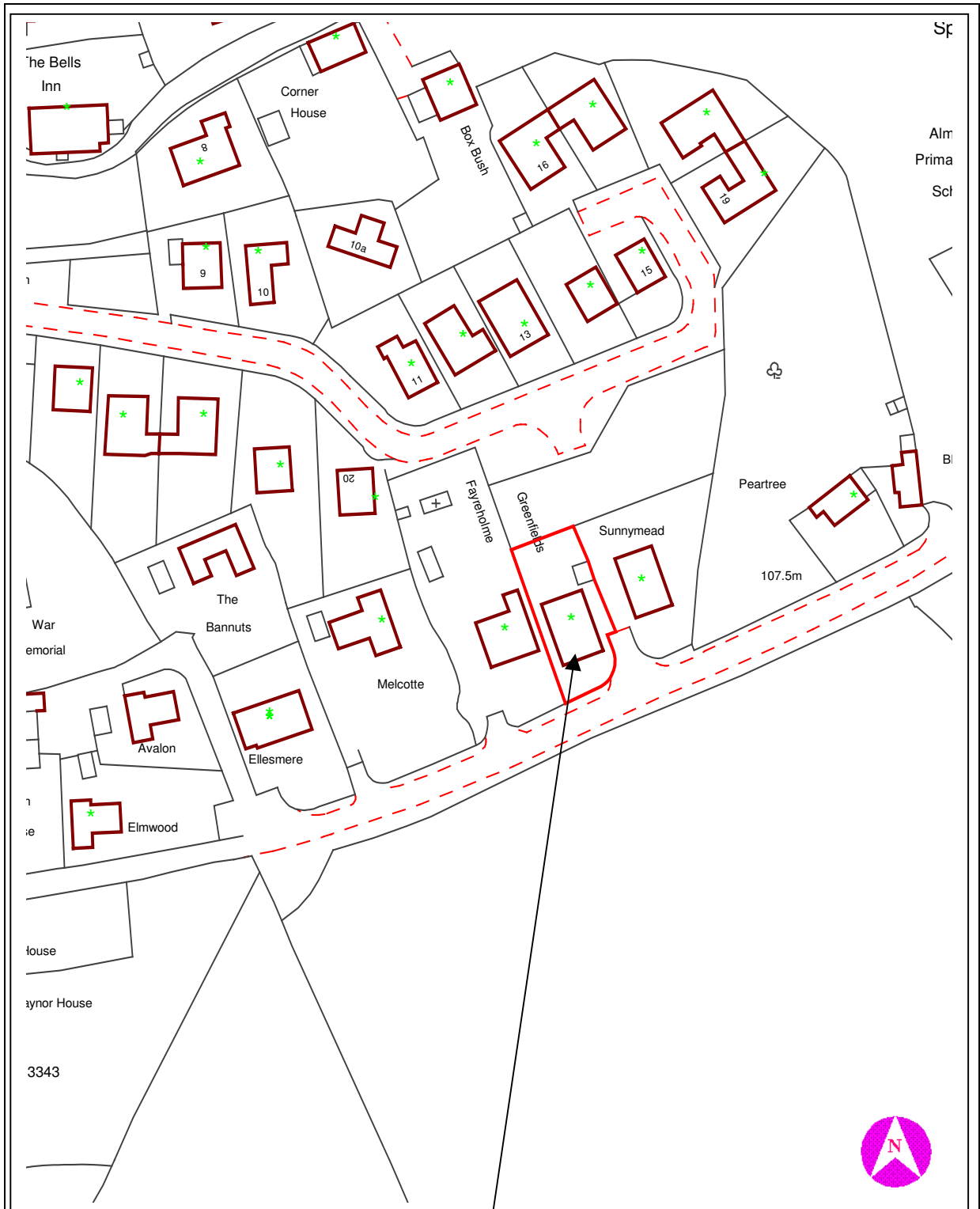
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



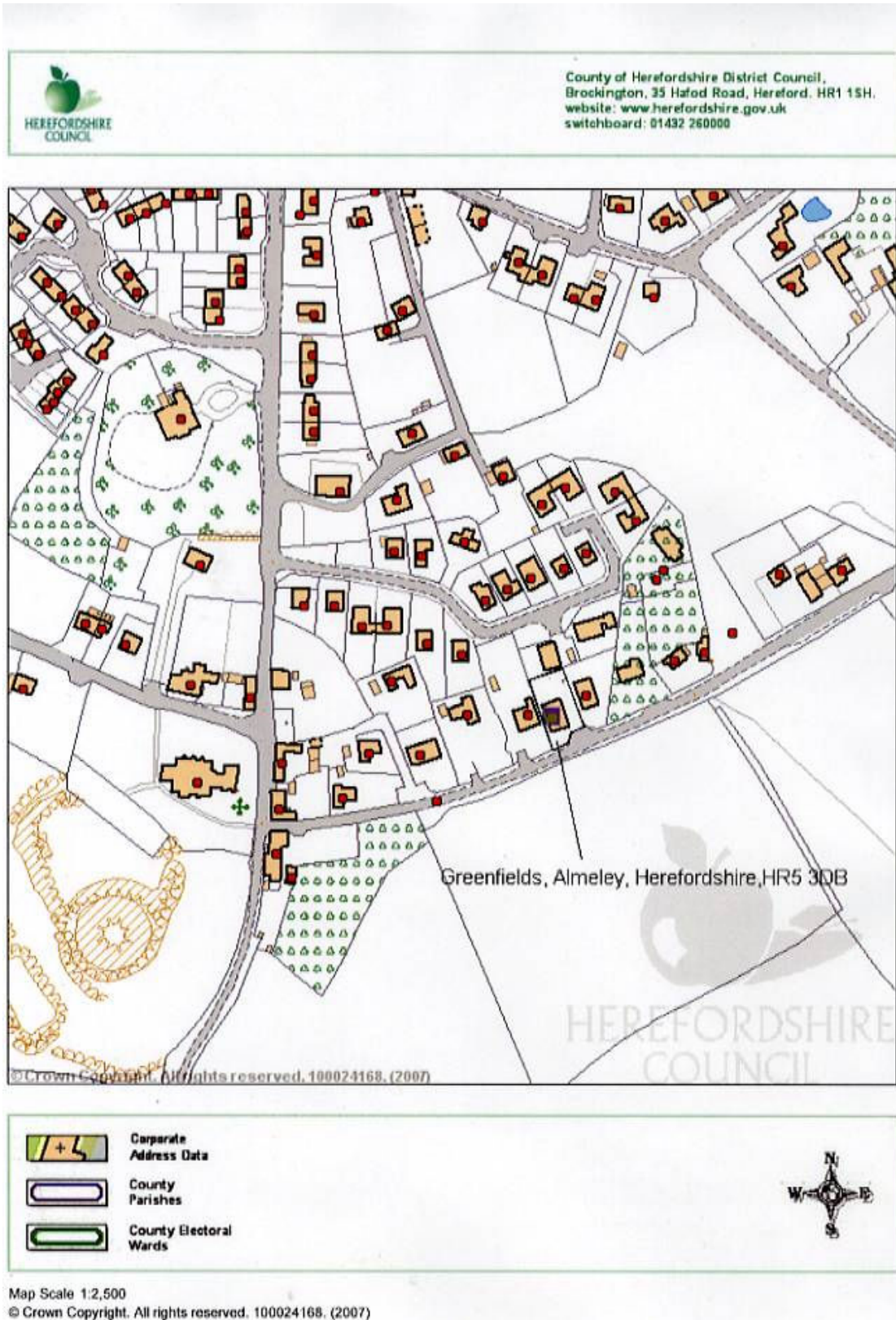
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APPLICATION NO: DCNW2007/2652/F

SCALE : 1 : 1250

SITE ADDRESS : Greenfields, Almeley, Herefordshire, HR3 6LH

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10 DCNW2007/2737/F - PROPOSED EXTENSION TO ROOF HEIGHT TO PROVIDE ADDITIONAL LIVING ACCOMMODATION AT THE WHITE HOUSE, BIRCHER COMMON, LEOMINSTER, HEREFORDSHIRE, HR6 0BU

**For: Mr & Mrs J Hargreaves, David Taylor Consultants,
The Wheelwright's Shop, Pudleston, Leominster,
Herefordshire, HR6 0RE**

Date Received:
23rd August 2007

Ward: Bircher

Grid Ref:
46518, 66226

Expiry Date:
18th October 2007

Local Member: Councillor WLS Bowen

1. Site Description and Proposal

- 1.1 The application site is located on 'Bircher Common' an unenclosed commons landscape type, as defined by the Herefordshire Landscape Character Assessment, and a Special Wildlife site.
- 1.2 The site forms part of scattered cluster of dwellings on the Common, this dwelling is located in a prominent position and is a cottage style 4 bedroomed dwelling of external render construction under a slate roof.
- 1.3 The application proposes raising of the roofline to create a new pitched roof approx. 1.1metres higher, in order to incorporate the rear flat roof extension into the main body of the house, by means of a new roof and creation of a second floor, to provide an additional en-suite bedroom and sitting room.

2. Policies

2.1 Herefordshire Unitary Development Plan

S1 – Sustainable Development
 S2 – Development Requirements
 DR1 – Design
 DR2 – Land Use and Activity
 DR3 – Movement
 DR4 – Environment
 H6 – Car Parking
 H18 – Alterations and Extensions
 LA2 – Landscape Character and Areas Least Resilient to Change
 NC1 – Biodiversity and Development
 NC5 – European and Nationally Protected Species
 NC6 – Biodiversity Action Plan Priority Habitats and Species
 NC7 – Compensation for Loss of Biodiversity
 NC8 – Habitat Creation, Restoration and Enhancement
 NC9 – Management of Features of the Landscape Important for Fauna and Flora.

3. Planning History

- 3.1 NW05/1301/F - Raised pitched roof and extension to convert attic to domestic accommodation - Refused planning permission on 14th June 2005. Dismissed on appeal 7th February 2006.
- 3.2 NW04/1672/F - Raise pitched roof of original cottage and extension to convert attic to domestic accommodation - Refused planning permission 29th June 2004.
- 3.3 97/0671/N – Erection of UPVC conservatory to front of property. Apporeved 7th October 1997.

4. Consultation Summary

Internal Council Advice

- 4.1 The Landscape Manager has responded to the application stating:
The application site lies within the Unenclosed Commons landscape type as defined by the Herefordshire Landscape Character Assessment (LCA). This landscape is defined by very distinct elements that are particularly well represented at Bircher Common. Amongst these elements is the prevalent use of small, simple wayside cottages of traditional vernacular proportions and style.
The site is located within a scattered cluster of dwellings on the southern edge of Bircher Common, just beyond the termination of the adopted highway leading up from the village of Bircher.
The traditional form of settlement in this landscape has resulted in a particular spatial pattern, responding more typically to the harsher conditions encountered in these elevated settings. Settlement has not been dictated by road and field systems, but more typically uses the surrounding topography to either maximise any shelter afforded or passive solar gain (this is particularly notable in the southern orientation of properties around Bircher Common).
The style and pattern of settlement is intrinsically linked to the historic pursuance of commoners rights, both to settle and manage the land. The current trend to 'aggrandise' dwellings within the Unenclosed Commons landscape type is a departure and negative impact on quality and character of the landscape.

The Herefordshire UDP, through the application of recommendations made within the LCA, aspires in Policy LA2 to encourage the conservation of distinctive elements of landscape. The LCA makes the following recommendation:

'Conserve the spatial pattern, scale and individual character of the wayside dwellings.'
Whilst the existing building is not unaltered and the flat roof extension to the north presents a negative contribution to the building and the area, the core of the building represents a traditional structure of 'two up, two down' of typical proportions (4.2m span and ridge height of less than 7m). The proposal to nearly double the span of the building proportionally increases the mass of the building and particularly the roof to an unacceptable degree. The pretensions to neo-classicism in the form of a pediment and boss window are also unacceptable.

In conclusion the increase in mass and proposed detailing will result in an over-bearing structure of untraditional proportions, having a negative impact on the quality and character of the area. I would recommend the application be refused as contrary to Policies LA2 and DR1 of the Herefordshire UDP.

4.2 The Planning Ecologist response to the application also recommends refusal stating that the application site is located within a special wildlife site near to extensive areas of woodland, to which there is potential for bats to be present, given the location of the property, and therefore the applicants will need to commission an ecological survey for bats and birds, to establish the potential impacts on protected species that may be present.

4.3 The Transportation Manager raises no objections to the proposed development.

4.4 The County Land Agent also raises no objection.

5. Representations

5.1 Croft and Yarpole Parish Council: No response received.

6. Officer's Appraisal

6.1 The key issues with regards to this application are:-

- Impact on the surrounding landscape
- Impact on biodiversity

6.2 The application is a re-submission of a previous application refused planning permission and later dismissed on appeal for a proposed increase in height of 1.1 metres, in order to create additional internal accommodation on a second floor. In support of the application the Design and Access statement states this is to provide additional living accommodation for the applicant's disabled son.

6.3 However, there is a slight difference between the dismissed application and the one subject to this application in that the previously dismissed application proposed four dormer windows, two in the rear elevation and two in the front. The current application proposes five roof lights and one frontal pediment containing a round window, this when viewed from either of the side elevations will give the effect of a 'dormer window' development. It must be emphasised the overall height of the proposed development is the same (1.1 metre) as that of the development dismissed on appeal.

6.4 The Inspector appointed by the Planning Inspectorate considered that the overall design and scale of the proposal, particularly the inclusion of the dormer windows would overburden the appearance of the existing dwelling, causing harm to the existing dwelling's appearance and the surrounding area. (The Appeal decision is annexed to this report.)

6.5 The current application is for development of the same increase in overall height. The Landscape Manager has raised concerns about the proposal, stating that the proposed development will have a harmful effect on the traditional vernacular proportions and style of dwellings on the common. The dwelling is in a prominent position as you enter the Common from the public highway known as Welshman's Lane. Bircher Common is an area of landscape traditionally dominated by former rural workers cottages that, gives it a distinctive character.

6.6 The Landscape Character Assessment (LCA), aspires in Policy LA2 of the UDP to encourage the conservation of distinctive elements of landscape. The LCA makes the following recommendation:-

'Conserve the spatial pattern, scale and individual character of the wayside dwellings.'

- 6.7 The dwelling subject to this application was formally a traditional 'two up, two down' with a 4.2m span and ridge height of less than 7m, to which an additional flat roofed extension has at some point been attached to its rear, doubling both the ground floor and first floor accommodation. However this increase in habitable accommodation although of no architectural merit did not increase the height of the dwelling and has a negligible impact on the dwellings front elevation or on the entrance to the Common.
- 6.8 The latest proposal will proportionally increase the mass of the building and particularly the roof to an unacceptable degree in a neo-classical form that is not typical of the Common, with the introduction of a frontal pediment and boss window that are also considered unacceptable. Policy H18: Alterations and Extensions in the UDP states that the original building, (as originally built) must remain the dominant feature.
- 6.9 Therefore the cumulative effect of the proposed subject to this application and that of the previous rear additional will mean total loss of the dwelling's original form and character.

Impact on Biodiversity

- 6.10 The Council's Planning Ecologist has recommended refusal to the application due to concerns of the harmful effect the proposed development could have on bats and birds in the area, which is a designated 'Special Wildlife Site,' in accordance with UDP Policies. The Ecologist recommends that an ecological survey for bats and birds is required to establish the potential impact on protected species that may be present.
- 6.11 Conclusion

In consideration of the impact the proposed development will have on the existing dwelling and surrounding area, which is of a special quality in light of both its landscape and built character, and the Inspector's recent decision, this application cannot be support by Officers. The personal circumstances put forward by the applicants, are not considered sufficient to outweigh the harm caused by the proposal, as indicated in the Inspector's decision to the previous application dismissed on appeal.

RECOMMENDATION

That planning permission be refused for the following reasons:-

- 1 The proposed height extension to the dwelling will by reason of its scale and design fail to respect the character and form of the cottage by creating an overwhelming effect on the original structure and character and therefore would be contrary to Policies DR1 and H18 of the Herefordshire Unitary Development Plan 2007.**
- 2 The proposed development will have an overwhelming effect on the character and visual appearance of the surrounding area, Therefore the proposed development is contrary to Policy LA2 of the Herefordshire Unitary Development Plan.**
- 3 The application site is within a Special Wildlife Site and potentially used by bats, (a protected species), to which no Ecological Survey accompanies the application to establish their use of the site. Therefore the application is contrary to Policies NC1, NC5, NC6, NC8 and NC9 of the Herefordshire Unitary Development Plan.**

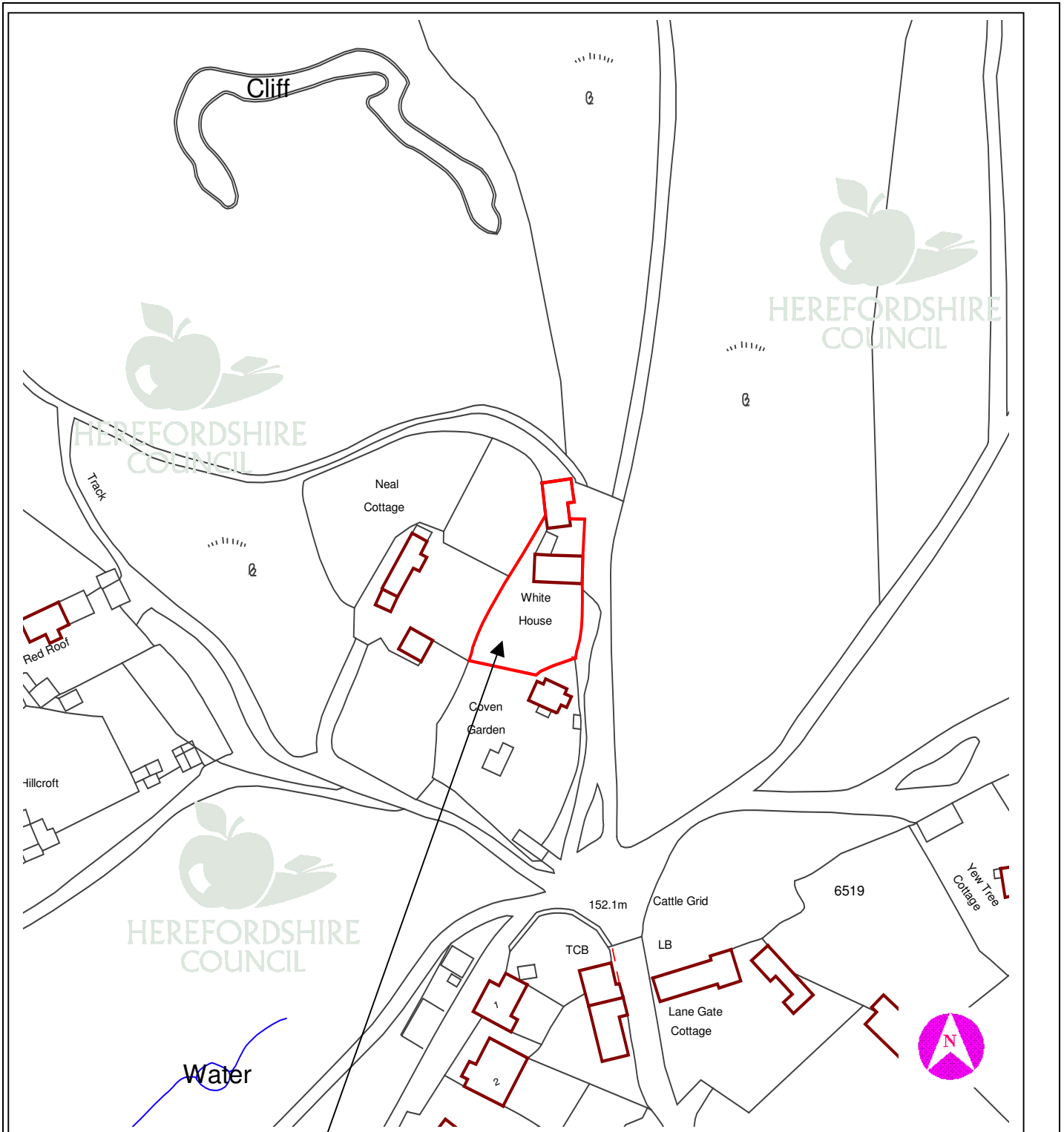
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2007/2737/F

SCALE : 1 : 1250

SITE ADDRESS : The White House, Bircher Common, Leominster, Herefordshire, HR6 0BU

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Appeal Decision

Site visit made on 11 January 2006

by Alison Clack BA(Hons) BTP MRTPI MBA

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquires@planning-
inspectorate.gsi.gov.uk

Date
07 FEB 2006

Appeal Ref: APP/W1850/A/05/1190528

The White House, Bircher Common, Leominster, Herefordshire, HR6 0BU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs J Hargreaves against the decision of Herefordshire District Council.
- The application (Ref DCNW2005/1301/F), dated 19 April 2005, was refused by notice dated 14 June 2005.
- The development proposed is to raise the pitched roof of the original cottage and extension to convert attic to domestic accommodation.

Decision

1. The appeal is dismissed.

Reasons

2. The appeal property is situated amongst a small group of dwellings within the open countryside. It occupies a prominent position in an Area of Great Landscape Value (AGLV). The proposed development involves increasing the height of the existing pitched roof and the installation of four dormer windows, creating a three storey dwelling.
3. I consider that the overall design and scale of the proposal, particularly the inclusion of the dormer windows, would overburden the appearance of the existing dwelling. Whilst I acknowledge that the proposal would replace an existing flat roofed rear extension, and accept the difficulties of extending within the site, it is my opinion that the proposal would overwhelm the original building causing harm to its appearance and that of the surrounding area, contrary to policy A.56 of the Leominster District Local Plan (LP) (Herefordshire) 1999 which seeks to ensure that proposals are sympathetic to the form and architectural characteristics of the original building.
4. I am mindful that the dwelling is situated in a low-lying position within the landscape; however, it is clear to me that the proposed development would be very visible from the surrounding area. I consider that for the reasons set out above the proposed enlarged dwelling would not fit sensitively into the landscape or conserve the beauty and amenity of the area. I therefore conclude that the development would also cause harm to the character and appearance of the rural landscape and the wider AGLV and would conflict with LP policy A.9 which seeks to ensure that proposals do not detract from the quality and visual appearance of the rural landscape within which they sit.

HEREFORDSHIRE COUNCIL
PLANNING SERVICES
DEVELOPMENT CONTROL

09 FEB 2006

To:

Ack'd: File

5. I have taken into account the personal circumstances put forward by the appellants, namely to provide additional accommodation for their son who has Down's syndrome, and the letters of support from the local community. However, it is my view that in this case the personal circumstances cited are not sufficient to outweigh the harm caused by the proposal. For the above reasons, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Alison Clark

INSPECTOR

11 DCNW2007/2653/F - PROPOSED ERECTION OF 6 DWELLING UNITS AND ANCILLARY GARAGES AND FORMATION OF NEW VEHICULAR ACCESS AT LAND ADJACENT TO METHODIST CHAPEL, HEREFORD ROAD, WEOBLEY, HEREFORDSHIRE

For: Border Oak Design & Construction Ltd

Date Received:

14th August 2007

Expiry Date:

9th October 2007

Local Member: Councillor JHR Goodwin

**Ward: Golden Cross
with Weobley**

Grid Ref:

40466, 51366

1. Site Description and Proposal

- 1.1 The site for the proposed development is on land allocated in the Herefordshire Unitary Development Plan for an estimated capacity of 12 dwellings to the rear of the Methodist Chapel, Hereford Road, Weobley.
- 1.2 To the south of the application site is the residential area known as 'Chapel Orchard'. This housing estate consists of two-storey dwellings constructed of brick under tiled roofs.
- 1.3 There are also residential areas to the northern and eastern boundaries, these are a mixture of house types. The external facing materials are predominantly brick. To the west of the site, on the opposite side of the adjacent C1095 Hereford Road, is the site of Weobley Castle, a Scheduled Ancient Monument. This survives as large earthworks.
- 1.4 The application site itself occupies an area of 0.41 hectares and is relatively flat grassland. The boundaries consist of various native and evergreen vegetation.
- 1.5 The application proposes the construction of 6 timber-framed dwellings and ancillary garages under natural slate/plain clay tiled roofs, with access into the site directly off the adjacent Hereford Road.

2. Policies

- 2.1 National Planning Policy Statement 3: Housing
- 2.2 Herefordshire Unitary Development Plan
S1 - Sustainable Development
S2 - Development Requirements
S7 - Natural and Historic Heritage
DR1 - Design
DR2 - Land Use and Activity
DR3 - Movement

DR4 - Environment
H4 - Main Villages: Settlement Boundaries
H5 - Main Village - Housing Land Allocations
H9 - Affordable Housing
H13 - Sustainable Residential Design
H15 - Density
H16 - Car Parking
LA2 - Landscape Character and Areas Least Resilient to Change
HBA6 - New Development within Conservation Areas
ARCH1 - Archaeological Assessments and Field Evaluations
CF2 - Foul Drainage

2.3 Weobley Parish Plan Supplementary Planning Guidance

2.4 Housing Needs Study for Weobley - February 2007

3. Planning History

3.1 NW07/0603/F - Proposed erection of 12 dwelling units and ancillary garages at land adjacent to Weobley Methodist Chapel, Weobley - Refused 27th June 2007.

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

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

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

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

4. Consultation Summary

Statutory Consultations

4.1 English Heritage have responded to the application with no comment. Their response stating that the application should be determined in accordance with national and local planning guidance and on the basis of your specialist conservation advice.

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

Internal Council Advice

4.3 The Archaeology Manager raises no objection to the proposed development.

4.4 The Forward Planning Manager has responded to the application stating that the application site is an allocated site in the Herefordshire Unitary Development Plan with an estimated capacity of 12 dwellings. The proposal is for 6 dwellings on an area of 0.41 hectares which would provide a density of 14 dwellings per hectare. Given that the indicative capacity has been provided for within the Herefordshire Unitary

Development Plan at a density of 30 dwellings per hectare as the indicative minimum, then the proposal is not in keeping with policy.

The response further states concerns about the proposed dwellings scale and footprint in that the proposed dwellings are larger than the identified need for housing types in the area and therefore not in keeping with the Herefordshire Unitary Development Plan and identified need.

- 4.5 The Landscape Manager comments that the overall character of the proposed development does not reflect the organically developed settlement pattern of the wider village. A condition with regards a scheme of landscaping is recommended for any subsequently approval notice issued.
- 4.6 The Transportation Manager raises no objections subject to inclusion of conditions with regards to access, parking and turning within the site.
- 4.7 The Parks Development Manager requests the sum of £7000 towards improvements to the Hopelands Village Hall play area in Weobley and £3780 towards local sport and leisure provision.
- 4.8 Strategic Housing Enabling Manager objects to the proposed development, due to no provision for affordable housing. Comment is made that the site is allocated for 12 units which would have resulted in 5 affordable units.
- 4.9 Children and Young People's Directorate requests a contribution of £2000 per dwelling. In accordance with the latest draft Supplementary Planning Document on planning obligations. This amount will rise to £6000 per dwelling on its adoption by the Council.
- 4.10 The Conservation Manager states the interior of the site is dominated visually by the surrounding estate development and its shape dictates the road layout. This gives flexibility in terms of form and limited flexibility in terms of layout, but given the context there should be a strong sense of rural informality. The common orientation and rhythmic placing of plots 3-6 are, on the contrary, too formal. It would be better in views into the site from the road to see roofs with ridges of various orientations.

5. Representations

- 5.1 Weobley Parish Council raise no objections to the proposed development. However, comment is made about surface water drainage from the site.
- 5.2 Letters of comment/support have been received from the following:-

Pamela Jenkins, 7 Chapel Orchard, Weobley
Pamela McGill, 9 Chapel Orchard, Weobley
S & D J Eady, 5 Chapel Orchard, Weobley
K Metcalfe, 13 Chapel Orchard, Weobley
D R Smith, 4 Chapel Orchard, Weobley
L Tilbury, 12 Chapel Orchard, Weobley
E M King, 1 Chapel Orchard, Weobley
Mrs N Bishop, 11 Chapel Orchard, Weobley
C F Faulkner, Oak View, Hereford Road, Weobley
G & R Norman, Orchard Garden, Hereford Road, Weobley
James Smith (Secretary), The Methodist Church
C B Havard, Bell Meadow, Weobley

Basically most of the letters received support the proposed access into the site directly off Hereford Road rather than through Chapel Orchard as proposed in the previous application refused planning permission by this Committee.

Some of the responses received raise concerns about the size and scale of the proposed dwelling units, in comparison to the surrounding houses, in that the proposed dwellings appear excessively large in relationship to surrounding houses.

- 5.3 A further letter has also been received from the applicants, in response to Officer concerns about the proposed development.

The letter states that the latest proposal is intended to address the concerns of the residents at Chapel Orchard, to improve the immediate environment of the Methodist Chapel and to provide the best possible option for access from Hereford Road.

The letter also confirms acceptance to enter into an appropriate Section 106 Agreement with regard to public highway infrastructure improvements, amenity space improvements, sport and education provision. Comment is also made about appreciation, that the proposal does require a degree of compromise, which they hope on balance will be deemed to be acceptable.

- 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 This application is presented to Committee, at the local member's request, due to local residents concerns about public highway access to a previous application for 12 houses on the site, refused planning permission by this Committee at its meeting on 27th June 2007.

- 6.2 The main issues with regards to this application are:-

- Density of the proposed development
- Affordable housing provision
- Design

- 6.3 Density of the proposed development

The site is allocated in the Herefordshire Unitary Development Plan for housing development, with an estimated capacity of 12 dwellings. Paragraph 3.4.55 on the site states '*The site is suitable for medium density development of around 12 units, incorporating an element of affordable housing.*'

- 6.4 The application proposes 6 units, which represents a density of 14 dwellings per hectare (the site covers an area of 0.41 hectares). The site density required in accordance with Herefordshire Unitary Development Policy is 30 dwellings per hectare. PPS3: Housing; advises using 30 dwellings per hectare as the indicative minimum. The Herefordshire Unitary Development Plan recommended a density for the site at the lower end of the range, but the development as proposed does not comply with local or national policy on dwelling unit density.

6.5 Affordable Housing Provision

The application site covers an area of 0.41 hectares and therefore in accordance with Herefordshire Unitary Development Plan policy on affordable housing, 35% of the total amount of housing on site must be affordable housing.

- 6.6 The applicants have not provided for any affordable housing provision, which normally would be subject to a Section 106 Agreement, under the Town and Country Planning Act 1990. However, they have agreed to requests for contributing through a Section 106 Agreement for financial provision towards local education, public highway infrastructure improvements amenity/play area and sports provision contributions in accordance with the individual Council relevant sections on these
- 6.7 The Council's Strategic Housing Manager has also raised concerns, that the site subject to this application, is an allocated housing site, in accordance with Herefordshire Unitary Development Plan policy, for an estimated capacity of 12 units, which equates to 5 affordable units. The substantial drop in the number of proposed units and under development of the site adversely affects strategic housing target delivery figures.
- 6.8 The Weobley Housing Needs survey of February 2007, identified a need for a further 11 affordable dwellings in the village. This proposal singularly fails to address possibly the most pressing issue for the Council in not providing any affordable dwellings as required by the site allocation in the Herefordshire Unitary Development Plan, Council policy generally, Regional Policy and National Policy. There is no doubt that in any potential appeal against refusal the Planning Inspectorate would support the Local Planning Authority in seeking to achieve these objectives. Such a fundamental failure to comply with policy must be rebuffed to deter similar attempts to side step the provision of affordable housing.
- 6.9 Comment has been made within the application's Design and Access Statement that two of the proposed units are to be allocated to members of the site owner's extended family, in order to enable them to return to live in the village. This is not considered to constitute affordable housing provision in accordance with Herefordshire Unitary Development Plan Policy, on affordable housing.

6.9 Design

The application proposes 6 large detached dwellings of a scale and design that is not typical of the immediate surrounding area, being overly dominant in relationship to other dwellings within the immediate vicinity of the application site. The dwelling unit proposed for plot no 6, in particular having an overwhelming effect on the adjacent dwelling know as 5 Chapel Orchard.

- 6.10 Policy DR1: Design in the Herefordshire Unitary Development Plan states all development will be required to promote or reinforce the distinctive character and appearance of the locality in terms of layout, density, means of access and enclosure, scale, mass, height design and materials.

The development subject to this application is for 6 detached dwellings that are large in scale and mass and therefore not typical of surrounding dwellings scale and mass or external construction materials. The surrounding built environment is one of predominantly brick, rather than timber framed dwellings, with timber cladding and mainly lime rich render.

6.11 Conclusion

The application proposes a development density that is not in accordance with Herefordshire Unitary Development Plan Policy for this UDP allocated site. The proposal also fails to comply with PPS3: Housing in respect of both density and the delivery of affordable housing.

6.12 No provision has been made for affordable housing. The site measures 0.41 hectares and therefore provision must be made for 35% affordable housing provision. Furthermore this site is earmarked in the Herefordshire Unitary Development Plan for approximately 12 dwelling units. Targeted affordable housing provision, on other allocated housing sites, may be jeopardised by acceptance of this proposal.

6.13 The overall design of the proposed development is such that it will overly dominate the surrounding built environment and its immediate built character. It will not, thereby, comply with Herefordshire Unitary Development Plan Policy on design.

RECOMMENDATION

That planning permission be refused for the following reasons:-

- 1 The proposed development is of a density of individual housing units that fails to comply with Policies H5 and H15 in the Herefordshire Unitary Development Plan 2007 and guidance as stated in Planning Policy Statement 3: Housing.**
- 2 The complete absence to make provision for affordable housing is contrary to Policies H5 and H9 of the Herefordshire Unitary Development Plan 2007, Regional Planning and Policy Planning Policy Statement 3: Housing.**
- 3 The overall layout, design and scale of the development is such that it does not reinforce the local built character and appearance of the locality, particularly by reason of the scale, mass, materials and design of the proposed new houses. in which the application site is located. Therefore the proposal is contrary to Policies DR1, H15 and HBA6 of the Herefordshire Unitary Development Plan 2007.**

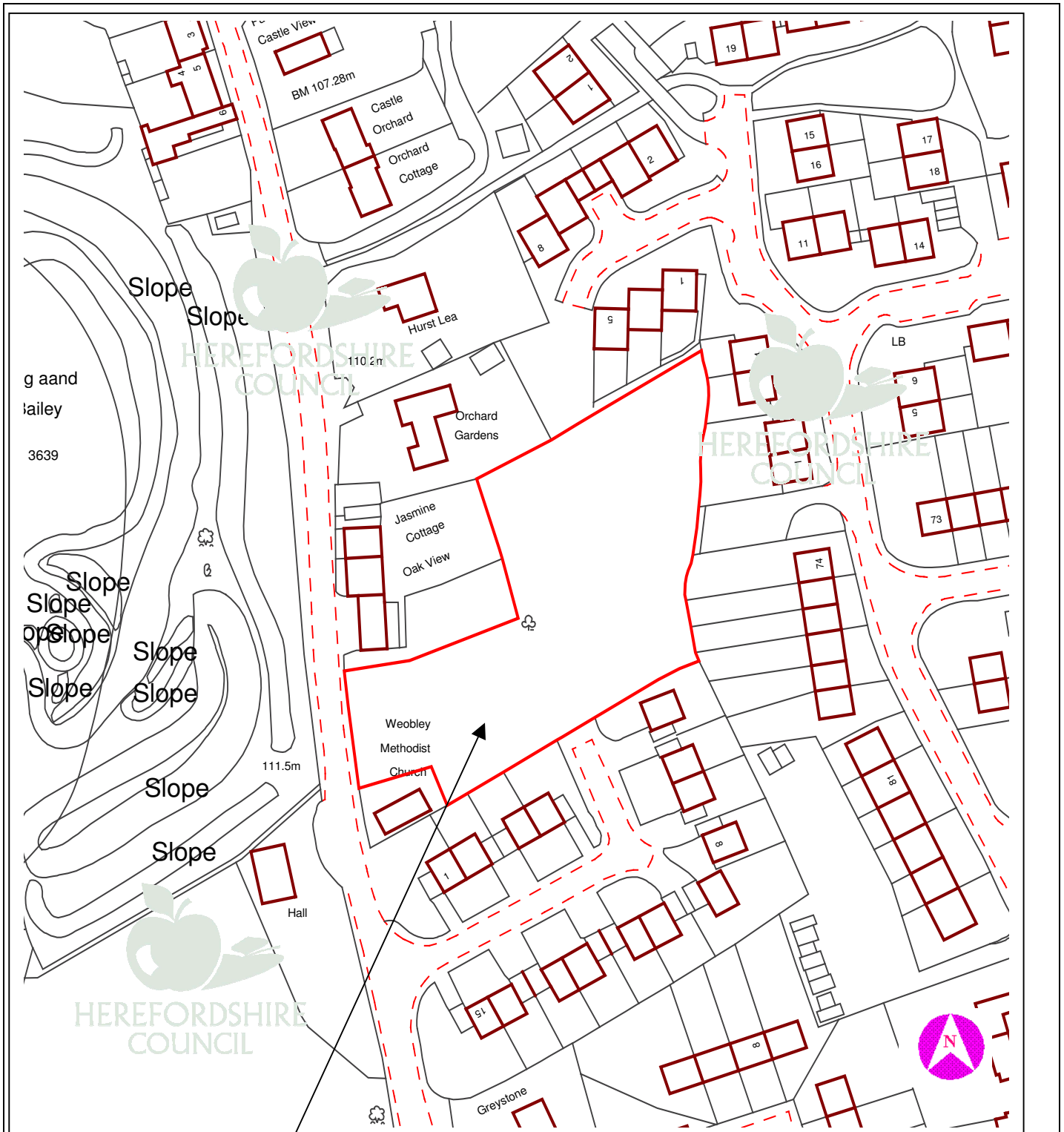
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2007/2653/F

SCALE : 1 : 1250

SITE ADDRESS : Land adjacent to Methodist Chapel, Hereford Road, Weobley, Herefordshire

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