

Northern Area Planning Sub-Committee

Date: **Wednesday, 14th November, 2007**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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**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 17th October, 2007.	1 - 10
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.	11 - 14
5. APPLICATIONS RECEIVED To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary. Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
6. DCNE2007/2801/F - ORCHARD BUSINESS PARK, BROMYARD ROAD, LEDBURY, HEREFORDSHIRE, HR8 1LG Erection of 10 stainless steel storage silos for fruit juice. Ward: Ledbury	15 - 20
7. DCNE2007/2910/F - LAND AT FROME VALLEY HAULAGE DEPOT, BISHOPS FROME, WR6 5BZ Proposed erection of 17 residential units with ancillary car parking. Ward: Frome	21 - 52

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|-----|--|---------|
| 8. | DCNC2007/2604/F - ROSEMAUND FARM, ROSEMAUND DRIVE, PRESTON WYNNE, HEREFORDSHIRE, HR1 3PG | 53 - 60 |
| | Change of use from warehousing / storage to distillery and biofuels plant. Erection of tower on building to house distillery column. Clad lean-to at NE side of building. New access road. | |
| | Ward: Bromyard | |
| 9. | DCNC2007/2669/O - LYNCROFT, BADLEY WOOD, WHITBOURNE, WORCESTER, WR6 5SJ | 61 - 68 |
| | Site for the erection of one bungalow for agricultural workers dwelling. | |
| | Ward: Bringsty | |
| 10. | DCNC2007/2672/F - FORMER POST OFFICE, CORN SQUARE, LEOMINSTER, HEREFORDSHIRE, HR6 8LR | 69 - 78 |
| | Change of use to A4. Refurbishment of single storey extension at rear. Demolish outbuilding and new rear extension. | |
| | Ward: Leominster South | |
| 11. | DCNC2007/2841/F - THE BARN, GREEN FARM, TEDSTONE WAFRE, BROMYARD, HEREFORDSHIRE, HR7 4PP | 79 - 86 |
| | Proposed two storey building adjacent to existing single storey wing to create new dwelling. | |
| | Ward: Bringsty | |
| 12. | DCNC2007/3045/O - LAND SOUTH EAST OF THE LODGE, HATFIELD, LEOMINSTER, HEREFORDSHIRE | 87 - 94 |
| | Proposed site for the erection of a 12,000 bird free range organic egg laying unit. | |
| | Ward: Hampton Court | |
| 13. | DATE OF NEXT MEETING | |
| | 12th December, 2007 | |

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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, 17th October, 2007 at 2.00 p.m.

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

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

In attendance: Councillors JE Pemberton

95. APOLOGIES FOR ABSENCE

Apologies were received from Councillors KG Grumbley, R Mills and RV Stockton.

96. DECLARATIONS OF INTEREST

Councillor	Item	Interest
Mrs JP French	Agenda item 8, Minute 102 DCNW2007/2869/F - Proposed 4 new houses on land adjacent to 44 Vicarage Street, Leominster	Declared a prejudicial interest and left the meeting for the duration of the item
Brig P Jones CBE	Agenda item 8, Minute 102 DCNW2007/2869/F - Proposed 4 new houses on land adjacent to 44 Vicarage Street, Leominster	Declared a personal interest.

97. MINUTES

RESOLVED: That the Minutes of the meeting held on 19th September, 2007 be approved as a correct record and signed by the Chairman.

98. ITEM FOR INFORMATION - APPEALS

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

99. 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.

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

The Northern Team Leader presented the following updates:

Additional Representations

A further letter had been received from Mr Humphries of Laburnum Cottage commenting on the amended plans as follows:

- The sealed lagoon is positioned directly above my property so it is vital that it never overflows. If it did my private water supply would be contaminated very quickly.
- The run off area from the yard is 126m². The proposed sealed lagoon has a capacity of 2500 litres. Therefore it would take only 20mm of rainfall before the lagoon overflowed and contaminated my private water supply. We had 1075mm of rainfall in the UK in 2006, therefore the lagoon would have been emptied 54 times in 2006 to prevent it overflowing. The capacity of the lagoon is too small. Alternative solutions would be to move the lagoon to a position where the overflow would not cause a problem or not allow stock to the areas exposed to rainfall (so the lagoon only collects from foul water from the new barn).

Officer Comments

Contaminated run off will only be routed to the lagoon when cattle are in the yard. At all other times clean rainwater will be diverted into the French drain draining to the sump at the lowest point of the field. Mr Humphries has assumed that all rainwater falling on the yard, contaminated or not, will be draining to the lagoon hence his incorrect conclusion that the proposed lagoon would be too small. The size of the lagoon has been discussed and agreed with the Environment Agency. The lagoon has to be emptied and the contents disposed of in a way that does not cause pollution. This is likely to involve the lagoon being pumped out and the contaminated water taken away and disposed of off site.

RESOLVED

That 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.

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

The Sub-Committee was agreeable to the suggestion of the Northern Team Leader that the following conditions be added:

F48 prior agreement on slab levels;
Reason: to define permission and ensure appropriate scale and height; and

H29 secure cycle parking provision
Reason: adequate provision for secure cycle parking.

RESOLVED

That planning permission be granted, subject to the aforementioned conditions and 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.

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

The Principal Planning Officer presented the following updates:

Additional Representations

Three further letters of objection have been received from local residents, but no new issues are raised to those highlighted in the Officer's report.

Comments have been received from the Ramblers Association who comment about the public footpath and request that it is not affected either during building works or upon completion.

Additional Condition

An additional condition is proposed in respect of surface water drainage and reads as follows:

The development hereby approved shall not be commenced until a scheme for the provision and implementation of a surface water regulation system including the use of Sustainable Urban Drainages Systems has been submitted to and approved in writing by the local planning authority. Surface water generated from the site shall be limited to the equivalent Greenfield runoff rate for the site. The scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

In accordance with the criteria for public speaking, Mr Westwood of Leominster Town Council and Mr Hewitt an objector, spoke against the application.

Councillor Brig P Jones CBE, one of the Local Ward Members, shared the concerns of the objectors about the potential flooding issues, notwithstanding the views of the Environment Agency that the site had a 1 in 1000-year probability of flooding. He was also concerned at the impact of the proposal on a valuable area of open space and wildlife and that there would be an overall adverse effect on the environment and setting. Councillor J Stone felt that the Environment Agency flood zones needed to be revised in the light of the summer floods and climate change. Councillor WLS Bowen had reservations about building taking place on alluvial land and was also concerned at the safety of pedestrians on a well-used thoroughfare because the scheme did not include a separate footpath in the access road.

The Principal Planning Officer explained that the concerns could be met by appropriate conditions and informatives, and that the application was in accordance with the Council's Planning Policies.

Notwithstanding the view of the Officers, the Sub-Committee decided that the application should be refused.

RESOLVED:

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

1. The proposal represented unacceptable over-development of the site.

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

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

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

In accordance with the criteria for public speaking, Mr Brindley, an objector, spoke against the application and Mr Walters, the applicant's agent, spoke in favour.

The Sub-Committee discussed the merits of the application and the impact raising the roof of the dwelling would have on adjoining properties. The majority of buildings in the vicinity were bungalows and some members shared the concerns of the local parish council about the impact on the character of the village if further similar applications were received. The Principal Planning Officer said that the proposal constituted a fairly modest increase in the roof height which would give the appearance of the dwelling becoming a dormer-bungalow rather than a house. It was noted that the adjoining properties were at various levels on a slope and decided that a site inspection should be held so that the impact of the proposal could be determined more readily.

RESOLVED:

That a site inspection be held for the following reasons:

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

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

In accordance with the criteria for public speaking, Mr Taylor, the applicant's agent spoke in favour of the application.

Councillor WLS Bowen, the Local Ward Member, noted the reasons for refusal put forward by the officers but felt that the application was acceptable because there were a wide range of house types around the common and it would therefore not be out of keeping. He also felt that the new roof arrangement would considerably improve the appearance and balance of the dwelling which currently had a very unattractive flat-roofed extension. He was also of the opinion that the proposed window pediment should be deleted from the scheme because it would detract from the final appearance. The Sub-committee supported his views.

RESOLVED:

That (i) The Northern Area Planning Sub-Committee is minded to approve the application subject the following condition and any further conditions felt to be necessary by the Development Control Manager, provided that the Head of Planning Services does not refer the application to the Planning Committee.

1. Revised plans deleting the window pediment from the roof being first submitted for approval in writing by the officers.

(ii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to approve the application, subject to such conditions referred to above.

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

105. 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

The Senior Planning Officer presented the following updates:

A copy of a letter sent via email to all of the Northern Area Councillors from the applicants in support of their application has been received and its comments noted.

This letter raises no further issues to comment upon other than as covered in the Officer's report.

A letter has also been received from the applicants commenting on the Officer's report. The letter comments about the overall density in that the density is higher than as stated in the report to Committee, as part of the site cannot be used for development. Comment is made that they are unable to provide affordable housing on site, unless they revert to the original scheme refused planning permission. Comment is also made about overall layout design, mass, scale and external construction materials in that they are

specifically in accordance with Officer's recommendations and previous schemes submitted to the Council for the site. Notwithstanding this, the letter states that the applicants are prepared to make appropriate revisions to overall layout and elevations design.

Notwithstanding the above, the density is only 15 per hectare and fails to provide the Council's requirement for affordable housing.

In accordance with the criteria for public speaking, Mrs Parsons of Weobley Parish Council and Mrs Tilbury, a supporter, spoke in favour of the application.

Councillor JHR Goodwin the Local Ward Member was in favour of the application. He felt that although the proposal did not meet the requirements for affordable housing, there were a number of key factors that needed to be taken into consideration which could meet the requirements of planning policies DR1, H5 and HBA6. Following the rejection of the original application because its access was through Chapel Orchard, the applicants had gone to considerable lengths to prepare a scheme in keeping with the area and its setting opposite an ancient monument. The design incorporated a welcome amount of open space and the houses and garages were of a style in keeping with an historic village. The proposed access road was directly off the highway and thereby overcame the problem of a route through Chapel Orchard. The proposed dwellings would be comprised of one two-bed; one three-bed and four four-bed properties and reflected the character, appearance, mix and range of properties elsewhere in the village. He said that the village already had a good provision of affordable housing on other sites and questioned the need for more at this location.

The Northern Team Leader reiterated why the proposal did not fulfil the Council's planning policies and said that the scheme needed to be comprised of twelve dwellings which included four affordable ones. Having considered all the facts about the application however, the Sub-Committee was in support of the views of the Local Ward Councillor that the application should be approved.

RESOLVED:

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

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

The meeting ended at 3.25 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCNC2007/0368/F**

- The appeal was received on 18th October, 2007.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mr & Mrs J Hazel.
- The site is located at Yew Tree Cottage, Brierley, Leominster, Herefordshire.
- The development proposed is proposed new garden room.
- The appeal is to be heard by Written Representations.

Case Officer: Julia Shields on 01432 261560

Application No. DCNC2007/2422/F

- The appeal was received on 18th October, 2007.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mr & Mrs J Hazel.
- The site is located at Yew Tree Cottage, Brierley, Leominster, Herefordshire.
- The development proposed is proposed garden room to rear of garage.
- The appeal is to be heard by Written Representations.

Case Officer: Julia Shields on 01432 261560

Application No. DCNC2007/2442/A

- The appeal was received on 31st October, 2007.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mrs Patel.
- The site is located at 12 - 24 Bengry Motors Ltd, The Bargates, Leominster, Herefordshire.
- The development proposed is 1 x Single sided free standing display units.
- The appeal is to be heard by Written Representations.

Case Officer: Julia Shields on 01432 261560

APPEALS DETERMINED**Application No. DCNC2006/3983/F**

- The appeal was received on 28th 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 Preservation.
- The site is located at Forbury Chase, Sherford Street, Bromyard, Herefordshire.
- The application, dated 15th December, 2006, was refused on 30th January, 2007.
- The development proposed was Proposed retention and conversion of existing school house to residential.

- The main issues are:
 - (i) *The effect of the appeal scheme on the former Congressional Church, a listed building, the setting of the adjacent Old Police Station and manse and on the character and appearance of the locality and Bromyard Conservation Area within which the site is located.*
 - (ii) *The effect of on the living conditions of future occupants of the manse and proposed dwellings adjacent to the manse through potential overlooking.*

Decision: The appeal was UPHELD on 9th October, 2007.

Case Officer: Andrew Banks on 01432 383085

Application No. DCNC2007/0737/L

- The appeal was received on 30th April, 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 Preservation.
- The site is located at Forbury Chase, Sherford Street, Bromyard, Herefordshire.
- The application, dated 15th December, 2006, was refused on 17th April, 2007.
- The development proposed was proposed retention and conversion of the existing schoolhouse.
- The main issues are:
 - (iii) *The effect of the appeal scheme on the former Congressional Church, a listed building, the setting of the adjacent Old Police Station and manse and on the character and appearance of the locality and Bromyard Conservation Area within which the site is located.*
 - (iv) *The effect of on the living conditions of future occupants of the manse and proposed dwellings adjacent to the manse through potential overlooking.*

Decision: The appeal was UPHELD on 9th October, 2007.

Case Officer: Andrew Banks on 01432 383085

Application No. DCNC2006/1215/F

- The appeal was received on 20th June, 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 K Rogers.
- The site is located at Highwell House, Highwell Lane, Bromyard, Herefordshire.
- The application, dated 5th April, 2006, was refused on 3rd January, 2007.
- The development proposed was Replacement of south wing and dayroom link.
- The main issue is the effect of the scheme on highway safety and the free flow of traffic on Highwell Lane.

Decision: The appeal was UPHELD on 29th October, 2007.

Case Officer: Julia Shields on 01432 261560

Enforcement Notice: EN2006/0161/ZZ

- The appeal was received on 16th February, 2007.
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice.
- The appeal is brought by Mr S Willmetts.
- The site is located at Land at Bacon Lane, Aymestry.
- The breach of planning control alleged in this notice is:

Without planning permission, the material change of use of an agricultural building to a mixed use for agricultural storage and residential purposes and the material change of use of agricultural land to garden land.

- The requirements of the notice are:
 - Permanently cease the residential use of the agricultural building;*
 - Remove all domestic fixtures and fittings from the said building;*
 - Remove the central heating system and all associated fixtures and fittings from the said building;*
 - Remove all materials resulting from the cessation of the residential use of the agricultural building from the land subject of this Notice;*
 - Permanently cease use of the agricultural land as garden land;*
 - Remove all garden furniture and play equipment from the said land;*
 - Infill the pond with inert uncontaminated material from a licensed reputable source;*
 - Remove all items resulting from the cessation of the unauthorized use of the agricultural land from the land subject of this Notice.*
- The main issue is whether the development is essential to the agricultural activities on the holding, bearing in mind the development plan and national planning policies concerning the provision of dwellings in the countryside. There is also a further main issue, which is the effect of the development on the character and appearance of the rural landscape.

Decision: The appeal was DISMISSED on 30th October, 2007.
Enforcement notice was UPHELD with a variation.

Case Officer: Philip Mullineux on 01432 261808

Application No. DCNW2006/2915/F

- The appeal was received on 9th January, 2007.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by W & E Willmetts.
- The site is located at P.P. 890 Bacon Lane, Aymestry, Leominster, Herefordshire, HR6 9ST.
- The application, dated 5th September, 2006, was refused on 19th October, 2006.
- The development proposed was Agricultural workers dwelling.
- The main issue is whether the development is essential to the agricultural activities on the holding, bearing in mind the development plan and national planning policies concerning the provision of dwellings in the countryside.

Decision: The appeal was DISMISSED on 30th October, 2007
An application for the award of costs by the appellant against the Council was DISMISSED

Case Officer: Philip Mullineux on 01432 261808

Application No. DCNW2006/3143/F

- The appeal was received on 28th November, 2006.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Downton Estate Ltd.
- The site is located at Old Downton Buildings, Downton-on-the-Rock, Nr Ludlow, Herefordshire, SY8 2HU.
- The application, dated 28th September, 2006, was refused on 7th November, 2006.
- The development proposed was Change of Use to restaurant.
- The main issues are whether the site is a sustainable location for the development proposed, having regard to relevant planning policies and the effect of the proposal on the local highway network.

Decision: The appeal was DISMISSED on 1st November, 2007.

Case Officer: Philip Mullineux on 01432 261808

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

6 DCNE2007/2801/F - ERECTION OF 10 STAINLESS STEEL STORAGE SILOS FOR FRUIT JUICE AT ORCHARD BUSINESS PARK, BROMYARD ROAD, LEDBURY, HEREFORDSHIRE, HR8 1LG

For: Thomas Services Company Limited at above address.

Date Received:
30th August, 2007

Ward:
Ledbury

Grid Ref:
70455, 39187

Expiry Date:
25th October, 2007

Local Members: Councillors ME Cooper, JK Swinburne and PJ Watts

1. Site Description and Proposal

- 1.1 The application site forms part of Orchard Business Park, an established employment site within Ledbury. The site, as part of the overall employment allocation, lies outside but adjacent to the Malvern Hills AONB.
- 1.2 The proposal is for the erection of ten 18m storage silos and associated base and fixings, for fruit juice.

2. Policies

Herefordshire Unitary Development Plan 2007

DR1 – Design
DR2 – Land use and activity
E6 – Expansion of existing businesses
E8 – Design standards for employment sites

3. Planning History

- 3.1 DCNE2000/1026/F – Erection of 2 dry goods storage silos, approved with conditions, 10th July, 2000.
- 3.2 DCNE1999/3008/F - Erection of 2 dry goods storage silos, approved with conditions, 29th December, 1999.
- 3.3 MH94/0284 – Provision of office space, approved with conditions, 12th May, 1994.

4. Consultation Summary

Internal Council Advice

- 4.1 The Council's Environmental Health and Highways departments both make no objection to the proposal.

4.2 The Council's Highways Manager has no objection.

5. Representations

5.1 Ledbury Town Council makes no objection and recommends approval.

5.2 A letter of objection was received from a neighbour. This objection has subsequently been withdrawn, by letter dated 8/10/07. Notwithstanding this, the objections were, as summarised: -

- Concerns regarding hours of operation
- Noise from refrigerated lorries
- Smell from fruit juices
- Drainage issues from the washing of the silos
- Size of the silos

5.3 The CPRE object to the proposal for the following reasons: -

- Significantly intrusive mass within the estate
- Proposal would materially harm the quality of the landscape

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 applicant is seeking to set up a liquid production facility to complement the company's existing plant and operations within Herefordshire and help meet increasing demand for their product.

6.2 The proposal comprises 10 stainless steel silos, each with a height of 18 metres, arranged in two rows of five, on a concrete base. The silos are located within the existing employment site, flanked by the existing industrial building to the west and the bank to the east. The silos are higher than the adjoining industrial building by approximately 9 metres.

6.3 The proposal site is located on established employment land, which also is adjacent to, and forms part of, an overall employment land allocation. It can be considered that there is the expectancy that large, bulky and industrial styled buildings and facilities will be found within such a complex and the designation of such sites (and their safeguarding in plan policy) acknowledges this fact.

6.4 Accordingly, taking into account the designated land use of the site, the siting and the design of the silos, which are subject to an agreed colour finish, the proposal is in accordance with Policy E6, which relates to the expansion of existing businesses. Furthermore, in considering the design of the proposal, given these silos are tall buildings and potentially visually prominent and intrusive, the siting and attached condition controlling colour finish satisfies Policy DR1 and further ensures minimal landscape impact.

6.5 Turning to the issue of the impact of the silos within the landscape in more detail, the siting and location of the proposal is considered to be suitable for the above reasons. In considering the immediate location, views of the proposed silos in regards to road

users would be limited to fleeting glimpses, even more so when approaching from Ledbury, where the approach to the site is downhill and through a bend, and obscured by two dwellings and boundary treatments. Furthermore, the site is below the road level.

- 6.6 Regarding long-range views and wider landscape impact, the main view of the site and proposal will come from the railway line, specifically from Ledbury viaduct. From this vantage point, the eye is drawn to the large-scale industrial buildings currently on site. Given the nature of the site and existing industrial development in this area, and notwithstanding the site lies adjacent to the Malvern Hills Area of Outstanding Natural Beauty, it is considered there is no significant detrimental landscape impact.
- 6.7 In regards to potential impact on neighbouring land uses, the main concern regards two residential properties fronting onto Bromyard Road. The proposal would be approximately 50 metres from the nearest point of the nearest dwelling. In addition, in light of no objection from Environmental Health, it is considered that there would not be an undue impact on the residential amenity and enjoyment of these properties. Accordingly, policies DR2 and E8 are satisfied.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2. Within 12 weeks of the first erection of each silo in the hereby permitted development, the entirety of that silo, including fixings, shall be painted in a matt Goosewing Grey (BS 10 A 05) coloured paint and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, thereafter maintained as such.**

Reason: To ensure a satisfactory appearance to the development and minimise its impact within the wider landscape in accordance with Herefordshire Unitary Development Plan (adopted 2007) policies DR1 and E8.

- 3. Within 6 months of the date of this decision notice, a landscaping scheme for the eastern boundary of the application site shall be submitted for approval by the Local Planning Authority and thereafter maintained as such.**

Reason: To ensure a satisfactory appearance to the site, in accordance with Herefordshire Unitary Development Plan (adopted 2007) policies DR1 and E8.

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

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

Informatives:

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

- 2. **N19 - Avoidance of doubt.**
- 3. **The bund, located on the eastern boundary of the site, does not form part of this planning permission.**

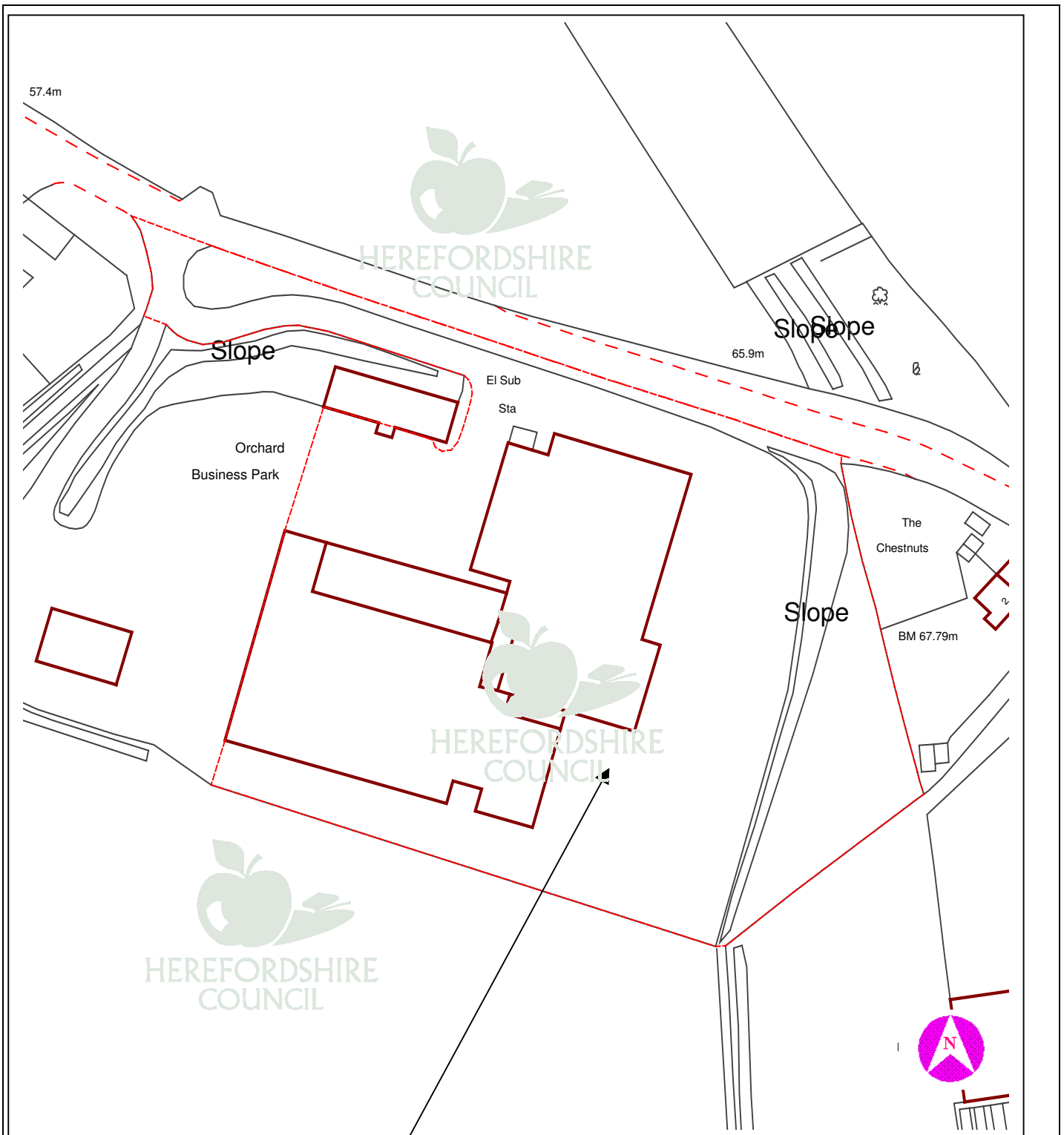
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNE2007/2801/F

SCALE : 1 : 1250

SITE ADDRESS : Orchard Business Park, Bromyard Road, Ledbury, Herefordshire, HR8 1LG

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Further information on the subject of this report is available from Mr R Close on 01432 261803

7 DCNE2007/2910/F - PROPOSED ERECTION OF 17 RESIDENTIAL UNITS WITH ANCILLARY CAR PARKING ON LAND AT FROME VALLEY HAULAGE DEPOT, BISHOPS FROME, WR6 5BZ

For: Sharba Homes (BF) Ltd per CSJ Brooke Smith, Somerville House, 20-22 Harbone Road, Edgbaston, Birmingham, B15 3AA

Date Received:

14th September, 2007

Expiry Date:

14th December, 2007

Local Member: Councillor PM Morgan

Ward:

Frome

Grid Ref:

66309, 48243

1. Site Description and Proposal

- 1.1 The application site lies on the eastern side of the B4214 at the southern end of Bishops Frome. The site has an area of approximately 0.33 of a hectare. The site was previously used as a Transport Haulage Yard. The current vehicular access to the site is towards its southern end onto the B4214. The site slopes downwards from north to south. An attractive existing feature of the site is the eastern boundary wall, which has a varying height but normally in excess of 3 metres.
- 1.2 Opposite the application site is a garage that operates a vehicle recovery business and 'Knights Court' which is a development of two storey dwellings probably dating from the 1970s. These dwellings on the opposite side of the B4214 are set at a higher ground level than the application site. To the north of the application site is the Grade 2 listed Parsonage Farmhouse, a two storey dwelling with rooms in its roofspace. The application site is at a materially lower ground level than Parsonage Farmhouse. Beyond Parsonage Farmhouse is the listed Church of St Mary. To the east of the application site is Vicarage Cottage and its curtilage, whilst to the south is the modern two-storey 'Vicarage'.
- 1.3 The site is readily visible from the B4214, the country lane to the south, which runs from east to west and the public footpath to the east that runs in a north-south direction. When one views the site from the more distant public vantage points the sensitive nature of the site on the edge of the village and its relationship with the listed buildings becomes more apparent.
- 1.4 The proposal is to construct seventeen dwellings upon the site. These would comprise four two-bedroomed units, five three-bedroomed units and eight four-bedroomed units. Thirty-four car parking spaces would be provided. Five of the dwellings would be affordable housing units (i.e. Units 11-15 inclusive). Three of these dwellings would be shared equity and two social rented.

- 1.5 The existing vehicular means of access would not be utilised. It would effectively be closed with a new vehicular access created onto the B4214 some 19 metres further north opposite Knights Court.
- 1.6 Ten two storey dwellings with rooms in the roof are proposed to be provided along the road frontage. These dwellings would be set back some 4-5 metres from the highway. They would be arranged in four separate blocks. The ridges of these dwellings would be in a north-south direction (parallel to the road), other than plots 3 and 4 either side of the vehicular access that would have ridges running east-west to create a gateway feature. The ridges lines of the buildings would "step down" with the land in a north - south direction. The buildings have been designed to limit their mass. The spurs are typically 7.95 metres and the eaves height typically 4.725 metres. These dwellings would have rear gardens with depths of not less than nine metres.
- 1.7 Four two storey dwellings, two with rooms in the roof space, would be provided at the southern end of the site set in some 7 metres from the boundary with the modern 'Vicarage'. These dwellings would have their ridges orientated in an east-west direction. These dwellings would have rear gardens of not less than 6.2 metres in depth.
- 1.8 Further part-two storey and part-single storey dwelling would be located in the north-eastern corner of the application site. The single storey element would be parallel to the listed Parsonage Farmhouse. This dwelling would have an integral garage and dedicated car parking space. It would have a frontage walled courtyard garden.
- 1.9 The remainder of the site to the rear of the frontage dwellings would be given over to a communal parking area with a series of car-port / garage structures. Two of the garage blocks adjacent to the eastern rear boundary of the site would have two-bedroomed flats over them.
- 1.10 In terms of materials, it is envisaged that the main facing brick would be a light red plain stock brick, the roofing of the dwellings would be clay plain tiles and the roofing of the garages slate. The frontage dwellings would also have horizontal feather-edged boarding at first floor level.

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 Statement 13 – 'Transport'
Planning Policy Guidance Note 15 – 'Planning and the Historic Environment'

2.2 Herefordshire Unitary Development Plan 2007

S1 – Sustainable Development
S2 – Development Requirements
DR1 – Design
DR2 – Land use and activity
DR3 – Movement
DR5 - Planning Obligations

H5 – Main Villages: housing land allocations
H9 – Affordable housing
H13 – Sustainable residential design
H15 – Density
H16 – Car Parking
H19 – Open space requirements
T7 – Cycling
T11 – Parking provision
RST3 – Standards for Outdoor playing and public open space
HBA4 – Setting of listed building

3. Planning History

- 3.1 Whilst the site has extensive planning history the only historic applications considered to be of relevance to the consideration of this application are: -

DCNE2006/1985/F - Demolition of existing sheds and development of 16 new dwellings - Refused 27th June, 2007.

DCNE2007/0729/F - Erection of 17 residential units with ancillary car parking - Refused – 25th July, 2007 - Appeal lodged.

The material difference between the application now under consideration and that refused in July of this year is the provision of four additional car parking spaces.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water has no objection to the proposed development subject to the imposition of appropriate conditions.
- 4.2 The Environment Agency has no objections to the proposed development subject to the imposition of appropriate conditions.

Internal Council Advice

- 4.3 The Environmental Health Section has no objections to the proposed development subject to the imposition of appropriate conditions.
- 4.4 The Leisure and Countryside Recreation Section have no objections to the proposal.
- 4.5 The River Lugg Internal Drainage Board do not raise objection.
- 4.6 The Children's and Young People's Directorate has no objection to the proposed development.
- 4.7 The Transportation Section has no objection to the proposed development.
- 4.8 The Conservation Section has no objection.
- 4.9 Strategic Housing is satisfied with the proposed affordable housing provision.

5. Representations

5.1 Three local residents have written objecting to the proposed development on the following summarised grounds: -

- The proposal represents an overdevelopment of the site;
- Insufficient parking provision;
- Terraced houses on the roadside will have the effect of augmenting road traffic noise, much to the inconvenience of the residents of Knight's Court;
- There is a need for traffic calming measures, access is dangerous
- Concern with regard the disposal of foul water
- Overlooking of Knights Court

5.2 Bishops Frome Parish Council comment as follows:

Space

The local plan recommends the building of 15 units on a plot this size. 17 units are too many, especially when they include two 5 bedroom properties. The site is very cramped and a similar development of 16 dwellings was rejected by the planning department last year. It is strongly suggested that the Village is in need of a smaller development made up of 3-4 bedroom homes that local residents can 'move up to' once they have outgrown their 'starter' homes.

Notes from the Rejection Notice following the previous application (DCNE2006/1985/F)

Item 7 – 'The occupiers of the proposed dwellings upon plots 1 and 11 would not enjoy a satisfactory level of amenity by virtue of the absence of any private outdoor amenity area and the noise and disturbance associated by other persons manoeuvring motor vehicles. As such the proposed development is considered to be contrary to policy H16A of the Hereford and Worcester County Structure Plan 1993, policies DR1, H13 and H14 of the Herefordshire Council's adopted Supplementary Planning Guidance Notes entitled 'Design and Development Requirements' (July 2004 and 'Land at Frome Valley Haulage Depot – Bishops Frome – Development Brief (November 2004).'

There is no difference between the style of building the plots 1 and 11 in last year's application and plots 15 and 16 in this application. Having been rejected on these grounds just last year, it is impossible to see how such an application can be passed this time.

Parking

There are only 30 car parking spaces allotted within the site. Given the size of some of the houses, one could easily expect 35 or more cars vying for these spaces.

Space is very tight in this development. Three or more vehicles trying to enter or exit at any one time would result in chaos because there is inadequate provision of turning space within the site.

There are unsold houses available in the village. It is believed that the most likely purchasers of the new dwellings would be from outside the area and would have to travel to work elsewhere. There is no public transport in Bishops Frome, and this tends to make multi-car ownership a necessity rather than an extravagance.

There are 4 tandem spaces within the plan. These were considered to be 'not ideal' by the Transportation Manager in the notes in the previous rejection.

It is very likely that residents will resort to parking in the main road if no spaces are available within the site. The Knights Court site, which is just across the road from the Transport Yard, is already over capacity from a parking point of view. If residents park on the same side as the new development, this would pose serious traffic due to the heavy use of the B4214. There is large amount of HGV traffic going to and from Court Farm Industrial Estate as well as commercial traffic taking the direct route between Bromyard and Ledbury. Double yellow lines will therefore be needed on that side of the road. It is unclear whether any consultation has been made with Highways in this regard.

Cycle store provision is inadequate for 17 dwellings. There could easily be in excess of 30 bikes based on the number of bedrooms.

Sewerage

Raw sewerage regularly comes out into the field behind Barrington House. With 17 dwellings, the problem can only get worse. The Parish Council would recommend a full survey of existing pipework before any major work is instigated.

Access

Whilst access is better than the previous application, there will be a real danger of traffic chaos with over 30 vehicles coming in and out of the development. There is a busy garage directly across the road and a further 20 dwellings.

Speed

There is potential for a large number of children to be living on the site. The Parish Council would recommend a reduction of the speed limit to 20 mph and the installation of Village Gateways and traffic calming measures. This will be necessary as the proposal is for a Town style development and the village will require an equivalent level of safety. The existing 30 mph limit is hardly ever observed in this part of the village as people are decelerating from a National Speed Limit area i.e. 60 mph to 30 mph.

The traffic survey that was instigated by the developers makes much of the fact that the yard was used as transport yard previously. The fact that the site has not been used for this purpose for over 10 years and the traffic situation in the village has changed radically since that time. There has been a huge increase in HGV traffic due to the expansion of Court Farm Industrial Estate.

The Parish Council would strongly request a survey by the Highways Agency to explore all safety issues.

Lighting

Anybody trying to walk out of the development after dark would be taking their life into their own hands because of the speed of approaching vehicles, the lack of lighting and the absence of any pavement. No provision has been made for street lighting. The Parish Council would request a full survey before any work begins.

Pavements

There is no provision for a play area for children. The nearest existing facilities are at the rear of the village Centre and would generally have to be accessed by walking along the main road.

This is dangerous on two counts:

1. There is no pavement on the access road within the site.
2. There is no pavement provision on the side of the main road forcing children to either walk along the road or to cross twice on what is a very busy road at all times.

Other comments received so far from local residents:

- Noise. The capacity of the site is for 70 –80 people. There are concerns from neighbouring properties that the noise level will constitute a real intrusion into their lives.
- Residents in general seem to have no problems in principle with houses being built on the yard. It is the number of houses that is a problem.
- There may be problems with sewerage which already overflows onto the field adjacent to Barrington House BC Partridge – the local garage - have asked for assurance that they can still operate as normal. There is inadequate parking provision This is already an issue along this road with the existing housing and there is no room for overflow parking from the new development. These are concerns from Knights Court that there will be further strain on their parking.
- There are concerns over access to the development and visibility. Traffic is fast down that road and access in and out of the development will be dangerous.
- Three storey houses are inappropriate in this village.
- The plans are too 'towny' and not in keeping with the village. This is not a village friendly development.
- The houses in the development are poorly laid out, some with inadequate gardens and others with no garden at all.
- Plans to put apartments above garages are not in keeping with the village.
- No footpath – Children need a pavement access to the play area or, alternatively, they need to have a play area included in the development. It would also be too dangerous for children to walk alongside a fast road to the existing playground. There is no play area provision in the proposed development.
- The house on plot 17 is too close to a listed building.

The Parish Council moves to reject the plan for the numerous reasons above.”

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

6. Officer's Appraisal

Background

- 6.1 This planning application has arisen following the refusal of an earlier planning application (DCNE2007/0729/F) by Members at the Northern Area Planning Sub-Committee on 25th July 2007. Attached as **Annex 1** to this report is a copy of my report to Members upon that application. Although that application was recommended for approval, following a Member site visit and due consideration, Members resolved to refuse that application on the following ground: -

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

- 6.2 Whilst the applicant's have lodged an appeal against that refusal of planning permission, they have also sought to address Members concern by way of the submission of this fresh planning application.
- 6.3 It is understood that Members primary concern may not have been the density of the proposed development per se, but the interrelationship with car parking provision and the subsequent consequences that would stem from what Members regarded as an under provision of car parking (i.e. parking on the eastern side of the B4214 in front of the site creating a safety problem for pedestrians from the application site crossing the road to access the village shop and equipped children's play area and creating a loss of amenity to the dwellings opposite).
- 6.4 This application addresses this issue by proposing 34 car parking spaces to serve the 17 dwellings as opposed to the previous provision of 30 car parking spaces. This has been achieved by marginally reducing the rear garden areas associated with plots 1-3 inclusive and re-siting plots 11-14 by approximately 2 metres to the south.
- 6.5 The previously refused application had a parking ratio of some 1.76 car parking spaces per dwelling. This exceeded this Council's policy (i.e. policy H16 of the Unitary Development Plan) that seeks a maximum provision of 1.5 car parking spaces per dwelling. However, recognising Members specific concerns as to the inaccessibility of this site to amenities and public transport provision, the applicant has now increased provision to a level of two car parking spaces per dwelling. Whilst this level of car parking provision exceeds that normally sought by this Authority's policy, in this specific circumstance and given Members previously expressed view, it is considered that this enhanced provision is acceptable. It is considered that the marginally reduced rear garden areas would still be satisfactory in terms of providing a satisfactory amenity space to the future occupiers of the dwellings. The re-siting of units 11-14 some 2 metres to the south would not result in any undue overlooking of the rear garden area or habitable room windows of 'The Vicarage' to the south.

6.6 The density of the proposed development remains less than the existing Knights Court development opposite.

6.7 In all other respects the Officer appraisal is identical to that set out in the report upon the previous application attached as **Annex 1**.

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;**
- **Large scale drawings of all external joinery;**
- **Written details and samples of all surfacing materials in relation to the vehicular means of access, turning/manoeuvring areas and car parking areas; and**
- **Details of the rooflights.**

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 and to safeguard the setting of the listed buildings in the immediate vicinity.

3. Prior to commencement of the development hereby permitted full written details of the proposed boundary treatments (including written details and samples of materials together with a schedule or repairs / works to the eastern boundary wall) shall be submitted to the Local Planning Authority for their 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, to safeguard the setting of the listed buildings in the vicinity, to safeguard the privacy of occupiers of neighbouring dwellings, to safeguard the privacy of future occupiers of the dwellings hereby permitted and to ensure a satisfactory appearance in the street scene.

4. Notwithstanding the provisions of condition 3 above the existing eastern boundary shall remain in-situ at its current height unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the privacy of the occupiers of the dwelling known as 'Vicarage Cottage' to the east.

5. All of the buildings hereby permitted shall be constructed in full accordance with the ground floor finished floor levels specified upon drawing number 100 Rev E received 14th September, 2007.

Reason: To ensure a satisfactory appearance to the development in the street scene and to safeguard the amenities of the occupiers of neighbouring dwellings.

6. Notwithstanding the provisions of condition 5 above the eaves level of Units 15 and 16 hereby permitted shall not exceed the height (above ordnance datum level) of the eastern boundary wall directly parallel.

Reason: To safeguard the amenities of the occupiers of the dwelling known as 'Vicarage Cottage'.

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

Reason: To prevent an overdevelopment of the site, to ensure that the occupiers of the dwellings hereby permitted enjoy a satisfactory rear garden area(s) and to safeguard the setting of the listed Parsonage Farmhouse.

8. 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.

9. 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 any of the dwellings hereby permitted or the 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.

10. Prior to the first occupation of any of the dwellings hereby permitted the vehicular means of access, car parking, turning/manoeuvring areas for vehicles and secure cycle storage facilities 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 and to encourage the use of modes of transport other than the private motor vehicle.

11. Prior to the first occupation of any of the dwellings hereby permitted the refuse storage facilities shown upon the approved plans shall be fully implemented. Thereafter these facilities shall be kept available for such use.

Reason: To ensure that the development has adequate refuse storage facilities and to safeguard the amenities of the locality.

12. No development shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:-
- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
 - b) if the risk assessment in a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and as assessment or risk to be identified receptors
 - c) if the risk assessment in b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the the Local Planning Authority for written approval.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution of controlled waters.

13. The Remediation Scheme, as approved pursuant to condition no. 12) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the local planning authority in advance of works being undertaken.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution of controlled waters.

14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the proposed development will not cause pollution of controlled waters.

15. No infiltration of surface water drainage into the ground is permitted other than the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: To prevent pollution of the water environment.

16. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme previously submitted to and approved in writing by the local planning authority.

Reason: To prevent pollution of the water environment.

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

Reason: To protect the integrity of the Public Sewerage System.

18. No surface water shall be allowed to connect (either directly or indirectly) to Public Sewerage System.

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

19. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the Public Sewerage System.

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

20. No development shall take place until a scheme to remove the surface water from the public combined sewerage system has been submitted to and agreed in writing by the Local Planning Authority.

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

21. Prior to commencement of the development hereby permitted full details of all external lighting shall be submitted to the Local Planning Authority for their written approval. The development shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in strict accordance with the approved details and thereafter no other external lighting shall be installed without the prior written consent of the Local Planning Authority.

Reason: To safeguard the rural character of the area.

Informatives:

1. N15 - Reason(s) for the Grant of PP/LBC/CAC.
2. N19 - Avoidance of doubt.
3. The Environment Agency recommends that developers should:
 - 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination when dealing with land affected by contamination.
 - 2) Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The local Authority can advise on risk to other receptors, e.g human health.
 - 3) Refer to our website at www.environment-agency.gov.uk for more information.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Recovery and disposal operations require waste management licence or Pollution Prevention Control permit. If contaminated soil is to be re-used on-site as part of a soil recovery operation then wither a waste management licence will be required or the Applicant will need to register an exemption to licensing with the Environment Agency. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt the Environment Agency should be contacted for advice at an early stage to avoid any delays.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- 1) Duty of Care Regulations 1991
- 2) Hazardous Waste (England and Wales) Regulations 2005
- 3) Waste Management Licensing Regulations 1994 (as amended)
- 4) Pollution Prevention and Control Regulations (England and Wales) 2000
- 5) Landfill (England and Wales) Regulations 2002

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed off-site operations is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

4. If a connection is required to the public sewerage system, the developer is advised to contact Dwr Dymru Welsh Water's Network Development Consultants on Tel: 01443 331155.

Decision:

Notes:

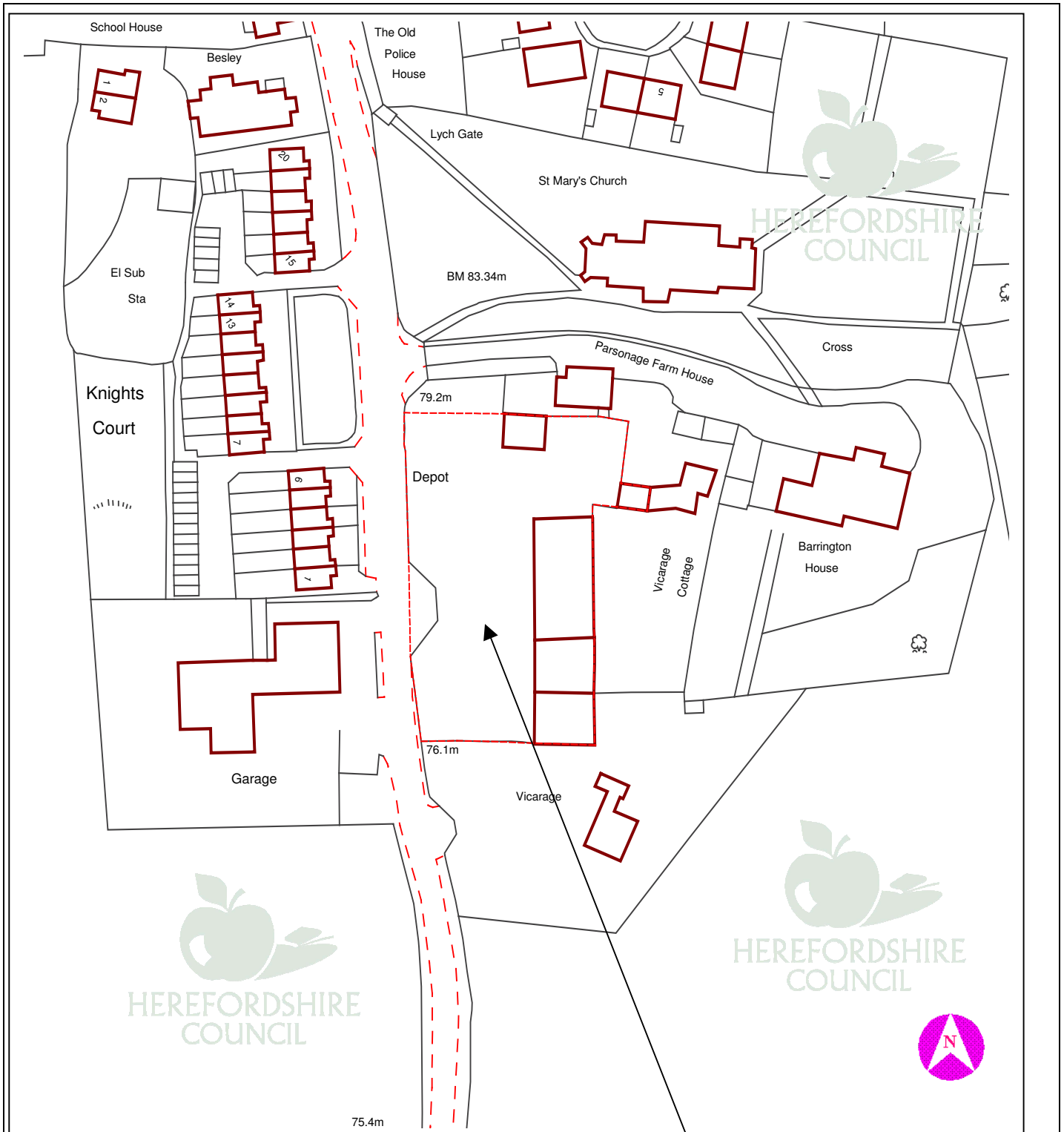
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Background Papers

Internal departmental consultation replies.

DRAFT HEADS OF TERMS**Proposed Planning Obligation Agreement****Section 106 Town and Country Planning Act 1990 (as amended)****Planning Application: - DCNE2007/2910/F****Residential development of 17 dwellings, Frome Valley Haulage Depot Site, Bishops Frome, Worcestershire, WR6 5BZ**

1. The developer covenants with the Herefordshire Council, in lieu of the provision of on-site children's play equipment, open space and sports provision, the sum of £20,000 (index linked). The sum shall be paid prior to the first occupation of any of the dwellings.
2. The monies shall be used by Herefordshire Council for-
 - a) The provision and/or upgrading children's play equipment within Bishops Frome Parish; and/or
 - b) Sporting provision within the Herefordshire Council administrative area.
3. In the event that Herefordshire Council does not for any reason use the said sum of Clause 1 for the purpose specified in the agreement in Clause 2 within 10 years from the date of this agreement, the Council will repay the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £21,000 (index linked) to provide and/or improve education facilities at Burley Gate Primary School. The sum shall be paid prior to the first occupation of any of the dwellings.
5. In the event that Herefordshire Council does not for any reason use the said sum in Clause 4 for the purposes of specified in the Agreement within 10 years of the date of this Agreement, the Council will repay the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
6. The developer shall construct and complete five 'Affordable Housing Units' (Plots 11, 12, 13, 14 and 15), which meets the criteria set out in Section 5.5 of the Herefordshire Unitary Development Plan and related policy H9. These five 'Affordable Housing Units' shall be transferred to a Registered Social landlord prior to the occupation of the seventh other (i.e. 'open market') dwelling upon the site. Two of the five 'Affordable Housing Units' shall be subsidised housing for rent and three shall be in the form of shared ownership.
7. The developer covenants to pay Herefordshire Council the sum of £2,000 (index linked) to provide a 'village gateway' traffic calming/speed reduction facility on the B4214 to the south of the site or to utilise the money to facilitate another form of speed reduction facility on the B4214 south of the site.



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

APPLICATION NO: DCNE2007/2910/F

SCALE : 1 : 1250

SITE ADDRESS : Land at Frome Valley Haulage Depot, Bishops Frome, WR6 5BZ

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

For: Sharba Homes (BF) Limited per CSJ Brooke Smith, Somerville House, 20-22 Harbone Road, Edgbaston, Birmingham, B15 3AA

Date Received:
8th March 2007

Ward:
Frome

Grid Ref:
66309, 48243

Expiry Date:
7th June 2007

Local Member: Councillor PM Morgan

This application was deferred by Committee on 27 June 2007 in order for a site visit which was held on 10 July 2007.

1. Site Description and Proposal

- 1.1 The application site lies on the eastern side of the B4214 at the southern end of Bishops Frome. The site has an area of approximately 0.33 of a hectare. The site was previously used as a Transport Haulage Yard. The current vehicular access to the site is towards its southern end onto the B4214. The site slopes downwards from north to south. An attractive existing feature of the site is the eastern boundary wall which has a varying height but normally in excess of 3 metres.
- 1.2 Opposite the application site is a garage that operates a vehicle recovery business and 'Knights Court' which is a development of two storey dwellings probably dating from the 1970's. These dwellings on the opposite side of the B4214 are set at a higher ground level than the application site. To the north of the application site is the Grade 2 listed Parsonage Farmhouse, a two storey dwelling with rooms in its roofspace. The application site is at a materially lower ground level than Parsonage Farmhouse. Beyond Parsonage Farmhouse is the listed Church of St Mary. To the east of the application site is Vicarage Cottage and its curtilage, whilst to the south is the modern two-storey 'Vicarage'.
- 1.3 The site is readily visible from the B4214, the country lane to the south, which runs from east to west and the public footpath to the east that runs in a north-south direction. When one views the site from the more distant public vantage points the sensitive nature of the site on the edge of the village and its relationship with the listed buildings becomes more apparent.
- 1.4 The proposal is to construct seventeen dwellings upon the site. These would comprise four two-bedroomed units, five three-bedroomed units and eight four-bedroomed units. Thirty car parking spaces would be provided. Five of the dwellings would be affordable housing units (i.e. Units 11-15 inclusive). Three of these dwellings would be shared equity and two social rented.

- 1.5 The existing vehicular means of access would not be utilised. It would effectively be closed with a new vehicular access created onto the B4214 some 19 metres further north opposite Knights Court.
- 1.6 Ten two storey dwellings with rooms in the roof are proposed to be provided along the road frontage. These dwellings would be set back some 4-5 metres from the highway. They would be arranged in four separate blocks. The ridges of these dwellings would be in a north-south direction (parallel to the road), other than plots 3 and 4 either side of the vehicular access that would have ridges running east-west to create a gateway feature. The ridges lines of the buildings would “step down” with the land in a north – south direction. The buildings have been designed to limit their mass. The ridge heights are typically 7.8 metres and the eaves height typically 4.725 metres. These dwellings would have rear gardens with depths of not less than nine metres.
- 1.7 Four two storey dwellings, two with rooms in the roof space, would be provided at the southern end of the site set in some 9 metres from the boundary with the modern ‘Vicarage’. These dwellings would have their ridges orientated in an east-west direction. These dwellings would have rear gardens of not less than 8 metres in depth.
- 1.8 A further part-two storey and part-single storey dwelling would be located in the north-eastern corner of the application site. The single storey element would be parallel to the listed Parsonage Farmhouse. This dwelling would have an integral garage and dedicated car parking space. It would have a frontage walled courtyard garden.
- 1.9 The remainder of the site to the rear of the frontage dwellings would be given over to a communal parking area with a series of car-port / garage structures. Two of the garage blocks adjacent to the eastern rear boundary of the site would have two-bedroomed flats over them.
- 1.10 In terms of materials, it is envisaged that the main facing brick would be a light red plain stock brick, the roofing of the dwellings would be clay plain tiles and the roofing of the garages slate. The frontage dwellings would also have horizontal feather-edged boarding at first floor level.

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 Statement 13 – ‘Transport’
Planning Policy Guidance Note 15 – ‘Planning and the Historic Environment’

2.2 Herefordshire Unitary Development Plan 2007

S1 – Sustainable Development
S2 – Development Requirements
DR1 – Design
DR2 – Land use and activity
DR3 – Movement
DR5 - Planning Obligations
H5 – Main Villages: housing land allocations

H9 – Affordable housing
H13 – Sustainable residential design
H15 – Density
H16 – Car Parking
H19 – Open space requirements
T7 – Cycling
T11 – Parking provision
RST3 – Standards for Outdoor playing and public open space
HBA4 – Setting of listed building

3. Planning History

3.1 Whilst the site has extensive planning history the only historic application considered to be of relevance to consideration of this application is:-

DCNE2006/1985/F – Demolition of existing sheds and development of 16 new dwellings – Refused 27/06/07

4. Consultation Summary

Statutory Consultations

4.1 The Environment Agency has no objections to the proposed development subject to the imposition of appropriate conditions and informatives.

4.2 Welsh Water has no objections to the proposed development subject to the impositions of appropriate conditions.

Internal Council Advice

4.3 Building Control – No objections

4.4 The Conservation Manager supports the application. He considers that the proposal provides a successful mix of contemporary architecture whilst noting local features. He considers that the design of the proposal has been carefully thought through and would provide an acceptable scheme at this “landmark site” within the village. He considers that the character and setting of the adjacent listed building would be respected.

4.5 The Transportation Manager considers the proposed vehicular means of access to be acceptable and the car / cycle parking provision to be acceptable. He raises no objections to the proposal.

4.6 The Head of Environmental Health and Trading Standards has no objection to the proposed development subject to appropriate conditions ensuring that the contaminated land issue is dealt with in an appropriate manner.

4.7 The Strategic Housing Manager is satisfied with the affordable housing provision (including the proposed tenure mix).

4.8 Park and Countryside support the proposed provision of off-site contributions with regard children’s play equipment and youth/adult sporting provision.

5. Representations

5.1 The Bishops Frome Parish Council object to the proposed development upon the following summarised grounds:-

- The proposed development is too cramped;
- Seventeen units are too many. A similar development of 16 dwellings was refused last year;
- There is a need for 3-4 bedroomed units;
- The future occupiers of plots 15 & 16 would not enjoy a satisfactory level of amenity;
- There is insufficient car parking and cycle parking provision;
- The sewage issue needs to be fully addressed;
- There is a need to reduce traffic speeds along the B4214;
- No provision has been made for any street lighting; and
- There is no pavement provision.

5.2 Eleven standard circular letters of objection have been received from local residents objecting to the proposed development on the following summarised grounds:-

- Too many dwellings;
- No space for children to play outdoors;
- The main road is too dangerous for children and pedestrians;
- Noise levels generated by the proposed development would have an adverse impact upon the occupiers of the proposed development and neighbouring houses; and
- Lack of car parking provision leading to on-road car parking.

5.3 Twelve individual letters have been received objecting to the proposed development on the following summarised grounds:-

- Seventeen dwellings is too many;
- The speed of traffic along the B4214 is too high;
- Any lighting should be strictly controlled;
- Insufficient car parking provision;
- The visual impact of the village entrance be unfortunate;
- Lack of pedestrian facilities;
- Possible conflict with the operation of The Garage opposite;
- The sewage system appears to be at capacity; and
- Inadequate parking provision.

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

6. Officers Appraisal

6.1 The application site lies within the settlement boundary of Bishops Frome upon a site that is specifically allocated within the Herefordshire Unitary Development Plan for housing development (Policy H5). The density of the proposed development makes effective and efficient use of the site and as such accords with the objective of policy H15 of the Herefordshire Unitary Development Plan that reflects Central Government advice. Therefore there is no objection to the principle of the development. It is the detail of the proposal that requires consideration.

- 6.2 The proposed development has been designed to create a housing development that primarily addresses the road, hence the road frontage nature of the main part of the development. Careful attention has been had to the mass of the proposed dwellings. In this regard the depths / spans of the dwellings and their eaves height have been designed to reflect the scale of the dwellings in the immediate vicinity. The provision of rooms within the roofspaces is a feature of the area. For example the listed Parsonage Farmhouse has dormer windows in its front (northern elevation). The mass of the buildings would be carefully broken up by the use of differing materials and the articulation of the ridge lines. The road frontage development has been designed such that the eaves level of proposed units 1- 10 would be 1 metre lower than the eaves height of the dwellings at Knights Court opposite. A gap of in excess of 21 metres would be maintained between the proposed dwellings fronting the road and the front elevation of Knights Court such that there would be no undue loss of privacy. It is considered that this element of the proposal will create an attractive development upon this "gateway site" at the southern end of the village.
- 6.3 The dwellings proposed to be sited parallel to the southern boundary (Plots 11-14) would be sited at such a ground level that views of the Church tower would not be unduly obstructed. Indeed an important visual gap would be maintained between the rear elevation of units 8-9 and the western flank elevation of unit 11. The south facing windows in the rear elevations of units 11 – 14 would not overlook any habitable room windows of the 'Vicarage' to the south or the private rear garden area associated with that dwelling.
- 6.4 With regard the flats above the garages to the rear (east) of the site these have been extremely carefully designed such that the eaves heights of these buildings do not exceed the height of the retained eastern boundary wall. Furthermore all the rooflights in their rear (eastern) elevations are a minimum of 1.9 metres above finished first floor level such that there would be no overlooking of the rear garden associated with Vicarage Cottage to the east.
- 6.5 With regard the 'L' shaped dwelling in the north-east corner of the site it is only the single storey wing that would be directly to the rear of Parsonage Farmhouse. However, as explained earlier the ground level of the application site is at a materially lower ground level. Indeed the eaves height of the proposed single storey wing would be lower than the height of the boundary wall whilst the ridge would be in excess of 1.6 metres lower than the eaves height of Parsonage Farmhouse. It is considered that as such there would be no undue loss of daylight and / or sunlight to the ground floor habitable room windows in the rear (southern) elevation of Parsonage Farmhouse.
- 6.6 Therefore not only is the siting and design of the proposed buildings considered to be acceptable but there would not be any undue loss of amenity (i.e. sunlight, daylight, overlooking, massing, privacy) to occupiers of neighbouring properties.
- 6.7 The proposed vehicular means of access has deliberately been negotiated by Officers. The existing vehicular means of access has a substandard southerly visibility splay. The proposed new position for the vehicular means of access would rectify this position whilst creating a safe crossing position for pedestrians to the footway on the western side of the road. There is no existing footway upon the eastern side of the road through the village. It would not be appropriate to create one due to the disruption that it would cause to the Churchyard which has a very attractive listed stone retaining wall.

- 6.8 Concern has been expressed as to the speed of traffic through the village, particularly vehicles approaching from the south. However, the planning application site lies with a 30mph limit and the proposed visibility splays clearly accords with the requisite standards. Any potential problem would not be created by the development and its highway design but by speeding motorists. In this regard and responding to the concerns of the Parish Council the developer is willing to provide £2000 towards a "village gateway" traffic calming scheme. As a separate but related matter I understand that the Local Ward Member is intending to liaise with the Transportation Section as to the possibility of extending the 30mph limit further south.
- 6.9 Policy H16 of the Herefordshire Unitary Development Plan sets a maximum standard of car parking provision of 1.5 spaces per unit. This policy reflects Central Government advice. In this instance the standard is exceeded by 4.5 spaces. I consider such overprovision to be appropriate in this instance as the site is not well served by modes of transport other than the private motor vehicle. The cycle parking provision is considered to be satisfactory with secure cycle parking storage being provided beneath the two flats over garages.
- 6.10 It is considered that the proposed garden areas associated with each house would be sufficient. Nevertheless there is still a need to address the issue of children's play equipment and adult / youth sports provision. In this respect the applicant's have agreed to make the following commuted sum:-
- £20,000 towards the provision and / or upgrading of children's play equipment within the Bishops Frome Parish; and / or
 - Sporting provision within the Herefordshire Council administrative area.
- This would afford the opportunity of enhancing the existing children's play area the village. This provision accords with the Herefordshire Unitary Development Plan and is considered to be acceptable by the Leisure and Countryside Section.
- 6.11 In terms of impact upon infrastructure the applicant's have agreed to provide a commuted sum of £21,000 to provide and / or improve education facilities at Burley Gate Primary School. This provision fully meets the request of the Education Section.
- 6.12 In terms of the issue as to the capacity of the Waste Water Treatment Works, Welsh Water are satisfied that the developers proposals to remove the surface water flows from the public sewage system (as opposed to the current combined system) will ensure that the Waste Water Treatment Works will not be overloaded.
- 6.13 With regard the issue of affordable housing provision the Strategic Housing Section are satisfied with the developer's offer to provide five affordable houses, three of which would be shared ownership and two social rented.
- 6.14 The Environmental Health Section is satisfied that the occupiers of the proposed dwellings would enjoy a satisfactory level of amenity with the commercial garage operational on the other side of the B4214.
- 6.15 The matter of external lighting is proposed to be dealt with by way of a planning condition. It is considered that in such an edge of village location it is critical that possible sources of light pollution are controlled.
- 6.16 In terms of the previous application that was refused last year, although it was for one less dwelling, the scale of the proposed buildings (particularly height) and resultant

mass would have been significantly greater with severe impacts upon occupiers of neighbouring dwellings. In addition, that application failed to satisfactorily address highway matters and wider infrastructure issues (e.g. education, affordable housing, and recreation provision).

- 6.17 In conclusion, the principle of the proposed development is considered to be acceptable and the scheme itself represents a high standard of design that would integrate satisfactorily into the surrounding environment.

RECOMMENDATION

1. **The Head of Legal and Democratic Services be authorised to complete the planning obligation under Section 106 of the Town and Country Planning Act 1990 to (set out Heads of Agreement) and deal with other any other appropriate and incidental terms, matters or issues;**
2. **Upon completion of the abovementioned planning obligation Officers named in the Scheme of delegation be authorised to issue planning permission subject to the following conditions:-**

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

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

- 2 - **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;**
- **Large scale drawings of all external joinery;**
- **Written details and samples of all surfacing materials in relation to the vehicular means of access, turning / manoeuvring areas and car parking areas; and**
- **Details of the rooflights.**

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 and to safeguard the setting of the listed buildings in the immediate vicinity;

- 3 - **Prior to commencement of the development hereby permitted full written details of the proposed boundary treatments (including written details and samples of materials together with a schedule or repairs / works to the eastern boundary wall) shall be submitted to the Local Planning Authority for their 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, to safeguard the setting of the listed buildings in the vicinity, to safeguard the privacy of

occupiers of neighbouring dwellings, to safeguard the privacy of future occupiers of the dwellings hereby permitted and to ensure a satisfactory appearance in the street scene.

- 4 - Notwithstanding the provisions of condition 3 above the existing eastern boundary wall shall remain in-situ at its current height unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the privacy of the occupiers of the dwelling known as 'Vicarage Cottage' to the east.

- 5 - All of the buildings hereby permitted shall be constructed in full accordance with the ground floor finished floor levels specified upon drawing number 110 Rev D received 25th April 2007.

Reason: To ensure a satisfactory appearance to the development in the street scene and to safeguard the amenities of the occupiers of neighbouring dwellings.

- 6 - Notwithstanding the provisions of condition 5 above the eaves level of Units 15 and 16 hereby permitted shall not exceed the height (above ordnance datum level) of the eastern boundary wall directly parallel.

Reason: To safeguard the amenities of the occupiers of the dwelling known as 'Vicarage Cottage'.

- 7 - Notwithstanding the provisions of the town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development normally permitted by Classes A, E and F of Part 1 and Class A of Part 2, Schedule 2, Article 3 shall be carried out without the express consent of the Local Planning Authority.

Reason: To prevent an overdevelopment of the site, to ensure that the occupiers of the dwellings hereby permitted enjoy a satisfactory rear garden area(s) and to safeguard the setting of the listed Parsonage Farmhouse.

- 8 - 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.

- 9 - 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 any of the dwellings hereby permitted or the 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.

- 10 - Prior to the first occupation of any of the dwellings hereby permitted the vehicular means of access, car parking, turning/manoeuvring areas for vehicles and secure cycle storage facilities 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 and to encourage the use of modes of transport other than the private motor vehicle.

- 11 - Prior to the first occupation of any of the dwellings hereby permitted the refuse storage facilities shown upon the approved plans shall be fully implemented. Thereafter these facilities shall be kept available for such use.

Reason: To ensure that the development has adequate refuse storage facilities and to safeguard the amenities of the locality.

- 12 - No development shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
- b) if the risk assessment in a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment or risk to be identified receptors
- c) if the risk assessment in b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution of controlled waters.

- 13 - The Remediation Scheme, as approved pursuant to condition no. 12) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the local planning authority in advance of works being undertaken.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution of controlled waters.

- 14 - If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the proposed development will not cause pollution of controlled waters.

- 15 - No infiltration of surface water drainage into the ground is permitted other than the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: To prevent pollution of the water environment.

- 16 - Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme previously submitted to an approved in writing by the local planning authority.

Reason: To prevent pollution of the water environment.

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

Reason: To protect the integrity of the Public Sewerage System.

- 18 - No surface water shall be allowed to connect (either directly or indirectly) to Public Sewerage System.

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

- 19 - Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the Public Sewerage System.

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

- 20 - No development shall take place until a scheme to remove the surface water from the public combined sewerage system has been submitted to and agreed in writing by the Local Planning Authority.

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

- 21 - Prior to commencement of the development hereby permitted full details of all external lighting shall be submitted to the Local Planning Authority for their written approval. The development shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in strict accordance with the approved details and thereafter no other external lighting shall be installed without the prior written consent of the Local planning authority.

Reason: To safeguard the rural character of the area.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - N19 - Avoidance of doubt
- 3 - The Environment Agency recommends that developers should:
 - 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination when dealing with land affected by contamination.
 - 2) Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The local Authority can advise on risk to other receptors, e.g human health.
 - 3) Refer to our website at www.environment-agency.gov.uk for more information.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Recovery and disposal operations require waste management licence or Pollution Prevention Control permit. If contaminated soil is to be re-used on-site as part of a soil recovery operation then wither a waste management licence will be required or the Applicant will need to register an exemption to licensing with the Environment Agency. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt the Environment Agency should be contacted for advice at an early stage to avoid any delays.

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- 5) Landfill (England and Wales) Regulations 2002

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of

any proposed off-site operations is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

Please note the Environment Agency R&D P20 methodology has been updated and changed name to Remedial Targets Methodology: Hydrogeological Risk Assessment for Land Contamination, (version 3.1), refer to our website for more information.

- 4 - If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01443 331155.**

DRAFT HEADS OF TERMS**Proposed Planning Obligation Agreement****Section 106 Town and Country Planning Act 1990 (as amended)****Planning Application:- DCNE2007/0729/F****Residential development of 17 dwellings, Frome Valley Haulage Depot Site, Bishops Frome, Worcestershire, WR6 5BZ**

1. The developer covenants with the Herefordshire Council, in lieu of the provision of on-site children's play equipment, open space and sports provision, the sum of £20,000 (index linked). The sum shall be paid prior to the first occupation of any of the dwellings.
2. The monies shall be used by Herefordshire Council for-
 - a) The provision and/or upgrading children's play equipment within Bishops Frome Parish; and/or
 - b) Sporting provision within the Herefordshire Council administrative area.
3. In the event that Herefordshire Council does not for any reason use the said sum of Clause 1 for the purpose specified in the agreement in Clause 2 within 10 years from the date of this agreement, the Council will repay the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £21,000 (index linked) to provide and/or improve education facilities at Burley Gate Primary School. The sum shall be paid prior to the first occupation of any of the dwellings.
5. In the event that Herefordshire Council does not for any reason use the said sum in Clause 4 for the purposes of specified in the Agreement within 10 years of the date of this Agreement, the Council will repay the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
6. The developer shall construct and complete five 'Affordable Housing Units' (Plots 11, 12, 13, 14 and 15), which meets the criteria set out in Section 5.5 of the Herefordshire Unitary Development Plan and related policy H9. These five 'Affordable Housing Units' shall be transferred to a Registered Social landlord prior to the occupation of the seventh other (i.e. 'open market') dwelling upon the site. Two of the five 'Affordable Housing Units' shall be subsidised housing for rent and three shall be in the form of shared ownership.
7. The developer covenants to pay Herefordshire Council the sum of £2,000 (index linked) to provide a 'village gateway' traffic calming/speed reduction facility on the B4214 to the south of the site or to utilise the money to facilitate another form of speed reduction facility on the B4214 south of the site.

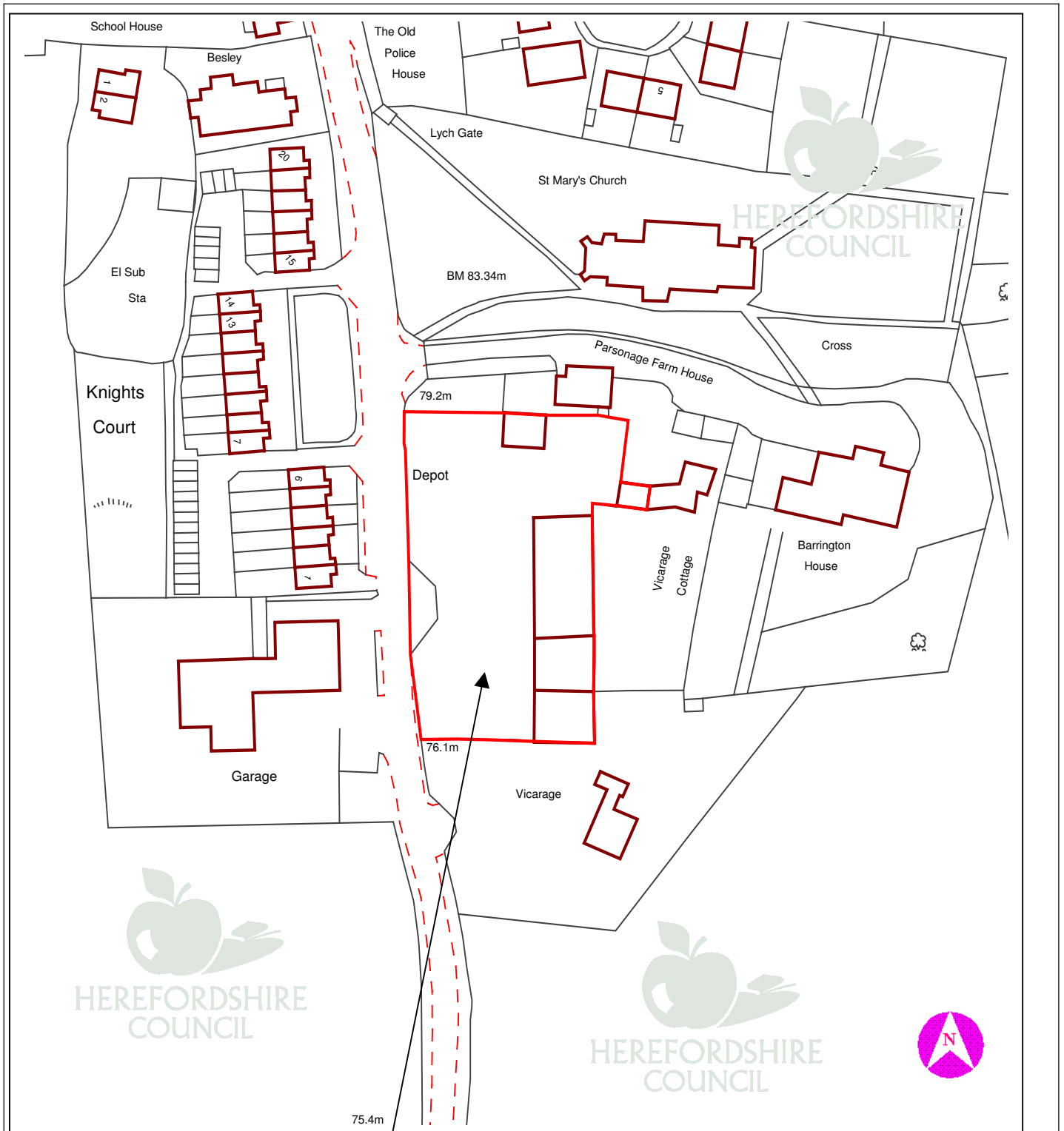
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2007/0729/F

SCALE : 1 : 1250

SITE ADDRESS : Land at Frome Valley Haulage Depot, Bishops Frome, WR6 5BZ

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8 DCNC2007/2604/F - CHANGE OF USE FROM WAREHOUSING/STORAGE TO DISTILLERY AND BIOFUELS PLANT. ERECTION OF TOWER ON BUILDING TO HOUSE DISTILLERY COLUMN. CLAD LEAN-TO AT NE SIDE OF BUILDING. NEW ACCESS ROAD AT ROSEMAUND FARM, ROSEMAUND DRIVE, PRESTON WYNNE, HEREFORDSHIRE, HR1 3PG

For: Mr JA Baxter, Tyrells Distillers Ltd., Tyrells Court, Stretford Bridge, Leominster, Herefordshire, HR6 9DQ

Date Received:
9th August, 2007

Ward:
Bromyard

Grid Ref:
56652, 47917

Expiry Date:
4th October, 2007

Local Members: Councillors B Hunt and A Seldon

1. Site Description and Proposal

- 1.1 The application relates to Rosemaund Farm, currently used by ADAS as a research and development centre. The main concentration of buildings comprise a mix of post war agricultural buildings, a large brick built office building and a farmhouse. Access is currently gained via Rosemaund Drive which terminates at the farm. It is an adopted road that provides access to a number of residential dwellings positioned on its western side, and in turn leads on to the C1118. The junction between the two is positioned on the brow of a hill and on a bend. From this point access can either be gained to the A417 to the north-east, or the A465 to the south.
- 1.2 The surrounding landscape is typically agricultural and characterised by relatively small field parcels defined by mature trees and hedgerows, although it is apparent that some of these have been thinned and in other areas completely removed.
- 1.3 The application has two component parts. The first relates to a hop kiln positioned centrally within the farm yard and it is proposed to change its use by installing a distillery. A by-product of this process creates methanol and the scheme also includes a facility for the production of bio-diesel. The majority of the equipment required in these processes will be contained within the existing building. However, the proposal does include the erection of a distillation tower with a total height of 15.5 metres. The submission indicates that the applicant's intend to allow the public to visit the site to view the distillery once in operation.
- 1.4 The second part relates to the creation of a new vehicular access track across the applicant's land running in a south-easterly direction away from the farm buildings to join the C1118 at a point approximately 500 metres to the north-east of the junction between Rosemaund Drive and the C1118. The new access emerges onto the C1118 at a point where it is straight with good visibility in both directions. The track follows the line of a mature hedgerow in part but crosses an open field at a point closest to the

farm buildings. It is around this point that the proposed access track also crosses the route of a public footpath. The plans have been amended since their original submission to take account of this.

2. Policies

2.1 National Guidance

Planning Policy Statement 7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan

S1	Sustainable development
DR3	Movement
E11	Employment in the smaller settlements and open countryside
E12	Farm diversification
HBA12	Re-use of rural buildings

3. Planning History

3.1 None relevant to this application.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Transportation Manager raises no objection subject to the imposition of conditions relating to visibility splays, provision of access gates and the construction of the vehicular access.

4.3 In light of concerns expressed by local residents in relation to traffic movements and highway safety along the C1118 and its junctions with the A417 and A465, which will be detailed later in this report, the Transportation Manager was asked to provide further comment and this is summarised as follows.

4.4 A number of passing places exist between Rosemaund Drive and the A417. However, these are not sufficiently large to allow trucks or tractor/trailer combinations to pass and could be enhanced to allow this. It is suggested that perhaps one or two are lengthened to achieve this and further passing places created where intervisibility is poor. A full survey would be necessary to formalise preferred locations.

4.5 The junction of the C1118 and A417 is considered to have adequate visibility. There has been one serious accident at this site in the past five years which involved a motorcyclist. There have been no reported accidents along the C1118. Visibility at the junction of the C1118 and A465 is not as good but is acceptable. There have been no reported accidents in the past five years.

4.6 Public Rights of Way Manager raises no objections to the proposal based on the amended plans.

- 4.7 Landscape Officer raises no objection.
- 4.8 Principal Tourism Officer supports the application as an excellent diversification scheme that will enhance the work that the applicant does in the County.
- 4.9. Environmental Protection Manager - I can confirm that I do not expect that it should give rise to nuisance to neighbours. Although I have not had personal experience of such an operation I have spoken to the Environmental Protection Officer in Plymouth who advises that he is not aware of any odour nor noise problems with the distillery in their area which is located close to residential properties.

Should nuisance be caused powers are available as provided by the Environmental Protection legislation to require a remedy. Finally, the applicant should be advised to contact the Environment Agency to check if a permit to operate would be required

5. Representations

- 5.1 Felton Parish Council - Do not support the application. Their comments are summarised as follows.
- 5.1.1 Raised concerns about the number of vehicles accessing the site. Suggest that traffic movements along Rosemaund Drive are presently domestic in nature, rather than commercial.
- 5.1.2 Also concerned about the ability of the road network to cope with large commercial vehicles and generally about highway safety along the C1118 and its junctions with the A417 and A465. Request that passing bays be provided if planning permission is granted.
- 5.1.3 Suggest that a traffic assessment is completed to determine level of existing and potential traffic movements and that, as a result, it may be necessary to impose restrictions on traffic movements.
- 5.1.4 Concerns about a change of use from agricultural to commercial use and the precedent it might set for future diversification.
- 5.1.5 The visual impact of the distillation tower on the landscape and also emissions generated by it.
- 5.1.6 Possible impact of the access track on archaeological remains.
- 5.2 Withington Parish Council - Also express concern about the application, raising similar issues about traffic generation and highway safety to those described above.
- 5.3 Open Spaces Society - Draw attention to the fact that the access track crosses a public footpath.
- 5.4 The Ramblers Association - Also highlight the public footpath and suggest that the approaches of it to the new access track are adequately ramped to provide safe access up and across it for walkers.
- 5.5 20 letters of objection have been received from local residents. In summary the points raised are as follows:

- 5.5.1 Issues about highway safety including concerns about increased traffic movements along narrow roads, lack of passing places and poor junctions with the A417 and A465.
 - 5.5.2 The proposal is likely to lead to further development of the site.
 - 5.5.3 Concern about emissions from the distillation tower and associated with the production of bio fuels.
 - 5.5.4 The erection of a distillation tower will have a negative visual impact.
- 5.6 In support of the application the following information has been submitted:
- 5.6.1 Approximately 80 people are currently employed on the site by ADAS, the majority of whom drive to work. As a condition of the purchase of the farm we are required to grant ADAS a lease of 3 years on the office block and workshop and 1 year on other farm buildings, and so the number of people on the site is not expected to fall for 3 years. In addition, open days are held by ADAS and visitors are invited to see the results of the various farm trials. The number of parking spaces required for the farm as a whole will therefore remain unchanged.
 - 5.6.2 The distillery itself will not be labour intensive, perhaps 5 people in total. Production volumes are small (this is an artisan distillery not for the mass market) with a capacity of just 3600 bottles per week, perhaps 5 pallets of finished product. Raw materials will be grown on the farm, and so the only deliveries will be packaging, perhaps two deliveries per month.
 - 5.6.3 Waste sunflower oil from Tyrrells Potato Chips would be delivered once per week for conversion into bio-diesel. The same wagon would pick up finished fuel for return to the chip factory for use in their generator. Bio-diesel would also be used on site to run a generator for the distillery and to run the farm vehicles, removing the need for DERV deliveries.
 - 5.6.4 The distillery will convert the potatoes, apples and pears grown on the farm into alcohol. Waste material such as peelings from the potato and the solid material left from pressing the fruit will be fed to cattle on the farm.
 - 5.6.5 The distillery operation is an enclosed process and so there is no odour problem. Similarly the artisan scale of the production process means that noise is kept to a minimum and will be less than the existing noise from farm machinery.
 - 5.6.6 A by product of the process is methanol which we will use in the production of bio-diesel from waste oil from Tyrrells Potato Chips Ltd and from virgin rapeseed oil grown on the farm. The cake (solid matter) from the rapeseed oil production will also be fed to the cattle.
 - 5.6.7 The bio-diesel will be used to run the farm vehicles and also to generate electricity for the site. This will make the distillery and farm a self-contained, sustainable unit.

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

6. Officer's Appraisal

6.1 The main thrust of the objections to this application concentrate on highway safety and the perceived increase in traffic movements that will result, particularly large vehicles. However, such concerns do not appear to correspond with the projected vehicle movements outlined by the applicant and re-produced earlier in this report which suggest that 5 people will be employed, that the raw materials (potatoes) will be grown on site, that two vehicles per month will deliver empty bottles, perhaps two vehicles per week will take the finished product from the site, and that one tanker per week will visit to deliver waste sunflower oil and will take away finished bio-diesel. In your officers opinion this level of traffic movement is not dissimilar to that which might be ordinarily expected on any other farm holding. It appears that the main concern of local residents is not principally about this application per-se but what development might occur in the future and the level of traffic generation that might result, a point that is mentioned in a number of the letters received.

6.2 The distillery is of a small scale, as is the production of bio-diesel from its waste products, and therefore is self-limiting in terms of the level of traffic movements that it will generate. The fact that the application includes the provision of a new access to the farm should not be taken as an indication that the applicant intends to develop the site further, but on its own merits in terms of landscape impact and highway safety. If further proposals do come forward in the future then these, of course, will be considered on their own merits.

6.3 The Transportation Manager has indicated a need for existing passing places to be lengthened along the route of the C1118, and particularly between Rosemaund Drive and the A417. He has also suggested that additional bays could be provided to improve the ability for vehicles to pass one another. The applicant has indicated a willingness to undertake such improvements as part of this application.

6.4 The evidence provided by the Transportation Manager does not suggest that there is any frequency of accidents along the C1118, nor at its junctions with the A417 or A465 respectively. Notwithstanding this, the increase in traffic movements associated with this proposal are limited and will not result in a reduction in highway safety.

6.5 The distillation tower will not be seen from any immediate public vantage points and any views gained of it will be in the longer distance and against the backdrop of a large farm complex. It is not considered that it will have any undue adverse visual impact and as such is considered to accord with policy in this respect.

6.6 The same tower simply serves to cool liquid throughout the distilling process and is a sealed unit rather than acting as a chimney that might otherwise emit fumes.

6.7 An archaeological evaluation has been completed and, whilst a detailed report has yet to be submitted, it has been indicated that there have been no finds and that the access track will not have any adverse effect in this respect.

6.8 It is concluded that the proposal as submitted is of an appropriate scale in relation to its surroundings. It promotes the re-use of a currently vacant rural building and therefore accords with policies E7 and HBA12 of the Herefordshire Unitary Development Plan.

Subject to the imposition of conditions it also accords with policy in terms of issues relating to highway safety and increased traffic movements. The application is recommended for approval.

RECOMMENDATION

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

- 1. A01 (Time limit for commencement).**

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

- 2. A09 (Amended plans).**

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

- 3. DO3 (Site observation – archaeology).**

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

- 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. H03 (Visibility splays).**

Reason: In the interests of highway safety.

- 7. H05 (Access gates).**

Reason: In the interests of highway safety.

- 8. H06 (Vehicular access construction).**

Reason: In the interests of highway safety.

- 9. H17 (Junction improvement/off site works).**

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

Informatives

- 1. N03 - Adjoining property rights.**

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

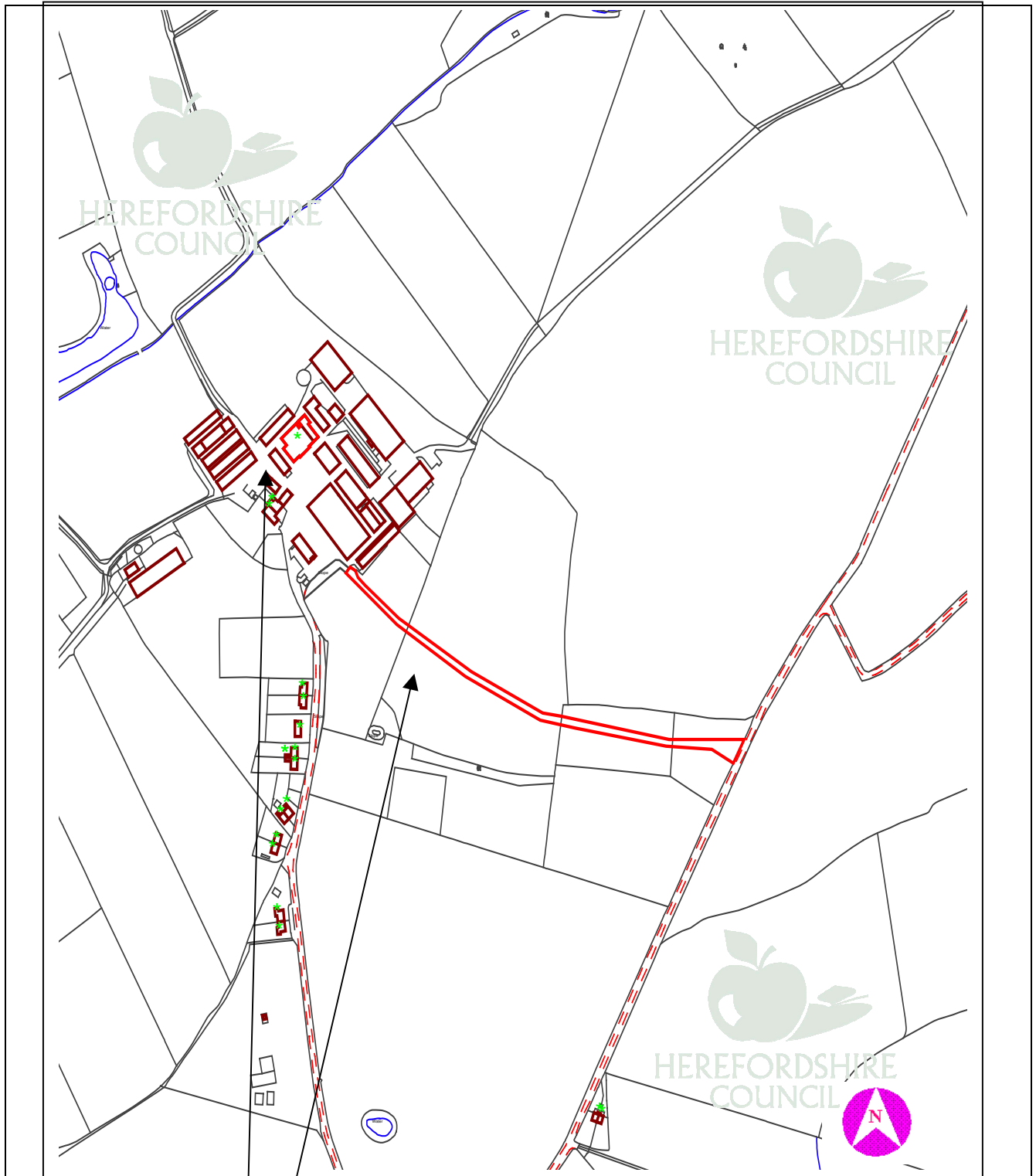
Decision:

Notes:

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Background Papers

Internal departmental consultation replies



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APPLICATION NO: DCNC2007/2604/F

SCALE : 1 : 5000

SITE ADDRESS : Rosemaund Farm, Rosemaund Drive, Preston Wynne, Herefordshire. HR1 3PG

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9 DCNC2007/2669/O - SITE FOR THE ERECTION OF ONE BUNGALOW FOR AGRICULTURAL WORKERS DWELLING AT LYNCROFT, BADLEY WOOD, WHITBOURNE, WORCESTER, WR6 5SJ

**For: Mr L Roper per Mr RD Gurney 56 Malvern Road
Powick Worcester WR2 4RT**

Date Received:
15th August, 2007

Ward:
Bringsty

Grid Ref:
69446, 57366

Expiry Date:
10th October, 2007

Local Members: Councillor TW Hunt

1. Site Description and Proposal

- 1.1 The application is made in outline and seeks permission for the erection of a single dwelling at Lyncroft, Whitbourne. The site falls outside of any settlement boundary, where there is a fundamental presumption against new build residential development unless it accords with the recognised exceptions outlined in UDP Policy H7.
- 1.2 All matters, with the exception of means of access, are reserved for future consideration. Outline applications are required to include information as to the scale of the proposal. In this instance a bungalow of 15 x 8m is proposed, into a ridge height not exceeding 6m. The location is as indicated on the 1:500 block plan.
- 1.3 The applicant is the owner of a hydroponics business growing a range of herbs and other crops. He also keeps a flock of 38 ewes and 8 Tamworth sows. Lambs and sows are eventually slaughtered every year with the meat being sold locally. A third element to the business is an egg packaging process whereby eggs are delivered to the site, re-packaged and sold on. This amounts to approximately 500 dozen eggs being sold each week.
- 1.4 The applicant currently resides in a mobile home shown adjacent to the application site on the 1:2500 site location plan. This was granted a temporary permission for a period of three years under the appeal allowed on 12th November, 2001 and renewed by application reference NC2004/3875/F for a further three years. The temporary permission is set to expire in July 2008.
- 1.5 The application is supported by an agricultural appraisal which seeks to demonstrate that both a functional and financial need exist for permanent residential accommodation on the site.
- 1.6 The application site is located in open countryside with no immediate neighbour. A series of buildings and polytunnels are located on the site and serve the existing business. It sits in a natural hollow and is well screened from all directions by mature vegetation.

2. Policies

- 2.1 National Guidance
Planning Policy Statement 7 - Sustainable development in rural areas
- 2.2 Herefordshire Unitary Development Plan
H7 - Housing in the countryside outside settlements
H8 - Agricultural and forestry dwellings associated with rural businesses

3. Planning History

- 3.1 NC06/2022/O - Site for the erection of an agricultural workers dwelling - Refused 07/12/06. The application was refused for the following reasons:
 - 1. The local planning authority is not satisfied that the application demonstrates an overriding functional requirement for the provision of a permanent dwelling at this location. Accordingly the proposal is contrary to Policy H20 of the Hereford and Worcester County Structure Plan, Policies H7 and H8 of the emerging Herefordshire Unitary Development Plan and Planning Policy Statement 7.
 - 2. The local planning authority is not satisfied, on the basis of the submitted trading accounts, that the enterprise can sustain the capital costs involved in erecting a new dwelling. As such the long-term financial viability of the holding is not proven in accordance with Annex A to Planning Policy Statement 7. The development is thus contrary to Housing Policies 7 and 8 of the emerging Unitary Development Plan.
- 3.2 NC2004/3875/F - Renewal of temporary consent for the siting of a mobile home - Approved 25/07/05
- 3.3 NC2004/3872/O - Site for the erection of an agricultural workers dwelling - Refused 29/09/05
- 3.4 NC2001/0174/F - Retention of mobile home, hen house, 2 portacabins and 2 garden sheds Refused 3/4/01 Appeal allowed
- 3.5 NC2000/1404/F - Retention of mobile home, hen house, 2 portacabins and 2 garden sheds - Refused 22/8/00
- 3.6 NC99/2294/F - Erection of an agricultural workers dwelling - Refused 24/11/99
- 3.7 MH96/0646 - Mobile home Approved 10/12/96
- 3.8 MH92/0694 - Portacabin, ancillary buildings for free range egg production - Refused 6/10/92

4. Consultation Summary

Statutory Consultations

- 4.1 None required

Internal Council Advice

- 4.2 Transportation Manager - No objections
- 4.3 County Land Agent - Has reported in detail on the proposals but concludes as follows:

In my opinion the hydroponics enterprise does need a worker on site on a full time basis, in that if there is a problem with water flow or electricity serious losses could arise. The business has a long term future and the potential to expand.

The stock enterprise is too small to justify residential necessity in that 16 farrowings and 38 lambings could be administered to from a temporary caravan, as could any animal welfare requirements in case of sickness.

The SMD and financial requirements are met. (The latter subject to the accounts provided being audited). The long term future of the stock enterprise needs to be secured by the obtaining of extra land for the pig enterprise as mentioned in (d) above.

Therefore subject to the above points being satisfactorily cleared up the application is satisfactory in my opinion.

5. Representations

- 5.1 Whitbourne Parish Council - No objections
- 5.2 Two letters of objection have been received from the following:
- Mr R Slater, Pat Brook, Badley Wood, Whitbourne
 - Mr & Mrs Galvin, Lincetter Farm, Badley Wood, Whitbourne
- 5.3 In summary, both letters question the economic viability of the business as it relies on activities that are not directly associated with the land and that the keeping of sheep and pigs do not require permanent on-site supervision.

Agricultural Appraisal

- 5.4 The appraisal opens with a brief description of the buildings and land controlled by the applicant. Owing just 8 acres, the remaining 18 acres are rented informally from neighbours.
- 5.5 The business has three arms and these have been described previously, but are basically hydroponic production of herbs and a range of other crops, livestock and egg re-packaging and sale.
- 5.6 As part of the history of the site the appraisal identifies the fact that a series of planning permissions have been granted on the site, including temporary permissions for mobile homes, first in connection with a free-range poultry business and later, after the flock contracted a serious disease and was destroyed in 1999, and latterly in connection with the hydroponics business. A temporary permission has therefore been granted since 1996 on three separate occasions.
- 5.7 The appraisal goes on to make an assessment of the business against national and local policies. It concludes that a functional need exists particularly in connection with

the hydroponics part of the business as it is sensitive to emergencies arising, most commonly from fluctuations in temperature and electrical failures.

- 5.8 It also concludes that there are sufficient man-days generated by the day-to-day operation of the site to warrant the provision of permanent accommodation.
- 5.9 With regards to the financial aspect of the business, the appraisal highlights a continuing upward trend over the past four years. In the year ending 31st March, 2004 a loss of £384 was made, with profits of £7,281, £12,781 and £16,963 for the corresponding periods in 2005, 2006 and 2007 respectively. It concludes that on the basis of these figures the financial test is met.
- 5.10 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 application seeks outline permission for the erection of a rural exceptions house at Lyncroft. The application falls to be considered against policies H7 and H8 of the UDP and advice contained within Planning Policy Statement 7 - Sustainable Development in Rural Areas. H7 (1) allows for development that is "clearly necessary in connection with agriculture or forestry and cannot be located in a settlement and complies with H8.
- 6.2 H8 offers further criteria against which applications for agricultural worker's dwellings should be assessed. Principally there must be demonstrated that there is a long-term genuine need for the dwelling as an essential part of a financially viable business and that such need cannot be met in existing accommodation. PPS 7 also offers advice in this respect by stating that there should be:
- "...a clearly established existing functional need;"
- 6.3 The policy goes on to describe development requirements where development is acceptable, together with the necessity for occupancy conditions and restriction of separate sale.
- 6.4 In this instance the business is established and it is appropriate to consider a proposal for a permanent dwelling, rather than a mobile home, particularly as temporary consent has previously been granted and PPS 7 makes it quite clear the local planning authorities should not normally grant successive extensions to a temporary permission over a period of more than three years.

Officer response to the agricultural appraisal

- 6.5 The loss of the poultry flock is significant in that the disease contracted requires that the land is not occupied by poultry for a number of years, although no time scale is given. It is this situation that has given rise to the importation, re-packaging and sale of eggs from the site. In allowing the appeal in 2001, the Inspector appeared to accept this as part of the diversification of the business.
- 6.6 A closer examination of the figures provided to substantiate the financial requirement for a dwelling indicate that the egg re-packaging accounts for approximately 60% of the gross income over the three year period 2004-06. By 2007 this is reduced to less than 50% of the gross income, but more significantly it is noted that the combination of

income generated from the hydroponics, pig rearing and other produce amounts to £20,166. The figures demonstrate that the business is continuing an upward trend in terms of financial viability and moreover that there is less dependency upon the egg packaging aspect of the enterprise.

- 6.7 The County Land Agent highlights that there is a lack of information with regards to the labour requirements for hydroponics. However, he acknowledges that the water supply has to be checked on a four hourly basis, that crops have to be picked and packaged and delivered and that seedlings have to be pricked out into cups. All of these a labour intensive and time consuming jobs. Most particularly the picking and delivery of crops has to occur on the same day to ensure that they do not wilt.
- 6.8 The continued renewal of temporary permissions is somewhat unfortunate as it does not accord with current Government advice contained within PPS7. There may have been some justification for this given the exceptional changes in circumstances through the loss of the poultry flock to disease. Nevertheless this should not continue to influence planning decisions some seven years on and a decision must be taken based on the circumstances as they exist at this moment in time. Based on the fact that the financial viability has continued to develop over a four year period, and that it is clear that the hydroponics element is becoming increasingly prominent, is labour intensive and requires immediate on site supervision, it is concluded that the proposal meets the financial and functional tests set out by PPS 7. As a result it also accords with policies H7 and H8 of the Herefordshire Unitary Development Plan and the application is therefore recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2. **A03 (Time limit for commencement (outline permission)).**

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

3. **A04 (Approval of reserved matters).**

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

4. **A05 (Plans and particulars of reserved matters).**

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

5. **E28 (Agricultural occupancy).**

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

Informatives:

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

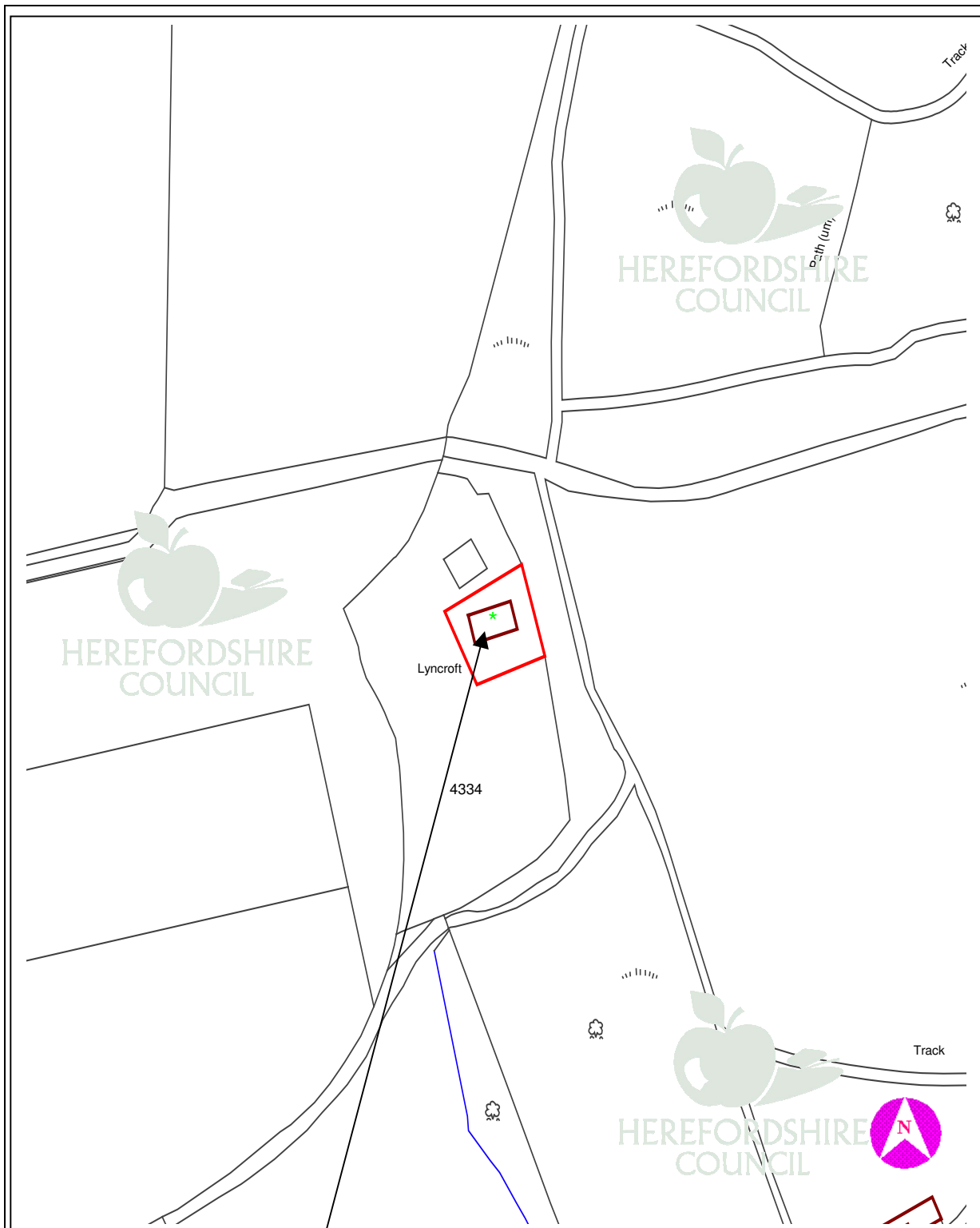
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2007/2669/O

SCALE : 1 : 1250

SITE ADDRESS : Lyncroft, Badley Wood, Whitbourne, Worcester, Herefordshire, WR6 5SJ

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10 DCNC2007/2672/F - CHANGE OF USE TO A4. REFURBISHMENT OF SINGLE STOREY EXTENSION AT REAR. DEMOLISH OUTBUILDING AND NEW REAR EXTENSION AT FORMER POST OFFICE, CORN SQUARE, LEOMINSTER, HEREFORDSHIRE, HR6 8LR

For: JD Wetherspoon PLC, per Lawrence Beckingham Field Architects LLP, The Sail Loft, Limehouse Court, 3-11 Dod Street, London E14 7EQ

Date Received:
15th August, 2007

Ward:
Leominster South

Grid Ref:
49719, 59086

Expiry Date:
10th October, 2007

Local Members: Councillors RBA Burke and RC Hunt

1. Site Description and Proposal

- 1.1. This site, within the town centre of Leominster, is located within Corn Square on its northern side. The existing building, now vacant, was formerly a post office. The section of building facing Corn Square is red brick with a plain tile roof. There is black timber frame with white render infill panels at first floor level facing Corn Square. This part of the building has a ground floor, two upper floors and a basement. The section of building to the rear is single storey with red brick walls, part of which has a slate roof with an additional raised section along the ridge line. The eastern section of the building has a flat roof. There is yard area at the rear with an access track leading to Church Street.
- 1.2 The site is surrounded by a mixture of uses i.e. residential, retail and the "Conservative Club". There is an existing public house on the opposite side of Corn Square. The Grange open space area is located to the east.
- 1.3 The proposal is to change the use of the building to A4 use i.e. as a drinking establishment/public house. This will involve the refurbishment of the existing rear section and the demolition of the more modern flat roofed section at the eastern end of the site. The refurbishment of the existing rear section will involve utilizing the existing shell of the building by retaining the roof and the glazed lantern roof light section on top of the roof. The walls of this section of the building will be extended outwards on north and west sides to enlarge the floor area of the building and will have a flat roof. The section to the east to be demolished will be replaced with a section of building with a larger floor area, the majority of which will have a pitched roof and a small part with a flat roof. There will be a small glazed canopy at the eastern end. Vehicular access for deliveries will be via the existing rear access track; i.e. the same route used by the post office.

2. Policies

2.1 Planning Policy Guidance

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

2.2 Herefordshire Unitary Development Plan

TCR 1 - Central shopping and Commercial Areas
TCR2 - Vitality and Viability
TCR 3 - Primary Shopping Frontage
HBA 4 - Setting of Listed Buildings
HBA 6 - New Development within Conservation Areas
HBA 7 - Demolition of Unlisted Buildings within Conservation Areas
S2 - Development Requirements
DR1 - Design
DR13 - Noise
DR3 - Movement

2.3. Supplemental Planning Guidance

Design and Development Requirements - July 2004

3. Planning History

- 3.1 DCNC2007/0506/F - Change of use to A4 (drinking establishment). Demolition of single storey rear extension and outbuilding and new rear extension - Refusal of Planning Permission 27/06/07.
- 3.2 DCNC2007/0507/C- Change of use to A4 (drinking establishment). Demolition of single storey rear extension and outbuilding and new rear extension - Refusal of Conservation Area Consent 27/06/07.
- 3.3 DCNC2007/2673/C - Change of use to A4. Refurbishment of single storey extension at rear, demolish outbuilding, new rear extension - Conservation Area Consent 10/10/07.

4. Consultation Summary

Statutory Consultations

- 4.1 None required

Internal Council Advice

- 4.2 The Traffic Manager recommends that any permissions includes certain conditions relating to secure cycle parking provision and a travel plan. Also the submitted details showing tracking manoeuvres for delivery vehicles show that deliveries to the rear of the premises are feasible.
- 4.3 The Principal Environmental Health Officer has no objections in principle, although limited information has been submitted with the application with respect to impact on

neighbouring properties. There are concerns with respect to the affect on neighbouring dwellings in terms of noise and odour. In particular it is unclear if there will be an outside area for people to sit etc. Any such area, due to "people noise" could well adversely affect the residential amenities of neighbouring dwellings. If Members are minded to approve the application, then certain conditions need to be imposed on any planning permission in order to protect the residential amenity of neighbouring dwellings. In particular, a scheme of odour control measures, restriction on outdoor use, scheme for noise controlling measures in general and for additional plant, details of flues and extractors and also restrictions on hours of demolition and construction work.

- 4.4 The Conservation Manager observes that the amended scheme now successfully addresses the previous concerns and retains the basic form of the sorting office. No objections to the removal of the late 20th Century building at the rear. The Conservation objection has been resolved.
- 4.5 The Council's Community Services Officer states that Leominster town centre is currently covered by five CCTV cameras all installed in mid 1990's. If a CCTV camera was installed on the junction with High Street and Victoria Street it would give coverage to the entrance of the old post office proposed for Wetherspoons. The total cost of this would be approximately £24,247.

5. Representations

- 5.1 The applicant's agents state that, following the previous refusal of planning permission and Conservation Area Consent, the scheme has been revised to take into account the comments of the Council's Conservation Architect and retains as much of the historic interest of the building within the Conservation Area. The proposed conversion will retain elements of the existing sorting office. The interior shell of the existing sorting office will be unchanged by removing the north wall to extend the interior customer area. This will provide a double height space for the bar, commercial kitchen, cooled store and general customer area. The existing alleyway will be kept to allow access for deliveries as it exists now. DDA compliant access into and within the existing main building is unchanged by this proposal. Level access is available through the customer area with provisions at ground floor level. A "TRACK" analysis has been provided in respect of delivery vehicles accessing the site. This shows that the two types of vehicles which are available for use by J. D. Wetherspoon's delivery companies (i.e. 5.35m transit type van and a 8.0m rigid vehicle) will be able to enter and exit the site in a forward gear utilizing the space on site to turn. The number of deliveries will be approximately nine times per week. The rear access will be for deliveries only. The rear area will not be used at all by customers.
- 5.2 The Town Council wishes to restate its objection to the use of the rear access for deliveries. It is suggested that this access should be restricted to vehicles under seventeen and a half feet in length, no longer than a Transit Van or small box van. However, as on the previous application, approval is recommended, subject to alternative delivery arrangements.
- 5.3 There has been one letter of support received from Mr. P.J. Goody, 14 Kenelm Court, Leominster HR6 8PZ. The main points being:-

- Ideal location and site for such a development
- Leominster Town centre is suffering from a surfeit of empty commercial properties. Wetherspools would attract customers to town centre.
- King's Fee in Hereford provides an example of how a town centre can benefit from such an attraction.
- Provides a useful service to area.
- Provides healthy competition for facilities and create new economic activity.

5.4 There have been five letters of objection received from:-

- The Rev Canon John M Ayling M.A., Woodstock House, Church Street, Leominster HR6 8ED.
- Maja Storey, 168 Godiva Road, Leominster HR6 8TA
- Miss A Preece, 14 Kenwater Close, Leominster HR6 8DC
- KE Ward, 8 Church Street, Leominster HR6 8NE
- Mr R Oliver, Chairman of Leominster Civic Society, 118 Godiva Road, Leominster HR6 8TA

The main points being -

- Support the Council's reasons for the previous refusal (contrary to policies in UDP) because proposal will cause a hazard to highway safety due to regular delivery of lorries down Church Street, which is a narrow historic thoroughfare. Danger to pedestrians, fabric of buildings and quality of Conservation Area.
- The revised plans do not address access problems in previous refusal. Still contrary to the decision of the Council's Committee.
- Difficult and dangerous for large lorries to negotiate access as the Post Office found a few years ago. Existing parked cars on side of road will make problems worse. Emergency vehicles could be affected by the volume of vehicles.
- There are some vehicles/pedestrians using Church Street since Post Office used access. The Post Office itself only had one large van early in the morning and a few small vans during the day.
- The proposal will encourage large numbers of people in from the surrounding district by car, which will create more traffic problems.
- The proposed large public house will create a greater risk of night time rowdiness and vandalism.
- Noise from outside eating/drinking will cause extra noise.

- The closeness of the new kitchen/store room to objectors home is limited and could cause problems of noise and smells.
- The landscaped area if used for customer use would cause a major intrusion to objector's residential amenities.
- Such a large establishment will affect trade of existing local public houses.

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

6. Officer's Appraisal

6.1 The main issues relate to:-

- (i) The use of the site as a drinking establishment.
- (ii) The size/design of the proposed development (including alterations and demolition) and its affect on the surroundings and the Conservation Area.
- (iii) The effect the proposed use will have on adjacent residential dwellings and the area in general.
- (iv) Issues relating to vehicular access and movement.

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

6.3 The proposed development in terms of its size, layout and design is considered to be acceptable and overcomes the original objections raised by the Council's Conservation Officer in that the original sorting office section is being retained in the revised scheme and not demolished as in the previous applications on the site i.e. DCNC2007/0506/F and DCNC2007/0507/C. Also the revised design as a whole is considered to be acceptable and in accordance with planning policies and guidance. The proposed development will not adversely affect character and appearance of the Conservation Area. Consequently, the refusal reason no. 1, relating to the design and conservation issues in the above mentioned applications, has now been resolved. Furthermore, Conservation Area Consent for the demolition works for the revised scheme ref no. DCNC2007/2673/C was recently granted on 10th October, 2007.

6.4 The use of the proposed development as a drinking establishment in this town centre location is considered to be acceptable. There is an existing public house in Corn Square and public houses in the town centre in general. There is no convincing evidence to the effect that an additional public house will adversely affect Leominster Town Centre. The Principal Environmental Health Officer has recommended that, if the Sub-Committee is minded to approve the applications, then certain conditions relating principally to noise attenuation measures and odour control measures be imposed. The use of any areas outside the proposed building for customers to sit etc is considered to be unacceptable and would lead to noise disturbance to adjacent residential dwellings. The applicants have not proposed any outside drinking area and

have clarified that there will be no outside drinking. The open area at the eastern end of the site will only be used for delivery vehicles, which intend to use this area for parking and turning. They have also stated that this will also be a landscaped area.

- 6.5 With respect to the proposed vehicular access arrangements, refusal reason No. 2 on the previous planning application on the site (which was refused on 27th June, 2007) stated:-

“The proposed development will constitute a hazard to highway safety for both pedestrians and road users due to the amount and type of traffic that will be generated by the proposed development also the unsuitability of both the existing rear access track and the access point onto Church Street where visibility is poor. As such the proposed development will be contrary to Policies S2, S6 and DR3 of the Herefordshire Unitary Development Plan”

There have been objections raised to the current proposal from local residents and the Town Council with respect to the vehicular access. However, the Council's Traffic Manager has raised no objection to the development, subject to conditions relating to cycle parking provision and a travel plan. In addition the applicant has provided evidence to show that delivery vehicles can turn within the site. In addition, they have indicated that there will be an average nine deliveries per week and that they will be during normal working hours. This is considered to be less than the number of vehicles that were likely to have entered/left the site when it was a post office sorting office. Also, there will be no customer nor staff parking at the rear, as this access will only be used for deliveries. There will be no public access from the rear.

Consequently, it is considered that the proposed development will be acceptable from a vehicle access point of view.

- 6.6 The proposed development in its revised form is, therefore, considered to be acceptable and in accordance with planning policies and guidance. There have been some objections received from local residents. However, after fully taking into account the points raised they are not considered sufficient to warrant refusal of planning permission.
- 6.7 In the absence of an adopted policy or developer contributions and, given the existing CCTV camera in Corn Square, it is not considered reasonable or necessary to insist that the developer pays for an additional camera.

RECOMMENDATION

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

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

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

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

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

3. Before any work commences on site drawings showing the east and west elevations of the new development at its western end shall first be submitted to and be subject to the prior written approval of the local planning authority.

Reason: To ensure the development is satisfactory in appearance due to these elevations at that end not being submitted.

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

Reason: To protect the visual amenities of the area.

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

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

6. F02 (Scheme of measures for controlling noise).

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

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

Reason: To safeguard amenity of the area.

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

Reason: To safeguard the residential amenity of the area.

9. F37 (Scheme of odour and fume control).

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

10. F38 (Details of flues or extractors).

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

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

Reason: To safeguard residential amenity and prevent pollution.

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

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

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

Reason: To protect the amenity of local residents.

- 14. The open yard area at the eastern end of the site shall be used for deliveries only and not for staff or customer parking.**

Reason: To define the terms to which this planning permission relates.

- 15. E02 (Restriction on hours of delivery).**

Reason: To safeguard the amenities of the locality.

- 16. H29 (Secure cycle parking provision).**

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

- 17. H30 (Travel Plans).**

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

Informatives

- 1. N15 - Reason(s) for the grant of PP/LBC/CAC.**
- 2. N03 - Adjoining property rights.**
- 3. N14 - Party Wall Act 1996.**
- 4. The applicants should be aware that this planning permission does not over-ride any civil/legal rights enjoyed by adjacent property owners and that any development which physically affects or encroaches onto any adjoining property may well affect these rights. As such, the applicants are advised to contact the owners of adjacent properties where these rights may be affected and seek legal advice on the matter prior to undertaking any building work.**
- 5. The applicants are advised to contact the Commercial Team of the Environmental Health Department at Herefordshire Council to discuss the Food Safety and Hygiene implications of the proposed development to ensure they comply with the legislative requirements of the Food Safety Act 1990 and related regulations.**

The applicant is also advised to contact the Licensing Team of the Environmental Health Department at Herefordshire Council to discuss any issues of compliance with the Licensing Act 2003 and related legislation.

- 6. HN25 - Travel plans.**

7. N19 - Avoidance of doubt.

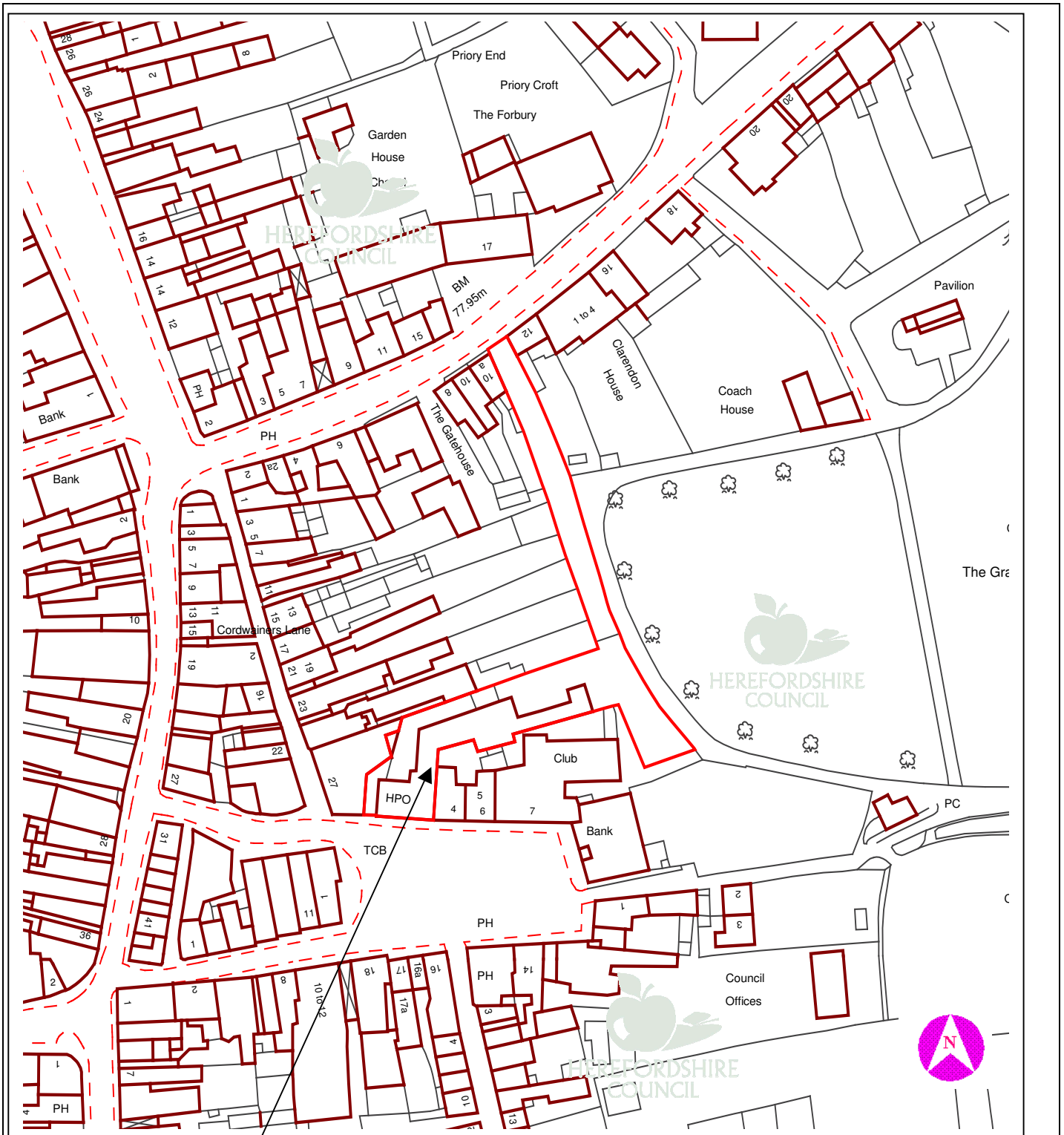
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2007/2672/F

SCALE : 1 : 1250

SITE ADDRESS : Former Post Office, Corn Square, Leominster

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11 DCNC2007/2841/F - PROPOSED TWO STOREY BUILDING ADJACENT TO EXISTING SINGLE STOREY WING TO CREATE NEW DWELLING AT THE BARN, GREEN FARM, TEDSTONE WAFRE, BROMYARD, HEREFORDSHIRE, HR7 4PP

For: Gp.Capt & Mrs R Allaway per Andrew Plank, 10 Sanderling Court, Kidderminster, Worcs, DY10 4TS

Date Received:

4th September, 2007

Expiry Date:

30th October, 2007

Local Member: Councillor TW Hunt

Ward:

Bringsty

Grid Ref:

67564, 59246

1. Site Description and Proposal

- 1.1 This site at Tedstone Wafre flanks the southern side of the C1064 near to its junction with B4203 Bromyard to Upper Sapey road. This site forms part of a group of buildings ie the original farmhouse and a range of outbuildings which have subsequently been converted into six additional dwellings. The majority of the buildings are Grade II Listed Buildings and are a mixture of local stone, red brick and timber frame with white infill panels with plain clay tiles on the roofs. The existing building on the site, subject of these current applications, is a mixture of red brick and local stone with a plain clay tile roof. There is a modern red brick plinth at the northern end of the building (ie up to dpc level) which has been left in place for a period of time. The building has been used as occasional ancillary accommodation to the main farmhouse. The building is not a listed building in itself but is considered as such as it is within the original curtilage of listed buildings.
- 1.2 Planning permission and listed building consent MH1111/89 and MH1112/89 were granted in August 1989 for the conversion of three agricultural buildings into three dwellings. These approvals, subject to various revisions, were eventually implemented. However this building subject of the current applications, was the only approved conversion not to be completed. Part of the building was converted/rebuilt, however the main part of the whole building ie the timber framed section to the north was considered to be in a poor condition and required a substantial amount of rebuilding. Consequently it was later formally agreed with the Malvern Hills District Council that the building could be carefully dismantled (with the joints marked) and stored on site in a tidy manner so that it could be reconstructed using the same materials so that the building would not be lost.
- 1.3 The timber frame members and other materials which formed this building have been stored on site for some time. However over the course of time some of the materials have gone missing and what is left is in a very poor condition and are now considered unusable. The current proposal is to rebuild this section using a green oak frame, lime rendered infill panels on a stone plinth with plain clay tiles on the roof. Parking places for three cars will be provided at the northern end of the site.

2. Policies

2.1 Planning Policy Guidance

PPS1 - Delivering Sustainable Development
PPG3 - Housing
PPS7 - Sustainable Development in Rural Areas
PPG15 - Planning and the Historic Environment

2.2 Herefordshire Unitary Development Plan

Policy S2 - Development Requirements
Policy DR1 - Design
Policy DR3 - Movement
Policy H7 - Housing in the Countryside Outside Settlements
Policy HBA1 - Alterations and Extensions to Listed Buildings
Policy HBA3 - Change of Use of Listed Buildings
Policy HBA4 - Setting of Listed Buildings
Policy HBA12 - Re-use of Rural Buildings

2.3 The Council's Supplementary Planning Guidance: Re-use and Adaptation of Rural Buildings.

3. Planning History

3.1 MH1111/89 - Conversion of redundant agricultural buildings to 3 houses with garages and log store. Associated removal of modern agricultural buildings - Planning Permission 21/08/89.

3.2 MH1112/89 - Demolition of existing corrugated sheeted redundant agricultural buildings. Conversion of existing brick, stone and oak framed agricultural buildings into 3 new houses with garages. - Listed Building Consent 15/08/89.

4. Consultation Summary

Statutory Consultations

4.1 None

Internal Council Advice

4.2 The Council's Transportation Manager has no objection to the grant of permission.

4.3 The Council's Conservation Architect recommends approval subject to conditions relating to external materials. He also observes that the building was not stored properly and now it is impossible to salvage any of the original elements and resurrect the building. The original building did make a contribution to the group. Although the proposed building is not identical to the original, it does have the same spirit and is beneficial for the group value of the listed farmstead.

5. Representations

- 5.1 The applicants' agent states that planning permission and listed building consent for conversion of the building was previously granted by Malvern Hills District Council. The two storey part was subsequently taken down in view of its dangerous state and it is now proposed to erect a replacement building. The timber frame members from the original building have been stored on site for a number of years and are now unsuitable for use. It is therefore proposed to erect a new building in a sympathetic style to the original, using new materials. It is proposed to move the footprint of the building by about 2 metres so that space can be left between the proposal and the existing converted barn (The Byre).
- 5.2 The proposal would reinstate the corner enclosure of this group of converted agricultural buildings.
- 5.3 The Parish Council cannot support this application on the grounds that it is not in keeping with the original design.
- 5.4 There have been three letters of objection from:
- Dr M & Mrs D Toms, Green Farm, Tedstone Wafre, Herefordshire HR7 4PP
 - Mr R Rayner, The Byre, Inksmoor Court, Tedstone Wafre, Herefordshire HR7 4PP
 - RJ Dullam, the Wain House, Inksmoor Court, Tedstone Wafre, Bromyard, Herefordshire HR7 4PP
- 5.5 The main points being:
- The rebuilt barn must exactly replicate the half timbered black and white barn that was demolished in 1997. Conditions to allow demolition included exterior and interior photographs to ensure rebuild was accurate.
 - Two proposed windows in south elevation will look directly over objectors property resulting in loss of privacy. Obscure glass could be used.
 - The new building must not affect character and style of the existing Grade II Listed Buildings.
 - The proposed 3 parking spaces by the access drive are different from the original plans where a smaller entrance to the property was provided. The car parking spaces gives the proposed entrance a courtyard effect which detracts from objectors entrance and visually impairs the rural setting.
- 5.6 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 The main issues relate to:
- The principle of erecting the building.
 - The size and design of the building and its effect on the character and setting of the adjacent buildings.
 - The effect on the residential amenities of neighbouring dwellings.
 - Parking and vehicular access.

The most relevant policies with respect to these issues are S2, DR1, HBA1, HBA4 and HBA12 of the Herefordshire Unitary Development Plan.

- 6.2 The original planning permission and listed building consent have been implemented by the conversion of the adjacent building to the north west (The Byre) to a dwelling. The Malvern Hills District Council agreed to allow the timber framed building to be dismantled and rebuilt using the original materials. Consequently there is a current approval to rebuild the building. However due to the deterioration of the original materials this is not now physically possible. However it is considered that the setting of the listed buildings would benefit from the erection of the building and the subsequent enclosure of the 'yard' area. The current open aspect at this corner produces an awkward imbalance effect to the setting.
- 6.3 The size and design of the proposed development is very close to the original and in keeping with the character and appearance of the setting. The proposed external materials are also considered to be in keeping although the Council's Conservation Architect has recommended certain conditions be imposed relating to the external materials.
- 6.4 The footprint of the proposed building has been moved over so that the western wall is flush to the western side of existing building and the eastern side extends outwards from the eastern side of the existing building by 2.45 metres. This is different from the original scheme where the original building protruded towards the west. However the proposed new position is considered to be better as it brings the building away from the neighbour's dwelling so it is not now pressed up against the boundary and reduces the potential overlooking into the windows. The revised scheme is considered to be acceptable and does not adversely affect the residential amenities of the occupants of neighbouring dwellings.
- 6.5 The proposed parking and vehicular access arrangements and also the size of the curtilage are considered to be acceptable.
- 6.6 In conclusion, the proposed development is supported given the particular circumstances of the agreement of the Malvern Hills District Council to allow dismantling, and the contribution the building will make to the setting of the listed building as it allows the spirit of the original approval to be realised. Ordinarily rebuilding on this scale would not be acceptable in a conversion scheme. There are also some alterations to the existing building from that originally approved but these are considered to be acceptable and in keeping with the character of the development as a whole.

RECOMMENDATION

In respect of application no DCNC2007/2841/F that planning permission be granted subject to the following conditions:

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

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

2. Notwithstanding the details shown on the approved drawing and unless otherwise first agreed in writing by the Local Planning Authority the building shall be constructed in accordance with the following details:
- (a) The roof tiles shall be new double cambered clay tiles with hogs back ridges.
 - (b) The timber frame shall be in oak and left a natural colour with off white lime washed lime rendered panels.
 - (c) All new external doors and windows be made of oak.
 - (d) The new skylights shall be conservation roof lights ie flush with the tiles with slender metal frames.
 - (e) Rainwater goods shall be black cast iron or cast aluminium.
 - (f) All new stone work shall be natural local stone laid in a traditional style similar to that on the existing building.
 - (g) The existing slab/sub structure not proposed to be covered by the approved new building shall be removed as well as the whole of the existing red brick surround/base.

Reason: To safeguard the character, appearance and setting of this group of Listed Buildings.

3. E16 (Removal of permitted development rights).

Reason: To ensure the character, appearance and spirit of the original conversion scheme is maintained.

4. 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.

5. G04 (Landscaping scheme (general)).

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

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

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

Informatives:

- 1. N15 - Reason(s) for the Grant of PP.
- 2. N03 - Adjoining property rights.
- 3. N14 - Party Wall Act 1996.
- 4. The applicant should be aware that this planning permission does not override any civil/legal rights enjoyed by adjacent property owners. If in doubt the applicant is advised to seek legal advice on the matter.
- 5. N19 - Avoidance of doubt.

In respect of application no DCNC2007/2843/L that listed building consent be granted subject to the following conditions:

- 1. C01
- 2. Notwithstanding the details shown on the approved drawing and unless otherwise first agreed in writing by the Local Planning Authority the building shall be constructed in accordance with the following details:
 - (a) The roof tiles shall be new double cambered clay tiles with hogs back ridges.
 - (b) The timber frame shall be in oak and left a natural colour with off white lime washed lime rendered panels.
 - (c) All new external doors and windows be made of oak.
 - (d) The new skylights shall be conservation roof lights ie flush with the tiles with slender metal frames.
 - (e) Rainwater goods shall be black cast iron or cast aluminium.
 - (f) All new stone work shall be natural local stone laid in a traditional style similar to that on the existing building.
 - (g) The existing slab/sub structure not proposed to be covered by the approved new building shall be removed as well as the whole of the existing red brick surround/base.

Reason: To safeguard the character, appearance and setting of this group of Listed Buildings.

Informatives:

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

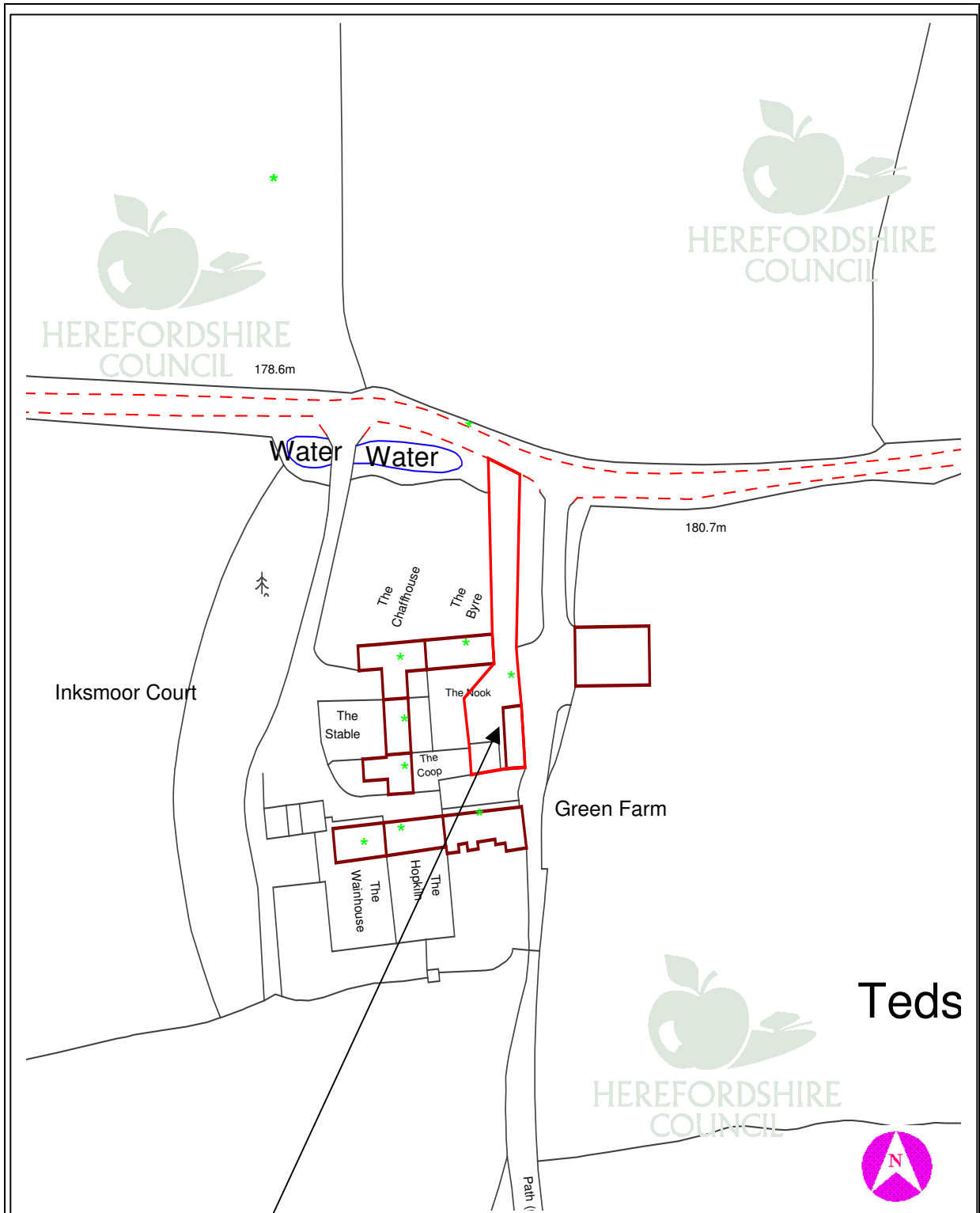
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2007/2841/F

SCALE : 1 : 1250

SITE ADDRESS : The Barn, Green Farm, Tedstone Wafre, Bromyard, Herefordshire, HR7 4PP

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12 DCNC2007/3045/O - PROPOSED SITE FOR THE ERECTION OF A 12,000 BIRD FREE RANGE ORGANIC EGG LAYING UNIT AT LAND SOUTH EAST OF THE LODGE, HATFIELD, LEOMINSTER, HEREFORDSHIRE

For: Mr A Bishop per Ian Pick Associates Ltd, Unit 3, Brook Street, Driffield, East Yorkshire, YO25 6QP

Date Received:
26th September, 2007

Ward:
Hampton Court

Grid Ref:
57972, 59018

Expiry Date:
21st November, 2007

Local Member: Councillor KG Grumbley

1. Site Description and Proposal

- 1.1 The application site lies within the open countryside, lying just south of a bridle path (HFN11) and mature woodland. The site is access off the C1059, which runs between Hatfield and Thornbury.
- 1.2 The site lies to the east of Hatfield Court, which is a period 'estate house' with associated outbuildings and parkland. This property has been subdivided and all of the buildings converted in to individual dwellings, with an established caravan park lying on its boundary.
- 1.3 The proposal seeks outline planning permission for the erection of a 12,000 bird, free-range egg-laying unit, with landscaping reserved for future consideration. The proposed building is located approximately 270 metres from the adjoining road, lying just south of woodland, and runs parallel to a bridle path for its full length. The building extends to 134.18 metres in length x 18.28 metres in width. The height to eaves will be 2.44 metres, with a ridge height of 5.36 metres. Feed bins are located along the north perimeter of the building. An area of hard standing will be laid for the parking and turning of vehicles, and a new access will be created to meet visibility standards. The building is of a timber-framed construction, which will be externally clad with tongue and groove weatherboard.
- 1.4 This application has been accompanied by a report providing further supporting details to be considered regarding design, environmental impact, traffic generation, animal welfare and waste.

2. Policies

2.1 Planning Policy Guidance:

PPS7: Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan

S2: Development requirements
DR4: Environment
E13: Agricultural and Forestry Development
LA6: Landscaping scheme
T6: Walking

3. **Planning History**

3.1 No relevant planning history identified.

4. **Consultation Summary**

Statutory Consultations

4.1 No statutory Consultations.

Internal Council Advice

4.2 Landscaping: No objection, subject to planning conditions.

4.3 Public Rights of Way: Objection on basis of impact on bridle path.

4.4 Environmental Health: No objection, subject to planning conditions.

4.5 Transportation: No objection, subject to conditions.

5. **Representations**

5.1 Hatfield and Newhampton Parish Council: No objections.

5.2 5 letters have been received from:

- S P Coules: New House, Hatfield, HR6 0SG
- E Goldsworthy: Coachmans Cottage, Hatfield Court, HR6 0SD
- Mr and Mrs Standing: Three Shires Cottage, Hatfield Court, HR6 0SD
- Mr Miles: Hatfield Court, HR6 0SD
- Mr James: Saddlers Cottage, Hatfield Court, HR6 0SD

5.3 The grounds of objection can be summarised as follows:

- Narrow roads, not suitable for traffic generated by development
- Smell, noise, bird flu and pollution arising from development
- Standards of animal welfare
- Development will be 'in view' of a resident

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 issues in consideration of this application are:

- Principle of development
- Landscaping
- Highway Safety
- Bridle path / footpath
- Amenity

Principle of Development

6.2 Policy E13 of the Herefordshire Unitary Development Plan seeks to permit new agricultural development where it can be readily assimilated in to the landscape and where it would take advantage of the natural landform. It is considered that the development has been carefully located, being at a considerable distance from the road (Over 250 metres), and running eastwards, in a parallel line with the mature woodland running along the north boundary of the site.

6.3 With regard to the scale and design of the unit, these factors are predominantly dictated by the purpose and functions of the unit, and to satisfy all mandatory industry standards. The unit is considered to be of a typical design in respect of a poultry unit, and with a low ridge height, would ensure that it would be readily assimilated in to the landscape. Control over materials and colours used in the development will be retained to further minimise any visual impact.

Landscaping

6.4 Whilst this has been reserved for future consideration, it is recommended that conditions relating to landscaping should be included to ensure that the development would have a minimal impact upon the landscape, and that further enhancement around the site boundary is achieved. In particular, it would appear necessary to secure new hedgerow planting. Given the extent of ground works required in order to develop this site, it is also recommended to secure details of these works with final levels and landscape features for the site and its new access.

Highways Safety

6.5 The information submitted with this application states that the 12000, free-range birds would have an expected crop cycle of 60 weeks. Based on this cycle, calculations have been submitted to show that the expected level of traffic generated by the development equates to 2.4 lorry movements per week, including delivery, and collections. At this level of traffic movements, the development is not considered to have any significant impact upon the adjoining highway. The Council's Highways Engineer has raised no objections to the development, but planning conditions have been recommended to ensure that highway safety standards are achieved.

Bridleway

6.6 The Council's Public Rights of Way Officer has objected to the location of the proposal on the basis that it would have a detrimental impact upon the adjoining bridleway. In particular, it is stated that the poultry unit will result in a 'tunnel effect'.

6.7 Whilst these comments are respectfully acknowledged, they must be balanced with the requirement to minimise the overall impact of the development. It is considered that the 'tunnel effect' only relates to the part of the bridleway running parallel to the site, which extends to approximately 134 metres, and is therefore only a small section of the whole of the bridleway. It is also considered that a comprehensive landscaping scheme could help to mitigate the impacts upon the bridleway.

Amenity

6.8 Whilst there have been objections raised by residents living in Hatfield (Most being residents of Hatfield Court), the development would be constructed at a considerable distance from any residential property, with the closest property being approximately 290 metres from the site. At this distance, the development is not considered to pose any significant harm to the amenity of any residential property. The Council's Environmental Health Officer has raised no objections to the development and is satisfied that the impact of the development would be low, particularly in relation to noise.

6.9 It is of concern to local residents and to the Public Rights of Way Officer that the development would result in smells and odours, which would impact upon residential and public amenity. It is acknowledged that poultry houses can create unwelcome smells, however, many of these bad odours are associated with intensive livestock units, particularly broiler houses, which this is not. The standards prescribed by the RSPCA and other industry bodies would also help to minimise smell through the supervision of the welfare and living conditions of the poultry.

6.10 It is noted that all of the operational functions of this development would be continuously monitored and audited by the poultry and egg industry. The regulations to be satisfied would ensure that the environmental impacts of this development are minimised.

6.11 Overall, in consideration of this application and government planning policy, Planning Policy Statement PPS7: Sustainable development in rural areas, seeks to promote agricultural development, which achieves high environmental standards, and minimizes the impact on natural resources, and the landscape, and which contributes to the rural economy and is itself competitive and profitable. It is my opinion that this new purpose built, free-range egg-laying unit, will accord with this policy and with the relevant local planning policies under the Herefordshire Unitary Development Plan 2007. As such, a conditional outline planning permission is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2. B08 (Dark roof colouring (agricultural buildings)).**

Reason: To protect the visual amenities of the area.

3. B10 (Details of cladding (agricultural and industrial buildings)).

Reason: To minimise the visual impact of the development.

4. Details of the colour and specification of the feed bins shall be submitted to and agreed in writing by the local planning authority before development commences.

Reason: To minimise the visual impact of the development.

5. F18 (Scheme of foul drainage disposal).

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

6. F32 (Details of floodlighting/external lighting).

Reason: To safeguard local amenities.

7. Prior to the commencement of development, a scheme for the disposal of dead birds shall be submitted to and approved in writing by the local planning authority. The scheme approved shall be subsequently implemented and permanently retained unless otherwise agreed in writing by the local planning authority. The details to be included in the scheme will relate to:

**Specification and details of manufacturer of any incinerator
Location of any incinerator
Hours of use of incinerator
Details of the storage of fallen stock/ prior to incineration or collection**

Reason: To protect the amenity of nearby properties and prevent pollution.

8. Prior to the commencement of development, a scheme for the disposal of poultry litter and waste shall be submitted to and approved in writing by the local planning authority. The scheme approved shall be subsequently implemented and permanently retained unless otherwise agreed in writing by the local planning authority.

Reason: To protect the amenity of nearby properties and prevent pollution.

9. The loading or unloading of delivery/collection vehicles together with their arrival and departure from the site shall not take place outside the hours of 7:00 am and 9:00 pm.

Reason: To safeguard the amenities of the locality.

10. Prior to its installation and first use of the building hereby granted details of the ventilation equipment, including noise levels, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details so approved.

Reason: To protect the residential amenities of the area.

11. F39 (Scheme of refuse storage).
Reason: In the interests of amenity.
12. F40 (No burning of material/substances).
Reason: To safeguard residential amenity and prevent pollution.
13. H01 (Single access - not footway).
Reason: In the interests of highway safety.
14. H05 (Access gates).
Reason: In the interests of highway safety.
15. H08 (Access closure).
Reason: To ensure the safe and free flow of traffic using the adjoining County highway.
16. 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.
17. G01 (Details of boundary treatments).
Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
18. G04 (Landscaping scheme (general)).
Reason: In order to protect the visual amenities of the area.
19. G05 (Implementation of landscaping scheme (general)).
Reason: In order to protect the visual amenities of the area.
20. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details should include proposed finished levels or contours and gradients; means of enclosure; car parking layout; vehicle and pedestrian access; field boundary alongside public highway; hard surfacing materials, proposed functional services above and below ground e.g. drainage power, communications, cables, pipelines etc.
Reason: In the interests of visual amenity.

Informatives:

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

2. N19 - Avoidance of doubt.
3. HN01 - Mud on highway.
4. HN04 - Private apparatus within highway.
5. HN05 - Works within the highway.
6. HN10 - No drainage to discharge to highway.
7. HN22 - Works adjoining highway.

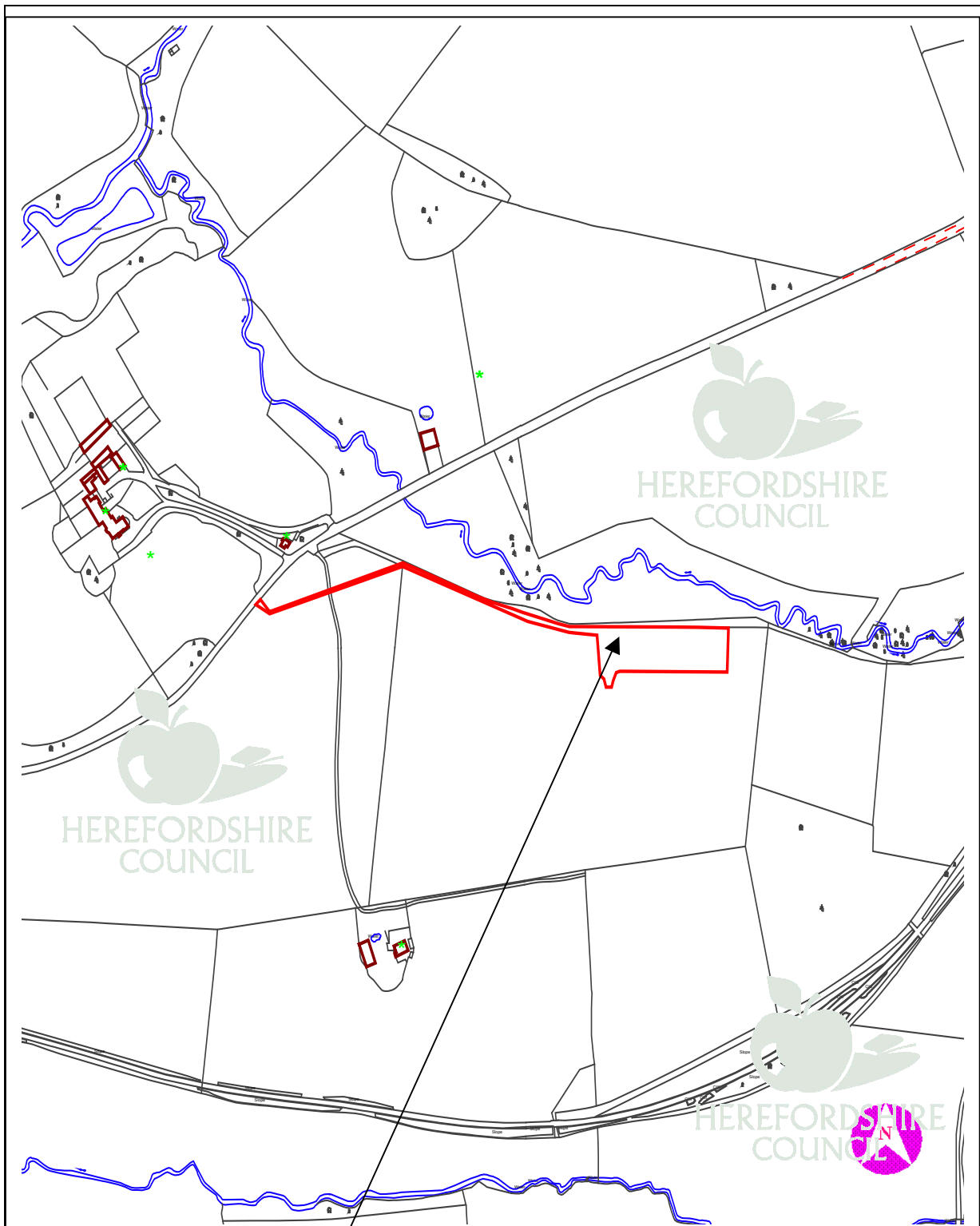
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2007/3045/O

SCALE : 1 : 5000

SITE ADDRESS : Land South East of The Lodge, Hatfield, Leominster, Herefordshire

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