

Northern Area Planning Sub- Committee

Date: **Wednesday, 12th December, 2007**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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

**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Northern Area Planning Sub-Committee

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

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

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES	1 - 18
To approve and sign the Minutes of the meeting held on 14th November, 2007.	
4. ITEM FOR INFORMATION - APPEALS	19 - 24
To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.	
5. TREE PRESERVATION ORDER 536, COLWALL CRICKET GROUND, COLWALL	25 - 28
To consider the representations made in relation to the making of a provisional Tree Preservation Order upon trees in the grounds of Colwall Cricket Ground, Colwall and determine whether to confirm the Order.	
Ward: Colwall	
Applications Received	
To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
Agenda item 6 is an application deferred for site inspections at the last meeting and items 7 - 11 are new applications.	

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| 6. | DCNW2007/2652/F - PROPOSED FIRST FLOOR EXTENSION AT GREENFIELDS, ALMELEY, HEREFORD, HEREFORDSHIRE, HR3 6LH | 29 - 34 |
| | For: Mr T Baldwin per Mr D Walters, David Walters, 27 Elizabeth Road, Kington, Herefordshire, HR5 3DB | |
| | Ward: Castle | |
| 7. | 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 | 35 - 44 |
| | For: Mr J A Baxter, Tyrells Distillers Ltd., Tyrells Court, Stretford Bridge, Leominster, Herefordshire, HR6 9DQ | |
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| 8. | DCNC2007/3052/F - PROPOSED REDEVELOPMENT TO FORM RETAIL AND RESIDENTIAL UNITS AT BURGESS STREET GARAGE, BURGESS STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DE | 45 - 50 |
| | For: D Sirrell and C. Morgan per Mr J.J. Rann J.J. Rann & Associates, The Wain House, Stretfordbury, Leominster, Herefordshire HR6 0QW | |
| | Ward: Leominster South | |
| 9. | DCNE2007/3176/O - DEMOLITION OF EXISTING HOUSE AND OUT BUILDINGS AND SITE FOR FOUR DWELLINGS AND TWO GARAGES AT BANKSIDE, LITTLE MARCLE ROAD, LEDBURY, HEREFORDSHIRE, HR8 2DR | 51 - 58 |
| | For: Mrs J Turner per Stainburn Taylor Architects, Sear House, Bye Street, Ledbury, Herefordshire, HR8 2AA | |
| | Ward: Ledbury | |
| 10. | DCNW2007/3344/F - CHANGE OF USE OF AGRICULTURAL FIELD TO CAMP SITE AND ERECTION OF SINGLE STOREY EQUIPMENT STORE/SHOWER AND TOILET FACILITIES. FIELD OPPOSITE THE POUND, WHITNEY-ON-WYE, HEREFORD, HEREFORDSHIRE, HR3 6EH | 59 - 64 |
| | For: Mr & Mrs R Taylor Warren Benbow Architects 21 Mill Street Kington Herefordshire HR5 3AL | |
| | Ward: Castle | |
| 11. | DCNC2007/2669/O - SITE FOR THE ERECTION OF ONE BUNGALOW FOR AGRICULTURAL WORKERS DWELLING AT LYNCROFT, BADLEY WOOD, WHITBOURNE, WORCESTER, WR6 5SJ | 65 - 72 |
| | For: Mr L Roper per Mr R D Gurney, 56 Malvern Road, Powick, Worcester WR2 4RT | |
| | Ward: Bringsty | |

12. DATES OF FUTURE MEETINGS

16th January, 2008

13th February, 2008

12th March, 2008

9th April, 2008

7th May, 2008

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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, 14th November, 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, KG Grumbley, B Hunt, RC Hunt, TW Hunt, TM James, P Jones CBE, R Mills, A Seldon, RV Stockton, J Stone, JK Swinburne and PJ Watts

In attendance: Councillors

106. APOLOGIES FOR ABSENCE

Apologies were received from Councillors LO Barnett and RJ Phillips.

107. DECLARATIONS OF INTEREST

Councillor	Item	Interest
WLS Bowen RBA Burke RC Hunt	Agenda item 10, Minute 115 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	Declared a prejudicial interest and left the meeting for the duration of the item
PJones JHR Goodwin	Agenda item 10, Minute 115 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	Declared a personal interest.
K Swinburne	Agenda Item 6, Minute 111 DCNE2007/2801/F - erection of 10 stainless steel storage silos for fruit juice at Orchard Business Park, Bromyard Road, Ledbury	Declared a personal interest.

108. MINUTES

RESOLVED: That the Minutes of the meeting held on 17th October, 2007 be approved as a correct record and signed by the Chairman.

109. ITEM FOR INFORMATION - APPEALS

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

110. 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.

111. DCNE2007/2801/F - ORCHARD BUSINESS PARK, BROMYARD ROAD, LEDBURY, HEREFORDSHIRE, HR8 1LG

The Senior Planning Officer presented the following updates:

A further letter has been received from Collins Engineering Ltd the Company employed to paint and reinstate the tanks. They make the following comments:

- The tanks in question are second hand and not immaculate and by painting them it is hoped that they will blend into the countryside.
- The tanks are stainless steel and because of their age the material has been significantly dulled.
- From a practical point of view they are very difficult to paint whilst they are laid on ground and also whilst standing up as they are so close together.
- Health and Safety implications have to be considered.

The tanks whilst high are not in a particularly prominent position so we beg you to reconsider the matter and allow them to be erected in their natural state.

The Senior Planning Officer said that the Officers had no objection to the silos remaining unpainted and that condition No 2 in the recommendation of the report could therefore be deleted. The Sub-Committee was agreeable to this.

Councillor ME Cooper one of the Local Ward Members was in favour of the application, feeling that the silos would not be too obtrusive in the landscape and that such applications should be encouraged on employment land.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

- 2. 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.

3. 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.**

112. DCNE2007/2910/F - LAND AT FROME VALLEY HAULAGE DEPOT, BISHOPS FROME, WR6 5BZ

In accordance with the criteria for public speaking, Mr Shave of Bishops Frome Parish Council, and Mr Plumer an objector acting on behalf of local residents, spoke against the application.

The Sub Committee discussed the application and noted the concerns raised by the parish council and local residents about the proposed density, car parking and lack of provision for pedestrians crossing a busy road. Councillor PM Morgan the Local Ward Member noted that the applicants had tried to meet the requirements of the Council regarding these issues since the refusal of the original application in July. Although the density was still fairly high, the scheme complied with the planning requirements and the applicants had increased the car parking provision within the scheme. Councillor WLS Bowen still had reservations about the proposed density and the safe access for children from the site to the play area elsewhere in the village. Councillor KG Grumbley felt that the contribution by the developer within the planning obligation was rather low and that the developer could do more by providing safe footways from the site and traffic calming to the northern gateway of the village. The Northern Team Leader said that it would not be practicable to provide a footpath from the site because there was no suitable land available. He also said that it would be difficult on planning grounds to link the site to the north of the village for traffic calming.

Councillor P Watts asked whether the applicants could be obliged to provide street lighting and the Area Engineer (Development Control) said that there was no highways requirement for it and that in many cases local people did not want street lighting in the villages because of light pollution. If it was required, the first step would be for the parish council to submit a formal request to the Council. Councillor K Swinburne shared the concerns of the parish council and felt that the needs of the villagers should be met through providing street lighting and safe crossings. The Northern Team Leader said the scheme was for the provision of much needed affordable housing and that any further requirements could have an adverse effect on this. Councillor TW Hunt was of the opinion that there was good visibility in both directions and that although there were plusses and minuses to the proposal, on balance it should be approved. Having carefully considered all the aspects regarding the application, the Sub-Committee concurred with this view.

RESOLVED:

1. That the Head of Legal and Democratic Services be authorised to complete a planning obligation agreement under Section 106 of the Town and Country Planning Act 1990, as set out in the draft Heads of Terms in the report of the Head of Planning Services, 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:-

3. A01 (Time limit for commencement (full permission)).

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

4. 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.

5. 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

6. Reason: To ensure a satisfactory appearance to the development and to safeguard the setting of the listed buildings in the immediate vicinity.

7. 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 he 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.

8. 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.

9. 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.

10. 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'.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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 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.

17. 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.

18. 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.

- 19. 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.

- 20. 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.

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

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

- 22. 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.

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

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

- 24. 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.

- 25. 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 whether 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 Cymru Welsh Water's Network Development Consultants on Tel: 01443 331155.

113. DCNC2007/2604/F - ROSEMAUND FARM, ROSEMAUND DRIVE, PRESTON WYNNE, HEREFORDSHIRE, HR1 3PG

The Principal Planning Officer presented the following updates:

The Council's Archaeological Advisor raises no objection to the proposal on the basis of the now complete archaeological report.

One further letter of objection has been received from a local resident and a petition containing 29 signatories. Both refer to concerns about increased traffic movements and highway safety.

A detailed summary of a meeting of residents of Felton and Preston Wynne has also been received. It again refers to matters of highway safety and traffic movements, but also questions the accuracy of the information provided by the applicant.

Reference is also made to a visitors centre and comparisons made to the centre at Weston's Cider Visitor Centre at Much Marcle which attracts 45,000 visitors per year.

The summary also refers to the potential for further development of the site.

Officer's Comments

Matters relating to highway safety and traffic movement have been referred to at some length in the original report and there is no additional comment to make in this respect.

The accuracy of the information is not a matter previously raised. It remains the opinion of Officers that the size of this proposal is self-limiting. The perceived levels of traffic suggested by the objectors are not substantiated and do not appear to be based on the information contained within the application. For example, the applicant advises of production levels of 3,600 bottles per week, yet the objectors surmise that it will generate movements of cars, vans and articulated lorries.

The application does not include the provision of a visitors centre and this would have to be the subject of a separate planning application that would, of course be considered on its own merits. As stated in the report, the concerns relating to traffic movement seem to be based on the notion that the site will be developed further.

Conclusion

No change to the recommendation

In accordance with the criteria for public speaking, Mr Roby of Felton Parish Council and Mr Westoby an objector acting on behalf of local residents spoke against the application; and Mr Baxter spoke in favour on behalf of the applicants.

Councillors B Hunt and A Seldon felt that there was merit in holding a site inspection to gain a greater appreciation of the approach routes to the site. The Sub-Committee agreed to this proposal.

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; and**
- ii. the setting and surroundings are fundamental to the determination or to the conditions being considered.**

114. DCNC2007/2669/O - LYNCROFT, BADLEY WOOD, WHITBOURNE, WORCESTER, WR6 5SJ

Councillor TW Hunt, the Local Ward Member, had concerns that there were a number of issues raised in the report about the application which required answering before it could be given proper consideration. He therefore proposed that consideration of the application be deferred to enable all the facts to be obtained including further information regarding labour requirements and audited accounts. The Sub-Committee concurred with this view.

RESOLVED: That consideration of the application be deferred pending the receipt of the outstanding information about it from the applicants as set out above.

115. DCNC2007/2672/F - FORMER POST OFFICE, CORN SQUARE, LEOMINSTER, HEREFORDSHIRE, HR6 8LR

In accordance with the criteria for public speaking, Mr Ayling spoke against the application and Mr Rimell the agent acting for the applicants, and Mr Goody a supporter, spoke in favour.

Councillor P Jones was of the view that the revised scheme which incorporated the existing buildings would prove to be a considerable asset to the town but he had some concerns about the narrow access road to the rear of the premises which he felt to be unsuitable for delivery vehicles. He therefore wondered if conditions could be imposed to require deliveries to be made from Corn Square. The Sub-Committee discussed this aspect and the Development Control Manager said that it would be difficult to impose such a condition because the access road was not in the ownership of the applicants. He suggested that attempts be made to negotiate a voluntary agreement and the Sub-Committee was in favour of this approach.

RESOLVED

That planning permission be granted subject to the following conditions, and that the Officers named in the Scheme of Delegation to Officers be instructed to conclude if possible, a voluntary agreement with the applicants not to use the rear access road for deliveries:-

- 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.

116. DCNC2007/2841/F - THE BARN, GREEN FARM, TEDSTONE WAFRE,
BROMYARD, HEREFORDSHIRE, HR7 4PP

RESOLVED

that planning permission be granted subject to the following conditions:

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

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

2. 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.

117. **DCNC2007/3045/O - LAND SOUTH EAST OF THE LODGE, HATFIELD,
LEOMINSTER, HEREFORDSHIRE**

The Principal Planning Officer presented the following updates:

Additional comments have been received from the Council's Public Rights of Way Officer reinforcing the concerns relating to the proximity of the building to the public bridleway. A request is made that the building and ancillary structures should be a minimum of 10 metres from the centre line of the bridleway.

Officer's Comment

There is scope for the position of the building to be amended in order that it is further away from the bridleway. It is considered that it could be moved by 5 metres and this would leave its rear elevation in the region of 10 metres from the bridleway as requested. Any further would begin to compromise the landscape impact of the building as the benefit that the contours of the land offer would be lost to a degree.

Conclusion

That a condition is added relating to the slab level of the building (F48)

In accordance with the criteria for public speaking, Mr Miles spoke against the application.

RESOLVED

That the Officers named in the Scheme of Delegation to Officers be authorised to approve the application, subject to the location of the building being moved a further five metres from the public bridleway and 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. F48 (Slab levels)

Reason: to define the permission and ensure the development is appropriate to the site.

8. 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.

118. DATES OF FORTHCOMING MEETINGS

12th December, 2007

16th January, 2008

13th February, 2008

12th March, 2008

9th April, 2008

7th May, 2008

The meeting ended at 3.50 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCNC2007/1572/F**

- The appeal was received on 8th November 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 Noah's Ark Day Nursery Ltd
- The site is located at 22 Old Road, Bromyard, Herefordshire, HR7 4BQ
- The development proposed is Demolition of existing industrial building and redevelopment of site with 2 semi-detached houses, 10no. flats, car garages and parking area.
- The appeal is to be heard by Written Representations

Case Officer: Nigel Banning on 01432 383093

Application No. DCNC2007/1188/O

- The appeal was received on 22nd November 2007
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr M.K. Jackson
- The site is located at Site adjacent Appledore Wood Lane Edwyn Ralph, Bromyard, Herefordshire, HR7 4LX
- The development proposed is Site for the erection of 2 No. affordable houses.
- The appeal is to be heard by Written Representations

Case Officer: Andrew Banks on 01432 383085

Application No. DCNE2007/0966/F

- The appeal was received on 28th November 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 Refined Petroleum Ltd
- The site is located at Land rear of Homend Service Station, The Homend, Ledbury, Herefordshire HR8 1DS
- The development proposed is Proposed three storey building to provide 13 apartments, with 18 parking spaces and associated cycle parking
- The appeal is to be heard by Hearing

Case Officer: Kelly Gibbons on 01432 261781

APPEALS DETERMINED**Application No. DCNE2006/3761/F**

- The appeal was received on 29th 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 Mrs Fitzgerald
- The site is located at Land adjoining 24 Homend Crescent, Ledbury, Herefordshire, HR8 1AL
- The application, dated 9th November 2006, was refused on 3rd January 2007
- The development proposed was Removal of Condition 10, on approval DCNE2005/1431/O, regarding the car parking area.
- The main issue is whether the condition in dispute is reasonable and necessary in the interests of highway safety and the free flow of traffic on Homend Crescent.

Decision: The appeal was UPHELD on 19th October 2007

Appeal is upheld and planning permission granted for the erection of a detached dwelling on land adjoining 24 Homend Crescent, Ledbury, in accordance with application DCNE2006/3761/F, made on 9th November 2006 without compliance with condition number 10 previously imposed on planning permission Ref DCNE2005/1431/O, dated 8th June 2005 but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect.

Case Officer: Ed Thomas on 01432 261961

Enforcement Notice EN2006/00164/ZZ

- The appeal was received on 18th April 2007
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr D Welson
- The site is located at Newhouse Farm, Hergest, Kington, Herefordshire, HR5 3EW
- The breach of planning control alleged in this notice is
Without planning permission, the material change of use of the land from that of agriculture to the siting of three caravans (one of which is being used for residential purposes) and one portacabin.
- The requirements of the notice are
 - i) Cease the residential use of the land.*
 - ii) Permanently remove the caravans from the land.*
 - iii) Permanently remove the portacabin from the land.*
 - iv) Remove all materials resulting in the removal of the three caravans and portacabin from the land.*
- The main issues are whether the retention of the unauthorized caravans and portacabin would materially harm the character and appearance of the area and, if so, whether the personal circumstances of the appellant in respect of his need for a residential caravan outweigh any such harm.

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

Decision: The appeal was DISMISSED on 7th November 2007

Case Officer: Kelly Gibbons on 01432 261781

Enforcement Notice EN2006/0111/ZZ.

- The appeal was received on 8th February 2006
- 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 P Williams
- The site is located on land at Ledwyche Springs, Little Hereford, Bleathwood, Herefordshire
- The breach of planning control alleged in this notice is: Without planning permission, the extension of a building on agricultural land, associated engineering works, creation of an access track and works to alter an existing agricultural access.
- The requirements of the notice are:
 - i) *Remove the lean-to structure and associated building and engineering works and carry out such further works as are necessary to ensure compliance with the plans submitted for the purposes of Prior Approval reference DCNC2005/1683/S decision date 8th June 2005.*
 - ii) *Remove the access track and restore the land to its former agricultural condition and quality, or at least that which it formally had prior to the development taking place.*
 - iii) *Restore the access back to its former condition and dimensions as an agricultural access with a 5 bar gate and permanently remove the area of hardstanding and the fencing that surrounding it.*
- The main issue is the need for the development and its impact on the landscape. This is in two parts, that is the lean to and the access/track

Decision: The appeal succeeds in part and permission for that part is granted, but otherwise the appeal fails, and the enforcement notice is UPHELD on 9th November 2007

Case Officer: Andrew Banks on 01432 383085

Application No. DCNC2007/1623/F

- The appeal was received on 30th July 2007
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs R Woods
- The site is located at Land at The Steppes, Luston, Leominster, Herefordshire, HR6 0EA
- The application, dated 2nd May 2007, was refused on 16th July 2007
- The development proposed was Proposed two storey oak framed dwelling and alterations to existing access drive.
- The main issues are whether the proposed development would preserve or enhance the character or appearance of the Luston Conservation Area and the effect it would have on the settings of neighbouring listed buildings and the effect of the scheme on the living conditions of neighbouring occupiers in terms of privacy and noise and disturbance.

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

Decision: The appeal was DISMISSED on 19th November 2007

Case Officer: Nigel Banning on 01432 383093

Application No. DCNE2006/3802/F

- The appeal was received on 31st July 2007
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr J Evans
- The site is located at Site adj. Reafields, Bearswood Common, Cradley, Herefordshire, WR13 5EP
- The application, dated 7th November 2006, was refused on 18th January 2007
- The development proposed was Erection of 2 transportable log lodges for holiday use.
- The main issue is whether the proposed development would conflict with the policies that relate to the control of holiday accommodation development in the countryside taking into account, in particular, its effect on the character and appearance of the countryside and on the Malvern Hills Area of Outstanding Beauty.

Decision: The appeal was DISMISSED on 20th November 2007

Case Officer: Julie Preston on 01432 260536

Application No. DCNW2007/0818/F

- The appeal was received on 1st August 2007
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr T E Hughes
- The site is located at Land adjacent Church Croft, Orleton, Ludlow, Herefordshire, SY8 4HN
- The application, dated 12th March 2007, was refused on 4th May 2007.
- The development proposed was Erection of three houses and garages.
- The main issues are first whether the proposed development would preserve or enhance the character or appearance of the Orleton Conservation Area and its effect on the setting of Church Croft which is a grade II listed building. The second is whether the scheme conflicts with development plan policy relating to the provision of affordable housing. The third is the effect of the scheme on highway safety in the area.

Decision: The appeal was DISMISSED on 20th November 2007

Case Officer: Kelly Gibbons on 01432 261781

Application No. DCNE2007/0729/F

- The appeal was received on 14th August 2007
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Sharba Homes (BF) Limited
- The site is located at Land at Frome Valley Haulage Depot, Bishops Frome, WR6 5BZ
- The application, dated 13th March 2007, was refused on 25th July 2007

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

- The development proposed was Erection of 17 residential units with ancillary car parking.
- The main issue is the effect that the level of density of the proposal would have on parking.

Decision: The appeal was WITHDRAWN on 20th November 2007

Planning Permission was granted for an alternative scheme on the same site, Application Number DCNE2007/2910/F, at the Northern Area Planning Sub-Committee on 14th November 2007.

Case Officer: Roland Close on 01432 261803

Application No. DCNC2007/0440/F

- The appeal was received on 11th 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 Mr B P Legge
- The site is located at Ideal Bungalow, Thornbury, Bromyard, Herefordshire, HR7 4NJ
- The application, dated 5th January 2007, was refused on 2nd April 2007
- The development proposed was Conversion of rural building to form holiday bungalow with associated external alterations.
- The main issue is the suitability of the site of the building for the development proposal, having regard to the relevant policies of the Herefordshire Unitary Development Plan (UDP).

Decision: The appeal was DISMISSED on 22nd November 2007

Case Officer: Nigel Banning on 01432 383093

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

5 TREE PRESERVATION ORDER 536, COLWALL CRICKET GROUND, COLWALL

Report By: Head of Planning Services

Ward Affected

Colwall – Councillor RV Stockton

1. Purpose

- 1.1 To consider the representations made in relation to the making of a provisional Tree Preservation Order upon trees in the grounds of Colwall Cricket Ground, Colwall and determine whether to confirm the Order.

2. Order Description and Details

- 2.1 This Order concerns 6 individual oak trees within the confines of the Colwall Cricket ground. They are as follows:
T1 – T6 Oak (*Quercus robur*)
- 2.2 The Order was made on 17th July 2007
- 2.3 The Council's tree amenity valuation rating scored these individual trees with values between 21 and 24 (the benchmark rating for inclusion within a TPO is 15). Their particular characteristics included – their maturity, form, prominent position and their contribution to the overall composition of the western end of the village.
- 2.4 The site is located to the south-west end of the settlement of Colwall outside the settlement boundary with open countryside to the south and east. The cricket ground occupies flat ground and is defined to the north and east by residential buildings, to the south by an unadopted lane and plantation and open country to the west. The junction of the Malvern to Ledbury railway line and the B4218 lies to the south-east of the site, just beyond the residential properties. The surrounding area is sparsely developed, soon developing into open, agricultural country to the west and south.
- 2.5 The cricket ground consists of two playing pitches. The original ground to the east side is bounded by dwellings and a more recent pitch, created in 2000 from previously arable land to the west. A line of trees, six of which are the subject of this TPO, separates the two pitches. A public right of way follows the line of the trees from north to south.

3. Background

- 3.1 The Council was alerted to the possible threat to the trees by local residents and an inquiry preparatory to the making of a planning application; the proposal affecting some of the trees was to erect a new pavilion. Nine trees exist along the boundary line between the two cricket pitches; seven Oaks and two Ash. Four of the oak trees were indicated for removal in the information submitted to the Council.
- 3.2 The Order was made under emergency procedures in accordance with section 198, 201 & 203 of the 1990 Town and Country Planning Act.

4. Policies

4.1 Herefordshire Unitary Development Plan states:-

“Policy LA5 Protection of trees, woodlands and hedgerows

The enhancement and protection of individual trees, tree groups, woodlands and hedgerows will be secured by:

- 1. placing Tree Preservation Orders where necessary on trees, groups of trees and woodlands of amenity value, and making use of hedgerow protection legislation;**
- 2. resisting proposals that would cause loss or damage to trees, hedgerows or woodlands which are worthy of retention. In particular proposals affecting protected trees will be subject to rigorous examination and only permitted where the development is in the public interest. Where the felling of protected trees is accepted replacement planting will be sought;”**

5. Representations

5.1 A letter of objection has been received from Mr T.N. Lee of Berringtons, Chartered Surveyors and Land Agents who act as agents to the owner of the site. The objection relates all six trees included in the Order. The grounds of objection are as follows:

“Under the terms of the Cricket Club lease, no action such as tree felling may be undertaken by anyone without the full knowledge and consent of the landowner so these trees are in no danger of being felled or destroyed, as it is our client’s view that they contribute to the character of the Cricket Ground.”
“It should therefore be clear that no statutory protection of these trees is necessary”

5.2 The objection goes on to state that:

“...we are aware that the Cricket Club is exploring possibilities for renewing their facilities and part of their proposal involves the construction of a new pavilion, which, if it goes ahead, will need to be sited so that it can service both pitches on the Ground. Such a development is much needed to ensure the future success and long-term survival of the Cricket Club, which is an important feature of Colwall and makes a great contribution to village life.

One site being considered for a new pavilion would involve the removal of some of the trees included in the proposed Order, but as we have already stated, these trees are in no danger until such time as a properly submitted and approved Planning Consent requires their removal to allow for such a development.

Therefore, we can only conclude that this proposed Tree Preservation Order may have been instigated in an attempt to thwart the Cricket Club’s proposals and object to the making of that Order on this basis.”

5.3 A letter supporting the making of the order has been received from Colwall Parish Council.

6. Officer Appraisal

6.1 The trees proposed for protection are located between the two playing pitches at Colwall Cricket ground and follow the line of a former field boundary. The preliminary enquiry concerning the erection of a new pavilion indicated the need to remove four trees; three of which have been assessed as worthy of retention. A further three trees were considered as similar in condition and quality and contributing significantly to the character and quality of the area and therefore worthy of retention.

6.2 The Tree Preservation Order was made in direct response to the planning enquiry, following concerns expressed by local residents and a request from the area development control officer to consider the implications on the trees of any development. The information provided in the planning inquiry suggests that trees would have to be removed to facilitate development or would be put under pressure to be removed because of their proximity to the proposed development at a later date.

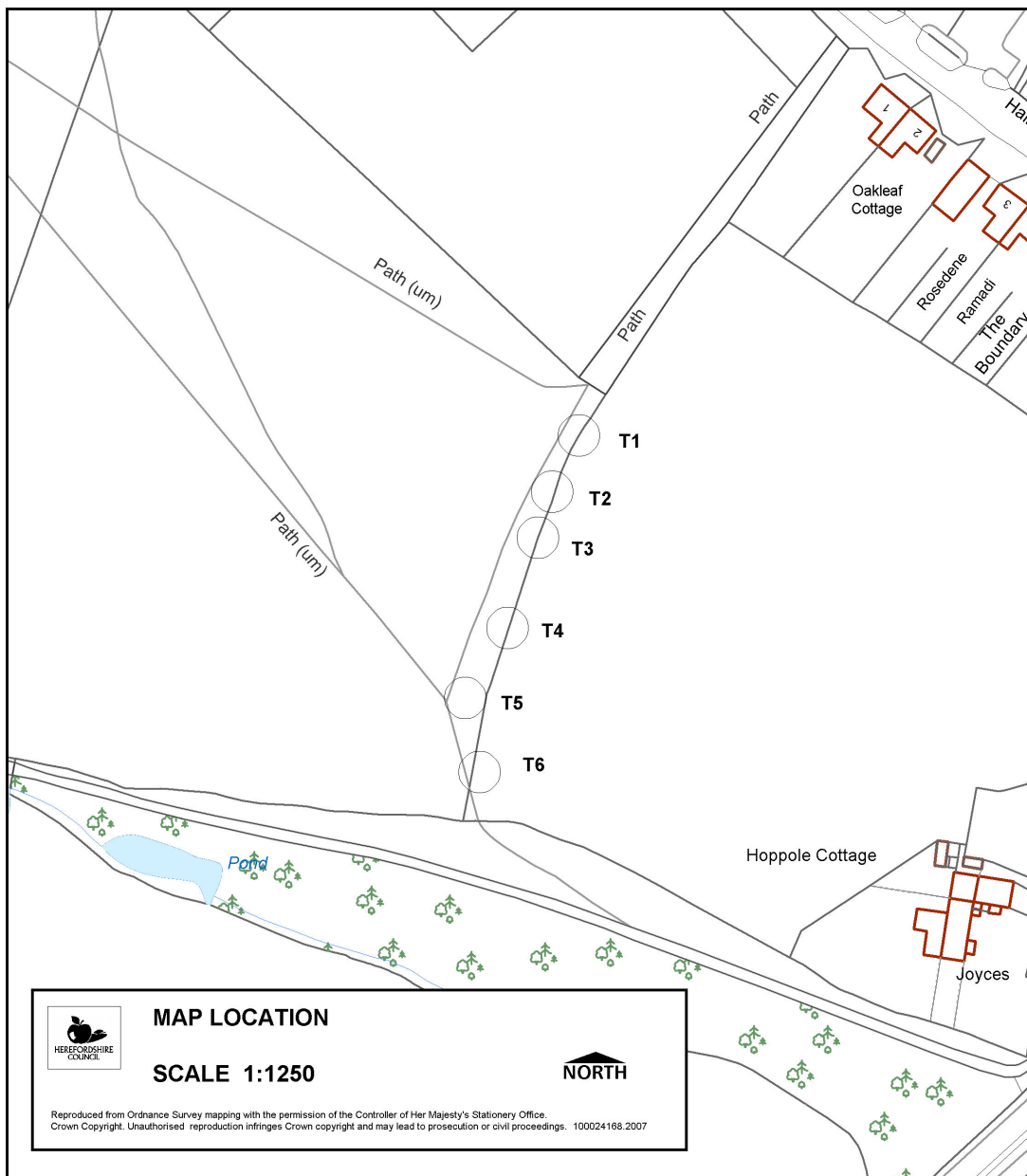
6.3 The trees in question are ideally suited to the environment in which they are growing. They are considered to make a significant contribution to the public amenity of the area and are in good general health and condition. The trees are likely to be in excess of 200 years of age and constitute a significant heritage asset.

6.4 Specifically, the objection to the making of this Order is based on the principal that the trees have been previously well managed, which is the case, that a significant number of additional trees have been planted in the vicinity, but that the development of a new pavilion is essential to ensure the ongoing success of the cricket club. Whilst it is acknowledged that the future success of the site is important it is also important to balance this against the protection of natural heritage and environmental assets. The trees, although mature specimens, are considered to have a considerable remaining useful life expectancy and their ongoing contribution to local amenity justifies the making of the order.

6.5 There is no right of appeal against the confirmation of a Tree Preservation Order, however an application can be made to lop or fell under the Order and if the Council refuse this then the applicant can appeal to the Secretary of State.

RECOMMENDATION

THAT Tree Preservation Order at Colwall Cricket Ground, Colwall is confirmed.



TREE PRESERVATION ORDER

GRID REFERENCE: 375010 241919

OS REFERENCE: SO 7541NW

LOCATION DESCRIPTION: Colwall Cricket Ground, Colwall

PRINTED DATE

AUTHORISED OFFICER:

COUNCIL SEAL:

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

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

Date Received:
14th August 2007

Ward: Castle

Grid Ref:
33443, 51537

Expiry Date:
9th October 2007

Local Member: Councillor JW Hope

This application was deferred by Committee on 17th October 2007 for a site visit which was held on 30th October 2007. Amended plans have since been received in response to concerns expressed by Members. The Officer's report has been updated accordingly.

1. Site Description and Proposal

- 1.1 Located just outside the Almeley Conservation Area, Greenfields is a detached modern bungalow of external brick construction, under a tiled roof. It is of no architectural or historic value in relationship to the near by Conservation Area.
- 1.2 The dwelling is located within the village of Almeley and fronts onto open farmland. The property immediately to the east is of similar construction and design, however the area it self is characterised by a mix of properties of different designs and sizes. An updated location plan is annexed to this report showing recent housing developments to the rear of the property.
- 1.3 The proposal is for the increase in the height of the roof from 4.4m to 6.3m an increase of 1.9m to create a first floor to the property. The first floor would accommodate two further bedrooms and bathroom. The plans have been amended to remove a window in the northern gable elevation to prevent any potential overlooking onto the adjacent property garden known as The Dell, Bells Orchard. The bedroom will now be served by a roof light in the western elevation.

2. Policies

- 2.1 Herefordshire Unitary Development Plan

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

3. Planning History

- 3.1 None identified.

4. Consultation Summary

Internal Council Advice

4.1 Transportation Manager - no objection to the proposal.

5. Representations

5.1 In response to the amended plans the Parish Clerk reports that Almeley Parish Council comments were that the amendments are an improvement on the originals but neighbours east and west of Greenfields will not benefit.

5.2 All neighbours have been informed of the amended plans which has resulted in letters of objection from the following:-

- Mr & Mrs A.G.Brindley, The Dell, Bells Orchard, Almeley, HR3 6NE
- R.G. Watts, 13 Bells Orchard, Almeley, Hereford, HR3 6NE
- Mr. R.V. & Mrs. C. Hazell, Holly Bank, Bells Orchard, Almeley, HR3 6NE
- Christine A. Wilcoxson, 122 Alton Street, Crewe, CW2 7PY.

5.3 In summary the issues raised in response for the amended plans are as follows:

- Concerns about potential loss of privacy and daylight
- Consider the proposal to be out of keeping with the area and represents over-development.

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

6. Officer's Appraisal

6.1 The key considerations in determining this application are considered to be:

- the scale and design of the proposal, and
- the impact upon residential amenity of neighbouring properties

The planning officer acknowledges that the areas immediately to the north of the application site known as Bells Orchard is predominantly bungalows.

Scale and Design

6.2 The planning Officer acknowledges that the area immediately to the north of the application site known as 'Bells Orchard' is predominately bungalow. However Almeley village it self is characterised by a mix of different designed properties of various sizes. The proposed alterations and extensions will alter the appearance of the simple bungalow. However, the case officer does not consider the increase in height significant enough to cause any detriment to the property and although the character will be alerted it would not be to the detriment of the property or the surrounding area. The use of matching external materials will ensure that the resultant extension will lie in harmony with the existing dwelling.

Amenity

- 6.3 The impact on residential amenity on both the residents of neighbouring properties and within the application site it self have been carefully considered by the case officer. The current concerns of the neighbours in relation to potential loss of privacy and daylight are noted. However after a further site inspection following the receipt of amended plans it is considered that the property is located far enough away from all neighbouring properties for the amended proposal not to inflict any detriment to the amenity of the neighbouring properties either side or to the rear of Greenfields.
- 6.4 Overall, the proposal accords with the relevant development plan policy and therefore a conditional planning permission is recommended.

RECOMMENDATION

That planning permission be approved with the following conditions:

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

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

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

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

Informatives:

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

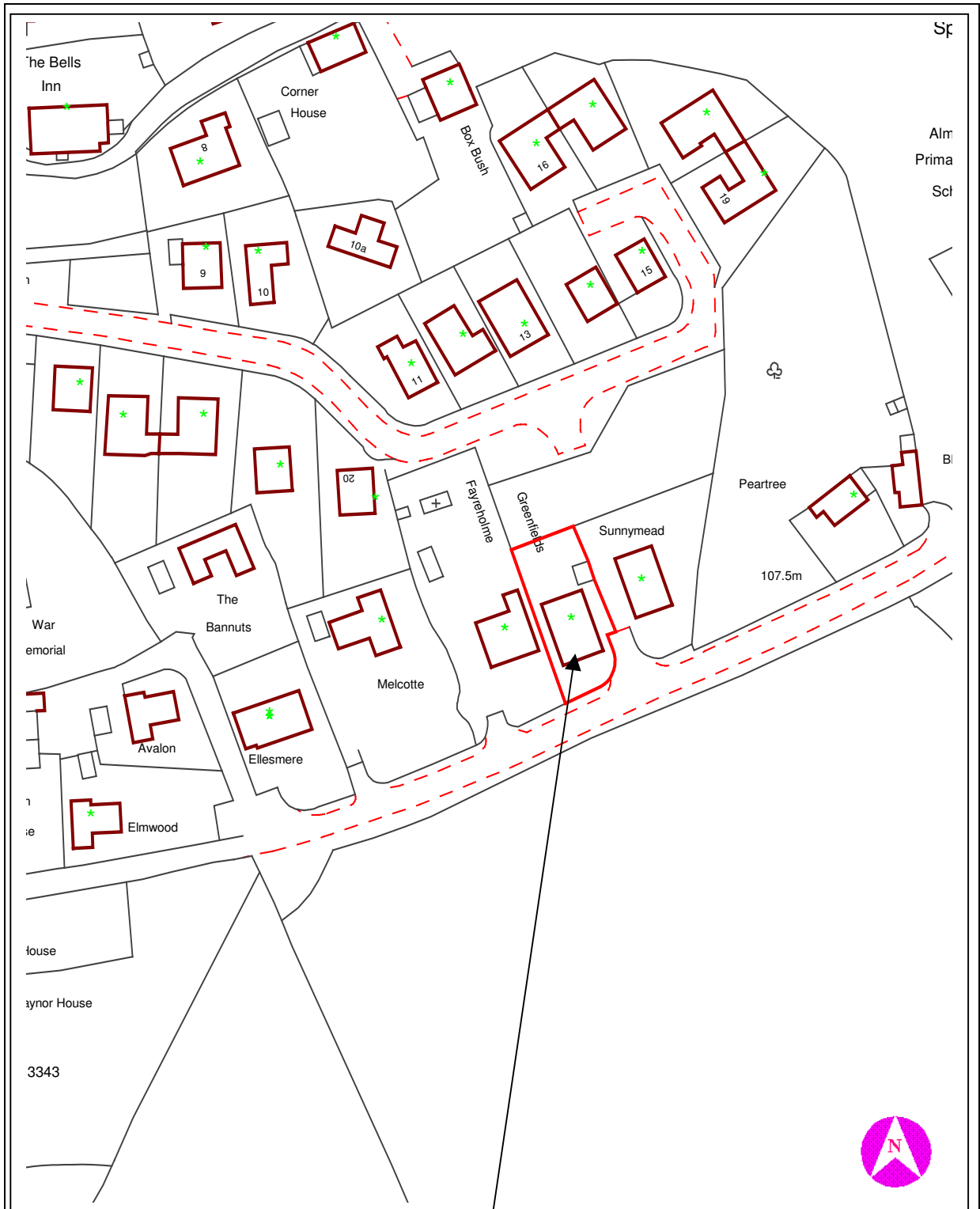
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2007/2652/F

SCALE : 1 : 1250

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

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Greenfields, Almeley, Herefordshire



Map Scale 1:2,194

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7 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 J A 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 Member: Councillor B Hunt and Councillor A Seldon

Introduction

This application was deferred at the Northern Area Planning Sub-Committee on 14th November 2007 to allow for a site visit to take place, in order that Members could make an assessment of the proposal and, in particular, its impact on highway safety and the surrounding road network.

Since being deferred the applicants have submitted a further detailed statement prepared by a Planning Consultant. This compares the traffic movement, on a monthly basis, of ADAS' use of the site and the proposal. It concludes that, in a 30 day period the use of the site by ADAS could generate up to 4,860 vehicle movements, whilst the proposal will generate 320. ADAS will continue to use the offices on site for three years, under a leasing agreement that they have reached with the applicants and, therefore, expressed as percentages, their traffic movements account for 94% over a month, with the proposal accounting for just 6%. In conclusion the report reads as follows:

"It is considered that the proposed use, in trip generation terms, is minimal when compared with the existing use on the site. The businesses ethos and the sustainable methods proposed ensure that only a few trips will be made each month using commercial vehicles.

Locating the distillery in this location produces a sustainable business blue print, as the raw materials needed are located on site. This avoids the need for large numbers of vehicles removing raw materials from the site.

The existing and proposed uses of the site require that the site is accessed via commercial vehicles. The new access road will reduce the impact on local residents and ensure that the traffic is routed via the A417 as the road is straighter and more accessible.

The assessment of the local road network, the current and proposed uses and the prospects of alternative developments lead Foxley Tagg Planning Ltd to conclude the following:-

- The site and proposed uses are wholly sustainable.
- Vehicle movements related to the proposed use are the lowest they can be to allow the distillery to function.
- Vehicle usage is minimal compared with the extant site usage.
- The road network can handle the extra movements without compromising highway safety.
- Large vehicles regularly access the site on a daily basis; the proposed use only requires 10 per month compared with up to 30.
- The road network can be improved to aid the passage of larger vehicles by increasing the size of passing bays.”

An updated version of the original report now follows.

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 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 the applicant should be advised to contact the Environment Agency to check if a permit to operate would be required.

- 4.10 Archaeological Advisor raises no objection following the completion of a survey.

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 21 letters of objection and a 29 signature petition 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.
- 5.5.5 A detailed summary of a meeting of residents of Felton and Preston Wynne has also been received. It, again, refers to matters of highway safety and traffic movements, but also questions the accuracy of the information provided by the applicant.

Reference is also made to a visitors' centre and comparisons made to the centre at Weston's Cider Visitor Centre at Much Marcle which attracts 45,000 visitors per year.

The summary also refers to the potential for further development of the site.

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. Officers 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 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 This application does not include the provision of a visitors' centre and this would have to be the subject of a separate planning application that would, of course, be considered on its own merits. As stated in the report, the concerns relating to traffic movement seem to be based on the notion that the site will be developed further.
- 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

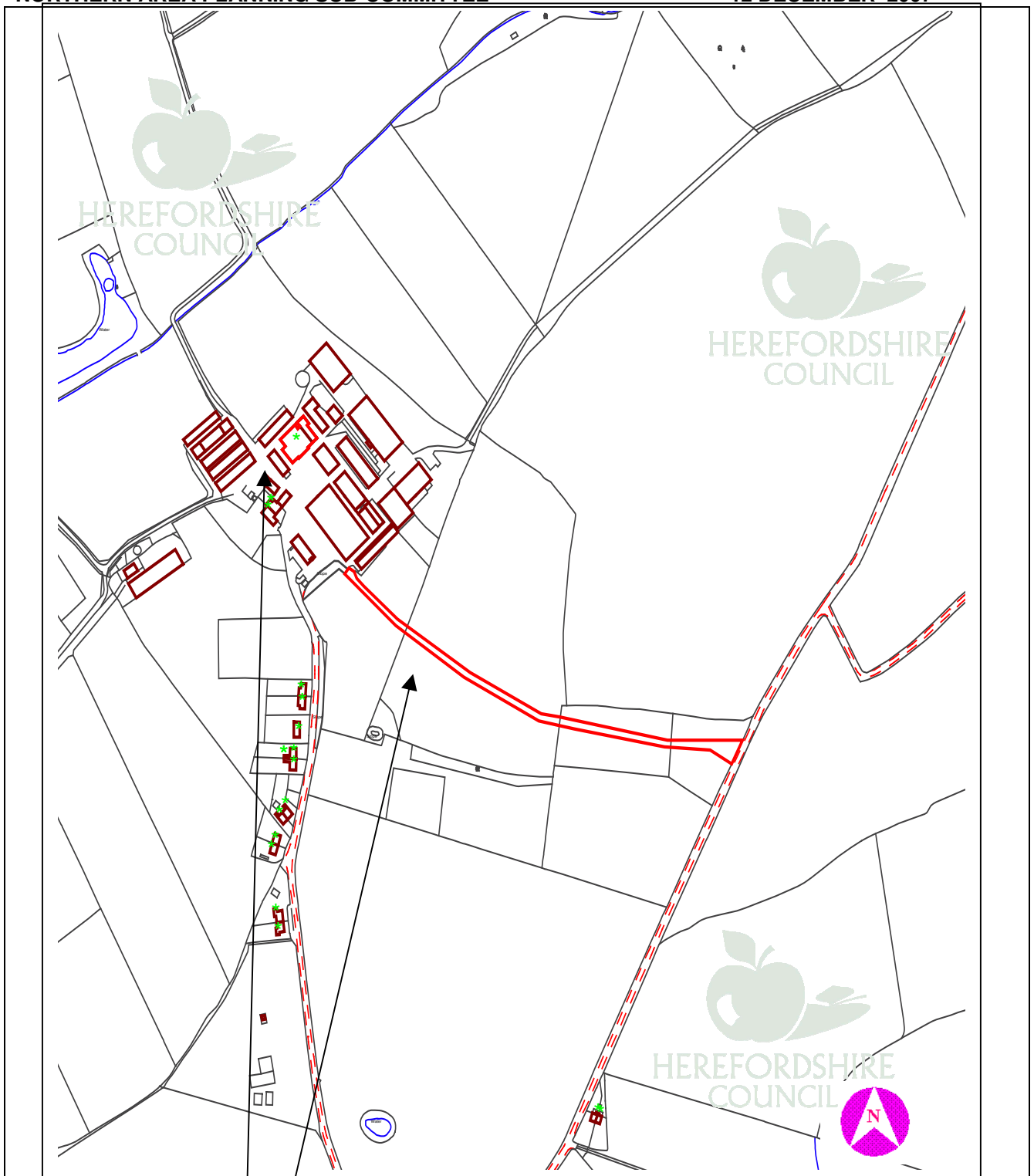
Decision:

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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8 DCNC2007/3052/F - PROPOSED REDEVELOPMENT TO FORM RETAIL AND RESIDENTIAL UNITS AT BURGESS STREET GARAGE, BURGESS STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DE

For: D Sirrell and C. Morgan per Mr J.J. Rann J.J. Rann & Associates, The Wain House, Stretfordbury, Leominster, Herefordshire HR6 0QW

Date Received:
27th September 2007
Expiry Date:
22nd November 2007

Ward: Leominster South

Grid Ref:
49575, 59127

Local Member: Councillor RBA Burke and Councillor RC Hunt

1. Site Description and Proposal

- 1.1 The application relates to a site located off Burgess Street within Leominster's town centre and also the boundaries of its conservation area. It has a narrow road frontage of 8 metres with existing buildings, currently used as offices, hard against the road to the west, whilst an open area currently used as a car park lies immediately to the east. This relatively narrow access opens out into a larger enclosed square courtyard beyond and is bounded by a combination of brick walls to the north, east and west, and the roadside buildings to the south. A modest office building occupies the north-eastern corner of this area, with a larger commercial building adjacent to the north-west.
- 1.2 The site is currently used commercially for car sales and valeting and the proposal sees this replaced with a residential development of up to 10 units with a retail unit occupying part of the frontage. It should be noted though that this application only deals with part of the site as planning permission presently exists for the re-development of the whole for a combination of residential, commercial and retail use. The application is therefore an amendment to an approved scheme and deals specifically with the enclosed square courtyard with the part of the site forming the road frontage remaining unchanged from the approved scheme. The application, therefore, proposes 8 residential units, as opposed to the 4 and 4 offices contained within that part of site under the approved scheme. The shop and 2 units above remain unchanged and fall beyond the scope of this application. In effect, if this application is approved, it is the applicant's intention to implement part of the approved scheme in combination with this.
- 1.3 The scheme proposes a mix of 1, 2 and 3 bed units arranged around a central courtyard with a covered access onto Burgess Street. These are simply designed using a combination of brick and render. The approved roadside building has a slate roof, whilst those contained within the site are predominantly finished with clay tiles, the precise details of which are to be agreed.

2. Policies

Herefordshire Unitary Development Plan

S1 - Sustainable development
S2 - Development requirements
DR1 - Design
DR2 – Land use and activity
DR3 - Movement
H1 Hereford and the market towns
H13 – Sustainable residential design

H14 – Re-using previously developed land and buildings
TCR1 Central Shopping & Commercial Areas
TCR2 – Vitality and Viability
HBA4 Setting of Listed Buildings
HBA6 New Development within Conservation Area

PPG 15 Planning & the Historic Environment

3. Planning History

- 3.1 NC2005/3175/F – Proposed re-development of site to form retail, office and residential units – Approved 02/11/05

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Transportation Manager – In light of the previous permission raises no objection, subject to the imposition of a condition relating to cycle parking.
- 4.3 Conservation Manager – In light of the previous permission raises no objection to the proposal.

5. Representations

- 5.1 Leominster Town Council – Recommend refusal due to concerns about over-development of the site, the close proximity of residential property on Broad Street, the lack of amenities and sustainability. The council has no objection in principle to mixed development but feels that this proposal exceeds acceptable density.
- 5.2 One letter of objection has been received from J.D. Gallimore Solicitors, 10 Burgess Street, Leominster. In summary the author is concerned with the close proximity of the proposed development to the rear elevation of their property in comparison to the approved scheme to which no objection was raised. It also questions the density and layout of the proposals, again comparing them to the approved scheme. It suggests that the use of three storey buildings is inappropriate and concludes that the scheme is not an improvement on the permission that has been granted.

- 5.3 A further letter has been received from Mr & Mrs Moore, 17 Broad Street, Leominster who observe that one clear glass window would look directly onto their property.
- 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 principle of development on this site has been accepted by the planning permission granted in 2005. It therefore falls to be considered whether this proposal is an improvement.
- 6.2 The previous permission granted was for six 2 bed units, 4 offices and a shop occupying three storeys. The combined footprint of the buildings amounts to 272.25 square metres arranged in two opposing blocks along the east and west boundaries. This layout was significantly influenced by the fact that the applicant had to allow for an access through the site for an adjoining landowner to the north.
- 6.3 The current proposal is much the same in terms of its form. It is also three storey and has an almost identical footprint of 274 square metres. The applicant has now financially compensated the adjoining landowner and the right of access across the application site no longer exists. This has allowed for the layout of the site to be re-configured into a courtyard with development along the north, east and west boundaries. Otherwise, the principal differences are as follows:
1. With the exception of the shop, the current proposal is exclusively residential with 10 units proposed. Two of these are, of course, above the shop and not part of the application.
 2. At its closest point, development will be 2.5 metres away from the rear elevation of 10 and 12 Burgess Street as opposed to 5 metres as approved.
- 6.4 In light of the fact that the footprints and form of the two developments are almost identical it is not considered that there is an issue in terms of density. It is acknowledged that there is a difference in the fact that some of the floor-space will be used as residential accommodation as opposed to offices but this does not change the perception of the density of the development as such.
- 6.5 It is considered that the arrangement of the buildings as a courtyard represents an improvement in terms of the built form of the development as a whole. The built elements relate to one another much better and gives a more spacious feel to the site. The compromise to achieve this is that the side elevation of one unit will now be within 2.5 metres of the rear elevation of 10 and 12 Burgess Street. This is north facing and does not contain windows serving habitable rooms. The proposed unit has a blank elevation. Notwithstanding this, a judgement has to be made as to whether this situation is so significantly worse to the approved scheme where a similar arrangement sees the side elevation 5 metres away. The difference between the two is considered to be negligible and does not amount to a reason to refuse the application.
- 6.6 The concerns raised relating to the existence of a window facing 17 Broad Street can be addressed through the imposition of a condition. A similar situation was satisfactorily dealt with in the approved scheme in this fashion.

- 6.7 It is therefore concluded that the proposal represents an improvement over and above the planning permission that has been granted. Accordingly it is considered to improve the character and appearance of the conservation area. It accords with the Herefordshire Unitary Development Plan and the guiding principles of PPG15 and is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

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

Reason: To safeguard the character and appearance of the Conservation Area

- 4 - C05 (Details of external joinery finishes)**

Reason: To safeguard the character and appearance of the Conservation Area.

- 5 - E16 (Removal of permitted development rights)**

Reason: In order that the local planning authority can consider the implications of any further development.

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

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

- 7 - E19 (Obscure glazing to windows)**

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

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

Reason: To protect the amenity of local residents.

- 9 - F17 (Scheme of foul drainage disposal)**

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

- 10. The scheme hereby approved shall be in lieu of the concurrent part of the scheme approved under application reference NC2005/3175/F, namely 4 office units, cottages 1, 2 & 3 and a maisonette, and shall otherwise be implemented in conjunction with the approved shop and two 2 bed flats of the same permission.**

Reason: In order to define the terms of this permission.

Informative(s):

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

Decision:

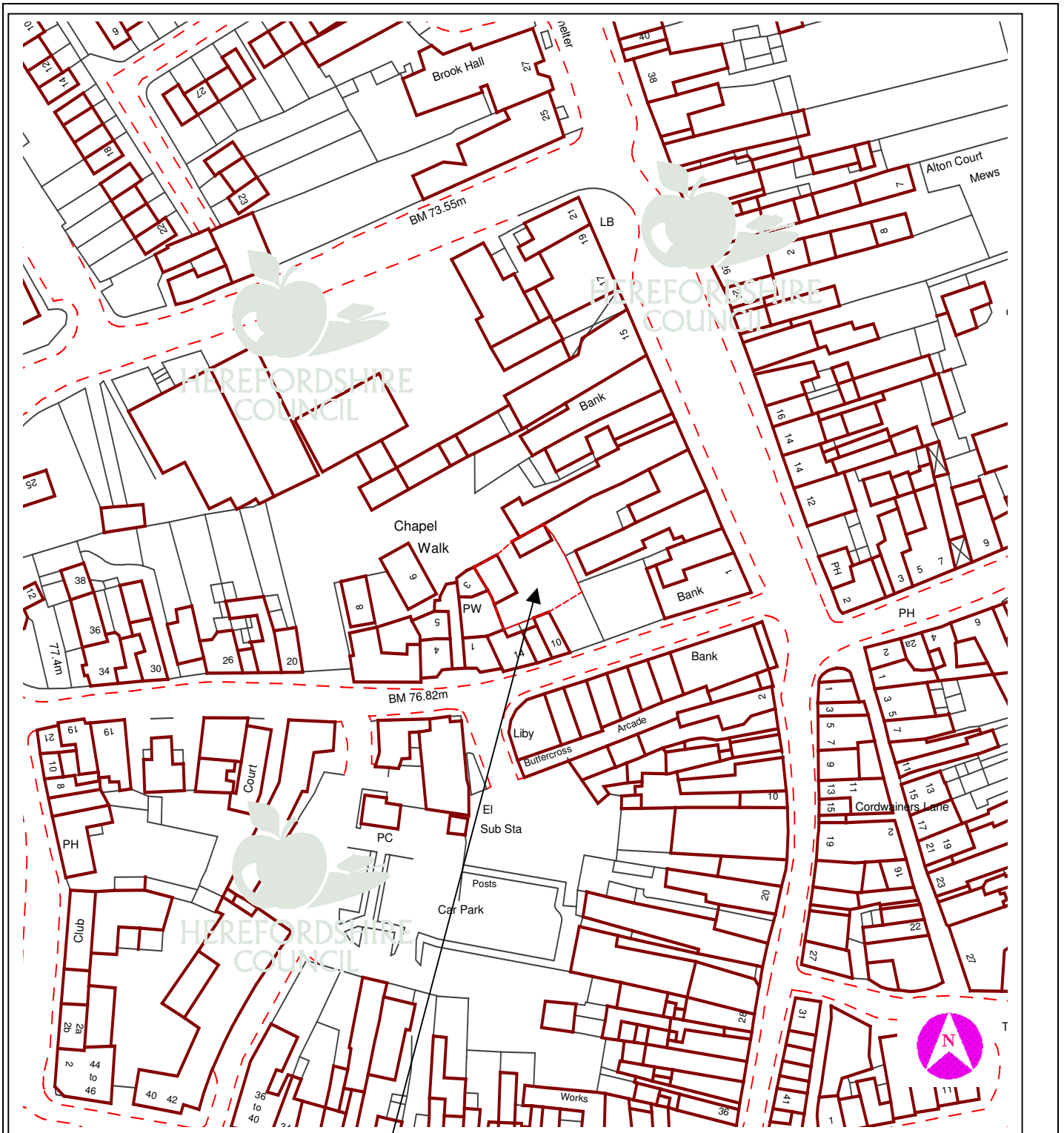
Notes:

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Background Papers

Internal departmental consultation replies.

AB/NH 29/11/07



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APPLICATION NO: DCNC2007/3052/F

SCALE : 1 : 1250

SITE ADDRESS : Burgess Street Garage, Burgess Street, Leominster, Herefordshire, HR6 8DE

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9 DCNE2007/3176/O - DEMOLITION OF EXISTING HOUSE AND OUT BUILDINGS AND SITE FOR FOUR DWELLINGS AND TWO GARAGES AT BANKSIDE, LITTLE MARCLE ROAD, LEDBURY, HEREFORDSHIRE, HR8 2DR

**For: Mrs J Turner per Stainburn Taylor Architects,
Sear House, Bye Street, Ledbury, Herefordshire,
HR8 2AA**

**Date Received:
12th October 2007**

Ward: Ledbury

**Grid Ref:
70434, 37189**

**Expiry Date:
7th December 2007**

Local Members: Councillor ME Cooper, Councillor PJ Watts & Councillor JK Swinburne

1. Site Description and Proposal

- 1.1 The site is located within the settlement boundary of Ledbury, accessed via a cul-de-sac, which also serves a garage block connected to a residential development, from Little Marcle Road.
- 1.2 The general area is predominantly residential in character, with a mix of residential estates/ developments, and individual houses and groups. An established industrial estate, which enjoys policy protection is located in close proximity to the application site, and abuts it on the western edge.
- 1.3 A substantial brick built dwelling currently occupies the site, along with associated brick built outbuildings and garden curtilage area, which includes part of a railway embankment from the now defunct railway line.
- 1.4 The proposal is for the demolition of the existing dwelling, and outline approval for a development of 4 dwellings, associated curtilage, parking and access space.

2. Policies

S2 - Development requirements

S3 - Housing

DR1 - Design

DR2 - Land use and activity

DR3 - Movement

DR4 - Environment

DR10 - Contaminated land

H1 - Hereford and the arket towns: settlement boundaries and established residential areas

H13 - Sustainable residential design

H14 - Re-using previously developed land and buildings

H15 - Density

H16 - Car parking
T8 - Road hierarchy

3. Planning History

DCNE2007/2140/O – Demolition of existing dwelling and construction of 4 new dwellings and 2 garages – Withdrawn 25.07.07

4. Consultation Summary

Internal Council Advice

4.1 The Council's Highways department had a number of issues, however these have been addressed by amended plans (received 2nd November 2007). Suitable parking, turning and cycle storage provision can be accommodated within the site area and scheme.

4.2 The Council's Environmental Health Officer was contacted for advice and guidance regarding when to request a contaminated land appraisal.

This advice was followed and the applicant has submitted a preliminary risk assessment report as part of the application. This confirms no obvious land pollutant risk, however development of the site should, as per the advice of the Environmental Health Officer include continued monitoring for contaminants. Conditions to ensure this have been included in my recommendation.

5. Representations

5.1 The Parish Council object to the proposal on the following grounds: -

- Over development of the site
- Proposed dwellings are in close proximity to the industrial estate
- Loss of open space would have a detrimental effect on the amenity of the area
- Issues concerning car parking would be exacerbated
- Possibility of land pollution, given the proximity of the disused railway line
- Localised flooding issues would be exacerbated

5.2 The Campaign to Protect Rural England (CPRE) objects to the proposal, citing the same reasons as per application NE2007/2140/O, however their primary concerns regarding the previous application centred on the visual impact and the obtrusiveness of a 3-storey scheme. The proposal's indicative design features a 2-storey scheme.

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

6. Officer's Appraisal

6.1 In broadest policy terms, the proposal to redevelop the site at an increased residential density, making a more efficient use of brownfield land within the settlement boundary, is in accordance with Local Plan Policy S1 and National Policy Guidance contained in Planning Policy Statement (PPS)3: Housing.

The Town Council makes reference that the proposal is contrary to Para. 58 of the now cancelled (and replaced) PPG3, which is concerned within avoiding inefficient use of

land and encourages increased density of residential development in places with good public transport accessibility. On all counts the proposal accords with this advice.

Accordingly, the application needs to be assessed against site-specific issues: -

Amenity

- 6.2 Despite the increased density of the site, given the residential nature of the area, the amenity of existing dwellings is not considered to be compromised or unduly harmed by the proposal, either in principle, or in regards to the indicative layout and building designs.

Turning to the amenity of the prospective occupiers of the proposal, concern was expressed about potential impacts on their amenity from the industrial estate. Given this industrial estate is well established, and in order to ensure its commercial viability and vitality, to both existing and potential future users, this issue is considered paramount. To safeguard both land uses and requirements, and protect residential amenity, the embankment has been retained within the proposal site to act as a buffer zone between the uses. This has been secured following negotiations with the applicant and it is intended to ensure this safeguarding with a condition (as recommended). A full landscaping scheme is required as per the attached condition, of which the buffer zone can be integrated within. Accordingly, policies DR1, DR2 and H13 are satisfied.

Access and Parking

- 6.3 The proposal utilises the existing access/ egress into/ out of the site. This is accessed via the cul de sac, which serves a block of 10 garages (and associated housing accessed by foot). The Council's Highways department makes no objection to this arrangement, or the increased use of the cul de sac, which in turn accesses onto Little Marcle Road.

Turning to parking and turning areas, the original concerns of Highways are taken on board and a revised proposal (2nd November 2007) submitted. It is clear that the required number of parking spaces commensurate with the development, and policy H16, can be achieved within the site. Given full landscaping details are being saved for a Reserved Matters application, it is considered the formal parking arrangements can also be fully detailed at that stage also. In addition, the proposal now indicates that cycle parking provision will be incorporated into the scheme. This can, again, be fully detailed in a RM application. In principle, policies S1, S2, S3, DR2, DR3, H16 and T8 are or can be satisfied.

Contaminated Land

- 6.4 Part of the site contains a railway embankment from the now disused railway. The applicant, as requested, has submitted a preliminary contaminated land study, which at this stage does not reveal any potential pollution issues. However, during the development of the site, monitoring for contaminants is essential, and if any discover is made, a revised risk assessment with appropriate appraisal and remediation work must be implemented. A condition outlining this requirement has been attached.

Drainage

- 6.5 Although not within an identified Environment Agency (EA) flood area, localised flooding from surface water run off is an issue in the vicinity of the application site. Clearly, development and increased densities can exacerbate this situation. The applicant has included a holding tank for surface water within the development, and also notes the increase in roof area, and the decrease in hardstanding within the site, through the proposed indication scheme, so helps to alleviate surface water run off issues. Notwithstanding this, a condition is attached to ensure adequate drainage and surface water arrangements are incorporated into any scheme. Through this, policies S2, DR2, DR7 and H13 can be satisfied.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - A03 (Time limit for commencement (outline permission))**

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

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

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

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

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

- 3 - Prior to the commencement of the hereby approved development, details of foul and surface water drainage will be submitted to the Local Planning Authority for written approval, and thereafter maintained as such.**

Reason: In order to ensure that satisfactory drainage arrangements are provided, in accordance with Herefordshire Unitary Development Plan (adopted 2007) policies S2, DR2, DR7 and H13.

- 4 - Prior to the commencement of the hereby permitted development, full landscape details, including the treatment of the landscape buffer zone, (annotated with a cross hatch on the approved plans), shall be submitted in writing with appropriate scaled plans, to the Local Planning Authority, for written approval. Works shall be carried out in accordance with the approved landscaping plans in the first planting season following the completion of the development or prior to the occupation of the first dwelling, whichever is the sooner, and thereafter maintained as such.**

Reason: To ensure a satisfactory appearance to the development within the streetscene, and safeguard the amenity of future occupiers of the residential development, and safeguard the vitality and viability of the established employment site, in accordance with Herefordshire Unitary Development Plan (adopted 2007) policies S1, S2, DR1, DR2, DR13, H1 and H13.

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

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

6 - Prior to the commencement of the hereby-approved development, full written details and plans at a scale of 1:100, indicating parking provision, turning area, surfacing and drainage details shall be submitted to the Local Planning Authority for written approval and thereafter maintained as such.

Reason: To ensure highway safety, the free flow of traffic, and the safety of pedestrians, in accordance with Herefordshire Unitary Development Plan (adopted 2007) policies S1, S2, S3, S6, DR1, DR2, DR3, H13, H16 and T8.

7 - A04 (Approval of reserved matters)

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

[Note: Delete reserved matters which are not applicable]

8 - A05 (Plans and particulars of reserved matters)

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

[Note: Delete reserved matters which are not applicable]

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

9 - Where, during works on site, contamination is encountered which has not previously been identified and assessed in the preliminary risk assessment (received 2nd November 2007), that further contamination shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval. Thereafter, remediation works shall be carried out implemented in accordance with the approved scheme. Excavations should be monitored throughout the development of the site for contamination and pollutants.

Reason: In order to safeguard the users and occupiers of the hereby approved residential development, in accordance with Herefordshire Unitary Development Plan (adopted 2007) policy DR10.

10 - H29 (Secure covered cycle parking provision)

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

Informative(s):

- 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

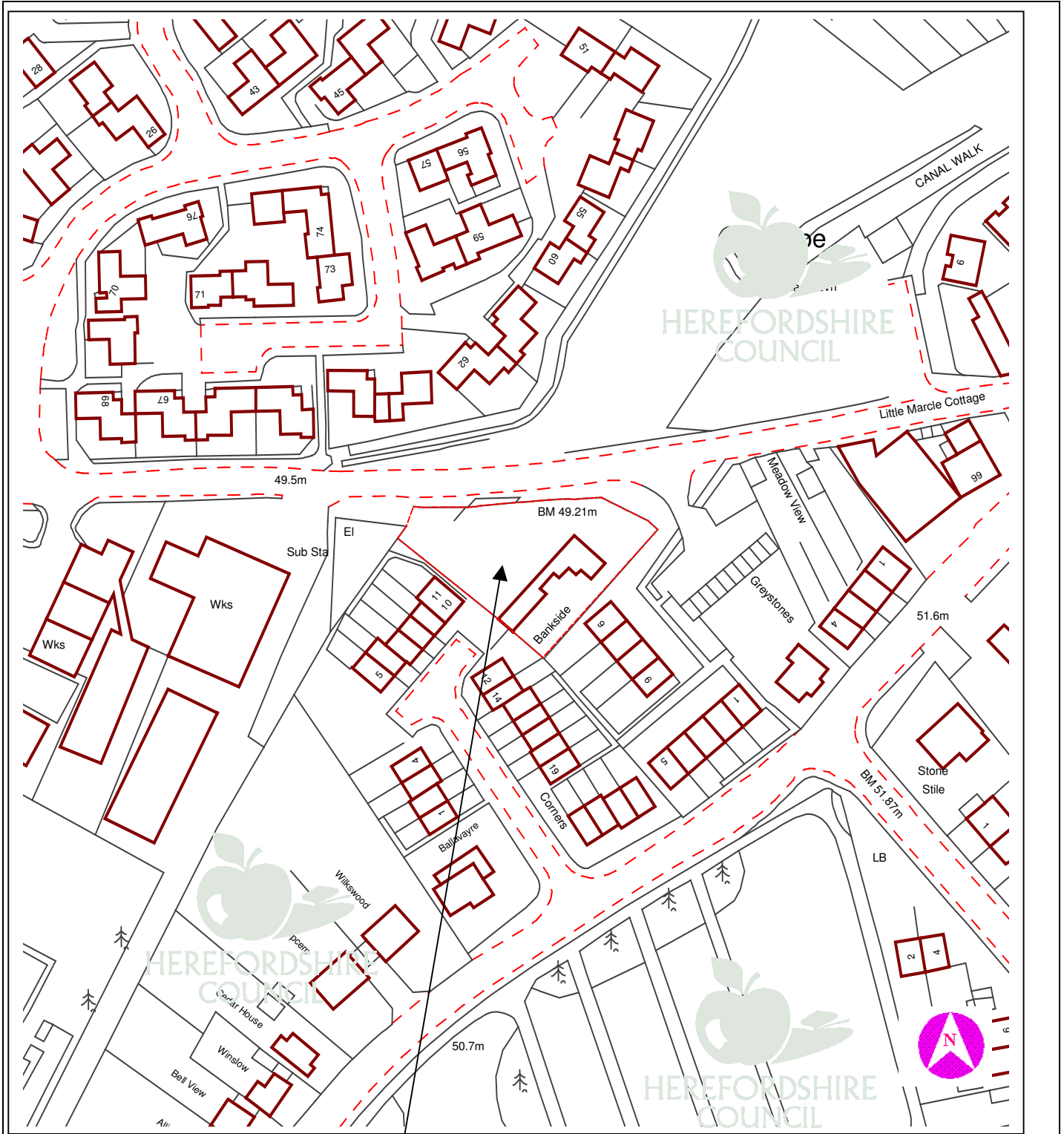
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2007/3176/O

SCALE : 1 : 1250

SITE ADDRESS : Bankside, Little Marcle Road, Ledbury, Herefordshire, HR8 2DR

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10 DCNW2007/3344/F - CHANGE OF USE OF AGRICULTURAL FIELD TO CAMP SITE AND ERECTION OF SINGLE STOREY EQUIPMENT STORE/SHOWER AND TOILET FACILITIES. FIELD OPPOSITE THE POUND, WHITNEY-ON-WYE, HEREFORD, HEREFORDSHIRE, HR3 6EH

For: Mr & Mrs R Taylor Warren Benbow Architects 21 Mill Street Kington Herefordshire HR5 3AL

Date Received:
26th October 2007

Ward: Castle

Grid Ref:
26926, 47316

Expiry Date:
21st December 2007

Local Member: Councillor JW Hope

1. Site Description and Proposal

- 1.1 The application site is a flat field located between the A438 public highway and the unclassified 90607 public highway, from which, access into the site is obtained.
- 1.2 The site is located directly opposite the applicants home known as 'The Pound' and the Boat Inn, a public house also the ownership of the applicants. Located alongside the application site's eastern boundary is a dwelling known as 'The Agents House', (formally Wyelands).
- 1.3 The application proposes change of use of land to a campsite and erection of a single storey timber constructed equipment store, shower and toilet facilities, which will also accommodate a 'drying facilities', for patrons of the campsite.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007

S1 – Sustainable Development
 S2 – Development Requirements
 S8 – Recreation Sport and Tourism
 DR1 – Design
 DR2 – Land Use and Activity
 DR3 – Movement
 DR4 – Environment
 DR7 - Flood Risk
 E11 – Employment in the Small Settlements and Open Countryside
 E13 – Agricultural and Forestry Development
 E15 – Protection of Greenfield Land
 LA2 – Landscape Character and Areas Least Resilient to Change
 NC4 – Sites of Local Importance
 RST12 – Visitor Accommodation
 RST14 – Static Caravans, Chalets, Camping and Touring Caravan Sites

CF2 – Foul Drainage

3. Planning History

- 3.1 NW07/1494/F – Proposed dual use agricultural equipment store/WC shower block and drying area – Refused 4th July 2007 due to insufficient justification for construction of the building as proposed and the need for change of use of the land to camping use.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency – No objections raised to the proposed development as the proposed development is defined as 'less vulnerable development' which within Zone 3 is not considered inappropriate.

Internal Council Advice

- 4.2 The Transportation Manager raises no objections stating the proposal has 'no significant highway implications.'

5. Representations

- 5.1 Whitney-on-Wye Parish Council have responded to the application stating:-

'There are concerns about flooding and an increase in traffic/noise from the proposed change of use'.

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

- Alan and Helen Harray, Bramley House, Whitney-on-Wye
- Tim and Emma Rawlings, The Agents House, (formally named Wyelands), Whitney-on-Wye

The key issues raised in the letter of objection refer to:-

- Intensity of current use of site by campers.
- Impact on adjacent public highways.
- Use of the proposed building on site.
- Location of the proposed building on site and services.
- Flooding on site.
- Amenity of local residents.

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

6. Officers Appraisal

- 6.1 The main issues in relationship to this application refer to:

- Impact of the proposed development on the surrounding area
- Use of the site
- Flooding on site

6.2 Impact of the proposed development on the surrounding area

The site for the proposed development is a flat field, easily noticeable from the adjacent A438 public highway and the immediate surrounding landscape. The applicants home known as 'The Pound' and the 'Boat Inn' Public House, also in the ownership of the applicants, is directly opposite the southern side of the site on opposite side of the unclassified 90607 public highway. The proposed timber-constructed building providing on-site facilities is proposed on a site directly in front of the applicants home, known as 'The Pound'. This location abuts the eastern boundary of the application site, to the other side of which, is the residential curtilage of the property now known as 'The Agents House'.

6.3 Use of the site for camping will have minimal detrimental impact on the surrounding landscape and the proposal in consideration of the surrounding landscape is therefore considered acceptable, it is noted the location of the site is directly opposite the applicants home and the 'Boat Inn' Public House, directly behind of which, is the River Wye, and an access point to the river surface used by canoeists. No dwellings outside the control of the applicants look directly into site and it is noted the Council's Transportation Manager raises no objections to the proposed development.

6.4 Use of the site

The site is currently classed as agricultural land and planning legislation allows the applicants to use the site for up to 28 days of the year in relationship to camping use. Letters of objection received indicate the site is being used in excess of this amount of time in relationship to camping activities.

6.5 The site is well located for access to the river by canoeists. The Design and Access Statement submitted in support of the application indicate the existing site is used predominantly by tourists who are canoeing between Glasbury and Hereford, along the River Wye, and use the site as an overnight stop.

6.6 In order to accommodate these canoeists the applicants propose a modest timber constructed building, under a slate roof, to provide, on site shower and WC facilities, along with a 'drying rack' area, for use in summer, and this area to be used as a farm equipment store in winter.

6.7 The proposed timber structure is considered acceptable in scale and design, and will have minimal impact on the landscape, in consideration of its location, and its winter use, as storage area for farm equipment, such as a 'grass mowing machine', this also considered acceptable.

6.8 The application is for 'change of use of field from agricultural to campsite.' The Design and Access Statement submitted in support of the application indicating use of the site as a campsite, which will be predominantly used by canoeists using the adjacent River Wye.

6.9 As such the proposal is considered acceptable in relationship to a campsite, with easy access to the adjacent A438 public highway. 445 and 446 bus routes and the adjacent public house, therefore the development is sustainable.

6.10 The site is relatively open, although reasonably well screened by a surrounding low boundary, use of the site as a 'caravan site' would be considered contrary to Policy RST14: Static Caravans, Chalets, Camping and Touring Caravan Sites of the

Herefordshire Unitary Development Plan 2007, in that they would appear far more conspicuous than tents and therefore have a detrimental impact on the surrounding landscape. Therefore if members are minded to approve the application, it is recommended that a condition be attached to any subsequent approval notice issued indicating no caravan be allowed on site.

6.11 Flooding on site

Concerns have been raised by objectors and the Local Parish Council, about flooding on site. The Environment Agency does not object to the proposed development. The application was accompanied by a flood risk assessment. In consideration of the proposed use of the site in relationship to 'camping', concerns raised are not considered substantial enough to warrant refusal to the application.

6.12 Amenity of local residents.

The site for the proposed development is not immediately overlooked by any dwelling's outside the control of the applicants, and the only dwelling that adjoins the application site boundary is that of the dwelling known as 'The Agents House,' alongside the eastern elevation. This dwelling is located approx. 25 metres from the boundary with neither its frontal or rear elevation looking into the site. The boundary on this elevation of the site is also considered to be adequately screened by a timber close boarded fence and natural vegetation in the form of trees and a hedgerow.

6.13 Also proposed is the construction of a dual use building, alongside the eastern side of the application site. The building is considered acceptable in design and scale and is a much more modest sized structure than the one subject to application ref: NW07/1494/F for a dual use agricultural equipment store/WC shower block and drying area refused planning permission on 4th July 2007.

6.14 Therefore in consideration of amenity of surrounding dwellings the proposed development is considered acceptable.

RECOMMENDATION

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

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

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

2 - The development hereby approved shall be used in relationship to overnight camping only and no caravan shall be allowed on site.

Reason: In the interests of the visual amenity of the surrounding area and in the interests of public highway safety.

INFORMATIVES:

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

2 - N19 - Avoidance of doubt

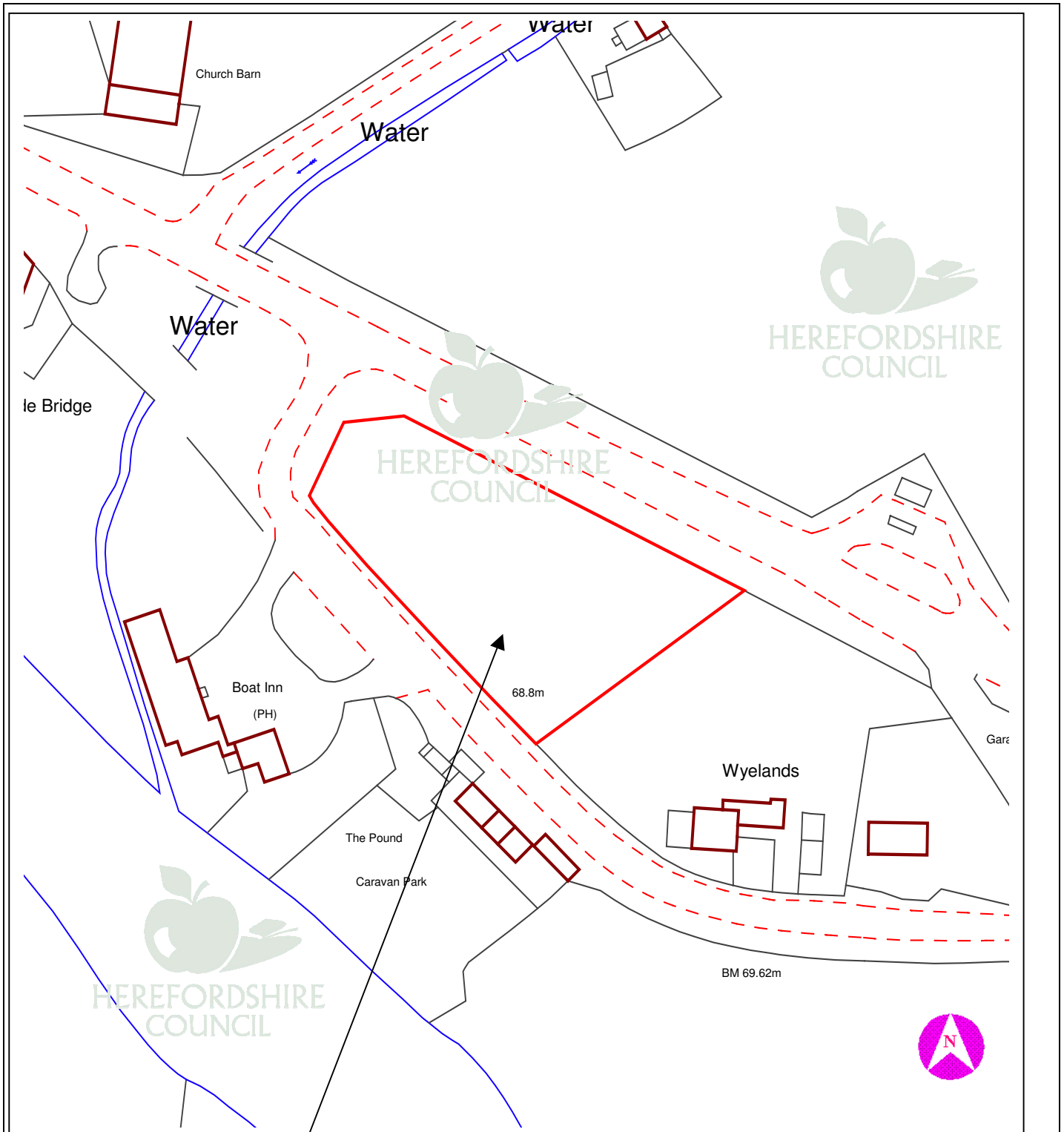
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2007/3344/F

SCALE : 1 : 1250

SITE ADDRESS : Field opposite The Pound, Whitney-On-Wye, Hereford, Herefordshire, HR3 6EH

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11 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 R D 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 Member: Councillor T Hunt

Introduction

The application was deferred by the Northern Area Planning Sub-Committee on 14th November 2007 with a request that audited accounts be submitted, in accordance with the recommendation of the County Land Agent. These have been submitted and confirm that the net profit of the business is in excess of the minimum agricultural workers' salary of £13,716. The accounts also make provision for annual capital costs to build the proposed dwelling.

In light of the receipt and acceptance by the County Land Agent of the audited accounts, the issue previously raised by committee is addressed.

A further query has been received from one of the objectors regarding the possible use of a building granted planning permission by Malvern Hills under application reference MH90/1768. This is some distance from the application site and would fail the test of PPS7 in terms of being within sight and sound of the premises that it is intended to serve.

The original report now follows:

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. Officers 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 a 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

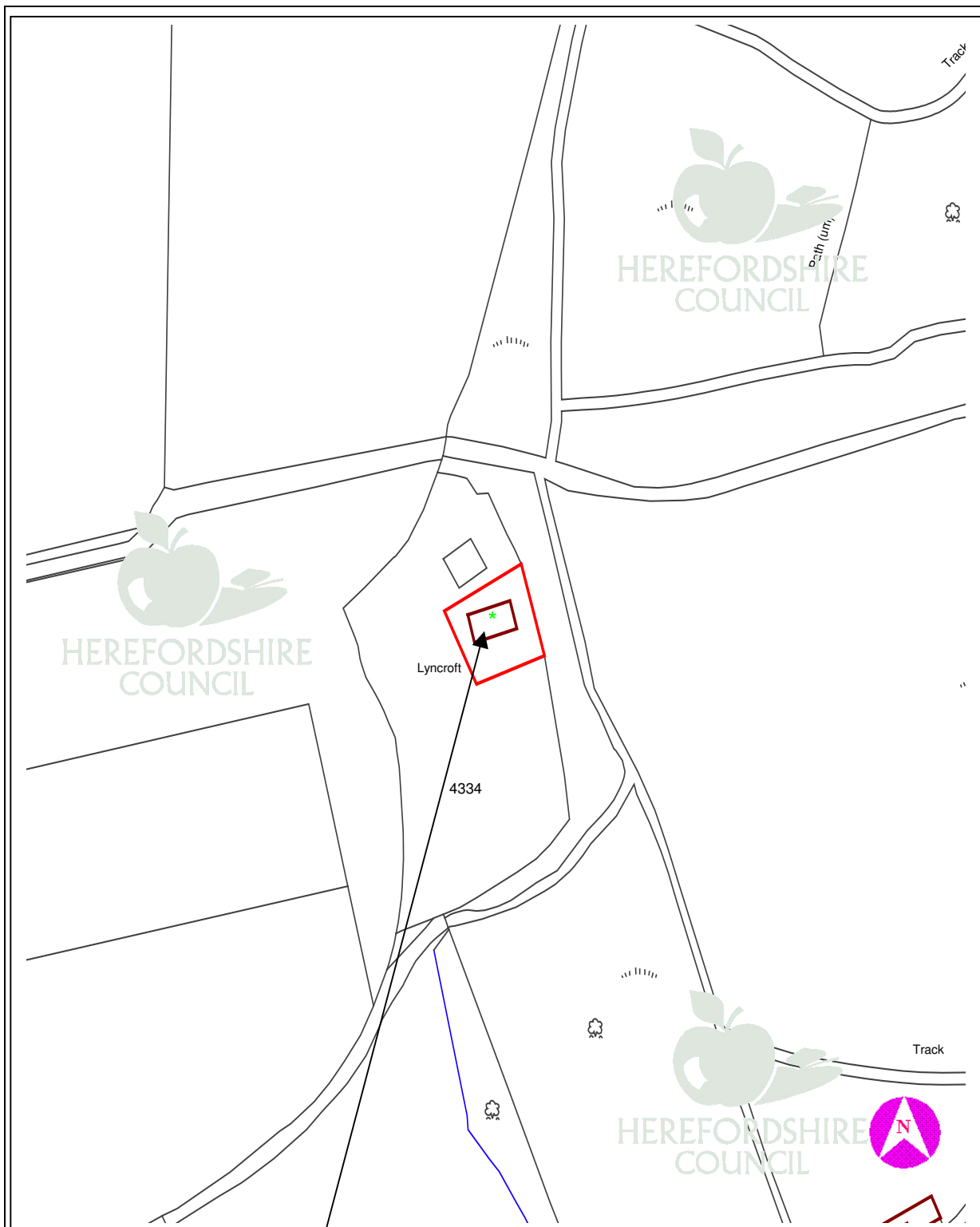
Decision:

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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