

Northern Area Planning Sub- Committee

Date: **Wednesday, 12th March, 2008**

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:

*Heather Donaldson, Democratic Services,
Tel 01432 261829*

e-mail hdonaldson@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

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.

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is and leave the meeting room

3. MINUTES

To approve and sign the minutes of the meeting held on 13 February, 2008.

Pages

1 - 22

4. ITEM FOR INFORMATION - APPEALS

23 - 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.

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.

All the planning applications for this meeting are new applications.

5. DCNC2008/0002/F & DCNC2008/0003/C - PINSLEY MILL, PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NX

25 - 36

Proposed demolition and conversion of mill, construction of glass link and new works to form three storey double block and to create nine apartments and all associated works.

Ward: Leominster South

6. DCNE2007/3842/F - THE DOWNS SCHOOL, BROCKHILL ROAD, MALVERN, HEREFORDSHIRE, WR13 6EY

37 - 46

Provision of new sports hall facility incorporating classrooms, parking, landscaping and highway improvements to the junction of Brockhill Road and Church Road.

Ward: Hope End

7. DCNE2008/0179/F - 2 WOODSIDE LODGES, FALCON LANE, LEDBURY, HEREFORDSHIRE, HR8 2JN

47 - 52

Proposed implements store incorporating bunkhouse accommodation at first floor level with ablutions, drying and common room on the ground floor.

Ward: Ledbury

8. DCNW2008/0284/F & DCNW2008/0285/L - LITTLE QUEBB FARM, EARDISLEY, HEREFORD, HEREFORDSHIRE, HR3 6LP

53 - 58

Proposed change of use from ancillary accommodation into two self contained holiday units and installation of solar panels.

Ward: Castle

9. DCNW2008/0030/F - THE JOLLY FROG, TODDINGS, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LX

59 - 62

Proposed wood burning oven, flue and replacement roof lights (retrospective).

Ward: Mortimer

10. DATES OF FORTHCOMING MEETINGS

9th April, 2008

7th May, 2008

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

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

Please Note:

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

The meeting venue is accessible for visitors in wheelchairs.

A public telephone is available in the reception area.

Public Transport Links

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

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

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

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

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

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

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

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

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Northern Area Planning Sub-Committee held at the Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 13th February, 2008 at 2.00 p.m.

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

Councillors: LO Barnett, WLS Bowen, JP French, JHR Goodwin, KG Grumbley, B Hunt, RC Hunt, TW Hunt, P Jones CBE, R Mills, A Seldon, RV Stockton, J Stone, JK Swinburne and PJ Watts

In attendance: Councillors H Bramer and JE Pemberton

147. APOLOGIES FOR ABSENCE

Apologies were received from Councillors RBA Burke, ME Cooper, P Morgan and RJ Phillips.

148. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
WLS Bowen	Minute 155, Agenda Item 9 DCNW2007/3767/O Land between Dark Lane and A4110, Leintwardine, Craven Arms, Herefordshire, SY7 0LJ	Declared a personal interest and remained in the meeting during consideration of this item.
JK Swinburne	Minute 158, Agenda Item 12 DCNC2007/1536/F Withers Farm, Burtons Lane, Wellington Heath, Ledbury, Herefordshire, HR8 1NF	Declared a personal interest and remained in the meeting during consideration of this item.

149. MINUTES

RESOLVED: That the minutes of the meeting held on 16th January, 2008 be approved as a correct record and signed by the Chairman.

150. ITEM FOR INFORMATION - APPEALS

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

NORTHERN AREA PLANNING SUB-COMMITTEE

151. DCNW2007/3344/F - FIELD OPPOSITE THE POUND, WHITNEY-ON-WYE, HEREFORD, HEREFORDSHIRE, HR3 6EH [AGENDA ITEM 5]

Change of use of agricultural field to camp site and erection of single storey equipment store/shower and toilet facilities.

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

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

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

- 2 - The 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.

- 3 - Prior to any development on site the applicants will submit to the Local Planning Authority details of a flood evacuation plan for the campsite in the event of a flood warning being issued that would include the stretch of the River Wye within close proximity to the application site.

Reason: In order to protect users of the campsite, in the event of a flood warning being issued for the river within close proximity to the application site.

INFORMATIVES:

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

152. DCNC2007/2669/O - LYNCROFT, BADLEY WOOD, WHITBOURNE, WORCESTER, WR6 5SJ [AGENDA ITEM 6]

Site for the erection of one bungalow for agricultural workers dwelling.

The following updates were reported:

- Two letters of support had been submitted from CDM Scales, Blake House, Eastham, Tenbury Wells, and Michael Edwards and Sue Hirst, Lower Lincetter, Badley Wood Common.

The former was one of the applicant's customers, commenting that the applicant always supplies high quality produce and is extremely reliable.

The latter were near neighbours who welcomed the fact that the land is being brought back into economic use, and they supported the proposal. They also noted that at the time of the hearing, it was determined that hydroponic production necessitated on-site 24 hour staffing.

In accordance with the criteria for public speaking, Mr Gurney spoke in support of the application.

NORTHERN AREA PLANNING SUB-COMMITTEE

The Local Ward Member, Councillor TW Hunt, said that it had been helpful to defer the application in order to obtain more information about the business. He queried whether all the necessary information had been submitted. He drew comparisons with this application, and a similar one at Lower Eggleton, which had been refused and was now the subject of an appeal. He felt that the application would allow a dwelling to be built in open countryside, and that the reasons for refusal stated at a previous meeting were still valid, in spite of the receipt of further information.

The Principal Planning Officer reported that the planning application at Lower Eggleton, referred to by Councillor TW Hunt, had differed from this application in that there had been insufficient evidence to demonstrate the financial viability of the business at Lower Eggleton, whereas in respect of this application, the applicant had submitted detailed audited accounts.

In response to a question, the Principal Planning Officer confirmed that there was currently one polytunnel on the site, and that any further polytunnels would be the subject of a separate planning permission.

In response to further questions, the Head of Planning Services said that although a dwelling would not normally be permissible in the proposed location, in this case it did accord with Planning Policy Statement (PPS) 7 because the application had satisfied the function and financial tests. He also stated that it might be too restricting to amend the proposed Condition 5 so that it referred expressly to the applicant's hydroponic business, because this condition (E28) was generally intended to offer a degree of flexibility.

Having considered all the information surrounding the application, members agreed that planning permission should be granted because the application had satisfied the requirements of PPS7.

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

- 1 - A02 (Time limit for submission of reserved matters (outline permission))**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 2 - A03 (Time limit for commencement (outline permission))**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 3 - A04 (Approval of reserved matters)**
Reason: To enable the local planning authority to exercise proper control over these aspects of the development.
- 4 - 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.

NORTHERN AREA PLANNING SUB-COMMITTEE

Informatives:

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

153. DCNC2007/3391/F - FORMER ORPHANS PRESS SITE, LAUNDRY LANE, LEOMINSTER, HEREFORDSHIRE, HR6 8JT [AGENDA ITEM 7]

Proposed site for 10 dwellings.

The Local Ward Member, Councillor RC Hunt, felt that Laundry Lane posed a traffic hazard because of the high number of vehicles which parked along it as far as the junction. He said that this practice significantly reduced visibility, and he requested the imposition of a Traffic Regulation Order on the area, which would improve safety on the proposed application site. In addition, he asked that some of the funds secured through the Section 106 agreement, be used to bring Laundry Lane up to adoptable standard.

The Southern Team Leader said that it was unlikely that Laundry Lane could be constructed to an adoptable standard, due to its narrowness, and it was therefore inappropriate to set aside any funding specifically for this purpose. In addition, the Area Engineer (Development Control) said that a Traffic Regulation Order would not be advisable in this area due to the existing long-established precedent of traffic.

Councillor JP French requested that a sum of £1,500 per dwelling (referred to on Page 42 of the agenda) be included in the Section 106 agreement in order to create highway improvements. The Head of Planning Services confirmed that this would be possible, and would be used for measures to improve visibility.

RESOLVED:

- (i) **That the Legal Practice Manager be authorised to complete a planning obligation agreement under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional or amended matters which he considers to be necessary or appropriate, including a contribution of £1,500 per dwelling for highway improvements;**
- (ii) **Upon completion of the above-mentioned planning obligation agreement, the Officer named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions:**

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

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

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

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

NORTHERN AREA PLANNING SUB-COMMITTEE

3 - E16 (Removal of permitted development rights)

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

4 - E18 (No new windows in specified elevation)

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

5 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

6 - F48 (Details of slab levels)

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

7 - G01 (Details of boundary treatments)

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

8 - G04 (Landscaping scheme (general))

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

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

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

10 - H13 (Access, turning area and parking)

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

11 - 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.

12 - W01 (Foul/surface water drainage)

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

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

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

NORTHERN AREA PLANNING SUB-COMMITTEE

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

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

15 - No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

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

16 - The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Informatives:

- 1 - HN02 - Public rights of way affected**
- 2 - HN03 - Access via public right of way**
- 3 - HN04 - Private apparatus within highway**
- 4 - HN05 - Works within the highway**
- 5 - HN10 - No drainage to discharge to highway**
- 6 - HN22 - Works adjoining highway**
- 7 - HN23 - Vehicular use of public rights of way**
- 8 - N15 - Reason(s) for the Grant of PP/LBC/CAC**
- 9 - N19 - Avoidance of doubt**

NORTHERN AREA PLANNING SUB-COMMITTEE

154. DCNW2008/0084/F - FOUR WINDS, MOCKTREE, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LY [AGENDA ITEM 8]

Proposed two storey extension.

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

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

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

2 - B02 (Matching external materials (extension))

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

3 - The 'open store area' as indicated on the east elevation of the approved plans shall remain open as indicated on the approved plans in perpetuity.

Reason: In the interests of the character and scale of the dwelling.

Informatives:

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

2 - N19 - Avoidance of doubt

155. DCNW2007/3767/O - LAND BETWEEN DARK LANE AND A4110, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LJ [AGENDA ITEM 9]

Site for residential development for fifteen houses and garages.

The following updates were reported:

- A correction to the report was required. Leintwardine Parish Council comments should have read:

“No objection to the development of this land but the Parish Council make the following comments:

1. The access to the site appears unsafe due to poor lines of sight
2. The ownership and maintenance of the open space land is considered important without some stipulation it is likely to become neglected and something of an eyesore
3. There is doubt over the number of houses proposed which exceed the number though necessary by the recent Housing Needs Survey
4. The Parish Council would not be happy to see extra street lighting installed as a result of this development but if it is it should be of a good quality specification.”

NORTHERN AREA PLANNING SUB-COMMITTEE

- Four further letters had been received, in response to the amended plans which removed the cycle path / footpath that led from the site to the west onto the A4113. The letters expressed appreciation for the removal of this, but asked that the other issues be considered, namely:
 - Density of development
 - Close proximity of the development to the existing properties
 - Building line of the dwellings being forward of the building line of the thresh bungalows (69, 71 and 73) which may impair visibility
 - The building line should be brought back in line with the building line of the bungalows
- In respect of the Protected Open Space that has been allocated as informal playing space. Herefordshire Council is willing to adopt the space but requested a Maintenance contribution. These figures have now been received in addition to a detailed plan showing the additional planting and hedgerows. An additional clause should be added to the Draft Heads of Terms as follows:
 - The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £10,085.73 to provide for the cost of improving and maintaining the on-site open space which sum shall be paid on or before the commencement of the development.
- In respect of Archaeology, reports had been requested and some trial pits undertaken. The Archaeologist commissioned by the applicant had spoken directly to the Council's Archaeologist and it is noted that whilst there are some findings, these are unlikely to be significant. Reports will be submitted shortly, and subject to these being satisfactory, the Councils Conservation Manager (Archaeologist) would recommend a condition (D01) be added to any permission granted.

In accordance with the criteria for public speaking, Ms Cutler spoke in objection to the application, and Mr Skelton spoke in support.

The Local Ward Member, Councillor LO Barnett, expressed concern about highway safety in the area, and asked for further inspections to be undertaken. She also felt that some of the proposed buildings might be encroaching too far onto the highway, and might affect visibility. In response, the Southern Team Leader said that he would request further investigations to be carried out by highways officers to ensure that the access and highway standards were acceptable in relation to the application. Furthermore, he would explore with the applicant any possible alterations to building layout and lines.

In response to a question, the Head of Planning Services stated that the proposed density of the development was in accordance with Planning Policy Statements, taking into account only the 0.48-hectare area to be developed.

RESOLVED:

- (i) **That the Legal Practice Manager be authorised to complete a planning obligation agreement under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional or amended matters which he considers to be necessary or appropriate, including the amendment to the draft Heads of Terms outlined in the above minute;**

NORTHERN AREA PLANNING SUB-COMMITTEE

(ii) Upon completion of the above-mentioned planning obligation agreement the Officer named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions, and subject to an additional Condition D01 on receipt of satisfactory archaeology reports, and subject to further investigation/negotiations in respect of highway safety and building layout and lines:

- 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 - B01 (Samples of external materials)
Reason: To ensure that the materials harmonise with the surroundings.
- 6 - G01 (Details of boundary treatments)
Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
- 7 - G04 (Landscaping scheme (general))
Reason: In order to protect the visual amenities of the area.
- 8 - G05 (Implementation of landscaping scheme (general))
Reason: In order to protect the visual amenities of the area.
- 9 - G32 (Landscaping to include amenity land)
Reason: To ensure a reasonable standard of amenity for future occupants of the development.
- 10 - E16 (Removal of permitted development rights)
Reason: [Special Reason].

NORTHERN AREA PLANNING SUB-COMMITTEE

11 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

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

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

13 - (Details of Slab Levels)

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

14 – G27 (Landscape maintenance arrangements)

Reason: In the interests of visual and residential amenity.

Informatives:

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

2 - N19 - Avoidance of doubt

156. DCNC2007/3946/F - LAND AT ST. BOTOLPHS GREEN, LEOMINSTER, HEREFORDSHIRE [AGENDA ITEM 10]

Proposed erection of 27 dwellings.

The Principal Planning Officer reported the following updates:

- The last word of Paragraph 5.1 of the report, should read “access” and not “dwelling”;
- Proposed Condition 15 was no longer necessary and would be deleted;
- In the Draft Heads of Terms, the title should be changed to reflect the application (because it contained the address details of a different application site). The Southern Team Leader confirmed, however, that the remainder of the document did relate to the correct application and so no further reviews were required.

In accordance with the criteria for public speaking, Mr Jones spoke in support of the application.

The Local Ward Member, Councillor RC Hunt, expressed concern that there was no play area proposed with the development. He requested that some of the funds secured through the Section 106 agreement be used to improve the nearby cemetery.

NORTHERN AREA PLANNING SUB-COMMITTEE

The Principal Planning Officer said that the application site was near to a larger development which provided additional areas of open space, meaning that it would not be devoid of leisure areas.

In response to a further question, the Principal Planning Officer confirmed that the applicant had proposed a mix of building materials on the site to add variety, and there would be some rendered elements. He also reported that the developer had been unable to propose any additional access off Southern Avenue, because the land required for this was in the ownership of another body.

RESOLVED:

- (i) That the Legal Practice Manager be authorised to complete a planning obligation agreement under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional or amended matters which he considers to be necessary or appropriate;**
- (ii) Upon completion of the above-mentioned planning obligation agreement Officer named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions:**

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

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

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

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

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

Reason: To protect the amenity of local residents.

- 4 - F40 (No burning of material/substances)**

Reason: To safeguard residential amenity and prevent pollution.

- 5 - F48 (Details of slab levels)**

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

- 6 - G02 (Landscaping scheme (housing development))**

Reason: To ensure a satisfactory and well-planned development and to preserve and enhance the quality of the environment.

- 7 - G03 (Landscaping scheme (housing development) - implementation)**

Reason: To ensure a satisfactory and well-planned development and to preserve and enhance the quality of the environment.

NORTHERN AREA PLANNING SUB-COMMITTEE

- 8 - The development hereby permitted shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. No construction works shall be carried out on the site unless the measures set out in the approved Construction Traffic Management Plan are in operation.

Reason: In the interests of residential amenity.

- 9 - 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.

- 10 - H17 (Junction improvement/off site works)

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

- 11 - H18 (On site roads - submission of details)

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

- 12 - H27 (Parking for site operatives)

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

- 13 - H28 (Public rights of way)

Reason: To ensure the public right of way is not obstructed.

- 14 - 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.

- 15 - 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.

- 16 - H31 (Outline Travel Plan)

Reason and Informative Notes as above.

- 17 - W01 (Foul/surface water drainage)

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

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

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

NORTHERN AREA PLANNING SUB-COMMITTEE

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

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

20 - No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul, surface and land drainage will be dealt with. The scheme shall be submitted to and approved in writing by the local planning authority and development shall be completed in accordance with the approved scheme.

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

21 - The recommendations set out in the ecologist's report dated September 2007 should be followed unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure all species of bat and their roosts are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats & Countryside) Regulations 1994 (as amended) and policies NC1, NC5, NC6 and NC7 of the Herefordshire Unitary Development Plan.

Informatives:

- 1 - HN01 - Mud on highway**
- 2 - HN02 - Public rights of way affected**
- 3 - HN04 - Private apparatus within highway**
- 4 - HN05 - Works within the highway**
- 5 - HN08 - Section 38 Agreement details**
- 6 - HN09 - Drainage details for Section 38**
- 7 - HN10 - No drainage to discharge to highway**
- 8 - HN25 - Travel plans**
- 9 - N15 - Reason(s) for the Grant of PP/LBC/CAC**
- 10 - N19 - Avoidance of doubt**

157. DCNC2007/3464/F - LAND ADJACENT TO CHAPEL COTTAGE, WYSON LANE, BRIMFIELD, LUDLOW, HEREFORDSHIRE, SY8 4NL [AGENDA ITEM 11]

Proposed new house and detached garage.

The Local Ward Member, Councillor J. Stone, thanked officers for their work on the application, and in particular, their efforts to resolve issues of highway safety. He said, however, that he still felt that Wyson Lane was dangerous, and for this reason,

NORTHERN AREA PLANNING SUB-COMMITTEE

he had reservations about the application. He commented that Wyson Lane was narrow, was extremely busy at certain times, and that the application site was close to a junction. He considered that use of the lane had increased over time, by cyclists, walkers and horse riders in addition to vehicles. In addition, he felt that the Housing Needs Survey (Policy DR3 of the Unitary Development Plan) did not support dwellings in this area, and that the proposed size of the dwelling was unjustifiably large, and would adversely affect the amenity of nearby residents. He also expressed concern over potential flooding, which had affected the area during the summer of 2007, and in 2005.

Other members expressed reservations about building dwellings in garden areas, and felt that it was not possible to rely on current information about flood plains, due to the fact that the Environment Agency was in the process of updating its information.

The Southern Team Leader reported that the site was within the settlement boundary, and there was no overlooking from the proposed property to other neighbouring residences. He said that planning policy did not prevent the applicant from erecting a dwelling in the garden area. The Head of Planning Services reminded members that they had no alternative other than to rely on the evidence submitted by the Environment Agency in relation to flooding, and that there were only a few circumstances under which an applicant was obliged to provide evidence of housing need. He said that, if members considered that the highway issues had been addressed following the previous application, there were no grounds for refusing this application.

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

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

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

2 - B01 (Samples of external materials)

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

3 - H03 (Visibility splays)

Reason: In the interests of highway safety.

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 - The whole of the splayed entrance shall have a sealed surface and shall remain unobstructed at all times.

Reason: In the interests of highway safety.

6 - G04 (Landscaping scheme (general))

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

NORTHERN AREA PLANNING SUB-COMMITTEE

7 - 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 - N03 - Adjoining property rights

3 - The applicants should be aware that this planning permission does not over-ride any civil/legal rights enjoyed by adjacent property owners. If in doubt the applicants are advised to seek legal advice on the matter.

4 - N14 - Party Wall Act 1996

5 - The development should be carried out in accordance with the requirements of the Deed of Mutual Covenant formally agreed between the current owners of Chapel Cottage and Cornerpost, which was submitted with the application.

6 - HN04 - Private apparatus within highway

7 - HN05 - Works within the highway

8 - HN22 - Works adjoining highway

9 - N19 - Avoidance of doubt

10 - HN10 - No drainage to discharge to highway

158. DCNE2007/1536/F - WITHERS FARM, BURTONS LANE, WELLINGTON HEATH, LEDBURY, HEREFORDSHIRE, HR8 1NF [AGENDA ITEM 12]

"Whole Farm Application" for the erection (and re-erection) of polytunnels.

The following updates were reported:

- Further representations had been received in respect of the provision of passing bays along Burtons Lane. Whilst it was considered that there may only be scope for the provision of one passing bay, it was considered that the matter could be explored further.

In response to this representation, the following officer comment was reported:

- *An amendment to the proposed condition 13 is recommended as follows:*

13. *Within three months from the date of this planning permission a scheme for the provision of motor vehicle passing bay(s) along Burtons Lane between its junction with the B4214 and the main vehicular entrance to Withers Farm shall be submitted to the Local Planning Authority for their written approval. Such a scheme must be agreed and approved in writing by the Local Planning Authority within four months from the date of this permission. The approved passing bay(s) shall be implemented by 1st September 2008 and thereafter maintained as such;*

Reason: - To ensure the free flow of traffic along Burtons Lane

NORTHERN AREA PLANNING SUB-COMMITTEE

- A further representation had been received from the Herefordshire & Gloucestershire Canal Trust who now objected to the proposed development but stated that their concerns could be satisfactorily overcome by the imposition of three conditions.

In response to this representation, the following officer comment was reported:

- *Their views have been carefully considered and it is considered that recommended condition 5 together with an additional condition would suffice. The additional condition is proposed as follows:*

23. Notwithstanding the provisions of condition 14 above, there shall be no outlet headwalls constructed, engineering or other operations (including excavation / deepening to increase storage capacity) within the safeguarded route of the Herefordshire and Gloucestershire Canal without the prior written approval of the Local Planning Authority being obtained;

Reason: - To ensure that any excavation or other works that represent development do not prejudice the future restoration of the canal in accordance with policy RST9 of the Herefordshire Unitary Development Plan 2007

In accordance with the criteria for public speaking, Mr Leeds and Mr Saunders spoke in support of the application.

A Local Ward Member, Councillor R Mills, thanked the Principal Planning Officer for his excellent report, and for the clarity of information and plans provided.

The other Local Ward Member, Councillor RV Stockton, acknowledged that the officer's report was exemplary and would be used as a template for similar applications, both locally and nationally.

In response to questions, the Principal Planning Officer confirmed that:

- the applicant had considered using matt or colour-tinted plastic for the polytunnels, but that there was evidence that these measures might lead to an inferior crop yield, and so it was unreasonable to control the types of plastic with a planning condition. He added that one of the main complaints about polytunnels was the glare generated by direct sunlight reflecting off their surfaces, and that the colour of plastic had no impact on this. To limit the effect of glare, the applicant had agreed to rotate the polytunnels and restrict coverage to only one third of the permitted area at any time;
- In relation to the proposed Condition 13, the lay-by size proposed would be adequate for Heavy Good Vehicles;
- In relation to the proposed Condition 19, the 12-month time period was to allow sufficient time to set up and remove polytunnels, and was part of Government guidance.

Councillor JK Swinburne commented that the proposed two-metre distance of polytunnels from the public footpath on the site, might be insufficient. The Principal Planning Officer said that he would explore increasing the distance with the applicant.

NORTHERN AREA PLANNING SUB-COMMITTEE

The Head of Planning Services commented that the report would send a clear message to other growers in respect of the standards required by the Council, and would provide the framework for Supplementary Planning Guidance in due course.

RESOLVED: That planning permission be granted subject to the following conditions, and subject to further negotiations with the applicant in respect of increasing the distance between the proposed polytunnels and the public footpath on the site:

- 1 - There shall be no polytunnels sited on land lower than 55 metres above ordnance datum.

Reason: To maintain conveyance of flood flows and to prevent the increased risk of flooding elsewhere in compliance with policy DR7 of the Herefordshire Unitary Development Plan 2007.

- 2 - There shall be no polytunnels sited upon the areas cross-hatched in red and annotated as "No polytunnels: Setting of a listed building" as shown on the plan attached to this decision notice.

Reason: To safeguard the setting of the listed buildings known as 'Pegs Farm' and 'Uplands' in accordance with policy HBA4 of the Herefordshire Unitary Development Plan 2007.

- 3 - There shall be no polytunnels sited within those areas cross-hatched in green and annotated as "No polytunnels: Landscape impact" as shown on the plan attached to this decision notice.

Reason: To ensure a satisfactory visual appearance of the development hereby permitted within the landscape in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

- 4 - No polytunnels shall be sited within 2 metres of the centre line of any public right of way.

Reason: To ensure that no public right of way is obstructed and to ensure that their enjoyment is safeguarded in accordance with policy T6 of the Herefordshire Unitary Development Plan 2007.

- 5 - No polytunnels shall be sited upon the safeguarded route of the Herefordshire and Gloucestershire Canal marked with blue dots and annotated as 'Safeguarded route of canal' on the plan attached to this decision notice.

Reason: To ensure that the safeguarded route of the Herefordshire and Gloucestershire Canal is safeguarded from development in accordance with policy RST9 of the Herefordshire Unitary Development Plan 2007.

- 6 - No more than 50.7 hectares of the application site shall be covered with polytunnels at any one time.

Reason: To ensure that the cumulative visual impact of the development within the landscape is satisfactorily controlled in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

NORTHERN AREA PLANNING SUB-COMMITTEE

- 7 - Notwithstanding the above conditions, no more than 16.2 hectares of Zone 1 shaded with small green dots on the plan attached to this decision shall be covered with polytunnels at any one time.**

Reason: To ensure that the cumulative visual impact of the development within the landscape is satisfactorily controlled in accordance with Policy LA2 of the Herefordshire Unitary Development Plan 2007.

- 8 - Notwithstanding the above conditions, no more than 25.9 hectares of Zone 2 shaded with small yellow dots on the plan attached to this decision notice shall be covered with polytunnels at any one time.**

Reason: To ensure that the cumulative visual impact of the development within the landscape is satisfactorily controlled in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

- 9 - Notwithstanding the above conditions, no more than 8.6 hectares of Zone 3 shaded with small blue dots on the plan attached to this decision notice shall be covered with polytunnels at any one time.**

Reason: To ensure that the cumulative visual impact of the development within the landscape is satisfactorily controlled in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

- 10 - No polytunnel shall be sited within 30 metres of the boundary of any residential curtilage of any dwelling house that lies outside the confines of the application site.**

Reason: To safeguard the amenities of the occupiers of dwelling houses in the immediate vicinity in accordance with policy DR1 of the Herefordshire Unitary Development Plan 2007.

- 11 - No polytunnel shall exceed 4.25 metres above existing ground level.**

Reason: To control the visual impact of the impact of the development within the landscape in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

- 12 - Notwithstanding the above conditions, the landscaping scheme detailed upon drawing number 1196/09 and species mix detailed within Section 6 of the Davies Light Associates Landscape and Visual Appraisal dated 1/12/06 shall be fully planted prior to 1st March 2009. Prior to 1st October 2008 the density (i.e. number of plants/trees, precise locations and spacings) of the proposed planting shown upon a metric scaled plan of at least 1:7,500 must be agreed in writing with the Local Planning Authority. Any trees or plants which prior to 1st March 2019 die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. No polytunnels shall be sited upon these landscaped areas.**

Reason: To ensure that the development hereby permitted is satisfactorily integrated into the landscape in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

- 13 - Within three months from the date of this planning permission a scheme for the provision of motor vehicle passing bay(s) along Burtons Lane between its junction with the B4214 and the main vehicular entrance to**

NORTHERN AREA PLANNING SUB-COMMITTEE

Withers Farm shall be submitted to the Local Planning Authority for their written approval. Such a scheme must be agreed and approved in writing by the Local Planning Authority within four months from the date of this permission. The approved passing bay(s) shall be implemented by 1st September 2008 and thereafter maintained as such.

Reason: To ensure the free flow of traffic along Burtons Lane.

- 14 - All surface water and mitigation management measures detailed in the Surface Water Mitigation and Management Report prepared by JDIH Envireau and received by the Local Planning Authority on 5th November 2007 shall be fully implemented prior to 1st January 2009 and thereafter maintained. Surface Water generated from the site shall be limited to the equivalent Greenfield run-off rate.**

Reason: To safeguard against surface water flooding of both Hollow Lane and the B4212.

- 15 - The recommendations for habitats and protected species set out in the Ecological Appraisal dated 07/10/07 prepared by Davies Light Associates shall be followed unless otherwise agreed in writing by the Local Planning Authority. The implementation of the ecological mitigation works shall be overseen by an appropriately qualified and experienced ecological clerk of works.**

Reasons: To ensure the protection of all species covered under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats, & c.) Regulations 1994 (as amended), the Badger Act 1992 and policies NC1, NC5, NC6 and NC7 of the Herefordshire Unitary Development Plan 2007.

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

To comply with Herefordshire council's Unitary Development Plan policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and Geological Conservation and the NERC Act 2006.

To conserve and enhance protected habitats and to maintain the foraging area for protected species in accordance policies NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan 2007 and Planning Policy Statement 9.

- 16 - Within three months of from the date of this permission, a habitat creation, enhancement and management scheme, to include specified timescales for implementation, based upon the FWAG Report dated 17th October 2007 and to include a nature conservation buffer zone along the northern section of the eastern side of the canal shall be submitted to the Local Planning Authority for their written approval. The approved scheme shall be fully implemented as approved and the implementation of the ecological mitigation works shall be overseen by an appropriately qualified and experienced ecological clerk of works.**

Reasons: To ensure the protection of all species covered under the

NORTHERN AREA PLANNING SUB-COMMITTEE

Wildlife and Countryside Act 1981, the Conservation (Natural Habitats, & c.) Regulations 1994 (as amended), the Badger Act 1992 and policies NC1, NC5, NC6 and NC7 of the Herefordshire Unitary Development Plan 2007.

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

To comply with Herefordshire Council's Unitary Development Plan policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and Geological Conservation and the NERC Act 2006.

To conserve and enhance protected habitats and to maintain the foraging area for protected species in accordance policies NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan 2007 and Planning Policy Statement 9.

- 17 - There shall be no buildings, structures (including polytunnels, gates, walls and fences) or raised ground levels within 8 metres of the top of bank of the River Leadon (Main River) unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To maintain access to the watercourse for maintenance or improvements.

- 18 - All existing trees and hedgerows upon the land shall be retained unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To ensure that the development hereby permitted is satisfactorily integrated into the landscape in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

- 19 - In the event of the polytunnels hereby permitted becoming redundant for the growing of soft fruit upon the application site, the polytunnels which includes the supporting structures shall be removed from application site within a period of twelve months.**

Reason: To ensure that buildings / structures that are redundant for agricultural purposes do not remain in the landscape unnecessarily.

- 20 - None of the polytunnels hereby permitted shall be covered with polythene from 15th November until 31st December in any calendar year nor during the month of January in any calendar year, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To ensure that the visual impact of the development hereby permitted is limited to the growing periods in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

- 21 - There shall be no polytunnels sited within the areas cross-hatched grey and annotated as 'No Polytunnels: Proposed by applicant' as shown on the plan attached to this decision notice.**

Reason: These areas do not form part of the proposal hereby permitted

NORTHERN AREA PLANNING SUB-COMMITTEE

and as such the merits of siting polytunnels upon these areas of land have not been considered.

- 22 - Prior to the 1st February in each calendar year following the date of this permission, a plan to a metric scale of at least 1:7,500 shall be submitted to the Local Planning Authority showing the 50.7 hectares (maximum) of land to be covered with polytunnels and distributed in accordance with conditions 7, 8 and 9 above requiring maximum coverages in Zones 1, 2 & 3 of 16.2 hectares, 25.9 hectares and 8.6 hectares respectfully.

Reason: To enable the Local Planning Authority to practically monitor the development.

23. Notwithstanding the provisions of condition 14 above, there shall be no outlet headwalls constructed, engineering or other operations (including excavation/deepening to increase storage capacity) within the safeguarded route of the Herefordshire and Gloucestershire Canal without the prior written approval of the Local Planning Authority being obtained.

Reason: To ensure that any excavation or other works that represent development do not prejudice the future restoration of the canal in accordance with policy RST9 of the Herefordshire Unitary Development Plan 2007

Informatives:

- 1 - The reason for granting planning permission in respect of the development is that it is considered by the Local Planning Authority that the development gives rise to benefits to the local rural economy and that the environmental impacts can satisfactorily be overcome by way of the imposition of appropriate conditions in compliance with the relevant Development Plan policies.

The documents to which the decision notice relates are: -

The plan attached to the decision notice

Drawing number 1196/09 and species mix detailed within Section 6 of the Davies Light Associates Landscape and Visual Appraisal dated 1/12/06
Surface Water Mitigation and Management Report prepared by JDIH Envireau and received by the Local Planning Authority on 5th November 2007

Ecological Appraisal dated 07/10/07 prepared by Davies Light Associates
FWAG Report dated 17th October 2007

159. DCNE2007/3855/F - ASHDOWN HOUSE, HOMEND CRESCENT, LEDBURY, HEREFORDSHIRE, HR8 1AQ [AGENDA ITEM 13]

Removal of condition 6 of planning permission NE2003/1293/f to allow clear glass to be used for 2 windows.

In accordance with the criteria for public speaking, Mr Outwin spoke in support of the application.

RESOLVED: That planning permission be granted.

NORTHERN AREA PLANNING SUB-COMMITTEE

160. DATES OF FORTHCOMING MEETINGS

12th March, 2008; 9th April, 2008; and 7th May, 2008.

The meeting ended at 4.37 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCNE2007/1551/F**

- The appeal was received on 1st February 2008
- 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 G Bevan
- The site is located at 43a, Albert Road, Ledbury, Herefordshire, HR8 2DN
- The development proposed is Proposed alteration of garage into living space and construction of low-level front carport incorporating part of existing garage.
- The appeal is to be heard by Written Representations

Case Officer: Carl Brace on 01432 261795

Application No. DCNC2007/1386/F

- The appeal was received on 18th February 2008
- 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. Rohdes
- The site is located at Dukes Walk, Etnam Street, Leominster, Herefordshire, HR6 8AE
- The development proposed is Erection of 4 houses
- The appeal is to be heard by Written Representations

Case Officer: Andrew Banks 01432 383085

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

- The appeal was received on 18th October 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 J Hazel
- The site is located at Yew Tree Cottage, Brierley, Leominster, Herefordshire, HR6 0NU
- The application, dated 1st February 2007, was refused on 2nd April 2007
- The development proposed was proposed new garden room.
- The main issue is the effect of the proposed garden room on the character and appearance of the existing dwelling

Decision: The appeal was DISMISSED on 5th February 2008

Case Officer: Julia Shields on 01432 261560

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

Application No. DCNC2007/2422/F

- The appeal was received on 18th October 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 J Hazel
- The site is located at Yew Tree Cottage, Brierley, Leominster, Herefordshire, HR6 0NU
- The application, dated 23rd July 2007, was refused on 18th September 2007
- The development proposed was proposed garden room to rear of garage
- The main issue is the effect of the proposed garden room on the character and appearance of the existing dwelling

Decision: The appeal was DISMISSED on 5th February 2008

Case Officer: Julia Shields on 01432 261560

Application No. DCNE2006/2623/F

- The appeal was received on 23rd January 2007
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Little Verzons Fruit Farm
- The site is located at Little Verzons Garden Centre, Hereford Road, Ledbury, Herefordshire, HR8 2PZ
- The application, dated 16th December 2005, was refused on 11th October 2006
- The development proposed was Erection of a log cabin for use as holiday accommodation.
- The main issue is whether the proposed development would be in a sustainable location in accordance with policies which seek to protect the countryside.

Decision: The appeal was UPHELD on 5th February 2008

Case Officer: Roland Close on 01432 261803

Application No. DCNE2007/1105/F

- The appeal was received on 15th January 2008
- 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 C Jones
- The site is located at 35 Jubilee Close, Deer Park, Ledbury, Herefordshire, HR8 2XA
- The application, dated 10th April 2007, was refused on 6th June 2007
- The development proposed was Construction of two-storey extension to front of existing dwelling.

Decision: The appeal was WITHDRAWN on 18TH February 2008

Case Officer: Carl Brace on 01432 261795

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

**5A DCNC2008/0002/F & DCNC2008/0003/C - PROPOSED
& DEMOLITION AND CONVERSION OF MILL,
5B CONSTRUCTION OF GLASS LINK AND NEW WORKS
TO FORM THREE STOREY DOUBLE BLOCK AND TO
CREATE NINE APARTMENTS AND ALL ASSOCIATED
WORKS AT PINSLEY MILL, PINSLEY ROAD,
LEOMINSTER, HEREFORDSHIRE, HR6 8NX**

**For: Signature Homes and Construction Limited per
Mr R Pritchard, The Mill, Kenchester, Hereford
Herefordshire HR4 7QJ**

**Date Received:
2nd January 2008**

**Ward:
Leominster South**

**Grid Ref:
50112, 59043**

**Expiry Date:
27th February 2008**

Local Member: Councillor RBA Burke and Councillor RC Hunt

1. Site Description and Proposal

- 1.1 This site is located near to the western end of Etnam Street by its junction with Pinsley Road. The site constitutes a former mill building which was last used for commercial use but is now vacant. The original mill building is red brick (painted white on south elevation) with a mixture of clay plain tiles and corrugated sheeting on the roof. Attached to the original building is a more modern collection of buildings mostly of red brick construction but with some tin sheeting, wooden boarding and concrete blocks. All of the later buildings have corrugated sheeting on the roofs. There is an existing hard surfaced car parking area to the southern end of the site where there is a long concrete block building.
- 1.2 There are existing dwelling houses to the west of the site plus some vacant garages/outbuildings. There is an existing public house to the south and an open area to the north which was last used for commercial purposes, although the buildings have since been demolished. This site has an extant planning permission for the erection of 4 houses. To the west is a railway line with fields beyond. The site is within the Conservation Area.
- 1.3 The proposal is to convert the original mill building into three residential apartments and demolish all the other buildings attached to the mill including the two storey brick building, which would be directly replaced by a new three storey block of six apartments. The new and original sections will be joined together by a glass link. The new section will have brick walls and a slate roof. The original building will have its roof fully covered in clay tiles. There will be a flat roof over the glass link section. The existing parking area at the southern end of the site will be used for car parking and the existing access point will be slightly remodeled to serve the site and allow access for pedestrians to use the existing public footpath which runs along the eastern boundary of the application site. The current vehicular access to the site is via the public house car park and it is proposed to continue to use the route for the new development.

2. Policies

2.1 Planning Policy Statement/Guidance

- PPS1 - Delivering Sustainable Development
- PPG3 - Housing
- PPG15 - Planning and the Historic Environment
- PPS9 - Biodiversity and Geological Conservation
- PPG24 - Planning and Noise

2.2 Herefordshire Unitary Development Plan

- Policy S2 - Development Requirements
- Policy DR1 - Design
- Policy H1 - Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
- Policy DR3 - Movement
- Policy H14 - Re-using Previously Developed Land and Buildings
- Policy H15 - Density
- Policy HBA12 - Re-use of Rural Buildings
- Policy HBA6 - New Development within Conservation Areas
- Policy HBA7 - Demolition of Unlisted Buildings within Conservation Areas
- Policy NC1 - Biodiversity and Development
- Policy NC5 - European and Nationally Protected Species
- Policy NC6 - Biodiversity Action Plan Priority Habitats and Species
- Policy NC7 - Compensation for Loss of Biodiversity
- Policy NC8 - Habitat Creation, Restoration and Enhancement
- Policy NC9 - Management of Features of the Landscape Important for Fauna and Flora
- Policy ARCH6 - Recording of Archaeological Remains

3. Planning History

- 3.1 DCNC2007/3019/F - Proposed part demolition of mill, new glass link and three storey double block to create 9 apartments and all associated works - Withdrawn 20.11.07
- 3.2 DCNC2007/3020/C - Proposed part demolition and conversion of mill with new glass link and new three storey block to create 9 apartments - Withdrawn 20.11.07

4. Consultation Summary

Statutory Consultations

- 4.1 Network Rail has no objection in principle but would make certain comments. Increased flows of surface water should not be discharged onto Network Rail land. A fence erected on boundary to prevent vandalism. Work on the new development must not affect safe operation of the railway. Network Rail needs to be consulted on ground excavations near to railway. New buildings situated at least 2m from boundary fence. Design of buildings to take into account effects of noise and dust, resulting from operation of railway, on the residential properties. Trees should be positioned away from railway boundary. Any scaffolding must not affect or fall on railway land.
- 4.2 The Ramblers Association had no objection to proposal.
- 4.3 The River Lugg Internal Drainage Board has no objection in principle.

Internal Council Advice

- 4.4 The Traffic Manager recommends that any permission includes certain conditions relating to car and secure cycle parking provision.
- 4.5 The Chief Conservation Officer observes that the original building is of local interest contributing to the local industrial history. The later wing has less interest and appears to be in a poorer structural condition. The original mill building needs to be retained. The success of the mill conversion will be down to the execution of details and copy the original building. The treatment of new building should not copy details of the existing. Is acoustic fence necessary, reservations about possible design. A landscaping scheme must be submitted with tree planting. The site is within the historic urban form of Leominster as defined by the Central Marches Historic Towns Survey of 1996. Recommends approval subject to certain conditions relating to approval of facing/architectural details and repairs to external brickwork, the following of the recommendations set out in the submitted ecological report and also archaeological survey and recording.
- 4.6 The Environmental Health Officer observes that the sound levels set out in the submitted acoustic report were based on sound levels measured in 2004 as part of application for 4 dwellings on site to north therefore updated calculations will be required. If members are minded to approve this application then certain conditions need to be imposed relating to the submission of a scheme to protect new dwellings from rail noise, restricting hours of construction and no burning of materials/substances during construction phase.
- 4.7 The Public Rights of Way Manager states that the proposed development would affect public footpath ZC137 which passes along the eastern boundary of the site and would object to application in its present form. No details of scale and design of acoustic fence and are concerned that if it is too high it will create a tunnel affect along footpath. The design of the low barrier should be considered as it will need to prevent vehicles encroaching on the footpath. A minimum width of 2 metres must be allowed for the path. It was agreed in a previous application on site (DCNC2007/3019/F) that the path be constructed of compacted stone to dust with a maximum width of 2 metres. This agreement should be carried forward to this application. If permission is granted then Public Rights of Way would like to be notified on construction of the path so that site inspections can be made to ensure the path is to the required specification. In addition if development works eg demolition/scaffolding are perceived to be likely to endanger members of the public then a temporary closure order must be applied for from the Public Rights of Way Manager.

5. Representations

- 5.1 The applicant/agent states that a structural report and an ecological report have been submitted with application, an acoustic report will be submitted when it becomes available. With respect to the proposed acoustic fence the design has not been finalised as applicant is trying to incorporate the needs/advice of the various council departments. A low barrier and not a fence is intended by footpath on southern side of the building and it is therefore intended to propose stone bollards. The original building is worthy of retention. However the lower two storey sections are unsound and dangerous. This section will be demolished and new section will take the lead from the original mill building and will be joined by a simple glass link. Access will be over existing tarmac drive and parking space for a minimum of 20 vehicles. Bike racks and an acoustic fence will be installed. The public footpath will not be compromised.

5.2 The Town Council recommends refusal as the plans are undecipherable, as they were in the previous application, and it appears that the proposals would constitute overdevelopment and lack of amenity space. There is also no noise appraisal included with the application.

5.3 There has been one letter of objection from Leominster Civic Society, Robert Oliver Chairman, 118 Godiva Road, Leominster, Herefordshire HR6 8TA. The main points being:

- Application so badly presented that some key elements are unreadable or missing. Applications of this standard should not be accepted.
- Site of Priory Mill, Leominster's most important mill historically. The Victorian Mill building is its successor. Very important site in architectural, landscape and archaeological terms and deserves serious respect and attention. An archaeological condition for investigation required.
- Conversion to residential use is a realistic answer to the future of the site, but consider present proposal is too ambitious and constitutes overdevelopment. New elements dominate original mill. The original mill building should be higher than any proposed addition.
- Choice of bricks will be important.
- A detailed landscape scheme is required. Concerns over acoustic fence. Any fence needs to be attractive and a positive encouragement to people to use this important footpath.
- Trees need to be planted in car park.
- Application should be refused.

5.4 There have been two letters of representation received from:

- Professor and Mrs J Witting, 35 Pinsley Road, Leominster
- Dr & Mrs P J Emes, 37 Pinsley Road, Leominster HR6 8NN

The main points being:

- Welcome a residential rather than commercial use of site
- Welcome sensitive redevelopment that would preserve the general mill ambience
- Mill needs to be used rather than falling into dereliction
- The development will finalise transition of area from commercial to residential.
- Steps should be taken to minimise lighting and noise interference.
- Windows in south elevation will overlook neighbours garden. Trees could be planted on boundary to help overcome this.

- The new development will increase traffic in area permanently and during development phase. Uncontrolled parking in area. Need for permit parking in Pinsley Road. Need for signage at intersection with Etnam Street to prevent accidents between vehicles leaving the site, The White Lion and Pinsley Road.
- Ecological issues. Need for trees and shrubs to provide shelter for birds.
- Need for planting to improve visual appearance of area.
- Need for a porous surface to soak up water for drainage purposes.

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

6. Officer's Appraisal

6.1 The main issues relate to:

- (i) The principle of residential development on this site.
- (ii) The merits of the conversion scheme and the retention and demolition of the buildings
- (iii) The size and design of the proposed scheme and its affect on the visual appearance and character of the Conservation Area
- (iv) The effect of the proposed development on the residential amenities of the occupants of adjacent dwellings and on other land uses.
- (v) The proposed parking and vehicular access arrangements.
- (vi) Matters relating to noise and dust from the adjacent railway.
- (vii) Ecological issues.
- (viii) The effect of the proposed development on the public footpath.

6.2 This site is identified in the Herefordshire Unitary Development Plan as being within an 'Established Residential Area'. As such the principle of new residential development on this site is acceptable. The original mill building is considered to be worthy of retention due to its historic importance and character. However the attached more modern buildings are not considered worthy of retention and therefore their demolition is acceptable. The proposed conversion scheme is considered to be acceptable and the proposed new section of building will look acceptable and not out of keeping with the scale and character of the original mill building (to be retained). The proposed development will also be acceptable in terms of its affect on the visual appearance and character of the Conservation Area.

6.3 The proposed development will not adversely affect the residential amenities of the adjacent dwellings. Now will it adversely affect the adjacent railway line, the proposed parking and vehicular access arrangements are also considered to be acceptable. The continued use of the existing access route through the public house car park and its access onto the public highway will not adversely affect highway safety. The

recommendations set out in the submitted ecological report are considered to be acceptable.

- 6.4 The issues relating to the noise generated by the railway line and its effect on the residential amenities of the future occupants of the new dwellings have not been fully addressed as the figures in the submitted acoustic report need to be revised to cater for this particular site and not the site to the north. The Council's Environmental Health Officer considers that a noise attenuation condition imposed on any permission granted would be acceptable in this case.
- 6.5 With respect to the public footpath the applicant and his agent had lengthy discussions with the Council's Public Rights of Way Manager during the submission of the previous application on site for essentially the same scheme (DCNC2007/1319/F) which was eventually withdrawn. These discussions proved fruitful and the two parties resolved the matters of contention subject to certain provisos including the maximum height of the acoustic fence being 1.8 metres in height with the materials/design to be agreed via a planning condition. The surface of the footpath was also agreed. Also any fencing to the south of the building must not exceed 1 metre in height. The need to have an acoustic fence that provides the required acoustic protection, that looks acceptable and does not result in the users of the public footpath being hidden from view (i.e. to design out crime) needs careful evaluation.
- 6.6 The proposed development is considered to be acceptable and in accordance with the relevant planning policies and guidance. In particular Policies S2, DR1, H1, HBA6, HBA7 and HBA12 of the Herefordshire Unitary Development Plan.

RECOMMENDATION

In respect to the application ref no DCNC2008/0002/F that planning permission be granted subject to the following conditions:

- 1 - A01 (Time limit for commencement (full permission))
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**
- 2 - Notwithstanding the approved details included in the application, additional drawings and specifications in respect of the following matters shall be submitted to the local planning authority before the commencement of any works. The works to which they relate shall subsequently only be carried out in accordance with the details which have been approved by the local planning authority in writing beforehand:**
 - (a) submission of samples of facing and roofing materials**
 - (b) treatment of the south facing painted gable of the existing mill**
 - (c) colour of external finishes**
 - (d) rainwater goods**
 - (e) external surface materials**

Reason: To ensure that the work is carried out in accordance with details that are appropriate to the safeguarding of the architectural or historic interest of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policy HBA12 and HBA13 of the Herefordshire Unitary Development Plan.

- 3 - Before work commences architectural details of windows and their openings including sills and brick arches, external doors and their openings, small metal barriers on the south facing elevation, metal staircase on the north facing elevation, acoustic fence at a minimum scale of 1:5 for general arrangements and 1:1 for joinery sections such as glazing bars, shall be submitted to the local planning authority. The work shall subsequently only be carried out in accordance with details which have been approved in writing by the local planning authority beforehand.
Reason: To ensure that the work is carried out in accordance with details that are appropriate to the safeguarding of the architectural or historic interest of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policy HBA12 and HBA13 of Herefordshire Unitary Development Plan.
- 4 - Any work to the brickwork or masonry shall match the existing in materials, finishes, bonding and joint thickness and shall be in accordance with the prior written approval of the local planning authority based on the submission of a method statement stating, inter alia, the tools to be used, samples of the bricks and/or stone to be used, a trial area of repointing and scaled drawings or photographs showing the extent of the replacement of original material.
Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the architectural or historic interest of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policy HBA12 and HBA13 of Herefordshire Unitary Development Plan.
- 5 - E16 (Removal of permitted development rights)
Reason: To ensure that the character and appearance of the original conversion scheme is maintained.
- 6 - G04 (Landscaping scheme (general))
Reason: In order to protect the visual amenities of the area.
- 7 - G05 (Implementation of landscaping scheme (general))
Reason: In order to protect the visual amenities of the area.
- 8 - Full details of all new fencing/walling/gates including the new acoustic fence and barrier between public footpath and the car park (as well as what is to be retained) and also all hard surfacing shall first be submitted to and be subject to the prior written approval of the local planning authority before any work commences on site. Development shall be carried out in accordance with the approved details.
Reason: In the interests of visual amenity.
- 9 - Unless otherwise first agreed in writing by the local planning authority the public footpath must have a minimum width of 2 metres and have a compacted rolled stone to dust level surface.

Reason: To allow satisfactory access for members of the public along the public footpath.
- 10 - H13 (Access, turning area and parking)

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

11 - 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.

12 - F13 (Scheme to protect new dwellings from noise)

Reason: To protect the residential amenities of the future occupiers of the properties.

13 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

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

Reason: To safeguard residential amenity and prevent pollution.

15 - D02 (Archaeological survey and recording)

Reason: A building of archaeological/historic/architectural significance will be affected by the proposed development. To allow for recording of the building during or prior to development. The brief will inform the scope of the recording action.

16 - The recommendations set out in the ecological report by Countryside Consultants Ltd dated 14th September 2007, should be followed unless otherwise agreed in writing by the local planning authority.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the roof removal and ecological mitigation work.

Reason: To ensure all species of bat and their roosts are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats & C) Regulations 1994 (as amended) and policies NC1, NC5, NC6 and NC7 within the UDP.

To ensure the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981 and policies NC1, NC5, NC6 and NC7 within the UDP.

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

To conserve and enhance protected habitat and to maintain the foraging area for protected species in compliance with UDP Policies NC6, NC7, NC8 and NC9 and PPS9.

Informatives:

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

2 - N03 - Adjoining property rights

- 3 - The applicant should be aware that this planning permission does not over-ride any civil/legal rights enjoyed by adjacent property owners. If in doubt the applicant is advised to seek legal advice on the matter.
- 4 - N14 - Party Wall Act 1996
- 5 - With respect to condition no 3 - the extent of pointing and the cutting out and replacement of brickwork/masonry should be kept to the minimum necessary. Normally the local planning authority will expect to see repairs and repointing carried out with traditional hand tools and in matching materials and finishes.
- 6 - HN01 - Mud on highway
- 7 - HN04 - Private apparatus within highway
- 8 - HN05 - Works within the highway
- 9 - HN10 - No drainage to discharge to highway
- 10 - The Council's Public Rights of Way Manager would like to be notified on commencement of construction of the public footpath so that site inspections can be made to ensure the path is to the required specification. If development works eg demolition, erection of scaffolding, roof repairs etc are perceived to be likely to endanger members of the public then a temporary closure order must be applied for from the Public Rights of Way Manager, Herefordshire Council, Queenswood Country Park, Dinmore Hill, Leominster HR6 0PY (Tel 01432 260572), at least 6 weeks in advance of work starting.
- 11 - ND03 - Contact Address
- 12 - Network Rail advises the following: Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, it is recommended that soakaways should not be constructed within 10 metres of Network Rail's boundary.

No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. In particular, the demolition of buildings or other structures must be carried out in accordance with an agreed method statement. Care must be taken to ensure that no debris or other materials can fall onto Network Rail land. In view of the close proximity of these proposed works to the railway boundary the developer should contact Keith Buckland at Network Rail on opewestern@networkrail.co.uk before works begin.

The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.

In the interests of safety, all new trees to be planted near Network Rail's land should be located at a distance of not less than their mature height from the boundary fence. Details of planting schemes should be submitted to this office for prior approval.

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

13 - N19 - Avoidance of doubt

In respect to the application ref no DCNC2008/0003/C that Conservation Area Consent be granted subject to the following conditions:

- 1 - C01 (Time limit for commencement (Listed Building Consent))
Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2 - D02 (Archaeological survey and recording)
Reason: A building of archaeological/historic/architectural significance will be affected by the proposed development. To allow for recording of the building during or prior to development. The brief will inform the scope of the recording action.
- 3 - The building shall not be demolished in accordance with this consent until a contract for the carrying out of the works of the conversion of the original mill has been made and planning permission has been granted for the redevelopment for which the contract provides.
Reason: Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to comply with the requirement of Policy HBA2 of Herefordshire Unitary Development Plan.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - ND03 - Contact Address
- 3 - N19 - Avoidance of doubt

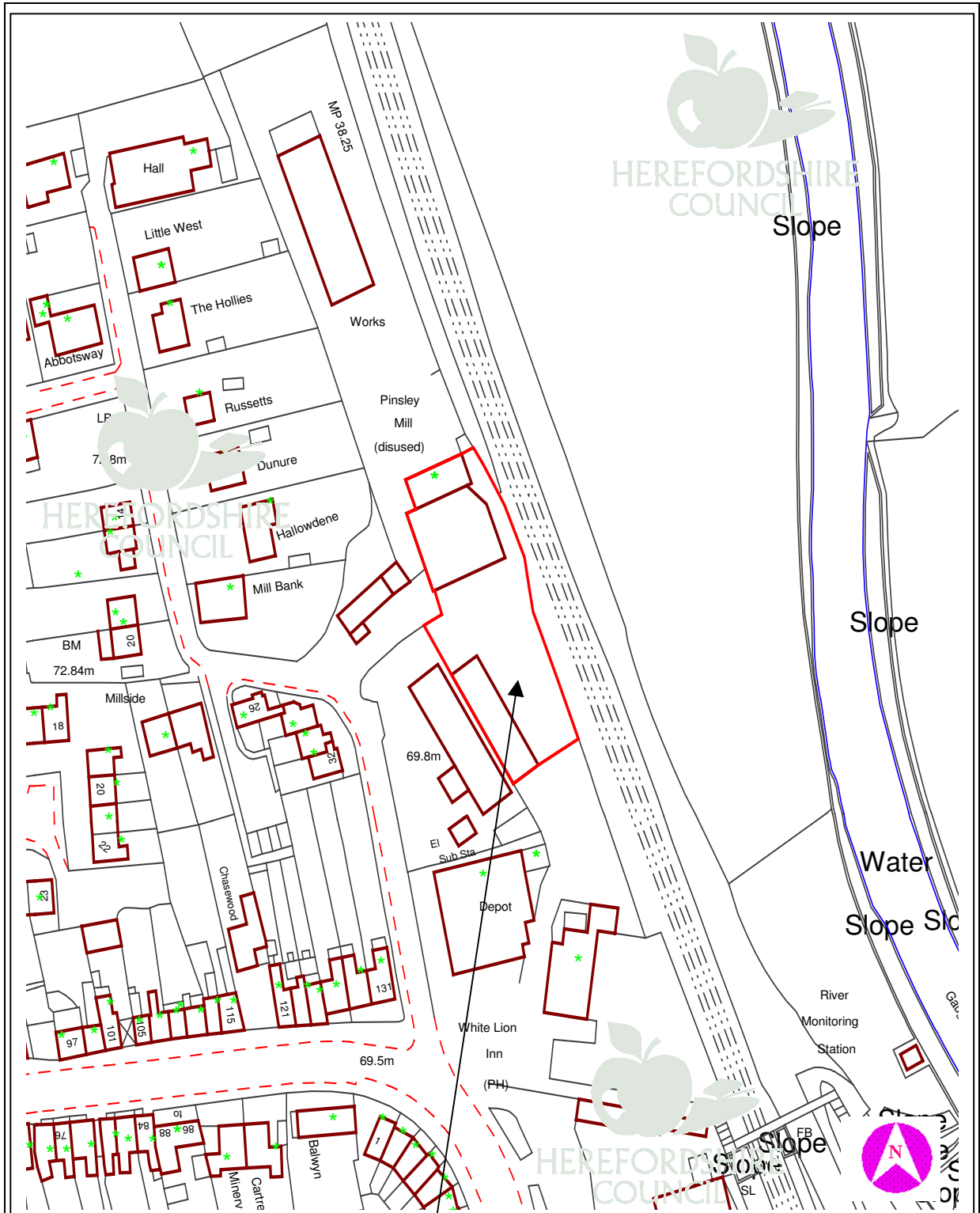
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNC2008/0002/F

SCALE : 1 : 1250

SITE ADDRESS : Pinsley Mill, Pinsley Road, Leominster, Herefordshire, HR6 8NX

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

6 DCNE2007/3842/F - PROVISION OF NEW SPORTS HALL FACILITY INCORPORATING CLASSROOMS, PARKING, LANDSCAPING AND HIGHWAY IMPROVEMENTS TO THE JUNCTION OF BROCKHILL ROAD AND CHURCH ROAD AT THE DOWNS SCHOOL, BROCKHILL ROAD, MALVERN, HEREFORDSHIRE, WR13 6EY

**For: The Downs School GL Hearn The Malt House
Sydney Buildings Bath BA2 6BZ**

Date Received:
14th December 2007

Ward:
Hope End

Grid Ref:
75805, 42979

Expiry Date:
14th March 2008

Local Members: Councillor RV Stockton & Councillor R Mills

1. Site Description and Proposal

- 1.1 The application site lies on the western side of Brockhill Road and forms part of the grounds of The Downs School. The full planning application is to erect a new indoor sports facility together with classrooms, provision of associated car parking, landscaping and improvements to the junction of Brockhill Road, Old Church Road and Walwyn Road. Members will be aware that the existing Downs School is merging with the Malvern College Preparatory School upon this site. The aim of this project is to enhance and expand the on-site sporting and classroom facilities.
- 1.2 The proposed new sports hall would be set back from Brockhill Road by some 32.5 metres. It would be sited south-west of Brockwood House and north of the playing field to the south, which is allocated in the Unitary Development Plan for housing development. The building would be set at a lower level than Brockhill Road. The main sports hall would measure 33.2 metres in length and some 18.9 metres in width. The building would have a curved aluminium profiled roof. It would have a maximum height from floor level to roof ridge of 10.57 metres. The lower part the buildings elevations would be faced in brick and the upper half clad in cedar boarding. Stainless steel cross-bracing would be apparent.
- 1.3 The sports hall building is proposed to be extended to the north and west to incorporate the changing rooms at ground floor level and a further four classrooms at first floor level.
- 1.4 The existing vehicular means of access onto Brockhill Road would be widened.
- 1.5 A further twelve car parking spaces would be provided on the site together with 5 uncovered cycle stands and 10 covered cycle stands.

- 1.6 The applicant has recognised that the additional traffic generated by the proposed development does generate a need to improve the existing junction arrangements at the junction of Brockhill Road, Old Church Road and Walwyn Road. It is proposed to achieve this by implementing a one-way system whereby motor vehicles enter Old Church Road from the southern side of the village green and enter Walwyn Road from the north side of the village green. This one-way system involves detailed works to the highway including minor widening, the provision of dropped kerbs, minor extension of the village green and road markings/signage.
- 1.7 The applicant proposes traffic management works in the highway lying between the two school sites. This is to discourage parking, and slow down vehicular traffic at two places where there are significant numbers of pupils crossing Brockhill Road. Also proposed is an informal turning area, so parents dropping/collecting children do not have to pass through the traffic managed area. As there is very little non-school traffic passing through this area, the effect on public users of the highway will be minimal, whilst significantly enhancing pupil safety.
- 1.8 The application site lies within a conservation area and the site straddles the northern boundary of the defined village settlement. The site also lies within the Malvern Hills Area of Outstanding Natural Beauty. There is a significant Deodar Cedar tree of amenity value upon the site frontage.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007

S1 - Sustainable Development
S2 - Development Requirements
S7 - Natural and historic heritage
S8 - Recreation, Sport and Tourism
DR1 - Design
DR2 - Land Use and Activity
T7 - Cycling
T11 - Parking Provision
LA1 - Areas of Outstanding Natural Beauty
LA2 - Landscape Character and areas least resilient to change
LA5 - Protection of trees, woodlands and hedgerows
HBA6 - New development within conservation areas
RST1 - Criteria for recreation, sport and tourism development
RST2 - Recreation, sport and tourism development within Areas of Outstanding Natural Beauty
CF5 - New community facilities

3. Planning History

DCNE2006/1272/F - Single storey classroom to replace timber classrooms - Permitted - 9th June 2006

DCNE2007/3033/F - Junior Classrooms and library and highway works - Permitted - 3rd December 2007

DCNE2007/3364/C - Demolition of three temporary classroom huts to provide site for new sports hall facility - Permitted 18th December 2007

4. Consultation Summary

Statutory Consultations

- 4.1 Sport England has no objections to the proposal subject to the community use of the Sports Hall being secured.

Internal Council Advice

- 4.2 The Conservation Officer considers the proposed building to be acceptable and welcomes the fact that the village green is not eroded.
- 4.3 The Transportation Section considers the proposed development, including the revised junction arrangements to be acceptable.
- 4.4 The Leisure and Countryside Recreation Officer has no objections to the proposal subject to the community use of the Sports Hall being secured.

5. Representations

- 5.1 Malvern Hills Conservators have no objections to the proposed development
- 5.2 Malvern Hills Area of Outstanding Natural Beauty - No objections. They wish a Travel Plan to be produced and the amount of highway signage to be minimised.
- 5.3 The Colwall Parish Council supports the proposed built development but object to the proposed highway works. They express specific concern as to the access to the property at 'Homeleigh'.
- 5.4 Occupiers of seven dwellings in the vicinity do not object to the development itself but do object to the proposed highway works on the following summarised grounds: -
- a) A 20mph speed limit should be imposed;
 - b) There should be a mechanism put in place preventing the development of the allocated housing site along Brockhill Road;
 - c) Access to Brockhill Road should be via Picton's Nursery;
 - d) Concern as to overrunning of grass island and / or verges;
 - e) The access into the property known as Homeleigh would be unreasonably difficult;
 - f) The proposal would increase traffic passing New Court but no improvement to the visibility to the right from this property is proposed; and
 - g) Inadequate car parking provision.
- 5.5 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 The application site lies within the confines of the grounds of the existing school. The previous planning approval (DCNE2007/3033/F) involved the provision of new classrooms on the site of the historic sub-standard gym. The proposal is to provide a replacement and enhanced facility indoor sports facility together with additional classrooms. The provision of such as facility within the existing curtilage of the school is acceptable in principle.

- 6.2 The proposal does in itself involve the loss of an area of tennis courts. This factor, together with good practice, leads to a requirement for the new indoor sports facility to be made available for community use. The school has agreed to do this and this is welcomed. The availability of such a facility by the wider public represents a significant benefit to the local community.
- 6.3 In terms of the layout and design of the proposed building, the main objective in negotiations has been to ensure that the building is set back from the road and sufficiently distant from Brockhill House to ensure that the southern façade of that building is still readily apparent in the view from Brockhill Road to the south-east. The proposal will not only ensure that the southern façade of Brockhill House remains open to view but also ensures a degree of physical separation.
- 6.4 An indoor sports hall will by its very nature be a building with a large span. The precise site levels and the use of a curved roof ensure that its height is restricted and will be materially lower than Brockhill House.
- 6.5 The precise materials and their colour would be secured by way of a planning condition.
- 6.6 The car parking provision when considered with that previously secured on the remainder of the school site is considered to be satisfactory. In addition to the twelve car parking spaces proposed, under planning permission DCNE/2007/3489/F fourteen car parking spaces were created in addition to the twenty six on-street parking spaces. In addition there are areas within the campus used for staff parking which remain unchanged. For events, in excess of eighty spaces can be made available on a temporary basis on a games court. In addition, the submitted Travel Plan is considered to be satisfactory.
- 6.7 The submitted plans include details of tree protection in accordance of the relevant British Standard. This will ensure that the Deodar Cedar of significant amenity value is adequately safeguarded.
- 6.8 The main issue raised by local residents has been the proposed junction arrangements at the junction of Brockhill Road, Walwyn Road and Old Church Road. The first matter to stress is that the existing junction arrangements are a result of historic development and that “the green” makes a valuable contribution to the character and appearance of the conservation area. The existing junction arrangements, even without the proposed development, are sub-standard by today’s highway design guidelines. The problems associated with the existing junction arrangements are summarised as follows: -
- There are a proliferation of routes leading to multiple potential conflict areas;
 - The visibility from the southern arm exiting Old Church Road southbound onto Walwyn Road is sub-standard;
 - There is poor speed restraint at this confusing junction;
 - There are no dropped kerbs to assist disabled pedestrians, parents with push-chairs, or wheelchairs crossing any arm of the junction, or to the post box; and
 - There is potential confusion for vulnerable road users, because of multiple possible vehicle routes.
- 6.9 The proposed development will increase traffic through the junction, despite measures in the submitted Travel Plan, to reduce reliance upon the private motor vehicle, due to the increase in pupil numbers and the community use of the indoor sports hall.

6.10 The proposed junction improvements introduce a one-way system around the existing junction and include a series of minor works. This scheme will achieve the following: -

- It will reduce conflict areas by reducing the number of possible routes;
- All traffic along Old Church Road would enter Walwyn Road along the northern-arm of the junction which has much better visibility than the southern arm;
- The junction would reduce the speed of traffic turning into Brockhill Road;
- The provision of dropped kerbs and the simplification of vehicle routes will enhance the safety and attractiveness of the junction for vulnerable road users;
- The triangular green would be retained;
- No traffic lights would be required. This reduces the need for both on-going maintenance and energy consumption. Furthermore the fact that no traffic lights are required would ensure that the character and appearance of the triangular green area is retained.

6.11 The Transportation Manager considers the design of the proposal to be acceptable and makes the point that detailed design would be the subject of a Section 278 Agreement. It is considered that the objections raised by local residents cannot be substantiated and it is considered that the relatively minor issues that they raise could adequately be dealt with in the detailed design stage under the Section 278 Agreement.

6.12 I therefore recommend that full conditional planning permission be granted.

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 - No development shall commence until an arrangement, through an appropriate legal mechanism, has been made to secure the community use of the indoor sports hall and associated changing rooms hereby permitted.

Reason: To ensure satisfactory quantity, quality and accessibility of compensatory provision, which secures community, use in accordance with Planning Policy Guidance Note 17.

3 - 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**
- **Written details and samples of all surfacing materials in relation to the vehicular means of access, turning / manoeuvring areas and car parking areas**

The development shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in strict accordance with the approved details and thereafter maintained as such.

Reason: To ensure a satisfactory appearance to the development within the Conservation Area and the Area of Outstanding Natural Beauty in accordance with policies DR1, LA1 and HBA6 of the Herefordshire Unitary Development Plan 2007.

- 4 - Prior to commencement of the development hereby permitted full written details of the proposed boundary treatments (if any) shall be submitted to the Local Planning Authority for their written approval. The approved boundary treatments shall be fully implemented prior to the first use of the building hereby permitted and thereafter maintained as such.

Reason: - To ensure a satisfactory appearance to the development within the Conservation Area and the Area of Outstanding Natural Beauty in accordance with policies DR1, LA1 and HBA6 of the Herefordshire Unitary Development Plan 2007.

- 5 - 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 in accordance with policies LA1 and HBA6 of the Herefordshire Unitary Development Plan 2007.

- 6 - 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 use of the building 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 first use of the building or completion of the development (whichever is the sooner), 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 in accordance with policies LA1 and HBA6 of the Herefordshire Unitary Development Plan 2007.

- 7 - Prior to the first use of the building hereby permitted or completion of the development (whichever is the sooner) the highway works detailed upon drawing number 207479/34a (Scale 1:500) received 12th February 2008 and the traffic management measures shown in drawing number 207479/22a within the Transport Assessment received 6th December 2007 shall be fully implemented.

Reason: - To ensure that the highway design is satisfactory to cater with the additional traffic generated by the proposed development.

- 8 - Prior to the first use of the building hereby permitted the motor vehicle parking, turning and manoeuvring areas and secure cycle parking facilities together with the refuse storage facilities shown upon the approved documents shall be fully 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.

- 9 - **Prior to commencement of the development hereby permitted full written details of all external lighting (if any) 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 character and appearance of the Conservation Area and the Area of Outstanding Natural Beauty in accordance with policies LA1 and HBA6 of the Herefordshire Unitary Development Plan 2007.

- 10 - **The School Travel Plan prepared by Boreham Consulting Engineers Ltd (Ref: - R/207479SM Sep 07) as amended by the letter dated 27th February 2008 from Waterman Boreham Transport Planning shall be fully implemented.**

Reason: To encourage the use of modes of transport other than the private motor vehicle.

- 11 - **Prior to commencement of the development hereby permitted the Deodar Cedar upon the site frontage shall be protected by fencing of at least 1.2 metres in height comprising vertical and horizontal framework of scaffolding (well braced to withstand impacts) supporting either chestnut cleft fencing or chain link fencing in accordance with figure 2 on page 13 of BS5837: 2005. This protective fencing shall be erected in the position shown upon drawing number NPA/10256 D 001 Rev C received 12 February 2008. Once these protective measures have been erected but prior to commencement of the development a suitably qualified arboricultural consultant shall inspect the site and write to the Local Planning Authority to confirm that the protective measures are in-situ. Upon confirmation of receipt of that letter by the Local Planning Authority the development may commence but the tree protection measures must remain in-situ until completion of the development.**

Reason: To safeguard the Deodar Cedar upon the site frontage that makes a significant visual contribution to the Conservation Area in accordance with policies LA5 and HBA6 of the Herefordshire Unitary Development Plan 2007.

- 12 - **Prior to commencement of the development hereby permitted a Sports Development Plan/Programme (including timescales for its implementation) 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 Sports Development Plan/Programme shall be fully implemented in accordance with the approved details.**

Reason: To secure sufficient benefits to the development of sport and to accord with Planning Policy Guidance Note 17.

Informative(s):

- 1 - **With regard the provisions of condition 2 above, the applicant is informed that, in the opinion of the Local Planning Authority, the most appropriate legal**

mechanism would be the subject of a Community Use Legal Agreement as detailed at: -

http://www.sportengland.org/kitbag_cua.doc

2 - The highway works required by way of condition 7 will; require the completion of a Section 278 Agreement under the Highways Act that shall assess the detailed design of these works. There is a design check fee associated with the Agreement.

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

4 - N19 - Avoidance of doubt

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

- Topographical Survey - Drawing number SSL: 11485-3:200:1:1 (Scale 1:200) received 21st September 2007;
- External Realm Design - Drawing number NPA/10256 D 002 (Scale 1:200) received 12th February 2008;
- Existing Site and Location Plan - Drawing number A-5-001 (Scales 1:1250 & 1:200) received 6th December 2007;
- Ground Floor Plan - Drawing number A-5-020 (Scale 1:100) received 6th December 2007;
- First Floor Plan - Drawing number A-05-021 (Scale 1:100) received 6th December 2007;
- Roof Plan - Drawing number A-05-022 (Scale 1:100) received 6th December 2007;
- Sections - Drawing number A-05-40 (Scale 1:100) received 6th December 2007;
- Clerestory Window Plan - Drawing number A-05-023 (Scale 1:100) received 14th December 2007;
- Elevations Sheet 1 - Drawing number A-05-30 (Scale 1:100) received 6th December 2007;
- Elevations Sheet 2 - Drawing number A-05-31 (Scale 1:100) received 6th December 2007;
- Context Elevations Sheet 1 - Drawing number A-5-35 (Scale 1:150) received 6th December 2007;
- Context Elevations and Section Sheet 2 - Drawing number A-05-36 (Scale 1:150) received 6th December 2007;
- Tree Removal & Protection Plan - Drawing number NPA/10256 D 001 Rev C received 12th February 2008;
- Amended Junction Layout - Drawing number 207479/34a (Scale 1:500) received 12th February 2008;
- One Way Option: AutoTrack of a Refuse Vehicle Accessing Brockhill Road - Drawing number 207479/34b (Scale 1:500) received 12th February 21008;
- One Way Option: AutoTrack of a Coach Accessing Brockhill Road - Drawing number 207479/34c (Scale 1: 500) received 12th February 2008;
- Proposed Cycle Shelter - Drawing number NPA/10256D 003 received 12th February 2008;
- School Travel Plan prepared by Boreham Consulting Engineers Ltd (Ref: - R/207479SM Sep 07) as amended by the letter dated 27th February 2008 Waterman Boreham Transport Planning.

- **Transport Assessment prepared by Boreham Consulting Engineers Ltd received 6th December 2007.**

5. - Advice with regard to Sports Development Plans/Programmes is available on the Sport England website.

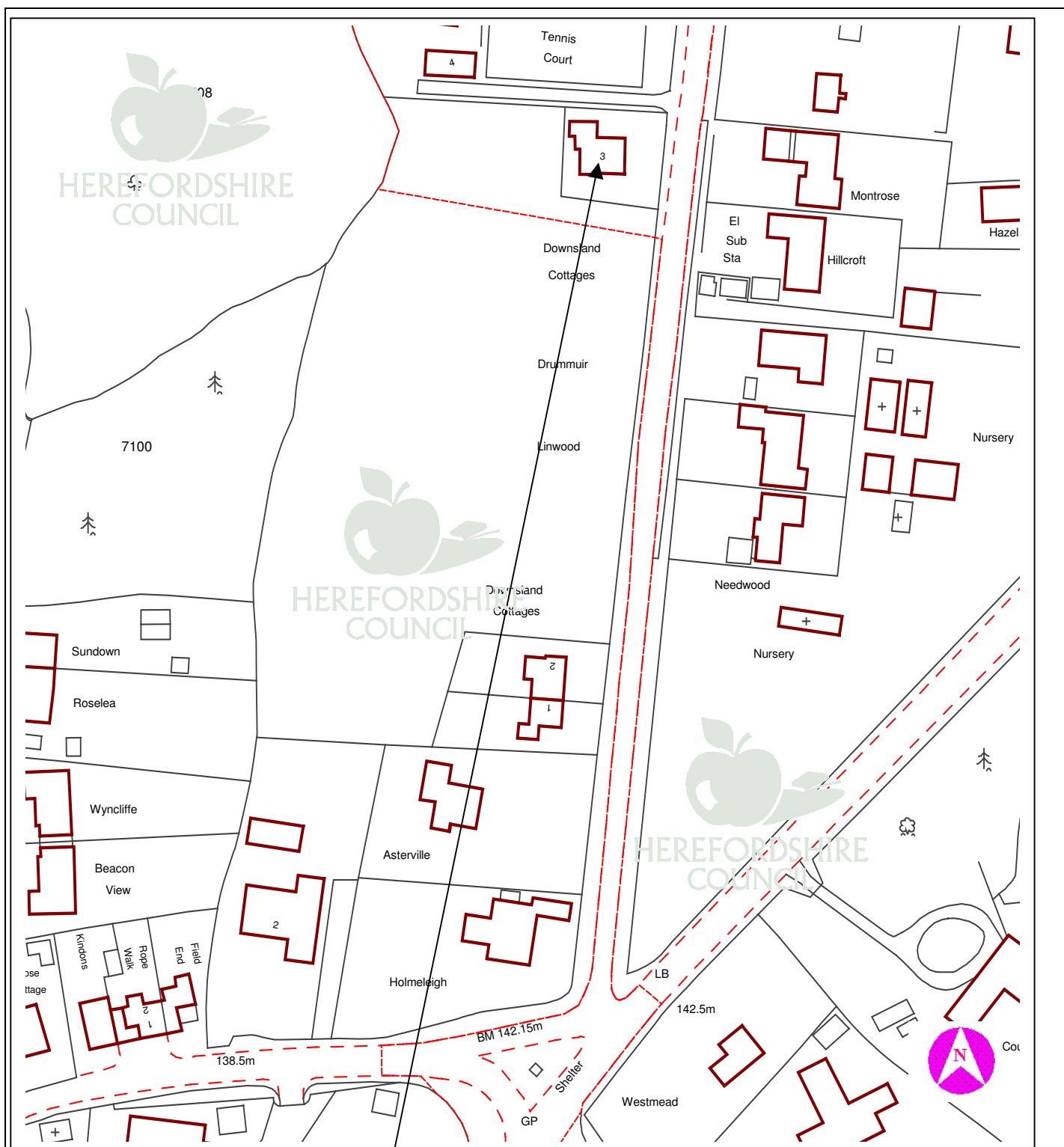
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNE2007/3842/F

SCALE : 1 : 1250

SITE ADDRESS : The Downs School, Brockhill Road, Malvern, Herefordshire, WR13 6EY

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

7 DCNE2008/0179/F - PROPOSED IMPLEMENTS STORE INCORPORATING BUNKHOUSE ACCOMMODATION AT FIRST FLOOR LEVEL WITH ABLUTIONS, DRYING AND COMMON ROOM ON THE GROUND FLOOR AT 2 WOODSIDE LODGES, FALCON LANE, LEDBURY, HEREFORDSHIRE, HR8 2JN

For: Mr K. C. Davies per Wall, James & Davies 15-23 Hagley Road Stourbridge West Midlands DY8 1QW

Date Received:
18th January 2008

Ward:
Ledbury

Grid Ref:
68339, 38236

Expiry Date:
14th March 2008

Local Member: Councillor ME Cooper, Councillor JK Swinburne and Councillor PJ Watts

1. Site Description and Proposal

- 1.1 The application site lies on the north-eastern side of Falcon Lane. It is upon the lawful long-established Woodside Lodges Country Park that straddles both sides of Falcon Lane. There are fourteen existing lodges and an extant historic partially implemented planning permission for a further three (part of MH/93/0852).
- 1.2 Beyond the north-eastern boundary of the application site is an area of woodland on the rising land.
- 1.3 The application under consideration is partially retrospective. The site of the building under consideration previously accommodated a modest building used for the storage of machinery reasonably necessary for the maintenance of the Park's grounds. The applicant constructed a larger replacement building, apparently unaware that planning permission would be required. Whilst the ground floor is still primarily utilised for the storage of machinery reasonably necessary for the maintenance of the Park's grounds a mezzanine floor has been inserted creating a first floor. This first floor has been created into communal living accommodation, although not yet used for that purpose. A portion of the ground floor would accommodate toilets and a common room.
- 1.4 The building measures 19.5 metres in length and 10.2 metres in depth. It has a height to eaves of 4.9 metres and a height to ridge of 6.1 metres. It is orientated with its ridge running along the contour. The ridge runs in a south-east to north-west direction. The building's walls and roof are clad in dark green-coated steel profile sheeting.
- 1.5 It is proposed to use the first floor as 'bunk-house' accommodation primarily for groups of walkers and cyclists.

2. Policies

- 2.1 The Central Government advice of relevance to consideration of this application is:
Planning Policy Statement 1 - 'Delivering Sustainable Development'
Planning Policy Statement 7 'Sustainable Development in Rural Areas'
Planning Policy Guidance Note 13 'Transport'
'Good Practice on Planning and Tourism'
- 2.2 Herefordshire Unitary Development Plan 2007
Policy S1 'Sustainable Development'
Policy DR1 'Design'
Policy DR2 'Land Use and Activity'
Policy RST12 'Visitor Accommodation'

3. Planning History

- 3.1 DCNE2007/0307/F - Three new holiday lodges - Permitted
- 3.2 DCNE2007/1989/F - Conversion of barn into visitors centre, meeting hall for local groups and activities and B1 business studio - Approved
- 3.3 DCNE2007/3373/F - Proposed agricultural implements store incorporating bunkhouse accommodation at first floor level, toilets, drying and common room on the ground floor (retrospective) - Withdrawn

4. Consultation Summary

Statutory Consultations

- 4.1 None

Internal Council Advice

- 4.2 The Cultural Services Manager states:

"In support of this application I would indicate that bunkhouse accommodation is what walkers and cyclists are looking for because they are located out of town and village settlements directly on a walking route. This type of accommodation also provides facilities for walkers and cyclists e.g. drying rooms, storage for bikes etc and is much cheaper accommodation because they are not catering for people who are looking for 5 star accommodation with all the facilities.

The Bunkhouse concept has very limited facilities and is aimed at people who are only staying in an area for one or two nights. There are not many bunk houses in the County but there is a demand for such accommodation especially for the larger groups travelling together and wanting to stay in one facility. Walking and cycling are the main pursuits enjoyed by our visitors and actually represents 63% of the reason for visiting the county. We need to be able to provide the type of accommodation required by these groups and not make them use bed and breakfasts and self catering accommodation that are not located anywhere near where they are walking.

This property lies on the Herefordshire Trail a 154 mile route linking all the market towns of the county as well as some of the local loop walks. The award winning Woodside lodge park has excellent accommodation for people looking for self catering accommodation and the owner has over the years ensured that the quality of his accommodation as well as the look and feel of the park is kept in excellent condition

but this accommodation deals with people who are looking for week long breaks or long weekend breaks out of season and not for one night accommodation for walkers travelling through the county.

I am hoping that you would look favourably in granting this application as I feel it would act as an excellent example of how to develop such a facility and could encourage more people to go down this route instead of applying for self catering accommodation that we have an over supply of throughout the county."

5. Representations

5.1 The Ledbury Parish Council object to the proposed development on the following summarised grounds:

- The footprint of the building is larger than the one that it replaced;
- The location is not on a walking route, Falcon Lane will be subjected to increased vehicular traffic; and
- Accommodation above an implement store that may contain flammable liquids.

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

6. Officer's Appraisal

6.1 The application site lies outside of any defined rural settlement and as such lies within the open countryside in planning policy terms. However, the site upon which the building is sited lies within the confines of an existing lawful holiday chalet park. The development does not take fresh open land outside of the exiting lawful curtilage.

6.2 That part of the ground floor building that provides the store for the machinery reasonably required for the essential maintenance of the grounds of the holiday park is clearly justified.

6.3 With regard the use of the remainder of the building, the adopted Development Plan policies do not normally allow for new build tourism accommodation within the open countryside. The Development Plan policies only allow for the conversion of redundant rural buildings to visitor accommodation or the establishment of or extensions to existing holiday caravan / chalet parks. It does not allow for the erection of new buildings to provide accommodation for tourists within the open countryside.

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

6.5 On the face of it this proposal is contrary to the provisions of the Development Plan. Whilst there are no policies within the Development Plan that specifically deals with the issue of "bunk-house" accommodation, it is still considered that the development is in conflict with the provisions of the Development Plan. However, the Cultural Services Manager considers that there is a specific need for such accommodation in the County. It is submitted that this site is well related to the public rights of way network, specifically the Herefordshire Way, and that the existence of the existing high quality park will ensure appropriate servicing of the accommodation and a valuable

information base. Therefore it is considered that this other material planning consideration justifies overriding the provisions of the Development Plan.

- 6.6 I consider the siting, design and appearance of the building to be acceptable. Its green colour set against the treed rising land is such that the building is not visually intrusive when viewed from Falcon Lane to the south-west.
- 6.7 With regard the comments of the Town Council the building is within a 400 metre walk distance of the Herefordshire Trail.
- 6.8 The issue of fire protection between floors and fire escapes are dealt with under the building regulations.
- 6.9 I therefore recommend that full conditional planning permission be granted.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - **The bunkhouse accommodation hereby permitted shall only be used for holiday purposes by tourists. No person or group of persons shall occupy the accommodation for more than 28 days consecutive days at a time and shall not occupy the accommodation for more than 156 days in any one calendar year.**

The owners/operators of the site shall maintain an up-to-date register of the names of all occupiers of the bunkhouse accommodation and of their main home address (i.e. place of residence) and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the development hereby permitted is used for the specific use applied for.

- 2 - **Within three months from the date of this permission full details of secure cycle parking storage facilities in accordance with the Herefordshire Council's 'Highway Design Guide for New Developments' shall be submitted to the Local Planning Authority for their written approval. The bunkhouse accommodation hereby permitted shall not be first occupied until such written approval has been obtained and the secure cycle parking storage facilities provided. Thereafter the secure cycle storage facilities shall be maintained.**

Reason: To ensure satisfactory access to modes of transport other than the private motor vehicle

INFORMATIVES

- 1 - **That part of the development that is used for the storage of machinery required to maintain the grounds of the holiday park is considered to comply with the provisions of the Development Plan. The bunkhouse accommodation is permitted contrary to the provisions of the Development Plan due to the identified need for such accommodation together with its excellent location. The building itself is considered to be visually acceptable in accordance with the provisions of the Development Plan.**

2 - The applicant is advised that approval is required under the Building Regulations.

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

- Application Site Plan (Scale 1:5000) received 18th January 2008; and
- Block Plan (Scale 1:500), Floor Plans & Elevations (Scale 1:100) received 18th January 2008.

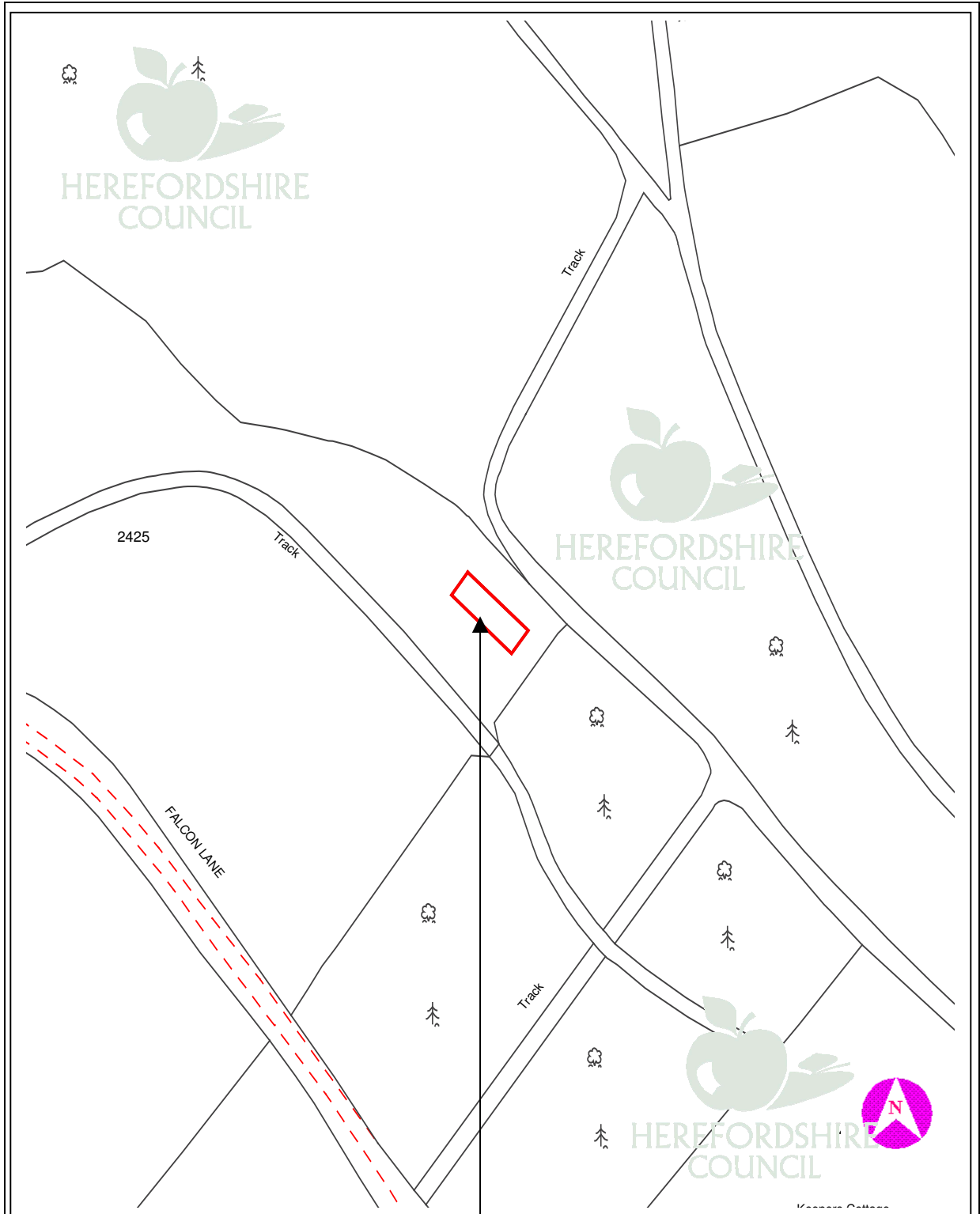
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNE2008/0179/F

SCALE : 1 : 1250

SITE ADDRESS : 2 Woodside Lodges, Falcon Lane, Ledbury, Herefordshire, HR8 2JN

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

**8A DCNW2008/0284/F & DCNW2008/0285/L- PROPOSED
& CHANGE OF USE FROM ANCILLARY
8B ACCOMMODATION INTO TWO SELF CONTAINED
HOLIDAY UNITS AND INSTALLATION OF SOLAR
PANELS. LITTLE QUEBB FARM, EARDISLEY,
HEREFORD, HEREFORDSHIRE, HR3 6LP**

**For: Dr. J & Mrs O'Grady per Bryan Thomas
Architectural Design Ltd The Malt House Shobdon
Leominster Herefordshire HR6 9NL**

Date Received:
31st January 2008

Ward:
Castle

Grid Ref:
30220, 51885

Expiry Date:
27th March 2008

Local Member: Councillor JW Hope

1. Site Description and Proposal

- 1.1 The application site, a former farmstead, consists of a grade II listed dwelling house and a range of former, traditional, farm buildings.
- 1.2 The site is located in open countryside and is adjoined alongside its eastern elevation by a working farmstead known as "Great Quebb".
- 1.3 The buildings are of stone, timber and brick construction, under slate roofs, listed or curtilage listed in relationship to the dwelling house. They have been converted to ancillary domestic accommodation and appear in layout to be easily convertible to two separate self contained units.
- 1.4 The application proposes two self-contained holiday units and installation of solar panels to the south-west roof elevation.

2. Policies

- 2.1 Herefordshire Unitary Development Plan
 - S1 - Sustainable Development
 - S2 - Development Requirements
 - DR1 - Design
 - DR2 - Land Use and Activity
 - DR3 - Movement
 - DR4 - Environment
 - HBA4 - Setting of Listed Building
 - HBA12 - Re-use of Rural Buildings
 - HBA13 - Re-use of Rural Buildings for Residential Purposes
 - RST12 - Visitor Accommodation
 - LA2 - Landscape Character and Areas Least Resilient to Change

3. Planning History

- 3.1 DCNW2003/1142/F - Demolition of outbuildings. Provision of 4 bay car port, swimming pool, new gates and to raise front wall. Erect 1.8 metre high fence to western boundary. Use of land as garden enclosure to new facilities. Retrospective application for change of use and conversion of outbuilding to gym. - Approved subject to conditions - 3rd June 2003.
- 3.2 DCNW2003/0043/F - Conversion and alterations to existing listed barn to provide further annex habitable accommodation. - Approved 12th March 2003.
- 3.3 DCNW2002/1881/F - Conversion and alterations to existing barn to form dwelling. - Withdrawn 9th August 2002.
- 3.4 DCNW2002/1882/L - Conversion and alterations to existing barn to create dwelling. - Withdrawn 9th August 2002.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 The Transportation Manager recommends refusal stating:

"The site is served by a lane, (unclassified road U90617), which is narrow with no proper passing places. The junction of the lane with the relatively busy A4111 road is also not to the required standard, especially with regards to visibility. It is considered that intensification of the use of this sub-standard junction and lane to serve holiday accommodation would not be in the interests of highway safety".

- 4.3 The Conservation Manager has responded to the application stating:

"Subject to re-positioning of the solar panels, approval recommended".

5. Representations

- 5.1 Eardisley Parish Council – No response received at the time of writing this report.
- 5.2 An additional letter in support of the application, has been received from the applicant's agent, in response to the Conservation Manager's objections to the installation of solar panels stating that the position was determined by the need for as many hours sun as possible and that the applicants consider the site as the least conspicuous background for the panels. The east elevation is considered not viable due to the lack of sun. The letter further states that this is a situation where environmental considerations clash with conservation ideas, although it should be noted that the panels are a totally reversible alteration and will only be visible from within the private courtyard.
- 5.3 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1 The main issues of concern with regards to this application are:

- Impact of proposed development on surrounding public highway
- Impact of solar panels on setting of listed building

Impact of proposed development on surrounding public highway

6.2 The application proposes introduction of two separate holiday units in existing domestic ancillary accommodation that appears to cover a larger floor area than the main dwelling house, which is grade II listed. In order to achieve this, minimal construction development is required as the existing accommodation appears very easily convertible to two separate units.

6.3 The Transportation manager has recommended refusal of the application due to concerns about intensification of traffic on the sub-standard unclassified public highway leading to the site.

6.4 The site was a former farmstead and therefore traffic intensification on the adjoining public highway has probably been somewhat reduced, by the existing use of the site, however the ancillary domestic accommodation available on site, does appear excessive in relationship to the main dwelling house, which is located approximately 25 metres away, on opposite side of a courtyard.

Impact of solar panels on setting of listed building

6.5 The Conservation manager has raised concerns about the impact of the proposed solar panels on the setting of the listed buildings. (Dwelling house and one of the two barns subject to this application – both grade II listed.)

6.6 It is considered that the introduction of solar panels will introduce a foreign feature in a scene, which is of intensely traditional character. Installation of the solar panels on the listed buildings front elevation facing the listed dwelling house will have a detrimental affect on the overall immediate setting of the group of buildings.

6.7 The applicants through their agent have responded to a request for repositioning of the proposed solar panels stating that the position of the panels was determined by the need for as many hours sun as possible and the fact that this area of roof is covered in natural blue/grey slate, they feel that this is the least conspicuous background for the panels, which are of similar colour. The east elevation is considered not viable due to lack of sun. The letter from the agent requests that environmental considerations should be considered over conservation ideas, and that it should be noted that the panels have a totally reversible alteration and will only be visible from within the private courtyard.

6.8 This is a finely balanced application in that ancillary domestic accommodation already exists on site, in the form of a separate unit of accommodation within the site, appearing rather excessive in floor area in consideration of the main dwelling house.

6.9 Vehicular access to the site is provided by a sub-standard unclassified public highway.

6.10 The proposed solar panels, although in principle an environmentally welcome proposal, will have a detrimental impact on the overall immediate setting of the grade II listed building range.

RECOMMENDATION

That planning permission be refused for the following reasons:

DCNW2008/0284/F

- 1 The application site is served by a sub-standard narrow unclassified public highway, with no adequate passing places. The junction of which is also sub-standard with the A4111, in that visibility is below recommended standards. Further intensification of traffic on this stretch of roadway will be detrimental to highway safety. Therefore the application is considered contrary to Policies S2, S6, DR2 and DR3 of the Herefordshire Unitary Development Plan.**
- 2 The proposed solar panels will have a harmful effect on the overall setting of the group of buildings and in particular the setting of the listed buildings. Therefore the application is considered contrary to Policies DR1 and HBA4 of the Herefordshire Unitary Development Plan.**

DCNW2008/0285/L

- 1 The proposed solar panels will have a harmful effect on the overall setting of the group of buildings and in particular the setting of the listed buildings. Therefore the application is considered contrary to Policies DR1 and HBA4 of the Herefordshire Unitary Development Plan.**

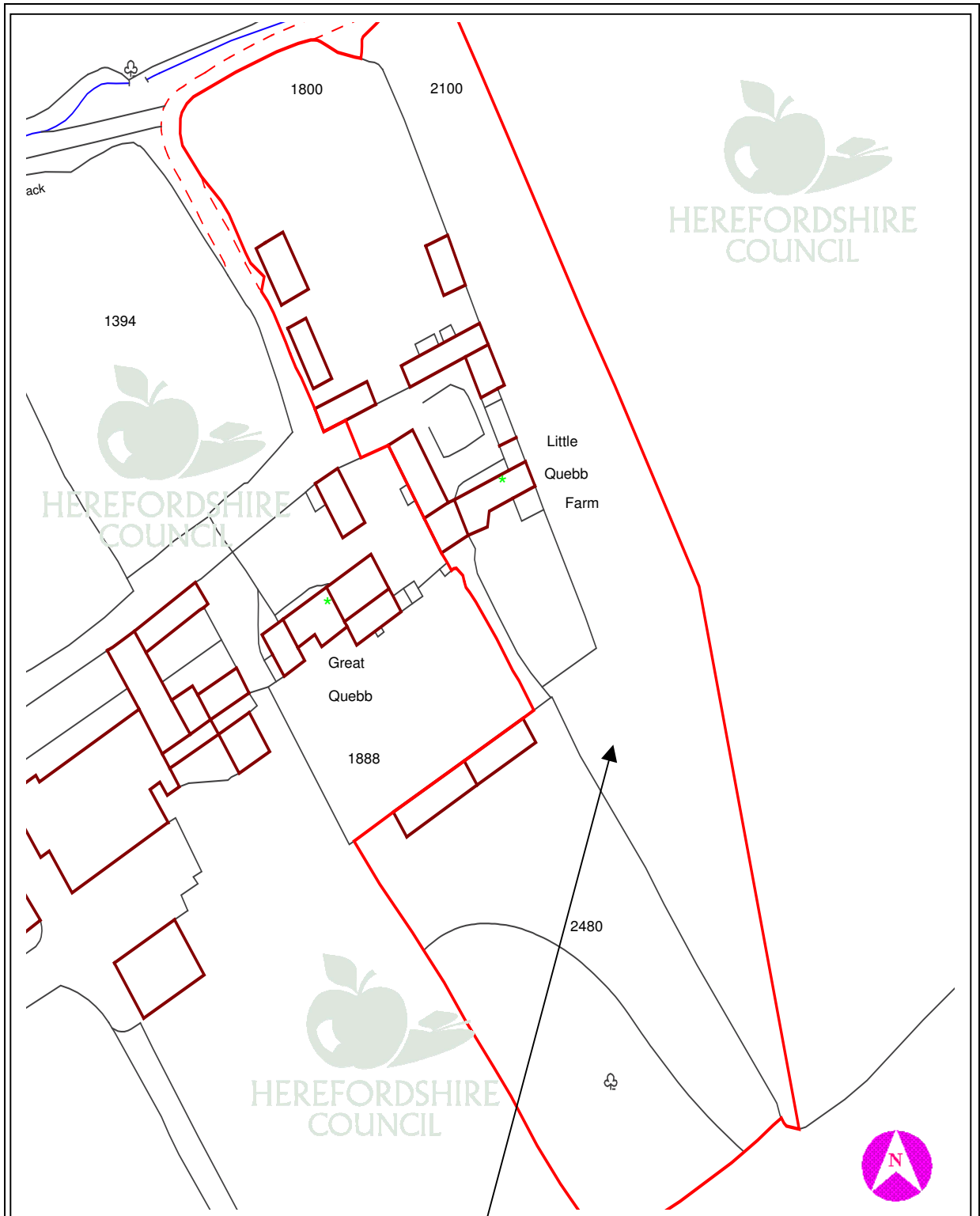
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNW2008/0284/F

SCALE: 1: 1250

SITE ADDRESS : LITTLE QUEBB FARM, Eardisley, Hereford, Herefordshire, HR3 6LP

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

9 DCNW2008/0030/F - PROPOSED WOOD BURNING OVEN, FLUE AND REPLACEMENT ROOF LIGHTS (RETROSPECTIVE) AT THE JOLLY FROG, TODDINGS, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LX

For: Mr & Mrs M Emsen per Wall, James & Davies, 15-23 Hagley Road, Stourbridge, West Midlands, DY8 1QW

Date Received:
4th January 2008

Ward:
Mortimer

Grid Ref:
41040, 75213

Expiry Date: 29th February 2008

Local Member: Councillor LO Barnett

1. Site Description and Proposal

- 1.1 The application site consists of a three-storey detached public house/restaurant and its rear curtilage. Located in open countryside, the site is adjoined by a pair of semi-detached cottages, alongside its rear northern elevation and a detached cottage adjoining its south-eastern elevation. Adjacent to the southern boundary of the site is the A4113 public highway.
- 1.2 The application is 'retrospective' for retention of a wood burning oven 'flue pipe' and two replacement roof lights, all located on the north eastern elevation of the property.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007

S1 - Sustainable development
S2 - Development requirements
DR1 - Design
DR2 - Land use and activity
DR3 - Movement
DR4 - Environment
E8 - Design standards for employment sites
E11 - Employment in the smaller settlements and open countryside
LA2 - Landscape character and areas least resilient to change

3. Planning History

- 3.1 NW04/3904/F - Proposed decking areas, creation of bin store and general landscaping - Approved 26th January 2005.
- 3.2 NW04/2516/F - Erection of decking areas, some over existing double garage, creation of bin store underneath and general landscaping of gardens - Refused 3rd September 2004.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 The Transportation Manager raises no objections.

4.3 The Environmental Health Manager raises no objections to amended plans indicating an increase in overall height of the flue pipe.

5. Representations

5.1 Leintwardine Parish Council have made the following comment:

"This work was done without any consideration for neighbours who are aggrieved by the nuisance. If the application had been made in the proper way the Parish Council would have objected.

The applicants have a track record of being inconsiderate to neighbours and ignoring planning rules and it is wholly improper to grant this application retrospectively."

5.2 Letters of objection have been received from the following:

- Mr J Tilson, The Brambles (No 2), Toddings, Leintwardine
- Mr and Mrs J Hopkinson, The Toddings, Lower Todding, Leintwardine

Objections raised refer to:

- a) Smoke discharge from the flue pipe
- b) Visual impact of the flue pipe

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

6. Officer's Appraisal

6.1 The key concern with regards to this application centre around the 'flue pipe'

6.2 The application is retrospective for retention of a flue pipe and two roof lights, all located on the eastern elevation of the property. No objections have been raised in respect of retention of the roof lights, these are considered acceptable, with no adverse impact created by their installation into a flat roof section of the property.

6.3 The flue pipe discharges smoke, which due to its limited height, and the fact that it is located on a single-storey extension of the property, is unable to sufficiently disperse from the oven, and due to the prevailing wind partly flows down into the direction of the adjacent property alongside the application site's south-eastern elevation, having an impact on the amenity standard of the dwelling's garden curtilage, as well as internal accommodation.

6.4 In response to concerns raised, an Environmental Health Officer of the Council and the Case Officer visited the site to inspect the chimney while in operation (chimney is used to discharge smoke from a wood burning oven that cooks fish and pizzas).

- 6.5 As a result of this visit, it was concluded that the smoke did have a detrimental impact on the amenity of the dwelling alongside the south-eastern elevation of the application site, but not on the amenity of any other properties within the vicinity.
- 6.6 As a result of these concerns, the applicant has agreed to submit amended plans indicating an increase in overall height of the flue pipe, in order to further disperse smoke emitted. The Environmental Health Manager considers this to be acceptable with no objections raised.
- 6.7 However, the increase in height of the flue pipe will further impact on the amenity of the surrounding area due to its stainless steel colour and, therefore, a matt black pipe is preferable, in order to better integrate visually the development into the surrounding area.

RECOMMENDATION:

On receipt of amended plans that planning permission be granted subject to the following conditions:

- 1 - **The development hereby permitted shall be fully installed in accordance within 30 days of the date of this Decision Notice, unless otherwise previously agreed in writing by the Local Planning Authority.**
Reason: In order to protect the amenity of the surrounding area.
- 2 - **The flue pipe will have a dark matt finish in a colour to be agreed with the Local Planning Authority in accordance with the details contained in condition number 2 above.**
Reason: In order to protect the visual amenity of the surrounding area.

Informatives:

- 1 - **N15 - Reason(s) for the Grant of Planning Permission**
- 2 - **N19 - Avoidance of doubt**

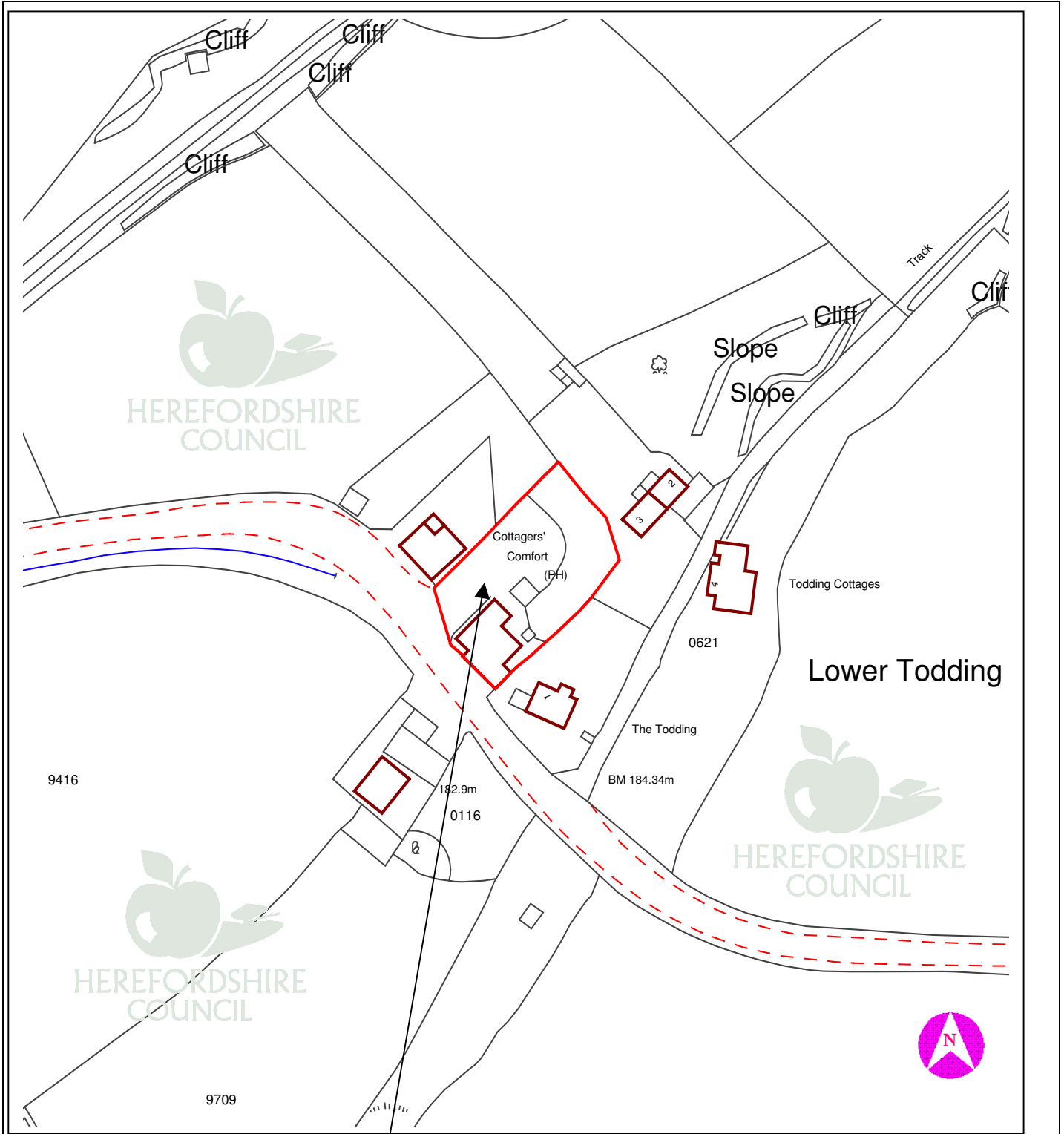
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNW2008/0030/F

SCALE : 1 : 1250

SITE ADDRESS : The Jolly Frog, Toddings, Leintwardine, Craven Arms, Herefordshire, SY7 0LX

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