

# A G E N D A

## Northern Area Planning Sub- Committee

Date: **Wednesday, 9th April, 2008**

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Time: **2.00 p.m.**

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

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

*For any further information please contact:*

*Heather Donaldson, Democratic Services  
Officer, Tel 01432 261829  
e-mail [hdonaldson@herefordshire.gov.uk](mailto:hdonaldson@herefordshire.gov.uk)*

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**County of Herefordshire  
District Council**



# AGENDA

## for the Meeting of the Northern Area Planning Sub-Committee

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

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

	Pages
<p><b>1. APOLOGIES FOR ABSENCE</b> To receive apologies for absence.</p>	
<p><b>2. DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p><b>3. MINUTES</b> To approve and sign the minutes of the meeting held on 12 March 2008.</p>	1 - 10
<p><b>4. ITEM FOR INFORMATION - APPEALS</b> To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.</p> <p><b>APPLICATIONS RECEIVED</b> 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.</p> <p>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.</p> <p>Agenda item number 5 relates to applications deferred for a site inspection at the last meeting and items 6 to 8 are new applications.</p>	11 - 14
<p><b>5. DCNC2008/0002/F AND DCNC2008/0003/C - PINSLEY MILL, PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NX</b> 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.</p>	15 - 28

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|----|--|---------|
| 6. | <b>DCNE2008/0281/F - 2 SUNSHINE CLOSE, LEDBURY, HEREFORDSHIRE,</b>   | 29 - 34 |
|    | Re-build existing ground floor side extension and construct new first floor bedrooms above, including new rear single storey dining room.  |         |
| 7. | <b>DCNW2008/0130/F - LITTLE ORCHARD FARM, EARDISLAND, LEOMINSTER, HEREFORDSHIRE,</b>   | 35 - 50 |
|    | Proposed change of use of site to international centre for birds of prey. Proposed aviaries; clinic/research building; toilet block; vehicular access and car park; porch to cafe/shop and associated works. |         |
| 8. | <b>DCNW2008/0491/F - MANLEY FIELD, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE, HR6 9DR.</b>  | 51 - 56 |
|    | Proposed erection of a polytunnel and storage building/shed for bee-keeping use.   |         |
| 9. | <b>DATE OF NEXT MEETING</b>  |         |
|    | 7th May, 2008  |         |

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## **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 12 March 2008 at 2.00 p.m.**

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

Councillors: LO Barnett, WLS Bowen, ME Cooper, JP French,  
JHR Goodwin, KG Grumbley, B Hunt, TW Hunt, TM James, R Mills,  
A Seldon, J Stone and PJ Watts

**161. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors RBA Burke, P Jones CBE, RJ Phillips, RV Stockton and JK Swinburne.

**162. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**163. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 13th February, 2008 be approved as a correct record and signed by the Chairman

**164. ITEM FOR INFORMATION - APPEALS**

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

**165. DCNC2008/0002/F & DCNC2008/0003/C - PINSLEY MILL, PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NX [AGENDA ITEM 5]**

*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.*

Mr Pritchard, the applicant's agent, had registered to speak and was present at the meeting, but decided not to speak.

Councillor JP French expressed concerns similar to those of Leominster Town Council and the Leominster Civic Society outlined in the report, that the plans submitted in respect of the application were very unclear and possibly confusing for the public. She added that no community facilities were included in the plans and this was not in keeping with other developments in the area. She felt that there was merit in inspecting the site, on the grounds that the character and appearance of the development was a fundamental planning consideration, and the setting and surroundings of the building were fundamental to the determination of the application.

**RESOLVED:** that consideration of the application be deferred for a site inspection, and in order to obtain improved plans.

**166. DCNE2007/3842/F - THE DOWNS SCHOOL, BROCKHILL ROAD, MALVERN, HEREFORDSHIRE, WR13 6EY [AGENDA ITEM 6]**

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

In accordance with the criteria for public speaking, Mr Ashton spoke on behalf of the parish council. Mr Stevens and Mr Humphreys spoke in objection to the application and Mr Beese spoke in support.

The Principal Planning Officer stated that the proposed school improvement and highway upgrade were linked and that the application, which involved the introduction of a one-way traffic flow system, would secure significant improvements in highway safety. The Area Engineer (Development Control) reported that alternative road systems has been assessed (for example, traffic lights or a roundabout), and that the current proposal presented the optimum solution in terms of accommodating the existing road network, road safety, simplicity and cost.

Councillor TM James questioned the proposal to allow a vehicle to use the verge as a passing place and was assured by the planning officer that the part of the road in question was on highway land, and there was no legal issue.

In response to a further question by Councillor R Mills, the Principal Planning Officer said that there was some debate over the ownership of the grassed area to the south of the map, but that the application would have no notable impact upon it. He also said that the installation of a roundabout would be inappropriate because there was not enough space, and the Highways Department were satisfied with the plans.

Having considered all the information surrounding the application, members felt that sufficient steps would be taken to ensure the safety of road users around the development, and agreed that planning permission should be granted.

**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 - 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 6<sup>th</sup> 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 27<sup>th</sup> 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](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 27<sup>th</sup> February 2008 Waterman Boreham Transport Planning.**
- **Transport Assessment prepared by Boreham Consulting Engineers Ltd received 6<sup>th</sup> December 2007.**

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

**167. DCNE2008/0179/F - 2 WOODSIDE LODGES, FALCON LANE, LEDBURY, HEREFORDSHIRE, HR8 2JN [AGENDA ITEM 7]**

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

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

The Principal Planning Officer emphasised that the development had the full endorsement of the Cultural Services Manager because it provided a unique facility for walkers and cyclists.

The Local Ward Member, Councillor PJ Watts, asked if the original building was different in size to the one in the plans and the Principal Planning Officer said that the original building was slightly smaller, and single-storey. In response to a further question from Councillor Watts, the Principal Planning Officer confirmed that Condition 1 of the recommendation was reasonable in respect of the amount of days a person or group were allowed to occupy the accommodation. Councillor Watts requested that the length of stay for an individual or group be cut from 28 to 14 consecutive days, and that in any one calendar year, they may occupy the accommodation for 100 instead of 156 days. The Legal Practice Manager confirmed that this was a reasonable amendment.

In response to a question from another Local Ward Member, Councillor ME Cooper, the Principal Planning Officer assured the committee that enforcement officers would monitor the site carefully to ensure that the conditions were adhered to.

**RESOLVED: 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 14 days consecutive days at a time and shall not occupy the accommodation for more than 100 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

**168. DCNW2008/0284/F & DCNW2008/0285/L - LITTLE QUEBB FARM, EARDISLEY, HEREFORD, HEREFORDSHIRE, HR3 6LP [AGENDA ITEM 8]**

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

The Senior Planning Officer updated the Committee that Eardisley Parish Council had responded in support of the applications. In response to questions from some members, he said that officers had recommended refusal of the applications on two grounds, and in relation to the proposed solar panels on the roof, the Conservation Officer had advised that they would be detrimental to the setting of the Listed Building. He added, however, that a refusal would also conflict with policies in respect of sustainability and energy conservation, and said that the Sub-Committee should consider both the need to protect listed buildings and the environmental policy surrounding the promotion of solar energy.

Local Ward Member, Councillor JW Hope said that he did not agree with the recommendation that the application should also be refused because the access was below the recommended standard. He was of the opinion that the visibility at

the junction was much clearer than stated in the report.

Councillor JP French said that the Sub-Committee should approve the applications because the environmental benefits of the solar panels outweighed the negative impact on the building's appearance.

Having considered all the information surrounding the applications, members agreed that planning permission be granted because they felt that both the access arrangements and the siting of the solar panels were insufficient reasons for refusal.

**RESOLVED:**

- That**
- (i) The Northern Area Planning Sub-Committee is minded to approve the applications, subject to any conditions and agreements considered necessary by officers, provided that the Head of Planning Services does not refer the applications to the Planning Committee;**
  - (ii) If the Head of Planning Services does not refer the applications to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to approve the applications, subject to such conditions and agreements referred to above.**

*[Note: Following the vote on the applications, the Development Control Manager said that he would not refer the decision to the Head of Planning Services.]*

**169. DCNW2008/0030/F - THE JOLLY FROG, TODDINGS, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LX [AGENDA ITEM 9]**

*Proposed wood burning oven, flue and replacement roof lights (retrospectively)*

The Senior Planning Officer reported the following updates:

- The applicant has submitted amended plans indicating an increase in height of the flue pipe by 1 metre. The Council's Environmental Health Manager considers that this increase in height will disperse odours to a sufficient extent that there would be no objection on environmental health grounds.
- The increase in height will make the chimney more conspicuous at the rear of the main building, but this impacts primarily on private rather than public views. Revised conditions are proposed to ensure the implementation of the revised scheme and a suitable matt colour finish to the flue.

The Senior Planning Officer said that, following the receipt of the above information, the recommendation would be amended as follows:

- Planning permission be granted subject to the following conditions:
  1. The flue hereby permitted shall be installed in accordance with the amended plans received on 11<sup>th</sup> March 2008 and condition 2 below within 30 days of the date of this decision notice, unless otherwise previously agreed in writing by the local planning authority.
  2. The flue pipe to be installed shall be finished in a matt colour to be approved beforehand in writing by the local planning authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted



Development) Order 1995 (as amended) (or any order amending and re-enacting that Order with or without modifications) the flue shall not be painted in a different colour or finish from that approved under this condition.

In accordance with the criteria for public speaking, Mr Hopkinson spoke in objection to the application, and Mr Jolly spoke in support.

The Local Ward Member, Councillor LO Barnett, expressed concern that the test carried out by the Environmental Health Department may not have considered the prevailing wind direction on the day in question.

The Senior Planning Officer said that the Environmental Health Officer, with reference to the amended plans, was completely satisfied that the flue would not cause the release of excessive emissions to surrounding properties.

In response to further questioning, the Senior Planning Officer confirmed that the wood burner in question had capacity for only two logs, and so was unlikely to produce significant amounts of smoke.

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

1 - The flue hereby permitted shall be installed in accordance with the amended plans received on 11<sup>th</sup> March 2008 and condition 2 below 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 to be installed shall be finished in a matt colour to be approved beforehand in writing by the local planning authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order amending and re-enacting that Order with or without modifications) the flue shall not be painted in a different colour or finish from that approved under this condition.

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

**170. DATES OF FORTHCOMING MEETINGS**

9th April 2008; 7th May 2008.

The meeting ended at 3.33 p.m.

**CHAIRMAN**



**ITEM FOR INFORMATION - APPEALS****APPEALS RECEIVED****Application No. DCNW2007/3059/U**

- The appeal was received on 29th 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 P Williams
- The site is located at Land to the rear of Mortimers Cross Inn, Mortimers Cross, Nr. Leominster, Herefordshire, HR6 9PD
- The development proposed is Certificate of lawfulness for existing use of mobile home as residential dwelling
- The appeal is to be heard by Inquiry

**Case Officer: Kelly Gibbons on 01432 261781**

**Application No. DCNE2007/2083/F**

- The appeal was received on 13th March 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 Birch
- The site is located at 50 Lower Road, Ledbury, Herefordshire, HR8 2DH
- The development proposed is Proposed one bedroom bungalow.
- The appeal is to be heard by Hearing

**Case Officer: Carl Brace on 01432 261795**

**Application No. DCNC2007/2258/F**

- The appeal was received on 19th March 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 CNG Developments Ltd
- The site is located at Adjacent to 44 Vicarage Street, Leominster, Herefordshire, HR6 8DS
- The development proposed is Proposed four new houses.
- The appeal is to be heard by Written Representations

**Case Officer: Andrew Banks 01432 383085**

**Application No. DCNC2007/2869/F**

- The appeal was received on 19th March 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 CNG Developments Ltd
- The site is located at Adjacent to 44 Vicarage Street, Leominster, Herefordshire
- The development proposed is Proposed 4 new houses
- The appeal is to be heard by Written Representations

**Case Officer: Andrew Banks on 01432 383085**

**Application No. DCNW2007/2132/F**

- The appeal was received on 25th March 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 & Mrs Crabtree
- The site is located at Compasses Hotel, Ford Street, Wigmore, Leominster, Herefordshire, HR6 9UN
- The development proposed is Proposed change of use of land to extend existing holiday home park to site 8 new mobile homes.
- The appeal is to be heard by Written Representations

**Case Officer: Philip Mullineux on 01432 261808**

**Application No. DCNW2007/3715/G**

- The appeal was received on 26th March 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 Mrs N. McNair & Mr J.P. Newby-Vincent
- The site is located at CALVER HILL FARM, Norton Canon, Hereford, Herefordshire, HR4 7BW
- The development proposed is Removal of section 106 agreement, preventing the separate sale of Havercroft & Calver Hill Farmhouse.
- The appeal is to be heard by Written Representations

**Case Officer: Philip Mullineux on 01432 261808**

**APPEALS DETERMINED****Application No. DCNC2007/1188/O**

- The appeal was received on 22nd November 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 M.K. Jackson
- The site is located at Site adjacent Appledore Wood Lane Edwyn Ralph, Bromyard, Herefordshire, HR7 4LX
- The application, dated 26<sup>th</sup> February 2007, was refused on 6<sup>th</sup> June 2007

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

- The development proposed was Site for the erection of 2no. affordable houses.
- The main issues are firstly, whether the proposal constitutes an exception to the general presumption against new residential development in the open countryside and secondly, whether it accords with the principles of sustainable development.

**Decision:** The appeal was DISMISSED on 5<sup>th</sup> March 2008

**Case Officer: Andrew Banks on 01432 383085**

**Application No. DCNW2007/2363/F**

- The appeal was received on 5th December 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 Taylor Wimpey UK Ltd
- The site is located at Land adjacent to the The Birches, Shobdon, Leominster, Herefordshire, HR6 9NQ
- The application, dated 23rd July 2007, was refused on 22<sup>nd</sup> October 2007
- The development proposed is residential development comprising 35 dwellings with car parking new access and landscaping.

**Decision:** The appeal was WITHDRAWN on 6<sup>th</sup> March 2008

**Case Officer: Philip Mullineux on 01432 261808**

**Application No. DCNC2007/2177/F**

- The appeal was received on 30th November 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 K Smith & Ms R Read
- The site is located at The Embages, Bromyard, Herefordshire, HR7 4SX
- The application, dated 5<sup>th</sup> July 2007, was refused on 15<sup>th</sup> August 2007
- The development proposed was Proposed agricultural building for sheep rearing, hay storage and implements.
- The main issue is the effect of the proposed building on the character and appearance of the surrounding rural landscape

**Decision:** The appeal was UPHELD on 20<sup>th</sup> March 2008

**Case Officer: Andrew Banks on 01432 383085**

**Application No. DCNC2007/2821/F**

- The appeal was received on 4th December 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 Martin McColl Ltd
- The site is located at 1-3 South Street, Leominster, Herefordshire, HR6 8JA
- The application, dated 6<sup>TH</sup> September 2007, was refused on 16<sup>th</sup> October 2007
- The development proposed was Installation of outdoor air conditioning units to rear of building.
- The main issue is the effect of the proposed air conditioning units on the living conditions of occupiers of nearby residential properties.

**Decision:** The appeal was DISMISSED on 25<sup>th</sup> March 2008

**Case Officer:** Julia Shields on 01432 261560

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

**5A DCNC2008/0002/F - 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**

**5B DCNC2008/0003/C - 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**

**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

### **Introduction**

This application was deferred at the meeting on 12th March, 2008 for a Committee site visit. The site visit took place on 25th March, 2008. The report below has been updated.

### **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  
PPS3 - 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 H19 - Open Space Requirements  
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.

#### 4.8 The Parks, Countryside and Leisure Development Manager:-

If it is thought reasonable to ask for an off-site contribution then there are much needed improvements at Sydonia, which is one of the main parks in the town, for which £500 per bedroom (excluding first bedroom) would be asked for. In addition, a contribution towards sports facilities provision would be required from all new development. A contribution towards improvements at Bridge Street Sports Centre, i.e. £630 per apartment for nine apartments would total £5,670.

### 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 PJ 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.

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 (ie to design out crime) needs careful evaluation.
- 6.6 At the previous Committee meeting (held on 12th March, 2008) the Committee also resolved that the submitted plans were unacceptable and that better, more clearer plans were required. The applicants' agent has been informed of this and it is understood that clearer drawings will be submitted by the applicants' agent in time for the next Committee meeting on 9th April, 2008. In addition, the Committee also resolved that the applicant be requested to pay a financial contribution to open space/play space in accordance with the emerging Supplementary Planning Document on Planning Obligations. Consequently the recommendations of the Council's Parks, Countryside and Leisure Development Manager has formed the basis of the draft

Heads of Terms set out at the end of this report. A Section 106 Agreement will be required to facilitate these financial contributions and the Draft Heads of Terms provides an outline of the requirements of the said Section 106 Agreement.

- 6.7 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:

1. **The Head of Legal and Democratic Services be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to secure a contribution for play and sport facilities and any additional matters and terms as he considers appropriate.**

2. **Upon completion of the aforementioned planning obligation that the Officers named in the Scheme of Delegation to Officers 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. **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 Planning Permission**
2. **N03 - Adjoining property rights**
3. **The applicant should be aware that this planning permission does not override any civil/legal rights enjoyed by adjacent property owners. 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](mailto: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 Conservation Area Consent**
- 2. ND03 - Contact Address**
- 3. N19 - Avoidance of doubt**

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.

**DRAFT HEADS OF TERMS**

**Proposed Planning Obligation Agreement  
Section 106 town and Country Planning Act 1990**

Planning Application – DCNC2008/0002/F

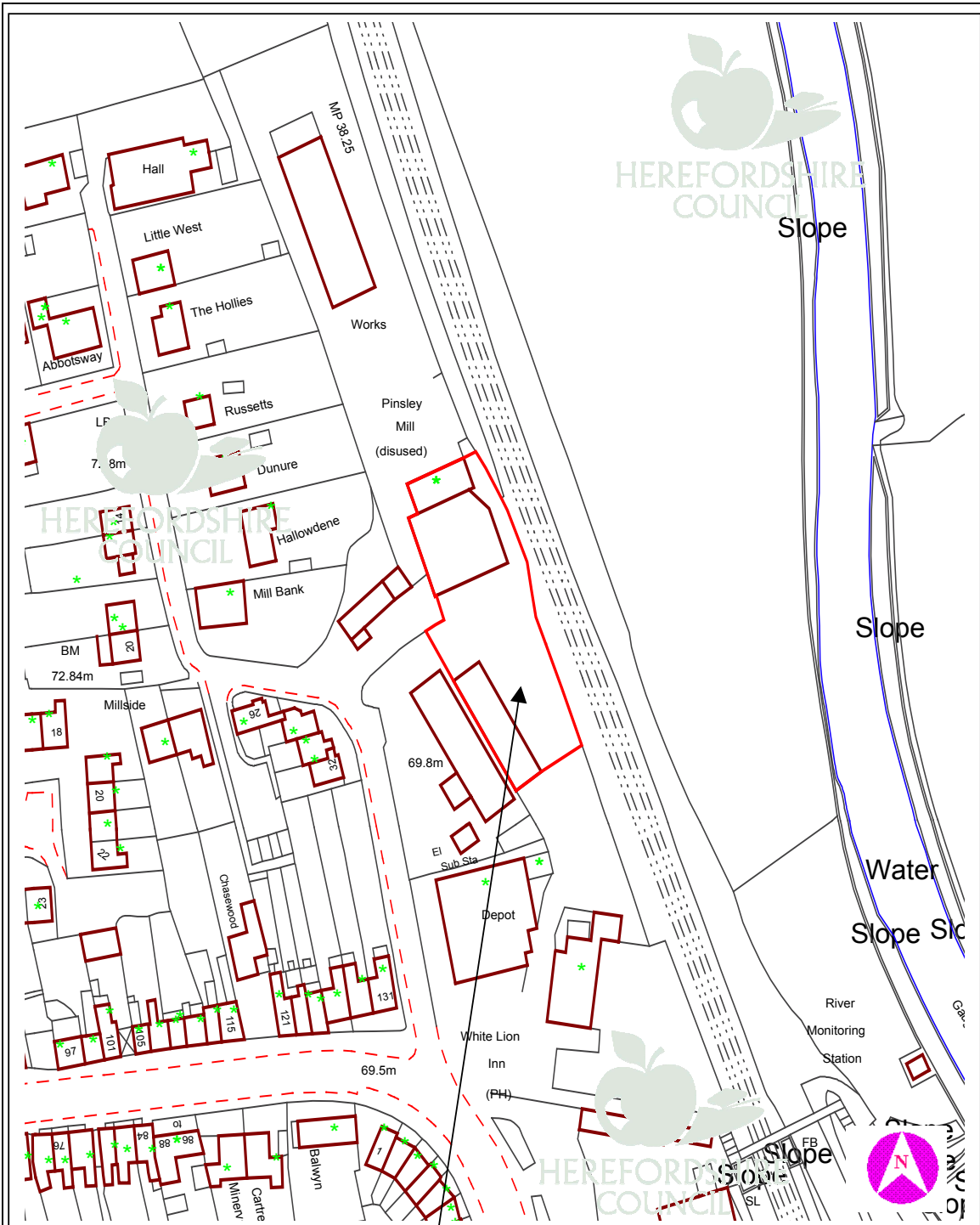
Demolition (part) and conversion of Mill plus new works to  
create 9 new apartments

Pinsley Mill, Pinsley Road, Leominster

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £4,500 in respect of play area facilities to serve the development, such contribution to go towards facilities at the Sydonia park. This sum shall be paid on or before the commencement of the development.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £5,670 towards off site sports facilities to serve the development, such sum to be used for improvements at Bridge Street Sports Centre. The sum shall be paid on or before the commencement of the development.
3. In the event that Herefordshire Council does not for any reason use the said sums of Clauses 1 or 2 above for the purposes specified within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
4. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
5. The developer shall complete the Agreement by 30<sup>th</sup> June, 2008 otherwise the application will be registered as deemed refused.

Nigel Banning - Senior Planning Officer  
Peter Yates - Development Control Manager

18<sup>th</sup> March, 2008



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**APPLICATION NO:** DCNC2008/0002/F

**SCALE :** 1 : 1250

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

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**6 DCNE2008/0281/F - RE-BUILD EXISTING GROUND FLOOR SIDE EXTENSION AND CONSTRUCT NEW FIRST FLOOR BEDROOMS ABOVE, INCLUDING NEW REAR SINGLE STOREY DINING ROOM AT 2 SUNSHINE CLOSE, LEDBURY, HEREFORDSHIRE, HR8 2DZ**

**For: Mr & Mrs Clayton, 2 Sunshine Close, Ledbury, Herefordshire, HR8 2DZ.**

**Date Received: 31st January, 2008    Ward: Ledbury    Grid Ref: 70336, 38480**

**Expiry Date: 27th March, 2008**

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

**1. Site Description and Proposal**

- 1.1 The application site lies on the southern side of Sunshine Close, a modern cul-de-sac. Sunshine Close has a variety of house types being detached houses on its southern side and a mix of detached and semi-detached houses on its northern side.
- 1.2 Number 2 Sunshine Close is currently a three bedroomed house. The two- storey element has a width of 5.7 metres and a depth of 8.4 metres with its ridge running in a north-east to south-west direction away from the road. Attached to its south-eastern side are a "home office" (formerly a garage) and a playroom at ground floor level only. The playroom projects beyond the rear of the two-storey element by 1 metre.
- 1.3 The neighbouring house to the south-east is a detached two-storey house, number 1 Sunshine Close. The gap between the single storey element of number 2 Sunshine Close and the north-western elevation of number 1 Sunshine Close is 1.95 metres.
- 1.4 The proposal involves the following elements: -
- The erection of a two storey side extension on the site of the existing single storey element, which accommodates the "home office" and the playroom. This side extension would be set back from the main front building line by some 0.3 metre. Whilst it would be a full two storey at the front with an eaves height of some 4.8 metres, the rear element would have an eaves level of 3.9 metres with light to the rear of the first floor being provided by way of a dormer window. The ridge level of this two storey wing would be 6.9 metres some 0.6 metre lower than the ridge to the main house; and
  - The erection of a single storey rear extension to provide a dining room. This extension would have a depth of 3.1 metres and a width of 3.5 metres. It would have a pitched roof with a hip at its south-western end.

The result of these works would be to transform the existing three-bedroomed house into a four-bedroomed house.

1.5 Since the planning application was initially submitted amended plans have been received that show: -

- The use of matching brickwork to the elevations of the proposed side extension rather than render; and
- The provision of a third car parking space upon the site frontage.

## 2. Policies

### 2.1 Herefordshire Unitary Development Plan 2007

- |            |   |                            |
|------------|---|----------------------------|
| Policy DR1 | - | Design                     |
| Policy H16 | - | Car Parking                |
| Policy H18 | - | Alterations and Extensions |

## 3. Planning History

- |     |                |                   |   |   |
|-----|----------------|-------------------|---|---|
| 3.1 | NE/2003/0186/F | Garage Conversion | - | Planning Permission not Required.<br>13.03.2003 |
|-----|----------------|-------------------|---|---|

## 4. Consultation Summary

### Statutory Consultations

- 4.1 None.

### Internal Council Advice

- 4.2 The Transportation Manager has no objection

## 5. Representations

5.1 Ledbury Town Council object to the proposed development on the following summarised grounds:-

- Set a precedent in the area;
- Be out of keeping with the street scene; and
- Would result in an unacceptable degree of overlooking for the neighbouring property.

5.2 The occupiers of 1 Sunshine Close object on the following summarised grounds:-

- The proposal would result in an undue loss of light to the windows in the north-western elevation of 1 Sunshine Close;
- The proposal would represent an over-development of the site;
- The proposal has insufficient on-site car parking and car parking upon the public highway would represent a hazard to highway safety (including pedestrian safety);
- The proposed rendered finish would not be in keeping with the rest of the house; and
- The single storey rear extension would erode valuable garden land.

5.3 The response of the Town Council and the neighbour upon the amended plans is awaited.

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 to be considered in relation to this planning application are: -
- The impact of the proposed development upon the design of the existing dwelling and the street scene;
  - The impact of the proposal upon the occupiers of the adjoining dwelling at number 1 Sunshine Close; and
  - The transportation matters.
- 6.2 The proposed two-storey side extension is set back from the original front building line and its ridge is lower than the original building. As such, the proposed extension would be subordinate to the original dwelling. The external walls of the proposed extension would match that of the existing dwelling.
- 6.3 In terms of the impact of the proposed development upon the street scene, it is considered that two storey side extensions to the detached houses along the southern side of Sunshine Close should be resisted if they create a terracing effect. The gap that would be maintained between the north-western elevation of number 1 Sunshine Close and the south-eastern elevation of number 2 Sunshine Close would be 1.95 metres. This gap is similar in size to others that exist within the street namely between numbers 3 and 4 and 4 and 5. Therefore it is considered that a sufficient gap would be maintained.
- 6.4 With regard the impact number upon 1 Sunshine Close, the only windows that that house has in its north-western elevation are two first floor windows serving non-habitable rooms (i.e. a bathroom window and an en-suite window). As such, it is not considered the issue of loss of light to be a matter to be considered. In terms of privacy, a condition is recommended preventing the insertion of first floor windows in the south-eastern elevation of the proposed side extension.
- 6.5 The proposed single storey rear extension is considered to be well sited and designed. Other properties in the vicinity (e.g. 3 Sunshine Close) have rear extensions of a similar size. It is considered that the retained private rear garden area would remain adequate for its function being some 100 square metres.
- 6.6 In terms of car parking provision, the plans demonstrate the provision of a third car parking space. This accords with the Council's standards within the Council's 'Highways Design Guide for New Developments – July 2006'.
- 6.7 The proposal is therefore recommended for approval.

## **RECOMMENDATION**

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

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

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

- 2 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;**

**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 street scene.**

- 3 Prior to the first use of the extension hereby permitted the car parking spaces shown upon Dwg. No. 05 (scale 1:100) received 18th March 2008 shall be fully implemented. Thereafter these car parking spaces shall be maintained and kept free of obstruction.**

**Reason: - To ensure satisfactory on-site car parking provision.**

- 4 No windows shall be inserted in the first floor south-eastern elevation of the side extension hereby permitted without the prior written approval of the Local Planning Authority.**

**Reason: To safeguard the privacy of the occupiers of 1 Sunshine Close.**

**INFORMATIVES:**

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

Decision: .....

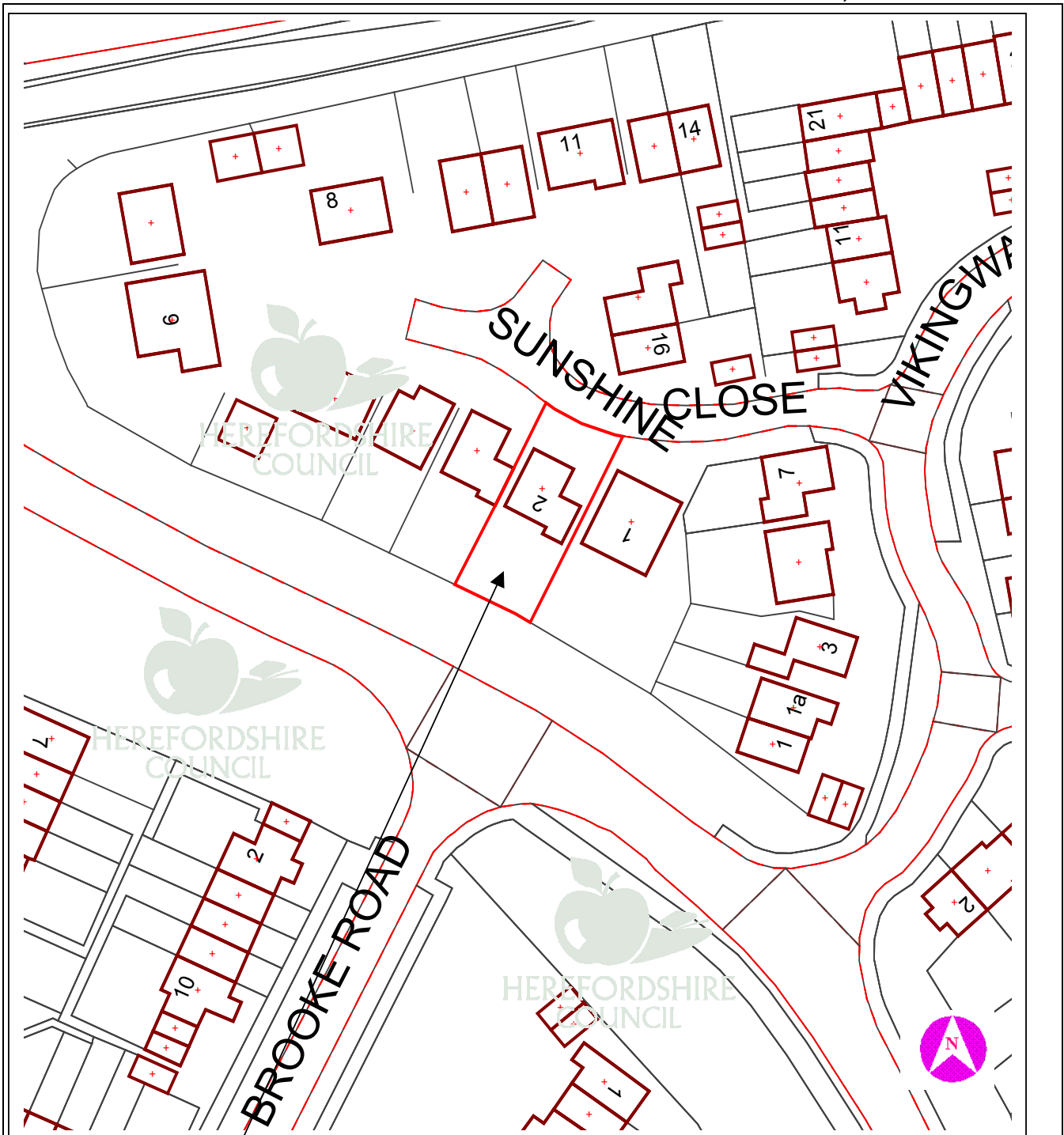
Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** DCNE2008/0281/F

**SCALE :** 1 : 706

**SITE ADDRESS :** 2 Sunshine Close, Ledbury, Herefordshire, HR8 2DZ

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**7 DCNW2008/0130/F - PROPOSED CHANGE OF USE OF SITE TO INTERNATIONAL CENTRE FOR BIRDS OF PREY. PROPOSED AVIARIES; CLINIC/RESEARCH BUILDING; TOILET BLOCK; VEHICULAR ACCESS AND CAR PARK; PORCH TO CAFE/SHOP AND ASSOCIATED WORKS AT LITTLE ORCHARD FARM, EARDISLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9AS.**

**For: Mrs J Parry-Jones per Alcocks, Chartered Surveyors, Palace Chambers, 3 King Street, Hereford HR4 9BW.**

**Date Received: 15th January, 2008**

**Ward: Golden Cross  
with Weobley**

**Grid Ref: 42628, 59040**

**Expiry Date: 15th April, 2008**

Local Member: Councillor JHR Goodwin

**1. Site Description and Proposal**

- 1.1 The application site comprises a 7.5-hectare parcel of land current by a mix of orchard and agricultural. There are also two existing agricultural style buildings that were formally the farm shop/café and a storage building. In addition to this a 'flying hall' and extension to the existing building have recently been erected on the site under application number DCNW2007/1600/F. These are located on the south of site adjacent to the road and the existing access and parking areas.
- 1.2 The application site lies on the northern side of the C1035 that runs from Lawton Crossroads (Leominster) into the village of Eardisland and is known as Orchard Farm. The site lies approximately 500m to the east of the village.
- 1.3 The site slopes gently upwards from south to north with the orchards on the south facing slope. Beyond the brow of the hill to the north east of the site is a plantation of coniferous trees. The site has a well established mature boundary hedge of mixed native species.
- 1.4 The proposal is for the change of use of the land to an International Birds of Prey Centre. The centre would be open to the public and includes a shop, educational visitor centre and cafeteria as well as offering the opportunity to view the birds, see flying demonstrations and learn about the origins, habits and care of Birds of Prey from around the world. The applicant currently has 170 birds and this may extend to 200 over time.
- 1.5 The application has a number of elements including:
  - Aviaries (14)
  - Clinic / Research Buildings (1)
  - Moulting Barn (2)

- New Vehicular Access and Car Park and associated Works
- Toilet Block (1)
- New Entrance Canopy to Visitor Centre
- Landscaping Scheme / Footpaths and boundary treatments including a areas for flying arena and an owl flying area

1.6 To take these in more detail:

#### Aviaries

The proposal includes provision for 14 aviaries located on the eastern side of the site and varying in size and scale. These will follow an educational trail starting at the south immediately in front the visitor centre and then winding upwards towards to the north east of the site and top of the incline.

There are 14 buildings proposed, detailed plans of each have been provided and range in size. The majority of these have an eaves level of 2.6 to 3m and a ridge height between 3.5 and 4.3m. These are located on the incline. Those with higher ridges are set towards the south and have maximum ridge heights of approximately 5.6m. Where these are sited on the incline they are shown to be set into the hillside and existing orchards, some of which will be removed. Plans showing the section through the site have been provided to demonstrate this. The built form of this development has been kept to the eastern half of the site.

#### Clinic / Research Building and Moulting Barns

Three buildings are proposed to the east of the site. The first is the Research/ Veterinary building that would accommodate a critical care room, research laboratory and veterinary examination room. These are for use in connection with the Birds of Prey centre only and are not intended to be used to offer any other veterinary services. They are a necessary part of the centre in order to care properly for the birds and to continue the applicants research.

The Research / Clinic building would be 'L'-shaped with a maximum width of 10.6m, an eaves level of 2.5m and ridge height of 3.2m. The building would be timber clad, with a brick plinth and profile sheet roof to a colour to be agreed.

To the north of this are two barns that would be used to house moulting birds. These would not be open to the public but are integral parts of the welfare of the birds. These barns have a footprint of approximately 23.5m by 11.3m and an eaves level of 2.4m. The ridge is 4.3m. These barns would be timber clad to the east and west elevations but would have open sides to the north and south, a black matt mesh providing the means of enclosure for the birds.

#### New Vehicular Access and Car Park and associated Works

The existing access point to the site has restricted visibility to the west. As such a revised access is proposed some 40m to the east. The existing access would be closed prior to the first use of the site, a new hedge planted and grass verge planted in place of the existing concrete drive. The new access leads to a new car park with spaces for 64 cars (including 8 disabled spaces). There are also 3 coach parking spaces. It is intended that the grassed area to the north of this would be able to accommodate overspill car parking on days that this is necessary. Cycle racks have also been detailed. It is intended that the car park not be tarmac but be a permeable

surface, fully drained. A designated footpath from the car park to the entrance is also detailed as is an assembly area (intended for groups etc).

#### Toilet Block

To the north boundary and in a central position a toilet block is shown. This building would have a footprint of 7.9m by 5.4m, an eaves level of 2.5m and ridge of 3.2m. It would be timber clad with profile sheet roof and provide male, female and disabled facilities.

#### New Entrance Canopy to Visitor Centre

The Café / Visitor Centre received consent for its change of use and extension in July 2007 (NW2007/1600/F). The proposal is to modify the east elevation of this building that was formally the farm shop to provide central feature in the form of an open canopy (timber posts) with a glazed arched roof. The canopy would have a footprint of 4.3m by 5m, eaves level of 2.5m and ridge of 3.3m.

#### Landscaping Scheme / Footpaths and boundary treatments including a areas for flying arena and an owl flying area

A proposed layout plan was submitted with the application that provides a detailed overview of the hard and soft landscaping for the site. This includes the car park, footpaths (mown tracks, grass pave (erosion resistant pathways in grass) and gravel tracks), paving, and spectator benches for the flying areas, park railings, fences and areas of the siting of picnic tables.

- 1.7 Submitted with this application are detailed plans of each building as well as a layout and landscaping plans, topographical surveys and sections. In addition to this the following were submitted with the application:

- Details of the Biodisc Treatment Plant,
- A written Outline Landscape Proposal
- Ecology Survey Report,
- Design and Access Statement
- Disposal of Aviary Waste (Method Statement)
- Flood Risk Assessment

## **2. Policies**

### **2.1 National Planning Guidance**

- PPS1 - Delivering Sustainable Development
- PPS7 - Sustainable Development in Rural Areas
- PPS9 - Biodiversity and Geological Conservation
- PPS25 - Development and Flood Risk
- Good Practice Guide on Planning for Tourism

### **2.2 Herefordshire Unitary Development Plan 2007**

- Policy S1 - Sustainable Development
- Policy S2 - Development Requirements
- Policy S7 - Natural and Historic Heritage
- Policy S8 - Recreation, Sport and Tourism

Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy DR7	-	Floodrisk
Policy DR13	-	Noise
Policy DR14	-	Lighting
Policy T11	-	Parking Provision
Policy LA2	-	Landscape Character and Areas Least Resilient to Change
Policy LA5	-	Protection of Trees, Woodlands and Hedgerows
Policy LA6	-	Landscaping Schemes
Policy NC1	-	Biodiversity and Development
Policy NC8	-	Habitat Creation, Restoration and Enhancement
Policy NC9	-	Management of Features of the Landscape Important for Fauna and Flora
Policy ARCH1	-	Archaeological Assessments and Field Evaluations
Policy RST1	-	Criteria for Recreation, Sport and Tourism Development
Policy RST13	-	Rural and Farm Tourism Development

### 3. Planning History

3.1	94/0539/N	Erection of a portal framed building for storage and farm shop	-	Approved
	95/0114/N	Replacement Storage Buildings	-	Approved 10.04.94
	DCNW2004/0955/F	Proposed extension to form produce store, proposed building for tea room and public toilets, admin office	-	Approved 10.05.04
	DCNW2004/3154/F	Proposed extension to form two covered areas, two polytunnels and alterations to car park	-	Approved 22.10.04
	DCNW2007/1600/F	Erection of extension and new indoor flying hall. Temporary Use of Existing and proposed structures as holding aviaries then reverting to use as a visitor centre and flying hall.	-	Approved 24.07.07
	DCNW2007/1602/F	Temporary Siting of a mobile home (12 months)	-	Approved 10.09.07

### 4. Consultation Summary

#### Statutory Consultations

#### 4.1 Environment Agency:

"We have no objections, in principle, to the proposed development but recommend that if planning permission is granted the following planning condition is imposed:

#### Flood Risk

The site is located in Flood Zone 1 (low probability flood risk) where the proposed development is appropriate in accordance with PPS25 - Development and Flood Risk. The FRA as submitted confirms this and identifies that some lower parts of the site including the adjacent road is at risk of flooding based on our flood zone 3 extent. The application does not propose any buildings or raising of ground levels above existing in

this area. As a 'residual risk' the FRA confirms that the site may be inaccessible by road during such a flood event and would not be open to the public.

With regard to surface water we note that soakaways are proposed, to cater for the majority of surface water runoff, which is an acceptable form of SuDS, in line with PPS25 and Policy DR7/DR4 of the Herefordshire UDP. We also acknowledge that there will be some surface water disposal to the lake as proposed, which would be appropriate.

#### Pollution Prevention

Given the scale of the proposed car park, with a combined capacity of more than 50 spaces in total we would recommend, in line with our Groundwater Protection Policy and Practice and PPS23, that an oil interceptor is incorporated in to the design of the car park prior to discharge to any watercourse, surface water sewer, soakaway or water body. The following condition is recommended to secure the above.

CONDITION: Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and associated hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

REASON: To prevent pollution of the water environment.”

#### Internal Council Advice

4.2 The Conservation Manager makes the following comments:

#### Archaeology

Having re-assessed the records relating to the 'pre-historic camp' on the northern margin of the application area, and having made a full site visit to check the records against the ground evidence, I am now of the clear view that the camp is in fact the remains of an infilled quarry of comparatively recent date. Having fully appraised the topography and former land use within the application site, I also have much less concern about the impact of the proposed works. In these circumstances, I no longer think it is necessary for the applicants to submit an archaeological evaluation.

#### Landscape

- The proposed development of the Birds of Prey Centre is effectively in open countryside and will, therefore, represent a significant change to the character of the area; however, the proposal is unique and assessment of the impact of the development needs to reflect this. The proposal presents a rare opportunity to create a 'designed landscape' and gardens in conjunction with the avian collection: this is very much in the tradition of zoological and botanical gardens found throughout Britain. It is unlikely that any previously undeveloped site would not undergo significant change in the face of such a development and assessment of the impact of the proposal should therefore be restricted to the capacity of the site to accommodate change and the desirability of such a development in the area. I believe the proposal satisfactorily meets both of these; the site being both capable of accepting such a change and the 'redevelopment' of the site and the potential contribution of the development to the area being desirable.

- The site is located in the 'Principal Settled Farmlands' landscape type, as defined in the Herefordshire Landscape Character Assessment. This is the most common type of landscape found in the lower lying parts of the county and generally defines its agricultural core. The general pattern of the landscape is one of medium sized fields of mixed agricultural use (including commercial fruit production), defined by closely managed hedges. The dispersed nature of settlement within the landscape results in buildings of a variety of sizes, materials and ages being generally visible at all times. Trees and hedges are a defining element of this landscape and whilst predominantly native species are present, in an around villages and towns the use of ornamental and exotic specimens becomes frequent.
- Specifically, the proposed buildings are functional in form and character and the materials used not dissimilar to many small scale agricultural and equine buildings commonly found in the landscape. Whilst the number and massing of the structures is a departure from the norm, I do not feel that the impact on the character of the area will be any more than neutral (neither making a positive contribution to the character of the landscape by enhancing or restoring existing or past elements, nor detrimental through the introduction of an incongruous element). The location of the structures reflects and respects the topography of the site, the effect being a minimal impact on the character of the landscape; the structures are not imposed on the hillside.
- The proposed landscaping and accompanying landscape strategy are clear and appear to address the functional demands of the site, realise the educational opportunities presented by the proposal (the association of flora and fauna from different parts of the world) and will create a pleasant and interesting environment for visitors. The use of native tree and shrub planting to the peripheries of the site and the retention of significant portions of the existing orchards further help to assimilate the development into the landscape.
- I consider the proposal to also compliment the cultural character of the landscape, recognising the diversity of activities present in the rural community. Amongst other things the historic associations of falconry and the wider landscape are generally unknown and misunderstood and the opportunities for interpreting this part of our cultural heritage are apparent.

I would support this application.

Ecology:

Thank you for consulting me on the above application. I have received the ecological report by Betts Ecology dated April 2007 and note that there is currently limited biodiversity value in the site, apart from the hedgerows and badger sett. A licence from NE may be required if any of the works are within 30m of the badger sett (if it is still active when development proceeds). This will need to be clarified prior to development. The current proposals do not appear to impact upon the area where the badger sett is thought to be located, but it should be ensured that no heavy machinery or equipment are used in the vicinity of the sett.

I welcome the biodiversity enhancement measures (ponds, woodland, grassland etc) that are proposed upon the site. The applicants should ensure the use of native species (preferably of local provenance) in planting schemes. My only concern is the loss of hedgerow along the roadside in order to create a new access. The Hedgerow Regulations 1997 state that a new access can be made if an existing one is blocked within 8 months of its creation. This is proposed in this application, and I am therefore satisfied that the ecological network will be maintained. I recommend that translocation



of the hedgerow from where it is to be removed to where the existing access is to be blocked is attempted, and 'planted-up' if any of the shrubs fail.

I have no objection to approval of this application subject to the inclusion of the following non-standard conditions:

"The recommendations set out in the ecologist's report dated April 2007 should be followed unless otherwise agreed in writing with the Local Planning Authority. Prior to development, a habitat enhancement scheme with details of planting specifications should be submitted to the LPA and implemented as approved.

Prior to development, a habitat protection scheme to protect the area around the badger sett shall be submitted to the LPA and implemented as approved."

Reasons:

To ensure badgers are protected under the Badgers Act 1992 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 amendments) 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.

- 4.3 Transportation Manager - recommends that any permission that this authority may wish to give include the following conditions: H29, H1, H30, H05 plus various informative notes.
- 4.4 Environmental Health Manager - notes the following:

Licensing –

That the proposal would require a Zoo's licence.

Pollution

There is the potential for noise nuisance to be caused due to the number of birds that will be kept and the proximity of the property known as Lower House. However I am not aware of any complaints that have been received regarding noise or nuisance from the farm. Good management techniques of the birds and the site will prevent excessive noise and I believe the powers under the Environmental Protection Act 1990 are sufficient to investigate and deal with any complaints received.

In addition, there may be the likelihood of increased 'people' noise from visitors to the site, particularly in areas with high vehicle movements or large numbers of people. I note that the car park is to the east side of the site, some distance from the nearest residential property and the spectator benches are also at the far end of the flying area. If changes to these plans were made in the future, the noise impact should be assessed to determine if this is likely to cause complaints.

I would therefore make the following recommendations:

E03 - Restriction on hours of opening

The use hereby permitted shall not be open to visitors between the hours of 8pm and 7am daily.

Reason: In the interests of the amenity of the existing residential property in the locality.

F32 - Details of floodlighting/ external lighting

Details of any floodlighting or external lighting proposed to illuminate the development shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

Reason: To safeguard local amenities

F40 - No burning of materials/ substances

No materials or substances shall be incinerated within the application site.

Reason: To safeguard residential amenity and prevent pollution

**5. Representations**

5.1 Eardisland Parish Council are all in favour of this application and are very happy to support this application and feel that it will be very good for the village. We do feel that drainage and highway department should look into drainage. Also that Archaeology should be contacted as an Iron Age Fort is located within the site.

5.2 Letters of Concern have been received from:

Dr Keith Michell, Arrow Lea, Eardisland  
Dr and Mrs Ingham, Monks Cottage, Lyme Lane, Eardisland  
Gay Dobbs, Lower Hezetree, Eardisland  
Mr Beard, Crown Cottage, Eardisland  
Mr P Brown, Lawton Lea, Eardisland  
Mr and Mrs Fox, Mayfield, Eardisland  
Mr R Kirby - The Old Barn, Lyme Lane, Eardisland  
Mr Vernon (email)

These letters can be summarised as raising the following issues:

- The development is too large for the village and will dominate with traffic, lighting and noise.
- Visual Impact - Structures on higher ground and quite extensive. What mitigation and assurances will be offered.
- The buildings will (on the basis of what is already there) have a visible impact on the approach to the village.
- Landscaping is unlikely to obscure these buildings within a reasonable time span.
- Majority of buildings proposed are small with low ridge heights, some are more substantial and of significantly greater height. These are located on higher ground.

- Light Pollution - That illumination needed for security and movement of people is restricted so that there is not 24 hour illumination.
  - No lighting detail has been provided. This could cause serious light pollution.
  - Sound / Noise Pollution - Sound systems/ high noise levels of amplified music announcements and commentaries throughout the day may operate and cause disturbance. Volume should be carefully scrutinised. Could individual hearing devices be used for flying areas?
  - Water and Flooding - The area is well known for its serious flooding and it is essential that this development does not add to this.
  - The introduction of the hard surfaced areas shown will only exacerbate the flooding situation.
  - Landscaping and Screening - Landscaping and screening should be provided that will significantly reduce the impact on views, especially from surrounding properties.
  - Traffic Impact - There will be an increase in traffic on what is a relatively busy but narrow country road. Parking on the road should be enforced against
  - Increase in numbers of traffic is considerable. Previous use was not busy and all traffic movements should be considered as new.
  - Impact on Local Wildlife - This could be significant and long term with the removal of nesting areas and feeding areas.
  - Opening hours should be restricted
  - Potential for extending the 40mph speed limit
  - The large centre would be intrusive and result in an unacceptable disturbance to the local environment
- 5.3 Three letters acknowledge that they do not object in principle to the Birds of Prey Centre and acknowledge its contribution to tourism in the area and the excellent facility but they do raise concerns similar to the above.
- 5.4 The application also includes some supporting information submitted by the applicants' agent and this can be summarised as follows:
- The applicant (Mrs Jemima Parry-Jones) previously ran the Falconry Centre in Newent, Glos.
  - Unusually because the applicant is relocating all of her bird collection from elsewhere, the proposal entails the creation of her entire facility in one step rather than over a number of years and phases. With her extensive experience, the applicant can reasonably predict the appropriateness of the form and composition of her proposal in relation to her aims and its likely success in both conservation and tourism terms.

- 5.5 Additional information has also been provided as follows:

The intended opening hours of the Centre are 10.30am – 5.30pm seven days a week from 1st February to the 30th November. Additionally there would be a few invitation-only evening events plus about 10 open evening per annum (including owl flying demonstrations). All of these would finish by 10pm.

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

## **6. Officer's Appraisal**

- 6.1 The key issues for consideration are:

- (a) Principle of development
- (b) Landscape Impact and the character of the area
- (c) Highway Impact and sustainability
- (d) Drainage / Flooding
- (e) Potential for noise and disturbance
- (f) Lighting
- (g) Archaeology
- (h) Ecology

#### Principle of Development

- 6.2 Policy S8 of the Unitary Development Plan (2007) make provision for appropriate new facilities for tourism that meet the needs of communities and visitors and contribute to local economic development, employment and community regeneration. Tourism developments are expected to respect the character of the County and locality, provide for sustainable use of indigenous features and resources, offer improvements to visitor management in pressure areas and sensitive environments and avoid or minimise intrusion on local communities.
- 6.3 Policy RST1 explains the criteria that such proposals should meet. In particular developments should not harm the amenities of nearby residents, should respect the environmental character and resources and wherever possible be accessible by a choice of modes of transport. Proposals in Open Countryside, as this is, should only be permitted where the Countryside is the primary resource for the proposal and the rural landscape and environment is sustained and there are no suitable buildings capable of conversion, they are small scale and are ancillary to the primary proposal.
- 6.4 The proposal is unique in its requirements and in the level of development needed to provide the Centre. The applicants' extensive experience, knowledge and collection of Birds is a primary reason for entertaining the creation of such a centre. The benefits of such a centre as a tourism attraction for the County and for the Historic Village that is part of the 'Black and White Trail' is accepted but this must be balanced with the impact that the development would have on the landscape, locality, highway network and the impact that this may have on the amenities enjoyed by neighbouring properties.

#### Landscape Impact and the character of the area

- 6.5 A development of this size and scale, will undoubtedly have an impact on what is essentially agricultural land. It will, by its nature change the character of the area. I refer to the comments of the Conservation Manager (Landscape) detailed in full in paragraph 4.2 of this report, on this matter and concur with those views.
- 6.6 The views expressed by local residents are also accepted; the proposed landscaping will take time and will not be an instant 'screen' to the development. It is therefore proposed that a fully detailed planting scheme be submitted in addition to that already submitted and that some mature stock is used to promote the landscaping. It should also be noted that the mature boundary hedge and some of the existing orchards are to be retained. Whilst the eastern half of the site will have a more structured landscape approach, the western element will be much more informal allowing for areas to walk, and for the flying demonstrations that will take place.

- 6.7 In this respect, and having regard to the economic (tourism) value that this development would have and the long term landscape proposals that have been submitted, the proposal accords with policies S7, S8, LA2 and LA6 of the Unitary Development Plan (2007).

#### Highway Impact and Sustainability

- 6.8 The site is located on the C1035 which approaches the village from Leominster (B4529) and Pembridge (A44). This proposed use of the land will increase in traffic movements on these highways. The Council's Transportation Manager has raised no objection regarding the intensification of road use or the roads capabilities to cope with the increase. The applicant has been in discussion with the relevant highways department to ensure that signage (Brown Directional signs) to the site will bring people to the site from the east and not through the village and this should restrict additional movements through the village itself. It is however likely that people attracted to the area because of the Centre may wish to explore some of the surrounding tourist attractions and villages.
- 6.9 The Transportation Manager has also negotiated a new access, with improved visibility, into the site. The existing access would be closed prior to the use of the centre by the public and would be closed by means of a hedge and the grass verge reinstated to prevent persons parking within the visibility splays required by the new access. Full details of this are requested by way of a condition. There is also ample provision for vehicles on site, including overflow car parking that could be used if the necessity occurred. Secure cycle parking is also proposed and the site benefits from being on an existing bus route.
- 6.10 In terms of sustainability, the site is well placed near to a Main Village, with good highway connections to the market towns of Leominster and Kington. The site is situated on an existing bus routes (494 and 494) linking the site to Kington, Leominster, Presteigne and beyond on a regular basis. The proposal includes provisions of secure cycle parking to encourage cyclists. On this basis, and having regard to the above, the proposal is considered to comply with policies DR2, DR3 and RST1 of the Unitary Development Plan as well as guidance within PPG13 – Transport and PPS1 – Delivering Sustainable Development.

#### Drainage / Flooding

- 6.11 The application site lies within a flood Zone 1, within which the proposed development is considered acceptable. The extreme southern edge of the site comprising a narrow strip parallel to the road, and being the lowest part of the site falls within a Flood Zone 3. This Flood Zone is inclusive of the highway. This was identified at an early stage and raised with the applicant prior to submission. The scheme has incorporated a sustainable drainage system which will dispose of the surface water drainage within the site. Permeable surfaces have, wherever possible been included in the hard landscaping proposals. The Environment Agency has raised no objection, as detailed above in paragraph 4.1 above, subject to the imposition of the condition suggested. Local residents have raised concern about this and it is appropriate that a full drainage scheme be submitted prior to commencement of development to ensure that these works proposed are undertaken and are capable of retaining any excess water within the site.

#### Potential for noise and disturbance

- 6.12 The use of the land will increase the movements of people and will change the character of the area that is likely to be noticeable to immediate neighbours. A restriction on the hours of opening to the public is suggested in line with those indicated by the applicants as detailed in paragraph 5.5 above. This is less than suggested by the Council's Environmental Health Officer, with the exception of the potential for a few open invitation evenings and 10 evening events (Owl Flying demonstrations, normally around Christmas time). An appropriate condition is suggested.
- 6.13 The Birds of Prey Centre is likely to use some amplified sound when conducting flying demonstrations. This matter is of significant concern locally. The matter has been raised with the applicants and options discussed. A condition that restricts any amplified noise from being heard outside of the application site is suggested. Having regard to the above, the proposal is considered to comply with policy DR13 of the Unitary Development Plan (2007)

#### Lighting

- 6.14 The lighting of the site is also causing quite considerable concern locally. Again this has been explored with the applicant who intends that any lighting, especially around the aviaries would be low level and unobtrusive, both for the care of the birds and due to the impact that this would have on the environment. A condition is suggested which would require a full lighting scheme to be submitted and considerable weight will be placed on this being subtle and necessary. You will also note from the intended hours of opening that the majority of the time the park will only be open in daylight hours and as such extensive lighting for safety is not required. On the basis that a suitable scheme be submitted this would comply with policy DR14 of the Unitary Development (2007).

#### Archaeology

- 6.15 The Parish Council raised the issue of a potential site of Archaeological interest. Archaeology was contacted who confirmed this. The County Archaeologist, was then, after closer site inspection able to confirm that the site was in fact a former quarry and of no significance. As such these concerns have been addressed.
- 6.16 The application was submitted with an Ecological Survey, at officers request. The Council's Ecologist has commented on this as detailed in paragraph 4.2 above. Subject to the imposition of the suggested condition, the ecological interest of the site has been fully considered and necessary mitigation can be implemented as part of the scheme. As such the criterion of policies NC1 and NC5 can be successfully complied with.

#### Conclusion

- 6.17 To conclude, the proposed scheme, although quite extensive in scale, is a rare tourism based opportunity that can be successfully integrated into the site. The site itself is well placed for visitors and offers alternative methods of transport. Conditions are proposed which will alleviate the valid local concerns raised in respect of landscape impact, noise, disturbance, lighting, drainage and potential to increase flooding on the highway. The proposal complies with the policies outlined above and with government guidance and its approval is recommended.

**RECOMMENDATION**

That planning permission be granted subject to the following conditions:

- 1 A01 (Time limit for commencement (full permission))**  
**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**
- 2 B01 (Samples of external materials)**  
**Reason: To ensure that the materials harmonise with the surroundings.**
- 3 G01 (Details of boundary treatments)**  
**Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.**
- 4 No amplified sound/noise shall be audible outside of the boundaries of the site.**  
**Reason: To protect residential amenities.**
- 5 The proposed Veterinary Clinic and Research Buildings shall be used as ancillary buildings to the Birds of Prey Centre and shall not be open to members of the public or for the operation of any other veterinary business.**  
**To define the terms of this permission and ensure that the building is not operated as a veterinary business separate to the proposed centre in the interests of neighbour amenity and highway safety.**
- 6 G31 (Details of play equipment)**  
**Reason: To ensure the play area is suitably equipped, landscaped and has a suitable boundary treatment in the interest of neighbour amenity.**
- 7 Prior to being discharged into any watercourse, surface water sewer or soak away system, all surface water drainage from parking areas and associated hardstanding shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.**  
**Reason: To prevent pollution of the water environment.**
- 8 E03 (Restriction on hours of opening)**  
**Reason: In the interests of the amenity of the existing residential property in the locality.**
- 9 F32 (Details of floodlighting/external lighting)**  
**Reason: To safeguard local amenities**
- 10 F40 (No burning of material/substances)**  
**No materials or substances shall be incinerated within the application site.**

**Reason: To safeguard residential amenity and prevent pollution.**

- 11 The recommendations set out in the ecologist's report dated April 2007 should be followed unless otherwise agreed in writing with the Local Planning Authority. Prior to development, a habitat enhancement scheme with details of planting specifications should be submitted to the LPA and implemented as approved.**

**Prior to development, a habitat protection scheme to protect the area around the badger sett shall be submitted to the LPA and implemented as approved."**

**Reasons:**

**To ensure badgers are protected under the Badgers Act 1992 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 amendments) 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.**

- 12 Full details of the proposed spectator benches to the flying area should be submitted to and approved in writing prior to their installation. Works shall be undertaken in accordance with the approved details.**

**Reason: To ensure a satisfactory form of development and to protect the landscape character of this area of the site.**

- 13 G04 (Landscaping scheme (general))**

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

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

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

- 15 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.**

- 16 H10 (Parking - single house)**

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

- 17 H30 (Travel plans)**



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

18 H05 (Access gates)

Reason: In the interests of highway safety.

19 F20 (Scheme of surface water drainage)

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

20 F21 (Scheme of surface water regulation)

Reason: To prevent the increased risk of flooding.

**INFORMATIVES:**

1 Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at: <http://www.environment-agency.gov.uk/business/444251/444731/ppg/>

2 HN01 - Mud on highway

3 HN04 - Private apparatus within highway

4 HN05 - Works within the highway

5 HN10 - No drainage to discharge to highway

6 HN13 - Protection of visibility splays on private land

7 HN24 - Drainage other than via highway system

8 HN25 - Travel plans

9 N19 - Avoidance of doubt

10 N15 - Reason(s) for the Grant of Planning Permission

Decision: .....

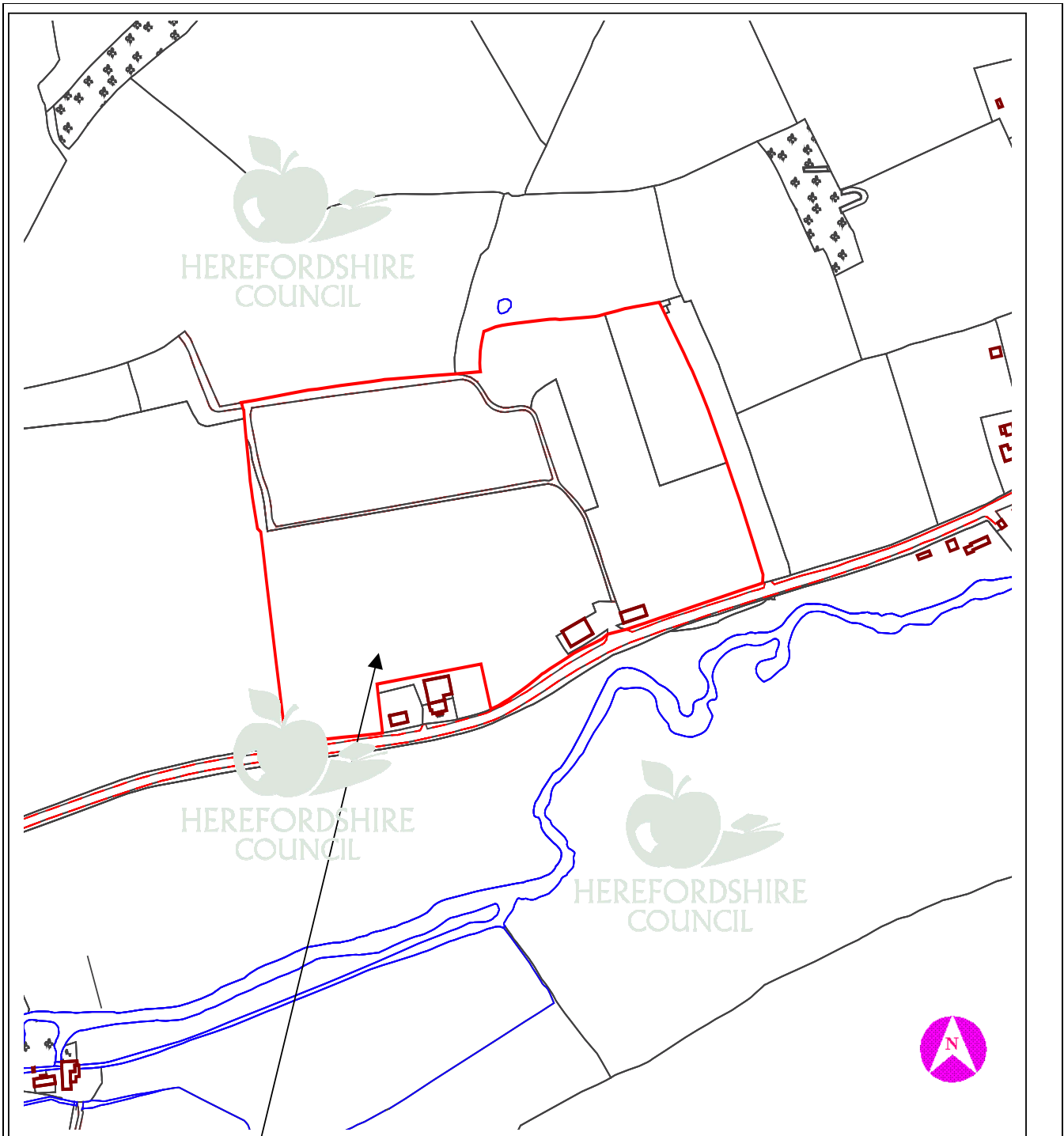
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**Background Papers**

Internal departmental consultation replies.

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Further information on the subject of this report is available from Miss K Gibbons on 01432 261781



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**APPLICATION NO:** DCNW2008/0130/F

**SCALE :** 1 : 3967

**SITE ADDRESS :** Little Orchard Farm, -, Eardisland, Leominster, Herefordshire, HR6 9AS

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**8 DCNW2008/0491/F - PROPOSED ERECTION OF A POLYTUNNEL AND STORAGE BUILDING/SHED FOR BEE-KEEPING USE AT MANLEY FIELD, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE, HR6 9DR.**

**For: Mr N Ball per Mr D Walters, 27 Elizabeth Road, Kington, Herefordshire, HR5 3DB.**

**Date Received: 19th February, 2008      Ward: Pembridge &      Grid Ref: 38683, 57986**

**Lyonshall with Titley**

**Expiry Date: 15th April, 2008**

Local Member: Councillor RJ Phillips

**1. Site Description and Proposal**

- 1.1 Manley Field is located just outside the village of Pembridge of the A44 heading towards Kington. The applicant lives not far from the field in the village of Pembridge itself. To the east of the field is Manley Lane, where there are a number of residential dwellings looking out onto the field. In all other directions the field is surrounded by open countryside.
- 1.2 This application proposes to group the proposed storage building and polytunnel together in the far southeastern corner of the field. The polytunnel proposed will be used in connection with a vegetable plot and measures 9.14 x 3 meters. The storage building also measures 9.14 x 3 and will be used in connection with bee keeping. The building will be split into three compartments for beehive storage, beehive repair and implements storage. The building will be constructed of natural boarding.
- 1.3 A site visit revealed there are currently 6 hives in the field and a caravan, which according to the agent is being used for storage until planning for a building is granted. The applicant has stated in a supporting letter submitted with the application that he does not envisage more than 10-12 full hives plus nuclear hive (baby hives) on Manley field.

**2. Policies**

**2.1 National Guidance**

Planning Policy Statement 7 – Sustainable Development in Rural Areas

**2.2 Herefordshire Unitary Development Plan 2007**

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR4	-	Environment
Policy E11	-	Employment in the Smaller Settlements and Open Countryside
Policy E13	-	Agricultural and Forestry Development

Policy E15	-	Protection of Greenfield Land
Policy HBA6	-	New Development within Conservation Areas
Policy NC1	-	Biodiversity and Development

### 3. Planning History

- 3.1 NW2007/3053/F – Proposed polytunnel and storage building for bee-keeping use at Manley Field - Refused 20th November 2007. The application was refused for the following reason:

'The proposal is considered unacceptable due to its visual impact on the character, appearance and landscape quality of the surrounding Conservation Area. Accordingly the development is contrary to Policies S1, S2, DR1, DR2, DR4, E11, E13, E15, HBA6 and LA3 of the Herefordshire Development and the main objectives of PPS7 'Sustainable Development in Rural Areas'.

- 3.2 NW2007/1603/S – Proposed storage building for beekeeping equipment. Planning permission required.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 None required.

#### Internal Council Advice

- 4.2 The Transportation Manager has raised no objection to the proposal.
- 4.3 The Public Rights of Way Manager has commented that the development would not appear to affect the public footpath that runs along side of the eastern boundary of the site and has raised no objection.
- 4.4 The Head of Environment Health has no objection.
- 4.5 The Conservation Manager notes that Manley Field is presently in the Conservation Area but the recent appraisal has suggested the drawing of a new boundary close to the built-up streets of the village. The buildings are considered modest in scale and grouped more or less as suggested in previous advise. Against the backdrop of modern houses, it is not considered that the development would harm the special character of the area. Therefore approval is recommended subject to a condition requiring a sample of the roof material.

### 5. Representations

- 5.1 Pembridge Parish Council - object to the application for the following reasons:
1. It opposes development of a Greenfield site.
  2. The installation of a polytunnel and storage building would cause a detrimental change to the visual impact at the entrance to the village, and would be contrary to the Parish Plan Pg.10 which states:

"The most attractive entrance to the village is probably from the western edge, arriving from Kington"

3. The development is contrary to UDP Policy S1 - Sustainable Development, paragraph 1.
- 5.2 Letters of objection have been received from the following neighbours:

Mr & Mrs P Griffiths, 5 Manley Lane, Pembridge, Herefordshire, HR6 9DR  
 Mr Ryan, Buttermere, West Street, Pembridge, Herefordshire  
 Mr R Warner, 3 Manley Lane, Pembridge, Herefordshire  
 Mr G Hardy, Bryn Curl, Byletts, Pembridge, Herefordshire, HR 9HY  
 Rev SFD Parrett, 4 Manley Lane, Pembridge, Herefordshire, HR6 9DR  
 Mr A Moss, Brickhouse, West Street, Pembridge, Herefordshire, HR6 9DX  
 Trudi Mosli, Byletts, Pembridge, Herefordshire, HR6 9HY  
 Elizabeth Lynch, Byletts, Pembridge, Herefordshire, HR6 9HY

The objections are summarised as follows:

- Use of polytunnel for domestic use in the countryside.
- The visual Impact the proposal will have on the area.
- Entrance to the field poor.
- Potential noise and light pollution.
- The size and number of hives constituting a commercial operation, which would not be welcome at the site.
- Land should remain in Agricultural use.

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 issues for consideration in the appraisal of this application are as follows:

- The principle of development,
- The impact of the building on the Conservation Area and
- The effect on the residential amenities of neighbouring dwellings.

### Principle of Development

- 6.2 The keeping of Bees to produce honey falls under the definition of agriculture as set out in the Town and Country Planning Act 1990. The applicant has stated that it is envisaged that at any one time there will be 10-12 full hives plus nuclear hives (baby hives) on Manley field. Each hive has an average population of 35,00-50,000 bees. It is considered that the storage building is required for the essential operation of the scale of bee keeping proposed at the site.
- 6.3 According to applicant the reason for the polytunnel is to extend the growing season for their own vegetables for their own consumption. They believe that this will enable them to reduce their food miles and become more sustainable. It is considered that when considering any application for the erection of a polytunnel the benefits of extending the growing season against the environmental impact needs to be balanced, and that polytunnel developments should not be allowed at any environmental cost.

The impact of the development on the Conservation Area

- 6.4 Policy HBA6 in the Herefordshire Unitary Development Plan (HUDP) sets the criteria for new development within Conservation Areas. It requires new development within Conservation Areas to preserve or enhance its character and appearance. Since the previous applications the storage building and the polytunnel have been grouped together in the far southeast corner of the field. In the previous application the development was considered unacceptable due to its visual impact on the character, appearance and landscape quality of the surrounding Conservation Area.
- 6.5 Policy E13 of the Unitary Development Plan deals with agricultural development and the supporting text refers to the need to balance landscape impact against the operational needs of agriculture, recognising that necessary developments are often prominent in the rural landscape.
- 6.6 The visual impact of the development relates to the approach into the village from Kington. However by grouping the two together this impact is reduced and given the modest scale of the development, the scheme now proposed represents an acceptable solution aesthetically respecting the character and appearance of the surrounding area.

Residential Amenity

- 6.7 In this situation, given the scale of the development proposed, it is considered that no adverse impact on residential amenity will occur as a result of the application.

Conclusion

- 6.8 The proposed development is considered to be acceptable and in accordance with the relevant planning policies and guidance in the Herefordshire Unitary Development Plan.

**RECOMMENDATION**

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

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

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

- 2 B01 (Samples of external materials)**

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

**INFORMATIVES:**

- 1 The applicant is reminded that it is the landowners' responsibility to conduct their undertaking in such a way to ensure, so far as is reasonably practicable, that they and other persons who may be affected are not thereby exposed to risks to their health or safety. It is also the landowners' responsibility to make a suitable and sufficient assessment of the risks to the health and safety of persons not in their employment arising out of or in connection with the conduct of their undertaking.**

2 N19 - Avoidance of doubt

3 N15 - Reason(s) for the Grant of Planning Permission

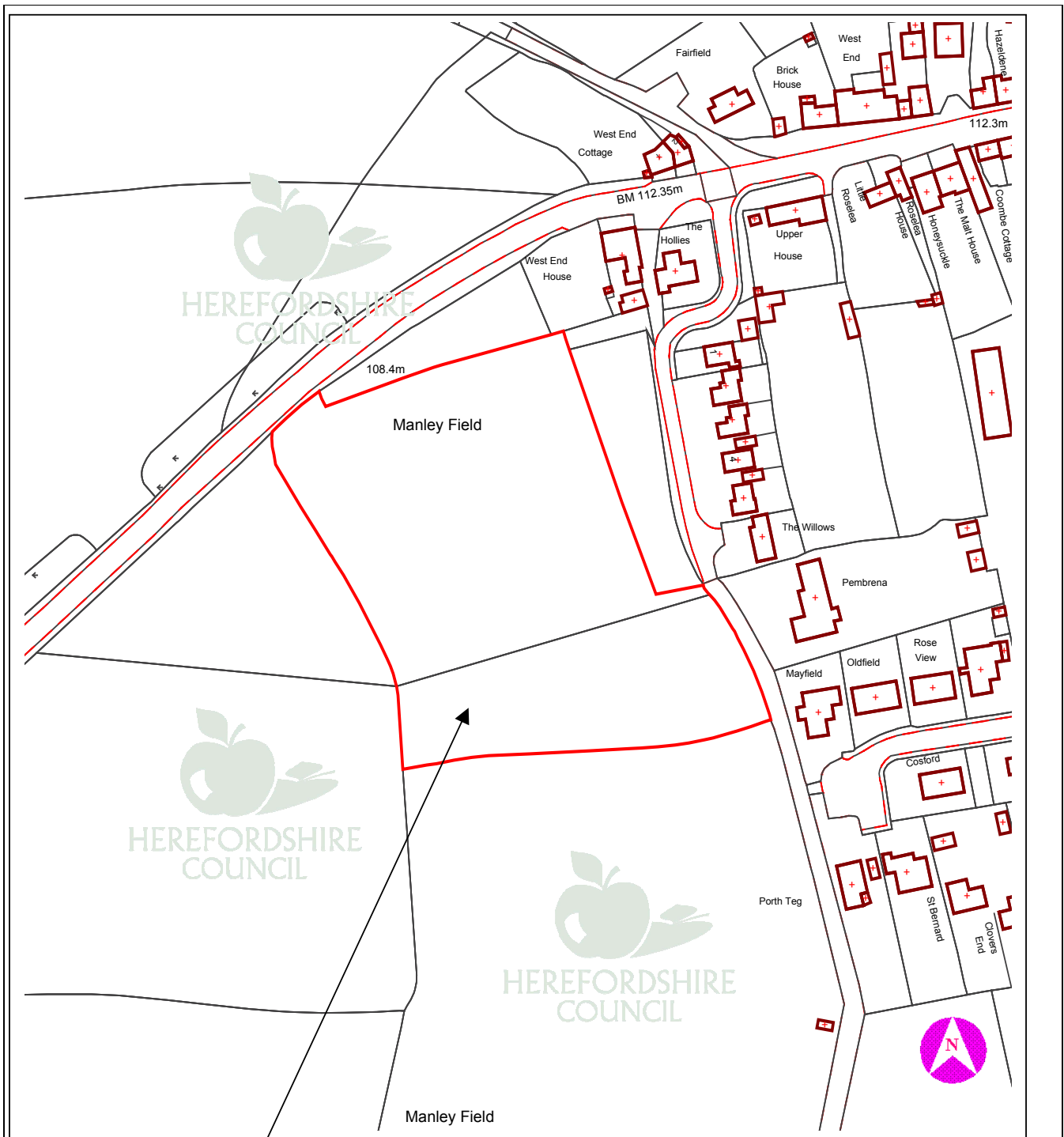
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNW2008/0491/F

**SCALE :** 1 : 1743

**SITE ADDRESS :** Manley Field, Pembridge, Leominster, Herefordshire, HR6 9DR

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