

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 2nd July, 2008**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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Herefordshire Council

AGENDA

for the Meeting of the Northern Area Planning Sub-Committee

To: Councillor JW Hope MBE (Chairman)
Councillor PJ Watts (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, PM Morgan, RJ Phillips, A Seldon, RV Stockton, J Stone and JK Swinburne

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the agenda.	
GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS	
The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.	
A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.	
Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is and leave the meeting room.	
3. MINUTES	
To approve and sign the Minutes of the meeting held on 4 June 2008.	1 - 14

4. ITEM FOR INFORMATION - APPEALS	To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.	15 - 20
PLANNING APPLICATIONS		
To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary.		
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.		
All of the applications on this agenda are new applications.		
5. DCNC2008/1350/F - CHAPEL COTTAGE, WYSON, BRIMFIELD, LUDLOW, HEREFORDSHIRE, SY8 4NL	Proposed two storey extension and replacement garage.	21 - 26
6. DCNW2008/0927/F - BELLWOOD, SHOBDON, LEOMINSTER, HEREFORDSHIRE, HR6 9NJ	Proposed siting of three lodge units for holiday use together with access drive, car parking and sewage treatment plant.	27 - 34
7. DCNW2008/1391/F - KEEPER'S COTTAGE, WINFORTON, HEREFORD, HEREFORDSHIRE, HR3 6EB	Proposed two storey extension and change of use of agricultural land to residential.	35 - 40
8. DCNW2008/1371/F - SCHOOL HOUSE CRAFTS, HIGH STREET, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LQ	Proposed live/work development.	41 - 44
9. DCNW2008/1368/F - LOWER WOOTTON GRANGE, WOOTTON, ALMELEY, HEREFORD, HEREFORDSHIRE, HR3 6PX	Proposed agricultural worker's dwelling and garden	45 - 50
10. DCNW2008/1206/F - WITHYSTONE COURT, HOPLEYS GREEN, ALMELEY, HEREFORDSHIRE, HR3 6QX	Change of use of land to residential with the retention of open fronted carport.	51 - 56
11. DCNC2008/1292/F - LOWER BUCKLAND, DOCKLOW, LEOMINSTER, HEREFORDSHIRE, HR6 0RU	Extension to existing agricultural livestock building.	57 - 60
12. DCNC2008/1311/F - LOWER BUCKLAND FARM AT LOWER BUCKLAND, DOCKLOW, LEOMINSTER, HEREFORDSHIRE, HR6 0RU	New access on to the A44 at Docklow	61 - 66
13. DCNC2008/0978/F & DCNC2008/0979/C - MARSH MILL, BRIDGE STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DZ		67 - 80
14. DCNC2008/1320/F - GREEN HOUSE, PANNIERS LANE, FLAGGONERS GREEN, BROMYARD, HEREFORDSHIRE, HR7 4QR	Removal of condition 2 (ancillary accommodation) of application DCNC2007/0180/F.	81 - 86

15. DATE OF NEXT MEETING

30 July 2008.



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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 4 June 2008 at 2.00 p.m.

Present: Councillor JW Hope MBE (Chairman)
Councillor PJ Watts (Vice Chairman)

Councillors: LO Barnett, WLS Bowen, ME Cooper, KG Grumbley, B Hunt, RC Hunt, TW Hunt, TM James, P Jones CBE, R Mills, PM Morgan, A Seldon, RV Stockton, J Stone and JK Swinburne

In attendance: Councillors PGH Cutter and H Davies

1. ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN

The Sub-Committee noted that, at the Annual Council Meeting held on 16 May 2008, Councillor JW Hope MBE had been re-elected Chairman, and Councillor PJ Watts had been appointed Vice-Chairman of the Northern Area Planning Sub-Committee, for the ensuing municipal year.

2. APOLOGIES FOR ABSENCE

Apologies were received from Councillors RBA Burke, JP French, JHR Goodwin and RJ Phillips.

3. DECLARATIONS OF INTEREST

The following declaration of interest was made:

Officer	Item	Interest
Mr M. Tansley, Northern Team Leader	Minute 10, Agenda Item 10, DCNC2008/0440/O Pinsley Works at Pinsley Road, Leominster, Herefordshire, HR6 8NX	Declared a prejudicial interest and left the meeting for the duration of this item.

4. MINUTES

RESOLVED: that the minutes of the meeting held on 07 May 2008 be approved as a correct record and signed by the Chairman.

5. ITEM FOR INFORMATION - APPEALS

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

6. **DCNW2008/0863/F - LAND ADJACENT TO STONEWOOD COTTAGE, OXFORD LANE, KINGTON, HEREFORDSHIRE [AGENDA ITEM 6]**

Erection of one house.

In accordance with the criteria for public speaking, Ms E. Newman spoke on behalf of Kington Town Council, and Mr Burton, the applicant, spoke in support of the application.

The Local Ward Member, Councillor TM James, said that he was opposed to the principle of the development, because it was in his view “backland” development. He acknowledged, however, that there were no planning grounds on which to refuse the application. He added that it was crucial to maintain the historic walls of Kington, and asked that Condition 15 in the report, which would ensure reinstatement of the historic boundary wall on the application site, be enhanced so that the wall would be completely reinstated prior to first occupation of the dwelling.

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

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

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

2. **C01 - Samples of external materials**

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

3. **DO4 - Details of window sections, eaves, verges and barge boards**

Reason: To safeguard the amenities of the locality and to comply with Policy DR2 of Herefordshire Unitary Development Plan.

4. **DO5 - Details of external joinery finishes**

Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the architectural and historic interest of the building (as one which is in a conservation area), and to comply with the requirements of Policy HBA12 and HBA13 of Herefordshire Unitary Development Plan

5. **D10 - Specification of guttering and downpipes**

Reason: To ensure that the rainwater goods are of an appropriate form in the interests 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.

6. **E01 - Site investigation – archaeology**

Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan.

7. F14 - Removal of permitted development rights

Reason - For new houses - In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.

8. F01 - Restriction on hours of working

Reason: To safeguard the amenities of the locality and to comply with Policy DR2 of Herefordshire Unitary Development Plan.

9. L01 - Foul/surface water drainage

Reason: To protect the integrity of the public sewerage system and to comply with Policy CF2 of Herefordshire Unitary Development Plan.

10. L02 - No surface water to connect to public system

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

11. L03 - No drainage run-off to public system

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

12. H08 - Access closure

Reason: To ensure the safe and free flow of traffic using the adjoining County highway and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

13. H12 - Parking and turning - single house

Reason: In the interests of highway safety, to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

14. H29 - Secure covered cycle parking provision

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

15. Prior to first occupation of the dwelling hereby approved, the boundary wall to the application site will be reinstated, and full details will be submitted to the Local Planning Authority for approval in writing on the method and type of construction materials to be used for its reinstatement.

Reason: In the interests of preserving the character of the surrounding Conservation Area and to comply with Policy HBA8 of the Herefordshire Unitary Development Plan.

16. B06 - Implementation of one permission only

Reason: In order that the Local Planning authority can control the type of development on site in consideration of Policy HBA6 of the Herefordshire Unitary Development Plan.

Informatives

1 - HN03 - Access via public right of way

2 - HN04 - Private apparatus within highway

3 - HN10 - No drainage to discharge to highway

4 - N19 - Avoidance of doubt - Approved Plans

5 – N15 – Reason(s) for the Grant of PP/LBC/CAC

7. DCNW2008/0942/RM - LAND WEST OF OLD EARDISLEY ROAD, KINGTON, HEREFORDSHIRE [AGENDA ITEM 7]

Residential development of 46 dwellings, garages, associated roads, sewers and works.

The Senior Planning Officer reported the following updates to the report:

- Welsh Water had responded to the application with no objections.
- CPRE had responded to the application with concerns about the amount of proposed car parking provision within the site, which it felt should be reduced if the Council is serious about reducing car use. Also concerns had been raised about the insufficiently sustainable design.

The Senior Planning Officer gave the following response to the updates:

- The car parking and internal road layout and access to the site are in accordance with the Council's Transportation Manager's requests and therefore no objections are raised with regards to this issue.
- The issues with regards to sustainable design are covered by building regulations, to which objections raised are not considered valid enough in the event of an appeal in respect of this application.

The Senior Planning Officer said that he had made no change to the recommendation contained in the report, as a result of the updates.

In accordance with the criteria for public speaking, Ms E. Newman spoke on behalf of Kington Town Council.

The Local Ward Member, Councillor TM James, although accepting that the proposed density of dwellings was reasonable, expressed concern about parking on the site. He said that the proposed play area was positioned incorrectly because it was out of the sight of most inhabitants, and this would make monitoring children's whereabouts extremely difficult. He was of the opinion that the design for the proposed dwellings was substandard and unimaginative, and would be detrimental to the surrounding area.

In response to a question from Councillor LO Barnett, the Senior Planning Officer confirmed that Welsh Water had thoroughly examined drainage and sewerage issues, and had concluded that they were satisfactory.

In response to a question from Councillor RV Stockton, the Northern Team Leader reported that the Section 106 agreement in relation to the leisure areas on the site, had been based on a ten-year maintenance figure, following advice from the Council's Parks and Countryside Section.

Having carefully considered all aspects of the application, members agreed on balance that it should be approved.

RESOLVED: That Reserved Matters be granted subject to the following conditions:

1 C01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

2 D04 (Details of window sections, eaves, verges and barge boards)

Reason: To ensure the development integrates into the surrounding countryside and to comply with the requirements of Policies DR1 and LA3 of the Herefordshire Unitary Development Plan.

3 D05 (Details of external joinery finishes)

Reason: To ensure the development integrates into the surrounding countryside and to comply with the requirements of Policies DR1 and LA3 of the Herefordshire Unitary Development Plan.

4 F01 (Restriction on hours of working)

Reason: To safeguard the amenities of the locality and to comply with Policy DR2 of Herefordshire Unitary Development Plan.

5 No timber constructed fencing will be constructed alongside the site boundary with Old Eardisley Road without the prior permission of the Local Planning Authority in writing.

Reason: In order to retain the character of the area and to enable the hedgerow alongside the boundary to become established and to comply with Policies DR1, LA2 and LA3 of the Herefordshire Unitary Development Plan.

- 6 No windows in perpetuity (other than those as expressed by this permission) will be installed into the elevations of plot numbers 12, 6, 7, 8-11, 1, 46 and 42 facing Old Eardisley Road as indicated on the Planning Layout Drawing Number 07-104/02A.

Reason: In order to protect the privacy and amenity of adjoining dwellings and comply with Policy DR2 of the Herefordshire Unitary Development Plan.

- 7 H21 (Wheel washing)

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

- 8 H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

INFORMATIVES

- 1 N15 - Reason(s) for the Grant of Planning Permission
- 1 N19 - Avoidance of doubt - Approved Plans
- 2 N11A – Wildlife and Countryside Act 1981 (as amended) - Birds
- 3 N11C – General
8. **DCNC2008/0762/F AND DCNC2008/0763/L - THE FORBURY RESIDENTIAL HOME, CHURCH STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8NQ [AGENDA ITEM 8]**

Single storey extension to provide additional bedroom accommodation.

The Northern Team Leader provided the following amendments to paragraphs 6.5 and 6.6 in report:

- 6.5 The application is an amendment to planning permission DCNC2007/2859/F and seeks a slight increase in size in order to meet minimum standards for bedroom sizes. The size of the extension permitted under planning permission DCNC2007/2859/F measures 12 metres in length and 8.5 metres in width, with an external doorway extending from the front another 2.2 metres. The ridge height of the building measures approximately 4.7 metres. This would leave approximately a 1-metre gap between the rear part of the extension and the neighbouring fence. To the front of the building, the gap would be 0.65 metres from this fence.
- 6.6 The proposed building now measures 12.8 metres to the front, and 12.2 metres across the rear, with a width of 8.5 metres. As before, an external doorway is proposed extending the front elevation to 14.6 metres in length. Overall, this will reduce the gap between the neighbours fence at the front from 0.65 metres to 0.5 metres. The gap to the rear will remain as before at 1 metre.

He added that there was no resulting change to the recommendation in the report, in the light of the above amendments.

In accordance with the criteria for public speaking, Mr Chambers spoke in objection to the application, and Mr Lutton, the applicant, spoke in support.

The Local Ward Member, Councillor RC Hunt, commented that previous works on the application site had been ongoing for a considerable length of time, and he asked if it was possible to impose a time limit on the proposed works, in order to minimise the potential disturbance to neighbouring residents. The Northern Team Leader confirmed that the proposed Condition 13 in the report set out when the development would commence, and that planning policy did not make provision to impose a time limit on the completion of developments.

RESOLVED:

In respect of DCNC2008/0762/F:

That planning permission be granted subject to the following conditions:

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

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

2 C01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

3 D05 (Details of external joinery finishes)

Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 [and HBA3] of Herefordshire Unitary Development Plan.

4 E01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan.

5 F06 (Restriction on Use)

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity and to comply with Policy DR2 of Herefordshire Unitary Development Plan.

6 F15 (No windows in side elevation of extension)

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

7 G10 (Landscaping scheme)

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

8 G11 (Landscaping scheme - implementation)

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

9 H29 (Secure covered cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

10 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 and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

11 H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

12 Details of any 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 and the building is occupied. 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 the character and amenities of the area and to comply with Policy DR14 of the Herefordshire Unitary Development Plan 2007.

13 No plant or machinery used in the construction of the extension hereby permitted shall be operated on the premises before 08.00am on weekdays and 09.00am on Saturdays nor after 18.00pm on weekdays and 16.00pm on Saturdays, nor at any time on Sundays, Bank or public holidays.

Reason: To safeguard the amenity of the area so as to comply with Policy DR13 of the Herefordshire Unitary Development Plan 2007.

Informatives

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

2 - N19 - Avoidance of doubt - Approved Plans

In respect of DCNC2008/0763/L:

That Listed Building Consent be granted subject to the following conditions:

1 - D01 (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 - C01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

3 - D05 (Details of external joinery finishes)

Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 [and HBA3] of Herefordshire Unitary Development Plan.

4 - E01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan.

Informatives

1 - N19 - Avoidance of doubt - Approved Plans

2 - N15 - Reason(s) for the Grant of Listed Building Consent

9. DCNW2008/0293/F - RHIWLAS FARM, TITLEY COURT ESTATE, TITLEY, KINGTON, HEREFORDSHIRE, HR5 3RL [AGENDA ITEM 9]

Conversion of and alterations to period stables to create three residential dwellings.

The Principal Planning Officer reported the following updates to the report:

- A further letter had been received from Mrs Whitlock of Half Barrel Cottage which reads as follows:

"I'm sure that you will take note of all of the concerns that I voiced in my letter of objection (28th Feb 08), but just to reiterate that I am greatly disturbed that the plan is to have windows overlooking my property at all, even if fixed and obscured, and that there may be soil vents/extractors etc visible and audible from my house and garden which are not currently detailed on the Planning Application. Likewise no detail for the positioning of rainwater soakaways. Also of particular concern is the access from a safety point of view and the considerable and misleading inaccuracies of the Access Statement."

In addition I would like to make the following points:

You said when we spoke last week that you would add a note in the restrictions about extractors/ vents etc not to be visible from my side. I don't see that on the web site meeting notes. Also where does it talk about them only being allowed 1sq m of glazing per unit and the need for windows to be 4m apart? The attached site map shows my house without my sons' bedroom or the sunroom, both of which will be grossly effected by these windows This impact is not truly represented to your Councillors. It is also incorrectly named Old School House.

Officers' Appraisal 6.7 '....part B of the Building Regs restrict the amount of glazing that can be used on a wall that forms a boundary and as such it is unlikely that the amount of glazing will need to be reduced to comply.' should this read that it is "likely that the amount of glazing will need to be reduced"

The Principal Planning Officer had provided the following response to the above comments:

- As above. Para 6.7 of the report should read, likely, rather than unlikely.
- It is also suggested that an additional condition be added as follows:

Prior to the commencement of development, details including the siting, size and external finish of any flues or extractors shall be submitted to and approved in writing by the local planning authority. No further flues or extractors shall be added without the prior written approval of the Local Planning Authority.

Reason: To protect the amenities of neighbouring residents and to ensure a satisfactory external appearance in accordance with policies DR1 and HBA13 pf the Herefordshire Unitary Development Plan (2007).

Additional Highway Informative notes are also recommended – HN04, HN05, HN10, HN22, HN28

Members expressed concern about the proposed opaque glazing to the elevation of the property which bordered the neighbouring property because of the detrimental impact it would have on the privacy and amenity afforded to the neighbour, and some members suggested that this elevation should retain a form of boarding instead, as per the present circumstance. For the same reason, Members also suggested that all guttering, flues and extractors should be restricted to the courtyard elevations of the property, and should not be sited on the elevations bordering the neighbouring property. The Principal Planning Officer confirmed that all of these aspects could be included in the conditions for any planning permission granted.

Councillor LO Barnett requested that the details of the additional conditions proposed be discussed with the Chairman and Vice-Chairman of the Sub-Committee, and with the Local Ward Member.

RESOLVED: That planning permission be granted, subject to details of the proposals for fenestration and boarding, drainage, and the siting of flues and extractors being finalised in consultation with the Chairman, the Vice-Chairman, and the Local Ward Member, and 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 (Development in accordance with the approved plans)

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

3. C01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

4. D04 (Details of window sections, eaves, verges and barge boards)

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.

5. D05 (Details of external joinery finishes)

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.

6. D11 (Repairs to match existing)

Reason: To ensure that all of the works arising from the approved scheme are of an appropriate form in the 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.

7. D12 (Repairs in situ)

Reason: To ensure that the integrity of the building as one which is listed, in a conservation area, or of local interest is preserved to ensure compliance with Policy [HBA1][HBA3][HBA12][HBA13] of Herefordshire Unitary Development Plan.

8. G10 (Landscaping scheme)

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

9. G11 (Landscaping scheme - implementation)

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

11. F14 (Removal of permitted development rights)

Reason: For barn conversions - To ensure the character of the original conversion scheme is maintained and to comply with Policy HBA12 of Herefordshire Unitary Development Plan.

12. I16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

13. L01 (Foul/surface water drainage)

Reason: To protect the integrity of the public sewerage system and to comply with Policy CF2 of Herefordshire Unitary Development Plan.

14. L02 (No surface water to connect to public system)

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

15. L03 (No drainage run-off to public system)

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

16. Prior to the commencement of development details of the openings to the South West Elevation shall be submitted to and approved in writing by the local planning authority. These details shall include obscure glazing and non-openable windows, works shall be carried out in accordance with the approved plans and shall be retained in accordance with the agreed scheme and shall be retained in perpetuity.

Reason: In order to protect the residential amenity of adjacent properties and to comply with policy DR1 of the Herefordshire Unitary Development Plan (2007).

17. The proposals set out in part 6. Mitigation Strategy section of the ecologist's report should be followed in relation to bats. The need for an EPS license should be assessed prior to development works.

Details of construction, siting and erection of nest boxes for nesting birds and barn owls should be discussed with the consultant ecologist and planned as per the recommendations to provide nearby alternative nest sites. A work programme should be devised for the site to ensure that the birds are not disturbed during nesting from March to September.

Timing of the development and the post-development site safeguards should be adhered to. A monitoring programme for bats and birds should be submitted to Herefordshire Council for implementation after completion of the development works.

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

Reasons: To ensure all species of bat and their roosts are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats) Regulations 1994 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.

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

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

18. Prior to the commencement of development, details including the siting, size and external finish of any flues or extractors shall be submitted to and approved in writing by the local planning authority. No further flues or extractors shall be added without the prior written approval of the Local Planning Authority.

Reason: To protect the amenities of neighbouring residents and to ensure a satisfactory external appearance in accordance with policies DR1 and HBA13 of the Herefordshire Unitary Development Plan (2007).

INFORMATIVES:

1. N15 - Reason(s) for the Grant of Planning Permission
 2. N19 - Avoidance of doubt - Approved Plans
 3. Highway Informative notes HN04, HN05, HN10, HN22, HN28
10. DCNC2008/0440/O - PINSLEY WORKS AT PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NX [AGENDA ITEM 10]

Site for development to form twenty-one apartments, access road and parking.

The Development Control Manager reported the following updates to the report:

- One further letter of objection had been received from Mr A Pritchard, Little West, Pinsley Road. The letter raised concerns about parking, the proximity of the site to the railway line and residential amenity.

- A further petition had been submitted in response to the amended plans with 11 signatories. It reiterated the concerns previously raised.
- Leominster Town Council had commented on the amended plans and had maintained their objections.

The Development Control Manager confirmed that there were no amendments to the recommendation in the report as a result of the updates.

Mr Tomkins, the applicant's agent, had registered to speak in accordance with the criteria for public speaking, and was present at the meeting. He declined to speak, however.

The Local Ward Member, Councillor RC Hunt, felt that the proposal represented an overdevelopment of the site, and that the application would also have a detrimental impact on highway safety, particularly in the evening, when Pinsley Road experienced an especially high volume of traffic.

In response to a question from Councillor R Mills, the Development Control Manager confirmed that it would be possible to discuss using some of the funds secured via the Section 106 agreement, to improve road safety in the area. He drew Members' attention to the fact that the Transportation Manager had not objected to the proposal. He also confirmed that the provision for affordable housing would be included in the Section 106 agreement, as per Paragraph 4.7 of the report.

A vote to approve the application was lost, and Members then voted on a substantive motion to refuse the application, which was carried.

RESOLVED:

That (i) The Northern Area Planning Sub-Committee is minded to refuse the application for the reasons given below and any further reasons felt to be necessary by the Development Control Manager in consultation with the Chairman and Local Ward Member, provided that he does not refer the application to the Head of Planning Services.

1. Overintensification.

2. Detrimental impact of the amenity of the surrounding area.

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

[Note: Following the vote on this application, the Development Control Manager advised that he was minded not to refer the application to the Head of Planning Services, but that he would seek procedural advice before taking this course of action, and may be obliged to refer it to the Head of Planning Services depending on the outcome of that advice]

11. DATE OF NEXT MEETING

02 July 2008.

The meeting ended at 3.30 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCNE2008/0644/F**

- The appeal was received on 13th June 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 R. Anderson
- The site is located at The Bee House and The Hive, Nashend House, Bosbury, Ledbury, Herefordshire, HR8 1JU
- The development proposed is Application under S.73 to rescind holiday occupation conditions (4 & 5) and restrictive conditions (3 & 6) from Planning Permission DCNE2003/2257/F.
- The appeal is to be heard by Written Representations

Case Officer: Roland Close on 01432 261803

Application No. DCNW2007/3488/F

- The appeal was received on 12th June 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 Llewelin
- The site is located at Land at The Marsh, opposite Little Downfield, Rushock, Kington, Herefordshire, HR5 3SD.
- The development proposed is Retrospective application for the change of use of part of an agricultural building to joinery workshop.
- The appeal is to be heard by Hearing

Case Officer: Kelly Gibbons on 01432 261781

Application No. DCNW2007/3141/F

- The appeal was received on 9th June 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 A.R. Friedl
- The site is located at Pughs Yard Barn, Meadow Street, Weobley, Herefordshire
- The development proposed is Proposed new garden room
- The appeal is to be heard by Written Representations

Case Officer: Rebecca Jenman on 01432 260336

Application No. DCNW2007/3142/L

- The appeal was received on 9th June 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 A.R. Friedl
- The site is located at Pughs Yard Barn, Meadow Street, Weobley, Herefordshire
- The development proposed is Proposed new garden room
- The appeal is to be heard by Written Representations

Case Officer: **Rebecca Jenman on 01432 260336**

Application No. DCNW2008/0121/F

- The appeal was received on 21st May 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 Howell
- The site is located at The Old Chapel, Tipton Lane, Leintwardine, Craven Arms, Herefordshire, SY7 0LN
- The development proposed is Rear extension and sustainability upgrade.
- The appeal is to be heard by Written Representations

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

Application No. DCNW2008/0120/L

- The appeal was received on 21st May 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 Howell
- The site is located at The Old Chapel, Tipton Lane, Leintwardine, Craven Arms, Herefordshire, SY7 0LN
- The development proposed is Rear extension and sustainability upgrade.
- The appeal is to be heard by Written Representations

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

Application No. DCNW2007/3144/F

- The appeal was received on 2nd June 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 c/o Mr A Common
- The site is located at Compasses Hotel, Ford Street, Wigmore, Leominster, Herefordshire, HR6 9UN
- The development proposed is Proposed owners house.
- The appeal is to be heard by Written Representations

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

Application No. DCNE2008/0817/O

- The appeal was received on 5th June 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 J. Griffiths
- The site is located at 3 Bridge Street, Ledbury, Herefordshire, HR8 2AJ
- The development proposed is Site for the erection of one dwelling.
- The appeal is to be heard by Written Representations

Case Officer: Carl Brace on 01432 261975

Application No. DCNC2008/0480/F

- The appeal was received on 5th June 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 W. Harding
- The site is located at Ash Farm, Leysters, Leominster, Herefordshire, HR6 0HP
- The development proposed is a retrospective application for the change of use of building from agriculture to storage and workshop and of land to storage and parking.
- The appeal is to be heard by Inquiry

Case Officer: Julia Shields on 01432 261560

Application No. DCNW2007/3633/F

- The appeal was received on 9th June 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 B.J. Layton & Co
- The site is located at Park Gate Farm, Lyonshall, Herefordshire, HR5 3HY
- The development proposed is Change of use from agricultural land to 6 holiday lodges (lodge style caravans).
- The appeal is to be heard by Written Representations

Case Officer: Kelly Gibbons on 01432 261781

APPEALS DETERMINED**Enforcement Notice EN2006/0038/ZZ**

- The appeal was received on 23rd June 2006
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr J Needham
- The site is located at Church Farm, Leinthall Starkes, Wigmore, Herefordshire
- The breach of planning control alleged in this notice is:
Without planning permission, change of use of the land for siting of two mobile homes
- The requirements of the notice are:
 - (i) *Cease the residential use of the land*

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

- (ii) *Permanently remove the two mobile homes from the land*
 - (iii) *Restore the land to its former condition before the breach took place*
- The main issue is whether there is a functional need for a dwelling on the site, which could not be fulfilled elsewhere.

Decision: The appeal was UPHeld on 21st May 2008

Case Officer: Philip Mullineux on 01432 261808

Application No. DCNW2007/0603/F

- The appeal was received on 29th January 2008
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Border Oak Design & Construction
- The site is located at Land adjacent to Weobley Methodist Chaple Weobley.
- The application, dated 28TH February 2007, was refused on 18th January 2008
- The development proposed was Proposed erection of 12 dwelling units and ancillary garages.
- The main issue is the effect of the proposal on highway safety.

Decision: The appeal was WITHDRAWN on 21st May 2008

Case Officer: Philip Mullineux on 01432 261808

Application No. DCNC2007/1386/F

- The appeal was received on 18th February 2008
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr M. Rohdes
- The site is located at Dukes Walk, Etnam Street, Leominster, Herefordshire, HR6 8AE
- The application, dated 3rd May 2007, was refused on 29th June 2007
- The development proposed was Erection of 4 houses
- The main issues are:
 - i) *The adequacy of the living environment that would be created for the occupiers of the proposed houses*
 - ii) *The effect of the proposal on the character and appearance of the Leominster Conservation Area*

Decision: The appeal was DISMISSED on 23rd May 2008

Case Officer: Andrew Banks on 01432 303085

Enforcement Notice EN2007/0114/ZZ

- The appeal was received on 18th December 2007
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr Howe
- The site is located at land at the Wheatsheaf Inn, Fromes Hill, Ledbury, Herefordshire HR8 1HT
- The breach of planning control alleged in this notice is:
Without planning permission, the creation of a single dwelling house
- The requirements of the notice are:
 - i) *Cease the use of the extension to the west of the public house as a single dwelling house*
 - ii) *Permanently remove the kitchen from the extension to the west of the public house including all fixtures and fittings*
- The main issues are:
 - i) *The effect of the development on the character and appearance of the area*
 - ii) *Whether the proposal complies with policies for development in the open countryside as defined by the Herefordshire Unitary Development Plan 2007*

Decision: The appeal was WITHDRAWN on 27th May 2008

Case Officer: Roland Close on 01432 261803

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

5 DCNC2008/1350/F - PROPOSED TWO STOREY EXTENSION AND REPLACEMENT GARAGE AT CHAPEL COTTAGE, WYSON, BRIMFIELD, LUDLOW, HEREFORDSHIRE, SY8 4NL

For: Mr S. Sellers per Mr N La Barre, Easters Court, Leominster, Herefordshire HR6 0DE

Date Received: 19th May 2008
Expiry Date: 14th July 2008

Ward: Upton

Grid Ref: 51983, 67973

Local Member: Councillor J Stone

1. Site Description and Proposal

- 1.1 Chapel Cottage is located centrally within Brimfield. It is a timber framed three bed cottage with brick infill and a later brick extension. The property is positioned gable end on to Wyson Lane with a large external chimney stack being its most dominant feature from the road. The cottage is set back with a parking area in its foreground. This is used by the Methodist Chapel opposite. A modest pre-fabricated single garage is positioned along the northern boundary and a high conifer hedge defines part of the western boundary, beyond which lies another residential dwelling.
- 1.2 The application is for the erection of an extension and a replacement garage. The extension is to provide an additional bedroom, first floor bathroom and study. The plans also show a number of alterations to the existing cottage, including the utilisation of a void in the roof space of the earlier extension and the addition of three dormer windows into the southern elevation.
- 1.3 The new extension is an L shape and positioned centrally on the northern elevation of the cottage. It is to be faced in brick with a tiled roof to match the original cottage. At first floor level, a dormer window is included in the west elevation. The extension will increase the size of the dwelling by approximately one third.
- 1.4 The proposed garage is positioned on the northern boundary and is set back further into the plot than the pre-fabricated structure that it seeks to replace. It has a footprint of 31.5 square metres and a ridge height of 3.8 metres, and is 4 metres distant from the flank wall of the extension.

2. Policies

2.1 Herefordshire Unitary Development Plan

Policy DR1 - Design
Policy H18 - Alterations and Extensions

3. Planning History

- 3.1 NC2007/3464/F Erection of a dwelling and garage on land to the south of Chapel Cottage - Approved 13.02.08
- NC2008/0748/F Proposed two storey extension and replacement garage - Withdrawn following concerns being raised regarding the scale of the extension and its relationship with the garage.

It is also apparent that the extension to the western gable end of the cottage is not an original feature and is post 1948. However, no planning permission has been identified for this.

4. Consultation Summary

Statutory Consultations

- 4.1 None required

Internal Council Advice

- 4.2 Transportation Manager - The site has poor visibility, although this is an existing situation. The plans do not show a turning space however, on balance, this is not sufficient reason to refuse the application and therefore no objections are raised.

5. Representations

- 5.1 Brimfield Parish Council comment: as follows:-

“We have concerns regarding the right of access which will be across Chapel property - has consultation taken place with the Chapel owners?”

If approved, we remain concerned regarding car parking facilities once the building is finished - we would require assurance that no parking would take place on Chapel property. Also during building work - where will the workmen park in an already narrow lane given that no parking would be available on Chapel land?

As permission has been granted for a new property adjacent to Chapel Cottage (DCNC2007/3464/F), we remain concerned that a population increase would affect flooding issues in the area.”

- 5.2 Two letters of objections have been received from Mr P Darby, Pendlefin, Brimfield and Mrs B Coleman on behalf of Wyson Methodist Chapel.

In summary the points raised are as follows:

- The new extension will result in overlooking of Pendlefin.
- Concern about surface water drainage in light of the additional parking area proposed.
- The proximity of the garage to the northern boundary.

- Concern about the accuracy of the plans.
- The applicant has no formal right to park on the area to the front of the house. The increased size of the dwelling will bring extra pressure for this to occur.

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 points of consideration in respect of this application are the scale and design of the proposal in relation to the original cottage and the impact that the first extension has on its character, appearance and privacy.
- 6.2 The concerns raised in relation to the earlier application were that the extension was too large and that the garage was in too close proximity to it, giving an overwhelming and unsatisfactory degree of massing.
- 6.3 In an attempt to address this, the extension has been reduced in its size and the garage moved further away and set further back into the plot. This has achieved an acceptable degree of separation between the two, reducing their combined massing and addressing the concern that was raised originally.
- 6.4 The original cottage would have been a simple two up two down timber framed structure. The later brick extension and other alterations that have been made give it a linear character and appearance that has completely changed its original state. Whilst the proposal adds further bulk, it is not considered so harmful in design terms or in terms of its impact on the original cottage to warrant the refusal of the application.
- 6.5 An objection has been raised about the potential for overlooking to be caused by the bedroom window in the west elevation. This will be in excess of 20 metres from the facing elevation of the property known as Pendlefin and the boundary between the two currently defined by a substantial conifer hedge. The addition of one window is unlikely to cause any demonstrable harm to residential amenity and again does not offer sufficient justification to refuse this proposal.
- 6.6 No details have been given of the turning and parking area proposed to the front and side of the garage, nor of its surfacing. These are both matters that can be adequately dealt with by condition. The choice of a permeable surface will address any concerns regarding surface water drainage.
- 6.7 There does appear to be a discrepancy between the site location plan and block plan and this has previously been raised with the applicant's agent. This relates to the position of the boundary between the application site and Pendlefin. The proposed block plans suggest that the site is smaller than those showing the existing situation and the proposal sits comfortably within that area.
- 6.8 Finally the issue of parking on the car park belonging to the Methodist Chapel is ultimately a civil matter. The site is of a sufficient size to accommodate additional cars and, by pushing the garage further back into the site, the situation is improved over that which currently exists. The pre-fabricated garage is not large enough to accommodate a car and the proposal represents a net gain in this respect.
- 6.9 It is therefore concluded that the proposal accords with the relevant Unitary Development Plan policies and the application 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 **C01 (Samples of external materials)**

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

- 3 **F08 (No conversion of garage to habitable accommodation)**

Reason: To ensure adequate off street parking arrangements remain available at all times and to comply with Policy H18 of Herefordshire Unitary Development Plan.

- 4 **F15 (No windows in side elevation of extension)**

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

- 5 **H12 (Parking and turning - single house)**

Reason: In the interests of highway safety, to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

INFORMATIVES:

- 1 **N19 - Avoidance of doubt - Approved Plans**

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

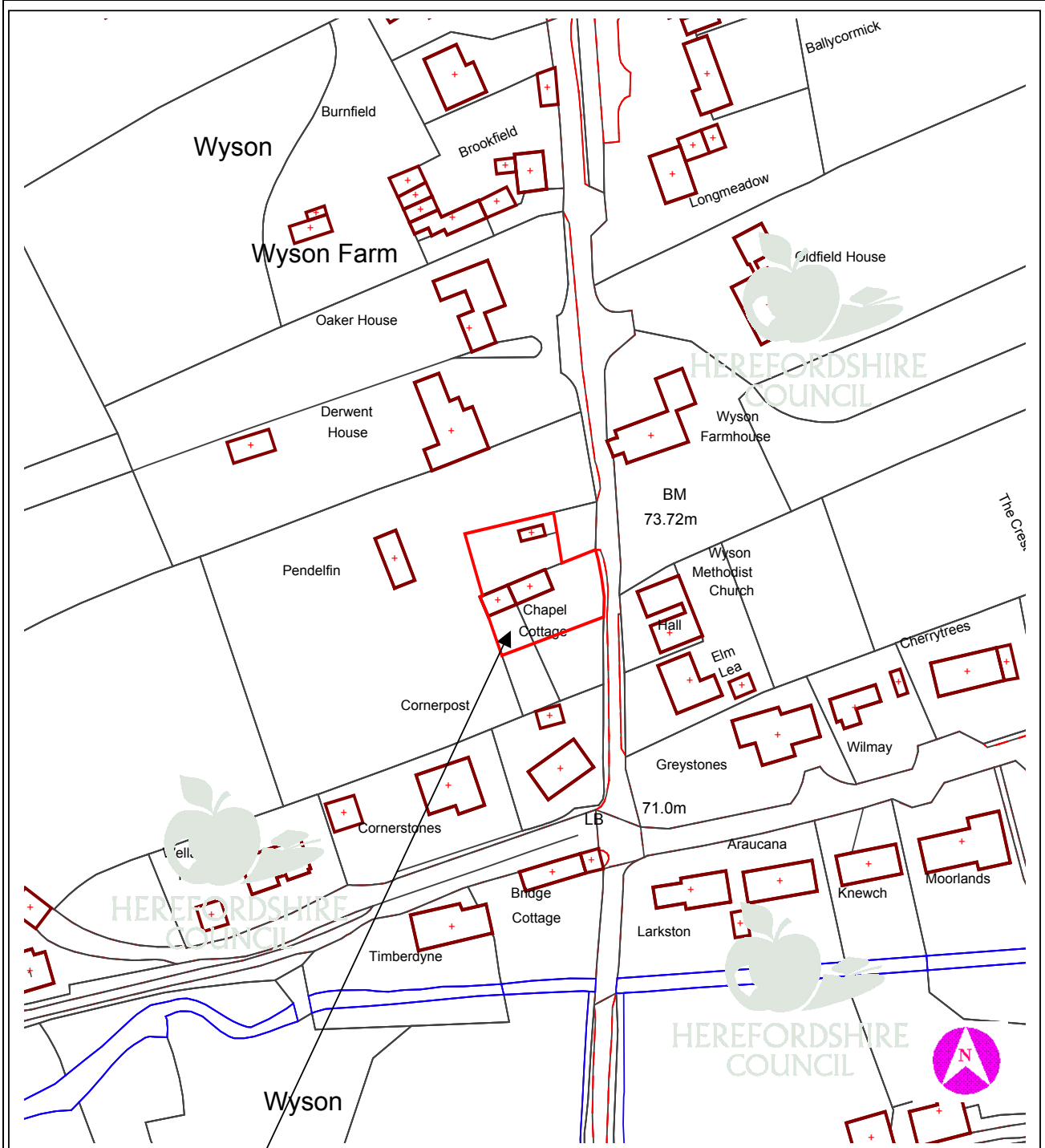
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2008/1350/F

SCALE : 1 : 1250

SITE ADDRESS : Chapel Cottage, Wyson, Brimfield, Ludlow, Herefordshire, SY8 4NL

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6 DCNW2008/0927/F - PROPOSED SITING OF THREE LODGE UNITS FOR HOLIDAY USE TOGETHER WITH ACCESS DRIVE, CAR PARKING AND SEWAGE TREATMENT PLANT AT BELLWOOD, SHOBDON, LEOMINSTER, HEREFORDSHIRE, HR6 9NJ

**For: Mr & Mrs R Stokes per Bryan Thomas
Architectural Design Ltd The Malt House Shobdon
Leominster Herefordshire HR6 9NL**

**Date Received: 28th March 2008 Ward: Pembridge & Grid Ref: 38975, 63206
Lyonshall with Titley**

Expiry Date: 23rd May 2008

Local Member: Councillor RJ Phillips

1. Site Description and Proposal

- 1.1 The application site comprises a parcel of land approximately 1.5 hectares in size that lies to the east of the dwelling and business premises known as Bellwood. The site is accessed from an unclassified road approximately 1Km from the B4362 (Shobdon to Presteigne). The site is accessed using an existing vehicular existing access point. The site itself lies to the North of an existing pond within which has some existing trees along the Southern Boundary.
- 1.2 The proposal is for the siting of three mobile home type holiday lodges units (approximately 11.4m by 6.1m and capable of sleeping up to six people), together with a new access road, parking area, landscaping and packaged treatment plant. The site is described as being situated just to the South of Shobdon Wood, close to the Mortimer trail and Shobdon loop walk. The proposed development is described in the Design and Access Statement as being able to provide comfortable accommodation for walkers using the trail and others wishing to holiday in North Herefordshire.

2. Policies

Unitary Development Plan (2007)

- S1 - sustainable development
- S7 - Natural and historic heritage
- S8 - Recreation, Sport and Tourism
- DR2 - Land use and activity
- DR3 - Movement
- E12 - Farm Diversification
- LA2 - Landscape character and areas least resilient to change
- LA4 - Protection of historic paths and gardens
- LA6 - Landscaping Schemes
- NC1 - Biodiversity and development
- RST12 - Visitor Accommodation
- RST13 - Rural and farm tourism development
- RST14 - Static Caravans, chalets, camping and touring caravan sites

National Planning Policy:

PPS1 - Delivering Sustainable Development
PPS 7 - Sustainable Development in Rural Areas
PPG13 - Transport

Good Practice Guide on Planning and Tourism

3. Planning History

- 3.1 2008/0128/F - Siting of three lodge units for holiday use together with access drive, car parking and treatment plant - withdrawn 4th March 2008
- 3.2 N99/0154/N - Extension to agricultural contractors workshop - approved 07-jul-1999
- 3.3 96/0708 - erection of dwelling and change of use of workshop to agricultural contracting business - approved with conditions - 12-nov-1996

4. Consultation SummaryStatutory Consultations

- 4.1 No statutory or non statutory consultations required.

Internal Council Advice

- 4.2 Internal Council Advice
- 4.3 The Transportation Manager makes the following comments:

Recommends refusal for the following reasons: No variation is proposed to the previous application. Visibility achievable is below standard and as the proposal would result in the intensification of use of the access, highway safety would be compromised.

5. Representations

- 5.1 Shobdon Parish Council make the following comments:

Has no objection providing run-off water enters the existing pool and does not drain into the surrounding fields. Also any outside lighting is sympathetic to the Countryside area.
- 5.2 A letter of representation has been received from Mr Simon Arbuthnott, Belgate House, Shobdon whose comments/objections were later formally withdrawn.
- 5.3 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 The main issues for consideration in the appraisal of this proposal are:

- The policies and principle of the change of use of land from agriculture to a holiday lodge / chalet park
- Sustainability of location
- Landscape Impact in relation to scale and character
- Ecology

Policies and principles

- 6.2 There are policies of the UDP which are broadly supportive of such proposals and these chalet / caravans parks can be successful tourism based facilities within the County where of an appropriate scale and in a suitable location.
- 6.3 Policy RST14 of the Unitary Development Plans deals explicitly with the creation of new chalet and caravan sites. In particular new parks will not be permitted where they would cause harm to the character and appearance of the countryside. In other locations the success of proposals will depend on a number of criteria. Amongst others these include requirement that the site is well screened, or capable of being screened, from roads viewpoints and other public places. The proposal would also need to be of a scale, which relates sensitively to its location, is well laid out, designed and landscaped. Traffic generated must be safely accommodated on the local highway network and arrangements must be made to ensure that the units are retained for holiday use.
- 6.4 Planning Policy Statement 7 sets out the governments specific objectives to promote sustainable patterns of development in rural areas. It recognises that diversification into non-agricultural activities is vital to the continued viability of many farm enterprises and suggests that local authorities should be supportive of well conceived farm diversification that contribute to sustainable development objectives and help to sustain the agricultural enterprise. This application provides no evidence that this is a farm diversification programme that may warrant some consideration under these policies. As such the application lacks any justification for the encroachments into the open countryside.

Sustainable Location

- 6.5 Unitary Development Plan Policies S1, S6, DR2 and DR3 aim to ensure that new developments be sited in locations which are located and designed so as to facilitate a genuine choice of mode of travel, including public transport, cycling and walking as alternative to the private car. The Good Practice Guide on Planning for Tourism also make reference to the siting of parks where local services may be accessed by means other than by car. Paragraph 35 of PPS7 also where new or additional facilities are required these should normally be provided in, or close to, service centres or villages.
- 6.6 The application submission makes no reference to the proximity to facilities in the village of Shobdon and towns of Presteigne or Kington. The site is approximately 1km to the main Presteigne road and a significant distance to an public service. Whilst it may attract those who wish to walk or cycle, realistically the predominant mode of transport will be the private motorcar. The scale of development also then become relevant where there will be additional car movement for 3 units, sleeping up to six persons. This is considered inappropriate and a level of development which would increase traffic movements to the detriment of the environment and locality.
- 6.7 The existing access to the site is substandard and the Transportation Manager raises an objection in terms of highway safety having particular regard to the intensification of

the use. As such the proposal is considered to be contrary to policies DR3 and RST14 of the Herefordshire Unitary Development Plan (2007).

Landscape Impact and Scale and Character of Development

- 6.8 The application site itself is has some screening and would benefit from additional screening to protect views from public vantage points. However, the scale of the development would have an impact on the rural character of this area. These units would inevitably acquire a clutter of domestic paraphernalia such as decking, washing lines, parasols and outside seating, barbeques and vehicles parking. The introduction of three units and a new driveway to the South of the existing pond would unavoidably make this site more assertive in the landscape, not least because of the sheer presence of households in terms of movement or people and vehicles. The intensification of activity and density would have a more urban nature and would change the character of the area, eroding its extremely quite and rural qualities. As such the proposal is considered to be contrary to policies DR2, LA2 and RST14 of the Unitary Development Plan (2007).
- 6.9 It remains a central principle of government policy to protect the countryside for its own sake. The fact that development may be well screened is not justification for that development.

Conclusion

- 6.10 Whilst policies are generally supportive of chalet / caravans parks in appropriate locations, the proposed siting of three holiday lodges on a site which is considered remote from services and facilities is considered contrary to policies S1, S6, DR2 and DR3 as well as the principle and aims of PPS7 and the Good Practice Guide for Tourism. Whilst it is accepted that the proposal would not have a far-reaching landscape impact the development of this scale, would, by its nature, change the character of the locality to the detriment of the landscape quality. As such it is considered to be contrary to policies DR2, LA2 and RST14 of the UDP (2007).

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The proposed development, by virtue of its scale, nature and siting would be an inappropriate form of development that would have a detrimental impact on the landscape and character of the immediate area and on the open countryside. As such the proposal is considered to be contrary to policies DR2, LA2 and RST14 of the Unitary Development Plan (2007).**
- 2. The proposed development, by virtue of its scale and siting would be an unsustainable form of development contrary to policies S1, S6, DR2 and DR3 of the Herefordshire Unitary Development Plan (2007) as well as the objectives of PPS7- Sustainable Development in Rural Areas.**
- 3. The intensified use of the existing substandard access that would serve the proposed site would be to the detriment of highway safety and as such would be contrary to the aims of policy DR3 of the Herefordshire Unitary Development Plan (2007).**

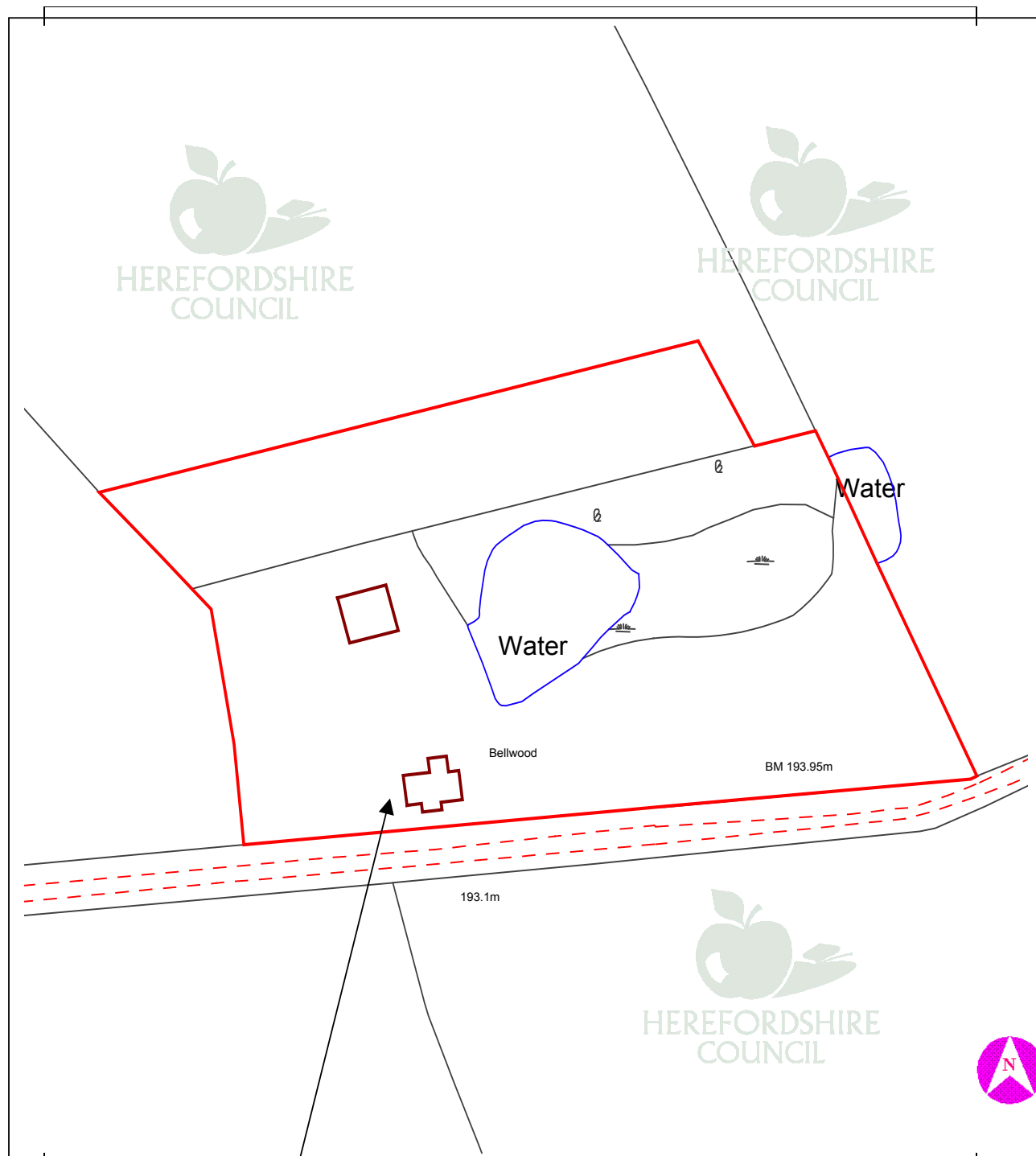
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2008/0927/F

SCALE : 1 : 1250

SITE ADDRESS : Bellwood, Shobdon, Leominster, Herefordshire, HR6 9NJ

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

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

7 DCNW2008/1391/F - PROPOSED TWO STOREY EXTENSION AND CHANGE OF USE OF AGRICULTURAL LAND TO RESIDENTIAL AT KEEPERS COTTAGE, WINFORTON, HEREFORD, HEREFORDSHIRE, HR3 6EB

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

Date Received: 19th May 2008 Ward: Castle Grid Ref: 29196, 48092

Expiry Date: 14th July 2008

Local Member: Councillor J W Hope MBE

1. Site Description and Proposal

- 1.1 The application site comprises an unusual dwelling that comprises a converted water tower, that has been previously extended to the North East and has recently had a detached garage with loft over constructed again to the North East. The cottage is located in a remote location at the end of the unclassified road that leads to Winforton Wood.
- 1.2 The proposal is for the extension to the dwelling to the South west, mirroring the extension that was added to the South East and accommodating at ground floor a sitting room with a further bedroom with en-suite with the link section being used as a dressing room at first floor level. To the rear of the dwelling, and wrapping around the octagonal tower feature is a large garden room with two bedrooms and a bathroom above. The central tower feature will be altered from accommodating two bedrooms, to a hallway with study. The proposal also includes a single storey link from the dwelling to the garage.
- 1.3 Externally the extension would match the existing building with the use of painted render and timber weatherboarding.
- 1.4 The proposal also includes the extension of the residential curtilage into the agricultural land to the South West. The extension would measure 10m by 15m and it is proposed that the hedge be transplanted to the new boundary line.
- 1.5 The application is reported to committee at the request of the Local Member.

2. Policies

DR1 – Design

H18 - Alterations and Extensions

LA2 – Landscape Character and areas least resilient to change

3. Planning History

- 3.1 NW2002/0126/F - Proposed garage with loft over - approved 21st Feb 2002.

- 3.2 91/0258 - extension to provide extra living accommodation - Approved 3rd-Jan-1992
- 3.3 86/92 - Removal of agricultural occupancy restriction - Approved 21st April 1986
- 3.4 76/360 - Alterations and additions - Approved

4. Consultation Summary

Statutory Consultations

- 4.1 No Statutory Consultations were required.

Internal Council Advice

- 4.2 The transportation manager has no objection to the grant of planning permission
- 4.3 The Public Rights of Way Officer has no objection to the application and notes that this proposal would not appear to affect public footpath WW9, which passes along the access track to the site,

5. Representations

- 5.1 Parish Council - Awaiting comments.
- 5.2 The statutory Consultation period Expires on the 2nd July 2008. Members will be updated verbally of any representations received.
- 5.3 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officers' Appraisal

- 6.1 The proposal falls to be considered having regard to policies DR1 and H18 of the Herefordshire Unitary Development Plan (2007). These policies seek to ensure that the original building (that is as at 1 July 1948 or as originally constructed if later than this date, and not including any subsequent extensions) would remain the dominant feature. It also requires that the proposal be in keeping with the character of the existing dwelling and its surroundings in terms of scale, mass, siting, detailed design and materials.
- 6.2 The original dwelling is taken to be the dwelling as per the 1976 planning permission. This original dwelling was the octagonal tower section with the stairs and hallway in a further irregular two storey octagonal section (2.5m by 3.5m) and a rectangular section (2m by 3m) comprising a kitchen at ground floor and bathroom above. The original dwelling can therefore be considered to have 76.7m² of accommodation (measured externally).
- 6.3 The property was then further extended by virtue of the 1991 permission that replaced the kitchen and bathroom with a two-storey extension measuring 7m by 5m. This added 70m² of accommodation.
- 6.4 A garage (two bay garage, one bay store) with loft over was then constructed under application number NW2002/0126/F. This garage is 1.6m away from the North East

elevation of the dwelling and has a footprint of 8.2m by 5.6 and includes a first floor. This added a further 69m2 of accommodation.

- 6.5 The proposed extension would add approximately a further 186m2 of accommodation to the existing building. The total increase from the original, excluding the garage being approximately 244m2 (this excludes the original kitchen / bathroom that was replaced by the later extension).
- 6.6 The property has already been substantially enlarged by virtue of the previous extension, but the tower feature has been retained as a dominant feature. The proposed alterations would substantially enlarge the dwelling, the cumulative effect of the alterations from the original property being that the original dwelling would no longer be the dominant feature. In addition to this the size, scale mass and detailed design of the proposed extensions would fail to be in keeping with the character of the existing dwelling. As such the proposal clearly fails to comply with policy H18 as well as the aims of policy DR1 of the Herefordshire Unitary Development Plan (2007).

RECOMMENDATION

That subject to no further representations being received that would raise material planning consideration by the end of the consultation period (2nd July 2008), the officers named in the Scheme of Delegation of Officer be authorised to refuse the application for the following reason and for any other reasons considered necessary by officers:

- 1. The proposed extensions, by virtues of their size, scale, mass and detailed design of the proposed extensions would fail to be in keeping with the character of the existing dwelling. As such the proposal clearly fails to comply with policies H18 and DR1 of the Herefordshire Unitary Development Plan (2007).**

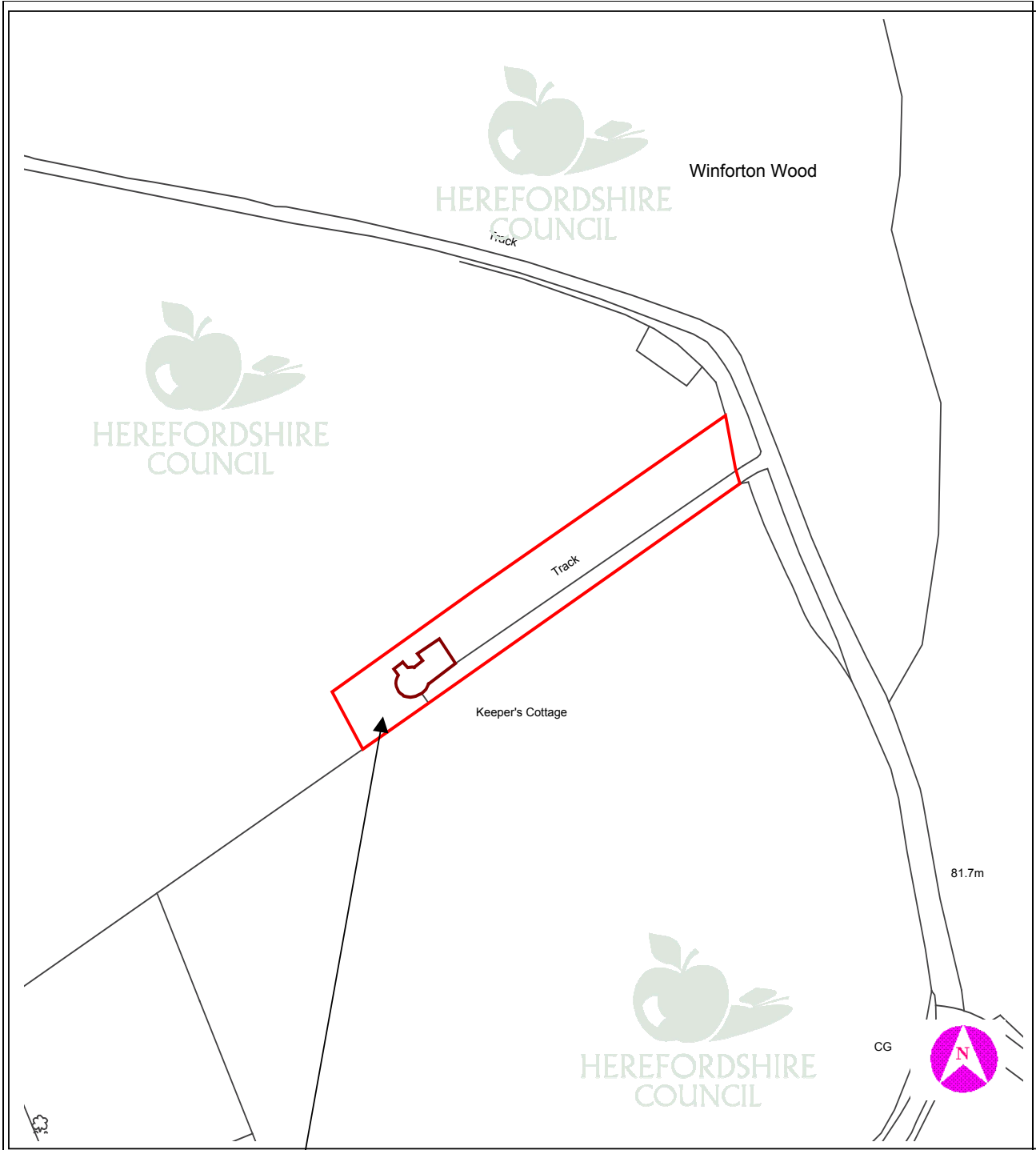
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2008/1391/F

SCALE : 1 : 1250

SITE ADDRESS : Keepers Cottage, Winforton, Hereford, Herefordshire, HR3 6EB

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8 DCNW2008/1371/F - PROPOSED LIVE/WORK DEVELOPMENT AT SCHOOL HOUSE CRAFTS, HIGH STREET, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LQ

For: Mr & Mrs K. Smith per Shepherd D5 Architects LLP 71-77 Coventry Street Birmingham B5 5NH

Date Received: 22nd May 2008 Ward: Mortimer Grid Ref: 40348, 74455
Expiry Date: 17th July 2008

Local Member: Councillor LO Barnett

1. Site Description and Proposal

- 1.1 The site is located within the development boundary of Leintwardine and adjacent to the northern tip of the Conservation Area boundary.
- 1.2 The site is adjoined on its eastern boundary by the A4113 public highway, on opposite sides of which are mostly semi-detached dwellings. To the rear of the site, alongside its western boundary is the Local Health Centre. To both the north and south of the site are other dwellings of various scale and character.
- 1.3 The application site itself contains a single storey concrete block externally constructed building under a sheeted asbestos roof.
- 1.4 The application proposes demolition of this building and construction of a live/work unit of external stone and timber construction under a natural zinc roof.

2. Policies

2.1 Herefordshire Unitary Development Plan

S1 - Sustainable Development
S2 - Development requirements
DR1 - Design
DR2 - Land use and activity
DR3 - Environment
DR5 - Planning obligations
H4 - Main villages: settlement boundaries
H13 - Sustainable residential design
H14 - Re-using previously developed land and buildings
E9 - Home based businesses
E10 - Employment proposals within or adjacent to main villages
HBA6 - New development within Conservation Areas.
LA2 - Landscape Character and areas least resilient to change.

2.2 Herefordshire Supplementary Planning Document

- Leintwardine Village design statement.
- Planning obligations

3. Planning History

- 3.1 NW01/2066/F - Change of use to picture framing workshop and retail gallery - Approved 25th September 2001.

4. Consultation Summary

Statutory Consultations

- 4.1 None required

Internal Council Advice

- 4.2 The Economic Regeneration Manager raised no objections to the proposed development
- 4.3 The Transportation Manager recommends a condition with regard to access, turning area and parking within the site be attached to any subsequent approval notice issued.
- 4.4 The Conservation Manager raises no objections to the proposed development.

5. Representations

- 5.1 Leintwardine Parish Council has responded to the application with no objections, although comments that the vision splay from Jays Lane needs safeguarding.
- 5.2 The full text of this letter can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 In policy terms this proposal is considered to be acceptable in principle. In practical terms the proposal raises no concerns of highway safety or amenity for neighbours. Similarly, the contemporary design is also considered acceptable and there is no conflict with policy on these matters. Limiting the use of the workshop element to B1 and/or D1 uses (light industrial/non-residential institutions) will preserve local amenity.
- 6.2 Under the terms of the new Planning Obligations SPD contributions are required for open spaces £317, libraries £198, recycling £120 and children and young children £4,900. The applicants, as part of their application, have requested deferment of payment, with regard to the Children and Young People Community infrastructure payment.
- 6.3 A demonstrated need has been provided by the Children and Young People's Directorate in this instance, as both Leintwardine Primary School and Wigmore High School are operating at capacity in some school years or over capacity in other years.
- 6.4. The applicants have requested, in a letter dated 19th May 2008, in support of their application, that the requested education payment be subject to a Planning Obligation deferring payment until such a time as a child becomes resident in the proposed new

dwelling. Their rationale to this request is the fact that they themselves have no dependant children that would occupy the premises and, therefore, funding for education would not arise as a consequent of the development.

- 6.5 On that basis this application fails to comply with Policy DR5: Planning Obligations, as future community impact of the proposed development has not been sufficiently addressed in accordance with that policy and the supplementary planning guidance on Planning Obligations.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. **The community impact of the proposed development has not been adequately addressed in accordance with guidance and Policy DR5 of the Herefordshire Unitary Development Plan and Herefordshire Supplementary Planning Guidance on Planning Obligations.**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.

9 DCNW2008/1368/F - PROPOSED AGRICULTURAL WORKER'S DWELLING AND GARDEN AT LOWER WOOTTON GRANGE, WOOTTON, ALMELEY, HEREFORD, HEREFORDSHIRE, HR3 6PX

For: Mr J. Mills per McCartneys, 54 High Street, Kington, Herefordshire HR5 3BJ

Date Received: 21st May 2008 Ward: Castle Grid Ref: 35846, 51865
Expiry Date: 16th July 2008
 Local Member: Councillor J W Hope MBE

1. Site Description and Proposal

- 1.1 The site is located adjacent to a modern steel-framed agricultural building (also in the applicant's control) on the South side of the A480, just to the left of the Public House.
- 1.2 Presently on the site of the proposed development is a mobile home that was granted planning permission on 23 February 2005, for the temporary housing of an agricultural worker.
- 1.3 The application proposes a two-storey agricultural worker's dwelling, with an internal floor space of approximately 125 square metres (measured externally) constructed externally of reclaimed brick under a clay tiled roof.
- 1.4 The application is accompanied by an agricultural appraisal assessing the need for a dwelling on site, as well as copies of the applicant's financial accounts for the years ending 28 February 2006 and 28 February 2007.

2. Policies

2.1 National Planning Guidance

PPS7 - Sustainable Development in Rural Areas

2.1 Herefordshire Unitary Development Plan

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy H8	-	Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses

3. Planning History

3.1	NW2001/3362/F	Proposed agricultural building to store animal feed and bedding.	-	Approved	13.3.02
3.2	NW2004/3221/F	Site for temporary mobile home.	-	Approved	23.2.05
3.3	NW07/2501/O	Site for erection of permanent agricultural workers dwelling and garden.	-	Refused	03.10.07
3.4	NW07/3261/O	Site for agricultural workers dwelling	-	Refused	20.11.07
3.5	NW08/0454/F	Retention of temporary mobile home to house agricultural worker.	-	Refused	28.03.08

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

- 4.2 The Transportation Manager recommends refusal due to insufficient visibility splays on the entrance to the site from the adjacent public highway.
- 4.3 The County Land Agent has responded to the application with concerns about the financial justification for a second dwelling on the holding and the ability of the business to absorb the cost of a dwelling.

5. Representations

- 5.1 No response received from Almeley Parish Council at the time of writing this report.
- 5.2 Three letters in support of the application have been received. One from the Kington NFU Branch Secretary stating that it is encouraging to see a Kington farmer developing his business with a desire to invest in the future. A second letter has been received from Mr. D.J. Morgan, Herefordshire N.F.U. County Chairman, this letter stating that there is a need for someone to be on site with regards to welfare of livestock. The third letter is from Mr G E L Platt of Hay Veterinary Group, stating it is necessary for someone to live on site due to animal health welfare issues.
- 5.3 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 The application is presented to Committee at the Local Members request so that members can assess the 'need' for a dwelling on site.
- 6.2 The two key issues with regards to this application relate to:
- Justification for a dwelling on site.
 - Financial ability of the existing business to absorb the cost of a second dwelling.

- 6.3 Paragraph 3.4.67 in support of Policy H8 : Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses in the Herefordshire Unitary Development Plan clearly states “one of the exceptional circumstances in which residential development in the open countryside may be acceptable, is where the demands of agriculture or forestry make it essential for farm or forestry workers to live at or in close proximity to their place of work”.
- 6.4 Planning Policy Statement 7 (PPS7) : Sustainable Development in Rural Areas in Annexe A: Agricultural, forestry and other occupational dwellings states that permanent agricultural dwellings, should only be allowed to support existing agricultural activities on well-established agricultural units, providing there is a clearly established existing functional need, the need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement and that the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so.
- 6.5 Planning permission was granted on 23 February 2005, for a temporary mobile home on site, in order to allow the application sufficient time to prove an essential need for a permanent dwelling on site. Condition no. 1 attached to the approval notice stated that permission shall expire on 23 February 2008. The reason attached to this said condition states *“To enable the local planning authority to give further consideration of the acceptability of the proposed use once the temporary period has expired.*
- 6.6 The applicant submitted an agricultural appraisal in support of his application, this states the applicant farms a holding known as Lower Wootton Farm, Almeley, this consists of a 91-acre holding which also contains a dwelling, this is where the applicant resides.
- 6.7 The land at which the application site, subject to this application is located at, is approx 2 miles from the main holding, and amounts to approximately 84 acres of land. Adjacent to the application site on this parcel of land is a modern steel-framed agricultural building used for the over-wintering of beef cattle.
- 6.8 Officers are of the opinion that the management system of these cattle ie over-wintering does not require an essential need for a permanent dwelling on site as they can be easily managed from the main holding known as Lower Wootton Farm, where there is located a comprehensive range of agricultural buildings.

Financial ability of the existing business to absorb the cost of a second dwelling

- 6.9 PPS7 in Annexe A : Agricultural, Forestry and other Occupational Dwellings in paragraph 8 clearly states that new permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable and that a financial test is necessary for this purpose and to provide evidence of the size of dwelling which the unit can sustain and that in applying this test, local authorities should take a realistic approach to the level of probability, taking account of the nature of the enterprise concerned.
- 6.10 The applicant has submitted financial accounts in respect of his business, which trades as “Wye Valley Shepherding Services”. These accounts indicate that a significant amount of income (approximately 50%) is earned from “scanning and contract”, clearly income earned off the farm premises. Without this income the business would not be profitable. However with this income included in the business overall, the profit

generated is below that required in order to justify two full-time agricultural workers within the business. Therefore the application fails the test as set out in PPS7 on the financial test.

6.11 The Transportation Manager has recommended refusal to the application, due to insufficient visibility splays on the entrance to the site from the adjacent public highway.

6.12 This application cannot be supported as insufficient essential and functional need has been demonstrated in order to allow a permanent dwelling at this location. Furthermore the application clearly fails the financial test as set out in PPS7. The site also contains insufficient visibility splays on entrance/exit to the adjacent public highway.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1 No essential need has been proven to house an agricultural worker at this specific location. Insufficient financial justification has been provided to indicate that the enterprise has been planned on a sound financial basis. therefore the application fails to comply with Policies S1 and H8 of the Herefordshire Unitary Development Plan 2007 and Planning Policy Statement 7 : Sustainable Development in Rural Areas.**
- 2 The site lacks sufficient visibility splays on its entrance from the public highway. Therefore the proposal does not comply with Policy DR3 of the Herefordshire Unitary Development Plan 2007.**

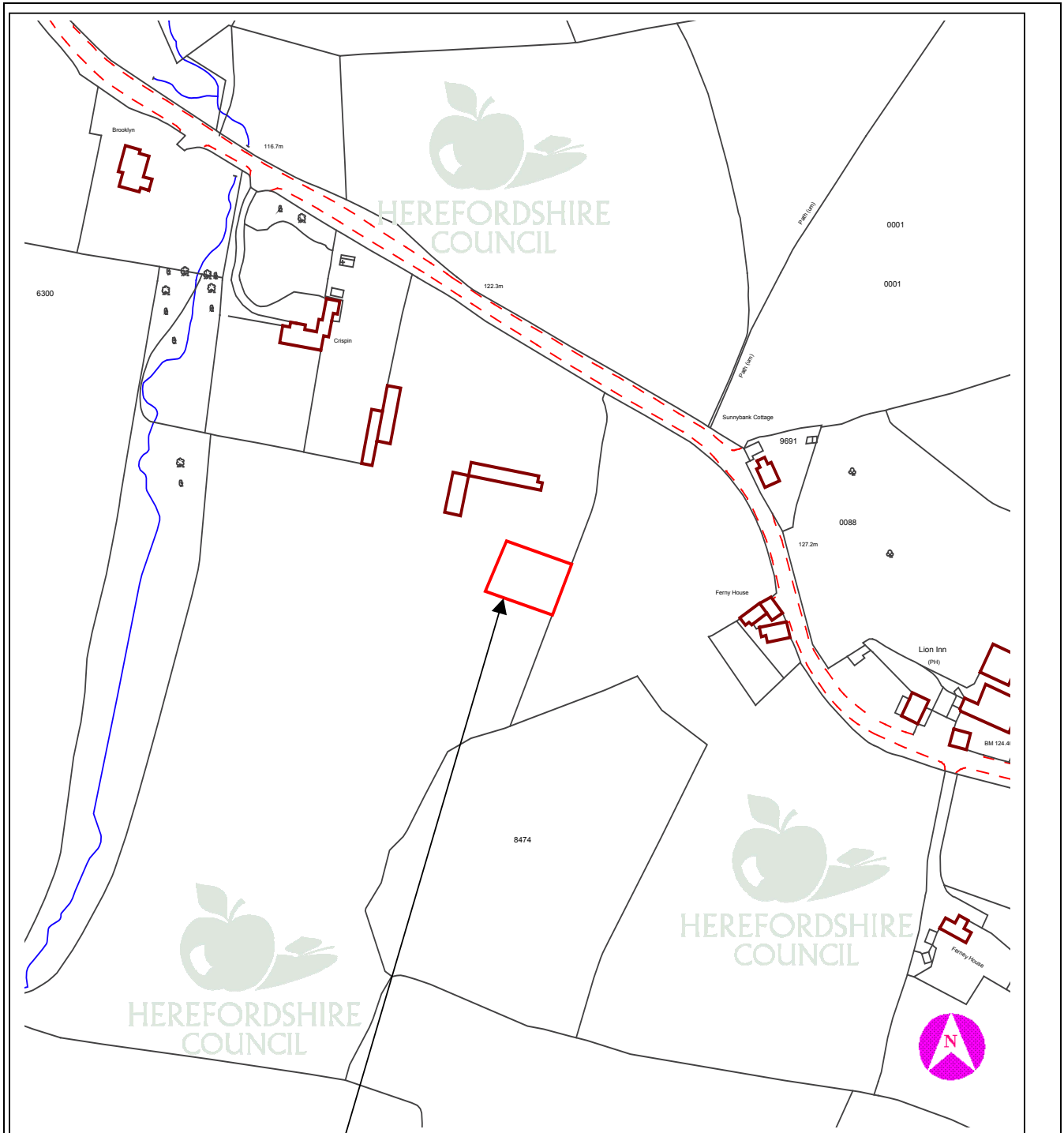
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2008/1368/F

SCALE : 1 : 2500

SITE ADDRESS : Lower Wootton Grange, Wootton, Almeley, Hereford, Herefordshire, HR3 6PX

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10 DCNW2008/1206/F - CHANGE OF USE OF LAND TO RESIDENTIAL WITH THE RETENTION OF OPEN FRONTED CARPORT AT WITHYSTONE COURT, HOPLEYS GREEN, ALMELEY, HEREFORDSHIRE, HR3 6QX

For: Mr & Mrs P. Sennett at the above address

Date Received: 29th April 2008

Ward: Castle

Grid Ref: 34231, 52434

Expiry Date: 24th June 2008

Local Member: Councillor J W Hope MBE

1. Site Description and Proposal

- 1.1 Withystone Court is a detached barn conversion located within the open countryside, formerly part of a farmyard. The former farmhouse is in separate ownership and located alongside the eastern boundary of the application site. Two holiday units granted permission reference DCNW2005/4059/F which are also in the ownership of the applicant are located directly to the north of Withystone Court within the former farmyard.
- 1.2 This application is retrospective and it seeks to regularise the change of use of land immediately to the south west of Withystone Court to residential with the retention of an open fronted building constructed out of timber boarding.

2. Policies

Herefordshire Unitary Development Plan

- 2.1 Policy S1 – Sustainable Development
Policy S2 - Development Requirements
Policy DR1 – Design
Policy DR2 – Land use and activity
Policy DR3 – Movement
Policy H18 – Alterations and Extensions

Planning Policy Guidance/Statements

- 2.2 PPS1 - Delivering Sustainable Development
PPS7 - Sustainable Development in Rural Areas

3. Planning History

- 3.1 DCNW2005/4059/F - Demolition of existing steel framed agricultural building and conversion of traditional agricultural building and conversion of traditional agricultural buildings into two holiday units. Approved 1st February 2006.

DCNW2005/0970/F - Conversion of agricultural buildings into two dwelling. Withdrawn 26th April 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Transportation Manager - has no objection to granting permission.
- 4.3 Public Rights of Way - No objection on the basis that the proposed change of use of land to residential with retention of car port would not appear to affect public footpath AM13, which passes along the outside of the north west boundary of the site.
- 4.4 County Land Agent - "The proposal does not infringe upon the common, but extra traffic will have an effect because there is only a stone track across the common which the owners of Withystone Court do little to keep in repair".

5. Representations

- 5.1 Almeley Parish Council raised no objections to the application.
- 5.2 One letter of objection has been received from David & Susan Harris, Brick House Farm, Hopleys Green, Almeley, Herefordshire, HR3 6QX. In summary the points raised are as follows:
1. Concerns over the increase in traffic across the unadopted common lane beyond its modest capability.
 2. Land should be retained as agricultural in order to retain this 'visual amenity' and to help protect what is a small and fragile common.
- 5.3 The full text of these letters can be inspected at Northern Planning Services, Garrick, House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 The proposal gives rise to three key issues to be assessed as material planning considerations and these are as follows:
1. Impact on the landscape.
 2. Loss of Agricultural land.
 3. The effect on the common land.
- 6.2 The strip of land proposed for the change of use aligns with the rear of Withystone Court, which lies immediately to the north-east. Therefore the extension of the domestic curtilages does not stand out, in this context. The timber boarded carport and fence are both considered to be designed appropriately in respect of the rural character of the site. Although the progressive encroachment of domestic curtilages on agricultural land may sometimes be undesirable in landscape terms, given its position, it is considered that this proposal will not have a detrimental impact on the landscape or the common land.

- 6.3 The site was previously occupied by a large steel framed agricultural building which was demolished as part of application DCNW2005/4059/F. The concrete plinth of the building remains in place with two thirds of it now accommodating parking for the holiday units. The site although in agricultural use did not previously form part of a field. It is not therefore considered that the change of use will affect the agricultural viability of the surrounding area.
- 6.4 There is concern regarding the access onto the application site and the increase in traffic on the common. This application is for the change of use of the land immediately to the south-west of Withystone Court and the retention of an open fronted building. The applicants have indicated that it is not their intention to access the site with a vehicle. Vehicle access to Withystone Court will remain as it is. Although the building does have the appearance of a carport it will be used for storage purposes only. It should be noted that vehicle access off the common land into the site was approved under application DCNW2005/4059/F. Although the neighbours concerns regarding the increase in traffic are noted it would appear that no increase will occur.
- 6.5 In conclusion, the land in question relates well to the adjacent residential dwelling known as Withystone Court and the area is not considered to be excessive. It is considered that the change of use of this land to residential with the retention the open fronted carport is acceptable. By incorporating a condition removing permitted development rights, the land would be protected from ancillary residential development. As such approval is recommended subject to the following conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. F14 (Removal of permitted development rights)

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.

2. The building hereby permitted shall be used solely for purposes incidental to the enjoyment of the dwelling house known as Withystone Court and not for the carrying out of any trade or business.

Reason: To ensure that the building is used only for the purpose ancillary to the dwelling and to comply with policy H18 of Herefordshire Unitary Development Plan.

Informatives

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

2 . N19 - Avoidance of doubt - Approved Plans

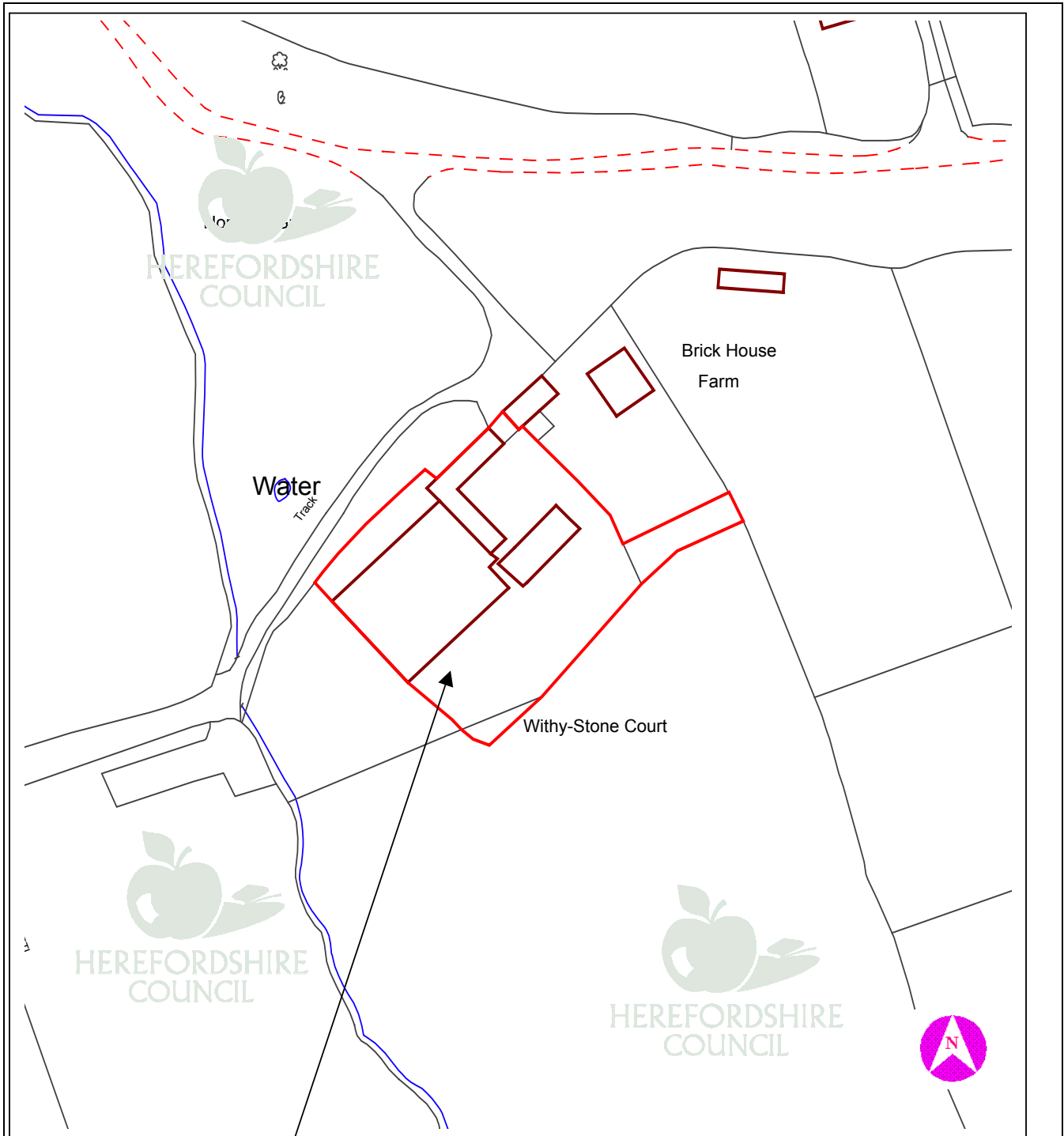
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2008/1206/F

SCALE : 1 : 1250

SITE ADDRESS : Withystone Court Hopleys Green, Hopleys Green, Almeley, Herefordshire, HR3 6QX

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11 DCNC2008/1292/F - EXTENSION TO EXISTING AGRICULTURAL LIVESTOCK BUILDING. LOWER BUCKLAND, DOCKLOW, LEOMINSTER, HEREFORDSHIRE, HR6 0RU

For: Mr Thomas at the above address

Date Received:

12th May 2008

Expiry Date:

7th July 2008

Ward:

Hampton Court

Grid Ref:

55853, 56762

Local Member: Councillor KG Grumbley

1. Site Description and Proposal

- 1.1 The application site lies off a long private farm track, which is also a bridle path (DH7) serving Lower Buckland. which lies off the A44 between Leominster and Bromyard, and is within the open countryside. Lower Buckland lies within the historic park and garden of 'Buckland' and is characterised by the Herefordshire Landscape Character Assessment as 'Plateau Estate Farmland'.
- 1.2 The proposal seeks planning permission to extend an existing agricultural building along the south elevation, in to an area of orchard, to provide a handling and access passage for livestock requirements.
- 1.3 The extension will be 45.7 metres in length by 4.5 metres in width, and will meet the height of the existing building at approximately 3.9 metres. All materials used in the construction of this extension will match the existing and will be finished in matt black. Additional tree planting is proposed in order to compensate for the loss of some of the existing orchard.
- 1.4 This application follows a recent legal division of Lower Buckland from Buckland itself, and with the majority of existing buildings being retained at Buckland the applicant requires additional buildings in order to continue his farming business.
- 1.5 The applicant is related to a member of the Planning Department and, as such, this application required to be reported to the area sub-committee.

2. Policies

Herefordshire Unitary Development Plan
E13 – Agricultural and forestry development
LA2 – Landscape Character and areas least resilient to change
LA4 – Protection of historic parks and gardens

3. Planning History

- 3.1 DCNC2005/2650/S - Proposed straw storage building: Prior Approval Not Required
- 3.2 DCNC2000/3113/S - Relocation of straw storage building: Prior Approval Not Required

4. Consultation Summary

Statutory Consultations

- 4.1 None required

Internal Council Advice

- 4.2 Traffic Manager - No objections
- 4.3 Public Rights of Way Manager - No objections
- 4.4 Landscape Officer - No objection, recommendation that new fruit trees be planted to compensate for loss of some of the orchard.

5 Representations

- 5.1 Parish Council: No objection
- 5.2 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.
- 6. Officers Appraisal
 - 6.1 The main issues relating to this proposal are the principle of development, scale and design and impact on landscape and historical setting.
 - 6.2 Having been divided from Buckland, where most of the existing agricultural buildings are located, Lower Buckland being of a considerable scale at approximately 370 acres appears to lack sufficient buildings to facilitate the applicants agricultural business, (Mixed livestock and arable). As such, it is considered to be reasonably necessary for new agricultural development to be permitted.
 - 6.3 The extension will effectively add an additional bay to the south elevation of a large modern agricultural building which is located directly to the east of the farm driveway. As such, the scale and location of the development is considered to be both logical and the least intrusive. The use of matching materials will also ensure that the extension is in keeping with that existing.
 - 6.4 The proposal is not considered to be detrimental to the setting or the wider landscape, and the Council's own Landscape Officer has raised no objections against this proposal. To mitigate for the loss of orchard, a suitable planning condition will be recommended to ensure that an appropriate tree-planting scheme will be undertaken.
 - 6.5 Although there is a bridle path running alongside the front and south of the application site, the proposal will not affect this bridleway and the Council's Public Rights of Way Manager has raised no objections against this proposal.
 - 6.6 Overall, the proposal appears to accord with the relevant development plan policies and as such, a conditional planning permission 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 - B02 (Development in accordance with approved plans and materials)

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

- 3 - G13 (Tree planting)

Reason: In order to maintain the visual amenity of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

INFORMATIVES

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

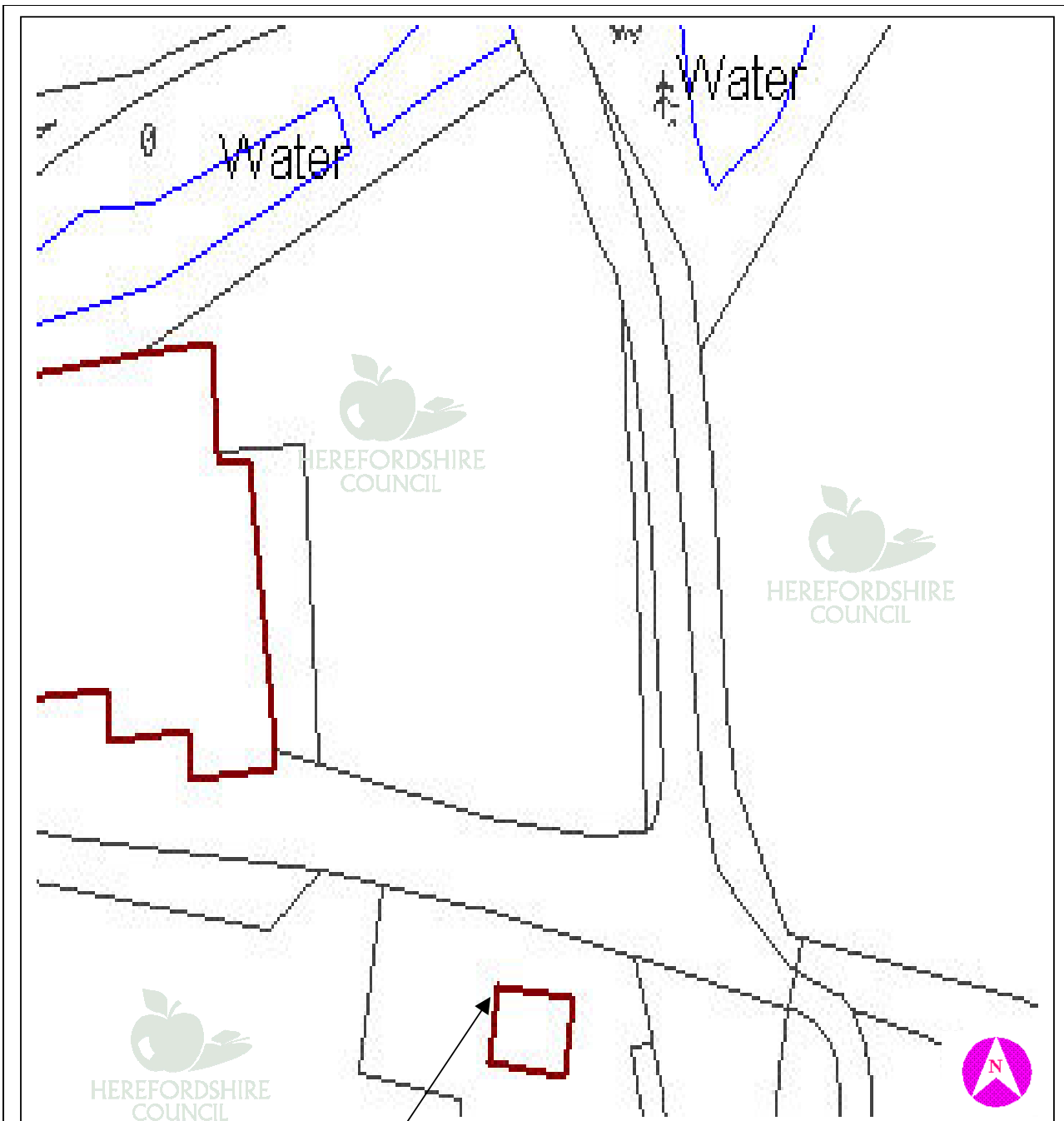
- 2 - N19 - Avoidance of doubt - Approved Plans

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2008/1292/F

SCALE : 1 : 1250

SITE ADDRESS : Lower Buckland, -, Docklow, Leominster, Herefordshire, HR6 0RU

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12 DCNC2008/1311/F - NEW ACCESS ON TO THE A44 AT DOCKLOW FOR LOWER BUCKLAND FARM AT LOWER BUCKLAND, DOCKLOW, LEOMINSTER, HEREFORDSHIRE, HR6 0RU**For: Mr Thomas at the above address****Date Received:**

12th May 2008

Ward:

Hampton Court

Grid Ref:

55682, 57136

Expiry Date:

7th July 2008

Local Member: Councillor KG Grumbley

1. Site Description and Proposal

- 1.1 The application site lies off a long private farm track, which is also a bridle path (DH7) serving Lower Buckland, lying off the A44 between Leominster and Bromyard, and is within the open countryside.
- 1.2 The proposal seeks planning permission for the creation of a new farm access from Lower Buckland to the A44 at Docklow. The access driveway will utilise an existing and historical farm track running parallel to an existing boundary hedgerow and trees. A new entrance splay will be created where this meets the A44, with appropriate visibility splays created by the removal and cutting back of existing hedgerow. The access track will also run along the boundary of a defined historic park and garden (Buckland), which is also classified as 'Plateau Estates Farmland' within the Herefordshire Landscape Character Assessment.
- 1.3 This application follows a recent legal division of Lower Buckland from Buckland, which currently share an existing private driveway and access on to the A44. As a result of this division, a new access and driveway is required to secure independence to both Lower Buckland and Buckland.
- 1.4 The applicant is related to a member of the Planning Department and as such, this application is required to be reported to the area sub-committee.

2. Policies**2.1 Herefordshire Unitary Development Plan**

DR3 - Movement

LA2 – Landscape character and areas least resilient to change

LA4 - Protection of historic parks and gardens

LA6 – Landscaping schemes

3. Planning History

N/A

4. Consultation SummaryStatutory Consultations

4.1 None required

Internal Council Advice

4.2 Traffic Manager - No objections - recommendation of conditions

5. Representations

5.1 Parish Council: No objection

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

6. Officer's Appraisal

6.1 The main issues relating to this proposal are the principle of development, highway safety issues and impact on landscape and historical setting of the adjoining historic park and garden of Buckland.

6.2 Having been divided from Buckland, which is served by an existing access off the A44 and private driveway, Lower Buckland, as an independent farm holding of 370 acres requires a separate access and driveway to facilitate the domestic and agricultural uses of this farm.

6.3 The application follows discussions with the Council's Highways Engineer and as such, the access and visibility has been considered, and is deemed to be an acceptable location, providing adequate visibility and will therefore ensure that the necessary highway safety standards are achievable. Planning conditions have been recommended by the highways engineer to ensure that the access and visibility splays will be constructed to accord with the necessary highway standards.

6.4 Whilst Lower Buckland is located at a considerable distance from the adjoining A44, the proposed location of the driveway and access utilises an historical access and stone track, which runs parallel to field hedgerows and trees and is considered to be a relatively direct route over the open fields offering the least intrusive means of providing a farm track.

6.5 A stock proof fence will be constructed along the route of the driveway adjoining the open fields and new hedges and trees are to be planted to provide a formal boundary to the driveway and to help screen the development.

6.6 Given the natural topography of Lower Buckland and the location of the track, the proposal is not considered to be detrimental to the landscape, or to the setting of the historic park and garden of Buckland estate.

6.7 Overall, the proposal appears to accord with the relevant development plan policies and as such, a conditional planning permission 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 - G09 (Details of Boundary treatments)

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.

3 - G12 (Hedgerow planting)

Reason: In order to maintain the visual amenity of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

4 - G13 (Tree planting)

Reason: In order to maintain the visual amenity of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

5 - H05 (Access gates)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

6 - H06 (Vehicular access construction)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

7 - 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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

INFORMATIVES:

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

2 - N19 - Avoidance of doubt - Approved Plans

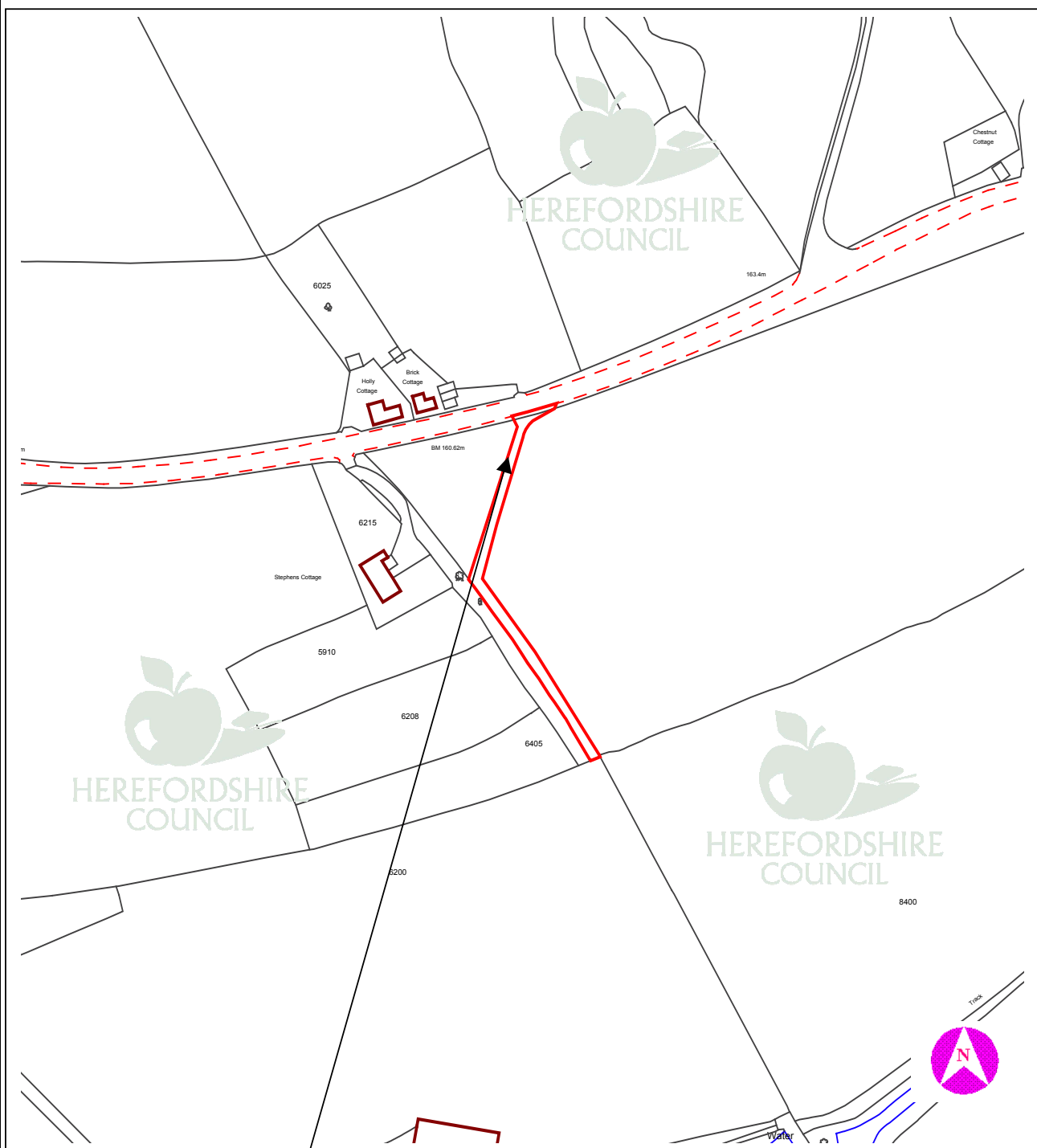
Decision:

Notes:



Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2008/1311/F

SCALE : 1 : 2500

SITE ADDRESS : Lower Buckland, Docklow, Leominster, Herefordshire, HR6 0RU

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13A DCNC2008/0978/F - PROPOSED DEMOLITION OF WORKSHOPS AND RE-DEVELOP SITE FOR 7 DWELLINGS AND CAR PARKING AT MARSH MILL, BRIDGE STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DZ

13B DCNC2008/0979/C - PROPOSED DEMOLITION OF WORKSHOPS AND RE-DEVELOP SITE FOR 7 DWELLINGS AND CAR PARKING AT MARSH MILL, BRIDGE STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DZ

For: Legge per Mr P McIntosh Beechcroft House 109 Manor Road Woodstock Oxon OX20 1XS

Date Received: 31st March 2008 Ward: Leominster North Grid Ref: 49364, 59701
Local Member: Councillors P Jones CBE and JP French

1. Site Description and Proposal

- 1.1 The application site lies along Bridge Street, (the B4361), which runs between Leominster towards Ludlow, and lies just outside the town centre of Leominster. Part of the site lies within the Leominster Conservation Area.
- 1.2 Marsh Mill lies within an existing residential area with housing directly to either side and at the rear. The site is currently used for industrial purposes and utilises two traditional buildings (A former mill) and a modern steel framed building to the rear with an open yard/ storage area to the front of the site.
- 1.3 The proposal seeks planning permission and conservation area consent to demolish the existing industrial workshops and redevelop the site to form 7 dwellings comprising of: 4 x 2 bedroom houses, 2 x 3 bedroom houses and a 1 x1 bedroom flat, all using a shared car parking facility. Rear gardens with cycle storage sheds will be provided for each of the dwellings with the exception of the flat, which has additional internal storage areas.
- 1.4 As the development would involve the demolition of buildings within the Conservation Area, an application for Conservation Consent has also been submitted.
- 1.5 In addition, a full Flood Risk Assessment prepared by Hydrologic was submitted with the application.
- 1.6 This application is the result of over twelve months of discussions between various officers of the Council.

2. Policies

National Planning Policy

PPS25: Development and Flood Risk

Herefordshire Unitary Development Plan 2007

H1	-	Settlement boundaries and established residential areas
H13	-	Sustainable residential design
DR3	-	Movement
DR4	-	Environment
DR7	-	Flood risk
DR10	-	Contaminated Land
HBA6	-	New development within Conservation Areas
HBA7	-	Demolition of unlisted buildings within Conservation Area
ARCH4	-	Archaeological sites of national or regional importance
ARCH5	-	Other archaeological sites of regional or local importance

3. Planning History

- 3.1 DCNC2007/3115/C - Proposed demolition of industrial units: Refused.
- 3.2 DCNC2007/2104/F - Proposed demolition of workshops and proposed residential development of 8 units: Withdrawn.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No objection
- 4.2 Welsh Water: No objection

Non-Statutory Consultations

- 4.3 Leominster Civic Society: Strong objection on loss of mill buildings, which would be detrimental to Conservation Area.
- 4.4 River Lugg Drainage: Recommendation that Environment Agency be consulted in respect of flood risk

Internal Council Advice

- 4.5 Transportation: No objection, subject to s106 contributions
- 4.6 Environmental Health: No objection, subject to conditions
- 4.7 Archaeological Officer: No objection subject to conditions
- 4.8 Conservation: Objection to proposal as summarised below:

- The mill is of historic importance in this part of the conservation area.

- There appears to be inadequate information upon which to assess the proposal based on advice contained within PPG15.
- The proposal appears to rely on the need to provide visibility splays for its justification.
- There is also concern that the proposal, notwithstanding the demolition of the mill, fails to preserve or enhance the conservation area.
- Independent advice was sought regarding the buildings but there is some confusion as to the historical records and which buildings they relate to.

5. Representations

- 5.1 Leominster Town Council have raised no objections
- 5.2 An email was received from Mr James, Presteigne objecting to the proposal on the basis that the development would result in the loss of the historic mill buildings
- 5.3 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 The key considerations in the determination of this application are:

- Principle of development
- Scale and design/ Amenity
- Impact on Conservation Area
- Transportation
- Flood Risk
- Potential for Contaminated Land
- Potential for Archaeology

Principle of development

- 6.2 The site is within an established residential area and within the defined settlement boundary of Leominster. In terms of utilising previously developed land, both government policy and the HUDP fully encourage such redevelopment for residential uses provided that all other relevant policy considerations can be satisfied.
- 6.3 The site is established for industrial uses and is where the applicant currently operates a carpentry business. Given that the site lies within a distinctly residential area of Leominster, it is clear that this site is no longer well suited to this location in terms of its visual impact, its impact on the residential amenity of those living in close proximity and the problems presented in respect of the number and type of vehicles that access this site to facilitate the industrial uses present. Leominster benefits from a large Industrial Estate, (Southern Avenue) on the other side of the town and this would therefore provide an opportunity for the applicant to relocate his business. As such, it would appear to be appropriate that the site be developed for residential purposes.

Scale and Design

- 6.4 In this particular locality there is a variety of housing styles reflective of their period however, these are predominantly located close to the adjoining street providing a

strong line of street frontage development. This has been reflected in the scheme submitted with the housing forming a terrace of properties with small front yards/gardens to the front. Each property varies slightly in style and size and again, this takes some reference to other properties found further along Bridge Street. The use of brick, render and slate roofing would appear to be compatible with the locality and in keeping with the Conservation Area.

- 6.5 Whilst each dwelling varies slightly, all houses on the site will be provided with a private rear landscaped garden with cycle storage shed. The rear gardens all meet an access pathway at the rear of the site, which enables access to the car parking area. Although the flat has no garden, a larger storage area is provided with external rear doorway, and has a front entrance with a ground floor internal hallway, either of which is suitable for cycle and refuse storage. This is considered acceptable given that it provides only one-bed accommodation.
- 6.6 The line of the terrace will follow the line of the adjoining road and as such will be visually broken rather than forming a hard straight line. The terrace has been set slightly further back from the road edge in order to provide adequate access and visibility to and from the site.
- 6.7 The properties are two-storey only, which should ensure that they would not be over-dominant within the street scene, or upon any neighbouring property. Whilst the drawings submitted are not overly detailed, the design and access statement submitted has provided further information regarding proposed detailing to be included across the entire scheme. To ensure the final scheme provides sufficient finished details that would enhance the development and the street-scene, a number of conditions would need to be included within any recommendation.
- 6.8 Overall, it is my opinion that the scheme provides adequate living accommodation with private amenity space and has been designed to reflect the character and context of the area. As such, it would appear to accord with policy DR1 and H13 of the HUDP.

Amenity

- 6.9 Whilst the proposed development is bound on all sides by neighbouring residential properties, there appears to be sufficient space between any of these neighbouring properties to overcome any amenity concerns. I do not consider that the development poses any risk to the amenity of any residential neighbour and there have been no objections raised against this proposal on these grounds.

Impact upon Conservation Area

- 6.10 The Conservation Officer, Leominster Civic Society and a local resident (From Presteigne) have raised significant objections to the proposed demolition of the original mill buildings. Whilst the comments received are respectfully acknowledged, this application is the result of a long period of negotiation with several sections of the Council. The culmination of which, means that without the demolition of the buildings, the redevelopment for housing would not achieve the required visibility splays and would thus fail to comply with recommended highway safety standards. This is due to the position of the mill buildings on the 'pinch point' of the road. Despite negotiations, the Transportation department have refused to support any new scheme with the inclusion of the mill buildings. Given that the B4361 is a relatively

busy road, it is my opinion that any redevelopment should provide an improvement to the existing access, particularly given that it will serve 7 residential units.

- 6.11 In making the required improvements to the access and visibility however, the mill buildings would need to be demolished. In terms of relevant development plan policy (HBA7), having received a suitable scheme of replacement, it must be demonstrated that the mill buildings do not contribute to the character and appearance of the Conservation Area and the structural condition of the buildings are such that the cost of repair out-weighs the importance of their retention.
- 6.12 The applicant has submitted details including photographic evidence of the condition of the buildings. It is apparent that whilst the external walls of the buildings remain, there is little left of any original internal features. Most of the internal walls are modern concrete block work, with ply cladding, and there are large sections of modern roofing. There is evidence that shows that the structure of the buildings is poor and that many additions and alterations have been made to the buildings in order to support the structure and to utilise them for industrial purposes. Overall it is clear that in order to 'save' these buildings from further deterioration, a significant amount of structural and internal work would be required, although cannot be insisted upon. Externally, whilst the elevations fronting the street are original, given their physical condition, modern additions and half painted finish, I am not convinced that they contribute so significantly to the Conservation Area such as to justify the refusal of this application.

Transportation

- 6.13 Given the realignment of the development along the roadside, visibility along this stretch of the highway will be significantly improved. Furthermore, the change of use of the site from industrial to residential should help to improve the movement of traffic given that there will no longer be heavy goods vehicles visiting the site which currently causes some congestion.
- 6.14 The provision of 13 car parking spaces on site is considered to meet the required standards for the number of dwellings proposed, which should provide adequate off-road car parking to residents and visitors to the site.
- 6.15 Cycle storage sheds have been provided and will be sited within the curtilage of each property. This is considered to be satisfactory.
- 6.16 Overall, the proposal presents a much improved access point and visibility along this part of Bridge Street. The Council's Highways Engineer is satisfied that the proposal accords with the necessary highway standards. The Highways Manager has requested that a financial contribution for improvements to the highways network be made in accordance with the Supplementary Planning Document on Planning Obligations. These recommendations have formed the basis of the draft Heads of Terms as set out at the end of this report.

Flood Risk

- 6.17 Having received the flood risk assessment, the Environment Agency are satisfied that the development is not itself at risk of a flood event nor likely to cause flooding of nearby properties. In order to ensure that this risk is prevented, a condition has been recommended.

Contaminated Land

- 6.18 The historical information on this site refers to the former use of the site as a garage and as such, there may be some potential for land contamination. The Council's Environmental Health officer has therefore recommended that an assessment of any risk of contamination and required remediation works be submitted prior to development, in order to ensure that the development accords with policy DR10 of the HUDP.

Archaeological Site

- 6.19 Whilst the archaeological sensitivity of the site is not wholly clear, given the presence of the mill on this historical site, which is included on the county sites and monuments record (ref HSM 8909) an archaeological investigation will need to be implemented prior to the commencement of any development. This will secure compliance with policy ARCH4 and ARCH5 of the HUDP.
- 6.20 Overall, the proposed development is considered to be acceptable and in accordance with the relevant development plan policies, in particular policies DR3, DR4, DR7, DR10, H1, H13, HBA6, HBA7, ARCH4 and ARCH5 of the Herefordshire Unitary Development Plan 2007 and Planning Policy Statement 25: Development and Flood Risk.
- 6.21 The recommendations of the Highways Manager regarding financial contributions 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.

RECOMMENDATION**In respect of DCNC2008/0978/F:**

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 additional improvements to the highways network and any additional matters and terms as he considers appropriate.

Upon completion of the aforementioned planning obligation that the Officers named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions:

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

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

2 - D02 (Approval of details):

- a) Specification of all external materials**
- b) Brick detailing**
- c) Eaves, gable and chimney details**
- d) Detail of finishes including colour of external walls**

Reason: To ensure the satisfactory appearance of the development so as to ensure that the development lies in harmony with the Conservation Area and to comply with Policy HBA6 of the Herefordshire Unitary Development Plan.

3 - D05 (Details of external joinery finishes)

Reason: To ensure the satisfactory appearance of the development so as to ensure that the development lies in harmony with the Conservation Area and to comply with Policy HBA6 of the Herefordshire Unitary Development Plan.

4 - Finished floor levels shall not be set lower than 71.99 m AOD as detailed within the flood risk assessment dated March 2008.

Reason: To prevent flood risk for the lifetime of the development.

5 - E01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan.

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

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

7 - The Remediation Scheme, as approved pursuant to condition (6) above, shall be fully implemented before the development is first occupied. On completion of the Remediation Scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the local planning authority in advance of works being undertaken.

8 - H08 (Access closure)

Reason: To ensure the safe and free flow of traffic using the adjoining County highway and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

9 - H13 (Access, turning area and parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

10 - H19 (On site roads - phasing)

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

11 - H29 (Secure covered cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

12 - G10 (Landscaping scheme)

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

13 - G20 (Open plan to front of dwellings)

Reason: In the interests of the amenity of the development and to comply with the requirements of Policy DR4 of Herefordshire Unitary Development Plan.

14 - F14 (Removal of permitted development rights)

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.

15 - F16 (No new windows in specified elevation)

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

16 - I16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

17 - I43 (No burning of material/substances)

Reason: To safeguard residential amenity and prevent pollution and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

- 18 - No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works and water recovery system has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of the development hereby approved.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policy DR4 of the Herefordshire Unitary Development Plan 2007.

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

Reason: To protect the integrity of the public sewerage system and to comply with Policy DR4 of the Herefordshire Unitary Development Plan 2007.

- 20 - No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with Policy DR4 of the Herefordshire Unitary Development Plan 2007.

- 21 - Land drainage run-off shall not be permitted to discharge either directly or indirectly into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment and to comply with Policy DR4 of the Herefordshire Unitary Development Plan 2007.

Informatives:

- 1 - HN01 - Mud on highway
- 2 - HN04 - Private apparatus within highway
- 3 - HN05 - Works within the highway
- 4 - HN10 - No drainage to discharge to highway
- 5 - HN28 - Highways Design Guide and Specification
- 6 - Whilst it has been demonstrated that the risk of flooding is minimal in the 1% flood event with climate change event we would advise that the applicant/development be signed up the Environment Agency Flood Warning System.
- 7 - The applicant may also wish to consider the incorporation of flood proofing techniques. These include removable barriers on air bricks and providing electrical services in to the building at a high level so that plugs are located above possible flood levels. Additional guidance, including information on kite marked flood protection products can be found on the Environment Agency web

site www.environment-agency.gov.uk under the 'Managing Flood Risk' heading in the 'Flood' section.

- 8 - N15 - Reason(s) for the Grant of Planning Permission.
- 9 - N19 - For the avoidance of any doubt the plans for the development hereby approved are as follows:-
 - Drawing numbers 298 WD 21, 298 WD 22, 298 WD 23 - date stamped 31st March 2008.

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

In respect of application ref no DCNC2008/0979/C that Conservation Area Consent be given subject to the following:

- 1 - D01 - 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 - No demolition works shall take place until a contract for the redevelopment has been let.

Reason: To ensure that this site does not become derelict in this conservation area.
- 3 - E02 - Archaeological survey and recording.

Reason: To allow for recording of the building/site during or prior to development and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan. The brief will inform the scope of the recording action.

Informatives:

- 1 - N15 – Reason(s) for the Grant of Conservation Area Consent.
- 2 - N19 - For the avoidance of any doubt the plans for the development hereby approved are as follows:-

- 298 WD20, 298 WD21, 298 WD22, 298 WD23, 298 WD24, 298 WD25 – date stamped 31st March 2008

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

HEADS OF TERMS

Proposed Planning Obligation Agreement Section 106 Town and Country Planning Act 1990

Planning Application – DCNC2008/0978/F

Demolition of workshops, redevelop site for seven dwellings and car parking at Marsh Mill, Bridge Street, Leominster.

1. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £7,749 for off site highway works and improved public and sustainable transport infrastructure to serve the development (which aren't Section 278 works i.e. essential to facilitate the development).
2. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes: (The list is not in any order of priority)
 - a) Traffic calming measures in the area
 - b) Improved bus shelters/stops in the locality of the application site
 - c) Safe Routes for Schools
 - d) Improve lighting and signage to existing highway/pedestrian and cycle routes leading to the site
 - e) Improved pedestrian and cyclist crossing facilities in the area
 - f) Improvements to public transport services
 - g) Any other purpose falling within the criteria defined in 2 above.
3. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1, and 2 for the purposes specified in the agreement within 10 years of the date of each payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
4. All of the financial contributions shall be Index linked and paid on or before commencement of the residential development unless otherwise agreed with Herefordshire Council
5. 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 administrative completion of the Agreement.
6. The developer shall complete the Agreement by 2nd October 2008 otherwise the application will be registered as deemed refused.

Julia Shields - Planning Officer

June 16th 2008



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APPLICATION NO: DCNC2008/0978/F

SCALE : 1 : 1250

SITE ADDRESS : Marsh Mill, Bridge Street, Leominster, Herefordshire, HR6 8DZ

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**14 DCNC2008/1320/F - PROPOSED REMOVAL OF
CONDITION 2 (ANCILLARY ACCOMMODATION) OF
APPLICATION DCNC2007/0180/F FLAGGONERS
GREEN HOUSE, PANNIERS LANE, FLAGGONERS
GREEN, BROMYARD, HEREFORDSHIRE, HR7 4QR**

**For: Dr. A Blair per Mr M Kelly 24 Rumsam Gardens
Barnstaple Devon EX32 9EY**

Date Received: 13th May 2008 Ward: Bromyard Grid Ref: 64509, 54271

Expiry Date: 8th July 2008

Local Member: Councillors A Seldon and B Hunt

1. Site Description and Proposal

1.1 The application site lies just outside of the settlement boundary of Bromyard and occupies a large plot between two main roads (A44 and B4214).

1.2 The property is known as Flaggoner's Green House and is comprised of a four-bedroom house with an adjoining annexe, (formerly a veterinary practice) lying in large gardens and benefitting from a large driveway with two separate access points on to the B4214.

1.3 The application seeks planning permission for the removal of condition 2 of planning permission DCNC2007/0180/F. This condition states:

"The annexe as shown [.....] shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Flaggoner's Green House.

Reason: It would be contrary to the policy of the local planning authority to grant planning permission for a separate dwelling in this location."

1.4 With the removal of condition 2 of planning permission DCNC2007/0180/F, the annexe would become an independent dwelling, with no restrictions on occupancy or sale, as such the application is deemed to be effectively creating a new dwelling and would thereby fall within the remit of the SPD on Planning Obligations.

1.5 The plans submitted indicate that only internal alterations are required and would result in the creation of a three-bedroom dwelling with gardens and car parking.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007

H13 – Sustainable residential design
H17 – Sub-division of existing housing
DR3 - Movement

3. Planning History

- 3.1 DCNC2007/0180/F Change of use from veterinary surgery and residential to residential plus annexe - Approved.

4. Consultation Summary

Statutory Consultations

- 4.1 None

Internal Council Advice

- 4.2 Highways: No objection, cycle parking needs to be provided and contributions of £2952 in respect of the SPD Planning Obligations are required.
- 4.3 The Children and Young People's Manager: Given the implications of the development and the educational needs of any additional children, contributions for this development are required and would be £5,902.
- 4.4 The Parks and Countryside & Leisure Development Manager: Contributions are required to improve the quality and accessibility of the formal green spaces in Bromyard and to improve community facilities, these would equate to a total of £989.

5. Representations

- 5.1 Town Council: No response.
- 5.2 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 The main considerations in respect of this application are:

- The principle of the development
- Design and access

Principle of Development

- 6.2 Under policy H17, the sub-division of existing residential buildings is permitted provided that the sub-division would result in a satisfactory standard of accommodation, adequate parking facilities and amenity space. The proposal must also demonstrate that there would be no adverse impact upon the character of the property or the locality or any adverse impact upon the residential amenity of any neighbouring property. (These matters will be considered below).

Design and Access

- 6.3 The annexe is approximately 190 square metres in size, spread over two floors and as such, would provide comfortable three-bedroom accommodation. Given that this part of the property was previously used as a veterinary practice, there is already a well-

defined separation between this and the family home. As such, only minor alterations are required in order to provide the necessary independence to both properties.

- 6.4 Outside, the property would benefit from private garden space and a separate access with hard tarmac driveway for parking of at least two vehicles. No other external alterations or additions are required.
- 6.5 Given the proximity of the property to Bromyard, the property appears to be in a sustainable location, offering its occupiers a genuine choice in transport options to access all the necessary facilities and services of Bromyard.
- 6.6 Overall, the proposal demonstrates a suitable scheme for conversion to a dwelling, offering a good standard of accommodation with adequate parking and amenity space. As such, the proposal accords with the relevant development plan policies, in particular policies DR1 and H17 of the Herefordshire Unitary Development Plan 2007.

Planning Obligations/ S106 Agreement

- 6.7 Internal Council advice regarding appropriate levels of contributions has been received and forms the basis of the draft Heads of Terms that can be found at the end of this report.
- 6.8 A letter has been received from the applicant to confirm acceptance of the contributions indicated in the form of a s106 agreement.

RECOMMENDATION

That the Legal Practice Manager be authorised to complete a planning obligation agreement under section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional or amended matters which he considers to be necessary or appropriate.

Upon completion of the above-mentioned planning obligation agreement the officer named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions:

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

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

2 - H29 (Secure covered cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

3 - G09 (Details of Boundary treatments)

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.

Informatives:

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

2 - N19 - Avoidance of doubt - Approved Plans

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies

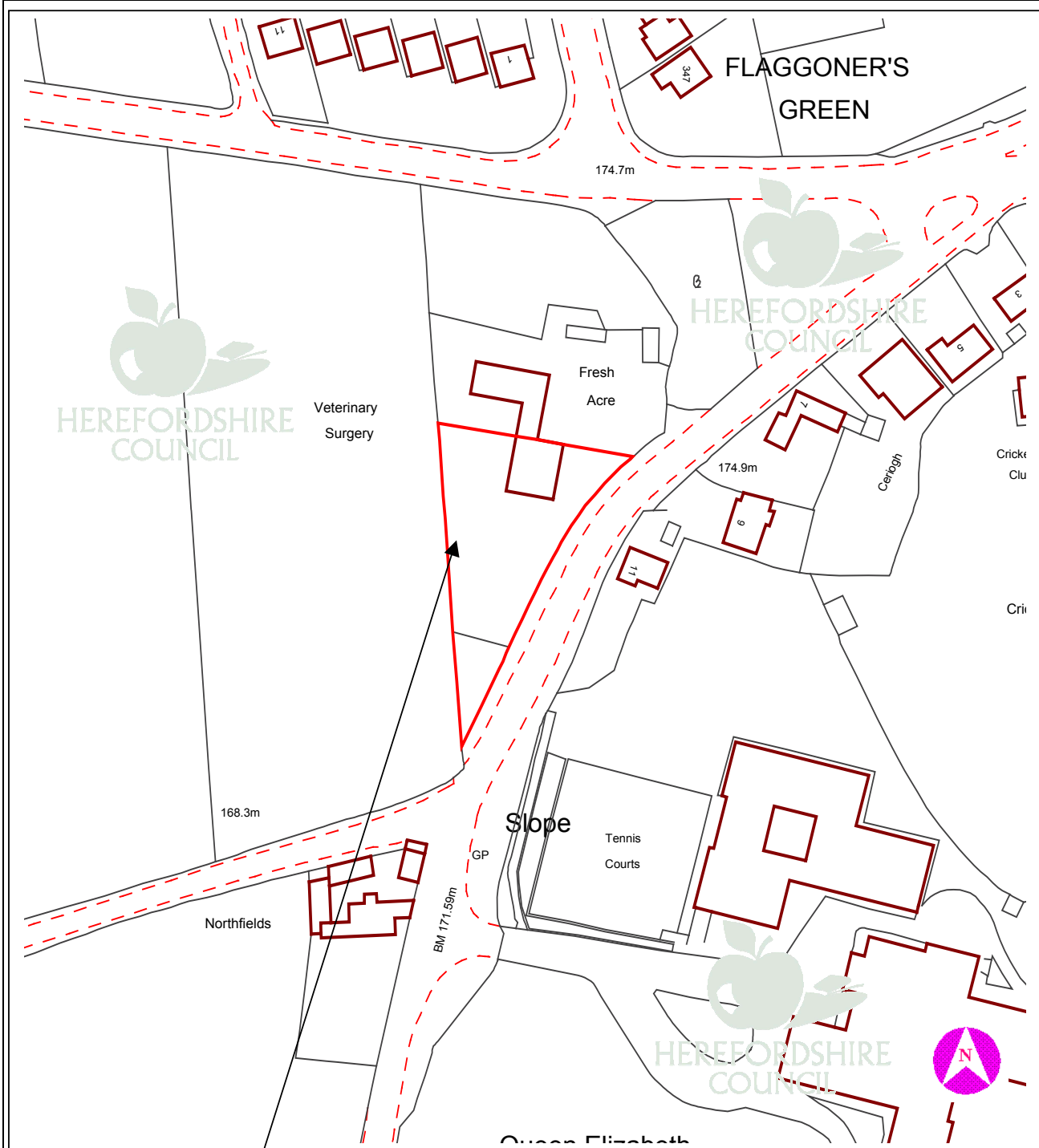
HEADS OF TERMS
Proposed Planning Obligation Agreement

Section 106 Town and Country Planning Act 1990

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £5,902.00 to provide enhanced educational infrastructure/facilities for the nursery, primary and secondary schools within the catchment area of the application site, which sum shall be paid on or before the commencement of the development.
2. The developer covenants with Herefordshire Council, to pay a total contribution of £2,952.00 for improved transportation infrastructure in the locality of the application site and the promotion of sustainable means of transport which sum shall be paid on or before the commencement of development.
3. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes: (The list is not in any order of priority)
 - a) Traffic calming and improved safety signing
 - b) Improved bus shelters/stops
 - c) Improve lighting to highway routes leading to the site
 - d) Improved pedestrian and cyclist connectivity with the site
 - e) Improved cycle parking facilities
 - f) Improved pedestrian crossing facilities
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £672.00 (in accordance with the Sport England Sport Facility Calculator) for enhancement of existing sports facilities in the locality of the application site, which sum shall be paid on or before the commencement of the residential development.
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £317.00 for improvements to the quality and accessibility of the more formal green space in the locality of the application site, which sum shall be paid on or before the commencement of the development.
6. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1, 2, 3, 4 and 5 for the purposes specified in the agreement 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.
7. 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.
8. The developer shall complete the Agreement by 2nd October 2008 otherwise the application will be registered as deemed refused.

Julia Shields – Planning Officer

17th June 2008



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APPLICATION NO: DCNC2008/1320/F

SCALE : 1 : 1250

SITE ADDRESS : Flaggoners Green House, Panniers Lane, Flaggoners Green, Bromyard, Herefordshire, HR7 4QR

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