

# A G E N D A

## Northern Area Planning Sub- Committee

Date: **Wednesday, 11th March, 2009**

---

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:*

*Ricky Clarke, Democratic Services Officer, Tel  
01432 261885  
e-mail [rclarke@herefordshire.gov.uk](mailto:rclarke@herefordshire.gov.uk)*

---

**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, ME Cooper, JP French, JHR Goodwin, KG Grumbley, B Hunt, RC Hunt, TW Hunt, TM James, P Jones CBE, PJ McCaull, R Mills, PM Morgan, RJ Phillips, A Seldon, RV Stockton, J Stone and JK Swinburne

	Pages
<p><b>1. APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence.</p>	
<p><b>2. DECLARATIONS OF INTEREST</b></p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p> <p><b>GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS</b></p> <p>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.</p> <p>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.</p> <p>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.</p>	
<p><b>3. MINUTES</b></p> <p>To approve and sign the Minutes of the meeting held on 14 January 2009</p>	1 - 4
<p><b>4. ITEM FOR INFORMATION - APPEALS</b></p> <p>To be noted.</p>	5 - 12
<p><b>5. ITEM FOR INFORMATION - SECTION 106 AGREEMENTS DETERMINED UNDER DELEGATED POWERS</b></p> <p>To be noted.</p>	13 - 16

## APPLICATIONS RECEIVED

To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning and Transportation 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.

- |  |         |
|--|---------|
| <b>6. DCNC2009/0151/F - CHOPSTICKS, 73 ETNAM STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8AE.</b>   | 17 - 20 |
| Proposed variation of condition 3 of Planning Permission NC2006/1387/F, to allow opening of premises for customers until 10pm Mon-Thurs and 10.30pm Fri-Sat. |         |
| <b>7. DCNC2009/0209/F - BROMYARD RUGBY CLUB, INSTONE, BROMYARD, HEREFORDSHIRE, HR7 4LW.</b>  | 21 - 24 |
| Proposed additional floodlighting.   |         |
| <b>8. DCNW2009/0182/F - LAND ADJACENT TO THE OLD POST OFFICE, MONKLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9DB.</b>  | 25 - 32 |
| Proposed new cottage and detached garage.  |         |
| <b>9. DCNE2008/2893/F - LAVENGER BANK, PETTY FRANCE, LEDBURY, HEREFORDSHIRE, HR8 1JG.</b>  | 33 - 38 |
| Proposed purpose made sheep housing polytunnel.  |         |
| <b>10. DCNE2009/2976/F - LARKRISE, KNAPP LANE, LEDBURY, HEREFORDSHIRE, HR8 1AN.</b>  | 39 - 48 |
| Replacement of single storey dwelling with three two storey houses and attached garages.   |         |
| <b>11. DATE OF NEXT MEETING</b>  |         |
| 8 April 2009   |         |

# **The Public's Rights to Information and Attendance at Meetings**

## **YOU HAVE A RIGHT TO: -**

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

## **Please Note:**

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

The meeting venue is accessible for visitors in wheelchairs.

A public telephone is available in the reception area.

## **Public Transport Links**

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

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

## **HEREFORDSHIRE COUNCIL**

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

### **FIRE AND EMERGENCY EVACUATION PROCEDURE**

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

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

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

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

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





HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 14 January 2009 at 2.00 p.m.**

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

Councillors: LO Barnett, WLS Bowen, JHR Goodwin, B Hunt, RC Hunt, TM James, PJ McCaull, PM Morgan, A Seldon, RV Stockton, J Stone and JK Swinburne

**88. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors ME Cooper, JP French, KG Grumbley, TW Hunt, P Jones CBE, R Mills and RJ Phillips.

**89. DECLARATIONS OF INTEREST**

6. DCNW2008/2075/F - LEMORE MANOR, EARDISLEY, HEREFORD, HR3 6LR (Agenda Item 6).  
Councillor PM Morgan; Personal.

**90. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 17 December 2008 be approved as a correct record and signed by the Chairman.

**91. ITEM FOR INFORMATION - APPEALS**

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

**92. ITEM FOR INFORMATION - SECTION 106 AGREEMENTS DETERMINED UNDER DELEGATED POWERS**

The Sub-Committee noted the Council's current position in respect of section 106 agreements determined under delegated powers for the northern area of Herefordshire.

Members discussed Section 106 agreements and expressed their wish to see monies being spent in the vicinity of application sites. They also felt that local ward members should be consulted fully where an application requiring a section 106 agreement fell within their ward.

**93. DCNW2008/2075/F - LEMORE MANOR, EARDISLEY, HEREFORD, HR3 6LR (AGENDA ITEM 6)**

*Change of use from Nursing Home to multi use venue, occasional erection of up to 10 marquees and variation of previous condition to allow occupation of The Coach*

*House.*

The Northern Team Leader reported the following representation from Herefordshire Nature Trust.

The Trust owns the northern section of Holywell Dingle Nature Reserve situated to the south, only a short distance from Lemore Manor. Concern expressed about previous levels of noise generated impacting upon wildlife, especially fireworks. Nocturnal species such as dormice, badgers bats and roosting birds susceptible to disturbance by spontaneous or prolonged noises and bright lights.

Particularly concerned about affect on lesser horseshoe bats, observed feeding within the dingle and may be summer residents at the manor. Whether successive and prolonged use of fireworks and/or shooting near to a bat roost or their habitat could result on prosecution under the Wildlife Act 1981, CROW Act 2000 or habitats directive is unknown.

Clarification from Natural England should be sought.

Trust recommends that permission should not be granted unless strict conditions can be imposed.

1. prevent use of fireworks outside of normal bonfire night.
2. prevent use of loudspeakers /pa in grounds or marquees.
3. restrictions on loud music within the manor.
4. no clay pigeon shooting.
5. owners to liaise with HNT
6. undertake bat survey at manor.

He also reported the receipt of a further letter signed by a number of local residents making the following additional points:

1. site plan is inaccurate and misleading indicates ownership of track which is not in ownership and omits eco lodges. Also issue about rights over drive.
2. Question whether use is C2 class, consider it to be C1 or sui generis.
3. Question need for licences for music/alcohol.

In reference to the officer appraisal they commented that:

4. noise has been an issue when owners have been resident.
5. The change to condition ref the coach house only increases scope for nuisance and should not be removed.
6. Safe zones for shooting can't be achieved.
7. If approved can condition be imposed to give warning to local residents of firework events.
8. Self imposed 9.30 curfew on fireworks and loud music not observed.

In reference to a noise attenuation scheme they commented that:

9. a noise limiter should be fitted at the venue.
10. 10 marquees will be intrusive probably during spring/summer months when residents more likely to want to have windows open and should be refused as noise cannot be contained sufficiently within.

The Northern Team leader reported the following comments contained within the

committee updates sheet:

In addition to the description above the development also proposes the addition of a pitched roof to an existing stone store building. This has no impact on any local residents and is considered acceptable. It was unfortunately omitted due to the number of characters exceeding the capacity of the computer system.

The Council's ecologist has responded with no objection to the proposal. However in light of yesterday's comments from HNT further advice has been sought. Any further comment will be reported verbally. If it was considered necessary to impose the conditions suggested by HNT the business could not operate as applied for to such an extent that it would be appropriate to refuse the application.

In response to the additional neighbour letter relating to the accuracy of the plan, it is believed to be the plan attached to your report not those submitted by the applicant. The issue will be referred to during the presentation.

Reference to C2 use is the former use of the manor not the proposed use. The development falls into at least 2 classes of use and may even be sui generis, that however does not alter the considerations.

Members will note that condition 4 seeks to prevent shooting associated with the commercial use of the manor. It does not prevent private shooting by the owner. Matters of safety zones etc are covered by other legislation.

The Northern Team Leader advised Members that Newhouse Farm was to the east of the application site and not the north as stated in the committee report. He added that the farm was on both sides of the road. He then drew Members' attention to an error in the recommended conditions contained within the officer's report. He advised that conditions 6 and 7 were old conditions and should be replaced with the current standard conditions relating to noise control, restriction on times for music and restriction on times for fireworks. He also requested that an informative note be added to the recommendation to request that the applicant undertake a bat survey on the site.

He reported the receipt of a further letter of objection from Mrs Morgan of Knapp Cottage which did not raise any new issues.

In accordance with the criteria for public speaking Mrs Glyn-Jones, a neighbouring resident, spoke in objection to the application and Mr Spreckley, the applicant's agent, spoke in support.

Councillor LO Barnett had a number of concerns regarding the officer's report. She felt that the report did not contain all of the details Members' required before being able to make an informed decision on the application. She felt that the determination of the application should be deferred pending further discussions with all of the interested parties.

Members had concerns regarding noise emanating from the site and causing a disturbance to local residents. They addressed a number of concerns regarding licenseable activities on the site and were advised that these matters would be addressed through the Council's Regulatory Sub-Committee. There was also a question raised in respect of the marquees applied for as part of the application. The Northern Team Leader confirmed that the application was for 1 marquee on up to 10 occasions throughout the year.

Members went on to discuss the conditions recommended in the Officer's report. They felt that the conditions were not clear and needed to be made more stringent. Members also discussed the merits of approving a temporary permission before resolving to defer the application pending further discussions. Members also felt that a site inspection would be beneficial to assess the impact of the application on the neighbouring residents.

#### **RESOLVED**

**THAT the application be deferred pending further discussions with the applicant and a site inspection on the following grounds:**

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

*[Following the meeting that applicant withdrew the application and therefore the site inspection was not undertaken]*

#### **94. DATE OF NEXT MEETING**

11 February 2009.

The meeting ended at 3.00 p.m.

**CHAIRMAN**

<b>ITEM FOR INFORMATION - APPEALS</b>
---------------------------------------

**APPEALS RECEIVED****Application No. EN2008/0100/ZZ**

- The appeal was received on 19th February 2009
- 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 Ms Hansen
- The site is located at 5 Church Street, Ledbury, HR8 1DH

The breach of planning control alleged in this notice is " The alteration of the building without listed building consent by the removal of second floor left and right windows, second floor landing rear, first floor landing rear, ground floor rear utility room and ground floor door and surround and their replacement with the installation of UPVC (unplasticised poly vinyl chloride) double glazed windows to the front and rear elevation of the building and door to the rear of the building".

The requirements of the notice are: The existing UPVC windows and surround should be removed. The rear door should be replaced in timber casement window

- The appeal is to be heard by Written Representations

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

**Application No. DCNW2008/2597/F**

- The appeal was received on 4th February 2009
- 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 S. Flook
- The site is located at Granary Stables, DOWNWOOD FARM, -, Shobdon, Leominster, Herefordshire, HR6 9NH
- The development proposed is Proposed owners/managers dwelling.
- The appeal is to be heard by Written Representations

**Case Officer: Philip Mullineux 01432 261808**

**Application No. DCNE2008/1465/F**

- The appeal was received on 20th January 2009
- 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 R. Jones
- The site is located at Fox Lane, Ledbury, Herefordshire.
- The development proposed is Proposed removal of garages and replace with five town houses.
- The appeal is to be heard by Hearing

**Case Officer: Roland Close on 01432 261803**

**Application No. EN2008/0105/ZZ**

- The appeal was received on 16th January 2009
- 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 Mrs C J Chadney
- The site is located at land R/o 4 Rundlemead, The Stables, Mathon, Malvern, WR13 5PW  
The breach of planning control alleged in this notice is ""Without planning permission, the material change of use of land for the keeping and exercising of horses to a mixed use for the keeping and exercising of horses and the storage of a mobile home."
- The requirements of the notice are: Permanently remove the mobile home
- Permanently remove any materials/service connections resulting from the removal of the mobile home from the land
- Following the removal of the mobile home restore the land to its former condition by re-seeding it with grass
- The appeal is to be heard by Hearing

**Case Officer: Roland Close on 01432 261803**

**APPEALS DETERMINED****Application No. DCNW2008/1868/A**

- The appeal was received on 5 November 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 Mrs D. Wright
- The site is located at Verge on A4113 Knighton to Ludlow Road, OS Grid Ref: 3358/2728, Bucknell, Herefordshire
- The application, dated 29 June 2008 , was refused on 9 September 2008
- The development proposed was 2 directional signs (1.2m x 0.6m).
- The main issue is the effect of the signs on public safety and visual amenity

**Decision:** This application was refused under Delegated Powers on 9 September 2008.  
The appeal was **DISMISSED** on 20 February 2009

**Case Officer: Jeanette Wood on 01432 383090**

**Application No. DCNC2007/2682/O**

- The appeal was received on 5 June 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 Mrs V Pawsey
- The site is located at Archer House, Ryelands Road, Leominster, Herefordshire, HR6 8PN
- The application, dated 8 August 2007, was refused on 11 October 2007
- The development proposed was Site for one dwelling with garage
- The main issue is the value to be placed on individual trees on and adjacent to the application site, and the relationship of these to proposed buildings.

---

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

**Decision:** The application was refused under Delegated Powers on 11 October 2007.  
The appeal was **ALLOWED** on 20 January 2009

**Case Officer: Julia Shields on 01432 383088**

**Application No. DCNW2007/3059/U**

- The appeal was received on 29 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 P Williams
- The site is located at Land to the rear of Mortimers Cross Inn, Mortimers Cross, Nr. Leominster, Herefordshire, HR6 9PD
- The application, dated 19 September 2007 was refused on 8 November 2007
- The development proposed was Certificate of lawfulness for existing use of mobile home as residential dwelling
- The main issue is whether the land has been used continuously for a period in excess of 10 years for the siting and residential occupation of a mobile home

**Decision:** This application was refused under Delegated Powers of 8 November 2007.  
The appeal was **DISMISSED** on 7 January 2009.  
Costs have been awarded to the Council.

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

**Application No. EN2008/0043/ZZ**

- The appeal was received on 20th August 2008
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr P Williams
- The site is located at Land to the rear of Mortimers Cross Inn, Mortimers Cross, Nr. Leominster, Herefordshire, HR6 9PD
- The breach of planning control alleged in this notice is " Without planning permission material change of use of land (formerly used as a touring caravan site for a maximum of three caravans at any one time) to a use of the land for the permanent siting of a static caravan together with associated operational development in the form of the construction of a concrete hardstanding and the laying of gravel"
- The requirements of the notice are: (1) making a material change of use of the land to use for stationing a caravan for use for residential purposes; (2) operational development consisting of the construction of a concrete hardstanding and laying gravel.

**Decision:** The Enforcement notice is corrected.  
The appeal is dismissed and the notice as corrected is upheld. 7 January 2009

**Case Officer: Jeanette Wood on 01432 383090**

**Application No. DCNW2007/2803/F**

- The appeal was received on 29 April 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 Mansfield
- The site is located at Wardens Cottage, The Wharf Industrial Estate, Eardisley, Hereford. HR3 6NS
- The application, dated 22 August 2007 was refused on 16 October 2007
- The development proposed was Single storey extension and removal of personal occupancy condition pp 86/509
- The main issues are:- (a) whether the business arguments in this case are sufficient to justify the removal of the personal occupancy condition having regard to policies aimed at restricting residential development in the countryside; (b) the effect of removing the occupancy condition on the living conditions of occupiers of the appeal building.

**Decision:** The application was refused under Delegated Powers on 16 October 2007.  
The appeal was **DISMISSED** on 9 January 2009

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

**Application No. DCNE2008/0644/F**

- The appeal was received on 13 June 2008
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs R. Anderson
- The site is located at The Bee House and The Hive, Nashend House, Bosbury, Ledbury, Herefordshire, HR8 1JU
- The application, dated 3 March 2008, was refused on 28 April 2008.
- The development proposed was Application under S.73 to rescind holiday occupation conditions (4 & 5) and restrictive conditions (3 & 6) from Planning Permission DCNE2003/2257/F.
- The main issues are:
  1. Whether the removal of the holiday occupation restrictions would conflict with national and local planning policies that seek to protect the countryside and to promote sustainable forms of development.
  2. The impact of the appeal site being in separate ownership to Nashend House upon the occupiers of the house.

**Decision:** This application was refused under Delegated Powers on 28 April 2008  
The appeal was **ALLOWED** subject to conditions on 6 January 2009.

**Case Officer: Roland Close on 01432 261803**

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

- The appeal was received on 26 March 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 Mrs N. McNair & Mr J.P. Newby-Vincent

---

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



- The site is located at CALVER HILL FARM, -, Norton Canon, Hereford, Herefordshire, HR4 7BW
- The application, dated 7 November 2007, was refused on 15 January 2008.
- The development proposed was Removal of section 106 agreement, preventing the separate sale of Havercroft & Calver Hill Farmhouse.
- The main issue is whether the planning obligation serves a useful purpose in land-use planning terms.

**Decision:** This application was refused under Delegated Powers on 15 January 2008.  
The appeal was **DISMISSED** on 6 January 2009.

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

**Application No. DCNW2008/0105/F APPEAL C**

- The appeal was received on 1 May 2008
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against non-determination of a planning application
- The appeal was brought by Euston Park Developments Limited
- The site is located at Orleton Manor, Orleton, Ludlow, Herefordshire, SY8 4HR
- The application, dated 21 December 2007
- The development proposed was proposed garages, estate offices, stores and visitor lodge. Greenhouse and spa building.
- The main issues are the effects of the proposals on
- The character and appearance of the Orleton Conservation Area, including any effect on the setting of the listed building; protected species; highway safety and trees

**Decision:** The appeal was **DISMISSED** on 10 December 2008

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

**Application No. DCNW2007/3948/F APPEAL B**

- The appeal was received on 1 May 2008
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against non-determination of a planning application
- The appeal was brought by Euston Park Developments Limited
- The site is located at Orleton Manor, Orleton, Ludlow, Herefordshire, SY8 4HR
- The application, dated 21 December 2007
- The development proposed was Proposed alterations, repairs and extension to existing Manor House.
- The main issues are the special historic and architectural interest of the building and its setting within the Orleton Conservation Area, and protected species

**Decision:** The appeal was **PART DISMISSED AND PART ALLOWED** on 10 December 2008

**Decision – Appeal B**

4. I dismiss the appeal insofar as it relates to alterations to the ground floor rooms shown on drawing 840/01/100 as living room, hall and stairway to first floor (adjacent to living room), boiler room, stairway to cellar and study, to the oak settle alcove in front room 1 and also to first floor rooms shown on drawing 840/01/101 as bedroom 1 and the stairway to ground floor (adjacent to bedroom 1), together with any external alterations associated with the said rooms and any alterations to external paving.
5. I allow the appeal insofar as it relates to demolition of lean-to extensions and construction of new extension and alterations to ground floor rooms shown on drawing 840/01/100 as kitchen, utility room, stairway to first floor (adjacent to front room 2), front room 2, hall leading from front porch and front room 1 (other than the oak settle alcove) and to all first floor rooms shown on drawing 840/01/101 other than bedroom 1 and stairway to ground floor (adjacent to bedroom 1), together with any external alterations associated with the said rooms and I grant planning permission for alteration, repairs and extension to existing manor house at Orleton Manor, Orleton, Ludlow SY8 4HR in accordance with the terms of the application Ref DCNW2007/3948/F, dated 21 December 2007, and the plans submitted with it insofar as relevant to that part of the development hereby permitted and subject to the conditions attached at Schedule 2.

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

**Application No. DCNW2007/3949/L APPEAL A**

- The appeal was received on 1 May 2008
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against non-determination of a planning application
- The appeal was brought by Euston Park Developments Limited
- The site is located at Orleton Manor, -, Orleton, Ludlow, Herefordshire, SY8 4HR
- The application, dated 27 December 2007
- The development proposed was proposed alterations, repairs and extension to existing Manor House.
- The main issue is the effect of the proposed works on the special historic and architectural interest of the building and its setting

**Decision:** The appeal was **PART DISMISSED AND PART ALLOWED** on 10 December 2008

**Decision – Appeal A**

2. I dismiss the appeal insofar as it relates to works to the ground floor rooms shown on drawing 840/01/100 as living room, hall and stairway to first floor

(adjacent to living room), boiler room, stairway to cellar and study, to the oak settle alcove in front room 1 and also to first floor rooms shown on drawing 840/01/101 as bedroom 1 and the stairway to ground floor (adjacent to bedroom 1), together with any external alterations associated with the said rooms and any alterations to external paving.

3. I allow the appeal insofar as it relates to demolition of lean-to extensions and construction of new extension and works to ground floor rooms shown on drawing 840/01/100 as kitchen, utility room, stairway to first floor (adjacent to front room 2), front room 2, hall leading from front porch and front room 1 (other than the oak settle alcove) and to all first floor rooms shown on drawing 840/01/101 other than bedroom 1 and stairway to ground floor (adjacent to bedroom 1), together with any external alterations associated with the said rooms and I grant listed building consent for alteration, repairs and extension to existing manor house at Orleton Manor, Orleton, Ludlow SY8 4HR in accordance with the terms of the application Ref DCNW2007/3949/L, dated 21 December 2007, and the plans submitted with it insofar as relevant to those elements of the works hereby permitted and subject to the conditions attached at Schedule 1.

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

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



<b>ITEM FOR INFORMATION – SECTION 106          AGREEMENTS DETERMINED UNDER DELEGATED          POWERS</b>
--

**Planning Ref:** DCNC2008/2061/O

**Address:** Hazeldene, Kimbolton

**Proposal:** One dwelling

**Date Approved:** 6 November 2008

**Summary of Contributions:**

Amount	Purpose
£4,917	Highways
£317	Open space
£672	Sport England
£241	Community
£4,953	Education/Young People
£222	2% for monitoring
	Other

**Case Officer: Nigel Banning on 01432 383093**

**Planning Ref:** DCNE2008/2432/CD

**Address:** Woodcroft Farm, Bosbury

**Proposal:** Conversion of farm buildings to four houses

**Date Approved:** 12 November 2008

**Summary of Contributions:**

Amount	Purpose
£15,987	Highways
£1,337	Open space
£2,834	Sport England
£835	Community
£13,893	Education/Young People
£698	2% for monitoring
	Other

**Case Officer: Roland Close on 01432 261803**

**Planning Ref:** DCNC2008/2192/F

**Address:** Wyson Avenue, Bromfield

**Proposal:** Detached house

**Date Approved:** 17 November 2008

**Summary of Contributions:**

Amount	Purpose
£3,690	Highways
£317	Open space
£672	Sport England
£198	Community

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

£4,900	Education/Young People
£196	2% for monitoring
	Other

**Case Officer: Julia Shields on 01432 383088**

**Planning Ref:** DCNC2008/2181/F

**Address:** Hopyard Cottage, Luston.

**Proposal:** New dwelling

**Date Approved:** 18 November 2008

**Summary of Contributions:**

Amount	Purpose
£2,952	Highways
£317	Open space
£672	Sport England
£198	Community
£1,052	Education/Young People
£104	2% for monitoring
	Other

**Case Officer: Julia Shields on 01432 383088**

**Planning Ref:** DCNC2008/2576/F

**Address:** Dishley Court, Newtown, Leominster

**Proposal:** Division of property into two flats

**Date Approved:** 1 December 2008

**Summary of Contributions:**

Amount	Purpose
£985	Highways
£166	Open space
£350	Sport England
£103	Community
	Education/Young People
	2% for monitoring
£30	Other

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

**Planning Ref:** DCNE2008/1995/F

**Address:** Plot Woodleigh

**Proposal:** 1 house

**Date Approved:** 19 December 2008

**Summary of Contributions:**

Amount	Purpose
£3,933	Highways
£1,204	Open space
	Sport England

---

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

	Community
<b>£4,953</b>	Education/Young People
<b>£201</b>	2% for monitoring
	Other

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

**Planning Ref:** DCNW2008/2674/F  
**Address:** 18A Headbrook, Kington  
**Proposal:** 2 Flats and new shop  
**Date Approved:** 18 December 2008  
**Summary of Contributions:**

<b>Amount</b>	<b>Purpose</b>
<b>£3,933</b>	Highways
<b>£470</b>	Open space
<b>£992</b>	Sport England
	Community
<b>£3,618</b>	Education/Young People
<b>£292</b>	2% for monitoring
	Other

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

**Planning Ref:** NE2008/2764/F  
**Address:** Stanley House, Bosbury, Ledbury  
**Proposal:** Extension to nursing home  
**Date Approved:** 2 January 2009  
**Summary of Contributions:**

<b>Amount</b>	<b>Purpose</b>
<b>£7,177</b>	Highways
	Open space
	Sport England
	Community
	Education/Young People
<b>£144</b>	2% for monitoring
	Other

**Case Officer: Roland Close on 01432 261803**

**Planning Ref:** DCNE2008/2731/F  
**Address:** Wood House, Staplow, Ledbury  
**Proposal:** Change of use to dwelling  
**Date Approved:** 19 December 2008  
**Summary of Contributions:**

<b>Amount</b>	<b>Purpose</b>
<b>£2,952</b>	Highways
<b>£989</b>	Open space

---

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

	Sport England
£198	Community
£2,951	Education/Young People
	2% for monitoring
£120	Other

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

**Planning Ref:** DCNW2008/2975/F  
**Address:** The Buildings, Brilley, HR3 6JH  
**Proposal:** Agricultural workers dwelling  
**Date Approved:** 22 January 2009  
**Summary of Contributions:**

Amount	Purpose
£3,690	Highways
£317	Open space
	Sport England
£241	Community
£2,951	Education/Young People
£144	2% for monitoring
	Other

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

**Planning Ref:** DCNW2008/3016/F  
**Address:** Home Farm, Lingen  
**Proposal:** Conversion of barn  
**Date Approved:** 3 February 2009  
**Summary of Contributions:**

Amount	Purpose
£3,690	Highways
£317	Open space
	Sport England
£198	Community
£3,001	Education/Young People
£144	2% for monitoring
	Other

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

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



**6 DCNC2009/0151/F - PROPOSED VARIATION OF CONDITION 3 OF PLANNING PERMISSION NC2006/1387/F, TO ALLOW OPENING OF PREMISES FOR CUSTOMERS UNTIL 10PM MON-THURS AND 10.30PM FRI-SAT AT CHOPSTICKS, 73 ETNAM STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8AE.**

**For: Mr T. Teoh at the above address.**

**Date Received: 26 January 2009 Ward: Leominster South Grid Ref: 49893, 58948**

**Expiry Date: 23rd March 2009**

Local Members: Councillors PJ McCaull and RC Hunt

**1. Site Description and Proposal**

- 1.1 The site lies to the south east of Leominster's town centre and is situated on the northern side of Etnam Street adjacent to the entrance to the public car park.
- 1.2 The building has three storeys, with its ground floor used as a Chinese take-away and residential accommodation above. This part of Etnam Street is predominantly residential, although there is a public house nearby and a church directly opposite.
- 1.3 The proposal seeks to vary a condition imposed on an earlier planning permission which limits the opening hours of the premises to 8am until 9pm Monday to Saturday and not at any time on Sundays or Bank Holidays. As proposed the premises would be open between 1700 to 2200 hours Monday to Thursday, 1700 to 2230 hours Friday and Saturday and not at all on Sunday. The application suggests a willingness to accept a temporary permission if it is felt that the impact of such a change to opening hours needs to be assessed before deciding whether it is acceptable on a permanent basis.

**2. Policies**

Herefordshire Unitary Development Plan:

DR2 - Land use and activity

TCR2 - Vitality and viability

TCR15 - Hot food take away outlets

**3. Planning History**

- 3.1 DCNC2006/0067/F - Change of use to A3 (restaurants and cafes) between hours of 8.00 am to 21.00 pm Monday to Saturday - Approved 22nd February 2006.
- 3.2 DCNC2006/1387/F - Change of use to A5 (hot food take-aways) between hours of 14.00 pm - 21.00 pm Monday to Saturday - Approved 14th June 2006.

- 3.3 DCNC2006/3515/F - Variation of condition no.2 of DCNC2006/1387/F to enable use of 18 litre deep fat fryer - Refused 3rd January 2007
- 3.4 DCNC2008/1668/F - Variation of condition 3 of planning permission NC2006/1387/F to allow opening hours of 8am to 11pm Monday to Sunday - Refused 27th August 2008

#### **4. Consultation Summary**

##### Statutory Consultations

- 4.1 No statutory consultations required.

##### Internal Council Advice

- 4.2 Transportation Manager - No objection
- 4.3 Head of Environmental Health & Trading Standards - No objection
- 4.4 Conservation Manager - No objection

#### **5. Representations**

- 5.1 Leominster Town Council - Recommend approval for a temporary period of six months.
- 5.2 Three letters of objection have been received from the following:

Mr Bird, 75 Etnam Street, Leominster  
Mr & Mrs Halford, 81 Etnam Street, Leominster  
Vivienne Pearson, 77 Etnam Street, Leominster

- 5.3 In summary the points raised are that an increase in opening hours will give rise to longer periods of nuisance caused by odours, noise and traffic. The objection letters also point out that the restricted opening hours that are currently in place are not being adhered to.
- 5.4 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

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

- 6.1 The only issue relevant to this proposal is whether the proposal will give rise to a detriment in the residential amenity of nearby properties. A judgement has to be made as to whether such harm would be caused by extending the opening hours by an extra hour between Monday and Thursday and 1 ½ hours on Friday and Saturday.
- 6.2 In response to the earlier 2008 application to vary condition 3 that was eventually refused, the Environmental Health Officer advised that there had not been any complaints in respect of odour or noise emanating from the premises. It is not evident that they have received any complaints since the application was refused. Notwithstanding this, the Environmental Health Department do have powers under the

Environmental Protection Act 1990 should a nuisance be being caused and these would be applicable under the current opening hours.

- 6.3 The proposal would give some parity with other similar businesses in the town. Whilst it is acknowledged that there may be differences with other takeaways in terms of their location and relation to residential dwellings the absence of any formal complaints to Environmental Health suggests that the current situation is not giving rise to any significant nuisance. The extension of opening hours is unlikely to result in any significant change to this situation. Whilst the applicant expresses a willingness to accept a temporary permission this is considered to be both unnecessary and unreasonable, thus failing two of the tests set down by Circular 11/95 regarding the imposition of conditions. The proposal is acceptable on a permanent basis and is therefore recommended for approval.

**RECOMMENDATION**

**That planning permission be 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 F04 (Restriction on hours of opening (restaurants and hot food takeaways)) (1700 to 2200 hours Monday to Thursday, 1700 to 2230 hours Friday and Saturday)**

**Reason: To safeguard the amenities of the locality and to comply with Policy DR1 of Herefordshire Unitary Development Plan.**

**INFORMATIVES**

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

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

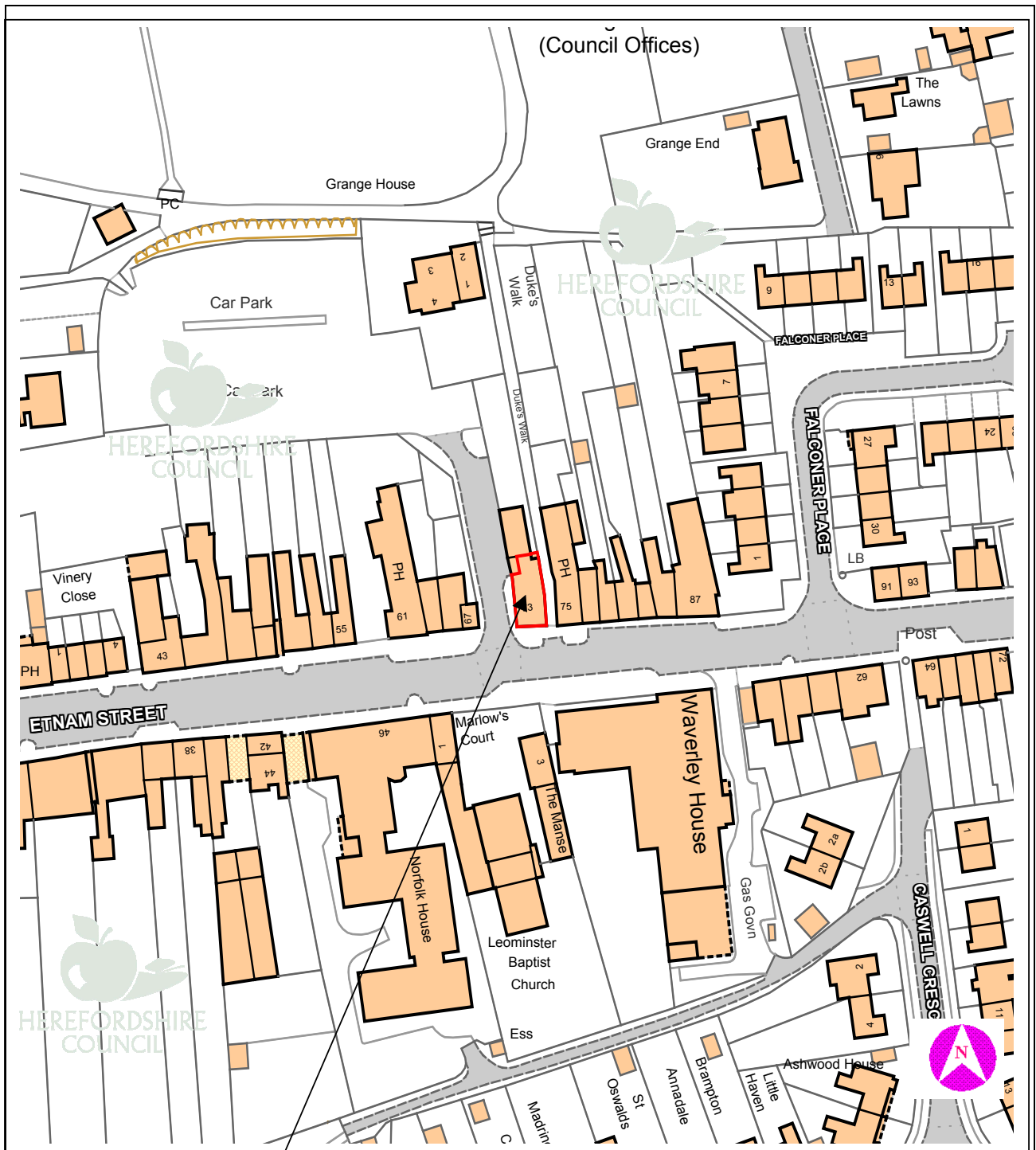
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** DCNC2009/0151/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Chopsticks, 73 Etnam Street, Leominster, Herefordshire, HR6 8AE

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

**7 DCNC2009/0209/F - PROPOSED ADDITIONAL FLOODLIGHTING. BROMYARD RUGBY CLUB, INSTONE, BROMYARD, HEREFORDSHIRE, HR7 4LW.**

**For: Mr E. Pitt at the address above.**

**Date Received: 30 January 2009 Ward: Bromyard Grid Ref: 65143, 55741**

**Expiry Date: 27 March 2009**

Local Member: Councillors B Hunt and A Seldon

**1. Site Description and Proposal**

- 1.1 The application relates specifically to the two pitches at Bromyard Rugby Club at the northern edge of the town.
- 1.2 The area is a wide open space with views beyond over open countryside to the east. Vehicular access is gained from the B4214 via the south-western corner of the site onto a large surfaced parking area. Site boundaries to the north, south and west are defined by a combination of mature trees and hedgerows. One dwelling, known as Winslow Lodge, borders the site at its north-western corner. It is otherwise some distance from residential dwellings.
- 1.3 The application seeks to erect floodlighting for the two full pitches in order that the club can improve its training facilities during the week and provide for its senior teams and an expanding junior section. Current temporary lighting used on one of the pitches does not accord with current RFU safety guidelines.
- 1.4 The proposal includes eight floodlight poles, four for each pitch. Each pole measures 18.3 metres and support 5 lighting units. Each unit is fitted with its own cowl in order that light can be specifically directed and to minimise light spillage onto adjoining properties.

**2. Policies**

Herefordshire Unitary Development Plan  
DR14 - Lighting  
RST1 - Criteria for recreation, sport and tourism development

**3. Planning History**

DCNC2008/1904/F - Upgrade and increase of floodlighting on rugby pitches - Refused  
17th November 2008

**4. Consultation Summary**

Statutory Consultations

- 4.1 None required

Internal Council Advice

4.2 Transportation Manager - No objection

4.3 Environmental Health Officer :-

I would express concern about the proposal for floodlighting on the first team pitch, this being the one adjacent to Winslow Lodge. Whilst I am satisfied that a properly designed lighting system would not cause light nuisance to neighbours particularly if its use were restricted to before 10p.m., I am concerned about the potential for increased noise disturbance to neighbours due to activities on and associated with the use of the pitch. Floodlighting would allow for extra use which in my opinion is likely to lead to an unacceptable level of disturbance and there are no readily available methods to mitigate against this noise, other than severely restricting the amount of use of the floodlighting. If it is minded to grant permission a condition should be imposed that would provide this protection i.e. the use of floodlighting is only permitted for certain games e.g. first team cup games. If such a condition adequately restricting the use is not acceptable I would recommend that permission is refused.

## **5. Representations**

5.1 Bromyard Town Council - Support this application

5.2 One letter of objection has been received from Mr & Mrs Delahay of Winslow Lodge who raise concerns that their amenity and enjoyment of their property will be affected through the introduction of floodlighting. The floodlighting will be within 20 metres of the property and its introduction will result in nuisance both from the light and also the noise generated through the increased use of the first team pitch, particularly because the sleeping accommodation of their property is located closest to the pitch.

Mr & Mrs Delahay also state that they have no objection to the floodlighting proposed for the second pitch as this is sufficiently distant from their property.

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 limitation of the use of the first team pitch suggested by the Environmental Health Officer will not allow the rugby club to achieve its aim of improving facilities as stated. This is reflected in the information submitted as part of the application. The issue is therefore whether the benefits derived from this proposal in terms of improving facilities outweigh the harm that will be caused to the residential amenity of Winslow Lodge, these being the two most relevant criteria highlighted by Policy RST1.

6.2 The concerns raised by the objectors are entirely legitimate. Presently the pitch closest to their property can only be used during hours of daylight and the introduction of floodlighting would allow it to be used for much longer periods and hence they will continue to suffer a greater degree of nuisance, not from the floodlights themselves, but by the noise associated with the use of the pitch. This can be controlled by a condition to limit the use of the pitch but that suggested by the Environmental Health Officer does not meet the demands that the rugby club has identified.

6.3 On balance the harm that will be caused to the amenity of Winslow Lodge is unjustified. The proposal is therefore considered to be contrary to Policy RST1 of the

Herefordshire Unitary Development Plan and it is recommended that the application be refused.

**RECOMMENDATION**

**That planning permission be refused for the following reasons:-**

**The introduction of floodlighting to the first team pitch will result in a significant increase in its use in the evening on weekdays in particular. Its close proximity to Winslow Lodge is likely to result in an unacceptable level of detriment to its residential amenity, particularly by virtue of increased noise levels, and therefore the proposal is contrary to Policy RST1 of the Herefordshire Unitary Development Plan 2007.**

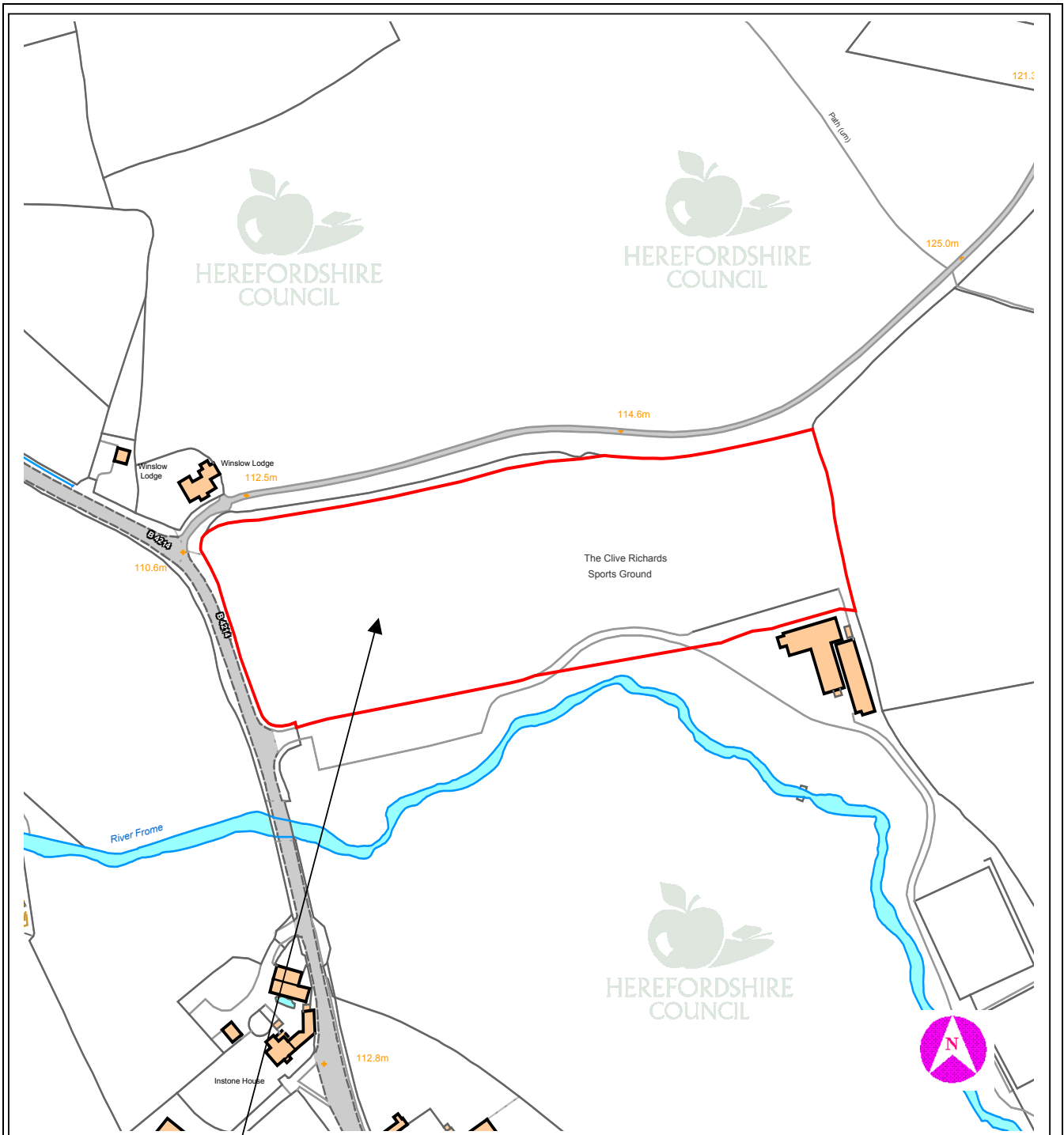
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** DCNC2009/0209/F

**SCALE :** 1 : 2500

Grid ref: 65145574

**SITE ADDRESS :** Bromyard Rugby Club, Instone, Bromyard, Herefordshire

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

Further information on the subject of this report is available from Mr A Banks on 01432 383085 Ext 3085



**8 DCNW2009/0182/F - PROPOSED NEW COTTAGE AND DETACHED GARAGE ON LAND ADJACENT TO THE OLD POST OFFICE, MONKLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9DB.**

**For: Mr & Mrs S. Griffiths per Mr N La Barre, Easters Court, Leominster, Herefordshire, HR6 0DE.**

**Date Received: 27 January 2009      Ward: Golden Cross      Grid Ref: 45629, 57570  
with Weobley**

**Expiry Date: 24 March 2009**

Local Member: Councillor JHR Goodwin

**1. Site Description and Proposal**

- 1.1 The application site forms part of the residential curtilage of a two storey detached dwelling of external brick construction under a slate roof.
- 1.2 Adjoining the western boundary of the application site is the domestic curtilage, of a two storey detached dwelling of brick and timber frame external construction.
- 1.3 To the rear of the application site is open farmland and adjoining the application site alongside the front southern, elevation is the unclassified public highway U93003 known as Old Road.
- 1.4 The application which is very similar to a previous application refused planning permission by Committee on 24 September 2008, (application ref: NW2008/1971/F), proposes construction of a three bedroom two storey detached dwelling of external brick construction, under a slate roof with a floor space of approx. 100 square metres. (Measured externally). Also proposed to the rear of the dwelling is a single storey bay garage of similar construction to the dwelling.
- 1.5 Included as part of the application is a Draft Heads of Terms indicating the applicants agreement towards payment under a S106 Agreement of financial contributions in line with the Council's Supplementary Planning Document on Planning Obligations.

**2. Policies**

S1	-	Sustainable development
S2	-	Planning requirements
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
H6	-	Housing in smaller settlements
LA2	-	Landscape character and areas least resilient to change

### 3. Planning History

- 3.1 NW2008/1971/F Proposed new cottage and detached garage on land adjacent to The Old Post Office, Old Road, Monkland refused planning permission on 24 September 2008 as it was considered that the proposal was incompatible with the character of the immediate location and as a consequence contrary to Policies H6 and DR1 of the Herefordshire Unitary Development Plan.
- 3.2 N98/0443/O - Outline application for detached two-storey dwelling on land adjacent to Old Post Office, Monkland - refused planning permission on 28 September 1998 - later dismissed on appeal, 28 April 1999, in consideration of the impact on the surrounding landscape and policy of the Leominster Local Plan.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 None required.

#### Internal Council Advice

- 4.2 The Transportation Manager raises no objections subject to conditions attached to any approval notice subsequently issued.

### 5. Representations

- 5.1 Monkland and Stretford Parish Council recommends that the application be refused for the following reasons:

- Four previous applications concerning this plot have been refused. It is therefore difficult to see why plans for a house and a garage should be acceptable. There was some concern that there might be some negative reaction from those previous owners of this property who have in the past, had their planning applications refused.
- There was some concern that infill development could change the spacious character of this part of the village and might be detrimental to the value of neighbouring properties.
- In conclusion, the parish councilors believe that this development is not in keeping with the properties that surround it, as the plot is small in comparison to its neighbours and because of this it might have a negative effect on the character of this part of the village.

- 5.2 Six letters of objection have been received from the following:

- Dr D G Jeffery and Dr J M Barnes, Shop Cottage, Monkland
- Mrs M Parker, Hafod, Old Hafod Road, Monkland
- Mr R Bottom, 2, Shoredale Cottage, The Common, Monkland.
- Janet E Carr, Stonerake, Monkland
- Mrs Wendy Jancey, 3, Arrow Cottages, Monkland Common.
- Mrs Mary Wheeler, The Old Vicarage, Monkland

5.3 The reasons for objections from the above-mentioned can be summarised as follows:

- Previous application for development on site refused planning permission.
- Planning application for 2 dwellings on land on opposite side of the adjacent public highway - refused planning permission in September 2006 and later dismissed on appeal in February 2007.
- Proposed dwelling is very near to boundary hedge (western side) and also very close to dwelling known as Old Post Office.
- Plot is barely 9 metres wide
- No identified local need for such development
- Excessive infilling has already taken place on other parts of Old Road
- Western end of Old Road is the only part that retains its original character
- Impact of proposed development on adjacent public highway, and surrounding built environment character
- A BT telephone box that was adjacent to the site was removed at the applicants request to which Herefordshire Council and local residents of Monkland were trying to save.

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

## 6. Officer's Appraisal

The main issues with regards to this application are:

- Principle of the development
- Impact of the proposed development on the surrounding built environment's character
- Heads of Terms in accordance with Council's SPG

### Principle of the development

Policy H6: Housing in smaller settlements, in the Herefordshire Unitary Development Plan, (HUDP), states in its criteria that a dwelling's size must be limited to a habitable living space of 90 square metres (3-bedroom house) or 100 square metres (4-bedroom house). The plot size limited to a maximum area of 350 square metres and the infill gap no more than 30 metres frontage.

Monkland is classed as a smaller settlement in accordance with Policy H6 criteria in the HUDP.

The site plan forming part of the application, indicates a site area of 350 square metres with a proposed dwelling of 100 square metres, (external), on a site with 27 metres road frontage from the property known as Shop Cottage on the western side of the application site to the property known The Old Post Office on the eastern side of the application site. Therefore, the application fulfils the requirements of Policy H6: Housing in smaller settlements in the Herefordshire Unitary Development Plan.

Impact of the proposed development on the surrounding built environment character

The application proposes a three-bedroom two-storey detached dwelling of external brick construction under a slate roof.

The design of the proposed development is considered acceptable in relationship to the surrounding built environment using external construction materials that are also considered acceptable in consideration of surrounding properties.

The proposed dwelling will be located 1.8 metres from the adjacent hedgerow boundary on the western side of the application site and 15 metres from the property known as Shop Cottage, situated alongside the western side of the application site, with one small window in the ground floor, on the western elevation, and also one on the first floor elevation, of the western side of the property, to serve the landing area.

The Inspector's decision to application ref: N98/0443/0 (dismissed on appeal) clearly states that any dwelling on site would not infringe on the privacy and amenity of Shop Cottage in consideration of the distance between the application site and the dwelling known as Shop Cottage and the boundary hedge between the two sites.

The Inspector dismissed the appeal for the site subject to the refusal for application ref: N98/0443/O, in consideration of the impact of development on site in relationship to the surrounding built environment, to which he considered development on site would represent a harmful effect on the character and appearance of this particular part of Monkland.

The above-mentioned appeal was considered against policy of Leominster District Local Plan subsequently replaced by the Herefordshire Unitary Development Plan (HUDP).

The Leominster District Local Plan did not consider Monkland a village for residential development. Monkland in consideration of the HUDP, Policy H6, a smaller settlement for infill development, as outlined in paragraphs 6.2 – 6.4 of this report.

Therefore, in consideration of the HUDP and the design of the proposed dwelling, this proposal is considered acceptable, in scale and character, in relationship to the surrounding built environment and if Members are mindful to approve the application, a condition can be attached to the approval notice with regards to the small windows on the western elevation of the property, stating that the are glazed in opaque glass and non-opening in perpetuity.

It is noted the Council's Transportation Manager raises no objections to the proposed development.

Heads of Terms in accordance with Council's SPG

- 6.14 The applicants have indicated a willingness to pay contributions in accordance with advice in the Council's SPG on Planning Obligations, in a Draft Heads of Terms accompanying the application. The contributions (in accordance with relevant internal Council advice) are towards open space provision in the surrounding locality of the proposed development; Weobley High School infrastructure, Library facilities within the surrounding locality and public highway improvements within the locality.
- 6.15 In consideration of the plot's size, roadside frontage distance and criteria of Policy H6 of the HUDP, affordable housing provision is not an issue in respect of this application.

The issue with regards removal of the BT payphone box is not a planning consideration.

## 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 B07 (Section 106 Agreement )**

**Reason: In order to provide [enhanced sustainable transport infrastructure, educational facilities, improved play space, public art, waste recycling and affordable housing] in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.**

**3 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.**

**4 F16 (No new windows in specified elevation )**

**Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed in the west elevation of the property and the approved windows shall be glazed in opaque glass and be non-opening in perpetuity.**

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

**5 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.**

**6 H04 (Visibility over frontage )**

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

**7 H05 (Access gates )**

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

**8 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.**

**9 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.**

**10 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.**

**Informatives:**

- 1 N15 - Reason(s) for the Grant of Planning Permission**
- 2 N19 - Avoidance of doubt - Approved Plans**
- 3 HN01 - Mud on highway**
- 4 HN04 - Private apparatus within highway**
- 5 HN05 - Works within the highway**
- 6 HN10 - No drainage to discharge to highway**
- 7 HN28 - Highways Design Guide and Specification**

Decision: .....

Notes: .....

.....

**Background Papers**

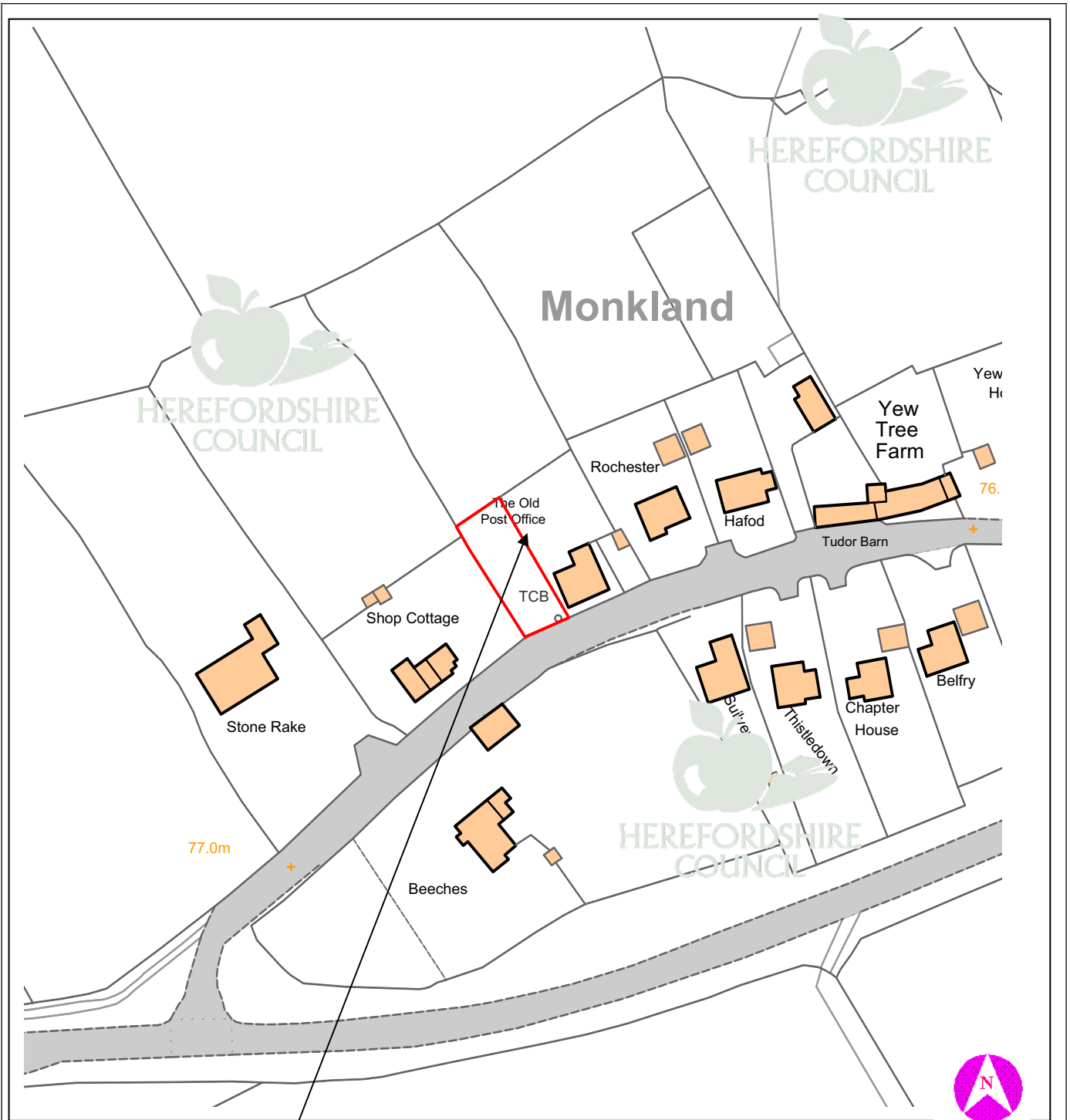
Internal departmental consultation replies.

**DRAFT HEADS OF TERMS**  
Proposed Planning Obligation Agreement  
**Section 106 Town and Country Planning Act 1990**

Planning Application –NW2009/0182/F

Proposed dwelling at The Old Post Office, Old Road, Monkland, Leominster, HR6 9DB.

1. The developer covenants with Herefordshire Council to pay £317 towards the cost of new or enhancement of existing open space, play, sport and recreation facilities in lieu of such facilities being provided on site to be used in the locality of the development or other location as may be agreed in writing with Herefordshire Council.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £3001.00 to provide enhanced educational infrastructure at Weobley High School and towards pre-school and youth services in the Weobley area.
3. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £2,952.00 for off site highway works and improved public and sustainable transport infrastructure to serve the development (other than Section 278 works essential to facilitate the development). 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) Improved bus shelters/stops in the locality of the application site
  - b) Safe Routes for Schools
  - c) Improve lighting and signage to existing highway/pedestrian and cycle routes leading to the site
  - d) Improved pedestrian and cyclist crossing facilities
  - e) New On/Off road pedestrian/cycle links to the site
  - f) Traffic calming measures
4. The developer covenants with Herefordshire Council to pay Herefordshire Council £198.00 to provide towards Library facilities within the surrounding locality
5. In the event that Herefordshire Council does not for any reason use the said contributions in paragraphs 1, 2, 3, & 4 above 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.
6. 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
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 and an administration charge of 2% of the total contributions detailed in the Heads of Terms to be used towards the cost of monitoring and enforcing the Section 106 agreement, as required by the Supplementary Planning Document, "Planning Obligations", adopted by Herefordshire Council in April 2008.



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

**APPLICATION NO:** DCNW2009/0182/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land adjacent to The Old Post Office, Monkland, Leominster, Herefordshire, HR6 9DB

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



**9 DCNE2008/2893/F - PROPOSED PURPOSE MADE SHEEP HOUSING POLYTUNNEL AT LAVENGER BANK, PETTY FRANCE, LEDBURY, HEREFORDSHIRE, HR8 1JG.**

**For: Mr J Bishop at the above address.**

**Date Received: 27 November 2008      Ward: Hope End      Grid Ref: 73089, 40508**

**Expiry Date: 22 January 2009**

Local Members: Councillors RV Stockton and R Mills

**1. Site Description and Proposal**

- 1.1 The application site, accessed from a C Class road, is located in open countryside, outside of and some distance from any designated main village or smaller settlement identified in the Herefordshire Unitary Development Plan (UDP). The nearest designated settlement is Colwall.
- 1.2 The application site is an agricultural field, of land gradually rising away from the road, adjoining the applicants agriculturally tied bungalow, and delineated by mature hedgerow and trees.
- 1.3 The proposal is for a purpose made sheep housing green coloured polytunnel, of dimensions 9.14 metres x 38.1 metres x 3.66 metres (30' x 125' x 12').

**2. Policies**

Herefordshire Unitary Development Plan:

DR1	-	Design
DR2	-	Land use and activity
E13	-	Agricultural and forestry development
LA1	-	Areas of Outstanding Natural Beauty

Supplementary Planning Document – Polytunnels

**3. Planning History**

- 3.1 DCNE2005/4045/F - Agricultural implement store - Approved with conditions, 8th February 2007

**4. Consultation Summary**

Internal Council Advice

- 4.1 The Council's Highways department makes no objection to the proposal.
- 4.2 The Council's Land Agent has been asked for comment and members will be updated at Committee of any response.

- 4.3 The Council's Environmental Health Officer makes no objection to the proposal.
- 4.4 The Council's Forward Planning Manager advises that the Polytunnel Supplementary Planning Document is not applicable to and written for this application, and that it is intended for use when assessing soft fruit and crop rotation type enterprises. UDP policy E13 is the appropriate policy against which this proposal is assessed.

## **5. Representations**

- 5.1 The Parish Council has no objection to the proposal.
- 5.2 One letter of objection has been received from Mrs Camilla Wiggin, Fortune's Gate, Petty France, Ledbury, Herefordshire, HR8 1JG in letter dated 12th December 2008, the contents of which are:
- The proposal is located extremely close to (our) house
  - Impact upon other nearby properties
  - The location is beautiful and natural
  - Proposed building visible and opposite (our) home
  - Need is questioned
  - Suggest sheep can be lambed elsewhere
  - Better locations exist
- 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 follows pre-application discussions with the Local Planning Authority in which the location and proposed polytunnel were evaluated prior to the applicant's formal submission. The applicant has also discussed (his) proposal with immediate neighbours.
- 6.2 The applicant has a long established tenanted agricultural holding of some 400 acres, with a further 30 acres owned by the applicant in the immediate vicinity of Lavenger Bank, the applicants home. The enterprise comprises 800 breeding ewes, 50 head of beef cattle and 100 acres of arable land.
- 6.3 This LPA previously permitted the applicant an agricultural workers dwelling on adjoining land (Lavenger bank). That planning permission would have been granted on the basis of essential functional agricultural need and the business being viable.
- 6.4 The proposal is for a purpose made sheep housing polytunnel, of dimensions 9.14 metres x 38.1 metres x 3.66 metres (30' x 125' x 6'). The covering, which is green polythene, helps mitigate any landscape impact, covers the galvanised steel tubing, which provides the frame and structure.
- 6.5 Intended use is at any one time up to 250 sheep will be contained within the polytunnel during a specific 8-10 week lambing period. Around 200 sheep graze the field around where this is located. The applicants flock will rotate as required for use of the proposal. Normal welfare procedures will operate in respect of housing the sheep.
- 6.6 The location of the proposal, some 56 metres away from and in close proximity to the agriculturally tied property, is considered logical. Its location will allow the applicant to

- respond quickly to any animal welfare requirements at anytime of day or night, particularly essential when lambing season commences, and also allow a greater level of security given recent livestock theft. The proposed location also allows immediate ability to supply electricity and water.
- 6.7 One objection has been received from a neighbour. The points raised in the objection letter are addressed in turn:
- 6.8 UDP policy E13 lists the four key issues for evaluation proposals for agricultural development. Three are relevant in this application:
- Where the proposal is not located with existing buildings, development must be sited in order to assimilate into the landscape, taking advantage of the natural landform.
  - Avoid undue impact upon residential amenity
  - Relate well within their context, both existing development and landscape in terms of scale, design, colour and materials
- 6.9 The location of the proposal is within the Malvern Hills Area of Outstanding Natural Beauty, and development must have regard to any impact upon the character, intrinsic qualities and enjoyment of it. The AONB is also a working landscape in many parts, particularly livestock grazing. UDP policy LA1 allows for small-scale development, which respects the AONB to be permitted.
- 6.10 Given the topography of the land in this location, and the mature established hedgerow and tree line, the proposed polytunnel sits at the base of sloping ground and is screened within the immediate and wider landscape. In order to ensure the existing situation is maintained, a condition regarding the cutting, pruning and removal of the existing hedgerows and trees surrounding the site has been recommended.
- 6.11 In addition, using green covering also minimises potential landscape impact and helps assimilate the polytunnel within its locality. It is considered that the proposal has negligible landscape impact and therefore no detrimental impact upon the AONB.
- 6.12 The nature of the immediate area is open countryside with sporadic housing development (Lavenger Bank, Fortune's Gate, Yew Tree Cottage, and Lower Lodge). The proposal is not considered to unduly affect amenity and enjoyment of any properties named by virtue of distance and location in relation to the proposal, including the applicant's own property, Lavenger Bank.
- 6.13 The objectors property is the nearest residential property notwithstanding the applicants own, however it is approximately 80 metres and separated by a c class road, mature hedgerow which includes numerous trees. The nearest elevation of the objectors property is of such a distance and also so screened that it is not considered that an undue impact upon their residential amenity is created by the proposal.
- 6.14 With regard to the needs of the applicant, it is considered given the scale and nature of his enterprise – 400 acres comprising 800 breeding ewes, such a purpose built facility is justified and reasonably required. Although security is not a material planning consideration the applicant has suffered considerable theft of livestock. The welfare and functional need requirements of the enterprise is established by virtue of the permitted agricultural workers dwelling. The size of the breeding flock also demonstrates a reasonable requirement for the proposal.

6.15 Overall the proposal is considered acceptable and in accordance with local and national planning policies given the lack of any undue landscape impact and undue loss of amenity, privacy and the enjoyment of nearby residential properties. The recommended conditions will further ensure the landscape and wider open countryside is protected.

**RECOMMENDATION**

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

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

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

**2 The hereby permitted development shall incorporate the use of green polythene as per the supplied information date stamped 11th November 2008 for all aspects of the proposal which utilise and are covered by polythene and thereafter be maintained as such.**

**Reason: To ensure the proposal integrates within its open countryside location and to minimise impact upon the Malvern Hills Area of Outstanding natural Beauty, in accordance with Herefordshire Unitary Plan policies DR1 and LA1.**

**3 The hedgerow and trees which provide the road frontage shall not be cut, felled, pruned or removed without the written consent of the Local Planning Authority.**

**Reason: To ensure the proposal is screened within the landscape, protecting the character and appearance of the AONB and wider open countryside location, in accordance with Herefordshire Unitary Development Plan policies DR1 and LA1.**

**Informatives**

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

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

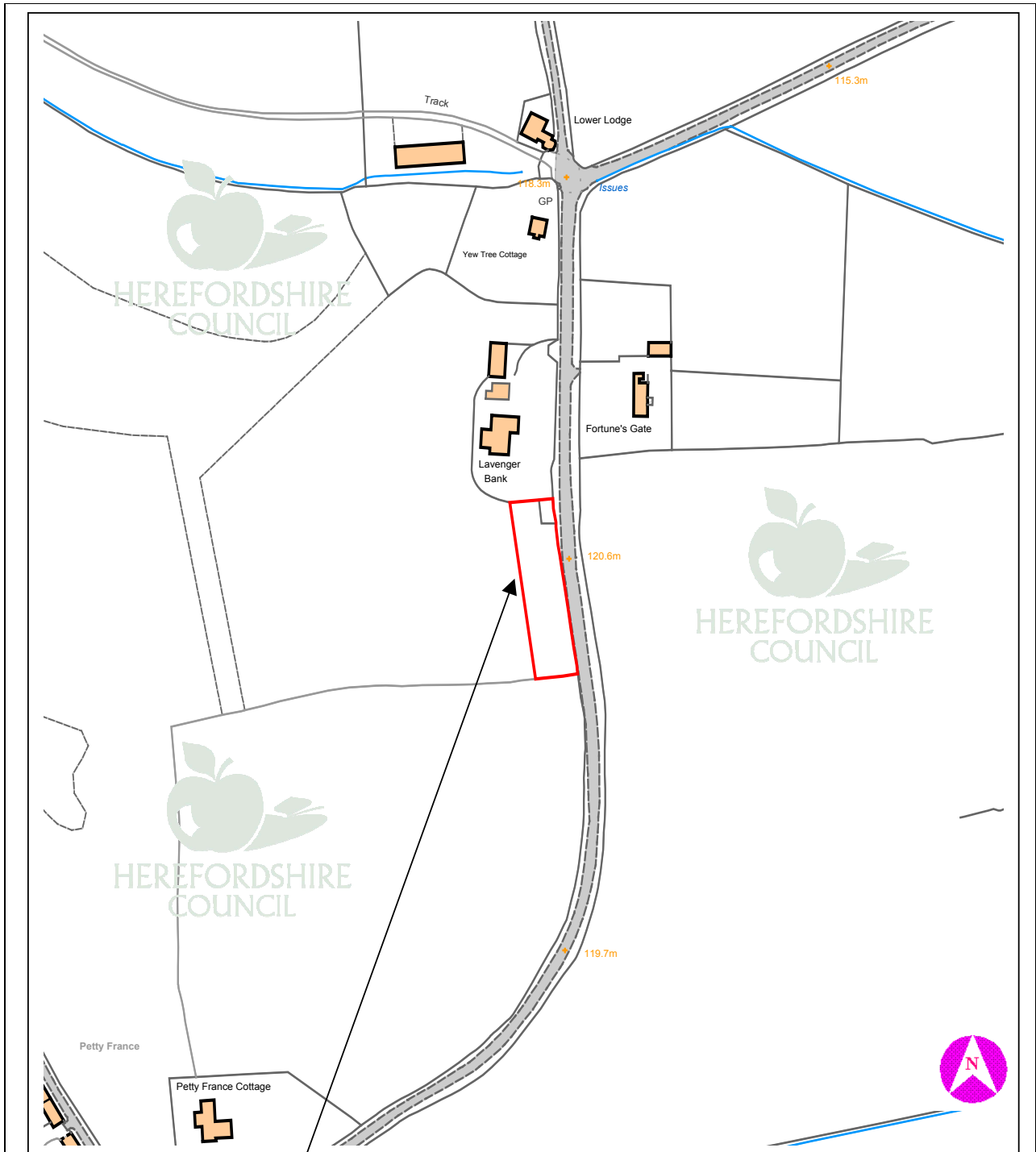
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** DCNE2008/2893/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** Lavenger Bank, Petty France, Ledbury, Herefordshire, HR8 1JG

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



**10 DCNE2008/2976/F - REPLACEMENT OF SINGLE STOREY DWELLING WITH THREE TWO STOREY HOUSES AND ATTACHED GARAGES. LARKRISE, KNAPP LANE, LEDBURY, HEREFORDSHIRE, HR8 1AN.**

**For: Ms J. Vanmeeuwen per Stainburn Taylor Architects, Sear House, Bye Street, Ledbury Herefordshire, HR8 2AA.**

**Date Received: 3 December 2008      Ward: Ledbury      Grid Ref: 71154, 38472**

**Expiry Date: 28 January 2009**

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

**1. Site Description and Proposal**

1.1 The application site lies on the northern side of Knapp Lane within the town boundary of Ledbury. Knapp Lane is a relatively narrow lane with no distinctive characteristics in terms of built-form. In fact it has a series of streets and cul-de-sacs off it. The site itself has an area in excess of 0.5 hectare. The site currently accommodates a 1930's bungalow and two outbuildings at the north-eastern part of the site. The site has two existing vehicular means of access both of which have sub-standard visibility splays. The eastern-most access has very poor splays in both directions whilst the western-most access has poor splays in the easterly direction. The front, southern part of the site is relatively open with scattered trees set in lawn. The rear northern part of the site is more densely wooded although between these trees there are long views to the north and west as the land beyond falls down an embankment to the railway line. A Tree Preservation Order has been made that protects those trees on site that are of the highest amenity value and are healthy. The trees protected are:-

- Two Douglas Fir to the west of the existing bungalow and a Silver Birch to the south-east. These are individually protected;
- To the south and south-west a group of three silver birch, a Field Maple, a Copper Beech and a Cherry are protected that make a valuable contribution to the street scene;
- To the north-east, in proximity to the existing outbuildings, a group consisting of one Yew Tree and one Sweet Chestnut are considered to have potential to make a long-term contribution to the area and are protected.

1.2 The proposal is to demolish the existing bungalow and outbuildings, permanently close the existing vehicular means of accesses, create a new appropriately graded driveway further west and erect three dwellings along a contour. The level of the driveway will relate closely to the contour thus providing a natural degree of protection to the roots of existing trees.

1.3 The proposed new dwellings would be four bedroomed. They would effectively be split-level dwellings designed over two floors such that they "sit" within the sloping land. The living areas are at first floor level to achieve the westerly views. The dwellings would be of a modern design that reflects sustainability principles. The asymmetrical roofs would have a pitch such that they can accommodate the proposed sedum roof. The dwellings

have been orientated to the west to maximise sunlight and solar gain. The rainwater from the roofs would be collected and recycled using a water harvesting system. Additional sustainability will be achieved through the use of photovoltaic collectors set within the south facing roofs of each staircase column.

- 1.4 The entire design concept has been to maintain the woodland character and positioning the houses within the central area devoid of trees that are worthy of safeguarding.
- 1.5 The garden areas have been deliberately limited in size to ensure that areas of woodland are retained around the site. It is understood that these areas would be transferred to a management company comprising the three owner / occupiers of the dwelling with a restrictive covenant preventing the future development of these woodland areas.
- 1.6 The applicant has also submitted Draft Heads of Terms to address the Council's policy relating to Planning Obligations. A copy of these Draft Heads of Term is attached as Annex 1.

## 2. Policies

### Central Government Advice

Planning Policy Statement 1 – ‘Delivering Sustainable Development’  
 Planning Policy Statement 3 – ‘Housing’  
 Planning Policy Guidance Note 13 – ‘Transport’

### Herefordshire Unitary Development Plan 2007

S1	–	Sustainable Development
S2	–	Development requirements
S3	–	Housing
S6	–	Transport
S7	–	Natural and historic heritage
DR1	–	Design
DR2	–	Land use and activity
DR3	–	Movement
DR5	–	Planning Obligations
H1	–	Housing in market towns
H13	–	Sustainable Residential Design
H15	–	Density
H16	–	Car Parking
T11	–	Parking Provision
LA5	–	Protection of trees, woodlands and hedgerows

## 3. Planning History

- 3.1 DCNE2006/3296/O - Site for the erection of 2 dwellings in addition to retention of existing dwelling - Refused
- 3.2 DCNE2007/1064/O - Erection of 2 dwellings in addition to retention of existing dwelling - Refused



- 3.3 Both of these applications were refused on matters of detail vis--vis the relationship of the proposed dwellings to specific trees and the detail of the vehicular means of accesses.

#### **4. Consultation Summary**

##### Statutory Consultations

- 4.1 Severn Trent Water - no objections

##### Internal Council Advice

- 4.2 The Transportation Section has no objections to the proposed development. The proposed vehicular means of access represents a significant improvement over the existing vehicular means of accesses to be closed. Visibility to the west would be good and to the east it would be a significant improvement over the existing scenario. Whilst Knapp Lane has relatively high traffic flows the proposed development would only add 12-18 movements a day which proportionally to the overall flows would be very low. The parking provision meets standards.
- 4.3 The Conservation Section was consulted upon the design and is of the view that the proposal is well designed and would add to the architectural variety of Ledbury.
- 4.4 Building Control Section - no objection
- 4.5 Planning Ecologist - no objections subject to conditions.

#### **5. Representations**

- 5.1 The occupiers of four dwellings in the vicinity object to the proposal on the following summarised grounds:-
- Knapp Lane is already at capacity;
  - Knapp Lane has no pedestrian footway and the proposal would endanger pedestrian safety;
  - Concerns with regard the disposal of foul sewage;
  - Concern as to the future management of the woodland areas;
  - Concern with regard surface water drainage from the proposed driveway.
- 5.2 The Ledbury Town Council object to the proposed development on the following summarised grounds:-
- Modernistic design, not in keeping with woodland setting;
  - Concerns about problems with traffic especially during construction;
  - Insufficient space for storage of building materials due to nature of site;
  - Access and egress onto this narrow lane.
- 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 site lies within the town boundary of Ledbury. Policy H1 of the Herefordshire Unitary Development Plan allows for residential development within the settlement boundary of market towns including Ledbury. Both Central Government advice and Development Plan policies encourage making the most effective and efficient use of land. Normally one would expect 30-50 dwellings to the hectare, which in this case would equate to a minimum of 15 dwellings. However, each development must have regard to its context / surroundings and the constraints of the site. Environmental quality should not be compromised. In this particular case it is considered that given the sloping nature of the site, the adequacy of the highway network and the trees upon the site; the density should be particularly low. The proposed density equates to approximately 6 dwellings to the hectare which is very low indeed.
- 6.2 It is considered that the proposed development is extremely well designed. The constraints of the site have been respected. The trees that are worthy and capable of retention are being retained and informed the architect as to the most appropriate areas to site the dwellings. Rather than working against the land levels the proposed dwellings follow the land by being sited along a contour. Excavation is also minimised by working with the slope in terms of the individual designs of the houses.
- 6.3 Particularly welcomed is the manner in which the objective of creating environmentally sustainable dwellings has been reflected in the design. Whilst this has resulted in what some may regard as a modern design, it is argued that this is an inevitable consequence of commitment to sustainable building design. Nevertheless it is considered that the dwellings would sit well within the landscape and would be attractive in terms of their appearance. The careful design means that from Knapp Lane only the upper level will be readily visible. The sedum roofs will merge well into the lawned areas and the palette of materials would be appropriate to the woodland setting.
- 6.4 The definition of the garden areas means that the woodland areas would be maintained as such and their management has been explained earlier.
- 6.5 The distances to other residential properties in the vicinity are such that there would be no loss of privacy to occupiers of those dwellings.
- 6.6 The transportation matters are addressed in the consultation section above, although in addition it should be noted that the previously refused planning applications did not contain a ground that related to the adequacy of the local highway network.
- 6.7 It is proposed to make a connection to the mains sewer in Bank Crescent. Severn Trent Water has not raised any objection to this proposal.
- 6.8 A condition is recommended regarding surface water drainage (including the driveway).
- 6.9 Notwithstanding the protection that needs to be afforded to the on-site trees there is more than sufficient space on-site for the storage of materials etc during the construction phase.
- 6.10 The Draft Heads of Terms are considered to fully comply with the provisions of the relevant Supplementary Planning Document.

- 6.11 Therefore in summary this is a low density housing development within the town boundary of Ledbury. It fully respects the woodland setting and would create a quality development with high sustainability credentials. I recommend accordingly.

## RECOMMENDATION

### That:

1. The Head of Legal Services be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 as set out in the Draft Heads of Terms Agreement and deal with any other appropriate terms, matters or issues;
2. Upon completion of the above- mentioned planning obligation officers named in the Scheme of delegation be authorised to issue planning permission subject to the following conditions:-

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

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

- 2 Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-

- Written details and samples of all external materials to be used in the construction of the dwellings;
- Written details of all surfacing materials in relation to the vehicular means of access / driveway, turning / manoeuvring areas and car parking together with a full scheme of surface water drainage;
- A fully detailed scheme for the permanent closure of the two existing vehicular means of accesses.

The development hereby permitted shall not commence until the Local Planning Authority has given such written approval the development, including the closure of the existing vehicular means of accesses, shall be carried out in full accordance with the approved details prior to the first occupation of any of the dwellings hereby permitted and thereafter maintained as such.

Reasons: - To ensure a satisfactory appearance to the development, to ensure adequate scheme of land drainage that does not involve discharge onto the public highway and in the interests of highway safety.

- 3 All of the existing on-site buildings (i.e. the bungalow and two outbuildings) shall be demolished and the resultant materials removed from the site prior to the first occupation of any of the dwellings hereby permitted.

Reason: - To ensure a satisfactory appearance to the development.

- 4 Prior to commencement of the development hereby permitted full written details of the proposed boundary treatments (if any) shall be submitted to the Local Planning Authority for their written approval. The development hereby permitted

shall not commence until the Local Planning Authority has given such written approval. The approved boundary treatments shall be fully implemented prior to the first occupation of any of the dwellings hereby permitted and thereafter maintained as such.

**Reason: - To ensure a satisfactory appearance to the development.**

- 5 Prior to the first occupation of any of the dwellings hereby permitted the vehicular means of access, car parking, manoeuvring areas for vehicles shown upon the approved plans shall be fully implemented. Thereafter these areas shall be kept available for such use.**

**Reason: - In the interests of highway safety.**

- 6 Prior to commencement of the development hereby permitted all those trees shown upon the approved plans to be retained shall be protected by fencing of at least 1.2 metres in height in accordance with Section 9.2 of BS5837: 2005 comprising vertical and horizontal framework of scaffolding (well braced to withstand impacts) supporting either chestnut cleft fencing or chain link fencing in accordance with figure 2 of BS5837:2005. Once these protective measures have been erected but prior to commencement of the development a suitably qualified arboricultural consultant appointed by the developer shall inspect the site and write to the Local Planning Authority to confirm that the protective measures are in situ. Upon confirmation of receipt of that letter by the Local Planning Authority the development may commence but the tree protection measures must remain in situ until completion of the development.**

**Reason: - To safeguard the trees upon the site that are of amenity value.**

- 7 H05 (Access gates )**

**Any new access gates shall be set back 5.5 metres from the adjoining carriageway edge and shall be made to open inwards only.**

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

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

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

- 9 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping using indigenous species. The submitted scheme of landscaping must include details as to the location of all planting, the species, size and the density of planting.**

**Reason: - To ensure that the development is satisfactorily integrated into the locality.**

- 10 All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings hereby permitted or the completion of the development (whichever is the sooner). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning authority gives written consent to any variation.

Reason: - To ensure that the development is satisfactorily integrated into the locality.

- 11 The recommendations set out in the ecologist's report dated January 2009 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a full working method statement and habitat protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority. The work shall be implemented as approved and maintained thereafter.

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

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 of Herefordshire Unitary Development Plan.

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

#### INFORMATIVES:

1. N15 - Reason(s) for the Grant of Planning Permission
2. N11A - Wildlife and Countryside Act 1981 (as amended) - Birds
3. HN01 - Mud on highway
4. HN04 - Private apparatus within highway
5. HN05 - Works within the highway
6. HN28 - Highways Design Guide and Specification
7. N19 - Avoidance of doubt - Approved Plans

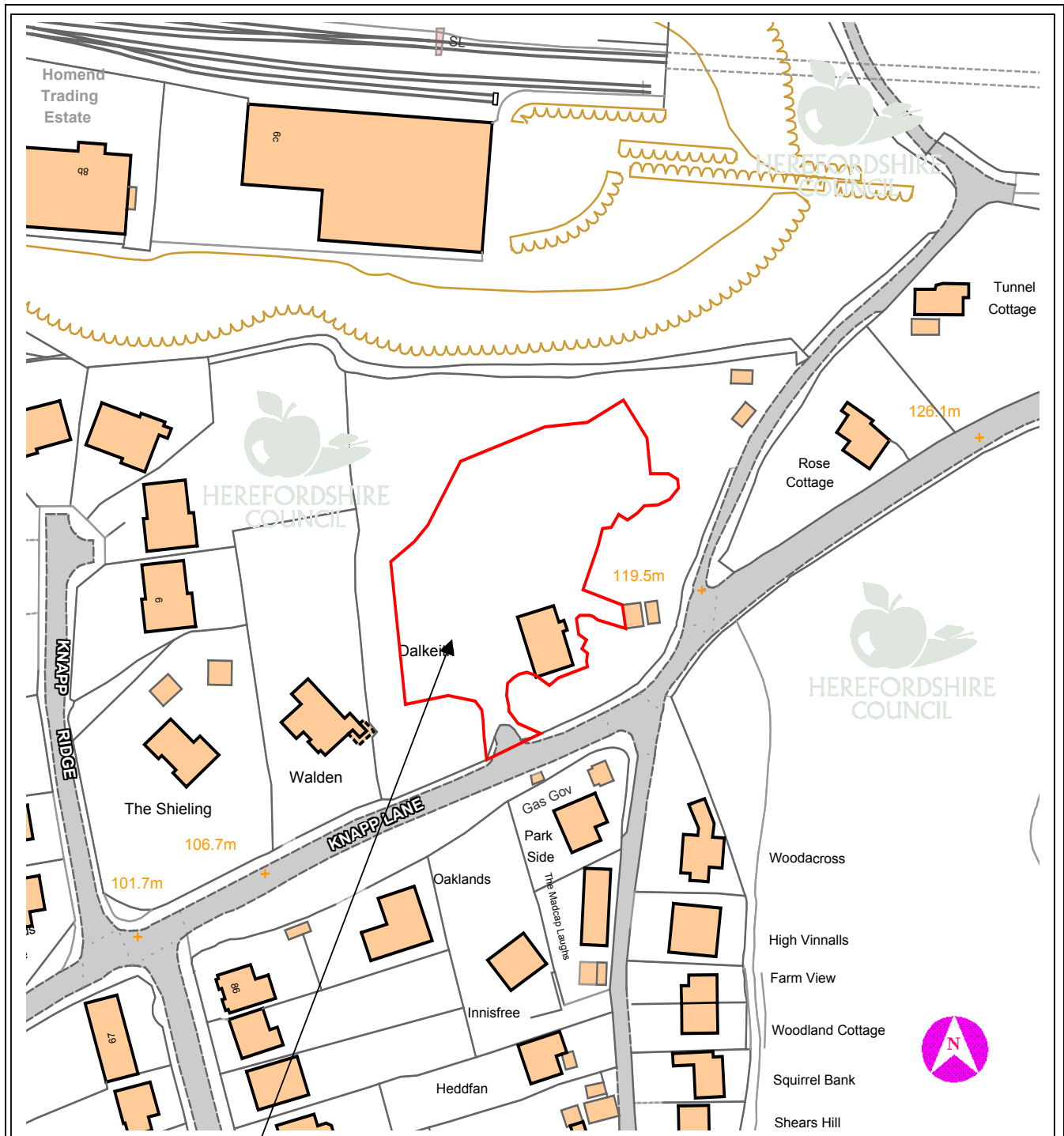
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** DCNE2008/2976/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Larkrise, Knapp Lane, Ledbury, Herefordshire, HR8 1AN

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

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

## DRAFT HEADS OF TERMS

PROPOSED PLANNING OBLIGATION AGREEMENT  
SECTION 106 TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

- **Planning Application:- NE2008/2976/F**
- **Larkrise, Knapp Lane, Ledbury**
- **Miss J.A. Vanmeeuwen**

The developer will pay Herefordshire Council the sum of £2,623 (index linked) to provide/enhance children's play space and/or children's play equipment and/or amenity green space/open space together with enhanced sports provision within the Ledbury Town Council area prior to the first occupation of any of the new dwellings.

1. In the event that Herefordshire Council does not, for any reason, use the contributions in clause 1 for the purposes specified in the Agreement within 10 years of the date of the Agreement, the Council shall repay to the developer the sum or such part thereof, which has not been used by that date.
3. The developer will pay Herefordshire Council the sum of £7,742 (index linked) towards sustainable transport initiatives within the Herefordshire Council area prior to the first occupation of the new dwelling.
4. In the event that Herefordshire Council does not, for any reason, use the contributions in clause 3 for the purposes specified in the Agreement within 10 years of the date of this Agreement, the Council shall repay to the developer the sum or such part thereof, which has not been used by this date.
5. The developer will pay Herefordshire Council the sum of £11,908 (index linked) towards enhanced education provision within the catchment area of the development area prior to the first occupation of the new dwelling.
6. In the event that Herefordshire Council does not, for any reason, use the contributions in clause 5 for the purposes specified in the Agreement within 10 years of the date of the Agreement, the Council shall repay to the developer the sum or such part thereof, which has not been used by that date.
7. The developer will pay Herefordshire Council the sum of £602 (index linked) towards library provision (including the purchasing of books) within the catchment area of the development area prior to the first occupation of any of the new dwellings.
8. In the event that Herefordshire Council does not, for any reason, use the contributions in clause 7 for the purposes specified in the Agreement within 10 years of the date of the Agreement, the Council shall repay to the developer the sum or such part thereof, which has not been used by that date.
9. The developer will pay Herefordshire Council the sum of £457.50 (index-linked) towards the monitoring of the Agreement.
10. 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 competition of the Agreement