

# A G E N D A

## Northern Area Planning Sub- Committee

Date: **Wednesday 8 April 2009**

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Time: **2.00 pm**

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

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

*For any further information please contact:*

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

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**Herefordshire Council**



# AGENDA

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

To: Councillor JW Hope MBE (Chairman)  
Councillor PJ Watts (Vice-Chairman)

Councillors LO Barnett, WLS Bowen, 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
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. DECLARATIONS OF INTEREST</b>	
To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS</b>	
The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.	
A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.	
Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is and leave the meeting room.	
<b>3. MINUTES</b>	1 - 8
To approve and sign the Minutes of the meeting held on 11 March 2009.	
<b>4. ITEM FOR INFORMATION - APPEALS</b>	9 - 10
To be noted.	

## 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.

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|--|---------|
| <b>5. DCNE2008/2976/F - LARKRISE, KNAPP LANE, LEDBURY, HEREFORDSHIRE, HR8 1AN.</b>   | 11 - 20 |
| Replacement of single storey dwelling with three two storey houses and attached garages.   |         |
| <b>6. DCNW2009/0278/F - PRICES YARD, NEW STREET, LEDBURY, HEREFORDSHIRE, HR8 2EJ.</b>  | 21 - 26 |
| Change of use from B1 light industrial to B2 general industrial.   |         |
| <b>7. DCNW2009/0368/F - ORCHARD BUNGALOW, ALMELEY, HEREFORD, HEREFORDSHIRE, HR3 6LQ.</b>   | 27 - 34 |
| The demolition of an existing large bungalow and garage and the erection of a pair of semi detached houses with parking facilities.    |         |
| <b>8. DCNW2009/0302/F AND DCNW2009/0312/L - PLOT 1 BARN, WESTON COURT FARM, WESTON, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE, HR6 9JE.</b> | 35 - 40 |
| New kennels to accommodate 4 no. gun dogs.   |         |
| <b>9. DCNW2009/0093/F - BRILLEY WOOD, BRILLEY, WHITNEY-ON-WYE, HEREFORD, HEREFORDSHIRE, HR3 6JE.</b>                                   | 41 - 50 |
| Proposed agricultural storage building and kennels.  |         |
| <b>10. DCNW2009/0316/F - 4 ORCHARD COTTAGES, MARLOW, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0JP.</b>                            | 51 - 54 |
| Proposed two storey extension.   |         |
| <b>11. DCNW2009/0293/F - LEMORE MANOR, EARDISLEY, HEREFORD, HEREFORDSHIRE, HR3 6LR.</b>  | 55 - 58 |
| Change of use from Nursing Home to residential dwelling.   |         |
| <b>12. DATE OF NEXT MEETING</b>  |         |
| 6 May 2009   |         |

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- 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.
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- 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.

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## **HEREFORDSHIRE COUNCIL**

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

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HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 11 March 2009 at 2.00 pm**

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

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

**95. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors JP French, B Hunt, P Jones CBE, PJ McCaull, and RJ Phillips.

**96. DECLARATIONS OF INTEREST**

8. DCNW2009/0182/F - LAND ADJACENT TO THE OLD POST OFFICE, MONKLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9DB.  
Councillor RC Hunt; Prejudicial.

10. DCNE2009/2976/F - LARKRISE, KNAPP LANE, LEDBURY, HEREFORDSHIRE, HR8 1AN.  
Councillor ME Cooper; Personal.

**97. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 14 January 2009 be approved as a correct record and signed by the Chairman.

**98. ITEM FOR INFORMATION - APPEALS**

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

**99. 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.

In response to a number of concerns regarding the allocation of section 106 monies, the Northern Team Leader reassured Members that projects of local significance were prioritised where possible. He added that the imminent appointment of a section 106 monitoring officer would result in Members being given a more accurate picture in future.

**100. DCNC2009/0151/F - CHOPSTICKS, 73 ETNAM STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8AE.**

*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.*

Councillor RC Hunt, one of the Local Ward Members, commented that the application site was close to the neighbouring public house and church. He said that the takeaway was opposite to two elderly residential buildings and he felt that noise levels would be excessive, especially at the weekends. Finally, Councillor RC Hunt said that he would be minded to support the application if the the opening hours for Friday and Saturday nights were restricted by half an hour to 10 pm.

In response to the Local Member's request, the Northern Team Leader said that the change could be implemented if the sub-committee wished.

**RESOLVED**

**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 2200 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****101. DCNC2009/0209/F - BROMYARD RUGBY CLUB, INSTONE, BROMYARD, HEREFORDSHIRE, HR7 4LW.**

*Proposed additional floodlighting.*

In accordance with the criteria for public speaking, Mr Cronin spoke on behalf of Bromyard Town Council, Mrs Delahay spoke in objection to the application and Mr Pitt spoke in support.

Councillor A Seldon, one of the Local Ward Members, said he felt that rugby training should be allowed to continue past the hour of darkness although this should be restricted to four days per week with a 9.30 pm cut off time. He proposed that the application should be approved with the restrictions mentioned.

Councillor KG Grumbley said he felt that it was important for the rugby club to work with the local community to find a practical compromise for the operation of the proposed floodlights. He said that he would not be prepared to support a seven days per week clearance for the lights.

Members were generally in agreement that floodlights should be permitted on the site as long as their hours of operation were sensibly restricted.

#### **RESOLVED**

**The Northern Area Planning Sub-Committee is minded to approve the application subject to the conditions set out below (and any further conditions felt to be necessary by the Head of Planning and Transportation) provided that the Head of Planning and Transportation does not refer the application to the Planning Committee.**

**The operation of the floodlights should be restricted to four evenings per week until 9.30 pm.**

**If the Head of Planning and Transportation does not refer the application to the Planning Committee, officers named in the Scheme of Delegation to Officers be instructed to approve the application subject to such conditions referred to above.**

*[In accordance with the Council's Constitution, Councillors LO Barnett and WLS Bowen wished it to be noted that they abstained from voting on the resolution detailed above]*

**102. DCNW2009/0182/F - LAND ADJACENT TO THE OLD POST OFFICE, MONKLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9DB.**

*Proposed new cottage and detached garage.*

The Senior Planning Officer advised Members that one further letter of objection had been received although this raised no new issues of planning concern and would not effect the recommendations in the report.

In accordance with the criteria for public speaking, Dr Jeffrey, a neighbouring resident, spoke in objection to the application and Mr Griffiths, the applicant, spoke in support.

The Local Ward Member, Councillor JHR Goodwin, clarified the distances mentioned in the report to highlight that the applicant had altered the plans to move the proposed dwelling further away from the neighbouring property. He said that this would make the proposed dwelling less prominent and he could therefore support the application.

Councillor WLS Bowen said that he could not support the application as he felt it would be detrimental to the village to build a dwelling on such a small plot of land.

Councillor PM Morgan said that she felt the application would contribute towards keeping the village vibrant and would go some way towards attracting new occupants to the village.

After clarification on the distance between the application site and neighbouring dwellings was given by the Senior Planning Officer, Members voted in favour of the application.

#### **RESOLVED**

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

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2      **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**

**103. DCNE2008/2893/F - LAVENGER BANK, PETTY FRANCE, LEDBURY, HEREFORDSHIRE, HR8 1JG.**

*Proposed purpose made sheep housing polytunnel.*

The Senior Officer informed the sub-committee that no response had been received from the County Land Agent regarding the application.

Councillor RV Stockton, one of the Local Ward Members, said that this application had been thoroughly researched before being submitted. He felt that the hedge surrounding the field in question was more than adequate to offset any visual impact the proposed polytunnel would have.

Councillor R Millis, the other Local Ward Member, added that he felt the application was appropriate and sustainable for such a picturesque area of countryside.

**RESOLVED**

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

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

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

**2 The 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

104. DCNE2009/2976/F - LARKRISE, KNAPP LANE, LEDBURY, HEREFORDSHIRE, HR8 1AN.

*Replacement of single storey dwelling with three two storey houses and attached garages.*

The Principal Planning Officer reported the following updates:

The last paragraph of condition 5 be amended to read:-

- 5 Prior to commencement of the erection of the dwellings hereby permitted the new vehicular means of access and manoeuvring areas shall be implemented with its sub-base and thereafter maintained as such throughout the construction phase.

Reason: In the interests of highway safety.

He added that the first two Heads of Terms required numbering appropriately. He also amended the third Draft Head of Terms to read:-

- 3 The developer will pay Herefordshire Council the sum of £7,742 (index linked) towards sustainable transport initiatives and / or highway improvements within the Ledbury Town Council area with priority being afforded to these monies being spent on highway improvement scheme designed to reduce traffic flows and / or reduce traffic speeds and / or enhance pedestrian and cyclist safety in Knapp Lane, prior to the first occupation of any of the new dwellings."

The Principal Planning Officer stated that with regard to the amendment to the third Head of Term that he recommended, the Transportation Section had confirmed that a range of alternative highway improvement schemes to Knapp Lane were to be presented at a public meeting during April 2009. The Highway Network Manager had also confirmed that the proposed development and the highway requirements with regard the application under consideration would be compatible with all of the likely options for improvements in Knapp Lane. He added that It would be entirely appropriate for the £7,742 (index linked) to contribute to such a scheme.

In accordance with the criteria for public speaking, Mr Taylor, the applicant's agent

spoke in support of the application.

Councillor JK Swinburne, one of the Local Ward Members, pointed out that the road in question, Knapp Lane, was now the subject of a traffic issue review by officers in the Highways and Transportation department. This was in response to concerns raised at a recent Ledbury PACT meeting. She was of the opinion that a site meeting would be of benefit to Members so that they could observe the traffic flow on the lane first hand.

**RESOLVED:**

**That consideration of the application be deferred for a site inspection for the following reason:**

**The setting and surroundings are fundamental to the determination or to the conditions being considered.**

**105. DATE OF NEXT MEETING**

8 April 2009

The Chairman, Councillor JW Hope MBE, asked for approval that the sub-committee take part in a site visit before the determination of a forthcoming application. It was for the construction of Hunt Kennels in Little Merthyr, Herefordshire. Members were in agreement of this.

The meeting ended at 3.10 pm

**CHAIRMAN**





<b>ITEM FOR INFORMATION - APPEALS</b>
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**APPEALS RECEIVED****Application No. DCNC2008/2085/F**

- The appeal was received on 26th March 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 Abbey Funeral Services
- The site is located at 2-4 New Street, Leominster, Herefordshire, HR6 8DP
- The development proposed is residential development of 8 dwellings.
- The appeal is to be heard by Written Representations

**Case Officer: Andrew Banks 01432 383085**

**Application No. DCNW2008/1939/F**

- The appeal was received on 25th 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 M Davis
- The site is located at Yatton Hill Cottage, Aymestrey, Leominster, Herefordshire, HR6 9TP
- The development proposed is Extension to existing dwelling.
- The appeal is to be heard by Written Representations

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

**APPEALS DETERMINED****Enforcement Notice EN2008/0019/ZZ**

- The appeal was received on 18 June 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 SJ Layton
- The site is located at Yew Tree Cottage, Monnington-on-Wye, Herefordshire, HR4 7NL
- The breach of planning control alleged in this notice is:  
*Without planning permission the material change of use of agricultural land to a mixed storage use, including the siting of two caravans for storage purposes together with associated operation development in the form of two storage buildings*
- The requirements of the notice are:
  - i) *Permanently cease using the land for mixed storage*
  - ii) *Permanently cease using the brick building for the storage of building equipment, building materials, domestic items and non-agricultural items*
  - iii) *Permanently remove the two caravans from the land*
  - iv) *Remove all building materials and equipment, including bricks, roofing sheets, roofing tiles, concrete slabs, steels, corrugated metal sheets, concrete pipes, guttering and ladders*

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

- v) *Remove all wooden items, including all pallets, timbers, sectional building panels, fencing posts, fencing panels, doors, as well as all logs and branches*
  - vi) *Remove all wire netting, wire, metal and plastic barrels, tanks and cylinders*
  - vii) *Remove all motor vehicles, including the JCB*
  - viii) *Demolish the associated operation development*
  - ix) *Remove all materials resulting from the demolition of buildings from the land*
- The main issues are: in an appeal on ground (d) is whether, at the time that the notice was issued, it was too late to take enforcement action;
  - **The Inspectors conclusion on the deemed application:** The appeal development is unacceptable and that the strong planning objections to it would not be overcome by any of the conditions suggested by the parties. Accordingly permission is refused.
  - **The Inspectors overall conclusions:** I have taken account of all the matters raised at the Inquiry and in the written representations but for reasons given, I have decided that the appeal should not succeed. I shall **UPHOLD** the enforcement notice, as corrected and varied, and **Refuse** to grant planning permission on the deemed application.

**Decision:** The appeal was **DISMISSED** on 4 March 2009 with correction made to the Enforcement Notice. Please refer to the decision notice for full corrections.

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

**Application No. DCNW2008/0515/F**

- The appeal was received on 25 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 Mr PS Williams
- The site is located at Land to the rear of Mortimers Cross Inn, -, Mortimers Cross, Leominster, Herefordshire, HR6 9PD
- The application, dated 19 September 2007, was refused on 7 May 2008
- The development proposed was Change of use of land for erection of five holiday chalets in landscaped gardens.
- The main issues are the effect of the proposed development on the character and appearance of the locality and its effect on highway safety

**Decision:** The application was refused by Committee on the 7 May 2008.  
The appeal was **DISMISSED** on 5 March 2009

**Case Officer: Mark Tansley on 01432 261956**

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

**5 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 Members: 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. The eastern-most access has very poor splays in both directions. 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 eastern-most existing vehicular means of access, create a new appropriately graded driveway from the existing western-most access 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 dwellings 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 eastern-most vehicular mean of access to be closed. 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. With regard to the third Head of Term that is recommended, the Transportation Section have confirmed that a range of alternative highway improvements schemes to Knapp Lane are to be presented to a public meeting during April 2009. The Highway Network Manager has also confirmed that the proposed development and the highway requirements with regard

the application under consideration would be compatible with all of the likely options for improvements in Knapp Lane. It would be entirely appropriate for the £7,742 (index linked) to contribute to such a scheme.

- 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

- 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 existing eastern-most vehicular means of access.**

**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 eastern-most vehicular means of access, 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 commencement of the erection of the dwellings hereby permitted the new vehicular means of access and manoeuvring areas shall be implemented with its sub-base and thereafter maintained as such throughout the construction phase.

Prior to the first occupation of the dwellings themselves the vehicular means of access and manoeuvring areas shall be fully implemented with its finished surface and the garaging / car parking shown upon the approved plans 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

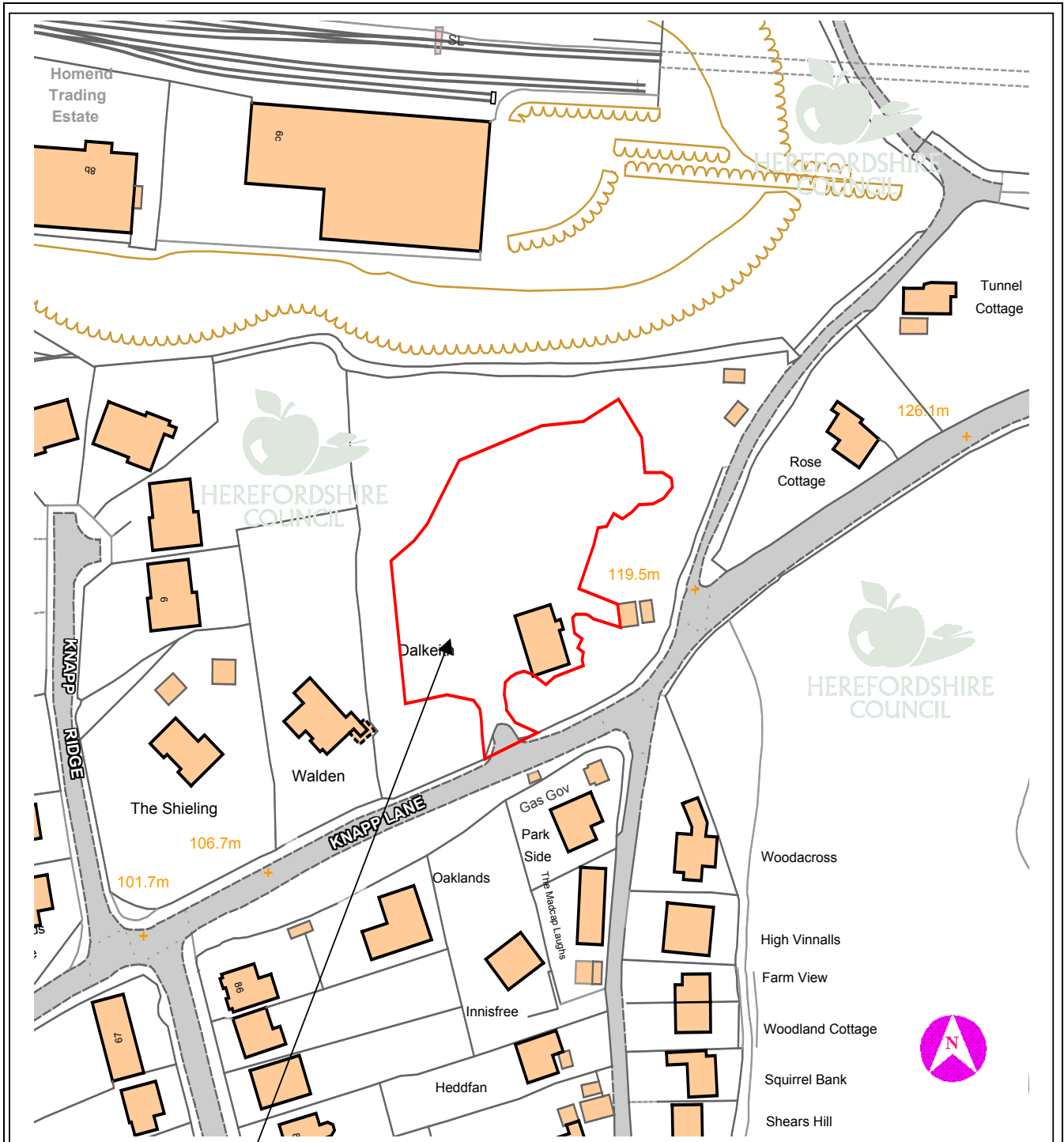
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Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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

**SCALE :** 1 : 1250

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

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## 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**
- 1 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.
  - 2 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 and / or highway improvements within the Ledbury Town Council area with priority being afforded to these monies being spent on highway improvement scheme designed to reduce traffic flows and / or reduce traffic speeds and / or enhance pedestrian and cyclist safety in Knapp Lane, prior to the first occupation of any of the new dwellings.
  - 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.

**6 DCNE2009/0278/F - CHANGE OF USE FROM B1 LIGHT INDUSTRIAL TO B2 GENERAL INDUSTRIAL AT PRICES YARD, NEW STREET, LEDBURY, HEREFORDSHIRE, HR8 2EJ.**

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

**Date Received: 9 February 2009    Ward: Ledbury    Grid Ref: 70605, 37207**

**Expiry Date: 6th April 2009**

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

**1. Site Description and Proposal**

- 1.1 The application site lies on the south-eastern side of New Street within Ledbury. To the rear of an existing office building known as 'Newberry House' are a pair of dated workshop buildings on a site known as 'Price's Yard'. This application only relates to the western-most of the two units. The eastern-most of the two units is used to manufacture and assemble sheds which is a B2 general industrial use.
- 1.2 It is understood that the unit the subject of this planning application was most recently used to repair and service bicycles, which is a B1 light industrial use. It is understood that there was also an ancillary retail element. That use ceased in early 2007.
- 1.3 To the rear of the premises is a dwelling known as 'Orchard End' and its rear garden.
- 1.4 The vehicular means of access is onto New Street and there is parking / manoeuvring space on-site.
- 1.5 The proposal is to use this workshop as a monumental mason's workshop. This is a general industrial use falling within class B2 of the use classes order. The applicant, Mr Dawson currently operates from rented premises off Bye Street. He has operated from these premises since January 1998. Mr Dawson has ready cut stone delivered every 12 weeks. Much of this stone is often lettered such that Mr Dawson only undertakes the gilding and painting. Mr Dawson undertakes much work; primarily restoration and repair on-site (n.b. graveyards and crematoriums in Herefordshire & Gloucestershire). He has one van. Whilst it is an extremely low-key use primarily using hand tools, Mr Dawson does use two power driven machines (i.e. stone saw and pillar drill) that do create noise. However, these are used on a very infrequent basis (no more than five times a week) and for a very short duration (no more than five minutes at any one time).
- 1.6 Mr Dawson normally works between the hours of 9am and 5pm Mondays to Fridays only. Mr Dawson's wife undertakes the administrative works one day in a week and on an infrequent basis he draws on the skill of one other person with regard specific engraving tasks.

**2. Policies**

- 2.1 Planning Policy Statement 1 - 'Delivering Sustainable Development'

2.2 Planning Policy Guidance Note 4 - 'Industrial and Commercial Development and Small Firms'

2.3 Herefordshire Unitary Development Plan

### **3. Planning History**

3.1 MH77/0431 - Garage workshop Wye Autos – Permitted

3.2 MH/94/0417 - Illuminated BP sign – Withdrawn

3.3 MH/94/1467 - Self-Service Petrol Filling Station and car wash (redevelopment) - Withdrawn

### **4. Consultation Summary**

#### Statutory Consultations

4.1 None required

#### Internal Council advice

4.2 Transportation Section - No objection

4.3 Environmental Health Section - no objections subject to conditions.

### **5. Representations**

5.1 Ledbury Town Council: - Views awaited

5.2 The occupiers of sixteen properties in the vicinity object to the proposed development. They are concerned as to the introduction of a general industrial use into this primarily residential area and the adequacy of the vehicular means of access.

5.3 Two e-mails confirming support (or no objection) to the proposal have been received.

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 site currently accommodates a workshop used for employment related purposes. It is essential that to create genuinely sustainable communities that those who reside in an area also have local employment opportunities. This assists in creating a sustainable pattern of development reducing reliance on the private motor vehicle.

6.2 It is the case that a light industrial use (B1) use is one that can be carried out in any residential area without causing harm by reason of noise, fumes, smoke, soot, ash, dust or grit and that most other industrial processes fall within the general industrial (Class B2) use. However, that does not mean that every type of general industrial use is unacceptable in a primarily residential area. The specifics of each proposal need to be considered and one must consider whether a proposal can be made acceptable by attaching planning conditions. Furthermore it should be noted that the area hereabouts

has been used for a mix of residential and industrial / commercial purposes for many years.

- 6.3 With regard the specific general industrial use proposed (Memorial Stone Mason) it is considered that the only amenity issue that could arise to the neighbouring local residents, particularly to the occupiers of 'Orchard End', is from noise arising from the infrequent use of the stone saw and pillar drill. This is potentially problematic due to the light-weight construction of the existing workshop. However, it is considered that this can be overcome by providing an acoustic enclosure within the existing workshop within which these power tools are used.
- 6.4 Mr Dawson does undertake a limited amount of sanding. He intends to install a dust extractor. This would not extract externally but to a bag within the building for disposal.
- 6.5 The concerns of local residents with regard the potential impacts of other general industrial uses are fully recognised and in this regard Members attention is drawn to the recommended condition restricting the use of the premises to a Monumental Stone Mason.
- 6.6 The vehicular means of access is considered to be satisfactory in terms of catering with the amount of traffic generated by the specific use.
- 6.7 I therefore recommend that full conditional planning permission be granted.

#### **RECOMMENDATION**

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

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

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

**2 The premises shall only be used as a Monumental Mason's Workshop and for no other purpose (including any other purposes in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, or in any statutory instrument revoking and re-enacting that Order with or without modification);**

**Reason: - To safeguard the amenities of the occupiers of dwellings in the immediate vicinity;**

**3 Prior to commencement of the use hereby permitted a fully detailed scheme for the provision of an acoustic enclosure within the existing building shall be submitted to the Local Planning Authority for their written approval. The use hereby permitted shall not commence until the approved acoustic enclosure has been fully implemented. Thereafter the approved acoustic enclosure shall remain in-situ;**

**Reason: - To safeguard the amenities of the occupiers of dwellings in the vicinity from excessive noise;**

- 4 Power driven tools shall only be used within the acoustic enclosure approved pursuant to condition 3 above and shall not be used elsewhere upon the site;

Reason: - To safeguard the amenities of the occupiers of dwellings in the vicinity from excessive noise;

- 5 No machinery shall be operated, no process shall be carried out and no deliveries shall be taken at or despatched from the site outside the following times:-

8am - 6pm Mondays to Fridays  
8am - 1 pm Saturdays

nor at any time on Sundays, Bank or Public Holidays;

Reason: - To safeguard the amenities of the occupiers of dwellings in the vicinity;

**Informatives**

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

Decision: .....

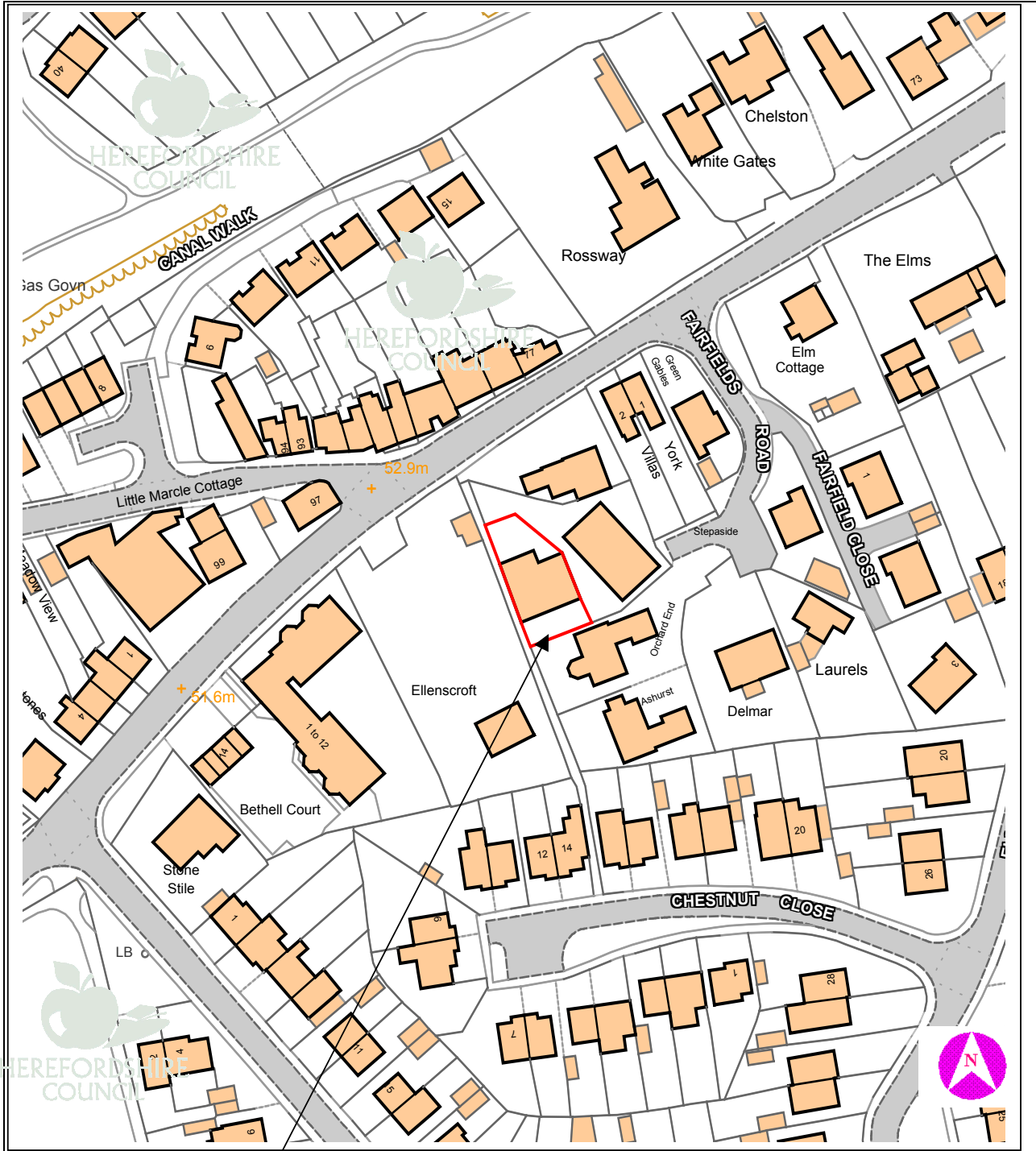
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**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** DCNE2009/0278/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** PRICES YARD, NEW STREET, LEDBURY, HFDS

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Further information on the subject of this report is available from Mr R Close on 01432 261803 Ext 1803



**7 DCNW2009/0368/F - THE DEMOLITION OF AN EXISTING LARGE BUNGALOW AND GARAGE AND THE ERECTION OF A PAIR OF SEMI DETACHED HOUSES WITH PARKING FACILITIES AT ORCHARD BUNGALOW, ALMELEY, HEREFORD, HEREFORDSHIRE, HR3 6LQ.**

**For: Mrs P Morgan per Mr D Walters, David Walters, 27 Elizabeth Road, Kington, Herefordshire, HR5 3DB.**

**Date Received: 25 February 2009      Ward: Castle      Grid Ref: 33513, 51789**

**Expiry Date: 2 April 2009**

Local Member: Councillor JW Hope MBE

**1. Site Description and Proposal**

- 1.1 The site consists of a single-storey detached dwelling of external concrete block construction under a tiled roof. The property is located adjacent to a single track public highway and has a large lawned area as its rear curtilage.
- 1.2 On either side of the application site are single-storey detached dwellings. To the rear of the site are two-storey detached dwellings. There are also other two-storey detached dwellings on opposite side of the adjacent public highway to the south-east of the application site. All the dwellings are of various scale and character.
- 1.3 The application proposes demolition of the existing dwelling on site, and its replacement with a pair of semi-detached two-storey dwellings with an internal floor space of approximately 119 square metres each, over two floors (measured externally).
- 1.4 The proposed semi-detached dwellings will each contain a lounge, hallway, kitchen/dining room on the ground floor and three bedrooms and bathroom on the first floor.
- 1.5 The application is accompanied by a draft Heads of Terms indicating the applicants willingness to enter in to a Section 106 Agreement under the Town and Country Planning Act 1990 for planning obligations in accordance with guidance contained in the Council's Supplementary Planning Document on Planning Obligations.

**2. Policies**

Herefordshire Unitary Development Plan

- 2.1 S1 - Sustainable development
- S2 - Development requirements
- DR1 - Design
- DR2 - Land use and activity
- DR3 - Movement
- DR4 - Environment

DR5	-	Obligations
H4	-	Main villages: settlement boundaries
H13	-	Sustainable residential design
H14	-	Re-using previously developed land and buildings
H15	-	Density
LA2	-	Landscape character and areas least resilient to change

### 3. Planning History

3.1 None identified on site.

### 4. Consultation Summary

#### Statutory Consultations

4.1 None.

#### Internal Council Advice

4.1 The Transportation Officer has no objections subject to payment of a planning obligation for public highway infrastructure improvement as outlined in the Draft Heads of Terms accompanying the application, and conditions with regards to access turning area and parking and cycle storage, being attached to any approval notice subsequently issued.

4.2 The Public Rights of Way Officer raises no objections on the understanding that a condition with regards to surfacing of the adjacent public footpath, over which access is obtained to the site, is attached to any approval notice subsequently issued.

4.3 The Children and Young People's Directorate has responded with no objections subject to payment of a planning obligation for the one additional dwelling towards educational facilities in the Almeley and Kington areas.

### 5. Representations

5.1 Three letter of comment have been received from:

- Mr & Mrs RD Shepherd, The Birches, Almeley, Herefordshire
- Rich and Carol Harris, Demesne, Almeley, Herefordshire
- Mrs D Wynne, Willow Pool House, Almeley, Herefordshire

5.2 The letters can be summarised as follows:

- No objections to demolition of the existing dwelling on site.
- Concerns that a single dwelling on site would be more appropriate than a pair of semi-detached dwellings.
- Character of proposed development is not in keeping with the surrounding built environment.
- Impact on surrounding privacy and amenity.
- Concerns about public highway access.

5.3 Almeley Parish Council - no response at time of writing this report.

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

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

6.1 The key issues with regards to this proposal are:

- Principle of the development.
- Impact on the surrounding area.
- Impact on residential amenity.
- Public highway issues.

### Principle of the development

6.2 The application proposes demolition of a single-storey dwelling, considered to be of no historic or architectural merit, and its replacement with a pair of semi-detached dwellings on a site within the recognised development boundary. The site is located outside of the Almeley Conservation Area.

6.3 Therefore the principle of re-development of the site is considered acceptable.

### Impact on the surrounding area

6.4 The proposal is for a pair of semi-detached dwellings each containing a floor space of 119 square metres over two floors, on a ground floor of approximately 140 square metres (both dwellings measured externally) on a site of over 1000 square metres.

6.5 The nearest existing dwellings located on either side of the proposed development (west and east elevations) are in excess of 7 metres from either side of the proposed development.

6.6 The surrounding built environment is a mixture of single and two-storey dwellings of various scale, mass and character, mainly built externally of brick.

6.7 The proposal is for a pair of semi-detached dwellings also built externally of brick under slate roofs.

6.8 It is considered the proposed development is of an acceptable scale mass and character in relationship to the surrounding built environment and of external construction that will blend in satisfactorily with the surrounding built environment.

### Impact on residential amenity

6.9 The proposed development of a pair of semi-detached dwellings on site is considered acceptable in consideration of surrounding residential amenity, with no adverse impact on surrounding dwellings. The proposed development has no windows proposed for the first floor side elevations of the development, with all first floor windows located in either the front or rear elevations. There are ground floor side elevation windows, however this is a similar situation with the present dwelling on site, and the proposed development subject to this application is situated further into the site, these windows are considered acceptable in relationship to neighbouring residential amenity.

Public highway issues

- 6.10 A member of the public has raised concern about public highway access to and from the site. The proposed development is considered acceptable in relationship to public highway issues and it is noted the Council's Transportation Manager raises no issues of concern in relationship to access to and from the site.

**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 C01 (Samples of external materials)**

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

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

**Reason: In order to ensure that the work is carried out in accordance with the scale and design of the surrounding built environment and to comply with Policy DR1 of the Herefordshire Unitary Development Plan.**

**5 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.**

**6 F15 (No windows in side elevation of extension)**

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

**7 G10 (Landscaping scheme)**

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

**8 G11 (Landscaping scheme – implementation)**

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

**9 H01 (Single access - no footway)**

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

**10 H13 (Access, turning area and parking)**

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

**11 H29 (Secure covered cycle parking provision)**

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

**12 The specification for any works to the surface of public footpath AB14, providing private vehicle access to the site, must be submitted for written approval by the local planning authority before any development works hereby approved commences on site.**

**Reason:** In the interest of public and highway safety and to comply with Policy DR3 of the Herefordshire Unitary Development Plan.

**Note**

The applicants should ensure that their contractors are aware that a public footpath runs along the private drive, and that vehicles, materials, debris etc must not be stored on the line of the footpath so as to obstruct the public's right of way.

The applicants should note that because the right of way has footpath status it will only be maintained by the highway authority to a standard suitable for use by pedestrians. The highway authority will not carry out repairs to the surface caused by vehicle movements, and may seek contributions from landowners using the footpath if re-surfacing for its safe use by pedestrians is required in the future.

**Informatives:**

- 1 N15 - Reason(s) for the Grant of Planning Permission**
- 2 N19 - Avoidance of doubt – Approved Plans**
- 3 HN01 - Mud on highway**
- 4 HN03 - Access via public right of way**
- 5 HN04 - Private apparatus within highway**

- 6      **HN05 - Works within the highway**
- 7      **HN10 - No drainage to discharge to highway**
- 8      **HN23 - Vehicular use of public rights of way**
- 9      **HN28 - Highways Design Guide and Specification**

Decision: .....

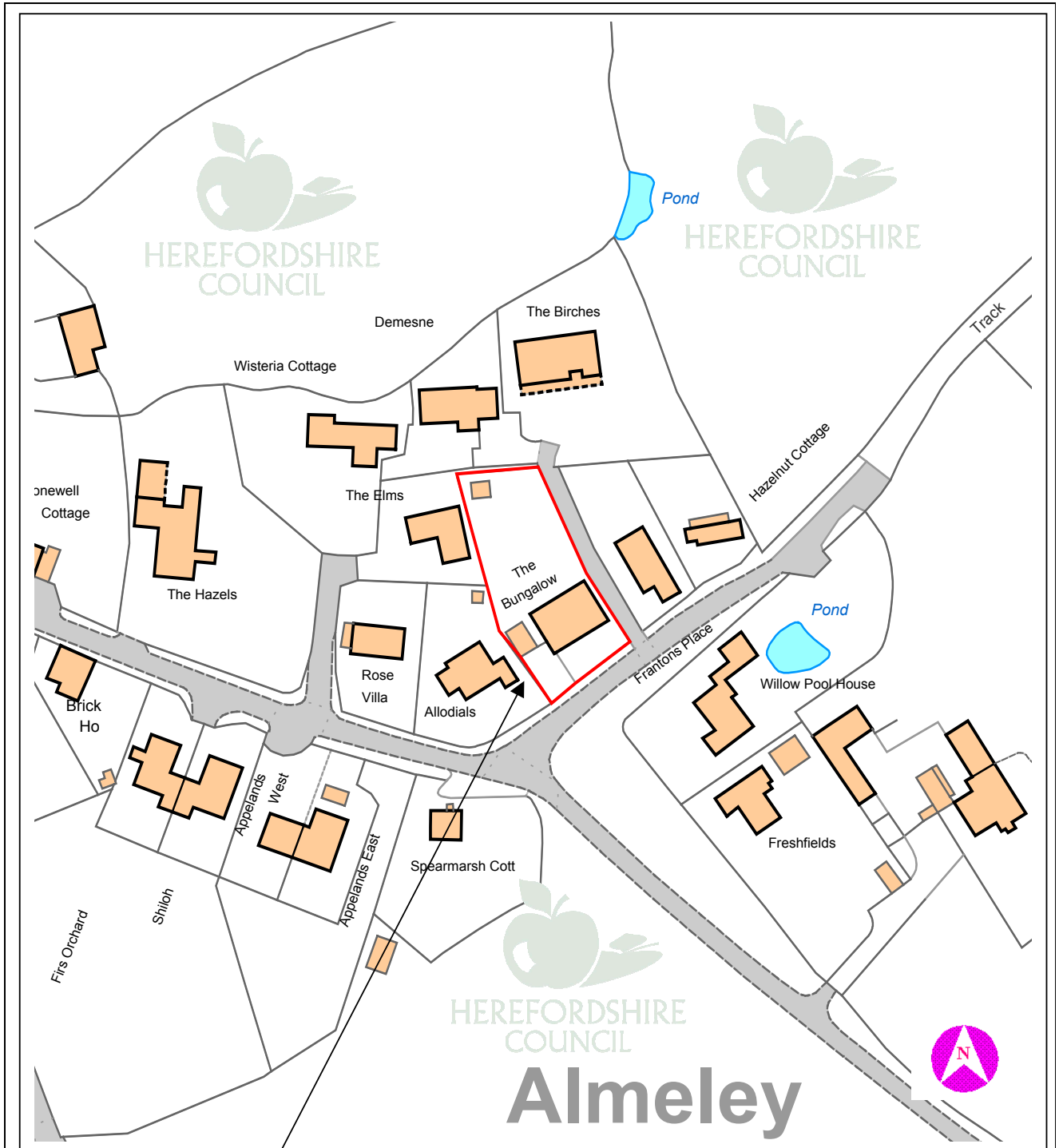
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**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** DCNW2009/0368/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Orchard Bungalow, Almeley, Hereford, Herefordshire, HR3 6LQ

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**8A DCNW2009/0302/F - NEW KENNELS TO ACCOMMODATE 4 NO. GUN DOGS AT PLOT 1 BARN, WESTON COURT FARM, WESTON, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE, HR6 9JE.**

**8B DCNW2009/0312/L - NEW KENNELS TO ACCOMMODATE 4 NO. GUN DOGS AT PLOT 1 BARN, WESTON COURT FARM, WESTON, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE, HR6 9JE.**

**For: Mr M. Link per Mr K Cooper, Heald Partnership, Garnets Orchard, Poorscript Lane, Grosmont, Monmouthshire, NP7 8LP.**

**Date Received: 16 February 2009**

**Ward: Pembridge & Lyonshall with Titley**

**Grid Ref: 36563, 56391**

**Expiry Date: 13 April 2009**

Local Member: Councillor RJ Phillips

## **1. Site Description and Proposal**

- 1.1 Weston Court Farm barns occupy a prominent corner location where the C1081 meets the unclassified Moorcourt Lane, 2 miles west of the village of Pembridge. On May 5th 2004 planning permission was granted for the conversion of the existing barns and agricultural buildings to form 6 residential dwelling. Since then a number of amendments have been sought. All 6 of the plots have now been completed.
- 1.2 The barns comprise a substantial range of Grade II Listed timber-framed, weather boarded and stone built buildings. This application relates plot which prior to is conversion consisted of a 3-bay timber framed rectangular barn that had been extended as its southern end by a further bay. The plot also contained the remains of the original detached farmhouse, which was known as the 'cider house'. The barn has now been converted into a 4 bedroom dwelling, with the cider house having been converted into a one-bedroom annex/studio.
- 1.3 This application proposes a dog kennel attached to the southeast gable of the main barn. The kennels measure 5.5 x 2.3 meters with a height of 3.9 meters. The existing stone wall forms the rear wall of the kennels, although it will be built up to a height of 2.7 meters with reclaimed local stone to match that of the existing stonework. The sides of the building are also constructed out of the reclaimed stonework, with the roof constructed out of reclaimed slates to match that of the barn. The front of the kennels will be constructed out of open metal fencing.

## **2. Policies**

- 2.1 Herefordshire Unitary Development Plan

S1	-	Sustainable development
S2	-	Development requirements
DR1	-	Design
H13	-	Sustainable residential design
HBA1	-	Alterations and extensions o listed building
HBA4	-	Setting of listed building
HBA12	-	Re-use of rural buildings
HBA13	-	Re-use of rural buildings for residential purposes

## 2.2 Supplementary Planning Guidance: Re-use and Adaptation of Rural Buildings

### 3. Planning History

- 3.1 NW01/0846/F & 0849/L - Both applications withdrawn - involved unacceptable alterations and the construction of a new dwelling
- 3.2 NW2002/1103/F, 1104/L and 1105/F - Applications approved by NAPC for a total of 6 dwellings with associated workshops.
- 3.3 NW2003/3548/F & 3549/L - Conversion of existing barns and agricultural buildings to form 6 no. Dwelling units. Both applications approved.
- 3.4 NW2006/3477/F - Construction of single storey carport outbuilding, incorporating relocating sewage treatment plant. Realign site access road. Application approved.
- 3.5 NW2008/0203/F - Repair and extension of detached annex building to form new studio/workshop at Plot 1 Weston Court Farm. Application approved.
- 3.6 NW2008/0568/L & 0567/F - Proposed amendments to previously approved barn conversion. Both applications approved.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Environmental Agency: No response

#### Internal Council Advice

- 4.2 Building Conservation Officer: Although the proposal goes against the normal policy about extension to barn conversions, the proposed kennels are not considered to harm the fabric of the listed building or its setting. The appearance arising from its specific purpose - kennel - is agricultural, not domestic, and it would complement the agricultural aspects of the converted barn.

### 5. Representations

- 5.1 Pembridge Parish Council: 'The proposed kennels are considered an unsympathetic addition, which is detrimental to the character of the listed building within he cartilage of Weston Court Barns.
- 5.2 Two letters of objection have been received from neighbours. The main issue raised relates to the fact that the development reads as an extension to the barn conversion and it could therefore eventually become an extension to the barn.

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

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

6.1 The supplementary planning guidance for the re-use and adaptation of rural buildings states that 'the building should be large enough to be capable of conversion without the need for extensions and any scheme shall be considered, in principle, as finite'.

6.2 The second criteria of Policy HBA12 requires proposals for the re-use of a rural building to be capable of accommodating the new use without the need for ancillary buildings which individually or taken together would adversely affect the character or appearance of the building or have a detrimental impact on its surroundings and landscape setting. The Parish Councils comments along with those of the neighbours have been carefully considered. The applicant has agreed to amend the proposal and re-site the kennel building away from the barn so it will no longer read as an extension to the building but as an ancillary building to the host dwelling. The proposed development is considered to have a design typical of a kennel building. The Conservation Officer has commented on the appearance of the building being agricultural and not domestic.

6.3 The application also falls to be considered against policy HBA1 in the Herefordshire Unitary Development Plan, which sets the provision for alterations and extensions to listed buildings. The policy requires proposals only to be permitted when the components which make up the special interest of the building, its features and setting are all preserved. The development is not considered to harm the fabric of the listed building or its setting, with its design also complementing the agricultural aspects of the converted barns.

6.4 With the proposed kennel building now sited away from the main barn the proposal will not be an extension to the barn. The proposal is in keeping with the overall character and appearance of the site, complementing its original agricultural use whilst not adversely affecting the setting of the listed building. The application is therefore recommended for approval subject to the conditions set out below.

## **RECOMMENDATION**

**In respect of DCNW2009/0302/F:**

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

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

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

### **2 B03 (Amended plans)**

**Reason: To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.**

### **3 C01 (Samples of external materials)**

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

**Informatives:**

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

**In respect of DCNW2009/0312/L:**

- 1 D01 (Time limit for commencement (Listed Building Consent))**

**Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.**

**Informatives:**

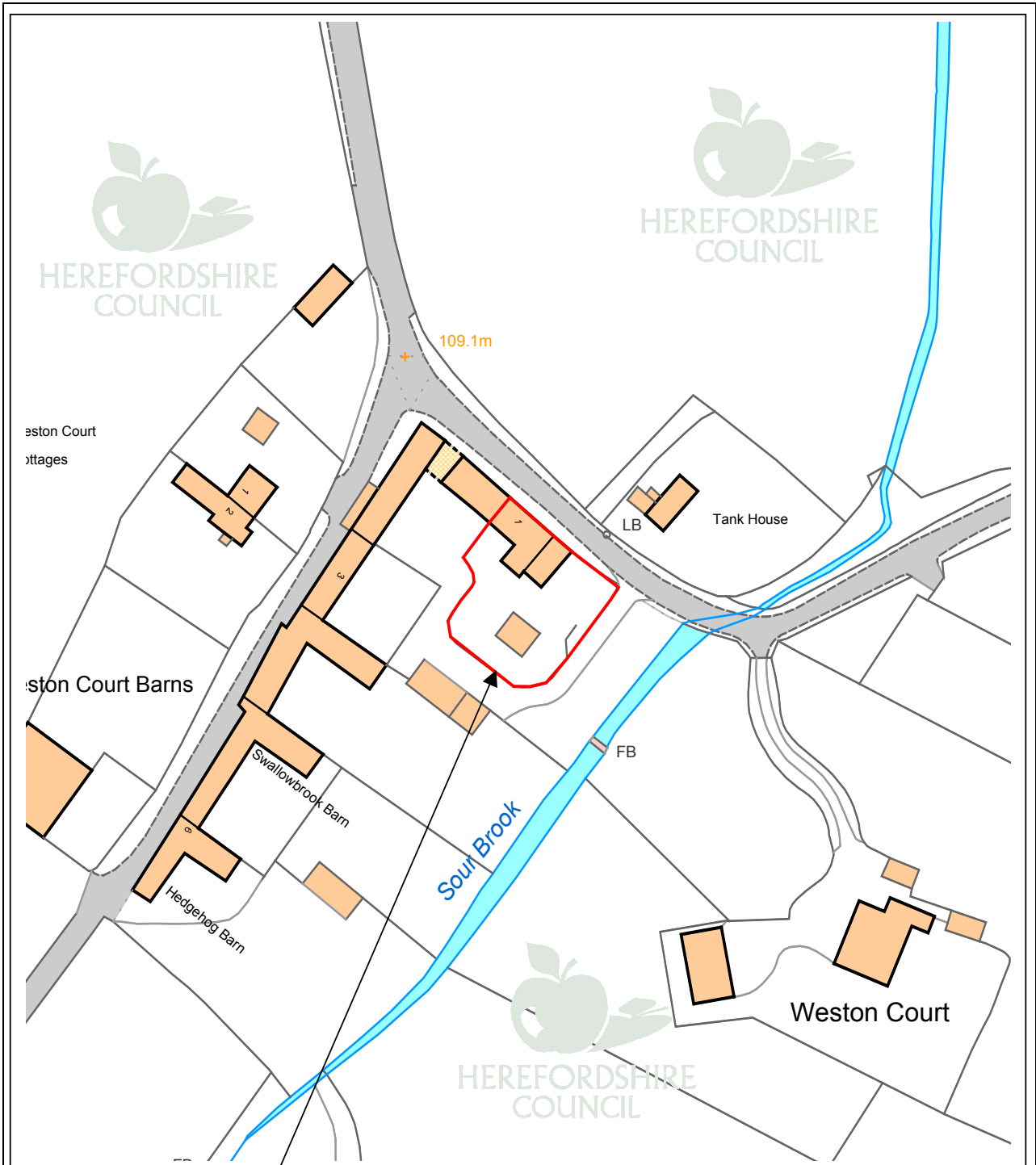
- 1 N15 - Reason(s) for the Grant of Planning Permission**
- 2 N19 - Avoidance of doubt - Approved Plans**

Decision:

Notes: .....  
.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNW2009/0302/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Plot 1 Barn, Weston Court Farm, Weston, Pembridge, Leominster, Herefordshire, HR6 9JE

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**9 DCNW2009/0093/F - PROPOSED AGRICULTURAL STORAGE BUILDING AND KENNELS AT BRILLEY WOOD, BRILLEY, WHITNEY-ON-WYE, HEREFORD, HEREFORDSHIRE, HR3 6JE.**

**For: Miss L.A. Jenkins & Mr W.Pinkney per Mr A Jenkins, 12 Broad Street, Hay-on-Wye, Herefordshire, HR3 5DB.**

**Date Received: 12 January 2009**

**Ward: Castle**

**Grid Ref: 26245, 48513**

**Expiry Date: 9 March 2009**

Local Member: Councillor JW Hope MBE

**1. Site Description and Proposal**

- 1.1 The application seeks planning permission for an agricultural storage building to be used as a hunt kennels to house the Golden Valley hound pack at Brilley Wood. The Hounds are currently housed at Sheepcote in Clifford where they have been since 1947. The new building will replace an existing agricultural building on the site that has fallen into disrepair.
- 1.2 Brilley Wood is located to the south of the unclassified C1072 highway within the parish of Brilley. The access to the site is situated immediately to the south west of the junction where Chapel Road meets the C1072. A single unmade track leads down from the highway to the house and existing building. The land that surrounds the property is in the ownership of the applicant and is used for the grazing of horses and sheep. The house itself has recently undergone significant alteration and extension by virtue of planning permitted under DCNW2007/1706/F.
- 1.3 The siting of the proposed building was originally shown to be on the site of the existing building. However due to the existing building having been built on the footpath, the location of the building is now proposed to the north of that of the existing building, which will allow the footpath to be reinstated once the existing building has been demolished. The proposed building measures 20.5 by 14.5m with a height of 5.7m. The building will be constructed of a concrete block wall, with timber cladding above and a dark blue fibre cement sheet roof.
- 1.4 Attached to the southwest elevation of the building there is an open yard measuring 9.5 x 14.5m, which is surrounded with a 1.8m high wall constructed out of the natural concrete blocks. This area is divided into three parts. The two outer areas are shown as open yards where the hounds will be allowed in the daytime, whilst the middle area will be used for the loading and unloading of the hounds. There is enough room for a vehicle to pull into the yard and for the gates to be closed during the loading and unloading of the hounds. Amended plans show a vehicle will approach the loading/unloading yard via a hardcore access track, which runs down the southwest wall of the building.
- 1.5 The building itself is divided in to two parts, with an agricultural storage in one half and the kennels in the other. There is a total of 5 kennels shown, each with a raised

bed/sleeping area and a run. In addition there is 5 isolation kennels that will be used when hounds are ill or when females give birth. It is understood that the hounds stay on their beds until 8.30am, unless they are being exercised. During the day they have access to their runs, which are linked by gates. The hounds will be closed in on their purpose built beds during the night and are fed mid morning in the yard. It is the intention of the applicant to feed the hounds on dried food.

- 1.6 In a report submitted by Mr William Pinkey, the applicant, it is stated that 'the kennels are washed down twice daily with the waste being disposed into a drain located in the middle of the building and from there it will be dispersed into a new septic tank and reed bed which are located south of the building'. Mr Pinkney has been the the kennel huntsman for the Golden Valley Hunt for the last 8 years. It is his full time job to which he needs to tend to the hounds seven days a week. In his statement submitted to the local authority in support of the application securtiy has been highlighted as a priority. Living on site means that Mr Pinkney can give the hounds around the clock care and supervision.

## 2. Policies

### National Planning Policy

- 2.1 PPS1 - Delivering sustainable development  
PPS7 - Sustainable development in rural areas

### Herefordshire Unitary Development Plan 2007

- Policy S1 - Sustainable Development  
Policy S2 - Development Requirements  
Policy DR1 - Design  
Policy DR2 - Land Use and Activity  
Policy DR4 - Environment  
Policy DR13 - Noise  
Policy E11 - Employment in the smaller settlements and open countryside  
Policy LA2 - Landscape character and areas least resilient to change  
Policy LA5 - Protection of trees, woodlands and hedgerows

## 3. Planning History

- 3.1 DCNW2008/1965/S - Proposed replacement agricultural building. Full planning permission was found to be required.
- 3.2 DCNW2007/1706/F -.Proposed renovation improvements and extension of existing cottage. Approved 26th July 2007.
- 3.3 DCNW2007/0750/F - Proposed renovation, improvements and single and double storey extensions to existing cottage. Refused 1st May 2007.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Ramblers Association: Objects to the development on the grounds that the existing building is already obstructing the Public Rights of Way.
- 4.2 Open Spaces Society: Object to the application as the location is not suitable for the kennelling of hounds due to the number of residential houses nearby and the public footpaths are in close proximity to the proposed building.

Internal Council Advice

- 4.3 Rights of Way Officer: "The amended plans clearly shows that the building will now not obstruct the footpath. However, I am concerned about the impact of the proposal on the continued use and enjoyment of the footpath by members of the public".
- 4.4 Environmental Health Officer: A 'Noise Impact Assessment' was requested by the Council to determine the potential level of noise generated by the hounds. This was completed over a 3 day period from 5:00pm on Friday 13<sup>th</sup> March 2009 – 5:00pm on Monday 16<sup>th</sup> March 2009. Measurements of the noise from the existing kennels were recorded at 10 minute intervals, as was the existing background noise level at Brillley Wood. It was discovered that over the weekend period the noise from the hounds would be expected to be quieter than the background noise except on Sunday evening when the hounds were excited into barking when background noise had fallen to a low level. The report has indicated that complaints are unlikely. The Environmental Health Officer has raised no further objection to the proposal.
- 4.5 Traffic Manager: No objection
- 4.6 Ecology Officer: Protected species have been found to be present in the area. With no survey having been submitted to assess the presence for protected species it is suggested that before planning permission is granted the applicants should submit a wildlife protection and enhancement scheme for the site.

**5. Representations**

- 5.1 Brillley Parish Council: Recommended refusal of the application for the following reasons:
1. Noise and disturbance to nearby residential properties.
  2. Close location to adjoining farms/fields with livestock.
  3. Safety concerns for public footpaths through the land, especially for families.
  4. Access to the site is on dangerous bend.
  5. Possible pollution to two streams/Wye river course.
- 5.2 42 objections have been received from households in the immediate locality as well as some from outside of the Brillley area. In addition to these letters a petition containing 167 signatures objecting to the proposal has been submitted.

The key issues of concerns raised can be summarised as follows:

- The hounds will create unreasonable noise.
- Concerns over the unpleasant smells created from a kennels.
- If approved would lead to a further application for a 'flesh house' which would lead to further smells.
- Concerns over pollution to near by water courses.

- The proposal could create a danger to neighbouring livestock.
  - Access and surrounding highway infrastructure inadequate for the additional traffic.
  - Impact on the surrounding footpaths.
  - Loss of value to surrounding dwellings to the application site.
  - The exercising of hounds on the roads would be a hazard to pedestrian and to the traffic.
  - Intrusive addition to the community.
- 5.3 A letter of support has been received from Mrs Bishop at Sheepcote, where the hounds are presently kept.
- 5.4 The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

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

- 6.1 It is considered that the principle issues for consideration in this application are as follows:
- Principle of Development
  - Siting, scale and design of the proposed building
  - Impact of the proposal upon the surrounding residential properties
  - Impact of the proposal upon the public footpaths and surrounding area

### Principle of Development

- 6.2 The proposed kennels is for the Golden Valley Hunt. They have been at their existing site at Sheepcote in Clifford since 1947, which is owned by a Mrs Bishop. Prior to 1947 the hounds were located at Whitney Court. Following the death of Mrs Bishops husband in 2001, it is understood that the Hunt was asked to find an alternative site to house the hounds. The agent has confirmed that over the last 8 years the Hunt has investigated other properties and locations, none of which have been suitable for the proposed development due to land availability and availability of supervision. The advantage of locating the hounds at Brillley Wood is the on site supervision provided by Mr Pinkney, the Kennel huntsman.
- 6.3 There are no adopted policies relating directly to kennel buildings. Boarding Kennels for short-term occupation are normally considered under employment policies, as the end use is a business. The Golden Valley Hunt Kennels is not however a commercial business as such and in planning terms its use is considered to be "sui generis". The agricultural building is proposed for dogs, which are in the private ownership of the Hunt.
- 6.4 Brillley Wood is located within a rural landscape where the majority of land that surrounds the property being used for grazing animals. It is also the home of the Kennel Master. Hunt Kennels are traditionally found in rural areas, usually at sites that they have occupied for years. On this basis the principle of the building in this location is considered to be accepted with the acceptability or otherwise of the proposal resting upon the details of the application.
- 6.5 A number of the neighbours have made reference to the limit placed on "intensive livestock units" more than 400 m from a "protected building". Paragraph 6.5.21 in the Herefordshire Unitary Development Plan states that "Intensive livestock units are those

for the permanent indoor housing of pigs, poultry or cattle and also those for housing such livestock indoors for only part of the time if a slurry system is to be adopted". A hunt kennels is not considered to fall into this category.

- 6.6 The policies to be considered are listed above at 4.1 and significant weight will be given to the land use and activity policy LA2 and E11, which considers employment proposals in the open countryside together with the general development control policies.

#### Siting, scale and design of the proposed building

- 6.6 Brillley wood is located in an area of open countryside for planning purposes as there is no development boundary around this part of Brillley. The application site is set back off the highway down a single track which leads to the dwelling and existing outbuilding. The property and outbuilding are visible from points along surrounding highways. There are a number of footpaths running through the site.
- 6.7 The applicant has confirmed that the building will house a maximum of 25 couples (50 dogs). The building is similar in character and appearance to a modern agricultural building, with walls being part concrete panels and part clad and a profile sheet roof. The building is considered to have been carefully designed to remain in keeping with the character of the rural area and as such the proposal is considered to be an appropriate design in accordance with the requirements of Local Plan Policies DR1 and LA2
- 6.8 Originally the proposed building was sited in the same position as that of the existing. However due to the existing building having been built over the footpath, the proposed building is now sited north of the existing one. It is considered that the proposed siting and design relate well to the existing dwelling and characteristics on site with the hedgerow to the north and dwelling to the east offering some screening of the building from the highways.

#### Drainage

- 6.9 The original plans proposed a new septic tank and reed bed system was to be installed to dispose of the 'washdown' from the kennels. However, in the Pollution Prevention guidelines produced for Stables, Kennels and Catteries, the Environmental Agency recommend that a private sewage system plant must only be considered as a last option for treating foul sewage from kennel buildings and recommends a sealed cesspool instead with no overflow. The agent has therefore agreed to amend the proposal to a sealed cesspool. It is proposed that wash down from the kennels is directed to the cesspool via a drain in the center of the building. A licensed contractor for off-site disposal will then remove the contents of the cesspool. This will follow the advice from the Environmental Agency and ensure that none of the waste from the kennels enters into the surrounding land or mix with the domestic foul waste.

#### Impact of the proposal upon the surrounding residential properties

- 6.10 Herefordshire Unitary Development Plan Policy DR2 considers land use and activity. All development proposals are required to be located and designed so as not to prejudice the amenity or continued use of adjoining land and buildings. The proposed use of the building as a hunt kennels has the potential to have a detrimental impact on the neighbouring amenities if not carefully controlled. There are several residential properties within 400 metres to the site, with the closest being Montpelier Cottage, which is to the west of the proposed site at a distance of just over 200 metres. There

are a number of matters, which need to be considered in respect of the impact the development will have on neighbouring properties:

- 6.11 **Noise** - Policy DR13 in the Herefordshire Unitary Development Plan considers noise. An assessment of the existing noise pollution was requested by the case officer during the application to assess the potential noise pollution at Brilley Wood. The assessment was carried out at Sheepcote where the Golden Valley Hounds are currently housed, over a 3-day period. The assessment found that at all times the dogs were found to be below background noise with one exception on the Sunday evening when background noise had dropped to 25 dB LA90.
- 6.12 The Kennel Huntsman lives at Brilley Wood, therefore would be on hand should the need arise to quieten the hounds. Also having the Kennel Huntsman living on site with the hounds allows for maximum supervision. The Environmental Health Officer is satisfied that the report has indicated that complaints will be unlikely. It should be noted that if the development goes ahead and the Environmental Health department received complaints alleging noise nuisance then it would be investigated and if required action taken under the Environmental Protection Act 1990 as regards Statutory Nuisance.
- 6.13 **Smell** - A significant level of objection has been received relating to the smell that is commonly associated with a hunt kennels, which results from a 'flesh house'. There is not one proposed in the application and the applicant has confirmed it is not there intention to install one. The animals will be fed on dry food.
- 6.14 **Dog Exercising** - Significant levels of objection have been raised relating to the exercising of the dogs on the local road network. The information submitted by the Kennels Master with regard to the existing daily operations of the kennels indicates that the hounds are not exercised on the roads everyday, and certainly not in the hunting season, which runs from the first Saturday in November and finishes early March. However it is proposed that the hounds will be exercised on the roads during the summer months. Exercising hound dogs on the local highway network is a method commonly used by most hunt kennels.
- 6.15 The Kennel Master has confirmed that when hounds are exercised during the summer it will be done early morning or late in the summer evening making sure to avoid peak traffic. This is done with two handlers either on foot, bikes or horses. The Kennel Master has confirmed that the hounds do not split up and the handlers have control over the pack at all time with every attempt to pull them over to one side of the road if a vehicle wants to pass. Neighbours have raised concerns regarding the route of the exercising, however the planning authority has no control over the use of the highway.

Impact of the proposal upon the public footpaths and surrounding area

- 6.16 The existing building has been there for many years and until this application was submitted it had gone unnoticed that it was built on top of the footpath. Walkers have diverted the path around the building. A significant amount of the objections received have expressed concerns with the closeness of the building to the public rights of way. The removal of the existing building will see the legal alignment of the footpath be reinstated. The amended plans show a stock proof fence to be erected on the northern side of the footpath. In the unlikely event that a dog gains access outside of the building unaccompanied this will prevent the animal coming into direct contact with any passing walker.

- 6.17 The open yard where the dogs are let out to exercise during the day is surrounded by a 1.8m high concrete wall, which will prevent the dogs being able to see any of walkers using the footpath and like wise the walkers not being able to view the hounds. Having regard for policies T6 and DR3 in the Herefordshire Unitary Development Plan that relate specifically to walking and movement, the proposed development is not considered to impact on the use of the footpath. It is suggested that signs are erected on the footpath warning walkers that they are passing a kennels.

Impact on protected species

- 6.18 The area has been designated as an area with the potential for protected species, in particular the Great Crested Newts. No survey has been submitted with the application. The planning ecologist has expressed concerns with the potential for the species being present on the site, however has noted that there is no pond within the applicants land. Therefore it is recommended that prior to permission being granted, a wildlife protection and enhancement scheme for the site be submitted by the applicants. The applicants have confirmed that they are willing to produce a scheme.

Conclusion

- 6.18 Planning Policy Statement 7 sets out the Government's national policies on different aspects of land use planning in England specifically for that relating to rural areas. It states that 'all development in rural areas should be well-designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness'. The issues that have been considered in this application are finely balanced. However it is considered that the proposed scheme represents an appropriate form of development in this open countryside location. As such it is recommended that the application be approved subject to the conditions outlined below.

**RECOMMENDATION**

**Upon completion of a wildlife protection and enhancement scheme that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:**

**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      **B03 (Amended plans )**  
  
Reason: To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan
- 3      **The building hereby approved shall be used to house the hounds from the Golden Valley Hunt and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to**

that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

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

**4 I31 (Restriction on use to house/rear livestock)**

**Reason:** To safeguard residential amenity and to comply with Policies DR4 and E13 of Herefordshire Unitary Development Plan.

**5 When the premises known as Brilley Wood, ceases to be occupied by Mr William Pinkney, the use of the building hereby permitted, as a Hunt Kennels to house the Golden Valley hounds shall cease.**

**Reason:** The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances and Policy S1 of the Herefordshire Unitary Development Plan.

**6 I18 (Scheme of foul drainage disposal)**

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

**7 I22 (No surface water to public sewer)**

**Reason:** To safeguard the public sewerage system and reduce the risk of surcharge flooding so as to comply with Policy DR4 of Herefordshire Unitary Development Plan.

**8 I28 (No discharge of foul/contaminated drainage)**

**Reason:** To prevent pollution of the water environment and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

**9 The existing agricultural building on the site shall be demolished and removed permanently from the site within one-month of the commencement of the development hereby permitted in accordance with a scheme of work submitted to and approved in writing by the local planning authority.**

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

**10 G09 (Landscaping scheme)**

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

**11 Prior to development commencing details of the signs on the footpath shall be submitted to and approved in writing by the Local Planning Authority. The signs shall be constructed in accordance with the approved plans and thereafter retained.**



**Reason: In order to comply with the requirements of Policies DR3 and T6 of the Herefordshire Unitary Development Plan.**

**Informatives:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**10 DCNW2009/0316/F - PROPOSED TWO STOREY EXTENSION AT 4 ORCHARD COTTAGES, MARLOW, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0JP.**

**For: Mr AP Gibbons per Inklines Ltd, Teme Mills, Station Road, Knighton, Powys, LD7 1DT.**

**Date Received: 16 February 2009      Ward: Mortimer      Grid Ref: 39771, 76481**

**Expiry Date: 13 April 2009**

Local Member:    Councillor LO Barnett

**1. Site Description and Proposal**

- 1.1 The property is one of a pair of semi cottages situated just off the B4385 road north of Leintwardine. It is accessed via a private drive which also serves another pair of semi-detached cottages.
- 1.2 The proposal is to erect a two-storey extension on the west elevation to provide two bedrooms in the roof space and a dining room and lounge. The accommodation will allow the applicants family to move in with them. The extended property would share the kitchen and utility space. The extension measures 6.5m x 7.5m with eaves height of 3.1m and ridge height 6.6m. It is set back behind the front wall of the existing dwelling.

**2. Policies**

2.1 Herefordshire Unitary Development Plan

H18 – Alterations and extensions

**3. Planning History**

- 3.1 No history found

**4. Consultation Summary**

Statutory Consultations

- 4.1 None required

Internal Consultations

- 4.2 Transportation Manager:

“Ample space for parking. No highway implications.”

## 5. Representations

### 5.1 Leintwardine PC:

“The applicant wishes to build a house but has called it an 'extension'. The proposal overwhelms the site.”

5.2 No letters of representation have been received in response to publicity procedure.

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

## 6. Officer's Appraisal

6.1 In response to the parish council concerns, whilst the proposal does allow the applicants family to move in with them, it is not of itself a new dwelling. The extended property would have four bedrooms, with dining and living accommodation separate for each, but with a shared kitchen. The garden of the property is extensive and it is not considered that the extension is over-development of the site.

6.2 Policy H18 requires the existing dwelling to remain the dominant feature, to be in keeping with the character and not to be cramped. In all respects the proposal is considered to comply with that policy. The application is recommended for approval accordingly.

## 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. C02 (Matching external materials (extension) )

**Reason: To ensure the external materials harmonise with the existing building so as to ensure that the development complies with the requirements of Policy H18 of Herefordshire Unitary Development Plan**

### 3. F13 (Restriction on separate sale )

**Reason: It would be contrary to the policy of the local planning authority to grant permission for a separate dwelling in this location having regard to Policy H7 of Herefordshire Unitary Development Plan**

## Informatives:

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

### 2. N19 - Avoidance of doubt - Approved Plans

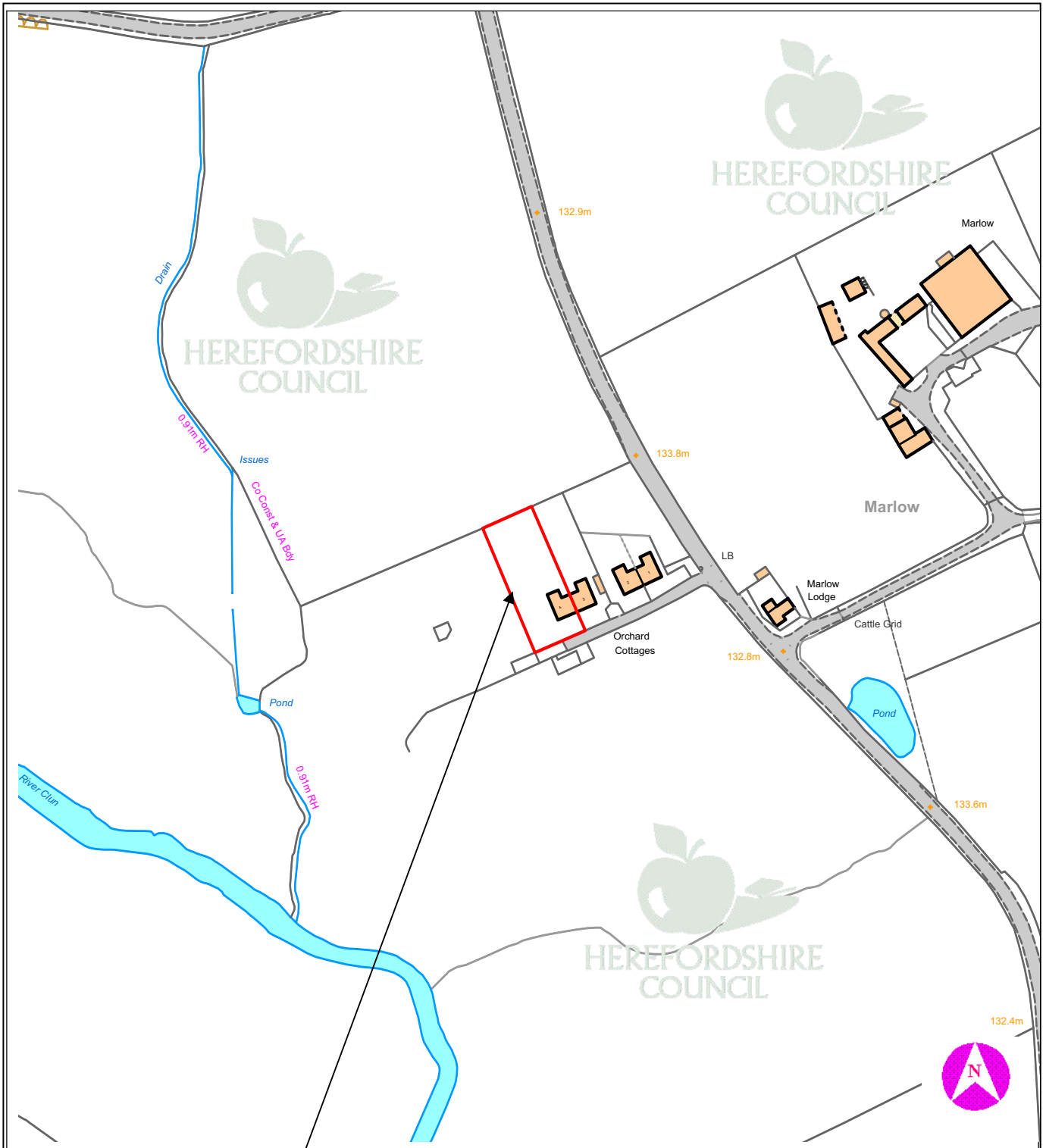
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNW2009/0316/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** 4 Orchard Cottages, Marlow, Leintwardine, Craven Arms, Herefordshire,

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**11 DCNW2009/0293/F - CHANGE OF USE FROM NURSING HOME TO RESIDENTIAL DWELLING AT LEMORE MANOR, EARDISLEY, HEREFORD, HEREFORDSHIRE, HR3 6LR.**

**For: Mr & Mrs B Owen per James Spreckley MRICS  
FAAV, Brinsop House, Brinsop, Hereford,  
Herefordshire, HR4 7AS.**

**Date Received: 11th February 2009    Ward: Castle    Grid Ref: 30982, 51662**

**Expiry Date: 8th April 2009**

Local Member: Councillor JW Hope MBE

**1. Site Description and Proposal**

- 1.1 Lemore Manor lies in open countryside, approximately 2 miles north of Eardisley, on the east side of the A4111. It is a large detached property, with converted coach house just to the west.
- 1.2 Immediately to the west of the coach house is a dwelling, Kimberley, outside of the control of the applicant. Furthermore there is another property, Lemore Bungalow approximately 70m back along the drive. New House Farm lies approximately 540m north of Lemore Manor. Holywell Cottage lies approximately 400m to the south. Properties at Questmore Cottage, Farm lies approximately 560m to the north. After this the next nearest properties lie in excess of 600m away.
- 1.3 The proposal is for the change so use on the former nursing home to a single dwelling, and follows the withdrawal of an application, ref NW2008/2075/F, presented to this committee on 14th January. That application was withdrawn prior to a committee site visit.
- 1.4 Public footpath EE13 passes along the access drive from the junction onto the A4111, and has been advertised accordingly.
- 1.5 Within 190m to the south of the house lies a special wildlife site, Holywell Dingle.

**2. Policies**

**2.1 Herefordshire Unitary Development Plan Policies**

HBA12 – Re-use of rural buildings

HBA13 – Re-use of rural buildings for residential purposes

**3. Planning History**

- 3.1 NW08/2075/F. Withdrawn 19th January 2009.
- 3.2 NW03/1344/F, conversion of stable building to management accommodation (subject to occupancy condition required to be varied). Approved 18th June 2003.

- 3.3 NW03/1344/F, removal of condition 2 attached to P.P 93-524A. Approved 17th July 2003. Kimberley, Eardisley.
- 3.4 98/033/N, removal of condition 2 of permission 93/524 (new dwelling and Lemore Manor not to be sold separately). Refused 10th March 1998.
- 3.5 93/524, barn conversion to dwelling. Approved 23rd November 1993 (this dwelling now known as Kimberley).
- 3.6 89/628, change of use to nursing home, Lemore Manor. Approved 27th November 1989.

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

##### Statutory Consultations

- 4.1 The Ramblers Association - no objection

##### Internal Council Advice

- 4.2 Transportation Manger - no highway implications

#### **5. Representations**

- 5.1 Eardisley PC:

No objections provided that it is for domestic use only.

- 5.2 Objections have been received from:

- R Woodbridge and R Peace, Holywell Cottage
- B Whittle, 2 New House Farm
- Mrs C M Glyn-Jones, New House Farm
- Mrs A Sayce, Kimberley

- 5.3 The objections are summarised as follows:

- This is an attempt to circumvent the process, still propose uses which were part of the withdrawn proposal, with attendant problems previously reported.
- Should be refused unless clear undertaking to cease commercial activities.
- Not being used as a house, nor can it reasonably be called one.
- Aware that B&B and other small scale enterprises can operate from a dwelling but operations there are on a different scale.
- Activities advertised on website not compatible with private residence.
- Consider that uses that take place fall within Class C1, hotels, not C3, Dwelling house.



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 current authorised use, albeit not carried out for a number of years is as a nursing homes. This application seeks to regularise that situation.

6.2 In terms of HBA12 and HBA13 the reversion to its original use is an acceptable option. As one of the objectors has pointed out there a number of additional uses of the dwelling which do not amount to a material change of use. For example hiring out a dwelling for holidays, be they full weeks or weekends does not amount to a change of use requiring planning permission.

6.3 Any remaining activities which the applicants propose to continue with will need to be subject to further applications and will be determined upon their merits accordingly.

6.4 As far as this application is concerned there are no policy objection nor other reasonable objections to the use of the property for its original purpose. The nature of the application is such that the coach house and manor will be regarded as a single dwelling, not two separate ones.

**RECOMMENDATION**

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

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

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

**Informatives:**

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

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

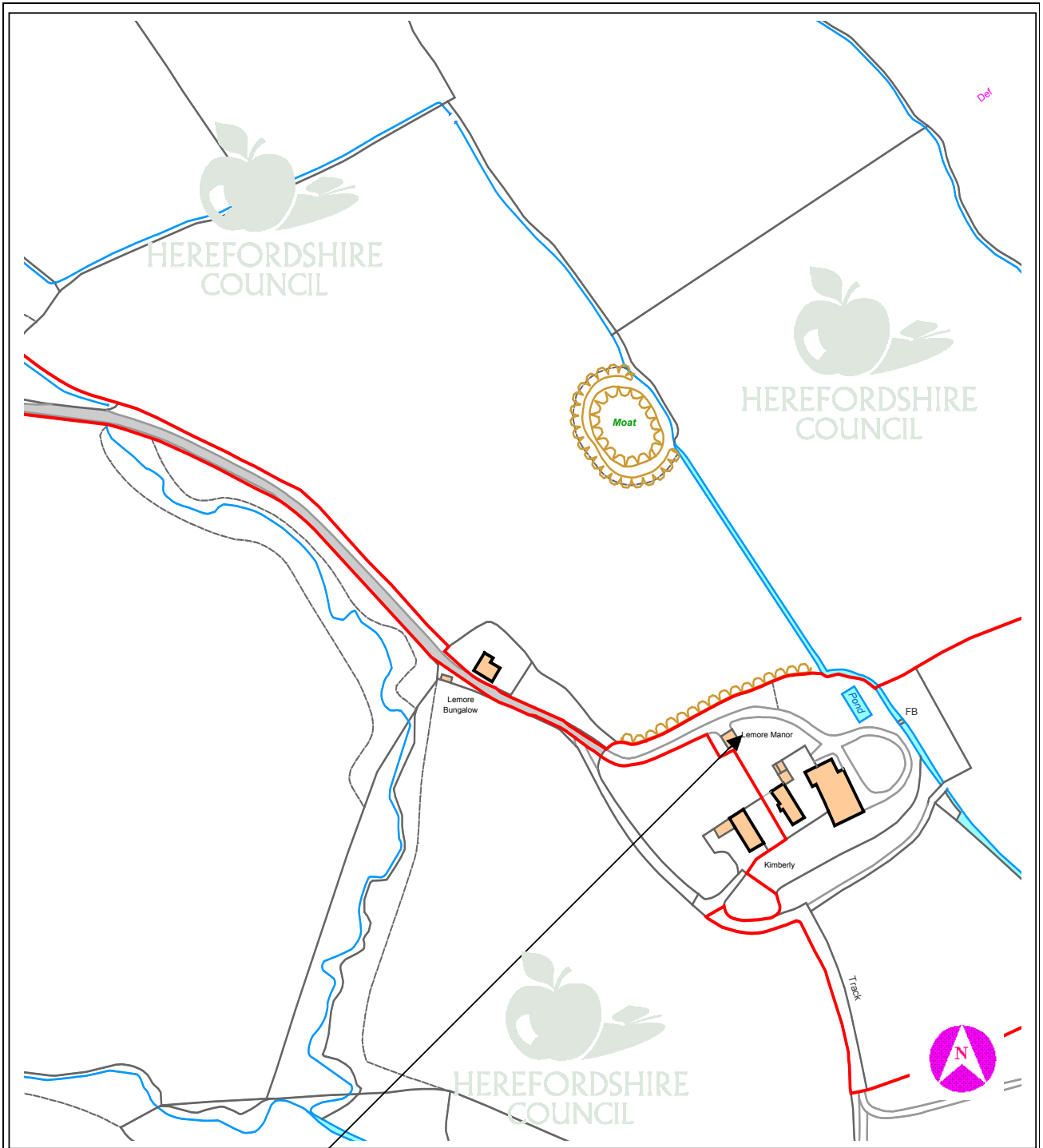
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Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNW2009/0293/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** Lemore Manor, Eardisley, Hereford, Herefordshire, HR3 6LR

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