

AGENDA

Northern Area Planning Sub-Committee

Date: **Wednesday 26 August 2009**

Time: **2.00 pm**

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

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

For any further information please contact:

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If you would like help to understand this document, or would like it in another format or language, please call Ricky Clarke, Democratic Services Officer on 01432 261885 or e-mail rclarke@herefordshire.gov.uk in advance of the meeting.

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

Membership

Chairman	Councillor JW Hope MBE
Vice-Chairman	Councillor PJ Watts
	Councillor LO Barnett
	Councillor WLS Bowen
	Councillor ME Cooper
	Councillor JP French
	Councillor JHR Goodwin
	Councillor KG Grumbley
	Councillor B Hunt
	Councillor RC Hunt
	Councillor TW Hunt
	Councillor TM James
	Councillor P Jones CBE
	Councillor PJ McCaull
	Councillor R Mills
	Councillor PM Morgan
	Councillor RJ Phillips
	Councillor A Seldon
	Councillor RV Stockton
	Councillor J Stone
	Councillor JK Swinburne

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

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

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

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

AGENDA

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES	1 - 10
To approve and sign the Minutes of the meeting held on 29 July 2009.	
4. ITEM FOR INFORMATION - APPEALS	11 - 12
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.	
5. DCNW0009/1365/F - 15 BURTON WOOD, WEOBLEY, HEREFORD, HEREFORDSHIRE, HR4 8SU.	13 - 18
Proposed new dwelling.	
6. DCNE0009/1137/F - LITTLE RUNDLE END, MATHON, MALVERN, WORCESTERSHIRE, WR13 5PW.	19 - 26
Demolition of various buildings and erection of a one storey 'green' office building and R & D facility. Change Of Use from builders yard and workshops to business use facility (B1).	
7. DCNE0009/1088/F & DCNE0009/1089/L - 4 HIGH STREET, LEDBURY, HEREFORDSHIRE, HR8 1DY.	27 - 34
Conversion of redundant upper floor accommodation to create two self contained residential dwelling apartments, with associated external staircase access and balcony. Alterations and re-ordering to existing upper floor residential accommodation fronting onto High Street above bank premises.	
8. DCNC2009/0872/F - BUCKFIELD HOUSE, BARONS CROSS ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8QX.	35 - 42
Change of use from residential to C3 care home.	
9. DCNE0009/1213/F - 16 NEW MILLS COMMUNITY CENTRE, FROME BROOK ROAD, LEDBURY, HEREFORDSHIRE, HR8 2FH.	43 - 48
Proposed change of use to a dwelling.	
10. DATE OF NEXT MEETING	
23 September 2009	

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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 29 July 2009 at 2.00 pm

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

Councillors: WLS Bowen, ME Cooper, KG Grumbley, B Hunt, RC Hunt, TW Hunt, Brig P Jones CBE, R Mills, PM Morgan, RJ Phillips, RV Stockton, J Stone and JK Swinburne

19. APOLOGIES FOR ABSENCE

Apologies were received from Councillors LO Barmett, JP French, JHR Goodwin and A Seldon.

20. DECLARATIONS OF INTEREST

There were no declarations of interest made.

21. MINUTES

RESOLVED: That the minutes of the meeting held on 1 July 2009 be approved as a correct record and signed by the Chairman.

22. TREE PRESERVATION ORDER - 5 GREEN LANE CRESCENT, YARPOLE.

Confirmation of a Tree preservation order upon three trees at 5 Green Lane Crescent, Yarpole.

Councillor WLS Bowen, the Local Ward Member, said that the trees added to the overall ambience of the village and was therefore happy to support the recommendation that the order be confirmed.

RESOLVED

That the Tree Preservation order at 5 Green Lane Crescent be confirmed without modification.

23. DCNC2009/0748/F - THE PADDOCKS, NORMANS LANE, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE, HR6 0LQ.

Change of use of land from agriculture to a one family traveller site, including stationing of one mobile home, two touring caravans and day/washroom - part retrospective.

Councillor KG Grumbley, the Local Ward Member, drew Members' attention to the updates sheet and said that additional information relating to public rights of way had been received. He said that the information had only recently come to light and there had been insufficient time for officers to consider its impact. He asked that the consideration of the application be deferred.

The Legal Practice Manager advised that this was a significant legal issue and that planning permission could not be granted if it was discovered that the site lay on a public right of way.

He recommended that time should be allowed to investigate the issues and advised that consideration of the application be deferred to a later meeting of the Sub-committee and suggested the September meeting would allow sufficient time for the necessary investigations to be carried out.

RESOLVED

That consideration of the application be deferred in order for officers to clarify the position regarding rights of way across the application site.

24. DCNE2009/0662/F - KNAPP FARM, PIXLEY, LEDBURY, HEREFORDSHIRE, HR8 2QB

Proposed use of yard at Knapp Farm for the storage and distribution of polytunnel components and other agricultural items ancillary to the permitted manufacturing process.

The Principal Planning officer reported that a further letter of objection had been received from a local resident. The letter gave details of vehicular movement on the site. Further representation had also been received from another neighbouring resident regarding concerns over surface water drainage and change of use of the site. In response to these concerns, the Principal Planning Officer stated that the traffic movements could not be wholly attributed to the application site and that the change of use may need to be the subject of an additional planning application. The Principal Planning officer also informed the Sub-committee that the description of the proposed development in the report would need to be modified.

The Principal Planning Officer explained that with respect to Knapp Farm two breaches of planning control had become apparent (i.e. unauthorised hardstanding and retention of building used for storage & distribution purposes). The Principal Planning Officer explained that in his view the application before Members could technically be determined and the other two matters dealt with separately, although he understood if Members wished to deal with all of these matters together. The Principal Planning Officer explained that the polytunnel application was a completely separate matter, as was any subsequent application with regard to the caravans used to accommodate temporary workers.

The Local Ward Member, Councillor PM Morgan, said that as far as she could tell, there were two outstanding planning applications on the site and she felt that it would be helpful to look at the site as a whole. She said that in principle she was minded to agree to the development taking place but was not comfortable with the fact that some of the storage was upon hardstanding that did not have the benefit of planning permission. She said that there remained unresolved questions over the potential for flooding and asked that the application be deferred so that all remaining issues could be addressed and to allow time for additional planning applications to be submitted.

In response to questions from Councillor RV Stockton, the Principal Planning Officer clarified that traffic survey mentioned was carried out by a local resident and that the flooding issues were currently being investigated by the Environment Agency. He added that if the applicants had started to use their building for a different purpose then a new planning application for the change of use would need to be submitted. The Principal Planning Officer said that there was currently a pending planning application for polytunnels on the site.

RESOLVED

That consideration of the application be deferred to allow all pending planning applications for the Knapp Farm site (i.e. for the hardstanding and the retention of the building used for storage and distribution purposes) to be considered together and to allow issues regarding potential flooding and traffic management to be addressed.

25. DCNE2009/0906/F - MIRROR BROOK SMALLHOLDING, STONEY CROSS, CRADLEY, MALVERN, WORCESTERSHIRE, WR13 5JB.

Erection of two polytunnels, the creation of a pond and the erection of an agricultural storage building

The Principal Planning Officer informed the committee that Cradley Parish Council continued to object to the development.

In accordance with the criteria for public speaking, Mr Gillett, a neighbouring resident, spoke in objection to the application and Ms Priest, the applicant's agent spoke in support.

In response to a question on highway drainage and traffic levels from Councillor R Mills, one of the Local Ward Members, the Principal Planning Officer said that it would be in the applicant's interest to keep as much water on site as possible for use in the business and that no extra traffic movement would be generated as a result of the proposed development. He added that there could even be a reduction in vehicle movements because the application was seeking permission to store much of the business equipment on the site.

Councillor RV Stockton, the other Local Ward Member commented that the polytunnels looked fairly reasonable in size and was pleased to note that highways engineers were going to look at the drainage issue surrounding the site.

RESOLVED

That planning permission be granted subject to the following conditions:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

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

- 2. The development hereby permitted shall only be used for agricultural purposes as defined in Section 336 of the Town and Country Planning Act 1990 (as amended) and shall not be used for any other purpose, including retailing to visiting members of the public.**

Reason: To safeguard the countryside from inappropriate development and in the interests of highway safety.

- 3. Prior to the first use of any of the buildings hereby permitted the soakaway as detailed in the submission by the agent for the applicant dated 10th June 2009 shall be installed to the satisfaction of the Local Planning Authority and thereafter maintained as such.**

Reason: To ensure satisfactory surface water drainage arrangements.

4. **Prior to the first use of the agricultural storage building hereby permitted, the integral WC shall be connected to the mains sewer and thereafter maintained as such.**

Reason: To ensure satisfactory foul sewage disposal arrangements.

5. **No buildings shall be erected, pond excavated or trees planted within 2.5 metres either side of the 150mm foul water sewer that runs through the site.**

Reason: To maintain essential access for maintenance, repair, renewal, and to protect the structural integrity of the public sewage system.

6. **Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval.**

A written schedule and samples of all external materials to the agricultural storage building hereby permitted.

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

Reason: To ensure a satisfactory appearance to the development.

7. **In the event of any of the buildings hereby permitted becoming redundant for agricultural purposes within 10 years from the date of this permission, that building or those buildings shall be demolished within six months of its/their redundancy and the land restored to its former condition.**

Reason: To safeguard the countryside from inappropriate sporadic development.

Informatives

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

26. DCNE0009/1061/F - ARGUS FARM, DYMOCK ROAD, LEDBURY, HEREFORDSHIRE, HR8 2HY.

Proposed conversion of redundant barn to a residential dwelling.

The Senior Planning Officer advised of an amendment to the description of the site and an amendment to condition 6 which should now read:

“The building to which this permission relates shall only be used as additional accommodation incidental to the use of ‘Argus Farm’, outlined in red on the plan attached to this decision, as a single family dwelling house;

Reason: Having regard to Policies DR2 and H13 of the Herefordshire Unitary Development Plan, the local planning authority are not prepared to allow the introduction of a separate unit of residential accommodation due to the relationship and close proximity of the building to the property known as Argus Farm and due to potential noise and disturbance arising from commercial uses in the vicinity of the building.”

He also advised that paragraph 6.7 of the report would need to be amended to read:

“The existing barn is not considered to be within the residential curtilage, although it is acknowledged it has been used for informal ancillary storage. The application would tie the annex as part of the residential curtilage, and therefore its associated amenity and parking is shared with the existing farmhouse. This along with the recommended conditions prevent separation of these units and the introduction of a new dwelling in open countryside.”

Councillor PJ Watts, one of the Local Ward Members said that he visited the site and was happy with the design and proposed conditions imposed by the case officer and would therefore be happy to support 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 Prior to the commencement of the hereby permitted development, full written details and samples of the following items and finish shall be submitted to the Local Planning Authority for written approval:

- **Timber boarding**
- **Roof tiles**
- **Joinery details**
- **Rainwater goods**

The proposal shall be carried out in strict accordance with the approved details and thereafter be maintained as such.

Reason: To ensure the proposal is of a satisfactory finish, in order to ensure the character and appearance of the agricultural building and the wider open countryside location are preserved and maintained, in accordance with Herefordshire Unitary Plan policies DR1 and HBA13.

3 F01 (Restriction on hours of working)

The hours during which working may take place shall be restricted to [0800 to 1800] Mondays to Fridays and [0800 to 1300] on Saturdays. There shall be no such working on Sundays, Bank or Public Holidays.

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

4 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 H18 of Herefordshire Unitary Development Plan.

5 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 (specify) of Herefordshire Unitary Development Plan.

- 6 Non Standard (Non Standard Condition) Occupation of the hereby permitted development is restricted to the children, parents or grandparents of the occupiers of the property known as Argus Farm, Dymock Road, Ledbury, Herefordshire.**

Reason: To protect the amenity and privacy of the occupiers of the existing farmhouse in accordance with Herefordshire Unitary Plan policies DR1 and DR2.

- 7 The recommendations set out in the ecologist's report dated November 2008 should be followed in relation to the identified protected species [bats, great crested newts etc], unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a full working method statement – including amended details of the bat and bird boxes to be used should be submitted to and be approved in writing by the local planning authority. The work shall be implemented as approved and maintained thereafter.**

Reason: 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 Council's Unitary Development Plan.

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

Reason: 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 N19 - Avoidance of doubt - Approved Plans**
- 3 N11A – Wildlife and Countryside Act 1981 (as amended) - birds**
- 27. DCNE0009/0962/F - PUTLEY MILL, PUTLEY, LEDBURY, HEREFORDSHIRE, HR8 2QW.**

Erection of two post and rail fences and timber raised flower bed (part retrospective)

In accordance with the criteria for public speaking, Ms Webster, a neighbouring resident spoke in objection to the application.

Councillor PM Morgan, the Local Ward Member, said that she found no justification to extend the fence at the property but could see merit in retaining the hedge in its existing form. She added that she felt that the fence was not in keeping with the character of the area. She asked that the application be refused on the grounds that it contravened policies DR2 and HBA4 of the Unitary Development Plan.

Several members commented that they could see no purpose for a new fence especially as the existing hedge already adequately separated the dwellings and the fence would not enclose anything.

RESOLVED

The Northern Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal 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.

- 1. The development contravenes policy DR2 of the Unitary Development Plan as it would prejudice the amenity or continued use of adjoining land and buildings.**
- 2. The development would harm the setting of the adjacent listed building contrary to Policy HBA4.**

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 refuse the application subject to such reasons for refusal]referred to above.

[Following the vote, the Southern Team Leader said that he would not refer the application to the Head of Planning and Transportation]

28. DCNW0009/1254/F - THE LIMES, NORTON CANON, HEREFORDSHIRE HR4 7BP.

General purpose agricultural storage building.

The Principal Planning Officer informed the Sub-committee that no objections had been received from the Conservation Manager.

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. C07 (Dark roof colouring (agricultural buildings))**
Reason: To protect the visual amenities of the area and to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan
- 3. 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.

4. 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.

Informatives

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

2. N19 - Avoidance of doubt - Approved Plans

29. DCNW0009/1228/F - LAND AT BURCHER WOOD, STANSBATCH, LEOMINSTER, HEREFORDSHIRE, HR6 9LW.

Change of use from agricultural to mixed use domestic leisure/agricultural, retention of existing stables and proposed extension to stables

In accordance with the criteria for public speaking, Ms Davies, the applicant, spoke in support of the application.

Councillor RJ Phillips, the Local Ward Member said that he was satisfied with the proposed conditions in the report and was happy to support 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. C08 (Colour of cladding (stables))

Reason: To protect the visual amenities of the area and to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

3. G02 (Retention of trees and hedgerows)

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan.

4. G13 (Tree planting)

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

5. F09 (Private use of stables only)

Reason: In order to safeguard the character and amenity of the area and to comply with Policy (specify) of Herefordshire Unitary Development Plan.

Informatives

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

2. N19 - Avoidance of doubt - Approved Plans

30. DCNC2009/0453/F - 35 PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NW

Erection of an amateur radio antenna of commercial design (hustler 6btv)

The Southern Team Leader reported that no formal independent statement of compliance had been received from the applicant that clarified the position regarding the safety of the mast, but that officers still believed that there was sufficient evidence present to conclude that the mast would not cause harm to residents of the surrounding area.

Councillor RC Hunt, one of the Local Ward Members, said that he remained satisfied that the mast would have very little visual impact on local residents, although concerns that he had regarding electromagnetic interference still persisted. He said that Network Rail still objected to the development on grounds of railway safety and that the mast would be too close to residential dwellings. As the ICNIRP certificate has not been received, he added that he could not support the application.

Councillor JK Swinburne questioned who would monitor the output of the mast which was designed for commercial operations and said that she could not support the application as the calculations for the mast output were not detailed enough and not independently verified.

The Legal Practice Manager advised that it was normal practise for mobile telephone masts to be given certification that they are safe to operate in any given area. He said that in this case, the communications mast had not been given a certificate.

The Southern Team Leader advised that the item should be deferred until such time that an independent certificate of compliance is issued for the mast.

In response to a concern over the length of time this may take, the Legal Practice Manger said that there could be a time limit imposed on the applicant to produce such a certificate.

RESOLVED

That consideration of the application be deferred in order to obtain independent certification that the communication mast would be safe to operate at the location specified.

31. DATE OF NEXT MEETING

26 August 2009.

The meeting ended at 3.46 pm

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCNE2008/2571/F**

- The appeal was received on 10 June 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 G Gilbert.
- The site is located at Gilberts Farm, Lilley Hall Lane, Ledbury, Herefordshire, HR8 2LD.
- The development proposed is Proposed garden room to side and glazed lean-to to the rear.
- The appeal is to be heard by Hearing.

Case Officer: Roland Close on 01432 261803

Application No. DCNW2008/2997/F

- The appeal was received on 15 June 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 J Clarke.
- The site is located at Deerfold Cottage, Deerfold, Birtley, Bucknell, Herefordshire, SY7 0EF.
- The development proposed is Proposed three storey extension.
- The appeal is to be heard by Written Representations.

Case Officer: Julia Perkins on 01432 263088

Application No. DCNC2009/0562/O

- The appeal was received on 6 July 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 Dr A Blair.
- The site is located at Flaggoner's Green House, Panniers Lane, Bromyard, Herefordshire, HR7 4QR.
- The development proposed is Proposed dwelling.
- The appeal is to be heard by Written Representations.

Case Officer: Nigel Banning on 01432 383093

Application No. DCNE2009/0652/F

- The appeal was received on 9 July 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 Anderson.
- The site is located at The Bee House and The Hive, Nashend, Bosbury, Ledbury, Herefordshire, HR8 1JU.
- The development proposed is Removal of conditions 3 and 4 of previously approved application DCNE2003/2257/F.
- The appeal is to be heard by Hearing.

Case Officer: Roland Close on 01432 261803

Enforcement Notice EN2009/0058/ZZ

- The appeal was received on 24 July 2009.
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice.
- The appeal is brought by Mr & Mrs R Sayce.
- The site is located at Little Wacton Farm, Bredenbury, Bromyard, Herefordshire, HR7 4TG.
- The breach of planning control alleged in this notice is:

On 18 July 2007 planning permission was granted for the erection of a domestic garage, workshop and office (amendment to permission DCNC2005/2981/F). Unauthorised development has taken place in that the height of the said garage, workshop and office is 0.8 metres in excess of the permitted height of 5 metres. Furthermore, windows have been put in, contrary to the approved plans DCNC2007/1646/F drawing No's. 1239/30 & 31.

- The requirements of the notice are:

The building to be modified to comply with approved plans (drawing No's. 1239/30 & 31) of planning permission DCNC2007/1646/F, including the reduction in height of the building and the removal of the first floor windows from the East and West elevations.

- The appeal is to be heard by Written Representations.

Case Officer: Kelly Gibbons on 01432 261781

Enforcement Notice EN2009/0066/ZZ.

- The appeal was received on 31 July 2009.
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice.
- The appeal is brought by Mr J Miller.
- The site is located at Old Rectory, Cradley, Malvern, WR13 5LQ.
- The breach of planning control alleged in this notice is:

The partial demolition of a stone wall which lies within the curtilage of the Old Rectory, Cradley this being a Listed Building as recognised by the Planning (Listed Buildings and Conservation Areas) Act 1990. The unauthorised work, namely the partial demolition of the wall, fails to preserve the special character of the Old Rectory by removal of a section of stone rubble walling from the south facing continuous garden wall. As such, the unauthorised works are considered to be contrary to the Central Government advice contained within PPG15 entitled "Planning and the Historic Environment" and Policy HBA1 of the Herefordshire Unitary Development Plan 2007.

- The requirements of the notice are:

The reconstruction of the part of the curtilage wall using the stone previously removed or matching stone, laid in courses to match the rubble bonding with the coping stones laid upright to match the form of the adjoining undisturbed stones. The overall height and width of the said wall shall match that of the existing wall that it abuts. The jointing for the wall shall be in a lime mortar to match the exiting lime mortar with a slightly brushed finish to set back the weathered arrises of the stone.

- The appeal is to be heard by Written Representations.

Case Officer: Roland Close on 01432 261803

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

5 DCNW0009/1365/F - PROPOSED NEW DWELLING AT 15 BURTON WOOD, WEOBLEY, HEREFORD, HEREFORDSHIRE, HR4 8SU.

For: Trustees of Estate of Agnes Morley per Nick La Barre RIBA, Easters Court, Leominster, Herefordshire, HR6 0DE.

Date Received: 26 June 2009 Ward: Golden Cross with Weobley Grid Ref: 40568,51229

Expiry Date: 21 August 2009

Local Member: Councillor JHR Goodwin

1. Site Description and Proposal

- 1.1 The site forms part of a large domestic curtilage of a detached two storey dwelling of external painted brick construction under a tiled roof, this is located on the entrance to a residential housing estate of similarly constructed properties, to the east of the site.
- 1.2 The application site is adjoined alongside its southern boundary by the C1094 public highway; it is onto this highway that direct vehicular access is proposed. On opposite site of this public highway is Weobley High School. Alongside the site's western boundary is a terrace of 5 dwellings.
- 1.3 The application proposes construction of a detached three bedroomed dwelling.
- 1.4 The applicants have indicated as part of their application submission a willingness to enter into a section 106 agreement in-line with the criteria of the council supplementary planning document on planning obligations. A draft Heads of Terms is attached.

2. Policies

2.1 Herefordshire Unitary Development Plan

Policy S1	-	Sustainable development
Policy S2	-	Development requirements
Policy DR1	-	Design
Policy DR2	-	Land use & activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy H4	-	Main village settlement boundaries
Policy H13	-	Sustainable residential design
Policy LA2	-	Landscape character and areas least resilient to change
Policy HBA6	-	New development within conservation areas

2.2 Supplementary Planning Document – Planning Obligations

2.3 Weobley Parish Plan – Supplementary Planning Guidance

3. Planning History

- 3.1 None identified

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Advice

4.2 The Transportation Manager raises no objections recommending conditions with regards to any proposed access gates, access, turning area and parking area construction and cycle storage provision.

4.3 The Conservation Manager raises no objections.

4.4 The Children's and Young Peoples Directorate Manager raised no objections.

5. Representations

5.1 Weobley Parish Council has responded to the application with no objections to the proposed new dwelling, however, their response states that they do object to the proposed access onto the adjoining road, stating there is already considerable congestion on this stretch of road due to the traffic generated by the neighbouring High and Primary schools – concerns relating to this have been raised with the Highways Department over a number of years. The proposed access will be at the road's narrowest point and also at its apex. We might suggest that an alternative access is considered.

5.2 Three letters of objection/comment have been received from members of the public, These are from:

Miss J Hill, 13 Burtonwood, Weobley

Mr C Maurice, 86 Burtonwood, Weobley

Mr D Williams, Headteacher, Weobley High School

(The latter states he does not formally object to the proposed development)

The letters can be summarised as follows:

- Impact on public highway safety
- Concerns about congestion on adjacent public highway as a result of school drop off's and pickup.
- Impact on residential privacy and amenity

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

6. Officer's Appraisal

6.1 The key issues in respect of this application refer to:

- Public highway impact of the proposed development
- Impact on residential privacy and amenity

Public highway impact of the proposed development

6.2 The application proposes one detached three bedroomed dwelling, in accordance with Transportation specifications provision has to be made for 2 cars. The Councils Transportation Manager raises no objections, and as such it is considered that the issues of concern as raised

by Weobley Parish Council and the members of the public on highway concerns cannot be sustained in the event of an appeal.

Impact on residential privacy and amenity

- 6.3 The application proposes one detached two storey dwelling with a ground floor space of approx 54 square metres (measured externally) with an overall height of 7 metres, on a site covering approx 326 square metres. The dwelling proposed is similar in scale and design to the existing dwelling to the east.
- 6.4 Although part of the existing dwelling's curtilage is to be used for the proposed development, the existing dwelling will still retain a larger domestic curtilage than the proposed new dwelling.
- 6.5 The gable elevation faces towards the rear of a terrace of 5 dwelling's alongside the western side of the site. No windows are proposed for this elevation and the proposed dwelling is situated 15 metres from those houses.
- 6.6 The proposed dwelling and the existing dwelling within whose curtilage the proposed development is to be situated are 6 metres apart from one another, whilst the new house lies 15 metres from the garden of Number 87 Burtonwood.
- 6.7 It is considered that the proposed development will sit comfortably within the site, the scale and the design and layout of the existing Burton Wood residential area. The dwelling within whose curtilage the development is proposed has a larger than average domestic curtilage, in consideration of all surrounding dwellings.
- 6.8 Subject to the conditions set out below, in respect of boundary fencing and no windows in the western gable elevation, the proposed development will have no unreasonably detrimental impact on the amenity and privacy of surrounding dwellings.

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, enhanced educational facilities, recreational space/sports provision to comply with Policy DR3 of 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 F15 (No windows in side elevation of extension)

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

5 G02 (Retention of trees and hedgerows)

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan.

6 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.

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 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.

9 H29 (Secure covered cycle parking provision)

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

INFORMATIVES:

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

Decision:

Notes:
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Background Papers

Internal departmental consultation replies.

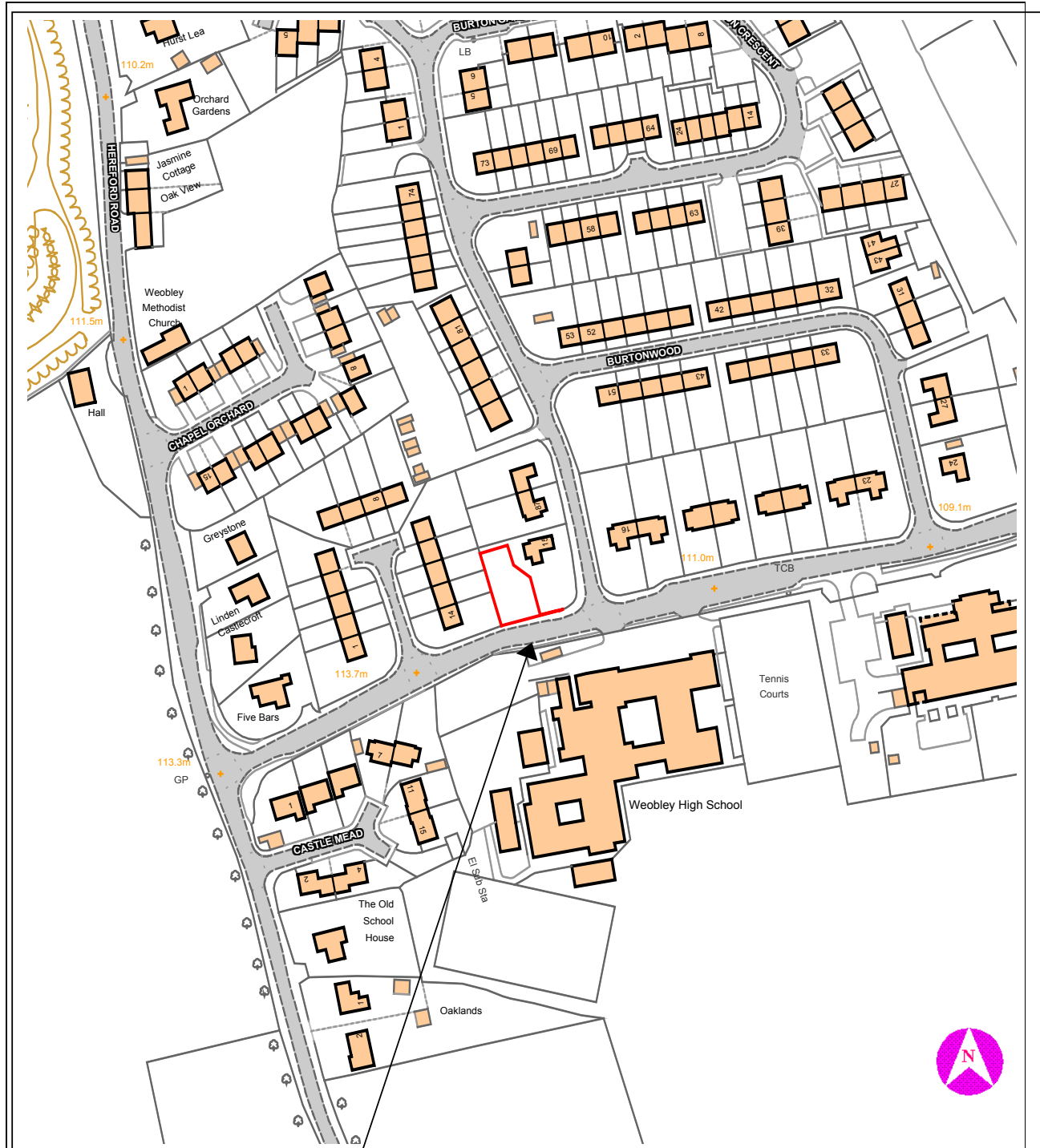
DRAFT HEADS OF TERMS
Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990

Planning Application – NW2009/1365/F

Proposed erection of three-bedroomed detached house and formation of new vehicular access within cartilage of 15 Burton Wood, Weobley, Herefordshire, HR4 8SU.

1. The developer covenants with Herefordshire Council to pay £317.00 towards the cost of new or enhancement of existing open space, and recreation facilities in lieu of such facilities being provided on site to be used in the locality of the development or other location as may be agreed in writing with Herefordshire Council.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £2951.00 towards educational needs at Weobley Primary School and providing enhanced youth services and child care provision within the Weobley area.
3. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £3690.00 for off site highway works and improved public and sustainable transport infrastructure to serve the development (other than Section 278 works essential to facilitate the development). The monies shall be used by Herefordshire Council at its option for any or all of the following purposes: (The list is not in any order of priority)
 - a) a) Improvement to pedestrian, cycle and public transport facilities in Weobley and environs.
 - b) b) Support for Safe Routes to Schools
 - c) c) Support for sustainable transport Officers.
 - d) d) Contribution to park and ride in Hereford.
 - e) e) Support for community transport.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council £672.00 to provide towards improving community sports facilities in and around Weobley.
5. The developer covenants with Herefordshire Council to pay Herefordshire Council £198.00 to provide towards Library facilities within the surrounding locality
6. In the event that Herefordshire Council does not for any reason use the said contributions in paragraphs 1, 2, 3, 4 & 5 above for the purposes specified in the agreement within 10 years of the date of each payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
7. All of the financial contributions shall be Index linked and paid on or before commencement of the residential development unless otherwise agreed with Herefordshire Council
8. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement and an administration charge of 2% of the total contributions detailed in the Heads of Terms to be used towards the cost of monitoring and enforcing the Section 106 agreement, as required by the Supplementary Planning Document, "Planning Obligations", adopted by Herefordshire Council in April 2008.

Philip Mullineux May 15 2009



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APPLICATION NO: DCNW0009/1365/F

SCALE : 1 : 2000

SITE ADDRESS : 15 Burton Wood, Webley, Hereford, Herefordshire, HR4 8SU

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6 DCNE0009/1137/F - DEMOLITION OF VARIOUS BUILDINGS AND ERECTION OF A ONE STOREY 'GREEN' OFFICE BUILDING AND R & D FACILITY. CHANGE OF USE FROM BUILDERS YARD AND WORKSHOPS TO BUSINESS USE FACILITY (B1), LITTLE RUNDLE END, MATHON, MALVERN, WORCESTERSHIRE, WR13 5PW.

For: Mr M McCullough per Meredith Architectural Design, The M.A.D. House, 24 Montpelier Road, West Malvern, Worcestershire, WR14 4BP.

Date Received: 22 May 2009

Ward: Hope End

Grid Ref: 73564, 45777

Expiry Date: 17 July 2009

Local Members: Councillor R Mills and RV Stockton

1. Site Description and Proposal

- 1.1 The application site lies within the Parish of Mathon within the hamlet of Mathon itself. The vast majority of the site that is located immediately to the rear of the dwelling houses at 1-3 Rundlemead was formerly used as a builder's yard. The lawful use of that area was formerly determined by the issuing of a Certificate of Lawful Development on 10th January 2001.
- 1.2 Upon the site at present are a range of single storey buildings with a combined floorspace of approximately 442 square metres. A substantial part of the site is currently hardsurfaced. The land slopes gradually from north up to south.
- 1.3 The existing vehicular means of access to the site is via an existing driveway to the west of number 1 Rundlemead. It is this same access that was used by the builders yard use. Visibility to the east is good; visibility to the west is sub-standard.
- 1.4 There are two public footpaths that cross the site. The first one that is orientated in a north-south direction has historically been obstructed by one of the existing buildings erected by a previous owner. The proposal is to divert this footpath so that it follows a logical north-south route. The other footpath that crosses the site in an east-west direction would not be affected.
- 1.5 The proposal is to demolish the existing buildings upon the site, remove a substantial area of hardsurfacing and erect a single storey building to be used for business purposes. The building with a net total floorspace of some 304 square metres would be curved with its principal elevation with substantial glazing facing south. The elevations would be a mix of lime render, stone and cedar cladding. The roof would be a sedum, roof. The building has been designed to embrace sustainability principles.
- 1.6 The occupiers of the building would be proposed to be a company known as Forma Design (www.formadesign.com) who design retail spaces primarily internal displays. They are basically an office based company who on occasions may create a range of retail displays for their client's perusal. The user certainly falls within the definition of a B1 business use being "... a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, fumes, smoke, soot, ash, dust or grit."

- 1.7 Nine car parking bays are to be provided including two spaces for disabled persons. A secure cycle parking facility is shown to be provided.
- 1.8 The foul water is to be connected to a private system through number 2 Rundlemead. It is apparent that the applicant has rights to do so. Alternatively a separate on-site treatment plant could be installed.
- 1.9 Surface water is to be managed by way of a sustainable drainage system and via soakaway. It should be noted that it is proposed to substantially reduce the amount of hardsurfacing on the site and increase the amount of soft landscaping.

2. Policies

2.1 Central Government Guidance

Planning Policy Statement 1 – Delivering Sustainable Development
 Planning Policy Guidance Note 4 – Industrial and Commercial Development & Small Firms
 Planning Policy Statement 7 – Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S4	-	Employment
Policy S6	-	Transport
Policy S7	-	Natural and Historic Heritage
Policy E5	-	Safeguarding Employment Land and Buildings
Policy E8	-	Design Standards for Employment Sites
Policy E11	-	Employment in Smaller Settlements and Open Countryside
Policy LA1	-	Area of Outstanding Natural Beauty
Policy T11	-	Parking Provision

3. Planning History

- 3.1 NE2000/3252/U Certificate of lawful development for erection of building, its use as a builder's workshop and store, use of land for parking, manoeuvring and circulation of vehicles. - Granted 10.01.2001.

4. Consultation Summary

Statutory Consultations

- 4.1 Severn Trent Water has no objection to the proposed development.

Internal Council Advice

- 4.2 The Public Rights of Way Officer has no objection to the proposed development subject to the imposition of a condition.
- 4.3 Amey Consulting state: -

“Further to the additional detail submit by the applicant dated 5 August 2009, we now have an understanding of the existing drainage arrangement and the proposed drainage system. These are in the form of green roof, grasscrete, excess rainwater to be harvested in storage tank for the toilets and feed into proposed pond. We understand the improvement to the existing

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

drainage system from the proposed development and are satisfied with the proposed sustainable drainage solution.”

5. Representations

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

- The proposed development brings no benefits to this rural community;
- The proposed building is out of character with the area and lends itself to use as a dwelling;
- Sub-standard vehicular access;
- Inadequacy of local highway network;

5.2 The AONB unit do not object to the principle of the development but have made detailed comment.

5.3 The occupiers of four dwellings in the vicinity object on the following summarised grounds:

- Inappropriate design of building;
- Hazards to pedestrian and highway safety;
- An inappropriate use causing noise & disturbance; and
- Inappropriate existing foul and surface water drainage arrangements;

5.4 The Ramblers' Association do not raise objection but have provided comment.

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 vast majority of the site has a lawful use as a builders store / yard. Whilst in the past this area was used by a past occupier of 2 Rundlemead, the area can legally be used as a builder's yard / store by any person / company. In effect the site is an existing employment site, even if it is not actively used as such at the moment.

6.2 Development Plan policies safeguard existing employment sites. Clearly employment sites have economic benefits associated with them and if sustainable communities, including villages / hamlets, are to thrive it is important that they have employment facilities. It is generally inappropriate for villages / hamlets to be purely residential with no employment opportunities afforded.

6.3 Whilst the Planning Authority cannot control who any business employs, if employment facilities are provided in rural areas there is always the possibility that some of those employed are from the immediate locality.

6.4 Clearly it would be inappropriate to allow an employment related development in Mathon that was disproportionate in scale to the hamlet. However, the proposal under consideration relates to a genuinely small scale business development employing some 6 full-time staff and 4 part-time staff.

6.5 Whilst the floorspace upon the site would be less than existing, the employment opportunities would be greater.

6.6 Therefore it is considered that the principle of the development is acceptable. However, the detailed environmental impact still needs to be assessed.

Siting, Design and external appearance of the building

- 6.7 The building has been very carefully sited and orientated in such a manner that its principal facade faces away from the neighbouring dwellings to the north. The southern aspect of the principal façade allows for natural light and solar gain. Given the fact that the land rises gently to the south, to safeguard the outlook of numbers 1, 2 and 3 Rundlemead and to safeguard the visual impact within the landscape, a driving principal in the design process has been to keep the building low. Being single storey with a sedum roof it is considered that this has been achieved.
- 6.8 The proposed palette of materials is of a high quality that would integrate into the landscape.

Transportation Matters

- 6.9 The vehicular means of access exists and serves the lawful builders yard / store.
- 6.10 Whilst that part of the access driveway parallel to number 1 Rundlemead is narrow, its length is only some 46 metres prior to it widening out, Inter-visibility between the bottom of the driveway and the top is good. This means in the event of a vehicle wishing to enter the site whilst another is leaving, there should be no problems presented as one driver will see the other vehicle and wait accordingly.
- 6.11 The existing vehicular access has goods visibility in an easterly direction but visibility in the westerly direction is sub-standard. However, it is the easterly splay that is the most critical as it relates to the nearside carriageway. Given that the vehicular means of access exists and serves a site with a lawful use as a builder's yard / store, it is considered that on balance the proposal would not exacerbate the existing situation. Indeed the type of vehicle entering and leaving the site should be of a smaller scale than those normally associated with a builder's yard / store.
- 6.12 It is considered that the local highway network has sufficient capacity to cope with the traffic generated by this small-scale business unit.

Impact Upon Residential Amenity

- 6.13 It needs to be stressed that the proposed use of the premises is a B1 business use that by definition is acceptable in any residential area. A general industrial use that could create amenity problems is not proposed.
- 6.14 The proposal will generate vehicular movements along the access road and within the parking / manoeuvring areas. These will be limited in number and would not create an undue problem by way of noise and disturbance to the occupiers of adjoining residential properties.

Drainage Issues

- 6.15 It is understood that the applicant has rights to connect and discharge via the existing drain through number 2 Rundlemead. The applicant will need to resolve the precise nature of this drainage system and its adequacy. If it were found not to be suitable an alternative foul sewage disposal system would be feasible. This matter would be dealt with under Building Regulations.
- 6.16 The existing site has no genuine surface water drainage arrangements. The proposal results in less building and less hardstanding. Furthermore the proposed surface water drainage arrangements are acceptable to the Building Regulations Section and Amey Consulting. As a consequence the proposal would represent an improvement over the existing scenario.

Landscaping

- 6.17 The removal of a substantial amount of existing hardsurfacing and building floorspace from the site, affords the opportunity to secure extensive landscaping. This would provide screening of the site from the residential properties to the north and provide a quality setting to the proposed building. Indeed in terms of the wider landscape, it is considered that the proposed development would enhance the landscape.

Other Issues

- 6.18 No street lighting is proposed.

Summary

- 6.19 In conclusion, the proposal involves the re-development of an existing commercial site with another small-scale form of development that would afford greater employment opportunities. This would assist in creating a genuinely sustainable rural community. The detail of the proposal would be of a high quality and would enhance the appearance of the site.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 A01 (Time limit for commencement (full permission)) – 12 months**

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:-**

- A written schedule and samples of all external materials to be used in the construction of the building

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

Reason: To ensure a satisfactory appearance to the development.

- 3 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 density of planting.**

Reason: To ensure that the development hereby permitted is satisfactorily integrated into the landscape.

- 4 All planting, seeding and turfing in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building hereby permitted or the completion of the development (whichever is the sooner). Any trees or plants which within a period of five years from the 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 landscape.

- 5 No development shall begin until an Order has been confirmed to allow the existing public footpath crossing the site (MA18) to be diverted.**

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

- 6 No external lighting shall be installed on the site (including upon the building) without the prior written consent of the Local Planning Authority.**

Reason: To ensure that the character and appearance of the landscape is not compromised by light pollution.

- 7 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 use of the building hereby permitted and thereafter maintained as such.**

Reason: To secure boundary treatments/means of enclosure appropriate in appearance to this rural area.

- 8 Prior to the first use of the building hereby permitted all of the existing on-site buildings shown upon the approved plans to be demolished shall be demolished and all resultant materials removed from the site.**

Reason: To safeguard the character and appearance of the locality.

- 9 Prior to the first use of the building hereby permitted the vehicular means of access, car parking, turning / manoeuvring area(s) for vehicles and cycle parking shall be fully implemented. Thereafter these areas shall be kept available for such use.**

Reason: In the interests of highway safety and to encourage use of modes of transport other than the private motor vehicle.

- 10 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 development normally permitted by Class B, Part 2, Schedule 2, Article 3 shall be carried out without the express consent of the Local Planning Authority.**

Reason: To ensure that the use of the entirety of the building is restricted to a business use (i.e. B1 use as defined in the Town and Country Planning Use Classes Order 1987 as amended), to safeguard the amenities of the occupiers of neighbouring dwellings and in the interests of highway safety.

- 11 No deliveries shall be taken at or despatched from the site outside the hours of:**

- 0.800 hours to 18.00 hours Mondays to Fridays
- 08.00 hours to 13.00 hours Saturdays

nor at any time on Sundays, Bank or Public Holidays

Reason: To safeguard the amenities of the occupiers of numbers 1-3 Rundlemead (inclusive).

INFORMATIVES:

1 Because development works, in particular demolition of An existing structure, will endanger members of the public using public footpath MA18, a temporary closure order must be applied for from the Public rights of way Manager, Herefordshire council, Queenswood Country Park, Dinmore Hill, Leominster HR6 0PY (Tel:- 01432-260572), at least 6 weeks in advance of work starting.

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

For the avoidance of any doubt the plans to which this decision relates are:

- Application Site Plan (Scale 1:1250) received 20 May 2009;
- Topographical Survey of Existing - Drawing number MSM0697A Rev. C (Scale 1:200) received 21 April 2009;
- Plan of Existing Arrangements / Current Finishes - Drawing number MSM0697B Rev. DC received 21 April 2009;
- Site of Proposed Arrangement / Layout - Drawing number MSM0697C Rev. D received 6 August 2009;
- Proposed Floor Plan - Drawing number MSM0697D Rev. C received 20 May 2009;
- Sections and Plan for Layout Proposal - drawing number MSM0697H Rev. C received 21 April 2009;
- Elevations - Drawing number MSM0697F Rev. C received 21 April 2009;
- Perspective views - Drawing number MSM0697E Rev. c received 21 April 2009;
- Elevation Sections in Landscape - drawing number MSM0697G Rev. C received 21 April 2009.

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

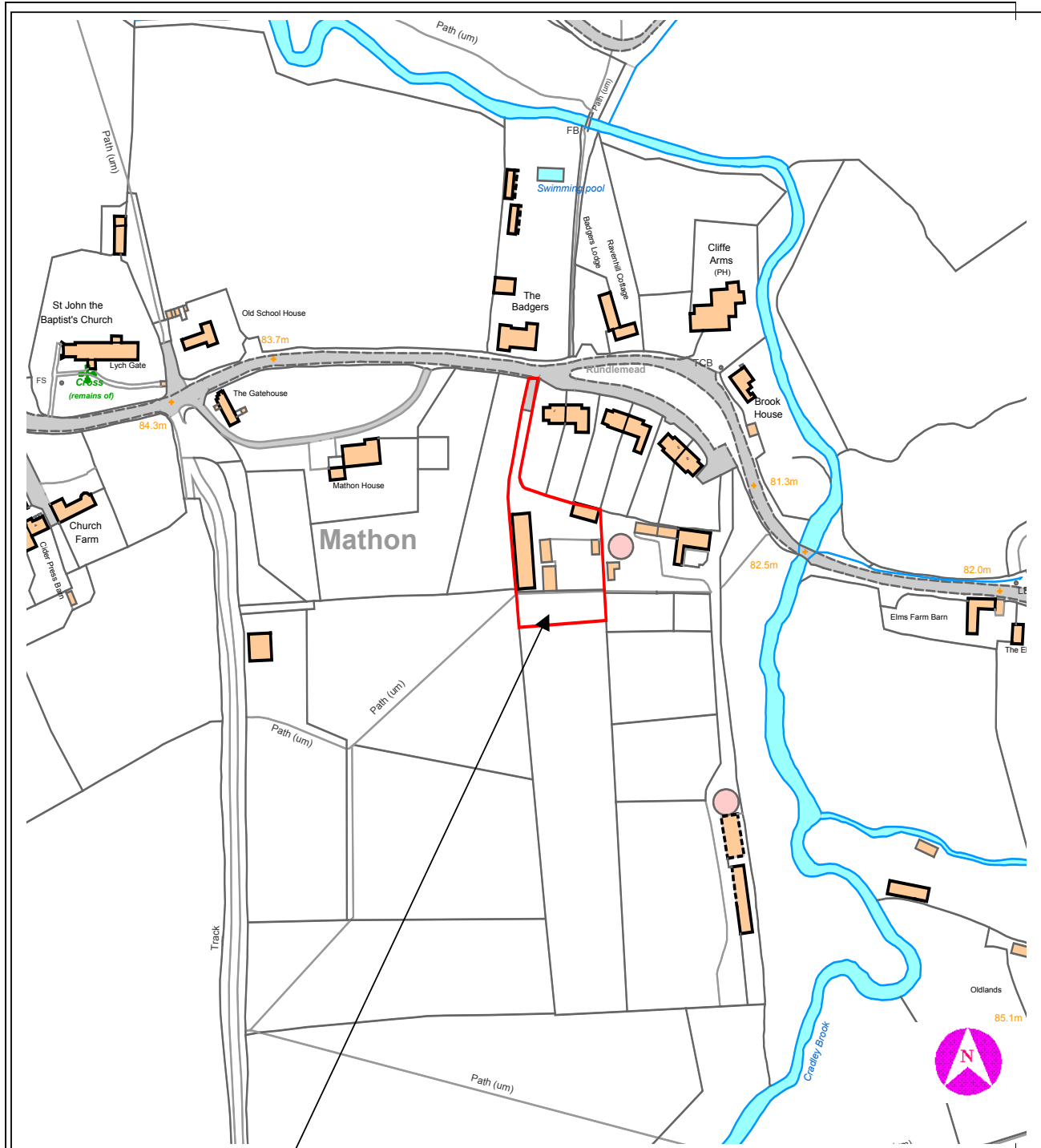
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE0009/1137/F

SCALE : 1 : 2500

SITE ADDRESS : Little Rundle End, Mathon, Malvern, Herefordshire, WR13 5PW

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**7A DCNE0009/1088/F & DCNE0009/1089/L - CONVERSION OF REDUNDANT UPPER FLOOR ACCOMMODATION TO & CREATE TWO SELF CONTAINED RESIDENTIAL DWELLING APARTMENTS, WITH ASSOCIATED EXTERNAL STAIRCASE
7B ACCESS AND BALCONY. ALTERATIONS AND RE-ORDERING TO EXISTING UPPER FLOOR RESIDENTIAL ACCOMMODATION FRONTING ONTO HIGH STREET ABOVE BANK PREMISES. 4 HIGH STREET, LEDBURY, HEREFORDSHIRE, HR8 1DY.**

For: Languard Properties Limited per Hook Mason Ltd, 41 Widemarsh Street, Hereford, HR1 2ZB.

Date Received: 18 May 2009

Ward: Ledbury

Grid Ref: 71142, 37693

Expiry Date: 13 July 2009

Local Member: Councillors ME Cooper, PJ Watts & JK Swinburne.

1. Site Description and Proposal

- 1.1 This report relates to concurrent applications, one for planning permission and one for listed building consent.
- 1.2 The application site relates to 4 High Street. Ledbury. The building is a seventeenth century grade 2 listed. It would originally have been a house that was refronted in the eighteenth century. The frontage was again re-fronted with stone in the early twentieth century. It has a particularly interesting staircase. The brickwork within the roof space is of interest and there are some particularly interesting trusses that clearly date from an earlier period and probably have been reused.
- 1.3 The building is three storeys with a deep three storey nineteenth century rearward projection. That rearward "warehouse" projection has a high quality roof structure.
- 1.4 To the south of this rearward projection immediately adjacent to the site is a dwelling known as 'The Long House'. To the north of the site is the Burgage Hall.
- 1.5 The ground floor of the premises is still used as a bank. A single three bedroomed maisonette (Unit 1) exists above the bank over two floors.
- 1.6 The proposal under consideration is to create two two-bedroomed flats on the first and second floors of the rearward projection. This would involve both internal and external alterations to the building. The proposed alteration of significance is a staircase and balconies to the eastern rear gable end elevation. The balconies would only project some 1.2 metres from the rear elevation. It is proposed to provide an etched glazed screen to the southern sides of both balconies.
- 1.7 To the rear of the building a limited amenity space would be provided together with provision for four cars to park and manoeuvre. Access to this parking area would be from the rear (east) via an area known as 'Old Tannery Yard'. This area is already partially surfaced and has been used

for the parking of motor vehicles for some time. Indeed this area can currently be used as parking incidental to the lawful use of the site.

2. Policies

2.1 National Planning Guidance

Planning Policy Statement 1	– ‘Delivering Sustainable Development’
Planning Policy Statement 6	– ‘Town Centres’
Planning Policy Guidance Note 13	– ‘Transport’
Planning Policy Guidance Note 15	– ‘Planning and the Historic Environment’

2.2 Herefordshire Unitary Development Plan 2007

S1	–	Sustainable development	
S2	–	Development requirements	
S3	–	Housing	
S5	–	Town centres and retail	
S6	–	Transport	
S7	–	Natural and historic heritage	
TCR2	–	Vitality and viability	
H1	–	Hereford and the market towns: settlement boundaries and residential areas	established
H13	–	Sustainable Residential Design	
H14	–	Re-using previously developed land and buildings	
H18	–	Alterations and extensions	
HBA1	–	Alterations and extensions to listed buildings	
HBA3	–	Change of use of listed buildings	
HBA6	–	New development within conservation areas	

3. Planning History

3.1 None of direct relevance

4. Consultation Summary

Statutory Consultations

4.1 The Society for the Protection of Ancient Buildings has not objected.

4.2 English Heritage has not objected.

Internal Council Advice

4.3 The Conservation Section is satisfied with the proposals that have been the subject of extensive discussions. They welcome the restoration of this important historic building. They make the point that securing a viable use for of the entire building should assist in securing its long-term conservation.

5. Representations

5.1 Ledbury Town Council wish to see the applications approved.

5.2 The occupiers of the neighbouring residential dwelling known as 'The Long House' object on the following summarised grounds:-

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

- Loss of privacy to the kitchen windows at 'The Long House';
- Loss of light to windows in northern elevation of 'The Long House';
- Lack of space for pedestrians to enter and leave the site;
- Noise and disturbance arising from manoeuvring motor vehicles;
- Potential damage to adjoining listed buildings;
- Adverse impact of parking area upon setting of listed buildings;
- The existing entrance gates should be removed to prevent noise and disturbance from idling engines; and
- The proposal would be better if a single new dwelling were proposed.

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 site lies within Ledbury in a highly sustainable Town Centre location. Indeed the location is such that reliance upon the use of the private motor vehicle should be limited. Development Plan policies allow for new residential development in Ledbury.
- 6.2 It needs to be recognised that from a strategic point of view, ultimately the more dwellings allowed within the boundaries of existing towns means that less land needs to be released from the open countryside in the longer term. Generally the need for additional housing arises from the growth in the number of households rather than the population itself. Government advice and planning policies encourage making the most efficient use of land and buildings by maximising densities. As a consequence the provision of two two-bedroomed units rather than a single larger unit is welcomed.
- 6.3 A further benefit of the proposed development is that it would secure a viable and active use of the rear "warehouse" element of the listed building. Securing active uses throughout listed buildings is the best way to attempt to secure their future maintenance and retention.
- 6.4 The detail of the conversion itself is considered to safeguard the special character of the listed building.
- 6.5 It is desirable for each dwelling to have an outdoor space. The proposed balconies would provide such outdoor space. Both balconies have a depth of approximately 1.2 metres. However, the balcony at first floor level is wider. The residents of 'The Long House' expressed concern with regard the originally deposited plans, that persons standing on these balconies would unduly overlook the first floor kitchen windows of 'The Long House'. The case officer shared their view and following an on-site meeting secured amended plans that provide an etched glass screen to the southern flank elevations of these balconies. The first of these screens at first floor level would be some 2.8 metres from 'The Long House' whilst the second screen at second floor level would be some 4 metres distant. These etched screens would extend well above eye level. Appropriately etched glass will safeguard privacy and would not result in any loss of light. I am recommending a condition to control the precise glazing
- 6.6 Whilst the history of the site may not be entirely clear, it appears that the area to the rear of the property has been used for the parking of motor vehicles by the bank staff and/or the occupiers of the dwelling above the bank for some time. Whilst the objectors are correct that the current owners have top-dressed this area in the last year, photographic evidence suggests that prior to that the land was a mix of concrete hardstanding and overgrown scrub vegetation. Indeed it is understood that there have been vehicular access rights to this area since the 1950's which

suggests that it has been used for the parking and manoeuvring of vehicles for a considerable period of time.

- 6.7 The proposed parking provision of four spaces, comprising two spaces for retained flat 1 and one space for each of the new flats is considered to be satisfactory in this town centre location. The manoeuvring area meets the requisite standards. The manoeuvring area is such that damage to adjoining buildings should not occur. However, if an accident were to occur that would be a private matter, presumably dealt with by the parties' insurance companies.
- 6.8 The precise surfacing material for this area needs to be controlled by condition as its appearance needs to be controlled. Clearly the surfacing material would need to safeguard the setting of the adjoining listed buildings and the character and appearance of the conservation area.
- 6.9 To remove the existing gates would in my view be a retrograde step as the character of these plots is as physically enclosed spaces.
- 6.10 The area for pedestrians to access the site would be tight if all cars are parked. However, this is not considered a sufficient reason to refuse the application.
- 6.11 It is not considered that there would be an undue level of noise and disturbance arising from manoeuvring vehicles.
- 6.12 In summary the proposal would provide two additional dwellings for small households in Ledbury. It would secure the re-use of the entirety of a listed building assisting in its future retention and make a positive contribution to the viability and vitality of the Town Centre. The detail of the proposal is also considered to be acceptable subject to conditions.

RECOMMENDATION

A) That Planning Permission (DCNE0009/1088/F) be GRANTED subject to the following conditions:

1 A01 (Time limit for commencement (full permission)) – 12 months

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 of the materials to be used to surface the car parking and manoeuvring areas together with surface water drainage arrangements if an impermeable surface is proposed;**
- **A sample of the etched glass to be used in the glazed screen on the southern elevations of the balconies;**
- **Written details and samples of all external materials;**
- **Large scale drawings of all internal and external joinery together with written details as to their finishes;**
- **Written details of all rainwater goods;**
- **The location and design of cycle parking facilities**

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

Reasons:

- 1) To ensure that the special character and appearance of the listed building is conserved;
 - 2) To safeguard the character and appearance of the Conservation area;
 - 3) To safeguard the setting of the listed building;
 - 4) To ensure adequate cycle parking provision;
 - 5) To ensure that the glazing is sufficiently etched to safeguard the privacy of the occupiers of the dwelling known as 'The Long House'.
- 3 Prior to the first occupation of any of the dwellings hereby permitted the approved car parking areas, turning manoeuvring area(s) and cycle parking provision shall be fully implemented. Thereafter these areas shall be maintained and kept available for such use.

Reasons: To ensure satisfactory vehicle and cycle parking facilities.

- 4 Prior to the first occupation of any of the dwellings hereby permitted the balconies shall be provided with the etched glazed screens as detailed upon the approved plans. Thereafter these glazed screens shall remain in-situ and be maintained to the satisfaction of the Local Planning Authority.

Reason: To safeguard the privacy of the occupiers of the dwelling house to the south known as 'The Long House'.

INFORMATIVES:

- 1 N15 - Reasons for the Grant of Planning Permission
- 2 N19 - Avoidance of doubt - Approved Plans

B) That Listed Building Consent (DCNE0009/1089/L) be GRANTED subject to the following conditions:

- 1 B01 (Time limit for commencement (Listed Building Consent))
- 2 Prior to commencement of the works 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;
- Large scale drawings of all internal and external joinery together with written details as to their finishes;
- Written details of all rainwater goods

The works shall not commence until the Local Planning Authority has given such written approval. The works shall be carried out in strict accordance with the approved plans.

Reason: To ensure that the special character and appearance of the listed building is conserved.

INFORMATIVES:

- 1 N15 - Reasons for the Grant of Listed Building Consent
- 2 N19 - Avoidance of doubt - Approved Plans

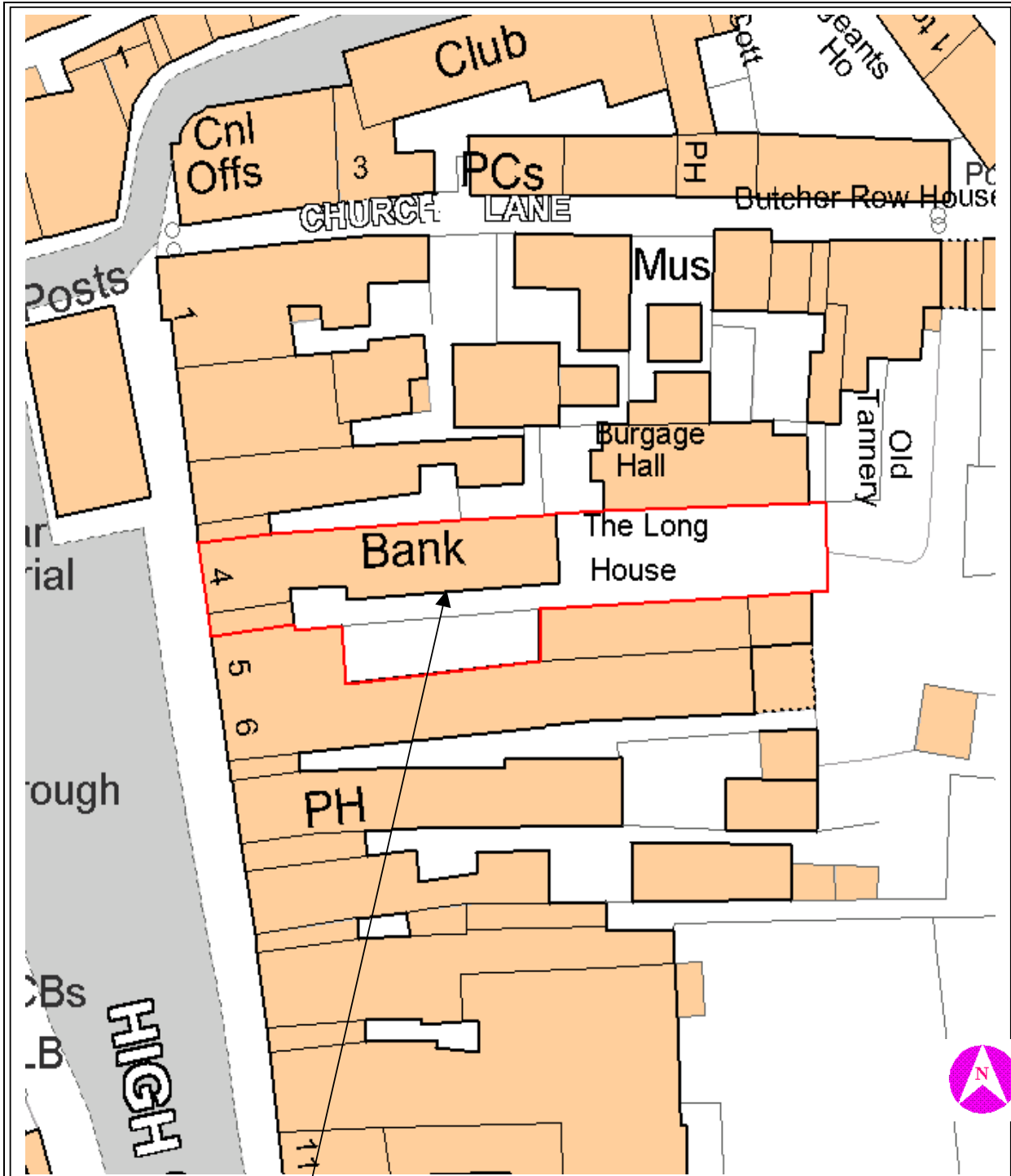
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE0009/1088/F

SCALE : 1 : 500

SITE ADDRESS : 4 High Street, Ledbury, Herefordshire, HR8 1DY

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8 DCNC2009/0872/F - CHANGE OF USE FROM RESIDENTIAL TO C3 CARE HOME. BUCKFIELD HOUSE, BARONS CROSS ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8QX.

For: Inspiration Care Ltd per GC Smith Build Plans Inc. 3, Summer Hollow, Broadmore Green, Rushwick, Worcester, WR2 5TE.

Date Received: 20 April 2009

Ward: Leominster North Grid Ref: 48687, 58972

Expiry Date: 15 June 2009

Local Members: Councillors JP French and P Jones CBE

1. Site Description and Proposal

- 1.1 The application site lies on the northern side of Barons Cross Road within the Conservation Area. Buckfield House is a large nineteenth century house set back some considerable distance from the road. Within its grounds are a number of mature trees that are protected, including a marvellous cedar tree on the road frontage. The total site area is approximately 0.4 hectare.
- 1.2 A private drive off Barons crossroad serves the property. However, also served off that private drive is a detached house known as 'The Cedars'. The spurred drive to that property is set in some 9.5 metres into the site. The driveway to 'Buckfield House' itself raises initially, then winds to the right and then left before reaching the house. At present there is sufficient space to park some five cars upon the site.
- 1.3 Along the northern boundary of the site is a tall coniferous hedge.
- 1.4 To the north of the site are houses that front 'Woodfen Crescent', whilst to the west are dwellings that front 'Buckfield Road'. Two other dwellings along 'Barons Cross Road' (i.e. 'Tree Tops' and 'Tall Pines') abut the site.
- 1.5 More significant is the fact that to the east and physically attached to 'Buckfield House' is 'Buckfield Keep', another dwellinghouse. It is assumed that this was originally the servants' quarters. The boundary between these houses has a stone wall. To the front the wall has an initial height of some 1.8 metres before dropping to 1.4 metres, whilst to the rear the wall is some 1.4 metres high.
- 1.6 The proposal is to change the use of the property from a single family dwellinghouse to a residential institution (Use Class C2 of the Use Classes Order). Specifically it is proposed that five adults, over seventeen years of age, with learning difficulties reside in the house. The occupiers of the house would be supported by trained carers. Over a 24-hour period there would be two shifts. The daytime shift (7.30am - 7.30pm) would be staffed by five carers providing a staff / resident ratio of 1:1. These staff could generate 10 vehicle movements arriving to and departing from work. However, some may live locally and use other modes of transport or car share. The night-time shift (7.30pm - 7.30am) would be staffed by two members of staff, one would be awake whilst the other sleeps. These staff are likely to generate 4 vehicle movements arriving to and departing from work. In addition to the above, each resident may attract one visitor per week whilst other professionals would also visit the site (say 4 vehicle movements a day). It is envisaged that each resident will spend the days either undertaking education /

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

training and / or at a work placement. Until one knows the precise location of these activities one is not able to predict the mode of travel and the number of vehicle movements. Nevertheless, at this stage it would be fair to assume that the property would attract between 20-30 vehicle movements a day.

- 1.7` There are no extensions or external alterations proposed to the property. Indeed alterations to facilitate the change of use are limited to internal alterations. Given that the building is not listed, these works do not require consent.

2. Policies

2.1 Central Government advice

Planning Policy Statement 1 - 'Delivering Sustainable development'
Planning Policy Guidance Note 13 'Transport'
Planning Policy Guidance Note 15 'Planning and the Historic Environment'

2.2 Herefordshire Unitary Development Plan 2007

S1	-	Sustainable Development
S6	-	Transport
S7	-	Natural and historic heritage
T11	-	Parking Provision
DR2	-	Land use and activity
DR13	-	Noise
HBA6	-	New development within conservation areas
CF7	-	Residential and care homes

3. Planning History

- 3.1 None relevant

4. Consultation Summary

Statutory Consultations

- 4.1 None applicable

Internal Council advice

- 4.2 The Environmental Health Section has made detailed comment that is reflected in the appraisal and conditions below.
- 4.3 The Transportation Section has made detailed comment that is reflected in the appraisal and conditions below.

5. Representations

- 5.1 The Special Interest Research group support the application. They stress the need for such accommodation and the professionalism of the applicants.
- 5.2 Herefordshire Headway supports the application. They stress the need for such accommodation and the professionalism of the applicants.

- 5.3 The Leominster Town Council recommend approval of the application. However, they stress the need for adequate sound proofing between the party wall and that any issues with regard foul drainage are resolved.
- 5.4 The occupiers of three dwellings in the immediate vicinity object on the following summarised grounds:-
- a neighbouring resident has dealings with clients from this organisation based at another Leominster residence. It is stated that approval of this planning application would mean that any future involvement through work would be complicated by the fact that they know where she lives, have easy access and the potential dangers that this would entail. It is claimed that she would be constantly afraid for her own and her children's safety;
 - concern as to adequacy of the safety of the vehicular means of access;
 - the development would devalue neighbouring properties;
 - the adequacy of the foul drainage arrangements;
 - noise to the occupiers of 'Buckfield Keep'- both within their house and garden. This noise would not only be generated by the use itself but also manoeuvring vehicles;
 - noise from Discos;
 - the use should be out-of-town;
 - a separate access should be created;
 - the works would degrade the fabric of the original building; and
 - three letters specifically stating that they have no objections have been received from local residents.
- 5.5 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 The application site lies within the built-up confines of Leominster. There is no evidence that this facility is not needed. The site is well located in terms of its proximity to the Town Centre, facilities and amenities / services. Furthermore Barons Cross Road is relatively well served by public transport. As such, the site is considered to be in a sustainable location readily accessible by a choice of modes of transport. Those residing, working or visiting the site may not be totally dependant on the use of the private motor vehicle. As such the proposal is considered to comply with policy CF7 (2) of the Herefordshire Unitary Development Plan 2007.
- 6.2 The garden / amenity space associated with the property is extremely generous and considered to be of a more than commensurate size with the number of residents, staff and visitors. As such, the proposal is considered to comply with policy CF7 (1) of the Herefordshire Unitary Development Plan 2007.
- 6.3 The existing vehicular means of access itself has good visibility in both directions and is considered to be safe.

- 6.4 It is considered that the primary issue to be addressed is that of noise and general disturbance.
- 6.5 The party wall between 'Buckfield House' and 'Buckfield Keep' has good noise insulation properties other than in one location. That location is the former doorway on the half-landing of the rear (former servants) stairway of 'Buckfield House' which is presently filled with a stud partition wall. However, this matter can be satisfactorily overcome by way of a condition requiring appropriate noise insulation measures. For example the stud partition could be removed and replaced with a double brick partition, plastered on both sides. This matter would also need to be addressed through the Building Regulations process.
- 6.6 The garden area is of such a scale that it is considered to be of a scale commensurate to the proposed use. The primary garden area being to the side (west) means that the area to the north (adjoining 'Buckfield Keep') is unlikely to be intensively used. It is not considered that the occupiers of neighbouring dwellings would suffer an undue loss of amenity in their houses and / or rear garden areas by reason of noise and general disturbance from the use of the garden area of 'Buckfield House'.
- 6.7 With regard to the issue of loud music referred to by some objecting local residents. Such a matter can satisfactorily be controlled via the Environmental Protection Act if a nuisance arises.
- 6.8 In terms of the vehicular means of access, there is no doubt that there would be a substantial increase in the number of motor vehicles using the driveway. However, given the separation distance from this driveway and the rear private garden and habitable rooms of 'The Cedars', it is considered that the occupiers of that dwelling would not suffer an undue loss of amenity by reason of noise and general disturbance of manoeuvring vehicles within their house and / or private rear garden area. It must be recognised that there is background noise at these properties from the traffic using Barons Cross Road itself.
- 6.9 The creation of a separate new access is not feasible without unduly impacting upon a tree or trees that are protected.
- 6.10 With regard to the issue of foul drainage, the proposal is to utilise the mains drain. It is understood that there is a recently laid 10 inch pipe through 'Buckfield Keep' that could be utilised. Otherwise an alternative direct connection to the mains sewer could be made. This matter would be addressed by the Building Control Section through the requisite Building Regulations process. The Building Control Section always liaise with the Sewage Undertaker who also ensure that any necessary connection works are undertaken by an approved contractor.
- 6.11 It is considered that the proposal preserves the character and appearance of the Conservation Area.
- 6.12 Matters of property values are not a material planning consideration.
- 6.13 The fear of crime expressed by one specific local resident does not arise from the development itself but from their own personal circumstances.
- 6.14 Whilst it is appreciated that the alterations to the first floor of the building may detract from its original plan form and character, 'Buckfield House' is not listed and as such these internal works do not in themselves require any form of consent.
- 6.15 I therefore recommend 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 The use of the property hereby permitted shall be restricted to a maximum of five residents at any one time.

Reason: To ensure that the use is not so intense so as to create an undue loss of amenity by way of noise and general disturbance to the occupiers of neighbouring dwelling houses.

3 Prior to commencement of the development hereby permitted a scheme of noise attenuating measures for the former doorway on the half-leading of the rear (former servants) stairway of 'Buckfield House' which is presently filled with a stud partition wall shall be submitted to the Local Planning Authority for their written approval. The development shall not commence until the Local Planning Authority has given such written approval. The approved noise attenuation measures shall be fully implemented prior to the first use of the premises for the purposes hereby approved and shall thereafter be maintained as such.

Reason: To ensure that the occupiers of 'Buckfield Keep' do not suffer an undue loss of amenity by way of noise within their property.

4 Prior to commencement of the development hereby permitted a metric scaled plan detailing the provision of eight on-site car parking spaces together with on-site turning / manoeuvring areas such that motor vehicles can enter and exit the site in a forward direction shall be submitted to the Local Planning Authority for their written approval. The development shall not commence until the Local Planning Authority has given such written approval. The approved car parking, turning / manoeuvring areas shall be fully implemented prior to the first use of the premises for the purposes hereby approved and shall thereafter be maintained and kept available for the parking, turning / manoeuvring of motor vehicles.

Reason: To ensure satisfactory on-site vehicle parking provision, in the interests of highway safety.

5 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.

6 H30 (Travel plans)

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

INFORMATIVES

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

- 1 N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 Any additional hardsurfacing required by virtue of condition 4 above should be permeable.
- 3 N19 - Avoidance of doubt - Approved Plans

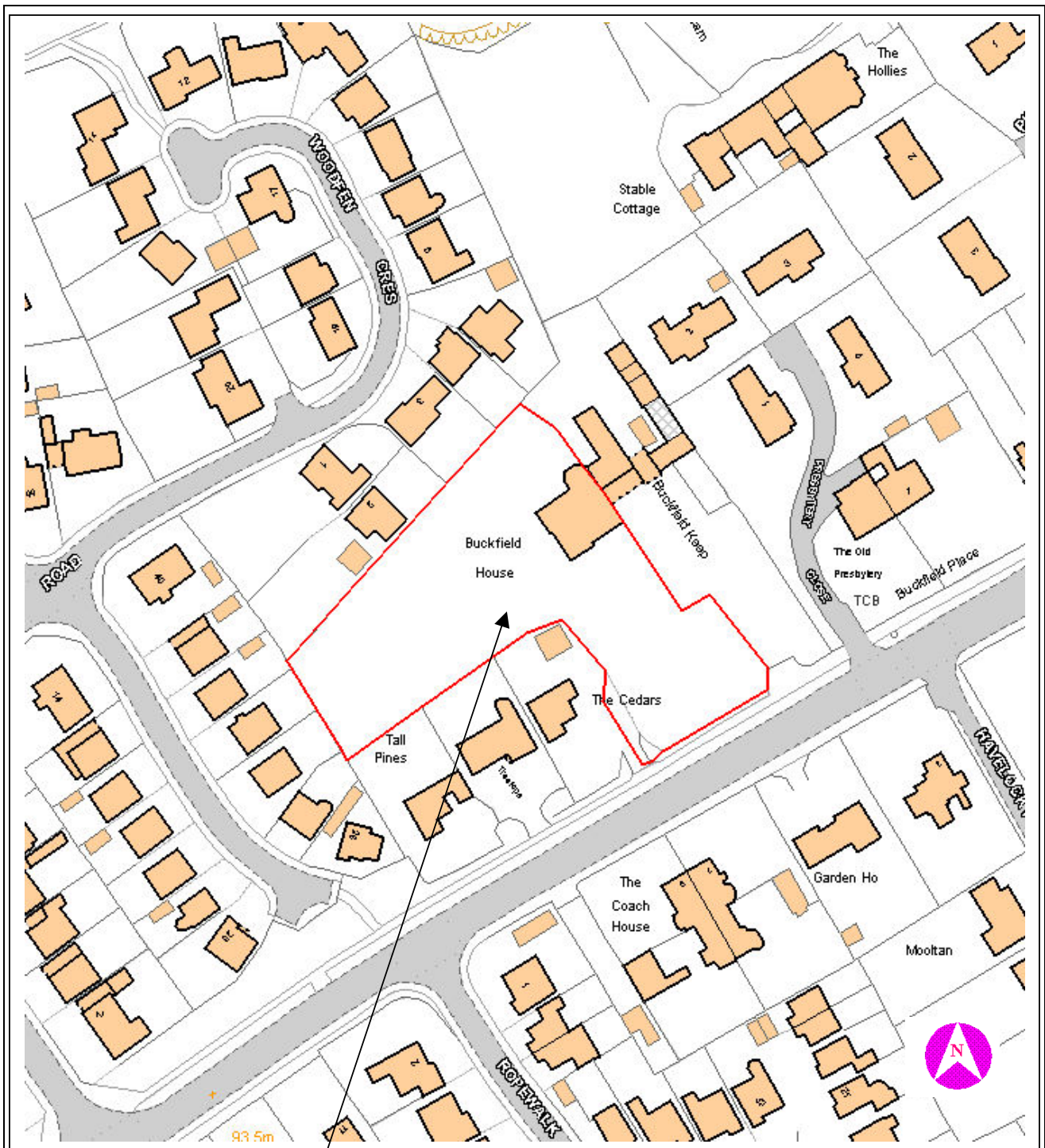
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2009/0872/F

SCALE : 1 : 1250

SITE ADDRESS : Buckfield House, Barons Cross Road, Leominster, Herefordshire, HR6 8QX

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9 DCNE0009/1213/F - PROPOSED CHANGE OF USE TO A DWELLING. 16 NEW MILLS COMMUNITY CENTRE, FROME BROOK ROAD, LEDBURY, HEREFORDSHIRE, HR8 2FH.

For: ZZZZ (UK) Limited per Mr S Firkins SF Planning Limited, 38 Pilley Lane, Leckhampton, Cheltenham, GL53 9ER.

Date Received: 4 June 2009 Ward: Ledbury Grid Ref: 70420, 38291

Expiry Date: 30 July 2009

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

1. Site Description and Proposal

- 1.1 The application site, accessed from Frome Brook road, is located on an established residential estate in Ledbury.
- 1.2 The application site is a community hall with associated curtilage area to the front and rear, which is adjoined by existing residential properties.
- 1.3 The proposal is for the change of use of a community hall to a residential property.

2. Policies

2.1 Herefordshire Unitary Development Plan:

- DR1 – Design
- DR2 – Land use and activity
- H1 – Hereford and the market towns settlement boundaries and established residential areas
- H13 – Sustainable residential design
- H14 – Re-using previously developed land and buildings
- H16 – Car parking
- CF5 – Retention of existing community facilities

3. Planning History

- 3.1 DCNE2001/2396/F – The erection of 17 number single storey dwelling, shop unit and community room – approved with conditions 2002.

MH/320/89 – Residential Development, Industrial Development, ancillary roads, sewers, open space, and landscaping – approved on appeal 1990.

4. Consultation Summary

Internal Council Advice

- 4.1 The Council's Highways department makes no objection to the proposal.
- 4.2 The Council's Senior Legal Executive raises no objection to the proposal.

5. Representations

5.1 The Parish Council objects to the proposal on the following the grounds:

- The land was not designated for housing and refers to a Malvern Hills District Council Planning Obligation Deed of Agreement dated 1996 where the land is reserved for community uses.
- Considers the property has not been used or run properly as a community resource but rather as a private business

5.2 Ledbury & District Civic Society reiterates that the provision of a community facility was a condition of the original permission of the New Mills housing estate. Questions over the adequacy of the marketing and rental rates have been asked.

5.3 One representation has been received from a local resident, Mr J Jamfrey, 14 Frome Brook Road, Ledbury, HR8 2FH, this makes no objection to the proposal but requests that unrestricted access rights for the maintenance of their property, which adjoin the application, are maintained.

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 proposal follows pre-application discussions with the Local Planning Authority in which the required marketing evidence and proposed alternative uses were discussed.

History

6.2 The community hall was part of the original requirements of the New Mills masterplan, which included houses, shops and facilities and open space provision.

6.3 This overall scheme was approved in planning permission NE01/2396/F, and the community hall and shop were provided within this. The inadequacy of and lack of demand for a community shop led to the change of use from shop to residential unit which was approved in 2004 (NE04/0656/F).

6.4 The community hall has principally been occupied by 'Mucky Pups' nursery, who occupied the property until approximately 18 months ago, whereby they relocated within Ledbury. The nursery paid an annual rent of £6,000 and it was at this rental price that the property has been marketed.

6.5 The 1996 Section 106 agreement placed upon this land, known as Area 15 in the original Masterplan, contained a clause protecting the use of the community centre for appropriate community purposes unless after a specified period connected to the transfer of Social Housing land, the centre was not transferred to the Council or another agreed nominee. If the transfer did not occur then the land and community facilities could with appropriate planning permission be used for another use, including general housing.

6.6 The transfer did not take place and the time period for this to occur expired in November 2008.

- 6.7 The Council's Senior Legal Executive confirms the requirements of the 1996 Section 106 agreement have been complied with and the application is compliant with the clauses contained in it.

Marketing

- 6.5 The estate agents have confirmed that three expressions of interest in the property were made, and were:
- Proposed takeaway
 - Proposed dance studio
 - Proposed Church
- 6.6 The LPA was approached by the person(s) interested in the proposed takeaway and dance studio proposals.
- 6.7 The takeaway proposal was rejected primarily on amenity grounds.
- 6.8 The proposed dance use required an extension to the rear. This was considered unacceptable by Officers due to the resultant impact of such an extension on adjoining residential properties in regards amenity and massing.
- 6.9 In addition the property has been marketed for functions such as parties and events such as bridge nights. There has been limited interest in the use of the hall for these range of functions. In the main this is considered to be due to the range of conference and meeting type facilities available in Ledbury, which includes public houses, many of which have function rooms.

Recommendation

- 6.10 The UDP seeks to retain community facilities wherever possible. Policy CF6 outlines the situations where facilities can be converted to alternative uses. It is considered, as with the shop situation adjacent, which was converted to residential use in 2004, that alternative facilities of at least equal benefit exist in reasonable proximity to the location.
- 6.11 The marketing evidence supplied demonstrates that there is no need for this facility in this location, or at least the facility is of an inadequate size and scale to accommodate potential community uses. An appropriate marketing activity at an appropriate rental price has been carried out on this property with no success.
- 6.12 The change of use to residential is compatible with and complements the adjoining residential properties, which in this frontage are also bungalows.
- 6.13 The property has a residential appearance although no external alterations are proposed except for amendments to the existing rear windows, and new external doors.
- 6.14 The removal of permitted development rights ensures the amenity of the immediately adjacent properties are protected.
- 6.15 Given the applicant's intention to commence development within 1 year, no Section 106 agreement contribution is payable, however this position is subject to the appropriate condition outlined in the recommendation.

RECOMMENDATION

That planning permission be GRANTED subject to the following conditions:

1. **A01 (Time limit for commencement (full permission)) - 12 Months**

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

2. **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 H18 of Herefordshire Unitary Development Plan.

INFORMATIVES:

1. **N15 - Reason(s) for the Grant of Planning Permission**
2. **N19 - Avoidance of doubt - Approved Plans**
3. **The existing civil legal rights enjoyed by the owner/occupiers of adjacent residential properties in respect of maintenance and access must be respected.**

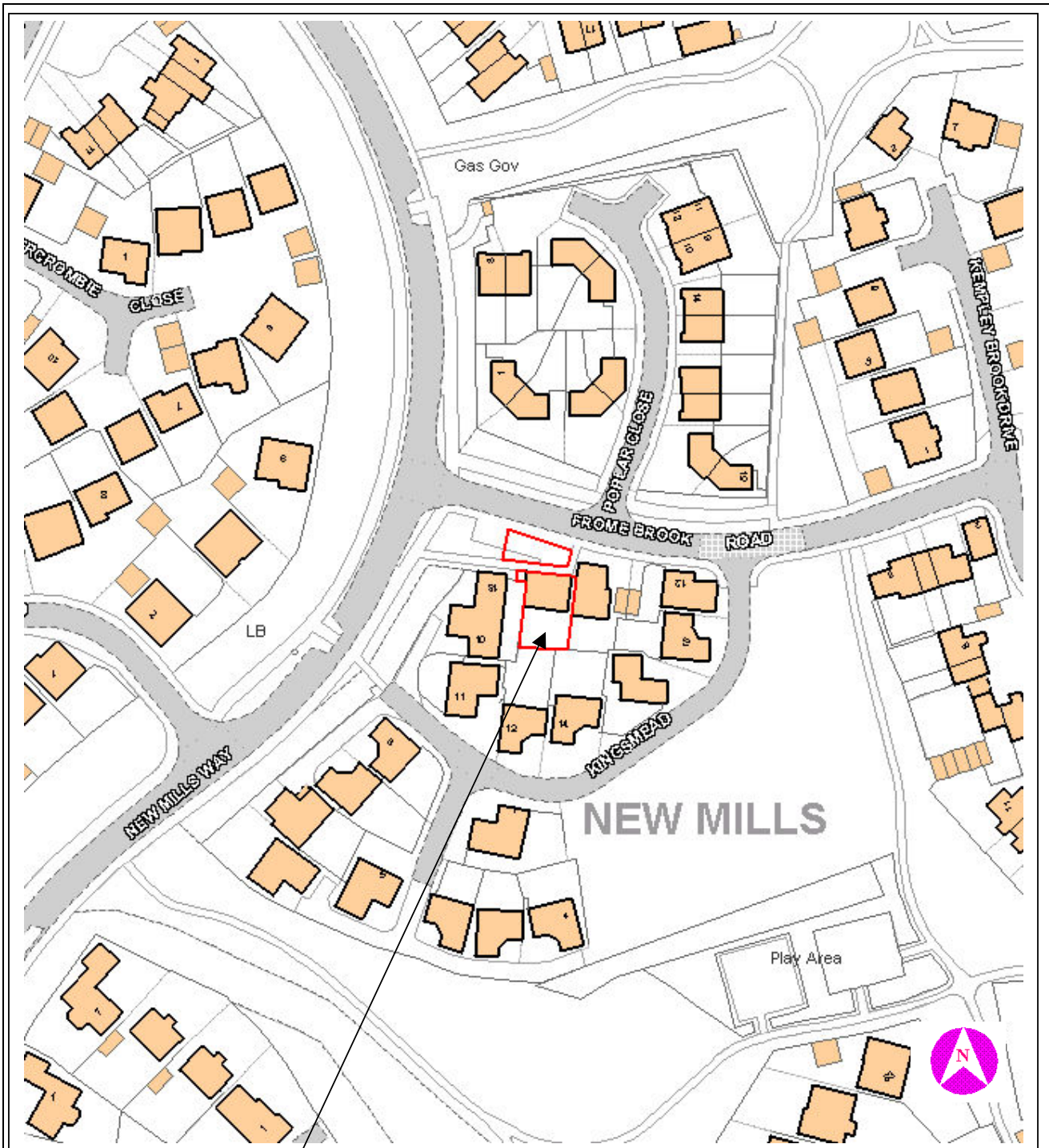
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE0009/1213/F

SCALE : 1 : 1250

SITE ADDRESS : 16 New Mills Community Centre, Frome Bank Road, Ledbury, Herefordshire, HR8 2FH

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