

AGENDA

Northern Area Planning Sub-Committee

Date: **Wednesday 21 October 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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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 |

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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 |
|---|---------|
| <p>1. APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p> | |
| <p>2. DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p> | |
| <p>3. MINUTES</p> <p>To approve and sign the Minutes of the meeting held on 23 September 2009.</p> | 1 - 4 |
| <p>4. ITEM FOR INFORMATION - APPEALS</p> <p>To be noted.</p> | 5 - 8 |
| <p>APPLICATIONS RECEIVED</p> <p>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.</p> <p>Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.</p> | |
| <p>5. DCNW0009/1881/F - BANK HOUSE, HIGH TREE BANK, LEINTWARDINE, HEREFORDSHIRE, SY7 0LU.</p> <p>Change of use of agricultural land to agricultural contractor's yard, erection of workshop/storage building, new access road and 1 metre high bund.</p> | 9 - 14 |
| <p>6. DCNW0009/1663/F - BANK HOUSE, HIGH TREE BANK, LEINTWARDINE, HEREFORDSHIRE, SY7 0LU.</p> <p>Variation of condition 2 of planning permission 760298 for continued use as rural workers dwelling.</p> | 15 - 20 |
| <p>7. DCNW0009/1774/F - THE WHITTERN, LYONSHALL, KINGTON, HEREFORDSHIRE, HR5 3JA.</p> <p>Proposed extensions to three poultry houses and ancillary works.</p> | 21 - 26 |
| <p>8. DCNC0009/1782/F - CASTLE FARM, COLLINGTON, BROMYARD, HEREFORDSHIRE, HR7 4NB.</p> <p>Conversion of farm buildings to five houses.</p> | 27 - 34 |
| <p>9. DCNE0009/1672/F - NETHERGREEN, RIDGEWAY CROSS, CRADLEY, MALVERN, WORCESTERSHIRE, WR13 5JS.</p> <p>Proposed erection of 2 timber-framed craft studios to provide workshop and training facilities.</p> | 35 - 40 |
| <p>10. DCNW0009/1690/F - PAUNCEFORD COURT FARMHOUSE, MUCH COWARNE, BROMYARD, HEREFORDSHIRE, HR7 4JQ.</p> <p>Proposed single storey side extension, alterations and repairs to existing outbuildings to create additional accommodation.</p> | 41 - 46 |

11. DATE OF NEXT MEETING

18 November 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 23 September 2009 at 2.00 pm

Present: Councillor PJ Watts (Vice-Chairman in the Chair)

Councillors: WLS Bowen, ME Cooper, JHR Goodwin, KG Grumbley, B Hunt, RC Hunt, TW Hunt, PJ McCaull, R Mills, PM Morgan, RJ Phillips, A Seldon, RV Stockton and J Stone

In attendance: Councillor JG Jarvis

42. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors JW Hope MBE, LO Barnett, JP French and TM James.

43. DECLARATIONS OF INTEREST

There were no declarations of interest made.

44. MINUTES

RESOLVED

That the Minutes of the meeting held on 26 August 2009 be approved as a correct record and signed by the Chairman.

45. ITEM FOR INFORMATION - APPEALS

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

46. 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

In accordance with the criteria for public speaking, Mr Marsden spoke on behalf of Humber, Stoke Prior & Ford Group Parish Council, Mr Hubbard spoke in objection to the application and Mr Baines spoke in support.

Councillor KG Grumbley, the Local Ward Member, was of the view that the development was unauthorised and on a green field site and said that it was also the second retrospective application by the occupants.

In response to a number of questions from the Local Ward Member, The Central Team Leader said that he had no way of confirming how many people lived on the traveller's site. In response to concerns regarding access to the site, he advised that a mobile home could still be regarded as being "mobile" if it was delivered in two parts. In response to Councillor Grumbley's comments on the site's outbuildings, the Central Team Leader agreed that there was definite room to improve the condition of the building and stables.

Councillor Grumbley said that he could not support the development as he felt there was insufficient need for it. He proposed that planning permission be refused as he regarded it as an unnecessary development on green field land which would contravene Herefordshire's Unitary Development Plan E15. He said that a scrutiny review undertaken by the Environment Scrutiny Committee revealed that existing travellers' pitches in Herefordshire were under occupied by some 28%. He said that he was not satisfied that the occupants of the site fulfilled the criteria for travellers.

Councillor WLS Bowen said that he felt it was essential that the applicants should prove beyond doubt that they did satisfy the criteria. He also asked why existing empty pitches were not in full use. The Central Team Leader said that a number of supporting documents had been received with the planning application and that the Planning Authority was satisfied that the applicant had met all the required merits. Regarding the unoccupied pitches, the Central Team Leader confirmed that there was still a shortfall within the county. He added that the application site met the criteria for becoming a travellers' site as it was close enough to relevant amenities.

Councillor R Mills said that a similar application had been submitted in his own ward which the local community opposed. He said that the fears were unfounded and proposed that a time limited permission should be granted for perhaps 1 to 2 years. In response to Councillor Mills' suggestion the Central Team Leader said that if the site was suitable, a time limited planning permission would risk a lost appeal.

Councillor RJ Phillips pointed out the potential cost of a lost appeal when it appeared all the necessary planning matters were resolved. He supported Councillor Mills' call for a temporary planning permission to be granted especially if there were remaining issues regarding the authenticity of the applicant's traveller status.

Members were in agreement that if there were a number of issues of concern relating to the application including the number of people occupying the site, access, sewerage arrangements and overall condition.

Councillor Grumbley again emphasised that he felt the development was not needed especially on such a green field site.

The committee voted in favour of Councillor Grumbley's original proposal that planning permission be refused.

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.

- **The application is an unnecessary development on green field land**

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.

47. DATE OF NEXT MEETING

21 October 2009
18 November 2009

The meeting ended at 3.10 pm

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCNE2009/0145/F**

- The appeal was received on 15 September 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 Turner
- The site is located at Land To The Rear Of Denbrig, Walwyn Road, Colwall, Malvern, Herefordshire
- The development proposed is Proposed two-storey dwelling.
- The appeal is to be heard by Written Representations

Case Officer: Roland Close on 01432 261803

Enforcement No. EN0009/0094/ZZ

- The appeal was received on 9 September 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 Dr & Mrs CW Harrison
- The site is located at Middleton Farm, Middleton, Little Hereford, Ludlow, SY8 4LQ
- The breach of planning control alleged in this notice is "Without planning permission, the material change of use of the land from agriculture to domestic curtilage to the residential property of Middleton Farm, together with associated operational development in the form of the construction of a driveway and turning head."
- The requirements of the notice are:
 1. Permanently cease using the land as domestic curtilage to the residential property of Middleton Farm.
 2. Permanently remove the driveway and turning area from the land.
 3. Remove all materials resulting from the removal of the driveway and turning head from the land.
 4. Restore the land to its former agricultural condition including reseeding areas with grass.
- The appeal is to be heard by Written Representations

Case Officer: Andrew Banks on 01432 383085

APPEALS DETERMINED

Application No. DCNW2008/2428/F

- The appeal was received on 27 April 2009
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr Peter Keam
- The site is located at Land Adjacent To Brook Farm, Wigmore, Leominster, Herefordshire, HR6 9
- The application dated 17 September 2008 was refused on 12 November 2008
- The development proposed was Proposed erection of one detached dwelling house
- The main issue is whether the proposal would preserve or enhance the character or appearance of the Wigmore Conservation Area and linked to that, the effect of the proposal on the setting of nearby listed buildings.

Decision: The planning application was refused under delegated powers on 12 Nov 2008.
The appeal was Dismissed on 28 August 2009

Case Officer: Andrew Banks on 01432 303085

Application No. DCNC2008/2862/F

- The appeal was received on 11 May 2009
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr Lee Keenan
- The site is located at 5 Wychwood, Ashpool, Whitbourne, Worcester, Hereford, WR6 5SD
- The application dated 28 October 2008 was refused on 9 January 2009
- The development proposed was Proposed variation of condition 3 of planning permission MH2649/79
- The main issues are the adequacy of the provision for parking and turning and the consequent effect on highway safety and the affect of the proposed development on the living conditions of the occupiers of the dwelling house and annexe.

Decision: The planning application was refused under delegated powers on 9 Jan 2009.
The appeal was Dismissed on 1 September 2009.

Case Officer: Andrew Banks on 01432 383085

Application No. DCNW2009/0345/F

- The appeal was received on 18 May 2009
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs David & Susan Wilcox
- The site is located at Woodpecker Farm, Cobnash, Kingsland, Leominster, Herefor, HR6 9QZ
- The application dated 16 February 2009 was refused on 3 April 2009
- The development proposed was proposed demolition of porch side structure and erection of two storey extension, alterations to windows, replacement roof on outbuildings and garage and replacement garage doors.
- The main issue are the effect of the proposed extension and alterations on (a) the character and appearance of the host dwelling, and (b) the living conditions of the residents of Hop Ridge with particular reference to issues of sunlight, daylight and outlook.

Decision: The planning application was refused under Delegated Powers on 3 April 2009. The appeal was Dismissed on 14 September 2009.

Case Officer: Andrew Banks on 01432 383085

Application No. DCNW2009/0201/A

- The appeal was received on 20 May 2009
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Primesight
- The site is located at Whitney Stores, Whitney-On-Wye, Hereford, Herefordshire, HR3 6EH
- The application dated, was refused on 18 March 2009
- The development proposed was Proposed erection of one illuminated free standing double sided display unit.
- The main issue is the effect of the appeal display unit on road safety on the A438 road.

Decision: The planning application was refused under delegated powers on 18 March 2009 The appeal was Dismissed on 7 October 2009.

Case Officer: Philip Mullineux on 01432 261808

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

5 DCNW0009/1881/F - CHANGE OF USE OF AGRICULTURAL LAND TO AGRICULTURAL CONTRACTORS YARD, ERECTION OF WORKSHOP/STORAGE BUILDING, NEW ACCESS ROAD AND 1 METRE HIGH BUND AT BANK HOUSE, HIGH TREE BANK, LEINTWARDINE, HEREFORDSHIRE, SY7 0LU.

**For: MR MORGAN per LES STEPHAN PLANNING LTD,
9 SWEETLAKE BUSINESS VILLAGE, LONGDEN
ROAD, SHREWSBURY, SY3 9EW.**

Date Received: 21 July 2009

Ward: Mortimer

Grid Ref: 340437,275052

Expiry Date: 16 October 2009

Local Members: Councillor LO Barnett

1. Site Description and Proposal

- 1.1 The site consists of a former derelict plant nursery that has recently been cleared of debris and restored to a paddock and residential curtilage in connection to a two-storey detached dwelling of external red brick construction. The site covers an area of approximately 0.6 hectares.
- 1.2 To the south of the site is Leintwardine Manor. This building is in use as residential apartments. To the south east of the site is another dwelling known as Hightrees Cottage. The B4385 public highway adjoins the western boundary of the site and an unclassified public highway runs parallel with the northern boundary to the site. Otherwise the immediate surrounding area consists of agricultural livestock grazing land.
- 1.3 The application proposes a metal clad portal frame building covering an area of approximately 227 square metres with a height of 6 metres.
- 1.4 The Design and Access Statement in support of the application indicates the building is required in connection the applicant's business of agricultural contracting for the secure storage of machinery and for use as an agricultural machinery workshop and general storage.

2. Policies

2.1 Herefordshire Unitary Development Plan

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

| | | |
|------|---|--|
| DR13 | - | Noise |
| E9 | - | Home based businesses |
| E11 | - | Employment in the smaller settlements and open countryside |
| LA2 | - | Landscape character and areas least resilient to change |
| NC1 | - | Biodiversity and development |

2.2 National Policies

Planning Policy Statement 7: Sustainable development in rural areas.

3. **Planning History**

- 3.1 NW2009/1663/F – Variation of condition 2 of planning permission 760298 for continued use as rural workers dwelling (this application is also presented for Committee consideration on 21 October 2009).
- 3.2 760298 – Site for the erection of an agricultural workers bungalow – Approved subject to conditions 28 June 1976.
- 3.3 NW1999/2477/F – Removal of agricultural condition – Refused 1 November 1999.

4. **Consultation Summary**

Statutory Consultees

- 4.1 None required

Internal Council Advice

- 4.2 The Public Rights of Way Manager raises no objections.
- 4.3 The Transportation Manager raises no objections.
- 4.4 The Landscape Manager also raises no objection and recommends the attachment of conditions with regards to additional landscaping, in the form of tree and hedgerow planting in order to further integrate the proposal into the surrounding landscape.

5. **Representations**

- 5.1 Leintwardine Parish Council responded to the proposal stating:

“As you know there are several neighbours in the vicinity and we consider it very important to retain their amenity. The business change proposed is a substantial alteration in a quiet rural location where ordinarily such activity would not be permitted.

The proposal places the new workshop/storage building too close to the boundary with the neighbour’s property and should be moved closer to the public road. Conditions should be imposed to restrict:

- a) *Flood lighting – should be baffled or controlled.*
- b) *Noise – this business involves the use of heavy machinery. There should be restrictions on the times during which business activity can take place on the site. This is important to control how machinery is used in the workshop.*

Businesses of this type, particularly where operated from home have a track record of activity at night and weekends.

c) *Smells*"

5.2 Four letter of comment/objection have been received from the following:

- Harvey and Jacqui Vallis, The Long House, High Tree Bank, Leintwardine.
- Mr J Warburton, 6 Leintwardine Manor, Leintwardine.
- Richard Jukes, Lower Todding, Leintwardine.
- Clifford Webb, 3 Leintwardine Manor, Leintwardine

5.3 Key issues raised can be summarised as follows:

- Applicant's vehicles in and around the village advertise the business to be Groundwork Contractors and plant hire.
- Concerns about impact of proposal in respect of noise, light and pollution.
- Building proposed represents a small industrial unit and not a workshop in scale.
- Impact on adjacent public highway.
- Application from change of the use from horticultural to industrial seems inappropriate in this area, especially so close to domestic dwellings.

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

6. Officer's Appraisal

6.1 The key issues of concern in respect of this proposal are:

- Impact on residential amenity
- Scale of proposed development
- Impact on adjacent public highway
- Principle of the proposed development

Impact on residential amenity

6.2 The application proposes an agricultural workshop/storage building in relationship to agricultural contracting and groundwork contracting (clearly evident during the Case Officer's site visit).

6.3 The applicant has recently re-located to the dwelling adjacent to the proposed development site known as 'Bank House' from another part of the village of Leintwardine where apparently his business was divided between two different sites adjacent to residential areas and wishes to consolidate his business into one site.

6.4 It is considered that the proposal will not have an unreasonable impact on residential amenity with the attachment of appropriate conditions with regard to working hours, use of the site and lighting. It is noted this was an issue commented upon by the Local Parish Council in their response.

Scale of proposed development

- 6.5 The application proposes a building with a floor space of 227 square metres, of portal frame construction, clad in plastic coated metal sheeting to a height of 6 metres under a fibre cement sheeted roof.
- 6.6 The design and scale of the proposed development is considered acceptable in relationship to the applicant's needs and the proposed amended siting of the proposed building is now considered acceptable in relationship to adjoining dwellings.

Impact on adjacent public highway

- 6.7 The Transportation Manager has responded to the application with no objection to the grant of permission, and as such it is considered no issues of concern in relationship to highway issues can be sustained in respect of the proposed development.

Principle of the proposed development

- 6.8 The application proposed change of use of agricultural land to agricultural contractors yard for the erection of a workshop/storage building with a new internal access road and a 1-metre high bund.
- 6.9 Plans submitted in support of the application indicate an existing access road going past the applicant's dwelling (on the entrance to the site) towards the proposed building site, with a small area of land around it. Therefore the proposal does not entail re-development visually of the entire site.
- 6.10 The site was formally a disused nursery which had become somewhat derelict and therefore visually an eye-sore. It is noted one of the letters from a member of the public in respect of application Ref: NW0009/1663/F for variation of condition for continued use as a rural workers dwelling (also subject to committee consideration) has commented on how the applicant has improved the land by clearing debris and laying down hedge plants.
- 6.11 In consideration of the applicant's business activities and need for a secure building on a site suitable for such use, the principle of this proposal is considered acceptable with appropriate conditions attached.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 **A01 Time limit for commencement (full permission)**
- 2 **B01 Development in accordance with the approved plans**
- 3 **C07 Dark roof colouring (agricultural buildings)**
- 4 **F01 Restriction on hours of working**
- 5 **F06 Restriction on Use**
- 6 **G10 Landscaping scheme**
- 7 **G11 Landscaping scheme - implementation**
- 8 **I02 Scheme of measures for controlling noise**
- 9 **None of the land in the control of the applicant other than that as indicated within the red line on the site location plan, submitted in support of the application shall be used for storage or parking of any vehicles, machinery or equipment.**

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy DR13 of the Herefordshire Unitary Development Plan.

- 10 **I15 Scheme of noise insulation**
- 11 **I33 External lighting**

INFORMATIVES:

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

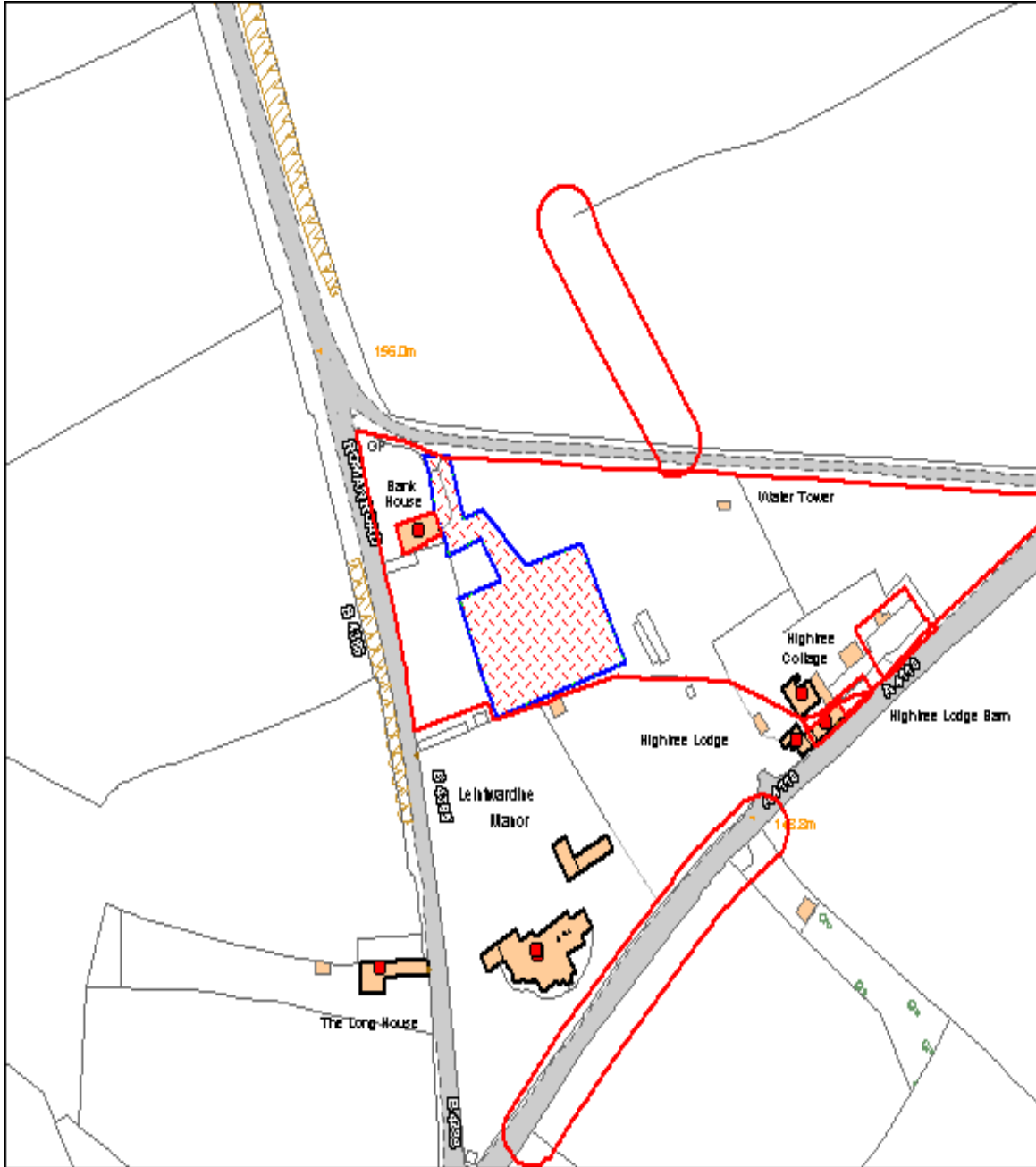
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW0009/1881/F DMDCN/092295/F

SITE ADDRESS : BANK HOUSE, HIGH TREE BANK, LEINTWARDINE, HEREFORDSHIRE, SY7 0LU

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6 DCNW0009/1663/F - VARIATION OF CONDITION 2 OF PLANNING PERMISSION 760298 FOR CONTINUED USE AS RURAL WORKERS DWELLING AT BANK HOUSE, HIGH TREE BANK, LEINTWARDINE, HEREFORDSHIRE, SY7 0LU.

For: Mr Morgan per Les Stephan Planning Ltd, 9 Sweetlake Business Village, Longden Road, Shrewsbury, SY3 9EW.

Date Received: 21st July 2009

Ward: Mortimer

Grid Ref: 40398, 75068

Expiry Date: 15th September 2009

Local Member: Councillor LO Barnett

1. Site Description and Proposal

- 1.1 A detached two-storey dwelling of external red brick construction under a slate roof with recently replaced windows and external doors of UPVC construction.
- 1.2 The dwelling stands in a large curtilage of formal garden and forms part of an area of approximately 0.6 hectares of land, this is also in the applicants control and consists of overgrown paddock/orchard. All located in open countryside to the north of Leintwardine village alongside the B4385 public highway.
- 1.3 The application proposes variation of condition 2 attached to planning approval reference: 760298 dated 28 June 1976. The condition restricts occupation of the dwelling to an agricultural or forestry worker and/or dependants. This application requests variation to allow a rural worker to reside at the property, who does not comply with the occupancy condition.

2. Policies

- 2.1 Planning Policy Statement 7: Sustainable Development in Rural Areas.
- 2.2 Herefordshire Unitary Development Plan

S1 – Sustainable Development

S2 – Development Requirements

H7 – Housing in the Countryside Outside Settlements

H8 – Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses

3. Planning History

- 3.1 760298 – Site for the erection of an agricultural workers bungalow – Approved subject to conditions 28 June 1976
- 3.2 NW1999/2477/F – Removal of agricultural condition – Refused 1 November 1999

- 3.3 NW2009/1881/F – Change of use of agricultural land to agricultural contractor’s yard. Erection of workshop/storage building new access road and 1 metre high bund. Also subject to committee consideration.

4. Consultation Summary

Statutory Consultations

- 4.1 None required

Internal Council Advice

- 4.2 The Transportation Manager raises no objections

5. Representations

- 5.1 Leintwardine Parish Council’s concerns to the application are summarised as follows:

The applicant bought the property knowing full well of the planning condition existence. If application is approved suggest conditions be attached with regard to future sale of the property

Change of the applicant’s business either in its nature or its cessation variation reverts.

Retirement/death – Mr Morgan has a son in the business with him, will the business be allowed to continue at this location.

- 5.2 Two letters of objection/comment have been received from Mr J Warburton, 6 Leintwardine Manor, Leintwardine and Mr Peter Naylor, High Tree Cottage, High Tree Bank, Leintwardine. The letters can be summarised as follows:

- The agricultural restriction was originally put on the property to keep it below its market value in order to allow low paid agricultural workers to purchase it.
- Concerns about other development within immediate land around the dwelling in accordance with information submitted in support of the application.
- Removal of occupancy restriction would go against government policy to encourage affordable housing in the open countryside, and also create a precedent.
- Concerns about future use of the site and the parking of numerous business vehicles and the impact of this on the surrounding community.
- One letter comments on how as a neighbour to the site, the applicant has kept him fully informed with regards to the future use of the site and that this contact is appreciated.

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

6. Officer’s Appraisal

6.1 The key issues with regards to this application are:

- Planning history of the site.
- Need and viability of the business operated by the applicant.
- Impact on the surrounding amenity
- Precedent if application is approved

Planning history of the site

6.2 The dwelling subject to this application was approved subject to conditions on 28th June 1976. Condition number two restricted occupancy to persons employed locally in agriculture as detailed in Section 290 (1) of the Town and Country Planning Act 1971, or a dependant of such a person residing with him/her.

6.3 The officer's report on the relevant file indicates that the dwelling was proposed in relationship to a plant nursery adjacent to the site.

6.4 Officers understand that the dwelling was actually occupied by an agricultural worker who was not employed in a nursery. Information submitted in support of the application indicates that the dwelling and former nursery site was purchased earlier this year by the applicant and his wife and that they wish to regularise the planning situation in order to enable them to operate a ground preparation and drainage business from the site.

Need and Viability of the Business Operated by the applicant

6.5 Information submitted in support of the application indicates that this business employs four full time staff in the surrounding community predominately in relationship to agriculture.

6.6 The business operates machinery and equipment and requires a suitable location for a base, from which to administer, store and service equipment in relationship to the business.

6.7 Financial accounts have been submitted in support of the application, these indicate the business is run on a sound financial basis.

6.8 Prior to the applicant residing at this site, the machinery and equipment was stored and serviced between two different sites, located on the eastern fringe of Leintwardine, in close proximity to where the applicant previously resided. This was an unsatisfactory arrangement, being as it was divided between two different locations where space was limited, and within close proximity to residential areas.

6.9 PPS7: Sustainable Development in Rural Areas, and Policy H8: Agricultural and Forestry Dwellings and Dwellings Associated with Other Rural Business, in the Herefordshire Unitary Development Plan, both support dwellings associated with other rural businesses where it can be demonstrated that a long term genuine functional need exists for the dwelling, as an essential part of a financially viable business and that such a need cannot be met in existing accommodation.

6.10 The business operated by the applicant is a rural business and its nature requires land for storage and maintenance. The business as referred to earlier appears to be financially viable.

- 6.11 The dwelling subject to this application is within an area of 0.6 hectares of land all in the control of the applicant, and is considered a suitable location from which to operate the business as proposed.

Impact on the Surrounding Community

- 6.12 A separate application is registered with the council for change of use of agricultural land to agricultural contractors yard. Erection of workshop/storage building. New access road and 1 metre high bund. (Ref NW2009/1881/F). This application is also on the agenda for committee consideration at this meeting.
- 6.13 On a without prejudice basis it is considered that there is sufficient land adjacent to the dwelling on which to construct a suitably sized and scaled building in relationship to the business and also adequate land on which to provide additional screening in order to reserve adequate amenity and privacy for nearby residents.

Precedent if application is approved

- 6.14 Each individual planning application has to be assessed on its merits in relationship to relevant local and national planning policies.
- 6.15 The dwelling subject to this application has recently changed ownership. However the condition attached to the planning approval notice (reference: 760298) restricts occupancy of the dwelling itself and not its future resale value.

7. Conclusions

- 7.1 This is a very finely balanced application, in that it requests variation of an occupancy condition in relationship to a rural dwelling that appears to have a complicated planning history, in that it was originally constructed in connection to an adjacent plant nursery located in open countryside. The application is for a rural worker who strictly speaking has not proven an essential functional need to live on site.
- 7.2 However the business operated by the applicant is clearly a financially viable business that needs a suitable location from which to operate in consideration of its operational needs, as well as consideration to the amenity of nearby residents.
- 7.3 Officers are of the opinion that the site is a suitable location and involves the use of an existing dwelling rather than the construction of a new build and therefore given the circumstances, approval of this application is recommended.

RECOMMENDATION

That planning permission be Granted subject to the following conditions:

- 1 The occupation of the dwelling shall be limited to a person solely or mainly working or last working, in the locality in agriculture or in forestry and in consideration of the applicant, agricultural contracting in accordance with the information submitted in support of the application date stamped Herefordshire Council 21 July 2009, or a widow or widower of such a person, and to any resident dependants.**

Reason: The Local Planning Authority wish to restrict occupancy in accordance with policy H8 of the Herefordshire Unitary Development Plan.

Informatives

1 N19 - Avoidance of doubt - Approved Plans

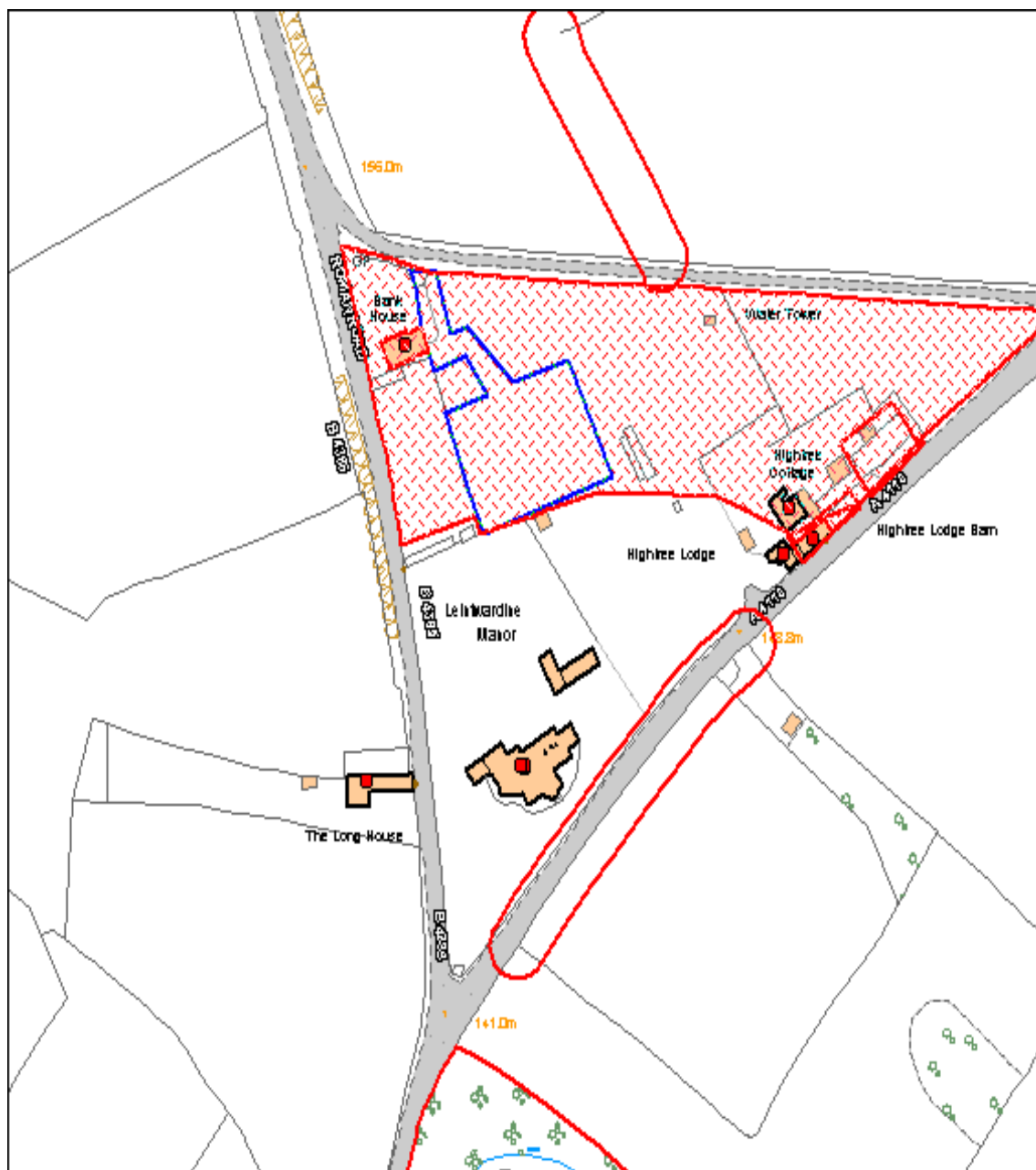
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION : DCNW0009/1663/F

SITE ADDRESS : BANK HOUSE, HIGH TREE BANK, LEINTWARDINE, HEREFORDSHIRE, SY7 0LU

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7 DCNW0009/1774/F - PROPOSED EXTENSIONS TO THREE POULTRY HOUSES AND ANCILLARY WORKS AT THE WHITTERN, LYONSHALL, KINGTON, HEREFORDSHIRE, HR5 3JA.

For: WHITTERN FARMS LTD per MR STEPHAN RAASCH, SUN VALLEY FOODS LTD, GRANDSTAND ROAD, HEREFORD, HR4 9PB.

Date Received: 8 July 2009

**Ward: Pembridge and
Lyonshall with Titley**

Grid Ref: 333341, 257617

Expiry Date: 30 October 2009

Local Members: Councillor RJ Phillips

1. Site Description and Proposal

- 1.1 The site consists of three intensive poultry units of mainly external timber clad construction located in open countryside surrounded by farmland in the control of the applicants that is presently under arable cultivation as soft fruit in the form of blackcurrants production.
- 1.2 To the south of the existing site is a small cluster of dwellings. These are located approximately 100 metres from the application site and are separated from the site by agricultural land in the control of the applicants.
- 1.3 The existing poultry units on site have been on site for 60 years and produce chickens for the meat industry.
- 1.4 The application proposes upgrade/refurbishment and extending the three separate poultry buildings in order to bring them up to current animal welfare standards and will result in an increase of 25,000 birds on site.
- 1.5 The application is accompanied by a planning statement which includes assessments on landscape impact, ecology report, transport assessment, environmental health issues and surface water drainage.
- 1.6 The applicants requested a Screening Opinion from the Council under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. This indicates that the proposed development did not require an Environmental Impact Assessment to accompany the application because the proposed development is outside the remit of schedule one development (in accordance with E.I.A. regulations) and although considered to be classed as Schedule 2 Part 1 (C) development (amount of floor space), the proposal falls below the threshold of circular 02/99-A41.

2. Policies

- 2.1 Herefordshire Unitary Development Plan:

| | | |
|------|---|---|
| S1 | - | Sustainable development |
| S2 | - | Development requirements |
| DR1 | - | Design |
| DR2 | - | Land use and activity |
| DR3 | - | Movement |
| DR4 | - | Environment |
| DR13 | - | Noise |
| E13 | - | Agricultural and forestry development |
| E16 | - | Intensive livestock units |
| LA2 | - | Landscape character and areas least resilient to change |
| NC1 | - | Biodiversity and development |

2.2 National Planning Guidance:

Planning Policy Statement 7: Sustainable development in rural areas

3. Planning History

3.1 None identified

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency – No response received

Internal Council Advice

4.2 The Transportation Manager raises no objections.

4.3 The Environmental Health Manager raises no objections.

4.4 The Land Drainage Manager – no response received.

4.5 The Landscape Manager raises no objections providing a condition is attached to any approval notice subsequently issued in respect of additional landscaping in the form of screening to further enhance the landscape character of the site.

5. Representations

5.1 Lyonshall Parish Council object to the application stating:

“More detail should have been made available on the environmental impact of the development either through an E.I.A (Environmental Impact Assessment) or other documents.

The proposed combined extension are almost equivalent to a new, regular-sized chicken shed which would not normally received approval within such close proximity to dwellings.

The extra area proposed will generate in the region of 30 additional lorry visits per annum. An increase of heavy traffic on narrow lanes will exacerbate a problem that

has previously been drawn to the attention of Herefordshire Council. There will be a subsequent detrimental effect on the area in terms of noise, smell and traffic”.

5.2 Two letters of concern/objection have been received from:

- Chris and Trudy Froom, Corner House, Lyonshall.
- Nick and Jane Layton, Parkgate Farm, Lyonshall.

5.3 The letters can be summarised as follows:

- Concerns about extensions to existing buildings on site.
- Concerns about public highway access to the site and increase in vehicle movements.
- Object to lorries using public highway access to the site past the dwelling known as ‘Corner House’.
- Concerns about lorry wheels being washed and resulting water running down the public highway from the site.

Concerns about smells and flies within the locality.

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

6. Officer’s Appraisal

6.1 The Key issues of concern in respect of this application are:

- Amount of information available in respect of the application.
- Scale of the proposed development.
- Public highway access to and from the site.
- Amenity issues.

Amount of information available in respect of the application

6.2 The application did not necessitate an Environmental Impact Assessment to accompany is as referred to in paragraph 1.6 of this report.

6.3 However, the applicants did submit in support of their application information in the form of a Design and Access Statement, Landscape Impact Assessment, Ecology Report, Transport Assessment Surface Water Drainage Assessment and report on environmental health issues. This is in accordance with advice as set out by the Council in its screening opinion to the applicants, dated 25 March 2009.

Scale of the proposed development

6.4 The site consists of three separate poultry buildings set up during the 1950’s in accordance with information submitted in support of the application.

6.5 They have become out-dated and in need of refurbishment and improved energy efficiency in order to comply with current animal welfare standards and it is also proposed to increase the overall floor space of the existing units on site.

- 6.6 Therefore the applicants propose to increase the size of the three buildings on site. The two outer shed only very slightly on their northern gable elevation and the middle much smaller building much more, in order to bring it in line with the other two structures on site.
- 6.7 Therefore it is considered that the impact on the surrounding landscape will be minimal and the scale of the proposed development is thus considered acceptable.

Public highway access to and from the site

- 6.8 Local concerns/objections have been received in respect of impact on the adjoining public highway to the site.
- 6.9 The Transport Assessment submitted in support of the application indicates an overall total increase of vehicle movements on the adjacent public highway of 47 per annum. This equates to less than one additional movement per week.
- 6.10 It is noted that the Council's Transportation Manager raises no objections to the proposed development. Therefore the proposal is considered acceptable on public highway issues.

Amenity Issues

- 6.11 Concerns have also been raised about an increase in smells and flies surrounding the site as well as concerns about water from wheel washing running down the adjacent public highway from the site.
- 6.12 As noted in paragraph 1.2 of this report there are dwellings approximately 100 metres from the existing poultry units on site.
- 6.13 It is noted that the Council's Environmental Health Manager has raised no objections to the proposed development having no record of complaints from members of the public and any response from the Environment Agency will be reported verbally to members at Committee.
- 6.14 The applicants in support of their application have submitted a report on Environmental Health issues, the detail of which cover issues of concern as raised in the preceding paragraphs to which information as submitted is considered acceptable. Furthermore, the issue with regard to wheel washing can be addressed satisfactorily by the attachment of a condition to any approval notice subsequently issued.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. C09 Details of cladding (agricultural and industrial buildings)**
- 3. All waste to be transported from the site shall be removed off site in covered containers.**

Reason: In the interest of the amenity of the surrounding area and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.

4. H21 Wheel washing

Development shall not begin until wheel cleaning apparatus has been provided in accordance with details to be submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during and after construction of the development hereby approved. Details will also include the method of drainage from the site of the used water from the wheel washing of vehicles visiting/leaving the site.

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

5. G10 Landscaping scheme

6. G11 Landscaping scheme - implementation

INFORMATIVES:

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

2. N19 Avoidance of doubt – Approved Plans

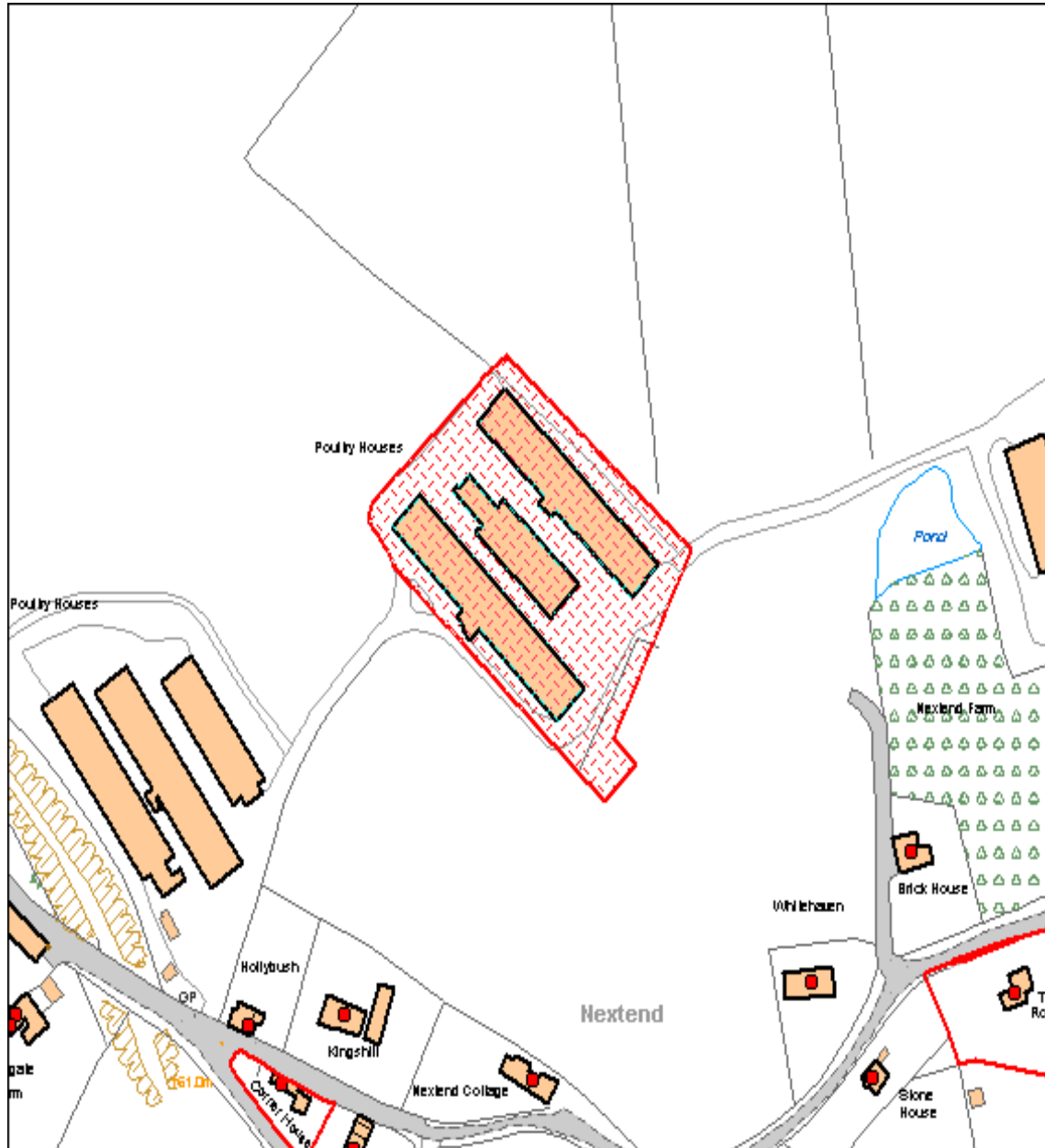
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW0009/1774/F DMNW/091624/F

SITE ADDRESS : THE WHITTERN, LYONSHALL, KINGTON, HEREFORDSHIRE, HR5 3JA

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8 DCNC0009/1782/F - CONVERSION OF FARM BUILDINGS TO FIVE HOUSES AT CASTLE FARM, COLLINGTON, BROMYARD, HEREFORDSHIRE, HR7 4NB.

For: MR BARBER per MR GARY BURTON, LYDIATT PLACE, BRIMFIELD, LUDLOW, SHROPSHIRE, SY8 4NP.

Date Received: 31 July 2009

Ward: Bringsty

Grid Ref: 364946,260381

Expiry Date: 25 September 2009

Local Member: Councillor TW Hunt

1. Site Description and Proposal

- 1.1 The site consists of a traditional farmyard complex located in open countryside adjacent to the B4214 public highway.
- 1.2 The farmhouse is of brick external construction and is situated on raised ground overlooking the farmyard, which forms the application site.
- 1.3 The buildings subject to this application are mainly of timber, brick and stone construction under either corrugated tin or slate roofs.
- 1.4 The application proposes conversion of the building range into five separate dwelling units and associated garages. Also proposed is a new vehicular access into the site off the adjacent public highway.
- 1.5 Accompanying the application is an Ecology Report establishing if any protected species use the site and mitigation in order to protect them. A structural report also accompanies the application describing the structural condition of the barns and a marketing report on attempts to attract alternative business uses to the site.

2. Policies

2.1 Herefordshire Unitary Development Plan

- | | | |
|-------|---|---|
| S1 | - | Sustainable development |
| S2 | - | Development requirements |
| DR1 | - | Design |
| DR2 | - | Land use and activity |
| DR3 | - | Movement |
| DR4 | - | Environment |
| DR5 | - | Planning obligations |
| H2 | - | Housing in the Countryside outside settlements |
| LA2 | - | Landscape character and areas least resilient to change |
| NC1 | - | Biodiversity and development |
| HBA4 | - | Setting of Listed Buildings |
| HBA12 | - | Re-use of rural buildings |
| HBA13 | - | Re-use of rural buildings for residential purposes |

2.2 Herefordshire Supplementary Planning Guidance –

- Re-use and adaptation of rural buildings
- Planning obligation document

2.3 Planning Policy Statement 7 : Sustainable development in rural areas.

3. Planning History

- 3.1 NC2008/2084/F – Proposed conversion of farm buildings to five houses – Withdrawn 9 October 2008. (Due to no Ecology Report accompanying the application).

4. Consultation SummaryStatutory Consultations

- 4.1 None required

Internal Council Advice

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

- 4.3 The Public Rights of Way Manager raises no objections. However, the response states demolition of some buildings on the site is likely to endanger members of the public and therefore a temporary closure order must be applied for at least six weeks in advance of work starting.

- 4.4 The Conservation Manager raises no objections stating:

“Interesting collection of agricultural buildings in a courtyard setting. The buildings are of local interest as a well preserved group of 19th century agricultural buildings, the hop building being a particularly good example of a building of this type and date. The buildings should be capable of conversion to residential use without major rebuilding”.

The response further states:

“Overall a sympathetic and well thought out scheme that will allow for the conversion of the buildings to residential use whilst retaining their character and appearance. The use of the existing cart sheds will eliminate the need for any new storage and garaging facilities, while the retention of the farmyard space will preserve the original setting of the buildings.”

- 4.5 The Environmental Health Manager raises no objections, subject to conditions with regard to land contamination being attached to any approval notice subsequently issued.

- 4.6 The Building Control Manager raises no objections on drainage issues stating that percolation tests should be carried out, prior to commencement of development, in order to resolve any issues in respect of drainage.

5. Representations

5.1 Collington Parish Council have responded to the application stating:

“The above application has caused great concern within the community and, whilst the Council support the principle to the conversion, very little of the plans have changed since the previous application in 2008, except for the survey done on the wildlife.

The Parish Council feel that they are unable to proceed with these plans as they have omitted to submit any details concerning the drainage. Within the Council’s comments last year it was suggested that the proposed soakaway and biodisc be moved out into a westerly direction, giving more land to soakaway. Two Councillors have lived and known Castle Barn for over sixty years and know with great knowledge where the water lies.

It is still felt that the main access proposed from the new build is more dangerous than the existing driveway and major accidents may be caused, due to lack of visibility. Also the proposed new driveway is directly opposite an existing property and feel that no consideration has been given to the owner. It is, therefore, suggested that the existing driveway at the south should be maintained.

Great concern for the existing neighbourhood is the overlooking of their properties. The Parish Council would, therefore like to emphasise that landscaping and tree planting should be made to ensure continuation of privacy.”

In conclusion the Parish Council wish to see drainage proposals before any further comment.

5.2 The Ramblers Association has responded to the application reminding developers and immediate owners that there is a legal requirement to maintain and keep clear a public right of way at all times. Comment is also made about an existing gate that is very difficult to open on an existing bridleway on site and comment is also made about discussions with a local resident with regard to objections to the proposed new vehicular route with the bridleway, having a reduced and gated entrance in a north-westerly direction from the B4214 road.

5.3 Four letters of objection have been received from the following:-

- Mrs R Bissell, Moors Meadow, Collington, Bromyard
- Mr Colin Halling, 3 Underhill Cottage, Collington, Bromyard
- Mr David Webb, 1 Underhill Cottage, Collington, Bromyard
- Mrs Sheila Evans, The Meadows, Collington, Bromyard

The objections can be summarised as follows:

- Amount of dwellings proposed is out of character with the surrounding Parish.
- Concerns about proposed new access off the adjacent public highway into the site.
- Questions sustainability of the site.
- Impact on amenity and privacy of nearby residents.
- Drainage issues in relationship to the proposed method of foul and surface water drainage.

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

6. Officer's Appraisal

6.1 The key issues of concern in relationship to this application are:

- sustainability of the proposed development
- public highway access to and from the site
- surface and foul water drainage
- amenity and privacy of surrounding residents.

Sustainability of the proposed development

6.2 The site is located adjacent to the B4214 public highway approximately four miles from the market town of Bromyard. The B4214 public highway passes the site in the direction of Tenbury Wells and, as such, the application site is considered to have suitable public highway road links.

6.3 Although it is acknowledged Collington is a rural hamlet, lacking essential service facilities, on balance, in consideration of the location and the proposed development and character of the proposed changes of use and conversion of the buildings on site, it is considered, although finely balanced, that the proposed development is acceptable on sustainability issues.

Public highway access to and from the site

6.4 The application proposes a new access into the site from the adjacent B4214 public highway, to which the Council's Transportation Manager raises no objection and, as such, the proposed development is considered acceptable on highway safety grounds.

Surface and foul water drainage

6.5 Concerns have been raised by local residents as well as the Parish Council about drainage from the site.

6.6 The applicant has indicated he proposes a Klargester Biodisc B.D. Package Sewage Treatment plant and foul water disposal from the site to a ground soakaway and that percolation tests have been carried out on site. Surface water to be disposed of via a soakaway.

6.7 It is noted that the Council's Building Control Manager raises no objections to the proposal and, with the attachment of a suitably worded condition to any approval notice subsequently issued, it is considered that the issue of concern is addressed satisfactorily.

Amenity and privacy of surrounding residents

6.8 Concerns have been raised by local residents in respect of loss of privacy and amenity in relationship to their existing dwellings adjacent to the application site.

6.9 Whilst it is acknowledged that the application site is located on higher ground and represents a local feature in the immediate landscape, it is considered that the proposed development will have no significant impact on amenity and privacy of surrounding dwellings (all located on opposite side of the B4214 public highway to the site) to warrant refusal to the application on this issue. Additional landscaping in the form of tree and hedgerow planting will further protect amenity. Dwellings on

opposite side of the adjacent public highway do not have their principal elevations looking directly into the site.

Planning Obligations

- 6.10 The applicant, in a letter dated 27 July 2009 accompanying the application, has stated that an approval with a condition requiring commencement of the development within twelve months is acceptable in consideration of the Council's temporary suspension of the supplementary planning obligations document.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 A01 Time limit for commencement (full permission) (12 months)**
- 2 B01 Development in accordance with the approved plans**
- 3 C01 Samples of external materials**
- 4 D04 Details of window sections, eaves, verges and barge boards**
- 5 D05 Details of external joinery finishes**
- 6 D09 Details of rooflights**
- 7 D10 Specification of guttering and downpipes**
- 8 F07 Domestic use only of garage**
- 9 F14 Removal of permitted development rights**
- 10 G10 Landscaping scheme**
- 11 G11 Landscaping scheme - implementation**
- 12 H10 Parking - single house**
- 13 H13 Access, turning area and parking**
- 14 H29 Secure covered cycle parking provision**
- 15 No development shall take place until the following has been submitted to and approved in writing by the local planning authority:**
 - (a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice.**
 - (b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors.**

(c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

16 The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken

17 B01 Development in accordance with the approved plans

INFORMATIVES:

HN01 Mud on highway

HN04 Private apparatus within highway

HN05 Works within the highway

HN10 No drainage to discharge to highway

HN22 Works adjoining highway

HN28 Highways Design Guide and Specification

HN02 Public rights of way affected

N19 Avoidance of doubt - Approved Plans

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

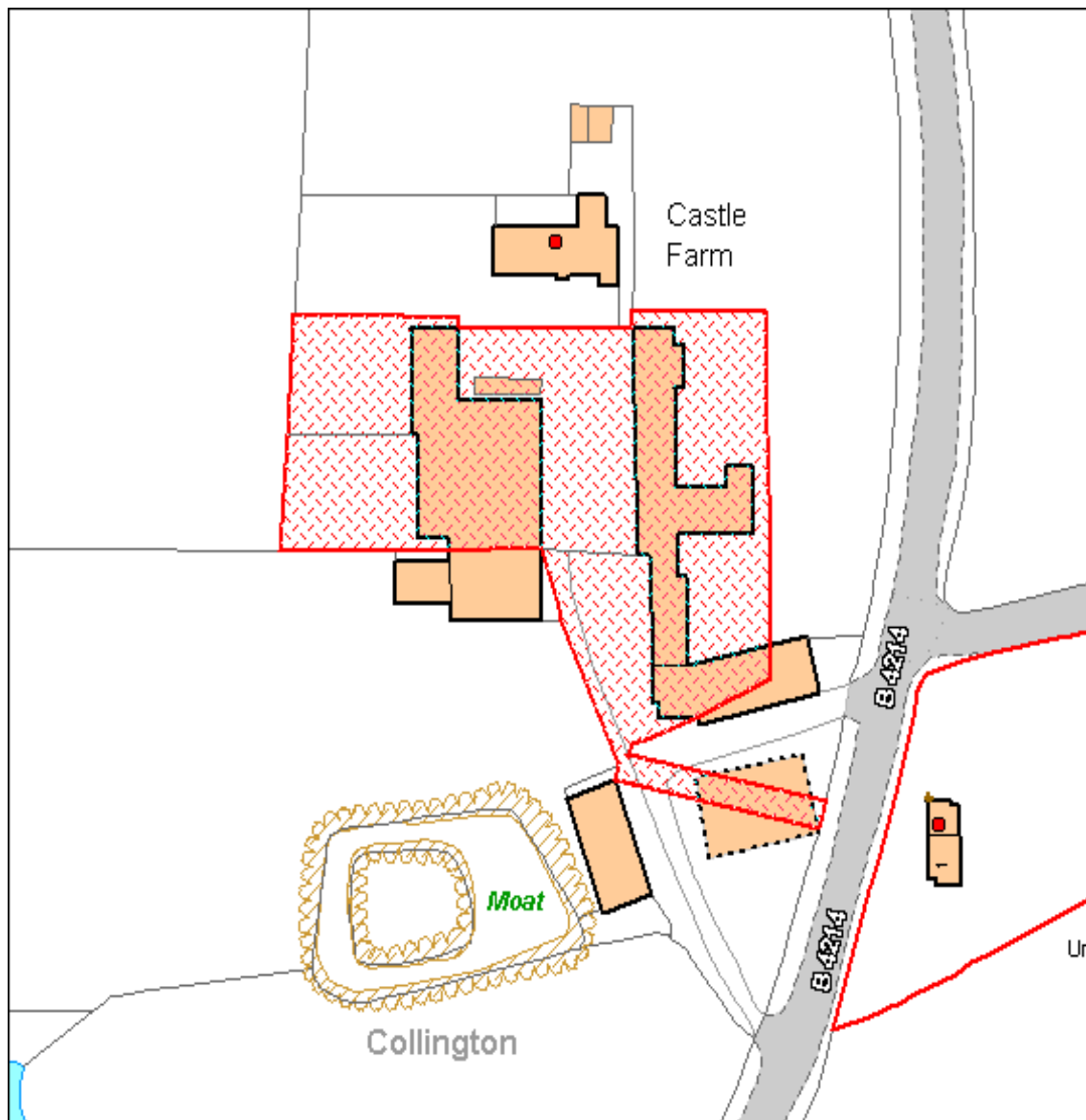
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC0009/1782/F

SITE ADDRESS : CASTLE FARM, COLLINGTON, BROMYARD, HEREFORDSHIRE, HR7 4NB

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**9 DCNE0009/1672/F - PROPOSED ERECTION OF 2
TIMBER-FRAMED CRAFT STUDIOS TO PROVIDE
WORKSHOP AND TRAINING FACILITIES AT
NETHERGREEN, RIDGEWAY CROSS, CRADLEY,
MALVERN, WORCESTERSHIRE, WR13 5JS.**

**For: MR ORFORD per MR COLIN BLUNDEL, 51
BATTENHALL RISE, WORCESTER, WR5 2DE.**

**Date Received: 23 June 2009 Ward: Hope End Grid Ref: 371595,247372.5
Expiry Date: 18 September 2009**

Local Members: Councillors R Mills and RV Stockton

1. Site Description and Proposal

- 1.1 The application site is located in open countryside and accessed from the A4103 via an unclassified road.
- 1.2 The application site comprises a farm house which also serves as a bed and breakfast, and is occupied by the applicants parents, and its associated domestic curtilage.
- 1.3 The holding includes a number of outbuildings in close proximity to the farm house comprising a stone barn, modern workshop unit and a residential caravan which the applicant and his partner live in.
- 1.4 The proposal is for the erection of two number timber framed units to form 'craft studios' to provide training and workshop facilities connected to an existing rural enterprise.

2. Policies

| | |
|-------|--|
| S1 | Sustainable Development |
| DR1 | Design |
| DR2 | Land Use & Activity |
| E11 | Employment in the Smaller Settlements & Open Countryside |
| E12 | Farm Diversification |
| RST6 | Countryside Access |
| HBA12 | Re-use of Traditional Rural Buildings |

3. Planning History

NE2009/0619/U – Application for a Lawful Development Certificate for an Existing Use as part of a domestic curtilage - Approved

NE2007/2416/F – Conversion of Traditional Barn to Holiday Accommodation - Refused

NE2005/1106/F – Erection of replacement Craft Workshop – Approved with Conditions.

4. Consultation Summary

Internal Council Advice

- 4.1 The Council's Highways department makes no objection to the proposal however they have serious concerns with regards to any significant intensification in use of the existing accesses from the A4103, where visibility is not to the recommended standard. However on the basis of the details as submitted, the proposed level of use may be considered acceptable providing future intensification is adequately restricted by conditions of any planning permission.
- 4.2 The Council's Conservation Officer makes no objection to the proposal.
- 4.3 The Council's Ecologist is preparing comments regarding the proposed planting scheme which was submitted following extensive discussions with Officers. The comments will be relayed to Members as a Committee update.

5. Representations

- 5.1 Cradley Parish Council makes no objection to the proposal.

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

6. Officer's Appraisal

- 6.1 The proposal follows pre-application advice with Planning Officers. Additional supporting information has also been provided following a meeting where the applicants were advised that Officers could not support the proposal on policy grounds. The additional information has been supplied as mitigation and consideration against this position.
- 6.2 The proposal comprises the erection of two number timber units on land outside the domestic curtilage of Nethergreen Farm on agricultural land in open countryside.
- 6.3 There is a general presumption against new development in such locations for economic use as outlined in E11.
- 6.4 The holding comprises a number of existing buildings, which in the opinion of Officers could either be converted, adapted or extended for the proposed use.
- 6.5 The applicant notes that the stone barn which is adjacent to the road is in the ownership of the applicant's parents. Notwithstanding the ownership issues, this unit is located within the red and blue line areas on the application plans and is therefore a material consideration. The proposed use of this barn for holiday accommodation is irrelevant as that use does not enjoy planning permission.
- 6.6 Other reasons given by the applicants for not utilising this barn include its size, conditions and noise from the road. It is considered that these issues could be overcome to some degree through an appropriate scheme.
- 6.7 The modern workshop unit which was granted permission in 2005 and is of a block and metal clad construction could be extended. The applicant considers that this

would provide insufficient space and also present contamination issues between the metal and wood elements of the enterprise.

- 6.8 No extension scheme as been presented and it is considered that the Planning Authority would take a pragmatic view on an extension to the unit given it is an existing structure and would prevent the introduction of new development in the open countryside.
- 6.9 The contamination issue could be resolved through appropriate working practice, layout and air filtering methods.
- 6.10 A Dutch barn also is located on the holding and has not been included or discounted.
- 6.11 Whilst acknowledging that the proposal represents a genuine farm diversification enterprise and the expansion of a successful small scale crafts enterprise run by the applicants who have a proven talent and commitment to their trade the supporting statements and mitigation are not considered to outweigh the policy position.

Landscape

- 6.12 The proposal is reasonably located in relation to existing buildings within the landholding. The straight line distance between the proposal and nearest existing building, the workshop, is 19 metres, however this appears less given the topography of the land which slopes away steeply to the south.
- 6.13 From the road the proposal would be unobtrusive and screened given the existing buildings, topography, height of the proposed buildings (3.6 metres to ridge and 1.9 metres to eaves) and their position.
- 6.14 The proposed planting scheme of native species trees, which would be harvested for their wood for use in the workshop units, as part of a cropping scheme also would provide screening to the proposal.
- 6.15 Notwithstanding the above, the proposal represents new development in open countryside where existing buildings could be used. Cumulatively, such proposals erode the character and intrinsic qualities of the open countryside even when unobtrusively located through their presence, use and wider impact.

Highways

- 6.16 The A4103 is a principle route through the county serving a high volume and mix of traffic. Whilst the substandard access is noted it is considered that if the proposed use was limited to six participants at any one time, excluding the applicants, then this low level use would be acceptable on highways grounds.
- 6.17 It is noted that the farm house serves as a bed and breakfast and could facilitate traffic movements not connected to the proposal.
- 6.18 It is also acknowledged that part of the holding served as a campsite utilising the existing access arrangements, which although unregulated, were potentially low level and sporadic.

The units

- 6.19 It has been presented that the proposal infact represents the re-use of buildings and is in accordance with HBA12.
- 6.20 It is acknowledged that the units come from another location within the county and represent 'recycling' however this re-use whilst commendable is not in compliance with HBA12 and represents 'new build' in planning terms.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. **The proposal represents new unwarranted development in an open countryside location contrary to Planning Policy Statement 7 and Herefordshire Unitary Development Plan policies DR1, E11 and E12.**
- 2. **The proposal does not represent the genuine re-use and adaptation of an existing building as per Herefordshire Unitary Development Plan policy HBA12.**

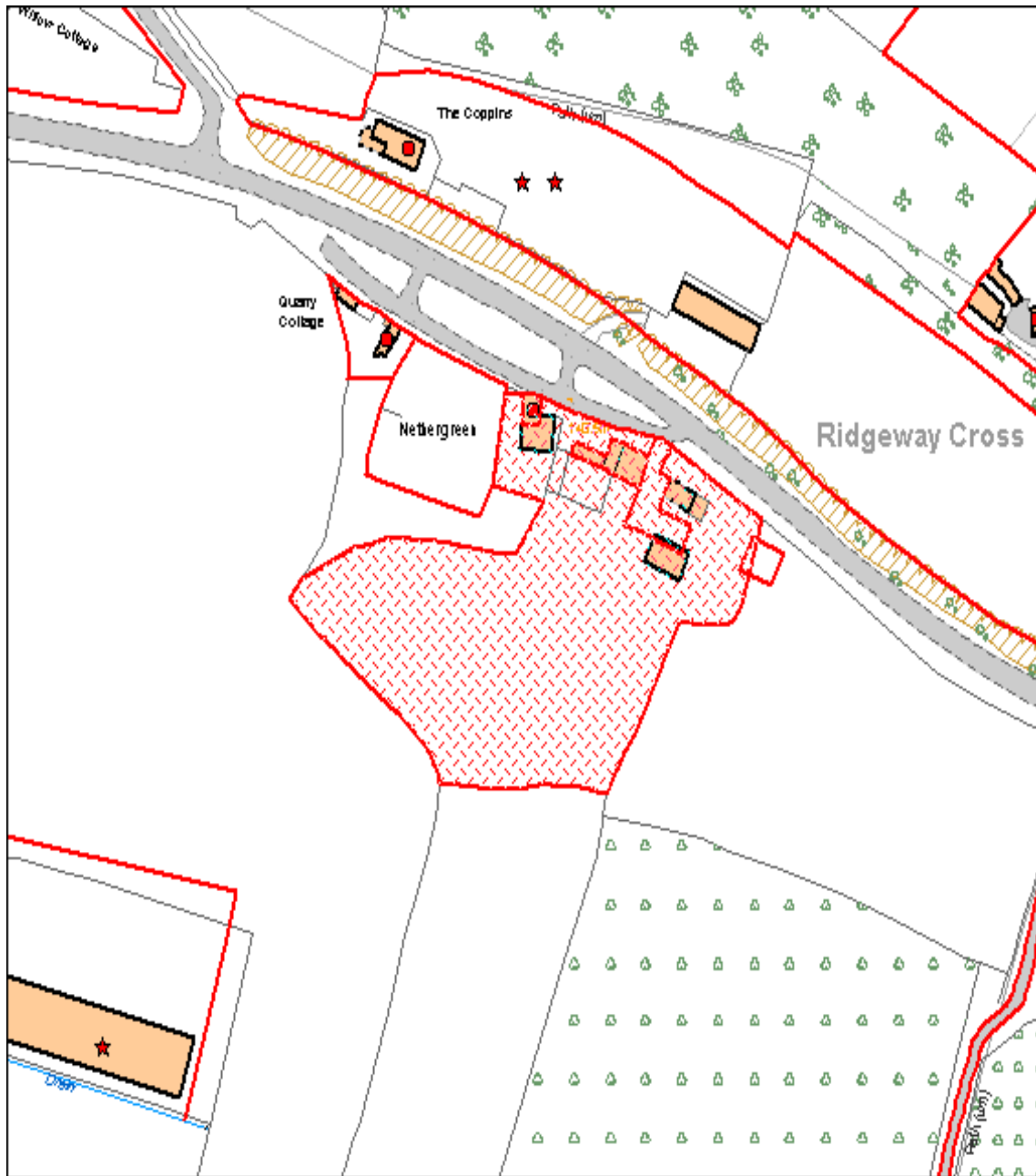
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE0009/1672/F

SITE ADDRESS : NETHERGREEN, RIDGEWAY CROSS, CRADLEY, MALVERN,
WORCESTERSHIRE, WR13 5JS

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10 DCNE0009/1690/F - PROPOSED SINGLE STOREY SIDE EXTENSION, ALTERATIONS AND REPAIRS TO EXISTING OUTBUILDINGS TO CREATE ADDITIONAL ACCOMMODATION AT PAUNCEFORD COURT FARMHOUSE, MUCH COWARNE, BROMYARD, HEREFORDSHIRE, HR7 4JQ.

For: MRS BURN per MR JOSH THOMAS, JOSH THOMAS DESIGN 2-3 TUDOR MEWS, THE HOMEND, LEDBURY, HEREFORDSHIRE, HR8 1BT.

Date Received: 23 July 2009

Ward: Frome

Grid Ref: 361953,247127

Expiry Date: 17 September 2009

Local Member: **Councillor PM Morgan**

1. Site Description and Proposal

- 1.1 The application site is located in open countryside although is in the cluster of houses that form the village of Much Cowarne, accessed from an unclassified road.
- 1.2 The application site comprises the large period farm house 'Paunceford Court' and its associated curtilage, and is served via two accesses. The site is flanked to the north by existing residential properties, of which includes a number of residential conversions, and to the south by agricultural fields. The Grade II listed Church is located to the west.
- 1.3 The proposal is for the extension of the house on its north elevation, to provide additional accommodation, (measuring: 6.6m wide x 8.6m deep x 5.6m high), repairs to existing outbuildings and the formation of an upgraded access.

2. Policies

- S1 - Sustainable Development
 DR1 - Design
 DR2 - Land Use & Activity
 H13 - Sustainable Residential Design

3. Planning History

- 3.1 None relevant.

4. Consultation Summary

Internal Council Advice

- 4.1 The Council's Highways department makes no objection to the proposal.

4.2 The Council's Conservation Officer makes no objection to the proposal, noting the pre-application discussions, which took place and considers the scheme is acceptable.

5. Representations

5.1 Much Cowarne Parish Council raises a number of issues:

- Additional traffic with regard to the Church carpark and impact on Pounceford Coachhouse
- The extension could be used to create a separate dwelling
- Impact upon Kiln House
- Impact upon character of an important local building

5.2 Two letters have been received from local residents, Mr and Mrs Dixey, Kiln House, Much Cowarne, NR7 4JQ and Mr Mustoe, Parc Glas, Much Cowarne, HR7 4JQ, who have signed an exact copy of the Dixey's letter, raise the following points:

- Impact upon an historic building
- Proposal alters the character of the area
- Proposal is not a sensitive proposal
- Impact upon amenity
- Impact upon privacy
- Change to the access arrangements and impact
- Landscaping is not in keeping with the rural nature of the surroundings
- Concern over potential removal of existing trees and hedges
- Proposal could create a separate dwelling

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

6. Officer's Appraisal

6.1 The proposal follows the pre-application advice and negotiations with Planning and Conservation Officers. The proposal is inline with those discussions and a number of proposed extensions were presented and evaluated. In principle all the schemes presented were acceptable in regards design, scale and massing.

6.2 Pounceford Court is a fine period country house, and whilst acknowledging it is of local importance, it is not a listed building. The proposal respects the character of the property, with the extension influenced by the principle elevation and architectural details replicated, particularly the roof and window.

6.3 The proposal is of a scale in keeping and subservient to the original dwelling and also serves to improve the north elevation, which currently has a disjointed appearance as a result of later brick additions which are out of keeping with the overall architectural approach as per the existing west and east elevations.

6.4 In regards the proposals impact upon adjoining residential properties, it is noted that the existing first floor window in the north elevation is removed and that new openings are at ground floor level only. It is considered that this represents an improvement in respect of overlooking and the distance wall to wall from the

proposed extension to Kiln House is 17 metres. These curtilages are also separated by a high close boarded fence.

- 6.5 The proposed access arrangements represent a modification to an existing situation. Paunceford Court is served by two accesses. The proposal has a driveway which serves the extension. This aspect is permitted development and could be created whether an extension was proposed or not. As it is part of the overall scheme, the width has been kept to a maximum of 3 metres to minimise impact upon the house and its setting. In regards increased traffic, any increase is anticipated to be minimal and as outlined, is a legal access that could be used regardless of this application.
- 6.6 Concern regarding the potential of the extension being subdivided to create a separate dwelling have been raised. This action would require planning permission and under current policies would be resisted on amongst other reasons, sustainability and unwarranted residential development in the open countryside. A condition preventing separate sale has been attached to allay these concerns and respectfully remind the applicants of the Local Planning Authority's position.
- 6.7 The removal of permitted development rights and recommended landscaping conditions ensure that the character of the area is preserved.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 A01 - Time limit for commencement (full permission)**
- 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:**
 - External materials
 - Roof tiles
 - Joinery details
 - Rainwater goods
 - Rooflights

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 building and the wider open countryside location are preserved and maintained, in accordance with Herefordshire Unitary Plan policies DR1 and H13.

- 3 Prior to the commencement of the hereby permitted development, full written details and appropriate scaled plans of the landscaping and boundary treatments, including planting scheme and species and the removal of any trees or hedges shall be submitted to the Local Planning Authority for written approval.**

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 building and the wider open countryside location are preserved and maintained, in accordance with Herefordshire Unitary Plan policies DR1 and H13.

- 4 The hereby permitted extension shall not be sold separately or sub-let from the property known as Paunceford Court Farmhouse, Much Cowarne, Herefordshire, HR7 4JQ.

Reason: To prevent the introduction of a new residential unit in an unsustainable open countryside location, in accordance with Herefordshire Unitary Development Plan policies S1, DR1 and H7.

- 5 Works relating to the commencement and implementation of the hereby permitted development are restricted to the following times:

- Monday – Friday, 10.00 to 17.00 hours
- Saturday 10.00 to 16.00 hours
- No work on Sundays or Bank Holidays

Reason: To protect the amenity of adjoining residential properties and the use of the Church.

- 6 F14 - Removal of permitted development rights.

INFORMATIVES:

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

N19 - Avoidance of doubt - Approved Plans

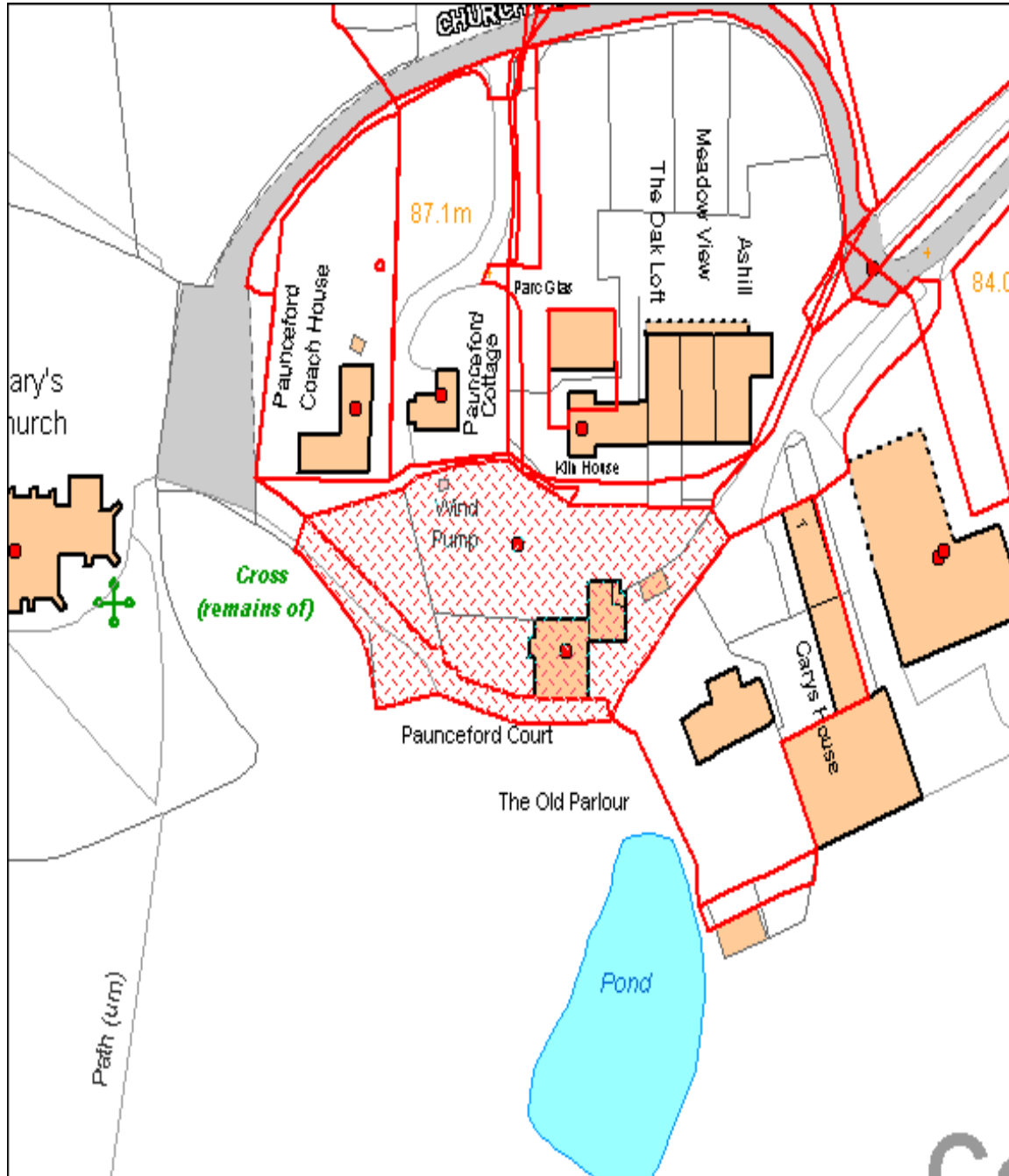
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE0009/1690/F

SITE ADDRESS : PAUNCEFORD COURT FARMHOUSE, MUCH COWARNE, BROMYARD, HEREFORDSHIRE, HR7

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