

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 20th August, 2003**

Time: **2.00 p.m.**

Place: **Brockington, 35 Hafod Road,
Hereford**

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

For any further information please contact:

*Heather Donaldson, Room 20, Brockington,
35 Hafod Road, Hereford*

hdonaldson@herefordshire.gov.uk

**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Northern Area Planning Sub-Committee

To: Councillor John Hope (Chair)
Councillor John Stone (Vice-Chairman)

Councillors B.F. Ashton, Mrs. L.O. Barnett, W.L.S. Bowen, R.B.A. Burke, P.J. Dauncey, Mrs. J.P. French, J.H.R. Goodwin, K.G. Grumbley, P.E. Harling, B. Hunt, T.W. Hunt, T.M. James, Brig. P. Jones C.B.E., R.M. Manning, R. Mills, R.J. Phillips, DW Rule M.B.E., RV Stockton, J.P. Thomas and J.B. Williams.

	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 23rd July 2003.</p>	5 - 24
<p>4. ITEM FOR INFORMATION - APPEALS</p> <p>To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.</p>	25 - 28
<p>5. HEAD OF PLANNING SERVICES REPORT</p> <p>To consider and Take any appropriate action on the attached reports of The Head of Planning Services in respect of the planning applications received for the northern area of Herefordshire, and to authorise him to impose any additional conditions and reasons considered to be necessary.</p> <p>Plans relating to planning applications on this agenda will be available for inspection by members during the meeting and also in the Council Chamber from 1.30 p.m. on the day of the meeting.</p>	29 - 88
<p>EXCLUSION OF THE PUBLIC AND PRESS</p>	

In the opinion of the Proper Officer, the next item will not be, or is likely not to be, open to the public and press at the time it is considered.

RECOMMENDATION: THAT the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Local Government Act, 1972 as indicated below.

6. ITEM FOR INFORMATION - ENFORCEMENT

89 - 90

To note the Council's current position in respect of enforcement proceedings for the northern area.

(This item discloses information relating to possible legal proceedings by the Council;

Information relating to any notice under by or by virtue of which requirement are imposed on a person, or that the Council intends to make an order or a direction under any enactment, and;

Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.)

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- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. A list of the background papers to a report is given at the end of each report. A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
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Please Note:

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the Northern Area Planning Sub-Committee held at Brockington, 35 Hafod Road, Hereford on 23rd July 2003 at 2:00 p.m.

Present: Councillor J.W. Hope (Chairman)
Councillor J. Stone (Vice-Chairman)

Councillors: B.F. Ashton, Mrs. L.O. Barnett, W.L.S. Bowen, Mrs. J.P. French, J.H.R. Goodwin, K.G. Grumbley, B. Hunt, T.W. Hunt, T.M. James, Brig. P. Jones C.B.E., R.M. Manning, R. Mills, R.V. Stockton, J.P. Thomas.

12. APOLOGIES FOR ABSENCE

Apologies were received from Councillors R.B.A. Burke, P.J. Dauncey, P.E. Harling and D.W. Rule.

13. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
R.M. Manning	<p>Agenda Item 5, Ref. 1 –</p> <p>NE2002/3887/F – Variation to Condition 3 of pp NE2002/1556/F to the effect that roller shutter doors shall not be opened between 2200-0700 hrs Mon-Fri, 0000-0800 & 1300-0000 hrs Sat and at no time on Sun, Bank or Public Holidays at:</p> <p>Jugs Green Business Park, Jugs Green, Staplow</p> <p>Agenda Item 5, Ref. 9 –</p> <p>NE2003/1728/F – Variation of Conditions 11 of pp MH2067/90 dated 10.12.90 and MH97/0972 dated 09.12.97 to permit limited outside storage area 11.5m x 11.5m x 3m at:</p> <p>Jugs Green Business Park, Jugs Green, Staplow</p>	<p>Declared a prejudicial interest and left the meeting for the duration of this item.</p> <p>Declared a prejudicial interest and left the meeting for the duration of this item.</p>

J.P. Thomas	Agenda Item 5, Ref. 10 – NC2002/3730/F – Extension to provide additional class A1 sales area, ancillary warehouse, staff facilities and extension to existing coffee shop at: Safeway Stores plc, Barons Cross Road, Leominster	Declared a prejudicial interest and remained in the meeting for the duration of this item.
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14. MINUTES

RESOLVED: That the Minutes of the meeting held on 25th June 2003 be approved as a correct record and signed by the Chairman, subject to the following amendment:

In respect of the minute for Ref 7 (Planning application NC2002/3784/F – FH Dale Premises, Mill Street, Leominster), the following paragraph be inserted immediately before the resolution:

“The Sub-Committee felt that the application should be approved, and that the traffic should be monitored on the surrounding road network for twelve months after the development had been completed, in order to assess the application’s impact on the nearby junction.”

15. ITEM FOR INFORMATION – APPEALS

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

With reference to planning applications NC2002/1550/F and NC2002/1534/F, the Sub-Committee noted that the Planning Inspectorate had supported the Council’s view that, regardless of how small, public open spaces were to be protected.

RESOLVED: That the report be noted.

16. REPORT OF THE HEAD OF PLANNING SERVICES

The report of the Head of Planning Services was presented in respect of planning applications received for the northern area of Herefordshire. During the discussion on the report, the Sub-Committee asked the Chairman of the Planning Committee to contact the County Secretary and Solicitor about why the format of planning reports had been altered. The reports no longer highlighted officers’ comments in separate paragraphs, but instead, put them within the main body of the officer’s appraisal.

RESOLVED: That the planning applications be determined as set out in the appendix to these minutes.

EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED: That under Sections 100 (A)(4) & (5)(b) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below.

SUMMARY OF THE PROCEEDINGS OF EXEMPT INFORMATION

17. ITEM FOR INFORMATION - ENFORCEMENT

The Sub-Committee received an information report about enforcement action in the northern area of Herefordshire.

RESOLVED: That the report be noted.

18. ENFORCEMENT REPORT – NW2001/3403/F

The Sub-Committee received a report about possible enforcement action in Kington.

RESOLVED: That it is not expedient to take enforcement action , and that the matter be dealt with as a minor modification within the spirit of the original permission.

(These items disclosed information relating to possible legal proceedings by the Council;

Information relating to any notice under by or by virtue of which requirement are imposed on a person, or that the Council intends to make an order or a direction under any enactment, and;

Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime)

The meeting ended at 3:51 p.m.

CHAIRMAN



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APPENDIX

Ref. 1 STAPLOW NE2002/3887/F	Variation to condition no. 3 of PP NE2002/1556/F, to the effect that roller shutter doors shall not be opened between 2200 - 0700 hours Mon - Fri, 0000 - 0800 hours & 1300 - 0000 hours Sat and at no time on Sunday, Bank or Public holidays at JUGS GREEN BUSINESS PARK, JUGS GREEN, STAPLOW, NR LEDBURY, HEREFORDSHIRE, HR8 1NR For: Davant Products Ltd per Wall, James & Davies, 15-23 Hagley Road, Stourbridge, West Midlands
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The Principal Planning Officer clarified the times requested in the proposed variation to the condition (Paragraph 6.1 in the report refers).

In response to a question, the Chief Development Control Officer said that he would look into the possibility of imposing a condition requiring all vehicles to switch off engines when stationary.

RESOLVED: That planning permission be granted subject to the following conditions, and subject to assessing whether an additional condition could be imposed, requiring stationary vehicles to switch off engines on the premises:

1. The roller shutter door shall be maintained at all times in a condition that prevents its noisy operation to the satisfaction of the Local Planning Authority to.

Reason: In order to protect the amenity of the adjoining residents.

2. The roller shutter doors shall not be opened between the times of 10.00 pm until 7.00 am Monday to Friday, 00.00 pm - 08.00 am, 13.00 pm to 00.00 am Saturday and at no time on a Sunday, Bank or Public Holiday.

Reason: To safeguard the amenities of the locality.

3. The use of the forklift trucks shall take place only between the hours of 08.00 to 18.00 hours Monday to Friday and 08.00 to 13.00 hours Saturday and not at all on Sundays, Bank and Public Holidays.

Reason: In order to protect the amenity of the adjoining residents.

4. When vehicles are stationary in the yard all engines shall be switched off and not be permitted to idle at any time. Furthermore, a notice to this effect shall be displayed within the yard, details of which shall be submitted for approval in writing of the Local Planning Authority within 2 months of the date of this decision and the sign erected within one month of that approval.

Reason: In order to protect the amenity of adjoining neighbours.

Ref. 2 LEDBURY NE2003/1116/F	Erection of 4 no. One-bedroom flats and 1 no. Two-bedroom bungalow at LAND WEST OF LONG ACRES, LEDBURY, HEREFORDSHIRE For: Festival Housing Group per Singleton Architects 59a Church Street Malvern Worcs WR14 2AA
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The Senior Planning Officer reported the receipt of amended plans, proposing moving the car parking area and widening the access road to enable refuse/emergency vehicles to enter and leave the site in a forward gear.

In accordance with the criteria for public speaking, Mr Watts, of Ledbury Town Council, spoke against the proposal.

In accordance with the criteria for public speaking, Mr Gurney, an objector, spoke against the proposal.

Members expressed concern about the application’s impact on the amenity of neighbouring properties through overlooking. The site’s status as “Brownfield” was also queried. They requested the re-siting of a BT pole and a streetlight either side of the access to the site on the grounds that they were felt to be a traffic hazard. The issue of street lighting was also discussed in connection with the possible adoption of the road serving the development.

The Senior Planning Officer reported that the Transportation Manager’s initial concerns about the application had been allayed through the reduction in the number of proposed units to five, and the amended scheme layout, bringing it up to near-adoptable standard. He emphasised that the application did not present a significant adverse affect on the amenity of surrounding properties. He said that the site met the criteria for “Brownfield” as described in PPG3, and that other policy issues were addressed in Paragraph 6.6 of the report.

In response to a question, the Senior Planning Officer reported that the application did not accord with Malvern Hills District Local Plan Parking policies, as per a previous application in 1997 (MH97/1443 refers). However, these policies had been superseded by PPG13 which allowed for a lesser parking standard under certain circumstances. In addition, issues relating to amenity had been addressed though the current siting and design. The Chief Development Control Officer stated that the refusal reasons of the previous planning application had been considered and overcome.

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 - A09 (Amended plans)**

Reason: To ensure the development is carried out in accordance with the amended plans.

- 3 - B01 (Samples of external materials)**

Reason: To ensure that the materials harmonise with the surroundings.

- 4 - E01 (Restriction on hours of working)
Reason: To safeguard the amenities of the locality
- 5 - E02 (Restriction on hours of delivery)
Reason: To safeguard the amenities of the locality.
- 6 - G02 (Landscaping scheme (housing development))
Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.
- 7 - G03 (Landscaping scheme (housing development) - implementation)
Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.
- 8 - F18 (Scheme of foul drainage disposal)
Reason: In order to ensure that satisfactory drainage arrangements are provided.
- 9 - E18 (No new windows in specified elevation)(east and west elevation)
Reason: In order to protect the residential amenity of adjacent properties.
- 10 - E19 (Obscure glazing to windows)(east and west elevation)
Reason: In order to protect the residential amenity of adjacent properties.
- 11. Prior to the occupation of the development hereby permitted, the existing telegraph pole and lamp post immediately north and south of the existing access off Long Acres shall be re-located. Details of the new site for the telegraph pole and lamp post should be submitted for the approval of the local planning authority prior to commencement of the development hereby permitted.
Reason: In the interests of highway safety.

<p>Ref. 3 BROMYARD NC2003/1360/F</p>	<p>3 no. 3-bedroom cottages & 1 no. 1-bedroom cottage, with 6 car parking spaces on SITE ADJACENT TO BISHOPS GARAGE, THE BYPASS, BROMYARD.</p> <p>For: Mr J Bishop per Linton Design Group, 27 High Street, Bromyard, Herefordshire HR7 4AA</p>
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The receipt of a letter from the applicant’s agent was reported, stating that the existing petrol tanks adjacent to the site would remain in situ because they would be unaffected by the proposed scheme.

In accordance with the criteria for public speaking, Mr Cave, of Bromyard and Winslow Town Council, spoke against the proposal. The Chairman and Local Member requested to be consulted on tree planting proposals.

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 - A09 (Amended plans) (1117/1/A, 1117/3/A and 1117/10, received on 30 June 2003)

Reason: To ensure development is carried out in accordance with the amended plans.

- 3 - No development shall take place until details or samples of materials to be used externally on walls and roof, together with details of brick bond, mortar mix, barge boards, rainwater goods, and construction and colour finish of doors and windows, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings.

- 4 - C04 (Details of window sections, eaves, verges and barge boards) (After 'commence' insert 'colour finishes and architectural details' and after 'barge boards' insert 'and porches')

Reason: To ensure appropriate detailing in the interest of visual amenity.

- 5 - 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.

- 6 - G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

- 7 - G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

- 8 - G06 (Scope of landscaping scheme) (condition 4)

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

- 9 - G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

- 10 - No development shall take place until an accurate site plan has been submitted indicating the position of the adjacent copper beech together with the full extent of its canopy spread.
- Reason: To ensure adequate protection to existing trees adjacent to the development, in the interests of the character and amenities of the area..
- 11 - F48 (Details of slab levels)
- Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.
- 12 - F18 (Scheme of foul drainage disposal)
- Reason: In order to ensure that satisfactory drainage arrangements are provided.
- 13 - Further to condition 12 above, foul and surface water discharge shall be drained separately from the site.
- Reason: To protect the integrity of the Public Sewerage System.
- 14 - No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.
- Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.
- 15 - No land drainage run-off will be permitted either directly or indirectly, to discharge into the public sewerage system.
- Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.
- 16 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed in the end gable elevation of the property, facing Sherford Street.
- Reason: In order to protect the residential amenity of adjacent properties.
- 17 - 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 fences/gates/walls/garages/ building/extension/dormer windows shall be erected/constructed other than those expressly authorised by this permission.
- Reason: To safeguard the character and amenities of the area.

Notes to applicant:

- 1 - HN01 - Mud on highway
- 2 - HN05 - Works within the highway
- 3 - HN04 - Private apparatus within highway
- 4 - HN10 - No drainage to discharge to highway

Ref. 4 BROMYARD NC2003/0558/O	Site for residential development on LAND ADJACENT TO THE KNAPP, NODENS LANE, YORK ROAD, BROMYARD, HEREFORDSHIRE For: Mr G Firkins per Mundy Construction Services, 5 Upper Court, Luston, Leominster HR6 OAP
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The Senior Planning Officer reported the receipt of a letter from the applicant's agent, stating that the applicant required a single dwelling only, and had not proposed to erect any additional dwellings at any stage. Since the Sub-Committee's site inspection, the Transportation Manager had made an additional comment that if there was a single dwelling only on the site, the existing access would be adequate. If more were built, the access road would need to be brought up to adoptable standard. In response to a question, the Northern Divisional Planning Officer confirmed that a condition would be imposed on any planning permission granted, limiting the number of dwellings on the site to one. He also confirmed that no transportation officers visited the site prior to the report that had been presented to the Sub-Committee's meeting on 25th June, 2003. An officer had inspected the site subsequently, and the comments contained in the report this time had been based on that site inspection.

In accordance with the criteria for public speaking, Mr Cave, of Bromyard and Winslow Town Council, spoke against the proposal.

In response to a question, the Senior Planning Officer reported that it had been proposed to dispose of storm water via a soakaway, and that the foul drainage would be via the main sewer.

RESOLVED: That outline planning permission be granted subject to the following conditions, and to a condition limiting the number of dwellings on the site to one:

- 1 - **A02 (Time limit for submission of reserved matters (outline permission))**
 Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 2 - **A03 (Time limit for commencement (outline permission))**
 Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 3 - **A04 (Approval of reserved matters)**
 Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

- 4 - **A05 (Plans and particulars of reserved matters)**
 Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

5. The development hereby permitted shall be restricted to a single dwelling only.

Reason: In order to define the permission and in the interests of highway safety.

Ref. 5 LEDBURY NE2003/1037/F	Proposed DIY store, garden centre & car parking on LAND OFF LEADON WAY, NEW MILLS, LOWER ROAD TRADING ESTATE, LEDBURY, HEREFORDSHIRE For: Pettifer Estates Ltd per Mr P H Bainbridge, Stone Cottage, Duke Street, Withington, Hereford, HR1 3QD
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The Principal Planning Officer reported slight amendments to the report. He advised that any approval of the application needed to be delegated to officers under the Council's Scheme of Delegation, because the applicant had not completely conformed to the Environment Agency's recommendations for flood alleviation, and this needed to be resolved first. He confirmed that the proposed financial contribution to coach parking and the cycle network amounted to £40,000.00. He stated that the amended plans had incorporated some of the Ledbury Cycle Forum's comments, and the financial contribution included up to £10,000 specifically for this purpose.

RESOLVED: That subject to the Environment Agency withdrawing their objection:

- (i) the County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to secure the contribution to coach parking and cycle network and any additional matters and terms as she considers appropriate.
- (ii) Upon completion of the aforementioned planning obligation, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission, subject to the following conditions, and any additional conditions considered necessary:
 - 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. A06 - Development in accordance with approved plans

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.
 - 3. The premises shall be used as a DIY store and garden centre within Class A1 of the Town and Country Planning (Use Classes) Order 1987 only excluding:-
 - i) the sale of food and drink to be consumed off the premises;
 - ii) sale of clothing and footwear;
 - iii) sale of cutlery, crockery and glassware;
 - iv) sale of jewellery, clocks and watches;
 - v) sale of toys, camping and travel goods;

- vi) sale of books, audio and visual recordings and stationery;
- vii) furniture, carpets and electrical ‘white’ goods; other than those designed for use in gardens or patios’ or in conservatories.
- viii) sale of medical goods, equipment and clothing;
- ix) sale of sports goods, equipment and clothing;
- x) all uses within Categories A1, (B to F and I and J), of Class A1;

except where the retail sale of these goods forms a minor and ancillary part of the operation of the retail activity.

- 4. Highway details
- 5. Cycle/footpath link
- 6. New seating/signage
- 7. Landscaping
- 8. Flood storage
- 9. Materials
- 10. Boundary treatment
- 11. Opening hours
- 12. Range of goods
- 13. Delivery times
- 14. Single occupier
- 15. Drainage

Note to Applicant:

This permission is granted pursuant to an agreement under Section 106 of the Town and Country Planning Act 1990.

The officer named in the Scheme of Delegation to Officers is authorised to amend the above conditions as necessary to reflect the terms of the planning obligation under Section 106.

Ref. 6 LEDBURY NE2003/1293/F	Erection of one dwelling at 21 BANK CRESCENT, LEDBURY, HR8 1AD For: Mr J Evans per Mr B Pugh, 63 Cherry Tree Lane, Halesowen, Birmingham. B63 1DU
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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 - A09 (Amended plans) (9 July 2003)

Reason: To ensure the development is carried out in accordance with the amended plans.

- 3 - B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

4 - E01 (Restriction on hours of working)

Reason: To safeguard the amenities of the locality.

5 - E18 (No new windows in specified elevation) (in the north west and south east elevation of the property)

Reason: In order to protect the residential amenity of adjacent properties.

6 - E19 (Obscure glazing to windows) (on first floor on the south east elevations shall be glazed with obscure glass only)

Reason: In order to protect the residential amenity of adjacent properties.

7 - E16 (Removal of permitted development rights)

Reason: In order to clarify the terms under which consent is granted and bring any future enlargement of the property under the control of the local planning authority.

8 - F18 (Scheme of foul drainage disposal)

Reason: In order to ensure that satisfactory drainage arrangements are provided.

9 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

10 - H13 (Access and parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

Notes to Applicant

- 1 - HN01 - Mud on highway
- 2 - HN04 - Private apparatus within highway
- 3 - HN05 - Works within the highway
- 4 - HN10 - No drainage to discharge to highway

<p>Ref. 7 WELLINGTON HEATH NE2003/1397/F</p>	<p>Proposed three car garage with ensuite bedroom and store over (following demolition of existing garage and bungalow) at</p> <p>UPLANDS ORCHARD, BURTONS LANE, WELLINGTON HEATH, LEDBURY, HEREFORDSHIRE, HR8 1NF</p> <p>For: Mr & Mrs R Pugh per Peter Cripwell & Associates, 3 St. Nicholas Street, Hereford. HR4 OBG</p>
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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 - **A06 (Development in accordance with approved plans) (and amended site plan received 9th July 2003)**

Reason: To ensure adherence to the appropriate plans in the interests of a satisfactory form of development.
- 3 - **B03 (Matching external materials (general))**

Reason: To ensure the satisfactory appearance of the development.
- 4 - **E08 (Domestic use only of garage)**

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling.
- 5 - **E15 (Restriction on separate sale/let of the building from Uplands Orchard)**

Reason: It would be contrary to the policy of the local planning authority to grant consent for a separate dwelling in this location.
- 6 - **F48 (Details of slab levels)**

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.
- 7 - **G10 (Retention of trees)**

Reason: In order to preserve the character and amenities of the area.
- 8 - **G18 (Protection of trees)**

Reason: To ensure adequate protection to existing oak tree which is to be retained, in the interests of the in the interests of the visual amenity of the area.
- 9 - **H09 (Driveway/turning area)(delete driveway)**

Reason: To ensure adequate protection to existing oak tree which is to be retained, in the interests of the visual amenity of the area.

Ref. 8 BOSBURY NE2003/1574/F	Demolition of existing cottage and replace with proposed new dwelling at FIRS COTTAGE, BOSBURY, LEDBURY, HR8 1HE For: Mr Ellis per RRA Ltd, Packers House, 25 West Street, Hereford, HR4 0BX
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The Northern Divisional Planning Officer reported slight amendments to Condition 9 of the recommendation.

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. **A06 - Development in accordance with approved plans**
Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. **B01 - Samples of external materials (including details of glazing).**
Reason: To ensure that the materials harmonise with the surroundings.

4. **E16 - Removal of permitted development rights**
Reason: In order to clarify the terms under which consent is granted and bring any future development under the control of the local planning authority.

5. **G04 - Landscaping scheme (general)**
Reason: In order to protect the visual amenities of the area.

6. **G05 - Implementation of landscaping scheme (general)**
Reason: In order to protect the visual amenities of the area.

7. **G10 - Retention of trees**
Reason: In order to preserve the character and amenities of the area.

8. **H05 - Access gates (5 metres)**
Reason: In the interests of highway safety.

9. **Prior to the commencement of the development hereby permitted details of the means and location of disposal of all waste materials arising from the demolition of the existing dwelling and outbuildings shall be submitted to and agreed in writing by the local planning authority. The demolition shall be carried out in accordance with the approved details.**
Reason: To ensure the appropriate disposal of waste materials.

10. **The flat roofed terrace area shall not be enclosed by any form of railings, fence, wall or other means of enclosure without prior written consent of the local planning authority.**
Reason: In the interest of visual amenity.

Notes to Applicant:

1. **HN1 - Mud on highway**
2. **HN4 (Private apparatus within highway)**
3. **HN5 - Works within the highway**
4. **HN10 -No drainage to discharge to highway**

Ref. 9 STAPLOW NE2003/1738/F	Variation of conditions nos. 11 of planning permissions nos. MH2067/90 dated 10.12.90 and MH97/0972 dated 09.12.97 to permit limited outside storage area 11.5m. X 11.5m. X 3m, at JUGS GREEN BUSINESS PARK, STAPLOW, LEDBURY, HEREFORDSHIRE, HR8 1NR For: Davant Products Limited per Wall, James & Davies, 15-23 Hagley Road, Stourbridge, West Midlands, DY8 1QW
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The Environmental Protection Manager's observations (no objection) were reported. One further letter of objection from Mr D Furnival was read out in full. The letter stated that the outside storage was visually intrusive, would generate more outside movements and therefore more noise, and was unacceptable in an agricultural area.

In accordance with the criteria for public speaking, Mr Pugh, an objector, spoke against the proposal.

In accordance with the criteria for public speaking, Mr Jolly, the applicant's agent, spoke in support of the proposal.

Members expressed concern over the fact that the application was retrospective, and that there was limited scope for further expansion on the site. They felt that it was preferable to limit the storage height to 2 metres, to correspond with the height of the perimeter fence, thereby obscuring the view of the storage area. It was also suggested that it was preferable to store items inside the buildings only.

The Principal Planning Officer stated that the fence would not obscure the storage area, whatever the height, and that the layout of the site meant that the storage would always be visible against the backdrop of the buildings. For this reason, he said that it would be unreasonable to limit the storage height to below 3 metres. He reminded the Sub-Committee of a note to the applicant on a previous planning permission, stating that further development on the site was unlikely to be acceptable. In response to a question, he conformed that the site was not in an Area of Outstanding Natural Beauty or an Area of Great Landscape Value.

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 - A06 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

- 3 - The area hereby approved for open storage shall be permanently marked out to ensure its identification, details of which shall be submitted for approval in writing of the Local Planning Authority within 2 months of the date of this permission and the works undertaken within one month of that approval.

Reason: In order to clarify the terms of this permission.

- 4 - With the exception of the open storage approved under this permission no other external storage shall take place.

Reason: In order to clarify the terms of this permission.

- 5 - All open storage shall be secured to ensure that no material is allowed to transgress outside of the authorised area.

Reason: In order to clarify the terms of this permission and protect the amenities of nearby residents.

Ref. 10 LEOMINSTER NC2002/3730/F	Extension to provide additional class A1 sales area, ancillary warehouse, staff facilities & extension to existing coffee shop at SAFeway STORES PLC, BARONS CROSS ROAD, LEOMINSTER, HR6 8RH For: Safeways Stores Plc per DTZ Piedad Consulting, 10 Colmore Row Birmingham B3 2QD
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The Northern Divisional Planning Officer reported that the applicant’s agent had submitted further representations in response to comments from the Council’s consultant.

The Sub-Committee agreed that the application should be deferred to investigate statements made by both the applicant’s agent and the Council’s consultant.

In accordance with the criteria for public speaking, Mr Shuker, the applicant’s agent, was present at the meeting and reserved his right to speak on the application until it came back before the Sub-Committee for consideration.

RESOLVED: That consideration of the application be deferred for further information.

Ref. 11 WIGMORE NW2003/0630/F	Use of land for parking of agricultural implements & customer vehicle parking at TEME VALLEY TRACTORS LTD, BROAD STREET, WIGMORE, HEREFORDSHIRE For: Teme Valley Tractors Ltd per Mr D R Davies, 23 Charlton Rise, Ludlow, Shropshire SY8 1ND
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The Northern Divisional Planning Officer said that the Council had received representations about the possibility of protected species on the site. In view of this, the Sub-Committee agreed to defer the application to consult the Council’s Ecologist.

In accordance with the criteria for public speaking, Mr Bingham and Mrs Hughes-Price, objectors, were present at the meeting and reserved their right to speak on the application until it came back before the Sub-Committee for consideration.

In accordance with the criteria for public speaking, Mr Davies, the applicant's agent, stated that he wished to exercise his right to speak at this meeting, because he would be unable to attend the Sub-Committee's next meeting. He then spoke in support of the proposal.

RESOLVED: That consideration of the application be deferred for further information.

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. NC2002/3788/F**

- The appeal was received on 30th July 2003
- 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 I Harris
- The site is located at Beechfield, Edwyn Ralph, Bromyard, Herefordshire, HR7 4LX
- The development proposed is Retention of garden shed
- The appeal is to be heard by Written Representations

Case Officer: Mark Tansley on 01432-261956

Application No. NE2002/3901/F

- The appeal was received on 30th July 2003
- 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 Rural Homes
- The site is located at 26 & 28 Albert Road, Ledbury, Herefordshire, HR8 2DW
- The development proposed is Residential redevelopment comprising 12 dwellings, access, parking and garaging
- The appeal is to be heard by Written Representations

Case Officer: Kevin Bishop on 01432-261803

Enforcement Reference No. EN2003/0015/ZZ

- The appeal was received on 6th August 2003
- 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 R.J. & R.J. Clay & Co.
- The site is located at OS 4494, Site of former Rose Cottage, Monkhide
- The breach of planning control alleged in this notice is "Without planning permission, change of use of the land from use as agricultural land to that of siting a mobile home, lorry container and septic tank together with the creation of a hardstanding"
- The requirements of the notice are: Remove the mobile home, lorry container, septic tank and hardstanding from the land. Reinstate the land by regrading and sowing of grass seed to its condition before the unauthorised change of use took place.
- The appeal is to be heard by Written Representations

Case Officer: Russell Pryce on 01432-261795

Application No. NC2003/0182/F

- The appeal was received on 7th August 2003
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs C Bigglestone
- The site is located at 9, Sunningdale, Leominster, Herefordshire, HR6 8EH
- The development proposed is First floor extension
- The appeal is to be heard by Written Representations

Case Officer: Duncan Thomas on 01432-261790

APPEALS DETERMINED

Application No. NC2002/1597/N

- The appeal was received on 27th December 2002
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against non-determination within 8 weeks
- The appeal was brought by Vixmead Ltd.
- The site is located at Land adjacent to Woodend Coppice, Bringsty, Worcs.
- The application was dated 24th May 2002
- The development proposed was New vehicle access to tip.
- The main issues are: (a) the status of the non-determined tipping application and the prospects of its being implemented; (b) the impact of the proposed access on highway safety; and (c) the effect of the proposed access on the appearance of the surrounding area.

Decision: The appeal was **DISMISSED** on 18th July 2003

Case Officer: Nick Dean on 01432-260385

Application No. NW2002/2869/F

- The appeal was received on 6th March 2003
- 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 S.F. Housego
- The site is located at Rickyard Cottage, Lyonshall, Herefordshire, HR5 3JN
- The application, dated 16th September 2002, was refused on 11th November 2002
- The development proposed was Two storey extension
- The main issue is the effect of the proposed development on the living conditions of nearby residents, with regard to visual impact, privacy and sunlight and daylight.

Decision: The appeal was **DISMISSED** on 21st July 2003

Case Officer: Simon Withers on 01432-261781

Application No. NC2003/0365/F

- The appeal was received on 15th April 2003
- 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 B J Mantle
- The site is located at Fairview, Bodenham, Hereford, Herefordshire, HR1 3HS
- The application, dated 5th February 2003, was refused on 14th March 2003
- The development proposed was Retention of 2m high panel fence
- The main issues are (i) the character and appearance of the surrounding area; and (ii) highway safety and the free flow of traffic

Decision: The appeal was **DISMISSED** on 25th July 2003

Case Officer: **Duncan Thomas on 01432-261790**

Application No. NW2002/1545/F

- The appeal was received on 4th March 2003
- 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 Tabre Developments Ltd
- The site is located at Land Off Kingswood Road, Kington.
- The application, dated 21st May 2003, was refused on 4th September 2002
- The development proposed was Erection of 6 no. 2-bedroom cottages & parking area
- The main issues are (a) the effect of the proposed development on the character and appearance of the surrounding area, which lies within the Kington Conservation Area, and (b) the implications for highway safety and the free flow of traffic on Kingswood Road, arising from the proposed parking and access arrangements.

Decision: The appeal was **DISMISSED** on 4th August 2003

Case Officer: **Simon Withers on 01432-261781**

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

NORTHERN AREA PLANNING SUB-COMMITTEE**20 AUGUST 2003****APPLICATIONS RECEIVED**

NO.	APPLICANT	PROPOSAL AND SITE	APPLICATION NO.	PAGE NO.
1	Mr A J Wilkinson	Removal of condition 2 of planning permission MH206/89 dated 9.5.89 "No rolling stock shall pass to the north west of the line marked x-x on the plan hereby approved" at Rowden Mill Station, Winslow, Bromyard	NC2003/1812/F	31 – 35
2 & 3	Mr and Mrs Clarke	Extensions and alterations to public house and additional car parking area at Live and Let Live, Bringsty Common, Bringsty	NC2003/1825/F NC2003/1826/L	37 – 41
4	Marches Housing Association	Construction of 20 no. dwellings, 10 no. 3-bedroom units, 4 no. 2-bedroom units, 5 no. 4 bedroom units and 1 no. 5-bedroom unit (with facility for future adaption of roof voids for accommodation) access, roads and play area on land adjacent to Middlemarsh, Leominster	NC2003/2045/F	43 – 47
5	Teme Valley Tractors Ltd	Use of land for parking of agricultural implements & customer vehicle parking at Teme Valley Tractors Ltd, Broad Street, Wigmore	NW2003/0630/F	49 – 55
6	Mr & Mrs RPR Sutherland & Mr & Mrs PR Sutherland	Erection of residential garage/workshop with change of use for partial commercial usage at Bryncurl, Lyonshall, Kington	NW2003/1681/F	57 – 60
7	Marches Housing Association	Erection of 8 houses, extension & widening of estate road, demolition & replacement of garage block on Land to the east of Rosemary, Leintwardine	NW2003/1929/F	61 – 67
8	Mr N Nenadich	Two storey extension to bungalow at 'Gilwern', Flood Gates, Kington	NW2003/2016/F	69 – 73
9	Mr & Mrs A Blundell	Construction of balcony at first floor and infill glazed screens and doors to existing external walls at Woodfields, Floyds Lane, Wellington Heath, Ledbury	NE2003/1396/F	75 – 77

10	M & A Searby	Demolition of cafe & Residence and erection of 2 storey house with parking for 2 vehicles at Cloud Nine, Jubilee Drive, Upper Colwall	NE2003/1665/F	79 – 86
11	Mr & Mrs C.K. Hill	Dropped kerb to form new vehicular access at 13 Lower Road, Ledbury	NE2003/1951/F	87 - 88

1 NC2003/1812/F - REMOVAL OF CONDITION 2 OF PLANNING PERMISSION MH206/89 DATED 9.5.89 "NO ROLLING STOCK SHALL PASS TO THE NORTH WEST OF THE LINE MARKED X - X ON THE PLAN HEREBY APPROVED" AT ROWDEN MILL STATION, WINSLOW, BROMYARD, HEREFORDSHIRE, HR7 4LS

For: Mr A J Wilkinson of 12 Oswell Road, Walsall, WS1 2PJ

Date Received:

16th June 2003

Expiry Date:

11th August 2003

Ward:

Bringsty

Grid Ref:

62640, 56670

Local Member: Councillor T W Hunt

1. Site Description and Proposal

- 1.1 The application site lies in an Area of Great Landscape Value to the north-west of the former Rowden Mill Railway Station and to the rear of and north east of Station Cottage and Station House. Running parallel to the site is a driveway which gives vehicular access to the remainder of the land in the ownership of the applicant.
- 1.2 The application seeks approval for the use of an existing length of track (approximately 172m) for powered and hand operated rolling stock. There is currently a restrictive condition preventing its use.

2. Policies

1.2 Hereford and Worcester Country Structure Plan

CTC.2 – Development in Areas of Great Landscape Value

CTC.9 – Development Criteria

2.2 Malvern Hills Local Plan

Landscape Policy 3 Development in Areas of Great Landscape Value

2.3 Herefordshire Unitary Development Plan (Deposit Draft)

LA2 Landscape character and areas least resilient to change

3. Planning History

MH2092/83 - Conversion to form dwelling. Approved 21 November 1983

MH206/89 - Engineering operation involving the laying of ballast and railway track on short section of former Bromyard-Leominster railway line. Approved 9 May 1989.

MH1085/90 - Locate GWR coach body on ground at the Leominster end of station yard to be used for storage. Refused 17 July 1990.

MH91/0273 - The siting of a former GWR coach body built approx. 1898 on land forming part of the old permanent way at the Leominster end of the station yard. The coach body is less chassis and wheels. It is restore externally on track side. It would be used for storage purposes only i.e., agricultural equipment, railway track materials, assorted tools etc. Approved 9 May 1991.

MH92/1034 - The lifting of the restrictions in Part ii of Planning Permission MH 206/89. Refused 6 October 1992. Appeal dismissed 25 May 1993.

MH97/0628 - Modify condition 2 of existing planning permission MH 206/89 to allow use of headshunt for unloading and loading. Approved 12 August 1997.

N99/1924/F - Use of Headshunt for loading and unloading. Approved 23 September 1999.

4. Consultation Summary

- 4.1 Responses by internal consultees that raise material planning issues are summarised and considered in the Officer's Appraisal.

5. Representations

- 5.1 Wacton Parish Council does not support this application. Planning permission to remove the condition has been refused previously and an appeal was dismissed in 1993. There has been no material change in the situation.

- 5.2 Bromyard Town Council: declined to comment

:

- 5.3 Letters of representation have been received in response to the proposed development from:

David and Rosemarie Sutton, Station Cottage
Dr J K Ilsely, Rowden Mill House
R L & M J Lawrence, Rowden Mill
Mr I D and Mrs R K Lock, Station House.

The main concerns raised are:

- adverse impact of complete removal of restrictive condition
- noise pollution and nuisance due to close proximity of track to two residential properties (approximately 20 and 35 metres respectively)
- Visual impact especially in winter months
- Currently a peaceful area used by walkers, cyclists and horse riders. Tranquility at risk from proposed development
- No alteration in circumstance since the last refusal
- Rolling stock could be parked at rear of adjacent residential properties for long periods
- Limited length of track means continuous runs up and down are necessary

- Health and safety issues - using heavy locomotive and rolling stock
- Lack of insulation against noise, fumes or disturbance
- Height of locomotives and rolling stock is intrusive and intimidating
- Existing length of track should be sufficient for usage
- Comparison of use of farm track with proposed use is not accepted

5.4 In support of the proposal the applicant has submitted two statements setting out the changes which have occurred since the application was refused permission in 1992 namely:

- the tree barrier between the railway track and Station Cottage is now mature and forms a screen and noise barrier,
- he is now retired and is totally flexible about operating times
- the trees in the area have grown considerably making previous objections irrelevant in this respect.

Furthermore in response to the letters of representation the applicant has suggested restricting the operation to 2 days per month for the diesel locomotive and 4 days per month for the trolleys. All stock, when not in use would be kept in the station area, as is done currently.

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

6. Officers Appraisal

6.1 The main issues for consideration in determining this application are as follows:

- a) impact of the development on the character and appearance of this Area of Great Landscape Value
- b) the impact of the development on the amenities of local residents

Character and appearance of the area.

6.2 The application site lies in an area of open countryside, recognised for its landscape quality by its designation in Malvern Hills Local Plan as an Area of Great Landscape Value.

6.3 The site is largely screened to longer distance views by existing mature hedgerows and trees, which mark the boundaries and are found adjacent to the site.

6.4 The maturity of the vegetation around the site is a material change since the last application in 1992. As such it is not considered that the proposal would result in demonstrable harm to the character or appearance of the area.

6.5 To ensure that the impact of the development is kept to a minimum a condition, requiring a landscaping scheme to include retention of existing trees and hedges within the applicants ownership, should be imposed.

Residential amenity:

6.6 The letters of representation set out the concerns regarding potential loss of amenity and adverse impact upon the quiet enjoyment of their homes and gardens. In planning terms, the protection of residential amenities is a material consideration.

- 6.7 Care has been taken to assess the potential impact of the proposed development together with suggested restrictive conditions.
- 6.8 It is accepted that to allow unrestricted use of the track would give rise to nuisance. However, on the basis of the existing rolling stock, limited use of the track would not cause demonstrable harm to residential amenities of those living adjacent to the site.
- 6.9 It is therefore recommended, incorporating the advice of the Environmental Health Officer, that conditions are imposed limiting the number of days, times of use, type of rolling stock and preventing the use of whistles or hooters.
- 6.10 This level of strict control will safeguard amenities and the temporary planning permission will allow the situation to be monitored and ultimately re-visited and reviewed at the end of the 12 month period.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - E20 (Temporary permission) (31 August 2004) (Add at end 'after which no rolling stock shall pass to the north-west of the line marked x-x on the plan hereby approved')**

Reason: To enable the local planning authority to give further consideration of the acceptability of the proposed use after the temporary period has expired.

- 2 - The times at which the use hereby granted permission may take place shall be restricted to 2 days per calendar month for the diesel and 4 days per calendar month for the trolleys. There shall be no operations on Sunday or Bank Holidays and no operations on more than 2 consecutive days within any calendar week. The hours of use during the permitted period shall be restricted to 2.00pm to 4.00pm.**

Reason: To enable the Local Planning Authority to maintain control in the interest of the amenities of occupiers of adjacent residential properties.

- 3 - No rolling stock shall be parked on the track the subject of this planning permission outside the operating times as detailed in condition 2 above.**

Reason: To enable the Local Planning Authority to maintain control in the interest of the amenities of occupiers of adjacent residential properties.

- 4 - The type of rolling stock shall be restricted to the stock detailed in the schedule received on 4 August 2003 unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To enable the Local Planning Authority to maintain control in the interest of the amenities of occupiers of adjacent residential properties.

- 5 - No whistles or hooters shall be used at any time on the site.**

Reason: To enable the Local Planning Authority to maintain control in the interest of the amenities of occupiers of adjacent residential properties.

- 6 - A record shall be kept by the applicant of the occasions referred to in condition 2 above and prior notification of at least a week must be given to the occupiers of Station Cottage and Station House.

Reason: To enable the Local Planning Authority to maintain control in the interest of the amenities of occupiers of adjacent residential properties.

- 7 - G10 (Retention of trees)

Reason: In order to preserve the character and amenities of the area.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

2 NC2003/1825/F - EXTENSIONS AND ALTERATIONS TO PUBLIC HOUSE AND ADDITIONAL CAR PARKING AREA AT LIVE & LET LIVE, BRINGSTY COMMON, BRINGSTY, HEREFORDSHIRE, WR6 5UW

3 NC2003/1826/L – SAME AS ABOVE

For: Mr & Mrs A Clarke at the same address

Date Received:

27th June 2003

Expiry Date:

22nd August 2003

Ward:

Bringsty

Grid Ref:

69978, 54843

Local Member: Councillor T W Hunt

1. Site Description and Proposal

- 1.1 The Live and Let Live is a Grade II Listed Building of timber-framed and stone construction under a clay tiled roof. It is situated on Bringsty Common approximately 400m off the A44 from where it is accessed via an unmade track.
- 1.2 The site lies within an Area of Great Landscape Value and there is public access along a network of footpaths which criss-cross the common.
- 1.3 The application is in two parts. Firstly are the extension and alterations to the listed building and secondly the formation of a new parking area.

2. Policies

2.1 Malvern Hills District Local Plan

Conservation Policy 9 – Alterations and extensions to listed buildings
Landscape Policy 3 – Development in Areas of Great Landscape Value
Transport Policy 11 – Traffic Impact

2.2 Herefordshire Unitary Development Plan (Deposit Draft)

DR1 - Design
LA2 - Landscape character and areas least resilient to change
HBA1 - Alterations and extensions to listed buildings

- 2.3 PPG 15 – Planning and the Historic Environment.

3. Planning History

NC2001/2656/F - change of use from public house to residential. Withdrawn

MH98/0001 - Change of use from Public House to dwelling. Refused 10.3.98. Appeal dismissed 3.1.99. DoE ref. T/APP/W1850/A/98/299935/P2.

MH96/1019 - Change of use from Public House to dwelling. Refused 10.12.96.

MH0095/92 - Extensions and alterations. Listed Building Consent refused 14.4.92.

MH0094/92 - Extensions and alterations. Refused 14.4.92.

MH1074/86 - Replacement signs. Approved 22.7.86.

4. Consultation Summary

4.1 English Heritage: 'The main conservation issue here is one of relative scale.

A part of the significance and character of a small historic cottage is that it is small - that is one of the stories of the past that it conveys to us and to future generations. In these circumstances an extension that rivals or exceeds the size of the historic building is therefore almost always going to be harmful in conservation terms, however sympathetically it is designed.

That is the case with the present proposal, therefore English Heritage firmly recommends that it should not receive planning permission or listed building consent.

4.2 Society for the preservation of Ancient Buildings (SPAB): our particular concern is the size of the proposed addition. Replacement of the existing extensions may prove acceptable (if it is clear that they have no architectural or historic interest) but the main front range must be allowed to remain architecturally dominant. We are concerned that side and rear additions of the size currently proposed would overwhelm the historic building. Some reduction in size seems likely to be necessary.'

4.3 The Georgian Group: 'The building is outside the period in which the group is interested. We defer to the comments of the other national amenity societies.'

4.4 Responses by internal consultees that raise material planning issues are summarised and considered in the Officer's Appraisal.

5. Representations

5.1 Linton parish council: supports application but would draw attention to the sewage, which has been a problem in the past. The proposal will increase its usage. The mobile home should be sited for the duration of the works. Draw attention to the new gateway, is it off the commons?

5.2 Herefordshire Nature Trust: no response received at time of writing report.

5.3 A standard petition letter was sent in with 180 signatures supporting the application on the grounds that it provides additional space for a family whilst retaining the original character of the old public house.

5.4 Further letters of support were received from Bringsty Action Group; Mark Haslam, CAMRA Malvern; C.J Landsborough, Hinksmoor Cottage, Bringsty; A & K Taylor, Hinksmoor House, Bringsty; Richard Putley, 3 Foxglove Close, Malvern and Julian Wood, Winspur, Bringsty.

The main points/issues raised relate to:

- Community has missed out on 'gathering' place.
- The pub's re-opening will renew sense of community
- The need for a meeting place goes beyond need to preserve listed building
- Should be allowed to make changes needed to comply with hygiene and health and safety.

5.5 Letters of objection have been received from the occupiers of the 3 neighbouring properties, S. Hill, Baytrees, P. Healy, Primrose Cottage, and Mrs S Dodd of Brookside.

The main areas of concern relate to:

- Commercial car park facing directly windows in property. Will have serious impact upon privacy
- The car park is adjacent to back garden and will as such substantially affect the quality of life currently enjoyed
- Access track currently only serves 2 dwellings. Query over right of access and bringing public further onto common.
- Potential nuisance from any lighting
- Excessive parking provision for size of public house
- Alternative site may be less intrusive
- Concerned over additional wear and tear to track
- Where is 'run off' from car park going to go?

5.6 The full text of these letters can be inspected at the Planning Services, PO Box 230, Blueschool House, Blueschool Street and prior to the Sub-Committee meeting.

6. Officers Appraisal

6.1 The special interest of this listed building lies in the fact that it remains a relatively unharmed example of a small late mediaeval building peculiar to this area.

6.2 This type of building, with its eyebrow dormer is becoming increasingly rare and precious as the pressure to extend increases.

6.3 Prior to the submission of this application lengthy informal discussions took place with the applicant and agent with the aim of reducing the scale of the proposal which was felt to dominate the listed building.

6.4 These concerns have been concurred with by both English Heritage and the Society for the protection of Ancient Buildings whose grounds for objection are set out in Section 4 above.

- 6.5 Further to the receipt of these consultation response a meeting was held with the applicant at which it was agreed that the necessary revisions would be undertaken, namely:
- The deletion of the rear kitchen wing, reduction in bulk and simplification of roof details, internal re-configuration to delete number of toilets to allow reduction in depth and investigation of most appropriate location for linked extension. In addition the concerns regarding the new parking areas need to be addressed.
- 6.6 The proposed new car parking area is at the bottom of a steep, uneven track which is not wide enough for 2 cars to pass. The access into the car park is restricted with poor visibility, however the majority of vehicles will be going to the car park with only 2 cottages beyond the car park.
- 6.7 The potential impact on the amenities of occupiers of adjacent residential properties in an issue which needs to be addressed including any necessary screening and limits and regarding lighting and access.
- 6.8 Subject to the receipt of satisfactory revised drawings, which maintain the character, and dominance of the existing listed building and safeguard the amenities of occupiers of adjacent residential properties, the scheme can be supported.

RECOMMENDATION

NC2003/1825/F

That subject to the receipt of satisfactory amended drawings and parking details and no new grounds of objection being raised, the officer named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

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 - **A09 (Amended plans)**

Reason: To ensure the development is carried out in accordance with the amended plans.

3 - **B01 (Samples of external materials)**

Reason: To ensure that the materials harmonise with the surroundings.

Plus other conditions under the following headings:

- 4 – **Surface and foul water drainage details including discharge from car park**
- 5 – **Maintenance of access**
- 6 – **Pedestrian access to car park**
- 7 – **Lighting**
- 8 – **Signage**
- 9 – **Landscaping, including retention of hedge and reinstatement of grassed area adjacent to public house**

10 – Boundary treatment

Notes to applicant:

- 1 The applicant is advised that commercial access agreement will have to be negotiated with the County Land Agent.
- 2 Mobile home to be removed from site upon completion of building work.

NC2003/1826/L

That subject to the receipt of satisfactory amended drawings and no new grounds of objection being raised, the officer named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

- 1 - C01 (Time limit for commencement (Listed Building Consent))

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

- 2 - A09 (Amended plans)

Reason: To ensure the development is carried out in accordance with the amended plans.

- 3 - B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

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

Reason: To safeguard the character and appearance of this building of special architectural or historical interest.

- 5 - No member nor part member of the existing timber frame, floor joists and boards nor roof timber shall be removed without the prior consent of the Local Planning Authority.

Reason: To protect the fibre of this listed building.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

4 NC2003/2045/F - CONSTRUCTION OF 20 NO. DWELLINGS, 10 NO. 3 BEDROOM UNITS, 4 NO. 2 BEDROOM UNITS, 5 NO. 4 BEDROOM UNITS & 1 NO. 5 BEDROOM UNIT (WITH FACILITY FOR FUTURE ADAPTION OF ROOF VOIDS FOR ACCOMMODATION) ACCESS, ROADS & PLAY AREA ON LAND ADJACENT TO MIDDLEMARSH, LEOMINSTER, HEREFORDSHIRE

For: Marches Housing Association per Mr R Grice Halsall Lloyd partnership 2 Rugg House New street Leominster Herefordshire HR6 8DR

Date Received:

18th July 2003

Expiry Date:

12th September 2003

Ward:

Leominster North

Grid Ref:

49788, 59829

Local Members: Councillors Brig. P Jones CBE and Mrs J French

1. Site Description and Proposal

- 1.1 The application site is an allocated site for housing as defined by the adopted Leominster District Local Plan.
- 1.2 The site is accessed from the adjacent Mallards Housing development off Middlemarsh.
- 1.3 The River Lugg and riverside walk define the northern boundary of the site, with vacant, undeveloped land to the south, which is allocated for further residential development.
- 1.4 The application proposes the erection of 20 dwellings on the 1.62 hectare site, comprising 16 properties for rent in perpetuity and four properties for shared ownership.
- 1.5 The housing mix for the site includes 4 no 2 bed units, 10 no 3-bed units, 5 no 4 - bed units and 1 no 5 -bed units.

2. Policies

2.1 Hereford & Worcester County Structure Plan

Policy H2D	Housing Requirements
Policy H15	Location of Growth
Policy CTC 6	Landscape Features
Policy CTC 9	Development Requirements

2.2 Leominster District Local Plan (Herefordshire)

Policy A1	Managing the Districts Assets & Resources
Policy A2 (D)	Settlement Hierarchy
Policy A12	New Development and Landscape Schemes
Policy A24	Scale and Character of Development
Policy A54	Protection of Residential Amenity
Policy A55	Design and Layout of Housing Development
Policy A70	Accommodating Traffic from Development
Policy L3	Land to East of Ridgemoor Road

2.3 Herefordshire Unitary Development Plan (Deposit Draft)

Policy S1	Sustainable Development
Policy S2	Development Requirement
Policy S3	Housing
Policy DR1	Design
Policy H13	Sustainable Residential Design
Policy H15	Density
Policy LA5	Protection of Trees, Woodlands and Hedgerows
Policy LA6	Landscape Schemes

2.4 Herefordshire Housing Needs Survey 2001**2.5 PPG 3 – Housing****3. Planning History**

NC02/3358/F Phased construction of 26 no. 3-bed dwellings and 2 no. 4-bed dwellings, (with facility for future adaptation of roof voids), access roads and play area. Withdrawn.

4. Consultation Summary

- 4.1 English Nature: holding objection until issues regarding surface water drainage and planting schemes have been resolved.
- 4.2 Hyder Consulting (acting on behalf of Welsh Water): No reply received at time of writing report.
- 4.3 Environment agency: No response received at time of writing report.
- 4.2 Responses by internal consultees that raise material planning issues are summarised and considered in the Officer's Appraisal.

5. Representations

- 5.1 Town council: 'Recommend approval, but express concern over the incorporation of facilities for adaption of the roof voids and lift spaces. The purpose of such incorporation is not made clear in the application, and it is felt that the space would be better used in the available accommodation. It is also felt that internal lifts would cause disturbance to the residents. Members also express concern over the ability/adequacy of the sewage system in that area to cope with this additional development.'

- 5.2 River Lugg internal drainage board. Note that proposed development is similar to previous development with respect to building lines along the River Lugg. It is also noted that surface water is to be directed to water butt and soakaway system. Percolation test results from the developer should satisfy that this will be effective.
- 5.3 The applicant's agent has submitted a detailed design statement setting out the justification for the proposed development. Reference is made to site constraints, area appraisal, design considerations together with details of the housing mix.
- 5.4 The full text of these letters can be inspected at Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The site is an allocated site and the principle of residential development has therefore already been established.
- 6.2 The scheme as submitted is the result of negotiation following the withdrawal of an earlier scheme. Particular attention has been given to the design and layout of the site, which incorporates 'home zones' where the distinction between road and footpath is blurred to reduce vehicle speeds and ensure that the layout is not dominated by the road.
- 6.3 The site has a number of constraints, including restrictions on development within 7metres of the River Lugg, a storm sewer, which crossed the site together with the need to protect a vehicular access route into adjacent housing site.
- 6.4 Full landscaping details together with the provision and maintenance of a children's play area will be conditioned. If the provision and maintenance is not undertaken by the housing association a Section 106 agreement will be required. The site is visible from a public footpath and additional planting along the River Lugg boundary should therefore form part of the landscaping scheme. This will need to incorporate a wildlife corridor of at least 10 metres. The choice of suitable plants needs to reflect the sensitive nature of the site and its edge of settlement location.
- 6.5 The design of the scheme incorporated features of local vernacular and an appropriate stock brick will be used to ensure that the character of the development reflects the traditional building materials of the area. Minor amendments are being made to some of the house types and revised drawings are awaited.
- 6.6 The layout of the development reflects the pattern of existing development in terms of spacing between units, but more attention has been given to avoid a regimented and uniform layout, which is designed to improve the overall character of the area.
- 6.7 The transportation manager has recommend a number of revisions to the parking and traffic calming measure, but otherwise raised no objection to the internal road alignment and overall parking provision.
- 6.8 Further details are required regarding surface water drainage from the site together with full landscaping details and amended house types. Subject to the receipt of satisfactory outstanding details the scheme is considered acceptable.

RECOMMENDATION

That subject to the receipt of satisfactory drainage, highway, landscaping and house-type details and no new grounds of objection being raised, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

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 - A09 (Amended plans)

Reason: To ensure the development is carried out in accordance with the amended plans.

3 - B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

4 - G09 (Retention of trees/hedgerows)

Reason: In order to preserve the character and amenities of the area.

5 - G02 (Landscaping scheme (housing development))

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

6 - G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

7 - E16 (Removal of permitted development rights)

Reason: To bring any future development under planning control.

Plus other conditions under the following headings:

- 5. Highway details**
- 6. Boundary treatment**
- 7. Public open space - provision and maintenance**
- 8. Surfacing roads, paths, house accesses and paths**
- 9. Street lighting**
- 10. Foul an surface water drainage**
- 11. Archaeology**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

5 NW2003/0630/F - USE OF LAND FOR PARKING OF AGRICULTURAL IMPLEMENTS & CUSTOMER VEHICLE PARKING AT TEME VALLEY TRACTORS LTD, BROAD STREET, WIGMORE, HEREFORDSHIRE**For: Teme Valley Tractors Ltd per Mr D R Davies,
23 Charlton Rise, Ludlow, Shropshire SY8 1ND****Date Received:
27th February 2003
Expiry Date:
24th April 2003****Ward:
Mortimer****Grid Ref:
41463, 68935**

Local Member: Councillor Mrs O Barnett

Introduction

This matter was deferred at the previous meeting to enable investigation of claims of protected species being present on site. It was suggested that great crested newts utilise the site. The advice from the Council's Ecologist is that there is no ecological reason to suggest great crested newts would be found on this site. Consequently, there are no grounds to change the recommendation.

1. Site Description and Proposal

- 1.1 The application site lies on the east side of the A4110 road through Wigmore. The site comprises of the existing Teme Valley Tractors business together with land to the south and east, which in part adjoins the rear boundaries of a number of properties along the main road and the Primary School to the south. The dwelling known as Wigingamere between the site and the school is within the control of the applicant.
- 1.2 The site lies adjacent to a number of listed buildings and is also within the Wigmore Conservation Area.
- 1.3 The site can be categorised into two areas. First, land immediately adjacent to and on the south side of a small stream which is currently being used for the storage/parking of agricultural machinery, without the benefit of planning permission, and the area to the north of the stream which was formerly an orchard.
- 1.4 The proposal is described as a change of use from garden area to parking for agricultural implements and customer parking. It does not appear, however, that the land has been used as garden land for many years and it is doubtful whether the old orchard on the north side of the stream ever was.

- 1.5 The submitted amended plan of 11 April indicates that customer parking will be located adjacent to the north-west boundary of Wigingamere, that a new mixed thorn and beech hedge will be planted along the boundary with the school, and along the boundaries of that part of the site across the stream, together with the retention of the existing apple trees and silver birches in that part of the site.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

A2(B) – Settlement Hierarchy
A12 – New Development and Landscape Schemes
A14 – Safeguarding Water Resources
A18 – Listed Buildings and their Settings
A21 – Development within Conservation Areas
A28 – Development Control Criteria for Employment Sites
A35 – Small-scale New Development for Rural Businesses within or around Settlements
A70 – Accommodating Traffic from Development

2.2 Hereford and Worcester County Structure Plan

E6 – Industrial Development in Rural Areas
CTC15 – Conservation Areas

2.3 Herefordshire Unitary Development Plan (Deposit Draft)

E6 – Expansion of existing businesses
E10 – Employment principles within or adjacent to rural settlements
HBA4 – Setting of listed buildings
HBA6 – New development within Conservation Areas

- 2.4 PPG4: Industrial and Commercial Development and Small Firms
PPG15: Planning and the Historic Environment
PPG18: Enforcement of Planning Control

3. Planning History

76/0601 - Site for the erection of light industrial factories at Wigmore. Outline planning permission granted 3.11.76. This application site extended to the existing Teme Tractor site, a more recently erected bungalow, but not to the orchard across the stream.

80/177 - Erection of bungalow at old shop buildings and yard. Refused on policy and access grounds 28.7.80.

87/0214 – Erection of bungalow at old shop buildings and yard. Outline planning permission granted 22.6.87.

88/188 - Reserved Matters for bungalow on old shop yard. Approved 10.5.88. This was for the property now known as Wigingamere.

4. Consultation Summary

- 4.1 Environment Agency have no objection subject to a condition preventing any new buildings or structures including gates, walls or fences, or raised ground levels within 5 metres of the top of any bank of watercourse. They also advise that the applicant should comply with the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991 and that they should ensure there is no possibility of contaminated water entering and polluting surface or underground waters.
- 4.2 Responses by internal consultees that raise material planning issues are summarised and considered in the Officer's Appraisal.

5. Representations

- 5.1 Wigmore Parish Council has no objection.
- 5.2 Wigmore Primary School advise: 'The Governing body has no objection to the above planning applications. However, they request that Teme Valley Tractors consider planting a screen hedge should the site become unsightly.'
- 5.3 In support of the application the applicant's agent has submitted a number of letters, which advise the following:

That a one metre wide hedge planting consisting of beech and hawthorn will be planted adjacent to the boundary fences as shown on the submitted plan.

That the existing silver birch and apple trees are to remain and be protected.

Oak Cottage, a listed building, is owned by the applicant and that part of the building is used as office space and stores, with the rear garden area being used for storage and parking for the business and has been since about 1949 when the business commenced, with the existing workshop being erected in 1953.

The Methodist Chapel is affected by approximately 5.0 metres of a boundary adjacent to the watercourse with large mature trees forming a boundary line where it overlooks the rear gardens of adjacent houses. The situation will not be affected by the proposal as it existed since long before the conversion works to residential dwelling were approved by your Council.

There are a number of other businesses nearby which have similar impacts on the landscape including garage workshops, vehicle storage and parking, shop facilities and stores to name a few.

The letter concludes that these all add to the rural and setting and serve to bring alive a thriving community thereby adding to the economic stability of the area by offering full-time employment and accord fully with the criteria set out in your Policies A28, A34, A35 and A41.

The most recent letter also advises that only temporary access over the stream will be provided. Furthermore, that the proposals will be of benefit to the area and provide suitable screened storage for implements brought in for repair and sale. This will in turn give the benefit of tidying up an unsightly area by giving properly controlled storage in the Conservation Area and allowing vehicles and implements to be parked

off the road and property access, benefiting the established business and village appearance.

Should the application be approved this may present the possibility of providing additional employment opportunities.

5.4 Objections have been received from:

Mrs J Wright, Chapel House, Wigmore
A & E Boden, Pretoria House, Wigmore
Mrs G Clement, Oakley House, Wigmore
ZYDA Law, Solicitors, on behalf of Mr and Mrs Bingham, Burgage Farm, Wigmore
Mr and Mrs Bytheway, Quarry Cottage, Wigmore
M Baxter, Tannery House, Wigmore
L Henry, The Old Courthouse, Wigmore
G A Hughes-Price, Brick House, Wigmore

Their objections can be summarised as follows:

- 1) Air pollution: It is impossible to open windows during working hours between 8.00am and 6.00pm due to tractor engines running, generators and the burning of rubbish. Granting planning for this will treble the size of the area in which this could take place.
- 2) Pollution to the stream from oil and other hydraulic liquids.
- 3) Flash flooding occurs during the winter although some remedial work has taken place on land adjacent to the site.
- 4) As recently as last year the land was being used for the grazing of horses and sheep. The tractors have appeared without planning permission.
- 5) The access will be dangerous.
- 6) It is obtrusive and unnecessary and suited only to the industrial estate.
- 7) The description is in error. It is not a change of use from gardens.
- 8) The proposal will be detrimental to the setting of a listed building.
- 9) It is already an eyesore without further expansion.
- 10) Intrusion upon privacy.
- 11) Contrary to policies in the Unitary Development Plan.
- 12) If refused, applicant would relocate to land allocated for employment use.
- 13) The proposal is premature and should have been promoted in the UDP.
- 14) It would create a precedent for further unacceptable development.
- 15) Loss of value of property.

16) The site is a habitat for wild life.

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

6. Officers Appraisal

6.1 The principal issues in the determination of this application appear to relate to highway safety, residential amenity, visual amenity, pollution and setting of listed buildings and Conservation Area.

6.2 Improvements are proposed to the existing access to the site together with provision for customer parking which allows an opportunity to lay out the forecourt area in a less haphazard manner which would lead to the benefit of highway safety generally.

6.3 The application as submitted extends the area of the site for the purposes of storage of agricultural implements. The application does not propose these areas be used for working on vehicles and consequently there ought not to be any significant difference in terms of the impact of the business upon residential amenity as referred to by objectors, particularly the running of engines, etc., causing air pollution.

6.4 The Chief Conservation Officer has serious concerns in terms of the impact of the proposal upon the setting of nearby listed buildings and upon the character of the Conservation Area. He considers that the site forms a soft edge to the settlement, which protects and enhances the historic core of the village. The topography and land use are typical of the valley floor below the ridge, and this pasture land lies in the immediate setting of many listed buildings and their associated burgage plots. He considers that the proposal would in effect industrialise the site, destroying the visual and natural amenity.

In addition, the proposal to provide car parking adjoining the street frontage is inappropriate in this part of the Conservation Area and would further erode the setting of the Listed Building.

In landscape impact terms, he considers that the area beyond the stream being readily visible from the A4110 and public footpath within the school grounds makes a positive contribution which should be retained.

In terms of biodiversity issues, there are a number of matters of concern but these could be satisfied by conditions.

6.5 These legitimate concerns, which themselves have the backing of Development Plan and national policy, need to be weighed against policies supportive of employment uses, and in particular PPG4 and PPG18 on enforcement. Refusal of the application will lead to further enforcement action to secure removal of unauthorised use of part of the site.

6.6 In terms of pollution, it is not considered that the use of areas for additional storage will make any difference to the air pollution situation. In terms of oil and other liquids, the site is already required to comply with the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991. The Environment Agency have not suggested that additional conditions are required.

- 6.7 It is considered that through the imposition of appropriate safeguards through use of conditions, some of the concerns set out above can be addressed. Requiring details of the surfacing and demarcation of the area to the south of the stream, and the prohibition of surfacing at all beyond the stream, plus enhanced landscaping works will, it is considered, do this. On this basis it is considered that on balance the opportunity to improve the appearance of the site and retain employment opportunity and diversity of use within a main village such as Wigmore are such that the application can be recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - A01 (Time limit for commencement (full permission))**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 - A06 (Development in accordance with approved plans)**
Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.
- 3 - D01 (Site investigation - archaeology)**
Reason: To ensure the archaeological interest of the site is recorded.
- 4 - 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.
- 5 - The areas indicated on the approved plan for agricultural implement storage and customer parking shall be used for this purpose only and vehicles/implements within this area shall not be actively worked upon.**
Reason: In the interests of residential amenity.
- 6 - Within 3 months of the date of this permission details of the laying out and surfacing of these areas shall have been submitted to the Local Planning Authority for approval in writing. Use of these areas shall not then commence until these works have been carried out in accordance with the approved details.**
Reason: In the interests of visual amenity and to protect the settings of listed buildings and the Conservation Area.
- 7 - G04 (Landscaping scheme (general))**
Reason: In order to protect the visual amenities of the area.
- 8 - G05 (Implementation of landscaping scheme (general))**
Reason: In order to protect the visual amenities of the area.
- 9 - G10 (Retention of trees)**
Reason: In order to preserve the character and amenities of the area.

10 - There shall be no new buildings, structures (including gates, walls or fences) or raised ground levels within a) 5m of the top of any bank of watercourses, and/or b) 3m of any side of an existing culverted watercourse, inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.

Reason: To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows.

11 - Details of the proposed temporary access over the stream shall be submitted to the Local Planning Authority for approval in writing, prior to the use of the land beyond the stream for storage purposes.

Reason: For the avoidance of doubt and to ensure compliance with Environment Agency Regulations.

Notes to applicant:

The details required by condition 6 will be expected to show:

A rough grass border, of 2 metres either side of the stream, to be kept and clearly demarcated

The grassed area on the opposite side of the stream to be left as grass

All trees, including the deadwood stump, to be kept in situ.

The left hand corner of the grassland area not to be used to store vehicles, this should also be demarcated.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

6 NW2003/1681/F - ERECTION OF RESIDENTIAL GARAGE/WORKSHOP WITH CHANGE OF USE FOR PARTIAL COMMERCIAL USAGE AT BRYNCURL, LYONSHALL, KINGTON, HEREFORDSHIRE, HR5 3LT**For: Mr & Mrs RPR Sutherland & Mr & Mrs PR Sutherland at above****Date Received:**
5th June 2003**Ward:**
Pembridge
Lyonshall with Titley**Grid Ref:**
& 33915, 55725**Expiry Date:**
31st July 2003

Local Member: Councillor R Phillips

1. Site Description and Proposal

- 1.1 Bryncurl is an attractive unlisted property located on the south side of the C1031 close to but just outside the settlement boundary of Lyonshall.
- 1.2 The property lies within a spacious plot, the roadside boundary being defined by a low stone wall behind which the proposed garage/workshop would be located. The nearest neighbouring dwelling is some 20 metres to the east of the application site. To the north and east are a range of predominantly modern agricultural buildings.
- 1.3 Planning permission is sought for the construction of a garage/workshop building within the existing garden and positioned immediately adjacent to the roadside boundary. It therefore projects in front of the principal elevation of the main house. The building would be weatherboarded under a slate roof and has a floor area of 10.2 metres by 6 metres, a height to the eaves of 2.53 metres and an overall height of 6.12 metres. The proposal also involves an external staircase to a first floor studio.
- 1.4 The intention is to provide garaging for the applicants private car and domestic paraphernalia as well as to function as a store for his commercial vehicle and its contents and other materials relating to the applicants business such as timber and loft ladders. The building would also house some woodworking equipment including a small table saw, planer, cross cut saw and pillar drill. These would be used partly in connection with the applicants home improvement business but also in connection with his DIY requirements and furniture making hobby. The applicant advises that business related activity would be limited since this primarily takes place off site.

2. Policies**Hereford & Worcester County Structure Plan**Policy E6 Industrial Development in Rural Areas
Policy CTC 9 Development Requirements

Leominster District Local Plan (Herefordshire)

Policy A1	Managing the Districts Assets & Resources
Policy A2 (d)	Settlement Hierarchy
Policy A9	Safeguarding the Rural Landscape
Policy A10	Trees and Woodlands
Policy A13	Pollution Control
Policy A24	Scale and Character of Development
Policy A35	Small Scale New Development for Rural Businesses within or around Settlements
Policy A54	Protection of Residential Amenity
Policy A56	Alterations, Extensions and Improvements to Dwellings
Policy A70	Accommodating Traffic from Development

3. Planning History

- 3.1 NW03/1680/F - Erection of Kitchen/Bedroom and Conservatory - Approved 10 July 2003.

4. Consultation Summary

- 4.1 Responses by internal consultees that raise material planning issues are summarised and considered in the Officer's Appraisal.

5. Representations

- 5.1 Lyonshall Parish Council state :

'The Parish Council object to this application on the grounds that this is a change of use to semi-industrial in a residential area. The woodworking equipment outlined with this application for use in the proposed workshop is of a nature very noisy and would have a detrimental affect to the enjoyment of the surrounding residents. In addition the gable end is visually unacceptable and would have too great an impact on its neighbours.'

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

6. Officers Appraisal

- 6.1 The key issues for consideration in the determination of this application are as follows :
- The impact of the proposed workshop upon the amenities of local residents.
 - The impact of the building on the character and appearance of the site and its surroundings.

Residential Amenity

- 6.2 The application has been described in terms of being for 'partial commercial use' and it is on the basis of limited commercial activity alongside domestic garaging and storage requirements that the proposal is considered generally acceptable in this residential locality.

- 6.3 In making this assessment, the scale of activities taking place from the site has been confirmed as being very light with woodworking equipment having a dual-use for the applicants DIY and woodworking hobby. These activities could legitimately take place from the existing garage/workshop on the site and this application does offer the opportunity to restrict/control activities to an appropriate level.
- 6.4 No specific objections have been raised by the Head of Environmental Health and Trading Standards and in the light of this and the manner in which the building would be used by the applicant, it is not considered that the refusal of permission on the grounds of neighbouring amenities could be justified. A range of conditions aimed at safeguarding from inappropriate use is set out in the recommendation below.

Character and Appearance of the Area

- 6.5 The site lies within open countryside just beyond the established settlement boundary for Lyonshall. In this respect the design of the garage/workshop has taken the form of a more agricultural looking building utilising weatherboarding and slate. Its scale has been reduced and its appearance simplified to address the concerns raised by Lyonshall Parish Council with the roadside gable now being fully weatherboarded.
- 6.6 The siting, whilst projecting forward of the main house reflects the location of the historic barn immediately to the north of the application site and it is not therefore considered that the building, which would butt behind the existing stone boundary wall would appear out of keeping with the grain of development on this approach road to the village.

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 - A09 (Amended plans) (received 1 July 2003)**
Reason: To ensure the development is carried out in accordance with the amended plans.
- 3 - B01 (Samples of external materials)**
Reason: To ensure that the materials harmonise with the surroundings.
- 4 - C10 (Details of rooflights)**
Reason: To ensure the rooflights do not break the plane of the roof slope.
- 5 - The garage/workshop shall enure for the benefit of Mr RPR Sutherland & Mr & Mrs PR Sutherland and shall not be sold, leased or let separately from the dwelling known as Bryncurl.**
Reason : In recognition of the applicants specific circumstances and to avoid the creation of an independent workshop in this rural location.
- 6 - F02 (Scheme of measures for controlling noise)(use)**
Reason: In order to protect the amenity of occupiers of nearby properties.

- 7 - **F04 (No open air operation of plant/machinery/equipment)(within the application site)**
Reason: To protect the amenities of nearby properties.

- 8 - **F42 (Restriction of open storage)**
Reason: To protect the appearance of the locality.

- 9 - **H13 (Access, turning area and parking)**
Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

7 NW2003/1929/F - ERECTION OF 8 HOUSES, EXTENSION & WIDENING OF ESTATE ROAD, DEMOLITION & REPLACEMENT OF GARAGE BLOCK ON LAND TO THE EAST OF ROSEMARY, LEINTWARDINE, HEREFORDSHIRE

**For: Marches Housing Association per
David Taylor Consultants, The Wheelwright's Shop,
Pudleston, Leominster, Herefordshire HR6 0RE**

Date Received:

24th June 2003

Expiry Date:

19th August 2003

Ward:

Mortimer

Grid Ref:

40687, 73996

Local Member: Councillor Mrs O Barnett

1. Site Description and Proposal

- 1.1 The application site comprises a 0.385 hectare plot of agricultural land located to the east of Rosemary, a linear residential cul-de sac of relatively modern housing dating from the 1960's and 70's with more recent infill development.
- 1.2 The site is accessed via a private drive which runs between 16 and 18 Rosemary and currently serves a communal garaging/parking area. The main part of the application site is elevated above this area and slopes away in an easterly direction towards Whitton Lane. It is generally open to views from Whitton Lane and can be seen from existing dwellings, farm gates and the network of public footpaths which run close to the north and south boundaries of the application site.
- 1.3 In longer distance views from the east the site can be viewed against the backdrop of the village where the listed St Mary Magdalene Church provides the main focal point.
- 1.4 The majority of the site lies outside the settlement boundary of Leintwardine and wholly within a Landscape Protection Area.
- 1.5 Planning permission is sought for the erection of 8 no. 3-bedroom affordable houses for local needs which are arranged in a terrace of 4 with 2 pairs of semi-detached properties at the northern end of the site. The proposal also involves the replacement of an existing garage block with a smaller 4 car garage and the widening of the existing access road to serve the new development. The road widening would entail the removal of approximately 50 metres of existing hedgerow defining the boundaries of 10 and 16 Rosemary. It is proposed to retain the existing mature hedgerow along the southern boundary of the site and provide an additional hedge and tree planting screen along the eastern and northern boundaries of the site.
- 1.6 The application has been accompanied by a statement from the applicant relating to local housing need and the search for an appropriate site in the village.

2. Policies**Hereford & Worcester County Structure Plan**

Policy H2D	Housing Requirements
Policy H16 A	Housing in Rural Areas
Policy H20	Housing in Rural Areas Outside the Green Belt
Policy CTC 6	Landscape Features
Policy CTC 9	Development Requirements
Policy CTC 11	Trees and Woodlands
Policy A1	Development on Agricultural Land

Leominster District Local Plan (Herefordshire)

Policy A1	Managing the Districts Assets & Resources
Policy A2 (D)	Settlement Hierarchy
Policy A9	Safeguarding the Rural Landscape
Policy A10	Trees and Woodlands
Policy A12	New Development and Landscape Schemes
Policy A18	Listed Buildings and their Setting
Policy A24	Scale and Character of Development
Policy A25	Protection of Open Areas or Green Spaces
Policy A41	Protection of Agricultural Land
Policy A48	Affordable Housing for Local Needs in Rural Areas
Policy A53	Protection from Encroachment into the Countryside
Policy A54	Protection of Residential Amenity
Policy A55	Design and Layout of Housing Development
Policy A70	Accommodating Traffic from Development

Herefordshire Unitary Development Plan (Deposit Draft)

Policy S1	Sustainable Development
Policy S2	Development Requirement
Policy S3	Housing
Policy S7	Natural and Historic Heritage
Policy DR1	Design
Policy DR2	Land Use & Activity
Policy DR3	Movement
Policy DR4	Environment
Policy DR5	Planning Obligations
Policy H7	Housing in the Countryside Outside Settlements
Policy H10	Rural Exception Housing
Policy H13	Sustainable Residential Design
Policy H15	Density
Policy LA3	Setting of Settlements
Policy LA5	Protection of Trees, Woodlands and Hedgerows
Policy LA6	Landscape Schemes
Policy HBA 4	Setting of Listed Buildings
Policy HBA9	Protection of Open Areas and Green Spaces

Herefordshire Housing Needs Survey 2001**PPG 3 – Housing****Leintwardine Village Design Statement**

3. Planning History

- 3.1 NW2002/2669/F - Construction of 8 houses for local housing need, extension and widening of estate road, demolition and replacement of garage block - Withdrawn 25 October 2002.

4. Consultation Summary

- 4.1 Hyder Consulting (acting on behalf of Welsh Water) - comments awaited. No objection raised to withdrawn scheme.
- 4.2 Responses by internal consultees that raise material planning issues are summarised and considered in the Officer's Appraisal.

5. Representations

- 5.1 The following statement had been submitted by the Marches Housing Association:

'Marches Housing Association has, for some time, been considering potential sites in Leintwardine, however, the results of Herefordshire Council's Housing Needs Survey of Autumn 2000, made the identification of a suitable site, far more urgent.

The survey results showed that affordable homes for couples and small families, to rent or buy, were desperately needed. Three bedroom, rented, family homes, would meet this need, and release smaller units for emergent households, i.e. couples. Three bedroom homes for shared ownership, meanwhile, would meet the immediate demand for affordable homes to buy.

Having failed to secure the former ambulance station site, Marches endeavoured to find another suitable location, for the proposed houses. In the summer of 2001, Marches met with Leintwardine Parish Council to discuss the proposal to develop affordable houses in the village. After due consideration, the Parish Council responded to Marches, offering its support to a number of affordable homes; these homes were to be a mix of rented and shared ownership, designed to meet the Village Design Statement and to be for the benefit of local people.

Three sites were considered:

- i. Land off Dark Lane - Not considered suitable for housing by the Parish Council.
- ii. Land to the North off Rosemary - In private ownership and not available.
- iii. Land adjoining the existing Rosemary estate - Preferred option of the Parish Council.

An initial layout was drafted on the preferred site, limiting entry into the Greenfield by utilising land from the car park and rear gardens, from two of the existing properties, however, this layout proved unpopular locally.

A second draft, that had the full support of the Parish Council, was submitted to the Local Planning Authority for comment. A site meeting ensued in which reservations were raised regarding possible landscape implications.

In an effort to restrict intrusion into the Greenfield, and for the development to remain in keeping with the village as a whole, the final layout, as per the planning application, has been re-designed in a more linear format that includes a terrace. To mitigate any visual impact, existing hedgerows have been retained and will be linked with new, native species hedging incorporating specimen trees.

Marches and the Parish Council have worked together in partnership to provide these much needed family homes. It is proposed to introduce a local lettings policy to ensure that, not only the new houses, but also the existing homes, remain solely for the benefit of local people.'

- 5.2 Leintwardine Parish Council raise no objection.
- 5.3 One letter of objection has been received from R Mellings, 32 Rosemary, Leintwardine concerning the loss of view from the lounge of their property and requesting that units 7 and 8 be removed to preserve the outlook. Concern is also raised at the replacement of the garage with a smaller one.
- 5.4 One letter of support has been received from JL Davies of 46 Rosemary, Leintwardine.
- 5.5 The full text of these letters can be inspected at Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The key issues for consideration in determining this application are as follows:
 - a) the principle of residential development outside the settlement boundary of Leintwardine ;
 - b) the impact of the development on the character and appearance of the locality ;
 - c) the impact of the development on the amenities of local residents and
 - d) access and parking.

The Principle of Residential Development

- 6.2 The site upon which the dwellings are proposed lies outside the defined settlement boundary for Leintwardine and in this respect Policy A2(D) of the Leominster District Local Plan (Herefordshire) applies and establishes a strong presumption against any residential development unless there are exceptional circumstances to justify otherwise. Criteria (iv) of Policy A2(D) makes specific provision for schemes of affordable housing for local people where there is an identified need. This is considered in more detail by Policy A48.
- 6.3 In this case such a need has been identified through the publication of the Herefordshire Housing Needs Study 2001 and the number and type of dwellings proposed has been designed to meet this specific need and enable the expansion of the household through the flexibility to adapt the roof space to provide a fourth bedroom.
- 6.4 Guidance relating to the provision of rural exception housing is set out in Annexe B of PPG 3 and the approach adopted is generally supported by this document.

- 6.5 Accordingly it is considered that the proposal satisfies the terms of policies A2(D) and A48 of the Leominster District Local Plan (Herefordshire) and there is no objection in principle to the residential development of the site for affordable homes for local needs subject to a Section 106 Agreement restricting the occupation of the dwellings. Consideration has been given to the density of the development as proposed, which falls below the minimum standard of 30 dwellings per hectare advised by PPG3. However, having regard to the sensitive landscape context of the site it is considered that a slight deviation in density (the proposal would achieve 25 dwellings per hectare) is appropriate in terms of offering a more spacious form of development.

Character and Appearance of the Locality

- 6.6 The sensitivity of this site is recognised by its designation as a Landscape Protection Area and in light of this the applicant was requested to outline their approach to searching for a site in the village. This is outlined at paragraph 5.1 in the Representations section and further to detailed discussion following the withdrawal of the previous application the view is that the Rosemary site offers the only realistic means of meeting the identified need at the present time. It is unfortunate that the site to the north of Rosemary is unavailable since this could have formed a more natural extension to the village.
- 6.7 Significant concern has been expressed in relation to the residential development of this site by the Chief Conservation Officer but the comments received do acknowledge that the revised layout is more in keeping with the linear street pattern and stress the importance of retaining existing mature hedgerows and ensuring pattern of field boundaries.
- 6.8 The site is visible from public footpaths to the north and south of the site from where existing mature hedgerows offer some screening. In longer distance views from Whitton Lane and the higher ground to the east, the development would be seen against the backdrop of existing modern housing development. The combination of these factors when considered against the site search constraints described above and the identified housing need is such that, on balance, greater weight is accorded to supporting the development of the site.
- 6.9 The design of the scheme reflects the mix of terraced and semi-detached housing in Rosemary and since the site is not within the conservation area it is not considered that the proposal would result in demonstrable harm to the character and appearance of the locality and accords with the general provisions set out in the Leintwardine Village Design Statement.
- 6.10 In terms of seeking to minimise the impact of the development and preserve important views into the historic parts of the village a slab level condition in conjunction with a landscaping scheme/retention requirement is suggested as a reasonable compromise.

Residential Amenity

- 6.11 Local concern has been raised in respect of the loss of a view from ground floor window, serving an existing property in Rosemary. In planning terms, the protection of a private view is not a material consideration that can be afforded weight. The distance of the proposed development from the nearest affected existing property is such that there would be no demonstrable overbearing impact associated with it.

Furthermore the relative orientation is such that there would be no harmful overlooking or loss of privacy and no detrimental overshadowing of adjacent property.

- 6.12 The local residents concerns, whilst fully acknowledged, cannot therefore be substantiated in a reason for refusal and accordingly the proposal satisfies the requirements of Policy A54 of the Leominster District Local Plan (Herefordshire) .

Access and Parking

- 6.13 It is proposed to widen the existing driveway serving the communal garaging and improve visibility at the junction with Rosemary. This would primarily have implications for the hedgerow which defines the boundary with No.s 10 and 16 Rosemary which would be grubbed out. Its replacement or alternative treatment would be dealt with under the terms of the landscape condition as proposed.
- 6.14 The reduction in garage space has been put forward on the basis that a number of the existing garages are not used for parking by local residents and there is in fact a surplus of garages which are available for any local resident who wishes to make use of them.
- 6.15 Subject to appropriate conditions no objection is raised by the Transportation Manager and these are set out in the recommendation below.

Conclusion

- 6.16 This proposal has raised a number of concerns relating particularly to its impact on the character and appearance of the site and the surrounding countryside. Careful consideration has been given to this in reaching the recommendation below and the layout and associated landscaping have been improved through negotiation. Notwithstanding this it is recognised that there is an identifiable need in Leintwardine for this type and number of homes and also strong support from the Parish Council which in this case has been apportioned greater weight.
- 6.17 Accordingly the recommendation is one of approval.

RECOMMENDATION

- 1) The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to secure the long term availability of the housing for local people with a housing need and any additional matters and terms as she considers appropriate.**
- 2) Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:**
 - 1 - A01 (Time limit for commencement (full permission))
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**
 - 2 - B01 (Samples of external materials)
Reason: To ensure that the materials harmonise with the surroundings.**

- 3 - D03 (Site observation - archaeology)
Reason: To allow the potential archaeological interest of the site to be investigated and recorded.
- 4 - F48 (Details of slab levels)
Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.
- 5 - G02 (Landscaping scheme (housing development))
Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.
- 6 - G05 (Implementation of landscaping scheme (general))
Reason: In order to protect the visual amenities of the area.
- 7 - G09 (Retention of trees/hedgerows)
Reason: To safeguard the amenity of the area.
- 8 - H03 (Visibility splays) (2.4m)(33m)
Reason: In the interests of highway safety.
- 9 - H06 (Vehicular access construction and any proposed traffic calming measures)
Reason: In the interests of highway safety.
- 10 - H13 (Access, turning area and parking)
Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.
- 11 - H21 (Wheel washing)
Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.
- 12 - H27 (Parking for site operatives)
Reason: To prevent indiscriminate parking in the interests of highway safety.

Notes to applicant :

- 1 - HN05 - Works within the highway
- 2 - HN10 - No drainage to discharge to highway
- 3 - HN19 - Disabled needs
- 4 - ND03 - Contact Address
- 5 - N01 - Access for all

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

8 NW2003/2016/F - TWO STOREY EXTENSION TO BUNGALOW AT 'GILWERN', FLOOD GATES, KINGTON, HEREFORDSHIRE, HR1 3PN

**For: Mr N Nenadich per Mr D Thompson,
Tunnel House, Ashperton, Herefordshire HR8 2SB**

Date Received:

4th July 2003

Expiry Date:

29th August 2003

Ward:

Kington Town

Grid Ref:

28885, 57032

Local Member: Councillor T James

1. Site Description and Proposal

- 1.1 Gilwern is a detached part single/part two storey property set into a steep bank between the A44 and Newton Lane just to the north of Kington.
- 1.2 It sits within a spacious and well screened plot within a semi-rural residential locality. The property has been run by Clifford House as a residential care facility for about 4 years.
- 1.3 The site currently provides accommodation for a maximum of two young people between the ages of 11 and 17. The young people are generally able bodied and as such do not require nursing or special care but rather supervision by carers due to their age. In this case there are a team of 6 carers who operate on a rota system so that there are always two carers at Gilwern to supervise the 2 young people. The household is operated in such a way that the young people are placed on a medium to long term basis and will attend a local school or college as appropriate.
- 1.4 Planning permission is sought for the erection of a two storey side extension to the property which will provide for additional sleeping accommodation on the lower ground floor, improved communal living space on the ground floor and two bedrooms within the roof space. The extension and alterations could enable Gilwern to provide accommodation for a third young person bringing the potential number of people residing at the property upto a maximum of 6 persons at any one time (3 young people and 3 carers).

2. Policies

Hereford & Worcester County Structure Plan

Policy H16 A Housing in Rural Areas

Policy H20 Housing in Rural Areas Outside the Green Belt

Policy CTC 2 Areas of Great Landscape Value

Leominster District Local Plan (Herefordshire)

Policy A1	Managing the Districts Assets & Resources
Policy A2	Settlement Hierarchy
Policy A9	Safeguarding the Rural Landscape
Policy A24	Scale and Character of Development
Policy A54	Protection of Residential Amenity
Policy A56	Alterations, Extensions & Improvements to Dwellings

Herefordshire Unitary Development Plan (Deposit Draft)

Policy S1	Sustainable Development
Policy S2	Development Requirements
Policy S7	Natural & Historic Heritage
Policy S11	Community Facilities and Services
Policy DR1	Design
Policy DR2	Land Use & Activity
Policy H7	Housing in the Open Countryside Outside Settlements
Policy H18	Alterations and Extensions
Policy LA2	Landscape Character and Areas Least Resilient to Change
Policy CF7	Residential Nursing & Care Homes

3. Planning History

3.1 None identified.

4. Consultation Summary

4.1 Responses by internal consultees that raise material planning issues are summarised and considered in the Officer's Appraisal.

5. Representations

5.1 Kington Rural and Lower Harpton Group Parish Council state :

'Gilwern is a house in multi-occupation and from the plans submitted it was unclear as to how many additional bedrooms and bathrooms would be added to the property. Neighbouring property owners have had cause to complain about the septic tank overflowing and being inadequate. Further it is understood that pipework to and from this septic tank would be under the extension, there is no indication on the plans that it is proposed to increase the size of the septic tank or whether a new and additional tank will be installed. This application only shows one fire escape and that is from the lower ground floor. Fire escape should be a requirement. The size of the extension seems excessive in view of the statement at a public meeting that this establishment would only house 2 youngsters.

A meeting was called by the Parish Council and members of the public attended. These are their comments.

Floodgates is a small residential area just outside Kington with a low population somewhere in the region of 30, and the A44 runs through the middle of Floodgates. The property Gilwern has been used as a residential home for maladjusted children between the ages of 11-16 – ex-offenders and children with behavioural problems. Clifford House who run this home, attended a public meeting back in 2001 and assured all residents that this establishment would not be increased in size of the numbers of inhabitants.

The Floodgate residents report several unpleasant incidents relating to the inhabitants of Gilwern, one instance was that a girl of 11 was confronted in her own back garden (private property), numerous reports of youngsters escaping and roaming through the neighbours gardens, minders chasing these youngsters and also roaming through gardens, ignoring the locals privacy, vehicles broken into and vehicles damaged, items stolen from vehicles, confrontations and the language from both inmates and minders can be very unpleasant, disturbing and distressing issuing from Gilwern. These children can be most unpleasant and unpredictable.

The Floodgate residents are very concerned that there is no indication of whether this residence is properly licensed, and the question is raised as to whether it is proposed to increase the numbers who live at this home. From local knowledge it appears that the property was initially registered for 2 children, but it is known that 4 children have lived there and as many as 6. It was particularly apparent to the local Floodgate residents that there was more conflict between the children of Gilwern when the number of inmates increased. When enquiries have been made to Clifford House regarding any issues, these are not responded to. The Floodgate Residents live in an area, which should be peaceful, but instead they have to contend with the above problems, which as things currently stand, they have no hope of remedying and they know that the anti-social behaviour, will in all probability, continue and regrettably probably increase. They have no wish to see these premises extended.

At the time of application there is only one resident in Gilwern, and all has been peaceful of late.'

5.2 Kington Town Council – comments awaited.

5.3 7 letters of objection have been received from :

- Mrs A Bull of 3 Newton Row, Kington
- Mr & Mrs Otter & Family, Riverside Cottage, Floodgates, Kington
- Mr G Peek, 13 Floodgates, Kington
- Mr & Mrs Shurey, The Steppes, Floodgates, Kington
- Mr D Baker, 15 Floodgates, Kington
- Mr & Mrs Funnell, Laburnum Cottage, Floodgates Kington
- Mr & Mrs P Cooper, Southbourne, Newton Lane, Kington

raising concerns regarding the following :

- the impact of the expansion of the business
- fears regarding anti-social behavior
- the lack of facilities in the Newton Area
- disruption to a quiet residential area
- extension would be visually intrusive
- impact on the adjacent property boundary
- additional traffic
- application misleading since there is no reference to the property running as a business

- 5.4 One letter not specifically objecting to the proposed extension has been received from Mr & Mrs Spalding, of Ryland, Floodgates, Kington. Their letter seeks clarification as to whether the number and type of young people will remain the same and requests that fencing be provided to block off an access between the two properties and to ensure that the septic tank is operating properly.
- 5.5 The full text of these letters can be inspected at Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The application relates to a proposal for a two storey extension to the property, which in its own right is acceptable in terms of scale and would not cause harm in terms of a loss of privacy, daylight or sunlight due to its inconspicuous and relatively isolated location.
- 6.2 Concerns have been raised with respect to the use of the property as a residential care home. However it is advised that the manner in which Gilwern is, and would be occupied is consistent with Use Class C3 (b) of the Town and Country Planning (Use Classes) Order 1987. This specifies that up to 6 residents living together as a single household including situations where care is provided would fall within the definition of a dwelling.
- 6.3 In view of this it is not considered that the objections raised regarding the impact of the use of the property are relevant to the proposal under consideration.
- 6.4 The specific concerns raised by local residents whilst acknowledged are not matters that can reasonably be insisted upon by the Local Planning Authority by way of a condition but it is proposed to include reference to their requests by way of notes attached to the recommendation. Furthermore, a note to the applicant has been framed which refers to the potential for a material change of use to occur should current circumstances change.

RECOMMENDATION

That planning permission be granted subject to the following conditions :

- 1 - A01 (Time limit for commencement (full permission))**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 - B02 (Matching external materials (extension))**
Reason: To ensure the external materials harmonise with the existing building.

Notes to applicant :

1 The applicants attention is drawn to the comments of the neighbouring resident regarding the erection of fencing between the two properties and the maintenance of the existing septic tank.

2 The applicant is advised that having regard to the current use of the property the local planning authority are of the opinion that there has been no material change of use. If the number of residents should exceed a total of 6 or if there are changes in the level of care provided this could represent a material change requiring planning permission.

Decision:

Notes:

Background Papers

Internal departmental consultation replies.

9 NE2003/1396/F - CONSTRUCTION OF BALCONY AT FIRST FLOOR AND INFILL GLAZED SCREENS AND DOORS TO EXISTING EXTERNAL WALLS AT WOODFIELDS, FLOYDS LANE, WELLINGTON HEATH, LEDBURY, HEREFORDSHIRE, HR8 1LR

**For: Mr & Mrs A Blundell per M Davis,
Greenfield House, Church Lane, Priors Norton, Glos.**

Date Received:

9th May 2003

Expiry Date:

4th July 2003

Ward:

Hope End

Grid Ref:

71144, 40152

Local Members: Councillors R Mills & Councillor R Stockton

1. Site Description and Proposal

1.1 The site is located to the east of unclassified road 66401 known as Floyds Lane within Wellington Heath. The site comprises of a detached two storey pitched roofed dwelling known as Woodfields, the remainder of the site being domestic garden. Ground levels fall away relatively steeply from west to east and property is largely enclosed by existing residential development. The site lies within the Malvern Hills Area of Outstanding Natural Beauty and an Area of Great Landscape Value and falls within the settlement boundary for Wellington Heath.

1.2 The applicants propose the construction of a metal framed balcony at first floor on the east (rear) elevation for the full length of the property (14.7 metres). Also proposed are alterations to the fenestration on the rear elevation involving the creation of patio doors at ground and first floor along with full height glazed screens in place of existing windows.

2. Policies

Malvern Hills District Local Plan

Housing Policy 16 Extensions

Landscape Policy 2 Areas of Outstanding Natural Beauty

Landscape Policy 3 Development in Areas of Great Landscape Value

Herefordshire Unitary Development Plan (Deposit Draft)

Policy H18 Alterations and Extensions

3. Planning History

3.1 None.

4. Consultation Summary

4.1 Responses by internal consultees that raise material planning issues are summarised and considered in the Officer's Appraisal.

5. Representations

- 5.1 Wellington Heath Parish Council raise no objection in principle to this application subject to the colour of the balcony rails being such that they are not visually obtrusive when viewed from across the valley.
- 5.2 A letter has been received from the applicant.
- 5.2 The full text can be inspected at Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The applicants wish to construct a balcony for the full length of the property on the rear elevation at first floor. Also proposed are alterations to the fenestration on the rear elevation including the creation of patio doors in place of windows at first floor to provide access to the balcony and additional patio doors at ground floor again in place of windows. The application has been referred to the Northern Area Planning Sub-Committee due to the applicant's politically restricted position within the Council.
- 6.2 The general design, scale and appearance of the balcony is acceptable. It will appear visually lightweight, is to be constructed from suitable materials and subject to the balcony being painted an appropriate colour, as suggested by the Parish Council, it will not appear particularly prominent or obtrusive when viewed from across the valley. Similarly, the alterations proposed to the windows at ground and first floor involving the creation of patio doors and glazed screens again will not adversely affect the appearance of the property.
- 6.3 The officers concern rests with the likely loss of privacy that would occur through overlooking the property and garden immediately north of the site known as Pear Tree Cottage. It is currently not possible to have any direct aspect towards Pear Tree Cottage or the majority of the garden and therefore the existing property and garden remains largely private and secluded. This would not be the case if the proposed development were permitted. The balcony would enable direct line of sight to both Pear Tree Cottage itself and its entire garden resulting in a significant loss of privacy for the occupants of this property.
- 6.4 The applicant's agent was written to on 6 June 2003 to suggest methods by which the overlooking of the neighbour's property/garden could be minimised. These included the reduction in the length and width of the balcony, relocation of the spiral staircase providing ground floor access to the balcony and the provision of a 2 metre high obscure glazed screen along the northern end of the balcony. Amended plans were received on 29th July but they do not take on board any of the alterations considered necessary to minimise loss of privacy for the neighbour.
- 6.5 The applicant has written to explain why the suggested amendments were not considered acceptable. The reasons being:
 - The spiral staircase cannot be relocated without obscuring view and taking light from a ground floor window and would prevent access to the garden from the breakfast room/Kitchen
 - Removal of northern part of balcony would prevent access from the breakfast room/kitchen

- The 1.8 metre high screen would increase the overall height of the balcony, be visually obtrusive and some might say, an eyesore. Screening could easily and aesthetically be provided by strategically placed pots containing evergreen shrubs.
- A restriction in the width of the balcony to 1.2 metres cannot be justified
- The position of our property and its location on the hillside means we already have views over adjoining gardens

6.5 The above reasons are not considered sufficient to justify the approval of a development, which is unacceptable in planning terms. Therefore, in view of the significant loss of privacy that would result for the occupants of Pear Tree Cottage if the development were permitted, the proposal is unacceptable and contrary to Housing Policy 16 of the Malvern Hills District Local Plan.

RECOMMENDATION

That planning permission be refused for the following reason:

1. **The development would result in a significant loss of privacy through overlooking of the neighbouring property and garden immediately north of the site, known as Pear Tree Cottage. As such the development is contrary to Housing Policy 16 of the Malvern Hills District Local Plan.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies

10 NE2003/1665/F - DEMOLITION OF CAFE & RESIDENCE AND ERECTION OF 2 STOREY HOUSE WITH PARKING FOR 2 VEHICLES AT CLOUD NINE, JUBILEE DRIVE, UPPER COLWALL, MALVERN, WR13 6DQ

**For: M & A Searby per Meredith Architectural Design,
34 Montpelier Road, West Malvern, Worcs WR14 4BS**

Date Received:

4th June 2003

Expiry Date:

30th July 2003

Ward:

Hope End

Grid Ref:

76864, 43627

Local Member: Councillor R Stockton & Councillor R Mills

1. Site Description and Proposal

1.1 The site is located on the eastern side of the B4232 known as Jubilee Drive within Upper Colwall, at the base of the Malvern Hills. Currently occupying the site is a concrete block and timber framed structure which until this year was used as a café/tea room. Behind this is a two storey flat roof structure occupied residentially by the applicants and a timber chalet structure also used as residential accommodation. Immediately north and south of the site are existing residential properties, to the east are the Malvern Hills and to the west, on the other side of the road, are further dwellings. Ground levels fall steeply from the base of the Hills westward and to a lesser extent in a southerly direction. The site lies within an Area of Outstanding Natural Beauty, an Area of Great Landscape Value, the Hills immediately east are designated as a Site of Special Scientific Interest and the area is also designated as Historic Park and Garden.

1.2 The applicants propose the demolition of all the existing structures on site including the café and their replacement with a 3 bedroom pitched roofed dwelling largely on the same footprint as the existing café structure. The proposed dwelling is to be set back around 6 metres from the edge of the pavement to create 2 off-road parking spaces as there is no land currently available within the applicants ownership for off-road parking.

2. Policies

Hereford & Worcester County Structure Plan

Policy H16	Housing in Rural Areas
Policy H20	Housing in Rural Areas Outside the Green Belt
Policy E20	Tourism Development
CTC 1	Areas of Outstanding Natural Beauty
CTC 2	Areas of Great Landscape Value
CTC 6 & CTC 7	Landscape Features
CTC 9	Development Requirements

Malvern Hills District Local Plan

Housing Policy 4	Development in the Countryside
Landscape Policy 1	Development Outside Settlement Boundaries
Landscape Policy 2	Areas of Outstanding Natural Beauty
Landscape Policy 3	Development in Areas of Great Landscape Value
Recreation Policy 31	Retention of Existing Community Facilities

Herefordshire Unitary Development Plan (Deposit Draft)

Policy H7	Housing in the Countryside Outside Settlements
Policy H14	Re-Using Previously Developed Land and Buildings
Policy T11	Parking Provision
Policy LA1	Areas of Outstanding Natural Beauty
Policy LA2	Landscape Character and Areas Least Resilient to Change
Policy LA4	Protection of Historic Parks & Gardens
Policy RST 2	Recreation, sport and tourism development within Areas of Outstanding Natural Beauty
Policy CF6	Retention of existing facilities

3. Planning History

3.1 None.

4. Consultation Summary

- 4.1 English Nature state : 'Providing no top soil or subsoil is removed during construction is stored within the SSSI boundary, the proposal should not affect the interests of the Sites of Special Scientific interests.'
- 4.2 Responses by internal consultees that raise material planning issues are summarised and considered in the Officer's Appraisal.

5. Representations

- 5.1 Colwall Parish Council - 'No objection. There is potential of asbestos in the building and the sight line from the access should be extended.'
- 5.2 Malvern Hills Conservators - Conservators object to the application as they do not wish to see a two storey house built on the site which they feel would be obtrusive when viewed from their land, sited as it is in this prominent position high upon the hill. The Conservators would also wish to see the property retained as a café as it provides a valuable amenity for the area.
- 5.3 Four letters of objection have been received from :
- Richard Love & Lisa Dainty, The Haven, Jubilee Drive, Upper Colwall
 - Robin and Elizabeth Fish, 2 Glenview Cottages, Jubilee Drive, Upper Colwall
 - Mark & Jeanette Selvester, Hillside Cottage, Jubilee Drive, Upper Colwall
 - RS & D Bullock, Plateau Cottage, Jubilee Drive, Upper Colwall

The main points raised are :

- 1) The property has not been placed on the open market for sale. Plenty of people have expressed an interest in taking over the property as a going concern.

- 2) The café has existed since the 1920's and whilst reasonable capital investment is now required to upgrade the building, it is essential that the café should remain for future generations.
- 3) The owners frequently had a notice in the window requesting parties over 6 must make prior booking, this is ludicrous. Furthermore the range and quality of refreshments has deteriorated over the years. Someone with a more entrepreneurial spirit with capital and flair would make a success of the business.
- 4) The café is part of the village since the loss of the beacon café to fire. Other than the public house, there is no stop for refreshments from Malvern town until the 'Kettle Sings Café', midpoint along Jubilee Drive.
- 5) The extra height of the new dwelling would reduce the amount of sunlight into key parts of our garden and property including our patio, dining room and kitchen areas during Autumn, Winter and early Spring. The extra height will also be overbearing.
- 6) The development would deprive us a view of the sky and it would make us feel more enclosed and penned in due to the extra height.
- 7) The existing building may be partly constructed from asbestos, such material needs to be appropriately disposed of if permission is approved.
- 8) The development will result in a disturbance to a retaining wall running to the rear of our and other properties. This wall must be retained and fully restored.
- 9) There may be a loss of privacy from the Velux rooflights across our property and garden. The new garden patio will be sited at an elevated position and we will be unhappy if residents can peer into our garden.
- 10) The development encroaches onto our private drive, and will make access to rain water pipes, windows, gas/electric metres impossible.
- 11) We wonder how the applicants propose to gain access for construction of the dwelling given that it is to be constructed on the boundary.

5.4 It should be noted that two of the four objectors do not object in principle to the demolition of the café.

5.5 A further letter has been received from C E Stone, Chairman Ledbury & District CPRE. The points raised are :

- 1) Difficulty in parking and access would in our view pose problems for any alternative use of the existing building, and the proposal in this application seems to us to be a sensible solution to a failing business.
- 2) The new building should prove more visually attractive than the existing one.

5.6 A number of letters have also been received from the applicant. The main points raised are :

- 1) We have been the proprietors of the property for 18 years and lived on the premises for that time. On 30 March 2003 we closed the business down. The reasons for this are :
 - a. the extension of supermarkets and local pubs into the area of refreshment facilities
 - b. the removal of Sunday trading restrictions.
 - c. the location of the business being in a less favoured section of the hills for travellers stopping off.
 - d. imposition of double yellow lines along Jubilee Drive including the stretch of road directly in front of our premises.
 - e. the foot and mouth outbreak.

- f. raising overheads year by year which in balance against net profits, make maintenance of the property an untenable burden to bear.
 - g. consent by the Conservators to allow mobile refreshment outlets at strategic points on the hills, including ice cream vans,
 - h. competition from other similar outlets within the Malvern Hills area including St Anne's Well tearoom, The Wyche Inn, The Chase Inn , The Kettle Sings tearoom, Colwall Park Hotel, The Malvern Hills Hotel and nearby kiosk.
- 2) The business opens only at weekends during Spring, Autumn and Winter months, and seven days a week during the Summer months. It being self evident for many years that apart from Bank Holidays, there is insufficient people to justify doing otherwise.
 - 3) Contrary to what some individuals have asserted, the business has never served the local community or provided a focal point for it. If such a community exists, it would be found in the nearby Wyche Inn or Chase Inn as has always been the case.
 - 4) The building is in such poor condition and of a design that currently would not be acceptable either as a business or home. In particular, rain water leaks from an unidentified source into the cellar, the living accommodation with its flat roof suffers from intense heat during the summer and extreme cold during the winter. The only kitchens are below ground level and suffer from damp penetration. The existing problems would make renovation of the building an impossibility.
- 5.7 The full text of these letters can be inspected at Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The applicants wish to demolish the existing structure on site and construct a 3 bedroom pitched roof detached dwelling in its place. The existing structure which was constructed in the 1920's comprises of a tea room/café with residential accommodation to the rear, the floor area being split approximately 50% café and 50% accommodation.
- 6.2 There are two key issues relevant to the consideration of this application, these being ;
- 1) The principle of the loss of the café business and
 - 2) The impact of the proposed development on the amenity of nearby neighbours and the landscape generally.

The principle of the loss of the café business

- 6.3 Part of the existing structure has been used as a café since it was built in the 1920's. Based upon information supplied by the applicants, objectors and the Parish Council it would appear that the local or wider community does not use the facility. As such it is not possible in planning terms to class the business as a community facility in the same way as a Public House or Post Office may be. The development has therefore been assessed on the basis of it being a private business serving the tourist community visiting the Malvern Hills.

- 6.4 Whilst the applicants have struggled with the business in recent years, it has been suggested that there may be demand elsewhere for the continued operation of the premises as a café. The only manner in which this could be thoroughly explored would be through the placing of the business on the open market. However, you officers are satisfied that this procedure is not necessary and could even be regarded as unreasonable in this instance.
- 6.5 The reasons given by the applicants in para. 5.6(1) above are all plausible arguments as to why the business has struggled in recent years. Furthermore, due to the physical condition of the building, considerable expenditure would be required to bring the existing buildings even up to a basic standard and it is likely that such expenditure would make the business unviable. The alternative option would be for the existing structure to be entirely demolished and rebuilt as a purpose made café. Again, given the location of the site, proximity of other similar facilities, the fact that no off or on road parking exists to serve the development, it is highly unlikely that any person or company would be prepared to invest the necessary money in a business which appears to have increasingly struggled over the last few years.
- 6.6 Therefore, whilst the development does act as a tourist amenity in the area, the information and evidence provided is satisfactory to demonstrate that the business is no longer a going concern and that it would be unrealistic to expect there to be demand elsewhere for the business in its present form or even if renovated. In fact, the business is no different to other tourism facilities such as a gift shop, which it would be difficult in planning terms to insist upon being retained. In view of this the principle of demolishing the existing structures and the loss of the café is accepted.

The impact on neighbours and landscape

- 6.7 Housing Policy 4 of the Malvern Hills District Local Plan supports the replacement of an existing structure with a new dwelling outside of an identified settlement, provided the existing structure has established residential use rights and the new dwelling is of a comparable size to the existing. In terms of the size, the proposed new dwelling is smaller in footprint and cubic volume than the existing structures on site. As such it is of a comparable size to the existing in accordance with the relevant policy.
- 6.8 The proposed dwelling is of a 1½-storey construction with the first floor accommodation being provided within the roof space. This ensures that the increase in height between the existing and proposed structures and consequential impact upon neighbours is minimised. The slab level of the proposed dwelling is also to be lowered by ½ metre further minimising the impact both on neighbours and within the Area of Outstanding Natural Beauty. An assessment of possible loss of sunlight and daylight for the occupants of the two neighbouring properties has been undertaken. The results of which are the increase in height between the existing and proposed dwelling will not result in an unacceptable loss of sunlight or daylight. The privacy of both neighbours has also been safeguarded through ensuring that all windows directly looking on to neighbouring properties are to be obscure glazed. First floor light is to be provided by roof lights positioned at a height of 2 metres above floor level. As such there will be no direct window to window relationships between the proposed dwelling and both neighbouring properties.

- 6.9 The dwelling has been designed in a manner, which respects the constraints of the site, the general vernacular in the area and also ensures that the dwelling will not appear prominent within the Area of Outstanding Natural Beauty. The proposed materials will be the same as a number of other dwellings within close proximity-rendered walls under a natural slate roof. Ultimately, the proposal will be a significant visual improvement on the dilapidated and rather unsightly structures, which currently occupy the site. The view is supported by the landscape officer who considers the appearance of the existing structures to be detrimental to the character of the AONB.
- 6.10 The Transportation Manager raises concerns regarding the proximity of the access to the junction with the B4232, the proposed parking arrangements to serve the property and the lack of vehicle manoeuvring area. Whilst the proposed parking arrangements may not meet current highway standards, the proposal would result in a considerable improvement over the existing situation. The existing premises has no parking provision and despite the entire section of the main road in front of the property having double yellow lines, vehicles do park on the highway and pavement. The situation is exacerbated by the lawful café use potentially generating significant numbers of vehicles. Therefore, the provision of 2 off-road parking spaces serving a 3 bedroom private dwelling is considered to be an improvement over the existing situation of no off or on street parking provision. In terms of the proximity of the access to the junction, it is no different to the majority of other properties along Jubilee Drive, the majority of which have to reverse in or out of their parking spaces onto the highway.
- 6.11 The acceptability of loosing the café use very much hinges upon the planning classification of the existing business, its importance to the tourism community and realistic likelihood that the business will continue to be economically viable. Your officers are satisfied that there is sufficient justification to be able to support the loss of the existing business use and its replacement with a dwelling. The design and materials are acceptable and impact upon neighbours will not be unacceptably greater than is already the case. The principle planning concerns of the objectors have been satisfactorily addressed; other issues raised are largely civil matters. These factors allied with the considerable visual improvement to the area through demolishing the existing structures provide sufficient justification to be able to support the proposal in accordance with the relevant development plan policies.

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 - A09 (Amended plans)**
Reason: To ensure the development is carried out in accordance with the amended plans.
- 3 - B01 (Samples of external materials)**
Reason: To ensure that the materials harmonise with the surroundings.
- 4 - E01 (Restriction on hours of working)**
Reason: To safeguard the amenities of the locality.

- 5 - E16 (Removal of permitted development rights)
Reason: In order to clarify the terms under which consent is granted and bring any future development under the control of the Local Planning Authority.
- 6 - E18 (No new windows in specified elevation) (north and south elevations)
Reason: In order to protect the residential amenity of adjacent properties.
- 7 - E19 (Obscure glazing to windows) (the windows in the south elevation on the ground floor)
Reason: In order to protect the residential amenity of adjacent properties.
- 8 - G01 (Details of boundary treatments)
Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
- 9 - H04 (Visibility over frontage)
Reason: In the interests of highway safety.
- 10 - H09 (Driveway gradient)
Reason: In the interests of highway safety.
- 11 - H13 (Access and parking)
Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.
- 12 - Prior to commencement of the development hereby permitted, details of the means and site for the disposal of all waste materials arising from the demolition of existing structures on site shall be submitted to and approved in writing by the Local Planning Authority. The demolition shall be carried out in accordance with the approved details.
Reason : To ensure the appropriate disposal of waste materials.
- 13 - The existing timber chalet located east of the existing structure on site shall be permanently removed within one month of occupation of the dwelling hereby permitted.

Reason : In order to clarify the terms under which consent is granted and in the interests of visual amenity.
- 14 - H27 (Parking for site operatives)
Reason: To prevent indiscriminate parking in the interests of highway safety.

Notes to applicants :

- 1 - HN01 - Mud on highway
- 2 - HN04 - Private apparatus within highway
- 3 - HN05 - Works within the highway
- 4 - HN10 - No drainage to discharge to highway
- 5 - N03 - Adjoining property rights
- 6 - N14 - Party Wall Act 1996
- 7 - It is believed that parts of the existing structures on site may contain asbestos. The applicant is advised to contact the Health and Safety Executive on 0121 607 6292 prior to work commencing to ensure the appropriate disposal of such materials.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

11 NE2003/1951/F - DROPPED KERB TO FORM NEW VEHICULAR ACCESS AT 13 LOWER ROAD, LEDBURY, HEREFORDSHIRE, HR8 2DH**For: Mr & Mrs C.K. Hill of Stony Cross Barn, Bosbury Road, Cradley, WR13 5JB****Date Received:****27th June 2003****Expiry Date:****22nd August 2003****Ward:****Ledbury****Grid Ref:****70213, 37448**

Local Member: Councillors P Harling, B Ashton and D Rule MBE

1. Site Description and Proposal

- 1.1 The site is located on the southern side of the C1308 known as Lower Road within Ledbury. Within the site is a detached property positioned approximately 4m back from the edge of the highway with garden to the rear. East and west of the site are residential properties and to the north is Lower Road Industrial Estate. The site lies within the settlement boundary for Ledbury.
- 1.2 The applicants propose the creation of a new vehicular access involving the lowering of the kerb to create an off-road parking place parallel with the main road. Since submission of the application some of the works to create the parking space have been undertaken.

2. Policies**2.1 Hereford and Worcester County Structure Plan**

T12 – Car Parking

CTC9 – Development Requirements

2.2 Herefordshire Unitary Development Plan (Deposit Draft)

S6 - Transport

3. Planning History

- 3.1 None.

4. Consultation Summary

- 4.1 Responses by internal consultees that raise material planning issues are summarised and considered in the Officer's Appraisal.

5. Representations

5.1 Ledbury Town Council: 'Recommend refusal. Members consider the area to be insufficient for car parking and the access and egress from the site onto the highway would be dangerous considering the proximity of the junction.'

6. Officers Appraisal

6.1 The applicants propose the creation of an off-road parking space within their front garden running parallel with the main road. The works entail the removal of a section of brick wall and the lowering of the pavement and kerb to provide vehicular access to the parking area. The development will have minimal impact within the street scene or the character of the area generally.

6.2 There is sufficient space for the parking of a vehicle within the land available. However, there is no manoeuvring space available to enable a vehicle to enter and leave the site in a forward gear. The proposal will therefore involve a car having to reverse into or out of the parking space onto or off the adjoining highway. The Transportation Officer is satisfied that this will not create any undue danger to highway safety. Similarly, the proximity of the site to the junction with the industrial state is also not considered to pose any highway danger. Furthermore, it is considered that there will be a highway gain in that it will remove a further vehicle off the already congested highway. This allied with the fact that there are a number of other similar parking arrangements within close proximity to the site are sufficient for the development to gain the support of the Transportation Officer and is therefore considered acceptable.

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 - A06 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

Note to applicant:

1 - HN05 - Works within the highway

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

Document is Restricted

