

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 15th October, 2003**

Time: **2.00 p.m.**

Place: **Council Chamber, Brockington**

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

For any further information please contact:

**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Northern Area Planning Sub-Committee

To: Councillor J.W. Hope (Chairman)
Councillor J. 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 CBE, R.M. Manning, R. Mills, R.J. Phillips, D.W. Rule MBE, R.V. Stockton and J.P. Thomas

		Pages
1.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
2.	DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
3.	MINUTES To approve and sign the Minutes of the meeting held on 17th September 2003.	1 - 2
4.	ITEM FOR INFORMATION - APPEALS To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.	3 - 6
5.	HEAD OF PLANNING SERVICES REPORT 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. 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.	7 - 92
EXCLUSION OF THE PUBLIC AND PRESS		
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

93 - 94

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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.
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- 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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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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Document is Restricted

APPENDIX

Ref. 1
LYONSHALL
NW2003/1394/F

Proposed extensions to two existing poultry houses and construction of two additional poultry houses together with associated ancillary works at:

THE HUNTON SITE, THE WHITTERN FARMS, THE WHITTERN, LYONSHALL, KINGTON, HR5 3JA

For: **THE WHITTERN FARMS LTD PER MR M HALL, MIKE HALL ADVISORY, 14 SUNNINGDALE, LEOMINSTER, HR6 8EH**

Further correspondence was reported from Mr Llewellyn, expressing similar concerns to previous letters of objection. The Northern Divisional Planning Officer also reported receipt of a proposal to re-route traffic to a safer junction on the A44. He added that the applicant had been willing to enter into a Section 106 obligation to this affect.

Councillor R.J. Phillips, the Local Member, noted concerns regarding traffic but felt that the inclusion of a Section 106 agreement would resolve this.

RESOLVED: That Officers named in the Scheme of delegation to Officers be authorised to grant planning permission subject to the following conditions and to any necessary Section 106 Obligation to re-route traffic through the estate:

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) (drawing nos. 5028, 5028/2 (elevations and cross sections)).

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

3 - B10 (Details of cladding (agricultural and industrial buildings)

Reason: To minimise the visual impact of the development.

4 - No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include :

a) indications of all existing trees and hedgerows on the land, together with measures for their protection in the course of development

b) the design and contouring of the bunding around the extended site.

c) a detailed schedule of the proposed planting in respect of the

bunding, the grass and wildflower meadow and wild bird seed meadow including description of species and planting numbers.

Reason: In order to protect the visual amenities and enhance the ecological value of the area.

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

Reason: In order to protect the visual amenities of the area and enhance the ecological value of the area.

6 - No development shall take place until a scheme for the adequate protection of the adjacent Hunton Bridge Special Wildlife Site during the course of construction has been submitted to and approved in writing by the local planning authority and implemented in accordance with the details approved.

Reason: In recognition of the nature conservation interest of the adjacent Hunton Bridge Special Wildlife Site.

7 - Upon completion of the development hereby approved, the six metre wide margin between the site and the adjacent Hunton Bridge Special Wildlife Site shall be left to regenerate into scrub in accordance with the recommendations set out in the Herefordshire Farming and Wildlife Group Ltd report received by the local planning authority on 8 May 2003. This area shall thereafter be maintained as a permanent extension to the Special Wildlife Site.

Reason: In recognition of the nature conservation interest of the adjacent Hunton Bridge Special Wildlife Site.

8 - The management systems relating to noise control and the treatment of bedding litter and other waste shall be carried out in strict accordance with the details and specifications set out in the Environmental Statement received on 8 May 2003 unless otherwise agreed in writing by the local planning authority.

Reason : To safeguard the amenity of the area.

9 - H05 (Access gates) 10 metres

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.

Note to applicants :

1 - HN01 - Mud on highway

Ref. 2
WOONTON
NW2003/1849/F

Demolition of existing granary & construction of two bedroomed ancillary annexe at:
WENNETUNE HOUSE, WOONTON, HEREFORDSHIRE, HR3 6QN

For: **MR AN JAQUES WENNETUNE HOUSE, WOONTON, HEREFORDSHIRE, HR3 6QN**

The Northern Divisional Planning Officer advised of a small change to condition 3 of the recommendation.

Concerns raised by the Parish Council were noted but members felt that condition 3 of the recommendation would address this.

Members felt dissatisfied that the half cruck beams from the existing Granery could not be used in the new application, to resolve this they agreed to a condition regarding the recycling of any suitable materials.

In response to the points raised by Members, the Northern Divisional Planning Officer commented that Conservation Officers had visited the site and found the building to be unworthy of retention.

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 - B01 (Samples of external materials)

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

3 - The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Wennetune House and shall not be sold, leased or let separately from Wennetune House.

Reason: It would be contrary to the policy of the local planning authority to grant planning permission for a separate dwelling in this location.

4 - F18 (Scheme of foul drainage disposal)

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

5 - No works in relation to the demolition of the granary shall be undertaken between the months of March and September of the year in which demolition is carried out, unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the preservation of any nesting swallows/housemartins.

6 - Prior to the commencement of the development hereby approved a scheme for the provision of swallows and housemartins nest boxes and an appropriate number of bat boxes shall be submitted to and approved in writing by the local planning authority and the mitigation measures shall be provided and thereafter maintained in accordance with the approved details.

Reason: In recognition of the nature conservation interest of the site.

7 - C15 (Salvage recording)

Reason: To enable a record to be made of this building of historical and/or architectural interest.

8 - The granary shall be carefully dismantled so as to ensure that any materials suitable for reclamation are made available for re-use

Reason: To ensure the re-use of historical materials.

Note to applicant :

1 - If you have any queries regarding the provision of details relating to Condition 6, please contact the Councils Ecologist at Planning Services, PO Box, 144, Hereford HR1 2ZB (Tel. 01432 383507).

Ref. 3
WHITBOURNE
NC2003/1850/F

Proposed building packing hydroponic produce, egg grading, cold store, package store and small workshop at:

LYNCROFT, BADLEY WOOD, WHITBOURNE, WORCESTER, WR6 5SJ

For: **MR L ROPER, LYNCROFT, BADLEY WOOD, WHITBOURNE, WORCESTER, WR6 5SJ**

The Sub-Committee agreed that the site should be inspected, using all 3 criteria in

the Code of Conduct for Councillors and Officers dealing with planning matters,

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

RESOLVED: That consideration of the application be deferred for a site inspection.

Ref. 4
BODENHAM
NC2003/2317/F

Creation of new access onto Chapel Lane land at Pool Head adjoining Chapel Lane between:

MAUNDFIELD HOUSE AND MAUNDFIELD COTTAGE, BODENHAM, HEREFORDSHIRE.

For: **MR A JOHNS, 40 QUEENSWAY, HEREFORD, HR1 1HF**

Further correspondence was reported from Bodenham Parish Council who had objected to the application on the grounds of highway safety, and had requested that the hedgerow was kept intact. A further letter of objection was received from Mr Marriot, raising no new points. The Senior Planning Officer recommended a note be attached stating the access be kept for agricultural use.

In accordance with the criteria for public speaking, Mr Richardson spoke in support of the application, on behalf of the applicant.

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 - H01 - Single access - not footway

Reason: In the interests of highway safety.

3 - H05 - Access gates

Reason: In the interests of highway safety.

4 - H08 - Access closure

Reason: To ensure the safe and free flow of traffic using the adjoining County highway.

5 - Prior to the access being brought into use a native species hedgerow shall be planted along the rear of the visibility splay, in accordance with

details to be submitted to and approved in writing by the local planning authority.

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

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

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

Note to applicant :

- 1 - The access hereby approved shall be used solely in connection with the agricultural use of the land it does not imply that planning permission will be granted for other uses or building development.

5 ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED

Application No. DCNE2003/2023/O

- The appeal was received on 9th September 2003
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Non-determination within 8 weeks
- The appeal is brought by A Smith Esq
- The site is located at Land adj. The Old Post Office, Putley, Near Ledbury, Herefordshire
- The development proposed is Site for five residential units and new vehicular access.
- The appeal is to be heard by Hearing

Case Officer: Kevin Bishop on 01432-261803

Application No. DCNW2003/1667/F

- The appeal was received on 16th September 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 J D Lewis
- The site is located at Venmore Cottage, Dilwyn, Hereford, Herefordshire, HR4 8JN
- The development proposed is Erection of extension to provide additional living accommodation.
- The appeal is to be heard by Written Representations

Case Officer: Simon Withers on 01432-261781

Application No. DCNE2003/1425/O

- The appeal was received on 2nd October 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 M.A H Duncan
- The site is located at Land adjacent Tile House, Storridge, Malvern, Herefordshire, WR13 5HA
- The development proposed is Demolition of litter shed and lock up garages and erection of a three bedroom dwelling with double garage.
- The appeal is to be heard by Written Representations

Case Officer: Russell Pryce on 01432-261795

APPEALS DETERMINED

Application No. NC2002/3091/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 Mrs M Lupton
- The site is located at Tudor Cottage, Hatfield, Leominster, Herefordshire, HR6 0SF
- The application, dated 14th October 2002, was refused on 4th December 2002
- The development proposed was Steel portal framed general purpose barn to house hay & straw farm machinery & sheep
- The main issue is the effect of the proposal on the open countryside and the character of the Area of Great Landscape Value.

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

Case Officer: Philippa Lowe on 01432-383085

Application No. NC2002/3549/F

- The appeal was received on 23rd June 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 Orange PCS Ltd
- The site is located at Upper Edgley, Stoke Lane, Stoke Lacy, Herefordshire, HR7 4HD
- The application, dated 19th November 2002, was refused on 19th March 2003
- The development proposed was Siting of a 25 metre slimline lattice tower, 3 x DBD antennas, 2 x 0.6 metre dishes and up to 10 equipment cabinets in a 12 x 8 metre compound.
- The main issue is whether the proposal would seriously harm the landscape and if so whether the operational needs of the appellant should outweigh that harm.

Decision: The appeal was **ALLOWED and planning permission granted** on 25th September 2003 subject to conditions relating to time commencement and details of colour and finish of lattice tower, equipment cabinets and fencing to be approved prior to commencement.

Case Officer: Duncan Thomas on 01432-261790

Enforcement Appeal No. EN2002/026/ZZ

- The appeal was received on 19th November 2002
- The appeal was made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal was brought by Mr J J Wilcocks and Mrs Wilcocks
- The site is located at The Old Piggery, Hergest Camp, Hergest, Kington
- The breach of planning control alleged in this notice is "without planning permission, change of use of the land from agriculture to the storage, mixing and distribution of paint and associated products
- The requirements of the notice are to stop using the land for:
 1. The storage, mixing and distribution of paint and associated products
 2. Remove all items from the land namely paint and associated products, containers, drums, pallets and mixing equipment

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

3. Make good or remove any damage or contamination caused to the Land by the above industrial use
- The period for compliance with the requirements is 30 days.
 - The appeal is proceeding on grounds set out in Section 174(2)(a) and (g) of the Act.

Decision: The appeal was **DISMISSED** on 30th September 2003, planning permission REFUSED and the Enforcement Notice UPHELD with amendments being:

Delete the allegation in section 3 and substitute for "Without planning permission change of use of the land from agriculture to the storage, mixing, manufacture and distribution of paints, the constituents of paints and associated products, including such materials that have been discarded".

The time periods for compliance with the requirements of the Notice are amended from 30 for all steps to the following:

Step 1: 30 days after the notice takes effect

Step 2: Three months after the notice takes effect

Step 3: One year after the notice takes effect

Case Officer: Mark Tansley on 01432-261956

Application No. NW2001/1135/F

- The appeal was received on 12th September 2002
- 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 Agricote Ltd
- The site is located at The Piggery, Hergest, Kington, Herefordshire
- The application, dated 4th May 2002, was refused on 13th March 2002
- The development proposed was Change of use - Agricultural to B8 use (storage and distribution) with ancillary B2 use (mixing and manufacturing of paint) and extension to existing building and erection of cover to paint mixing plant

Decision: The appeal was **DISMISSED** on 30th September 2003

Case Officer: Mark Tansley on 01432-261956

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

15 OCTOBER 2003

SITE INSPECTIONS

NO	APPLICANT	PROPOSAL AND SITE	APPLICATION NO.	PAGE NO.
1.	Mr L R Roper	Proposed building packing hydroponic produce, egg grading, cold store, package store and small workshop at Lyncroft, Badley Wood, Whitbourne, WR6 5SJ	NC2003/1850/F	

APPLICATIONS RECEIVED

NO	APPLICANT	PROPOSAL AND SITE	APPLICATION NO.	PAGE NO.
2	A J Smith	Retention of parking space at front 84 Bridge Street, Ledbury, Herefordshire, HR8 2AH	DCNE2003/2615/F	
3	Mr & Mrs C J Nicholls	Proposed trellis fencing at Pegs Farm, Staplow, Ledbury, Herefordshire, HR8 1NQ	DCNE2003/2090/F	
4	Mr D Pengelly	Installation of new ground floor windows at Radway, Belle Orchard, Ledbury, Herefordshire, HR8 1DD	DCNE2003/2139/F	
5	Mr & Mrs P Barnes	Detached dwelling on Land adjacent to 47 The Green, Ashperton, Herefordshire. HR8 2RY	DCNE2003/2387/F	
6	Davant Products	Proposed alterations of reception & office building & erection of toilet block extension at Jugs Green Business Park, Staplow, Ledbury, Herefordshire, HR8 1NR	DCNE2003/2542/F	
7	Mr Williams	Create off road parking at front of property 60 Bridge Street, Ledbury, Herefordshire, HR8 2AH	DCNE2003/2582/F	
8	Little Verzons Fruit Farm	Change of use of land from agriculture to tourist accommodation to site log cabin on Land at Little Verzons Fruit Farm, Hereford Road, Ledbury, Herefordshire, HR8 2PZ	NE2003/1841/F	

9	Mr J Williams	Change of use of existing building to single dwelling including alterations and demolitions, construction of new access and new garages at Evendine Court, Evendine Lane, Colwall Green, Malvern, Herefordshire, WR13 6DY	DCNE2003/2232/F	
10	Advantage West Midlands	Proposed B1 office development with ancillary B1 workshop use at Plot 13, Leominster Technology Park, off Hereford Road, Leominster.	DCNC2003/2330/F	
11	Mr J.M. Jones	Outline application for residential development at Westfields House, Hereford Road, Bromyard, Herefordshire, HR7 4ES	DCNC2003/2426/O	
12	Mr & Mrs T Davies	Proposed shelter & implement store at Riddle Paddock, Eyton, Leominster, Herefordshire.	DCNC2003/2454/F	
13	Mr E.G. Thomas	Hardcore area for use as sheep pens and parking for farm machinery at Field No. 0533, Crookmullen, Deerfold, Wigmore	DCNW2003/1854/F	
14	Mr J Lupton	Proposed erection of a cottage on Land to the rear of Stonewood Cottage, Oxford Lane, Kington, HR5 3ED	NW2003/1972/F	
15	Mr K Oldershaw	Removal of condition 2 of Planning Permission 96/0297/N - Change of use of the garage/workshop to a car repair B2 use at The Quarry, Kinsham, Presteigne, Herefordshire	DCNW2003/2229/F	
16	Mr & Mrs R Wall	Single storey extension at Berwick House, Mortimers Cross, Leominster, Herefordshire, HR6 9TQ	DCNW2003/2328/F	
17	Mr J Glyn-Jones	Proposed two dwellings of negative environmental impact using self contained water supply, renewable energy, waste recycling, to be run in conjunction with sustainable systems of food production. The whole lifestyle experience to be made available to family/educational groups on a short residential basis at Land adjoining Lomore, Eardisley, Hereford, Herefordshire, HR3 6LR	DCNW2003/2418/F	

1 NC2003/1850/F - PROPOSED BUILDING PACKING HYDROPONIC PRODUCE, EGG GRADING, COLD STORE, PACKAGE STORE AND SMALL WORKSHOP AT LYNCROFT, BADLEY WOOD, WHITBOURNE, WORCESTER, WR6 5SJ

For: Mr L R Roper at above address.

Date Received:

19th June 2003

Expiry Date:

14th August 2003

Ward:

Bringsty

Grid Ref:

69394, 57380

Local Member: Councillor T W Hunt

Introduction

This application was deferred at the last meeting of the Northern Area Planning Sub-Committee on 17 September 2003 for a site visit.

1. Site Description and Proposal

- 1.1 Lyncroft is an agricultural unit which, extends to about 3.3 hectares, located on Badley Wood Common, in open countryside which is designated as being of Great Landscape Value. The agricultural enterprise consists of production of herbs and a variety of salad crops which are grown in 2 polytunnels using a hydroponic system (plants that are grown in a soil-free system), egg grading and packing, and sheep grazing. There is also a mobile home on the site. Lincetter Farm is some 320 metres to the west.
- 1.2 The area is predominantly open fields with hedges of natural vegetation, trees and shrubs associated with the common. It has a particular landscape value with a number of tracks leading to wooded areas.
- 1.3 The proposed building, 18.2m x 9.1m, 3.6m to the eaves and 0.8m to ridge, is to be located behind a high hedge that runs alongside a recently tarmaced road that leads to Lincetter Farm. The building is to be used for the packing of hydroponic produce, egg grading, cold storage, package store and small workshop. The building is to be located adjacent to the site entrance.

2. Policies

PPG 7 The Countyside - Environmental Quality and Economic and Social Development.

Hereford & Worcester County Structure Plan

Policy CTC 2 Development in Areas of Great Landscape Value

Policy A3 Construction of Agricultural Buildings

Malvern Hills District Local Plan

Landscape Policy 1 Development Outside of Settlement Boundaries

Landscape Policy 3 Development in Areas of Great Landscape Value

Landscape Policy 7 Agricultural and Forestry Buildings and Roads

Herefordshire Unitary Development Plan (Deposit Draft)

Policy LA2 Landscape Character and Areas Least Resilient to Change

Policy E13 Agricultural & Forestry Developments

3. Planning History

- 3.1 MH92/0694 - Portacabin and ancillary buildings for free range egg production - Refused 6 October 1992.
- 3.2 MH96/0646 - Mobile Home - Approved 10 December 1996. (Temporary Planning permission for 3 years only) .
- 3.3 NC1999/2294/F - Agricultural Workers Dwelling - Refused 24 November 1999.
- 3.4 NC2000/1404/F - Retention of Mobile Home, Hen House, 2 Portacabins and 2 Gardens Sheds - Refused 22 August 2000.
- 3.5 NC2001/0174/F - Retention of Mobile Home, Hen House, 2 Portacabins and 2 Gardens Sheds - Refused 3 April 2001 - Appeal Allowed 12 November 2001 for 3 years only.

4. Consultation Summary

- 4.1 No statutory or non-statutory consultations required.

5. Representations

- 5.1 Whitbourne Parish Council - no objection.
- 5.2 The applicant has said:
 - a) the barn will replace 2 existing portacabins;
 - b) the barn will be partitioned into the following sections egg grading, packaging material, cold store and small workshop;
 - c) these facilities will enable me to meet new egg marketing regulations, facilitate the current production capacity and will allow the expansion of the business;
 - d) the business currently supplies a number of local establishments (21 shops and 3 restaurants) with a mix of hydroponically produced market garden produce.
- 5.3 Letter of objection received from Mr & Mrs JE Galvin, Lincetter Farm, Badley Wood, Whitbourne who make the following comments :
 - a) Since moving to Lincetter Farm we have suffered the negative visual impact off a series of temporary structures used to support Mr Roper's enterprises. These include ; mobile chicken sheds, mobile home, portacabins, polythene tunnels, derelict single decker bus and the removal of sections of ancient hedgerow.
 - b) The application is for an industrial unit ill suited for such an area and will be clearly visible from Lincetter Farm
 - c) The road network is inadequate to serve this proposal.

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 Malvern Hills District Local Plan, Landscape Policy 7 deals specifically with proposals for agricultural development setting a criterion for consideration. The Policy permits development where it forms part of a group of buildings where practicable and relates to existing buildings in terms of size and colour, it is not located on a skyline and is consistent in scale and design with the agricultural forestry use or purposes in connection with which it is proposed, and does not conflict with Landscape Policy 2 and other relevant plan policies.

6.2 In terms of its visual impact on the character of the area, it is acknowledged that the site is located within an area of attractive, undulating countryside, characterised by a rich mixture of grass fields, woodland, substantial field boundary hedgerows and presently overgrown common land. In this context the mobile home and collection of associated buildings are generally well screened from public vantage points by substantial encircling boundary planting which reduce their impact on the landscape quality of the area. They are none the less open to views from the west and from Lincetter Farm. However, given that Lincetter Farm is some 320metres to the west of the site it is not considered the siting of this building will adversely affect the amenities of that dwelling. The proposed building is to be located behind a high roadside hedge, which forms a substantial screen to the site. The design and scale of the building is consistent with and is not untypical of many similar functional agricultural buildings on this site, and others elsewhere on Badley Wood Common. Further, the siting of the building will not compromise the agricultural function it is intended to serve.

6.3 The mobile home was allowed on Appeal, under ref. NC2001/0174/F for 3 years only. This is due to expire on 16 November 2004. In allowing the appeal the Inspector considered a 3 year temporary permission would give the applicant sufficient time to establish the agricultural enterprise. This building will help in achieving this objective.

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

Decision:
Notes:
.....

Background Papers

Internal departmental consultation replies.

**2 DCNE2003/2615/F - RETENTION OF PARKING SPACE
AT FRONT 84 BRIDGE STREET, LEDBURY,
HEREFORDSHIRE, HR8 2AH****For: A J Smith at above address.****Date Received:
26th August 2003****Ward:
Ledbury****Grid Ref:
70599, 37687****Expiry Date:
21st October 2003**

Local Member: Councillor P Harling, Councillor B Ashton & Councillor D Rule MBE

1. Site Description and Proposal

- 1.1 The site is located on the northern side of C1308 known as Bridge Street within Ledbury. Occupying the site is a end of terrace dwelling set back approximately 6 metres from the edge of the highway with garden to the rear. East, west and south of the site are further residential properties and directly opposite the site is the junction between the unclassified road 67221 known as Woodleigh Road and Bridge Street. The site lies within the Settlement Boundary for Ledbury.
- 1.2 The application has been submitted following an investigation by the Council's Enforcement Officer as hardstanding has been created in the front garden and a section of the brick boundary wall removed to provide vehicle access but the pavement and adjoining kerb has not been lowered as yet. As such the application is retrospective for the retention of the new vehicular access which has been created.

2. Policies**Hereford and Worcester County Structure Plan**T12 – Car Parking
CTC9 – Development Requirements**Herefordshire Unitary Development Plan Deposit Draft**

S6 – Transport

3. Planning History

- 3.1 None relevant.

4. Consultation SummaryStatutory Consultees

- 4.1 None required.

Internal Consultee Advice

4.2 Head of Engineering and Transportation - No objection.

5. Representations

5.1 Ledbury Town Council recommend refusal on the grounds of highway safety. Access and egress from the site is hazardous and visibility is poor particularly considering the proximity of the busy T-junction and Woodleigh and Lower Road.

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

6. Officers Appraisal

6.1 The applicants wish to retain the vehicular access, which has been created off the highway. A section of the boundary brick wall has been removed in order to create the vehicular access. This is unfortunate as the existing boundary walls contribute to the character of the street frontage along this part of Bridge Street. However, other properties within close vicinity have removed boundary walls to create off road parking and it is not considered that the removal of the boundary wall is sufficiently harmful to the character and appearance of the area to warrant refusal of planning permission.

6.2 There is sufficient space within the front garden to accommodate a family car, the available space measuring 5.4 metres in length by 2.46 metres in width. However, there is no manoeuvring space 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 Head of Engineering and Transportation is satisfied that this will not create an undue danger to highway safety. Similarly, the proximity of the site to the junction with Woodleigh Road 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 road. This allied with the fact that there are already other similar parking arrangements within close proximity to the site are sufficient for the development be supported.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1 - A06 (Development in accordance with approved plans)

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

2 - H10 (Parking - single house) (1 car)

Reason: In the interests of highway safety.

Notes to Applicant

1 - HN05 - Works within the highway

2 - HN10 - No drainage to discharge to highway

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**3 DCNE2003/2090/F - PROPOSED TRELLIS FENCING AT
PEGS FARM, STAPLOW, LEDBURY,
HEREFORDSHIRE, HR8 1NQ****For: Mr & Mrs C J Nicholls per Wall, James & Davies,
15-23 Hagley Road, Stourbridge, West Midlands,
DY8 1QW****Date Received:****9th July 2003****Expiry Date:****3rd September 2003****Ward:****Hope End****Grid Ref:****70296, 41156**

Local Member: Councillor R Mills and R Stockton

1. Site Description and Proposal

- 1.1 The site is located on the junction between C1173 and C1157 known as Hollow Lane in the district of Staplow. The site itself known as Pegs Farm comprises of Grade II* listed farmhouse with a range of traditional and more modern agricultural buildings to the north and west of the farmhouse, currently being used for a mixture of B1 light industrial uses and B8 storage and distribution. Immediately east of the farmhouse is a residential property known as Barkholme beyond which are a further two bungalows. Surrounding Pegs Farm itself to the north, west and south is agricultural land and a public right of way runs in a northerly direction towards Pegs Farm. Ground levels fall from east to west and north to south both within and surrounding the site.
- 1.2 The applicant's propose the erection of trellis type fencing to enclose the south eastern section of the front garden surrounding the listed farmhouse. The fencing is to be at a height of 1.5 metres adjacent to Hollow Lane rising to 1.8 metres running northwards towards the farmhouse and at a height of 1 metre fixed on top of the existing garden boundary wall along the eastern boundary of the garden. The application was submitted following an investigation by the Enforcement Officer as some of the fencing has already been erected.
- 1.3 The site lies within an Area of Great Landscape Value and falls outside of a settlement as identified in the Malvern Hills District Local Plan. The plans have been amended slightly since first submitted through a reduction in the height of the fence adjacent to Hollow Lane from 1.8 to 1.5 metres.

2. Policies

Planning Policy Guidance Note 15 – Planning and the Historic Environment

Hereford and Worcester County Structure Plan

CTC2 – Areas of Great Landscape Value

CTC7 – Landscape Features

CTC9 – Development Requirements

Malvern Hills District Local Plan

Conservation Policy 11 – The Setting of Listed Buildings
Landscape Policy 1 – Development outside Settlement Boundaries
Landscape Policy 3 – Development in Areas of Great Landscape Value

Herefordshire Unitary Development Plan Deposit Draft

HBA4 – Setting of Listed Buildings
LA2 – Landscape Character and Areas Least Resilient to Change

3. Planning History

NE2003/0804/F - Erection of trellis fencing and lattice work - Withdrawn 30 April 2003

NE2003/1327/F - Retention of realign section of wall - Approved 24 June 2003

4. Consultation Summary

Statutory Consultants

- 4.1 English Heritage – “On the basis of the drawings this does appear some what suburban in character for an outstanding historic farmhouse, but we would not wish to intervene on the balance of advice on this given by your own Conservation Team”.

Internal Consultation Advice

- 4.2 Head of Engineering and Transportation - No objection.
4.3 Chief Conservation Officer has no objection to the amended plans.

5. Representations

- 5.1 Wellington Heath Parish Council – No response received. However, no specific objection was raised by the Parish Council to the previous application which was withdrawn.

- 5.2 Three letters of objection have been received from:

F M & C J A Underhill, Old Mill House, Staplow, Ledbury.
P & D Morris, The Fishery, Hollow Lane, Staplow, Ledbury.
Miss F A Holme, Barkholme, Hollow Lane, Staplow, Ledbury.

The main points raised are:

1. The fencing would box in the garden and separate it from the house which would destroy the setting which is part of its Grade II* listing.
2. Visibility on the road junction would be reduced and may be hazardous for motorists.

3. No fencing is necessary on top of the wall which is already approximately 4 metres higher than the existing garden.
4. The hop poles proposed to afix the fence to the wall would be unattractive.
5. There would be a mixture of stone, brick and wooden fence panels on the south eastern corner which would be a cluttered and untidy mess.
6. Some form of shrubbery would be more appropriate and befitting the property in an Area of Great Landscape Value, trellis fencing belongs in urban back gardens out of site.
7. The garden is already around 1 metre higher than the road and therefore a fence would extend over 2.5 metres above the road, entirely changing the aspect of the listed house.
8. The scalloped top sections of the fence is more appropriate to an urban modern house and the small size of the spaces on the trellis will make the fence appear close boarded. Such a fence will not filter the wind effectively and is likely to suffer wind damage.

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

6. Officers Appraisal

- 6.1 The applicant's wish to erect a trellis type fence to enclose the south eastern portion of the front garden surrounding the Grade II* listed building. The trellis is to be of a timber diagonal lattice construction comprising of individual panels fixed to wooden posts with reclaimed hop poles used to fix the panels to the brick wall along the eastern boundary.
- 6.2 The trellis proposed is transparent and lightweight in its appearance. As such it will not appear or have the effect of a solid enclosure in the same way as is wall or close boarded fence would. The applicant's have agreed to reduce the height of the section of fence adjacent to Hollow Lane from 1.8 to 1.5 metres, which would ensure that the fence does not appear too imposing from a Hollow Lane perspective. This will also allow views of the listed farmhouse to be retained. Furthermore, the principle aspect of the farmhouse when viewed from directly south will be retained as this part of the garden is not to be enclosed. Similarly, the fence proposed on top of the wall will not prevent views of the farmhouse from an easterly direction due to the rise in ground levels. As such this is not considered that views of this historic building will be restricted by the proposed fencing.
- 6.3 With respect to the materials, whilst they are not dissimilar to the type of fencing which could be seen in an urban environment, they are not considered to be inappropriate in this instance particularly with the addition of some additional planting, which will assist in softening the appearance of the fencing. This matter can be controlled by way of condition.
- 6.4 Your Officers do have some concerns regarding the appropriateness of the fencing in the context of the listed building, however it is not considered that the proposal is sufficiently harmful to the setting of Grade II* listed building to warrant refusal of planning permission. This view is supported by Chief Conservation Officer who is satisfied that the fencing will not interrupt views of the listed farmhouse, the materials are acceptable and the proposal will generally not compromise the setting which contributes to the character and appearance of Pegs Farmhouse. On balance and in

light of the Conservation officers support the proposal is considered acceptable in accordance with the relevant Development Plan Policies and Government Guidance.

RECOMMENDATION

That planning permission be approved 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) (29 August 2003)**

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

- 3 - G04 (Landscaping scheme (general))**

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

- 4 - G05 (Implementation of landscaping scheme (general))**

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

4 DCNE2003/2139/F - INSTALLATION OF NEW GROUND FLOOR WINDOWS AT RADWAY, BELLE ORCHARD, LEDBURY, HEREFORDSHIRE, HR8 1DD**For: Mr D Pengelly per Mr P D Jones 92 Robinsons Meadow Ledbury Herefordshire HR8 1SX****Date Received:****15th July 2003****Expiry Date:****9th September 2003****Ward:****Ledbury****Grid Ref:****70921, 38055**

Local Members: Councillor B Ashton, Councillor P Harling and Councillor D Rule MBE

1. Site Description and Proposal

- 1.1 The site lies on the northern side of unclassified road 67212 known as Belle Orchard, to the west of the Homend within Ledbury. Currently on site is a detached brick dwelling under a pitched slated roof, which is currently in the process of renovation and extension. Immediately west, east and south of the site are existing residential properties, south east of the site is the old Ledbury Cottage Hospital and to the north is a Baptist church, which is Grade II Listed. Ground levels within the site are generally flat but fall away westwards down Belle Orchard. The site lies outside but adjacent to the Conservation Area and is also within the Settlement Boundary and Primary Residential Area as designated in the Malvern Hills District Local Plan.
- 1.2 Planning Permission was approved on 2nd April 2003 for various extensions and alterations to the property. Condition 5 of the Planning Permission removes Permitted Development Rights to construct windows or dormer windows in the east and west elevations of the property. The applicant now seeks Planning Permission to install two additional windows at ground floor of the existing property on the western elevation along with an additional window and arrangement of glass blocks also at ground floor of the existing property on the eastern elevation.

2. PoliciesMalvern Hills District Local Plan

Housing Policy 16 – Extensions

Herefordshire Unitary Development Plan (Deposit Draft)

H18 – Alterations and Extensions

3. Planning History

NE2003/0168/F – Second floor extension plus front and rear extensions – Approved 2 April 2003.

4. Consultation Summary

4.1 Statutory Consultees

None required.

4.2 Internal Consultation Advice

Head of Engineering and Transport: no objection.

Chief Conservation Officer – proposals will not adversely affect the character or appearance of the Conservation Area or the setting of the adjacent Listed Buildings.

5. Representations

5.1 Ledbury Town Council recommend refusal:

Due to potential invasion of privacy to neighbouring property.

Members are also concerned over the levels of light on the west side of the building.

5.2 A letter from the applicant's agents Mr P D Jones has been submitted in support of the application. The main points raised are:

- a) Housing Policy 16 being the relevant policy states that any proposal should not result in undue loss of amenity to nearby properties, amenity considerations being a potential loss of privacy or light.
- b) With respect to the windows on the east elevation, a combination of the height of the boundary wall, a distance of 23m between the applicant's property and St Katherine's Terrace and the fact that the windows are on ground floor means that there is no impact on the privacy of the occupants of St Katherine's Terrace.
- c) With respect to the windows on the western elevation, opaque coloured glazing is to be used and the windows face directly onto existing structures and do not allow a view to anything other than a blank gable wall. This again ensures that privacy of the neighbours is not affected.

5.3 Two letters of objection have been received from:

Mr and Mrs Vaughan of 114 St Katherine's Terrace, The Homend, Ledbury and
Mr Dean Fisher of Beulah, Belle Orchard, Ledbury

The main points raised are:

- a) Condition 5 was imposed to protect the residential amenity of adjacent property and the reasons for imposing this condition still apply today.
- b) The inclusion of a proposed glass block work in the pattern proposed is totally unsuitable for the style of surrounding Listed Buildings.
- c) Window W2 on the west elevation is directly in line with the bathroom window and would only be partly obscured by the existing garage.

- d) The use of opaque rather than coloured glass would be preferable.
- e) Window W1 to the rear of the property will look directly into a garden and also half of the window would provide a direct line of sight into our bathroom window.

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

6. Officers Appraisal

- 6.1 The application has been submitted as Permitted Development Rights to insert additional windows in the east and west elevations of the property have been removed. The applicants now wish to install two windows on the west elevation to serve the living room; both windows are to be glazed with coloured glass. On the east elevation a large window is proposed to serve the dining room with a further arrangement of five glass blocks built into the existing wall to provide additional light to the kitchen, all at ground floor.
- 6.2 The windows proposed on the east elevation will generally only have aspect towards the boundary wall, which rises to a height of around 1.8m. As such there is no direct line of sight to any adjacent properties or their gardens. Furthermore, the nearest residential properties are some 24m away which is considered to be adequate distance to preserve privacy. In terms of the detail of the windows on this elevation, whilst the glass blocks proposed are a little unusual, it is not considered that they will appear incongruous particularly given how visible the lower part of this elevation is due to the existence of the boundary wall.
- 6.3 With respect to the windows on the west elevation, it is again not considered that there will be any increased loss of privacy over and above the existing situation. Two large windows already exist on the side elevation of the new rear conservatory, which allow direct views across the neighbour's garden and this situation existed prior to the recent approval of planning permission for the extensions. The presence of the existing boundary fence and neighbours garage also assist in obscuring any aspect from these windows. With respect to the neighbour's bathroom window at first floor, there may be the possibility for viewing into the proposed windows from the neighbours bathroom and to a lesser extent a reverse situation. In view of this samples of the glazing to be used in these windows will be required to ensure that there is no increased loss of privacy for both the applicants and the neighbour. This matter can be controlled by way of planning condition. The proposals will have no impact upon light levels for both the neighbour's or the applicant's property as suggested by the Town Council.
- 6.4 Subject to the conditions as set out below the installation of the additional windows and glass blocks are not considered to result in any increased loss of privacy for the neighbours through overlooking which is the principal issue in assessment of this application. As such the proposal is considered acceptable in accordance with Housing Policy 16 of the Malvern Hills District Local Plan.

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 - Prior to commencement of the development hereby permitted, details of the proposed glazing to be used including samples of the proposed glass blocks shall be submitted for the approval of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to safeguard the privacy of neighbours.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

5 DCNE2003/2387/F - DETACHED DWELLING ON LAND ADJACENT TO 47 THE GREEN, ASHPERTON, HEREFORDSHIRE. HR8 2RY

For: Mr & Mrs P Barnes per Mr R Pritchard, The Mill, Kenchester, Hereford. HR4 7QJ

Date Received:

21st July 2003

Expiry Date:

15th September 2003

Ward:

Frome

Grid Ref:

64305, 41856

Local Member: Councillor R Manning

1. Site Description and Proposal

- 1.1 The site is located to the rear of 45/46 The Chandlers and 47 The Green, Ashperton, all listed buildings, with access off the western side of the A417 road.
- 1.2 The proposal is to construct a 4 bedroom timber frame cottage with brick infill panels under a clay tile roof. The elevated plot measures approximately 28m x 16m and presently contains a mature hedge on the boundaries with a lawned area and hardstanding.
- 1.3 The site lies outside of the village envelope defined on the Malvern Hills District Local Plan.

2. Policies

PPG7 – The Countryside – Environmental Quality and Economic and Social Development

PPG15 – The Historic Environment

Hereford and Worcester County Structure Plan

H16A – Housing in Rural Areas

H20 – Housing in Rural Areas

CTC9 – Development Requirements

CTC7 – Listed Buildings

Malvern Hills Development Local Plan

Housing Policy 4 – Development in the Countryside

Conservation Policy 11 – The Setting of Listed Buildings

Unitary Development Plan

H6 – Housing in Smaller Settlements

DR1 – Design

DR4 – Environment

HBA4 – Setting of Listed Buildings

3. Planning History

3.1 No recent history.

4. Consultation Summary

Statutory Consultees

4.1 The Environment Agency raise no objections subject to appropriate drainage.

Internal Consultation Advice

4.2 The Head of Engineering and Transportation recommends conditions relating to vehicular access, but has no objection in relation to the public right of way.

4.3 Chief Conservations Officer raises no objection on the impact of the setting of the listed buildings but raises concerns on the character of the village.

5. Representations

5.1 The applicant's agent has submitted the following details in support of the application.

1. My client's have long family connections with Ashperton.
2. They presently live in a two-bedroom dwelling with their baby in Ashperton. It is a listed building and they have been told it cannot be extended to meet their requirements.
3. The new build is a traditional style timber frame building indigenous to Herefordshire.
4. The applicant is a plumber and a key worker in the area having a large local base, therefore he will be working within a short distance of his home.
5. The site lies on the edge of the village envelope and forms a natural extension and it appears to be without logic why it was ommitted.
6. It will retain the tight knit pattern of deverlopment without impact on the boundary of the settlement.
7. The design would enhance and not detract from the traditional scene in the locality.
8. Historically the site had a dwelling on it identified on a Tithe map 1841.
9. This would round off development in this area.
10. The applicant's are active members of the local community.
11. The applicant's have looked at other properties in the area but all fall outside their price range.

5.2 Ashperton Parish Council have no objection to this application. Councillors take the view that this sort of development is vital if Ashperton's younger residents are to be encouraged to remain in the Village.

5.3 The Ramblers Association confirm that a public footpath runs along the southern boundary and does not cross the site.

5.4 CPRE think the site is rather close to other dwellings, but our main concern is that the building proposed - a large, 4-bedroom house - would be out of scale with the other dwellings in the vicinity. We therefore ask the Council to refuse this application unless the size is significantly reduced.

5.5 Three letters of objection have been received from:

C G Vertue, Chandlers, 45/46 The Green, Ashperton.
Miss P M Jackson, Martindale, 5 The Ryders, Ashperton.
J B Haslett, 2 The Ryders, Ashperton.

The main points raised are:

1. The site is outside the Village Settlement Boundary.
2. Backland development being behind the building line and immediately behind 45-47.
3. Because of its elevated position the house will be prominent in an area of old houses and cottages.
4. It will overlook and dominate No. 45/46 which is a lovely listed house.
5. It will also overlook bungalows to the south at The Ryders.
6. Drainage details needs to be resolved.
7. Vehicular access is onto a busy and dangerous road.
8. All modern development in the village have been bungalows and this should continued.
9. If this development proceeds No. 47 will have no parking.
10. This could set a precedent for further development in the village.

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

6. Officers Appraisal

- 6.1 This elevated and backland site clearly lies outside of the village envelope as defined by the Malvern Hills District Local Plan and is therefore contrary to Housing Policy 4.
- 6.2 The impact on the setting of the listed building has been considered by the Historic Buildings Officer who opinions that the proposal will not have a direct conflict with the setting of the listed building. However, he is concerned that the development of the site would lead to a visual spread of the village and potential loss of its linear form at this point.
- 6.3 The local residents concerns regarding overlooking are noted however there is a 60m separation distance between dwellings and even though elevated this distance is considered acceptable. Furthermore, the design also compliments the character of the buildings in the village.
- 6.4 However, the principle of developing this site is contrary to the main thrust of planning policies that seeks to prevent the spread of urban development into the open countryside.

RECOMMENDATION

That planning permission be refused for the following reasons:

1. The site is located outside of the settlement boundary as defined in the Malvern Hills District Local Plan and is accordingly contrary to Housing Policy 4 and Policy H20 of the Hereford and Worcester County Structure Plan.
2. The development of this site would detract from the character of the village at this point which is linear in form and therefore contrary to Policy CTC of the Hereford and Worcester County Structure Plan.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

6 DCNE2003/2542/F - PROPOSED ALTERATIONS OF RECEPTION & OFFICE BUILDING & ERECTION OF TOILET BLOCK EXTENSION AT JUGS GREEN BUSINESS PARK, STAPLOW, LEDBURY, HEREFORDSHIRE, HR8 1NR

For: Davant Products per Wall, James & Davies 15-23 Hagley Road Stourbridge West Midlands DY8 1QW

Date Received:
18th August 2003
Expiry Date:
13th October 2003

Ward:
Ledbury

Grid Ref:
68888, 40876

Local Members: Councillor D Rule, Councillor P Harling and Councillor B Ashton

1. Site Description and Proposal

- 1.1 Davant Products is located on the northern side of the class III 1157 road from Staplow to Munsley at Jugs Green, Staplow. The application proposes to alter the reception and office buildings, together with the erection of a single storey toilet block measuring 5m x 4.6m. The internal alterations will provide for an enhanced reception area together with conference room and staff room. The toilet block will be attached to the end of the office building adjacent to the entrance. External material will be subject to agreement.

2. Policies

PPG24 – Planning and Noise

Hereford and Worcester County Structure Plan

E6 – Industrial Development in Rural Areas
CTC2 – Area of Great Landscape Value
CTC9 – Development Requirements

Malvern Hills District Local Plan

Employment Policy 10 – Expansion on Industrial Sites
Transport Policy 11 – Traffic Impact
Landscape Policy 3 – Area of Great Landscape Value
Landscape Policy 1 – Development Outside Settlement Boundaries
Environment Policy 1 – Location of Development

3. Planning History

- 3.1 MH90/2067 - Change of use of redundant agricultural buildings to light industrial and storage (B1 and B8) - Approved 10 December 1990
- 3.2 MH91/0334 - Use of part of field as open storage, display and sales area for reclaimed salvaged and restored architectural affects and building components - Approved 29 April 1991
- 3.3 MH92/1122 - Amendment of condition 4 to permit conversion of units B & D to offices. Change of use unit D from Class B8 to Class 1 (refer to consent MH2067/90)
- 3.4 MH96/1290 - Proposed warehouse - Approved 11 February 1997
- 3.5 MH97/0972 - Proposed warehouse to be moved 90° as already approved on MH96/1290 - Approved 9 September 1997
- 3.6 NE1999/1628/F - Extension to existing warehouse and extension to car-parking area - Approved 20 July 1999
- 3.7 NE2001/3188/F - Loading canopy extension to existing warehouse - Approved 22 January 2002 (Note: Added to permission – the applicant is advised that due to the restricted nature of the site it is unlikely that further building will be supported on these premises)
- 3.8 NE2002/1414/F – Change of use of building from B1 (light industry) to B8 (warehouse) – variation of planning permission MH2067/90 – Use Restrictions. Approved 4 September 2002.
- 3.9 NE2002/1413/F – Part change of use of B8 warehouse to B1 (light industry), retention of overhead canopy and fire escape path – variation of condition of planning permission MH96/1290 – Use Restriction. Approved 4 September 2002.
- 3.10 NE2002/1556/F – Variation of condition 12 of planning permission MH2067/90 – Relating to working hours. Approved 4 September 2002.
- 3.11 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 – Approved 23 July 2003.

4. Consultation Summary

4.1 Statutory Consultees

None required.

4.2 Internal Consultation Advice

The Head of Engineering and Transportation raises no objections.

5. Representations

- 5.1 Mishcon de Reya Solicitor on behalf of Mr H Pugh and Mrs S Merrick of Jugs Green Farm, state that if granted would encourage further intensification of the anti-social activities which have been allowed to take place adjacent to a family dwelling. The

increasing degree of commercialisation is clearly inappropriate in such a location. Further degradation of residential amenity should be resisted.

6. Officers Appraisal

6.1 This application involves internal alterations to the interior of the office buildings together with the construction of a small toilet block. The proposal will enhance the facilities at the site together with improved reception facilities.

6.2 The proposal is not considered to breach the spirit of the note attached a previous permission (NE2001/3100/F) at the site which identifies that no further buildings will be supported. In this instance the building is very modest 5m x 4.6m and is to provide enhanced facilities for staff and is not additional industrial/warehouse buildings.

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 - B01 (Samples of external materials)

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

7 DCNE2003/2582/F - CREATE OFF ROAD PARKING AT FRONT OF PROPERTY 60 BRIDGE STREET, LEDBURY, HEREFORDSHIRE, HR8 2AH**For: Mr Williams of above address.**

Date Received:
22nd August 2003
Expiry Date:
17th October 2003

Ward:
Ledbury

Grid Ref:
70649, 37683

Local Member: Councillor P Harling, Councillor B Ashton & Councillor D Rule MBE

1. Site Description and Proposal

- 1.1 The site is located on the northern side of C1308 known as Bridge Street within Ledbury. Occupying the site is a mid terrace dwelling set back approximately 5 metres from the edge of the highway with garden to the rear. East, west and south of the site are further residential properties and 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 space. The works will also entail the removal of a section of brick boundary wall to create the necessary access along with the creation of a hard-surface within the front garden.

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

T12 – Car Parking
CTC9 – Development Requirements

Herefordshire Unitary Development Plan Deposit Draft

S6 – Transport

3. Planning History

- 3.1 NE2003/0908/F – Create off-road parking at front of property – refused 15th May 2003

4. Consultation SummaryStatutory Consultees

- 4.1 None required.

Internal Consultation Advice

- 4.2 Head of Engineering and Transportation - No objection.

5. Representations

- 5.1 Ledbury Town Council recommend refusal. Members considered the space insufficient for car parking.
- 5.2 The full text of this letter can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The applicants propose the creation of an off-road parking space within their front garden. A section of the brick boundary wall will have to be removed in order to create the vehicular access. This is unfortunate as the existing boundary walls remaining along this part of Bridge Street contribute to the character of the street frontage. However, the site lies outside the Conservation Area and it is not considered that the removal of the boundary wall is sufficiently harmful to the character and appearance of the area to warrant refusal for planning permission.
- 6.2 As can be seen from the planning history, planning permission was refused in May of the year for an identical application. The reason for refusal was:
"There is insufficient space within the application site to create an off-road parking space without compromising pedestrian safety"
- 6.3 Due to the presence of an enclosed porch within the front garden, the space available for parking is very limited amounting to around 4.4 metres in length by 3.5 metres in width. This is less than the current standards concerning the size of parking spaces and there is therefore the danger that a larger vehicle may overhang the pavement causing obstruction. However, the Head of Engineering and Transportation is now satisfied that there is sufficient space to accommodate the average family car and that there will be a highway gain in that a further vehicle will be removed off the already congested highway.
- 6.4 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 Head of Engineering and Transportation is again satisfied that this will not create an undue danger to highway safety. On balance, the proposal is considered acceptable.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - A06 (Development in accordance with approved plans)**

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

- 2 - H10 (Parking - single house) (1 car)**

Reason: In the interests of highway safety.

Notes to Applicant

- 1 - HN05 - Works within the highway
- 2 - HN10 - No drainage to discharge to highway

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

AREA SUB-COMMITTEE

8 NE2003/1841/F - CHANGE OF USE OF LAND FROM AGRICULTURE TO TOURIST ACCOMMODATION TO SITE LOG CABIN ON LAND AT LITTLE VERZONS FRUIT FARM, HEREFORD ROAD, LEDBURY, HEREFORDSHIRE, HR8 2PZ

For: Little Verzons Fruit Farm per Bruton Knowles, Bisley House, Green Farm Business Park, Bristol Road, Gloucester GL2 4LY

Date Received:

17th June 2003

Expiry Date:

12th August 2003

Ward:

Frome

Grid Ref:

66688, 39268

Local Member: Councillor R Manning

1. Site Description and Proposal

- 1.1 The site is located south of the A438 Hereford to Ledbury road, approximately one mile east of the Trumpet Crossroads. Access to the site is via an existing agricultural field access directly off the A438 immediately east of the property known as Mayfield Bungalow. Hardcore has been deposited to create a track from the access leading to the site.
- 1.2 The site itself is a triangular piece of land bounded on all 4 sides by mature hedges and trees. Immediately to the north is an apple orchard, east, west and south is agricultural land. In the southern corner of the site is a small pool and ground levels fall from north to south and east to west within the site.
- 1.3 The applicants propose the siting of a timber clad and pitched roof self-contained log cabin structure comprising of three bedrooms, kitchen, living area and bathroom to be used for holiday accommodation.

2. Policies

Hereford & Worcester County Structure Plan

Policy CTC 9 Development Requirements

Policy A1 Development on Agricultural Land

Policy A2 Diversification

Policy TO71 Tourism Development

Policy TO76 Tourism Accommodation

Malvern Hills District Local Plan

Landscape Policy 1 Development Outside Settlement Boundaries

Tourism Policy 2 Development of Tourism

Tourism Policy 8 Holiday Caravan & Chalet Sites

Tourism Policy 10 Holiday Accommodation - Planning Permission Limitations

Herefordshire Unitary Development Plan (Deposit Draft)

Policy RST 1 Criteria for Recreation, Sport & Tourism Development

Policy RST 12 Visitor Accommodation

Policy RST 14 Static Chalets, Camping and Touring Caravan Sites

3. Planning History

3.1 None.

4. Consultation Summary4.1 Statutory Consultees – None required4.2 Internal Consultation Advice.

4.3 Head of Engineering and Transport – no objection subject to conditions requiring improvements to the existing access.

4.4 Head of Environmental Health and Trading standards – A preliminary site investigation has been undertaken and the conclusions are satisfactory

4.5 Head of Community and Economic Development – No response received

5. Representations

5.1 The applicants agents have provided a detailed report in support of the application. The report describes how the development accords with the relevant policies and why the development is considered acceptable.

5.2 Munsley & Pixley Parish Council recommend approval provided that a condition is attached to limit its use to holiday type short lets only. Councillors were influenced by the following factors :

1. The structure will be all wooden and therefore temporary.
2. There will be minimum disturbance to existing trees and shrubs.
3. The site as existing has no current practice agricultural use.
4. The change of use is appropriate for an applicant whose business already serves the tourism industry.
5. There is an adequate existing access.
6. Electricity and mains water supplies are close by.

5.3 Two letters of objection/comment have been received from :

- Mr & Mrs Collins, Mayfield Bungalow, Hereford Rd, Ledbury
- KW & LM Jarvis, Gazerdene House, Munsley, Ledbury

The main points raised are :

1. The access to serve the development has very poor visibility, particularly in the Ledbury direction and requires a high level of caution to avoid pulling out into

- oncoming traffic. The situation is made worse when cars are parked in the adjoining lay-by.
2. The development would contribute to noise and light pollution in the area from radios, televisions and flood lighting of the site.
 3. If permission is approved for one cabin, it will set a precedent for further holiday homes on neighbouring sites.
 4. There is a possibility that the holiday cabin won't be occupied by genuine holiday makers for several months of the year but by people working on Little Verzons Fruit Farm.
- 5.4 The full text of these letters and the report can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The applicants wish to site a single log cabin/chalet structure to provide self-contained holiday accommodation. The principle of such a proposal is supported by relevant development plan policies subject to a number of criteria being met.
- 6.2 The land is currently not used for any purpose and is low-grade agricultural land. The site is very well screened being enclosed on all sides by existing mature trees and hedgerows. As such the cabin will not be visible or prominent within the landscape and in fact will be barely be visible from outside of the site. The design scale and materials of the proposed cabin will also assist in assimilating the development into the landscape given it is to be single storey in height, clad in timber with a slated/tiled roof. As such the development will have no adverse impact upon the landscape character of the area.
- 6.3 Objectors have expressed concerns regarding the use of the existing agricultural field access to serve the development. Whilst the access may not meet current highway specification with regard to visibility, it is sufficiently safe to serve the development proposed. There is sufficient distance between the site and nearest residential properties so as not to disrupt their amenity. Issues raised such as potential light pollution and the occupation of the cabin can be adequately addressed through appropriate conditions. Finally, concerns expressed about the precedent that this application will set are not warranted as any development outside of the site the subject of this application would be significantly more prominent within the landscape and therefore would not accord with the relevant policies.
- 6.4 The development will have satisfactory access, necessary services including foul drainage can be provided within the site, the development will not be visually prominent or detract from the appearance of the landscape and there will be no disruption to the amenity of the neighbouring properties. The requirements of the relevant planning policies and Tourism Policy 8 in particular concerning chalet developments have therefore been satisfied.

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 amended and approved plans)**

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

- 3 - E31 (Use as holiday accommodation)**

Reason: To prevent the establishment of the residential use in the countryside where it would not normally be permitted.

- 4 - E33 (Holiday chalet occupancy) (1 February and 1 March)**

Reason: To prevent the establishment of a residential use in the countryside where it would not normally be permitted.

- 5 - G09 (Retention of trees/hedgerows)**

Reason: To safeguard the amenity of the area.

- 6 - F19 (Drainage in accordance with approved plans)**

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

- 7. H01 (Single access – not footway) (2.4 metres)**

Reason: In the interests of highway safety.

- 8. H03 (Visibility splays) (3 x 160 metres)**

Reason: In the interests of highway safety.

- 9. H05 (Access gates) (2.5 metres)**

Reason: In the interests of highway safety.

- 10. H06 (Vehicular access construction) (First 4 metres from the edge of the carriageway)**

Reason: In the interests of highway safety.

- 11. H13 (Access, turning area and parking)**

Reason: In the interests of highway safety.

Notes to Applicant

- 1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.**

- 2. This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Mr. T.E. Davies, Divisional Surveyor (North), MEB Buildings, West Street, Leominster, HR6 8BT Tel: 01432-261776 , for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority.

- 3. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Mr. T.E. Davies, Divisional Surveyor (North), MEB Buildings, West Street, Leominster, HR6 8BT Tel: 01432-261776 shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification for the works together with a list of approved contractors.

Decision:

Notes:

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Background Papers

Internal	departmental	consultation	replies.
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9 DCNE2003/2232/F - CHANGE OF USE OF EXISTING BUILDING TO SINGLE DWELLING INCLUDING ALTERATIONS AND DEMOLITIONS, CONSTRUCTION OF NEW ACCESS AND NEW GARAGES AT EVENDINE COURT, EVENDINE LANE, COLWALL GREEN, MALVERN, HEREFORDSHIRE, WR13 6DY

**For: Mr J Williams per Stainburn Taylor Architects
Bideford House Church Lane Ledbury HR8 1DW**

**Date Received:
11th August 2003
Expiry Date:
6th October 2003**

**Ward:
Hope End**

**Grid Ref:
76185, 41040**

Local Member: Councillors R Stockton and R Mills

1. Site Description and Proposal

- 1.1 Evendine Court is a Grade II Listed Building located on the north side of the Evendine Lane, approximately half a mile west of its junction with the B4213 Jubilee Drive Road, Colwall.
- 1.2 This application proposes the conversion of Evendine Court to a single dwelling together with the creation of a new vehicular access and garage block. The proposal includes an element of demolition which has been previously granted Listed Building Consent under earlier applications. There is a proposed change to the internal arrangement at first floor level which has not been previously granted Listed Building Consent.
- 1.3 The proposed detached triple garage is to be erected at the front of the building in part, across the the footprint of that part of the building to be demolished. This building measures approximately 10m x 7m with a hiped roof, 6m in height.
- 1.4 The proposed new access is to be situated in the eastern boundary hedge, with a new drive across the grounds and running along the edge of an existing embankment, up to the house and new garage block.

2. Policies

- 2.1 PPG 7: The Countryside – Environmental Quality and Economic and Social Development

2.2 Hereford and Worcester County Structure Plan

CTC1 – Areas of Outstanding Natural Beauty
CTC6 – Landscape Features
CTC7 – Landscape Features
CTC9 – Development Requirements

CTC11 – Trees and Woodlands
CTC13 – Conversion of Buildings
H20 – Housing in Rural Areas outside the Green Belt

2.3 Malvern Hills District Local Plan

Housing policy 4 – Development in the Countryside
Conservation Policy 6 – Protection of Listed Buildings
Conservation Policy 9 – Alterations and Extensions to Listed Buildings
Conservation Policy 10 – Alternative Uses for Listed Buildings
Conservation Policy 11 – The Setting of Listed Buildings
Landscape Policy 2 – Areas of Outstanding Natural Beauty
Colwall Village Design Statement

2.4 Herefordshire Unitary Development Plan (Deposit Draft)

H7 – Housing in the countryside outside settlements
LA1 – Areas of Outstanding Natural Beauty
LA4 – Protection of historic parks and gardens
LA5 – Protection of trees, woodlands and hedgerows
HBA1 – Alterations and Extensions of Listed Buildings
HBA3 – Change of use of Listed Buildings
HBA2 – Demolition of Listed Buildings
HBA4 – The setting of Listed Buildings

3. Planning History

MH1168/84 - Square Courts home management room and classroom - Approved 5 July 1984

MH85/1287 - Extension of existing accommodation for principal - Approved 16 September 1985

MH94/1542 - Change of use of Squash Courts to 4 flats - Approved 24 April 1995

MH94/1543 - Change of cookery block to 2 dwellings - Approved 24 April 1995

MH95/0573 - Roof alterations to 2 upper floor flats - Refused 11 July 1995

MH95/0574 - Vehicular access - Refused 11 July 1995

MH95/1074 - Extension to main building - Approved 14 November 1995

MH97/1660 - Extension, alterations and change of use of main building by conversion to 7 dwellings - Approved 10 March 1998

98/846/L - Extension and alterations to convert to seven dwellings - Refusal of Listed building consent 13 August 1999

98/0378/N - Construction of a country house to replace extant planning permission MH97/1660 authorising conversion to several dwellings - Undetermined

1999/1440/O - Outline application to construct a single dwelling - Undetermined

1999/1318/L - Conversion of main building, external alterations and reinstatement of partitions and doorways removed prior to listing - Listed building consent 24 August 1999

NE99/1317/L - Conversion of main building to 5 dwellings - Withdrawn

NE99/1320 - Erection of a terrace of 5 dwellings (enabling development) - Withdrawn

NE02/0479/L - Conversion of property to single dwelling including alterations and demolition - Listed Building Consent granted 15 May 2002

NE02/0480/F - Change of use of building to a single dwelling, including alterations and demolitions and construction of new dwelling, construction of new access and closure of existing access. Construction of garages and car park - Refused 15 May 2002

NE02/0818/F - Change of use of building to a single dwelling, including alterations and demolitions and construction of new dwelling, construction of new access and closure of existing access. Construction of garages and car park - Refused 15 May 2002

NE02/0820/L - Conversion of property to single dwelling including alterations and demolition - Listed Building Consent granted 15 May 2002

NE2002/2228/F – (i) Change of use to single dwelling including alterations and demolitions, (ii) construction of new dwelling, (iii) construction of new access including closure of existing access, (iv) construction of new garages and carport. Refused 24 June 2003.

4. Consultation Summary

Statutory Consultations

- 4.1 Malvern Hills AONB Officer: No concerns regarding change of use of building or erection of garage. Concerns about construction of new access, involving creating a gap in an existing old hedge, of landscape, wildlife and historic value with mature oak standards as well as holly and hazel. Access should be limited to the existing vehicular access of preference or constructing a new access utilising an existing gate further up the lane.

Internal Council Advice

- 4.2 Head of Engineering and Transportation: No objection subject to conditions.
- 4.3 Chief Conservation Officer: Object to new drive and access due to detrimental effect on trees and damage to parkland. No objection to demolition element but note that internal changes are proposed to previously granted Listed Building Consent schemes which will of themselves require further Listed Building Consents.

5. Representations

- 5.1 In support of the application the applicant advises that in order to make this building work as one house a number of objectives need to be met:
- 1) Create a new driveway approach.
 - 2) Rearrange the gallery opening.

- 3) Paint the exterior of the building as Perrycroft and Brand Lodge.
- 5.2 Colwall Parish Council state: 'There is no case or need identified for new and/or additional access, particularly considering the environmental and safety aspects. The existing access seems adequately suitable, thereby removing the need for further access points, particularly within the AONB. The plans appear to be inadequate, as at the site visit no one could explain the purpose of the rectangle symbol situated between Evendine Court and the proposed garages. The recommended site of the triple garage should be moved closer to the main house thereby mitigating the effect on the sight lines of the neighbouring property within the AONB, as referenced within the Village Design Statement. Any further construction outside of the current plans should be the subject of additional planning applications. Concerns were raised regarding the need for clarification as to whether a Listed Building Consent should have accompanied this application.

The Parish Council applauds the intent to reinstate the house to its previous condition.'

6. Officers Appraisal

- 6.1 With the exception of the new dwelling, the current proposal is otherwise the same as that submitted under code NE2002/2228/F. That particular application was refused for the following reason:

'The proposal involves the construction of a new dwelling, contrary to policy, in countryside defined in the Development Plan as an Area of Outstanding Natural Beauty. The justification for exception to planning policy restricting new dwellings in the countryside rests on the applicant's case for enabling development required to redress an identified conservation deficit in funding arising from the proposed conversion and renovation of Evendine Court to a single dwelling.'

- 6.2 It should be noted that there was no objection to the change of use of Evendine Court to a single dwelling, the construction of the triple garage block, nor to the creation of a new access and drive.
- 6.3 Listed Building Consent has also previously been granted, with the exception of the change to the gallery area, and the painting of the exterior.
- 6.4 The issues raised concerning the proposed new access and drive have previously been raised and considered by this Sub-Committee on 15 May last year. Again, at that time, although planning permission was refused, it was refused due to the element of enabling development and the new dwelling. It is considered that it would be unreasonable to object to the access and driveway at this stage having previously not been considered to be sufficient cause for a reason for refusal in its own right.
- 6.5 The access visibility splay requirements, as advised by the Head of Engineering and Transportation, require visibility splays of 2m x 33m in each direction to be provided. This will require the whole of the hedge on the south-west side of the access and the oak tree, shown to be retained, to be removed. An alternative has been suggested, moving the access point further northwards between the next two trees where the better visibility would be achieved and only one tree would have to be felled. This would, however, involve crossing 'Conservators' land which is not acceptable to them.

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 - B01 (Samples of external materials)

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

4 - H01 (Single access - not footway) (5 metres)

Reason: In the interests of highway safety.

5 - H05 (Access gates) (5 metres)

Reason: In the interests of highway safety.

6 - H08 (Access closure)

Reason: To ensure the safe and free flow of traffic using the adjoining County highway.

7 - H03 (Visibility splays) (2 x 33m)

Reason: In the interests of highway safety.

8 - H06 (Vehicular access construction)

Reason: In the interests of highway safety.

9 - G04 (Landscaping scheme (general))

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

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

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

Notes to applicant:

1 - HN05 - Works within the highway

2 - This permission does not imply listed building consent for the gallery landing area shown on the first floor plan nor for the painting of the exterior. Separate listed building consent will be required.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

10 DCNC2003/2330/F - PROPOSED B1 OFFICE DEVELOPMENT WITH ANCILLARY B1 WORKSHOP USE AT PLOT 13, LEOMINSTER TECHNOLOGY PARK, OFF HEREFORD ROAD, LEOMINSTER

**For: Advantage West Midlands per Howl Associates
Shrubbery House 21 Birmingham Road Kidderminster
Worcs DY10 2BX**

Date Received:
31st July 2003

Ward:
Leominster South

Grid Ref:
50216, 57824

Expiry Date:
25th September 2003

Local Member: Councillors R Burke and J P Thomas

1. Site Description and Proposal

- 1.1 The application site represents the first plot to come forward for development on the Leominster Industrial Site extension, as designated in the Leominster District Local Plan and Herefordshire Unitary Development Plan.
- 1.2 The Enterprise Park, as it is known, has a new service road from Hereford Road, which is already constructed and work has just commenced on the Leominster Industrial Estate access road, which will link the site to the A44/A49.
- 1.3 The proposed building will incorporate a number of different uses which fall within Class B1 offices and Class B1 workshop uses. The siting of the proposed building has been amended from the original submission and includes revisions to the access arrangements which are now off a single access point with associated parking on three sides of the building. The studio workshops, studios and office suites are found on three storeys with the building having a maximum height of approximately 12m.

2. Policies

- 2.1 PPG 4: Industrial and Commercial Development
PPG 13: Transport

2.2 Hereford and Worcester County Structure Plan

E1 – Economic Growth
CTC9 – Development Requirements

2.3 Leominster District Local Plan (Herefordshire)

A1 – Managing the District's Assets and Resources
A9 – Safeguarding the Rural Landscape
A24 – Scale and Character of Development
A27 – Maintaining the Supply of Employment Land on Industrial Estates
A28 – Development Control Criteria for Employment Sites

L4 – Extension to Leominster Industrial Estate

2.4 Herefordshire Unitary Development Plan (Deposit Draft)

DR1 – Design

E3 – Confirm Local Plan employment land allocations

E8 – Design standards for employment sites

2.5 Leominster Industrial Estate Extension Development Brief.

3. Planning History

1999/2883/O - Outline application for industrial use of land, construction of access road and ancillary works. Approved 23.12.99.

NC1999//F - Creation of new link road from A44 and A49(T) on land between Eaton Bridge and Southern Avenue Industrial Estate. Approved 23.3.00.

NC02/3545/F - Extensions to recently completed road infrastructure. Approved 24.1.03.

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency: No objection in principle but recommend the imposition of conditions regarding surface water drainage.

4.2 Welsh Water - have withdrawn their initial holding objection and have raised no objection subject to condition regarding foul and surface water drainage and run-off.

Internal Consultation Advice

4.3 Head of Engineering and Transportation: No objection subject to imposition of conditions.

5. Representations

5.1 Town Council: Recommend approval.

5.2 In support of the proposal the applicant's agent has submitted 2 detailed letters which set out the following points:

- there is an existing outline planning permission granted for B1, B2 and B8 uses,
- buildings to be constructed in the future in association with these uses are likely to be of a comparable height to that proposed and are not out of keeping with existing buildings on the adjacent Leominster Industrial Estate,
- the proposed building combines office and technology uses, rises from 2 to 3 storeys in height and is located in the lowest area of the site,
- the development is regarded as a flagship proposal and it is hoped that this project will encourage other development on the site,
- the scheme embraces green or sustainable principles and the building will utilise the latest woodburning boiler equipment as well as encompass the choice of materials which include brick and timber cladding,
- lighting of building and its surroundings will consider light pollution issues,

- a Green Travel Plan will be adopted and will include provision for cyclists.
- 5.3 A letter of objection has been received from Mr A Greene, Ivington Park Farm. The main concerns raised are:
- potential adverse impact of building when viewed from A49,
 - the height of the building is considered excessive and out of keeping with countryside surroundings,
 - choice of aluminium cladding with its light reflecting properties will magnify the impact of the building,
 - all lighting should be low impact to reduce light pollution,
 - Green Travel Plan inadequate due to lack of shower facilities and cycle parking,
 - if design not modified, it will have a negative impact on Leominster.
- 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 application site forms part of an employment allocation and is the extension to the existing established Leominster Industrial Estate. The application proposal marks the first building to be located on the employment land allocation and consists of a new B1 general office which will house Advantage West Midlands Regional Office, together with other rentable office and workshop space. The boundary to the overall employment site has been extensively landscaped to help soften the impact of development when viewed from open countryside.
- 6.2 The principle of developing this site for employment purposes has been secured by the Local Plan process and is contained within Policy L4 of the Leominster District Local Plan (Herefordshire). Further policies within the adopted Local Plan make provision for a new access road which is now under construction.
- 6.3 The requirements of the outline planning permission together with a Development Brief for the site included the provision of a landscape strip to the boundary with open countryside and this has already been implemented.
- 6.4 With regard to the concerns raised in connection with the potential adverse impact of the building, it will stand approximately 250m away from the A49 and will be seen in the context of existing industrial development. The building is of a contemporary design, however it is not considered to be either inappropriate or out of keeping in this particular context.
- 6.5 Conditions will be required to ensure appropriate materials, landscaping and highway details, which will include the provision of a detailed Travel Plan. The proposal is, however, considered to comply with the requirements of both the Adopted Local Plan policy and those emerging in the Draft Deposit of the Unitary Development Plan. As such, the recommendation is one of approval subject to the conditions as set out below.

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 - H03 (Visibility splays) (4.5 x 90m)

Reason: In the interests of highway safety.

5 - H04 (Visibility over frontage) (4.5m)

Reason: In the interests of highway safety.

6 - H05 (Access gates) (10m)

Reason: In the interests of highway safety.

7 - H06 (Vehicular access construction)

Reason: In the interests of highway safety.

8 - H16 (Parking/unloading provision - submission of details) (add: 'Appropriate turning facilities for articulated HGV to be provided within the site at the southern extent of the site (not adjacent to the site access junction)')

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety.

9 - H21 (Wheel washing)

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

10 - H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety.

11 - H29 (Secure cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

- 12 - The area of land marked on the plan 02.03/102/A as 'visibility splay on bend' shall be kept free from any obstruction. Nothing shall be planted, erected and/or allowed to grow within this area which would obstruct forward visibility on the bend.

Reason: In the interest of highway safety.

- 13 - G04 (Landscaping scheme (general))

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

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

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

- 15 - G06 (Scope of landscaping scheme)

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

- 16 - Prior to commencement of any of the development hereby approved a cycle audit and Green Transport Plan shall be submitted to and approved in writing by the Local Planning Authority. The cycle audit shall demonstrate how the development will be linked to the cycle scheme along the primary estate road and the development shall not be occupied until the cycle scheme along the primary estate road has been constructed together with cycle storage and other facilities designed to encourage cycle commuting, unless an alternative timescale is submitted to and agreed with the Local Planning Authority.

Reason: In the interest of safety for cyclists and to reduce the level of vehicular traffic likely to be generated by the development.

- 17 - D01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded.

- 18 - The premises and units within shall be used for the purposes within Class B1 as defined in the Town and Country Planning Act (Use Classes) Order 1987, (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification) and for no other purpose.

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

- 19 - Foul water and surface water discharge must be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

- 20 - No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

- 21 - 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.

- 22 - No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be implemented in accordance with the details approved by the Local Planning Authority prior to the construction of any impermeable surfaces draining to the system.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water drainage.

- 23 - No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be implemented in accordance with details approved by the Local Planning Authority prior to construction of any impermeable surfaces draining to the scheme.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water drainage.

- 24 - Prior to being discharged into any watercourse, soakaway, drainage shall be passed through an oil interceptor designed and constructed to have a capacity compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To protect ground water quality of the area.

- 25 - F18 (Scheme of foul drainage disposal)

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

- 26 - Prior to commencement of the development hereby approved details of the proposed external lighting to the building and car parking area shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented in full prior to the first occupation of the building.

Reason: In the interests of the amenity of the area.

Notes to applicant:

- 1 - HN04 - Private apparatus within highway
- 2 - HN05 - Works within the highway
- 3 - HN10 - No drainage to discharge to highway
- 4 - HN19 - Disabled needs

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

11 DCNC2003/2426/O - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT AT WESTFIELDS HOUSE, HEREFORD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4ES

For: Mr J.M. Jones per Wall, James & Davies 15-23 Hagley Road Stourbridge West Midlands DY8 1QW

Date Received:
8th August 2003

Ward:
Bromyard

Grid Ref:
64873, 54322

Expiry Date:
3rd October 2003

Local Member: Councillors P J Dauncey and B Hunt

1. Site Description and Proposal

1.1 Westfields House is located on the west side of the A465, Hereford Road. The site is an overgrown triangular area of garden land some 0.2 ha in area. Bounded by the Hereford Road and an unmade track that provides access to Westfields House and dwellings that front onto West Hill.

1.2 This is an outline application to establish the principle of development. The application reserves all matters except the means of access for future consideration. The entrance onto the Hereford Road is to be repositioned some 10m so as to provide safe access and visibility splays of 60m in a south-westerly direction and 29m in a north-easterly direction.

2. Policies

2.1 PPG 3: Housing

2.2 Malvern Hills District Local Plan

Housing Policy 2 – Development in Main Towns
Housing Policy 17 – Residential Standards
Bromyard Housing Policy 1

2.3 Herefordshire Unitary Development Plan (Deposit Draft)

H1 – Hereford and the Market Towns: Settlement boundaries and established residential areas

H2 – Hereford and the Market Towns: Residential land allocations.

3. Planning History

MH1104/80 - Bungalow and garage. Withdrawn.

MH81/1725/O - Bungalow and garage. Approved.

MH81/2697 - Bungalow and garage. Approved 5.1.82.

4. Consultation Summary

Statutory Consultations

4.1 Hyder: No reply received at time of report.

Internal Consultation Advice

4.2 Head of Engineering and Transportation: No objection subject to conditions.

5. Representations

5.1 Bromyard and Winslow Town Council: Raise no objections.

5.2 The applicant has said:

- a) The site meets the definition of previously used land contained in Annex C of PPG3.
- b) It is located in the town boundary of Bromyard.
- c) Three dwellings would represent a reasonable density for this site.
- d) The access road is owned by me and the relocation of the entrance will improve visibility.

5.3 Letters of objection have been received from

Mr K Godsall, 21 Hereford Road, Bromyard
J S Griffith, 25 West Hill, Bromyard
Mr and Mrs P D Tomkins, 15 Hereford Road, Bromyard
Mr and Mrs P Craddock, 19 Hereford Road, Bromyard
Jean Gwalchman, 19 West Hill, Bromyard

- a) A lack of detailed information
- b) Increase in traffic will be a danger to users of the private track
- c) I have right of way over the private road
- d) Overlooking could cause significant problems

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 located within the town boundary of Bromyard as shown on Inset Map No. 13.0 of the Malvern Hills District Local Plan. It is also located within a primarily residential area.

6.2 This outline application is to establish the principle of housing development on this site, albeit the site is within a residential area within the town boundary of Bromyard. The application reserves matters relating to external appearance, siting, design and landscaping for future consideration. The means of access is to be determined as part of this application. The private unmade track that runs along the northern boundary of the site is owned by the applicant. The track exits onto the Hereford Road close to 16 Hereford Road. This application proposes to relocate the entrance some 10m south-west of its present position. In relocating the entrance visibility splays for vehicles emerging onto the Hereford Road will be improved with a visibility splay of 60m in the

south-westerly direction and 29m north-easterly. The relocation of the entrance is considered to offer significant highway benefits.

6.3 In terms of density, the applicant has said an appropriate number of houses would be 3. This figure is derived from the suitability of the unmade track to serve further residential developments. However, the density proposed is significantly lower than the requirements of PPG3 which recommends 30 dwellings per hectare to a maximum of 50 dwellings per hectare. However, 3 dwellings on this site will reflect the character of the local environment and given the condition of the track from which it is proposed to gain access, this is considered to be appropriate.

6.4 As it stands, the recommendation does not limit the development to 3 dwellings.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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) (delete 'means of access')

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) (delete 'means of access')

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

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 - H08 (Access closure)

Reason: To ensure the safe and free flow of traffic using the adjoining County 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**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

12 DCNC2003/2454/F - PROPOSED SHELTER & IMPLEMENT STORE AT RIDDLE PADDOCK, EYTON, LEOMINSTER, HEREFORDSHIRE**For: Mr & Mrs T Davies per Mr I Savagar 35 Caswell Crescent Leominster Herefordshire HR6 8BE**

Date Received:
12th August 2003
Expiry Date:
7th October 2003

Ward:
Upton

Grid Ref:
47370, 62813

Local Member: Councillor J Stone

1. Site Description and Proposal

- 1.1 Four hectare paddock to the south-west of The Riddle, and on the east side of the narrow unclassified 92602 road. Oaker Farm is to the west. The site is located in open countryside.
- 1.2 The proposal is for a portal framed building, 18.288m x 10.666m, 3.048m to eaves and 3.988m to ridge, is to be located alongside a stable, and close to a tree-lined boundary which runs alongside the unclassified 92602. The lower walls of the building are to be constructed in concrete blocks, with treated timber boards above. Fibre cement sheets, colour Anthracite, are proposed for the roof. The building will be divided to provide hay storage, straw storage, tractor and implements, lambing pens and fertiliser store.

2. Policies

- 2.1 PPG 7: The Countryside – Environmental Quality and Economic and Social Development

2.2 Leominster District Local Plan (Herefordshire)

A24 – Scale and Character of Development
A42 – Intensive Livestock Units

2.3 Herefordshire Unitary Development Plan (Deposit Draft)

E13 – Agricultural and Forestry Development

3. Planning History

NC2003/0627/F - Proposed shelter and implement store. Refused 9.4.03.

NC2003/1229/F - Shelter and implement store. Refused 19.6.03.

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency: No objection.

Internal Consultation Advice

4.2 Head of Engineering and Transportation: No objection.

5. Representations

5.1 Eyton Parish Council: 'We can see no significant change from the previous application. We note that the width has been dropped by 1.4m but the height is still the same. We object on the issue of size, scale, access and drainage.'

6. Officers Appraisal

6.1 This application has been submitted following the refusal of two previous applications in that the building was of a size and scale that would cause significant harm to the character of the area.

6.2 The proposed building has been reduced some 6m in its length, 2m in width and its height reduced by 1.4m. These alterations are considered to be significant so as to reduce the impact the building will have on the character of the area. The building is to be positioned alongside a tree-lined boundary which will allow the building to assimilate into the landscape. As such, the proposal is now considered acceptable in terms of Policy A24.

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 - B01 (Samples of external materials)

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

Decision:

Notes:

Background Papers

Internal departmental consultation replies.

AREA SUB-COMMITTEE

13 DCNW2003/1854/F - HARDCORE AREA FOR USE AS SHEEP PENS AND PARKING FOR FARM MACHINERY AT FIELD NO. 0533, CROOKMULLEN, DEERFOLD, WIGMORE, HEREFORDSHIRE**For: Mr E.G. Thomas, 73 Kings Meadow, Wigmore.****Date Received:****19th June 2003****Expiry Date:****14th August 2003****Ward:****Mortimer****Grid Ref:****39102, 68359**

Local Member: Councillor Mrs O Barnett

1. Site Description and Proposal

- 1.1 The application site comprises a strip of agricultural land located immediately to the east of an unclassified road (UC92017) between Wigmore to the east and Lingen to the west.
- 1.2 The site is set back behind an existing hedgerow and the land rises in a westerly direction away from the roadside boundary. The site and surrounding countryside are designated as an Area of Great Landscape Value and whilst the prevailing character of the area is defined by agricultural and forestry uses there are a number of scattered properties visible immediately to the south.
- 1.3 Retrospective planning permission is sought for the retention of an area of hardstanding measuring from 36 metres by 18 metres and an area of levelled spoil to it's immediate south. The spoil area comprises the earth removed to form the hardstanding. The edge of the hardstanding area is formed by a battered embankment.
- 1.4 The hardstanding area is required to provide a dry, mud free area for the handling of the applicants sheep. The intention is to run a flock of at least 50 sheep.

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

Policy CTC 2	Areas of Great Landscape Value
Policy CTC 6	Landscape Features
Policy CTC 9	Development Requirements
Policy A1	Development Requirements
Policy A3	Agricultural Buildings

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 A24	Scale and Character of Development
Herefordshire Unitary Development Plan (Deposit Draft)	
Policy E16	Agricultural and Forestry Development
Policy LA2	Landscape Character and Areas Least Resilient to Change
Policy LA5	Protection of Trees, Woodlands and Hedgerows

3. Planning History

3.1 None relevant.

4. Consultation Summary

Statutory Consultation

4.1 None required.

Internal Consultation Advice

4.2 The Head of Engineering and Transportation raises no objection subject to conditions relating to visibility, the positioning of gates and the provision of turning space within the site.

4.3 The Chief Conservation Officer objects on the grounds of the visual impact of the hardstanding and embankment.

5. Representations

5.1 Wigmore Parish Council raises no objection.

5.2 A total of 4 letters of objection have been received from the follows persons :

- M Phillips, Chapel Cottage, Crookmullen, Deerfold, Wigmore, HR6 9UQ (2 letters)
- M Milburn, Crookmullen Cottage, Wigmore, HR6 9UQ
- M Pollitt, Chapel Farm, Wigmore, HR6 9UQ

5.3 The concerns raised can be summarised as follows :

- no functional need for the development
- no economic requirement given small scale nature of the business
- harm to the character of the Area of Great Landscape Value
- loss of hedgerow through widening of the existing access
- not required for agricultural purpose but rather for equestrian activities
- site very untidy - if permission granted appropriate conditions should be attached
- hardstanding may be the thin end of the wedge
- plans inaccurate in terms of the size of hardstanding

5.4 A total of 3 letters of support have been received from the following :

- John Horlock & Associates (Veterinary Surgeons), 40 Etnam Street, Leominster
- NFU (West Midlands Region), 42 Broad Street, Leominster, HR6 8BS
- Mr Wooley, Dairy House Farm, Lingen, Shropshire SY7 0DZ

5.5 The points raised are as follows :

- dry area is essential in a property where sheep are kept and handled
- facilities will help with compliance with animal welfare legislation and good agricultural practice set out in DEFRA guidelines

5.6 The full text of these letters can be inspected at Northern 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 :

- a) the justification/need for the hardstanding area and;
- b) the impact of the proposal on the character and appearance of the Area of Great Landscape Value

Justification for the Hardstanding Area

6.2 Policy A3 of the Hereford & Worcester County Structure Plan indicates that application for agriculture development should be treated sympathetically where a need can be shown. In this case the views of the local residents and those of the applicants' veterinary surgeon and the NFU are polarised. In this instance it is considered that greater weight should be attached to the animal husbandry requirements and on balance therefore it is considered that a need is justified.

6.3 In reaching this view attention has been given to the applicants particular circumstances whereby he does not have access to existing handling or storage facilities in the locality and the relative visual impact of the hardstanding area, an issue that is considered in more detail below.

6.4 It should be stressed that the case for the handling and storage area is based on the agricultural use proposed and any grant of planning permission would not infer any rights for the use of the land for equestrian related activities. A note covering this matter, which is a particular concern of a number of local residents, is set out in the recommendation below.

Character and Appearance of the Area of Great Landscape Value

6.5 Significant concerns have been expressed locally regarding the visual impact of the hardstanding area and the retrospective nature of the application. It is also advised that the Chief Conservation Officer has raised concerns regarding the engineered appearance of the area in question and its prominent location in the landscape.

6.6 It is acknowledged that the site currently appears somewhat untidy and it is considered that the harsh edge of the hardstanding area as defined by the unseeded embankment is not in keeping with the sloping character of the site.

6.7 Notwithstanding this it is considered that the exercise of conditional control over the treatment of the embankment, the roadside hedgerow/access and additional landscaping would enable improvements to appearance of the site to be achieved so as to reduce its visual impact to an acceptable level.

6.8 In reaching this view due weight has been given to the arguments put forward in respect of need and the recommendation therefore represents a balanced one that may not overcome the concerns of local residents but will, in reasonable time, satisfy relevant planning policy. It is also advised that any permission granted would only relate to the use of the hardstanding area for agricultural purposes and would not permit any uses associated with equestrian activities. Furthermore this permission would not permit the erection of permanent buildings associated with the lawful agricultural use.

RECOMMENDATION

That planning permission be granted subject to the following conditions :

- 1 - Within one month of the date of this planning permission, a scheme of landscaping, including the treatment of the embankment, roadside hedgerow and additional planting, shall be submitted to the local planning authority. All proposed planting shall be clearly described with species and planting numbers.**

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

- 2 - All planting and seeding comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the date of such approval or in accordance with a programme agreed in writing with the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.**

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

Note to applicant :

- 1 - The applicant is advised that this permission does not infer any rights to keep horses for non-agricultural purposes on the land or erect any permanent buildings or structures.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

14 NW2003/1972/F - PROPOSED ERECTION OF A COTTAGE ON LAND TO THE REAR OF STONEWOOD COTTAGE, OXFORD LANE, KINGTON, HR5 3ED**For: Mr J Lupton, per Mr D Walters, 27 Elizabeth Road, Kington, Herefordshire HR5 3DB****Date Received:****1st July 2003****Expiry Date:****26th August 2003****Ward:****Kington Town****Grid Ref:****29833, 56762**

Local Member: Councillor T James

1. Site Description and Proposal

- 1.1 The application site comprises a rectangular 0.1 hectare plot forming the larger part of the garden of Stonewood Cottage. It is elevated above the level of Stonewood Cottage with its north and west boundaries defined by an attractive stone wall, which screens much of the garden area in views from Oxford Lane and Board School Lane. Below the application site is Balls Yard, a courtyard providing access to the rear of Stonewood Cottage, 1-3 Oxford Lane and 39-41 Duke Street together with associated garaging and parking space.
- 1.2 The site falls within the Kington Conservation Area and is also designated as an Area of Important Open Space.
- 1.3 There is a pedestrian access from Board School Lane in the northern boundary of the garden and beyond this is a range of communal garages, one of which is used by the applicant for parking.
- 1.4 Planning permission is sought for the erection of a two-storey, two bedroomed dormer cottage positioned at right angles and some 10 metres from Stonewood Cottage. The proposed cottage would have rough cast rendered walls and a natural slate roof.
- 1.5 The revised plans for this proposal show a dedicated single parking space adjacent to Stonewood Cottage and accessed via Balls Yard.

2. Policies**Central Government Guidance**PPG 3 Housing
PPG 13 Transport**Hereford & Worcester County Structure Plan**Policy CTC 9 Development Requirements
Policy CTC 15 Conservation Areas
Policy CTC 18 Development in Urban Areas

Leominster District Local Plan (Herefordshire)

Policy A1	Managing the Districts Assets & Resources
Policy A2 (A)	Settlement Hierarchy
Policy A21	Development within Conservation Areas
Policy A24	Scale and Character of Development
Policy A25	Protection of Open Areas or Green Spaces
Policy A54	Protection of Residential Amenity
Policy A70	Accommodating Traffic from Development
Policy A78	Protection of Public Rights of Way

Herefordshire Unitary Development Plan (Deposit Draft)

Policy S1	Sustainable Development
Policy S2	Development Requirement
Policy S3	Housing
Policy S7	Natural & Historic Heritage
Policy DR1	Design
Policy DR2	Land Use & Activity
Policy DR4	Environment
Policy H1	Hereford and the Market Towns : Settlement Boundaries and Established Residential Areas
Policy H13	Sustainable Residential Design
Policy H16	Car Parking
Policy HBA 6	New Development Within Conservation Areas
Policy ARCH 1	Archaeological Assessments and Field Evaluations

3. Planning History

- 3.1 85/0555 – Site for one dwelling – Refused 16 December 1985 – Appeal dismissed 25 September 1986.

4. Consultation SummaryStatutory Consultations

- 4.1 Welsh Water raise no objection to the proposal but request conditions relating to the treatment of foul and surface water drainage.

Internal Consultation Advice

- 4.2 Chief Conservation Officer has no objection subject to resolution of parking issue, and archaeological condition.
- 4.3 Head of Engineering and Transportation – no objection.

5. Representations

- 5.1 In respect of the initial consultation exercise the following responses were received :
- 5.2 Kington Town Council state -

'The stone wall that surrounds this particular land adjacent to Stonewood Cottage is within a conservation area, and is an ancient wall which borders two medieval lanes. Herefordshire Council recently refused permission for the property on the opposite side

of Oxford Lane (Oxford Arms Hotel) for a vehicular entry into their site. The application site has no vehicular access only a pedestrian one. The Back Lane on the north side of the site is too narrow for vehicles and Duke Street on the West Side is extremely narrow and is heavily used. In the application it states that the present owners of the land do not require car parking - but we understand that it is a requirement of the District Plan that all new properties should have car parking for at least 1 vehicle. Kington Town Council question how such a property would be built without contractors vehicles obtaining full access to the site. Preservation of our ancient walls is most important in order to preserve the historical aspects of Kington.'

- 5.3 A further response from Kington Town Council was received following additional consultation in respect of the proposed parking arrangements and can be summarised as follows :

'The objections originally raised still apply. Enquiries made by the Council indicate that the proposed siting of the parking place is erroneous.'

- 5.4 One letter of objection has been received from Mr J Rerrie, 41 Duke Street, Kington raising the following concerns ;

- access for the building works should be specified as the site is very restricted.
- no guarantee that existing garaging will be retained
- concern regarding surface water run-off and its effect on properties below the level of the application site

- 5.5 A further three responses were received from :

- John Rerrie, 41 Duke Street, Kington
- Mrs RE Ford, 39 Duke Street, Kington
- M Franklin, 39 Duke Street, Kington

- 5.6 The responses reiterate concerns expressed in paragraph 5.3 above but also seek to clarify matters relating to private access/parking rights in Balls Yard (the implications will be addressed in more details in the Officers Appraisal).

- 5.7 The Ramblers Association state :

'I have no objection to this proposed cottage. We note that Oxford Lane and Board School Lane are both Public Rights of Way designated footpaths 23 and 18 respectively. As Public Rights of Way will you please advise the developer that they should be kept unobstructed at all times as a result of the construction.'

- 5.8 The full text of these letters can be inspected at Northern 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 :
- a) impact of the character and appearance of the Kington Conservation Area/Area of Important Open Space ;
 - b) impact on amenities of local residents ;
 - c) access and parking ;

d) the relevance of the dismissed appeal (Application ref. 850555)
Character And Appearance of Conservation Area/Area of Important Open Space

- 6.2 The defining characteristic of the application site and the network of footpaths to the rear of the properties in High Street and Duke Street are the attractive stone built walls which largely screen the gardens from view. Furthermore, the generally open undeveloped nature of the land sandwiched between Prospect Lane and Board School Lane and the more historic properties that front onto High Street and Duke Street is a notable feature of the application site and the immediate locality.
- 6.3 In view of this, pre-application discussions have focussed on the importance of retaining the existing walled boundaries and to reduce the scale and visual impact of the proposal. It is considered that an acceptable compromise has been reached in terms of this application proposal that would preserve and enhance the character and appearance of the conservation area without having a significantly detrimental impact on the Area of Important Space.
- 6.4 The modest 6.5 metre height of the proposed cottage would ensure that only the roof would be readily visible over the boundary walls and in view of the small footprint and relative size of the remaining plot, it is not considered that there would be significant harm caused to the generally spacious character of the site and those in the vicinity.
- 6.5 The proposal would therefore satisfy Policies A21, A24 and A25 of the Leominster District Local Plan (Herefordshire).

Residential Amenities

- 6.6 The orientation and relative distance from the neighbouring property is such that there would be no adverse impact in terms of privacy, loss of daylight or sunlight.
- 6.7 Concern has been raised regarding the provision made for foul and surface water drainage. Foul drainage would be dealt with by means of a mains connection and surface water to a soakaway but in view of the local concern a condition requiring drainage details to be submitted and agreed before the commencement of any development approved. Conditions will also reflect the comments received from Welsh Water.

Access / Parking

- 6.8 The main concern expressed relates to the provision for construction vehicles in view of the limited access to the site via Oxford Lane. In planning policy terms this is not a matter that would warrant the refusal of planning permission provided the existing stone boundary walls remain intact. No specific proposals have been put forward by the applicant but he has advised that access could be derived from Oxford Lane or Balls Yard, the private courtyard serving Stonewood Cottage which is immediately to the south of the application site.
- 6.9 Since this matter has not been formally resolved a condition requiring details of dealing with construction traffic is proposed.
- 6.10 The specific issue of private car parking has arisen and it is principally upon this matter that ongoing discussions have taken place. Initially it was proposed that parking for one vehicle would be provided by way of a rented garage within a communal garage block to the north of the application site. This was generally not felt to be appropriate since there was no guarantee of the long term availability of the garaging since it is not

owned by the applicant. Further to this the applicant has provided a plan showing a dedicated parking space adjacent to Stonewood Cottage and accessed via Balls Yard.

- 6.11 It is considered that in planning terms its availability would satisfy the requirements of adopted development plan policy and whilst not being immediately adjacent to the proposed dwelling would be acceptable given the greater flexibility afforded to parking arrangements in town centre locations.
- 6.12 Issues have arisen regarding a restrictive covenant on Balls Yard which prevents turning in the courtyard area but this is not a matter that can be given weight in respect of the land use considerations associated with the determination of a planning application.
- 6.13 Overall the small scale of the proposed dwelling which is unlikely to attract the vehicular activity associated with a larger household and the availability of public and on-street parking in the town centre is such that the slightly unconventional approach to parking provision in this case is not a matter that would warrant the refusal of planning permission.
- 6.14 No objection has been raised by the Head of Engineering and Transportation and in view of the historic importance of the stone boundary walls, greater weight has been attached to their retention over partial demolition to provide on-site parking immediately adjacent to the proposed dwelling.

The Relevance of the Appeal Decision to the Current Proposal

- 6.15 The appeal decision relating to Application No. 850555 indicates that subject to design there should be no objection to the development of the garden plot in terms of its effect on the character and appearance of the conservation area. It attaches significant weight in common with the Town Council views upon the retention of the existing stone walls forming the north and west boundaries of the site. It is considered that the current proposal accords with the principles set out in the appeal decision.
- 6.16 The appeal however goes onto raise concerns with respect to the obstruction of Oxford Lane by vehicles during the construction of the dwelling and subsequent to occupation by delivery vehicles for example. In terms of current guidance and policy it would be unreasonable to refuse planning permission on the basis that temporary obstruction of the road network may occur and set against the greater flexibility inherent in Government guidance set out in PPG 3 and PPG 13 it is considered that only limited weight could be attached to this issue.
- 6.17 On balance therefore it is maintained that there are insufficient grounds to sustain a refusal with regard to highway safety.

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 floor plans and elevations received on 1 July 2003 and the site plan received on 13 August 2003).
Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development .
- 3 - B01 (Samples of external materials)
Reason: To ensure that the materials harmonise with the surroundings.
- 4 - C04 (Details of window sections)
Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.
- 5 - C10 (Details of rooflights)
Reason: To ensure the rooflights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of this building of [special] architectural or historical interest.
- 6 - D01 (Site investigation - archaeology)
Reason: To ensure the archaeological interest of the site is recorded.
- 7 - E16 (Removal of permitted development rights)
Reason: To preserve the spacious setting of the dwelling hereby approved which is within a conservation area and area of important open space.
- 8 - F16 (Restriction of hours during construction)
Reason: To protect the amenity of local residents.
- 9 - F20 (Scheme of surface water drainage)
Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
- 10 - 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.
- 11 - 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.
- 12 - H27 (Parking for site operatives)
Reason: To prevent indiscriminate parking in the interests of highway safety.
- 13 - Foul and surface water shall be drained separately from the site and no surface water or land drainage run-off will be permitted to discharge into the public sewerage system.
Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

Notes to applicant :

- 1 - HN03 - Access via public right of way
- 2 - HN04 - Private apparatus within highway
- 3 - HN05 - Works within the highway
- 4 - ND03 - Contact Address Archaeology
- 5 - HN02 - Public rights of way affected (adjacent to site)

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

15 NW2003/2229/F - REMOVAL OF CONDITION 2 OF PLANNING PERMISSION 96/0297/N - CHANGE OF USE OF THE GARAGE/WORKSHOP TO A CAR REPAIR B2 USE AT THE QUARRY, KINSHAM, PRESTEIGNE, HEREFORDSHIRE, LD8 2HP

For: Mr K Oldershaw per Mr B Thomas, The Malt House, Shobdon, Leominster, Herefordshire HR6 9NL

Date Received:

24th July 2003

Expiry Date:

18th September 2003

Ward:

Mortimer

Grid Ref:

35974, 64616

Local Member: Councillor Mrs O Barnett

1. Site Description and Proposal

- 1.1 The application site is situated in the hamlet of Kinsham, immediately to the north of the C1007 between Coombe and Lingen. It comprises a modern property known as The Quarry and more specifically a workshop/garage located on higher ground to the rear of the property.
- 1.2 There are a number of properties in the vicinity of the application site the closest being 1 Estate Cottage located some 40 metres to the west.
- 1.3 Temporary planning permission was granted on 24 September 2002 for the use of the garage/workshop as a commercial vehicle repair workshop (NW2002/1354/F refers). This permission expired on 24 September 2003 and this proposal seeks the permanent use of the garage/workshop for commercial purposes. This would entail the removal of Condition 2 of Planning Permission 96/0297/N, which sought to restrict its use to purposes incidental to the enjoyment of The Quarry.

2. Policies

Central Government Guidance

PPG 4 – Industrial and Commercial Development and Small Firms

PPG 7 – The Countryside – Environmental Quality and Economic and Social Development

Hereford & Worcester County Structure Plan

Policy CTC 2 Areas of Great Landscape Value

Policy CTC 9 Development Requirements

Policy E6 Industrial Development in Rural Areas

Leominster District Local Plan (Herefordshire)

Policy A1 Managing the Districts Assets & Resources

Policy A2 (D) Settlement Hierarchy

Policy A9 Safeguarding the Rural Landscape

Policy A34	Village and Neighbourhood Shops and Other Small Scale Commercially Based Local Services
Policy A36	New Employment Generating Uses for Rural Buildings
Policy A54	Protection of Residential Amenity
Policy A70	Accommodating Traffic from Development

Herefordshire Unitary Development Plan (Deposit Draft)

Policy DR2	Land Use & Activity
Policy DR13	Noise
Policy E9	Home-Based Businesses
Policy E11	Employment in the Countryside
Policy LA2	Landscape Character and Areas Least Resilient to Change

3. Planning History

- 3.1 91/O/154 - Outline permission for dwelling at The Old Quarry, Kinsham - Approved 5 July 1991.
- 3.2 94/0150 - Temporary siting of mobile home during construction of new dwelling - Approved 7 June 1994.
- 3.3 94/0151 - Reserved matters for erection of dwelling house - Approved 20 June 1994.
- 3.4 96/0297/N - Erection of garage/workshop - Approved 25 June 1996.
- 3.5 NW2002/1354/F - Removal of Condition 2 of Planning Permission 96/0297/N restricting use of garage/workshop. One Year Temporary Approval 24 September 2002.

4. Consultation Summary

Statutory Consultation

- 4.1 Not Required.

Internal Consultation Advice

- 4.2 Head of Engineering and Transportation - raises no objection.
- 4.3 Head of Environmental Health and Trading Standards raises no objection subject to a restriction of use to car repair workshop.

5. Representations

- 5.1 One letter of objection has been received from JJ Street of 1 Estate Cottage, Kinsham LD8 2HW, comments are as follows :
 - work being carried on outside the workshop with the garage door open wide.
 - cars waiting for repair over spilling to the main road and obscuring my own access
 - noise from engines and power tools on daily basis and into the evening and weekends
 - unsuitable use in a rural hamlet
- 5.2 Kinsham Parish Council state :

'The Council are not aware of any complaints or problems which have arisen during the first year of operation of the car repair business and are happy to support its continued use.'

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

6. Officers Appraisal

- 6.1 The proposal seeks the permanent removal of Condition 2 attached to Planning Permission 96/0297/N. The condition states that :

'The garage/workshop must be used for purposes incidental to the enjoyment of the dwelling and no trade or business must be carried out in or from the premises without the prior express consent of the local planning authority.

Reason: To protect the amenity of neighbouring property.'

- 6.2 The key issue for consideration in respect of this proposal is the impact upon neighbouring residents in terms of the noise and disturbance associated with car repair workshop use.
- 6.3 The continuing concerns of the local resident are acknowledged but detailed consideration of the formal objection indicates that on the whole the problems are associated with non-compliance with conditions attached to the temporary permission (NW2002/1354/F). These conditions include the closing of workshop doors when work is being undertaken, work over the weekend and controls in respect of the parking of vehicles within the site. It is advised that no formal complaints were received by the Enforcement section until July 2003 and that subsequent to this two breaches of the temporary permission have been identified. These are related to the number of vehicles parked and awaiting work and the failure to submit a scheme of noise attenuation and at this stage no formal action has been taken pending consideration of this application.
- 6.4 Set against these concerns which can be controlled by appropriate conditions and enforcement action if necessary, the Head of Environmental Health and Trading Standards raises no objection and Kinsham Parish Council offer their continued support for the workshop use.
- 6.5 In the light of the above and on the basis of the relatively small scale nature of the business it is considered that a permanent workshop use is acceptable. In view of the on-going nature of the business it is proposed that appropriate conditions will be time specific in order to require details to be submitted at an early stage.

RECOMMENDATION

That condition 2 in permission 96/0297/N issued on 25 June 1996 can be deleted and replaced by the following new conditions:

- 1 - A01 (Time limit for commencement)**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 - E01 (Restriction on hours of working)**
Reason: To safeguard the amenities of the locality.

- 3 - E02 (Restriction on hours of delivery)
Reason: To safeguard the amenities of the locality.
- 4 - E06 (Restriction on Use) (vehicle repair workshop) (Class B2)
Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity.
- 5 - E27 (Personal condition) (Mr KE and Mrs JM Oldershaw)
Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.
- 6 - Within one month of the date of this approval a detailed parking layout setting out provision for visitors and vehicles awaiting repair shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented within a further month of the date of approval and thereafter kept available at all times.
Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety.
- 7 - Within one month of the date of this approval the applicant shall submit a scheme of noise attenuation measures for approval in writing by the local planning authority. The approved scheme shall be implemented within a further month of the date of approval and retained for the duration of the use.
Reason: To safeguard the amenity of the area.
- 8 - All repairs and maintenance to vehicles undertaken on the site shall take place within the workshop, the shutter doors of which shall remain closed when the nut runner is in use.
Reason: To protect the amenities of nearby properties.
- 9 - No more than 3 vehicles, either awaiting or receiving repair/maintenance shall be stationed on the site at any one time.
Reason: To clarify the terms of the small scale use and minimise visual intrusion.

Decision:

Notes:

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Background Papers

Internal	departmental	consultation	replies.
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**16 DCNW2003/2328/F - SINGLE STOREY EXTENSION AT
BERWICK HOUSE, MORTIMERS CROSS,
LEOMINSTER, HEREFORDSHIRE, HR6 9TQ**

**For: Mr & Mrs R Wall, per Mr B Thomas, The Malt
House, Shobdon, Leominster, Herefordshire HR6 9NL**

Date Received:
30th July 2003

Ward:
Mortimer

Grid Ref:
42490, 63798

Expiry Date:
24th September 2003

Local Member: Councillor Mrs O Barnett

1. Site Description and Proposal

- 1.1 Berwick House is located on the east side of the A4110 and is set back behind a tall coniferous hedge opposite the Small Acres Caravan Park and a steel fabrication yard. The eastern boundary of the application site is defined by the banks of the River Lugg.
- 1.2 The River Lugg is a designated Site of Special Scientific Interest (SSSI) and the site lies within the Indicative Flood Plain of the river.
- 1.3 Planning permission is sought for the erection of a single storey sun room at the rear of the property which projects some 6.4 metres over the existing garden curtilage.

2. Policies

Central Government Guidance

PPG25 Development and Flood Risk

Hereford & Worcester County Structure Plan

Policy CTC 2 Areas of Great Landscape Value
Policy CTC 3 Nature Conservation
Policy CTC 9 Development Requirements

Leominster District Local Plan (Herefordshire)

Policy A1 Managing the Districts Assets & Resources
Policy A2 (D) Settlement Hierarchy
Policy A4 National Nature Reserves and Sites of Special Scientific Interest
Policy A9 Safeguarding the Rural Landscape
Policy A15 Development and Watercourses
Policy A56 Alterations, Extensions and Improvements to Dwellings

Herefordshire Unitary Development Plan (Deposit Draft)

Policy DR1 Design
Policy DR7 Flood Risk
Policy H18 Alterations and Extensions
Policy NC3 Sites of National Importance
Policy LA2 Landscape Character and Areas Least Resilient to Change

3. Planning History

3.1 84/0516 - Extension comprising garage and two bedrooms - Approved.

3.2 NW03/0673/F - Single storey extension - Withdrawn.

4. Consultation Summary

Statutory Consultation

4.1 Environment Agency -

'The Agency objects to the proposed development, as submitted, on the following grounds :

The property lies within the Agency's historical, Section 105 and the Indicative Flood Plain of the River Lugg. I have enclosed a copy of the Indicative Floodplain map and Section 105 map for your attention.

The proposed development would be at risk of flooding and could unacceptably increase the risk of flooding elsewhere.

The proposed development may result in a net loss of flood storage and is likely to impede flood flows and thereby unacceptably increase the risk of flooding elsewhere.

Our objection is supported by Planning Policy Guidance Note 25 - Development and Flood Risk. Paragraph 58 of PPG25 states that there are issues concerning applications made by individual householders for extensions, when the 'cumulative impact of such development (in this case a sun room) could have a significant effect on flood storage capacity or flood flows'.

The Agency are on the understanding that the proposed extension is 1 metre shorter and 300 mm narrower, than that previously submitted. However, the principle concern arises because the sunroom is positioned at right angles to the existing building, which lies within the Floodplain of the River Lugg. The property is also situated on the outside of a meander bend, which places the proposed location of the sunroom in a position where it is considered likely to act as an obstacle, and during a flood event it may inhibit conveyance flow, (ultimately acting as a potential debris trap), thus making flooding worse elsewhere.

The Agency would have no objection to the proposed sunroom, if it was altered in design, and it was proposed to be built alongside the existing lounge, parallel to the edge of the existing building, rather than jutting outwards towards the river. This would be considered to be more streamlined with the existing building and would overcome the above issues, especially the impact that the development may have on flood flows. The applicant may wish to consider amending the proposal to minimise the depth of the existing building by constructing along the length of the house, i.e. including the lounge area if necessary.

Alternatively, it is open for the applicant to submit a Flood Risk Assessment (FRA) in line with Appendix F of PPG25. A topographical survey (levels to Ordnance datum) may be all that is required, however, it is likely that such an assessment would confirm that the proposed development is at risk of flooding and effect the flood storage capacity and flood flows in a 1% apf (annual probability flooding) floodplain.

To provide constructive comments on the way ahead, it is recommended that the applicant contacts the Local Planning Authority and Agency as soon as possible.'

4.2 English Nature state :

'English Nature commented on this proposal in March, and the same point pertains to this resubmission :

Other than the observation that no material should be stored on the river bank during or after construction, English Nature has no comment to make on this application.'

Internal Consultation Advice

4.3 Head of Engineering and Transportation – no objection.

5. Representations

5.1 Lucton Parish Council raise no objection.

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

6. Officers Appraisal

6.1 Notwithstanding the previous extension to the property it is not considered that this single storey extension would result in any significant harm to its character and appearance. Furthermore in view of the sites inconspicuous location there would be no wider adverse impact on the character of the Area of Great Landscape Value. The key issues for consideration in the determination of this application are therefore as follows :

a) Impact of development within the flood plain of the River Lugg

b) Impact on the River Lugg SSSI

Impact on Flood Plain

6.2 This is a revised application, which has reduced the footprint of the proposed sunroom by a metre in length and 300 mm in width with the intention of reducing its impact on the floodplain. However, notwithstanding this clear guidance has been given by the Environmental Agency that the proposal would be at risk of flooding and could unacceptably increase the risk of flooding elsewhere. The comments received indicate that a primary concern is the extent of the projection and its position at right angles to the property, which would accentuate its potential to impede flood flows from the outside bend of the meander in the River Lugg.

6.3 The Environment Agency indicates that if the size of the sun room were scaled down and it was sited alongside the living room on the south elevation of the property the grounds for objection would be overcome.

6.4 This approach is not acceptable to the applicant and the proposal therefore falls to be determined as originally submitted. In view of the above and in the absence of Flood Risk Assessment the proposal would be contrary to Policy A15 of the Leominster District Local Plan (Herefordshire) and the principles set out in PPG 25 – Development and Flood Risk.

Impact on River Lugg SSSI

- 6.5 The SSSI designation extends to the top of the bank of the River Lugg and as such the proposed extension which would be accommodated wholly within the garden of Berwick House and some 10 metres from the river bank would not cause harm to the nature conservation interest of the site. No objection has been raised by English Nature subject to a condition precluding the storage of material on the river bank.

RECOMMENDATION

That planning permission be refused for the following reason :

- 1. **The application site lies within the Indicative Flood Plain of the River Lugg, and the proposed extension in view of its size and position and in the absence of a Flood Risk Assessment would be at risk of flooding and could unacceptably increase the risk of flooding elsewhere. Accordingly the proposal would be contrary to Policy A15 of the Leominster District Local Plan (Herefordshire) and the guiding principles of Planning Policy Guidance Note 25 - Development and Flood Risk.**

Decision:

Notes:

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Background Papers

Internal	departmental	consultation	replies.
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17 DCNW2003/2418/F - PROPOSED TWO DWELLINGS OF NEGATIVE ENVIRONMENTAL IMPACT USING SELF CONTAINED WATER SUPPLY, RENEWABLE ENERGY, WASTE RECYCLING, TO BE RUN IN CONJUNCTION WITH SUSTAINABLE SYSTEMS OF FOOD PRODUCTION. THE WHOLE LIFESTYLE EXPERIENCE TO BE MADE AVAILABLE TO FAMILY/EDUCATIONAL GROUPS ON A SHORT RESIDENTIAL BASIS AT LAND ADJOINING LEMORE, EARDISLEY, HEREFORD, HEREFORDSHIRE, HR3 6LR

For: Mr J Glyn-Jones, September Organic Dairy, New House Farm, Almeley, Herefordshire

Date Received:
7th August 2003
Expiry Date:
2nd October 2003

Ward:
Castle

Grid Ref:
31010, 51591

Local Member: Councillor J Hope

1. Site Description and Proposal

- 1.1 The application site comprises 0.7 hectares of agricultural land located to the west of New House Farm (operating as the September Organic Dairy). The site is accessed via a private track shared with 3 other properties including Campbell Manor, a residential nursing home. The access onto the A4111 is located some 2kms north of Eardisley.
- 1.2 The field in question is well screened along all boundaries by existing hedgerows and is characterised by a dilapidated agricultural/stable building located on the southern boundary adjacent to the field access to the site. It forms part of a larger holding the majority of which is farmed on a tenanted basis from Herefordshire Council.
- 1.3 Planning permission is sought for the erection of two lodges on the site to provide accommodation associated with the applicants plans to establish an educational and recreational facility promoting sustainable technology and systems of food production. It is intended that the 'main house' would generally be occupied by groups (with the emphasis on families) on a short- term residential basis and during the winter months it would be occupied on a more permanent basis by an individual or family who would oversee the management of the site. The 'bunk house' would be used to provide short-term accommodation for groups throughout the year, focusing more specifically on schools and other interested organisations.
- 1.4 Alongside the two lodges it is proposed to establish a permaculture garden within the application site with the potential for sustainable/organic fish production given the local water supply. The site would also be supported by grey water irrigation and

sustainable foul drainage systems. In addition to these features a polytunnel is proposed together with a composting toilets.

- 1.5 The proposal entails the demolition of the existing dilapidated stable building on the site.
- 1.6 The application is supported by a covering statement which is set out in the appendix to this report.

2. Policies

Central Government Guidance

PPG 7- The Countryside – Environmental Quality and Social and Economic Development

Hereford & Worcester County Structure Plan

Policy H16 A	Housing in Rural Areas
Policy H20	Housing in Rural Areas Outside the Green Belt
Policy E20	Tourism Development
Policy CTC 9	Development Requirements
Policy A1	Development on Agricultural Land
Policy A2	Diversification
Policy TSM 1	Tourism Development
Policy TSM 2	Tourism Development
Policy TSM 3	Tourism Development
Policy TSM 6	Tourism Accommodation
Policy TSM 7	Tourism Accommodation
Policy LR1	Leisure and Recreation Development
Policy LR2	Leisure and Recreation Development

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 A14	Safeguarding Water Resources
Policy A15	Development and Watercourses
Policy A16	Foul Drainage
Policy A24	Scale and Character of Development
Policy A35	Small Scale New Development for Rural Businesses
Policy A38	Rural Tourism and Recreational Activities
Policy A39	Holiday Chalet, Caravan and Camping Sites
Policy A41	Protection of Agricultural Land
Policy A45	Diversification on Farms
Policy A61	Community, Social and Recreational Facilities
Policy A68	Water Supply
Policy A70	Accommodating Traffic from Development

Herefordshire Unitary Development Plan (Deposit Draft)

Policy S1	Sustainable Development
Policy S2	Development Requirements
Policy S7	Natural and Historic Heritage
Policy S8	Recreation, Sport and Tourism

Policy DR1	Design
Policy DR2	Land Use & Activity
Policy DR4	Environment
Policy H7	Housing in Countryside Outside Settlements
Policy E12	Farm Diversification
Policy E15	Protecting Greenfield Land
Policy LA2	Landscape Character and Areas Least Resilient to Change
Policy LA6	Landscape Schemes
Policy RST 12	Visitor Accommodation
Policy RST 13	Rural and Farm Tourism Development
Policy RST 14	Static Caravans, Chalets, Camping and Touring Caravan Sites

3. Planning History

3.1 None relevant.

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency state :

'The site is located on Raglan Mudstone which under the Policy and Practice for the protection of Groundwater as being Minor aquifer with Intermediate vulnerability, important for local supplies and maintaining river baseflows. There are no source protection zones within the local area. As this proposal involves no foul drainage to surface or groundwater, the Agency has no objections in principle.

Internal Consultation Advice

4.2 Head of Engineering and Transportation raises no objection subject to conditions preserving visibility at the junction with the A4111 and upgrading of private track to the site.

4.3 Head of Environmental Health and Trading Standards raises no objection.

5. Representations

5.1 The applicant has submitted a statement – please see appendix.

5.2 Eardisley Parish Council raise no objection but raise concern regarding access for emergency vehicles.

5.3 Almeley Parish Council (neighbouring parish) raise no objection.

5.4 There are no private responses from neighbours or other interested parties.

5.5 The full text of these letters can be inspected at Northern 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:

- a) The principle of establishing an educational/recreational facility and nature of the accommodation proposed.
- b) Impact of the proposed use and associated structures on the character and appearance of the site and surrounding countryside.
- c) Access, and;
- d) Drainage Issues

Principle of the Facility

- 6.2 The starting point in respect of assessing the application is established in Policy A2(D) of the Leominster District Local Plan (Herefordshire). This sets out a strong presumption against development in the open countryside unless it accords with a set of exceptional circumstances. In terms of this proposal the relevant criteria relate to the establishment of a dwelling in the open countryside and the development of a small scale employment generating/recreational facility. It should be recognised however that the nature of the proposal as a whole does not fit neatly into the land use classifications set out in the Policy.
- 6.3 The proposal as submitted incorporates both of these elements namely residential and employment, and of fundamental concern is the limited justification for the presence of the 'main house'. It has been advised by the applicant that during the peak season the main house would be occupied on a short term basis in a similar way that a holiday cottage would be occupied, whilst over the winter it would be more likely to be occupied on a longer term basis. Notwithstanding this distinction it is considered that this element of the proposal would be tantamount to the erection of a new dwelling in the open countryside, which in the absence of an exceptional need, would be contrary to Policy A2(D) of the Leominster District Local Plan (Herefordshire). No business plan has been submitted to suggest that the proposal has a prospect of being viable, in the same way that an applicant would in proposing a new farm dwelling for instance.
- 6.4 The bunk house element is more appropriately assessed in relation to Policies A38 (rural tourism and recreation activities) and A39 (holiday chalet, caravan and camping sites). It is clear that the proposal as a whole has tourist related and educational benefits which are supported by policies set out in the Local Plan and the Hereford & Worcester County Structure Plan. However both Local Plan policies set out above establish strict criteria against which proposals for new development must be assessed. It is advised that these policies do not rule out the principle of new development but they do require that its scale and character is appropriate to the locality and ancillary to the primary proposal.
- 6.5 It is not considered that this proposal meets the more specific tests set by Policies A38 and A39 for reasons that are addressed in more detail below. In essence whilst the sustainable aspects of the use proposed could be supported the associated new-build elements are not generally supported by these more specific policies.

Impact of the Proposal on the Character and Appearance of the Site and Surroundings

- 6.6 The main concern here is the introduction of the two lodge buildings. The main house measures some 8.5 metres by 7.2 metres on the ground with a maximum height of 6.4 metres whilst the bunk house has a floor area of 8 metres by 6.3 metres with a height of 4.4 metres.

- 6.7 This relatively substantial combined scale coupled with what is considered to be an inappropriate 'Scandinavian' appearance would result in development out of keeping with the character of the surrounding countryside and isolated from any established development. It is acknowledged that the site is well screened and not readily visible from public vantage points but guidance set out in PPG 7 advises that this in its own right is not justification for development that is otherwise inappropriate since it could be repeated to the detriment of the landscape as a whole.
- 6.8 On the basis of the proposal as submitted it is considered that it fails to conserve or enhance the character and setting of the countryside and accordingly would be contrary to Policy A9 of the Leominster District Local Plan (Herefordshire). This concern links back to the policies that seek to promote tourism and recreational activities in the countryside but not to the detriment of its landscape character.

Access

- 6.9 No objection has been raised by the Head of Engineering and Transportation subject to the retention of the visibility splay at the junction with the A4111 and the upgrading of the access track. The latter issue which could be controlled by condition would serve to overcome the concerns raised by Eardisley Parish Council so far as access for emergency vehicles is concerned.

Drainage

- 6.10 The application proposes systems of sustainable drainage, which in their own right should be encouraged. The Environment Agency state that they have no objection to the proposal in this respect but would require more technical information regarding the design of the systems. This would be satisfactorily dealt with by way of a condition.

Conclusion

- 6.11 The applicants desire to promote issues of sustainability are supported and furthermore encouragement is offered to the establishment of tourist/educational related development in the countryside in terms of an acceptance of the broad principle. Although the proposal purports to represent a form of farm diversification, there are no details or evidence as to how this proposal will aid an existing farming operation. This proposal raises specific issues in respect of the establishment of what would amount to a permanent dwelling in the open countryside as well as new development that would be out of keeping with the prevailing character of the locality. In this instance it is the policies of restraint, namely Policy A2(D) and Policy A9 of the Leominster District Local Plan (Herefordshire) that have been afforded greater weight and result in this recommendation of refusal.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The main house element of the proposal would result in development tantamount to the erection of a new house in open countryside, which in the absence of any exceptional circumstances, would be contrary to Policies H16A**

and H20 of the Hereford & Worcester County Structure Plan and Policy A2 (D) of the Leominster District Local Plan (Herefordshire).

- 2. The proposal as a whole would result in the introduction of isolated lodge buildings out of keeping with the character and appearance of the site and the surrounding countryside which would be contrary to Policies E20, CTC9, A2, TSM1, TSM5, TSM6 and LR2 of the Hereford and Worcester County Structure Plan and Policies A1, A9, A24, A38, A39, A45 and A61 of the Leominster District Local Plan (Herefordshire).

Decision:

Notes:

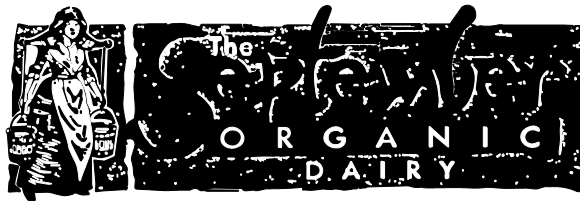
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Background Papers

Internal	departmental	consultation	replies.
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NWO 3 / 2 4 1 8 / F

Newhouse Farm • Almeley • Nr Kington • Herefordshire HR3 6LJ
☎ 01544 327561 ✉ sales@september-organic.co.uk 🌐 www.september-organic.co.uk



Proposed Ecological House and Garden Project

on land adjacent to Lomore, and being part of **The September Organic Dairy**

This is a diversification project on an established organic farm to demonstrate, and for groups and families to experience, a sustainable way of living.

Using, as far as possible, products and energy produced within the system, visitors will be encouraged to identify ways in which they can live in a more sustainable way and reduce their demands on the environment.

The aim of the project will be to provide conditions which are identifiable with a normal suburban household but with perhaps an extreme slant on minimizing demands on the natural surroundings. Eating fresh produce from the garden and milk, meat and eggs fresh from the farm, recycling all human waste both directly and indirectly, generation of energy on site with minimum water usage, offers a unique opportunity to those wishing to experience the possibilities of living totally at one with nature, whilst still enjoying the major benefits of a modern lifestyle.

The timber constructions, though initially bought in, would eventually be replaced by the trees planted on site, the whole construction designed to be re-used or recycled leaving little trace of its existence on eventual demolition or replacement.

It is envisaged that this project would have both an educational and social role, offering on site evaluation for students of environmental issues, and adding a new perspective to family tourism opportunities within Herefordshire.

Working with Hereford Nature Trust, (Holywell Dingle adjoins the property), the Centre for Alternative Technology, the Soil Association, and the Permaculture Association, we hope to make an impact on the way in which people view their place in the web of life, enabling more of us to reduce our demands on the environment and promote the wonderful countryside of rural Herefordshire.

31 JUL 2003



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