

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 12th November, 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 15th October 2003.	1 - 26
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.	27 - 32
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.	33 - 116
6. DATE OF NEXT MEETING To note that the date of the next Northern Area Planning Sub-Committee is Wednesday 17th December 2003.	

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- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. A list of the background papers to a report is given at the end of each report. A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and all Committees and Sub-Committees.
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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the Northern Area Planning Sub-Committee held at Brockington, 35 Hafod Road, Hereford on 15th October 2003 at 2:00 p.m.

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

Councillors B.F. Ashton, W.L.S. Bowen, R.B.A. Burke, P.J. Dauncey, J.H.R. Goodwin, K.G. Grumbley, P.E. Harling, B. Hunt, T.W. Hunt T.M. James, Brig. P. Jones C.B.E., R.M. Manning, R. Mills, D.W. Rule M.B.E., and J.P. Thomas.

In attendance: Councillor P.J. Edwards

33. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mrs L.O. Barnett, Mrs J.P. French, R.J. Phillips and R.V. Stockton.

34. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
R.B.A. Burke	Agenda Item 6 - Ref EN2003/0041/ZZ (exempt Enforcement matters)	Declared a prejudicial interest and left the meeting for the duration of this item.
P.E. Harling	Agenda Item 5, Ref 4 – DCNE2003/2139/F – Installation of new ground floor windows at Radway, Belle Orchard, Ledbury	Declared a prejudicial interest and left the meeting for the duration of this item.

35. MINUTES

RESOLVED: That the Minutes of the meeting held on 17th September 2003 be approved as a correct record and signed by the Chairman.

36. ITEM FOR INFORMATION – APPEALS

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

RESOLVED: That the report be noted.

37. REPORT OF THE HEAD OF PLANNING SERVICES

The report of the Head of Planning Services was presented in respect of planning applications received for the northern area of Herefordshire.

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

EXCLUSION OF THE PUBLIC AND PRESS

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

SUMMARY OF THE PROCEEDINGS OF EXEMPT INFORMATION**38. ITEM FOR INFORMATION - ENFORCEMENT**

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

RESOLVED: That the report be noted.

(This item disclosed:

- Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:
 - (a) any legal proceedings by or against the authority, or
 - (b) the determination of any matter affecting the authority(whether, in each case, proceedings have been commenced or are in contemplation).
- Information which, if disclosed to the public, would reveal that the authority proposes:
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
- Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.)

The meeting ended at 4:07 p.m.

CHAIRMAN

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APPENDIX

Ref. 1
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 R Roper at above address**

The Senior Planning Officer reported that additional conditions would be included in the planning permission, stating that the portacabin on the site would be removed before commencement of the proposed use, and that the hedgerow on the northern site boundary would not be removed without the prior written consent of the Local Planning Authority.

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

The local member expressed concern about the fact that neither the viability of the proposal, nor the evidence of current use appeared to have been proved. Contrary to the report, he felt that PPG7 did not support the application, and he said that it should be refused on the following grounds:

- During the two years in which the business has had a temporary planning permission, it has not contributed to a healthy rural economy as required by PPG7;
- The application would have an adverse effect on the character of the surrounding area, and did not in his opinion, comply with Malvern Hills District Policy LS7, and the Hereford and Worcester County Structure Plan.

The Senior Planning Officer explained that the temporary planning permission was in accordance with PPG7 and its purpose was to enable investment in farm buildings. In respect of the previous application (NC2001/0174/F refers), the appeal had been allowed because the Inspector felt that the agricultural had overridden the relevant planning policies. In response to a question, he confirmed that the evidence in relation to Paragraph 5.2. (d) of the report had come from a letter from the applicant, dated 1st August, 2003.

After careful consideration, and a vote, members felt that the application should be approved, with an amendment to Condition 1, that the time limit for commencement of the permission should be reduced to 12 months only.

RESOLVED: That planning permission be granted subject to

the following conditions:

- 1 - A01 (Time limit for commencement (12 months from 15th October 2003))

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. - Prior to the building hereby permitted being brought into use the 2 portacabin type structures shall be removed from the site.

Reason: In the interests of visual amenity.

4. - The existing hedgerow along the northern boundary of the site shall not be removed, destroyed, felled, lopped or pruned without the prior written consent of the Local Planning Authority.

Reason: To safeguard the character of the area.

5. - Prior to the development hereby permitted being brought into use a native species hedgerow shall be planted along the western boundary of the site in accordance with details to be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

Ref. 2
LEDBURY
DCNE2003/2615/F

Retention of parking space at:

FRONT 84 BRIDGE STREET, LEDBURY, HEREFORDSHIRE, HR8 2AH

For: **A J Smith at above address.**

RESOLVED: 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

Ref. 3
STAPLOW
 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**

The receipt of one further letter from Miss Holmes was reported. The letter made additional points about the amended plans, that she felt all of the fence should be at a lower height of 1.5 metres, to prevent any detracting from the setting of the Listed farmhouse.

In accordance with the criteria for public speaking, Miss Holmes, an objector, spoke against the proposal.

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

In response to a request, the Senior Planning Officer went through the proposal in detail. Members recognised that the need to preserve public views of the Listed Building should be balanced with the applicant's need for privacy. After careful debate, it was agreed that the application should be approved.

RESOLVED: 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.

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

The Sub-Committee noted slight amendments to the recommendation.

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

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

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

2 - A06 (Development in accordance with approved plans)

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

3 - 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 in writing 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

Ref. 4
LEDBURY
DCNE2003/2139/F

neighbours.

Ref. 5
ASHPERTON
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**

Members noted slight amendments to the recommendation. It was agreed that the site should be inspected, on the grounds that the character or appearance of the development itself was a fundamental planning consideration; and a judgement was required on visual impact.

In accordance with the criteria for public speaking, Mrs Barnes, the applicant, was present at the meeting and reserved her right to speak on the application until it came back before the Sub-Committee for consideration.

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

Ref. 6
STAPLOW
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**

The receipt of Ledbury Town Council's observations (no objection) was reported.

In response to a request, the Northern Divisional Planning Officer said that he would review the conditions relating to the site, and impose any necessary condition to restrict the use of the toilet block to the hours of use already established for the site.

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

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

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

2 - A06 (Development in accordance with approved plans)

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

3 - B01 (Samples of external materials)

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

4 - Hours of use of the toilet block.

Ref. 7
LEDBURY
DCNE2003/2582/F

Create off road parking at:

FRONT OF PROPERTY 60 BRIDGE STREET, LEDBURY, HEREFORDSHIRE, HR8 2AH

For: **Mr Williams of above address.**

RESOLVED: 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

Ref. 8
LEDBURY
DCNE2003/1841/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**

The Sub-Committee noted amendments to the Notes to 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 - 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. No one person or family group shall use the holiday chalet hereby permitted for more than 8 weeks in any period of 4 months in any one calendar year.

Reason: To prevent the establishment of the 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. A. Culley, Divisional Surveyor (South), Thorn Business Park, Rotherwas, Hereford Tel: 01432-261955, 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. A. Culley, Divisional Surveyor (South), Thorn Business Park, Rotherwas, Hereford, Tel: 01432-261955, 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.**

Ref. 9
COLWALL GREEN
DCNE2003/2232/F

Change of use of existing building to single dwelling including alterations and demolitions, construction of new access and new garages at:

EVEDINE COURT, EVEDINE LANE, COLWALL GREEN,

MALVERN, HEREFORDSHIRE, WR13 6DY

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

The Sub-Committee agreed that the site should be inspected on the grounds that the setting and surroundings were felt to be fundamental to the determination of the conditions being considered.

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

Ref. 10
LEOMINSTER
 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

Slight amendments to the recommendations were reported.

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

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

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

- 2 - **A09 (Amended plans – received 8th October 2003)**

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

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

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

- 4 - **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/visibility splay)

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**

Ref. 11
BROMYARD
 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

The Senior Planning Officer said that he would impose an additional condition on the permission, limiting the number of dwellings on the site to 3, in accordance with the Sub-Committee's request.

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

RESOLVED: 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.

- 7 - The development hereby permitted shall be restricted to 3 dwellings only.**

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

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**

Ref. 12
EYTON
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**

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.

Ref. 13
WIGMORE
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.**

The Principal Planning Officer reported the receipt of one further email from Mr Phillips, including additional photographs depicting unauthorised non-agricultural uses. The Principal Planning Officer said that these had been referred to the Enforcement Section.

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

In response to questions, the Principal Planning Officer confirmed the following:

- The report referred to the untidy site, and the proposed conditions would secure improved screening, which might take a variety of forms;
- The application was for the retention of the existing hardstanding area. And no further areas had been approved;

- There were no other handling facilities available to the applicant, who intended to establish a flock of about 50 sheep which would be transported to and from the site;
- The application did not make clear how much land would be used for the livestock.

Members expressed concern about the lack of clarity in the applicant's proposal, particularly in relation to the area that would be in use. They felt that further information should be provided on the land/stock involved, and that the site should be inspected on the grounds that the character and appearance of the development was a fundamental planning consideration, and a judgement was required in visual impact.

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

Ref. 14
KINGTON
 DCNW2003/1972/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**

In accordance with the criteria for public speaking, Ms Rolls, of Kington Town Council, spoke about the proposal.

During the discussion, the following principal points were raised:

- The parking area proposed in the application was a fundamental part of it; yet the parking site was not believed to be in the applicant's ownership, and the owners were unaware of this particular proposal;
- The applicant had signed a notice stating that he was the owner of the parking site. The Sub-Committee was able to grant planning permission given the current facts, but the applicant would not be able to implement it unless he

attained control of the land;

- A decision on whether the application necessitated a parking space, depended upon what view was taken about the site's town centre location. Most discussions in respect of the site had so far taken account of the need to provide parking, as requested by the Town Council;
- A garage or on site parking in this location was not possible, because this would require the removal of part of Kington's historic stone wall.

Members agreed that the issues about parking and land ownership had to be resolved before the application was determined.

RESOLVED: That the application be deferred for further information about land ownership and the need for off site parking.

Ref. 15
PRESTEIGNE
 DCNW2003/2229/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**

Slight amendments to the recommendation were noted.

In accordance with the criteria for public speaking, Mrs Street, an objector, spoke against the proposal.

The Sub-Committee expressed concern that a permanent B2 use at this time, without further monitoring of the site, might adversely affect the neighbours' amenity, particularly because some of the conditions on the existing planning permission might not have been adhered to. The Principal Planning Officer reminded members that Conditions 4 and 5 restricted the proposed B2 use in a very specific manner. He added that the conditions could not be further strengthened because the Environmental Health Officer had offered no objection. Any reported breaches of conditions would, however, be dealt with through the Magistrates' Court via a Breach of Condition Notice.

Members felt that, in order to protect the neighbour's amenity, planning permission should be granted for a 12-month period only

to enable further monitoring of the site.

RESOLVED: That a 12 month temporary permission until 15th October, 2004 be granted to delete condition 2 in permission 96/0297/N issued on 25 June 1996, and replace it with 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 - E20 (Temporary Permission) (15 October 2004)
Reason: To enable the local planning authority to give further consideration of the acceptability of the proposed use after the temporary period has expired.
- 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 employees and 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.

Ref. 16
**MORTIMERS
 CROSS**
 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**

RESOLVED: 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.

Ref. 17
EARDISLEY
 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**

The Principal Planning Officer reported that further discussions with the Landscape Officer had taken place since the production of the agenda. The Landscape Officer had concluded that the development would not adversely affect the surrounding

countryside; therefore the second reason for refusal had been removed from the recommendation. In relation to the first reason for refusal, the words "development tantamount" would be removed. The Principal Planning Officer reported that the applicant had acknowledged the concern over certain ecological matters in relation to the site, and had agreed to discuss this further with officers.

In accordance with the criteria for public speaking, Mrs Beresford of Almeley Parish Council, spoke in support of the proposal.

In accordance with the criteria for public speaking, Mr Glyn-Jones, the applicant, spoke in support of the proposal.

Whilst acknowledging that the development was in open countryside and therefore against policy, members agreed that there was merit in the application. In addition, they felt that it was supported by policies in the Deposit Draft Unitary Development Plan (UDP), and concluded that the UDP now carried more weight because it had proceeded beyond its first draft. Members also noted that the application might have accorded with other current Local Plan Policies, and was not compliant specifically with the Leominster District Local Plan. It had also received no local objections, which members felt indicated that there was general support for the application. Taking these factors into consideration, the Sub-Committee felt that the application should be approved.

The Northern Divisional Planning Officer reminded members that the crucial policies in this instance related to the Leominster District Local Plan and the Hereford and Worcester County Structure Plan. These were still the relevant policies, and the UDP remained subservient to them. Furthermore, the scheme would introduce 2 new dwellings, and no evidence had been provided to prove its viability. He advised that the dwelling, once built, would be a permanent structure; therefore, it was not possible to grant a temporary permission for it. He said that the application should be refused.

The Principal Lawyer (Planning, Environment and Transport) informed members of the Council's referral procedure, applicable in instances when members were minded to make a decision against officer advice.

RESOLVED:

- That (i) the Northern Area Planning Sub-Committee is minded to approve the application, subject to the conditions set out below (and any further conditions felt to be necessary by the Head of Planning Services), provided that the Head of**

Planning Services does not refer the application to the Planning Committee;

- 1. Landscaping**
- 2. Ecological mitigation**
- 3. Drainage**
- 4. The submission of a business plan**

- (ii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to approve the application, subject to such conditions referred to above.**

(NB, the application was referred to the Head of Planning Services because it was considered that there were crucial policy issues at stake.)

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. NE2003/0664/O**

- The appeal was received on 9th 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 D H Quick
- The site is located at Rosemore, Wellington Heath, Ledbury, Herefordshire, HR8 1NB
- The development proposed is Single dwelling with garage and new access from Ledbury Road
- The appeal is to be heard by Written Representations

Case Officer: Russell Pryce on 01432-261795

Application No. NE2003/0233/F

- The appeal was received on 9th October 2003
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against planning conditions namely: No. 5 "The residential accommodation within the barn conversion hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Church House" and No. 7 "The granny annexe and business uses of the barn hereby permitted shall not be sold or let independently of Church House"
- The appeal is brought by Mr M Davies
- The site is located at Church House, Rectory Lane, Cradley, Malvern, Herefordshire, WR13 5LH
- The development proposed is 1. Change of use & alterations to Cider House to half office, half residential, 2. Retention of double garage, 3. Extension & new roof on pavilion and 4. Extension to house
- The appeal is to be heard by Written Representations

Case Officer: Russell Pryce on 01432-261795

Application No. DCNC2003/2188/F

- The appeal was received on 23rd October 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 Mr G Greene
- The site is located at Stone Barn, Camp Farm, Ivington, Leominster, Herefordshire, HR6 0JY
- The development proposed is Discharge of condition 4 of planning consent reference Number 96/0316/N
- The appeal is to be heard by Written Representations

Case Officer: Philippa Lowe on 01432-383085

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

Application No. DCNE2003/1505/S

- The appeal was received on 23rd 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 D T Philips
- The site is located at Baynhams Farm, Hereford Road, Ledbury, Herefordshire, HR8 2PX
- The development proposed is Proposed machine & fodder store
- The appeal is to be heard by Hearing

Case Officer: Mark Tansley on 01432-261956

APPEALS DETERMINED

Application No. NE2002/3891/F

- The appeal was received on 12th March 2003
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Regal Executive Homes
- The site is located at Rose Cottage, -, Tarrington, Hereford, Herefordshire, HR1 4HZ
- The application, dated 23rd December 2002 was refused on 14th February 2003
- The development proposed was Proposed two storey dwelling
- The main issue is the effect of the new dwelling proposed on the setting of the nearby listed buildings.

Decision: The appeal was **ALLOWED** on 6th October 2003, subject to conditions.

- Time limit condition
- Materials
- Landscaping and Planting
- Windows
- Removal of Permitted Development Rights
- Access

Case Officer: Russell Pryce on 01432-261795

Application No. NC2003/0308/F

- The appeal was received on 19th May 2003
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr C Hopkinson
- The site is located at Rainbow Cottage, Newton, Leominster, Herefordshire, HR6 0PF
- The application, dated 4th February 2003, was refused on 18th March 2003
- The development proposed was Two storey extension to the rear of the property
- The main issue is the effect of the proposed extension on the character and appearance of the area.

Decision: The appeal was **DISMISSED** on 10th October 2003

Case Officer: Philippa Lowe on 01432-383085

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

Application No. NC2002/3357/F

- The appeal was received on 12th June 2003
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with a condition subject to which a previous planning permission was granted.
- The appeal was brought by Mr & Mrs G.W Tunna
- The site is located at River View, Bodenham, Hereford. HR1 3JY
- The application, dated 14th November 2002, was refused on 13th December 2002
- The application sought the variation of a condition attached to planning permission (ref NC2001/0366/F), dated 2 May 2001, for a two-storey extension.
- The condition in dispute is No3 which states that: Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the windows marked "X" on the approved plans shall be glazed with obscure glass only and shall be non-opening.
- The reason given for the condition was: In order to protect the residential amenity of adjacent properties.
- The main issue is the effect of varying condition 3 on the privacy of neighbouring residents.

Decision: The appeal was **ALLOWED** on 10th October 2003 subject to a substitution of condition 3 :- The windows marked "X" on the approved plans shall at all times be glazed with obscure glass only and, with the exception of the top-opening fanlights, shall be non-opening.

Case Officer: Duncan Thomas on 01432-261790

Enforcement Reference No. EN2003/0026/ZZ

- The appeal was received on 21st August 2003
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr I.D. Johnson
- The site is located at Woodend Farm, Cradley, Malvern, WR13 5JW
- The breach of planning control alleged in this notice is "Without planning permission, change of use of the land from use for agriculture to a mixed use for agriculture, a mountain boarding track and an off-road dirt buggy track together with the siting of a portacabin and toilet block"
- The requirements of the notice are: "Stop using the land or any part of it as a mountain boarding track and off-road dirt buggy track and also remove a portacabin currently used as a reception area and shop together with a toilet block"

Decision: The appeal was **WITHDRAWN** on 14th October 2003

Case Officer: Kevin Bishop on 01432-261803

Application No. NE2002/3522/F

- The appeal was received on 12th 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 K Barham
- The site is located at Builders yard adjacent to Rose Bank, West Malvern Road, Upper Colwall Malvern Herefordshire, WR14 4EW
- The application, dated 18th November 2002, was refused on 13th January 2003
- The development proposed was Redevelopment of builders yard - erection of dwelling
- The main issue is the effect of the development on the character and appearance of the locality

Decision: The appeal was **DISMISSED** on 20th October 2003

Case Officer: Russell Pryce on 01432-261795

Application No. NE2002/2985/F

- The appeal was received on 3rd April 2003
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr Llewellyn
- The site is located at Cosy Cottage, Baddymarsh Farm Lane, Lower Eggleton, Ledbury, Herefordshire, HR8 2UH
- The application, dated 11th October 2002, was refused on 26th November 2002
- The development proposed is Siting of residential mobile home for a period of 3 years in connection with the agricultural use of adjoining land, including ancillary development comprising laying of hardstanding to form parking and turning area, erection of shed, greenhouse, electricity housing and floodlight and installation of biodisc unit.
- The main issues are (1) whether the agricultural need justifies the erection of the proposed dwelling in the light of prevailing planning policies for the protection of the countryside; and (2) the effect of the proposed development upon the character and appearance of the landscape.

Decision: The appeal was **ALLOWED** on 21 October 2003 and planning permission granted subject to conditions relating to agricultural occupancy, 3 year temporary permission, landscaping, colour of mobile home and elevational details of buildings/other structures to be approved.

Award of Cost: Both the Council and the appellants submitted a claim for costs. The Inspector ruled that the appellants had acted unreasonably and awarded partial costs in favour of the Council.

Case Officer: Russell Pryce on 01432-261795

Enforcement Notice Reference No. EN2002/049/ZZ

- The appeal was received on 19th March 2003
- The appeal was made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice on 15th January 2003
- The appeal is brought by Ms. V. Henham-Gross
- The site is located at Cottage west of Hill Farm, Tarrington, Herefordshire
- The breach of planning control alleged in this notice is "without planning permission the partial construction of a roof upon a derelict cottage including the provision of roof timbers, roofing felt, batons and tiles".
- The requirements of the notice are to (1) remove the roof and roof trusses and (2) remove from the land all building materials and debris resulting in complying with (1) as above
- The period for compliance with the requirements is 90 days

Decision: The appeal was **DISMISSED and the Enforcement Notice Upheld** on 22nd October 2003 subject to the Notice being corrected which related to the colouring of the site plan attached to the Notice

Case Officer: Russell Pryce on 01432-261795

Application No. NC2003/1089/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 Perfection Homes
- The site is located at Land between Beltaine & Avenue Villa, -, Bodenham, Hereford, Herefordshire, HR1 3HT
- The application, dated 8th April 2003, was refused on 2nd June 2003
- The development proposed was Construction of one dwelling plus garage and formation of layby access
- The main issue is the effect of the proposed development on highway safety and the free flow of traffic.

Decision: The appeal was **ALLOWED** and Planning Permission granted on 22nd October 2003 subject to conditions relating to standard time commencement, samples of external materials and access details.

Case Officer: Duncan Thomas on 01432-261790

Enforcement Reference No. EN2003/0015/ZZ

- The appeal was received on 6th August 2003
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by R.J. & R.J. Clay & Co.
- The site is located at OS 4494, Site of former Rose Cottage, Monkhide
- The breach of planning control alleged in this notice is "Without planning permission, change of use of the land from use as agricultural land to that of siting a mobile home, lorry container and septic tank together with the creation of a hardstanding"
- The requirements of the notice are: Remove the mobile home, lorry container, septic tank and hardstanding from the land. Reinstate the land by regrading and sowing of grass seed to its condition before the unauthorised change of use took place.
- The period for compliance with the requirements is 18 weeks

Decision: The appeal was **DISMISSED** on 31st October 2003

Case Officer: Russell Pryce on 01432-261795

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

NORTHERN AREA PLANNING COMMITTEE

12TH NOVEMBER 2003

SITE INSPECTIONS

NO	APPLICANT	PROPOSAL AND SITE	APPLICATION NO.	PAGE NO.
1	Mr and Mrs P Barnes	Detached dwelling on land adjacent to 47 The Green, Ashperton	DCNE2003/2387/F	35 – 38
2	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	39 – 43
3	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	DCNE2003/2232/F	45 - 50

APPLICATIONS RECEIVED

NO	APPLICANT	PROPOSAL AND SITE	APPLICATION NO.	PAGE NO.
4	Mr & Mrs Griffiths	Erection of house and garage. Re-roofing over mill pit and formation of new store building adjacent to Stapleton Castle Mill, Stapleton, Presteigne	DCNW2003/1250/F	51 0 60
5 & 6	Tabre Developments	The discharge of the obligation to provide for open space as per Section 106 Agreement & Change of use of play area to domestic garden at Black Barn Close, Kington.	DCNW2003/2576/G & DCNW2003/1916/F	51 – 63
7 & 8	Mr J A Price	Demolish existing building, erection of new 2 storey dwelling at The Barn, East Street, Pembridge, Leominster	DCNW2003/2267/F & DCNW2003/2268/C	65 – 73
9	Mr J W Mokler	Site for bungalow with a semi basement area dedicated to the management of the old and new woodland and amenity ponds areas at Oaklands, Eardisley	DCNW2003/2785/O	75 – 77
10	Miss E Bound	Two storey extension at 8 Chapel Orchard, Weobley	DCNW2003/2545/F	79 – 81

11	Mr I Johnson	Continued use of landscaped mountain board centre. Retention of cabin for reception, shop, toilet block, hardstanding, camp site and car park at Woodend Farm, Bromyard Road, Cradley	DCNE2003/2423/F	83 – 93
12	Mr and Mrs Darcy	Two storey extension at 2 Prince Rupert Road, Ledbury	DCNE2003/2794/F	95 – 97
13	Safeway Stores plc	Extension to provide additional Class A1 sales area, ancillary warehouse, staff facilities and extension to existing coffee shop at Safeway Stores, Barons Cross Road, Leominster	DCNC2002/3730/F	99 – 105
14	Leominster Crane Hire	Two steel framed industrial units with offices and open yard at Plot E, Glendower Road, Leominster	DCNC2003/1833/F	107 – 110
15	Rowden House School	Demolition of bungalow and erection of a 14-bed residential unit at Rowden House School & Winslow Court, Rowden, Winslow	DCNC2003/2842/F	111 - 115

1 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

Introduction

This application was deferred at the last meeting of the Northern Area Planning Sub-Committee on 15 October 2003 in order for a site visit to take place. The original report and recommendation remain unchanged and are set out in full below.

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 SummaryStatutory 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 villlage.

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 9 of the Hereford and Worcester County Structure Plan.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

2 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

Introduction

This application was deferred at the last meeting of the Northern Area Planning Sub-Committee on 15 October 2003 in order for a site visit to take place. In addition to this further clarification has been received in respect of the size of the holding and the nature of the use.

It is advised that the land at Crookmullen comprises a single 12.5 acre field with a further 1 acre parcel some 6 miles away from the site. The applicant intends to rent more land in the locality to meet the grazing requirements of the proposed sheep enterprise.

The nature of the proposed enterprise will involve the purchase of a flock of 50 breeding ewes, the off spring of which will be sold. This will inevitably involve a level of vehicular activity into and out of the site but not to such a degree that the existing access would need to be widened or greater visibility achieved than is otherwise the case.

The additional information indicates that regular inspections will be required in order to satisfy welfare codes and clarifies by reference to an indicative plan the way in which the hardstanding area will be utilised. In addition to the holding and shedding pens there will be a requirement to store fodder and water as well as park machinery and trailers.

The original report and recommendation remain unchanged and are set out in full below.

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.

3 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

Ward:
Hope End

Grid Ref:
76185, 41040

Expiry Date:
6th October 2003

Local Members: 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.

4 DCNW2003/1250/F - ERECTION OF HOUSE AND GARAGE. RE-ROOFING OVER MILL PIT AND FORMATION OF NEW STORE BUILDING ADJACENT TO STAPLETON CASTLE MILL, STAPLETON, PRESTEIGNE, HEREFORDSHIRE, LD8 2LS

For: Mr & Mrs Griffiths per Mr C A Underwood, The Barn, Church Lane, Ravenstone, Leicester LE67 2AE

Date Received:
22nd April 2003

Expiry Date:
17th June 2003

Ward:
Pembridge &
Lyonshall with Titley

Grid Ref:
32460, 65640

Local Member: Councillor R Phillips

1. Site Description and Proposal

- 1.1 The application site comprises a 0.28 hectare plot which incorporates a modern agricultural building, the remains of historic mill machinery and a partially restored mill pond. It occupies a sensitive and historically important position within the hamlet of Stapleton and immediately adjacent to a former farm complex which has been partly redeveloped and now consists of a total of 3 dwellings (a semi-detached property to the south of this site and a large detached property which occupies an elevated and prominent location immediately to the west).
- 1.2 The whole of the site lies within an Area of Great Landscape Value and to the west are the remains of Stapleton Castle, a Scheduled Ancient Monument.
- 1.3 Access is now derived via an unmade track which runs alongside the mill pond in a north westerly direction joining the Stapleton Hall road opposite Brook House.
- 1.4 The current application seeks permission to modify the design of the remaining dwelling, Plot 4, and secure a resiting from the position approved by a 1992 application, now a walled garden associated with the applicants house. The proposed siting would entail the demolition of an existing modern agricultural building and the construction of a two storey barn type dwelling incorporating weatherboarding with a stone plinth. In addition to the 3 bedroom dwelling, a detached double garage is proposed that would be sited between the dwelling and the nearest adjacent property together with a purpose built cover for the remaining mill machinery. This proposal in common with the original 1992 application and later permission (Plot 1) includes proposals for the restoration of the mill machinery and the mill pond to the north of the application site.

2. Policies

Hereford & Worcester County Structure Plan

Policy H16 A Housing in Rural Areas
 Policy H20 Housing in Rural Areas Outside the Green Belt
 Policy CTC 2 Areas of Great Landscape Value

Policy CTC 5	Archaeology
Policy CTC 6	Landscape Features
Policy CTC 7	Landscape Features
Policy CTC 9	Development Requirements
Policy CTC 11	Trees and Woodlands
Policy CTC 12	Improving Wildlife Value

Leominster District Local Plan (Herefordshire)

Policy A1	Managing The District's Assets And Resources
Policy A2(D)	Settlement Hierarchy
Policy A8	Improvements To Or Creation Of Habitats
Policy A9	Safeguarding The Rural Landscape
Policy A10	Trees And Woodlands
Policy A16	Foul Drainage
Policy A18	Listed Buildings And Their Settings
Policy A22	Ancient Monuments And Archaeological Sites
Policy A24	Scale And Character Of Development
Policy A54	Protection Of Residential Amenity
Policy A70	Accommodating Traffic From Development

Herefordshire Unitary Development Plan (Deposit Draft)

Policy DR1	Design
Policy DR2	Land Use & Activity
Policy DR3	Movement
Policy DR4	Environment
Policy H7	Housing in the Countryside Outside Settlements
Policy LA2	Landscape Character and Areas Least Resilient to Change
Policy LA3	Setting of Settlements
Policy LA5	Protection of Trees, Woodlands and Hedgerows
Policy NC1	Nature Conservation and Development
Policy NC8	Habitat Creation, Restoration and Enlargement
Policy HBA 4	Setting of Listed Buildings
Policy ARCH 1	Archaeological Assessments and Field Evaluations
Policy ARCH 4	Scheduled Ancient Monuments

3. Planning History

92/532 - Redevelopment of existing farm buildings to provide 2 detached and 2 semi-detached dwellings - Approved 16 February 1993.

N98/0715/N - New dwelling - Approved 5 January 1999.

NW1999/2627/F - Erection of 2 semi-detached houses incorporating existing barn wall at rear. Existing stable to be modified for use as garaging - Approved 24 November 1999.

4. Consultation Summary

Statutory Consultations

4.1 English Heritage raise no objection.

4.2 Environment Agency raise no objection subject to a condition regarding a scheme for the provision of foul drainage works and notes relating to the potential requirement to

obtain a discharge consent, provision for dealing with potentially contaminated water in respect of any mill dredging works and the possible need for a waste management licence relating to the movement of dredged material.

Internal Council Advice

- 4.3 Head of Engineering and Transportation raises no objection.
- 4.4 Chief Conservation Officer raises no objection subject to appropriate conditions in respect of the landscape, ecological, archaeological and listed building issues associated with the proposal.

5. Representations

- 5.1 A total of 7 letters of objection were received in response to the original consultation from the following persons :

- MS Mansell, Stapleton Croft, Stapleton
- Mr & Mrs Brinton, Stapleton Castle Farmhouse, Stapleton
- Mr & Mrs Billingsly, Ford Cottage, Stapleton
- FS Ditmas, The Wain House, Stapleton
- Mr & Mrs Gill, Stapleton Castle Farm Cottage, Stapleton
- Mr & Mrs Saunders, Carters Croft, Stapleton
- Heike Neimeister, The Long House, Stapleton

- 5.2 The concerns raised can be summarised as follows :

- non-compliance with previous condition now being included in the bargaining for the new application
- original permission related to conservation of the old stone barns
- planning permission N98/0715/N restricted development of site to 3 dwellings only
- drainage not catered for in terms of capacity and discharge into stream
- disruption and nuisance from construction and residents traffic will be much increased despite the creation of a new access from Stapleton Hill
- amenity of area/quality of life would be badly affected
- harm to the setting of Stapleton Castle ruins
- proposed development does not accord with the conservation principles of the original permission
- the agricultural building should have been removed as part of the original permission
- planning permission for one dwelling granted under N98/0715/N was in substitution of two dwellings originally approved
- proposed dwelling should not exceed footprint of the original approved minus the additional accommodation approved pursuant to N98/0715/N
- design does not reflect local distinctiveness
- height greater than existing agricultural building
- severe loss of privacy
- construction vehicles should utilise the new access from Stapleton Hill
- additional dwelling would constitute over-development of the site
- proposal represents new development by stealth
- application for Plot 4 should be treated as a totally separate application and not a re-siting of the 1992 permission
- proposal will cause significant harm to a historic landscape
- clear reference to the dropping of Plot 4 made on planning history files
- scale of proposed dwelling totally out of proportion with the site

- proposal will visually dominate Plots 2 and 3
- if a legal loophole exists there should be a strict restriction on the total floor area of the proposed dwelling

5.3 A further 6 letters of objection were received to the revised design. The concerns raised can be summarised as follows :

- whilst reduction in size of dwelling is welcomed it is considered that the original site for Plot 4 would be less intrusive
- proposed setting would result in a substantial dwelling overlooking my property
- building still too high
- not in keeping with local vernacular architecture
- too much glazing
- scale and location of silt spreading needs to be clarified and does this require planning permission?
- conditional requirements relating to the mill building and pond should be addressed before any further development is permitted
- continuing concerns regarding drainage capacity

5.4 Stapleton Parish Council state :

"A number of residents attended the recent meeting of the Council to voice their objections to this application and letters of objection were received from four other residents. The following objections were advanced at the meeting and in the letters received .

1. The new house proposed is not a resiting of the house originally planned on 'Plot 4' in the 1992 permission - the revised permission given in 1998 was clearly intended to supersede the 1992 permission, particularly given the fact that part of plot 4 has now been built on. The present application should be dealt with as an entirely new application and as such must be refused in accordance with planning policy in the draft Unitary Development plan.
2. Works agreed to in the 1998 permission have not yet been carried out and no new application should be allowed until they have been completed.
3. The house envisaged is too large for the site and were it to be built would spoil the natural and architectural environment.
4. The existing sewage arrangements are not adequate for a further house to be built.
5. Were this application to be approved there would be nothing to hinder applications being made for further houses.
6. The original application was granted to conserve the existing stone barns - the present application does not meet this criterion.

The Council do not wish to comment themselves on the validity of these points, but urge that a site meeting be held to address the concerns raised by local residents. "

5.5 The Parish Council comments in respect of the revised proposal reiterate those set out above.

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 principle of residential development having regard to the planning history of the site;
- b) the impact of the proposed dwelling on the character and appearance of the Area of Great Landscape Value;
- c) the impact of the proposed dwelling on the historical setting of the site and adjacent Scheduled Ancient Monument and listed buildings (including reference to conservation of mill machinery and restoration of the mill pond);
- d) impact upon neighbouring amenities, including access to the site and;
- e) drainage

Principle/Planning History

6.2 It is clear from detailed consideration of the responses received from local residents that the planning history of the Stapleton Castle Farm site has a fundamental impact on the overall principle of this proposal. Planning permission was originally granted in February 1993 (Application No. 92/532) for the erection of 4 dwellings with the justification based upon the redevelopment of the footprint of existing historic agricultural buildings within the farm group. It is advised that this original planning permission was commenced and remains valid and therefore represents an important material consideration in reaching the recommendation set out below.

6.3 Two further applications have been approved in the meantime. Application No. N98/0715/N approved a redesign of Plot 1 and involved the construction of a larger dwelling than was originally approved. The point has been made in a number of objections that this permission was in substitution for one of the dwellings approved by the 1992 application. Detailed research of the relevant paperwork shows that this could be a reasonable conclusion to reach since there is a file note and a later report to the Northern Area Planning Sub-Committee that refers to this. However, of critical importance in terms of this recommendation is that no conditions were attached to this permission that revoked the terms of the 1992 application or that required the demolition of the agricultural building, which now comprises part of the current application site.

6.4 Since the 1992 permission therefore remains extant and that a comparison of the site layouts approved in 1992 and 1998 indicates that Plot 4 could still be physically built, the principle of building a fourth dwelling is not one that could reasonably be objected to.

6.5 The permission granted pursuant to Application No. NW99/2627/F related to the buildings to the south of the application site and again it is advised that the planning committee report indicates an intention to omit Plot 4 from the overall development of Stapleton Castle Farm. Again however, there was no condition or legally binding agreement that revoked the original 1992 permission.

- 6.6 In addition to the above written confirmation has been received from the applicants that the substitution of Plot 4 was not discussed with the Local Planning Authority at any time and that it was never their intention to remove it from the scheme. Accordingly whilst the confusion regarding the development of the site is regrettable, it is maintained that the general principle of this proposal is acceptable.

Impact on the Area of Great Landscape Value

- 6.7 Since it is not considered that the demolition and removal of the modern agricultural building is a matter than can be expediently enforced in this instance for the reasons set out above, it is considered that its replacement with a dwelling would potentially enhance the site and the surrounding countryside. It is acknowledged that this approach moves away from the original intention to redevelop the historic building complex. However given the sites relatively low-lying position with regard to the original site for Plot 4 approved by the 1992 application and the revisions made to the scale of the proposal, it is not considered that the proposed dwelling would have such an adverse impact upon the character and appearance of the Area of Great Landscape Value that the refusal of planning permission would be justified.
- 6.8 This accords with the advice given by the Chief Conservation Officer who raises no objection to the landscape impact of the proposal.

Impact on Historic Setting/Scheduled Ancient Monument and adjacent to Listed Buildings

- 6.9 The originally approved design for Plot 4 was for a stone built part two/part single storey dwelling with an overall footprint of 126 m² including an integral garage. The redesign takes the form of a more barn like structure in recognition of the agricultural character of the building being replaced and its less prominent position in relation to the historic complex of buildings. The use of materials, which include a stone plinth and weatherboarding to reflect those used in the conversion/adaptation of Plots 2 and 3 to the immediate south. It is not therefore considered that its presence will be out of keeping with existing dwellings in the locality including the listed properties beyond the Stapleton Castle Farm complex to the south. Similarly the presence of a dwelling constructed in materials which are already a feature of the locality will not impact upon the setting of the castle ruin (a Scheduled Ancient Monument).
- 6.10 Significant concerns have been raised in respect of the scale of the proposed dwelling both in terms of its footprint and height. The proposed dwelling has a floor area of 130 m² including the detached garage, which compares favourable to the size of the originally approved Plot 4 (126 m²). Whilst a number of local concerns suggest that the overall footprint should be further reduced to reflect the additional floorspace approved for Plot 1 (N98/0715/N), it is not considered that the proposal as submitted would amount to overdevelopment, having regard to the size of the plot upon which it would be sited. Negotiations have resulted in a significant decrease in the floor area, which was approximately 167 m² when the application was initially received.
- 6.11 The height, at 8.4m, is not materially greater than the height of the original 1992 approved which varied between 8.7m and 8.4 m and as such it is maintained that the proposed resited dwelling would not cause any additional adverse harm to the historic setting of the farm complex or the listed buildings in the locality.

- 6.12 This leaves the ongoing and still not fully resolved works relating to the restoration of the mill machinery and mill pond. It is considered that this application offers a further opportunity to exercise conditional control over these works which were a requirement of the 1992 approval. The failure of the Local Planning Authority to properly follow up these conditions must be recognised but it is also advised that the wording of the conditions to date has not placed a timescale upon the applicant in respect of the completion of such works and accordingly the enforceability of these conditions is in doubt. It is advised that the applicants ongoing work has been inspected by the Chief Conservation Officer in terms of archaeology, ecology and landscaping and subject to conditions no objection is raised to the applicants proposals.
- 6.13 The Environment Agency has raised no objection in principle to the mill pond restoration and associated dredging works subject to obtaining the necessary waste management licence in respect of the redistribution of silt. The recommendation incorporates a condition requiring details of the spreading of any silt deposits to be agreed in writing with the Local Planning Authority.
- 6.14 In the light of the above it is considered that this historic farm complex and the surrounding locality will not be significantly harmed by the proposed relocation and redesign of Plot 4.

Neighbouring Amenities

- 6.15 The proposed dwelling would have a more direct impact upon Plot 2 than was originally approved and the first floor windows would look out over the open space to the rear of this property. However a distance in excess of 20 metres would still be retained and the window to window relationship would be a very oblique one that would not result in any harmful loss of privacy. The siting of the garage whilst adding to the bulk of development on site would serve to block views from the ground floor windows.
- 6.16 The distance and relative orientation of the proposed dwelling in respect of Plot 2 is also such that there would be no overshadowing or loss of daylight and as such the proposal would accord with Policy A54 of the Leominster District Local Plan (Herefordshire).
- 6.17 Access to the proposed dwelling would be via the driveway off Stapleton Hill, which was constructed as part of the approved for the redesign of Plot 4. This will be specifically conditioned and in recognition of the concerns raised by local residents a condition is proposed to ensure that construction traffic uses this driveway so as to avoid unnecessary noise and disturbance.

Drainage

- 6.18 The treatment of the foul drainage has arisen as a point of concern and clarification has been sought from the applicant with respect to the capacity of the treatment plant that has been installed. Written confirmation has been received that the plant installed would adequately cater for a further 3 bedroomed property.
- 6.19 Notwithstanding this and having regard to the comments received from the Environment Agency a condition is proposed that would require a detailed scheme to be submitted for formal consideration.

Conclusion

- 6.20 This proposal remains a very complicated one, which is compounded by the planning history of the site and the historic sensitivity of the surrounding buildings and landscape but having regard to the detailed appraisal set out above it is advised that the principle of 'rounding off' the development of this site is acceptable and that the scale, siting and design of the proposed dwelling will preserve the character and appearance of the area whilst enabling tighter control over the restoration works to be incorporated. The recommendation, on balance, is therefore one of approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions :

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

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

- 2 - A06 (Development in accordance with approved plans)
(drawing no. 1/4/2003 received on 8 September 2003).**

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

- 3 - A12 (Implementation of one permission only)
92/532 dated 16 February 1993.**

Reason: To prevent over development of the site.

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

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

- 5 - C04 (Details of window sections, eaves, verges and barge boards)**

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

- 6 - C05 (Details of external joinery finishes)**

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

- 7 - C06 (External finish of flues)**

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

- 8 - D02 (Archaeological survey and recording) (relating to the conservation and treatment of the remaining mill machinery)

Reason: A building of archaeological/historic/architectural significance will be affected by the proposed development. To allow for recording of the building during or prior to development. The brief will inform the scope of the recording action.

- 9 - E16 (Removal of permitted development rights) (schedule 2, Part 1 and Part 2)

Reason: To preserve the open character and setting of the proposed dwelling in this historically sensitive landscape.

- 10 - F18 (Scheme of foul drainage disposal)

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

- 11- G01 (Details of boundary treatments)

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

- 12 - Prior to the first occupation of the dwelling hereby permitted the scheme for the restoration and landscaping of the former mill ponds and stream received on 20 October 2003 shall be fully implemented in accordance with the details submitted unless otherwise agreed in writing by the local planning authority.

Reason : To conserve the historic character of this sensitive landscape.

- 13- No dredging of the mill pond as part of the agreed restoration works shall be carried out until full details of the means of removal from the site or redistribution within the surrounding area have been submitted to and agreed in writing by the local planning authority. The redistribution of the dredged material shall be carried out in accordance with the submitted details.

Reason: To ensure that the character and appearance of the surrounding area is conserved.

- 14- All construction traffic associated with the construction of the dwelling hereby approved shall access the site from the Stapleton Hill access to the north of the application site.

Reason: In order to protect the amenities of the occupiers of nearby properties.

- 15- All vehicular traffic associated with the dwelling hereby approved and the property known as Stapleton Castle Mill shall access the site from the Stapleton Hill access to the north of the application site.

Reason: In order to protect the amenities of the occupiers of nearby properties.

16 - 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.

Notes to applicants :

- 1- A discharge consent under the Water Resources Act 1991 (as amended by the Environment Act 1995) may be required from the Environment Agency and it is the applicants responsibility to ensure that any existing discharge consent conditions are met. For further information please contact Holly Sisley on 01600 772245.**
- 2- With regard to the proposed dredging of the mill pond, the applicant is advised that the exportation of waste may be subject to Waste Management Licensing Regulations. Please contact Holly Sisley at the Environment Agency on 01600 772245 for further advice on this.**
- 3- Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environment Protection Act 1990.**

Decision:

Notes:
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Background Papers

Internal departmental consultation replies.

**5 DCNW2003/2576/G - THE DISCHARGE OF THE
& OBLIGATION TO PROVIDE FOR OPEN SPACE AS PER
6 SECTION 106 AGREEMENT
&
DCNW2003/1916/F - CHANGE OF USE OF PLAY AREA
TO DOMESTIC GARDEN**

**AT BLACK BARN CLOSE, KINGTON,
HEREFORDSHIRE HR5 3FB**

**For: Tabre Developments per John Phipps,
Bank Lodge, Coldwells Road, Holmer, Hereford**

Date Received:
24th June 2003

Expiry Date:
19th August 2003

Ward:
Kington Town

Grid Ref:
30286, 56249

Local Member: Councillor T James

1. Site Description and Proposal

- 1.1 The application site comprises a roughly triangular plot of land to the rear of 15 and 17 Black Barn Close. The land is generally overgrown and slopes away in an easterly direction down to a brook which generally defines the boundary of the modern housing development that has taken place off Eardisley Road.
- 1.2 Consent is sought to discharge the requirement to provide recreational open space established in the Section 106 Agreement entered into alongside original permission for the development of this site and subsequently for the change of use of this land to private gardens.
- 1.3 The applications have been accompanied by a statement of case justifying the reasons for seeking the change of use.

2. Policies

Leominster District Local Plan (Herefordshire)

Policy A54	Protection of Residential Amenity
Policy A63	Retention of Open Space
Policy A64	Open Spaces Standards for New Residential Development
Policy A65	Compliance with Open Space Standards

3. Planning History

- 88/767 - Erection of 12 Dwellings - Approved.
- 94/0558 - Renewal of Permission Approved Under Code 88/767 for the Erection of 12 Dwellings - Approved 19 October 1994.
- 96/0826/N - Erection of 3 houses - Approved 27 February 1997.

- 98/0177/N - Erection of 2 houses with optional garages - Approved 1 May 1998.
- NW99/1732/F - Erection of 8 no. Semi-Detached Dwellings (plots 12-19) - Approved 2 November 1999.
- NW01/1094/F - Change of Use of Childrens Play Area to Domestic Garden - Refused 27 June 2001.

4. Consultation Summary

- 4.1 No statutory or non-statutory consultations required.

5. Representations

- 5.1 The applicant has submitted the following statement to justify the proposal :

'As you are aware since the previous refusal for this land (NW2001/1094/F) we have explored the possibility of having the Play Area adopted by the Local Authority, although they have since indicated that they are not prepared to take on this land.

If the Play Area were to remain in the private domain it would be necessary to take out an annual insurance for public liability. Unfortunately it has been found that an annual premium in the order of £5,000 would be payable and I feel that this is an unreasonable burden on the householders of Black Barn Close. The householders have also indicated that they do not want a Play Area adjacent to the stream which could prove dangerous to children and its concealed position gives limited views from the houses which could attract undesirable behaviour.'

- 5.2 Kington Town Council state :

'We believe that a similar application came before the Town Council a few years ago and Kington Town Council was opposed to that application. In the original application for the development of this estate, there was a requirement for a play area for children. It is unfortunate that the developer chose to put the play area in an unsuitable place, and to develop a property with insufficient garden. Kington Town Council object strongly to this application - an area set aside for children's play is intended to keep children from playing in the street, and should not be reallocated for a residential garden. If planning permission is granted, does the developer propose to put in place another area designated solely for children's play space. Kington Town Council would welcome such a gesture.'

- 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 fundamental issue at stake in respect of this application is to assess whether there are specific circumstances in this particular case that warrant the removal of the children's play space from the Black Barn Close housing development.
- 6.2 A strict interpretation of Policies A63, A64 and A65 would render this application unacceptable and accordingly it would be recommended for refusal as was the case with the recent application referred to in Kington Town Councils comments (NW01/1094/F refers).

- 6.3 However, in this case there are a number of factors which require Members consideration. In the first instance the recently refused application was accompanied by a signed petition of 14 residents of Black Barn Close (No.'s 1,3,4,5,7,9,11,17,19 and 21) supporting the change of use of the play area to domestic garden. The concerns raised were that the play area is not readily visible from the vast majority of houses in the cul-de-sac and is alongside a stream and concerns regarding its secluded location and the potential for anti-social behaviour. It is stated that the combination of these factors resulted in the conclusion that the signatories would not allow their children to play unsupervised in the designated area and as a result it would not be sufficiently used to enable regular maintenance to be worthwhile.
- 6.4 Since the previous refusal, approaches to the Council's Leisure Development, Parks and Countryside service regarding the adoption of the play area by Herefordshire Council have indicated that it would not be of a sufficient standard to warrant this. Furthermore, to maintain it privately would entail an annual insurance premium of £5,000 to cover public liability.
- 6.5 In view of the above it is considered in this particular instance that the poor location of the remaining play area and the position adopted by a significant proportion of local residents is such that relaxation of the normal policy is warranted.
- 6.6 With regard to the comments of the Town Council the applicant has agreed to the principle of a payment in lieu of the non-provision of playspace which would be used for improvement/maintenance of existing recreational facilities in Kington. The amount had not been finalised at the time of writing and will be reported to Members verbally.

RECOMMENDATION

DCNW2003/2576/G

- 1 - **That subject to the receipt of a payment in lieu of off-site improvements/maintenance of recreational facilities, the Section 106 Agreement relating to the provision and maintenance of children's recreational play area be revoked and upon receipt of the payment that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the recommendation set out below.**

DCNW2003/1916/F

That planning permission be granted subject to the following conditions :

- 1 - **A01 (Time limit for commencement (full permission))
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**
- 2 - **G01 (Details of boundary treatments)
Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.

**7 DCNW2003/2267/F & DCNW2003/2268/C –
& DEMOLISH EXISTING BUILDING, ERECTION OF NEW 2
8 STOREY DWELLING AT THE BARN, EAST STREET,
PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE**

**For: Mr J.A. Price per Mr D Walters, 27 Elizabeth Road,
Kington, Herefordshire HR5 3DB**

Date Received:
25th July 2003

Expiry Date:
19th September 2003

Ward:
Pembridge &
Lyonshall with Titley

Grid Ref:
39179, 58234

Local Member: Councillor R Phillips

1. Site Description and Proposal

- 1.1 The application site comprises a roughly rectangular 0.3 hectare plot set back behind 4 listed properties known as The Old Post Office, Old Post Office Cottage, Nurses Cottage and Rowena Cottage which front directly onto East Street (A44). It is accessed via a narrow unmade track between Old Post Office Cottage and Nurses Cottage.
- 1.2 It is characterised by an existing timber clad and brick built barn under a corrugated roof which has a floor area of approximately 67 square metres and a maximum height to the ridge of some 4.8 metres. In addition there is an area of hardstanding in the south west corner of the site adjacent to the rear garden of The Old Post Office and Old Post Office Cottage. Otherwise the site is undeveloped with mature planted boundaries to the east and north and a closeboarded fence to the west. The northern boundary is shared with the recreation ground and the western boundary with the public car park.
- 1.3 The site is located within the settlement boundary of Pembridge and is wholly within the Conservation Area. It is also within an Area of Important Open Space.
- 1.4 Planning Permission and Conservation Area Consent are sought for the demolition of the existing barn and the construction of a 2 bedroom dwelling. The two storey proposal would be designed to reflect the appearance of the existing barn and would be weatherboarded on a stone plinth with a slate roof. The floor area of the proposed dwelling would be some 71 square metres with a maximum height to the ridge of 6.5 metres. It incorporates a catslide element accommodating the ground floor kitchen, utility and bathroom and it would be positioned some 2 metres from the boundary with Nurses Cottage and Rowena Cottage.
- 1.5 Access would be derived from the existing driveway which would serve a dedicated 6 space parking area intended to be shared with the residents of The Old Post Office and Old Post Office Cottage.

2. Policies

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 (c) Settlement Hierarchy
- Policy A10 Trees and Woodlands
- Policy A18 Listed Buildings and their Setting
- Policy A19 Other Buildings Worthy of Retention
- Policy A21 Development within Conservation Areas
- Policy A22 Ancient Monuments and Archaeological Sites
- 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

Herefordshire Unitary Development Plan (Deposit Draft)

- Policy DR1 Design
- Policy DR2 Land Use & Activity
- Policy DR4 Environment
- Policy H4 Main Villages : Settlement Boundaries
- Policy H13 Sustainable Residential Design
- Policy H14 Re-Using Previously Developed Land and Buildings
- Policy LA3 Setting of Settlements
- Policy LA5 Protection of Trees, Woodlands and Hedgerows
- Policy HBA 4 Setting of Listed Buildings
- Policy HBA 6 New Development Within Conservation Areas
- Policy HBA 7 Demolition of Unlisted Buildings within Conservation Areas
- Policy ARCH 1 Archaeological Assessments and Field Evaluations
- Policy ARCH 5 Sites of Regional or Local Importance
- Policy ARCH 6 Recording of Archaeological Remains

3. Planning History

19448 - Formation of an alternative access - (1-7 East Street) - Approved 14 June 1965.

23002 - Construction of vehicular pull in - Refused 27 February 1967.

24211 - Erection of a dwelling with pedestrian access - Refused 11 August 1967.

25866 - Erection of bungalow with vehicular access - Refused 19 September 1968.

27208 - Erection of bungalow with vehicular access - Refused 6 May 1969.

N98/0370/N - Change of use from Old Post Office House to business use - Approved 5 January 1999.

NW01/1359/F - Change of use of business premises to residential use - Approved 3 August 2001.

NW03/0281/F - Demolish existing building and erection of 2 storey dwelling - Withdrawn 11 March 2003.

NW03/0282/C - Demolish existing building and erection of 2 storey dwelling - Withdrawn 11 March 2003.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water - raise no objections subject to conditions relating to the discharge of foul and surface water from the site.

Internal Consultation Advice

- 4.2 Head of Engineering and Transportation raises no objection subject to the provision of satisfactory parking and turning space.
- 4.3 Chief Conservation Officer raises no objection to the proposed demolition of the existing barn and its replacement with a dwelling in terms of its impact on the character and appearance of the Conservation Area subject to conditions controlling the use of external materials. A condition requiring an archaeological evaluation is also requested having regard to the potential for significant below ground archaeological deposits at this site within the medieval core of Pembridge.
- 4.4 Responses by internal consultees that raise material planning issues are summarised and considered in the Officers Appraisal.

5. Representations

- 5.1 The applicant has submitted an accompanying statement which can be summarised as follows :

- barn and hedged driveway has existed on site for in excess of 150 years
- the existing driveway used on a daily basis by The Old Post Office and Old Post Office Cottage and barn tenants. Parking for eight vehicles exists at the rear of these properties
- barn historically used as a wireless workshop
- arched access used by cars (with trailers), 4 wheel drive vehicles and vans
- pavement plus mirror ensures good visibility in both directions
- design of new dwelling reflects advice provided by Council Officers
- majority of vehicular accesses in Pembridge are not good

- 5.2 Pembridge Parish Council - see attached appendix.

- 5.3 A total of 6 letters of objection have been received from the following persons:

- C Tetley, 5 Bradda View, Balla Killowey, Colby, Isle of Man
- Mr & Mrs Palmer, Nurses Cottage, East Street, Pembridge
- Stella James, Firethorns, 3 East Street, Pembridge
- Mr & Mrs Lewis, Pilgrims Cottage, 4 East Street, Pembridge
- Mr & Mrs Malone, Owners of Rowena Cottage, 2 East Street, Pembridge
- Mrs Whiting, The Old Forge, East Street, Pembridge

5.4 The concerns raised can be summarised as follows :

- access to the site is totally inadequate and dangerous to other road users
- pressure for access via Rosemary Cottage
- poor visibility
- access not suitable for emerging vehicles
- condition attached to a 1965 planning permission required pursuant closure of the existing driveway
- loss of privacy
- proposed building larger than the existing barn and too close to the boundary with adjacent property
- development will affect this area which is designated as an Important Open Area/Green Space
- structural damage likely to occur to our property as a result of cars passing close by
- dangerous precedent for more inappropriate development in the village
- detrimental impact of modern development on existing historic properties
- existing barn should be retained and renovated
- foul drainage in the village at capacity
- unacceptable backland development

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 redeveloping the site for residential purposes and its impact upon the character and appearance of the Pembridge Conservation Area/Area of Important Open Space.
- b) the acceptability of the existing access to the site.
- c) the impact upon the amenities of neighbouring residents and
- d) drainage

Principle/Impact on the Conservation Area and an Important Open Area

6.2 Policy A2 (c) of the Leominster District Local Plan (Herefordshire) establishes that small scale development will be permitted within the defined settlement boundary of Pembridge. In this instance the settlement boundary is defined by the northern edge of the application site and accordingly it is considered that the principle of a modest size dwelling is generally acceptable.

6.3 In addition to the above the site also lies within the Conservation Area and more specifically an Important Open Area, which seeks to preserve the openness of the land to the rear of the gardens of the properties which front onto East Street. In this case the presence of the existing barn is a material planning consideration and the approach adopted by the applicant is to utilise the existing footprint of the barn. It is acknowledged that the proposed dwelling is very slightly larger in floor area (71 m² compared to the existing 68 m²) but the proposed dwelling in its own right would not cause any significant harm to the openness of the site. A condition removing

permitted development rights to extend and construct outbuildings is proposed in recognition of the restrictive designation and this in conjunction with the modest size of the dwelling proposed would be sufficient to satisfy the requirements of Policy A25.

- 6.4 It is not considered that the existing barn is of any particular architectural significance and as such its demolition is not objected to in principle. The proposed dwelling has been designed to reflect its scale and simple agricultural character incorporating weatherboarding on a stone plinth and natural slate on the roof. Accordingly it is considered that the proposed demolition and redevelopment proposal would accord with the requirements of Policies A19, A21 and A24 of the Leominster District Local Plan (Herefordshire).
- 6.5 The application site lies beyond the clearly defined fenced and walled curtilage of the listed properties fronting onto East Street to the immediate south and it is maintained that the proposed dwelling would not be of a scale or design that would visually dominate them. Whilst the concerns raised regarding integrating modern development within this historic environment are acknowledged it is not considered that this proposal would adversely affect the setting of the adjacent listed buildings and would therefore accord with Policy A18 of the Local Plan.

Access

- 6.6 It is clear from the concerns raised by the Parish Council and local residents/property owners that the existing access arrangements are considered unacceptable and a threat to highway safety. The poor standard of the access is recognised but again, there are material considerations which must be given due weight in reaching a recommendation on this proposal.
- 6.7 In this case the Head of Engineering and Transportation has raised no objection on the basis that the existing access already appears to have a lawful use in connection with the parking of vehicles associated with The Old Post Office and Old Post Office Cottage. It follows therefore that whilst the visibility at the junction with the A44 and the difficulties referred to in negotiating the turn into and out of the site from the public highway are below standard, this is an existing arrangement over which the Local Planning Authority has no specific control. The recommendation here is based upon the view that additional traffic movements associated with a small two bedroom dwelling would not lead to such an intensification in use that a refusal on highway safety grounds would be justified.
- 6.8 Reference has been made to an on-going breach of Condition 3 of Application Reference 19448 granted in 1965 and relating to the formation of a new alternative access to serve 1-7 East Street. The condition required the permanent closure of the driveway upon the first change of tenancy of No. 1 East Street according to information supplied which ended in approximately 1981.
- 6.9 Accordingly and most importantly in your officers view, it is clear that the access was not permanently closed by means of any physical works and as such it could with relative ease be demonstrated that there has been a breach of Condition 3 of Application Reference 19448 spanning a period in excess of 10 years making it immune from enforcement action.
- 6.10 Furthermore the application only related to No.'s 1-7 East Street and not the Old Post Office and Old Post Office Cottage which retain a right of way, making the successful enforcement of the access closure very unlikely.

- 6.11 Otherwise the driveway and proposed parking area are sufficient to satisfy the requirements of an additional dwelling.

Neighbouring Amenities

- 6.12 The scale and orientation of the proposed dwelling have been discussed at some length and as proposed it is not considered that it would have an unacceptable impact on the occupiers of the adjacent property.
- 6.13 The ground floor, kitchen and utility would be accommodated within a single storey lean to section which at its closest would be 2 metres away from the common boundary with Nurses Cottage. The maximum height of the dwelling would be 6.5 metres (some 1.7 metres higher than the existing barn) but the ridge would be approximately 5.8 metres further away from the boundary than the existing barn.
- 6.14 With the exception of ground floor windows, the only opening facing the existing dwellings in the locality would be a rooflight over the stairway.
- 6.15 Further to this it is not considered that the additional comings and goings of vehicles/pedestrians associated with the proposed dwelling would adversely affect the amenities of local residents.
- 6.16 In view of the above it is maintained that the new dwelling would not result in any unacceptable noise and disturbance, loss of privacy, daylight or sunlight and would therefore accord with Policy A54 of the Leominster District Local Plan (Herefordshire).

Drainage

- 6.17 The original submission was objected to be Welsh Water on the basis that it would overload the existing public sewerage system. Following these concerns the applicant has provided further detailed information which has enabled the withdrawal of the objection. The key requirement will be the disconnection of the existing surface water connection to the public sewerage system from the Old Post Office and the provision of private soakaways. Since the applicant owns the property a condition to this effect can be attached together with others that have been requested by Welsh Water.
- 6.18 Subject to the above concerns regarding drainage have been satisfactorily overcome.

RECOMMENDATION

DCNW2003/2267/F

That planning permission be granted subject to the following conditions :

- 1 - A01 (Time limit for commencement (full permission))
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**
- 2 - A06 (Development in accordance with approved plans) (Site plan elevations and floor plans received on 25 July 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, eaves, verges and barge boards)
Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.
- 5 - C05 (Details of external joinery finishes)
Reason: To safeguard 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 safeguard the open character of the site in recognition of its designation as an Area of Important Open Space.
- 8 - E 17 (No windows in side elevation of extension)(South)
Reason: In order to protect the residential amenity of adjacent properties.
- 9 - Prior to the first occupation of the dwelling hereby approved the existing surface water connection from The Old Post Office to the public sewerage system shall be removed and an alternative private soakaway system shall be installed in accordance with the details to be approved in writing by the local planning authority and thereafter retained.

Reason: To prevent hydraulic overload of the public sewerage system and the pollution of the environment when the foul connection from the approved dwelling is made.
- 10 - Foul water and surface water discharges shall be drained separately from the site and no surface water or land drainage run-off (either directly or indirectly) shall be allowed to connect to the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and the pollution of the environment when the foul connection from the approved dwelling is made.
- 11 - G09 (Retention of trees/hedgerows)
Reason: To safeguard the amenity of the area.
- 12 - 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 applicant :

- 1 - ND03 - Contact Address

DCNW2003/2268/C

That Conservation Area Consent 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 - C14 (Signing of contract before demolition)**
Reason: Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

PEMBRIDGE PARISH COUNCIL

29.8.2003

COMMENTS ON PLANNING APPLICATION NO. DCNW2003/2267/F & DCNW2003/2268/C

THE BARN, EAST STREET, PEMBRIDGE DEMOLISH EXISTING BUILDING, ERECTION OF NEW 2 STOREY DWELLING

Pembridge parish council has considered this application carefully and wishes to make the following comments:

1. This application for building in a Conservation Area is also in a back development area which it is considered goes against Local Plans, and therefore should not be built upon. The site has never had a residential use.
2. Many concerns have been raised about the poor access to the site, through a very narrow tunnel (2.1 metres wide x 2.2 metres high) off the main A44 through road, exiting of which would be extremely hazardous because of the lack of visibility as there are no splays.
3. To add to the lack of visibility from the site's access, apart from there being no splays, is the fact that the pavement to be crossed when exiting the site is only 1.4 metres wide, which exacerbates the lack of visibility/safety, and means that exiting vehicles would have to cross the pavement prior to checking visibility in the road and manoeuvring out.
4. In addition, entry to the site from a westerly direction would mean that those vehicles do have to swing wide across the central white lines of the road in order to gain entry at the correct angle to the very narrow accessway, which again would be a highway hazard, particularly for other vehicles travelling in the opposite direction.
5. Because the pavement which crosses the accessway is in constant use, we feel that pedestrian safety would be jeopardised.
6. We understand from local objectors who are the owners of a nearby property that their Deeds state that after proposed development in 1965, that "The existing driveway shall be permanently closed upon the first change of tenancy of No.1 East Street Cottages." (copy attached)

The parish council is against this proposed development because of these reasons and it considers that highway safety must be given an extremely high priority, together with the aspect of it being a proposed residential back fill which is outside the development line in a Conservation area.



Heather Harding (Mrs) - Clerk to Pembridge Parish Council

HEREFORDSHIRE COUNCIL
PLANNING SERVICES
DEVELOPMENT CONTROL

- 1 SEP 2003

9 DCNW2003/2785/O - SITE FOR BUNGALOW WITH A SEMI BASEMENT AREA DEDICATED TO THE MANAGEMENT OF THE OLD AND NEW WOODLAND AND AMENITY PONDS AREAS AT OAKLANDS, EARDISLEY, HEREFORDSHIRE, HR3 6PR

For: Mr J.W. Mokler per Arkwright Owens, Berrington House, 2 St Nicholas Street, Hereford HR4 0BQ

Date Received:
12th September 2003

Expiry Date:
7th November 2003

Ward:
Castle

Grid Ref:
31694, 50192

Local Member: Councillor J Hope

1. Site Description and Proposal

- 1.1 The application site comprises a rectangular 0.6 hectare plot located on the north side of Almeley Road approximately 1.5km to the east of Eardisley.
- 1.2 The site is in open countryside and located between two existing properties known as Oakland and Gipsy Hill.
- 1.3 Outline planning permission is sought for a permanent dwelling to provide accommodation for a woodland and pool manager. This would be associated with the 9 hectare woodland area to the north of the application site which has been restored and maintained by the applicant and incorporates two ponds and is made generally available to visitors and school children both for general enjoyment and educational purposes.
- 1.4 External appearance, siting, means of access, design and landscaping would be reserved matters and as such this application seeks a view on the principle of establishing at this site only.

2. Policies

Central Government

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

Hereford & Worcester County Structure Plan

Policy H16 A Housing in Rural Areas
 Policy H20 Housing in Rural Areas Outside the Green Belt
 Policy CTC 9 Development Requirements
 Policy CTC 11 Trees and Woodlands
 Policy A4 Agricultural Dwellings

Leominster District Local Plan (Herefordshire)

Policy A1	Managing The District's Assets And Resources
Policy A2 (D)	Settlement Hierarchy
Policy A9	Safeguarding The Rural Landscape
Policy A38	Rural Tourism And Recreational Activities
Policy A43	Agricultural or Forestry Dwellings

Herefordshire Unitary Development Plan (Deposit Draft)

Policy H7	Housing in the Countryside Outside Settlements
Policy H8	Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses
Policy LA2	Landscape Character and Areas Least Resilient to Change
Policy LA5	Protection of Trees, Woodlands and Hedgerows
Policy RST1	Criteria for recreation, sport and tourism development

3. Planning History

3.1 None relevant.

4. Consultation SummaryStatutory Consultees

4.1 N/A

Internal Consultees

4.2 Head of Engineering and Transportation raises no objection.

4.3 Chief Conservation Officer objects since the proposal would visually extend built development into the countryside.

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

5. Representations

5.1 Eardisley Parish Council raise no objection.

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 key issue for consideration in respect of this application is whether an exceptional need can be demonstrated that would justify a new permanent dwelling in the open countryside.

6.2 Policy A2 (D) of the Leominster District Local Plan (Herefordshire) establishes a strong presumption against residential development unless there are exceptional circumstances to justify otherwise. In this case the need is based upon the management of the existing woodland and pool area, which amounts to approximately 9 hectares to the north of the site and the applicants property (Oaklands). Part of the case also relates to the role of the site in providing opportunities for recreation and

education in view of the tranquillity and wildlife interest associated with the site. It should be noted that no planning permission exists for this use, which at present represents a very low key activity made available by the applicant.

- 6.3 The proposed dwelling has been considered in relation to the advice set out in Annex I of PPG 7. The criteria against which a new permanent dwelling may be justified include a requirement to demonstrate an established functional need for a full time worker; that the associated enterprise is financially viable and that the need cannot be fulfilled by another dwelling in the locality.
- 6.4 It is acknowledged that this proposal does not relate to a commercial agricultural/forestry enterprise but is more readily described as a rural enterprise. However the basis for demonstrating need remains similar. In this case whilst the pool restoration work undertaken and the efforts made by the applicant to maintain the woodland area and making it publicly accessible are recognised there is no justification for an additional dwelling to manage the woodland area and no financial information demonstrating that the dwelling would support a profitable rural enterprise has been submitted. Furthermore, policies relating to tourism and recreation would not support the establishment of a permanent dwelling unless it were associated with the conversion of an existing building.
- 6.5 Accordingly there are no material considerations that would warrant a departure from the normal policy constraints relating to new residential development in the open countryside.
- 6.6 The site occupies a prominent and elevated position which is visible from the Almeley Road and whilst there are two existing dwellings to the immediate west and east, further development in the absence of any exceptional circumstances would be detrimental to the character and appearance of the site and surrounding countryside.

RECOMMENDATION

That planning permission be refused for the following reasons :

- 1. **It is not considered that an essential need for the proposed dwelling has been established and as such the proposal is contrary to Policy H20 of the Hereford & Worcester County Structure Plan, Policies A2(D) and A43 of the Leominster District Local Plan (Herefordshire) and the guiding principles set out in Annex I of PPG 7.**
- 2. **The proposed dwelling in terms of its siting and elevated position would appear isolated in the landscape and out of keeping with its open character and appearance. It would therefore be contrary to Policy A9 of the Leominster District Local Plan (Herefordshire).**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**10 DCNW2003/2545/F - TWO STOREY EXTENSION AT
8 CHAPEL ORCHARD, WEOBLEY, HEREFORDSHIRE,
HR4 8SP****For: Miss E Bound at same address****Date Received:
19th August 2003****Expiry Date:
14th October 2003****Ward:
Golden Cross
with Weobley****Grid Ref:
40509, 51307**

Local Member: Councillor J Goodwin

1. Site Description and Proposal

- 1.1 This application relates to a 2-storey detached dwelling in the Chapel Orchard cul-de-sac at Weobley. The cul-de-sac consists of a mix of semi-detached and detached properties probably constructed during the 1970s. The site lies within the Weobley Conservation Area.
- 1.2 The proposal is for the erection of a 2-storey extension on the north side of the property on the boundary with No. 7 Chapel Orchard. The proposal involves the demolition of the existing former garage which is now being used as a study. The extension will provide a study, shower and utility at ground floor with 2 bedrooms and WC at first floor level. Bedroom windows are proposed in the east and west elevations with windows to the WC/shower room in the north elevation.

2. Policies**2.1 Leominster District Local Plan (Herefordshire)**

A56 – Alterations, Extensions and Improvements to Dwellings
A54 – Protection of Residential Amenity
A21 – Development

2.2 Herefordshire Unitary Development Plan (Deposit Draft)

H18 – Alterations and Extensions
HBA6 – New Development within Conservation Areas
HBA7 – Demolition of unlisted buildings within

3. Planning History

- 3.1 None relevant.

4. Consultation SummaryStatutory Consultations

- 4.1 None required.

Internal Consultation Advice

4.2 Head of Engineering and Transport: No objection subject to provision of parking.

4.3 Chief Conservation Officer: No objection.

5. Representations

5.1 Weobley Parish Council: 'Concern felt that extension would impinge on neighbouring property as there is very little room for it.'

5.2 Letter of objection has been received from Pamela Jenkins of 7 Chapel Orchard making the following points:

- a) the proposal will make her feel very closed in
- b) that it will obscure light through the landing window, and to kitchen and sun room and conservatory
- c) lack of parking space available
- d) the site doesn't lend itself to such a large extra building and sets a precedent for the future

5.3 Letter of representation has been received from Pamela McGill of 9 Chapel Orchard. She agrees that the proposal will take light from No 7 and that any parking of cars on the lawned area will cause increased pollution to herself.

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 main considerations in determining the application would appear to be the impact of the proposal upon the neighbour at No. 7 Chapel Orchard and the impact upon the Conservation Area.

6.2 It is not considered that the proposed 2-storey extension, replacing the existing single storey study, would have such an impact on the neighbour's amenity that planning permission could reasonably be withheld. The only windows in the gable end, facing the neighbour, serve WC/shower rooms and a condition will require that they be obscure glazed. Furthermore, the main dwelling at No. 7 is separated by its own garage from the proposal. It is considered that this separation is sufficient to prevent unreasonable levels of overshadowing from the extension.

6.3 In terms of the impact of the proposal on the Conservation Area, it is acknowledged that this is not the most sensitive part of the Conservation Area. Furthermore, the replacement of the single storey flat-roofed element of the dwelling with a 2-storey extension is considered to be an improvement in the visual amenity of the area.

6.4 In terms of the parking there is opportunity to provide existing parking spaces off road adjacent to the existing driveway.

6.5 In terms of precedent for future development, it is noted that Nos. 6 and 7, existing detached dwellings in Chapel Orchard, are already very close to one another. Further similar extensions to the detached dwellings would in terms of character be akin to the semi-detached dwellings existing in Chapel Orchard.

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.

3 - E19 (Obscure glazing to windows) (delete ‘windows marked X’, insert ‘windows in the north elevation’)

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

4 - H10 (Parking - single house) (3 cars)

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

11 DCNE2003/2423/F - CONTINUED USE OF LANDSCAPED MOUNTAIN BOARD CENTRE. RETENTION OF CABIN FOR RECEPTION, SHOP, TOILET BLOCK, HARDSTANDING, CAMP SITE AND CAR PARK AT WOODEND FARM, BROMYARD ROAD, CRADLEY, MALVERN, HEREFORDSHIRE, WR13 5JW

For: Mr I Johnson of above address.

Date Received:
26th August 2003

Expiry Date:
21st October 2003

Ward:
Frome

Grid Ref:
70166, 48695

Local Member: Councillor R Manning

1. Site Description and Proposal

- 1.1 Woodend Farm, Cradley is located on the western side of the B4220 Bromyard to Worcester Road, Ridgeway, Cradley.
- 1.2 Tom's Field in which this proposal is located is set to the north of the farm holding. It abutts the Bromyard Road to the east, Evesbatch Road to the north and open fields to the west and south. Lane Cottage is sited immediately to the north of the field across the Evesbatch Road. The field slopes down from east to west and contains a number of earth mounds and portacabins. A recently sited temporary skateboard ramp is located adjacent to the portacabin.
- 1.3 The proposal, which is retrospective, is to continue using the field as a mountain boarding centre with campsite together with retention of the portable building used as a reception, shop and toilet.
- 1.4 Mountain boarding is a combination of snowboarding and skateboarding. The boards on which the participant rides are similar in size to a snow board however they have wheels attached akin to a skateboard. The sport requires jumps within the runs to enable the 'boarder' to 'free-style' down the course. The only exception is the slalom run where like ski-ing the 'boarder' weaves in and out of poles. The field is laid to grass and the 'runs' are located across, generally running down the slope from east to west. With the exception of the slalom course all of the 'runs' have been made with earthworks creating the jumping platforms that are required for the sport.
- 1.5 Access to the site is off the existing farm entrance and then across an adjoining field. The reception area and car parking are located in the southern most part of the field in a natural hollow.
- 1.6 A previous temporary permission for use of the site as a mountain boarding centre expired on 13 February 2003.

2. Policies

PPG24 – Noise and Planning

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

Hereford and Worcester County Structure Plan

A1 – Development in Agricultural Land

A2 – Diversification

LR1 – Leisure and Recreation Development

LR2 – Leisure and Recreation Development

CTC2 – Areas of Great Landscape Value

CTC9 – Development Requirements

Malvern Hills District Local Plan

Employment Policy 9 – Further Means of Rural Diversification

Landscape Policy 3 – Development in Areas of Great Landscape Value

Landscape Policy 4 – Agricultural Land

Landscape Policy 8 – Landscape Standards

Transport Policy 11 – Traffic Impact

Recreation Policy 3 – Recreation in Other Countryside Areas

Unitary Development Plan

S1 – Sustainable Developments

S2 – Development Requirements

S8 – Recreation, Sport and Tourism

E11 – Employment in the Countryside

E12 – Farm Diversification

RST1 – Criteria for Recreation, Sport and Tourism Development

3. Planning History

3.1 NE2001/0022/F - Change of use and landscaping works to create mountain boarding track, retention of reception shop, toilet block, hardstanding carpark and campsite - Refused 30 October 2001.

3.2 NE2002/0021/F - Change of use and landscaping to create mountain boarding tracks, retention of reception and shop - Temporary Permission 13 February 2002. Expired 13 February 2003.

4. Consultation Summary

Statutory Consultation

4.1 None required.

Internal Council Advice

4.2 Head of Environmental Health and Trading Standards raises concerns regarding the use of the site for organised events but not the day to day operation of the centre.

4.3 Head of Engineering and Transportation recommends conditions.

4.4 Community Youth Services Manager – supports the proposal.

4.5 Chief Conservation Officer raises no objections.

5. Representations

5.1 Cradley Parish Council support this application because of the creation of jobs for local persons and as a recreation amenity. We recommend to County Councillors they carry out a site visit.

5.2 Evesbatch Parish Council have no objection, but feel all conditions must be complied with.

5.3 CPRE comment - in our view this centre provides a valuable recreational facility and does not significantly detract from the landscape value. We therefore ask the Council to approve this application. Having recently attended a mountain board meeting we do however appreciate that noise is a factor. We suggest it should suffice if loud music were banned.

5.4 Ledbury and District Society Trust Ltd comment that they believe that the establishment concerned provides a valuable recreational facility for a wide area and caters for a large clientele. It would appear that objections to its future use concern the noise from the loudspeakers: this seems to us to be an inadequate reason for enforcing its closure. Surely some less drastic resolution to the perceived problem could be achieved. At a time when rural diversification and increased recreational use of the countryside is being encouraged, to close this enterprise would be a retrograde step.

5.5 75 letters of support have been received explaining the virtues/benefit of the centre together with a petition signed by over 600 people.

5.6 Four letters of objection have been received from:

- R Vaughan, Woodend Cottage and Ridgeway Cottage, Cradley. (2 letters)
- Mr & Mrs M R Burden, Lane Cottage, Hook Lane, Acton Beauchamp, Worcs.
- S & P Diplock, Acton Green, Acton Beauchamp, Worcs.

The objectors have submitted extensive letters, one of which is appended, to ensure members have a full appreciation of their concerns. However, their main concerns are the adverse impact this activity has on their amenity and road safety.

1. The proposal still impacts upon the Human Rights Act 1998 - 'Everyone has the right to his private and family life, his home and correspondence' Protocol No. 1 Every natural or legal person is entitled to the peaceful enjoyment of his possessions.
2. Conditions have been attached previously to the temporary permission that were ignored.
3. The campsite could create security problems.
4. The massive earthworks undertaken are unsightly.
5. The applicant has stated in press reportings that 400 people have attended, this of course will have an impact on the narrow and dangerous B4220.
6. Use of tannoy or amplified music wholly unsuitable for the area and the tranquility of the countryside will be impacted upon.
7. Aspect of land changed from Area of Great Landscape Value to theme park arena.
8. Use of land vehicle to pick up passengers every day without break; too constant, too close and too noisy.

9. Tuesdays (his closed day) is sometimes open, and always has lawnmowers and vibrating rollers traversing the ground thereby causing more disturbance on the only prospective day of peace we have (although we are normally at work).
 10. Any conditions applied carry no interest to the applicant. Contrary to his statement of 'facts' presented, he has continued to flout most of the conditions attached (noise, opening hours, earthworks, advertising); so setting more will not help.
 11. We have no day at home with any peace. Why should every Sunday and most Bank Holidays be shattered by this?
 12. If planning granted who, will enforce any conditions? Huge changes have occurred on the site since the last application passed and all without planning, we cannot be expected to 'watch over the site' and it would be unreasonable to expect environmental health to attend at any given time at short notice.
 13. The history of the site cannot be ignored; this venture has been problematic from the outset. We feel that any conditions now applied would certainly be abused and it would be unreasonable of the Council to allow the site to continue when this clearly has had such a high impact on our daily life.
 14. The granting of a Public Entertainment Licence, is not the solution.
 15. Continual droning on the plywood skateboard ramp, is not in keeping with the area.
 16. The proposal impacts upon an existing holiday letting business in the locality.
- 5.7 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 Mountain boarding is an activity which does not generally generate noise from equipment but does from the participants, spectators and amplified sound which is used when the centre holds a major event such as a National Championship. A temporary permission was previously granted to enable the premises to be monitored. During this trial period problems arose when major events were held with limited/no control over tannoy systems or number of events even though conditions prevented their use.
- 6.2 The main issues to consider are:
1. Landscape impact
 2. Access
 3. Impact on amenity of neighbours

1. Landscape Impact

The site is located on a hillside which has been manicured to create the 'runs'. These works have been assessed by the Chief Conservation Officer who considers that they are not injurious to the landscape. Previous runs have grassed over and when the recently formed 'runs' have been grassed they will also mellow into the landscape. The siting of the portacabin in the hollow and the camps-site behind means that the whole development does not have a detrimental impact upon the landscape.

2. Access

The Head of Engineering and Transportation is satisfied that subject to some improvement to the access that the proposal is acceptable. This will require the removal of the tree in the entrance which has been severely lopped and is not protected. He is also satisfied that the volume of traffic can be accommodated on what is a class II road.

3. Impact on amenity of residents

The Environmental Health and Trading Standards Officer has assessed the proposal and considers that the revised track layout with the most northern run, adjacent to Hook Cottage, now closed, is an improvement and will reduce to some degree any disturbance caused. He does confirm that repeated complaints have been received and the applicant is subject to an abatement notice in respect of a statutory noise nuisance served under the provisions of the Environmental Protection Act 1990 restricting the use of amplified music. However, this nuisance again surrounds the large organised events held by the centre. The day-to-day operation of the centre is not considered to be a nuisance. Accordingly, the Environmental Health and Trading Standards Officer recommends conditions regarding the use of loudspeakers, amplified music, lighting, time constraints and no motorised vehicles. Therefore provided suitable controls can be imposed to control the major events the use of the centre is considered to comply with Planning Policies.

6.3 The use of the land for this activity conforms to the rural diversification policies contained in PPG7 together with the Hereford and Worcester County Structure Plan, Malvern Hills District Local Plan and the Herefordshire Unitary Development Plan. The manicuring of the land to create the 'runs' is not considered to be injurious to the landscape.

6.4 Circular 11/95 makes it clear that trial runs (Para 111) can be used for uses which may be 'potentially detrimental' to existing uses nearby. Experience to date is that the day-to-day operation of the centre is acceptable and that the problems arise when the centre holds a major event. Therefore to control the main events it is considered that the applicant should inform the local planning authority a minimum of 3 months prior to the events taking place with full details of the proposed activity including the position and use of any tannoy system and location of any overflow car parking. Due to complaints that have been received when this type of event is held it is considered that only one event in a 12-month cycle held for no more than 2 days is appropriate. Finally, to ensure that the condition operates effectively it is recommended that a condition be added to any permission making it temporary for 3 years. This would comply with the principle of applying temporary permission as outlined in Cir 11/95. Although this is a second trial period not normally required after a temporary permission has previously been granted it is considered wholly appropriate given that the Local Planning Authority will need to be satisfied that the controlling condition for the major event works effectively.

6.5 Accordingly, taking into account the representation received, the proposal is considered to comply with the development plan subject to adherence to the recommended conditions.

- 6.6 Regarding the Human Rights issues raised it is considered that subject to adherence to the recommended conditions the human rights of the complainant have not been impacted upon by this proposal.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - This permission shall expire on 17 November 2006. Unless further permission is granted in writing by the local planning authority prior to the end of that period, the use hereby approved shall permanently cease.**

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

- 2 - Notwithstanding the submitted plans no amplified sound or music shall be used at anytime in conjunction with the use of the land unless otherwise agreed by the local planning in accordance with condition number 11.**

Reason: In the interests of the amenities of existing residential property in the locality.

- 3 - There shall be no floodlighting of the site at anytime.**

Reason: In the interests of the amenities of existing residential property in the locality.

- 4 - No marquees or tents shall be erected on the land without the express permission of the local planning authority other than on the identified camp site unless otherwise agreed in writing with the local planning authority in accordance with condition number 11.**

Reason: In the interests of the amenities of existing residential property in the locality.

- 5 - Within one month of the date of this permission a traffic route shall be agreed with the local planning authority. Vehicular traffic generated by this use shall be directed to the agreed route which shall be via the Bromyard/Cradley road.**

Reason: In the interests of the amenities of existing residential property in the locality.

- 6 - The use hereby permitted shall not be open to customers between the hours of 8 pm and 9 am daily.**

Reason: In the interests of the amenities of existing residential property in the locality.

- 7- No equipment, earthworks, hoardings or advertisements shall be erected/constructed on the application site without the prior written approval of the local planning authority.

Reason: In the interests of visual amenity and to protect the character and appearance of this open countryside location.

- 8 - No materials including soil shall be imported into the site for use in connection with the development hereby permitted.

Reason: In the interests of visual amenity.

- 9 - This permission only relates to the use of 'mountain boards' on the course hereby approved, no motorised sports equipment, with the exception of the lift truck, shall be used on the course at any time.

Reason: In the interests of local amenity.

- 10 - No new 'runs' shall be formed without the express written consent of the local planning authority details of which shall be submitted for approval in writing of the local planning authority.

Reason: In order to clarify the terms of this permission and to protect the amenity of adjoining residents.

- 11 - Only one National Championship event in a 12 month cycle shall be held on the site. Full details of which shall be submitted for approval in writing of the local planning authority a minimum of 3 months prior to the event taking place. These details shall include the length of the event (maximum of 2 days), position of public address/tannoy system, noise levels, time periods, overflow parking, temporary structures, marquees etc.

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

- 12 - H13 – Access.

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

Decision:

Notes:

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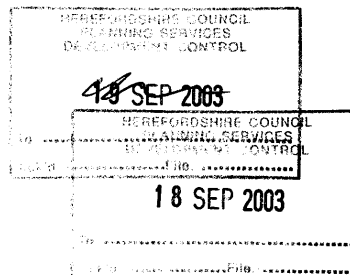
Background Papers

Internal departmental consultation replies.

Mr & Mrs M.R.Burden
Lane Cottage
Hook Lane
Acton Beauchamp, Worcester
WR6 5AH
Home Phone 01886 884431

September 14, 2003

*Moore
ack*



Herefordshire Council
Northern Planning Services
PO Box 230
Blueschool House
Blueschool Street
Hereford
HR1 2ZB

Dear Sirs,

Ack 19/9

Ack 19/9

Re: Application number - DCNE2003/242/F + APPEAL NO: EN03/0026/ZZ
Woodend Farm, Bromyard Road, Cradley, Herefordshire, WR13 5JW

Ack 19/9
REF APP/W1850/C/03/1124832

Regards the above and your written confirmation of proposed continued use of landscaped mountain board centre. Retention of cabin for reception shop, toilet block, hardstanding, camp site and car park, we wish to make the following objections.

We would firstly like to remind the planning and the members of a brief history of events to date;

- 1) Contacted Council to advise a breach in planning & letter received from R Pryce (planning officer) 19th October 2000
- 2) Received notification of planning application 23rd January 2001 - number NE2001/0022/F
- 3) Our original letter of objection submitted 24th January 2001
- 4) Letter sent to K Bishop regarding events of weekend 26th May 2001 - Music & Floodlights until 4am the following morning, this was reported to Bromyard Police who attended and confirmed music levels excessive, requested be turned down which was ignored.
- 5) 1st Enforcement Notice issued - Exact date not known
- 6) The centre continued to run throughout the foot & mouth crisis without provision for feet deeps; contrary to MAFF advice concerning spread of infectious diseases throughout the UK by persons from outside the area, from sources unknown, displaying skany regard for the local farming community as a whole.
- 7) Letter received from Herefordshire Council to confirm the date Northern Area Planning to consider application as being the 4th July 2001, this letter was dated 6th June
- 8) Further letter from Herefordshire Council requesting any further representations, 13th June 2001
- 9) Our response forwarded to Kevin Bishop 17th June
- 10) Letter from Herefordshire Council confirming outstanding issues and application to be presented on 1st August 2001, this letter dated 20th June
- 11) Event held weekend of the 25th August 2001- noise levels witnessed from our home by Environmental Health Officer who, agreed that a severe noise nuisance had occurred - NOTE: WE HAVE THE OFFICIAL VIDEO OF THE UK BOARDING SERIES 2001 "THE FOOT & MOUTH YEAR" THIS SHOWS THE CLOSE PROXIMITY OF THE TRACK TO OUR HOME, SHOULD THE MEMBERS WISH TO VIEW THIS.
- 12) ABATEMENT NOTICE SERVED IN RESPECT OF NOISE NUSIANCE 24TH AUGUST 2001
- 13) Planning application refused on the 24th October 2001 - the reason given "The proposal is considered to be contrary to Employment Policy 9 & Recreation Policy 3 of the Malvern Hill District Local Plan & Policy 2 of the Hereford & Worcester County Structure Plan in that the use causes undue disturbance by reason of noise and general activity to nearby neighbours".
- 14) 2nd Planning Application submitted number NE2002/0021/F confirmation received in letter dated 10th January 2002
- 15) Our letter of objection forwarded 25th January 2002
- 16) The 2nd Application was granted 13th February 2002 with 13 conditions including temporary permission for a 12 month period
- 17) A further Event was held August 2002 with Music & Tannoy this event was moved to a field further away to overcome the

conditions which had been applied by the council members

18) Application number NE2002/0021/F expired 13th February 2003. The centre has been operating since, doing as it pleases!! until a 3rd application was submitted as per the Herefordshire Councils letter to us of the 29th August 2003, so a further 5 months have elapsed without restrictions, this application was only prompted by the issue of a 2nd Enforcement Notice.

19) An Event held the weekend of the 9th & 10th August, with Music & Tannoy. The use of Music & Tannoy was **NOT AGREED** by either Environmental Health or Planning, although alleged by applicant

The front of our home (not the back, as stated by the applicant) overlooks the "Centre". The North Track, nearest to our home has now been taken up but, this was not implemented until Friday 8th August 2003, 18 months from the date given by council to take steps to avoid use. We have been forced many times to move out of our home when noise levels are so excessive that it is impossible to remain (including overnight), and at the request of environmental health remained at home for the weekend of the 9th & 10th August in order for them to monitor the levels of noise and tannoy. It was agreed by Andy Tector from the Environmental Health Department that the noise level generated did constitute a nuisance, and that the environmental department is currently considering legal action because of this as a **NOISE ABATEMENT NOTICE** was served in August 2001, due to persistent noise problems incurred on the land in connection with the applicant's use up for renewal.

It has been generally considered by all that our amenity has been affected by the use of land. We have extensive video and photographic evidence which substantiates our claim that our **QUALITY OF LIFE** has been affected, on one occasion I looked through our bedroom window to see a man urinating in the field, looking directly at us. This together with the continued screams and yells of the participants continue to cause us distress. We have extensive video and camera evidence that counterclaims **ALL** the applicants "facts" in the statement.

We would draw your attention to the boarding erected at the entrance site, is this suitable for area? (again, no planning consent) along with the unauthorised Brown "tourist board" signs directing traffic from the main Bromyard to Worcester Road and the Worcester to Hereford road junctions. We again question the hump at the top of the site nearest the junction of Hook Lane and the B4220 as, when participants are standing on it, traffic may be seen to veer over the road as their eyes are diverted to look at persons apparently standing on the hedge! - this on a notoriously bad bend on a particularly narrow stretch of road.

Much emphasis has been made regards the need for children to "play in the fresh air" surely, our child should be allowed the same privilege, at present, our home is not the peaceful family home we purchased 8 years ago. Being awoken at night during his events, and us all being unable to sleep until the centre decides to shut down for the night (usually around 3am) is not pleasant at all.

Further emphasis has been made to a "specially silenced" vehicle that he uses. This vehicle is rarely used; he has used a dizzying array of vehicles for conveying passengers around, and currently uses a beat-up old tractor, certainly not specially silenced, hardly silenced at all. His "fact" regarding land vehicles is laughable. We have to endure a (tractor at present) driving all day every day around the field rattling a trailer behind, at approximate 5 minute lap times. It stops directly outside our home, chugging merrily, and then chunders off around the field. It is always at the (close) set distance, always stops, sometimes goes fast, sometimes slow. I cannot think of any such sense farming method however hard i try.

Further note that continued snide references to **ONE NEIGHBOUR** is not the basis for allowing the centre to continue in its current position (nor is it accurate). We have always maintained that we have no objection to the centre continuing to operate but **NOT** at our expense. Our quality of life, which continues to be affected cannot be disregarded or ignored. If the centre had gone through the proper channels rather than apply for "**RETROSPECTIVE**" planning, would the course be allowed to operate so close to private housing?, in the manner that it does so? We think not.

The use of Tannoy & Amplified sound is unsuitable and not in keeping with the previously quiet location. The actual need for this is questionable as it does not help the boarders, just causes an unnecessary nuisance.

Furthermore, we remind the council that the location of the centre is in an area of Great Landscape Value, which if, the way the centre without regulation is progressing, will only be a blot on the landscape, as ugly mounds and tracks are appearing ad hoc.

The council members cannot disregard the previous problems and conditions that were both applied (to protect our amenity), and ignored by the applicant (as we all know, and we can prove). We feel that if permission was granted, the same conditions would be applied, however, we are not the councils spies and should not be expected to watch over the centre to ensure that all of the conditions are adhered to. (which they haven't so far)

A statement has been made by Johnathan Barrett (Head of Planning) that temporary conditions were applied to protect us from verified noise and interference which, were not complied with. Do the members really feel that any further conditions will make any difference

when nothing has been complied with so far, regardless of his "facts"

Contrary to "facts" from Mr Johnson, there is a Mountain Board Centre within the Herefordshire Borders, which does not make the centre "Unique". The centre at Tillington (12 miles away) has not experienced problems, perhaps, because private housing is not so close. National events of the sort to which he refers are held with Tannoy and speakers here too. Surely the national members and local participants could travel the 12 miles to this centre for the extra dates of their events, rather than distressing us and Mr & Mrs Diplock whom business suffers directly as a result of his "must have events". There is therefore be no actual need for events to be held here. Rather, they are totally out of keeping with the local area, upset more than "just one neighbour", and cause a local thriving business to suffer financially at his will. Any events held here are undertaken by the applicant whenever he feels, with no regard to planning rules or neighbours and so it continues without recourse for purely monetary gain.

No doubt, there will be 100's of letters in support of the centre however, we must bear in mind that these individuals are children or child-like pleasure seekers from outside the area who have no regard for our welfare or anyone's enjoyment or rights except their own. Fuelled by malicious propoganda, (we have been slandered to locals and strangers alike for events that in fact never happened), and egged on by a ceaseless tirade of lies and deceptions, it would be of little surprise that this would be true. Countless scores of children would deluge the council if they thought that would make you abolish mathematics, but that would not make it right would it? Dispairing parents of unruly children may also be pleased to offload their little ones, but cannot surely be surprised (if they are honest) that we do not like to live with this on our doorstep in the manner to which he wants it to run.

We also note that no mention has been made regarding "Get A Grip". Will this venture run hand in hand with the Mountain Board Centre as it has so far?, likewise the buggy racing and quad bikes that run regularly that have never had permission applied for; and that the parish council is against the use of engines...?

In summary, we object to the continued use of the centre for the following reasons.

We would draw your attention to paragraph three, Council letter dated 2nd September 2003 regarding the appeal that "The Council does not consider that planning permission should not be given because planning conditions could not overcome these objections"

The proposal still impacts upon the Human Rights Act 1998 - 'Everyone has the right to his private & family life, his home and correspondence' Protocol No 1 Every natural or legal person is entitled to the peaceful enjoyment of his possessions.

Conditions have been attached previously to the temporary permission that were ignored

The campsite could create security problems

The massive earthworks undertaken are unsightly

The applicant has stated in press reportings that 400 people have attended, this of course will have an impact on the narrow and dangerous B4220

Use of Tannoy or Amplified music wholly unsuitable for the area & the tranquility of the countryside will be impacted upon

Aspect of Land changed from Great Landscape Value to theme park arena

Use of land vehicle to pick up passengers every day without break; too constant, too close and too noisy

Tuesdays (his closed day) is sometimes open, and always has lawnmowers and vibrating rollers traversing the ground

thereby causing more disturbance on the only prospective day of peace we have (although we are normally at work)

Any conditions applied carry no interest to the applicant. Contrary to his statement of "facts" presented, he has continued to flout most of the conditions attached (noise, opening hours, earthworks, advertising); so setting more will not help.

The applicant displays total contempt for any rights or amenities that we have. Life is for his living only, it seems.

The applicant has proven himself to be totally untrustworthy and arrogant in the dealings with the Council, let alone any of the neighbours.

We have no day at home without any peace. Why should every Sunday and most Bank Holidays be shattered by this?

If Planning granted who, will enforce any conditions? Huge changes have occurred on the site since the last application passed and all without planning, we cannot be expected to "watch over the site" and it would be unreasonable to expect environmental health to attend at any given time at short notice.

The history of the site cannot be ignored; this venture has been problematic from the outset. We feel that any conditions now applied would certainly be abused and it would be unreasonable of the council to allow the site to continue when this clearly has had such a huge impact on our daily life.

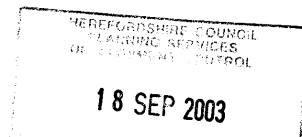
A statement has been made by Jonathan Barrett, Head of Planning that previous planning granted with conditions to protect local residents from noise and interference were not complied with.

The granting of a Public Entertainment Licence, is not the solution.

CONTINUAL DRONING OF THE PLYWOOD SKATEBOARD RAMP, IS NOT IN KEEPING WITH THE AREA.

Yours sincerely,

Howard Burt



12 DCNE2003/2794/F - PROPOSED TWO STOREY EXTENSION AT 2 PRINCE RUPERT ROAD, LEDBURY, HEREFORDSHIRE, HR8 2FA**For: Mr & Mrs Darcy per Mr S Smith, The Laurels, Church Lane, Wellington Heath, Ledbury HR8 1NG****Date Received:**
15th September 2003**Expiry Date:**
10th November 2003**Ward:**
Ledbury**Grid Ref:**
70258, 38187

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

1. Site Description and Proposal

- 1.1 The site is a corner plot bordered to the south by Prince Rupert Road and east by New Mills Way within Ledbury. Currently occupying the site is a detached brick 4 bedroom dwelling with detached double garage set back in the north eastern corner of the garden. The site is largely enclosed to the north, west and south by existing residential properties and to the east is a landscaped buffer zone running alongside New Mills Way.
- 1.2 The applicants propose the construction of a two storey pitched roof extension off the rear (north) elevation of the property. The extension measures 6m in length by 4m in width and is to provide a breakfast room at ground floor and additional bedroom at first floor.

2. Policies**Malvern Hills District Local Plan**
Housing Policy 16 Extensions**Herefordshire Unitary Development Plan (Deposit Draft)**
Policy H18 Alterations and Extensions**3. Planning History**

- 3.1 No history.

4. Consultation SummaryStatutory Consultations

- 4.1 None required

Internal Council Advice

- 4.2 Head of Engineering and Transportation - no objection.

5. Representations

5.1 Ledbury Town Council - Recommend approval.

5.2 Three letters of objection have been received from :

- RJ Potts, 4 Prince Rupert Road, Ledbury
- J Wilkinson, 24 Lady Somerset Drive, Ledbury
- Mr PD Hibberd, 6 Prince Rupert Road, Ledbury

5.3 The main points raised are :

1. The proposal will extend nearer our joint boundary given they occupiers a much greater view for our property and garden.
2. The proposal would spoil the outlook from our property.
3. The proposed bedroom window in the west elevation would directly overlook No.'s 4 and 6 Prince Rupert Road and their private gardens.
4. We are concerned that if planning permission is approved damage will be caused to the shared access road and parking area immediately west of the site for the proposed extension.

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 applicants wish to construct a two-storey extension on the rear of the property to provide a breakfast room at ground floor and 5th bedroom at first floor. The proposed extension in terms of its scale and form remains visually and architecturally subservient to the original dwelling. The recessing of the side wall by around 400 mm inside the wall of the existing dwelling also draws a clear distinction between the original and proposed extension and breaks up the mass of brick work when viewed from a westerly direction. The applicant proposes matching materials, which are brick under a pitched tiled roof and the general design compliments the existing dwelling. The dwelling with the addition of the extension would also remain commensurate with the size of the site in that it would not result in an over-development of the plot.

6.2 Neighbours have expressed concerns regarding the possible loss of privacy through overlooking. It is not considered there would be any greater loss of privacy for properties north of the site than is already the case. Whilst the extension will be some 4m nearer the boundary with the property to the north, there is already the opportunity to overlook these properties and their gardens from the existing windows. With respect to the new side window proposed to serve bedroom 4, this will directly overlook the rear gardens of No. 4 and 6 Prince Rupert Road to the west. In view of this a condition is recommended that this window be glazed with obscure glass and also be non-opening to ensure that privacy is retained for these properties. Other matters such as a loss of view or damage to the private drive are not planning matters for consideration under this application.

6.3 The proposal is acceptable in terms of its scale, design, appearance and impact upon neighbours and therefore meets the criteria set out in 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 - B02 (Matching external materials (extension))

Reason: To ensure the external materials harmonise with the existing building.

4 - E17 (No windows in side elevation of extension) (West)

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

5 - E19 (Obscure glazing to windows) (window at first floor on the west elevation)

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

13 NC2002/3730/F - EXTENSION TO PROVIDE ADDITIONAL CLASS A1 SALES AREA, ANCILLARY WAREHOUSE, STAFF FACILITIES & EXTENSION TO EXISTING COFFEE SHOP AT SAFEWAY STORES PLC, BARONS CROSS ROAD, LEOMINSTER, HR6 8RH

**For: Safeways Stores Plc per DTZ Pieda Consulting
10 Colmore Row Birmingham B3 2QD**

Date Received:
9th December 2002

Ward:
Leominster South

Grid Ref:
48370 58650

Local Members: Councillors J P Thomas and R Burke

Introduction

This application was first reported to Committee on 2 April 2003 when it was deferred. An updated report was considered on 23 July 2003 when it was again deferred. The purpose of deferral was to give time for investigation and verification of statements made by the applicant's agents and the Council's consultant.

Agents for Safeway submitted a revised retail assessment on 2 September 2003. The purpose of the revised assessment was to take account of the parliamentary statement of 10 April 2003 giving guidance on retail development. The Council's consultant provided detailed comments on this revised assessment on 24 September 2003.

The following report has been revised to take account of the applicant's revised retail assessment and the Council's consultant's response.

1. Site Description and Proposal

- 1.1 Safeway is located on the south side of the A44, Baron's Cross Road, on the outskirts of Leominster. The site lies on the edge of the settlement boundary for Leominster.
- 1.2 The store (as built having 2350m² net sales area) with associated petrol station and car parking opened in 1994. In 1997 permission was granted for an extension to provide a creche (107m² in area but now closed) and additional retail floorspace (465m² net sales area) giving a total net sales area of 2815m² plus creche.
- 1.3 The proposed further extension to the store will bring the building closer to the north and eastern boundaries of the site. The design of the extension will be in keeping with the brick and tiled detailing of the existing store. Access is as existing with no additional car parking proposed.

- 1.4 The planning application seeks to extend the store's net sales area (applicant's figures) from 2637m² by 964m² to create a net sales area of 3601m². The application also seeks to extend the existing warehouse area by 841m², the coffee shop by 274m² and staff facilities by 445m².
- 1.5 Internally the store has introduced photo processing and launderette between the café and crèche. The floorspace taken up by these service users has been created by reducing the floorspace of the café or crèche or both.

2. Policies

2.1 Planning Policy Guidance

PPG 6 Town Centres and Retail Development June 1996
Ministerial Statement by Richard Caborn, then Minister of Planning 1999
Ministerial Statement on retail development dated 11 April 2003
PPG 13 Transport (2001)

2.2 Hereford and Worcester County Structure Plan

S3 - Retail development outside town centres
CTC 9 – Development Requirements

2.3 Leominster District Local Plan (Herefordshire)

A1 – Managing the District's Assets and Resources
A33 – Major retail developments
A52 – Primarily Residential Areas
A54 – Protection of residential amenity

2.4 Herefordshire Unitary Development Plan (Deposit Draft)

TCR. 9 – Large scale retail development outside central shopping and commercial areas

3. Planning History

90/0852 – Site for food store and petrol filling station. Outline planning permission approved 22 April 1991.

91/269 – Erection of sales supermarket. Reserved Matters approved 9 July 1991.

97/0953/N – Extension to store to provide new creche and increase in sales area. Approved 10 March 1998.

NC2002/0738/F – Extension to provide additional Class A1 sales area, ancillary warehousing, staff facilities and extension to existing coffee shop. Withdrawn 20 May 2002.

4. Consultation Summary

Internal Council Advice

- 4.1 Head of Engineering and Transport: Has no objection on traffic grounds subject to suitable conditions but does raise concerns about a footpath crossing the site which is affected by existing development.
- 4.2 Chief Forward Planning Officer concludes that the applicant has failed to demonstrate a quantitative need for the store. Therefore, the proposed development is in conflict with those Development Plan policies and Government Guidance relating to issues of need.

5. Representations

- 5.1 Town Council: 'Recommend refusal, as it is felt that further development of this store would seriously impact upon the viability of the town centre.'
- 5.2 The applicant has said:

Justification for the extension is based upon a national programme of extensions to allow for a wider range of goods to be sold. The report states there will be improvements to the layout of the store to improve circulation, with the extended store selling more of the same products primarily to existing customers.

With respect to policy, the report identifies S54A of the Town and Country Planning Act 1990 as the guiding principle requiring the determination of planning applications in accordance with the development plan unless material considerations indicate otherwise. Relevant planning policy guidance (PPG1, PPG6 and PPG13) are referred to as is RPG11 The West Midlands, April 1998.

Leominster District Local Plan (Herefordshire) was adopted in November 1998. Policy A53 concerns major retail development and requires a sequential test be undertaken before retail development outside the town centre can be considered.

The agents consider the applicant's proposal conforms with emerging policies in the Draft Unitary Development Plan by maintaining the existing hierarchy of centres in the county.

In terms of 'quantitative' need, the agents advise the extended store will benefit shoppers by improving shopping conditions and extending the range of goods attractive to opportunity purchase. The report claims that customers have indicated they wish to see a wider range of non-food goods in the store.

Up to 50 jobs could be created by the extended store.

In addition, the agents state the site for the extension is the most appropriate sequentially, there being no other comparable site available. Other issues such as transportation, accessibility and sustainability, are examined and regarded by the report to be issues either adequately dealt with by the existing store or lead to the selected site being the most appropriate.

- 5.3 A letter of objection has been received from Boots Properties plc, Group Headquarters, Nottingham. The main concerns raised are:
- 1) Proposal contrary to advice given in PPG6
 - 2) Consider proposal should be treated as a new retail unit, further to advice given by the then DETR Minister Richard Caborn in February 1999.
 - 3) Need to assess proposal in light of sequential approach
 - 4) Question need for the proposed additional retail floorspace
 - 5) Will result in harm to the vitality and viability of Leominster Town Centre
 - 6) Introduction of non-food ranges will further affect existing town centre retailers
 - 7) Proposal part of company's target Hypermarket concept for expanding stores to over 50,000 sq.ft of retail space.
- 5.4 Leominster Civic Trust: Raised strong objections to the proposal referring to current presumption against such development and potential for damaging existing retail centres. Concerned about increasingly diverse range of goods on sale within the existing store, together with loss of parking provision.
- 5.5 A letter of objection has been received from H G Clewer Ltd, Westfield Walk Pharmacy, Leominster. This refers to existing breaches of planning conditions and the impact of Safeways on trade in the town centre, which is all against government policy.
- 5.6 The full text of these letters can be inspected at Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The main issues for consideration concern justification for further extension to this store including its potential for impact on the vitality and viability of Leominster Town Centre, effect on the living conditions of nearby residents and design and appearance.
- 6.2 The applicants' agents have indicated in their revised retail assessment that it should be read alone and not in conjunction with the previous report.
- 6.3 In terms of retail policy both Leominster District Local Plan (through Policy A33) and the Herefordshire Unitary Development Plan Deposit Draft (through Policy TCR9), reflecting guidance in PPG6 and ministerial statements made by government, require proposals to demonstrate the effect and need for the development in terms of:
- Need (qualitative and quantitative evidence)
 - Vitality and viability of Leominster Town Centre
 - Sequential Test
- 6.4 Response by Council's retail consultant to the applicants' revised retail assessment: Primarily this report examines the 'need' to build an extension to this store. Most importantly, the consultant identifies that the agents have not followed the guidance set out in the latest ministerial statement. No attempt is made to demonstrate how the proposed floorspace would be allocated between convenience and comparison goods, justifying the need for each.

Analysis of the applicants' agents' retail assessment indicates 75% of the new floorspace would likely to be given over to comparison goods. The applicants' agents make various and contradictory statements about the 'split' of goods to be sold from the extension as between convenience and comparison items.

The Council's consultant disagrees on many points as to growth of expenditure on comparison goods and turnover rates. The view emerges that there is no strong argument for the provision of floorspace for the sale of such goods as the range suggested in the retail assessment goes beyond items appropriately sold by what the applicants' agents stress will remain basically a foodstore. The proposal is considered to conflict with the principles of PPG6 in that it is the applicants' intention to divert comparison sales from Hereford, a major centre to a minor centre which itself is an out of centre store.

The applicants in the retail assessment have put forward a suggested condition governing the amount of floorspace to be devoted to comparison goods. The Council's consultant advises that the condition as worded would limit comparison floorspace to 360m², implying that some 600m² of the extension would be used for convenience goods, and that this is more than double the quantitative requirement that can be identified for the whole catchment area.

The Council's consultant concludes by advising that, however, split, an extension of 964m² is not justified for either kind of shopping by the analysis made on behalf of the applicant.

The Chief Forward Planning Officer concurs with the Council's consultant, stating:

'The Council's consultant raises concerns regarding the scope for growth in retail spend for convenience goods, especially as population growth is unlikely to result in a significant change. This evidence is supported by retail studies carried out elsewhere in the County where it is a common factor that there is little or no growth in convenience shopping need. Consequently, any growth would have to be derived from increased spending on comparison goods. However, whilst it is accepted that there may be some growth, it is difficult to ascertain how this can be sustained without pre-empting much of the projected growth in the town centre. The applicant's consultants postulate an increase in comparison spending, which can only be achieved by the town 'clawing back' expenditure from other town centres such as Ludlow and Hereford.'

Other Issues

- 6.5 There are no objections on highway grounds.
- 6.6 The original planning permission (ref. 90/0852 and extension 970953) restricted the retailing to convenience goods. It is, however, apparent that breaches of planning conditions are taking place at the site, including the use of the creche facility for storage, which was restricted to that use only.
- 6.7 An inspection of the site with the Council's Enforcement Officer has established that the store has 28 aisles in total. In addition, it has 26 'areas' of retail sales for comparison goods. These areas include end of aisles, parts of aisles together with a large area in the north-east corner of the store which has been exclusively laid out with comparison goods.

Compliance with existing planning conditions is therefore the subject of a separate on-going investigation by the Council's Enforcement Officer. It does, however, raise serious questions regarding the 'need' for additional retail floor space.

- 6.9 The largest of the extensions will project to the east and bring the store closer to the existing landscape buffer. This boundary is also marked by a high bank, which screens the bulk of the development to neighbouring residential properties.
- 6.10 Whilst the footprint of the building will be closer to dwellings to the east, it is not considered that the level of usage at the site will amount to a material deterioration in the amenities of those living closest to the site. Whilst the extended store will project closer to the properties to the east, the extension will not dominate or lead to any loss of light to these residents. The appearance of the proposed extension in terms of design and materials will reflect that built.

Conclusions

- 6.11 Current policy and the latest advice from Central Government regarding retail development focus attention on maintaining the vibrancy of existing town centres. Proposals which are likely to harm this approach are subject to a number of tests, principally relating to the need for the development and associated range of goods, and the impact of providing that range of goods on the vitality and viability of the existing town centre.
- 6.12 The guidance is explicit that all these tests apply equally to proposals for extensions as well as to new developments.
- 6.11 On the basis of the revised assessments of the proposed development the applicants have not proven need for this further extension. There are sustainable reasons for refusing planning permission. The proposal is contrary to national retail and adopted Local Plan policy and, if approved, would materially undermine the purpose of policy to sustain and enhance the vitality and viability of the town centre.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. The proposal involves the extension of an out-of-centre foodstore primarily for the sale of comparison goods (which at present are not permitted). No justification for the scale of the requested provision has been submitted. The proposal therefore conflicts with Government policy which requires that quantitative provision be demonstrated in the case of out-of-centre stores. The proposal also conflicts with the proper application of the sequential approach in considering where any need that can be shown should appropriately be located. It is therefore accordingly contrary to Policies S3 and CTC9 of the Hereford & Worcester County Structure Plan, Policy A33 of the Leominster District Local Plan (Herefordshire), PPG6 (Town Centres and Retail Development) and ODPM Statement issued on 11 April 2003.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies

14 DCNC2003/1833/F - TWO STEEL FRAMED INDUSTRIAL UNITS WITH OFFICES AND OPEN YARD AT PLOT E, GLENDOWER ROAD, LEOMINSTER, HEREFORDSHIRE

**For: Leominster Crane Hire per Leominster
Construction Southern Avenue Industrial Estate
Leominster Herefordshire HR6 0QF**

Date Received:
17th June 2003

Expiry Date:
12th August 2003

Ward:
Leominster South

Grid Ref:
49922, 58169

Local Members: Councillors R Burke and J P Thomas

1. Site Description and Proposal

- 1.1 The site is on the north side of Glendower Road, which is part of Southern Avenue Industrial Estate, and to the rear of Wills Engineering and Barringtons Printers. Silurian Close adjoins the the site on its northern side.
- 1.2 The proposed building, 24m x 16m, 5.5m to eaves and 7.6m to ridge, is to be located 10metres from the rear boundary of the site. The walls and roof of the building will be an olive green colour. The building is required by Leominster Crane Hire. Car parking for 10 vehicles is proposed to be located at the front of the building with 2 lorry spaces, one either side of the building.

2. Policies

- 2.1 PPG 4: Industrial and commercial developments and small firms
PPG 24: Planning and Noise

2.2 Leominster District Local Plan (Herefordshire)

A24 – Scale and Character of Development
AA28 – Development Control Criteria for Employment Sites
A54 – Protection of Residential Amenity

2.3 Herefordshire Unitary Development Plan (Deposit Draft)

E8 – Design standards for employment sites

3. Planning History

- 3.1 None on this site.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No objection, but recommends conditions.
- 4.2 Hyder: No objection, but recommends conditions.

Internal Consultation Advice

- 4.3 Head of Engineering and Transportation – No objection subject to conditions.
- 4.4 Head of Environmental Health and Trading Standards – No objection subject to conditions.

5. Representations

- 5.1 Leominster Town Council: 'Recommend approval, in principle, but would recommend that the building be sited further away from the nearby houses. It is felt that residents may be affected by noise and loss of light and, it is suggested, the siting may set a precedent for future development along this building line, exacerbating potential problems for nearby residents.'

- 5.2 Letters of objection have been received from:

Mr J and B Terry-Short, 29 Silurian Close, Leominster
J A and J M Granger, 27 Silurian Close, Leominster
Mr C E and Mrs S Raw, 20 Silurian Close, Leominster
Gina White, 19 Silurian Close, Leominster

- a) Understood site is restricted to light industrial use only.
- b) Potential noise nuisance will impact on the residential amenity.
- c) The building is too close to the bungalows in Silurian Close.
- d) Wills Engineering is very noisy and this building will make it worse.

- 5.3 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 shown as industrial land on Inset Map No. 1 Leominster in the Leominster District Local Plan, thereby establishing the principle of industrial development. The determining factor in this application is the impact the proposal will have on the residential amenity to the residents of Silurian Close.
- 6.2 It is proposed to locate the building some 10metres from the rear boundary of the site. This distance is consistent with other industrial developments elsewhere on Southern Avenue, and notably with the planning permission granted under NC2000/3038/F for Lambourne's to erect a building on the adjoining site.

- 6.3 Given that the building will be similarly located, residential amenity can be further protected by imposition of conditions restricting working hours, sound attenuation and the movement of vehicles within the application site. The Environmental Health Officer has held extensive talks with the applicants in respect of these conditions and subject to conditions in the recommendation, it is considered that the amenity of the neighbours will be protected.

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) (13 October 2003)**

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

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

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

- 4 - Prior to the building being brought into use the applicant shall submit to the Local Planning Authority details of a 2 metre high fence to be erected along the northern boundary of the site.**

Reason: To protect residential amenity.

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

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

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

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

- 7 - Crane movements shall take place only between 7am and 10pm on Mondays to Saturday, not including Bank Holidays.**

Reason: In order to protect residential amenity.

- 8 - The level of noise emitted from the site during normal operations shall not exceed 48 DbLaeq (1 hour) between 7am and 10pm Mondays to Saturdays, and 45 DbLaeq (5 minutes) at all other times as measured on the northern side of the boundary.**

Reason: In order to protect residential amenity.

- 9 - There shall be no working outside the building except between 7am and 10pm Mondays to Saturdays not including Sundays or Bank Holidays.

Reason: In order to protect residential amenity.

- 10 - Foul water and surface water discharges must be drained separately from the site.

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

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

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

- 12 - 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.

- 13 - No developments approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been approved 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 commencement of any development.

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

- 14 - No development approved by this permission shall be commenced until a scheme for the provision and implementation of the 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 the details approved by the Local Planning Authority prior to the construction of any impermeable surfaces draining to the system.

Reason: To prevent increased risk of flooding.

- 15 - H13 (Access, turning area and parking)

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

Decision:

Notes:

Background Papers

Internal departmental consultation replies.

15 DCNC2003/2842/F - DEMOLITION OF BUNGALOW AND ERECTION OF A 14-BED RESIDENTIAL UNIT AT ROWDEN HOUSE SCHOOL AND WINSLOW COURT, ROWDEN, WINSLOW, BROMYARD, HR7 4LS**For: Rowden House School per Jamieson Associates
30 Eign Gate Hereford HR4 OAB****Date Received:**
18th September 2003**Expiry Date:**
13th November 2003**Ward:**
Bromyard**Grid Ref:**
63505, 56568

Local Member: Councillors P Dauncey and B Hunt

1. Site Description and Proposal

- 1.1 Rowden House School is located on the south side of the C1062. It is a school for children with severe learning difficulties. St John's Coppice screens the school from the C1062. Nos. 1 and 2 Rowden Lodge are adjacent to the school entrance.
- 1.2 The site is located in open countryside designated as being of Great Landscape Value.
- 1.3 The application proposes to replace a Woolaway type bungalow, which is located in a clearing on the edge of the school grounds and to the north of the main school building, with a single storey 14-bedroom residential unit. The building will be timber clad with a clay tiled roof.

2. Policies

- 2.1 PPG1 – General Policy and Principles

2.2 Malvern Hills District Local Plan

Landscape Policy 1 – Development outside settlement boundaries
Landscape Policy 3 – Development in Areas of Great Landscape Value

2.3 Herefordshire Unitary Development Plan (Deposit Draft)

DR1 – Design
DR4 – Environment
LA2 – Landscape character and areas least resilient to change

2.4 Hereford and Worcester County Structure Plan

CTC2 – Development in Areas of Great Landscape Value
CTC9 – Development Criteria

3. Planning History

MH94/0410 - Single storey house units and staff accommodation. Approved 7 June 1994.

MH94/0672 - Portacabin. Approved 12 July 1994.

MH96/0149 - Extension, alterations and attic conversion to provide classroom accommodation. Approved 11 March 1996.

MH97/0415 - New 14-bed residential units. Approved 11 November 1997.

MH97/1149 - Single storey extension to form extra bedrooms. Approved 9 October 1997.

MH98/0890/N - 14-bed residential unit. Approved 20 April 1999.

NC2001/2708/F - Alterations to existing teaching block and construction of play barn. Approved 22 November 2001.

4. Consultation Summary

4.1 No statutory or non-statutory consultations required.

5. Representations

5.1 Bromyard and Winslow Town Council: No reply received at time of report.

5.2 The applicant has said:

a) Rowden House School and Winslow Court is a school for children and young adults with severe learning difficulties. It is situated on a 26 acre campus at Rowden on the outskirts of Bromyard.

b) The school has recently been taken over by new owners who wish to erect a further new 14-bed residential unit.

c) The proposed site consists of an existing clearing in woodland located to the north and west of the main house.

d) The clearing at present contains a redundant Woolaway prefabricated bungalow which was previously used as overspill staff accommodation. It is intended that this building will be demolished.

e) The proposed building will be a replica of two previously built 14-bed units located to the north-east of the main house.

f) These two buildings have proved to be highly successful both organisationally and visually and have nestled well into the landscape. This proposal is therefore to repeat the formula as they are virtually identical plan, form, section and elevations.

g) It will therefore have identical materials, namely, cedarboard into the external elevations with facing brick to the internal courtyards. Roof tiles will be clay and windows and doors will be timber stain finished.

- h) The building will be set in an existing fenced area at present occupied by the bungalow. It will be set back in a site hard against the northern boundary to enable a mature oak, located in the south-west corner of the site, to remain undisturbed.
- i) Its proposed location will involve the felling of one or two young saplings and no special specimen trees are to be removed.
- j) The school has in recent years planted in excess of 1000 new trees to the west of the application site.
- k) There will be no new vehicular access to the building other than for emergency purposes.

5.3 Letters of objection has been received from:

Ann Evans, Wiggall, Rowden, Bromyard
Mr K Hill, Rhinstone, Rowden, Bromyard

who make the following comments:

- a) Rowden House School is registered for 30 children. Winslow Court also operates from here and is a home for 26 residents.
- b) If this application goes ahead it will mean another 14 pupils, taking the number to 70.
- c) The proposal is contrary to National Care Standards Commissions view to provide small homes.
- d) Increase in number of children will mean extra care staff.
- e) The road network is not capable of accommodating additional traffic that will be generated by the extra staff.
- f) Increase in traffic would be a danger to users, cyclists, walkers, runners and horse riders, of the lane.
- g) This is an Area of Outstanding Natural Beauty.

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 This site is located in open countryside where there is a presumption against development unless there is special reason for the development to take place. Landscape Policy 1 sets out criteria for consideration, impact on the landscape and amenities of the area are the main determining issues. Matters of highway safety are also considered to be material.
- 6.2 The proposal is to provide single storey dormitory accommodation with communal kitchen and dining room. The accommodation will relieve overcrowding within the main school building.

- 6.3 In terms of design and materials the proposal will be similar to and consistent with two recently constructed dormitory buildings on the north-east side of the main school building. The building is to replace a Woolway type bungalow, which is in a wooded area on the north side of the school building.
- 6.4 Although the proposal will be much bigger than the existing bungalow, the woodland that adjoins the site forms an effective backcloth. The depth of the woodland will allow the building to assimilate itself into the landscape so as not to cause significant visual intrusion. While, some of the surrounding trees will need to be removed. They are generally self-seeded birch and field maple. The loss of these trees will not cause significant harm to the character of the area.
- 6.5 While it is acknowledge that the site is off a narrow country lane, the Transportation Manager does not consider the development would have significant impact from a highway safety point of view.
- 6.6 In conclusion, it is considered that the proposal would not have an adverse impact on the visual qualities of the area.

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.

3 - G02 (Landscaping scheme (housing development))

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

4 - G03 (Landscaping scheme (housing development) - implementation)

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

5 - G18 (Protection of trees)

(a) Fencing, of a type and form agreed in writing with the local planning authority, must be erected around each tree or group of trees. This fencing must be at least 1.25 metres high and at a radius from the trunk defined by the canopy spread.

- (b) No excavations, site works, trenches, channels, pipes, services, temporary buildings used in connection with the development or areas for the deposit of soil or waste or for the storage of construction materials, equipment or fuel or other deleterious liquids shall be sited within the crown spread of any tree without the prior written consent of the local planning authority.
- (c) No burning of any materials shall take place within 6 metres of the furthest extent of the canopy of any tree or tree groups to be retained.
- (d) There shall be no alteration of soil levels under the crown spread of any tree or group of trees to be retained.

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

