

# A G E N D A

## Northern Area Planning Sub- Committee

Date: **Wednesday, 17th December, 2003**

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Time: **2.00 p.m.**

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Place:

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

*For any further information please contact:*

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**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. <b>APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
2. <b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
3. <b>MINUTES</b> To approve and sign the Minutes of the meeting held on 12th November 2003.	1 - 14
4. <b>ITEM FOR INFORMATION - APPEALS</b> To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.	<b>To Follow</b>
5. <b>HEAD OF PLANNING SERVICES REPORT</b> 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.	15 - 146
<b>EXCLUSION OF THE PUBLIC AND PRESS</b>	
In the opinion of the Proper Officer, the next item will not be, or is likely not to be, open to the public and press at the time it is considered.	
<b>RECOMMENDATION:</b>	<b>THAT the public be excluded from the meeting for the following item of business on the grounds that it involves the likely</b>

**disclosure of exempt information as defined in Schedule 12(A) of the Local Government Act, 1972 as indicated below.**

**6. ITEM FOR INFORMATION - ENFORCEMENT**

147 - 148

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

**This item discloses information relating to :**

**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 completion).**

**Information which, if disclosed to the public, would reveal that the authority proposes:**

- (c) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or**
- (d) 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.**

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- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt information'.
- Inspect agenda and public reports at least three clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. A list of the background papers to a report is given at the end of each report. A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge.
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, its Committees and Sub-Committees and to inspect and copy documents.
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### **Please Note:**

Agenda and individual reports can be made available in large print. Please contact the officer named on the front cover of this agenda **in advance** of the meeting who will be pleased to deal with your request.

The meeting venue is accessible for visitors in wheelchairs.

A public telephone is available in the reception area.

## **Public Transport Links**

- Public transport access can be gained to Brockington via bus route 75.
- The service runs every half hour from the 'Hopper' bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus-stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

If you have any questions about this agenda, how the Council works or would like more information or wish to exercise your rights to access the information described above, you may do so either by telephoning officer named on the front cover of this agenda or by visiting in person during office hours (8.45 a.m. - 5.00 p.m. Monday - Thursday and 8.45 a.m. - 4.45 p.m. Friday) at the Council Offices, Brockington, 35 Hafod Road, Hereford.

# **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

## **FIRE AND EMERGENCY EVACUATION PROCEDURE**

In the event of a fire or emergency the alarm bell will ring continuously.

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Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.





COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**MINUTES of the meeting of the Northern Area Planning Sub-Committee held at Brockington, 35 Hafod Road, Hereford on 12th November 2003 at 2:00 p.m.**

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

Councillors B.F. Ashton, Mrs L.O. Barnett, W.L.S. Bowen, R.B.A. Burke, P.J. Dauncey, Mrs J.P. French, K.G. Grumbley, P.E. Harling, B. Hunt, Brig. P. Jones C.B.E., R.M. Manning, R. Mills, D.W. Rule M.B.E., R.V. Stockton and J.P. Thomas.

**39. COUNCILLOR REV'D D. SHORT, MBE**

The Chairman reported the recent sad death of Councillor Short, and a minute's silence was held in his memory.

**40. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors T.W. Hunt, T.M. James, R.J. Phillips and D.W. Rule.

**41. DECLARATIONS OF INTEREST**

The following declarations of interest were made:

Councillor	Item	Interest
R.B.A. Burke	Agenda Item 5, Ref 13 –  DCNC2003/3730/F – Extension to provide additional Class A1 sales area, ancillary warehouse, staff facilities and extension to existing coffee shop at:  <b>Safeway Stores, Barons Cross Road, Leominster</b>	Declared a prejudicial interest and left the meeting for the duration of this item.
J.H.R. Goodwin	Agenda Item 5, Ref 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:  <b>Oaklands, Eardisley</b>	Declared a prejudicial interest and left the meeting for the duration of this item.

**42. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 15th October 2003 be approved as a correct record and signed by the Chairman.

**43. 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.

**44. 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.

**45. DATE OF NEXT MEETING**

It was noted that the next meeting would be held on 17th December 2003 at 2:00 p.m.

The meeting ended at 3:49 p.m.

**CHAIRMAN**

**APPENDIX**

Ref. 1  
**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**

In accordance with the criteria for public speaking, Mrs Barnes, the applicant, spoke in support of the proposal.

Some members felt that the application met a case of local need for a key worker. They expressed an opinion that the Unitary Development Plan (UDP) could be amended to include the site in the settlement boundary for Ashperton, because it appeared to be located acceptably in relation to the rest of the settlement. They stated that the application was further supported by the fact that the Historic Buildings Officer had no objection to the proposals, and it had also gained local support. Members felt that the application would not contribute towards urban spread, because it only constituted one house.

The Northern Divisional Planning Officer stated that the applicants' personal circumstances could not be considered in this instance, and reminded members that the dwelling would be permanent. He said that this application did not accord with planning policy, would set an unwelcome precedent for development, and should be refused.

Having considered all aspects of the application, members felt that the case for local need outweighed the planning policies in this instance, and were minded to approve it.

**RESOLVED: That**

- (i) **The Northern Area Planning Sub-Committee is minded to approve the application in consultation with the Chairman and the local member, subject to any 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;**
- (ii) **If the Head of Planning Services does not refer the application to the Planning Committee the 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 planning policy issues at stake.)

Ref. 2

Hardcore area for use as sheep pens and parking for farm machinery at:

**CROOKMULLEN**  
DCNW2003/1854/F

**FIELD NO. 0533, CROOKMULLEN, DEERFOLD, WIGMORE,  
HEREFORDSHIRE**

For: **MR E.G. THOMAS, 73 KINGS MEADOW, WIGMORE.**

Councillor Mrs. L.O. Barnett, the Local Member, thanked those Members who had attended the Site Inspection. She noted concerns raised by local residents and felt it important to keep the site tidy.

In response to a question, the Northern Divisional Planning Officer advised Members that the site could only be used for personal use and that no commercial use would be permitted.

**RESOLVED:**

**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 and approved in writing by 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.**

Ref. 3  
**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, EVENDINE LANE, COLWALL GREEN, MALVERN,  
HEREFORDSHIRE, WR13 6DY**

**For: MR J WILLIAMS PER STAINBURN TAYLOR ARCHITECTS BIDEFORD  
HOUSE CHURCH LANE LEDBURY HR8 1DW**

The Northern Divisional Planning Officer reported receipt of one further letter of objection from Mr Leaper.

Councillor R.V. Stockton, a Local Member, noted the comments of the Parish Council stating that no new entrance was required. He also felt concern regarding road safety issues and the removal of the existing hedgerow. For these reasons he felt the application should be refused.

The Principal Planning Officer explained that the existing entrance has poor visibility. The new proposal would be an improvement and would also provide an opportunity for a passing bay.

A vote took place to refuse the application, which was not carried.

**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 - 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.**

Ref. 4  
**STAPLETON**  
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**

Councillor Mrs. L.O. Barnett, the Local Member, felt that Members would benefit from seeing the site and proposed that a site inspection be held on the grounds that the setting and surroundings were felt to be fundamental to the determination or to the conditions being considered, as defined in Paragraph 14 of the Code of Conduct for Councillors and Officers Dealing with Planning Matters.

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

**RESOLVED:**

**That consideration of the site be deferred for a site inspection.**

Ref. 5&6  
**KINGTON**  
DCNW2003/2576/G  
&  
DCNW2003/1916/F

The discharge of the obligation to provide for open space as per Section 106 agreement; and

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**

The Northern Divisional Planning Officer advised of an amendment to the recommendation.

In accordance with the criteria for public speaking Mrs Bradbury of Kington Town Council spoke against the application.

Members felt that the amount of money requested for a new play area was not sufficient and decided that the application be deferred for further discussion with the applicant about this and the alternative site proposed.

**RESOLVED:**

**That the application be deferred for further discussion with the applicant.**

Ref. 7&8  
**PEMBRIDGE**  
DCNW2003/2267/F  
&  
DCNW2003/2268/C

Demolish existing building, erection of new 2 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**

Members felt they would benefit from seeing the site and proposed that a site inspection be held on the ground that the setting and surroundings were felt to be fundamental to the determination or to the conditions being considered, as defined in Paragraph 14 of the Code of Conduct for Councillors and Officers Dealing with Planning Matters.

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

**RESOLVED:**

**That consideration of the site be deferred for a site inspection.**

Ref. 9  
**EARDISLEY**

Site for bungalow with a semi basement area dedicated to the management of the old and new woodland and amenity ponds areas at:

DCNW2003/2785/O

**OAKLANDS, EARDISLEY, HEREFORDSHIRE, HR3 6PR**

**For: MR J.W. MOKLER PER ARKWRIGHT OWENS, BERRINGTON HOUSE,  
2 ST NICHOLAS STREET, HEREFORD HR4 0BQ**

The application was withdrawn at the request of the applicant.

Ref. 10

**WEOBLEY**

DCNW2003/2545/F

Two storey extension at:

**8 CHAPEL ORCHARD, WEOBLEY, HEREFORDSHIRE, HR4 8SP**

**For: MISS E BOUND, 8 CHAPEL ORCHARD, WEOBLEY,  
HEREFORDSHIRE, HR4 8SP**

In accordance with the criteria for public speaking Dr. Ellis spoke against the application.

Councillor J.H.R. Goodwin, the Local Member, sympathised with the objectors but felt that there were insufficient grounds to oppose the officers 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 - 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.**



Ref. 11  
**CRADLEY**  
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, WOODEND FARM, BROMYARD ROAD, CRADLEY, MALVERN, HEREFORDSHIRE, WR13 5JW.**

The Principal Planning Officer advised of changes to the recommendation.

Mrs Ramsden of Cradley Parish Council and Mr Johnson, the applicant, spoke in support of the application.

Councillor R.M. Manning, the Local Member, felt that the site was an excellent example of farm diversification. He also noted the success of the World Championship Event and felt the application should be given full planning permission.

The Northern Divisional Planning Officer advised that the applicant had not requested a change to any of the conditions prior to the meeting of the Sub-Committee.

In response to points raised by Members, the Principal Planning Officer advised that the previous planning permission had expired in February 2003, and that no further application had been made until an enforcement notice was served. He also advised Members that large events held in the past had proved problematic to local residents. Therefore he felt Members should defer the application pending further discussion with the applicant.

**RESOLVED:**

**That the application be deferred for further discussion with the applicant.**

Ref. 12  
**LEDBURY**  
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**

The Principal Planning Officer reported the receipt of amended plans.

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

**RESOLVED:**

That planning permission be granted subject to the following conditions:

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

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

2 - 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.

Ref. 13  
LEOMINSTER  
DCNC2002/3730/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.**

The application was withdrawn at the request of the applicant.

Ref. 14  
LEOMINSTER  
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.**

Councillor J.P. Thomas, the Local Member, felt that although the application was acceptable the opening hours should be reduced due to the site location being close to a residential area. Opening hours of 7 am – 8 pm Mondays to Fridays, and 7 am – 2 pm on Saturdays were suggested.

**RESOLVED:**

**That officers named in the Scheme of Delegation to Officers, in consultation with the Chairman and the Local Ward Member, be authorised to issue planning permission subject to the following conditions:**

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

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

**2 - 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 7.00am and 7.00pm on Monday to Friday and 7.00am to 1.00pm on Saturdays nor at any time Sundays, Bank or Public 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 7.00am and 7.00pm Monday to Friday and 7.00am and 1.00pm on 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 7.00am and 7.00pm Monday to Friday and 7.00am and 1.00pm on Saturdays nor at any time on Sundays, Bank or Public 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.**

Ref. 15  
**BROMYARD**  
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.**

The Senior Planning Officer reported receipt of Bromyard and Winslow Town Councils comments in support of the application, and one letter of objection from Mrs Mallett.

Councillor B. Hunt, the Local Member, commented on the environmental initiatives undertaken by the school and supported the application.

**RESOLVED:**

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

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

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

**2 - 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.

AGENDA ITEM 5

**NORTHERN AREA PLANNING SUB-COMMITTEE**

**17 DECEMBER 2003**

**SITE INSPECTIONS**

NO	APPLICANT	PROPOSAL AND SITE	APPLICATION NO.	PAGE NO.
1	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	NW2003/1250/F	17 – 26
2 & 3	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	27 – 34

**APPLICATIONS RECEIVED**

NO	APPLICANT	PROPOSAL AND SITE	APPLICATION NO.	PAGE NO
4	Mrs C Shaw	Erection of 4 detached dwellings with garages and private drive at land adj to Belmont, Stoke Prior, Leominster	DCNC2003/1503/F	35 – 36
5	Mr & Mrs Morgan	Change of use for the provision of 17 static caravans, waste treatment plant, reception point, new internal access and landscaping at Fairview Caravan Park, Hatfield.	DCNC2003/2101/F	37 – 42
6	Mr W Tong	Erection of new bungalow in garden of existing bungalow at Greystones, Wyson, Brimfield	DCNC2003/2251/F	43 – 46
7	Mr E Clark	Mobile home to replace existing dilapidated mobile home on same site at The Woodlands, Risbury	DCNC2003/2883/F	47 – 50
8	Mr and Mrs M Walton	Extension at 18 Brockington Road, Bodenham	DCNC2003/2914/F	51 – 53
9	Mr S Harrison	Indoor exercise arena (building E only) at land adjacent to Tedstone Court, Tedstone Delamere	DCNC2003/2950/F	55 – 58
10	Mr S Harrison	Equine facilities, buildings A,B,C & D only (partially retrospective) at land adjacent to Tedstone Court, Tedstone Delamere	DCNC2003/2952/F	59 – 62
11	Trustees of the Harry	Conversion of stable/former farm office building to residential staff	DCNC2003/3002/F	63 – 66

	Wolton Settlement	accommodation at Black Venn, Edwyn Ralph		
12	Mrs J Cookayne	Proposed gas tank at Downsfield Cottage, Norton, The Downs, Bromyard	DCNC2003/3230/F	67 – 69
13	Mr B Hampsey	Creation of vehicular access at 65 Mill Street, Leominster.	DCNC2003/2955/F	71 – 73
14	Teme Valley Tractors Ltd	Use of land for parking of agricultural implements & customer vehicle parking at Teme Valley Tractors Ltd, Broad Street, Wigmore	NW2003/0630/F	75 – 82
15, 16, 17	Kingsmead Trust	Construction of 11 new dwellings and conversion/extension of mill into 4 apartments at former DG Games site, The Old Mill, Weobley  Demolition of rendered extension at same	NW2003/0703/F NW2003/0704/L DCNW2003/1984/L	83 – 98
18	Mr J Lupton	Erection of a cottage on land to the rear of Stonewood Cottage, Oxford Lane, Kington.	DCNW2003/1972/F	99 – 105
19	Mr & Mrs J Pugh	Proposed erection of four dwellings at land to the rear of Stoneleigh, Kingsland.	DCNW2003/2583/F	107 – 111
20	J Rogers & Son	Approval of reserved matters on new key worker's dwelling at Highfield, Byton, Presteigne.	DCNW2003/2589/R M	113 – 116
21	Mr and Mrs J M & A E Price	Agricultural worker's dwelling at Oakchurch Farm, Staunton-on-Wye.	DCNW2003/2807/O	117 – 121
22	Mr & Mrs P J Almond	Two-storey extension to existing property at 29 Bronte Drive, Ledbury.	DCNE2003/2307/F	123 – 126
23	Milton Ltd	Erection of ten, three-bedroomed dwellings with garages on site off Station Road, Colwall.	DCNE2003/2798/F	127 – 131
24	Mr & Mrs A Blundell	Construction of balcony at first floor and infill glazed screens and doors to existing external walls at Woodfields, Floyds Lane, Wellington Heath, Ledbury.	DCNE2003/3087/F	133 – 137
25	Mucky Pups Pre-School	Change of use to pre-school from Monday – Friday, and football club room from Saturday – Sunday at The Old Changing Rooms, Ledbury Rugby Club, Ledbury.	DCNE2003/3101/F	139 – 142
26	Eastnor Castle Estate	New driving elements to be linked into existing tracks in Birchams Wood to be used by Land Rover Experience at Sheep Hill and Holts Coppice, Eastnor Castle Estate, Eastnor, Ledbury.	DCNE2003/3136/F	143 - 146



**1 NW2003/1250/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**

**Local Member: Councillor Mrs O Barnett**

**Ward:**

**Mortimer**

**Grid Ref:**

**32460, 65640**

### **Introduction**

**This application was deferred at the Northern Area Planning Sub-Committee on 12 November 2003 in order for a site visit to be carried out. The site visit took place on 25 November 2003.**

**In addition to the above the opportunity has been taken to update and correct the attached report and recommendation.**

**Furthermore, confirmation of the sewage treatment plant installed has been received from the Building Control Service. It is advised that according to the Building Control records the treatment plant installed has sufficient capacity to deal with a maximum of 4 dwellings. In the light of this independent input it is considered that drainage issues are satisfactorily resolved.**

**Original report (as amended).**

### **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 11 letters of objection were received in response to the original consultation from the following persons :

- D Hepworth, The Byre, Stapleton
- 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
- L Ashfield, The Byre, Stapleton
- RE Rigg, Melrose, Stapleton
- A Macdonald, The Plantation, 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
- all agricultural buildings 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 7 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. In particular the sewage disposal unit is not the model/capacity claimed by the applicant.

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 re-siting 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 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 that 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 m<sup>2</sup> 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 m<sup>2</sup> including the detached garage, which compares favourable to the size of the originally approved Plot 4 (126 m<sup>2</sup>). 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 m<sup>2</sup> 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 on-going 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 1. 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 and local residents, 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 - Prior to the first occupation of the dwelling hereby permitted the works required by Condition 8 including the construction of the mill pit cover shall be completed in accordance with the approved details and thereafter retained unless otherwise agreed in writing by the local planning authority.**

**Reason: To ensure that the archaeological value of the site is preserved.**

**10 - 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.**

**11 F18 (Scheme of foul drainage disposal )**

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

**12- G01 (Details of boundary treatments)**

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

**13 - 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.**

- 14- 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.

- 15- All construction traffic associated with the construction of the dwelling and mill pond restoration 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.

- 16- All vehicular traffic associated with the occupation of the dwelling hereby approved and the property known as Stapleton Castle Court 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.

- 17 - 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: .....

.....

**Background Papers**

Internal                                      departmental                                      consultation                                      replies.

**2 DCNW2003/2267/F & DCNW2003/2268/C –  
& DEMOLISH EXISTING BUILDING, ERECTION OF NEW 2  
3 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**

**Ward:  
Pembridge  
Lyonshall with Titley**

**Grid Ref:  
& 39179, 58234**

**Expiry Date:  
19th September 2003**

Local Member: Councillor R Phillips

### **Introduction**

**These applications were deferred at the Northern Area Planning Sub-Committee on 12 November 2003 in order for a site visit to be carried out. The site visit took place on 25 November 2003.**

**In addition to the above it is advised that the original reports referred incorrectly to 4 refused application for dwellings with pedestrian/vehicular access. These applications in fact relate to another site in Pembridge and are not therefore considered directly relevant with respect to the consideration of the current proposal.**

### **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.

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 m<sup>2</sup> compared to the existing 68 m<sup>2</sup>) 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: .....

.....

**Background Papers**

Internal                      departmental                      consultation                      replies.

**4 DCNC2003/1503/F - ERECTION OF FOUR DETACHED DWELLINGS WITH GARAGES AND PRIVATE DRIVE AT LAND ADJ TO BELMONT, STOKE PRIOR, LEOMINSTER.**

**For: Mrs C Shaw per Border Oak, Kingsland Sawmills, Kingsland, Leominster**

**Date Received:**

**19th May 2003**

**Ward:**

**Hampton Court**

**Grid Ref:**

**52178, 56540**

**Expiry Date:**

**14th July 2003**

Local Member: Councillor K Grumbley

### **1. Site Description and Proposal**

1.1 The site is located on the south side of the C1110, to the south east of its junction with the Stoke Prior road and between the village hall at Belmont, a detached bungalow. A public footpath crosses the site. The site is an area of grass keep, 0.249 hectares in area, in an elevated position, and slopes away from the village hall towards Belmont. It is located in the Settlement Boundary of Stoke Prior.

1.2 This is a full application for 4 Border Oak designed dwellings off a private drive that will run close to the boundary with Belmont with egress onto the C1110. A row of trees is proposed to be planted between the road and the boundary of the site. Foul drainage is to be sewerage is to be disposed of by way of treatment plant with secondary filtration system. The plant is to be sited on a triangular piece of land in the north west corner of the site, between the site entrance and Belmont.

### **2. Policies**

Planning Policy Guidance 3 – Housing

#### **Leominster District Local Plan**

A2 – Settlement Hierarchy

A24 – Scale and Character of Development

A54 – Protection of Residential Amenity

A55 – Design and Layout of Housing Developments

#### **Herefordshire Unitary Development Plan (Deposit Draft)**

H6 – Housing in Smaller Settlements

### **3. Planning History**

NC2000/3426/O – Residential Development – Approved 7<sup>th</sup> March 2001.



**5 DCNC2003/2101/F - CHANGE OF USE FOR THE PROVISION OF 17 STATIC CARAVANS, WASTE TREATMENT PLANT, RECEPTION POINT, NEW INTERNAL ACCESS AND LANDSCAPING AT FAIRVIEW CARAVAN PARK, HATFIELD HR6 OSD**

**For: Mr & Mrs Morgan per Mr Griffin ADAS The Patch Elton Newnham Gloucester GL14 1JN**

**Date Received:**

**28th July 2003**

**Ward:**

**Hampton Court**

**Grid Ref:**

**57683, 59224**

**Expiry Date:**

**22nd September 2003**

Local Member: Councillor K Grumbley

**1. Site Description and Proposal**

- 1.1 Fairview Caravan Park lies on the north side of the C1059 road to Hatfield. It lies within the historic grounds of Hatfield Court and within an Area of Great Landscape Value.
- 1.2 The proposal is for the stationing of a further 17 caravans, an office building for reception use and a new sewage treatment plant. The proposal involves the creation of a new access drive through a spur off the existing access to the site together with significant screen planting.

**2. Policies**

**2.1 Leominster District Local Plan**

A2(D) – Settlement Hierarchy  
 A9 – Safeguarding the Rural Landscape  
 A39 – Holiday Chalet, Caravan and Camping Sites  
 A54 – Protection of Residential Amenity  
 A70 – Accommodating Traffic from Development

**2.2 Hereford and Worcester County Structure Plan**

CTC2 – Areas of Great Landscape Value  
 E20 – Tourism and Development

**2.3 Herefordshire Unitary Development Plan (Deposit Draft)**

RST14 – Static caravans, chalets, camping and touring caravan sites  
 LA2 – Landscape character and areas least resilient to change  
 LA4 – Protection of historic parks and gardens

**2.4 PPG7: The Countryside – Environmental Quality and Economic and Social development**

PPG21: Tourism

### 3. Planning History

74C461 - Site for 13 holiday caravans. Permission granted 11.4.75, expiring 31.12.85.

75C416 - Additional 23 static holiday caravans. Permission granted 23.10.75.

77C532 - Use of holiday caravan as temporary residential unit. Refused 20.7.77.

87C44 - 5 additional caravans and continued use of the site for 13 caravans. Permitted 27.4.87.

93C441 - Use of land for 3 additional caravans. Approved 1.9.93.

97/0132/C - 2 further caravan pitches. Approved 24.3.97.

N98/0105/N - Modification of planning permission to allow caravan site to be open from 16 March to 30 November. Approved 25.6.98.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 The Environment Agency has no objections subject to the provision of a foul drainage works being approved by the local planning authority.

#### Internal Council Advice

- 4.2 Head of Engineering and Transport: No objection.
- 4.3 Chief Conservation Officer: Raises concern about the visual impact of the development and compounding the damage already done to the historic park land.

### 5. Representations

- 5.1 The applicants and their agents have submitted a number of letters in support of the proposal, which can be summarised as follows:
- 1) The site is currently licensed for 46 caravans, only 45 are presently used. Expansion to 62 pitches is more commercial in size.
  - 2) Wish to extend occupation from 16 March to 30 November to 1 March to 31 January inclusive, i.e. closed Februarys.
  - 3) Caravan park was purchased 2 1/2 years ago and needs upgrading to make it viable.
  - 4) Manufacturers are producing ever larger caravans which need to be accommodated when owners replace older ones.

- 5) Wish to achieve 5\* status by creating new access, reception and improved layout with facilities for disabled.
- 6) Do not consider the proposal to be visually intrusive.
- 7) The new treatment plant will serve the new caravans plus 22 of the existing.
- 8) The existing access is shared with Hatfield Court and a number of converted barns.
- 9) Planting is proposed to minimise the visual impact generally and in particular to the lodge.
- 10) The proposal has policy support in UDP policies RST13 and RST14, PPG21, PPG17, PPG7 and PPG13.

5.2 In addition in response to the concern about landscape impact consider that:

1. For the proposed expansion site to be detrimental to the landscape there would have to be a significant change in the character and fabric of the landscape compared to what is there now, and we do not consider that the expansion creates such a change.
2. The existing site is more visible from the viewpoint than the proposed site. The proposed site as amended is largely behind existing tree planting and the proposed additional planting further screens the area.
3. 'Substantial earthworks' will not be involved to create areas for the caravans. Caravans have adjustable supports to accommodate sloping ground.
4. We are not proposing an access road, but an un-metalled track 3m wide that follows the contours and it is tucked in behind new hedge planting for much of its extent.
5. The reference is 'too large in scale' we feel is unfair, as it is an established aim of Caravan Tourism Sites to have less dense caravan sites. Larger areas allow for planting within sites.
6. The revised scheme and landscaping proposed does make the site acceptable in the context of it being an established site – we are not applying for a new site, but to extend an existing site, at a lower level than the existing site.
7. Landscaping is a subjective issue, and the applicants ask that Members view the site from the identified viewpoint.

5.3 The Parish Council has a few concerns regarding this application. These are:

- 1) The visual impact on surrounding areas.
- 2) Is the road suitable for extra volume of traffic which will be generated?
- 3) The UDP (proposed) is still in draft form and has not been adopted and therefore is irrelevant to this application.
- 4) The caravan site should be restricted to a 10 1/2 month opening time, not for 12 months of the year.

5.4 Objections have been received from the following residents:

Mr and Mrs Bufton, The Lodge, Hatfield  
Mrs A Harcourt, Little Sherrington, Pembridge  
T Kray, The Mill, Hatfield  
Mr E Hughes, Lower Bilfield Farm, Hatfield  
Mrs C Morgan, Coach House, Hatfield Court  
T J, Mrs S E, A J and G Bishop, Court Farm, Hatfield  
Mr and Mrs W Qualter, Old Stable House, Hatfield Court  
B J and J J Bufton, Foxhalls, Hatfield  
S Perrett, Beech House, Hatfield Court  
R A and S R Standing, Three Shires Cottages, Hatfield Court

The objections are summarised as follows:

- 1) More vehicles passing close to The Lodge cause more detriment to amenity through noise, dust and fumes. Additional planting close to the boundary will make the garden and property even darker.
- 2) Roads are narrow in places with few spaces for 2 vehicles to pass.
- 3) Additional screen planting is not sympathetic to the landscape. The site is very visible from Grafton Road and from the Public Right of Way at Rock Cottage.
- 4) Caravans are largely self-sufficient with little benefit to the local economy.
- 5) Will it provide local employment?
- 6) Pollution to the stream from the sewage treatment plant.
- 7) The new access drive would spoil the approach to the site which has already 2 existing drives, the new drive being provided at a higher ground level.
- 8) Permission should not be granted for 12 months licence.
- 9) This is not a farm diversification scheme since the applicant is not a farmer.
- 10) Devaluation of property.
- 11) Already sufficient holiday lets in the area.
- 12) Many of the caravans are not used.
- 13) No benefit to local residents of this additional intrusion.

5.5 Letters of support have been received from:

J & J Chapman, Barn Cottage, Hatfield  
Mrs Morgan, Green Gables, Bodenham  
Mrs L Burke, The Haven, 7 Hopyard Gardens, Leominster  
Stephen Morris, Cherrydean, Boraston, Tenbury Wells  
Mr and Mrs Lloyd of Westfield, North Road, Kingsland



In summary:

- 1) No problem caused by the caravan park.
  - 2) It does not impinge on the enjoyment of the countryside.
  - 3) We should provide support for local businesses.
- 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 This proposal requires a balanced judgement of the policies supporting tourism and local business uses against those of the protection of the countryside, of amenity of nearby residents and traffic issues.
- 6.2 As the Head of Engineering and Transportation has no objection to the proposal it is considered that there are no sustainable reasons for refusal on traffic generation or highway safety grounds. Furthermore, it is not considered that the additional traffic movements associated with 17 caravans, an increase of just over a third of the existing number, will be so detrimental to amenity of local residents that permission could be refused on this ground.
- 6.3 It would appear that the most critical issue is one of landscape impact. The site is currently visible from a number of locations around the locality and sits on elevated ground in comparison to the main approach road to the site. The application includes significant woodland planting both within the extended caravan site area and along the new driveway and close to The Lodge, in an attempt to reduce this impact. Notwithstanding this proposed planting scheme, which would take a number of years to mature, it is considered that the proposal would be detrimental to the visual amenity of this part of the Area of Great Landscape Value. It is not considered that local employment benefits outweigh this concern.
- 6.4 Policies referred to in the Deposit Draft of the UDP are subject to objections against those policies. Consequently, no weight can be given to those at this time. This includes that seeking to protect unrequested historic parkland.
- 6.5 As a consequence, the proposal is considered to be contrary to Policies A39 and A9 of the Leominster District Local Plan and Policy CTC2 of the Hereford and Worcester County Structure Plan.

## **RECOMMENDATION**

**That planning permission be refused for the following reason:**

**It is considered that the proposal would be contrary to the visual amenity of this part of the Area of Great Landscape Value. Consequently the proposal is considered to be contrary to Policy A9 and A39 of the Leominster District Local Plan (Herefordshire) and CTC 2 of the Hereford and Worcester County Structure Plan.**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal                      departmental                      consultation                      replies.

**6 DCNC2003/2251/F - ERECTION OF NEW BUNGALOW  
IN GARDEN OF EXSTING BUNGALOW AT  
GREYSTONES, WYSON, BRIMFIELD SY8 4NL****For: Mr W Tong per Mr Hulse MCIOB 48 Gravel Hill,  
Ludlow, Shropshire. SY8 1QR****Date Received:****25th July 2003****Ward:****Upton****Grid Ref:****52016, 67931****Expiry Date:****19th September 2003**

Local Member: Councillor J Stone

**1. Site Description and Proposal**

- 1.1 Greystones, a detached bungalow, is located on the north-east side on the junction of Wyson Lane with the unclassified 94421. The site is bounded by a stone wall.
- 1.2 The application site is the garden on the west side of Greystones.
- 1.3 The proposal is for a 3-bedroomed bungalow and new entrance onto Wyson Lane. The entrance is to be positioned adjacent to the vehicular access to Greystones.

**2. Policies**

- 2.1 PPG3: Housing  
PPG25: Development and Flood Risk

**2.2 Leominster District Local Plan (Herefordshire)**

A1 – Managing the District's Assets and Resources  
A2 – Settlement Hierarchy  
A15 – Development and Watercourses  
A24 – Scale and Character of Development  
A54 – Protection of Residential Amenity  
A55 – Design and Layout of Housing Development

**2.3 Herefordshire Unitary Development Plan (Deposit Draft)**

S3 – Housing  
DR1 – Design  
H4 – Main Villages: Settlement Boundaries  
DR7 – Flood Risk

**3. Planning History**

- 3.1 None.

#### 4. Consultation Summary

##### Statutory Consultations

4.1 Environment Agency: No objections to the proposed development.

##### Internal Council Advice

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

#### 5. Representations

5.1 Brimfield Parish Council: No objections.

5.2 Ten letters of objection, including a petition with 22 signatures, have been received. The main points raised:

- a) It is on a blind junction.
- b) The area floods.
- c) It is close to a school bus stop where people congregate.
- d) Inadequate sewage system.
- e) The road network is already very busy. This application will make the situation 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 located in the settlement boundary of Brimfield as shown on Inset Map 26 in the Leominster District Local Plan (Herefordshire), where small-scale development will be permitted subject to the criterion listed under Policy A1: Scale and Character of Development, Highway Safety, and impact on the area and neighbours. The site is also shown to be in a flood plain.

6.2 The site is located in the western half of the village where housing development has spread along several minor roads and lanes, including Wyson Lane. This pattern of development forms the character of the area. The proposal, for a single bungalow in the garden of Greystones, continues this principle and will maintain the built characteristics of the area.

6.3 Access to the site will be off Wyson Lane, close to the entrance to Greystones. In order to obtain good visibility, the stone boundary wall along the boundary to Wyson Lane will need to be reduced in height to 750mm above the level of the adjoining carriageway. This, together with a set back entrance will allow traffic travelling Wyson lane to see vehicles emerging from the site and vice versa. In terms of highway safety this is considered acceptable.

6.4 While the site is shown to be within a flood plain, the Environment Agency has raised no objection advising the site lies within Zone 1/2. These zones, PPG25 advises are suitable for most developments in that they offer little or no risk/low medium risk to flooding. However, surface water disposal should be disposed of by preference through the use of sustainable drainage methods that limit flows from infiltration, e.g. soakaways or infiltration trenches, subject to establishing that these are feasible

through Building Regulations. They also note that foul drainage will be disposed of to a public sewer.

## **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 ) (30 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 - 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 - H06 (Vehicular access construction )**

**Reason: In the interests of highway safety.**

**7 - H12 (Parking and turning - single house ) (2 cars)**

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

**8 - H27 (Parking for site operatives )**

**Reason: To prevent indiscriminate parking 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**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal                      departmental                      consultation                      replies.

**7 DCNC2003/2883/F - MOBILE HOME TO REPLACE EXISTING DILAPIDATED MOBILE HOME ON SAME SITE AT THE WOODLANDS, RISBURY, LEOMINSTER, HEREFORDSHIRE, HR6 0NN**

**For: Mr E Clark per Mr J I Hall, New Bungalow, Nunnington, Hereford. HR1 3NJ**

**Date Received:**  
**23rd September 2003**

**Ward:**  
**Hampton Court**

**Grid Ref:**  
**55021, 55419**

**Expiry Date:**  
**18th November 2003**

Local Member: Councillor K Grumbley

### **1. Site Description and Proposal**

- 1.1 The site is located on the west side of Poplands Lane, between The Woodlands and Poplands Farm. There is vehicular access off a drive that leads to The Woodlands. The site is located in open countryside.
- 1.2 This application is for a replacement mobile home, 10.992m x 6.096m, and 6.7m to ridge. The mobile home will be in the same position as the existing mobile home and will be placed on 7 courses of brickwork. It will accommodate 2 bedrooms, lounge/dining, kitchen and bathroom. Drainage will be to a replacement bio disc sewerage treatment plant.

### **2. Policies**

#### **Leominster District Local Plan**

A1 – Managing the Districts Assets and Resources  
A2 – Settlement Hierarchy  
A9 – Safeguarding the Rural Landscape  
A58 – Mobile Homes

#### **Herefordshire Unitary Development Plan (Deposit Draft)**

H7 – Housing in the Countryside Outside Settlements  
H11 – Residential Caravans

### **3. Planning History**

N1999/0273/N – Replacement of mobile home with cottage. Refused 4 May 1999.

NC1999/2926/U – Certificate of Lawful Use – Mobile home as a permanent dwelling. Refused 20 December 1999.

NC2001/0143/U – Certificate of Lawful Use – Mobile home as a permanent dwelling. Agreed 25 January 2001.

NC2002/3152/F – Holiday chalet to replace a mobile home. Refused 26 November 2002.

NC2003/1343/F – The replacement of a mobile home. Refused 21 July 2003.

#### **4. Consultation Summary**

##### Statutory Consultations

4.1 Environment Agency – no objection in principle subject to conditions.

##### Internal Council Advice

4.2 Head of Engineering and Transportation – no objection

#### **5. Representations**

5.1 Humber Parish Council comment as follows:

“The Council is unable to support this application because of the lack of accurate information as to whether the new mobile home is an exact replacement of the original one. It would appear to be considerably larger, both in height and bulk. No precise data as to the size of the original home has been presented. As a larger structure, it would appear as an over-dominant feature of the landscape, contrary to policies A2(D)(iii), A9 and A58 of the Leominster District Local Plan. The Council regards the new home as being sufficiently different from the original one, as to be a new development, rather than a replacement. The Council does not consider that such a mobile home would fall into any of the expected categories of development allowed in this area.”

5.2 26 letters of objection have been received. The main points raised are:

- a) It is not in line with current planning policy with respect to developments in the countryside.
- b) It will cause significant harm to this sensitive rural area.
- c) It is not in the same position and is a different size.
- d) It will create a precedent for further development.
- e) It is contrary to the local plan policy A59.
- f) Poplands Lane is narrow with no passing places; extra traffic will be a danger to users of the lane.
- g) It will be out of keeping with the local architecture.
- h) It is a substantial permanent dwelling.
- i) The structure will be fixed to the ground by 7 courses of brickwork and cannot be considered as a mobile home.
- j) Circumstance has changed since the CLEUD and should be revoked.
- k) The mobile home is more suited for a holiday park.



- 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 This application is to replace a dilapidated mobile home, which has a Certificate of Lawful Use as a permanent dwelling, NC2001/0143/U refers.
- 6.2 The Caravan Site Act 1968 defines a mobile home as a structure designed or adapted for human habitation which is capable of being moved from one place to another (whether being towed or being transported on a motor vehicle or trailer). The Act also defines the size of the mobile home which has been 60ft in length (19m), 20ft in width (6.5m) and 10ft in height (3m) overall.
- 6.3 While, the floor area of the replacement mobile home falls within the size of a mobile home as defined by The Caravan Sites Act it will be higher, 6.7m to ridge. Although, this application transgresses the dimensional criteria set by The Caravan Act, the height of the mobile home is not considered significant so as to appear as a dominant structure. The mobile home will be in the same position as the existing structure, close to the roadside boundary hedge that will minimise the impact of the height of the mobile home.
- 6.4 Previous applications for replacement mobile home have been refused, as they were considered too big, in floor area and height, so as not to be comparable in size with the existing structure and appear as an over dominant structure in the landscape.
- 6.5 In normal circumstances the siting of a mobile home as a permanent dwelling would be contrary to the objectives of the Leominster District Local Plan that restrict housing development in the open countryside. However, the CLUED is a material consideration in this application in that it confirms the residential use of the mobile home.
- 6.6 Given that this application is to replace an existing mobile home, which has a Certificate of Lawful Use as a dwelling, the replacement mobile home is not likely to cause an increase in traffic and the Council's Head of Transportation has raised no objection accordingly.

## **RECOMMENDATION**

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

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

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

- 2 - No developments approved by this permission shall be commenced until a scheme for the provision of foul drainage works has been approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.**

**Reason: To prevent pollution of the water environment.**

**3. G11 – (Retention of hedgerows (where not covered by Hedgerow Regulations))**

**Reason: To ensure that the application site is properly landscaped in the interests of the visual amenity of the area.**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal                      departmental                      consultation                      replies.

**8 DCNC2003/2914/F - PROPOSED EXTENSION AT 18  
BROCKINGTON ROAD, BODENHAM,  
HEREFORDSHIRE, HR1 3LR**

**For: Mr & Mrs M. Walton per Mr N La Barre 38 South  
Street Leominster Herefordshire HR6 8JG**

**Date Received:**  
25th September 2003

**Ward:**  
Hampton Court

**Grid Ref:**  
54260, 51099

**Expiry Date:**  
20th November 2003

Local Member: Councillor K Grumbley

### **1. Site Description and Proposal**

- 1.1 The property is a detached bungalow which stands at the end of Brockington Road, a small cul de sac.
- 1.2 The proposal is to erect an extension on the eastern end of the property. The addition will incorporate an enlarged garage, with a new bedroom and ensuite bathroom to the rear. The extension will stand within 1.5 metres of the boundary at its closest point and approximately 8 metres from the nearest property.
- 1.3 The main bedroom window faces down the garden with a secondary bedroom and bathroom window facing the side boundary. There is a side window to the garage which faces the side boundary and neighbours garage.

### **2. Policies**

#### **Leominster District Local Plan (Herefordshire)**

A24 – Scale and Character of Development

A56 – Alterations, Extensions and Improvements to Dwellings

### **3. Planning History**

No recent planning history.

### **4. Consultation Summary**

#### Internal Council Advice

- 4.2 Head of Engineering and Transport: No objection.

### **5. Representations**

- 4.1 Parish Council: Considers that the proposal complies with relevant Local Plan policies and thus raises no objection.

- 5.1 A letter of representation has been received from Mr J Holden, 20 Brockington Road, Bodenham. The main concerns raised are:
- Reduction in natural light
  - Impact on dining room window
  - Loss of privacy due to location of side bedroom and bathroom window
  - The letter concludes by recommending an amendment to the design of the roof of the extension to minimise the loss of natural light.
- 5.2 The full text of these letters can be inspected at Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officers Appraisal**

- 6.1 The extension has been designed to remove an existing poor quality flat roof over the garage and replace with a pitched roof in keeping with the existing property. A further projection has been detailed to incorporate the en-suite bathroom and this has a separate projecting roof structure.
- 6.2 The neighbour most directly affected, No. 20 Brockington Road, has a garage adjacent to the boundary. This will reduce the impact of the proposed development.
- 6.3 The suggested alterations to the roof, made by the occupier of No 20 are not considered to be the best design solution for the site. The recommended changes would increase the visual impact of the extension and as such are not supported. With regard to the side bedroom window, it is recommended that this is omitted from the scheme and that the bathroom window should be obscure glazed.
- 6.4 Subject to these revisions it is not considered that the extension will have a materially adverse impact on the amenities of neighbours or the character of the area and as such can be supported.

## **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) (3 December 2003)**

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

**3 - B02 (Matching external materials (extension) )**

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

**4 - E18 (No new windows in specified elevation ) (side elevation)**

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

- 5. Prior to the extension hereby approved first being brought into use the en-suite bathroom window shall be glazed with obscure glass only and thereafter retained as such.

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal                      departmental                      consultation                      replies.



**9 DCNC2003/2950/F - PROPOSED INDOOR EXERCISE ARENA (BUILDING E ONLY) AT LAND ADJACENT TO TEDSTONE COURT, TEDSTONE DELAMERE, BROMYARD, HEREFORDSHIRE, HR7 4PS**

**For: Mr S Harrison per Linton Design Group, 27 High Street, Bromyard, Herefordshire. HR7 4AA**

**Date Received:**  
30th September 2003

**Ward:**  
Bringsty

**Grid Ref:**  
69341, 58748

**Expiry Date:**  
25th November 2003

Local Member: Councillor T Hunt

### **1. Site Description and Proposal**

- 1.1 The site is a paddock located opposite and to the north of Tedstone Court, a Grade II Listed Building, close to the Tedstone Delamere Conservation Area, and adjacent to a line of unauthorised stables and tack room and storage building. It is located in open countryside designated as being of Great Landscape Value.
- 1.2 The proposal is for a portal framed building, 15m x 27.5m, 4.7m to eaves and 7m to ridge, to be clad in green profiled metal sheeting. The building is to be used to train the applicants own horses.

### **2. Policies**

- 2.1 PPG7 The Countryside – Environmental Quality and Economic and Social Development.

#### **2.2 Malvern Hills District Local Plan**

Landscape Policy 1 – Development outside settlement boundaries  
Landscape Policy 3 – Development in Areas of Great Landscape Value  
Recreation Policy 13 – Horses and stables in the countryside  
Conservation Policy 2 – New development in Conservation Areas  
Conservation Policy 3 – The setting of Conservation Areas  
Conservation Policy 11 – The setting of Listed Buildings

#### **2.3 Herefordshire Unitary Development Plan (Deposit Draft)**

LA2 – Landscape character and areas least resilient to change  
HBA4 – Setting of Listed Buildings  
HBA6 – New development within Conservation Areas

### **3. Planning History**

NC2003/0618/F - Proposed equine facilities (partly retrospective). Withdrawn.

#### **4. Consultation Summary**

##### Statutory Consultations

4.1 Environment Agency: No objection.

##### Internal Council Advice

4.2 Head of Engineering and Transport: No objection.

4.3 Chief Conservation Officer: No objection.

#### **5. Representations**

5.1 Tedstone Delamere Parish Council: 'Members are unable to support the above application because of the following reasons:

1. Damaging visual intrusion into an area of great landscape value.
2. Building would attract an influx of traffic which the area could not accommodate and cope with.
3. Light, noise and waste pollution emulating from this building and operation would affect the wildlife together with a loss of amenity to the adjacent properties and Tedstone Delamere area.
4. It is not proven that there is an overwhelming need to create a new building as there is a barn already available to be used.'

5.2 Eight letters of objection received. The main points raised:

- a) This application should not be dealt with in isolation to the retrospective application.
- b) This building and the stable buildings represent a large development located in the small Tedstone Delamere settlement.
- c) The building will degrade the countryside and destruct the views of Tedstone Delamere.
- d) Damaging impact on the area of great landscape value.
- e) Traffic implications.
- f) There is no need for the development.
- g) Waste, noise and light pollution would be harmful to the area.

5.3 Three letters of no objection have also been received.

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 Recreation Policy 13 deals specifically with development for horses in the countryside, setting a criterion for consideration, scale and impact on the locality and area of acknowledged importance, highway safety and waste disposal.



- 6.2 The site is a paddock located in open countryside designated as being of Great Landscape Value and adjoins the Tedstone Delamere Conservation Area, and Tedstone Court, a Grade II Listed Building.
- 6.3 As with all development in the countryside, development involving horses should take particular care to minimise their effect on the appearance of the area. In terms of its impact the building, which has the appearance of a farm building, is to be located in a depression in the ground, adjacent to a small group of stable buildings. The location of the building, closely related to established hedgerows, allows it to be assimilated into the landscape without compromising the function it is intended to serve, so as not to cause any detriment to the setting of the Conservation Area or to the setting of Tedstone Court or to the character of the area.
- 6.4 The building, which has the appearance of a modern farm building, together with use of materials, is considered to be appropriate in this location.
- 6.5 The building is required for the training of the applicants own horses and will not therefore attract additional traffic to cause danger to other road users. Accordingly, The Head of Transportation has raised no objection.

**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 - E11 (Private use of stables only)**

**Reason: In order to safeguard the residential amenity of the area.**

**Notes to applicant:**

**1 - All wash waters, manures and stable waste shall be collected, stored and disposed of in accordance with DEFRA "Code of Good Agricultural Practice for the Protection of Water".**

**2 - 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.

**10 DCNC2003/2952/F - PROPOSED EQUINE FACILITIES, BUILDINGS A, B, C & D ONLY (PARTIALLY RETROSPECTIVE) AT LAND ADJACENT TO TEDSTONE COURT, TEDSTONE DELAMERE, BROMYARD, HEREFORDSHIRE, HR7 4PS**

**For: Mr S. Harrison per Linton Design Group, 27 High Street, Bromyard, Herefordshire. HR7 4AA**

**Date Received:**  
30th September 2003

**Ward:**  
Bringsty

**Grid Ref:**  
69349, 58715

**Expiry Date:**  
25th November 2003

Local Member: Councillor T Hunt

## **1. Site Description and Proposal**

- 1.1 The site is located to the north of Tedstone Court, a Grade II Listed Building, and adjacent to the Tedstone Delamere Conservation Area. It is close to the junction of the unclassified 65030 with the narrow road leading down past Tedstone Court. A wooden post and rail fence bounds the site.
- 1.2 This is a part retrospective application for 2 wooden clad stable buildings 9metres x 3.5metres, stained dark brown with mineral felt roofs, each providing 4 loose boxes, and the repositioning of a portacabin type structure, 11.5metres x 6metres, some 10metres further north, which is used as a tackroom and storage area. This building is to altered with the addition of a pitched roof. A fodder store of the same size and appearance as the stables is proposed between the tackroom and stables. The buildings are in a line along the tree lined western boundary of the site. The buildings are for the applicants own use.

## **2. Policies**

- 2.1 PPG7 The Countryside – Environmental Quality and Economic and Social Development  
PPG15 Planning and the Historic Environment

### **2.2 Malvern Hills District Local Plan**

Landscape Policy 1 – Development outside settlement boundaries  
Landscape Policy 3 – Development in Areas of Great Landscape Value  
Recreation Policy 13 – Horses and stables in the countryside  
Conservation Policy 2 – New development in Conservation Areas  
Conservation Policy 3 – The setting of Conservation Areas  
Conservation Policy 11 – The setting of Listed Buildings

### **2.2 Herefordshire Unitary Development Plan (Deposit Draft)**

LA2 – Landscape character and areas least resilient to change  
HBA4 – Setting of Listed Buildings  
HBA6 – New development within Conservation Areas

#### 2.4 Hereford and Worcester County Structure Plan

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

### 3. Planning History

NC2003/0618/F - Proposed equine facilities (partly retrospective). Withdrawn.

### 4. Consultation Summary

#### Statutory Consultations

4.1 Environment Agency: No objection, subject to notes.

#### Internal Council Advice

4.2 Head of Engineering and Transport: No objection.

4.3 Chief Conservation Officer: No objection.

### 5. Representations

5.1 Tedstone Delamere Parish Council: 'Members are unable to support the above application because of the following reasons:

1. Damaging visual intrusion into an area of great landscape value.
2. Building would attract an influx of traffic which the area could not accommodate and cope with.
3. There would be an adverse effect on the wildlife because of light, noise and waste pollution emanating from this building and operation.
4. It is not proven that there is an overwhelming need to operate a new building as there is a barn already available to be used.'

5.2 Eight letters of objection have been received. The main points raised:

- a) Very concerned, this is a retrospective application.
- b) These buildings and the proposed equine building represent a large development located in the small Tedstone Delamere settlement.
- c) The buildings degrade the countryside and detract from the character of the area.
- d) Damaging impact on the Area of Great Landscape Value.
- e) Traffic implications.
- f) There is no need for the development.
- g) Waste, noise and light pollution would be harmful to the area.

5.3 Three letters raising no objection to this application have also been received..

- 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 is a part retrospective planning application for the retention of stable buildings. A mobile structure used as a tack room and store is to be repositioned some 10metres further to the north. This building is to be altered with the addition of a pitched roof, the height of which will be the same height as the adjacent buildings, and eaves overhang so as to have a similar appearance to the stables. A fodder store of the same size and appearance as the stables is proposed between the stables and the tack room and store.
- 6.2 Recreation Policy 13 deals specifically with horses and stables in the countryside setting out criteria for consideration, scale and impact on the locality and the area of acknowledged importance, highway safety and waste disposal.
- 6.3 The site is located in open countryside designated as being of Great Landscape Value. It also adjoins the Tedstone Delamere Conservation Area, and is close Tedstone Court, a Grade II Listed Building. As with all development in the countryside, applications for development involving horses should take particular in minimising the affect they will have on the appearance of the countryside. In terms of impact on the acknowledged areas of importance, the Chief Conservation Officer has raised no objection considering their position close to a tree lined boundary minimises their impact they have on the character of this rural area.
- 6.4 The buildings are required for the applicants own use and will not attract additional traffic that would cause danger to other road users or affect the amenity of the area. Accordingly, the Head of Transportation has raised no objection.

## **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. E11 (Private use of stables only)**

**Reason: In order to safeguard the residential amenity of the area.**

### **Notes to applicant:**

**1 - All wash waters, manures and stable waste shall be collected, stored and disposed of in accordance with DEFRA "Code of Good Agricultural Practice for the Protection of Water".**

**2 - 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: .....

.....

**Background Papers**

Internal                      departmental                      consultation                      replies.

**11 DCNC2003/3002/F - CONVERSION OF STABLE/FORMER FARM OFFICE BUILDING TO RESIDENTIAL STAFF ACCOMMODATION AT BLACK VENN, EDWYN RALPH, BROMYARD. HR7 4LU**

**For: Trustees of the Harry Wolton Settlement per Mr H Wolton, The Black Venn, Edwyn Ralph, Bromyard. HR7 4LU**

**Date Received:**  
3rd October 2003

**Ward:**  
Bringsty

**Grid Ref:**  
65643, 57629

**Expiry Date:**  
28th November 2003

Local Member: Councillor T Hunt

## **1. Site Description and Proposal**

- 1.1 The Black Venn is located at the end of a long single width country lane. It is located in open countryside, designated as being of Great Landscape Value.
- 1.2 The application relates to a recently built 2-storey red brick building under a plain tiled roof that is located in a group of buildings on the north-east side of The Black Venn. The proposed accommodation will comprise living room, entrance hall, kitchen, lobby and utility on the ground floor with 2 bedrooms, bathroom and landing area at first floor. All existing openings are shown to be utilised throughout.

## **2. Policies**

- 2.1 SPG – Re-use and adaptation of traditional rural buildings  
PPG 7: The Countryside – Environmental Quality and Economic and Social Development

### **2.2 Malvern Hills District Local Plan**

Conservation Policy 12 – Residential conversion of agricultural and other rural buildings  
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)**

HBA13 – Re-use of traditional buildings for residential purposes  
LA2 – Landscape character least resilient to change

### **2.4 Hereford and Worcester County Structure Plan**

H20 – Residential development in open countryside

CTC2 – Development in Areas of Great Landscape Value  
CTC9 – Development criteria  
CTC14 – Criteria for the conversion of buildings in rural areas

### 3. Planning History

MH84/0842 - 2-storey extension. Approved 4.7.84.

MH91/0073 - Alterations and extension. Approved 25.2.91.

### 4. Consultation Summary

#### Statutory Consultations

4.1 None.

#### Internal Council Advice

4.2 Head of Engineering and Transport: No objection.

4.3 Public Rights of Way Manager: The proposed development would not appear to affect Public Right of Way ER23.

### 5. Representations

5.1 Edwyn Ralph Parish Council: Resolved to support application and need for occupancy covenant.

5.2 Norton Parish Council: No objection.

5.3 The applicant has said:

a) The accommodation is required by Mr and Mrs James, both of whom are full-time employees. Mrs James has been employed by me for more than 10 years.

b) At the moment they live in Leominster.

c) The staff accommodation is required as both are necessary employees.

d) The building will require little alteration.

e) I will accept an occupancy condition restricting the application to The Black Venn.

5.4 Letters of objection have been received from:

R J Darby, New House Farm, Edvin Loach, Bromyard  
R Harris, Upper House Farm, Edwyn Ralph, Bromyard  
Mrs R Amies, Kedenide, Ffryd Road, Knighton  
Mrs J Yeomans, The Nook, Clifton on Teme  
E Harris, Beechfields, Edwyn Ralph, Bromyard



The main points raised:

- a) It affects a Public Right of Way.
- b) There is no need for further building.
- c) Church Lane is inadequate to serve this proposal.
- d) Any increase in traffic should be avoided.
- e) There is no need for staff accommodation.

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

## **6. Officers Appraisal**

6.1 This application is for conversion of a 2-storey building, albeit recently built. The building has the appearance of a traditional farm building. Conservation Policy 12 deals specifically with the conversion of agricultural buildings and other rural buildings setting a criterion for consideration. The policy generally acknowledges that traditional buildings are vernacular in style and constructed from brick and/or timber frame. They are normally 19<sup>th</sup> century or earlier and are frequently of architectural and/or historic interest. Occasionally, though, an early 20<sup>th</sup> century building built in a vernacular style using local materials could be considered traditional.

6.2 Although this is a modern building, it is of a vernacular style and construction so as to be considered appropriate for alternative use. The alterations proposed to bring this building into use maintain the characteristics of the building. The accommodation is required by full time employees of the applicant who, presently reside in Leominster, are necessary to the running of The Black Venn. The proposal will reduce the need to travel. While the site is located in open countryside, it forms part of a complex of buildings that are on the north east side of The Black Venn, where its alternative use as ancillary accommodation to the principle dwelling is unlikely to cause any harm to the acknowledged visual qualities of the rural landscape.

6.3 It is acknowledged that bridleway ER23 runs through The Black Venn. However, the PROW advises that the bridleway is not affected by this proposal.

## **RECOMMENDATION**

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

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

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

**2 - The accommodation hereby permitted shall not be occupied other than by a member of staff employed by the occupants of The Black Venn.**

**Reason: In order to define the permission.**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal                      departmental                      consultation                      replies.

**12 DCNC2003/3230/F - PROPOSED GAS TANK AT  
DOWNSFIELD COTTAGE, NORTON, THE DOWNS,  
BROMYARD, HEREFORDSHIRE, HR7 4QH****For: Mrs J Cookayne of same address****Date Received:**  
27th October 2003**Ward:**  
Bringsty**Grid Ref:**  
67043, 54706**Expiry Date:**  
22nd December 2003

Local Member: Councillor T Hunt

**1. Site Description and Proposal**

- 1.1 The application site comprises a traditional stone cottage, with ancillary modern timber outbuildings. The site stands in an elevated position on the Bromyard Downs within an Area of Great Landscape Value.
- 1.2 The application is retrospective and seeks the retention of a Liquid Petroleum Gas (LPG) tank, sited adjacent to the side field boundary to the rear of the timber outbuildings

**2. Policies****2.1 Malvern Hills District Local Plan**

Landscape Policy 3 – Development in Areas of Great Landscape Value

**3. Planning History**NC01/2299/F - proposed conservatory. Approved 2 October 2001.  
NC99/2267/F - extension and conservatory. Approved 5 October 1999.**4. Consultation Summary**Internal Council Advice

- 4.1 Head of Engineering and Transport: No objection.

**5. Representations**

- 4.1 Parish Council: Cannot support this it does not comply to distance required to boundary and cottage itself.
- 5.1 Letters of representation have been received from:

Dr D G Boddington, The Downs House, Bromyard  
S L Langridge, Taylors Leasow, The Downs, Bromyard.

The main concerns raised are:

- Close proximity to boundary - 30 cm to neighbours stock fence
- Close proximity to timber building
- Potential fire hazard and,
- Inaccessibility of site for Fire Service
- Potential problems associated with use of farm machinery adjacent to the site

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

## **6. Officers Appraisal**

6.1 The LPG tank is coloured green and is tucked against an existing wooden outbuilding. In terms of its impact on the character and appearance of the area, it is not highly visible and will be seen in the context of existing domestic development.

6.2 In terms of policy considerations the LPG tank is not detrimental to the Area of Great Landscape Value or the visual amenities of occupiers of nearby residential properties. From a planning policy point of view the tank is acceptable and receives a positive recommendation.

6.3 It should be noted that the siting of the tank, within 3 metres of the boundary requires a separate consent under the Building Regulations. Compliance will therefore be pursued under separate legislation. In anticipation of the tank having to be moved a condition is required to agree the final siting.

6.4 In order to safeguard the character and amenities of the area it is recommended that a condition is imposed controlling the detailing of any fire screen which would be required to comply with Building Regulations.

## **RECOMMENDATION**

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

**1 - E16 (Removal of permitted development rights ) ('no fences, gates or walls shall be erected')**

**Reason: In the interest of visual amenities of the area**

**2 - G09 (Retention of trees/hedgerows ) ('existing boundary hedge/trees')**

**Reason: To safeguard the amenity of the area.**

**3 - Within 2 months of the date of this permission details shall be submitted to and agreed in writing with the Local Planning Authority of the revised siting of the tank.**

**Reason: In the interest of visual amenities of the area.**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal                      departmental                      consultation                      replies.



**13 DCNC2003/2955/F - CREATION OF VEHICULAR ACCESS AT 65 MILL STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8EE****For: Mr B Hampsey at same address****Date Received:**  
**29th September 2003****Ward:**  
**Leominster North****Grid Ref:**  
**49943, 59514****Expiry Date:**  
**24th November 2003**

Local Member: Councillors Brig P Jones CBE and Mrs J French

**1. Site Description and Proposal**

- 1.1 The application property is a semi-detached house which stands on the north side of Mill Street close to the level crossing for the railway line.
- 1.2 The application is retrospective and seeks the retention of a new access to provide off-street parking.

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

A24 – Scale and Character of Development

A56 – Alterations, Extensions and Improvements to Dwellings

**3. Planning History**

No recent planning history.

**4. Consultation Summary**Internal Council Advice

- 4.1 Head of Engineering and Transport: No objection. There are dropped kerbs across the whole of the frontage of the property. As such no further works would be required for an access.

**5. Representations**

- 5.1 Parish Council: Recommend refusal as there is insufficient information to reach a decision. There is no indication of where the parking area is to be located or does the applicant wish to make the whole of his site a parking area.
- 5.2 A letter of representation has been received from M S Bird, 67 Mill Street, Leominster.

The main concerns raised are:

- Parking space would be extremely dangerous to the public and passing vehicles due to close proximity to trunk road
- Vehicles would be manoeuvring over the existing footpath
- Turning circle should be provided to minimise the risk of causing accidents.

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 formation of the access was done following a vehicle demolishing a front boundary wall which previously ran along the back of the pavement edge. The only other works, which have taken place, has been the hard surfacing of the garden to the side and front with pea shingle.

6.2 The site is located within a conservation area, however the formation of the access and opening up of the site does not have an adverse impact upon the character or appearance of the conservation area. The access is in keeping with provision at adjacent properties and no other engineering works are required.

6.3 It is proposed to use the area for the parking of a single vehicle and amended plans have been requested to illustrate the exact position of the parking space.

6.4 Subject to amended plans indicating a satisfactory layout in terms of highway safety, it is not considered that the parking area will have a materially adverse impact on the amenities of neighbours or the character of the area and as such can be supported.

**RECOMMENDATION**

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

**1 - The parking of vehicles on the site shall be in accordance with the amended plans received on ..... and shall not thereafter be used for any other purpose than the parking of domestic vehicles.**

**Reason: in the interest of highway safety and to ensure the free flow of traffic using the adjacent highway.**

**2 - The existing side boundary wall shall be retained and shall not be removed without the prior written consent of the local planning authority.**

**Reason: To safeguard the character and amenities of the area.**

Decision: .....

Notes: .....



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**Background Papers**

Internal                      departmental                      consultation                      replies.



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

This application has been deferred on two occasions to enable investigation of claims of protected species being present on site. At the August meeting it was done to enable a survey to be carried out following the finding of evidence of great crested newts. Such surveys can only be carried out between mid-March to September. In an attempt to progress the application without further delay, the applicant has agreed to amend the application so as to avoid such works as would necessitate such a survey.

The agreement includes:

- A rough grass border, of 2 metres either side of the stream, should be kept free and clearly demarcated
- The grassed area on the north side of the stream is to be left as grass
- All trees, including the deadwood stump, should be kept in situ
- The left-hand corner of the grassland area should not be used to store vehicles, this should also be demarcated (by condition)

and

- a watching brief;
- a new fence: work being carried out between mid-March and early June by which stage any newts will be within the ponds; (to be defined by condition)
- no trees, including tree stumps, to be removed.
- Subject to the above there would be no need to conduct a lengthy survey and to obtain a DEFRA licence.

## **1. Site Description and Proposal**

- 1.1 The application site lies on the east side of the A4110 road through Wigmore. The site comprises of the existing Teme Valley Tractors business together with land to the south and east, which in part adjoins the rear boundaries of a number of properties along the main road and the Primary School to the south. The dwelling known as Wigingamere between the site and the school is within the control of the applicant.
- 1.2 The site lies adjacent to a number of listed buildings and is also within the Wigmore Conservation Area.
- 1.3 The site can be categorised into two areas. First, land immediately adjacent to and on the south side of a small stream which is currently being used for the storage/parking of agricultural machinery, without the benefit of planning permission, and the area to the north of the stream which was formerly an orchard.
- 1.4 The proposal is described as a change of use from garden area to parking for agricultural implements and customer parking. It does not appear, however, that the land has been used as garden land for many years and it is doubtful whether the old orchard on the north side of the stream ever was.
- 1.5 The submitted amended plan of 11 April indicates that customer parking will be located adjacent to the north-west boundary of Wigingamere, that a new mixed thorn and beech hedge will be planted along the boundary with the school, and along the boundaries of that part of the site across the stream, together with the retention of the existing apple trees and silver birches in that part of the site.

## **2. Policies**

### **2.1 Leominster District Local Plan (Herefordshire)**

A2(B) – Settlement Hierarchy  
A12 – New Development and Landscape Schemes  
A14 – Safeguarding Water Resources  
A18 – Listed Buildings and their Settings  
A21 – Development within Conservation Areas  
A28 – Development Control Criteria for Employment Sites  
A35 – Small-scale New Development for Rural Businesses within or around Settlements  
A70 – Accommodating Traffic from Development  
A54 – Protection of Residential Amenity

### **2.2 Hereford and Worcester County Structure Plan**

E6 – Industrial Development in Rural Areas  
CTC15 – Conservation Areas

### **2.3 Herefordshire Unitary Development Plan (Deposit Draft)**

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

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

### 3. Planning History

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

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

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

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

### 4. Consultation Summary

- 4.1 Environment Agency have no objection subject to a condition preventing any new buildings or structures including gates, walls or fences, or raised ground levels within 5 metres of the top of any bank of watercourse. They also advise that the applicant should comply with the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991 and that they should ensure there is no possibility of contaminated water entering and polluting surface or underground waters.
- 4.2 English Nature had requested the deferral in August for more information on great crested newts.

### 5. Representations

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

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

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

Oak Cottage, a listed building, is owned by the applicant and that part of the building is used as office space and stores, with the rear garden area being used for storage and

parking for the business and has been since about 1949 when the business commenced, with the existing workshop being erected in 1953.

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

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

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

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

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

5.4 In support of the proposal the applicant's agent has submitted a number of letters, including reference to his client's willingness not to cut down or lop any trees in the site, to plant a semi-mature Beech hedge along the boundary to the school and northern boundary where possible, to provide only temporary access across the stream for overspill parking at busy times only.

5.5 Objections have been received from:

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

Their objections can be summarised as follows:

1) Air pollution: It is impossible to open windows during working hours between 8.00am and 6.00pm due to tractor engines running, generators and the burning of rubbish. Granting planning for this will treble the size of the area in which this could take place.

2) Pollution to the stream from oil and other hydraulic liquids.

- 3) Flash flooding occurs during the winter although some remedial work has taken place on land adjacent to the site.
- 4) As recently as last year the land was being used for the grazing of horses and sheep. The tractors have appeared without planning permission.
- 5) The access will be dangerous.
- 6) It is obtrusive and unnecessary and suited only to the industrial estate.
- 7) The description is in error. It is not a change of use from gardens.
- 8) The proposal will be detrimental to the setting of a listed building.
- 9) It is already an eyesore without further expansion.
- 10) Intrusion upon privacy.
- 11) Contrary to policies in the Unitary Development Plan.
- 12) If refused, applicant would relocate to land allocated for employment use.
- 13) The proposal is premature and should have been promoted in the UDP.
- 14) It would create a precedent for further unacceptable development.
- 15) Loss of value of property.
- 16) The site is a habitat for wild life.

A letter on behalf of these residents takes issue with the content of parts of the report and concludes that a different recommendation is appropriate.

5.6 Support for the application has been received from:

Mr R Ruell, Paytoe Hall, Leintwardine  
Stuart Hutchings, Hall Farm, Leinthall Earls  
David Morgan, Lower Letton, Bucknell  
Mr and Mrs Goodwin, Upper Yatton Farm, Yatton

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

## 6. Officers Appraisal

- 6.1 The principal issues in the determination of this application appear to relate to highway safety, residential amenity, visual amenity, pollution and setting of listed buildings and other conservation issues, including nature conservation.
- 6.2 Improvements are proposed to the existing access to the site together with provision for customer parking which allows an opportunity to lay out the forecourt area in a less haphazard manner which would lead to the benefit of highway safety generally.

- 6.3 The application as submitted extends the area of the site for the purposes of storage of agricultural implements. The application does not propose these areas be used for working on vehicles and consequently there ought not to be any significant difference in terms of the impact of the business upon residential amenity as referred to by objectors, particularly the running of engines, etc., causing air pollution. Consequently, the proposal would not be contrary to policy A54.
- 6.4 The Chief Conservation Officer has serious concerns in terms of the impact of the proposal upon the setting of nearby listed buildings and upon the character of the Conservation Area. He considers that the site forms a soft edge to the settlement, which protects and enhances the historic core of the village. The topography and land use are typical of the valley floor below the ridge, and this pasture land lies in the immediate setting of many listed buildings and their associated burgage plots. He considers that the proposal would in effect industrialise the site, destroying the visual and natural amenity.

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

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

In terms of biodiversity issues, there are a number of matters of concern but these could be satisfied by conditions, and the amendments referred to earlier in the report.

- 6.5 These legitimate concerns, which themselves have the backing of Development Plan and national policy, need to be weighed against policies supportive of employment uses, and in particular PPG4 and PPG18 on enforcement. Refusal of the application will lead to further enforcement action to secure removal of unauthorised use of part of the site.
- 6.6 In terms of pollution, it is not considered that the use of areas for additional storage will make any difference to the air pollution situation. In terms of oil and other liquids, the site is already required to comply with the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991. The Environment Agency have not suggested that additional conditions are required.
- 6.7 It is considered that through the imposition of appropriate safeguarding conditions the concerns set out above can be addressed. Requiring details of the surfacing and demarcation of the area to the south of the stream, and the prohibition of surfacing at all beyond the stream, plus enhanced landscaping works will, it is considered, do this. On this basis it is considered that on balance the opportunity to improve the appearance of the site and retain employment opportunity and diversity of use within a main village such as Wigmore are such that the application can be recommended for approval.

## RECOMMENDATION

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



- 1 - **A01 (Time limit for commencement (full permission) )**  
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 - **A09 (Amended plans )**  
Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.
- 3 - **D01 (Site investigation - archaeology )**  
Reason: To ensure the archaeological interest of the site is recorded.
- 4 - **H13 (Access, turning area and parking )**  
Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.
- 5 - **The areas indicated on the approved plan for agricultural implement storage and customer parking shall be used for this purpose only and vehicles/implements within this area shall not be actively worked upon.**  
Reason: In the interests of residential amenity.
- 6 - **Within 3 months of the date of this permission details of the laying out and surfacing of these areas shall have been submitted to the Local Planning Authority for approval in writing. Use of these areas shall not then commence until these works have been carried out in accordance with the approved details.**  
Reason: In the interests of visual amenity and to protect the settings of listed buildings and the Conservation Area.
- 7 - **G04 (Landscaping scheme (general) )**  
Reason: In order to protect the visual amenities of the area.
- 8 - **G05 (Implementation of landscaping scheme (general) )**  
Reason: In order to protect the visual amenities of the area.
- 9 - **G10 (Retention of trees)**  
Reason: In order to preserve the character and amenities of the area.
- 10 - **There shall be no new buildings, structures (including gates, walls or fences) or raised ground levels within a) 5m of the top of any bank of watercourses, and/or b) 3m of any side of an existing culverted watercourse, inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.**  
Reason: To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows.
- 11 - **Details of the proposed temporary access over the stream shall be submitted to the Local Planning Authority for approval in writing, prior to the use of the land beyond the stream for storage purposes.**  
Reason: For the avoidance of doubt and to ensure compliance with Environment Agency Regulations.
- 12 - **Work shall only be carried out between 15 March and 10 June.**  
Reason: Any newts would be safely within the adjoining during this period.

13 - Before the development hereby permitted is commenced details of a new fence shall have been submitted to and approved in writing by the Local Planning Authority. The fence shall be provided in accordance with a timetable to be agreed in writing by the Local Planning Authority.

Reason: In the interests of protection of a protected species.

14 - Before the development hereby permitted is commenced details of a watching brief for protected species during construction work shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protection of a protected species.

**Note to applicant:**

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

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

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

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

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal                      departmental                      consultation                      replies.

**15 NW2003/0703/F & NW2003/0704/L - CONSTRUCTION  
16 OF 11 NEW DWELLINGS & CONVERSION/EXTENSION  
& OF MILL INTO 4 APARTMENTS.**

**&  
17 NW2003/1984/L -DEMOLITION OF RENDERED  
EXTENSION**

**AT THE FORMER D.G. GAMES SITE, THE OLD MILL,  
WEOBLEY, HEREFORDSHIRE, HR4 8SH**

**For: Kingsmead Trust per Mr N La Barre 38 South  
Street Leominster Herefordshire HR6 8JG**

**Date Received:**

**4th March 2003**

**Expiry Date:**

**29th April 2003**

Local Member: Councillor John Goodwin

**Ward:**

**Weobley**

**Grid Ref:**

**40263, 51472**

## **1. Site Description and Proposal**

- 1.1 The application site comprises a 0.36 hectare plot, which occupies a very prominent and elevated location within the Weobley Conservation Area and immediately adjacent to Back Lane and Mill Bank. The site is primarily characterised by large areas of concrete hardstanding upon which stands two steel framed buildings and a concrete block storage building. The south west corner of the site next to the existing access is dominated by the four storey Grade II listed former corn Mill which has a later three storey warehouse extension.
- 1.2 The site was until recently occupied by DG Games and used for the sale of agricultural implements and machinery.
- 1.3 The prevailing character of the area is generally residential with some commercial uses, a listed terrace (Mill Bank Cottages) to the south, older detached properties to the west, modern infill development to the north and the car park associated with The Olde Salutation Inn to the west. To the south west of the site are the remains of Weobley Castle, a Scheduled Ancient Monument, the presence of which is acknowledged by the designation of the site and surrounding area within the Historic Core of Weobley. The site is within the defined settlement boundary for the village but is also designated as an Area of Great Landscape Value.
- 1.4 Access is currently derived from the two points immediately next to the listed mill and adjacent to the sites eastern boundary with The Olde Salutation Inn. Levels on site rise gently away from the northern and western boundaries to a high point at the southern end of the site to the rear of the gardens serving Mill Bank Cottages.

- 1.5 Another noticeable feature on site is a culverted watercourse which runs through the site in a northerly direction.
- 1.6 Planning permission and listed building consent is sought for the demolition of the existing modern buildings on site and the later extension to the listed Mill and its conversion and extension to provide 4 apartments together with the redevelopment of the remainder of the site for a total of 11 dwellings, a terrace of 3 dwellings (Plots 1 - 3), and 4 semi-detached units (Plots 4 -11). A new access road utilising the existing principal access into the site is proposed with garaging and screened communal parking together with hard and soft landscaping. A new pedestrian footpath would skirt along the northern and western boundaries of the site with 2 private pedestrian entrances serving Plots 1 - 5.
- 1.7 The application is accompanied by a Design Statement, Archaeological Evaluation and an Ecology Survey, relating to bats and birds.

## 2. Policies

### PPG 3 – Housing

### PPG 15 – Planning and the Historic Environment

#### Hereford & Worcester County Structure Plan

Policy H15	Location of Growth
Policy CTC 2	Areas of Great Landscape Value
Policy CTC 3	Nature Conservation
Policy CTC 5	Archaeology
Policy CTC 9	Development Requirements
Policy CTC 13	Conversion of Buildings
Policy CTC 15	Conservation Areas
Policy CTC 18	Development in Urban Areas

#### Leominster District Local Plan (Herefordshire)

Policy A1	Managing The District's Assets And Resources
Policy A2(B)	Settlement Hierarchy
Policy A5	Sites Supporting A Statutorily Protected Species
Policy A9	Safeguarding The Rural Landscape
Policy A12	New Development And Landscape Schemes
Policy A14	Safeguarding The Quality Of Water Resources
Policy A16	Foul Drainage
Policy A17	Contaminated Land
Policy A18	Listed Buildings And Their Settings
Policy A21	Development Within Conservation Areas
Policy A22	Ancient Monuments And Archaeological Sites
Policy A23	Creating Identity And An Attractive Built Environment
Policy A24	Scale And Character Of Development
Policy A29	Loss Of Employment Sites Outside Industrial Estates
Policy A30	Redevelopment Of Employment Sites To Alternative Uses
Policy A49	Affordable Housing On Larger Housing Sites
Policy A54	Protection Of Residential Amenity
Policy A55	Design And Layout Of Housing Development
Policy A64	Open Space Standards For New Residential Development
Policy A65	Compliance With Open Space Standards
Policy A70	Accommodating Traffic From Development
Policy A73	Parking Standards And Conservation
Proposal WEO.2	Historic Core, Weobley

**Herefordshire Unitary Development Plan (Deposit Draft)**

Policy S1	Sustainable Development
Policy S2	Development Requirement
Policy S3	Housing
Policy S6	Transport
Policy S7	Natural and Historic Heritage
Policy DR1	Design
Policy DR2	Land Use & Activity
Policy DR3	Movement
Policy DR4	Environment
Policy DR5	Planning Obligations
Policy DR10	Contaminated Land
Policy H4	Main Villages : Settlement Boundaries
Policy H9	Affordable Housing
Policy H13	Sustainable Residential Design
Policy H14	Re-Using Previously Developed Land and Buildings
Policy H15	Density
Policy H16	Car Parking
Policy H19	Open Space Requirements
Policy E5	Safeguarding Employment Land and Buildings
Policy T11	Parking Provision
Policy LA2	Landscape Character and Areas Least Resilient to Change
Policy LA6	Landscape Schemes
Policy NC1	Nature Conservation and Development
Policy NC5	European and Nationally Protected Species
Policy HBA1	Alterations and Extensions to Listed Buildings
Policy HBA2	Demolition of Listed Buildings
Policy HBA 4	Setting of Listed Buildings
Policy HBA 6	New Development Within Conservation Areas
Policy ARCH 1	Archaeological Assessments and Field Evaluations
Policy ARCH 3	Scheduled Ancient Monuments
Policy ARCH 6	Recording of Archaeological Remains

**Supplementary Planning Guidance : The Provision of Affordable Housing****3. Planning History**

3.1 None relevant.

**4. Consultation Summary**Statutory Consultations

- 4.1 Environment Agency raise no objection subject to conditions in respect of investigating for contamination of the site and foul and surface water drainage.
- 4.2 Welsh Water raise no objection subject to conditions relating to the control of foul and surface water discharges from the site.
- 4.3 English Heritage raise no objection to the demolition of the rendered extension and the conversion/extension of the Grade II listed mill building. Comments are awaited on the revised plans for the redevelopment of the remainder of the site.

- 4.4 Ancient Monument Society raise no specific objection and the proposed conservation of the site is welcomed. Specific comments include support for the reinstatement of the original roof profiles, the retention of important internal features and iron casements and the control of conversion to ensure that it takes place contiguously with the development of the rest of the site.
- 4.5 Society for the Protection of Ancient Buildings raise no objection.
- 4.6 Council for British Archaeology raise no objection subject to the recording of the building for archival purposes.

#### Internal Council Advice

- 4.7 Head of Engineering and Transportation raises no objection subject to conditions relating to provision and retention of visibility at the junction with Mill Bank, provision of parking as proposed, retention of only one vehicular access to the site and the provision of the footpath link into the site.
- 4.8 Chief Conservation Officer raises no objection to the proposals in terms of works to the listed building and within the Weobley Conservation Area, the archaeological importance of the site, the ecological issues arising from the development of the site and the landscaping implications. A number of conditions are suggested and will be referred to in the officers appraisal and recommendation.
- 4.9 Chief Forward Planning Officer raises no objection in principle subject to agreement that the existing site has a negative impact although concern is raised at the lack of affordable housing which does not accord with thresholds set out in the Herefordshire UDP.

## **5. Representations**

### NW2003/0703/F (Initial Consultation)

- 5.1 A total of 18 letters of objection were received in response to the first consultation exercise from the following persons:

Mrs SL Gale, Bryn Melyn, Weobley (2 letters)  
Sargeants Brothers Ltd, Mill Street, Kington  
Messrs Price, Newnett, Kington Road, Weobley  
Gale Dyer, 3 Millbank Cottages, Weobley  
Dr MJ Simon, Mill House, Weobley  
JB Davies, Silver Birches, Back Lane, Weobley  
Beth Davies, 4 Mill Bank Cottage, Weobley  
GE Moorcroft, Littlebrook Cottage, Market Pitch, Weobley  
Mrs SR Williams, Marlbrook House, Weobley  
M Perkins, 4 The Berkeleys, Fetcham, Surrey  
Mrs SC Giles, The Old Forge, Mill Bank, Weobley  
Mr Giles, The Old Forge, Mill Bank, Weobley  
Miss BJ Gross, 4c Timberdown, Wick, Pershore  
CED Williams, Marlbrook House, Weobley  
Miss LM Williams, Marlbrook House, Weobley  
Russell Williams, Marlbrook House, Weobley  
P Hollenburg, Richmond, Weobley

NW2003/0704/L (Initial Consultation)

- 5.2 A total of 4 letters of objection were received in response to the first consultation exercise from the following persons:

Mrs SL Gale, Bryn Melyn, Weobley  
M Perkins, 4 The Berkeleys, Fetcham, Surrey  
Mr Giles, The Old Forge, Mill Bank, Weobley  
Mrs SC Giles, The Old Forge, Mill Bank, Weobley

NW2003/1984/L

- 5.3 One letter of objection has been received in response to this application from Mr Giles, The Old Forge, Mill Bank, Weobley.

- 5.4 The concerns raised can be summarised as follows :

- traffic calming and speed restrictions required
- additional house will create more danger on the roads
- additional car parking required
- access opposite our property is dangerous
- vehicles parked on roadside create problems for bus service
- development should provide sufficient parking
- construction vehicles should be contained on site
- houses not in-keeping, a disgraceful eyesore
- insufficient capacity to deal with more cars in the village
- poor visibility at the access
- loss of privacy through conversion of the mill
- fewer dwellings would be more appropriate
- play space welcomed
- dwellings should be 'black and white' designs
- scheme too overpowering
- additional parking on site required (2.5 spaces per dwelling)
- loss of openness on site harmful to character of area
- greater set back of dwellings needed
- part timber-framing should be incorporated into design
- mill stream an attractive feature
- height of house will block light out
- wishing well will be a magnet for youngsters
- increase in noise associated with residential occupation
- loss of light/privacy
- designs are those expected on an urban estate
- loss of views of existing mature trees and Castle Green
- potential impact on owls and bats
- concern regarding treatment of surface water
- terrace too close to roadside-visually oppressive
- access not in accordance with Highway Standards
- pond feature should be created at front of site to benefit the village
- no garden space provided with housing
- density of development too high
- site should be reduced in level down to existing road height

5.5 In addition to the individual responses, a signed petition with 47 signatures was submitted opposing the development on the grounds that it would create additional traffic problems and be out of keeping with the black and white character of the village.

5.6 Further to the initial consultation, two revisions to the proposal have been the subject of further consultation. The consultations on the revised plans have generated a further 21 responses from :

Mr Giles, The Old Forge, Mill Bank, Weobley (3 letters)  
Mrs B Havard, Bell Meadow, Weobley (2 letters)  
Mrs SR Williams, Marlbrook House, Weobley (2 letters)  
Dr MJ Simon, Mill House, Weobley (2 letters)  
CED Williams, Marlbrook House, Weobley (2 letters)  
Russell Williams, Marlbrook House, Weobley (2 letters)  
M Perkins, 4 The Berkeleys, Fetcham, Surrey  
Louise Pope and Phillip Harrison, Daisy Bank, Weobley (2 letters)  
Mrs G Dyer, 3 Millbank Cottages, Weobley  
Miss LM Williams, Marlbrook House, Weobley (2 letters)  
Mrs LM Hamer, 4 Portland Street, Weobley  
Mrs SL Gale, Bryn Melyn, Weobley

5.7 The concerns raised reiterate those made previously and are summarised above.

5.8 A response has been received from the Steering Committee of Weobley Parish Plan. The concerns raised are as follows :

- concern over loss of open space and general amenity
- increased pressure for on-street parking and associated danger to pedestrians, cars and buses
- building character out of keeping with the village
- lack of affordable housing

5.9 Weobley Parish Council comment as follows on the revised scheme :

- setting back of housing and the pavement are welcomed
- design and layout of development unsympathetic
- development at the former primary school should not be repeated
- materials should blend in
- extension to Mill building does not complement the original building
- concern regarding lack of parking on site. Open parking spaces rather than garages would be more acceptable
- could the pavement be extended beyond to site across the front of The Salutation Inn
- what provision is made for street lighting
- stream should be exposed
- point of access is unsafe in view of lack of visibility and speed of traffic

5.10 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 proposed development of this site is the subject of separate applications dealing with the demolition of a later extension to the Grade II listed Mill, the demolition of modern outbuildings associated with the previously commercial use of the site, the works associated with the conversion and new extension of the listed Mill into 4 no. apartments (three 3 bed units and one 2 bed unit) and the development of the remainder of the site with a total of 11 dwellings (two 2 bed units and nine 3 bed units).
- 6.2 These applications have been the subject of lengthy discussions and remains highly sensitive and controversial, a situation clearly evidenced by the continuing number of local objections to the proposed development. The concerns raised cover a diverse range of issues but in broad summary the main issues for consideration in the determination of these applications are as follows :
- a) the principle of residential development including the loss of an existing employment site;
  - b) the impact of the proposal upon the character, appearance and setting of the Weobley Conservation Area, the listed Mill and adjacent listed buildings;
  - c) the impact of the proposal upon the sensitive archaeological constraints of the site (within the Historic Core and adjacent to the Scheduled Ancient Monument);
  - d) ecological issues;
  - e) highway safety and access issues;
  - f) the impact of the proposal upon the amenities of neighbouring occupiers;
  - g) non-provision of affordable housing and equipped children's play space and;
  - h) drainage issues.

### Principle of Residential Development

- 6.3 Policy A2(B) of the Leominster District Local Plan (Herefordshire) establishes that small scale development will be permitted within the defined settlement boundary although at the outset it must be recognised that in addition to the plethora of conservation and amenity related issues that are set out below, Policy A29 of the Local Plan does seek to protect existing employment sites subject to criteria.
- 6.4 In this case it is considered that the general appearance and historic use of the site for the sale and display of agricultural plant and machinery and the modern outbuildings in particular adversely affect the character, appearance and setting of the Grade II listed Mill and the Weobley Conservation Area. Furthermore, whilst the commercial activities associated with the site have now ceased it would have the potential to cause significant harm to residential amenity as well as traffic and access related problems.
- 6.5 The combination of these factors is such that potential enhancement of the site and local environment have been given greater weight than the retention of the site in employment use. It is considered that this represents the general consensus locally and as such no objection is raised to the broad principle of residential redevelopment.

Character, Appearance and Setting of the Conservation Area, Listed Mill and Adjacent Listed Buildings

- 6.6 The sensitivity of this site is clearly recognised and it is advised that the lengthy negotiations that have taken place with the applicant have focussed primarily on the need to preserve and enhance the Conservation Area and respect the setting of the Mill and the historic buildings around the site. Particular care has been taken with regard to the scale, design and siting of Plots 1-5 which front onto the road, since these will inevitably be the most prominent.
- 6.7 The height of these dwellings would now vary between 7 metres and 7.5 metres compared to the 8 metre to 8.5 metre height that was originally submitted. In addition to this reduction in scale, a set back of some 6-7 metres has been achieved from the front elevations of Plots 1-5 and the edge of the application site in recognition of its elevated nature and the desire to reduce the potentially over bearing effect upon the streetscene.
- 6.8 The proposed choice of materials which would introduce painted brick and roughcast render will serve to further reduce the visual impact of the development. It is advised that whilst these materials are characteristic of the Conservation Area in general, they will also enable the red brick of the Mill and the exposed timber framing of the buildings adjacent to the site to remain visually dominant.
- 6.9 The conversion and extension of the listed Mill to provide 4 apartments would facilitate the enhancement of the building by re-instating the roof and removing the existing bulky rendered extension. The internal arrangements are such that the Mill itself will accommodate an open-plan kitchen and living room preserving this intrinsic element of its character whilst the bedrooms and bathrooms would be housed in the extension attached to the Mill by a recessed link enclosing the stairwell. The design of the extension itself seeks to complement the proportions of the Mill and again would utilise render in order for the red brick of the listed building to remain visually dominant in wider views of the site.
- 6.10 The internal layout including Plots 6-11, the new access road, parking and garaging are less visually sensitive than the treatment of the plots fronting the road and the listed Mill but nonetheless they are important elements of the scheme as a whole. The scale and siting of Plots 6-11 are such that as much of the open setting of the Mill is preserved by locating the dwellings as close to the site margins as possible and adopting a relatively simple and modest cottage type design incorporating dormers. The mature landscaping associated with Castle Green to the south and east of the application site would still be appreciated over the ridges of Plots 6-9 and the soft landscaping proposals adjacent to the new access road would serve to enhance views into the site from the junction with Mill Bank.
- 6.11 The site layout incorporates a combination of garage buildings and communal open car parking and the intention in this case has been to limit views of the car parking areas by the considered positioning of garage blocks and soft landscaping again preserving the setting of the Mill and the wider character and appearance of the Conservation Area.
- 6.12 In overall terms it is maintained that the redevelopment of this site represents an opportunity to enhance the village and whilst certain elements such as the opening up of the culverted stream have not been incorporated into the revised proposal due to concerns on behalf of the applicant in respect of health and safety and the prohibitive

cost of public liability insurance cover, the scheme in its revised form will preserve the character and appearance of this historically sensitive part of Weobley in accordance with adopted development policy.

#### Archaeological Constraints/Historic Core of Weobley

- 6.13 The archaeological sensitivity of the site was established prior to the submission of the application, which was accordingly accompanied by an Archaeological Evaluation carried out by Archaeological Investigations Ltd. The advice from the Chief Conservation Officer based upon the findings of the excavation work is that there would be no objection of the development as proposed subject to a condition requiring the recording of any artefacts uncovered during the course of construction.

#### Ecology

- 6.14 The potential presence of bats and protected bird species was identified as a result of responses from local residents and accordingly an ecological appraisal was requested. The findings of the report indicate that the Mill is unlikely to support a bat roost although recommends that the development could incorporate measures to facilitate roosting and furthermore recommends that artificial swallow and housemartin nests are incorporated into the development and that the timing of works on the Mill should be so as to avoid the nesting season.
- 6.15 These issues could be covered by an appropriately worded condition.

#### Highway Safety and Access

- 6.16 It is clear from many of the objections raised that vehicular access to and from the site is a serious cause for concern. The proposal seeks to improve the existing access adjacent to the Mill by widening it and pulling it further away from the flank elevation of the building. It is advised that the resulting junction with Mill Bank would provide an acceptable level of visibility to the north and south having regard to the scale of the residential development proposed.
- 6.17 In addition to the above it should be recognised that the nature and extent of vehicular activity associated with this residential proposal would generally be less problematic than the continuing use of the site for commercial purposes which could attract larger vehicles that could not necessarily be controlled by planning legislation.
- 6.18 The other vehicular access adjacent to the boundary with The Salutation Inn would be permanently closed.
- 6.19 Throughout negotiations on this proposal concern has been raised in respect of the pedestrian footway skirting the site and the provision of private pedestrian access to Plots 1-5. A new 1.8 metre wide footway would be provided that in itself would improve pedestrian access to the village centre and the revised plans show the stepped and ramped private access points positioned at the margins of the site so as to limit the opportunity for nuisance parking in the highway. Consideration has been given to the extension of the footway beyond the application site but it has been concluded that there is no justification for this and furthermore that landownership and the limited width of the existing vehicular carriageway would make this impractical to achieve.

- 6.20 Concern has also been raised in respect of the level of parking proposed. In its revised form the development achieves a total of 2 parking spaces per dwelling which satisfies the adopted parking standards for two and three bedroom units. It is not therefore considered that there would be any grounds for refusal on this issue.
- 6.21 In conclusion, the Head of Engineering and Transportation has been involved closely throughout the negotiations that have taken place on this proposal and no objection has been raised in respect of the access, parking and highway safety issues associated with the development.

#### Neighbouring Amenity

- 6.22 In principle the re-use of this commercial site for residential purposes would stand to enhance the residential environment in the immediate vicinity of the site but the introduction of dwellings clearly brings with it the potential for overlooking and loss of privacy, daylight and sunlight.
- 6.23 In this respect the setting back of Plots 1 and 5 and the reduction in the height of the dwellings has significantly improved the relationship of the development to adjacent properties. A minimum distance of approximately 15 metres between Plots 1-5 and the nearest existing dwelling has been achieved and is considered appropriate in the context of the site.
- 6.24 It is acknowledged that the re-instatement of the pitched roof and the listed Mill would make the building approximately 3 metres taller than the existing although this additional height would be contained within a roof that would pitch away from Mill Cottage to the west and as such it is not considered that there would be any significantly harmful overbearing effect on this property.
- 6.25 The relationship of the Mill and its extension to Mill Bank Cottages to the south has been given specific consideration. Again, the additional height would not have a significant effect on the occupiers since it would be in the form of a pitched roof. It is considered that the demolition of the existing 10 metre high extension to the Mill would represent a significant enhancement to these properties in view of its proximity to the rear gardens. The proposed extension whilst taller at 11 metres would be some 2.2 metres away from the common boundary and would only project approximately 9 metres from the rear elevation of the Mill rather than the 13 metres of the existing extension.
- 6.26 In terms of privacy the south elevation of the proposed extension contains the same number of windows as the existing building and whilst overlooking into the rear gardens of Mill Bank Cottages will be possible from the bedrooms there would be no direct window to window relationship and certainly no greater impact than if the existing extension were converted into residential use or some other commercial use such as offices for example. In view of this existing relationship and the greater improvement made through negotiations, it is not considered that planning permission could be reasonably refused in respect of its impact on the occupiers of Mill Bank Cottages.
- 6.27 On a final point the balconies provided within the link between the Mill and its extension would be significantly recessed such that they would not materially affect the privacy of these residents.

Affordable Housing / Recreational Playspace

- 6.28 The site area and the proposed development for 15 dwellings is below the threshold for the provision of affordable housing that is established in Policy A49 of the Leominster District Local Plan (Herefordshire) and accordingly given the particular costs and constraints associated with the development of the site it was not considered appropriate to secure any provision for affordable units.
- 6.29 It should be noted that the Herefordshire UDP establishes a much lower threshold requiring affordable housing provision on sites of 6 or more dwellings. Having regard to the limited weight that can be attached to the UDP at present, the lengthy negotiations that have taken place on this application it is not considered that it would be reasonable to insist upon affordable housing provision at this lower threshold.
- 6.30 On the issue of the provision of recreational open space, the difficulties associated with developing the site have resulted in a view being taken that an adequately equipped playspace cannot realistically be incorporated into the scheme. Accordingly, the developer has accepted the principle of a suitable payment in lieu of off-site provision to be paid, which would be secured by way of a Section 106 Agreement.
- 6.31 In addition to this a commuted sum would also be sought by legal agreement towards maintaining/enhancing educational facilities in Weobley.

Drainage

- 6.32 With regard to sewage disposal, a mains connection is proposed and it is indicated that the existing storm water facilities on site would be retained and used in connection with the residential development proposed. No objection to this approach has been raised by Welsh Water and the Environment Agency subject to appropriate conditions.

Conclusion

- 6.33 The appropriate redevelopment of the DG Games site represents a significant challenge and has involved lengthy discussions with the applicant which have sought to address local concerns from the outset of the public consultation process. The revised scheme as proposed seeks to balance a number of conflicting issues particularly those of development density, conservation and residential amenity and represents what is considered to be an acceptable balance of these issues that is consistent with currently adopted development plan policy and relevant Government guidance.
- 6.34 It should be noted that in addition to the Section 106 Agreement, if approved it would be necessary to refer the application relating to the partial demolition of the Grade II listed Mill (NW2003/1984/L) to the Office of the Deputy Prime Minister.

**RECOMMENDATION****NW2003/0703/F**

- 1. The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to provide :**

- a) a financial contribution towards the provision of additional facilities at the local schools
  - b) a financial contribution towards the maintenance/enhancement of existing recreational Playspace in the village
2. Upon completion of the aforementioned planning obligation officers names in the scheme of delegation be authorised to issue planning permission subject to the following conditions :
- 1 - A01 (Time limit for commencement (full permission) )  
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
  - 2 - A07 (Development in accordance with approved plans )  
(drawing nos. 02638-19 Rev. B, 20 Rev. B, 21 Rev. B, 22, 23 Rev. A and 24 Rev. A)  
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 - C02 (Approval of details ) (to be finalised with the Chief Conservation Officer)  
Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.
  - 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 - C10 (Details of rooflights )  
Reason: To ensure the rooflights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of this building of [special] architectural or historical interest.
  - 8 - C11 (Specification of guttering and downpipes )  
Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

**9 - C19 (Commencement condition )**

**Reason:** In order to ensure compliance with Sections 7 and 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**10 - D01 (Site investigation - archaeology )**

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

**11 - E09 (No conversion of garage to habitable accommodation)**

**Reason:** To ensure adequate off street parking arrangements remain available at all times.

**12 - E16 (Removal of permitted development rights )**

**Reason:** To safeguard the character, appearance and setting of the development and in the interests of local amenity.

**13 - E18 (No new windows in specified elevation ) (west elevation of Plot 11)**

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

**14 - F16 (Restriction of hours during construction )**

**Reason:** To protect the amenity of local residents.

**15 - F39 (Scheme of refuse storage )**

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

**16 - Development shall not commence until a scheme to deal with the potential contamination of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include a full assessment to identify the extent of contamination and the measures to be taken to avoid risk to the buildings/environment. The measures approved in the scheme shall be fully implemented before the commencement of development.**

**Reason:** To ensure contamination of the site is removed or contained.

**17 - F48 (Details of slab levels )**

**Reason:** In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

**18 - G01 (Details of boundary treatments )**

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

**19 - G04 (Landscaping scheme) (hard and soft landscaping including the surfacing of the new access road)**

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

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

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

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

**Reason:** To safeguard the amenity of the area.

**22 - Prior to the commencement of the conversion/extension of the Mill building, a mitigation strategy in respect of provision for bats and nesting swallows/housemartins together with the timing of building and conversion works shall be submitted to and approved in writing by the local planning authority. The approved strategy shall be fully implemented prior to the completion of the conversion/extension works.**

**Reason:** To ensure that the nature conservation interest of the site is protected.

**23 - The conversion and extension of the listed Mill as approved shall be carried out contiguously with the remainder of the development and shall be completed in accordance with the approved plans and elevations prior to the first occupation of any of the Plots 1-11 as shown on the approved plan.**

**Reason :** To ensure that this important and integral element of the development is undertaken in a timely manner and to safeguard the character and appearance of the building.

**24 - 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.

**25 - H21 (Wheel washing )**

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

**26 - H27 (Parking for site operatives )**

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

**27 - F20 (Scheme of surface water drainage )**

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

**28 - Foul and surface water must be drained separately and no surface water shall be allowed to connect to the public sewerage system.**

**Reason:** To prevent hydraulic overload of the public sewerage system and pollution of the environment.



**Notes to applicant :**

- 1 - HN01 - Mud on highway
- 2 - HN05 - Works within the highway
- 3 - HN08 - Section 38 Agreement details
- 4 - HN09 - Drainage details for Section 38
- 5 - HN10 - No drainage to discharge to highway
- 6 - N02 - Section 106 Obligation
- 7 - N13 - Control of demolition - Building Act 1984
- 8 - ND03 - Contact Address
- 9 - N15 - Reason(s) for the Grant of PP/LBC/CAC

**NW2003/0704/L**

That listed building consent be granted subject to the following conditions :

1. **C01 (Time limit for commencement (Listed Building Consent))**  
**Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.**
2. **A07 (Development in accordance with approved plans )**  
**(drawing nos. 02638-19 Rev. B, 20 Rev. B, 21 Rev. B, 22, 23 Rev. A and 24 Rev. A)**  
**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. **C02 (Approval of details) (To be finalised with Chief Conservation Officer)**  
**Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.**
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. C10 (Details of rooflights)**

**Reason: To ensure the rooflights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of this building of [special] architectural or historical interest.**

**8. C11 (Specification of guttering and downpipes)**

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

**9. C19 (Commencement condition)**

**Reason: In order to ensure compliance with Sections 7 and 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990.**

**NW2003/1984/L**

**That:**

- a) The intention to grant Listed Building Consent be notified to the Office of the Deputy Prime Minister**
- b) Subject to the Deputy Prime Minister confirming that he does not intend to call it in, Listed Building Consent be granted subject to the following conditions :**

**1. C01 (Time limit for commencement (Listed Building Consent))**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal                                      departmental                                      consultation                                      replies.

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

Local Member: Councillor Terry James

**Introduction**

This application was deferred by Members at the Northern Area Planning Sub-Committee on 15 October 2003. The principal reason for deferring consideration of the application was to clarify the landownership claimed by the applicant and the right of way across Balls Yard.

A letter has been received from the applicants solicitor that confirms that the land designated for the parking of one vehicle immediately next to Stonewood Cottage is owned by the applicant and furthermore that it enjoys a rights of access across the yard.

In view of this it is not now considered that there are any grounds for withholding planning permission and accordingly the attached report and recommendation remains as previously published.

**1. Site Description and Proposal**

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

- 1.5 The revised plans for this proposal show a dedicated single parking space adjacent to Stonewood Cottage and accessed via Balls Yard.

## 2. Policies

### Central Government Guidance

PPG 3	Housing
PPG 13	Transport

### Hereford & Worcester County Structure Plan

Policy CTC 9	Development Requirements
Policy CTC 15	Conservation Areas
Policy CTC 18	Development in Urban Areas

### Leominster District Local Plan (Herefordshire)

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

### Herefordshire Unitary Development Plan (Deposit Draft)

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

## 3. Planning History

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

## 4. Consultation Summary

### Statutory Consultations

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

Internal Consultation Advice

4.2 Chief Conservation Officer has no objection subject to resolution of parking issue, and archaeological condition.

4.3 Head of Engineering and Transportation – no objection.

**5. Representations**

5.1 In respect of the initial consultation exercise the following responses were received :

5.2 Kington Town Council state -

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

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

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

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

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

5.5 A further three responses were received from :

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

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

5.7 The Ramblers Association state :

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

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

## **6. Officers Appraisal**

6.1 The key issues for consideration in the determination of this application are as follows :

- a) impact of the character and appearance of the Kington Conservation Area/Area of Important Open Space ;
- b) impact on amenities of local residents ;
- c) access and parking ;
- d) the relevance of the dismissed appeal (Application ref. 850555)

### Character And Appearance of Conservation Area/Area of Important Open Space

6.2 The defining characteristic of the application site and the network of footpaths to the rear of the properties in High Street and Duke Street are the attractive stone built walls which largely screen the gardens from view. Furthermore, the generally open undeveloped nature of the land sandwiched between Prospect Lane and Board School Lane and the more historic properties that front onto High Street and Duke Street is a notable feature of the application site and the immediate locality.

6.3 In view of this, pre-application discussions have focussed on the importance of retaining the existing walled boundaries and to reduce the scale and visual impact of the proposal. It is considered that an acceptable compromise has been reached in terms of this application proposal that would preserve and enhance the character and appearance of the conservation area without having a significantly detrimental impact on the Area of Important Space.

6.4 The modest 6.5 metre height of the proposed cottage would ensure that only the roof would be readily visible over the boundary walls and in view of the small footprint and relative size of the remaining plot, it is not considered that there would be significant harm caused to the generally spacious character of the site and those in the vicinity.

6.5 The proposal would therefore satisfy Policies A21, A24 and A25 of the Leominster District Local Plan (Herefordshire).

### Residential Amenities

6.6 The orientation and relative distance from the neighbouring property is such that there would be no adverse impact in terms of privacy, loss of daylight or sunlight.

6.7 Concern has been raised regarding the provision made for foul and surface water drainage. Foul drainage would be dealt with by means of a mains connection and surface water to a soakaway but in view of the local concern a condition requiring drainage details to be submitted and agreed before the commencement of any

development approved. Conditions will also reflect the comments received from Welsh Water.

#### Access / Parking

- 6.8 The main concern expressed relates to the provision for construction vehicles in view of the limited access to the site via Oxford Lane. In planning policy terms this is not a matter that would warrant the refusal of planning permission provided the existing stone boundary walls remain intact. No specific proposals have been put forward by the applicant but he has advised that access could be derived from Oxford Lane or Balls Yard, the private courtyard serving Stonewood Cottage which is immediately to the south of the application site.
- 6.9 Since this matter has not been formally resolved a condition requiring details of dealing with construction traffic is proposed.
- 6.10 The specific issue of private car parking has arisen and it is principally upon this matter that ongoing discussions have taken place. Initially it was proposed that parking for one vehicle would be provided by way of a rented garage within a communal garage block to the north of the application site. This was generally not felt to be appropriate since there was no guarantee of the long term availability of the garaging since it is not owned by the applicant. Further to this the applicant has provided a plan showing a dedicated parking space adjacent to Stonewood Cottage and accessed via Balls Yard.
- 6.11 It is considered that in planning terms its availability would satisfy the requirements of adopted development plan policy and whilst not being immediately adjacent to the proposed dwelling would be acceptable given the greater flexibility afforded to parking arrangements in town centre locations.
- 6.12 Issues have arisen regarding a restrictive covenant on Balls Yard which prevents turning in the courtyard area but this is not a matter that can be given weight in respect of the land use considerations associated with the determination of a planning application.
- 6.13 Overall the small scale of the proposed dwelling which is unlikely to attract the vehicular activity associated with a larger household and the availability of public and on-street parking in the town centre is such that the slightly unconventional approach to parking provision in this case is not a matter that would warrant the refusal of planning permission.
- 6.14 No objection has been raised by the Head of Engineering and Transportation and in view of the historic importance of the stone boundary walls, greater weight has been attached to their retention over partial demolition to provide on-site parking immediately adjacent to the proposed dwelling.

#### The Relevance of the Appeal Decision to the Current Proposal

- 6.15 The appeal decision relating to Application No. 850555 indicates that subject to design there should be no objection to the development of the garden plot in terms of its effect on the character and appearance of the conservation area. It attaches significant weight in common with the Town Council views upon the retention of the existing stone walls forming the north and west boundaries of the site. It is considered that the current proposal accords with the principles set out in the appeal decision.

- 6.16 The appeal however goes onto raise concerns with respect to the obstruction of Oxford Lane by vehicles during the construction of the dwelling and subsequent to occupation by delivery vehicles for example. In terms of current guidance and policy it would be unreasonable to refuse planning permission on the basis that temporary obstruction of the road network may occur and set against the greater flexibility inherent in Government guidance set out in PPG 3 and PPG 13 it is considered that only limited weight could be attached to this issue.
- 6.17 On balance therefore it is maintained that there are insufficient grounds to sustain a refusal with regard to highway safety.

### **RECOMMENDATION**

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

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

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

**2 - A06 (Development in accordance with approved floor plans and elevations received on 1 July 2003 and the site plan received on 13 August 2003).**

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

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

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

**4 - C04 (Details of window sections)**

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

**5 - C10 (Details of rooflights )**

**Reason: To ensure the rooflights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of this building of [special] architectural or historical interest.**

**6 - D01 (Site investigation - archaeology )**

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

**7 - E16 (Removal of permitted development rights )**

**Reason: To preserve the spacious setting of the dwelling hereby approved which is within a conservation area and area of important open space.**

**8 - F16 (Restriction of hours during construction )**

**Reason: To protect the amenity of local residents.**



9 - F20 (Scheme of surface water drainage )

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

10 - F48 (Details of slab levels )

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

11 - H13 (Access, turning area and parking)

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

12 - H27 (Parking for site operatives)

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

13 - Foul and surface water shall be drained separately from the site and no surface water or land drainage run-off will be permitted to discharge into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

Notes to applicant :

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal                      departmental                      consultation                      replies.



**19 DCNW2003/2583/F - PROPOSED ERECTION OF FOUR DWELLINGS AT LAND TO THE REAR OF STONELEIGH, KINGSLAND, HEREFORDSHIRE.****For: Mr A M & Mrs J Pugh per Mr P Titley, New Cottage, Upper Common, Eyton, Leominster, Herefordshire, HR6 OAQ****Date Received:  
22nd August 2003****Ward:  
Bircher****Grid Ref:  
44786, 61448****Expiry Date:  
17th October 2003**

Local Member: Councillor S Bowen

**1. Site Description and Proposal**

- 1.1 This application for 4 detached dwellings lies on a site to the rear of property known as Stoneleigh on the north side of the B4360 road in Kingsland. The main body of the site measures approximately 88m x 32m, is a former orchard and lying within both the Kingsland Conservation Area and the Settlement Boundary as identified on the inset map in the Leominster District Local Plan.
- 1.2 Access to the site is via a modified existing access on the east side of Stoneleigh. To the east and west boundaries of the site lie relatively modern residential cul-de-sac. The development is proposed in a linear form with plots 1 – 3 inclusive facing east whilst plot 4 faces south, namely the end elevation of plot 3. Beyond the northern boundary of the site lie open fields.
- 1.3 Plots 1 – 3 are for 3 bedroomed dwellings measuring approximately 10m x 6.8m excluding the single attached garage the ridge height is approximately 7.7m. Plot 4 is for a 4 bedroomed 'L' shaped property with attached double garage with a similar ridge height. All 4 properties have a gable element on the front elevation to add interest to the design. It is proposed to finish the dwellings with a slate roof and render finish.

**2. Policies****Leominster District Local Plan**

Policy A2(c) - Small Scale Development within Defined Settlement Boundaries  
Policy A18 – Listed Buildings and their Settings  
Policy A21 – Development within Conservation Areas  
Policy A24 – Scale and Character of Development  
Policy A54 – Protection of Visual Amenity

**Herefordshire Unitary Development Plan (deposit draft)**

Policy H4 – Main Villages  
Policy H13 – Sustainable Residential Design

Policy H15 – Density  
Policy HBA4 – Setting of Listed Buildings  
Policy HBA6 – New Development within Conservation Areas  
Policy HBA7 – Demolition of Unlisted Buildings with Conservation Areas

### 3. Planning History

No planning history on this site.

### 4. Consultation Summary

#### Statutory Consultees

4.1 Welsh Water – no response.

#### Internal Council Advice

4.2 Chief Forward Plans Officer advises that the proposal does not meet the density requirements of Planning Policy Guidance Note 3 of 30 dwellings per hectare. The adjoining sites are approximately 17 dwellings per hectare the proposal site is only 13 dwellings per hectare.

4.3 The Chief Conservation Officer advises that there is room for improvement in terms of the design particularly of the rear elevations, however main concern relates to the loss of hedging and stone walling giving a sense of enclosure a significant feature in the Conservation Area character assessment. However, subject to appropriate conditions it is not considered that the proposal warrants refusal on conservation grounds.

4.4 Head of Engineering and Transportation recommends conditions.

### 5. Representations

5.1 In response to other representation the applicant's agent advises that all of the application site lies within his client's ownership and has submitted Land Registry details to this end. Furthermore, the amended plan as submitted showing retention of the stone pier on the west side of the access.

5.2 Parish Council state 'not approved inappropriate access'.

5.3 Objections have been received from:

G E Randall, 4 St Michael's Avenue, Kingsland  
P Harry, 5 St Michael's Avenue, Kingsland  
P Evans, 3 St Michael's Avenue, Kingsland  
E Pugh, 6 St Michael's Avenue, Kingsland  
J Bruce, Stoneleigh, Kingsland  
Mr & Mrs Maddocks, 8 Orchard Close, Kingsland  
Lady Alethea Eliot, The Old House, Kingsland  
C & J Davies, 9 Orchard Close, Kingsland  
J Cooper, Garden House, Orchard Close, Kingsland

The objections can be summarised as follows:

- a) The plans are inaccurate.
- b) Nos. 4 & 5 St Michael's Avenue are over a metre closer to plots 2 & 3 than shown.
- c) The footway is 1.55m wide not 1.8m.
- d) Trees to be felled are not shown.
- e) The proposal would lead to loss of light from no. 4 St Michael's Avenue.
- f) Lead to overshadowing of no. 3 St Michael's Avenue.
- g) Overlooking of adjacent properties even at 21m distance with a resultant loss of privacy and amenity.
- h) Over-development of the site.
- i) Access onto the B4360 would be dangerous to both the large number of pedestrians and vehicles.
- j) It is close to an area where cars park on the road visiting the Angel Inn.
- k) Loss of orchard and wildlife habitat.
- l) Change of character of the centre of the village.
- m) Part of the application site is in the ownership of Stoneleigh.
- n) The application is invalid, as no Certificate B has been served.
- o) Loss of mature hedge and stone wall.
- p) The dwellings are not in keeping with the surroundings which are brick and tile construction.
- q) Lack of turning room on site for large vehicles.

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 As the application site lies within the residential infill boundary for Kingsland there is no objection to the principle of residential development of the site. Whilst the density of development is slightly less than that of the surrounding area and considerably less than that required by Planning Policy Guidance 3 access restrictions are such that any more than 4 on the site would be unacceptable.
- 6.2 As regards access the owner of Stoneleigh on the road frontage has raised concern about ownership including part of the stone pier on the west side of the access. The application has consequently been amended to retain the stone pier in doing so slightly realigning the proposed driveway to the east. (Planning permission does not convey rights over third party land).
- 6.3 Concern has been expressed that the proximity of the dwellings to the rear boundary i.e. the west boundary would give rise to problems to loss of amenity and privacy to properties in St. Michael's Avenue. Usually back to back distances of 21m are sought. However, whilst plots 1 – 3 show the dwellings situated at approximately 11m from the boundary, properties in St. Michael's Avenue are closer than this. It is not considered that at a distance of approximately 11m to the boundary, there is unreasonable overlooking from plots 1, 2 and 3 nor that permission could be reasonably withheld because properties in St. Michael's Avenue are closer than 10m to their own boundaries. It is not considered that unreasonable loss of privacy or amenity will result to other residential properties adjoining the site.

- 6.4 In terms of the impact on the Conservation Area, the proposed dwellings cannot be unfavourably compared to other modern developments to the east and west. With the imposition of appropriate conditions the design of the dwellings is considered to be acceptable. Furthermore, with the requirement to rebuild a stone wall at the access point it is not considered that the loss of existing stone wall or hedge is so detrimental to the character of the Conservation Area that permission could reasonably be withheld on that ground. Similarly there is no objection to the demolition of the storage building adjacent to the eastern boundary. There are areas identified within the settlement boundary which are to be protected as open areas. This however is not one of those areas and there is no particular policy requiring retention of an old orchard.
- 6.5 Access arrangements for the site are considered to be acceptable.
- 6.6 On balance therefore it is considered that the proposal, subject to the following conditions, is acceptable.

## **RECOMMENDATION**

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

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

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

- 2 - A07 (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 - 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 - G04 (Landscaping scheme (general) )**

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

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

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

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

**Reason:** To safeguard the amenity of the area.

**10 - H03 (Visibility splays )(insert 2m x 30m)**

**Reason:** In the interests of highway safety.

**11 - H05 (Access gates )(insert 5m)**

**Reason:** In the interests of highway safety.

**12 - The first section of the new roadway to the rear of Stonleigh shall be not less than 4.5m wide.**

**Reason:** In the interest of highway safety.

**13 - Before the development hereby permitted is commence details of the replacement stone wall and piers shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these plans prior to occupation of any of the dwellings.**

**Reason:** In order to protect the character of the Conservation Area.

**Notes to the Applicant:**

- 1 - ND03 - Contact Address**
- 2 - HN01 - Mud on highway**
- 3 - HN04 - Private apparatus within highway**
- 4 - HN05 - Works within the highway**
- 5 - HN10 - No drainage to discharge to highway**

Decision: .....

Notes: .....

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**Background Papers**

Internal                      departmental                      consultation                      replies.





**20 DCNW2003/2589/RM - APPROVAL OF RESERVED MATTERS ON NEW KEY WORKER'S DWELLING HIGHFIELD, BYTON, PRESTEIGNE, HEREFORDSHIRE, LD8 2HS****For: J Rogers & Son, McCartneys, 35 West Street, Leominster, Herefordshire. HR6 8EP**

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

**Ward:**  
**Mortimer**

**Grid Ref:**  
**36732, 64176**

Local Member: Councillor Mrs O Barnett

**1. Site Description and Proposal**

- 1.1 The application site comprises of roughly rectangular 0.13 hectare plot located on the north side of a farm track and adjacent to a group of existing live stock, storage and workshop buildings which together with the existing bungalow (Highfield) form the Highfields Farm complex.
- 1.2 The proposal, for Reserved Matters, is for the erection of a two-storey four bedroom dwelling. The floor area of the dwelling amounts to approximately 220 square metres excluding a conservatory and attached carport.
- 1.3 Outline planning permission was granted under code NW2002/3013/O on 29 July 2003 for a key workers dwelling. The report had originally been presented to the Northern Area Planning Committee on 29 January where it was deferred for a site inspection. At the meeting of 5 March members were minded to grant planning permission contrary to recommendation and the matter went through the referral procedure. On this occasion it was considered by the Head of Planning Services that this was not an application which need be referred on to the planning committee. The proposal is also subject of a Section 106 legal agreement which is subject to the following restrictions and obligations:
  1. Not to sell or lease for any term or otherwise dispose of a dwelling unless such a sale or lease or other disposal shall include the agricultural land.
  2. Not to sell or lease for any term or otherwise dispose of the agricultural land unless such a sale or lease or other disposal shall include the dwelling.
  3. The dwelling shall only be occupied by such person or persons (and immediate family if any, employed by the owner in the management, use or operation of the agricultural land and not for any other purpose).
  4. Not to create any tenancy of the dwelling in respect of an occupation permitted under clause 3 above and such occupation shall only be by the license of the owner.

## 2. Policies

Having established a principle of the erection of a dwelling on the site the usual list of policies is much reduced than would otherwise be the case.

### **Leominster District Local Plan**

Policy A9

Policy A24 – Scale and Character of Development

PPG Note 7 – Particularly Annex I

### **Herefordshire Unitary Development Plan Deposit Draft**

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

This particular policy makes reference to Policy H6 – Housing in Smaller Settlement and sets out a number of criteria, which dwellings should meet.

1. The dwelling size is limited to a habitable living space of 90<sup>2</sup> metres.
2. The plot size is limited to a maximum area of 350<sup>2</sup> metres and
3. The infill gap is no more than 30 metres in length.

(There are significant objections to both these policies at present).

## 3. Planning History

NW2003/3013/O – Site for key workers dwelling – Outline planning permission granted 29 July 2003 subject to Section 106 Agreement

## 4. Consultation Summary

### Statutory Consultations

- 4.1 The Environment Agency has no objection but have comments regarding the drainage.

### Internal Council Advice

- 4.2 Head of Engineering and Transportation has no comment following grant of outline planning permission.
- 4.3 Chief Conservation Officer advises that the amended plans address some of the concerns that such a large scale house would be visually intrusive in the Area of Great Landscape Value. Also suggests that use of a single material for the whole of the building would give a simplicity of architectural character which would be in keeping with the low key character of traditional agricultural dwellings in Herefordshire. It appears that earth works will be required in order to set the house into the slope but no details have yet been submitted.

## 5. Representations

- 5.1 Byton Parish Council wishes its previous comments, made at the time of the application for outline permission to stand and would like to emphasise in particular that any house built should be in sympathy with the landscape for example, an oak framed or stone built house and on a scale appropriate to the business need expressed.
- 5.2 In response to amended plan Council state "we note the scale of the building has been reduced but our concern that the construction material is still red brick".
- 5.3 The previous comments referred to by the Parish Council state "The Parish Council believe that the site of the existing derelict buildings (referred to in the letter of support from the applicant's agent) should be used unless there is a clear technical objection to using this site. If so then the Council would not object in principle to the proposed alternative site, but would first wish to see a detailed planning application, for a house which is in sympathy with the landscape for example an oak framed or stone built house and on a scale appropriate to the business need expressed. Further, the Council would wish for clarification as to whether this development would allow extension of this business to a non-agricultural business. In this case, would an application for change of use be needed? There is concern among the local community that the haulage business would develop, damage the amenity of the village, and would need to have some restriction placed upon it. The Council believe that any application for change of business use should be made concurrently with the application for the key workers dwelling. Further, the Council consider that, as proposed by the applicant in supporting letter, any house should only be built with an agricultural tie".
- 5.4 No other representations have been received in response to either the site notice or neighbour notification.
- 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 proposal as it currently stands has been amended since original submission. This resulted in a reduction in a habitable floor space of a few square metres. The most significant change however was a reduction in ridge height of approximately 0.6 metres and the introduction of a hipped roof as opposed to a gable on the east elevation.
- 6.2 The concern with the proposal as it currently stands relates to the scale of the dwelling being commensurate with the established functional requirements. On this subject paragraph 11 of Annexe I states "agricultural dwellings should be of a size commensurate with the established functional requirements. Dwellings which are unusually large in relation to agricultural needs of the unit or unusually expensive to construct in relation to the income it can sustain in the long term should not normally be permitted. It is the requirement of the enterprise rather than of the owner or occupier which are relevant in determining the size of a dwelling that is appropriate to a particular holding".

Other than this there is little guidance or advice as to what is or isn't appropriate in terms of scale of all such dwellings. Further advice is available in a Deposit Draft of the

Unitary Development Plan and Policy H6 as referred to above sets out some criteria, which would help ensure that such key worker dwellings are affordable and remain so for the occupiers they are intended to serve.

6.3 The current proposal for a dwelling of approximately 220m<sup>2</sup> compares unfavourably with the suggested Unitary Development Plan limit of 90m<sup>2</sup>. In this sense therefore it is considered that the scale of the dwelling is not commensurate with the functional requirement however has been designed with the particular needs of the occupier in mind. The applicant has confirmed that a four-bedroom dwelling is required since he has three children and has also provided information, which suggests that the cost of construction would not be prohibitive to him. Whether anybody else employed in an agricultural contract in haulage/business could subsequently afford a large four-bedroom dwelling in the countryside is a different matter.

6.4 Concern has also been expressed about the impact of the dwelling in the Area of Great Landscape Value this concern is clearly exacerbated by the scale of the dwelling to start with. However having accepted that this is the appropriate location for the dwelling following a site visit by the Northern Area Planning Sub-Committee it is not considered that the impact of the dwelling on the landscape is such that planning permission should be refused on that ground alone. The concern is more one of principle and ensuring that the dwelling remains affordable for the purpose intended.

**RECOMMENDATION**

**That Reserved Matters be refused for the following reason:**

- 1. It is considered that the proposed size of the dwelling is not commensurate with the established functional requirement of the business and that the future occupation of the property in accordance with the occupancy condition and the Section 106 legal agreement would be compromised due to the high value of such a property. Consequently the proposal is contrary to the advise contained in Annex I of the Planning Policy Guidance Note 7 - The Countryside - Environmental Quality and Economic and Social Development.**

Decision: .....

Notes: .....

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**Background Papers**

Internal	departmental	consultation	replies.
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**21 DCNW2003/2807/O - AGRICULTURAL WORKER'S DWELLING AT OAKCHURCH FARM, STAUNTON-ON-WYE, HEREFORDSHIRE, HR4 7NE****For: Mr & Mrs J.M. & A.E Price per Burton & Co, Lydiatt Place, Brimfield, Ludlow, Shropshire SY8 4NP****Date Received:**  
**15th September 2003****Ward:**  
**Castle****Grid Ref:**  
**37427, 44819****Expiry Date: 10th November 2003**

Local Member: Councillor J Hope

**1. Site Description and Proposal**

- 1.1 The application site comprises a 0.125 hectare plot forming part of a larger field which is located in an elevated position flanked on its north and west side by an unclassified road which links the A438 to the south to the village of Staunton on Wye to the north west.
- 1.2 The site lies to the west of the Parish Church, a listed building and Church House whilst to the north is the farm complex associated with Oakchurch Farm. This includes an existing tied bungalow, a range of general purposes agricultural buildings and a group of some 17 mobile homes used for providing accommodation for seasonal workers. Within this general complex is an unconverted barn which has an extant planning permission for conversion to residential use. There is currently a mobile home located on the application site which has been occupied by the applicant, his wife and their young family since May 2002.
- 1.3 In addition to the above, the Oakchurch Farm enterprise includes a farm shop and garden centre which has been expanded significantly since it was originally established in 1991.
- 1.4 The farm holding extends to 102 hectares (253 acres) with a further 21.5 hectares (53 acres) rented on a short term tenancy arrangement in close proximity. The current breakdown of activities which comprises the enterprise are as follows:  
  
16 hectares (40 acres) of horticultural and soft fruit  
24 hectares (60 acres) of strawberries grown under polytunnels  
8 hectares (20 acres) of corn  
2 hectares (5 acres) of peas  
68 hectares (170 acres) of grassland and pasture
- 1.5 In addition to the cropping activities approximately 180 cattle are fattened and finished each year and since August 2002 a small head of pedigree Aberdeen Angus cows have been introduced with the intention of producing off-spring for herd expansion or sale. A further 1000 lambs are fattened over winter for sale in the Spring.
- 1.6 Planning permission is sought for the permanent dwelling to provide accommodation for the applicant and his family. The application is in outline form with all matters reserved for future consideration. This application therefore seeks a determination in respect of the principle of a full-time residential presence at the farm in addition to the existing dwelling.

## 2. Policies

### **PPG7 - 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 RC1	Residential Caravan Sites
Policy RC2	Residential Caravan Sites
Policy CTC 9	Development Requirements
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 A16	Foul Drainage
Policy A18	Listed Buildings And Their Settings
Policy A24	Scale And Character Of Development
Policy A43	Agricultural Dwellings
Policy A54	Protection Of Residential Amenity

## 3. Planning History

- 3.1 Oakchurch Farm has a lengthy planning history relating to the established farm buildings and the farm shop/garden centre although this is not directly relevant to this application. The following applications relate specifically to the defined site and the unconverted barn, which is considered relevant in this case.

94/0434 - Conversion of redundant barn to dwelling - Approved 12 September 1994.

NW2000/2914/O - Site for proposed agricultural dwelling - Refused 7 March 2001.

NW2001/3130/O - Proposed agricultural workers dwelling - Refused 10 January 2002.

NW2002/1073/S - Proposed farm track - Prior Approval Not Required - 25 April 2002.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Environment Agency raises no objection subject to a condition requiring details of foul drainage works to be submitted.

### Internal Council Advice

- 4.2 Head of Engineering and Transportation raises no objection subject to a sealed surface being provided between highway and existing gate.
- 4.3 Chief Conservation Officer raises no objection subject to a condition requiring an archaeological watching brief to be undertaken.

## 5. Representations

5.1 One letter of objection has been received from PS Berry of Oakchurch House, Staunton on Wye HR4 7NE. The concerns raised can be summarised as follows :

- existing mobile home is in contravention of planning regulations
- planning permission has been previously rejected
- existing dwelling already at the hub of the farm
- if approved development is likely to become focussed on new site
- harm to setting of listed Church
- further development would damage water supply to property
- existing dwelling closer to the mobile homes than the application site
- better sites in the existing complex

5.2 A total of 10 letters of support have been received from the following persons :

- Nick Marsden, Sales and Procurement Director, KG Fruits Ltd
- RH Loxton, Post Office, Norton Canon, Herefordshire
- J Handford, Soft Fruit Advisor, Farm Advisory Services Team Ltd, North St, Sheldwich, Faversham, Kent
- S Graham, NFU West Midlands Region, The Cattle Market, Love Lane, Kington
- CR & J Jenkins, Bliss House, Staunton on Wye
- Mr D Chant, Standale, Staunton on Wye
- RB Montague, Edmont, Preston on Wye
- K Dale, Willow Cottage, Preston
- C Creed, Senior Consultant (ADAS Horticulture), Boxworth, Cambridge
- PJ Buckingham, Arrowfield Veterinary Group, Willowdale, Slough Lane, Presteigne

5.3 Staunton on Wye Parish Council raise no objection in the interest of encouraging local employment but request that the dwelling is sited at the lowest level possible and that landscaping is provided to minimise the visual impact on the surrounding area.

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 key issues for consideration in the determination of this application are as follows:

- a) the principle of establishing a permanent dwelling in the open countryside;
- b) the visual impact of the proposal in respect of the character and appearance of the countryside and the setting of the Listed Church and;
- c) drainage.

### Principle of Residential Development

6.2 The relevant guidance relating to the determination of need associated with new permanent dwellings in the open countryside is set out in Annexe I of PPG 7 and more specifically paragraphs I5-I13. Five specific tests are established but in this case it is considered that the evidence relating to the functional need of the enterprise and the availability of existing suitable accommodation in the local area are the key factors.

- 6.3 In this case it is argued that the functional need is derived from the welfare of the established livestock activities, the management and supervision of the seasonal workforce (a maximum of 90 casual workers are employed from early May through until the end of September of which 60-70 are students of Eastern European origin) and the need to react to emergencies such as a break down in the irrigation system or adverse weather conditions associated with successfully growing strawberries in a highly competitive market.
- 6.4 The planning history of this site indicates a consistent concern on behalf of the local planning authority in respect of the functional need and it is advised that this concern remains valid in respect of this current application. The management and supervision of the casual workforce is not considered to be a strong argument for a permanent residential presence in addition to the existing well placed agricultural dwelling and furthermore the approach adopted with regard to this case is that the normal day-to-day requirements of managing an albeit extensive strawberry growing enterprise would not demand constant 24 hour supervision. It is not argued that an additional dwelling to supplement the Oakchurch Farm complex would not be extremely convenient but rather that the requirements do not amount to the demonstration of an essential need for another permanent dwelling.
- 6.5 Weight is also placed upon the expanding livestock interests of the enterprise by the applicant but it is respectfully argued that the needs of this aspect of the business could be met by the existing tied dwelling at the farm.
- 6.6 In addition to the issue of establishing a functional need it is also advised that planning permission exists for the conversion of a barn that is well placed to meet such a need if it were considered to exist. It is argued by the applicant that this is not available since it is owned by the applicants brother and was and remains the intention to provide for the long term accommodation needs of the brother who has a serious illness. This is acknowledged in reaching the recommendation but on balance it is considered that if the current need for accommodation is derived from the farming activities this should be directed towards the barn conversion in the first instance.
- 6.7 The officers appraisal necessarily summarises a complicated case and whilst the financial viability of the enterprise and particularly the strawberry growing element is recognised it remains the case that a functional need for a further permanent on-site presence has not been met and furthermore if this were the case there are opportunities to meet such a need in the immediate vicinity of the site that would negate the justification for a permanent dwelling.

#### Visual Impact

- 6.8 The application site is relatively well located in terms of the case set out by the applicant, being close to the established farm buildings and occupying a generally inconspicuous position in the wider landscape and as such a modest single storey development would not have a significant adverse impact on the character and appearance of the countryside.
- 6.9 Furthermore, it does not visually relate to the Listed Church to the extent that its presence would detract from its setting.



Drainage

- 6.10 Local concern has been raised in respect of the impact of the development on the local water supply and possible contamination by additional private drainage arrangements. Although it appears that works undertaken at the site to construct the access had an impact on a neighbours water supply there is no evidence to suggest that this would be a problem repeated by the construction of a dwelling and as such it is not considered that this issue alone would be sufficient to warrant the refusal of planning permission. Clearly the applicant would need to take precautions to ensure that the local aquifer was not irreparably damaged.
- 6.11 The Environment Agency recommend that there would be no objection in respect of the principle of a private foul drainage system subject to an appropriate design . This could be covered by means of a condition.

**RECOMMENDATION**

**That planning permission be refused for the following reason:**

- 1. **Notwithstanding the supporting appraisal it is not considered that an essential need has been demonstrated that would justify an additional dwelling on the holding, particularly in view of the potential availability of the uncompleted barn conversion, and as such it is considered that the proposal would be contrary to Policies H20 and A4 of the Hereford & Worcester County Structure Plan, Policies A2(D) and A43 of the Leominster District Local Plan (Herefordshire) and the guiding principle set out in Annexe I of PPG7 - The Countryside, Environmental Quality and Economic and Social Development.**

Decision: .....

Notes: .....

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**Background Papers**

Internal	departmental	consultation	replies.
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**22 DCNE2003/2307/F - TWO STOREY EXTENSION TO EXISTING PROPERTY AT 29 BRONTE DRIVE, LEDBURY, HEREFORDSHIRE, HR8 2FZ****For: Mr & Mrs P J Almond, Gibson Associates, Bank House, Bank Crescent, Ledbury, Herefordshire, HR8 1AA****Date Received:****29th July 2003****Ward:****Ledbury****Grid Ref:****70286, 37901****Expiry Date:****23rd September 2003**

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

**1. Site Description and Proposal**

- 1.1 The property is located on the eastern side of a cul-de-sac road known as Bronte Drive in a residential area known as New Mills in Ledbury. The existing dwelling is a three bedroomed end of terrace property with open garden to the front and private garden to the rear, beyond which is a double garage partly owned by the applicants. The property is surrounded by a mixture of detached and semi-detached properties of varying sizes.
- 1.2 The applicants propose the construction of a two storey pitched roof rear extension to create a dining room and utility at ground floor and additional bedroom and shower room at first floor. The plans have been amended since the application was first submitted. The amendments are as follows:
- a) recessing of side wall of the extension 300mm inside the gable wall of the existing dwelling
  - b) reduction in the length of the extension from 3.7 to 3m.

**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**

None.

#### 4. Consultation Summary

##### Statutory Consultations

No statutory consultees required.

##### Internal Council Advice

4.1 Head of Engineering and Transportation – no objections.

#### 5. Representations

5.1 Ledbury Town Council recommend approval.

5.2 Six letters of objection have been received from:

Miss Jane Wright, 36 Bronte Drive, Ledbury  
Mr Boaler, 31 Bronte Drive, Ledbury  
L H & C E Pickett, 27 Bronte Drive, Ledbury  
Gary Bills-Geddes, 38 Bronte Drive, Ledbury  
Mrs J R Jones, Little Frith, Off Knapp Lane, Ledbury  
Ian Cockett, Eyebrook House, 41 Bronte Drive, Ledbury

The main points raised are:

- a) The extension would significantly reduce the amount of daylight and sunlight received by neighbouring properties and their gardens.
- b) The extension will dominate half of the rear garden of no.27 Bronte Drive particularly given that no.29 already projects some 1.7m beyond the rear elevation of no.27. The situation is exacerbated by the fact that no.29 is some 70cm higher than the immediate adjoining property, no.27.
- c) The windows proposed on the eastern and western elevations will directly overlook neighbouring properties and gardens removing all privacy, which is currently enjoyed.
- d) There will be an increase in noise levels and night time light pollution emanating from the extension if permitted.
- e) Existing residents already park on the highway and the larger family residence that would result if permission is given will aggravate the existing parking problem potentially causing problems for emergency vehicles accessing Bronte Drive.
- f) The extension would occupy nearly half the length of the existing relatively small garden and would be an overdevelopment of the land available.
- g) The extension is to be built close to the western boundary and would tower above existing properties on the far side of the road giving the feeling of being 'boxed in'.
- h) We are concerned with the possible nuisance caused by building work over a long period of time if permission is approved for the extension.
- i) A covenant exists on all properties in the area preventing any extensions within five years from 1<sup>st</sup> January 1999.
- j) The extension would spoil the appearance and residential environment of the recently built estate.

- 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 As detailed in part 1 of the report, the plans have been amended slightly since the original submission to address concerns expressed by officers. Given the relatively minor changes the objections from local residents remain relevant.
- 6.2 The scale of the extension is now considered acceptable in relation to the existing dwelling, which has not been extended since first built. A clear visual and architectural distinction is drawn between the original dwelling and proposed extension ensuring the original dwelling remains the dominant feature. The design of the extension compliments the existing dwelling in terms of the roof pitch, fenestration and matching materials. The scale of the extension is also commensurate with the size of the plot and does not represent an over development of the land available as suggested by some of the objectors. Furthermore, the dwelling will not be out of character with other properties in the area in terms of its size or appearance.
- 6.3 With regard to the impact of the extension on the amenity of surrounding properties, there is sufficient distance between the extension and the neighbour immediately south to ensure that there will be no unacceptable increased loss of privacy through overlooking. It is not considered that the proposal will result in an unacceptable loss of daylight or sunlight to the immediate neighbours given the height of the proposed extension and the distance and juxtaposition between the applicants and neighbouring properties. This is particularly so now that the extension has been reduced in length by 700mm. Windows are proposed on the eastern elevation of the extension serving a shower and utility room and a new window is proposed in the western gable of the existing dwelling to serve the fourth bedroom. To retain the privacy currently enjoyed by the properties immediately east and west of the site and to prevent any additional overlooking a condition is recommended that these windows be obscure glazed.
- 6.4 The applicants already have a garage and a single off-road parking space, which is considered satisfactory to serve the proposed dwelling if permission is given for the extension. The Transportation Manager raises no objection to the application. Other matters raised by objectors such as restrictive covenants within the deeds, the fact that property is for sale and the possible consequences of approving the extension on the value of surrounding properties are not material planning considerations.
- 6.5 The amended proposal is therefore considered acceptable in terms of its scale, design, materials and impact on neighbours in accordance with Housing Policy 16 of the Malvern Hills District Local Plan.

## **RECOMMENDATION**

**That planning permission be approved subject to the following conditions:**

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

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

**2 - A09 (Amended plans )(received 28<sup>th</sup> November 2003)**

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

**3 - B02 (Matching external materials (extension) )**

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

**4 - E19 (Obscure glazing to windows )(delete dwelling, insert windows on the east elevation of the extension and western elevation of the original dwelling)**

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

**5 - E18 (No new windows in specified elevation )(eastern or western elevations of the extension or original dwelling)**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal                      departmental                      consultation                      replies.

**23 DCNE2003/2798/F - ERECTION OF TEN, THREE BEDROOMED DWELLINGS WITH GARAGES SITE OFF STATION ROAD, COLWALL, MALVERN, HEREFORDSHIRE**

**For: Milton Ltd per Mr A H Roper, Dolefield Cottage, Bank Farm, Mathon, West Malvern. WR14 4DX**

**Date Received:**  
16th September 2003

**Ward:**  
Hope End

**Grid Ref:**  
75590, 42436

**Expiry Date:**  
11th November 2003

Local Member: Councillor Stockton & Councillor Mills

## **1. Site Description and Proposal**

- 1.1 This 0.32 hectare site is located to the rear of the former Lockyears Garage site, now developed with 12 flats (The Orchards) near the railway station in Colwall. The site presently contains two empty bungalows and overgrown gardens. Station Road forms the northern boundary with the Ledbury to Malvern railway line on the eastern boundary, the flats development on the western boundary and mature gardens on the southern boundary.
- 1.2 The proposal is to demolish the two bungalows and replace with ten three-bedroom, two-storey dwellings. Access is proposed off Station Road. The dwellings would have a mixture of hipped and gabled roofs all with attached garages and additional car-parking spaces.
- 1.3 External materials proposed are brick under a slate roof.

## **2. Policies**

PPG1 – General Policy and Principles

PPG3 – Housing

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

PPG13 – Transport

### **Hereford and Worcester County Structure Plan**

H16A – Housing in Rural Areas

H18 – Housing in Rural Areas

CTC1 – Areas of Outstanding Natural Beauty

CTC5 – Archaeology

CTC9 – Development Requirements

CTC11 – Trees and Woodlands

### **Malvern Hills District Local Plan**

Housing Policy 3 – Settlement Boundaries  
Housing Policy 17 – Residential Standards  
Housing Policy 18 – Tandem and Backland Development  
Landscape Policy 2 – Areas of Outstanding Natural Beauty  
Landscape Policy 8 – Landscape Standards  
Transport Policy 11 – Traffic Impact

### **Unitary Development Plan**

Policy H4 – Main Village: Settlement Boundaries  
Policy LA1 – Area of Outstanding Natural Beauty

### **Colwall Village Design Statement**

## **3. Planning History**

MH78/1147 - Renewal of permission for mobile home - Planning permission granted 6.7.1978.

NE2000/1885/F - Site for 6 residential dwellings with garages - Approved 4.10.2000.

NE2001/2061/F - Erection of 5 detached dwellings with garage - Approved 19 October 2001.

Adjacent site:

NE99/0041/N - Erection of 12 flats with integral garaging - Planning permission granted 27.5.1999.

N98/0347/N - Erection of 13 flat units and garages - Refused 9.12.1998.

MH95/903 - 2 1/2 storey sheltered flats development (20 units) - Refused 13.2.1996 - Appeal allowed 7.8.1996.

MH89/0567 - Sheltered housing comprising 22 flats and associated communal facilities - Withdrawn.

MH89/129 - Demolition of existing garage and living accommodation and erection of 6 dwellings and 6 double garages - Refused 16.10.89 - Appeal allowed 7.6.1990.

## **4. Consultation Summary**

### Internal Council Advice

- 4.1 Chief Conservation Officer recommends the standard archaeological condition to oversee the development.
- 4.2 Head of Engineering and Planning recommends conditions and confirms that there is no impact on the adjoining public footpath CW40.



## 5. Representations

- 5.1 Colwall Parish Council object to this application and comment as follows: "The proposed development on the site is too dense with reference to the unsuitability of the access road as there are serious concerns with regard to road safety. These concerns relate to the pedestrian access to the railway station, vehicle access to the railway station car park and the additional traffic movement into an existing 'high risk' junction/area at Water/Sewerage/School and Doctors Surgery.

Section 8.8 of the Village Design Statement refers to the fact that any further development in this area would generate the need for a traffic impact survey. In addition the Design Statement (Page 13) refers to the following pattern of development guidelines:

Any development whether it be a new property, extension, or addition to an existing building should:

- Allow sufficient space to be able to retain the open green effect characteristic in the village and avoid overcrowding.
- Protect the distinctive views into and out of the village which are afforded by existing open spaces.
- Provide adequate roadside grass verges to building frontages to maintain the spatial environment.
- Ensure that landscaping proposals use species characteristic of the village and to a design that is compatible with its surroundings.

In the case of new developments, new open spaces should be created so that these developments can be part of the existing settlement pattern and linked to the open countryside, thus integrating the buildings with their agricultural surroundings".

Six letters of objection have been received, the main points are:

- 1 - The density is too high.
- 2 - Increased traffic movements with no footpath along Station Road.
- 3 - Increased noise.
- 4 - Views of the Malverns would be obscured.
- 5 - Impact on amenity of adjoining residents.
- 6 - The development will not blend in with the existing built environment.

- 5.2 Two letters of support have been received.

- 1 - Supports development but wants assurances that boundaries to the site could be protected and enhanced to prevent trespass.
- 2 - These style and size of houses are needed in Colwall.
- 3 - They would not be detrimental to the village.

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

## 6. Officers Appraisal

- 6.1 In considering this planning application the main points are the density of the development, access, impact on nearby residents and design.
- 6.2 The site has an extant planning permission for 6 dwellings of similar design and the additional 4 dwellings bring the density up to 31 dwellings per hectare, which sits at the lower end of the density criteria stated in PPG3. Furthermore its location near to Colwall Station complies with the requirements of PPG3 to locate developments around good quality transparent corridors.
- 6.3 Access on the original scheme was through the adjoining flats development. However, the developer has now obtained permission to access onto Station Road, which although not having a footpath has a suitable width to accommodate the increase in traffic and pedestrian usage from the station.
- 6.4 Impact on amenity will be reduced by the retention of boundary treatments and new planting.
- 6.5 The designs of the dwellings are similar to recent developments in Colwall in window proportions, use of different roof treatments and insertion of chimneys. This will create a variety of rooflines as identified by the Colwall Village Design Statement.
- 6.6 The development does not meet the threshold for provision of recreation open space. Furthermore concerns relating to retaining open spaces within Colwall are not considered in this instance to outweigh the development of this site, which has an extant permission for 6 dwellings and is located within the heart of the village adjacent to a main transport link, Colwall Railway Station.

## 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 - D03 (Site observation - archaeology )**

**Reason: To allow the potential archaeological interest of the site to be investigated and recorded.**

**[Note ND3 should be used in conjunction with this condition].**

5 - F16 (Restriction of hours during construction )

Reason: To protect the amenity of local residents.

6 - F48 (Details of slab levels )

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

7 - G13 (Landscape design proposals )

Reason: In the interests of visual amenity.

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

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

9 - G11 (Retention of hedgerows (where not covered by Hedgerow Regulations) )

Reason: To ensure that the application site is properly landscaped in the interests of the visual amenity of the area.

10 - The rear elevations of Plots 3 - 7 included shall have triple glazing installed and retained for that use in perpetuity.

Reason: In order to protect the amenity of the occupants.

11 - H03 (Visibility splays )

Reason: In the interests of highway safety.

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.

13 - H27 (Parking for site operatives )

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal                      departmental                      consultation                      replies.



**24 DCNE2003/3087/F - CONSTRUCTION OF BALCONY AT FIRST FLOOR AND INFILL GLAZED SCREENS AND DOORS TO EXISTING EXTERNAL WALLS AT WOODFIELDS, FLOYDS LANE, WELLINGTON HEATH, LEDBURY, HEREFORDSHIRE, HR8 1LR**

**For: Mr & Mrs A Blundell per M Davis Greenfield House Church Lane Priors Norton Gloucester GL2 9LS**

**Date Received:**  
13th October 2003

**Ward:**  
Hope End

**Grid Ref:**  
71144, 40152

**Expiry Date:**  
8th December 2003

Local Members: Councillor R Mills and Councillor R Stockton

**1. Site Description and Proposal**

- 1.1 The site is located to the east of unclassified road 66401 known as Floyds Lane within Wellington Heath. The site comprises of a detached two storey pitched roof dwelling known as Woodfields, the remainder of the site being domestic garden which is enclosed to the north, south and east by mature hedging. Ground levels fall away relatively steeply from west to east within and surrounding the site. The site lies within the Malvern Hills Area of Outstanding Natural Beauty and an Area of Great Landscape Value and also falls within the Settlement Boundary for Wellington Heath as identified in the Malvern Hills District Local Plan.
- 1.2 The applicants propose the construction of a metal-framed balcony at first floor on the east (rear) elevation for the full length of the property (14.7m). Also indicated on the plan are alterations to the fenestration on the rear elevation involving the creation of patio doors at ground floor and first floor along with full height glazed screens in place of existing windows. The alterations to the fenestration have already been undertaken and therefore this element of the proposal is retrospective.
- 1.3 The application has been submitted following the refusal of a similar application considered by the Northern Area Planning Sub-Committee on 20th August 2003 under reference DCNE2003/1396/F. The applicants have amended the proposal since the previous refusal of planning permission. The amendments being:
- a) removal of the spiral staircase and wrap around balcony from a northern elevation
  - b) alterations to the design of the wider parts of the balcony from being curved to rectangular in shape
  - c) provision of 1.8m high willow screen for the full width of the northern end of the balcony.

## 2. Policies

### Malvern Hills District Local Plan

Housing Policy 16 – Extensions

Landscape Policy 2 – Areas of Outstanding Natural Beauty

Landscape Policy 3 – Development in Areas of Great Landscape Value

### Herefordshire Unitary Development Plan (deposit draft)

Policy H18 – Alterations and Extensions

## 3. Planning History

DCNE2003/1396/F – Construction of balcony at first floor and infill glazed screens and doors to existing external walls. Refused 20<sup>th</sup> August 2003.

The reason for refusal of this application was as follows:

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

## 4. Consultation Summary

### Statutory Consultations

None required.

### Internal Council Advice

4.1 Head of Engineering and Transportation – no objection

## 5. Representations

5.1 Wellington Heath Parish Council. The Parish Council has no objections to the application. However, the Parish Council suggest that conditions are placed on any planning permission to minimise the visual impact of the development when viewed from across the valley.

5.2 Two letters of objection have been received from:

Francis E Bradley, Pear Tree Cottage, Floyds Lane, Wellington Heath  
Michael McCleary and Elizabeth Voyce, Mortar Cottage, Horse Road, Wellington Heath

The main points raised are:

- a) I am generally alarmed at the potentially detrimental effect to both the privacy and value of my cottage the balcony would have.
- b) My cottage is one of the original properties in Floyds Lane and is built tightly against the lane with the whole of the garden to the rear, which would be entirely overlooked by the balcony.
- c) I feel that something more robust and durable than the proposed wicker panel screen would be appropriate such as a continuation of the existing brick wall which would be aesthetically more pleasing and constitute a permanent and more private barrier.
- d) The plans indicate two large seating areas at each end of the house joined in the middle by a narrower walk way. I suggest a compromise would be to eliminate the seating area at the northern end of the property with the balcony starting a few yards along the house. This would remove the balcony from the immediate vicinity of my property while still offering the applicant ample sitting out space.
- e) The Parish Council have raised no objection but have not visited the site and it is impossible to fully assess the situation from the lane side of the properties.
- f) The applicants have approximately 1/3 acre of garden, which enjoys a wonderful view across the valley, and so the balcony is not the only opportunity for taking advantage of this great privilege.
- g) The balcony would provide an elevated vantage point and unobstructed views in through windows in three of the bedrooms along with the living room. We don't wish to have to keep the curtains drawn in our bedrooms and living rooms during daylight hours to maintain privacy.
- h) The balcony would also significantly reduce the privacy in the majority of the garden of Mortar Cottage.

5.3 A letter has been received from Mrs Blundell, responding to the objections. The main points raised are:

- a) The provision of a wicker panel is more in keeping with the local environment and can be robust and durable. The suggestion of a neighbour to construct a brick wall is excessive to say the least.
- b) The provision of a wicker screen will improve the privacy of Pear Tree Cottage gardens but will also have a detrimental effect on our view of the landscape beyond.
- c) We already have extensive views over Pear Tree Cottage garden patio with both the previous and current glazing situation.
- d) The balcony will have no impact on the current view across to mortar cottage and due to the distance Mortar Cottage is away from Woodfield the balcony will have no impact on their privacy.
- e) We have no objection to the screen being at a height of 2m and also would suggest a solid wooden screen would be an acceptable compromise if the wicker screen is not considered acceptable.

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 balcony for the full length of the property on the rear elevation at first floor with the alterations to the fenestration indicated on the plans having now been completed. The application is a re-submission following

refusal of planning permission in August of this year. The refusal reason can be seen in section 3 of this report.

- 6.2 The general design, scale and appearance of the balcony is acceptable. It will appear visually lightweight, is to be constructed from suitable materials and subject to the balcony being painted an appropriate colour it will not appear prominent or obtrusive when viewed from across the valley. Similarly, whilst the alterations to the fenestration have now been undertaken their appearance is acceptable.
- 6.3 Officer concern with the previous application and to a lesser extent the current proposal is the potential loss of privacy through overlooking of the property and garden of Pear Tree Cottage. The majority of the eastern part of the garden associated with Pear Tree Cottage can currently be overlooked by the existing windows from the applicants property and your officers are satisfied that the construction of the balcony will not result in any increased loss of privacy in this regard. However, it is currently not possible to have direct aspect towards Pear Tree Cottage itself or the garden immediately east of the property and this situation must remain for the benefit of the occupants of Pear Tree Cottage. The removal of the spiral staircase along with the provision of a screen for the northern end of the balcony prevents unobstructed views across to the cottage and private part of the garden. However the proposed willow screen for the northern end of the balcony will be unacceptably transparent and will not be sufficiently durable to secure privacy in perpetuity for the neighbour. The applicants agent has been requested to consider the use of a 2m high sheet of acid etched glass or similar alternative which would appear visually light weight but not allow any direct views across to the property or part of the garden which is currently secluded. A response is awaited.
- 6.4 The neighbour north east of the applicant's property has also expressed concerns regarding a possible loss of privacy. However, your officers are satisfied that there is already direct aspect towards this property and garden and the construction of a balcony will not unacceptably exacerbate this situation particularly given that the property and garden is around 35 metres away from the applicants property.
- 6.5 The application is considered acceptable subject to an alternative material being proposed for the screen, considered essential to preserve the existing privacy for the immediate neighbour north of the site.

## RECOMMENDATION

**Subject to the receipt of suitably amended plans relating to the screen along the northern end of the balcony, officers named in the Delegation Agreement be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:**

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

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

**2 - 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 - C05 (Details of finish for the balcony )**

**Reason: In the interestst of visual amenity.**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal                      departmental                      consultation                      replies.



**25 DCNE2003/3101/F - CHANGE OF USE TO PRE-SCHOOL FROM MONDAY - FRIDAY, AND FOOTBALL CLUB ROOM FROM SATURDAY – SUNDAY AT THE OLD CHANGING ROOMS, LEDBURY RUGBY CLUB, LEDBURY, HEREFORDSHIRE**

**For: Mucky Pups Pre-school at above address.**

**Date Received:**  
28th October 2003

**Ward:**  
Ledbury

**Grid Ref:**  
69931, 36732

**Expiry Date:**  
23rd December 2003

Local Members: Councillor D Rule, Council P Harling & Councillor B Ashton

### **1. Site Description and Proposal**

- 1.1 The Old Changing Rooms are located within the grounds of the new Ledbury Rugby Club on the northern side of the Ross to Ledbury A44 road at Ledbury.
- 1.2 Planning permission is sought to change the use of the building for pre-school use from Monday to Friday and as a football club room on Saturday and Sundays for Ledbury Swifts Football Club.
- 1.3 The building is located to the west of the complex of building and is timber framed with a mineral felt roof. Access would be through the car park and main entrance to the Rugby Club.
- 1.4 An indoor rifle range is located in the building behind this building.

### **2. Policies**

Planning Policy Guidance Note 25 – Development and Flood Risk

#### **Hereford and Worcester County Structure Plan**

CTC9 – Development Requirements

#### **Malvern Hills District Local Plan**

Environment Policy 1 – Location of Development

Environment Policy 9 – Flood Defence

Transport Policy 11 – Traffic Impact

#### **Herefordshire Unitary Development Plan (deposit draft)**

S11 – Community Facilities and Services

DR7 – Flood Risk

T11 – Parking Provisions

CF5 – Community Facilities

### 3. Planning History

78/1505 – Erection of changing rooms and toilet – Approved 4 September 1978

### 4. Consultation Summary

#### Statutory Consultations

#### 4.1 Environment Agency comment as follows:

The Agency wishes to uphold its previous objection to the proposed development, as submitted, on flood risk grounds. Although the site is not located with the Indicative Floodplain, this map is considered to be inaccurate, in this location, as the site is located within the Agency's historical floodplain records. During the last major flooding event, in the Easter of 1988, water was recorded as rising to 450mm – 600mm above floor levels of the club building at this site. The 1998 historic event is considered to be less than a 1% apf (annual probability flooding) event (the standard that PPG25 requires to consider and therefore a 1 in 100 year event would be expected to result in higher level of flooding).

It is considered that as the building in question may be surrounded by flood water in this event of a flood, the Agency would not recommend it for use by very young children (for pre-school use as proposes) as the flooding implies risk to life (to a vulnerable aspect of society). The new use would also be likely to involve a greater financial loss through possible flood damage compared to the existing use (as a changing room). The Agency still have concerns regarding the granting of any planning permission, based on the information as submitted with this application at this time and due to the historical evidence that the Agency have for this site.

I refer to PPG25 – Development and Flood Risk, which sets out to reduce the risk to people and the developed and natural environment from flooding. No Flood Risk Assessment was submitted with this application by the applicant as required by para. 60 of PPG25. Para. 20 of PPG25 states that 'those proposing particular developments are responsible for:

“Providing an assessment of whether any proposed development is likely to be affected by flooding and whether it will increase flood risk elsewhere and of the measures proposed to deal with these effects and risks and;

satisfying the local planning authority that any flood risk to the development or additional risk arising from the proposal will be successfully managed with the minimum environmental effect, to ensure that the site can be developed and occupied safely”.

The Agency's letter of objection dated 18<sup>th</sup> November 2003 requested an FRA to identify the following:

- a) Likely speed and depths of flooding in this locality.
- b) The risk to the development and the occupants.

As a FRA has not been submitted and as the Local planning authority are minded to grant permission the Agency would suggest that the applicant considers the use of flood proof measures, as outlined in the Agency's booklet 'Damage Limitation – How to make your Home Flood Resistant' (9copy forwarded to the applicant) and the ODPM guidance for improving the flood resistance of domestic and small business properties, 'Preparing for Floods' on [www.safety.odpm.gov.uk/bregs/floods/](http://www.safety.odpm.gov.uk/bregs/floods/).

As the site is likely to flood, in the interest of safety and minimising the risk of flood related danger in the flood risk area the local planning authority may wish to consider the following conditions:

a) Flood warning notices shall be erected and maintained in numbers, positions and with wording all to be approved by the Local Planning Authority prior to the commencement of the development. The notices shall be kept legible and clear of obstruction.

Reason: To minimise the flood related danger to people in the flood risk area.

b) Prior to the occupation of the development, an Excavation Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Authority Emergency Planning Officer and Emergency Services. The Plan shall include full details of proposed awareness training and procedure for evacuation of persons and property (including vehicles), training of staff; method and procedures for timed evacuation. It shall also include a commitment to retain and update the Plan and include a timescale for revision of the Plan.

Reason: To minimise the flood related danger to people in the flood risk area.

#### Internal Council Advice

4.2 Head of Engineering and Transportation raises no objections

4.3 Education Director supports the application.

### **5. Representations**

5.1 Ledbury Town Council's recommend Approval.

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

### **6. Officers Appraisal**

The key issue to consider is the flood capability of this site. The Environment Agency have submitted strong objections as the building is located within a known flood plain where the adjoining Ledbury Rugby Club building was flooded to a depth of 600mm above flood levels in the 1998 Easter floods. Accordingly it is not considered to be an acceptable site to establish a permanent pre-school establishment on this site. Furthermore due to its location outside of the by-pass it is likely that all users of the building would travel by car which is not sustainable. The applicants presently use a

former bungalow at Leadon Bank Care Home but the Council’s Property Section are insisting that they vacate at the end of this month. Planning Officers have discussed several buildings but none are available at present or are unsuitable. Efforts are still continuing to find a more appropriately located building for this valued service that is provided by the applicants.

In essence the applicants will become “homeless” by the end of December. Therefore in order that this group can continue a temporary permission with conditions as recommended by the Environment Agency is considered acceptable in the short-term. However, it must be recognised that due to flooding problems the site is considered unsuitable for a permanent permission. A 12 month permission will enable efforts to continue to find a permanent site in a more suitable location.

**RECOMMENDATION**

**That a temporary permission be granted subject to the following conditions:**

- 1 - E20 (Temporary permission )(15<sup>th</sup> December 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.**

- 2 - Flood warning notices shall be erected and maintained in numbers, positions and with wording all to be approved by the Local Planning Authority prior to the commencement of the development. The notices shall be kept legible and clear of obstruction.**

**Reason: To minimise the flood related danger to people in the flood risk area.**

- 3 - Prior to the occupation of the development, an Excavation Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Authority Emergency Planning Officer and Emergency Services. The Plan shall include full details of proposed awareness training and procedure for evacuation of persons and property (including vehicles), training of staff; method and procedures for timed evacuation. It shall also include a commitment to retain and update the Plan and include a timescale for revision of the Plan.**

**Reason: To minimise the flood related danger to people in the flood risk area.**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.

**26 DCNE2003/3136/F - NEW DRIVING ELEMENTS TO BE LINKED INTO EXISTING TRACKS IN BIRCHAMS WOOD TO BE USED BY LAND ROVER EXPERIENCE AT SHEEP HILL AND HOLTS COPPICE, EASTNOR CASTLE ESTATE, EASTNOR, LEDBURY, HEREFORDSHIRE, HR8 1RD**

**For: Eastnor Castle Estate per Mr C F Knock, 22 Aston Court, Aston Ingham, Ross-On-Wye, Herefordshire, HR9 7LS**

**Date Received:**  
16th October 2003

**Ward:**  
Ledbury

**Grid Ref:**  
72822, 36467

**Expiry Date:**  
11th December 2003

Local Member: Councillor Mills & Councillor Stockton

## **1. Site Description and Proposal**

- 1.1 Sheep Hill, Eastnor is located to the north-west of Eastnor village within the Eastnor estate ground.
- 1.2 Planning permission is sought to create a track with various driving features such as ditch crosses, water trough, log roadway, rubicon, steps and articulation holes around an existing pasture field. A small car park and a 'Holts Matrix' measuring 110m x 90m will also be created within the field. All of these features will be linked into the existing tracks presently used by the Land Rover Experience.

## **2. Policies**

PPG7 – The Countryside

### **Hereford and Worcester County Structure Plan**

Policy CTC1 – Area of Outstanding Natural Beauty  
 Policy CTC2 – Area of Great Landscape Value  
 Policy CTC3 – Nature Conservation  
 Policy CTC6 – Landscape Features  
 Policy CTC7 – Landscape Features  
 Policy CTC9 – Development Requirements  
 Policy CTC11 – Trees and Woodland  
 Policy A1 – Development on Agricultural Land  
 Policy A2 – Diversification

### **Malvern Hills District Local Plan**

Employment Policy 9 – Further means of Rural Diversification  
Landscape Policy 2 – Area of Outstanding Natural Beauty  
Landscape Policy 3 – Area of Great Landscape Value  
Landscape Policy 7 – Agricultural and Forestry Buildings and Roads  
Landscape Policy 8 – Landscape Standards  
Landscape Policy 9 – Landscape Features  
Landscape Policy 11 – Ancient and Semi-Natural Woodlands  
Landscape Policy 12 – Trees and Woodlands  
Transport Policy 11 – Traffic Impact

### **Unitary Development Plan**

S7 – Natural and Historic Heritage  
E12 – Farm Diversification  
E11 – Employment in the Countryside  
LA1 – Area of Outstanding Natural Beauty  
LA2 – Landscape Character and Areas of Least Resilient to Change  
LA5 – Protection of Trees, Woodlands and Hedgerows

### **3. Planning History**

3.1 None.

### **4. Consultation Summary**

#### Statutory Consultations

4.1 Forestry Commission - No objection.

4.2 English Nature - No objection.

4.3 CPRE - No objection.

#### Internal Council Advice

4.4 Head of Engineering - No objection

4.5 Chief Conservation Officer raises concerns regarding the impact on the landscape but confirms that there are no ecological concerns.

### **5. Representations**

5.1 Eastnor Parish Council comment - The Parish Council are always keen to secure local employment where possible, but hope the contractors will operate with consideration to those living in the village with regard to road use and noise.

5.2 One letter of objection has been received from Miss Jennifer Davies, Park Barn Farm, Nr Parkway, Ledbury, Herefordshire, the main points are:

1. Why extend track around this side of the estate?



2. Other tracks have this year been stoned and face onto the A417.
3. Previous applications on Sheep Hill for a phone mast were refused due to the impact of the track on the landscape.
4. The proposal is therefore contract to policies of both the Structure Plan and Malvern Hills District Local Plan.
- 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 Planning permission is sought to create a track around the perimeter of an existing pasture field at Sheep Hill, Eastnor.
- 6.2 The field is near the summit of Sheep Hill but forms its eastern escarpment. It is virtually enclosed by woodland and therefore is well screened within the landscape. However, there are views to the Malvern Hills to the east but at a considerable distance, which will make this modest development therefore relatively small in scale. The track and various humps and bumps will not intrude into the landscape. The Holts Matrix, which is a series of tracks within its 90 x 110m confines will be grasses and is sited at the lowest end of the field thereby reducing its impact. This will provide a network of tracks that contain elements that test the Land Rover vehicle's technical abilities. This new track will compliment the existing tracks used on Eastnor Estate and will not increase the through put of vehicles but help to compliment them with a more defined area. This complex will also help to consolidate the development of Land Rover at Eastnor for which new offices were approved last year at The Bothy adjacent to Eastnor Castle.

## **RECOMMENDATION**

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

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

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

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

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

- 3 - Prior to the use hereby approved commencing details of the materials to be used to form the new tracks and Holts Matrix shall be submitted for approval in writing by the local planning authority.**

**Reason: In the interest of visual amenity.**

Decision: .....

Notes: .....

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**Background Papers**

Internal                      departmental                      consultation                      replies.

Document is Restricted

