

AGENDA

Planning Committee

Date: **Wednesday 16 March 2011**

Time: **10.00 am**

Place: **The Council Chamber, Brockington, 35 Hafod Road,
Hereford**

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

For any further information please contact:

Ricky Clarke, Democratic Services Officer

Tel: 01432 261885

Email: rclarke@herefordshire.gov.uk

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Agenda for the Meeting of the Planning Committee

Membership

Chairman	Councillor TW Hunt
Vice-Chairman	Councillor RV Stockton
	Councillor ACR Chappell
	Councillor PGH Cutter
	Councillor H Davies
	Councillor GFM Dawe
	Councillor DW Greenow
	Councillor KS Guthrie
	Councillor JW Hope MBE
	Councillor B Hunt
	Councillor RC Hunt
	Councillor G Lucas
	Councillor RI Matthews
	Councillor JE Pemberton
	Councillor AP Taylor
	Councillor DC Taylor
	Councillor WJ Walling
	Councillor PJ Watts
	Councillor JD Woodward

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A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

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AGENDA

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY) To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4. MINUTES To approve and sign the Minutes of the meeting held on 23 February 2011.	1 - 10
5. CHAIRMAN'S ANNOUNCEMENTS To receive any announcements from the Chairman.	
6. APPEALS To be noted.	11 - 16
7. DMS/110341/F - CARADOC, SELLACK, HEREFORDSHIRE, HR9 6LS Carport to Plot 1 and garages to 5 plots.	17 - 22
8. DATE OF NEXT MEETING Date of next meeting - 23 March 2011	

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- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 23 February 2011 at 10.00 am

Present: Councillor TW Hunt (Chairman)
Councillor RV Stockton (Vice Chairman)

Councillors: ACR Chappell, PGH Cutter, H Davies, GFM Dawe, DW Greenow, JW Hope MBE, B Hunt, RC Hunt, G Lucas, RI Matthews, JE Pemberton, DC Taylor, WJ Walling and JD Woodward

116. APOLOGIES FOR ABSENCE

Apologies were received from Councillors KS Guthrie, AP Taylor and PJ Watts.

117. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor KG Grumbley attended the meeting as a substitute member for Councillor KS Guthrie.

118. DECLARATIONS OF INTEREST

10. DMS/103173/F - Caradoc Court, Sellack, Ross-on-Wye, Herefordshire, HR9 6LS.
Councillor PGH Cutter, Personal, Sits on the AONB Board.

119. MINUTES

RESOLVED: That the Minutes of the meeting held on 2 February 2011 be approved as a correct record and signed by the Chairman.

120. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements from the Chairman.

121. APPEALS

The Committee noted the report.

122. DMS/102266/F - HEREFORDSHIRE COLLEGE OF TECHNOLOGY, HOLME LACY CAMPUS, HOLME LACY, HEREFORDSHIRE, HR2 6LL

The Development Manager reported that English Heritage were carrying out a further assessment of Bower House in respect of its suitability for Listing. In these circumstances the Assistant Director Environment Planning and Waste considered it was appropriate to withdraw the application from the Agenda.

123. DMS/103017/F - BUSINESS PARK ON LAND AT NEW LIVESTOCK MARKET, ROMAN ROAD, HEREFORD

The Development Manager gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking, Mr Hughes and Mr Jones spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors RI Matthews and SPA Daniels, two of the local ward members, commented on a number of issues, including:

- concerns had been raised that the cattle market was not set as far back off Roman Road as had been initially indicated and that the new proposal constituted creeping development;
- any planning permission should be subject to a section 106 agreement to provide funds for a footpath and cycle path from the A4103/A480 roundabout towards Credenhill;
- concerns were expressed in respect of landscaping on the site. Local ward members should be consulted on landscaping proposals;
- hours of operation should be reduced from 8am to midday on Saturdays instead of 8am to 1:00pm;
- the application site should be referred to as the Cattle Market site and not as a Business Park;
- it needs to be ensured that the public rights of way across the land are protected; and
- the landscaping scheme for the area should be commenced immediately in order to address local concerns and take advantage of the growing season.

The Development Manager noted the comments from the local ward members and was in agreement that landscape planting should commence at the earliest opportunity. He noted the comments regarding delivery times but felt that it was imperative for the operation to have consistency between opening and delivery times. He did not consider that the criteria had been met for a Section 106 agreement to be required for a footpath/cycleway towards Credenhill in respect of this application. He advised Members that any funds requested would have to be as a direct necessity of the application and be reasonably related and that this was not the case. The Locum Lawyer advised that a unilateral agreement could be sought from the applicants to provide the funding required by the local ward member. Another alternative would be to make a request to them and he confirmed the view of the Development Manager that a Section 106 agreement could not lawfully be imposed.

Councillors Matthews and Daniels were given the opportunity to close the debate in accordance with the Council's Constitution. They reiterated their opening remarks and made additional comments about the need for development to be limited in the area and for the footpath/cycleway to be provided in accordance with assurances previously given by the Council

RESOLVED

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**

3. C01 Samples of external materials
4. F02 Restriction on hours of delivery
5. F03 Restriction on hours of opening
6. F06 Restriction on Use
7. G10 Landscaping scheme
8. G11 Landscaping scheme - implementation
9. G15 Landscape maintenance arrangements
10. H13 Access, turning area and parking
11. H16 Parking/unloading provision - submission of details
12. H29 Secure covered cycle parking provision
13. H20 Road completion in 2 years
14. I16 Restriction of hours during construction
15. I20 Scheme of surface water drainage
16. I26 Interception of surface water run off
17. I25 Bunding facilities for oils/fuels/chemicals
18. I33 External lighting
19. I41 Scheme of refuse storage (commercial)
20. E03 Site Observation – Archaeology

Informative:

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

124. DMS/103031/O - YEW TREE COTTAGE, BARTESTREE, HEREFORDSHIRE, HR1 4BX

The Principal Planning Officer presented a report about application for Outline permission for the erection of a detached on land forming part of the rear garden of Yew Tree Cottage. Updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking, Mr, Wilson, representing Bartestree Parish Council, and Mrs Seabright, a neighbouring resident, spoke in objection to the application, and Mr Groom, the applicant's agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor DW Greenow, the local ward member, commented on the application. He was concerned about:

- the dimensions of the proposed dwelling;
- the location in a rear garden;
- highway safety issues regarding the access; and
- its detrimental impact on the amenity of neighbouring residential properties through overlooking and potential noise disturbance.

The Committee shared the concerns of the local ward member and the officers about the location, size and impact of the proposed dwelling and noted the concerns which had been raised about the highway safety issues regarding the access. It was also noted that Planning Policy Guideline PPS3 no longer included provision for the development of garden land within its definition of the redevelopment of brownfield land.

Councillor Greenow was given the opportunity to close the debate in accordance with the Council's Constitution. He reiterated his opening remarks and made additional comments about the highway safety issues of increasing use of an existing access on a busy road adjoining a pedestrian crossing.

RESOLVED

That planning permission be refused for the following reasons:

- 1. The visibility offered by the proposed point of vehicular access is significantly substandard and cannot be improved without incorporating land in third party ownership. The intensified use of the access is considered to represent a threat to highway safety on this busy main road and the application is thus considered contrary to Policy DR3 of the Herefordshire Unitary Development Plan 2007.**
- 2. The erection of a dwelling in this location would result in an increase in vehicular and pedestrian movements and activity in close proximity to the rear private gardens of existing dwellings. The development would also result in the loss of privacy to existing private gardens, whereas the application site is subject to overlooking from existing dwellings. As a consequence the development would generate activity and disturbance in excess of what could reasonably be associated with a typical residential curtilage, result in an unacceptable loss of privacy and fail to provide acceptable levels of amenity for future occupants. The development would thus harm the amenity of adjoining residents in a manner contrary to Policies DR2 and H13 of the Herefordshire Unitary Development Plan 2007.**
- 3. The erection of a 2-storey detached dwelling in this location would constitute a cramped and incongruous form of development that would fail to promote or reinforce the distinctive character and appearance of the locality, particularly in relation to its layout. The proposal is thus contrary to Policies DR1 and H13 of the Herefordshire Unitary Development Plan and guidance set out in Planning Policy Statement 3: Housing.**

125. DMS/103173/F - CARADOC COURT, SELLACK, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6LS

The Principal Planning Officer gave a presentation and provided updates on an application to vary Condition 9 of Planning Permission DMSE/093151/F to enable the

installation of domestic heating oil tanks at the property. The updates and additional representations received following the publication of the agenda are appended to these minutes.

In accordance with the criteria for public speaking, Mr Harvey, a neighbouring resident, spoke in objection to the application.

The Committee discussed the merits of the application. Some concerns were expressed about the visual aspects of the tanks in an area of outstanding natural beauty and the need for it to be ensured that suitable landscaping conditions were attached to any permission that was granted. There were also concerns expressed about piecemeal planning applications being submitted in respect of the site. The Locum Solicitor explained that alterations had to be dealt with in this way because permitted development rights had been removed when the original planning permission had been granted.

Having considered all the points that had been made about the application, The Committee decided that it should be granted.

RESOLVED

Subject to no objections raising material planning considerations being received by the expiry of the statutory consultation period and conditions being imposed in respect of landscaping, Officers be authorised to grant planning permission subject to the following conditions:

1. **B04 Amendment to existing permission**
2. **B01 Development in accordance with the approved plans**

Informative:

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

126. DATE OF NEXT MEETING

The Committee noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES (Pages 1 - 4)

The meeting ended at 11.30 am

CHAIRMAN

PLANNING COMMITTEE

Date: 23 February 2011

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

DMS/102266/F- Demolition of buildings and re-development of Holme Lacy Campus with a new masterplan, associated buildings and access alterations at Holme Lacy Campus, Holme Lacy, Herefordshire, HR2 6LL

For: Mr Peake per RRA, Packers House 25 West Street, Hereford, Herefordshire, HR4 0BX

OFFICER COMMENTS

The Assistant Director Environment, Planning and Waste has withdrawn this item from the Agenda.

It will be reported to a future meeting.

DMS/103017/F - New industrial unit to supply medicines and feed at Business Park on new Livestock Market, Roman Road, Hereford

For: Mr Jones per McCartneys, 7 Broad Street, Leominster, Herefordshire, HR6 8BT

ADDITIONAL REPRESENTATIONS

Subject to detailed design the cycle shelter is acceptable although it will be necessary to secure approval of this together with a plan that demonstrates that it is accessible in a safe manner.

An additional email was received from Mr & Mrs Hilder of 1 Veldifer Cottage on 22 February 2011. In the event that permission is granted, consideration of the following conditions is requested:

Operating hours should be restricted to 8am to 6pm from Monday to Friday and 8am to 1pm on Saturdays and closed on Sundays and Bank Holidays. This would be consistent with the hours of delivery condition proposed.

Any lighting should be turned off outside the operating hours

The same level of landscaping should be applied to this site as was applied to the livestock market and this should incorporate bunding and similar trees

OFFICER COMMENTS

In response to the conditions suggested in the officer recommendation, the applicants have provided details in respect of the following:

- Materials
- Landscaping / Planting
- Hard surface materials for parking areas
- Cycle parking
- Refuse storage
- Foul and surface water drainage

These have been indicated on amended plans submitted which also revise the plot size now that this has been finalised with Property Services. This has been reduced slightly from the original plan, excluding the lime trees from within the site boundary.

The details submitted are not detailed enough and further discussion will need to be had on the landscaping / boundary treatments/ cycle parking and drainage to ensure a satisfactory form of development is undertaken that works with the existing permission for the livestock market site. The conditions recommended would provide the ability to further these discussions.

Where details can be agreed these can be inserted directly into the conditions rather than requiring their submission prior to commencement of works.

In relation to the additional comments provided by Mr & Mrs Hilder, it is considered that the conditions recommended are generally consistent with their duly made concerns and will ensure that appropriate controls are in place to mitigate the environmental impact of the development.

CHANGE TO RECOMMENDATION

Condition 5 to include control over the switching off of lighting outside of the hours of opening restriction

DMS/103031/O - Outline permission for the erection of a detached residential dwelling at Yew Tree Cottage, Bartestree, Herefordshire, HR1 4BX

For: Mr Blackman per Mr Nicholas Groom (N G Property), 7 Duchess Close, Monmouth, Monmouthshire, MP25 3JL

ADDITIONAL REPRESENTATIONS

One further letter of objection has been received. It reiterates the points set out at 5.2 of the report and also refers to the inappropriateness of the development relative to Barber Close.

NO CHANGE TO RECOMMENDATION

DMS/103173/F - Application to vary Condition 9 of Planning Permission DMSE/093151/F to enable installation of domestic heating oil tanks at Caradoc Court, Sellack, Ross-on-Wye, Herefordshire, HR9 6LS

For: Mr H Bramer per Mr T Egan, M F Freeman, Ruardean Works, Varnister Road, Gloucestershire, GL17 9BH

ADDITIONAL REPRESENTATIONS

Parish Council: No objection

6 letters of objection have been received from local residents. The comments are summarised as follows:

- This is an exceptional and contentious site in a very sensitive location within the AONB and overlooking an attractive stretch of the River Wye SAC/SSSI;
- The site is already overcrowded in a manner entirely inappropriate to the rural location;
- More above ground structures would be wholly unacceptable and would contribute to the creeping intensification observable in the development;
- The decision should be taken to revert to the originally proposed under-ground oil tanks, which should not be discounted simply because they are more costly or difficult to maintain;
- It is reasonable to expect the developer to minimise the adverse visual impact in return for being given the ability to maximise the return from the development;
- Leaks/spillages could have adverse consequences for wildlife in Castlemeadow Wood and conceivably the Wye itself;
- The tanks will increase the likelihood of heavy vehicles using the bridleway and causing congesting upon the site;
- It is considered unlikely that the tanks will be constructed to accord with the relevant regulations and could pose a fire and pollution risk.

In response to the above-stated concerns the agent has responded:

- Leaks from underground tanks will be far more difficult to detect and correct than those from tanks above ground;
- An underground tank will require an electric pump, which is less sustainable in terms of energy consumption;
- There is absolutely no implication for vehicular traffic in building the tanks above ground. It is estimated that refilling of the tanks will be necessary once a year, which would involve six two-way trips a year;
- A fully detailed Building Regulations application is to be submitted to Herefordshire Building Control department. This will confirm compliance with building regulations.

OFFICER COMMENTS

There is an error at 6.2, page 53. The final sentence should read:

“There is also no conflict between the proposed location of the individual tanks and the retention of the protected trees around the site’s perimeter.”

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING COMMITTEE
DATE:	16 MARCH 2011
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not a key decision

Recommendation

That the report be noted

APPEALS RECEIVED

Application No. EN2010/001263/ZZ

- The appeal was received on 22 February 2011
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr & Mrs Andrew Thomas
- The site is located at Camp Farm, Dinedor, Hereford, Herefordshire, HR2 6PD
- It appears to the Council that the above breach of planning control has occurred within four years. The Local Planning Authority considers that the building, the subject of this notice, has been built as a dwelling house and is being used residentially.
- The development constitutes an unauthorised dwelling house in open countryside and as such the building must be considered as a new dwelling house under policy H7 of the Herefordshire Unitary Development Plan. With regard to H7, which sets the provision for housing in the countryside outside settlement, the development is not considered to be necessary in connection with an agricultural or forestry business. It is also not considered to result from the re-use of a rural building or an extension to an existing dwelling. As such the building is contrary to the criteria set out in policy H7. The building is also contrary to policy S1 of the UDP, with the Council's highway engineer noting that the sustainability of this location would not be acceptable for a new dwelling.
- Therefore enforcement action should be taken to require the cessation of the residential use of the unauthorised building and its demolition. Having consideration for the above reasons and the

Further information on the subject of this report is available from the relevant case officer

guidance set out in Circular 10/97 and Planning Policy Guidance 18: Enforcing Planning Control, the Local Planning Authority considers the taking of enforcement to be expedient in this instance.

- The requirements of the notice are 1) Permanently cease the residential use of the building 2) Demolish the building 3) Remove all resultant materials from the land 4) Restore the land to its former condition
- The appeal is to be heard by Written Representations

Case Officer: Mark Tansley 01432 261815

Application No. DMNW /100558/F

- The appeal was received on 11 February 2011
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr R Wells
- The site is located at Ashfield, Barnet Lane, Wigmore, Herefordshire, HR6 9UJ
- The development proposed is the change of use from agricultural land to one family traveller site to include the stationing of one living vehicle, storage boxes & shed
- The appeal is to be heard by Hearing

Case officer Mr C Brace 01432 261975

Application No. DMS /102426/A

- The appeal was received on 11 February 2011
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Sports Direct International
- The site is located at 6 Trinity Square, Hereford, Herefordshire, HR1 2DR
- The development proposed is the installation of new aluminium shop front and window to existing shop
- The appeal is to be heard by Written Representations

Case officer Mr E Thomas 01432 260479

Application No. EN/2010/01261/ZZ

- The appeal was received on 9 February 2011
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr Richard Wells
- The site is located at Ashfield, Barnet Lane, Wigmore, Herefordshire, HR6 9UJ
- The breach of planning control alleged in this notice is that without planning permission the material change of use of agricultural land to a mixed used for agriculture, the storage of vehicles, the stationing of a vehicle adapted for residential habitation and storage containers, together with associated operational development including the formation of an access, driveway, erection of outbuildings and a wind turbine
- The requirements of the notice are: 1) Permanently cease the residential use of the land 2) Permanently cease using the land for storing vehicles 3) Permanently remove from the land the vehicle adapted for residential habitation, together with all storage containers/units and caravans 4) Permanently remove all vehicles/tractors from land 5) Take down all outbuildings and remove all resultant materials from the land 6) Take up the driveway and pathways and remove all resultant materials from the land 7) Remove the wind turbine from the land 8) Remove all

domestic items from the land 9) Erect a post and wire fence to height no greater than one metre between the existing hedges to seal the access. The fence should be erected along the outside line of the original hedgerow 10) Re-instate the hedge where the site entrance is situated by planting a hedgerow of hawthorn and other native species along the line of the original hedgerow behind the post and wire fence. The hedging plants are required to be 60-80cm high, healthy and vigorous transplants. The plants are required to be in a double staggered row, 45cm apart (7 plants per linear metre). All transplants are required to be protected with a 40cm high plastic spiral rabbit guard supported by a 75cm stake or cane 11) If the land is to be grazed erect stock proof fencing no higher than one metre in height inside the field to protect the newly planted hedgerow plants. Stock proof fencing should be erected to protect hedging from grazing as required.

- The appeal is to be heard by Hearing

Case Officer: Carl Brace 01432 261795

Application No. DMS /101741/O

- The appeal was received on 9 February 2011
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs Davis
- The site is located at Moreborough, Ledbury Road, Ross On Wye, Herefordshire, HR9 7BE
- The development proposed is Erection of 2 dwellings, construction of new vehicular access and
- The appeal is to be heard by Written Representations

Case Officer Mr S Withers 01432 260612

Application No. DMS /101378/F

- The appeal was received on 7 February 2011
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Ms Affleck
- The site is located at Chase View House, Merrivale Road, Ross On Wye, Herefordshire, HR9 5JX
- The development proposed is Demolition of garage, erection of two storey side and single
- The appeal is to be heard by Written Representations

Case officer Mr S Withers 01432 260612

Application No. DMS /090246/O

- The appeal was received on 4 February 2011
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs Griffiths
- The site is located at Green Orchard, Sutton Road, Cross Keys, Hereford, Hereford, HR1 3NL
- The development proposed is Proposed demolition of existing redundant industrial building and replacement thereof with a dwelling to sustain an existing rural enterprise (single storey) and associated and ancillary car parking (outline only)
- The appeal is to be heard by Hearing

Case officer K Gibbons 01432 261781

APPEALS DETERMINED

Application No. DMN/101375/L

- The appeal was received on 16 November 2010
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mrs Leslie Wake
- The site is located at Hill Cross Barn, Tedstone Delamere, Herefordshire, HR7 4PR
- The application dated 1 June 2010 was refused on 19 August 2010
- The development proposed was a single storey rear extension to existing house.
- The main issue is whether the proposed works would preserve the special architectural and historic interest of the Grade II listed building

Decision: The application was refused under Delegated Powers on 19 August 2010.
The appeal was **Dismissed** on 11 February 2011.

Case Officer: Mr C Brace 01432 261795

Application No. DMN/101374/FH

- The appeal was received on 16 November 2010
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mrs Leslie Wake
- The site is located at Hill Cross Barn, Tedstone Delamere, Herefordshire, HR7 4PR
- The application dated 1 June 2010 was refused on 19 August 2010
- The development proposed was a single storey rear extension to existing house.
- The main issue is whether the proposed works would preserve the special architectural and historic interest of the Grade II listed building

Decision: The application was refused under delegated powers on 19 August 2010.
The appeal was **Dismissed** on 11 February 2011.

Case Officer: Mr C Brace 01432 261795

Application No. DMN/102571/L

- The appeal was received on 30 November 2010
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mrs Lindsey Wake
- The site is located at Hill Cross Barn, Delamere Road, Tedstone Delamere, Herefordshire, HR7
- The application dated 14 September 2010 was refused on 12 November 2010
- The development proposed was a proposed rear extension to existing house.
- The main issue is whether the proposed works would preserve the special architectural and historic interest and the setting of the Grade II listed building

Decision: The application was refused under delegated powers on 12 November 2010.
The appeal was **Allowed** on 11 February 2011.

Case Officer: Mr C Brace 01432 261795

Application No. DMN/102570/FH

- The appeal was received on 30 November 2010
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mrs Lindsey Wake
- The site is located at Hill Cross Barn, Tedstone Delamere, Bromyard, Herefordshire, HR7 4PR
- The application dated 14 September 2010 was refused on 12 November 2010
- The development proposed was a proposed rear extension to existing house.
- The main issue is whether the proposed works would preserve the special architectural and historic interest and the setting of the Grade II listed building

Decision: The application was refused under Delegated powers on the 14 September 2010
The appeal was **Allowed** on 11 February 2011.

Case Officer: Mr C Brace 01432 261795

Application No. DMS/101756/F 00592

- The appeal was received on 26 November 2010
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr Jack Denny
- The site is located at Denibois, 86 Eign Road, Hereford, Herefordshire, HR1 2RX
- The application dated 13 July 2010 was refused on 22 September 2010
- The development proposed was the demolition of existing rear garage and building of one bed bungalow
- The main issue is the effect of the proposal on the character and appearance of the area, and the effect of the proposal on highway safety.

Decision: The planning application was refused under delegated powers on 22 September 2010.
The appeal was **Dismissed** on 14 February 2011.

Case Officer: CL Atkins (Mrs) 01432 260536

Application No. DMCE/093310/F

- The appeal was received on 13 September 2010
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr Roger Loyd
- The site is located at Priors Court Barns, Upper Dormington, Herefordshire, HR1 4EG
- The application dated 30 December 2009 was refused on 9 March 2010
- The development proposed was a rural workshop
- The main issues are whether the proposed development would (a) conform to national planning guidance and adopted policies that seek to protect the countryside and, (b) preserve the setting of the adjacent Grade II listed Priors Court Barn.

Decision: The planning application was refused under delegated powers on 9 March 2010.
The appeal was **Dismissed** on 14 February 2011.

Case Officer: Mr A Donaghey 01432 1947

Application No. EN/001208/ZZ

- The appeal was received on 11 October 2010
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mrs Alison Pontifex-Price
- The site is located at Fir Tree Inn, Much Cowarne, Herefordshire, HR7 4JN
- The breach of planning control alleged in this notice is Without planning permission, the laying of a hardstanding and erection of a building used as a function hall facility within the last four years
- The requirements of the notice are: 1) cease the use of the building as a function hall facility, 2) demolish the building and remove the hardstanding together with associated services 3) remove all resultant materials from the land
- The main issues are whether or not the appeal site would provide a suitable site for a function hall facility having regard to the principles of sustainable development; the effect of the schemes on highway safety; whether adequate parking provision for the schemes would be provided; the effect of the schemes on the character and appearance of the area; and the effect of the marquee on use of a public footpath

Decision: Subject to corrections of the Enforcement Notice the appeal was **dismissed** on 16 February 2011

Case Officer: R Close 01432 261803

Application No. DMNE/101340/F

- The appeal was received on 20 October 2010
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mrs A Price
- The site is located at Fir Tree Inn, Much Cowarne, Bromyard, Herefordshire, HR7 4JN
- The application dated 31 May 2010 was refused on 2 August 2010
- The development proposed was Erection of marquee for receptions, dinner dances and entertainments events
- The main issues are whether or not the appeal site would provide a suitable site for a function hall facility having regard to the principles of sustainable development; the effect of the schemes on highway safety; whether adequate parking provision for the schemes would be provided; the effect of the schemes on the character and appearance of the area; and the effect of the marquee on use of a public footpath

Decision: The planning application was refused under delegated powers on 2 August 2010
The appeal was **dismissed** on 16 February 2011.

Case Officer: Mr R Close 01432 261803

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



MEETING:	PLANNING COMMITTEE
DATE:	16 MARCH 2011
TITLE OF REPORT:	<p>DMS/110341/F - CARPORT TO PLOT 1 AND GARAGES TO 5 PLOTS AT CARADOC, SELLACK, HEREFORDSHIRE, HR9 6LS.</p> <p>For: Mr Bramer per Mr T Egan, M F Freeman Group, Ruardean Works Varnister Road, Nr Drybrook, Gloucestershire, GL17 9BH.</p>

Date Received: 10 February 2011

Ward: Llangarron

Grid Ref: 355982,227272

Expiry Date: 7 April 2011

Local Member: Councillor JA Hyde

1. Site Description and Proposal

- 1.1 The application seeks planning permission for the erection of garaging for each of the six dwellings approved as enabling development on land at Caradoc Court. The approved development comprises the erection of six detached dwellings and the construction of a new access point and driveway on land approximately 400 metres north east of The Court on land at the top of a steep, north-facing wooded slope, rising up from the River Wye. The application site falls within the Wye Valley Area of Outstanding Natural Beauty and within the unregistered historic parkland associated with Caradoc Court. Trees around the site perimeter and in Castlemeadow Wood to the north are covered by Tree Preservation Orders.
- 1.2 Under planning permission DMSE09/3151/F it was resolved that permitted development rights be removed in order that the Council could retain control over future alterations sought by individual occupants in the interests of best preserving the character and appearance of the area. Development has now commenced and the dwellings are currently under construction. This application seeks permission to erect a double open-fronted carport as an extension to unit 1, detached double garages to units 2 and 3, a shared 3-bay garage building for units 4 and 5 and a single garage designed as an extension to unit 6. With the exception of unit 1 the garages would be constructed in addition to the surface parking already negotiated within the curtilage of each property.
- 1.3 The carport extension to unit 1 would be open to all aspects. The detached double garages to units 2 and 3 are identical and comprise rendered walls under a pyramidal slate roof with painted grey timber doors. They are 6.2m square, with an overall height of 5.2m.
- 1.4 The 3-bay garage to serve units 4 and 5 would breach the common boundary between the two units, with one-bay serving unit 4 and the remaining two bays for use by the prospective occupants of unit 5. This is a hipped roof construction with materials as per the garages for units 2 and 3. It measures 9.8m x 6.1m in plan and 5.2m in height. The proposed garage to unit 6 takes the form of an extension to the north elevation. It is set back from the principal elevation and measures 6m x 4m in plan. It is single-storey with a pitched roof.

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

2. Policies

2.1 Planning Policy Statements:

- PPS1 - Delivering Sustainable Development
- PPS5 - Planning for the Historic Development
- PPS7 - Sustainable Development in Rural Areas

2.2 Other Guidance:

Enabling Development and the Conservation of Historic Places (English Heritage, 2008)

BS2005:5837 – Trees in relation to construction

2.3 Herefordshire Unitary Development Plan 2007:

- S1 - Sustainable Development
- S2 - Development Requirements
- DR1 - Design
- DR3 - Movement
- H7 - Housing in the Countryside Outside Settlements
- H13 - Sustainable Residential Design
- H16 - Car parking
- H18 - Alterations and Extensions
- LA1 - Areas of Outstanding Natural Beauty
- LA2 - Landscaped Character and Areas Least Resilient to Change
- LA4 - Protection of Historic Parks and Gardens
- LA5 - Protection of Trees, Woodlands and Hedgerows

3. Planning History

- 3.1 SH940997PF Rebuild fire damaged house to original state as single residence with outbuildings and six houses on adjoining land at Caradoc Court, Sellack. Approved 24 February 1995.
- 3.2 DCSE2006/1684/V Certificate of Lawfulness for six new houses (approved planning permission SH940997PF), Caradoc Court, Sellack. Approved 6 December 2006.
- 3.3 DMSE/093151/PF Erection of six detached houses (amendments to SH940997PF). Approved 14 April 2010.
- 3.4 DMS/103179/F Variation of Condition 6 approved Planning Permission DMSE09/3151/F for amendments to house elevations. Approved 2 February 2011.
- 3.5 DMS/103173/F Variation of Condition 9 of approved Planning Permission DMSE09/3151/F to enable installation of domestic heating oil tanks. Approved 23 February 2011.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

Internal Consultees

- 4.2 Conservation Manager (Landscapes and Biodiversity): This development is highly sensitive in terms of its landscape, arboricultural and ecological context. The houses are large in scale and sited close together, resulting in a cramped appearance with little space left for gardens. The layout is suburban in character and out of keeping with the surrounding rural landscape. Whilst it is acknowledged that the scale of the houses, in terms of the gross internal floor area is commensurate with that of the extant planning permission granted in 1995, it is considered that the site does not have the capacity to accommodate the scale of the houses which have been approved.

The proposed garage structures would result in an even more cramped appearance and would compound the harm to landscape character that has already been caused. The lack of space also means that it has not been possible to achieve a harmonious design; each structure has a different relationship to the house it belongs to and a different degree of setback from the access drive. The lack of space results in the decision to combine the garages for units 4 and 5 into one building. Such a triple garage would be particularly inappropriate in this rural landscape. This results in a poor quality design resulting from the attempt to retrofit garages rather than designing them as an integral part of the scheme.

The Conservation Manager also identifies issues in relation to the shading of the rear gardens to units 1 and 3, which will be exacerbated by the proposed garages. The proposals would not have major implications for the protected trees. Whilst the carport for unit 1 makes a minor incursion into the root protection area of the protected oak, there should be no adverse impact provided a 'no-dig' construction technique is employed.

It is concluded that the site is already cramped and out of keeping with the rural landscape. To allow the erection of garages would further compound the harm to the protected landscape and for this reason the Conservation Manager recommends the application be refused as contrary to policies DR1 and LA2.

- 4.3 Public Rights of Way Manager: No objection.
- 4.4 Traffic Manager: Expresses concern at how the garages will be retained for parking and not used for general domestic storage. The stanchions shown to the carport are too narrow to allow for parking and need to be reviewed.

5. Representations

- 5.1 Sellack Parish Council: Comments awaited.
- 5.2 Four letters of objection have been received. The content is summarised as follows:
- The decision to grant permission was described as wholly exceptional and only justified in a very sensitive part of the AONB by the existence of a 1995 planning permission still capable of lawful implementation;
 - Although no larger in terms of total ground area the 2010 permission did involve implicit intensification. The integral garages envisaged for two of the original (1995) units were removed to allow larger living accommodation;
 - Since the grant of permission in April last year there has been further intensification. Large storage sheds were agreed pursuant to a condition and above-ground oil tanks have also been approved;
 - The current application would further intensify the development. The garages would join 6 four-bedroom executive houses, six oil tanks, one cycle shed a driveway and parking for 18 cars.

- When viewed from the north the proposal would add to the obtrusive prospect of the development by creating a virtually unbroken panorama of built structures from the western end to the eastern end of the site;
- The addition of garages will further enhance the resale value of the properties in a manner contrary to the guiding principle that enabling development should be the minimum necessary to achieve the conservation objective i.e. the restoration of Caradoc Court.

5.3 The application is accompanied by a Design and Access Statement that states that the proposed garages are a better option than the approved storage sheds, with greater longevity and the use of more appropriate materials. The agent's accompanying the application suggests that prospective purchasers are being put-off by the lack of garaging, although this is not a material planning consideration.

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

6. Officer's Appraisal

6.1 The application seeks planning permission for the erection of garaging to serve each of the properties approved under application S/093151/F. Neither the 1995 planning permission nor the 2010 successor made provision for detached garages. The key issue in the determination of the application is considered to be the assessment of the visual and landscape impact of the development as one within the Wye Valley AONB and the unregistered historic park and garden.

6.2 The Conservation Manager has objected to the proposals on the basis that the garages would further congest the existing layout, resulting in a development even less appropriate to the rural context. The overall scale of built development upon the site would be significantly increased with the existing limited spacing between the dwellings reduced accordingly. The effect from the north elevation is a virtually unbroken line of built development. In addition, the proposed design of the garages and carport is not harmonious with the design of the dwellings and there is little consistency in the approach taken from garage to garage. Where adequate space exists i.e. at units 2 and 3, a double-detached garage has been adopted. Where space does not exist the decision has been taken to revert to a shared 3-bay garage, which in itself is a very significant building in the context. The garages also comprise a mixture of roof types, which given the relatively uniform design of the dwellings is, to my mind, undesirable. The apparent discrepancies in the approach to the design of the garaging would fail to promote or reinforce the characteristics of the development and would consequently be contrary to Policy DR1.

6.3 Moreover, Policy H13 requires proposals for residential development to take an integrated and comprehensive approach to design, layout and landscape which respects the townscape and landscape context of the site. Development should also reflect the distinctive character and appearance of the locality and provide for interesting and attractive environments through the imaginative layout of building, landscaping and open spaces. Through failing to take an integrated approach to the design and layout of the garages relative to the dwellings, it is my opinion that the proposal fails to accord with Policy H13.

6.4 It has always been acknowledged that this is a difficult site upon which to design a development appropriate to the context. In anything other than the exceptional circumstances surrounding the case at the time, planning permission would not normally have been granted on a site such as this. However, in the context of what has been approved, the introduction of the garaging would, in your officers' opinion, result in over-development of the site as a whole, and would further compound the harm caused to the protected landscape. For these reasons it is recommended that the application be refused.

Other matters

- 6.5 Provided the appropriate construction techniques are used there is no identified harm to the root systems of the protected trees around the site's perimeter; although this does not override your officer's concerns with the impact of the development upon the character and appearance of the protected landscape.
- 6.6 One of the objectors has raised the materiality of the resale value of the properties in the context that enabling development should be the minimum required to achieve the overriding conservation objective. In this case no evidence has been offered to indicate the impact of the garaging upon the value of the respective units. In any event officers are minded to recommend refusal for the reasons stated below.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. **The proposed garaging would add unacceptably to the scale of built development on this exceptionally sensitive site, resulting in a cramped form of development within the Wye Valley Area of Outstanding Natural Beauty. The siting and design of the respective buildings is considered inappropriate in the site context and the development would be detrimental to the landscape character of the area and the appearance of the development as a whole in a manner contrary to Policies DR1, H13, LA1 and LA2 of the Herefordshire Unitary Development Plan 2007.**

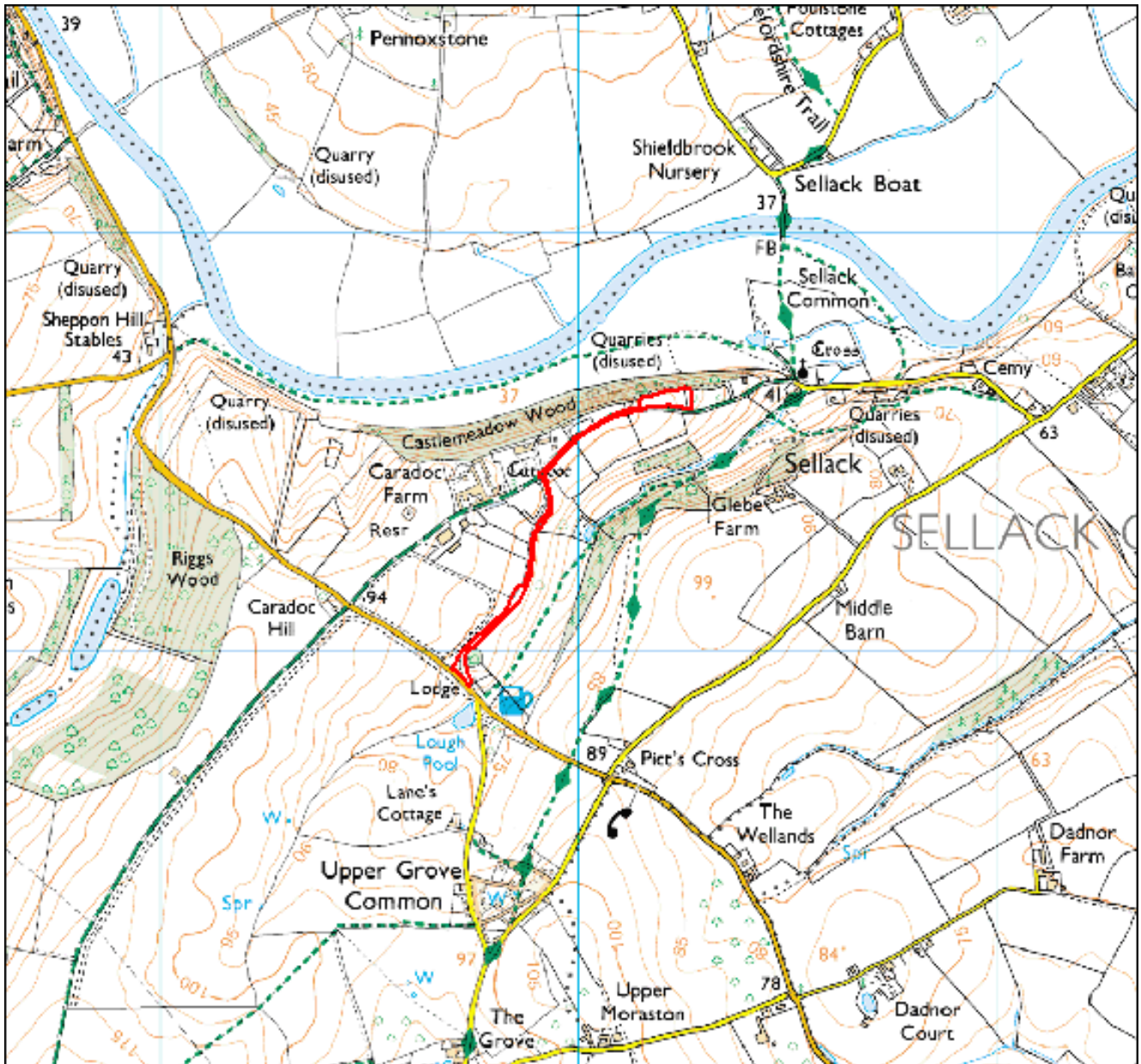
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMS/110341/F

SITE ADDRESS : CARADOC, SELLACK, HEREFORDSHIRE, HR9 6LS

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Further information on the subject of this report is available from Mr E Thomas on 01432 260479