

# A G E N D A

## Planning Committee

Date: **Wednesday, 31st March, 2004**

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Time: **10.00 a.m.**

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

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

*For any further information please contact:*

*Pete Martens, Members Services, Tel  
01432 260248*

*e-mail: [pmartens@herefordshire.gov.uk](mailto:pmartens@herefordshire.gov.uk)*

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**County of Herefordshire  
District Council**



# AGENDA

## for the Meeting of the Planning Committee

To: Councillor T.W. Hunt (Chairman)  
Councillor J.B. Williams (Vice-Chairman)

Councillors B.F. Ashton, M.R. Cunningham, P.J. Dauncey, Mrs. C.J. Davis,  
D.J. Fleet, J.G.S. Guthrie, J.W. Hope, B. Hunt, Mrs. J.A. Hyde,  
Brig. P. Jones CBE, Mrs. R.F. Lincoln, R.M. Manning, R.I. Matthews,  
Mrs. J.E. Pemberton, R. Preece, Mrs. S.J. Robertson, D.C. Taylor and  
W.J. Walling

	Pages
1. <b>APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
2. <b>NAMED SUBSTITUTES (IF ANY)</b> To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3. <b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
4. <b>MINUTES</b> To approve and sign the Minutes of the meeting held on 30 January, 2004.	1 - 6
5. <b>CHAIRMAN'S ANNOUNCEMENTS</b> To receive any announcements from the Chairman.	
6. <b>NORTHERN AREA PLANNING SUB-COMMITTEE</b> To receive the attached report of the Northern Area Planning Sub-Committee.	7 - 8
7. <b>CENTRAL AREA PLANNING SUB-COMMITTEE</b> To receive the attached report of the Central Area Planning Sub-Committee.	9 - 10
8. <b>SOUTHERN AREA PLANNING SUB-COMMITTEE</b> To receive the attached report of the Southern Area Planning Sub-Committee.	11 - 12

- |     |   |         |
|-----|---|---------|
| 9.  | <p><b>DCSW2003/3801/F - EXTENSION OF PROTECTIVE SAFETY NETTING BETWEEN THE CRICKET SQUARE AND THE BOWLING GREEN, DORSTONE PLAYING FIELDS, DORSTONE, HEREFORDSHIRE</b></p> <p>To consider a planning application which has been submitted to the Committee under the provisions of the Constitution because it involves a Member of the Council</p> <p><b>Ward: Golden Valley North</b></p>  | 13 - 16 |
| 10. | <p><b>PLANNING APPLICATION DCCW2004/0209/F - PROPOSED DWELLING AT PLOT 2, LOWER ORCHARDS, BURGHILL, HEREFORD</b></p> <p>To consider a planning application which has been submitted to the Committee under the provisions of the Constitution because it is from a Member of the Council</p> <p><b>Ward: Burghill, Holmer &amp; Lyde</b></p>  | 17 - 22 |
| 11. | <p><b>PLANNING APPLICATION DCNE2003/2798/F - ERECTION OF TEN, THREE BEDROOMED DWELLINGS WITH GARAGES AT SITE OFF STATION ROAD, COLWALL</b></p> <p>To consider a planning application which has been referred to the Committee by the Head of Planning Services because the Northern Area Planning Sub-Committee is minded to refuse it contrary to officer recommendations and planning policies</p> <p><b>Ward: Hope End</b></p>   | 23 - 30 |
| 12. | <p><b>PLANNING APPLICATION DCSE2004/0220/F - PROPOSED BUILDING FOR THE STORAGE AND REPAIRS OF AGRICULTURAL, HORTICULTURAL, AUTOMOTIVE AND PLANT MACHINERY AT THORNY ORCHARD, PART OF OS PLOT 8691, COUGHTON, ROSS-ON-WYE</b></p> <p>To consider a planning application which has been referred to the Committee by the Head of Planning Services because the Southern Area Planning Sub-Committee is minded to approve it contrary to officer recommendations and planning policies.</p> <p><b>Ward: Kerne Bridge</b></p> | 31 - 50 |
| 13. | <p><b>DRAFT PLANNING POLICY STATEMENT NOTE: PPS6 PLANNING FOR TOWN CENTRES</b></p> <p>To inform the Committee of the proposals contained in PPS6 on planning for town centres.</p> <p><b>Wards: County-wide</b></p>   | 51 - 56 |

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- 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.
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- 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).
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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.**

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**MINUTES of the meeting of the Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on 30th January 2004 at 10.00am**

**Present:** Councillor T.W. Hunt (Chairman)  
Councillor J.B. Williams (Vice-Chairman)

Councillors BF Ashton, MR Cunningham, Mrs CJ Davis, PJ Dauncey, DJ Fleet, JGS Guthrie, JW Hope, B Hunt, Mrs JA Hyde, Brig P Jones CBE, Mrs RF Lincoln, RM Manning, Mrs JE Pemberton, R Preece, Mrs SJ Robertson, DC Taylor, WJ Walling

In attendance: PJ Edwards and RM Wilson

**42. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor RI Matthews.

**43. NAMED SUBSTITUTES**

There were no substitutions made.

**44. DECLARATIONS OF INTEREST**

Councillor Mrs SJ Robertson declared a prejudicial interest in respect of Agenda Item 9 – Planning application DCCE2003/3285/G (modification of planning obligations at land to south-west side of Lugwardine Court Orchard at Lugwardine Court, Lugwardine, Herefordshire, HR1 4AE) and left the meeting for the duration of this item.

**45. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 28 November 2003 be approved as a correct record and signed by the Chairman.

**46. CHAIRMAN’S ANNOUNCEMENTS**

The Chairman made the following announcements.

**Planning Appeals**

In respect of Kilverts Farm, Lilly Lane, Ledbury, the Inspector had found against the applicant and had commented that the proposed dwelling was not justified and would be too large for the proposed purpose. In respect of the Haven, Hardwicke, the Inspector had found in favour of the applicant and the Council would be liable for considerable costs. The Chairman urged the Area Planning Sub-Committees to take great care in arriving at decisions that were contrary to policy and officer advise because of the severe consequences that could arise.

**Herefordshire Unitary Development Plan revised Deposit Draft**

An all-Member seminar had been arranged for Wednesday 4 February. The Draft would be submitted to Cabinet on 12 February and to Council on 5 March.

**Car Parking at Brockington**

Car parking was proving to be difficult at Brockington when there were large agendas for the Area Planning Sub-Committees, or particularly contentious planning applications. Steps were being taken to improve the car parking available for those attending and where possible to avoid holding meetings or seminars involving large numbers which would finish late on the mornings as the Area Sub-Committee.

**Referral of Planning Applications to Area Planning Sub-Committees**

The Chairman was concerned that Local Ward Councillors did not always following the correct procedure when requesting that planning applications be submitted to the Area Planning Sub-Committees. It was essential for Local Members to consult the officers and the appropriate Sub-Committee Chairman in this respect.

**Messages being passed to Members**

Concern was expressed about messages being passed to Members by the public during meetings of the Area Planning Sub-Committees. It was important for any additional information to be routed through the proper channels well in advance so that all Members and officers involved could be informed of an issue. Under the Councils Planning Code of Conduct such an event could prejudice a Members ability to participate in the debate and voting on an application.

**47. NORTHERN AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That the report of the Northern Area Planning Sub-Committee be received and noted.

**48. CENTRAL AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That the report of the Central Area Planning Sub-Committee be received and noted.

**49. SOUTHERN AREA PLANNING SUB COMMITTEE**

**RESOLVED:** That the report of the Southern Area Planning Sub-Committee be received and noted.

**50. REFERRED PLANNING APPLICATION - DCCE2003/3285/G - MODIFICATION OF PLANNING OBLIGATIONS AT LAND TO SOUTH-WEST SIDE OF LUGWARDINE COURT ORCHARD AT LUGWARDINE COURT, LUGWARDINE, HEREFORDSHIRE, HR1 4AE**

The Chief Development Control Officer explained the reasons for the application being submitted direct to the Committee rather than the Area Planning Sub-Committee so that there would be an unencumbered consideration of the proposals.

In accordance with the criteria for public speaking Mrs Watkins of Lugwardine and Bartestree Parish Council and Mr Akman, a local resident spoke against the

application, and Mr Flint acting on behalf of the applicant spoke in favour of the application. Those objecting to the application wished the land to be kept for the development of accommodation for the elderly or for chronically sick or for disabled persons, rather than being released for general housing.

The Chief Development Control Officer explained that the proposal was for three detached low-density dwellings with separate highway access which would not infringe upon the existing development at Lugwardine Court Orchard. Having considered all the facts in relation to the application, the Committee decided that the application for the modification should be permitted.

**RESOLVED: That**

- 1. the Obligations be modified so that the restriction on occupancy of the land does not apply to the application site; and**
- 2. that planning approval be granted for three detached dwellings under reference CE2003/3749/O subject to conditions considered necessary by officers.**

**51. DESIGNATION OF TREE PRESERVATION ORDERS – ASSESSING AMENITY VALUE**

The Chief Conservation Officer presented a report suggesting the piloting of an evaluation process to determine the amenity value of trees and amend procedures to enable tree preservation orders (TPOs) to be made urgently where necessary. He outlined the powers available to local authorities to make TPOs and explained the procedure involved. He advised that the Secretary of State's view was that TPOs should be used to protect selected trees and woodland where a reasonable degree of public benefit would accrue and removal would have a significant impact on the local environment and its enjoyment by the public. He felt that the procedure involved was not always clear to the public and that the proposed process would significantly improve public understanding. He outlined the emergency powers available to officers to serve a TPO on trees or woodland at risk and suggested a way in which this could be further improved.

The Committee discussed the proposals and were in favour of their introduction subject to approval by the Cabinet Member.

- RESOLVED: THAT**
- (a) it be recommended to the Cabinet Member (Environment) that the Amenity Evaluation Rating provided in Appendix 1 in the report of the Chief Conservation Officer be used as the basis for determining whether a tree, groups of trees or areas of trees be covered by a Tree Preservation Order;**
  - (b) a report upon the utility and appropriateness of this approach be prepared and submitted to Planning Committee and to the Cabinet Member (Environment) after the completion of a 12 month pilot exercise; and**
  - (c) in instances where Head of Planning Services and the County Secretary and Solicitor (or their nominees within the scheme of delegation) are convinced that works to important trees of amenity value are**

**imminent, such that the placing of a TPO on them is urgently necessary, the requirement to consult the Chairman of the Area Planning Committee and local member in advance be dispensed with and they be consulted prior to confirmation of the Order.**

**52. DRAFT PLANNING POLICY STATEMENT (PPS) 22 : RENEWABLE ENERGY**

A report was presented by the Chief Forward Planning Officer about consultation from the Office of the Deputy Prime Minister (ODPM) on PPS 22. The draft planning policy statement set out the Governments planning policies for renewable energy projects and was intended to replace the existing Planning Policy Guideline 22 which had been issued in February 1993. He advised that responses had to be sent to the ODPM by 30 January 2004. Because of this time-scale an officer response had been submitted and the ODPM notified that the views of the Committee and the Cabinet Member (Environment) would follow.

The Chief Forward Planning Officer provided a summary of PPS 22 in his report, highlighted the key principles and gave an analysis of the implications for the Council. The Committee acknowledged the importance of renewable energy resources and reducing greenhouse emissions but had grave reservations about the proposed reduction in their powers to determine matters locally. PPS 22 would weaken local control over the location of wind turbines which could have a significant effect on the natural beauty of the countryside of Herefordshire and implications for tourism. This had to be balanced against the benefits for the local infrastructure of communities particularly in areas where there was economic decline.

It was agreed that it should be recommended to the Cabinet Member (Environment) that the areas of concern raised by the Committee should be incorporated into a further response to the ODPM and that the local ward councillors in the Golden Valley Ward should be consulted on that response.

**RESOLVED: THAT the Cabinet Member (Environment) be recommended that the Committee broadly welcomes the proposals in Draft PPS22 and looks forward to the publication of the Companion Guide, but that the issue of the effective mitigation of visual impacts of wind turbine developments together with concerns that the Council's planning powers will be diminished should be included in the response to the Office of the Deputy Prime Minister.**

**53. DRAFT PLANNING POLICY STATEMENT (PPS) 11 : REGIONAL PLANNING AND PPS 12 LOCAL DEVELOPMENT FRAMEWORKS**

The Chief Forward Planning Officer presented his report about the proposals contained in PPS 11 on Regional Planning and PPS 12 on Local Development Frameworks. He said that the main principles of Draft PPS11 sought to give more weight to what is currently Regional Policy Guidance (RPG) by replacing it with a statutory Regional Spatial Strategy (RSS). The key distinction between RPG and RSS was that the RPG although provided for in government guidance was not a statutory element of the plan-making process. The RSS would be a statutory document forming part of the development plan. He advised that draft PPS 12 focuses on procedural policy on what should happen in preparing local development frameworks. These could be described as a portfolio of local development documents that would collectively deliver the spatial planning strategy for the local authorities area. The new proposals would replace Unitary Development Plans but those under

preparation, such as the Council's, would proceed to be adopted and then would be used for a period of three years. He provided the Committee with the main implications for the new proposals and outlined their likely impact on the regional and local planning framework.

**RESOLVED: THAT it be recommended to the Cabinet Member (Environment) that the points summarised in the Analysis of Implications in the report of the Chief Forward Planning Officer forms the response of Herefordshire Council to be submitted to The Office of the Deputy Prime Minister.**

**54. PARISH PLANS FOR MIDDLETON ON THE HILL AND LEYSTERS, PEMBRIDGE AND THE BORDER GROUP**

A report was presented by the Chief Forward Planning Officer suggesting the adoption of the Middleton on the Hill and Leysters, Pembridge and the Border Group Parish Plans as interim Supplementary Planning Guidance to the emerging Herefordshire Unitary Development Plan.

The Committee supported the adoption of the Parish Plans and expressed its appreciation of the hard work undertaken by the local community in helping to prepare the document.

**RESOLVED: THAT it be recommended to the Cabinet Member (Environment) that the planning elements of the Middleton on the Hill and Leysters, Pembridge and Border Group Parish Plans be adopted as interim Supplementary Planning Guidance as an expression of local distinctiveness and community participation and that those involved in its preparation be congratulated for their achievements.**

**55. CRADLEY AND STORRIDGE VILLAGE DESIGN STATEMENT**

The Chief Forward Planning Officer presented a report suggesting the adoption of the Village Design Statement (VDS) as supplementary planning guidance to the Malvern Hills District Local Plan. He outlined the main elements of the VDS and the Committee supported its adoption as an important part of the Council's planning framework.

**RESOLVED: THAT it be recommended to the Cabinet Member (Environment) that;**

- (a) the Cradley and Storrige Village Design Statement be adopted as Supplementary Planning Guidance to the Malvern Hills District Local Plan as an expression of local distinctiveness and community participation.**
- (b) the Statement be treated as a material consideration when dealing with planning matters.**

The meeting ended at 11:30 am

**CHAIRMAN**



## REPORT OF THE NORTHERN AREA PLANNING SUB-COMMITTEE

Meetings Held on 28th January and 25th February, 2004

**Membership:**

**Councillors:** 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 C.B.E., R.M. Manning, R. Mills,  
R.J. Phillips, D.W. Rule M.B.E., R. V. Stockton, J.P. Thomas and J.B. Williams  
(Ex Officio).

### PLANNING APPLICATIONS

1. The Sub-Committee has met on 1 occasion and has dealt with the planning applications referred to it as follows:-

- (a) applications approved = 28
- (b) applications refused = 2;
- (c) deferred applications = 3; and
- (d) site inspections = 5.

2. The Sub Committee took the view that there were sufficient grounds to approve/refuse 3 applications contrary to officer recommendations and Council policies and these have been dealt with in the following way under the Council's referral procedure:-

The Chief Development Control Officer decided that there were no crucial planning policies at stake in two instances. One was refused and one was approved without referral to the Head of Planning Services;

The Chief Development Control Officer decided that there were crucial policies at stake in the case of one planning application, and this was referred to the Head of Planning Services.

### PLANNING APPEALS

3. The Sub-Committee received information reports about 8 Appeals that have been received and 9 which have been determined. Of the latter, 3 have been allowed, 4 have been dismissed, and 1 has been withdrawn. One appeal, in relation to a Tree Preservation Order was partially allowed and partially dismissed.

### ENFORCEMENT

4. The Sub-Committee has received reports about enforcement matters within its area.

**J.W. HOPE  
CHAIRMAN  
NORTHERN AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for meetings held on 17th December, 2003**





## REPORT OF THE CENTRAL AREA PLANNING SUB-COMMITTEE

Meeting Held on 11th February, 2004

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### Membership:

**Councillors:** Councillor D.J. Fleet (Chairman)  
Councillor R. Preece (Vice-Chairman)  
Councillors Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. E.M. Bew, A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, T.W. Hunt (ex-officio), G.V. Hyde, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.C. Mayson, J.W. Newman, Mrs. J.E. Pemberton, Ms G.A. Powell, Mrs. S.J. Robertson, Miss F. Short, W.J.S. Thomas, Ms A.M. Toon, W.J. Walling, D.B. Wilcox, A.L. Williams, J.B. Williams (ex-officio) and R.M. Wilson.

### PLANNING APPLICATIONS

1. The Sub-Committee has met on 1 occasion and has dealt with the planning applications referred to it as follows:-
  - (a) applications approved 9;
  - (b) applications minded to approve 0;
  - (c) applications referred to Planning Committee 0;
  - (d) applications refused 0;
  - (e) deferred applications 0; and
  - (f) site inspections 2.

### PLANNING APPEALS

2. The Sub-Committee received information reports about 3 Appeals that had been received and 3 that had been determined. Of the latter, all 3 had been dismissed.

### ENFORCEMENT

3. The Sub-Committee has received reports about enforcement matters within its area.

**D.J. FLEET  
CHAIRMAN  
CENTRAL AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for meeting held on 11th February, 2004**



## REPORT OF THE SOUTHERN AREA PLANNING SUB-COMMITTEE

Meeting Held on 18th February, 2004

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### Membership:

**Councillors:** Councillor Mrs. R.F. Lincoln (Chairman)  
Councillor P.G. Turpin (Vice-Chairman)  
Councillors H. Bramer M.R. Cunningham, N.J.J. Davies, Mrs C.J. Davis, G.W. Davis, J.W. Edwards , Mrs. A.E. Gray, T.W. Hunt (Ex-Officio) Mrs. J.A. Hyde, G. Lucas, D.C. Taylor, J.B. Williams

### PLANNING APPLICATIONS

2. The Sub-Committee has dealt with the planning applications referred to it as follows:-
  - (a) applications approved 10;
  - (b) deferred applications 1; and
  - (c) site inspections; 1

### PLANNING APPEALS

3. The Sub-Committee received information reports about 6 appeals that have been received and 3 which have been determined. Of the latter, 1 has been dismissed and 2 have been allowed.

### ENFORCEMENT

4. The Sub-Committee has received reports about enforcement matters within its area.

**MRS R.F. LINCOLN  
CHAIRMAN  
SOUTHERN AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for meeting held on 18th February, 2004,**



**DCSW2003/3801/F - EXTENSION OF PROTECTIVE SAFETY NETTING BETWEEN THE CRICKET SQUARE AND THE BOWLING GREEN, DORSTONE PLAYING FIELDS, DORSTONE, HEREFORDSHIRE**

**For: Dorstone Playing Field Committee per Mr R Garrard, Upper Crossway, Dorstone, Hereford, HR3 6AU**

**Date Received: 19th December 2003    Ward: Golden Valley    Grid Ref: 31404, 41989 North**

**Expiry Date: 13th February 2004**

Local Member:    Councillor N. J. J. Davies

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

- 1.1 Dorstone playing fields lie within an Area of Great Landscape Value and adjacent to the Conservation Area of Dorstone. The field lies to the north of the B4348 Dorstone to Hay-on-Wye road. It is 2.83 hectares in area and provides screening to its boundaries in the form of hedging and trees. Part of the eastern boundary visually screens the neighbouring property known as Dorstone House and the Public Right of Way, D02 also lies to the east. The southern boundary to the roadside provides low hedging. Church of St. Faiths Grade II\* listed building is to the south on the opposite side of the B4348. The field lies outside the settlement boundary of Dorstone and is considered to be within open countryside.
- 1.2 The proposal is to replace the existing protective safety netting currently measuring 38.8 metres in length, which divides the bowling green to the south of the field adjacent to the roadside and the cricket pitch which lies to the north of the bowling green. The existing fence has 22 timber posts measuring 2 metres in height providing black netting between the posts. The submitted drawings originally proposed protective safety netting in the form of 14 galvanised posts measuring 5 metres in height set in concrete squares and the netting to be of polypropylene. However, through negotiations, amended plans have been received on the 24th February, 2004 reducing the number of posts to 6 of painted steel measuring 4 metres in height and the netting to be of polypropylene. The netting will be temporary during the cricket and bowling season.

## **2. Policies**

- 2.1 Planning Policy Guidance  
 PPG1            General Policy and Principles  
 PPG7            The Countryside – Environmental Quality and Economic and Social Development
- 2.2 Hereford and Worcester County Structure Plan  
 Policy LR1      Enjoyment of the Countryside  
 Policy CTC2    Development in Areas of Great Landscape Value  
 Policy CTC9    Development Criteria

- 2.3 South Herefordshire District Local Plan  
Policy GD1 General Development Criteria  
Policy C1 Development within open countryside  
Policy C8 Development within Areas of Great Landscape Value  
Policy C22 Maintain character of Conservation Areas  
Policy C23 New development affecting Conservation Areas
- 2.4 Unitary Development Plan  
Policy S2 Development Requirements  
Policy S7 Natural and historic heritage  
PolicyLA2 Landscape character and areas least resilient to change

### 3. Planning History

- 3.1 SH931321PF Construction of club room - Approved 29.11.93
- SH941493PF Proposed new changing rooms, Retention of meeting room and relocation of tool shed - Approved 18.01.95
- SH970016PF Renewal of SH931321PF - Approved 05.03.97

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Ramblers Association observe: No objections provided that the Public Right of Way DO2, is maintained and kept clear at all times.
- 4.2 Open Spaces Society: Awaiting comments.

#### Internal Council Advice

- 4.3 The Head of Engineering and Transportation has no objections and states that the development would not appear to affect public footpath DO2, however the footpath does pass close to the development and information is provided to ensure that the footpath remains open during development.
- 4.4 The Chief Conservation Officer objected to the submitted drawings on the basis that the posts and netting would have an adverse impact on the setting of the conservation area and Church of St. Faiths as well as the area of great landscape value. Further observations have been received regarding the amended plans from the Chief Conservation Officer who raises no objection subject to colour of posts being agreed.

### 5. Representations

- 5.1 The Parish Council: Supports the application.
- 5.2 Two letters of support were received to the original proposal from:-

Mr. I. Beaton, Dorstone Cricket Club Secretary, 10 Lewis Way, Peterchurch, Hereford  
Mr. A. R. Jones, Chairman, Dorstone Crown Green Bowling Club, The Gables, The Bage, Dorstone, Hereford. HR3 5SU

The main points being:-

- The 2m height safety fence is inadequate to protect the bowlers.
- Insurance Company advised to raise the height to avoid negligence issue.
- If the existing fence not increased both the cricket and bowls club will lose half of their respective seasons and not play at the same time.
- Will jeopardize the viability of the playing field if height not increased.
- Materials for the fence should reduce its visibility from existing structure.
- A sympathetic colour could be chosen to reduce the visual impact.
- Dorstone Crown Green Bowling Club concerned at the number of cricket balls landing on the green.
- Without added protection bowls club will not be able to function.
- The club is important to encourage elder members of the community to keep active.
- The new fence was carefully considered to cause least concern and not seen by the neighbouring property.

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

## **6. Officers Appraisal**

- 6.1 The main considerations in the determination of this application are the impact of the proposal on the Area of Great Landscape Value and adjoining Conservation Area.
  - 6.2 The playing field is within the Area of Great Landscape Value and adjacent to the Conservation Area to the south and east. It is a flat area of land that has existing structures to the western boundary with partial screening to the east adjoining the neighbouring property. The area of the bowling club has a line of trees to the west, which screens the bowling green from the car-parking area. The playing field can be seen in the wider landscape when viewed on the approach into Dorstone and the public footpath adjacent to the field and in particular the Church of St. Faith's opposite.
  - 6.3 The submitted application was considered to have an adverse impact upon the setting of the Conservation Area and it would also have a detrimental impact upon the landscape qualities of the Area of Great Landscape Value. However, through negotiations the amended plans have addressed the concerns raised by reducing the height and number of posts. The polypropylene netting will be pulled up onto the posts and will remain during the cricket and bowling season, which is from the 1st May until end of September. The steel posts will be in the form of a permanent structure of painted steel to mitigate its appearance upon the landscape qualities and Conservation Area.
- 6.1 In assessing the revised scheme, it is considered that the proposal complies with Policies GD.1, C.8, C.22 and C.23 contained in the South Herefordshire District Local Plan in respect of the permanence of the structure within the designated Area of Great Landscape Value and character of the adjacent Conservation Area.

**RECOMMENDATION**

That planning permission be granted subject to the following conditions:

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

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

- 2. **A09 (Amended plans )**

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

- 3. **Notwithstanding the approved drawings, details of the netting and colour of the posts shall be submitted to and approved by the local planning authority prior to the commencement of any works.**

**Reason: To ensure adherence to the approved plans and to protect the general character and appearance of the area.**

- 4. **The proposed safety netting shall be permanently removed between 1<sup>st</sup> October and 31<sup>st</sup> April in any one year.**

**Reason: To protect the visual amenity of the area.**

**Informative(s):**

- 1. **The right of way should remain open at all times throughout the development. If development works are perceived to endanger members of the public then a temporary closure order should be applied for from the Public Rights of Way department, preferably 6 weeks in advance of works starting. The right of way should remain at its historic width and suffer no encroachment or obstruction during the works or at any time after completion.**

- 2. **N15 - Reason(s) for the Grant of Planning Permission**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



## **DCCW2004/0209/F - PROPOSED DWELLING AT PLOT 2, LOWER ORCHARDS, BURGHILL, HEREFORD**

**For: Mr. R.I. Matthews per Mr. J. Phipps, Bank Lodge,  
Coldwells Road, Holmer, Hereford, HR1 1LH**

**Date Received: 30th January 2004**      **Ward: Burghill, Holmer & Lyde**      **Grid Ref: 48127, 44225**

**Expiry Date: 26th March 2004**

Local Member: Councillor Mrs. S.J. Robertson

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

- 1.1 The application site forms one of ten previously approved plots, seven of which have been completed under application SH911659PM. It is situated on the western edge of the settlement of Burghill and lies at its closest point 20 metres outside the designated Conservation Area from which it is separated by one of the formerly constructed bungalows. At present the site and the adjoining undeveloped plot form an attractive open space which is laid to grass.
- 1.2 This application seeks full planning permission for a detached two storey dwelling with linked double garage. The proposed unit has four bedrooms and is designed to have a one and a half storey appearance through the use of dormer windows and a projecting first floor gable. The unit measures 7.9 metres to the ridge of the main roof. The submitted plans indicate the use of an Ibstock Commercial red facing brick with a Redland slate grey plain concrete tile to the roof.

### **2. Policies**

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

Policy H16A      -      Housing in Rural Areas  
Policy CTC9      -      Development Requirements

#### **2.2 South Herefordshire District Local Plan:**

Policy GD1      -      General Development Criteria  
Policy SH6      -      Housing Development in Larger Villages  
Policy SH8      -      New Housing Development Criteria in Larger Villages  
Policy SH14     -      Siting and Design of Buildings  
Policy C23      -      New Development affecting Conservation Areas

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

Policy DR1      -      Design  
Policy H4        -      Main Villages – Settlement Boundaries  
Policy H13      -      Sustainable Residential Design

### 3. Planning History

- 3.1 SH882005PO Erection of 10 dwellings with garages - Approved 26/07/1989.  
SH911659PM Proposed residential development - Approved 18/03/1992.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 There are no statutory consultees.

#### Internal Council Advice

- 4.2 Head of Engineering & Transportation recommends standard condition H10 and highway notes to any permission granted.

### 5. Representations

- 5.1 Burghill Parish Council - The Parish Council have no objections in principle to this application. The only concern being the height of the proposed dwelling in a cul-de-sac of single storey bungalows.

- 5.2 Seven letters of objection have been received from the occupiers of No. 1 Lower Orchards, Burghill; Mr. & Mrs. D. & W.J. Kidman, 4 Lower Orchards, Burghill, Hereford; Mr. & Mrs. R.G.J. & J.P. Saych, 5 Lower Orchards, Burghill, Hereford; Mrs. P.A. Johnson & H.J. Wicks, 6 Lower Orchards, Burghill, Hereford, Mr. R. & Mrs. C. Wood, 7 Lower Orchards, Burghill, Hereford; T.E. Dutton, 8 Lower Orchards, Burghill, Hereford and Mr. A. Short & A.I. Short, 9 Lower Orchards, Burghill, Hereford. The objections raised can be summarised as follows:

- Strong objections are raised to the principle of the proposal which is in a cul-de-sac of low bungalows and on the fringe of a Conservation Area. Detailed consideration would have been given at the time of the original approval in 1988 and indeed a condition attached which insisted development on this site should be single storey only. The reason for that condition is stated as "to reduce the impact of the development on the edge of the Conservation Area and in keeping with neighbouring development."
- The development has blended in to the area and the erection of a two storey dwelling which is significantly higher than the existing bungalow with a attached double garage would dominate this small cul-de-sac location. To obtain the space for a double garage the proposed structure would overflow onto Plot 3 which is also undeveloped leaving a small strip.
- Another major consideration should be that if this application is accepted other owners in Lower Orchards could apply for major loft conversions which would damage the environment contrary to the previous Planning Authority's requirements.
- Concern is raised to the amount of cars which would be added and the fact that the access is off a bend. Existing residents bought their properties in a belief that Hereford would be consistent with planning policy that was enforced when the development on the edge of the Conservation Area was accepted.

- This application represents an overdevelopment of the site. This application will spoil what is an attractive part of Burghill.
- The proposed dwelling is completely out of scale and character with adjoining development and will be very obtrusive to the area.
- One letter objects to the notification and consultation process associated with this application.
- Privacy of existing residents and future residents would be unacceptably affected with first floor windows overlooking gardens and existing bungalows.

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

## **6. Officers Appraisal**

- 6.1 The main issues for consideration in determining this application relate to the principle of the proposed development, the siting, design and layout of the scheme submitted, and the impact of the proposal on the adjoining Conservation Area and existing residential amenity for adjoining occupiers.
- 6.2 As will be noted from the Planning History of this site, outline permission and the subsequent reserved matters application were approved for ten dwellings by the former South Herefordshire District Council. Whilst all conditions were complied with, only seven of the dwellings were completed and as such permission still exists for three units off Lower Orchards, of which this site forms one. Importantly when granting outline planning permission, South Herefordshire District Council imposed a condition that the dwellings should be single storey only in order to reduce the impact of the development on the edge of the Conservation Area and ensure it was in keeping with neighbouring development.
- 6.3 Given that the principle of residential development has previously been accepted on this plot, and that seven of the ten approved dwellings have been constructed, the basic principle of a dwelling in this location is established and must be accepted. Whilst the size of this plot is slightly larger than that shown on the approved layout, ultimately it is a replacement of house type and design which is the critical issue in this case.
- 6.4 In terms of its siting, design and layout the proposed two-storey dwelling will clearly differ in character and appearance to its immediate neighbours. The seven bungalows already constructed at Lower Orchards are all of a modest size and scale being approximately 5 metres to the ridge. The proposal for consideration in this application measures 7.9 metres to the ridge and as such will be significantly higher than its immediate neighbours. This is not however, as a matter of principle, an issue which would warrant refusal of the scheme. Like all applications this must be considered on its own merits and whilst not in keeping with Lower Orchards it could be argued that Lower Orchards is not in keeping with the general character and appearance of dwellings within Burghill's historic Conservation Area.
- 6.5 As previously noted in this report, the original outline application specified that the ten dwellings approved should be of single storey construction only with a view to "reducing the impact of the development on the edge of the Conservation Area and to ensure it was in keeping with neighbouring development". In this case any impact on

the Conservation Area has been carefully considered and Officers conclude that a successful argument against the principle of two storeys on this site could not be sustained. Given that an existing bungalow (Plot 1) separates this site from the edge of the Conservation Area, its impact on the setting of the designated Conservation Area would be minimal.

- 6.6 In design terms, Officers main concerns relate to the detail of the proposed double garage which is slightly forward of the main dwelling and has a large and dominant roof slope. The main part of the dwelling is attractively designed and well detailed and is considered acceptable. Whilst considerably higher than the adjoining bungalows, it would not dominate or through its size be detrimental to the amenities of existing residents in the cul-de-sac.
- 6.7 Given the concern on the design and siting of the proposed double garage, it is considered that a revised design should be sought for the garage element in an attempt to reduce the dominant element to this part of the scheme.
- 6.8 A number of residents have expressed concern about potential overlooking from the first floor windows of the proposed dwelling, however Officers consider that no direct interlooking would occur from the proposal. The only element of concern in this respect relates to the north elevation (facing Plot 1) where two first floor windows are shown. The first window in the garage roof space should in Officers opinion be fitted with obscure glazing given its relationship with the bungalow on Plot 1 or through an amended garage roof design is omitted. The bedroom window on this elevation is set 7.5 metres further away from the residential boundary and whilst overlooking part of the garden and pond would not be detrimental to the residential amenity of the dwelling itself.
- 6.9 In conclusion Officers consider that this proposed two-storey dwelling is acceptable in principle with a condition reserving final approval of the garage roof and the proposed roofing materials. With the conditions set out, permission is recommended.

## 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. G01 (Details of boundary treatments).**

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

- 4. G04 (Landscaping scheme (general)).**

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

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

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

- 6. E16 (Removal of permitted development rights).

Reason: To prevent the overdevelopment of the site and to ensure any future development is controlled.

- 7. E19 (Obscure glazing to windows).

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

- 8. E09 (No conversion of garage to habitable accommodation).

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

- 9. E01 (Restriction on hours of working).

Reason: To safeguard the amenities of the locality.

- 10. H10 (Parking - single house).

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

- 11. Notwithstanding the details indicated on submitted drawing no. 793.1, details of a revised garage roof design shall be submitted to and approved in writing by the local planning authority prior to the commencement of any development on site. Development shall only be carried out strictly in accordance with the approved details.

Reason: To ensure a satisfactory form of development.

**Informatives:**

- 1. HN1 - Mud on highway.
- 2. HN4 - Private apparatus within highway.
- 3. HN5 - Works within the highway.
- 4. HN10 - No drainage to discharge to highway .
- 5. N15 - Reason(s) for the Grant of Planning Permission.

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.

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

**For: Miton 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 Members: Councillor R Stockton & Councillor R Mills

This application was first reported to the Northern Area Planning Sub-Committee on 17 December 2003 and was deferred for a site meeting, which took place on Tuesday 10 February 2004. Members, at the meeting on 25 February 2004 were minded to refuse the application contrary to officer recommendation on the basis that the density was too great and that it would impact on the Area of Outstanding Natural Beauty.

The Head of Planning Services has examined the proposal and referred the application to the Planning Committee on the basis that this application raises crucial policy issues and the risk of costs being awarded against the Council in the event of a successful appeal.

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

### **Introduction**

This application was deferred at the last meeting as Members were concerned that the density was too high. The applicant was informed and has submitted the following letter:

“The scheme as submitted is within the settlement boundary of Colwall on a site with previous residential use, and complies with the requirements of PPG3 with respect to both density of housing and its siting adjacent to the Colwall station with rail links to Hereford and Worcester and beyond.

We therefore see no reason why the present scheme should be altered or compromised and request the Committee to determine the application on 28<sup>th</sup> January 2004.”

The previous report which has been updated follows.

### **ORIGINAL REPORT OF 17<sup>TH</sup> DECEMBER 2003**

#### **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

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

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

##### Statutory Consultations

##### 4.1 The Malvern Hills Area of Natural Beauty Partnership comment as follows:

- 1) We would like to support in general the position taken by Colwall Parish Council. These points are all of critical importance to the life of the village.
- 2) However, if the Council is minded to grant the application at this density, particularly if the cost of units to purchasers will wholly or in part lie within the 'social housing' range (buy-to-let, rent, part-purchase) then the constraints below are recommended.
- 3) The Council will be fully aware that
  - (i) the site lies at the centre of the AONB's central settlement and is therefore particularly sensitive.
  - (ii) the site is immediately adjacent to the Railway Station, Colwall's principal public transport gateway. Of the 4 stations serving visitors to the Hills and AONB land, to the west this station provides by far the best possible 'green' access as well as to support facilities within the settlement
  - (iii) the pressure to spoil views into and out of the settlement remains high and, as the V.D.S. points out, requires constant vigilance. The Partners are particularly alert to the threats to the view down from the Hills. The steady growth of developments to the East and North of the Hills makes development control to the West critically important.
- 4) Recommended conditions
  - i) the applicants have already gone some way to anticipate the concerns of ourselves and the villager and we have only the following points to stress. Local (very) distinctiveness considerations require that

- a) Roof materials should vary between slate and clay
- b) Facing bricks (all elevations) should reflect the colour and finish of the Colwall Park Hotel and particularly the smaller units behind it, and those of 'The Orchards'
- c) Avoiding pastiche, some detailing, varying between properties should also quietly endorse the black, white and red 'look' of these predominantly Edwardian properties
- d) There should be further planting of Scotch Pine to the North and East of the site to break up the visual impact of the site as seen from the Hills, the railway bridge and the field paths leading up towards Jubilee Drive

#### Internal Council Advice

- 4.2 Chief Conservation Officer recommends the standard archaeological condition to oversee the development.
- 4.3 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.

Informative:

1 - N15 (Reason for Grant of PP/LBC/CC)

**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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**DCSE2004/0220/F - PROPOSED BUILDING FOR THE STORAGE AND REPAIRS OF AGRICULTURAL, HORTICULTURAL, AUTOMOTIVE AND PLANT MACHINERY AT THORNY ORCHARD, PART OF OS PLOT 8691, COUGHTON, ROSS-ON-WYE, HEREFORDSHIRE**

**For: Mr S Cole per Mr C F Knock, 22 Aston Court, Aston Ingham, Ross-on-Wye, Herefordshire HR9 7LS**

**Date Received: 20th January 2004    Ward: Kerne Bridge    Grid Ref: 59867, 20872**  
**Expiry Date: 16th March 2004**

Local Member: Councillor Mrs R Lincoln

**1. 1. Introduction**

1.1.1.1 This application was reported to the Southern Area Planning Sub-Committee on 17<sup>th</sup> March 2004. The Sub-Committee were minded to support the application contrary to the officer recommendation. The reasons for this were that the applicant provides a vital service for the local agricultural community, there is considerable local support and that the applicant had taken steps to ensure that the size and location of the building would not be harmful to the Area of Outstanding Natural Beauty.

1.1.1.2 Head of Planning Services has examined the proposal and refers the application to the Planning Committee for the reason that the decision of the Sub-Committee entails a conflict with key Development Plan policies.

**2. 2. Site Description and Proposal**

2.1 This application is for a revised scheme for the erection of a building for storage and repair of automotive and plant machinery. The building would be about 36.6 m long x 10.7 m wide x 7.7 m to ridge. This compares to the earlier proposal for a building 46 m long. Siting has also been altered by moving the building further to the north-east and by lowering the finished floor level by 3.5 m. The external materials of the building would be plastisol coated steel sheeting (slate blue in colour). The proposal also involves extensive earth works, and improvements to the existing access, closure of 2 other accesses and formation of a turning area.

2.2 The site is triangular in shape and about 0.6 ha in area. It comprises sloping land on the south-east side of the Coughton - Howle Hill road, which has been partly terraced. Above the site is woodland. It is about halfway up the hillside which rises from the River Wye floodplain.

2.3 The earlier proposal (SE2003/1002/F) was considered by the Committee in October 2003 but determination of the former was deferred in order for the site to be visited. The proposal was withdrawn after the site visit but before consideration

by the Committee. An accompanying application for retention of a hay barn was granted permission at the December meeting of the Committee.

- 2.4 It is understood that the use of land at Orchard House for a plant/haulage contractor's business, which is not authorised, would transfer to the new site if permission is granted and the land at Orchard House be returned to agricultural use.

**3. Policies**

**3.1 3.1 Planning Policy Guidance**

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

**3.2 3.2 Hereford and Worcester County Structure Plan**

- Policy CTC.1 - Areas of Outstanding Natural Beauty  
 Policy CTC.2 - Areas of Great Landscape Value  
 Policy E.6 - Industrial Development in Rural Areas  
 Policy A.3 - Agricultural Buildings

**3.3 3.3 South Herefordshire District Local Plan**

- Policy C.1 - Development within Open Countryside  
 Policy C.2 - Settlement Boundaries  
 Policy C.4 - Areas of Outstanding Natural Beauty Landscape Protection  
 Policy C.5 - Development within Areas of Outstanding Natural Beauty  
 Policy C.6 - Landscape and Areas of Outstanding Natural Beauty  
 Policy C.8 - Development within Area of Great Landscape Value  
 Policy C.9 - Landscape Features  
 Policy C.11 - Protection of Best Agricultural Land  
 Policy ED.5 - Expansion of Existing Businesses  
 Policy ED.6 - Employment in the Countryside  
 Policy ED.9 - New Agricultural Buildings  
 Policy GD.1 - General Development Criteria  
 Policy T.3 - Highway Safety Requirements

**3.4 3.4 Unitary Development Plan – Deposit Draft**

- Policy S.7 - Natural and Historic Heritage  
 Policy LA.1 - Area of Outstanding Natural Beauty  
 Policy LA.2 - Landscape Character and Areas Least Resilient to Change  
 Policy E.6 - Expansion of Existing Businesses  
 Policy E.8 - Design Standards for Employment Sites  
 Policy E.11 - Employment in the Countryside

**4. Planning History**



- |     |               |   |   |                       |
|-----|---------------|---|---|-----------------------|
| 4.1 | SE2003/1002/F | Building for storage and repairs of agricultural, horticultural, automotive and plant machinery | - | withdrawn<br>22.10.03 |
|     | SE2003/2157/F | Retention of replacement hay barn, hardstanding and terrace.                                    | - | Permitted<br>5.11.03  |

**5. Consultation Summary**

Statutory Consultations

- 5.1 Environment Agency has no objection subject to conditions.

Internal Council Advice

- 5.2 Head of Engineering and Transportation recommends that conditions be imposed if planning permission is granted.

**6. Representations**

- 6.1 A detailed submission in support of the application is included in full in the Appendix to this report.
- 6.2 In addition the applicant's agent refers to the views of the Parish Council and points out that the application has been modified in the following ways:
1. Reduced in size by 2 bays.
  2. Set lower in the ground.
  3. Extra tree planting.
  4. Extra bunding.
- 6.3 A petition in support of the application with 85 signatures from 69 addresses has also been included with the planning application plus 8 letters of support. These were originally submitted in relation to the earlier proposal (SE2003/1002/F). The reasons given are summarised as follows:
- - create local employment (2 new jobs)
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  - - would ensure existing site next to Orchard House was cleared
  - - new site is less visible; building would not be seen from road and no noticeable impact on landscape
  - - all services exist or are readily available; would be secure site both as regard equipment and safety of children; highway aspect agreed by Council's Transportation Unit; vehicle movements would be kept to a minimum
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  - - his personal qualities are referred to; very honest and hard working.

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A public meeting was held which 45 people attended, although not all lived in the parish. They were unanimously in favour of the application. However, the majority of Parish Councillors objected to the application, following policies laid down by national and local government. The chief reasons were that this was a commercial/industrial development, not for agriculture nor forestry, in open country within an AONB on a prominent site with substandard road access.

Points raised in favour:

- a) a) The building was needed to clear vehicles from the field next to Orchard House, a long-standing eye-sore in the locality and not in the applicant's ownership
- b) b) The building was needed to aid a local business.
- c) c) In this second application, the new site for the proposed smaller building will be less obtrusive as it is lower down and sunk into the hillside and will be hidden by a tree- planted bund.

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- d) d) Sympathy for residents who want existing site cleared, but the solution is not to move it to another greenfield site.

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- f) f) Access must be improved before sitework is begun.
- g) g) All vehicles should be housed inside the building at all times.
- h) h) All vehicles should belong to the applicant so that the site does not develop into a general repair shop, attracting further heavy goods vehicles on to the road system
- i) i) The building should be of a dark colour
- j) j) Exterior lighting should be kept to an absolute minimum on this elevated site
- k) k) Noise should be kept to a minimum at all times
- l) l) Care is taken concerning pollution into the Castlebrook below and thus to the River Wye

6.5 4 letters have been received expressing objections to the proposal. The following is a summary of these representations:

- - this is not an agricultural development and is totally inappropriate in an Area of Outstanding Natural Beauty and would conflict with policy (GD.1), intentions for Area of Outstanding Natural Beauty (to protect its natural beauty, flora and fauna) by allowing an eyesore; totally contrary to Council's Development Plan.
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  - - earth moving is itself detrimental to landscape
  - - extremely conspicuous site from adjacent highway and public footpath
  - - vehicles and machinery may be stored outside as well as waste materials and liquids, further harming Area of Outstanding Natural Beauty
  - - this would set disastrous precedent for further development in Area of Outstanding Natural Beauty, exacerbating harm identified above and with far reaching consequences way beyond the immediate area
  - - site is awkwardly placed near blind bend on narrow road and half way up a hillside with traffic speeding downhill - turning movements of large machinery into and off site and trying to pass other large vehicles would cause considerable problems and compromise highway safety; have been several near accidents already
  - - concerned about noise and oil pollution; bound to be spillage of petroleum and detergent products which will leech into ground with possibly appalling consequences for wildlife
  - - site is extremely conspicuous and building would be a real eye-sore to this attractive area of largely unspoilt countryside
  - - understand that Walford PC have objected and agree with their objection
  - - sympathise with those living near present site but should be located to a site in keeping with such an enterprise not a greenfield site in AONB
  - - one local resident in Coughton has complained regularly to Parish Council regarding HGV movements and this will aggravate her problem and increase traffic on already overloaded country road.

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

## **7. Officers Appraisal**

7.1 7.1 There are three main issues to be considered. Firstly the relevant policies and the need for the building, secondly the impact on the landscape and thirdly highway safety.

7.2 7.2 Both the County Structure Plan (HWCSPP) and Local Plan (SHDLP) (Policies E.6 and ED.5 respectively) encourage the expansion of existing businesses. The latter specifically refers to expansion on new sites as follows:

In its efforts to promote economic development, the Council will support appropriate proposals to develop a new site when existing businesses have outgrown their original sites and operate in cramped conditions to the detriment of surrounding residents and other land users. The Council will also support the expansion of a business activity in a settlement or countryside location where this

will not give rise to serious environmental problems or have a damaging effect upon the landscape or nature conservation.

- 7.3 There is clearly an existing business operating from the field adjoining Orchard House but insufficient evidence has been submitted on two occasions to satisfy the Council that this use, which started without planning permission, has now become lawful. As the use is unauthorised it is considered that the above policies do not necessarily apply. Even so this policy only encourages new sites where the landscape will not be damaged. The erection of a new commercial building is referred to specifically or by inference in Policies C.1 and ED.6 (SHDLP) and in both cases it is specifically stated that “special justification” is required. Policy ED.6 reads as follows:

“WITHIN THE COUNTRYSIDE, PROPOSALS FOR EMPLOYMENT-GENERATING USES WILL ONLY BE PERMITTED WHERE THEY ARE FOR SMALL SCALE PROJECTS ON APPROPRIATE SITES WHICH ACCORD WITH THE COUNTRYSIDE POLICIES OF THE PLAN, AND ANY ONE OF THE FOLLOWING CRITERIA:-

- (i) THE DEVELOPMENT IS REQUIRED FOR THE ESSENTIAL OPERATION OF AGRICULTURE OR FORESTRY OR THE WINNING OF MINERALS; OR
- (ii) THE PROPOSAL IS FOR A FARM DIVERSIFICATION OR TOURISM PROJECT WHERE NO OTHER SITE EXISTS IN OR ADJOINING A SETTLEMENT AND WHICH ACCORDS WITH POLICY ED.8 AND POLICY TM.1 RESPECTIVELY; OR
- (iii) THE PROPOSAL IS FOR A REUSE OR ADAPTATION OF A RURAL BUILDING IN ACCORDANCE WITH POLICY ED.7;

NEW DEVELOPMENT OR BUILDINGS WILL ONLY BE PERMITTED PROVIDING IT CAN BE DEMONSTRATED THAT THERE IS NO OPPORTUNITY FOR THE RE-USE OR ADAPTATION OF EXISTING BUILDINGS AND SUCH NEW DEVELOPMENT SHOULD PREFERABLY BE LOCATED EITHER WITHIN OR ADJOINING EXISTING BUILT DEVELOPMENT. **A REASONED JUSTIFICATION WILL NEED TO BE SUBMITTED WITH ANY PROPOSALS OF THIS TYPE DEMONSTRATING WHY AN EXCEPTION TO COUNTRYSIDE POLICY SHOULD BE MADE. PROPOSALS FOR SUCH DEVELOPMENT SHOULD ALSO BE IN UNOBTRUSIVE LOCATIONS CAUSING NO ADVERSE IMPACT UPON THE NATURAL ENVIRONMENT, THE ROAD NETWORK OR LOCAL AMENITY.”** [emphasis added]

- 7.3.7.3 The reasons put forward in support of the proposal refer to the need to find an alternative site, that attempts to secure premises locally have been unsuccessful and that this is the only land available. Furthermore, it is pointed out that the business serves the local farming community and other businesses and would create additional employment. Relocation into a secure building away from houses would allow the land at Orchard House to be returned to agriculture thus improving the appearance of the area. In assessing these considerations it is accepted that the business is conveniently located in the countryside but such a location does not seem to be essential. The business serves non-farming enterprises as well as local farms, according to the representations. Both the existing land and the relocation site are in the Wye Valley Area of Outstanding Natural Beauty in which

priority is given to protecting the natural beauty of the countryside. The effect on the landscape is thus critical to whether an exception should be made to the policy that new commercial buildings should not normally be constructed in the open countryside.

7.4 7.4 In order to try to screen this sizeable building extensive earthworks are proposed. The site of the building would be excavated up to 8m below the existing ground level according to the sectional drawing submitted. Two bunds would be formed parallel with and close to the highway. In addition a new wider vehicular access and turning area would be required. These engineering works would alter substantially in contour the character and appearance of this former pasture, introducing angular and alien shapes into the countryside and further tarmacadam surfacing. These new features would all be highly visible and yet the building would not be screened from public view as there is a public footpath which passes just within the adjoining woodland along the south-east boundary and the building would be open to view from the adjoining highway to the south of the proposed bunds. It is considered that this would seriously harm the natural beauty of this part of the Wye Valley Area of Outstanding Natural Beauty.

7.5 7.5 The access could meet the requirements of the Council's Head of Engineering and Transportation who is satisfied that highway safety would not be compromised. However as noted above the access and turning area would require significant engineering works, involving further loss of hedgerow. Thus whilst this is not in itself grounds for refusal it would add to the harm to the Area of Outstanding Natural Beauty.

7.6 7.6 It is concluded that the harm to the countryside would be sufficiently serious as to outweigh any benefits from the development. The criteria in Policies ED.3, 5 and 6 for acceptable development in the countryside would not therefore be met and it is not considered that the case for making an exception has been made.

**RECOMMENDATION**

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

**The Council does not consider that there is special justification for a new building in open countryside in view of the serious harm that would be caused to the natural beauty of the landscape which is within the Wye Valley Area of Outstanding Natural Beauty and defined as of Great Landscape Value. The proposal would conflict therefore with Policies E.6, CTC.1 and CTC.2 of Hereford and Worcester County Structure Plan and ED.5, ED.6, C.1, C.5, C.6 and C.8 of South Herefordshire District Local Plan.**

Decision: .....

Notes: .....

.....



**3 DCSE2004/0220/F - PROPOSED BUILDING FOR THE STORAGE AND REPAIRS OF AGRICULTURAL, HORTICULTURAL, AUTOMOTIVE AND PLANT MACHINERY AT THORNY ORCHARD, PART OF OS PLOT 8691, COUGHTON, ROSS-ON-WYE, HEREFORDSHIRE**

**For: Mr S Cole per Mr C F Knock, 22 Aston Court, Aston Ingham, Ross-on-Wye, Herefordshire HR9 7LS**

**Date Received: 20th January 2004    Ward: Kerne Bridge    Grid Ref: 59867, 20872**

**Expiry Date: 16th March 2004**

Local Member:    Councillor Mrs R Lincoln

**1. Site Description and Proposal**

- 1.1 This application is for a revised scheme for the erection of a building for storage and repair of automotive and plant machinery. The building would be about 36.6 m long x 10.7 m wide x 7.7 m to ridge. This compares to the earlier proposal for a building 46 m long. Siting has also been altered by moving the building further to the north-east and by lowering the finished floor level by 3.5 m. The external materials of the building would be plastisol coated steel sheeting (slate blue in colour). The proposal also involves extensive earth works, and improvements to the existing access, closure of 2 other accesses and formation of a turning area.
- 1.2 The site is triangular in shape and about 0.6 ha in area. It comprises sloping land on the south-east side of the Coughton - Howle Hill road, which has been partly terraced. Above the site is woodland. It is about halfway up the hillside which rises from the River Wye floodplain.
- 1.3 The earlier proposal (SE2003/1002/F) was considered by the Committee in October 2003 but determination of the former was deferred in order for the site to be visited. The proposal was withdrawn after the site visit but before consideration by the Committee. An accompanying application for retention of a hay barn was granted permission at the December meeting of the Committee.
- 1.4 It is understood that the use of land at Orchard House for a plant/haulage contractor's business, which is not authorised, would transfer to the new site if permission is granted and the land at Orchard House be returned to agricultural use.

**2. Policies**

**2.1 Planning Policy Guidance**

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

**2.2 Hereford and Worcester County Structure Plan**

- Policy CTC.1 - Areas of Outstanding Natural Beauty
- Policy CTC.2 - Areas of Great Landscape Value
- Policy E.6 - Industrial Development in Rural Areas
- Policy A.3 - Agricultural Buildings

**2.3 South Herefordshire District Local Plan**

- Policy C.1 - Development within Open Countryside
- Policy C.2 - Settlement Boundaries
- Policy C.4 - Areas of Outstanding Natural Beauty Landscape Protection
- Policy C.5 - Development within Areas of Outstanding Natural Beauty
- Policy C.6 - Landscape and Areas of Outstanding Natural Beauty
- Policy C.8 - Development within Area of Great Landscape Value
- Policy C.9 - Landscape Features
- Policy C.11 - Protection of Best Agricultural Land
- Policy ED.5 - Expansion of Existing Businesses
- Policy ED.6 - Employment in the Countryside
- Policy ED.9 - New Agricultural Buildings
- Policy GD.1 - General Development Criteria
- Policy T.3 - Highway Safety Requirements

**2.4 Unitary Development Plan – Deposit Draft**

- Policy S.7 - Natural and Historic Heritage
- Policy LA.1 - Area of Outstanding Natural Beauty
- Policy LA.2 - Landscape Character and Areas Least Resilient to Change
- Policy E.6 - Expansion of Existing Businesses
- Policy E.8 - Design Standards for Employment Sites
- Policy E.11 - Employment in the Countryside

**3. Planning History**

- |     |               |   |   |           |    |
|-----|---------------|---|---|-----------|----|
| 3.1 | SE2003/1002/F | Building for storage and repairs of agricultural, horticultural, automotive and plant machinery | - | withdrawn | 22 |
|     |               |   |   | .10.03    |    |
|     | SE2003/2157/F | Retention of replacement hay barn, hardstanding and terrace.                                    | - | Permitted |    |
|     |               |   |   | 5.11.03   |    |

**4. Consultation Summary**

Statutory Consultations

- 4.1 Environment Agency's observations are awaited.

Internal Council Advice

- 4.2 Head of Engineering and Transportation recommends that conditions be imposed if planning permission is granted.

**5. Representations**



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- 5.2 In addition the applicant's agent points out that the application has been modified in the following ways:
1. Reduced in size by 2 bays.
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**SHOULD ALSO BE IN UNOBTRUSIVE LOCATIONS CAUSING NO ADVERSE IMPACT UPON THE NATURAL ENVIRONMENT, THE ROAD NETWORK OR LOCAL AMENITY.” [emphasis added]**

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**RECOMMENDATION**

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

**The Council does not consider that there is special justification for a new building in open countryside in view of the serious harm that would be caused to the natural beauty of the landscape which is within the Wye Valley Area of Outstanding Natural Beauty and defined as of Great Landscape Value. The proposal would conflict therefore with Policies E.6, CTC.1 and CTC.2 of Hereford and Worcester County Structure Plan and ED.5, ED.6, C.1, C.5, C.6 and C.8 of South Herefordshire District Local Plan.**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



## **Background**

My client, as I understand you are aware, is an agricultural contractor who has been servicing the local agricultural community for the last 30 years. Whilst the business has been successful during that period, its growth has been fettered by Mr Cole's inability to secure appropriate storage premises for his vehicles and equipment. Accordingly, he has been forced to use a number of largely open areas at various locations including land adjacent to his home at Coughton and land at Monmouth, Tewkesbury, and Michaelchurch Escley. He has also been forced to leave plant and machinery on open, unprotected sites overnight. The consequence of such arrangements is that the business has failed to achieve its optimum efficiency and it has been affected by vandalism and other operational problems.

Being located at Coughton Mr Cole has therefore naturally sought to consolidate the business within the locality. As you know, however, he has failed to secure an authorised site, the recent application for planning permission adjacent to Orchard House having been withdrawn and an application made to seek a Certificate of Lawfulness having been rejected by our Authority. Additionally, it has been stressed by your Authority to my client that he is currently occupying his site without the benefit of planning permission and enforcement action is therefore pending. The current application is therefore submitted with the express purpose of securing a permanent removal of unauthorised storage uses on the land adjacent to Orchard House and the equally permanent establishment of the storage requirements of his business within a purpose-made building at Thorny Orchard. Implicit in the application is a proposal to retain the engineering works that have been undertaken at the latter site.

## **The Proposal**

2

The proposal entails the following:

- 1 The retention of the existing engineering works which have created a level platform with sufficient capacity to accommodate the proposed landuse.
- 2 The retention of the works undertaken to improve the existing access point, together with additional works to secure a turning radius commensurate with the requirements of your Authority.
- 3 The closure of two other existing accesses onto the adjacent highway.
- 4 The construction of a single storey storage shed with sufficient capacity to accommodate the plant and machinery that is essential to allow my client to continue his business.
- 5 Landscaping works including, in particular, the construction of a landscape bund and tree planting in the location that respects the local topography whilst at the same time provides an effective visual screen to the building.

## **Potential Impacts**

It is appreciated that the site lies outside the established settlement limit. Nevertheless, it is wholly in the control of my client and within close proximity to his existing business location. Having attempted to secure premises elsewhere in the locality, particularly existing brownfield development sites, without success it is therefore the only option open to my client which allows him to secure alternative accommodation before enforcement action threatens to close his business.

Having said that, the visual impact of the proposal will be minimal due to the fact that the building is to be cut into the hillside with a floor level some 5 – 8 metres lower than the retained slope along the site's south-eastern boundary. With an eaves height of 6 metres and a ridge height of 8 metres the building when viewed from long distance vantage points to the west will sit within the landscape and its visual impact will be substantially mitigated by the topographical and woodland back-cloth that surrounds it.

Additionally, it is proposed to construct a landscaped earth bund of 4 metres height above the floor level of the building in a configuration that runs parallel to its north-western elevation. That, combined with the tree planting proposed on top of it and in its vicinity, will because of the degree of angle from the valley below effectively screen the building in its entirety from what will probably be regarded as being the more sensitive receptor locations in the area.

It should be noted that the public footpath that abuts the site's south-eastern boundary will be unaffected by the proposals, as will a badger sett known to exist to the north-east of the site but well outside any area of concern and, in particular, the zone in which a Badger Licence would be required to undertake any earth or building works.

The proposed access arrangements have derived from a meeting held on site between Mr Christopher Knock and your Senior Engineer (Development Control), Graham Delal. His requirements for visibility splays in both directions, for a radius of 8.5 metres, for a maximum gradient of 1 in 12 and for the entrance gates to be set back from the access are all met by the proposal, as confirmed in his letter of 24<sup>th</sup> March 2003 to Chris Knock. The proposal also has the added advantage of closing two other existing access points along the site frontage, thereby reducing the potential for vehicular conflict in the locality.

It is considered, therefore, that despite its open countryside location the proposal offers, through design and topographical/landscape mitigation, an acceptable solution to this otherwise elevated location.

### **Policy Context**

It is appreciated that the application needs to be assessed against the context set for it by primarily, in this instance, the adopted South Herefordshire District Local Plan. In that respect:

- 1 The proposal has a direct relationship to the local agricultural economy and is especially justified bearing in mind the need for it to be located within the locality and the history of enforcement action that has threatened its future at its existing main site. The proposal is considered, therefore, not to be contrary to Policy C1.
- 2 It is appreciated that the application site sits within the Wye Valley AONB where, under Policy C4, the priority will be towards the protection and enhancement of the area's natural beauty. However, the proposal is small in scale and the design is particularly tailored towards its proposed function and the quality of the local environment. The landscaping proposals, and the intention to nestle the building within the local topography, will have a minimal adverse affect upon the special scenic quality of the landscape and the local environment. The proposal is one that is regarded as essential to meet both the local needs of the agricultural community and to support the essential agricultural economy of those

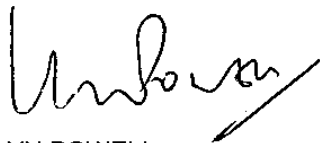


communities. The proposal does not compromise the general development criteria of Policy GD1, and it is therefore considered that the requirements of Policy C5, specific to the AONB, are met.

- 3 Likewise, the choice of materials is appropriate to the locality; the landscaping proposals will be effective and complementary to the existing topography; the volume of additional traffic generated upon the local road network will be minimal; all the necessary parking requirements can be accommodated within the site; and it is therefore considered that the proposal is not in conflict with Policy C6.
- 4 Neither is the proposal considered to be in conflict with the objectives of Policy C8 which deals with development within Areas of Great Landscape Value. That is a policy, of course, that now has reduced relevance since the designation is proposed to be deleted upon the adoption of the Herefordshire Unitary Development Plan.
- 5 The proposal complies with Policy ED5 in that it comprises the expansion of existing business in a countryside location that fulfils the criteria of Policy ED3 in that it is appropriate in scale; has no adverse effects upon the environment and amenity value of the surroundings; has adequate vehicular access, servicing and parking arrangements; and fulfils generally the criteria of Policy GD1.
- 6 Finally, as the proposal is for a small scale project on an appropriate site within the countryside; it is essential for sustaining the agricultural economy within the locality; and it is necessary to maintain the viability of a business which is threatened by enforcement action at its current premises, the proposal is not in conflict with Policy ED6.

In these combined circumstances, therefore, I shall be grateful if you will register the application and proceed with its determination. In the event that you require any additional information, please do not hesitate to come back to me.

Yours sincerely



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Ends

cc: Simeon Cole  
Chris Knock



## **DRAFT PLANNING POLICY STATEMENT NOTE: PPS6 PLANNING FOR TOWN CENTRES**

**Report By: Chief Forward Planning Officer**

### **Wards Affected**

Countywide

### **Purpose**

To inform the Committee of the proposals contained in PPS6 on planning for town centres.

### **Financial Implications**

None identified.

### **Introduction**

1. The Office of The Deputy Prime Minister (ODPM) is inviting comments on the draft version of PPS6. Specifically they welcome views on whether: there are any further elements of PPG6 that should have been included in PPS6; requirement for further guidance; clarity; and details on practicality of delivery. This document is one of a series being published by the Government to consult on the detail of its planning reform agenda. It is the Government's intention that this PPS and guidance contained in the annexes should replace PPG6: Town centres and retail developments.

### **Summary of Draft PPS6**

2. The key elements of the statement are:
  - A re-emphasis of the 'town centres first' objective;
  - Support for the plan-led approach at regional and local levels;
  - Local authorities to positively plan for growth and growing town centres;
  - To tackle social exclusion through ensuring access to a wide range of everyday goods and services;
  - To promote more sustainable patterns of development and less reliance on the car.
3. A number of the key principles in the existing PPG6 and recent Ministerial statements have been brought forward, including plan-led development, network and hierarchy of centres and the sequential approach. However, the draft PPS6 sets out details on the identification of capacity, at a regional and local level and the selection of suitable sites. The principal changes include:

**a) Changes to the level of detail provided at the regional level**

Greater emphasis at the regional level, through Regional Spatial Strategies (RSS) and Spatial Development Strategies (SDS) in London, to set out the vision and strategy for the development of a balanced network of town centres. RSS's should plan for the distribution of growth to ensure that the network of centres is not overly dominated by the largest centres so that there is a more even distribution of facilities. They should also set out a network of centres and hierarchy based the centre's role, range of facilities and degree of specialisation. Any significant changes to the network and hierarchy should be through the development plan at regional and local levels.

**b) Assessments of capacity at both a regional and local level**

Draft PPS6 requires RSS's to include an assessment of need for additional floorspace over the plan period, not only for retail but for other key town centre uses, especially leisure and office use. The assessment should be for 5 year periods and should assess the capacity of existing centres to accommodate additional development, while addressing the Governments key objectives. The RSS's should also monitor and review implementation. Capacity for additional retail, leisure and office floorspace is also required to be addressed at a local level, taking into account quantitative and qualitative factors.

**c) Clear definition of the types of development and uses to which the policy applies**

The main types of development and land uses to which the policies applies are:

- retail (including warehouse clubs and factory outlet centres);
- leisure and entertainment facilities (such as cinemas, restaurants, drive through restaurants, bars and pubs, night clubs, casinos, health and fitness centres, bowling alleys and bingo halls);
- offices (commercial and public);
- arts, culture and tourism (theatres, museums, galleries, and concert halls, hotels, and conference facilities);
- small-scale community facilities (including health centres, pharmacies, post offices, libraries and job centres).

**d) Identification of criteria for selecting sites and assessing planning applications**

The draft PPS6 identifies 5 issues that should be assessed by local authorities in selecting sites for new development:

- Need for the development;
- Appropriate scale of development;
- Sequential approach;
- Impact on existing centres;
- Accessibility.

**e) Clarification of 'need' and other material considerations**

PPS6 confirms that need assessments should be carried out as part of the plan preparation process and updated every 5 years. They should take account of the strategy for the region's centres contained in the RSS. The draft PPS reinforces part of previous Minister's statements that greater weight should be given to quantitative considerations. The statement confirms that the 'class of goods' approach should be adopted and that the goods base rather than business base should be used to calculate expenditure. Qualitative need should be justified on the basis of providing consumer choice. The Statement identifies a number of other material considerations that do not constitute 'need' but should be taken into account in selecting sites and considering planning applications. These include: employment, economic growth and physical regeneration.

**f) Inclusion of floorspace thresholds to confirm appropriate scale of development**

Draft PPS6 requires the scale of new facilities to be directly related to the role and function of the centre and the catchment area they serve. To achieve this the guidance introduces maximum thresholds for development to be included in development plans. Local authorities will be required to include the maximum gross floorspace of an individual development, which will be acceptable in different types of centres in their area. Local authorities should also set an upper limit for the scale of development in local centres. In demonstrating need and applying the sequential approach to site selection local planning authorities should, where appropriate include phasing policies in development plans and Local Development Documents.

**g) Details of supporting information required with all applications**

- Applications for proposed developments will be required to demonstrate:
- The quantitative and qualitative need for development (not necessary for proposals located within existing centres or on allocated sites in an up to date development plan);
- That the development is of an appropriate scale;
- That there are no more central sites for the development (not necessary for extensions);
- That there are no unacceptable impacts on existing centres; and
- That the locations are accessible.

**h) Good Practice Guidance**

Draft PPS6 is to be accompanied by a number of forthcoming Good Practice Guides, including:

Assessing the Need and Impact of New Retail and Leisure Development;  
Applying the Sequential Approach;  
Strategies for Smaller Centres;  
Good Practice Guidance on Planning for Tourism;  
Good Practice in Managing the Evening Economy; and  
Safer Places: The Planning System and Crime Prevention.

## Analysis of implications

4. In general terms producing comment on the provisions of the new PPS6 has been hindered by the uncertainty of the relationship of the Draft statements to the anticipated accompanying guidance.
5. In April 2003 the deputy prime minister clarified the distinction between quantitative and qualitative need by placing greater weight on quantitative need and stated that regeneration and employment are a material consideration rather an indicator of need. Although the new PPS does state that regeneration and employment benefits do not indicate need it has moved away from April's position with regard to weighting. Whilst the PPS does explain that local authorities should still place greater weight on quantitative evidence, a caveat has been added that affords more weight than the April statement provided to qualitative evidence where it can be clearly demonstrated that it will benefit a socially excluded community.
6. The situation in PPS6 is further confused by para 2.43 offering little guidance in how much weight should be attributed to 'other relevant matters', which includes regeneration, employment, economic growth and social inclusion, when selecting sites.
7. When assessing proposals that combine a number of separate uses (e.g. retail warehouse parks), para 3.18 requires the applicant to consider the degree to which the constituent units within the application could be accommodated on sequentially preferable sites. However, a single retailer is not expected to split their store into separate sites. Whilst it is welcomed that this issue is addressed there is concern over how to define 'a single retailer' or 'separate uses'. For example how would a proposal with separate concessions within the store or those stores that perform identifiable separate operations from within the store, be assessed?
8. The sequential approach to site selection is no longer required in relation to extensions and as highlighted previously nor will a single retailer be expected to split their store into separate sites, but in both cases it will still be necessary to prove need. The local authority should establish that the evidence presented on need for further floorspace relates specifically to the class of goods proposed to be sold. However, it is unclear in para 3.31 whether the exception afforded to extensions with regard to the sequential approach is for both an extension to a single unit and extensions to multiple developments such as retail parks, especially those in a single building e.g. former School of Farriery site. Although the sequential approach is not a relevant consideration in relation to extensions, regard to accessibility to the proposed development should still be considered.
9. The requirement to demonstrate need for leisure and office development has been emphasised in the draft PPS 6. However, guidance on how this should be demonstrated is limited, as the focus within the wording is towards retail development. The scale of such uses in Hereford and the market towns is such as to make the task of forecasting need etc extremely difficult, not least because of the changing lifestyle element within leisure development and the very small scale of office development in Herefordshire's urban areas. Although, it is stated that further guidance will be provided in the form of a good practice guide until this is published it will be difficult to apply the policy within the UDP or to planning applications.
10. The requirement to assess need in towns and cities has been further endorsed in the new guidance. The requirement to plan positively will mean that local authorities will

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Further information on the subject of this report is available from M E D Felgate on (01432) 260142

be expected to assess need in their towns and cities and allocate sites to meet anticipated demand for the next five years. Conversely the need for additional floorspace should be assessed no more than five years ahead, as town centre sites may become available within this time. This may be of particular relevance when assessing applications, which try to project future demand as evidence of need. Although the Council has undertaken detailed work in Hereford, this new emphasis on local authority led study may have resource implications with regard to updating the Hereford study and providing a countywide assessment, including the market towns. Also, how this five year review will fit into the development plan process is unclear, especially in relation to current procedures that work on longer timescales.

11. The onus on the local authority and a plan led approach is furthered by the requirement to set a gross floorspace threshold for individual developments (retail, leisure and office) that will be acceptable in different types of centres in their area. Site thresholds or description of the scale of development to which town centre policy considerations apply are absent from the draft PPS6, although some indicative floorspace figures are shown in the glossary. More guidance is needed in how to determine and apply these thresholds, although the individual characteristics of towns and cities may make this problematic.
12. Whilst a hierarchy of centres should still be defined, both regionally and at the local level, the guidance does allow more flexibility in so far that a more balanced approach to locating development is encouraged, rather than over development in one location. Where major growth is identified the extension of town centres can now be considered. The revised deposit of the UDP is proposing to extend the city centre in Hereford in line with guidance in PPS6.
13. There is concern that primary and secondary shopping frontages are only considered within the section on evening economy (para.2.20). These are important policy considerations and deserve greater prominence within PPS6 to ensure that vitality and viability of our centres are maintained and enhanced.

## RECOMMENDATIONS

**THAT the Cabinet Member (Environment) be recommended that the points summarised in the Analysis of Implications in this report forms the response of Herefordshire Council to be submitted to The Office of the Deputy Prime Minister.**

