

A G E N D A

Southern Area Planning Sub- Committee

Date: **Wednesday, 20th December, 2006**

Time: **2.00 p.m.**

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

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

For any further information please contact:

*Ricky Clarke, Members' Services,
Tel: 01432 261885 Fax: 01432 260286*

e-mail: rclarke@herefordshire.gov.uk

AGENDA

for the Meeting of the Southern Area Planning Sub-Committee

To: Councillor P.G. Turpin (Chairman)
Councillor H. Bramer (Vice-Chairman)

Councillors M.R. Cunningham, N.J.J. Davies, Mrs. C.J. Davis, G.W. Davis, J.W. Edwards, Mrs. A.E. Gray, T.W. Hunt, Mrs. J.A. Hyde, J.G. Jarvis, G. Lucas, D.C. Taylor and J.B. Williams

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES	1 - 10
To approve and sign the Minutes of the meeting held on 29th November, 2006.	
4. ITEM FOR INFORMATION - APPEALS	11 - 12
To note the contents of the attached report of the Head of Planning Services in respect of the appeals received or determined for the southern area of Herefordshire.	
REPORTS BY THE HEAD OF PLANNING SERVICES	
To consider and take any appropriate action in respect of the planning applications received for the southern area and to authorise the Head of Planning Services to impose any additional or varied conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
5. DCSE2006/2789/F - QUEENS TUNNEL, SWAGWATER LANE, GORSLEY, ROSS-ON-WYE, HEREFORDSHIRE	13 - 20
Proposed telecommunications installation consisting of a 22.5m lattice tower and ancillary development.	
6. DCSE2006/3267/F - PENNOXSTONE COURT, KINGS CAPLE, HEREFORDSHIRE,	21 - 54
Erection of (Spanish) polytunnels to be rotated around fields as required by crops under cultivation.	

7.	DCSE2006/3181/F - PRIMROSE COTTAGE, UPTON BISHOP, NR. ROSS-ON-WYE, HEREFORDSHIRE, HR9 7QP.	55 - 58
	Proposed two-storey extension.	
8.	DCSE2006/3551/O - GREENWAY COTTAGE, GLEWSTONE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6AT.	59 - 64
	Two-storey extension and single-storey extension at first floor level to existing cottage. Amendments of previously approved application DCSE2006/0269/F (retrospective application)	
9.	DCSW2006/3297/F - HAREWOOD COTTAGE, HAREWOOD END, HEREFORD, HEREFORDSHIRE, HR2 8JT.	65 - 68
	First floor extension.	
10.	DCSW2006/3486/F - ARCHENFIELD, MADLEY, HEREFORDSHIRE, HR2 9NS.	69 - 76
	Housing redevelopment to replace 27 post war concrete frame public sector houses with 27 new houses constructed from timber frames clad in brick, with associated new roadworks and modifications to existing private pedestrian paths.	
11.	DCSE2006/3315/O - BRYANTS COURT, GOODRICH, ROSS-ON-WYE, HEREFORD, HR9 6JA.	77 - 82
	Agricultural worker's dwelling and single garage.	
12.	DCSE2006/3238/O - STEPPE HOUSE FARM, PENCRAIG, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6HR.	83 - 88
	Proposed agricultural dwelling with garden.	
13.	DCSE2006/3847/F & DCSE2006/3489/L - WARRYFIELD FARM, WALFORD, ROSS-ON-WYE HEREFORDSHIRE, HR9 5QW.	89 - 96
	Refurbishment of farmhouse, granary and barns to make 4 dwellings and new access and new sewage treatment plant.	
14.	DCSW2006/3573/O - CYPRUS COTTAGE, WRIGGLEBROOKE, KINGSTHORNE, HEREFORD, HR2 8AW.	97 - 102
	Construction of dwelling served by sewage treatment plant.	

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five 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 of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

Please Note:

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

The meeting venue is accessible for visitors in wheelchairs.

A public telephone is available in the reception area.

Public Transport Links

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

If you have any questions about this agenda, how the Council works or would like more information or wish to exercise your rights to access the information described above, you may do so either by telephoning the 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.



Where possible this agenda is printed on paper made from 100% Post-Consumer waste. De-inked without bleaching and free from optical brightening agents (OBA). Awarded the Nordic Swan for low emissions during production and the Blue Angel environmental label.

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

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

You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point J which is located at the southern entrance to the car park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

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

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

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Southern Area Planning Sub-Committee held at : The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 29th November, 2006 at 2.00 p.m.

Present: Councillor H. Bramer (Vice Chairman in the Chair)

Councillors: M.R. Cunningham, N.J.J. Davies, Mrs. C.J. Davis, G.W. Davis, J.W. Edwards, Mrs. A.E. Gray, Mrs. J.A. Hyde, G. Lucas, D.C. Taylor and J.B. Williams

In attendance: Councillors T.W. Hunt

CHAIRMAN'S ANNOUNCEMENT

Members discussed the merits of holding a site inspection in respect of an application at Pennoxstone Court prior to the next meeting of the Sub-Committee on 20th December, 2007. Councillor G.W. Davies felt that whilst Members were visiting Pennoxstone Court, it may also be beneficial to visit the nearby Waldorf School, which was also the subject of a planning application.

RESOLVED:

That a site inspection be held in relation to the above applications for the following reasons:

- **The character or appearance of the development itself is a fundamental planning consideration.**
- **A judgement is required on visual impact**
- **The setting and surroundings are fundamental to the determination or to the conditions being considered.**

70. APOLOGIES FOR ABSENCE

Apologies were received from Councillors J.G. Jarvis and P.G. Turpin

71. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
Councillor H. Bramer	DCSE2006/2771/G – The Lodge, Pengethley Manor Hotel, Peterstow, Ross-on-Wye, Herefordshire, HR9 6LL. Discharge planning obligation Ref: SH870829PF.	Declared a prejudicial interest and left the meeting for the duration of the item.

72. MINUTES

RESOLVED: That the Minutes of the meeting held on 25th October, 2006 be approved as a correct record and signed by the Chairman.

73. ITEM FOR INFORMATION - APPEALS

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

74. DCSE2006/2826/F - 2 CROCKERS ASH COTTAGES, WHITCHURCH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6DW. (AGENDA ITEM 5)

Proposed alterations and extension (extension part single and two storey) with new vehicular access via existing entrance to No. 1 Crockers Ash.

RESOLVED

That planning permission be granted subject to the following condition:

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

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

Informatives:

1. N19 - Avoidance of doubt.

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

75. DCSE2006/2771/G - THE LODGE, PENGETHLEY MANOR HOTEL, PETERSTOW, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6LL. (AGENDA ITEM 6)

Discharge planning obligation ref: SH870829PF.

Due to the prejudicial interest declared by the Chairman in respect of the application, Members were required to elect a Chairman. Councillor J.B. Williams was elected Chairman for the following item.

The Senior Planning Officer advised Members that the Recommendation needed to be amended in respect of the Heads of Agreement. He confirmed that the Heads of Agreement would require the revocation of the unimplemented part of planning permission SH870829PF to prevent the second dwelling from being built.

In accordance with the criteria for public speaking, Mr. Padfield, the Applicant's Agent, spoke in support of the application.

In response to a question raised by Councillor M.R. Cunningham, the Senior Planning Officer confirmed that the dwelling was 40 metres away from the hotel and that the Environmental Health Officer felt that this was sufficient.

RESOLVED

1. The Legal Practice Manager be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to (set out heads of agreement) and any additional matters and terms he considers appropriate.
2. Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission.

Informatives:

- 1 N19 - Avoidance of doubt
- 2 N15 - Reason(s) for the Grant of Planning Permission.

**76. DCSW2006/3069/F - BURHOPE FARM, ORCOP, HEREFORD, HR2 8EU.
(AGENDA ITEM 7)**

Caravan/Camping site.

The Chairman resumed the Chair for this item and for the duration of the meeting.

The Southern Team Leader advised Members that the number of units on the site had been limited to 12.

RESOLVED

That planning permission be granted subject to the following conditions:

1. **A01 (Time limit for commencement (full permission))**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. **E27 (Personal condition)**
Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.
3. **E35 (Numbers limitation)**
Reason: To clarify the terms of the permission and minimise visual intrusion.
4. **F32 (Details of floodlighting/external lighting)**
Reason: To safeguard local amenities.
5. **G04 (Landscaping scheme (general))**
Reason: In order to protect the visual amenities of the area.
6. **G05 (Implementation of landscaping scheme (general))**

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

Informative(s):

1. N19 - Avoidance of doubt
2. N15 - Reason(s) for the Grant of Planning Permission

77. DCSW2006/3042/F - LAND AT LYNWOOD, KINGSTHORNE, HEREFORDSHIRE, HR2 8AR. (AGENDA ITEM 8)

Erection of new build 3 bedroom dwelling.

Councillor G.W. Davis, the Local Ward member, felt that the application would make good use of a piece of land previously used as a builders yard.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

2. B01 (Samples of external materials)

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

3. E18 (No new windows in specified elevation)

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

4. E16 (Removal of permitted development rights)

Reason: In order to define the terms to which the application relates in accordance with the provisions of policies in the Unitary Development Plan.

5. G04 (Landscaping scheme (general))

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

6. G05 (Implementation of landscaping scheme (general))

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

7. 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.

8. H03 (Visibility splays)

Reason: In the interests of highway safety.

9. H05 (Access gates)

Reason: In the interests of highway safety.

10. H12 (Parking and turning - single house)

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

Informative(s):

1. HN01 - Mud on highway
2. HN05 - Works within the highway
3. HN10 - No drainage to discharge to highway
4. HN22 - Works adjoining highway
5. N19 - Avoidance of doubt
6. N15 - Reason(s) for the Grant of Planning Permission

78. DCSW2006/3100/F - THE OLD ESTATE YARD, KINGSTHORNE,
HEREFORDSHIRE, HR2 8AN. (AGENDA ITEM 9)

Variation of condition 7 of approval DCSW2006/0255/F to allow the use of any machinery and equipment within the buildings that will meet the environmental requirements of a B1 use.

In accordance with the criteria for Public Speaking, Mrs. Philpott, a neighbouring resident, spoke against the application.

Members discussed the application and felt that the noise impact of the application would be minimal due to the B1 usage.

RESOLVED

That planning permission be granted subject to the following condition:

1. A10 (Amendment to existing permission)

Reason: For the avoidance of doubt.

Informative(s):

1. N19 - Avoidance of Doubt
2. N15 - Reason(s) for the Grant of Planning Permission

79. DCSE2006/2789/F - QUEENS TUNNEL, SWAGWATER LANE, GORSLEY, ROSS-
ON-WYE, HEREFORDSHIRE, HR9 7SL. (AGENDA ITEM 10)

Proposed telecommunications installation consisting of a 22.5m lattice tower and

ancillary development.

The Principal Planning Officer advised Members that the Inspectors report had been omitted from the agenda but had been made available at the meeting. He also reported the receipt of comments from the Parish Council and a further letter of objection from the residents of a neighbouring property.

Councillor J.W. Edwards, the Local Ward Member, noted the concerns of the Parish Council and objected to the application. He felt that a tree mast would be more suitable and therefore asked for the application to be deferred for further discussions with the applicant.

RESOLVED

That determination of application DCSE2006/2789/F be deferred pending further discussions with the applicant regarding the type of telecommunication mast proposed.

80. DCSE2006/2896/F - BRACKEN HILL, WELSH NEWTON COMMON, MONMOUTH, HEREFORDSHIRE, NP25 5RT. (AGENDA ITEM 11)

Change of use of existing studio/workshop to holiday let.

The Principal Planning Officer reported the receipt of a further letter of objection from a neighbouring resident. He confirmed that the objection would be withdrawn if the access to the site was amended.

In accordance with the criteria for Public Speaking, Mrs. Suart, a neighbouring resident, spoke against the application, and Mr. Hapgood, the Applicant's Agent, spoke in support.

The Principal Planning Officer confirmed that the track referred to by Mrs. Suart did not form part of the application and that access to the site was gained via the residential property. He also confirmed that the Paddock was owned by the applicant.

Members discussed the merits of an additional condition restricting any access via the paddock but on balance felt that such a condition may be unlawful.

RESOLVED

That subject to no further objections raising additional material planning considerations by the end of the consultation period, the officers named in the Scheme of Delegation to Officers be authorised to approved the application subject to the following conditions and any further conditions considered necessary by officers:

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

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

2. E31 (Use as holiday accommodation)

Reason: The local planning authority are not prepared to allow the

introduction of a separate unit of residential accommodation.

3. **RB1 (No Permitted Development)**

Reason: To ensure the character of the original conversion scheme is maintained.

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

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

7. **H14 (Turning and parking: change of use - domestic)**

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

Informative(s):

1. **N19 - Avoidance of doubt**

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

81. **DCSE2006/3510/F - 6 OLD GLOUCESTER ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5BU. (AGENDA ITEM 12)**

Conversion to 2 no. apartments in connection with Rosswyn site redevelopment and car parking and turning facilities.

The Principal Planning Officer reported the receipt of comments from Welsh Water, who did not object to the application but recommended conditions, Ross Town Council, who had concerns regarding drainage and car parking, and the Council's Conservation Manager, who had no objection to the application.

Councillor Mrs. A.E. Gray, one of the Local Ward Members, expressed her concerns regarding the impact of the application on the neighbouring property. She felt that the loss of light would be unacceptable to the resident of 2 Old Gloucester Road.

The Principal Planning officer confirmed that the extension had been moved to address this problem, he also confirmed that a condition could be added to the recommendation requiring all exterior walls to be finished in white.

RESOLVED

That subject to being satisfied that the proposed dwellings can be drained acceptably the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

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

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

2. B02 (Matching external materials (extension))

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

INFORMATIVES:

1. N19 - Avoidance of doubt

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

82. DCSE2006/3076/F & DCSE2006/3077/L - STONE HOUSE, WOOLHOPE, HEREFORDSHIRE, HR1 4QR. (AGENDA ITEM 13)

Proposed orangery annex to dwelling, alterations and renovations to dwelling, renovations of gate-house, restoration of boundary walls and structure. New swimming pool.

In accordance with the criteria for Public Speaking, Mr. Thomas, the Applicant's Agent, spoke in support of the application.

RESOLVED

In respect of DCSE2006/3076/F:

That planning permission be granted subject to the following conditions:

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

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

2. B01 (Samples of external materials)

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

3. C04 (Details of window sections, eaves, verges and barge boards)

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

4. C02 (Approval of details)

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

5. E16 (Removal of permitted development rights)

Reason: [Special Reason].

6. E17 (No windows in side elevation of extension)

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

7. H05 (Access gates)

Reason: In the interests of highway safety.

Informatives:

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

2. N19 - Avoidance of doubt

The meeting ended at 3.38 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCSW2006/1407/L**

- The appeal was received on 20th November 2006
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs L Davies
- The site is located at The Old Rectory, Tretire, St. Owens Cross, Hereford, Herefordshire, HR2 8NB
- The development proposed is Single storey glazed extension
- The appeal is to be heard by Hearing

Case Officer: Andrew Prior 01432 261932**Application No. DCSW2006/1409/F**

- The appeal was received on 20th November 2006
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs L Davies
- The site is located at The Old Rectory, Tretire, St. Owens Cross, Hereford, Herefordshire, HR2 8NB
- The development proposed is Single storey glazed extension.
- The appeal is to be heard by Hearing

Case Officer: Andrew Prior 01432 261932**Application No. DCSE2006/2644/F**

- The appeal was received on 21st November 2006
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr L Edwards
- The site is located at Two Parks Farm, Upton Bishop, Ross-on-Wye, Herefordshire, HR9 7UH
- The development proposed is Continued use of land for the stationing of two mobile homes for a three year period.
- The appeal is to be heard by Hearing

Case Officer: Yvonne Coleman on 01432 383083**Application No. DCSW2006/2264/O**

- The appeal was received on 22nd November 2006
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by N Chamberlain ESQ
- The site is located at Fairview, St. Owens Cross, Hereford, Herefordshire, HR2 8LG
- The development proposed is infill plot (1 no unit)

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

- The appeal is to be heard by Hearing

Case Officer: Yvonne Coleman on 01432 383083

Application No. DCSE2006/2310/O

- The appeal was received on 1st December 2006
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr A Maunders
- The site is located at The Plot, Warblington, Bannuttree Lane, Bridstow, Ross-on-Wye, Herefordshire, HR9 6AJ
- The development proposed is One dwelling
- The appeal is to be heard by Written Representations

Case Officer: Duncan Thomas on 01432 261974

APPEALS DETERMINED

Application No. DCSW2005/4084/F

- The appeal was received on 21st August 2006
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs P Preece
- The site is located at Sunnyside, Wormelow, Herefordshire, HR2 8EW
- The application, dated 15TH December 2005 was refused on 8th February 2006
- The development proposed was Two storey extension.
- The main issue is the effect of the proposal on the character and appearance of the appeal dwelling.

Decision: The appeal was DISMISSED on 5TH December 2006

Case Officer: Yvonne Coleman on 01432 383083

Application No. DCSW2005/2586/O

- The appeal was received on 26th October 2005
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr F Jones
- The site is located at Land at Wrens Nest, St. Owens Cross, Herefordshire, HR2 8LG
- The application, dated 1st August 2005, was refused on 15th September 2005
- The development proposed was Outline application for the erection of a 2 bed bungalow (Special needs)
- The main issue is the effect of the proposal on the character and appearance of the area.

Decision: The appeal was DISMISSED on 8th December 2006

Case Officer: Yvonne Coleman on 01432 383083

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

DEFERRED APPLICATION

5 DCSE2006/2789/F - PROPOSED TELECOMMUNICATIONS INSTALLATION CONSISTING OF A 22.5M LATTICE TOWER AND ANCILLARY DEVELOPMENT AT QUEENS TUNNEL, SWAGWATER LANE, GORSLEY, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SL.

For: T Mobile UK per AWA Ltd, Efford Park, Milford Road, Lymington, Hampshire, SO41 0JD.

Date Received: 29th August,2006 Ward: Old Gore Grid Ref: 67549, 27002

Expiry Date: 24th October,2006

Local Members: Councillor J.W. Edwards and Councillor H. Bramer

Introduction

This proposal was considered by the Committee on 29th November, 2006 when determination was deferred to request that a tree mast be used rather than a lattice mast. The applicant's agent has responded to the Committee request and his letter is included as an appendix to this report. Whilst not rejecting a tree mast, reasons are given why the current proposal would be less visually intrusive.

1. Site Description and Proposal

1.1 An application for a telecommunications installation on a site in Queens Wood, Gorsley which adjoins the M50 motorway comprising a 22.5 m lattice tower and ancillary development was refused by the Committee in July 2005 and the subsequent appeal was dismissed. Although satisfied that a clear technical need for the installation had been shown and that, with regard to health risks, the proposal would not be likely to cause material harm to people in the neighbourhood, the Inspector concluded that there would be appreciable cumulative harm to the character and appearance of the countryside. The decision letter is included as an appendix to this report.

1.2 The current application seeks to address the Inspector's concerns. The mast and compound would be sited within a narrow strip of woodland between the motorway and a clearing in the wood alongside a wide gravel track. The clearing appears to be an area used for turning vehicles. The compound was sited on the edge of the existing vegetation. The current proposal would site the compound further into the woodland and a wider area has been negotiated for landscaping. The fenced compound would be about 5.9 m x 6.4 m and positioned so that the north-western corner was nearest to the clearing. There would be a minimum of 2 m available for planting between fence and clearing.

2. Policies

2.1 Planning Policy Guidance

PPS7	-	Sustainable Development in Rural Areas
PPG8	-	Telecommunications

DEFERRED APPLICATION**2.2 Herefordshire UDP (Revised Deposit Draft)**

Policy CF3 - Telecommunications

2.3 Hereford and Worcester County Structure Plan

Policy CTC1 - Area of Outstanding Natural Beauty
Policy CTC2 - Area of Great Landscape Value
Policy CTC6 - Development and Significant Landscape Features

2.4 South Herefordshire District Local Plan

Policy C1 - Development within Open Countryside
Policy C41 - Telecommunications Development
Policy C42 - Criteria to Guide Telecommunication Development

3. Planning History

- 3.1 DCSE2005/0920/F Proposed telecommunications installations - Refused
consisting of a 22.5m lattice tower and 6.7.05
ancillary development

4. Consultation SummaryStatutory Consultations

- 4.1 Highways Agency has reviewed the proposal and is content that there is unlikely to be detriment to the safe and free flow of traffic upon the nearby motorway. The Agency does not propose to give a direction restricting the grant of planning permission.

Internal Council Advice

- 4.2 The Traffic Manager has no objection to the grant of permission.

The proposed installation would not appear to affect public footpath LTR13 which runs to the north.

5. Representations

- 5.1 The applicant's agent has submitted a detailed planning statement which covers need, visual impact, alternative site search, publicity, policy and health issues. In addition a letter, reproduced in the appendix, discusses the consequences of amending the proposal to a tree mast. In summary the response to the Inspector's decision and visual impact is as follows:

1. The Planning Inspector's only concern was the view of the cabinets and the base of the tower from the nearby footpaths that cross this woodland.
2. He considered that alternative sites had been given proper consideration and that the overall visual impact and design of the mast would be acceptable in the context of this landscape.

DEFERRED APPLICATION

3. On the definitive plan, public footpaths still follow a route which is now near impossible to walk, since the construction of the motorway.
 4. The revised application now shows the location of the site marginally moved further east but still between the two defunct footpaths, thus not interfering with their route.
 5. Around the fenced compound there will be extra room for additional planting when matured, which will provide effective screening to the fenced compound and views from the defunct footpaths and the current footpath to the northwest and west, would not be demonstrably affected.
 6. The proposed installation will be sited within a group of mature trees of about 16 m to 20 m in height and therefore well screened from view from outside the woodland.
 7. These trees will afford some excellent screening of the mast when viewed from all directions including the land to the south. From this direction, any glimpse of the mast will have the backdrop of this woodland behind it.
 8. There will be fleeting glimpses by users of M50 motorway as the trees which border close to the motorway will mostly screen it from this perspective. The undulating land around means that the top of the mast will not unduly protrude on the skyline.
 9. It is appreciated that the woodland is recognised as a Site of Importance to Nature Conservation. In this instance the location is close to a gravel track which would be used for building and servicing the proposed installation.
 10. It is proposed to remove one thin Silver Birch and clear the scrub around it. The development would not affect the taller mature trees on this belt.
 11. The Forestry Commission wish to keep the 'turning area' clear to allow their 'logging vehicles' enough space to turn, so re-siting the mast onto the turning area, and further from the trees, is not possible.
- 5.2 7 letters have been received, including one from Gorsley and Linton Parish Council in Gloucestershire, objecting to the proposals for the following reasons:
- (1) there are 5 masts within 5 km. radius of this site; including one at Woodhouse Farm, only 100m or so away,
 - (2) there are 4 masts along a 1 mile stretch of M50 in Gorsley plus police CCTV mast at junction 3. This is an area of great natural beauty which is being spoiled by these structures,
 - (3) the mast could be much higher than surrounding trees and offensive antennae would show above skyline,
 - (4) a wide stretch of land south-east of Queens Tunnel is open and unforested and so the area near the tunnel would be visible from many parts of Gorsley village as far as B4221 at Christchurch - a real blot on very fine landscape and eyesore to local residents and walkers,
 - (5) foresters are cutting out mature conifers making it more visible in future, - no guarantee existing tall trees will remain to screen the mast,
 - (6) out of character with local area and screening will not stop the mast and compound spoiling the view and harming local residents' amenities,

DEFERRED APPLICATION

- (7) potential for individual litigation against any public body involved in approval of this type of application and Lloyds of London has advised its members not to cover risks from mast emissions,
- (8) caselaw is quoted regarding the need to consider alternative sites – this analysis should be carried out by local planning authority,
- (9) can Council guarantee no risks to human health? It is still debatable whether there are risks to people and livestock and in this case 4 masts are already emitting electro-magnetic radiation : would a further mast increase radiation to dangerous levels? Many houses would have a direct view of the mast,
- (10) a second mast (in Forest of Dean) is necessary for this proposal to work and cumulative impact needs to be considered – could be 18 properties with microwaves beamed through them night and day (second mast receives signals from other masts and tower loads them into the BT system). Will make 9 masts in 2.5 m radius of Jays Green motorway junction,
- (11) in US and other European countries there is an exclusion area of minimum 500m - precautionary principle should apply here as well,
- (12) Vodaphone contract expired 2 years ago yet refusing to remove Woodhouse Farm mast despite owners strong wishes,
- (13) 80% coverage is acceptable according to Government advice – surely this has already been met?
- (14) No pre-application consultation with local residents and inadequate planning notices - residents want to be involved in decision making process,
- (15) Why not share existing mast?
- (16) To apply again after appeal dismissed is real affront to original objectors and costly to Council – applicant clearly cares nothing for the beautiful environment

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. Officer's Appraisal

- 6.1 The appeal Inspector accepted that from the south existing vegetation provided a fairly effective screen, even in November and did not consider the concentration of masts along the line of the motorway to be unusual, with the trees ameliorating any potential cumulative harm to the character of the area. However he found that footpath users would see the whole proposal in full view over a significant length of footpath. "The compound could not be screened efficiently from users of the adjacent footpath system with the current proposal".
- 6.2 The applicant has responded to this decision by reducing the size of the fenced compound, moving it further within the strip of woodland between the gravelled area and motorway and angling it so that the north western corner would be the closest part to the clearing rather than the whole of the north-western side. "Shaving" part of the rectangular compound would ensure that a space of at least 2 m between compound and clearing could be available for planting. In addition there would be a wider area for planting, extending 8 m or more on either side of the compound. A timber feather-boarded fence could be used for the front of the compound rather than chain link fencing. These changes to the scheme would facilitate a significant element of new planting. Whilst this would probably not fully screen the compound at all times of the year it would ensure that it would not be fully open to view but merge into the woodland. The mast itself could not be screened but no significant trees

DEFERRED APPLICATION

would need to be felled and it would not be unacceptably intrusive viewed from the woodland paths.

- 6.3 The applicant has not dismissed the Council’s request to erect a tree mast but has pointed out that there would be disadvantages. In particular a taller mast (by 2m) may not fit in well with the existing deciduous trees and may require additional tree felling with a larger compound and less room for screen planting.
- 6.4 The other issues raised in the representations, including effect on health, visual impact from the wider area, alternative sites and need for the installation have been considered by the Inspector. His conclusions that these were not grounds to dismiss the appeal are material consideration relevant to this revised proposal.
- 6.5 In conclusion, I consider that the response to the Committee’s request provides cogent reasons why a lattice mast would be less harmful to the area’s visual amenities and on the basis of the above appraisal recommend that permission be granted for the proposal as submitted.

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 G04 (Landscaping scheme (general))**

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

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

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

Informatives:

- 1 N19 - Avoidance of doubt**

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

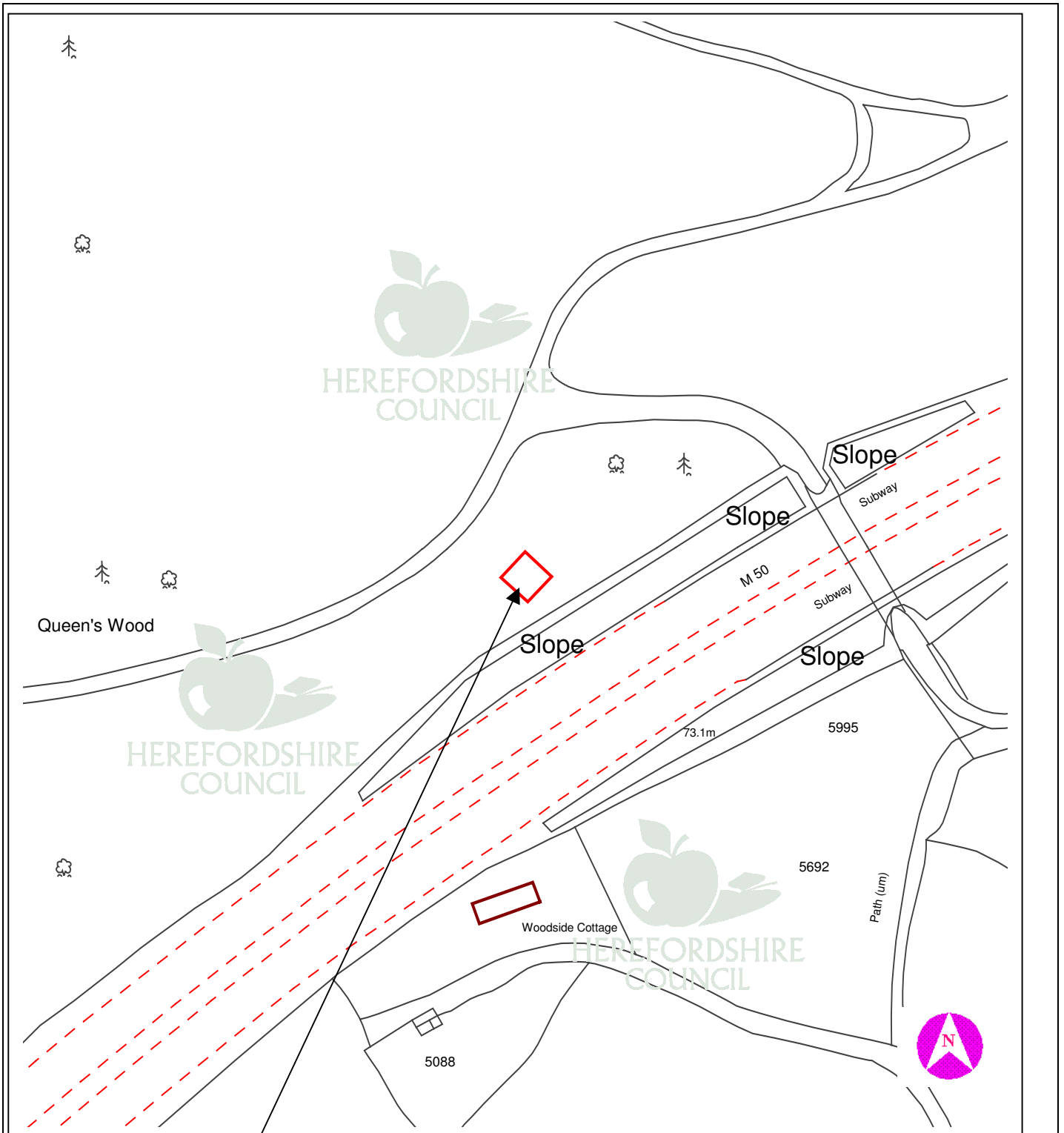
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCSE2005/0920/F

SCALE : 1 : 1250

SITE ADDRESS : Queens Tunnel, Swagwater Lane, Gorsley, Ross-on-Wye, Herefordshire, HR9 7SL

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

Email : richard.palmer@awa-uk.com
Direct tel : 01590 613974

5th December 2006

Your Ref: DCSE2006/2170/F

Our Ref: RP/63373

Mr S. Holder
Planning Services
County of Herefordshire District Council
PO Box 230
Blueschool House
Blueschool Street
Hereford, HR1 2ZB

Dear Mr Holder

PROPOSED TELECOMMUNICATIONS INSTALLATION ON BEHALF OF T-MOBILE UK LIMITED CONSISTING OF A 22.5m LATTICE TOWER, TWO ANTENNA, ONE DISH AND GROUND BASED CABINETS WITHIN A FENCED COMPOUND ON LAND AT QUEENS TUNNEL, SWAGWATER LANE, GORSLEY, ROSS-ON-WYE, HR9 7SL

I refer to our telephone conversation on 30th November in relation to the above site.

Following the committee meeting on 29th November some councilors have suggested that a tree mast may be a better alternative design in this location and have asked if this is a possibility.

I have been in discussion with the Construction Engineer about this and also have my own comments to make.

Construction

If a tree mast is used then it would need to be of a 24.5m height (Compared to the lower 22.5m lattice). This is in order so as to obtain the same antenna bearings that we can have on a slim lattice and also the antenna can not be fixed at the top of a tree mast. Thus the tree mast will have to be taller than the proposed lattice mast. Thus a tree mast will be about 2m above the height of the proposed lattice.

A proposed tree mast will involve building over a larger ground area as the foundation base will need to be larger. This will inevitable mean the loss of some of the surrounding trees as well as less space for additional landscape planting around the compound. (A tree mast still has a fenced compound).

A tree mast is wider than a lattice mast due to the width of the fake branches. A wider area of branch clearing of the real trees around will need to take place in order to erect the tree mast.

Visual

The only tree mast design available at this height is a 'cypress tree' design and thus is a conifer in appearance. Located in this belt of deciduous trees, it will thus stand out more than the lattice tower, and so will be far more noticeable to the general public whether walking or driving.

As the tree mast is much wider with a larger foundation base, more of the natural tree cover will need to be cut back. This will open up the site, making the tree mast more apparent in the landscape.

The tree mast, due to its solid structure, has no permeability such as the lattice tower. Therefore it will stand out much more than compared to the 'see-through' metalwork of the lattice.

A lattice tower located close to trees is considered the best design to use in such circumstances. The lattice tower design of the mast has been selected because in this location within a tree belt, it is considered to be the least environmentally obtrusive type of telecommunications mast. There will be no bulky headframe and the lattice design will be in sympathy with the surrounding trees because it allows some permeability through it and so merging in with the branches and twigs of the trees. My client is willing to paint the tower and equipment in a colour to be agreed with the LPA. Perhaps a dark brown will be best. I have attached some photos of lattice masts located close to trees which demonstrate how well such structures merge in with the background of trunks, branches and twigs, making them hard to distinguish against such a backdrop. Indeed the more trees around them, the better they are screened and merge with such background.

Conclusion

I hope the above information clarifies the situation and shows that the proposed lattice tower design is far superior to that of a tree mast in this locality and particular instance and will have the least visual impact and allow for sufficient space around it to include some landscaping to take place.

I hope the Councillors are able to approve the application at the next committee on 20th December 2006.

Yours sincerely

Richard Palmer MRTPI
Senior Planner for AWA Ltd
On behalf of T Mobile UK Ltd

Enc.

6 DCSE2006/3267/F - ERECTION OF (SPANISH) POLYTUNNELS TO BE ROTATED AROUND FIELDS AS REQUIRED BY CROPS UNDER CULTIVATION AT PENNOXSTONE COURT, KINGS CAPLE, HEREFORDSHIRE, HR1 4TX.

**For: Mr N J Cockburn per Antony Aspbury Assoc. Ltd,
20 Park Lane Business Centre, Park Lane, Basford,
Nottingham, NG6 0DW.**

Date Received: 11th October, 2006 Ward: Old Gore Grid Ref: 55963, 28531

Expiry Date: 10th January, 2007

Local Member: Councillor J.W. Edwards

1. Site Description and Proposal

- 1.1 Kings Caple is located some eight miles south of Hereford. It is positioned on the higher ground within a large bend in the River Wye with Hoarwithy being on the opposite (west) bank of the river. Pennoxstone Court is a farm at the west end of the village and comprises a house together with a range of buildings, one of which (the Stables) is Listed. None of the buildings are of the scale normally associated with modern agriculture. The buildings themselves have integrated into the local landscape. The principal area of land associated with Pennoxstone lies to the west and south where it is bounded by the River Wye.
- 1.2 This proposal relates to some 116 ha of land both owned and rented by the applicant. The land owned is all that land directly adjacent to Pennoxstone (some 86 ha) with the rented areas in two blocks - one to the north of the Church (some 22.6 ha) and the other at Poulstone Court at the eastern end of the village (some 8 ha).
- 1.3 The application is for the erection of (Spanish) polytunnels to be used for the growing of soft fruit and to be rotated around the holding. The polytunnels comprise curved and interlinked metal frames the legs of which are inserted into the ground and typically their width is 6.5 - 8 metres with the height 3 - 3.7 metres. Their length varies. The frames are covered with clear polythene during the harvesting period. The application proposes that any planning permission should cover a total area of some 67 hectares but that at any one time only some 30 hectares would be used for polytunnels.
- 1.4 The site is within the Wye Valley Area of Outstanding Natural Beauty and Area of Great Landscape Value. Pennoxstone Court and the land adjacent to it and extending on its south side is identified as an historic park and garden. The Council's Landscape Character Assessment identifies the land as "Principal Settled Farmlands". The River Wye is an SSSI/SAC. Parts of the site are within the flood plain of the River Wye.
- 1.5 The application is supported by a covering letter and a number of reports, which will be referred to later in this report.

2. Policies

2.1 Planning Policy Statements

PPS1	-	Delivering Sustainable Development
PPS7	-	Sustainable Development in Rural Areas
PPS9	-	Biodiversity and Geological Conservation
PPG13	-	Transport
PPG15	-	Planning and the Historic Environment
PPG21	-	Tourism
PPG25	-	Planning and Flood Risk

2.2 Regional Spatial Strategy for the West Midlands

Policy PA14	-	Economic Development and the Rural Economy
Policy PA 15	-	Agriculture and Farm Diversification
Policy QE1	-	Conserving and Enhancing the Environment
Policy QE5	-	Protection and Enhancement of the Historic Environment
Policy QE6	-	The Conservation, Enhancement and Restoration of the Region's Landscape
Policy QE7	-	Protecting, Managing and Enhancing the Region's Biodiversity and Nature Conservation Resources
Policy QE8	-	The Water Environment

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Part I

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S4	-	Employment
Policy S6	-	Transport
Policy S7	-	Natural and Historic Heritage

Part II

Policy DR1	-	Design
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy DR6	-	Water Resources
Policy DR7	-	Flood Risk
Policy E13	-	Agricultural and Forestry Development
Policy LA1	-	Areas of Outstanding Natural Beauty
Policy LA2	-	Landscape Character
Policy LA4	-	Protection of Historic Parks and Gardens
Policy LA5	-	Protection of Trees, Woodlands and Hedgerows
Policy LA6	-	Landscaping Schemes
Policy NC1	-	Biodiversity and Development
Policy NC2	-	Sites of International Importance
Policy NC3	-	Sites of National Importance
Policy HBA4	-	Setting of Listed Buildings

2.4 Hereford and Worcester and Structure Plan

Policy CTC1	-	Areas of Outstanding Natural Beauty
Policy CTC2	-	Areas of Great Landscape Value

Policy CTC3	-	Sites of National and International Importance
Policy CTC4	-	SSSI's
Policy CTC6	-	Landscape Features
Policy CTC7	-	Development and features of Historic Importance
Policy CTC9	-	Development Requirements
Policy A3	-	Agricultural Buildings

2.5 South Herefordshire District Local Plan

Policy GD1	-	General Development Criteria
Policy C1	-	Development within open countryside
Policy C4	-	AONB Landscape Protection
Policy C5	-	Development within AONB
Policy C6	-	Landscape and AONB
Policy C8	-	Development within AGLV
Policy C9	-	Landscape Features
Policy C10	-	Protection of Historic Parkland
Policy C12	-	Protection of Nature Conservation Sites
Policy C12A	-	SAC Protection
Policy C20	-	Protection of Historic Heritage
Policy C29	-	Setting of a Listed Building
Policy C44	-	Flooding
Policy C45	-	Drainage
Policy C46	-	Water Abstraction
Policy ED9	-	New Agricultural Buildings
Policy T3	-	Highway Safety Requirements

2.6 Other Policy and Guidance

Code of Practice for the Temporary Agricultural Use of Poly tunnels
 Landscape Character Assessment
 Kings Caple Parish Plan – 2006
 Wye Valley Area of Outstanding Natural Beauty Management Plan 2004-2009

3. Planning History

- 3.1 There have been no previous planning applications at this site. However in November 2005 an Enforcement Notice (EN2005/0090/ZZ) was served with regard to the erection without planning permission of poly tunnels for the protection of soft fruit. The Notice required the demolition and removal of the poly tunnels. An appeal has been lodged which is due to be heard at a Public Inquiry in February 2007.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency - OBJECTS to the proposed development, as submitted, on the following grounds:

Water Resources:

Proposed Method of abstraction

Whilst the application form states that there will be mains water supply to the development, it is understood that the Applicant is likely to abstract water by a method known as 'trickle irrigation'. It should be noted that this method of irrigation is currently exempt from requiring a water abstraction licence. The Water Act 2003 ends this exemption and will bring trickle irrigation into the licensing system. However, we do not expect the new controls on trickle irrigation to be implemented before April 2008.

Habitats Directive (abstraction from the river Wye)

The river Wye, adjacent to the site, is a Site of Special Scientific Interest (SSSI) and has been designated a Special Area of Conservation (SAC) under the Directive for the presence of a range of internationally important species. The Environment Agency is carrying out a Review of Consents (RoC) as part of its statutory duty to implement the European Union Habitats Directive. There are concerns that abstractions from the river Wye, and its tributaries have the potential to cause an adverse effect on SAC features through flow depletion and resultant loss of marginal habitat.

Although the applicant is abstracting water lawfully within current legislation, exempt abstractors will be treated as being similar to other licensed abstractors whose licences are being reviewed under the Habitats Directive.

We are therefore seeking more information to enable us to:

- * Assess with better confidence the amount of water abstracted by lawful users;
- * Assess with better confidence how much of the river flow we need to protect for SAC species;
- * Accurately assess the amount of water available for future abstraction.

The applicant, of this planning application, is one of many in the industry we have contacted to assist with the collation of data. Once we have collated as much data as possible we will then be able to assess whether the activity alone and in-combination has a potentially adverse effect on the integrity of the SAC.

Assessment -

Notwithstanding the above, an assessment would be required, at this stage, under section 48 of the Habitats Regulations (1994). The Local Authority are the competent authority under the Habitats Regulations. Natural England should also be consulted on the above aspect and be made aware of the potential issues.

Proposed Water Use and Water management

In the context of the River Wye being a designated SSSI and SAC, we would seek clarification, as part of the planning application, on the proposed water use and water management. The applicant should carry out a Water Audit.

The Water Audit could include identification of a number of water efficiency measures, which, for example, may include rainwater harvesting from water run-off from the polytunnels and/or re-circulation programmes. We recognise from supporting documentation that local watercourses and ponds would benefit from water run-off (which we support in line with PPS9) and so a balance between harvesting/re-circulation and environmental enhancement will need to be carefully considered within any audit. The issues arising from the above submission may be a material planning consideration.

Upon review of the above information and reassurance on water use and management, if there is uncertainty over the potential impacts at this stage, it is likely that we may recommend appropriate planning conditions.

Surface Water Flood Risk:

We have considered the Drainage Appraisal, as produced by JDIH (Water & Environment) Ltd, dated October 2006, as submitted in support of the above planning application.

We normally recommend, as best practice that polytunnels are aligned across the principal slope direction. However, there are instances where this is not feasible due to the steep gradient of the topography and the likelihood of machinery slips or overturns as a result.

Where the polytunnels are aligned with the slope direction there will be an increase in the peak runoff rate, which potentially may cause erosion of the land, transport large quantities of sediment and exacerbate flooding downstream of the site. In this case, the proposal is a combination of the two.

It is noted within the report that the rainfall runs off the polytunnels instantaneously to the ground surface. Therefore, in order to reduce the impacts of this in terms of the concerns mentioned above, the proposals are to provide storage and reduce erosion within each of the leg row channels. This is achieved by lining the channels with straw to increase runoff depth and reduce the slope/overland flow velocities. This is considered an acceptable practice in reducing rapid run-off. We would recommend that at the locations of the leg row stands a straw bale is placed immediately upstream within the channel, as this should help to maintain the integrity of the lining between each support. It is also noted that at the downstream extents/open ends of the polytunnels, the runoff from each leg row will be further dispersed through wide vegetated grassed headlands or along heavily vegetated tree lined hedgerows as shown in Figure 4. This is also considered as acceptable practice to reduce rapid runoff.

Finally, successful management of drainage from the polytunnels is dependant on proactive management of drainage through the leg row channels and the dispersal of drainage across meadows (grassed areas).

We note that the report has satisfactorily considered the 1 in 100 year storm period (for rainfall) and that a 20% increase has been included to take into account the effects of climate change. We would recommend that surface water runoff within this catchment is discharged at a rate no greater than 10 litres/sec/hectare. It would appear from Table 1 and 5 of the report that the discharge rates from Areas B, C, D, E and G comply with this runoff requirement.

For example: Area of Polyunnel (Area B) 52,950 m² divided by 10,000 = 5.29 hectares. 5.29 hectares x 10 litres/sec/hectare = 52.9 litres/sec maximum allowable runoff rate. This is greater than the actual designed rates in the range of 44 - 47 litres/sec/hectare for this area as indicated in Table 5.

Areas A and F do not comply with the 10 litres/sec/hectare, so we would recommend that the Applicant incorporate additional storage with the leg row channels within these areas (A and F) to balance this deficit. It is recommended that this is confirmed at this stage, as part of the FRA, however it is likely that we will recommend a suitably

worded planning condition to secure surface water is undertaken in accordance with the above, upon the resolution of other material planning considerations. We also note that the proposed discharge from the other areas as indicated within Table 5 suggests an overall net reduction/betterment.

Provided that the drainage of the polytunnels is actively managed as suggested within this report, we would have no objection to this aspect of the proposal.

Fluvial Flood Risk:

Parts of the area edged red are located within the high-risk, 1% floodplain, based on the Flood Zone 3 map (copy as enclosed).

Part of the site (including some of the areas edged red) are located within the historic floodplain (1947 event) of the River Wye. I have enclosed a copy of the historic map, for your information. It is understood that the historic floodplain tracks alongside the western edge of the site, along the 40 metre contour line. Parts of the site also lie within the indicative high risk Flood Zone 3 (1% annual probability floodplain).

To clarify the extent of 1% (high) flood risk, to the site, we would expect the submission of a Flood Risk Assessment (FRA) including a topographical survey, in line with PPG25, to demonstrate the modelled 1% flood level (for the River Wye). However, in the absence of a hydraulic model (to ascertain the 1% level) we would use the alternative equivalent historic (1947) floodplain level of 40.0m AOD.

In policy terms, we would not wish to see polytunnels on land which falls within the 1%, floodplain, as polytunnels would be likely to effect flood flows. There may also be an increased risk of flooding elsewhere if polytunnels are washed out during a flood event, with the potential for blockages downstream.

Whilst the FRA, as submitted, has not considered this fluvial flood risk, the letter (planning statement) dated 11 October 2006, from Anthony Aspbury Associates addresses this point. Page 2, of the letter dated 11 October, which outlines that the Applicant seeks permission "to locate polytunnels anywhere within the application site area". However, it acknowledges that there are areas of the site which are located within the floodplain, where it is "neither operationally possible, nor desirable to site tunnels". The letter states that the Applicant is "willing in principle, therefore, to agree (with your authority) to define areas where tunnels may, or may not be positioned", through a planning condition and/or legal agreement.

On this basis, following resolution of other material considerations, as outlined above, we would recommend use of an appropriately worded planning condition. This should ensure that there are no polytunnels (subject to this permission) sited on land lower than 40.0 m AOD (extent of the historic floodplain).

The following condition would be recommended to secure no polytunnel development within the floodplain.

CONDITION:

There shall be no polytunnels sited on land lower than 40.0m AOD, as indicated upon Plan Ref. P:/Aspbury (5606)/Pennoxstone Court. Fig 1, dated 25/8/06, unless otherwise agreed in writing by the Local Planning Authority.

REASON - To maintain the conveyance of flood flows and to prevent the increased risk of flooding elsewhere.

CONDITION:

There shall be no new buildings, structures (including polytunnels, gates, walls and fences) or raised ground levels within 7 metres of the top of bank of the River Wye (Main River), inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.

REASON: To maintain access to the watercourse for maintenance or improvements.

Consent note to above -

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of The Agency is required for any proposed works or structures in, under, over or within 7 metres of the top of the bank of the main river (River Wye).

4.2 English Heritage - It appears that the polytunnels would have an adverse visual impact on the setting of this historic settlement as a whole.

4.3 Natural England:

- We welcome the examination of this proposal through a planning application as we believe substantial areas and sensitive locations of polytunnels should be dealt with through the planning system. (It is our view that polytunnels' complex environmental ramifications would be best appraised by amending the Town and Country Planning Environmental Impact Assessment Regulations to bring them within the scope of Schedule 2. In this case the applicant has supplied much of the information that would be required for an EIA).
- We are concerned about the intrusive visual impact of polytunnels on the landscape character and quality of the Wye Valley Area of Outstanding Natural Beauty (AONB).
- We are concerned about the management of water and soil associated with polytunnel cultivation given the potential risks of runoff and pollution entering and harming surface waters, including in this instance the River Wye SAC. (A primary reason for the unfavourable nature conservation condition of the Wye section below Hereford is the excess phosphate and sediment generated by diffuse agricultural pollution).
- We recognise there are economic and other environmental considerations pertaining to polytunnel cultivation, and appreciate there is potential for alleviating and compensating for visual and ecological impacts.

SAC advice

The development outlined in the current application is or directly connected with the management of the above site for nature conservation.

It is the opinion of Natural England that the proposed development is not likely to have a significant effect on the European site, either along or in combination with other plans or projects. On this basis, we would advise the Council that Natural England has no objection to the proposal subject to the proposal being implemented in accordance with the submitted plans and descriptions.

SSSI advice

The conservation features under consideration are the same as those considered for the European site impact appraisal. Natural England's advice on this site also applies in relation to the SSSI.

European protected species advice

We agree with the drainage appraisal consultant's report that Pond 2 (where great crested newts exist) is unlikely to be damaged by the development. Managed flows of drainage water, filtered by a grass buffer will help the pond ecology, but if the buffer is inadequate, soil-laden runoff would be damaging. Enhanced hedge and grass margin links between the ponds will also assist new conservation.

AONB advice

Natural England is now responsible for designating AONBs and advising government and others on how they should be protected and managed. The primary purpose of AONBs is to conserve and enhance natural beauty. AONBs share equal status with National Parks in terms of scenic beauty and landscape protection. This was clarified by a ministerial statement and an amendment to Planning Policy Guidance (PPG) 7 in 2000. Planning Policy Statement 7 Sustainable Development in Rural Areas states that AONBs have been confirmed by Government as having the highest status of protection in relation to landscape and scenic beauty. The conservation of the natural beauty of the landscape and countryside should therefore be given great weight in planning policies and development control decisions in these areas.

Policy LA1 of the Herefordshire UDP places the correct onus on scale and affects on intrinsic natural beauty as the primary determinants of acceptable development.

As another expression of local authority policy, the Wye Valley AONB 2004-2009 Management Plan makes several references to polytunnels, that recognises them as a potential threat to the visual integrity and landscape value of the AONB.

Due to the potential conflicts between visual impact and issues such as farm viability and the local economy, Natural England considers that Herefordshire Council's adoption of a voluntary code for the assessment and duration of use of polytunnels is inappropriate, and that where substantial polytunnels are proposed they should require planning permission for development for any length of siting. It is hoped that when the voluntary code is reviewed, this view will be taken into account and that all applications for polytunnels in AONBs will be taken through the planning system. This view is based on a number of appeal cases that have looked at particular aspects of polytunnels and the requirement for planning permission. The use of a voluntary code challenges these rulings as it effectively places polytunnels outside of the planning system and the tests applied to General Permitted Development Order in these appeal decisions. It also restricts democratic involvement in the planning decision as compliance with the code removes the obligation to undertake full public consultation and the requirement to take into account the full range of material considerations.

Natural England appreciates the applicant's economic and social arguments and acknowledges the provisions for enhancement of field boundary features – a scope that exists with or without planning consent, however our response focuses on the visual impact of the polytunnels on the AONB.

The applicant states that tunnels are already on the site lawfully and a refusal will only lead to them being moved about more frequently. This would, he argues, in turn, make

landscaping to mitigate negative visual effects more difficult. It would probably also discourage – in the short term at least – the necessary investment to foster water and soil conservation measures and prevent/minimise diffuse agricultural pollution. However, Natural England would not support an application for long term and large scale polytunnel use within the Wye Valley AONB because of the intrusive visual impact on the intrinsic natural beauty of the landscape. We are developing a national policy position which will need to consider if the very nature of extensive polytunnels cannot allow their effects, whether ‘temporary or permanent’ upon nationally-significant protected landscapes to be adequately mitigated.

The application recognises that the localised landscape impact is high and has proposed worthwhile measures to seek to offset and reduce impacts, which must be tested against the “adequate mitigation” element of UDP policy LA1.

While farm viability is important, we believe it should be ensured in a way which is consistent with the primary purpose of AONBs.

Natural England recommendations

In conclusion, given the adverse visual impacts of polytunnels on the intrinsic natural beauty of the AONB, and the conflict with the primary purpose of AONBs, which is to conserve and enhance natural beauty and amenity in the national interest, Natural England recommends refusal of this application at Pennoxstone Court.

If planning permission were granted, we would strongly advocate measures in the form of conditions and/or a planning agreement to address environmental protection and sustainable land use, namely:

- Detailed siting, including risk assessment of fields for diffuse agricultural pollution minimisation (Advice from Natural England’s Catchment Sensitive Farming Project Officer should be sought).
- Newt (pond and terrestrial) habitat protection and enhancement
- Landscape enhancement and a management scheme
- Best practice in the design, maintenance and operation of the site drainage system (employing/adapting the approach submitted with the application and drawing on Natural England advice).

Internal Council Advice

4.4 Traffic Manager –

- (a) Traffic/Highways -more information is sought with regard to traffic generation.
- (b) Public Rights of Way - No public right of way recorded on the current definitive map crosses any of the land on which it is proposed to erect polytunnels. However, it should be noted that people using the public rights of way in the area may feel that their enjoyment of these paths is affected by the proposal

4.5 Head of Community and Economic Development - no comments

4.6 Head of Environmental Health - no objection

4.7 Forward Planning Manager - It is considered that the advice of the Council's landscape officer along with the AONB management team are of significant importance as the main issue is in regards to the impact upon the landscape, which is protected through

a national designation recognising its outstanding natural beauty, and thus intrinsic qualities and character.

4.8 Conservation Manager: -

- (a) Building Conservation Officer - Although a building of some distinction, Pennoxstone Court itself is not listed. However the holding also extends as far as the church of St. John the Baptist, a C13 Grade I listed building whose churchyard wall plus a number of monuments are also listed Grade II in their own right.

St. John the Baptist, in common with many medieval churches, was deliberately sited in isolation in a commanding position and despite the development of Kings Caple, this setting has survived largely intact. The presence, even intermittently, of large expanses of polytunnels within 100m of the churchyard boundary will have a detrimental impact on the setting of the church.

(b) Landscape Officer - Pennoxstone Court lies approximately half a kilometre to the south-west of Kings Caple. There are three sites included in this application. Area 1, the largest area, comprises a group of fields on land that slopes down from Pennoxstone Court to the River Wye, area 2 comprises a group of fields to the north-west of Kings Caple and area 3 comprises a field to the east of Poulstone Court. All three sites fall within the Wye Valley Area of Outstanding Natural Beauty and an Area of Great Landscape Value. The fields above the floodplain within area 1, and the whole of areas 2 and 3 are described as Principal Settled Farmlands in Herefordshire Council's Landscape Character Assessment. The fields bordering the River Wye within area 1 are described as Riverside Meadows.

I note that in the Landscape and Visual Assessment prepared by Davies Light Associates, no reference is made to Herefordshire Council's Landscape Character Assessment, there is only reference to the character assessments 'The Character of England' by the Countryside Commission and 'An Assessment of the Area of Outstanding Natural Beauty' commissioned by The Countryside Commission and Countryside Council for Wales. This omission is unfortunate, because some relevant issues have not been addressed and also some of the landscape proposals set out in the Landscape and Visual Assessment are not in accordance with the management guidelines for Principal Settled Farmlands set out in Herefordshire Council's LCA. I will discuss these issues later in this report.

I have a query about the inclusion of the fields described as Riverside Meadows in the application site for area 1. It should be noted that Herefordshire Council's LCA does not support development within Riverside Meadows: 'Built development should be actively discouraged as it will always lead to a conflict with flood water as well as being contrary to the landscape character. Similarly, arable cropping not only leads to loss of landscape character but also to erosion and river pollution through silt and nitrate rich run off, particularly in flood conditions'.

I acknowledge that it appears that at the present time that there are no proposals to place polytunnels within the zone described as Riverside Meadows. This is stated in paragraph 7.1.1 of the Landscape and Visual Appraisal. However, given that the Riverside Meadows zone is included within the application site for area 1, I am concerned that if permission was granted for this application, then polytunnels could be erected in this zone in the future. This would be contrary to

the recommendations for the conservation of Riverside Meadows, set out in Herefordshire Council's LCA. From a landscape perspective, therefore, I would not support the inclusion of Riverside Meadows within the application site for area 1.

Visual Impact Assessment

I visited the site on 3rd November 2006 in order to assess the visual impact of the proposed development and to evaluate the findings of the Landscape and Visual Appraisal by Davies Light Associates. With regard to this Appraisal, I have considered first whether all the relevant viewpoints have been identified and secondly whether I agree with the assessment of the visual impact of the development.

With regard to area 1, I am in agreement with the general findings regarding views into the site. These are that there are views into the site from the north, south and west but not from the east, because of the topography of the area - the elevated ground on which Kings Caple is situated blocks views from the east.

However, with regard to middle distance views (which I define as 0.5 - 2km distance), a very significant viewpoint appears not to have been considered in the Landscape and Visual Appraisal. I found that there are panoramic views of areas 1, 2 and 3 from the northern section of footpath HN9. Footpath HN9 runs across the slope above Red Rail Farm. Neither this footpath, nor footpath HN12, that links HN9 and HN10, are shown on the Site Context or Visual Analysis drawings.

I am in agreement with the general findings regarding views into areas 2 and 3.

However, with regard to the section 'Visual and Sensory Qualities', I think that some of the discussion in the Appraisal has been framed in such a way as to downplay the visibility of the sites from both the western side of the River Wye corridor - the Hoarwithy and Red Rail area and from parts of Kings Caple. The first paragraph of section 4.0 'Visual and Sensory Qualities' reads: 'The landscape around the site is a complex mixture of use and scale, which is contained by undulating topography limiting the sensory experiences to an approximate 1km strip running from Sellack to Hoarwithy'. With regard to the general findings for all three sites, the discussion of the long, middle and close distance views is framed as 'views are restricted to' (My italics). These descriptions give the impression that there are only a limited number of viewpoints of the three sites and that the adverse impact of the polytunnels would affect only a small area of the Area of Outstanding Natural Beauty.

However, if the application site is considered in a wider context, for example, in the context of the county of Herefordshire, the fact is that the topographical position of the application sites, on rising ground on the eastern side of the river Wye, overlooked by the higher land on the western side of the river, means that these polytunnel sites are far more visible in the wider landscape, than polytunnels that are sited on much flatter areas in other parts of the county.

I do not concur with certain aspects of the assessment of the effects of the development upon the landscape character set out in the Landscape and Visual appraisal. In my view the most damaging aspect of the proposed development is the cumulative adverse visual impact of all three areas of polytunnels on the character of the Area of Outstanding Natural Beauty. The actual experience of

people who either live within the Kings Caple and Hoarwithy area or who are visiting this region, is that as they travel through the area, they will see one, two or all three areas of polytunnels from multiple viewpoints (both private and public viewpoints, in the case of local residents). I feel that the way in which the Landscape and Visual Appraisal is structured - looking at each area in turn, rather than all three areas together, means that the cumulative harmful impact of all three areas of polytunnels has not been not adequately addressed.

I do not feel that the issue of the impact of the polytunnels on the historic landscape character of the Kings Caple area has been give sufficient consideration. The historic pattern of hedgerows in the Kings Caple area is a key characteristic of the landscape type Principal Settled Farmlands. A comparison of the Tithe Map for Kings Caple (1839) with the current map of Kings Caple shows that relatively few hedgerows have been lost from the parish of Kings Caple. With regard to the application sites, it appears that two hedgerows have been lost from area 1, 7 hedgerows have been lost from area 2 and 3 hedgerows have been lost from area 3. This loss of hedgerows may have happened a long time ago - I am not suggesting that the applicant removed these hedgerows. The amalgamation of fields and resulting change to larger field compartments has already started to erode the character of Principal Settled Farmlands.

Paragraph 4.2.5: 'Landscape Scale' states that 'Impacts can increase as a result of developments being out of scale with their surrounding landscape. The Areas are consistent with the shape and size of surrounding field patterns'. This analysis ignores the fact that the process of erosion of the historic pattern of hedgerows has already begun, particularly in the case of areas 2 and 3, as detailed above. It is the case that the proposal is to site polytunnels within the field boundaries that remain. However, when polytunnels are erected in adjacent fields, if they are covered in plastic, then when viewed from a distance, the perception of the viewer is of a large mass of plastic coalescing across the group of fields. The scale of the individual fields is lost - it is the scale of the amalgamated mass of polytunnels that predominates. This erodes the historic character of the landscape, as defined by the pattern of hedgerows and this is detrimental to the Area of Outstanding Natural Beauty.

I feel that the deleterious effect of polytunnels in area 2 on the setting of the church at Kings Caple, St. John the Baptist Church, which is a listed building is not fully acknowledged in the Landscape and Visual Appraisal. Viewpoint 25, a close view from the rear of St. John the Baptist Church shows how the polytunnels detract to a high degree from the setting of the church.

Having considered the Landscape and Visual Appraisal together with the findings from my own site visits I concur with the first part of the conclusion of the Landscape And Visual Appraisal. This is that the proposed development has a high impact on the character of the AONB. However, I do not agree that the impact of polytunnels is 'very localised'. I would argue that the zone of visual influence is actually increased not 'reduced' by the local topography, as asserted in the Landscape and Visual Appraisal, if the impact of polytunnels on this particular application site is compared with the impact of polytunnels on much flatter areas of land elsewhere in Herefordshire. I reiterate that the most damaging aspect of the proposed development is the cumulative adverse visual impact of the three areas of polytunnels on the character of the Area of Outstanding Natural Beauty - this issue is omitted from the Visual Effects Conclusion in the Landscape and Visual Appraisal.

Landscape Proposals

With regard to planting to mitigate against the adverse visual impact, the topography of the Wye valley is again, a key factor - it will limit the efficacy of screening planting, because there are views both down onto and across the Wye valley to the three areas of polytunnels. The proposals for screening planting do not overcome my concerns about the adverse visual impact of the polytunnel sites on the AONB.

I am concerned that some elements of the landscape proposals are contrary to the management guidelines for Principal Settled Farmlands set out in Herefordshire Council's LCA and would also erode the historic character of the landscape. These elements are the belt of new native woodland planting in part of area 1, the small copses running through some of the fields in areas 1 and 2 and very high density hedgerow trees along the south-eastern and south-western boundaries of area 3.

These proposals are not appropriate for the landscape type Principal Settled Farmlands. The management guidelines for Principal Settled Farmlands state that 'New woodland should not be introduced as it is out of place and would compromise the landscape character'. I am concerned that planting small copses that run partway across fields would detract significantly from the historic pattern of field hedgerows. Planting dense lines of new hedgerow trees along field boundaries would also look artificial, given that the Herefordshire Council LCA emphasizes that 'scattered tree cover along hedgerows' is the characteristic tree cover pattern in Principal Settled Farmlands.

With regard to the proposed planting schedule for the woodland block, not all of the species selected are characteristic of Herefordshire, in particular, Lime, Aspen, Hornbeam and Birch. A mix more characteristic of Herefordshire would include Oak, Ash, Field Maple, Hawthorn, Hazel, Blackthorn, Holly and Dogwood.

Recommendation

From a landscape perspective, I could not support this application because in my view it would be contrary to Policies LA1: Areas of Outstanding Natural Beauty and LA2: Landscape character and areas least resilient to change of the emerging Unitary Development Plan and Policies C.4: AONB landscape protection, C.5: Development within AONB and Policy C.8: Development within AGLV of the South Herefordshire District Local Plan (1999). Accordingly I recommend that permission be refused for this development.

If, however, contrary to my recommendation, permission is granted for this application, then the planting proposals will require some revision in order to be acceptable.

- (c) Ecologist - I visited the sites and met with the applicant. I have also received the accompanying herpetological report by Davies Light Associates showing the presence of great crested newts in pond 2, adjacent to Pennoxstone Court. This report contains very little in the way of recommendations, and I am also concerned that other protected species issues were not addressed, in particular badger and otter, given the proximity to the River Wye. Having spoken with Natural England with regard to the great crested newts, and given the small size

of the population, I am satisfied that they will not be impacted upon by the farming operations. I am aware that this pond would not be in existence were it not for the irrigation operations associated with the polytunnels, but I would like to see some limited management around it to enhance its value for the newts. One of the willows could be removed with the wood used to make a woodpile to create new hibernacula for the newts. Drivers of farm vehicles along the nearby track should be made aware of their presence.

I also note the presence of traditional orchards on the site, a Herefordshire Biodiversity Action Plan habitat, and would like to see the retention and management of these conditioned.

The hedgerows on the farm have been left to grow tall to act as windbreaks, which also have benefits for wildlife - strengthening the wildlife corridors. I would recommend the use of native species should further windbreaks be required to be planted.

I shall await further information about the abstraction of water from the River Wye for trickle irrigation, and confirmation that the Environment Agency are satisfied that there will be no impact upon the status of the River Wye SAC and its qualifying features as a result of the abstraction.

If there are no further issues with regard to the SAC, my recommendation will be for approval with the inclusion of the following non-standard conditions:

"An appropriately qualified ecological consultant shall be engaged to conduct surveys for protected species (notably otter and badger) other than great crested newts, to devise a management plan for the wildlife enhancement of ponds 1 and 2, and to include a future monitoring programme for the great crested newts in pond 2, to be submitted to Herefordshire Council's ecologist.

The areas shown as orchards on the OS map (adjacent to pond 1) shall be retained and managed as traditional orchards."

Reasons:

To comply with Herefordshire Council's Policy NC1, NC5, NC6, NC7, NC8 and NC9 and HBA9.8 in relation to protected species and Nature Conservation and Biodiversity.

To comply with the Habitats Regulations 1994 with regard to implications for European sites (SACs).

- (d) Archaeologist - Having considered the currently available details of this proposal, and the currently available archaeological information relating to it, including the county Sites and Monuments Record (SMR). I have the following comments to make.

The application area is within the boundaries of the former Pennoxstone Landscape Park (SMR - HSM 31681). Particular historic features of interest in the locality include (for instance) delves, fishponds and other landscape features.

Also, the component parts of the application area are grouped around the significant and prominent complex of the church and castle sites at Kings Caple (SMR - HSM 6831 and 921).

These features, taken in combination with relevant others, indicate the sensitivity of the locality in terms of the historic environment resource. In my view, insufficient information has been submitted to enable a proper view to be taken of the impact of the proposal on that resource.

Accordingly, I would advise that prior to the determination of this application, the applicants should submit the results of an Archaeological Desk-Based Assessment (PPG 16 Section 20, adopted Local Plan Policy C33, draft UDP Policy ARCH1).

Following the submission of such an assessment, there may, depending on the results, be further archaeological issues or requirements.

5. Representations

5.1 The application is supported by a number of documents: -

- The agent's covering letter is attached as an Appendix
- Economic Assessment - This concludes that the soft fruit growing is crucial to the viability of the business, employment at the farm is 4 full-time and 120 casual/part-time, a substantial proportion of the workers income (some 325,000) is spent in the area, the business purchases some 1.3 million worth of goods and services annually supporting some 30 jobs of which 0.5 million and 15 jobs are in Herefordshire, the overall total contribution to the local economy is some 825,000 pa, and the viable operation ensures stewardship and management of the landscape.
- Design and Access Statement - This points out that the application is made as the intention is to have the tunnels in place for longer than two successive years, the tunnels are physically and functionally related to their agricultural use, the tunnels are temporary, they are of tubular steel with their legs wound into the ground to a depth of 0.6 to 2 m with their size varying but the width is 6.5 to 8 m and height 3 to 3.7 m, the tunnels are covered in clear plastic secured by rope, the polythene is in place for harvesting, up to six months in any year and usually April to November, the tunnels are designed to be moved easily, the plants require a period of cold weather, although the polythene is removed the frames can be left in place over winter and access to them is confined to able bodied agricultural workers.
- Landscape and Visual Appraisal - This provides a detailed appraisal with plans and photographs of the landscape and visual effects of the development. It concludes with regard to the landscape that there will be a high impact on the AONB, there will be no impacts on any SSSI, SAC or SIN, the compensatory enhancement measures offer a significant positive benefit, the tunnels reduce the need for pesticides and reduces the need for imports, the proposals incorporate management and enhancement of Herefordshire Farmlands which will benefit ecology and the landscaping will further screen the development. It concludes with regard to the visual effects that views of the tunnels are limited to a small visual envelope, the majority of the residential receptors are often at a slight elevation, long distance views are restricted, the views along the Wye Valley Walk are middle distance and filtered, the impact in the wider landscape varies and the landscaping will screen views of the tunnels.

- Drainage Appraisal - This considers the effect of the tunnels with regard to surface water runoff. It concludes that the tunnels will have no detrimental impact on drainage when compared to the alternative use, row crops, but it is important that the drainage system is actively managed.
- Ecology Survey. This concludes that a protected species, smooth and great crested newts, breed in a pond on the farm and that overall the use of the tunnels brings significant wildlife benefits not least through the landscaping and its maintenance and management.

5.2 Kings Caple Parish Council: -

The Parish Council support the application with the following two conditions:

The polytunnels are not less than 50 metres from any house.

The terms of the code of practice are adhered to excluding the clause relating to the two year maximum duration of polytunnels on that site.

The Parish Council kindly request that the above comments are taken into consideration for this application and that previous comments made and submitted to the Planning Department on 4th November, 2006 are no longer relevant to this application.

5.3 Ballingham, Bolstone and Hentland GPC -

We are mindful that this venture represents a substantial business employing a number of people but the proposed sites for polytunnels are within the Wye Valley AONB and it is our unanimous view that they constitute an unacceptable intrusion into the AONB. If permission were granted this would create a precedent for future developments. The proposals are contrary to both national and local planning guidance and the detrimental effect on housing and tourism within the area is enormous.

Our meeting to discuss the application drew one of the largest public gatherings at a Parish Council meeting and was almost unanimously against the proposals. There is no evidence that the economic arguments have been verified by an independent audit and my Council recommends that Herefordshire Council considers a survey into the economic effect on householders and businesses in tourism as we feel there is strong anecdotal evidence that this negates the arguments for such developments.

5.4 Sellack PC - Very oppressive to the eye when nearest the Hoarwithy Road, far too big and would be an eyesore

5.5 One hundred and fourteen letters of objection have been received. The grounds for these are as follows: -

- The proposal is contrary to Government Guidance and many of the policies of the Development Plan.
- The site is within an Area of Outstanding Natural Beauty, Area of Great Landscape Value, adjacent to a site of Special Scientific Interest (SSSI) and Candidate for Special Area of Conservation in Europe (cSAC). The development will cause significant harm to the area.
- Duty to insist on an Environmental Impact Assessment
- Due to the scale, location and topography it is virtually impossible to mitigate the damaging effect on the landscape
- Detrimental effect of siting polytunnels in the floodplain
- High levels of water run-off containing pesticides and fertilisers into water courses
- Permanent loss of habitat

- Local highway network is not capable of safely accommodating traffic generated by the proposal
- Adverse impact on users of the Public Rights of Way in the Area
- Adverse impact on, and the economy derived from tourism
- Noise nuisance from people working on site and equipment
- Large amount of waste plastic remains on site
- The process leads to soil destruction and soil erosion
- Use of large quantities of irrigation water
- It is contrary to the precedence of legal decisions
- There will be little work for local people but relies on poorly paid immigrant workers
- Workers are housed in a shanty town of old caravans
- Added strain on local infrastructure and services
- Object to the Council's Code of Practice
- A number of letters have been received from Wye Hill/Campaign for Polytunnel Control. These incorporate the above objections but also include detailed visual and policy assessments. Additionally they raise a number of legal issues
- No independent corroboration of the economic assessment

Fourteen letters of support have been received. The grounds for these are as follows: -

- Appreciate the importance of polytunnels to local farmers, employers and wealth creators to ensure the viability of their business
- Polytunnels are really no different from any other crop. They are not permanent structures; indeed they are uncovered for much of the year, and in any case move from field to field with crop rotation.
- Without a viable farming industry, the maintenance and husbandry of the countryside would be left to local government and ultimately taxpayer, with disastrous repercussions for employment and the biodiversity of our beautiful county.
- My job and that of many others depend on the tunnels being allowed to stay.
- Must appreciate that we do not buy the view along with our houses.
- Agriculture is an industry; those who cohabit with it should not expect better treatment than those who cohabit with any other industry.

5.6 Representations have been received from other organisations, as follows: -

Wye Valley AONB - express serious concern about the scale and landscape impact and that the application is contrary to policy.

Ramblers Association - Urge refusal as the site is within the AONB, AGLV and adjacent to an SSSI/SAC, the erection of the tunnels is contrary to Structure Plan policy and a halt shall be called to the desecration of the countryside.

CPRE Herefordshire - object for the reasons that it is contrary to national and local planning policy and there is an unacceptable impact on the landscape

Herefordshire Wye Valley AONB Society - object for the reasons that there will be a damaging effect on the landscape and the development is contrary to policy. Concern is raised with regard to environmental degradation through run-off, use of pesticides, destruction of soil and the consequences for wildlife. They consider there will be a negative impact on the local economy

Ross on Wye and District Civic Society - recognise the problems posed by polytunnels, acknowledge the economic case and suggest that permission could offer protection that the Code cannot. They do have strong reservations with regard to the monitoring of any permission, tunnels in one area for an indeterminate period could result in a permanent eyesore and it is difficult to see how screening will be effective in the future. They are not adamantly opposed to all polytunnels.

Wye Valley Tourism Association - urge refusal.

County Land and Business Association support the application. They point out it is a well established business supplying a high quality product, it is a land use rather than building development, the tunnels are a feature of the farming countryside, imports are reduced, less chemicals are used, the micro-climate is particularly suitable on this farm and strawberry production is a success story in Herefordshire.

National Farmers Union support the application. They point out that it is one of the largest employers in the area, the business benefits the local economy, the applicant has farmed the land since 1850 and the use keeps the farm economically viable.

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. Officer's Appraisal

- 6.1 In recent years the production of soft fruit in Herefordshire has considerably expanded. In conjunction with this has been a consequential increase in the use of polytunnels as a method of improving the crop yield and lengthening the season. The applicant states that there have been polytunnels at Pennoxstone Court for some 14 years.
- 6.2 In 2003, revised in 2004, the Council introduced a Code of Practice for the Temporary Agricultural Use of Poly tunnels. Under this the grower provides information on their intended poly tunnels to enable a determination to be made as to whether planning permission is required. Under the Code the grower is expected to comply with certain terms one of which is that the tunnels should be removed after two years and then not return for a further two years. The applicant has submitted a number of Checklists that detail the locations and the periods of time within his holding where poly tunnels would be located.
- 6.3 Recently following ongoing investigation it became apparent that within the holding there were poly tunnels in existence for in excess of the two-year period as provided for in the Code. In these circumstances it was concluded that planning permission was required. The applicant at that time declined to submit a planning application and in November 2005 an Enforcement Notice was served requiring removal of the poly tunnels. The Notice concerned an area some 7.5 hectares in extent and to the west of Pennoxstone Court. An appeal was lodged against this which is to be heard at a Public Inquiry in February 2007. Following further investigation other areas within the holding were identified where poly tunnels had existed for in excess of two years. The requirement for planning permission was discussed with the applicant who ultimately submitted this application.
- 6.4 The application therefore seeks permission for the erection of poly tunnels but with them to be rotated around the holding. Although submitted for the whole farm, which

is some 116 hectares, the application makes it clear that there is a requirement for coverage at any one time of 30 hectares but that this will be within an identified area of 67 hectares. The crops indicated to be grown within the ground are currently strawberries, raspberries and blueberries. The applicant suggests that conditions could be applied to any permission defining areas where polytunnels may or may not be located and with regard to the total area covered at any one time. The applicant does dispute that planning permission is required for (Spanish) polytunnels. Additionally it is suggested that a Lawful Development Certificate application for certain areas of the site will be submitted but to date one has not been received.

- 6.5 The application has been screened in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (as amended). The conclusion was that the development does not fall within one of the categories of development listed in Schedules 1 and 2 of the Regulations and consequently an Environmental Statement was not required.
- 6.6 The application should be determined in accordance with planning policy. National Policy is expressed in PPS7: Sustainable Development in Rural Areas, in which one of the governments stated objectives is to promote sustainable, diverse and adaptable agriculture sectors where farming achieves high environmental standards, minimising impact on natural resources, and manages valued landscapes and biodiversity; contributes both directly and indirectly to rural economic diversity; is itself competitive and profitable; and provides high quality products that the public wants. Regional Policy in the Spatial strategy reflects the national framework.
- 6.7 Local policy is expressed in the development plan. There are a large number of policies in both the current Local and Structure Plans and the forthcoming Unitary Development Plan that are relevant to the application. These are listed in Section 2 above. However I consider that the principle issue on which to focus is the impact of the development on the Wye Valley AONB. Whilst all current policy documents do include policies with regard to agriculture and particularly agricultural buildings (which is essentially the proposal) for which there is general encouragement, these policies do cross reference to landscape policies and the requirement to ensure that new buildings are not visually intrusive.
- 6.8 The most relevant policies with regard to the AONB are Structure Plan Policy CTC1, Local Plan Policy C5 and Unitary Development Plan Policy LA1. The UDP Policy was subject to a proposed amendment following acceptance of the Inspector's recommendation but there has been subsequently no further objection. The Policy can be given considerable weight in the determination of this proposal.
- 6.9 Policy LA1 (as modified) will read as follows: -

"Within the Malvern Hills and Wye Valley Areas of Outstanding Natural Beauty, priority will be given to the protection and enhancement of the natural beauty and amenity of the area in the national interest and in accordance with the relevant management plans.

Development will only be permitted where it is small scale, does not adversely affect the intrinsic natural beauty of the landscape and is necessary to facilitate the economic and social well being of the designated areas and their communities or can enhance the quality of the landscape or biodiversity.

Exceptions to this policy will only be permitted when all of the following have been demonstrated:

- (i) the development is of greater national interest than the purpose of the AONB;
- (ii) there is unlikely to be any adverse impact upon the local economy ;
- (iii) no alternative site is available, including outside of the AONB; and
- (iv) any detrimental effect upon the landscape, biodiversity and historic assets can be mitigated adequately and, where appropriate, compensatory measures provided.”

- 6.10 Council policy therefore places a paramount importance on the protection of the natural beauty of the AONB, which is of national importance. For this reason the policy is particularly restrictive and development should only be permitted when it meets the specific requirements of the policy. I will examine the proposal against Policy LA1.
- 6.11 The first policy issue is whether the development is small scale, but there is no specific further guidance on this. The basis of the application is that there is a minimum of 30 hectares coverage of polytunnels at any time. In my opinion this could not be considered to be a small-scale development.
- 6.12 The second issue is whether there is an adverse affect on the intrinsic natural beauty of the area. The application includes a detailed assessment by the applicant's landscape consultant (summarised in Section 5.1) and this issue has been assessed by the Landscape Officer (see Section 4.8). In addition one of the objectors has submitted a landscape assessment. Having considered this issue it is my opinion that the coverage of 30 hectares of land within a 90-hectare area although in three separate areas will have a significant impact. The site is clearly visible in the landscape particularly so from public viewpoints in Hoarwithy, Sellack and Kings Caple. In my opinion the development will have a significant adverse effect on the natural beauty of the AONB. I do not consider that the removal of the tunnels out of season, the use of conditions or the proposed mitigation would overcome this harm.
- 6.13 The third issue relates to the economic and social well being of the area. This is a difficult issue to assess. It is clear that the development provides employment and brings economic benefits to both the farm itself and the wider economy of the area. I do however have doubts as to whether the development is necessary for the economic and social wellbeing of the area.
- 6.14 The fourth issue is that of enhancement of the landscape and biodiversity. This has to a large degree been covered above. I consider that the enhancement of the landscape would be minimal particularly as the topography of the area militates against screening the development and that the landscaping proposals are not entirely appropriate. There will be some enhancement of biodiversity.
- 6.15 Policy LA1 does additionally allow for exceptions to be made to the general restriction on development but only in certain limited circumstances. With regard to the proposed development I do not consider that it is a national interest greater than the AONB, that there are no alternative sites outside of the AONB or that the suggested mitigation (landscaping and planting) will compensate for the harm to the AONB.

6.16 My conclusion is that the proposal is contrary to Policy LA1. The policies in the Local Plan (C5) and Structure Plan (CTC1) do only have slightly differences in their wording to Policy LA1. I would similarly conclude that the proposal is contrary to these policies.

6.17 There are a number of other issues.

With regard to traffic more information has been requested with regard to traffic generation in terms of vehicle types and number of trips. This information is awaited. However in its absence I would conclude that I am not satisfied that there would not be an unacceptable impact on the local highway network.

There are Listed Buildings in the immediate vicinity, the Stables at Pennoxstone Court and the Church of St John the Baptist. Whilst the polytunnels are in close proximity to the Stables they do not harm its setting. However with regard to the Church this is in a commanding position on elevated ground above an extensive area that would be used for polytunnels. I consider that the development would harm the setting of this Listed Building.

With regard to land drainage the Environment Agency having examined the submission appear generally satisfied that the proposal subject to conditions is acceptable. They do stress the importance of ensuring that there is no development in the flood plain, which the application acknowledges.

The Environment Agency are concerned with regard to water supply and possible effects on the River Wye. They request the submission of a water audit from which this impact can be assessed. The agent has confirmed that the water supply will as it is at present be taken from the River (the application form incorrectly states the main supply). In the absence of such information the Agency objection will stand.

6.18 I do not consider that there will be unacceptable harm to the amenity of any nearby residential property in terms of overbearing impact or overshadowing.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The site is located within the Wye Valley Area of Outstanding Natural Beauty and within an Area of Great Landscape Value. Having regard to Herefordshire Unitary Development Plan (Revised Deposit Draft) Policies LA1 and LA2, South Herefordshire District Local Plan Policies C4, C5 and C8, and Hereford and Worcester County Structure Plan Policies CTC1 and CTC2 the Local Planning Authority considers the proposal to be unacceptable. The proposed erection of polytunnels in the manner and extent proposed would result in harm to the landscape character of the area.**
- 2. The proposal includes the erection of polytunnels on land to the north of the Church of St John the Baptist, Kings Caple which is a Listed Building. Having regard to Herefordshire Unitary Development Plan (Revised Deposit Draft) Policy HBA4 and South Herefordshire District Local Plan Policy C29 the Local Planning Authority considers the development to be unacceptable. The erection of polytunnels on this land would harm the setting of a Listed Building.**

- 3. In the absence of full details of the likely traffic generation and having regard to Herefordshire Unitary Development Plan (Revised Deposit Draft) Policy DR3 and South Herefordshire District Local Plan Policy T3 the Local Planning Authority is not satisfied that the proposed development would not have a harmful impact on the local highway network.

- 4. In the absence of a Water Audit the Environment Agency objects to the proposed development. Having regard to Herefordshire Unitary Development Plan (Revised Deposit Draft) Policies DR6 and NC1 and South Herefordshire District Local Plan Policies C12A and C46 the Local Planning Authority is not satisfied that the development would not cause harm to the River Wye, a Site of Special Scientific Interest/Special Area of Conservation.

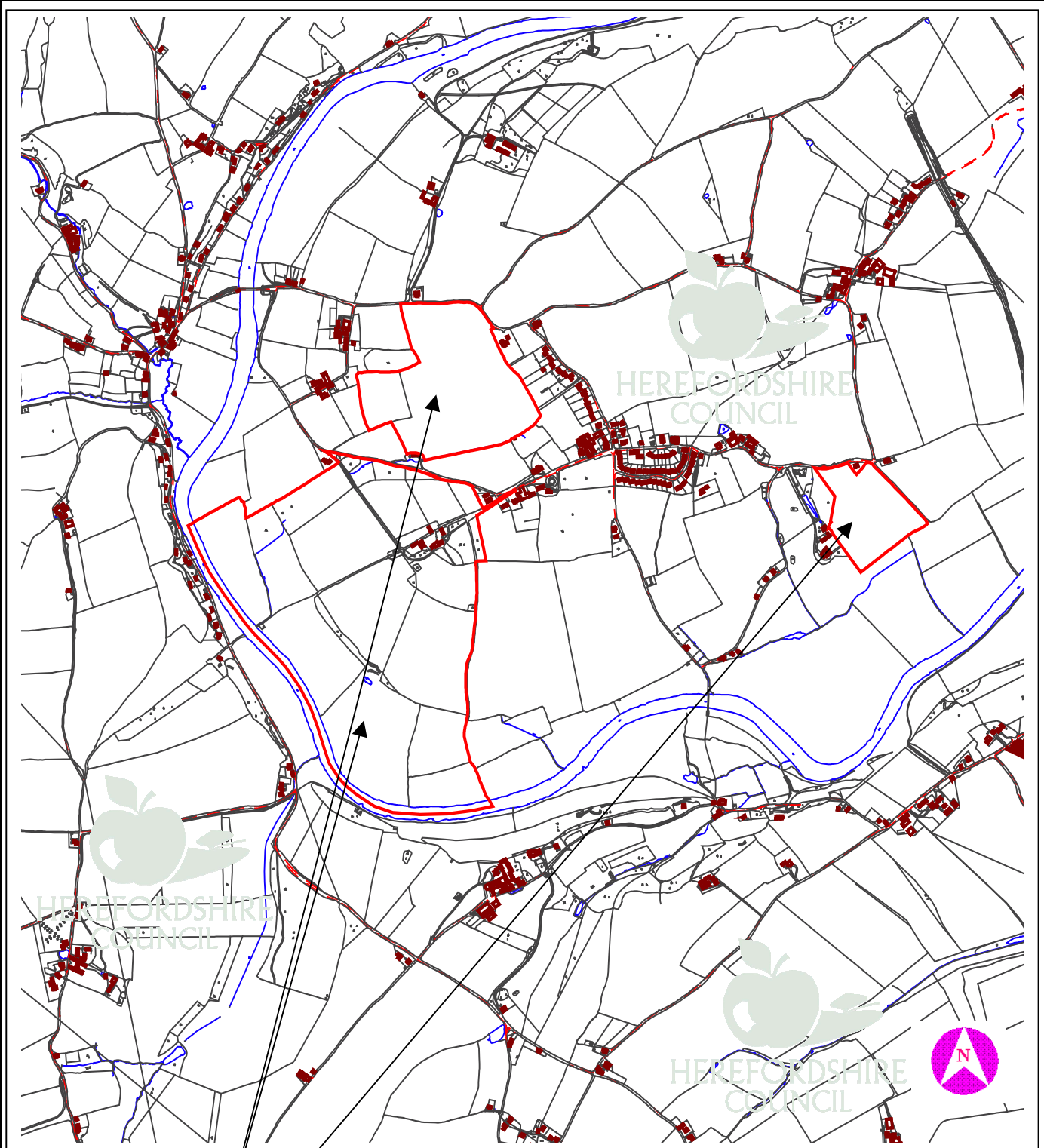
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCSE2006/3267/F

SCALE : 1 : 20004

SITE ADDRESS : Pennoxstone Court, Kings Caple, Herefordshire, HR1 4TX

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

SE06/3267/F12



20 Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW
Tel: 0115 852 8050 • Fax: 0115 852 8059
Email: office@antonyaspbury.co.uk
www.antonyaspbury.co.uk

The Development Control Manager
Environment Directorate
County of Herefordshire District Council
Southern Planning Service
PO Box 230
Blueschool House
Blueschool Street
Hereford HR1 2ZB

11 October 2006

Our Ref.: APA/COCKB/05/0548



Dear Sir

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED): PLANNING APPLICATION: ERECTION OF (SPANISH) POLYTUNNELS TO BE ROTATED AROUND FIELDS AS REQUIRED BY CROPS UNDER CULTIVATION: PENNOXSTONE COURT, KINGS CAPLE, HEREFORDSHIRE, HR1 4TX

Please find a planning application in respect of the above development. This letter contains additional information in support of the Application and should, accordingly, be treated as forming part thereof.

In addition to this letter, the duly completed planning application forms and ownership certificates the application material comprise:

1:10000 Ordnance Survey base Application Site Plan
Antony Aspbury Associates Limited: 'Economic Assessment'
JDIH (Water & Environmental) Limited: 'Drainage Appraisal'
Davies Light Associates: 'Landscape & Visual Appraisal'
Davies Light Associates: 'Ecological Assessment'
Design & Access Statement

This Application is submitted without prejudice to the Applicant's contention that planning permission is not in fact required for the erection of (Spanish) polytunnels for the purposes of agriculture operations as undertaken at the Application Site. You will be aware that there is a case before the High Court at the moment relating to the use of identical polytunnels for a similar soft-fruit growing enterprise at Tuesley Farm, Godalming, Surrey. Amongst other matters that the court is being asked to rule upon is the question as to whether this type of polytunnel, used in this way (see below), constitutes development requiring planning permission. This question may be settled one way or another, therefore, in the near future. In the meantime, this Application seeks to regularize the situation at Pennoxstone Court by reference to your Council's own position on the matter, that is, that tunnels that do not accord with the strict provisions of the Council's Code of Practice, constitute development requiring planning permission.

Re: Planning Application: Erection of (Spanish) Polytunnels: Pennoxstone Court, Kings Caple, Herefordshire, HR1 4TX

Based on that interpretation, the Council served an Enforcement Notice earlier this year in respect of certain polytunnels at Pennoxstone Court and was, apparently, minded to serve further notices in respect of other tunnel blocks. The Applicant appealed against the Notice that had been served and would have appealed against any other notices. By agreement of the parties, that Appeal has been placed in abeyance pending the outcome of this Application.

This Application is also submitted without prejudice to a separate application for a Certificate of Lawfulness for certain of the polytunnels on part of the Application Site that the Applicant intends to demonstrate have been erected for more than 4 years. This separate application will be submitted shortly.

The need for the instant Application arises because the Applicant wishes to erect and maintain tunnels in the same position for a period longer than that admitted by your Council's informal Code of Practice – currently two years. From a commercial and operational perspective this latter period is unduly restrictive as most soft fruit varieties crop for periods of more than two years, some fruits indeed cropping for a considerably longer period (see below). The Applicant wishes therefore to relate the rotation of the tunnels to the actual needs of the crop beneath them and not to the arbitrary two-year period set out in the Code of Practice. There are other advantages to the proposed arrangement, which will be discussed further below. In all other respects, the development the subject of the Application would accord fully with the terms of the Code of Practice.

This is a '*whole farm*' application seeking permission to locate polytunnels anywhere within the Application Site area for an indeterminate period. However, there are areas within the Application Site, such as the flood plain fields bordering the Wye (also the area subject to Policy LA2 – 'Landscapes Least Resilient to Change' – of the draft UDP [see below]), where it is neither operationally possible, nor desirable to site tunnels (and where, accordingly, tunnels have never been sited before). The Applicant is willing in principle, therefore, to agree with your Authority during the life of this Application to define areas where tunnels may, or may not be positioned and to secure that agreement through the medium of (a) suitably worded planning condition(s) and/or through a Planning Obligation. He is also willing in principle to agree to a planning condition setting a ceiling on the cumulative area, or proportion, of the Farm that is devoted to polytunnelling at any one time.

The farming operation at Pennoxstone Court is conducted on an area of some 100 hectares or thereabouts, of which some 81 hectares are owned by the Applicant (comprising a compact holding around Pennoxstone Court farmstead and extending to the banks of the River Wye) and the balance rented (currently in two separate blocks, one north west of Kings Caple village and the other, smaller, block, to the east of the Village). In the current state of UK agriculture Pennoxstone Court is considered to be a *small* farm, certainly in terms of traditional indigenous farming activities, and it would be incapable of supporting a viable agricultural enterprise without soft fruit growing element of the business. (In this context it should be noted that the whole of the *rented* areas have been recently or are being used for soft fruit growing).

Re: Planning Application: Erection of (Spanish) Polytunnels: Pennoxstone Court, Kings Caple, Herefordshire, HR1 4TX

In turn, given the stringent requirements of the soft fruit market in the UK, which is dominated by the national multiple supermarket chains, particularly in terms of the duration of the period over which supply needs to be assured and the quality of product demanded, the soft fruit enterprise would not be viable without the use of polytunnels (See 'Economic Assessment').

Some 30 hectares (30% of the farmed area) is used for soft fruit crops requiring regular seasonal polytunnelling at present, although not all of this area will be covered with sheeted tunnels at the same time during the season.

The balance of the farm is used for growing cereals (currently about 21.5 hectares), for cider orchards (currently 6 hectares), for grass (about 15.5 hectares) and for set aside. Soft fruit crops are, therefore, by far the most important crop by area cultivated, but they are also the most important by value to the farming enterprise. Thus, whilst occupying 30% of the farm area, these crops account for 90% of the annual turnover of the business. Capital investment in the polytunnels and related infrastructure amounts to over £0.5 millions.

The Applicant has been growing soft fruit under polytunnels at Pennoxstone Court for some 14 years, but the scale of the operation has increased significantly in the second half of that period in response to market conditions. There are four discrete areas (three within the freehold ownership and one within the rented block) where polytunnels have been sited for more than four years and these are the areas that will be the subject of the forthcoming separate application for a Certificate of Lawfulness.

Of the 30 hectares used for fruit growing, some 24 hectares are currently used for growing *strawberries*, 5 hectares for *raspberries* and 1 hectare for *blueberries*. This balance is not constant and depends entirely on the market, customer demand, soil conditions and crop needs. All soft-fruit growing at Pennoxstone Court takes place in the ground and there is no 'table top' growing undertaken. Varieties of strawberry grown on the farm typically require seasonal polytunnel coverage for *two to four years*, raspberries for *two to seven years* and blueberries for *in excess of ten years*.

It remains necessary to rotate crops (and therefore the tunnels that cover them for part of the year) for soil management reasons, but it is not possible to predict the precise pattern of rotation more than one season ahead, as this is fundamentally dependent on market demand (which will fluctuate both year on year and within the growing season) and on prevailing soil and plant conditions. Clearly the more seasons that tunnels are permitted to be sited in one particular place, without the need for rotation enforced by factors other than agricultural considerations, the less extensive the aggregate area required for a given level of production.

Leaving polytunnels in place for a period of years has a number of other advantages over and above the commercial and operational advantages. Thus, the drainage management system (as described in Drainage Appraisal prepared *JDIH (Water & Environmental) Limited*) can be developed to be at its most effective. This is highly beneficial to regulating water run off. Secondly, tree and shrub planting for the purposes of landscaping and screening can be planted and allowed to mature in a manner that maximises beneficial visual impact.



Re; Planning Application: Erection of (Spanish) Polytunnels: Pennoxstone Court, Kings Caple, Herefordshire, HR1 4TX

Thirdly, disturbance to neighbours associated with the repeated erection, taking down and transportation of tunnel components between sites is minimised. Finally, the reduction of the latter operations contributes to the achievement of sustainability objectives.

Under the terms of this Application the Applicant does not seek to introduce polytunnels into areas where they are not currently erected, or had not been erected in the past.

As already noted, a **Drainage Appraisal** has been undertaken by JDH Water & Environmental, a practice with extensive experience of the hydrological issues raised by the use of polytunnels and glasshouses. The Report that is enclosed as a supporting document for the Application concludes that the development the subject of this Application will not have any detrimental impact on drainage when compared to the likely alternative arable agricultural land use, the cultivation of row crops. It notes that it is important that the drainage system is actively managed, as is currently the case, to maintain low flow velocities in the leg row channels between the tunnels and to distribute water discharge over grassed and other vegetated areas.

It further observes that the siting of polytunnels and the drainage management associated therewith has contributed to the re-watering/maintenance of water levels in a number of watercourses and ponds, notably 'Pond No. 2', over the period April to September, leading to greater biodiversity and, in particular to a viable Smooth- and Great Crested Newt population in Pond No. 2. The use of polytunnels and the active drainage management associated therewith aims, amongst other things, to reduce flow velocities for run-off water, thereby reducing soil erosion. This has resulted in an improvement in the quality of water being discharged into the ponds and watercourses, including the valuable River Wye linier ecosystem, compared with the situation previously and to other types of modern arable farming.

The Applicant would be prepared to accede to the imposition of a suitably worded planning condition securing the continued operation of the current surface water management regime.

The Applicant has commissioned a **Landscape and Visual Assessment** from Davies Light Associates, Landscape Architects and Environmental Planners, a Practice that has extensive experience of working with polytunnel development. This Assessment examines the impact of the polytunnels the subject of this Application and proposes suitable mitigation where necessary. It has been prepared in accordance with the 'Guidelines for Landscape & Visual Assessment' produced by the Landscape Institute and the Institute of Environmental Management & Assessment 1988 and 2002. The Assessment particularly addresses the impact of the development the subject of this Application on the Wye Valley AONB, as well as on other landscape character designations applying to the area.

The Landscape & Visual Assessment concludes that the localised impact of polytunnels sited on the Pennoxstone Court farm on the AONB is high, although this impact is partially mitigated and the area affected is reduced by the local topography and by the presence of extensive areas of mature vegetation, including, woodlands, orchards and hedgerows.



Re: Planning Application: Erection of (Spanish) Polytunnels: Pennoxstone Court, Kings Caple, Herefordshire, HR1 4TX

The vegetation is a particularly significant contributor to screening and mitigation in this case because the tunnels are only covered with plastic sheeting during the seasons when the indigenous deciduous vegetation is 'in leaf'.

The Assessment recognises that the introduction of Spanish polytunnels is part of the evolving character of the agricultural landscape; that their visual impact tends to be localised (and can be further mitigated with landscaping); is felt most strongly only during that part of the year when they are covered with plastic; and, that such impact is not in any event permanent, as they are continually being removed and re-erected according to cropping cycles. Furthermore, the adverse visual impact needs to be weighed against the benefits of their use, such as the considerable wildlife benefits compared with conventional arable farming and the contribution they make to a sustainable, diverse and competitive agricultural sector which, amongst other things, provides for the long term stewardship of the countryside, including the AONB.

It proposes certain mitigation measures, to reduce the visual impact of the polytunnels, including the approval and implementation of a scheme of landscaping to augment and reinforce existing natural features and a 10-year Management Plan for the whole farm. As well as mitigating the landscape impact of the development, these measures will have a significant incidental positive benefit by replacing lost landscape features and sustaining existing ones, which importantly contribute towards the local distinctiveness and character of the area, as well as enhancing bio-diversity.

With this in mind, the Applicant is prepared to accede to the imposition of planning conditions securing the submission within a defined period from the date of the planning permission and the subsequent approval of: a scheme of landscaping; and, a Landscape Management Plan; and subsequent implementation of the landscaping in the first planting season after the approval of the scheme; and thereafter of the management plan;

Davies Light Associates have also undertaken an **Ecological Survey and Assessment** to identify the impact of the development the subject of this Application on wildlife and particularly on protected species.

This survey focussed particularly on the three ponds within the Application Site. Two of the ponds (Nos. 1 and 3) were noted to have a fish and frog populations, but one, Pond No. 2, which, it was noted, was dry until about four years ago and has been cleaned out and now accepts run-off water from the polytunnels, has a large population of Smooth Newts and a small population of Great Crested Newts. The assessment notes that the Common Frog, Smooth- and Great Crested Newts are all breeding within this pond, for which the renewed source of water from the polytunnels has created an aquatic habitat favourable to amphibians, including the GCN.

The Assessment notes that the retained woodland areas, the untrimmed hedgerows and the field margins utilised for the active drainage management of the Site all contribute to greater biodiversity. The augmentation of these features under the proffered landscaping scheme and the long-term management of the whole site under the proposed Management Plan will further enhance bio-diversity.



Re: Planning Application: Erection of (Spanish) Polytunnels: Pennoxstone Court, Kings Caple, Herefordshire, HR1 4TX

The Applicant has also commissioned an **Economic Assessment**. This addresses the economic issues underlying the Application and which constitute material planning considerations in this case.

In addition to the facts already recorded above in this letter, the Assessment notes that the agricultural business at Pennoxstone Court employs 4 full-time and 120 casual/part-time staff. Against a background of decline in agriculture and loss of agricultural employment in the UK generally and in Herefordshire in particular, the maintenance of four full-time jobs on this relatively small farm is significant. This is entirely due to the crucial role of the soft fruit-growing element in maintaining the viability and profitability of the overall farm business. Whilst the casual/part-time staff are recruited from overseas and return home at the end of the season, they nevertheless expend a substantial proportion of their income (some 65%), amounting to some £325,000 or thereabouts annually, in the area and this represents an important contribution to the sustenance of local services and facilities. It should be noted that all the part-time/casual staff are employed exclusively in the soft fruit-growing element of the Farm business and would not be there if that enterprise were not operating.

The Business purchases some £1.3 million worth of goods and services in the UK annually, supporting, it is estimated, some 30 full time jobs. Of this total, some £0.5 millions worth are purchased within Herefordshire and/or within a 20-mile radius of the Farm, helping to support some 15 jobs. The vast majority of this spending is connected with the soft fruit growing enterprise.

Adding the employee-spend to the purchase of goods and services by the Farm business in Herefordshire and environs produces a figure of some **£825,000** annually. This constitutes a very significant investment in the local economy.

Moreover, as already noted, the maintenance of a viable farming operation at Pennoxstone Court, which is wholly dependent on the soft fruit growing operation under polytunnels, ensures continuing stewardship and positive management of the agricultural landscape across the Farm. In addition to the environmental and amenity benefits arising from that stewardship, this constitutes a considerable *indirect* private financial investment in the maintenance of the countryside.

The Assessment also places the Pennoxstone Court Farm business and the development the subject of this Application in a wider economic context, describing the UK soft-fruit growing sector currently and how Spanish polytunnels now play a crucial role in the industry. This contextual commentary helps to clarify, explain and justify the development the subject of the Application.

Government guidance relevant to this case is contained in Planning Policy Statement 7 – 'Sustainable Development in Rural Areas'. The Government's objectives for rural areas set out at the beginning of the PPS include:

- (i) To raise the quality of life and the environment in rural areas through the promotion of:
- sustainable economic growth and diversification;



Re: Planning Application: Erection of (Spanish) Polytunnels: Pennoxstone Court, Kings Caple, Herefordshire, HR1 4TX

- good quality sustainable development that respects and, where possible, enhances local distinctiveness and the intrinsic qualities of the countryside;
- continued protection of the open countryside for the benefit of all, with the highest level of protection for our most valued landscapes and environmental resources;

-
- (iii) Promoting the development of the English regions by improving their economic performance so that all are able to reach their full potential – by developing competitive, diverse and thriving rural enterprises that provides a range of jobs and underpins strong economies.
 - (iv) To promote sustainable, diverse and adaptable agriculture sectors where farming achieves high environmental standards, minimising impact on natural resources and manages valued landscapes and biodiversity; contribute both directly and indirectly to rural economic diversity; is itself competitive and profitable; and provides high quality products that the public wants

The Application Proposals clearly accord with Clauses (i), (ii) and (iii) above.

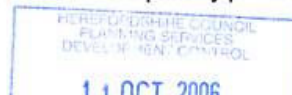
Paragraph 16 of the PPS states that when preparing policies for LDDs and determining planning applications for development in the countryside, local planning authorities should:

- (i) support development that delivers diverse and sustainable farming enterprises;
- (ii) support other countryside-based enterprises and activities which contribute to rural economies and/or promote recreation in and the enjoyment of the countryside;
- (iii) take account of the need to protect natural resources;
- (iv)
- (v) conserve specific features and sites of landscape, wildlife and historic or architectural value, in accordance with statutory designations.

In our submission the Application Proposals comply with the guidance in all the clauses in Paragraph 16 reproduced above.

Paragraph 27 of PPS7 is concerned with agricultural development and states that the Government recognises the important and varied roles of agriculture, including the maintenance and management of the countryside and most of our valued landscapes. It goes on to state that planning policies in RSS and LDDs should support development proposals that will enable farming and farmers to:

- (i) become more competitive, sustainable and environmentally friendly;
- (ii) adapt to new and changing markets;
- (iii) comply with changing legislation and associated guidance;
- (iv) diversify into new agricultural opportunities; or
- (v) broaden their operation to 'add value' to their primary produce.



Re: Planning Application: Erection of (Spanish) Polytunnels: Pennoxstone Court, Kings Caple, Herefordshire, HR1 4TX

This guidance is reflected in the Vision, Guiding Principles and Policies of the draft Herefordshire UDP (see below)

As the Economic Statement makes clear, the soft fruit operation at Pennoxstone Court provides the majority of its produce for UK supermarket, delivered predominantly via regional distribution depots operated by the retailers. The produce is packed on the farm, usually in the supermarkets' own branded packaging. Farming enterprises like Pennoxstone Court have contributed both to a broadening of the soft fruit market in the UK, to a longer season, to the production of crops that are both of a higher and a more consistent quality and to the substitution of UK produced fruit for foreign imports. Because much of the latter are transported very long distances, often by air (one of the least sustainable modes of transport), soft fruit grown in the UK is naturally more sustainable because it makes a major contribution to reducing food miles. The competitiveness of UK-produced soft fruit depends fundamentally on the use of Spanish polytunnels to compensate for climatic disadvantages.

The use of tunnels also reduces the need to spray with chemicals for disease-prevention reasons. The development the subject of the Application can, therefore, be seen to comply with clauses i), ii), iv) and v) of paragraph 27 of the PPS.

We turn now to a consideration of the provisions of the development plan. For the purposes of this exercise, in view of the advanced stage that it has reached, we have relied upon the provisions of the emerging Herefordshire Unitary Development Plan. At the time of preparation of the Application 'Proposed Modifications' consequent upon the report and recommendations of the Inspector who conducted the public local inquiry into objections to the Draft Plan are the subject of a public consultation exercise.

Before addressing specific policies in the draft plan we consider it to be appropriate to address the extent to which the development the subject of this Applications accords with the Vision, the Guiding Principles and the Strategy of the Plan.

The Vision set out in the emerging UDP (at Chapter 3) comprises three interlocking elements: the creation of **fair and thriving communities**; to properly **protect and enhance the environment** through sustainable development; and, to build a **strong, competitive and innovative economy** with a balanced mix of businesses, jobs and homes.

The soft-fruit growing operation-led mixed farming enterprise at Pennoxstone Court makes a strong contribution to all three elements of The Vision. *This enterprise would not, however, be feasible or viable without the polytunnels the subject of this Application and that development is, therefore, wholly consistent with them.*

Similarly the farming enterprise on the Application Site and the use of Spanish polytunnels that underpins it accords with 'Guiding Principles': P1; P5; P6; P7; P11; and P12.

So far as the UDP's underlying Development Strategy is concerned, the successful farming enterprise at Pennoxstone Court, fundamentally reliant as it is on the use of Spanish polytunnels makes a considerable contribution to 'Rural Regeneration' locally.



Re; Planning Application: Erection of (Spanish) Polytunnels: Pennoxstone Court, Kings Caple, Herefordshire, HR1 4TX

The relevant policies in the UDP to this Application are:

Policy S1 – 'Sustainable development'; S2 – 'Development requirements'; S4 – 'Employment'; S7 – 'Natural and historic heritage'; DR1 – 'Design'; DR4 – 'Environment'; DR7 – 'Flood risk'; E6 – 'Expansion of existing businesses'; E11 – 'Employment in the smaller settlements and open countryside'; E12 – 'Farm diversification'; E13 – 'Agricultural and forestry development'; S7 – 'Natural and historic heritage'; LA1 – 'Areas of Outstanding Natural Beauty'; LA2 – 'Landscape character and areas least resilient to change'; LA5 – 'Protection of trees, woodlands and hedgerows'; LA6 – 'Landscaping schemes'; NC1 – 'Biodiversity and development'; NC3 – 'Sites of national importance'; NC4 – 'Sites of local importance'; NC5 – 'European and nationally protected species'; and, NC8 – 'Habitat creation, restoration and enhancement.

You will be familiar with the detailed provisions of these policies and it is not, therefore, intended to rehearse them here. In the Applicant's submission there is either effective compliance with all of these policies, or, there is no material conflict with them. Support for this assertion is contained in the commentary set out above in this letter and in the other supporting documents.

It is accepted that the principal planning consideration in this case is the impact of the development on the Wye Valley Areas of Outstanding Natural Beauty (draft UDP Policy LA1). In this context, however, it is important to appreciate that, as you know, polytunnels have been erected on the Application Site for some considerable time, latterly with the explicit endorsement of the Council as 'permitted development' by virtue of their compliance with the Code of Practice, and that they could continue to be so erected, without the need for planning permission, providing they fell within the terms of the Code. This Application only arises because the Applicant wishes polytunnels to be erected for more than two seasons over the same crop. The issue is NOT, therefore, whether the tunnels should be permitted at all on the Application Site – they are already there lawfully - but whether their siting for more than two seasons in the same place would cause harm to interests of acknowledged importance and, specifically, would damage the amenity of the AONB. In the Applicant's submission, the duration of the stationing in one place of any polytunnel has no impact whatsoever on the amenity of the AONB. Refusal to allow the Application would merely result in the same number of polytunnels, covering the same aggregate area being rotated within the Application Site more frequently. For reasons already cited, it is considered that this would be more intrusive within and harmful to the AONB.

Notwithstanding this submission, it is contended that the Application Proposal complies with Policy LA1 of the emerging UDP because, in the context of the AONB as a whole, and even of that part of the of the AONB that forms the visual envelope around the Application Site, the Application Proposals amount to 'small scale development'. Furthermore, the polytunnels, although visible to varying degrees from surrounding public viewpoints, do not adversely affect the intrinsic natural beauty of the of the landscape, whilst their impact is reduced by the seasonal nature of their erection and covering and can be satisfactorily mitigated by landscaping. In addition, they clearly meet local economic needs.



Re; Planning Application: Erection of (Spanish) Polytunnels: Pennoxstone Court, Kings Cagle, Herefordshire, HR1 4TX

Finally, although the tunnels in themselves cannot be said to enhance the quality of the landscape or biodiversity, the farming and management regime associated with them does, by conserving, enhancing and restoring important natural landscape and wildlife features.

In conclusion, we turn to the issue of planning conditions. In addition to those planning conditions already discussed above, the Applicant is content to accede to reasonable planning conditions securing the terms of the Code of Practice, other than that relating to the period which tunnels are erected. These include: minimum standoff distances from adjacent dwelling houses; removal from the frames and unobtrusive storage of polythene for that part of the year (not less than 6 months) when not required to protect crops; polytunnels to be fully dismantled and removed at the end of a cropping period when their use for agricultural purpose is no longer required; removal and recycling of waste polythene etc..

We are pleased therefore, to commend this Planning Application to you and look forward to an early grant of planning permission, subject to such reasonable conditions as you consider to be appropriate, including those suggested in this letter.

In the meantime, should you require any further information, or to discuss the Application at greater length, please do not hesitate to contact the writer.

Yours faithfully,



ANTONY P. ASPBURY
Director

(Direct e-mail: tony@antonyaspbury.co.uk)



Encs.

7 DCSE2006/3181/F - PROPOSED TWO STOREY EXTENSION AT PRIMROSE COTTAGE, UPTON BISHOP, NR. ROSS-ON-WYE, HEREFORDSHIRE, HR9 7QP.

For: Mr. & Mrs. G. Monk per Mr. T. Margrett, Green Cottage, Hope Mansel, Ross-on-Wye, Herefordshire HR9 5TJ.

Date Received: 2nd October, 2006 Ward: Old Gore Grid Ref: 63732, 27406

Expiry Date: 27th November, 2006

Local Member: Councillor J.W. Edwards

1. Site Description and Proposal

- 1.1 Primrose Cottage is a stone cottage under a slate roof with a single storey lean-to addition on the rear, located on the south side of the B4224. Ash Grove, a bungalow that is at a higher level, is to the south, and Heatherfield is further along the B4224 towards Upton Bishop. A 2-metre high vertical boarded fence stained a green colour runs along the frontage with the B4224 and along the northwest boundary. There is a hedgerow along the boundary with Ash Grove. The site is located in open countryside.
- 1.2 This application proposes to increase the depth the lean-to addition at the rear of Primrose Cottage by 2metres to accommodate a kitchen and living room, and a bathroom and a bedroom over the living room. The extension will have a render finish to walls and a slate roof.

2. Policies

2.1 Planning Policy Statement

PPS1 - Delivering Sustainable Development

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy DR1 - Design
 Policy H7 - Housing in the Countryside Outside Settlements
 Policy H18 - Alterations and Extensions

2.3 South Herefordshire District Local Plan

Policy GD.1 - General Development Criteria
 Policy SH23 - Extensions to Dwellings

2.4 Hereford and Worcester County Structure Plan

Policy H16A - Housing in Rural Areas Development Criteria
 Policy H20 - Residential Development in Open Countryside
 Policy CTC9 - Development Criteria

3. Planning History

- 3.1 SE1999/2779/F Single storey extension to form kitchen/bedroom - Refused 23.11.99
- SE2001/2270/F Change of use from vehicle repair to domestic garden including the demolition of vehicle repair workshop and erection of domestic shed and summerhouse - Approved 29.10.01

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultation required.

Internal Council Advice

- 4.2 Traffic Manager has no objection.

5. Representations

- 5.1 Upton Bishop Parish Council: Concerns were raised regarding the windows that may overlook the neighbouring bungalow.

- 5.2 Letter of objection has been received from

Mr J Rogers, Ash Grove, Upton Bishop, Ross-on-Wye

Serious concern on the bulk of the extension at first floor and roof level as it impacts upon the visual amenity from my property.

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

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. Officer's Appraisal

- 6.1 The application has been amended from the original proposal to a scheme that allows the size of the original dwelling to remain dominant. The original scheme proposed an extension that doubled the size of the original building so that became an over-dominant addition to this small cottage. The ridge height of the extension is lower than the ridgeline of the main building and the extension has been reduced in size and scale. This enables the extension to be visually subordinate and not over dominant when viewed from either the B4224 or from Ash Grove.
- 6.2 The extension has been designed so as not to unneighbourly in that it will not harm existing amenities with regard to privacy, there are no windows in the elevation facing Ash Grove, or overshadowing.

6.3 While, it is acknowledged there is a pleasant view from Ash Grove across Primrose Cottage towards open farmland on the opposite of the B4224; there is “no right” to this view. It is not the purpose of the planning system to protect or safeguard this view for the continued benefit of the neighbour. Given that Primrose Cottage is at a lower level to Ash Grove it is not considered the size and scale of the proposed extension would cause a significant unacceptable change of outlook from the neighbouring property.

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.

INFORMATIVES:

1 N19 - Avoidance of doubt

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

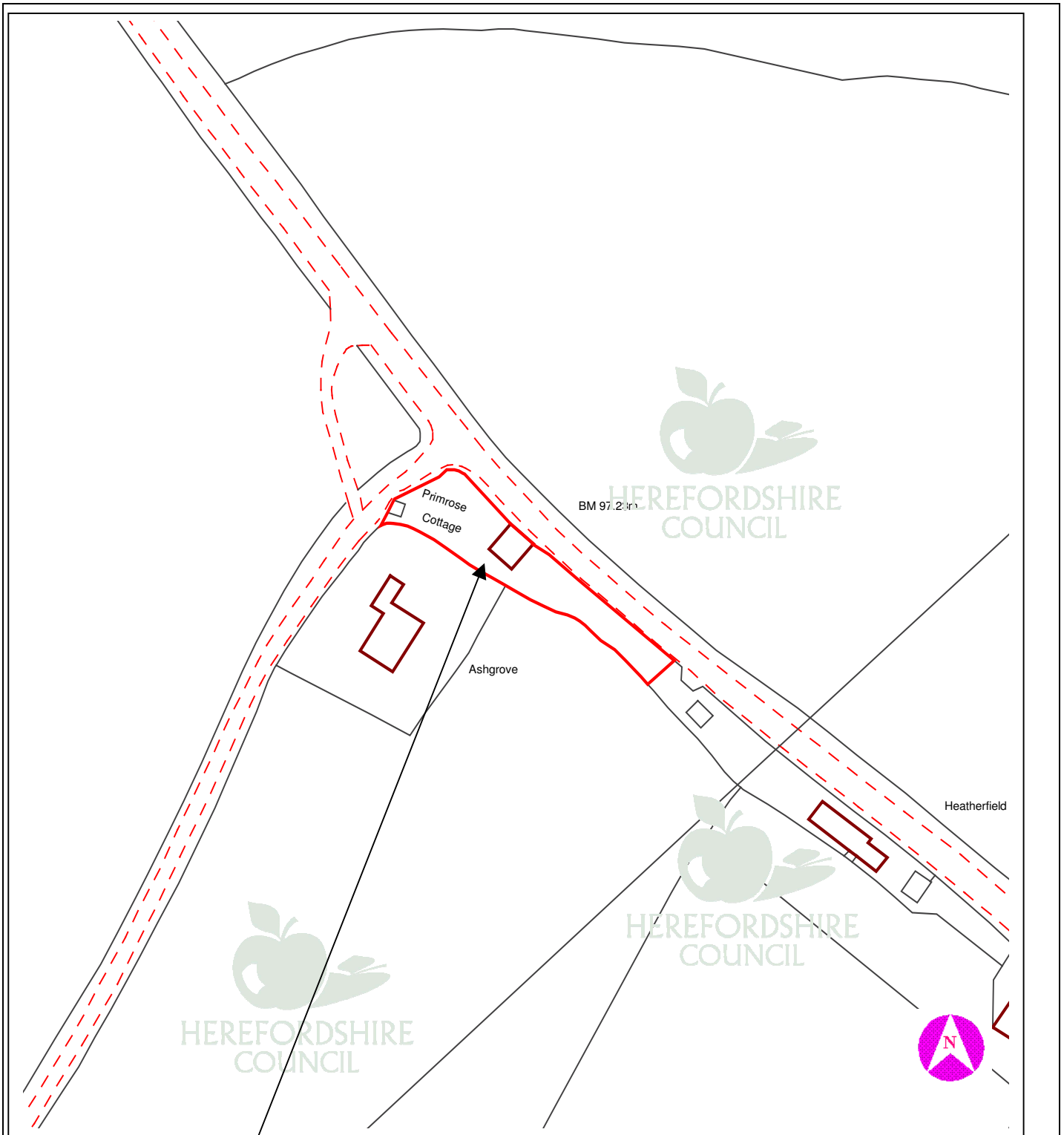
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCSE2006/3181/F

SCALE : 1 : 1250

SITE ADDRESS : Primrose Cottage, Upton Bishop, Nr. Ross-on-Wye, Herefordshire, HR9 7QP

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

8 DCSE2006/3551/F - TWO STOREY EXTENSION AND SINGLE STOREY EXTENSION AT FIRST FLOOR LEVEL TO EXISTING COTTAGE. AMENDMENTS OF PREVIOUSLY APPROVED APPLICATION SE2006/0269/F (RETROSPECTIVE APPLICATION) AT GREENWAY COTTAGE, GLEWSTONE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6AT.

For: Mrs. S. Taylor per B.S. Technical Services, The Granary Studio, Lower House, Bryngwyn, Nr Raglan, NP15 2BL.

Date Received: 8th November, 2006 Ward: Llangarron Grid Ref: 55968, 22406

Expiry Date: 3rd January, 2007

Local Member: Councillor Mrs. J.A. Hyde

1. Site Description and Proposal

- 1.1 Greenway Cottage, formerly 2 cottages, is located on the east side of, and at right angles to the unclassified 71015. Greenway Bungalow is to the northeast. The site is located in open countryside and within the Wye Valley Area of Outstanding Natural Beauty.
- 1.2 Planning permission was granted on 23 March 2006 (DCSE2006/0269/F) for a 2-storey extension to the east elevation that provides a dining room, kitchen, pantry, WC and utility room on the ground floor with bedroom and en-suite bathroom, and a bathroom over. It was also proposed to extend over a single storey addition on the west elevation that would provide a dressing with en-suite bathroom. The approved scheme indicated the ridge height of the extensions would be 200mm or thereabouts below the height of the cottage.
- 1.3 Subsequently, it was brought to the attention of Officers that the development had not been implemented in accordance with the approved plans. This application is necessary to allow consideration to those areas of the extensions that have not been built in accordance with the approved scheme.
- 1.4 Specifically, the development as built differs from the approved plan as follows:
- The ridge height of the extension exceeds that of the original by about 200mm so that they are now the same height as the cottage;
 - 3 additional rooflights have been constructed in the north elevation;
 - Additional window has been inserted in the north elevation at ground floor to the utility;
 - Profile of the roof to a single storey addition on the north elevation has been changed to incorporate a shallow sloping roof; and
 - Stone quoins to the north elevation have been omitted.

2. Policies

2.1 Planning Policy Guidance and Statements

PPS1	-	Delivering Sustainable Development
PPS7	-	Sustainable Development in Rural Areas
PPG18	-	Enforcing Planning Control

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S2	-	Development Requirements
Policy S7	-	Natural and Historic Heritage
Policy DR1	-	Design
Policy H7	-	Housing in the Countryside Outside Settlements
Policy H18	-	Alterations and Extensions
Policy LA1	-	Areas of Outstanding Natural Beauty

2.3 South Herefordshire District Local Plan

Policy GD1	-	General Development Criteria
Policy C5	-	Development within Area of Outstanding natural Beauty;
Policy C6	-	Landscape and Area of Outstanding Natural Beauty
Policy SH23	-	Extensions to dwellings

2.4 Hereford and Worcester County Structure Plan

Policy H16A	-	Housing in Rural Areas Development Criteria
Policy H20	-	Residential Development in Open Countryside
Policy CTC1	-	Development within Areas of Outstanding Natural Beauty
Policy CTC9	-	Development Criteria

3. Planning History

- 3.1 DCSE2003/3395/F 2-storey extension - Approved 06.01.04
- DCSE2006/0269/F 2-storey and single storey extension - Approved 23.03.06

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Traffic Manager has no objection to the grant of permission.

5. Representations

- 5.1 Marstow Parish Council - no reply received.

5.2 Letter of objection received from Mr and Mrs M Wigmore, Greenway Bungalow, Glewstone:

- The height of the roof on the extension. There is no distinction between the old roof height and new roof as there should be
- The inclusion of a ground floor window on the north elevation overlooks our property and intrudes on privacy
- No quoins on north side elevation
- No stone facing on north side elevation. No allowance has been made to stone face the north side elevation on the increased height of building on old part of the cottage. Presumably they plan this to be render which will be out of keeping with the character of the original cottage and will look very unsightly

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. Officer's Appraisal

6.1 Planning permission has been granted to extend Greenway Cottage, DCSE2006/0269/F refers. This application arises as a result of discrepancies between the approved scheme and what has been built. In determining the application the key planning policy criterion are contained within policy H18 of the emerging Unitary Development Plan. This states:

"Proposals for the alteration or extension of dwellings or for buildings incidental to the enjoyment of a dwelling will be permitted where:

- The original building (that is, at 1 July 1948, or as originally built if constructed later than this date, and not including any subsequent extensions) would remain the dominant feature;
- The proposal is in keeping with the character of the existing dwelling and its surroundings in terms of scale, mass, siting, detailed design and materials;
- The proposal would not be cramped on its plot, including having regard to provision of suitable private amenity space, and would not adversely impact on the privacy and amenity of neighbouring residential property; and
- The level of resulting off street parking provision is in accordance with policy H16."

6.2 Planning permission DCSE2006/0269/F was subject of negotiation, which saw the extension on the eastern end of the cottage being re-designed by deleting a projecting gable so that it would not dominate the scale and massing of the original cottage.

6.3 The extensions as built, specifically the increase in height, has resulted in a long narrow cottage. In considering applications for extensions to dwellings it is normal to require the ridge height of the extension to be set lower than the ridge height of the existing dwelling, so that the extension will be subordinate to the scale of the existing building. Although, this was shown on the approved plan the development has not proceeded in accordance with the approved scheme. The increase in height of the extensions by some 200mm has had an affect on the original building in that it does not allow the original building to be identified. However, it is not considered this increase in height is so significant to refuse this application. Also, the additional rooflights, alteration to roof plane and omission of the stone quoins do not cause significant harm the character of the original building or to the locality as a whole.

Further, it is not considered it would be expedient to take enforcement action to require the unauthorised development to be removed and the extension to be reconstructed in accordance with the approved plans in that it does not cause harm to the amenity of the area.

6.4 The additional window that has been constructed in the north elevation overlooks the neighbours front garden, which can cause nuisance. Given the window is to a utility room and in order to protect the amenity of the neighbour from overlooking it would not be unreasonable to require the window to be non-opening and obscure glazed.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 Within 2 months of the date of this permission the windows in the north elevation to the bathroom, en-suite bathroom and utility room shall be obscure glazed and non-opening and thereafter maintained.**

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

INFORMATIVES:

- 1 N19 - Avoidance of doubt**
- 2 N15 - Reason(s) for the Grant of Planning Permission**

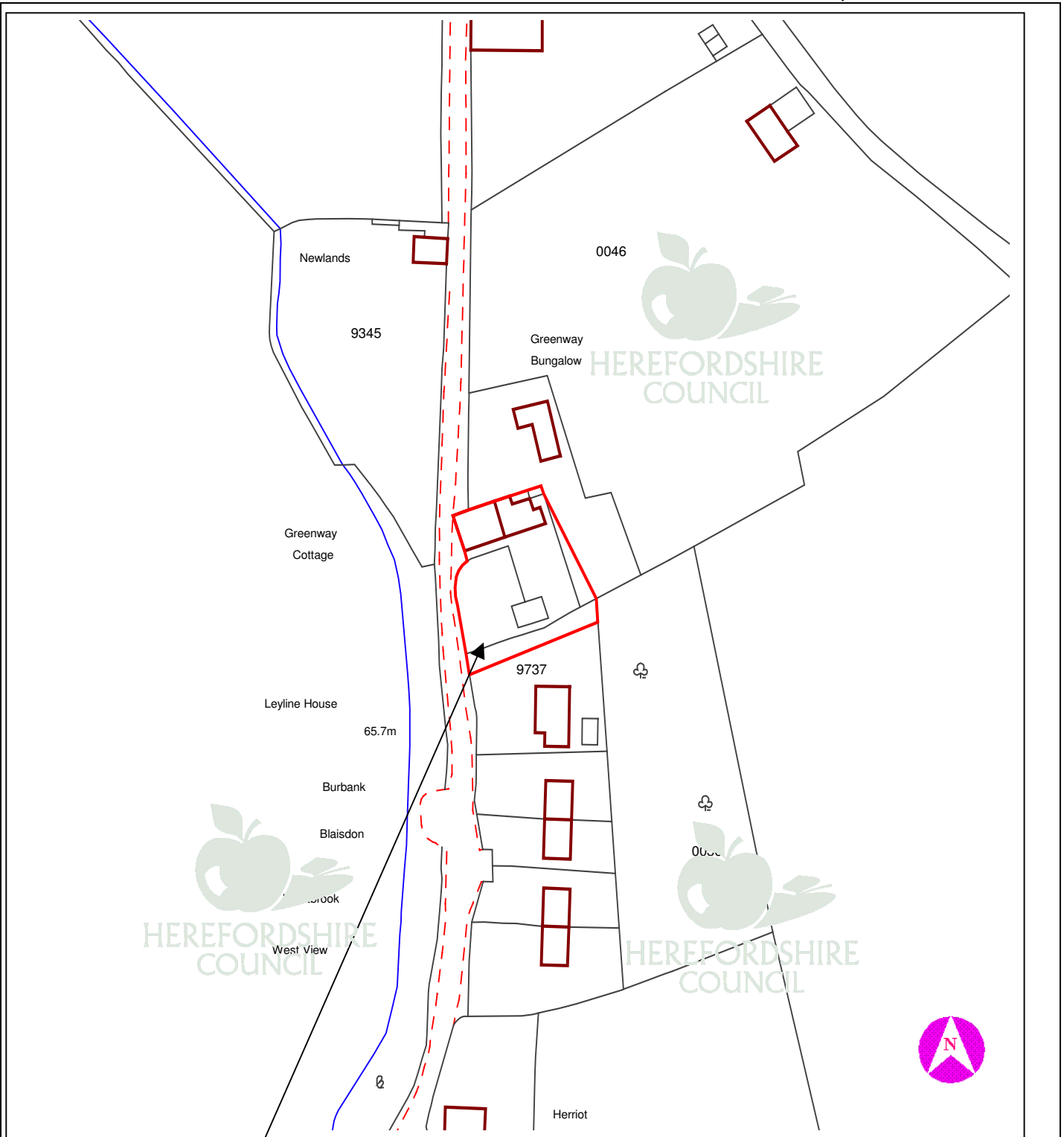
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCSE2006/3551/F

SCALE : 1 : 1250

SITE ADDRESS : Greenway Cottage, Glewstone, Ross-on-Wye, Herefordshire, HR9 6AT

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

**9 DCSW2006/3297/F - FIRST FLOOR EXTENSION,
HAREWOOD COTTAGE, HAREWOOD END,
HEREFORD, HEREFORDSHIRE, HR2 8JT.**

**For: Mr. & Mrs. B. Holland per Mr. A. Last, Brookside
Cottage, Knapton Green, Herefordshire, HR4 8ER.**

Date Received: 13th October, 2006

Ward: Pontrilas

Grid Ref: 52941, 26931

Expiry Date: 8th December, 2006

Local Member: Councillor G.W. Davis

1. Site Description and Proposal

- 1.1 The proposal site is reached off the northern side of the A49(T) road at Harewood Inn. The Harewood Inn is immediately to the north-west separated from the application site by an unadopted track that serves Harewood Cottage and further to the north-east is a workshop.
- 1.2 Harewood Cottage has previously been extended with a two-storey extension to the rear providing a master bedroom and en-suite bathroom. A dormer extension was also approved as part of this 1992 planning permission. The dormer faces the A49(T) road. A proposal to extend the building by increasing the ridge height on a single-storey element on the south-eastern side and by extending rearward was refused and then the subject of an appeal which was dismissed in 2004. The Inspector considered that the existing balance between original cottage as viewed from the A49(T) and the new extension would harm the overall character and appearance of the building.
- 1.3 The current proposal entails increasing the pitch of the concrete tiled roof on the roadside elevation (i.e. facing the A49(T) and then erecting a dormer window into this new roof larger than the existing off-centred one. The new roof will then continue into a new roof over a first floor addition over the existing living room. A balcony is proposed on the rear elevation, it projects out 800mm and is 3.3 metres wide.

2. Policies

2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy DR.1	-	Design
Policy H.18	-	Alterations and Extensions
Policy LA.1	-	Areas of Outstanding Natural Beauty

2.2 South Herefordshire District Local Plan

Policy GD.1	-	General Development Criteria
Policy C.5	-	Development within Area of Outstanding Natural Beauty
Policy SH.23	-	Extensions to Dwellings

3. Planning History

- 3.1 SH920993PF Two-storey extension and dormer window - Approved 26.08.92
- SW2003/1392/F First floor extension - Refused 03.07.03
Dismissed on Appeal
29.04.04

4. Consultation Summary

Statutory Consultations

- 4.1 The Highways Agency has no objection.

Internal Council Advice

- 4.2 The Public Rights of Way Manager has no objections.

5. Representations

- 5.1 Harewood Parish Council has no objections.
- 5.2 Pencoyd Parish Council also has no objections.
- 5.3 Two letters of representation have been received from:

Mr. B.E. Bennett, 5 Woodfield, Harewood End, HR2 8JT
Y. & G. Meek, Badger's Wood, Harewood End, HR2 8JT

The following main points are raised:

- extended enough
- extension also likely to affect bridleway
- path already affected by detergent and grease from fork lift repair garage
- shared cesspit blocked up, given number by guests, employees, king size bath installed
- no more sinks, toilets, showers or baths
- balcony would infringe upon our privacy.

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. Officer's Appraisal

- 6.1 The main issues relate to the principle of extending the dwelling further and with particular reference to the appeal decision relating to the previously submitted scheme, issues raised relating to foul drainage matters and lastly the introduction of a balcony on the rear extension of the first floor addition.
- 6.2 The Inspector was concerned with the relationship of the extension to the existing cottage when dismissing the appeal two years ago. It was taller and projected further south, i.e. towards the trunk road than as currently proposed. The extension was a

two-storey extension which was only marginally lower than the ridge on the existing cottage. Not only did the extension proposed then compete with the main dwelling it also overwhelmed the existing and original element, the cottage to this extensively extended rendered dwelling. The current application does not extend the footprint of the building, as previously and also the bulk of the extension has been reduced particularly when viewed, and as stated by the Inspector, from the trunk road. The original dwelling still remains the dominant element when viewed from the trunk road, as required by planning policy in the South Herefordshire District Local Plan and Unitary Development Plan.

- 6.3 The issues raised by residents relating to foul drainage are matters that strictly fall outside the remit of the determination of this particular planning application. They are matters between the two parties.
- 6.4 The final issue is one relating to the installation of a balcony to the rear of the first floor addition above the living room. This balcony is not visible from view from the A49(T) trunk. This structure is identical to one that was dealt with by the local planning authority and subsequently by the planning inspectorate when determining the previously submitted scheme. There is an established hedgerow of between 3 to 4 metres between the proposal site and Badger’s Wood. This screen between the two properties will continue to provide privacy for residents at Badger’s Wood. Also, there are restricted opportunities for overlooking, given the projection of the balcony out from the rear wall of the proposed extension.

RECOMMENDATION

That planning permission be granted subject to the following condition:

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

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

Informative(s):

- 1. **N19 - Avoidance of doubt**
- 2. **N15 - Reason(s) for the Grant of Planning Permission**

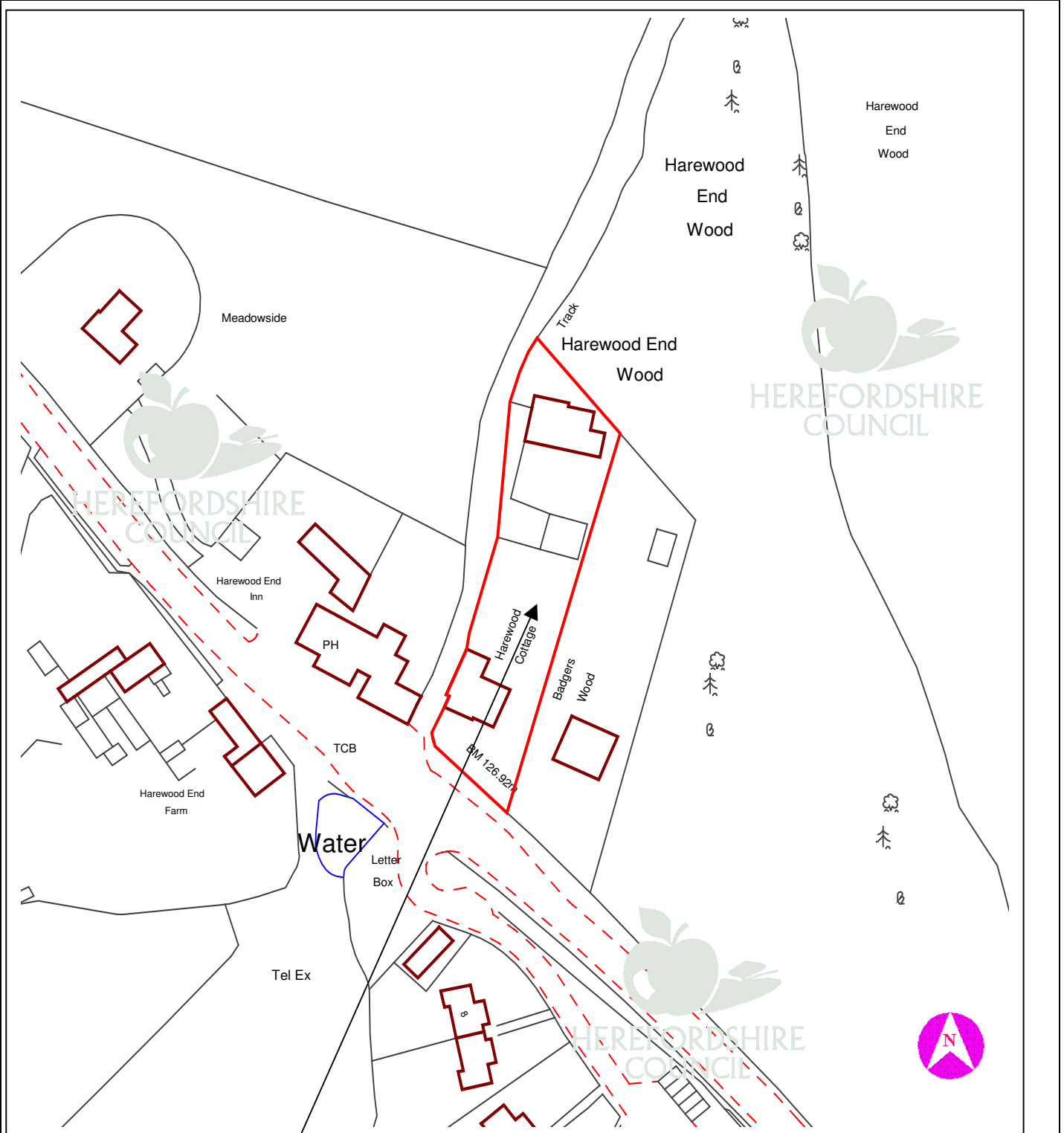
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCSW2006/3297/F

SCALE : 1 : 1250

SITE ADDRESS : Harewood Cottage, Harewood End, Hereford, Herefordshire, HR2 8JT

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

10 DCSW2006/3486/F - HOUSING REDEVELOPMENT TO REPLACE 27 POST WAR CONCRETE FRAME PUBLIC SECTOR HOUSES WITH 27 NEW HOUSES CONSTRUCTED FROM TIMBER FRAMES CLAD IN BRICK, WITH ASSOCIATED NEW ROADWORKS AND MODIFICATIONS TO EXISTING PRIVATE PEDESTRIAN PATHS, ARCHENFIELD, MADLEY, HEREFORDSHIRE, HR2 9NS.

For: Herefordshire Housing Ltd per DJD Architects, 2 St. Oswalds Road, Worcester, WR1 1HZ.

Date Received: 1st November, 2006 Ward: Stoney Street Grid Ref: 41577, 38847

Expiry Date: 31st January, 2007

Local Member: Councillor D.C. Taylor

1. Site Description and Proposal

- 1.1 The application site comprises a former Council housing estate of 27 mostly two-storey dwellings on the western periphery of Madley with access onto the B4352. The existing housing stock is understood to be beyond reasonable economic cost given that the dwellings are of pre-fabricated construction. The scheme has been the subject of discussions with local residents. An earlier submitted scheme for 30 dwellings, i.e. 27 replacement dwellings together with three additional dwellings was withdrawn recently. The current scheme is for 27 dwellings comprising 2, 3 and 4 bedroom dwellings.
- 1.2 The current layout is served by one road that also provides access to 3 private dwellings on its western side. The proposal entails utilising this existing road which will be re-surfaced. It will have a new spur serving 11 of the 27 dwellings proposed on the site. This new estate road will also serve Paterson Close, which partly gains access at present onto this part of Archenfield.
- 1.3 A footpath runs approximately north to south along the eastern side of Archenfield at present. This unadopted footpath links Archenfield and this part of Madley to the recreational area and Tennis Club to the east.
- 1.4 The blocks of dwellings will be finished in red brick under a small interlocking concrete tile. There is provision for 16 car spaces on the site at present, this increases to 41 spaces. Provision has also been made for sheds for every dwelling in order that cycles, amongst other things, can be stored to the benefit of future occupants. The dwellings have either lean-to canopy roofed porches or gable fronted porches. The ridge heights will vary given that the 3 bedroom units are 1.2 metres wider than the 2 bedroom units. The blocks of terraced dwellings are also staggered slightly.

2. Policies

2.1 Supplementary Planning Guidance

Design and Development Requirements

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S.1	-	Sustainable Development
Policy S.2	-	Development Requirements
Policy S.3	-	Housing
Policy S.8	-	Recreation, Sport and Tourism Development
Policy DR.1	-	Design
Policy DR.2	-	Land Use and Activity
Policy DR.3	-	Movement
Policy DR.5	-	Planning Obligations
Policy LA.3	-	Setting of Settlements
Policy H.1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H.9	-	Affordable Housing
Policy H.13	-	Sustainable Residential Design
Policy H.14	-	Re-using Previously Developed Land and Buildings
Policy H.15	-	Density
Policy H.16	-	Car Parking
Policy H.19	-	Open Space Requirements
Policy T.6	-	Walking
Policy T.7	-	Cycling
Policy T.11	-	Parking Provision
Policy RST.4	-	Safeguarding Existing Open Space

2.3 South Herefordshire District Local Plan

Policy GD.1	-	General Development Criteria
Policy C.2	-	Settlement Boundaries
Policy SH.13	-	Affordable Housing in/adjacent to Settlements
Policy SH.14	-	Siting and Design of Buildings
Policy SH.15	-	Criteria for New Housing Schemes
Policy R.3A	-	Development and Open Space Targets, 10 dwellings and over
Policy R.3C	-	Calculation of Open Space
Policy R.3D	-	Commuted Payments
Policy R.4	-	Protection of Recreation Land and Public Open Space
Policy T.1A	-	Environmental Sustainability and Transport
Policy T.3	-	Highway Safety Requirements
Policy T.4	-	Highway and Car Parking Standards
Policy T.8	-	Public Footpaths and Cycleways

3. Planning History

3.1	DCSW2006/1625/F	Replacement of 27 post-war concrete frame houses with 30 new houses	-	Withdrawn 01.11.06
-----	-----------------	---	---	--------------------

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Traffic Manager comments as follows:

1. Visibility splay lines of 2.40m x 33m are shown at proposed cul-de-sac 1 junction with Archenfield, which is the requirement. However, the plan will have to be amended to show boundaries set back accordingly as the splays will have to be 'adopted' and be within the highway.
 2. Turning head on cul-de-sac 1 is too small and not in line with HC Design Guide for New Developments (July 2006).
 3. Plan is not clear concerning extents of adoptable footways discussed/referred to previously. Delineation/edgings not indicated and lighting not included. NB. Street Lighting Manager will be consulted on the lighting of all adoptable areas.
 4. Car parking - 'Initial Provision' for dwellings does not meet current standards of 'average maximum rate of 1.50 spaces per unit for the development' indicated in Design Guide (i.e. 41 spaces). I would suggest 2 no. designated spaces for 4 and 3 bed dwellings and 1 space per 2 bed dwelling.
 5. Request existing Archenfield carriageway/footway be reconstructed/re-surfaced as part of works.
- 4.3 Head of Strategic Housing Services fully supports this application for demolition and rebuild of 30 affordable dwellings to meet local housing need as identified in Herefordshire Housing Strategy 2005-2008 'to improve housing conditions in Herefordshire across all tenures'.

5. Representations

- 5.1 The applicant's agent has submitted a detailed planning and design statement, the summary of which is:

Concrete framed houses are decaying, refurbishment not an economic proposition. Already some properties vacant, site is getting shabby due to fewer occupants. New cul-de-sac will allow for parking provision for properties, particularly on north of site. New houses accord with provision of Lifetimes Homes Standards. All houses will have one parking space, provision made for two spaces for most.

Scheme has been subject of extensive consultation with residents of Archenfield and adjoining owners (i.e. Paterson Close). Open space retained as required by Planning Office, results in loss of 3 additional dwellings from initially submitted scheme.

- 5.2 Madley Parish Council support this application.

5.3 One letter has been received from:

Mrs. S.E. Bishop, Inglewood, Madley, HR2 9NR

The following main points are raised:

- good that 3 houses omitted from current scheme
- do not want high level street lighting, bollard type lighting preferable at junctions of pathway
- hope trees on site can be preserved
- noted height of roofs considerably higher than at present
- good scheme for the most part.

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

6. Officer's Appraisal

6.1 There are 4 main issues:

1. The Principle of Redevelopment

This proposal can be supported as one that is essentially for replacement dwellings on a site within the defined settlement boundary for Madley, as identified in the South Herefordshire District Local Plan (SHDLP) and the Herefordshire Unitary Development Plan (Revised Deposit Draft) (UDP). The scheme allows for the existing open space to be retained. The loss of existing open space provision on sites being contrary to both policies in the SHDLP and the UDP, namely Policy R.4 and H.13 respectively. This was not the case with the earlier submitted proposal, which greatly reduced the open space area.

2. Open Space Provision

As has been stated, the open space area will be retained. Policy H.19 contained in the UDP and Policy R.3A requires that new development of over 10 dwellings, but not more than 30 dwellings require an equipped infant's play area. This would need to be the subject of a planning condition.

3. Design and Layout

The housing scheme will improve the amenity of this part of Madley, with the use of facing brick instead of render as at present, and a variety of house and bungalow types arranged in blocks around the site. These will be lower in height and be better detailed than existing dwellings. The majority of dwellings will have at least 10 metres long garden areas. There is considered to be sufficient distance between Blocks 1 and 2, and Blocks 3 and 4 which are sited roughly at right angles to one another. The site is well screened from the B4352 road and along the western boundary between Archenfield and three privately owned dwellings. The existing open space area also has mature trees which assist in ameliorating the new development.

4. Parking Provision and Road Layout

The main issues are on-site parking provision and the layout of the new cul-de-sac and visibility onto the existing internal road from the new cul-de-sac.

The Council's Transport Manager notes that visibility splay lines are shown for the junction of cul-de-sac 1, with the existing Archenfield spine road, however this will need to be safe-guarded and detailed on the housing layout plan. There is also still concern with the configuration of the turning head for cul-de-sac. This is a matter that will need to be resolved before planning permission could be formally granted. The parking provision also does not meet the minimum requirements of parking standards which is an average ratio of 1.5 spaces per unit across the proposed development. It is suggested that one space be provided for each 2 bedroom unit, and two spaces for each of the 3 and 4 bedroom units. There is scope for the 3 and 4 bedroom units to each have two spaces allocated given that the scheme has delineated 'future' provision for the new houses. These are all matters that can be resolved before determination.

- 6.2 The grant of planning permission would also be dependent upon a Section 106/Planning Obligation being drawn up by the applicants with the Council. This planning agreement is required given that the threshold for new development proposed triggers a requirement for a proportion of affordable housing. This is notwithstanding that all the housing is intended to be affordable housing. There is a duty on the local planning authority to safeguard the provision of affordable housing. The Heads of Terms for the Agreement are attached.

RECOMMENDATION

That: 1. Subject to submissions of acceptable revised layout plans, the Legal Practice Manager be authorised to complete a planning obligation agreement under Section 106 of the Town and Country Planning Act to ensure:

(a) provision of affordable housing.

2. Upon completion of the aforementioned planning obligation, the officers names in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:

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

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

- 2. 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. H11 (Parking - estate development (more than one house))

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

7. H18 (On site roads - submission of details)

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

8. H19 (On site roads - phasing)

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

9. G31 (Details of play equipment)

Reason: To ensure the play area is suitably equipped.

Informative(s):

1. HN08 - Section 38 Agreement details

2. N19 - Avoidance of doubt

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

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

DRAFT HEADS OF TERMS

Proposed Planning Obligation Agreement

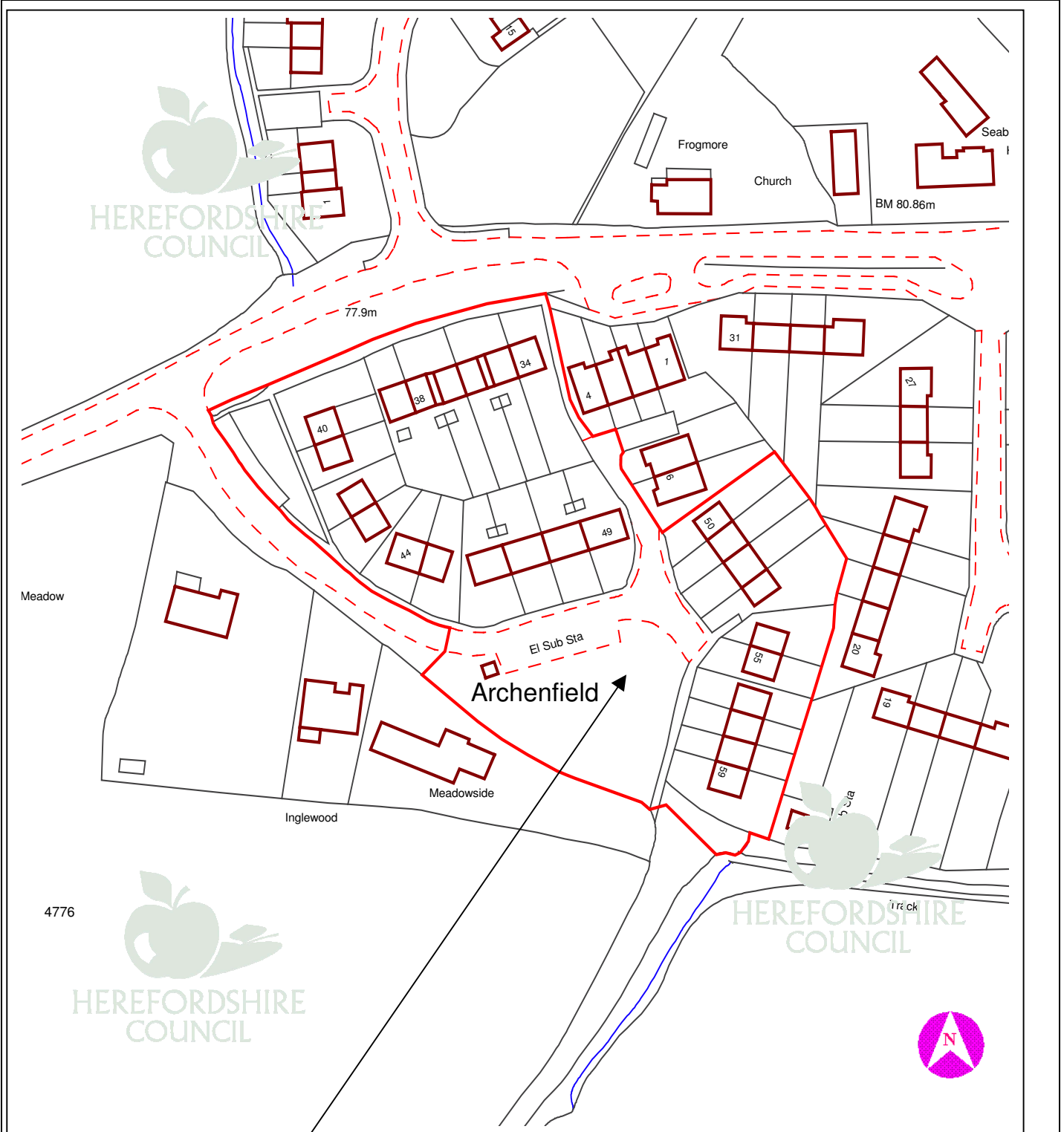
Section 106 Town and Country Planning Act 1990

Planning Application – DCSW2006/3486/F

Housing redevelopment to replace 27 post war concrete frame public sector houses with 27 new houses constructed from timber frames clad in brick, with associated new roadworks and modifications to existing private pedestrian paths.

- 1 The approved houses shall all be “Affordable Housing” units which meet the criteria set out in Section 5.5 of the Unitary Development Plan for Herefordshire (Revised Deposit Draft) and related policy H9 or any statutory replacement of those criteria and that policy. None of them shall be occupied unless and until the Herefordshire Council has given its written agreement to the means of securing the status and use of these units as Affordable Housing.
- 2 The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
- 3 The developer shall complete the Agreement by 31st January 2007 otherwise the application will be registered as deemed refused

M Willmont
Team Leader
5th December 2006



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCSW2006/3486/F

SCALE : 1 : 1250

SITE ADDRESS : Archenfield, Madley, Herefordshire, HR2 9NS

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

2.3 South Herefordshire District Local Plan

Policy SH11	-	Housing in the Countryside
Policy SH17	-	Agricultural Workers' Dwellings
Policy SH18	-	Imposition of Agricultural Occupancy Condition
Policy C5	-	Development within Areas of Outstanding Natural Beauty
Policy C8	-	Development Within Area of Great Landscape Value
Policy GD1	-	General development criteria

3. Planning History

- 3.1 DCSE2006/1079/O Agricultural workers dwelling - Withdrawn 16.10.06 and single garage.

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Traffic Manager recommends that access should be onto the road adjoining the north-western boundary of the site as the road to the north is narrow and considered lower than the level of the field.

- 4.3 Conservation Manager advises "that the site is in an area described as Principal Settled Farmlands in the Landscape Character Assessment. The proposed development would be visible from the lanes immediately to the north and west of the site and from some vantage points on higher ground to the east of Goodrich. However, I do not consider that the siting of a dwelling on this plot of land would have an adverse visual impact on the Area of Outstanding Natural Beauty and Area of Great Landscape Value because it would fit into the prevailing pattern of settlement along the lane. If the development is acceptable in principle, I suggest that a small-scale two-storey dwelling might be more appropriate in this landscape context, given that both Hollendene and Well Cottage, the properties to the north and east of the site, are two-storey dwellings.

New boundaries should be formed of native mixed species hedgerows. It would be appropriate to include fruit trees or small-scale native species trees at intervals within the new hedgerow."

- 4.4 Property Services Manager advises that in his opinion the need for an extra dwelling has been substantiated, and the financial test is passed.

5. Representations

- 5.1 In addition to a Design and Access Statement, referred to above, an Evaluation of the Agricultural Business has been prepared on behalf of the applicant. The Evaluation outlines the agricultural activities undertaken and land/buildings which comprise the enterprise. A case is put forward for a functional need for a full-time worker in relation to the free-range egg unit. The business occupies about 129 ha of which about 94 ha are owner-occupied and the main activities are free-range egg production, bull beef production and combineable cropping. The only dwelling is Bryants Court.

5.2 Further details of the proposal are included in the Design and Access Statement. In summary it is stated that:

- (i) the bungalow would measure about 12 m x 10 m on a site of about 0.1 ha
- (ii) due to gradient the proposal will have minimal effects on the surrounding landscape
- (iii) finishing materials will be agreed as part of reserved matters application
- (iv) access will be via an existing access to the farmstead.

5.3 Parish Council has no objection in principle but the following points need clarifying:

- Section 10 of the planning application states that there will be a new access onto public road, the Design and Access Statement states access to the proposed site will be achieved via an existing access to the farmstead
- it states that the dwelling will be situated in close proximity to the broiler unit but this is not shown on the plans
- there is no indication of the proximity of the new building to its neighbour at Well Cottage.

5.4 One letter has been received from Mark and Anne Colvin, Hollendene, Goodrich, HR9 6JA, objecting to the proposal for the following reasons:

- The large plot of land marked out seems excessive to accommodate a small bungalow and the location of one dwelling in the field would have a huge impact on open countryside
- the proposed site is not within sight or sound of the poultry building - Goodrich tennis courts are directly opposite and the poultry building is over the brow of the hill so it cannot be seen or heard from the proposed site
- there are several existing buildings adjacent to the main farm which could be re-developed (or added to) to provide a dwelling for an agricultural worker
 - (i) the visual impact on the countryside would be much less
 - (ii) the location would be within sight and sound of the poultry building
 - (iii) the poultry building would be more accessible using the existing farm track 24 hours per day for health and safety reasons
- the plans are not clear concerning access to the road. The plans say there will be access through the farm gates which would imply an access road running through the field - this access road is not marked on the plans, and would be even more unsightly from Coppett Hill
- if planning permission was to be granted what restrictions would be imposed to prevent additional developments as infill?

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. Officer's Appraisal

6.1 The application site is outside the defined settlement boundary in both the Herefordshire Unitary Development Plan (Revised Deposit Draft) (UDP) and South Herefordshire District Local Plan (SHDLP). The adjoining dwelling to the east (Well Cottage) and dwellings to the north (including Hollendene and Little Chalfont) are within the settlement however. Consequently although adjacent to the settlement the site is considered to be open countryside and special justification is required before an

exception to policies restricting residential development should be made (H8 of UDP and SH11 of SHDLP). With regard to an agricultural worker's dwelling criteria that must be met are set out in Annex A of PPS7 and policies H8 (UDP) and SH17 (SHDLP). Policy H8 states that:

Proposals for agricultural dwellings and dwellings associated with other rural businesses arising under policy H7 will only be permitted where it can be demonstrated that a long term genuine need exists for the dwelling as an essential part of a financially viable business, and that such need cannot be met in existing accommodation. Such dwellings should:

1. make use wherever possible of existing buildings in preference to new development;
2. be carefully sited within the unit or in relation to other dwellings;
3. be of a scale and design which is appropriate to its surroundings; and
4. be of a size commensurate with the established functional requirement.

6.2 The functional and financial case for a second dwelling at this farm has been carefully considered and, on the advice of the Property Services Manager, it is accepted that this is necessary for the efficient functioning of this rural enterprise. It is doubtful whether the poultry units would be clearly visible from the house but it would be sufficiently close to ensure adequate supervision.

6.3 The application site is some 200m to the east of the free-range egg laying units. However this distance would still allow appropriate supervision and care of the livestock. The large poultry houses are sited in the middle of a field which is open to view from both the A40 (T) and/or public footpaths (GR5 and GR7) that pass close to these units. Compared to a site adjacent to these buildings and other possible sites considered by the applicant, the proposed site would be less intrusive in the landscape and well-related to existing buildings. The village of Goodrich is partly built on land that rises steeply to the north and west. Consequently from the vantage points close to Goodrich School some of the dwellings on the north-west periphery of the village are prominent on the skyline. The application site is in a similar elevation position. Nevertheless it would be partly screened by Well Cottage and existing planting. The submitted drawing shows that the dwelling could be cut into the rising ground and as a modest dwelling is intended this would also limit the impact on the landscape. Consequently although within the Wye Valley AONB the proposal would not cause significant harm.

6.4 The application does not indicate the proposed siting of the bungalow but there is sufficient space to position the building a sufficient distance from Well Cottage, which has first floor window facing westwards, to protect the privacy of occupants of both this dwelling and that proposed.

6.5 There is an apparent contradiction between the application form, which states that a new access or improvement to an existing access would be formed on to the village road, and the Design and Access Statement which refers to use of an existing access to the farmstead. However access is reserved for later decision and the Transport Manager accepts that a safe access to the site can be achieved.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 A02 (Time limit for submission of reserved matters (outline permission))

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

- 2 A03 (Time limit for commencement (outline permission))

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

- 3 A04 (Approval of reserved matters)

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

- 4 A05 (Plans and particulars of reserved matters)

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

- 5 E28 (Agricultural occupancy)

Reason: It would be contrary to Development Plan policies to grant planning permission for a dwelling in this location except to meet the expressed case of agricultural need.

- 6 H12 (Parking and turning - single house)

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

INFORMATIVES:

- 1 N19 - Avoidance of doubt

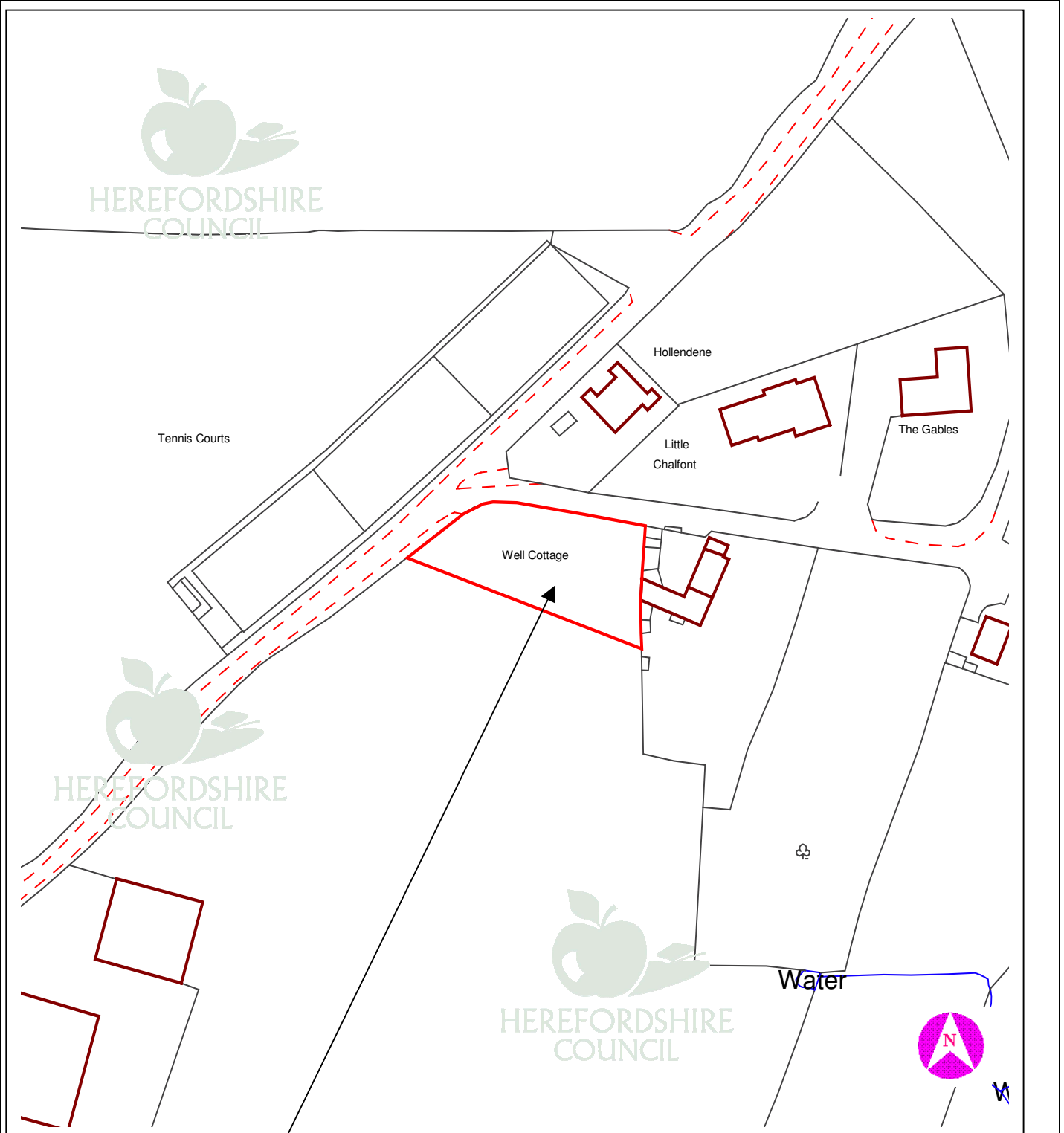
- 2 N15 - Reason(s) for the Grant of Planning Permission

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCSE2006/3315/O

SCALE : 1 : 1250

SITE ADDRESS : Bryants Court, Goodrich, Ross-on-Wye, Herefordshire, HR9 6JA

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

2.3 South Herefordshire District Local Plan

Policy SH11	-	Housing in the Countryside
Policy SH17	-	Agricultural Workers' Dwellings
Policy SH.18	-	Imposition of Agricultural Occupancy Condition
Policy C5	-	Development within Areas of Outstanding Natural Beauty
Policy C8	-	Development Within Area of Great Landscape Value
Policy C29	-	Setting of a Listed Building
Policy GD1	-	General development criteria

3. Planning History

- 3.1 DCSE2004/2744/F Conversion to form 4 dwellings - Approved 08.03.05
- DCSE2006/1454/O Agricultural workers' dwelling - Withdrawn 12.10.06

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency does not propose to give a direction restricting the grant of planning permission.

Internal Council Advice

- 4.2 Property Services Manager has considered the agricultural need for a dwelling. The labour requirement in terms of standard man days may not cover one man. He points out that none of the 3 year accounts show a profit. The proposals for the future are sound but the level of future profitability is uncertain.
- 4.3 Conservation Manager does not object but notes that Steppe House Farm has an attractive core of traditional buildings and the proposed house should consider its relationship with the existing buildings. Being in open fields, the site is relatively prominent in views from the A40 to the south and warrants a higher standard of design than might be acceptable in less sensitive locations.

5. Representations

- 5.1 The applicant's agent states:

- (i) My clients are aware that usually Herefordshire policies discourage a replacement dwelling following the sale of an existing home. There are however exceptional circumstances in this case.
- (ii) Mr Mutlow has lived all his life at Steppe House Farm and following their marriage his wife joined him on the farm. They have a son, Richard, who also works on the farm and he will eventually inherit the property.
- (iii) Like many other similar businesses they acquired a capital debt that they were struggling to repay. The application for the development of the barns was made

so that upon sale and with a permission to develop as dwellings this would deal with the debt.

- (iv) The only viable purchaser made his offer conditional, upon selling the farmhouse as part of the deal.
- (v) The bank was insistant that this offer had to be accepted and would not give them more time to seek another offer.
- (vi) My clients had hoped that the option would not be taken up, and are utterly distraught at having to vacate what has been the family home for 98 years. The option has now been implemented.
- (vii) They are not able to purchase any of the converted properties because the developer wants to divorce the farming activities from the development and there are no other dwellings for sale that are suitably located.
- (viii) Because of the occupation and trading record we believe that a 3-year temporary accommodation is inappropriate in this instance.
- (viii) Because of the exceptional circumstances we trust that your authority will see fit to approve this application.

In addition letters from the estate agent, developer and bank are included and details of the agricultural enterprise have been submitted.

5.2 Marstow Parish Council has no objections to the proposal.

5.3 The adjacent Parish Council (Goodrich) has no objections to the proposal.

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. Officer's Appraisal

- 6.1 The site is in open countryside and residential development would only be acceptable if it falls within one of the exceptions specified in Policy H7 (UDP) which includes dwellings that are clearly necessary in connection with agriculture. Policy H8 states that such dwellings "will only be permitted where it be demonstrated that a long term genuine need exists....as an essential part of a financially viable business, and that such need cannot be met in existing accommodation." In this case the existing farmhouse would meet the need and a further dwelling would not be justified. Furthermore the severance of an existing farmhouse from the agricultural enterprise and sale of buildings suitable for conversion to dwellings "could constitute evidence of lack of agricultural need" (paragraph 5 of Annex A, PPS7). Both the farmhouse and barns with planning permission for residential conversion have been sold recently to a developer and the barns have now been converted. I understand that the farmhouse will be vacated shortly.
- 6.2 The difficult circumstances in which the applicants find themselves are explained in paragraph 5.1 above. If these are held to be compelling grounds to allow a new dwelling it would still be necessary to establish that both the functional and financial tests set out in Annex A of PPS7 would be met. A dwelling must be necessary to the

farming enterprise and that enterprise must be economically viable. The functional requirement in terms of standard man days may be below the level of one agricultural worker. The farm is not large and of the 350 acres, 200 acres are arable, with 150 acres down to grass (350 ewes). On the information available the functional test has not been clearly met. Steppe House Farm has not made a profit in the last 3 years and according to the applicant's submission the sale of the barns was necessary to clear outstanding debts. The proposals for the future are considered by the Property Services Manager to be sound but future level of profitability is not clear and there is no evidence of the size of dwelling which the unit can sustain (paragraph 8 of Annex A, PPS7). In these circumstances granting permission for a permanent dwelling now would not accord with both national and local policies and guidance.

6.3 The location of the proposed dwelling is considered to be acceptable. It would be screened by the existing farm buildings and converted barns to the north and north-east, with a row of trees close to the western boundary. The site is open to the south where the land falls to Luke Brook. Nevertheless views from this direction from public viewpoints would be from a long distance and the house would be seen against the backdrop of a much larger, modern agricultural building. The house would be set away from the Listed farmhouse. Consequently subject to suitable design and material the proposal would not harm significantly the setting of the Listed Building.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1 The Council is not satisfied that the need for a permanent dwelling has been shown and the proposal would conflict therefore with the adopted and emerging policies which seek to protect the countryside, particularly in the Wye Valley Area of Outstanding Natural Beauty, from unnecessary residential development. The policies referred to are H7, H8 and LA1 of the Herefordshire Unitary Development Plan (Revised Deposit Draft), SH11, SH17, C5 and C8 of the South Herefordshire District Local Plan and H20, CTC1 and CTC2 of the Herefordshire and Worcester County Structure Plan.**

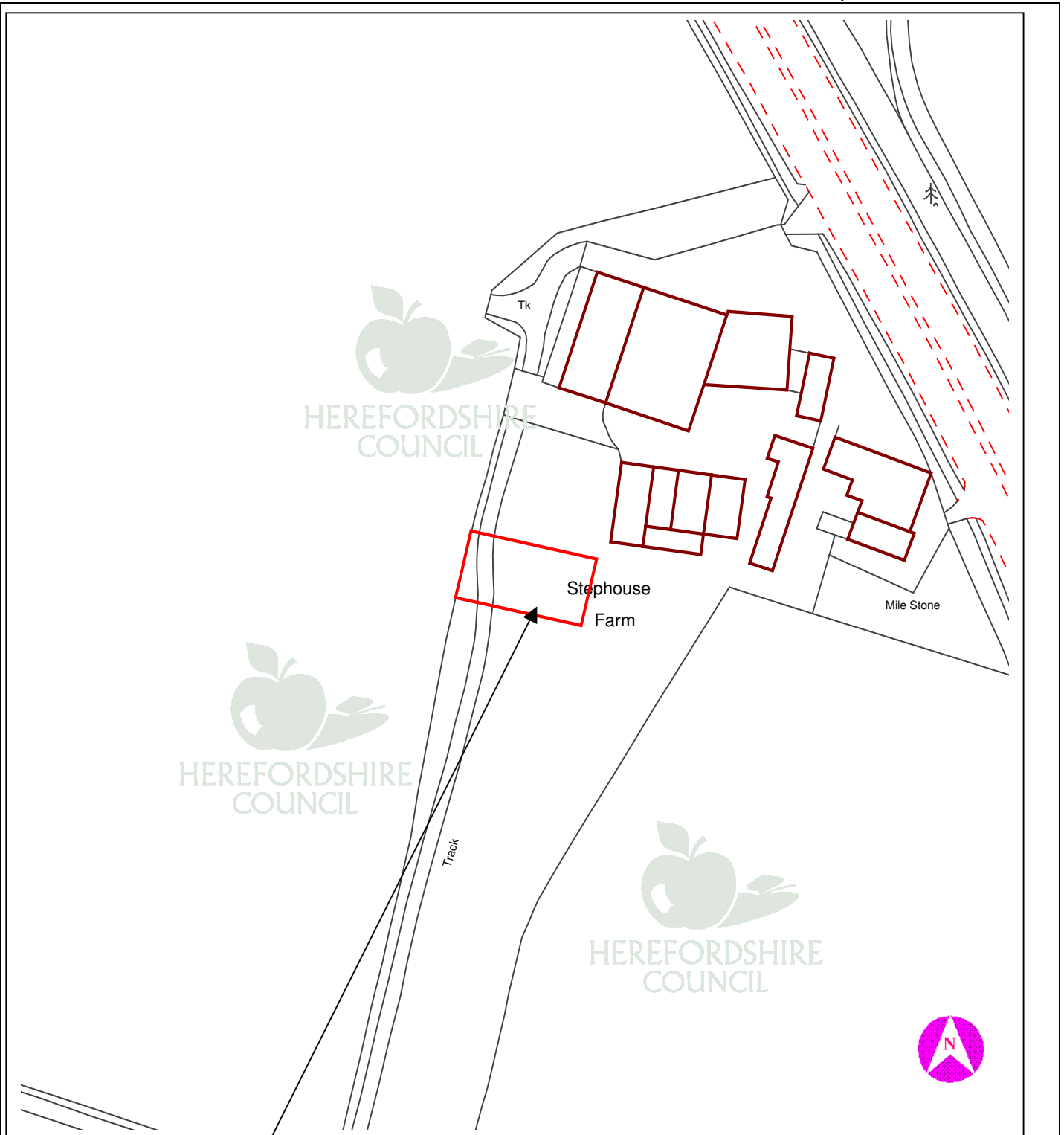
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCSE2006/3238/O

SCALE : 1 : 1250

SITE ADDRESS : Steppe House Farm, -, Pencraig, Ross-On-Wye, Herefordshire, HR9 6HR

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

13A DCSE2006/3487/F - REFURBISHMENT OF FARM-HOUSE, GRANARY AND BARNs TO MAKE 4 DWELLINGS AND NEW ACCESS AND NEW SEWAGE TREATMENT PLANT

13B DCSE2006/3489/L - REFURBISHMENT OF FARM-HOUSE, GRANARY AND BARNs TO MAKE 4 DWELLINGS AND NEW ACCESS AND NEW SEWAGE TREATMENT PLANT

**AT WARRYFIELD FARM, WALFORD, ROSS-ON-WYE
HEREFORDSHIRE, HR9 5QW.**

**For: Mrs. D. Moore per Architas, 25 Castle Street,
Hereford, HR1 2NW.**

Date Received: 1st November, 2006 Ward: Kerne Bridge Grid Ref: 58216, 20956
Expiry Date: 27th December, 2006
Local Member: Councillor J.G. Jarvis

1. Site Description and Proposal

- 1.1 Warryfield Farm is on the south side of the Class C road connecting the Archenfield area of Ross-on-Wye with Walford and is about 0.7km to the north-west of Walford Parish Church. The farm and associated traditional farm buildings are arranged around 3 sides of the farmyard. Along the road frontage is a substantial stone barn, equivalent to two-storeys in height; along the western side is a lower stone building, from which a smaller open sided building which has no roof, extends to the west; the southern section comprises a two-storey building, the main part of which is the farmhouse but at the western end there is a small granary. The farmhouse is listed (Grade II).
- 1.2 The conversion scheme would create 3 additional dwelling units: a 2 bedroom unit within the eastern half of the large barn; a 4 bedroom unit within the western half plus a section of the adjoining single-storey building; the third (a 3 bedroom unit) would be formed from the granary adjoining the farmhouse, plus the adjoining single-storey building and re-roofed open-fronted building. In addition, the farmhouse would be refurbished to form a 4 bedroom dwelling which would include some internal and external alterations.
- 1.3 The existing garden at the rear (south) of the farmhouse would be retained and further amenity garden areas formed from the courtyard and to the west of the complex. Car parking spaces (2 per dwelling plus 2 visitor spaces and 2 for Warryfield Farm Cottage) would be provided. Two of the spaces would be within an adapted cartshed.

- 1.4 Two of the buildings have been used as workshops and a showroom for double glazing products. These activities have now ceased.

2. Policies

2.1 Planning Policy Statements

PPS.7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy H.7 - Housing in the Countryside Outside Settlements
 Policy HBA.1 - Alterations and Extensions to Listed Buildings
 Policy HBA.3 - Change of Use of Listed Buildings
 Policy HBA.4 - Setting of Listed Buildings
 Policy HBA.12 - Re-use of Rural Buildings
 Policy HBA.13 - Re-use of Rural Buildings for Residential Purposes
 Policy LA.1 - Areas of Outstanding Natural Beauty
 Policy NC.1 - Nature Conservation and Development
 Policy NC.5 - European and Nationally Protected Species
 Policy NC.6 - Biodiversity Action Plan Priority Habitats and Species
 Policy NC.7 - Compensation for Loss of Biodiversity
 Policy NC.8 - Habitat Creation, Restoration and Enhancement

2.3 Hereford and Worcester County Structure Plan

Policy CTC.1 - Development in Areas of Outstanding Natural Beauty
 Policy CTC.2 - Development in Areas of Great Landscape Value
 Policy CTC.13 - Buildings of Special Architectural or Historic Interest
 Policy CTC.14 - Criteria for the Conversion of Buildings in Rural Areas
 Policy H.20 - Residential Development in Open Countryside

2.4 South Herefordshire District Local Plan

Policy SH.24 - Conversion of Rural Buildings
 Policy C.5 - Development within Area of Outstanding Natural Beauty
 Policy C.8 - Development within Area of Great Landscape Value
 Policy C.16 - Protection of Species
 Policy C.36 - Re-use and Adaptation of Rural Buildings
 Policy C.37 - Conversion of Rural Buildings to Residential Use
 Policy GD.1 - General Development Criteria

2.5 Supplementary Planning Guidance

Re-use and Adaptation of Traditional Rural Buildings

3. Planning History

- 3.1 SH861446PF Change of use of barn to part - Approved 21.01.87
 craft workshop
- SH881364PF Change of use of barns to craft - Approved 11.11.88
 workshops with ancillary retail
 use

SE2000/0818/F	Change of use of additional outbuilding to form showroom/office/workshop for manufacture of double glazing	-	Approved 14.06.00
SE2000/0819/L	Enclosure of open cart bays and insertion of rooflights and internal insulation	-	Approved 14.06.00

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Traffic Manager recommends that conditions be included regarding accesses and parking areas.
- 4.3 Conservation Manager advises that notwithstanding the additional openings required, the scheme is considered acceptable in conservation terms. Conditions will be required for roofing slate samples, external joinery and rooflight details, as these are of non-standard proportions.

5. Representations

- 5.1 The applicant's agent has submitted a design and access statement, a survey of protected species and an estate agent's report on marketing. The former describes the proposals as follows:
1. The proposals include converting the barns on the north and west and the granary to the south for residential use, and refurbish the cottage, making a total of 4 dwelling units and providing suitable parking space.
 2. The existing site access from the north is to be maintained. A new gate is proposed to provide for better access and parking facilities to Units 1 and 4. Parking for Units 2 and 3 is provided on the west and approached by current gate. Access to the fields on the south is to be maintained.
 3. Post and wire fencing is proposed to the east of the new access to maintain the rural character. The other boundaries are to be maintained as existing.
 4. Units 1 and 2: the proposed works include providing new doors and windows in oak to follow the character of the barn. The metal wagon way doors to be replaced with glazed internal doors and ledged and braced internal door. Existing blocked up windows are to be reinstated and some windows enlarged to provide better light.
 5. Unit 3: proposals include reinstating the barn building to the west in stone and oak boarding with new roof structure and Welsh slates. New internal staircase is to be provided in the granary. Existing blocked up windows are to be reinstated and some windows enlarged to provide better light.

6. Unit 4: existing farmhouse is to be refurbished and new toilets provided. Entrance to the south of the farmhouse reinstated as main entrance. New conservation rooflights are proposed on the south.
 7. All repair works are to be carried out on like for like basis. New Cast Aluminium rainwater goods are proposed where missing.
 8. The survey found that the farmhouse is used by common and soprano pipistrelle bats as a roost and breeding house sparrows and swallows were present at the complex. Mitigation measures are proposed.
 9. The barns have been advertised for rent (£15,000 per annum) since December 2005, but only one viewing has taken place and the company concerned considered the shape of the buildings and the lanes providing access inadequate for their purposes.
- 5.2 Walford Parish Council objects to this application. If the rateable value of £2,900 is the 2004 figure, the rent being asked, £15,000, would seem incredibly high and would maybe explain why there had been no interest in renting the barns even though there were two firms in very recent occupation. In comparison to modern, fully serviced industrial units available in Ross the rental appears higher than would be expected for an older, rural space. Walford needs work places not more houses.
- 5.3 One e-mail communication has been received from a local resident indicating no objections to the proposal.

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. Officer's Appraisal

- 6.1 A key aim of the Council's barn conversion policy is to ensure that the existing character of traditional farm buildings is retained. Some change is inevitable but should be minimised. In this case the Conservation Manager considers the scheme has been sensitively designed and would not result in significant harm to this listed building or its curtilage buildings. The small number of additional doors and windows would be located mainly within the inner farmyard elevations so that their impact would not be discernable from normal public vantage points. An additional benefit of the scheme would be the refurbishment of the farmhouse which has been unoccupied for about 3 years and would ensure that it is brought back into use and hence secure its long-term future.
- 6.2 The barns have been used as craft workshops and for manufacture and display of double glazing units. No explanation of why these uses have ceased has been submitted with the application but I understand that the occupation has been on a temporary basis during the occupation of the farmhouse, on a grace and favour basis, by an elderly lady. The occupant did not wish to use the barns and these were let at a discounted rent for workshops and showroom. The intention of the owner was to develop the barns for either commercial or residential purposes to realise their full value on the cessation of occupation of the farmhouse. The two businesses did not wish to continue on this basis and have found alternative premises. The applicant will be writing to confirm these details. The Parish Council has queried whether the rent being asked is excessive. Advice on marketing of these barns is being sought and will

be reported at the Committee meeting. The Council's policy is only to allow conversion to residential use if 'every reasonable attempt has been made to secure an alternative business, recreational or community use and that such development uses are not acceptable, practical or beneficial'. (Policy HBA.13 Herefordshire Unitary Development Plan (Revised Deposit Draft)).

RECOMMENDATION

In respect of DCSE2006/3487/F:

That subject to being satisfied with regards to marketing of the barns, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

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

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

2. C02 (Approval of details)

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

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. H03 (Visibility splays)

Reason: In the interests of highway safety.

7. H05 (Access gates)

Reason: In the interests of highway safety.

8. H06 (Vehicular access construction)

Reason: In the interests of highway safety.

9. 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.

10. E16 (Removal of permitted development rights)

Reason: To protect the character and setting of the original buildings.

Informative(s):

- 1. HN01 - Mud on highway
- 2. HN05 - Works within the highway
- 3. HN10 - No drainage to discharge to highway
- 4. HN22 - Works adjoining highway
- 5. N19 - Avoidance of doubt
- 6. N15 - Reason(s) for the Grant of Planning Permission

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies

In respect of DCSE2006/3489/L:

That subject to being satisfied with regards to marketing of the barns, the officers named in the Scheme of Delegation to Officers be authorised to issue listed building consent subject to the following conditions and any additional conditions considered necessary by officers:

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

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

- 2. C02 (Approval of details)

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

- 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.

Informative(s):

1. N19 - Avoidance of doubt

2. N15 - Reason(s) for the Grant of Listed Building Consent

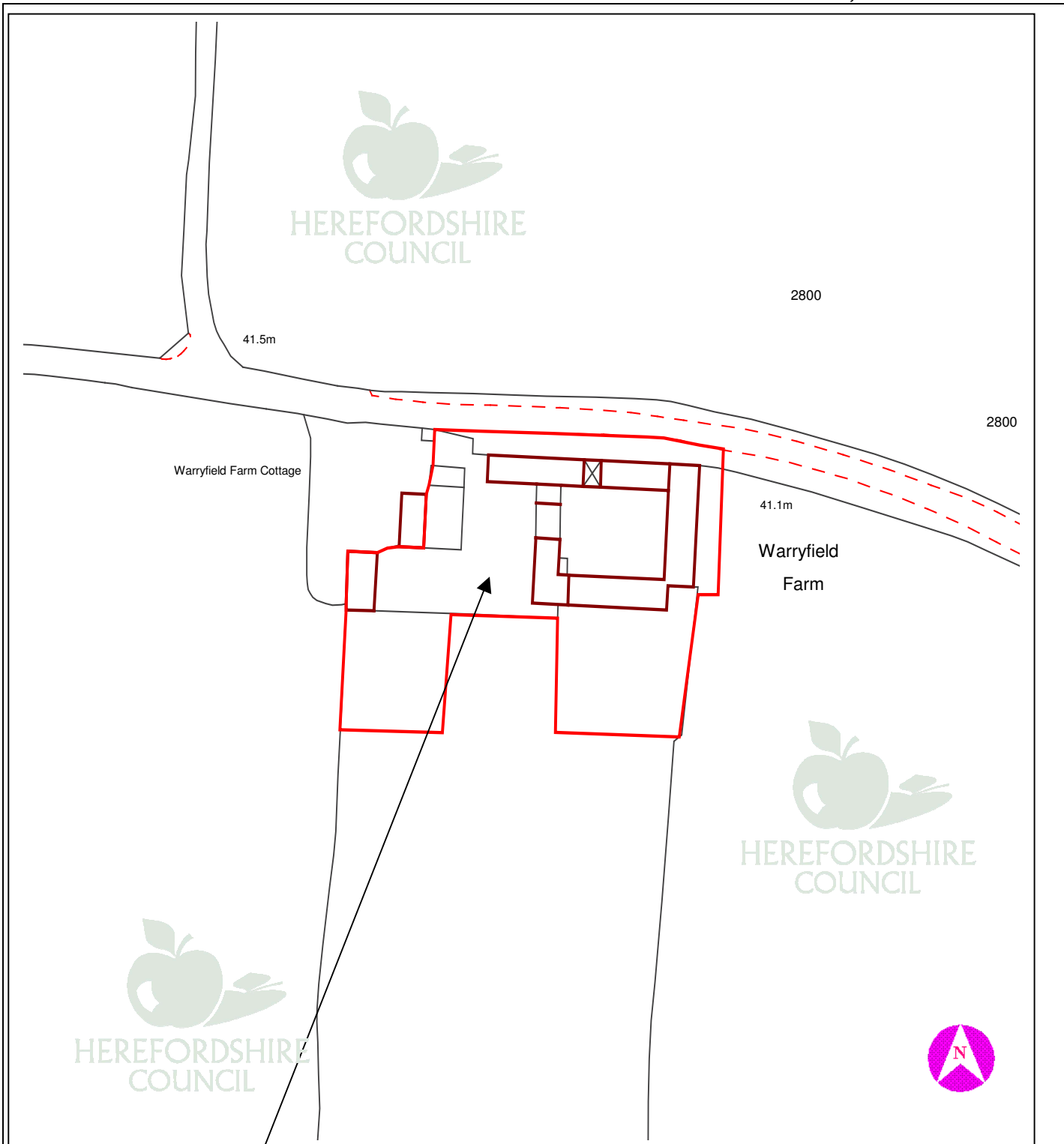
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCSE2006/3487/F

SCALE : 1 : 1250

SITE ADDRESS : Warryfield Farm, Walford, Ross-on-Wye Hereford, Herefordshire, HR9 5QW

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

14 DCSW2006/3573/O - CONSTRUCTION OF DWELLING SERVED BY SEWAGE TREATMENT PLANT AT CYPRUS COTTAGE, WRIGGLEBROOK, KINGSTHORNE, HEREFORD, HR2 8AW.

For: Domus Developments per Harmers Ltd. 39 Lambourne Crescent, Cardiff Business Park, Llanishen, Cardiff, CF14 5GG.

Date Received: 10th November, 2006 Ward: Pontrilas Grid Ref: 50194, 32008

Expiry Date: 5th January, 2007

Local Member: Councillor G.W. Davis

1. Site Description and Proposal

1.1 This site is on the southern side of The Thorn just to the east of its junction with Pages Pitch. Cyprus Cottage is a two storey rendered house at the junction of the two roads. This cottage is hard by the road and essentially faces south. Associated with the cottage is a fairly substantial area of ground all to its south and east. The land falls to the south from The Thorn.

1.2 This application relates to the land to the east of the cottage up to the boundary with Seathwaite. The site has a frontage of some 22m and a depth (following an amendment) of some 21m. It is an outline application with all matters except access reserved for subsequent approval. The access is shown to be adjacent to Cyprus Cottage with parking for two cars and a turning area. The plan also gives an indication of the position and design of the house and how the curtilage could be laid out.

2. Policies

2.1 National Planning Policy

PPS1	-	Delivering Sustainable Development
PPG3	-	Housing
PPG13	-	Transport

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy DR1	-	Design
Policy H6	-	Housing in Smaller Settlements
Policy H13	-	Sustainable Residential Design
Policy H14	-	Re-Using Previously Developed Land And Buildings
Policy H15	-	Density
Policy H16	-	Car Parking
Policy LA2	-	Landscape Character And Areas Least Resilient To Change

2.3 Hereford and Worcester Structure Plan

Policy CTC7	-	Landscaping
Policy CTC9	-	Development Criteria
Policy H18	-	Residential Development in Rural Settlements
Policy H16A	-	Housing in Rural Areas

2.4 South Herefordshire District Local Plan

Policy GD1	-	General Development Criteria
Policy C8	-	Development within AGLV
Policy SH6	-	Housing Development In Larger Villages
Policy SH8	-	Housing Development Criteria In Larger Villages
Policy C43	-	Foul Sewerage

3. Planning History

3.1	DCSW2001/2177/O	Site for erection of a single dwelling.	-	Approved 11.05.05
	DCSW2005/3598/O	Outline application for the demolition of Cyprus Cottage and construction of two dwellings.	-	Withdrawn. 22.12.05
	DCSW2006/0585/O	Demolition of house and site for construction of two dwellings served by sewage treatment plant.	-	Refused 02/08/06

4. Consultation SummaryStatutory Consultations

4.1 No statutory or non-statutory consultations required

Internal Council Advice

4.2 The Traffic Manager has no objection subject to conditions

5. Representations

5.1 Much Birch Parish Council's response is awaited

6. Officer's Appraisal

6.1 Cyprus Cottage is within the settlement of Kingsthorpe. It has a fairly substantial curtilage and planning permission has been granted for a dwelling on that part of its curtilage fronting Pages Pitch. In August 2006 permission was refused for the demolition of the cottage and the erection of two dwellings, one of which was to be on this current site. The reasons for the refusal were that with the introduction of the policy changes brought about by the UDP the proposal failed to meet the new policy requirements, it would be harmful to the landscape and there were concerns with regard to the impact of any necessary retaining structures.

- 6.2 This application seeks to provide one dwelling. It is an outline proposal with all matters except access reserved. An illustrative plan has been included showing a potential design and layout for a house.
- 6.3 Under the Local Plan Kingsthorpe is designated as a larger village. However the UDP, which is now up to date and more relevant, identifies the village as a smaller settlement. The relevant policy is H6 which, whilst providing that new housing can be permitted within the settlement, does provide fairly strict criteria that need to be met. These are that it should be an infill gap between existing dwellings, the habitable floor space should be limited to 90 sq m (3 bedroom house) or 100 sq m (4 bedroom house), the plot size should be a maximum of 350 sq m and the infill gap is no more than 30 m frontage.
- 6.4 In this case the gap between Cyprus Cottage and Seathwaite is less than 30 m although the plot size is some 460 sq. m. The submitted plan shows the access to be adjacent to Cyprus Cottage with a drive, parking for two cars and a turning area. The indicative plan shows that the existing levels will be raised so that the access is almost level with the highway, although the level falls further into the site. The Traffic Manager is satisfied that an acceptable access and visibility can be achieved. Although the plot size is considerably in excess of that allowed by policy there are mitigating factors. To limit the plot size to 350 sq m would result in a dwelling with very limited private garden. This is primarily due to the need to allocate much of the space to the access requirements. I consider that it is appropriate to make an exception in this case. As this is an outline application there are no details of the size of the dwelling although, the indicative plan does show a fairly modest building.
- 6.5 With regard to the impact on the landscape the indicative plan shows a significant raising of ground levels primarily to accommodate the access. The dwelling would be at a lower level than the highway but set back some 2-3 m and at a lower level than the access and driveway. The plan also shows a raising of levels from existing across the site but in the form of terracing. As a result at its southern extremity the site level should not be significantly above existing ground level. The site is visible from the higher ground to the south. However if these proposals are carried through to the detailed scheme and the materials for the house are subdued in colour then there should not be an unacceptable impact on the landscape. In addition in its design it would be expected that it would take account as Cyprus Cottage does of the southerly aspect and this should reduce the impact of any necessary retaining structure on the occupants of the house. I do not consider that a house on this site would be likely to cause unacceptable harm to the amenities of the adjoining dwellings. With regard to drainage a package sewage treatment plant is proposed and appears to be acceptable.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 A02 (Time limit for submission of reserved matters (outline permission))**

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

- 2 A03 (Time limit for commencement (outline permission))**

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

3 A04 (Approval of reserved matters)

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

4 A05 (Plans and particulars of reserved matters)

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

5 H03 (Visibility splays)

Reason: In the interests of highway safety.

6 H06 (Vehicular access construction)

Reason: In the interests of highway safety.

7 H09 (Driveway gradient)

Reason: In the interests of highway safety.

8 H07 (Single access - outline consent)

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

9 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.

10 F18 (Scheme of foul drainage disposal)

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

11. E16 (Removal of permitted development rights)

Reason: In order for the development to comply with the requirements of Herefordshire Unitary Development Plan (Revised Deposit Draft) Policy H.6.

INFORMATIVES:

1 N19 - Avoidance of doubt

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

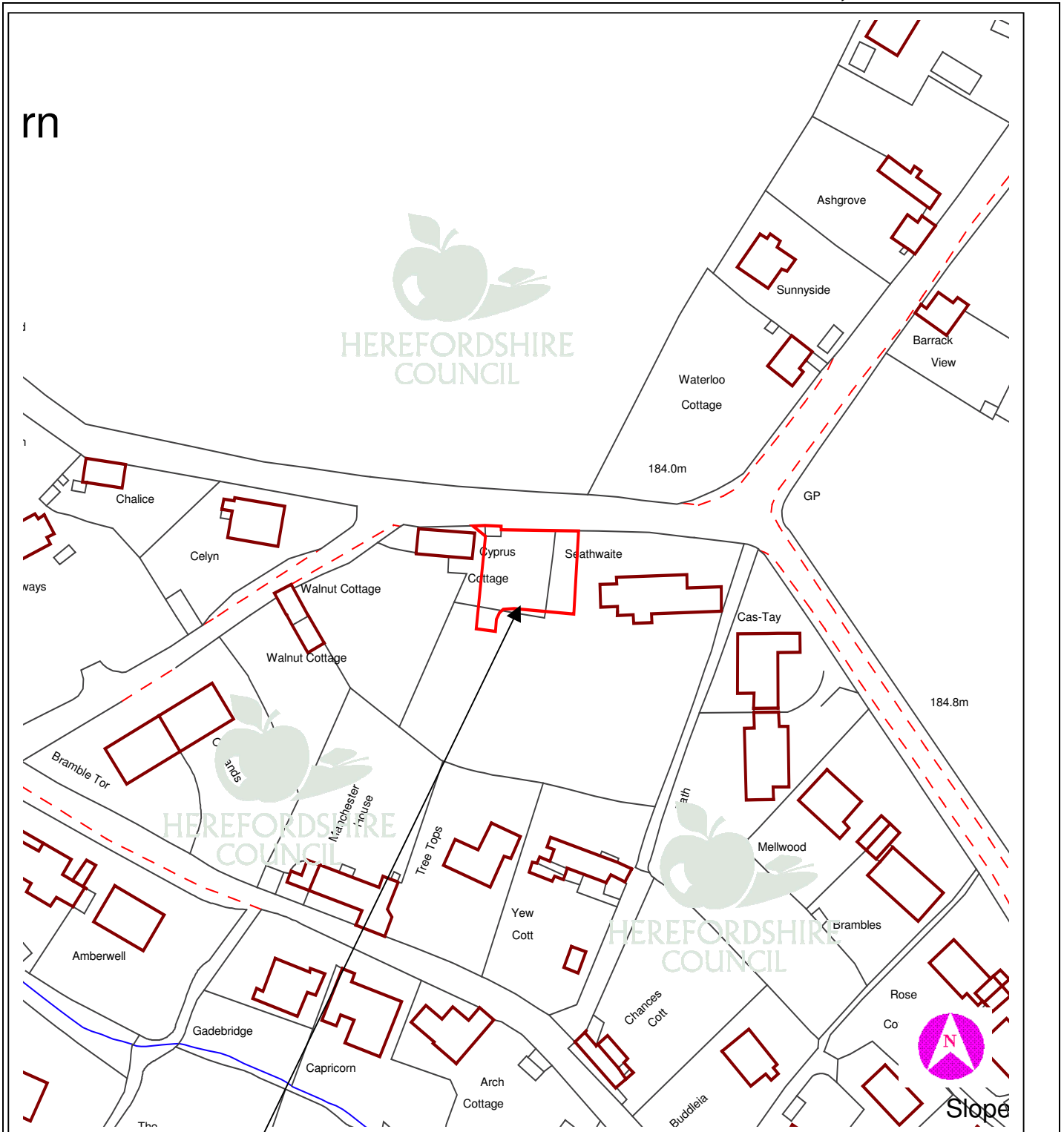
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCSW2006/3573/O

SCALE : 1 : 1250

SITE ADDRESS : Cyprus Cottage, Wrigglebrook, Kingsthorne, Hereford, Herefordshire, HR2 8AW

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005