

# A G E N D A

## Southern Area Planning Sub- Committee

Date: **Wednesday, 21st March, 2007**

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Time: **2.00 p.m.**

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

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

*For any further information please contact:*

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

***e-mail: rclarke@herefordshire.gov.uk***

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# 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
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. DECLARATIONS OF INTEREST</b>	
To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>3. MINUTES</b>	1 - 8
To approve and sign the Minutes of the meeting held on 21st February, 2007.	
<b>4. ITEM FOR INFORMATION - APPEALS</b>	9 - 16
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.	
<b>REPORTS BY THE HEAD OF PLANNING SERVICES</b>	
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.	
<b>5. DCSW2007/0391/F - VERMONT, CUSOP, HAY-ON-WYE, HEREFORDSHIRE, HR3 5QX.</b>	17 - 22
Two single storey extensions and detached double garage.	
<b>6. DCSW2007/0036/F - CAEMAWR, DORSTONE, HEREFORDSHIRE, HR3 6AY.</b>	23 - 28
Agricultural sheds – storage for hay, feed, tractor and machinery.	

7.	<b>DCSE2007/0075/F - LAND ADJACENT TO PETERSTOW COMPRESSOR STATION, TREADDOW OFF THE A4137 HENTLAND, HEREFORDSHIRE, GRID REF SO 545 238 (OS MAP 162).</b>	29 - 46
	New natural gas pressure reduction installation and associated works (underground tie-ins to existing Peterstow Compressor Station and no. 2 feeder outside the Compressor Station)	
8.	<b>DCSE2006/3302/F - THE HYDE, WOOLHOPE, HEREFORDSHIRE, HR1 4RD.</b>	47 - 58
	Removal of condition 6 of permission NE2000/2725/F so that the property can be used to accommodate an agricultural worker.	
9.	<b>DCSE2007/0191/F - RUARDEAN WORKS, DRYBROOK, HEREFORDSHIRE, GL17 9BH.</b>	59 - 64
	25m T-Mobile monopole accommodating tri-sector antenna equipment cabinets and ancillary development.	
10.	<b>DCSE2007/0332/F - COTHARS BARN YARD, GORSLEY, ROSS-ON-WYE, HEREFORDSHIRE</b>	65 - 70
	Continued use of land for storage of vehicles. New fence and gate and landscaping to eastern boundary.	
11.	<b>DCSE2007/0315/F - ROSPUR, WESTON UNDER PENYARD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7QA.</b>	71 - 76
	Retrospective application for the erection of garden structures including two sheds, a gazebo, fencing and decking.	
12.	<b>DCSE2007/0334/F - LAND ADJOINING CHADWYNS FARM, FOREST GREEN, WALFORD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5RF.</b>	77 - 82
	Mobile field shelter for agricultural livestock (retrospective application).	
13.	<b>DCSE2005/3208/O - LAND OFF TANYARD LANE, ROSS-ON-WYE, HEREFORDSHIRE.</b>	83 - 96
	Site for residential and associated development, including linear park and site access.	

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## **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

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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, 21st February, 2007 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, Mrs. A.E. Gray, J.G. Jarvis, G. Lucas, D.C. Taylor and J.B. Williams

**In attendance:** Councillors T.W. Hunt

**109. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors J.W. Edwards, Mrs. J.A. Hyde and P.G. Turpin.

**110. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**111. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 24th January, 2007 be approved as a correct record and signed by the Chairman.

**112. ITEM FOR INFORMATION - APPEALS**

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

**113. DCSW2007/0226/F - FIELD OPPOSITE STOCK FARM, DIDLEY, HEREFORDSHIRE (AGENDA ITEM 5)**

*New temporary access to temporary pipe storage area for the construction of the proposed Brecon to Tirley gas pipeline.*

The Southern Team Leader reported the receipt of comments from Kilpeck Parish Council.

**RESOLVED**

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

- 1. E21 (Temporary permission and reinstatement of land) (30th November, 2007)**

**Reason:** In order to secure the permanent reinstatement of the site in the interests of the amenities of the area and to comply with Policy LA.6 of

the Herefordshire Unitary Development Plan (Revised Deposit Draft).

2. No development within the application area shall be undertaken until the proposed temporary access shown on drawing number 31002/DWG/SK513 has been completed to the satisfaction of the local planning authority after consultation with the Highways Agency.

Reason: As directed by the Highways Agency and in the interests of highway safety.

3. The visibility requirements for the temporary speed limit of 40mph are met by cutting vegetation and tree branches as appropriate. This to be completed to the satisfaction of the local planning authority after consultation with the Highways Agency.

Reason: As directed by the Highways Agency and in the interests of highway safety.

4. After the works, the verge should be reinstated to its original condition by excavation and removal of all the temporary access works and top soiling and seeding by November 2007. This to be completed to the satisfaction of the local planning authority after consultation with the Highways Agency.

Reason: As directed by the Highways Agency and in the interests of highway safety.

**Informative(s):**

1. The highway proposals associated with this consent involve works within the public highway, which is land over which you have no control. The Highways Agency therefore requires you to enter into a suitable legal agreement to cover the design and construction of the works. Please contact Mr. Jon McCarthy of the Highways Agency's Area 9 S278 team, at an early stage to discuss the details of the highways agreement, his contact details are as follows, telephone number 0121 678 8742 or C4/5 Broadway, Broad Street, Birmingham, B15 1BL.
2. N19 - Avoidance of doubt
3. N15 - Reason(s) for the Grant of Planning Permission

**114. DCSE2007/0094/F - EASTCLIFFE, LINTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7RS. (AGENDA ITEM 6)**

*Proposed extension to rear to form conservatory.*

The Southern Team Leader reported the following:

- Comments had been received from Linton Parish Council who supported the application
- A letter of objection had been received from S. Jones who had concerns regarding the stability of the land
- A further letter had been received from K. Landray who requested that the extension be erected on the opposite side of the dwelling.

- Amended plans had been received from the Applicant's Agent. These plans aimed to address the concerns of the neighbouring residents through the addition of obscured glass and a reduction to the deck height.
- Following the receipt of new plans the Officers Recommendation had been amended to allow planning permission under delegated powers.

Councillor H. Bramer, the Local Ward Member, felt that the current proposal was acceptable and noted that the applicant had made every effort to alleviate the concerns of the neighbouring residents.

**RESOLVED**

**THAT subject to no further objections raising additional material planning considerations being received by 2nd March, 2007, Officers be authorised to approve the application subject to conditions considered necessary by Officers.**

**115. DCSW2007/0104/F - THE VIEW, LITTLE BIRCH, HEREFORDSHIRE, HR2 8BA. (AGENDA ITEM 7)**

*Replacement dwelling.*

In accordance with the criteria for public speaking, Mrs. Holt spoke in support of the application.

Councillor G.W. Davis, the Local Ward Member, noted that the application had previously been refused by Officers. He felt that the current dwelling had served its purpose but was now in need of replacement. He sympathised with the applicants and felt that the application should be approved contrary to the Officers recommendation.

A number of Members felt that the application should be approved as it was only seeking a modest sized dwelling to replace the existing bungalow. Members also noted that the footprint of the replacement dwelling was similar to that of the existing bungalow.

The Southern Team Leader advised Members that it was accepted that the existing property was in a poor condition and in principle a replacement dwelling would be acceptable. He added that policy H7 stated that replacement dwellings should be comparable in size and scale to the existing building, but that in this case the floor area of the dwelling had been increased from 89 sqm to 193 sqm, and the ridge height had been increased from 4m to 7m. He added that Officers would have been prepared to approve a slightly larger dwelling but not the proposed application, as it was twice the size of the original dwelling.

Following further debate the Southern Team Leader felt that if Members were minded to approve the application a condition should be added to the resolution to remove permitted development rights for further extensions to the dwelling.

**RESOLVED**

**The Southern Area Planning Sub-Committee is minded to approve the application subject to the conditions set out below (and any further conditions felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the application to the Planning Committee.**

- a) E16 – Removal of permitted development rights**

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

[Note: Following the vote on this application, the Development Control Manager advised that he would refer the decision to the Head of Planning Services.]

**116. DCSW2006/3763/F - BYECROSS FARM, MOCCAS, HEREFORD, HEREFORDSHIRE, HR2 9LJ. (AGENDA ITEM 8)**

*Retrospective planning for toilet and shower block built in existing steel frame building.*

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

Councillor N.J. Davies, the Local Ward Member, felt that a number of local residents had concerns regarding the site. He noted that a previous planning application for a secure agricultural building for trailers was currently being used to house microlights and light aircraft. He also noted that the toilet block had already been built and felt that the applicants should have sought planning permission prior to commencing building works.

In response to a question from the Local Ward Member, the Principal Planning Officer confirmed that three applications had been received from the applicant. These applications were in respect of a certificate of lawfulness as a campsite, a retrospective application for a toilet block, and an airstrip for microlights. He confirmed that the certificate of lawfulness had been granted and that the airstrip application would be considered at a later date.

**RESOLVED**

**That planning permission be granted.**

**Informative(s):**

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

**117. DCSE2007/0052/F - WYE LEA COUNTRY MANOR, BRIDSTOW, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6PZ. (AGENDA ITEM 9)**

*Conversion of leisure buildings to a retirement dwelling with garaging and staff accommodation with new accesses to the highway.*

The application was withdrawn at the request of the applicant.

**118. DCSE2007/0089/F & DCSE2007/0090/L - LLANROTHAL COURT FARM, LLANROTHAL, MONMOUTH, NP25 5QJ (AGENDA ITEM 10)**

*Conversion of farm buildings to 4 residential dwellings and ancillary accommodation. Proposed garages.*

The Principal Planning Officer reported the receipt of four further letters of objection,

the following additional points were reported in detail:

- There had been major adverse changes in design and character of the scheme compared to the approved scheme.
- The Listed Building status had been ignored.
- There was a major issue relating to light pollution from the larger windows
- Concerns were raised in respect of farmland being changed to garden, it was felt that this would have an adverse effect on the countryside and the adjoining building, Llanrothel Court.
- The undertaken bat survey was unacceptable. It had taken place after building works had commenced and therefore the bats may have already been disturbed.
- No full wildlife study had taken place.

The Principal Planning Officer confirmed that the current scheme had been carefully considered by the Council's Conservation Manager, who was satisfied that the scheme respected the character of the buildings and their setting. He also added that the Conservation Manager would be giving full consideration to the ecological aspects of the proposal before making a decision.

In accordance with the criteria for public speaking, Mr. White-Millar spoke against the application and Mr. Guest spoke in support.

Councillor G.W. Davis, the neighbouring Ward Member, felt that the development was too large and that the road network in the area was inadequate.

Councillor J.G. Jarvis, noted the concerns of the Parish Council and the local residents. He confirmed that the Local Ward Member was not in support of the application.

Councillor J.B. Williams noted that planning permission had already been granted for 5 dwellings and that approving the application would only result in an increase of 1 dwelling. He also noted that the exterior dimensions of the development would remain unchanged. He felt that the application should be approved in order to protect the timber framed barns.

## **RESOLVED**

**In respect of DCSE2007/0089/F:**

**That subject to submission of acceptable drawings showing design and appearance of the barns, treatment of cow shelters, small store, alignment, treatment of drives and definition of garden areas, 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. G04 (Landscaping scheme (general))**

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

**4. G05 (Implementation of landscaping scheme (general))**

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

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

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

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

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

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

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

**INFORMATIVES:**

**1. N19 - Avoidance of doubt**

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

**In respect of DCSE2007/0090/L:**

**That subject to submission of acceptable drawings showing design and appearance of the barns, treatment of cow shelters, small store, alignment, treatment of drives and definition of garden areas, 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. 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. G04 (Landscaping scheme (general))**

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

**4. G05 (Implementation of landscaping scheme (general))**

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

5. G01 (Details of boundary treatments)

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

**INFORMATIVES:**

1. N19 - Avoidance of doubt

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

119. **DCSE2006/3918/F - BURMELL, BRIDSTOW, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6AJ. (AGENDA ITEM 11)**

*Proposed bungalow.*

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

In response to a question from the Chairman, the Principal Planning Officer confirmed that the initial outline application was for a bungalow which had been confirmed in the illustrative drawing submitted with the application. The Reserved Matters application had then been submitted for a two-storey dwelling which had been refused as it was contrary to the Outline Permission. The Outline permission required the reserved matters to be submitted within 3 years, this had not been adhered to and therefore the application had to be treated as a new application.

In response to a further question from the Chairman, the Principal Planning Officer confirmed that the application would have been granted under delegated powers if it had been received before the expiry date.

Members felt that the application should be approved contrary to the Officers recommendation. They noted that Bridstow was now classed as open countryside in the UDP but noted that it had previously been a small settlement under the South Herefordshire Plan. It was also noted that if the application had been received at the end of 2006 it would have been approved under delegated powers.

**RESOLVED**

**The Southern Area Planning Sub-Committee is minded to approve the application subject to the conditions set out below (and any further conditions felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the application to the Planning Committee.**

**a) No conditions recommended by Members**

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

[Note: Following the vote on this application, the Development Control Manager advised that he would not refer the decision to the Head of Planning Services.]

The meeting ended at 3.35 p.m.

**CHAIRMAN**





<b>ITEM FOR INFORMATION - APPEALS</b>
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**APPEALS RECEIVED****Application No. DCSE2006/2329/F**

- The appeal was received on 15th February, 2007
- 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 The Haigh Engineering Co. Ltd.
- The site is located at Haigh Engineering Co Ltd, Alton Road, Ross-On-Wye, Herefordshire, HR9 5NG
- The development proposed is Erection of 3 storey office block, amended car parking and landscaping.
- The appeal is to be heard by Written Representations

**Case Officer: Steven Holder on 01432 260479**

**Application No. DCSW2006/1811/F**

- The appeal was received on 19th February, 2007
- 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 Mrs G M Windows
- The site is located at Cusop Village Hall, Cusop, Hay-on-Wye, Herefordshire.
- The development proposed is Proposed conversion of dis-used Church Hall into a dwelling and proposed new vehicular access.
- The appeal is to be heard by Hearing

**Case Officer: Andrew Prior on 01432 261932**

**Application No. DCSE2006/3883/F**

- The appeal was received on 1st March, 2007
- 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 C Edwards
- The site is located at West Ridge, Ashfield Park Road, Ross-On-Wye, Herefordshire, HR9 5AS
- The development proposed is Single storey extension to the rear of existing flats to create an additional 2 No. 2 bedroomed flats with 4 car parking spaces.
- The appeal is to be heard by Written Representations

**Case Officer: Duncan Thomas on 01432 261974**

**Application No. DCSE2006/3409/O**

- The appeal was received on 7th March, 2007
- 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 B Tapsell
- The site is located at Plot 4, Burrups Lane, Gorsley, Herefordshire HR9 7FA

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

- The development proposed is Outline permission for one dwelling
- The appeal is to be heard by Written Representations

**Case Officer: Steven Holder on 01432 260479**

## **APPEALS DETERMINED**

### **Enforcement Notice EN2006/0044/ZZ**

- The appeal was received on 14th July 2006
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr & Mrs Jenkins
- The site is located at Westlea, Westbrook, Hay-on-Wye, Herefordshire, HR3 5SY
- The breach of planning control alleged in this notice is:  
*Without planning permission, change of use of the land from uses in association with an equine enterprise and agricultural purposes to a mixed use of equine, agricultural and the siting of a caravan for residential purposes.*
- The requirements of the notice are:
  - (i) *Cease the residential use of the land*
  - (ii) *Permanently remove the caravan from the land*
  - (iii) *Remove any materials that arise from the removal of the caravan.*
- The main issue is whether the proposal constitutes an exception to normal policies restricting residential development in open countryside.

**Decision:** The appeal was DISMISSED on 15<sup>th</sup> February 2007

*The Enforcement Notice was upheld with variations to the period for compliance*

An application by the appellant against the Council for the award of costs was DISMISSED

**Case Officer: Andrew Prior on 01432 261932**

### **Application No. DCSW2005/2948/F**

- The appeal was received on 4th May 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 D W Jenkins & Mrs M A Jenkins
- The site is located at Westlea, Westbrook, Hay on Wye, Herefordshire, HR3 5SY
- The application, dated 13<sup>th</sup> September 2005, was refused on 1<sup>st</sup> November 2005
- The development proposed was proposed new dwelling. Change of use of the cabin to provide facilities for clients, with office space. Alternative site for outdoor manege.
- The main issue is whether the proposal constitutes an exception to normal policies restricting residential development in open countryside.

**Decision:** The appeal was DISMISSED on 15<sup>th</sup> February 2007

An application by the appellant against the Council for the award of costs was DISMISSED

**Case Officer: Andrew Prior on 01432 261932**

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

**Application No. DCSE2005/4133/F**

- The appeal was received on 29th 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 K Bullock
- The site is located at Linton Rise, Smallbrook Road, Ross-On-Wye, Herefordshire, HR9 7DW
- The application, dated 20<sup>th</sup> December 2005, was refused on 13<sup>th</sup> February 2006
- The development proposed was Retrospective permission for a conservatory.
- The main issue is whether the conservatory preserves or enhances the character or the appearance of the Ross-On-Wye Conservation Area.

**Decision:** The appeal was DISMISSED on 20<sup>th</sup> February 2007

**Case Officer: Yvonne Coleman on 01432 383083**

**Application No. DCSE2006/1520/F**

- The appeal was received on 5th September 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 A Sargeantson
- The site is located at Wyevern, Walford Road, Ross-on-Wye, Herefordshire, HR9 5PT
- The application, dated 4<sup>th</sup> May 2006 was refused on 10<sup>th</sup> July 2006
- The development proposed was Alterations and single storey extension to existing flat.
- The main issue is the effect of the proposed extension on the living conditions of the occupants of 2 Tudorville Place.

**Decision:** The appeal was DISMISSED on 21<sup>st</sup> February 2007

**Case Officer: Duncan Thomas on 01432 261974**

**Application No. DCSE2006/0170/F**

- The appeal was received on 10th October 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 D Laws
- The site is located at Lady Garden Cottage, Brockhampton, Herefordshire, HR1 4TQ.
- The application, dated 28 December 2005, was refused on 17 March 2006.
- The development proposed was Glazed conservatory to side of apple store gallery, to be used as reception and refreshment area.
- The main issue is the effect of the proposed conservatory on the character and appearance of the existing building and, in turn, the Wye Valley Area of Outstanding Natural Beauty (AONB).

**Decision:** The appeal was UPHeld on 22<sup>nd</sup> February 2007

**Case Officer: Steven Holder on 01432 260479**

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

**Application No. DCSE2006/0260/F**

- The appeal was received on 4th October 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 A Price
- The site is located at The Paddocks Riding School, Lea Bailey, Ross-on-Wye, Herefordshire, HR9 5TY
- The application, dated 20<sup>th</sup> January 2006, was refused on 17<sup>th</sup> March 2006
- The development proposed was Proposed private dwelling
- The main issue is the effect of the proposal bungalow on the character and appearance

**Decision:** The appeal was DISMISSED on 27<sup>th</sup> February 2007

**Case Officer: Steven Holder on 01432 260479**

**Application No. DCSE2006/0637/O**

- The appeal was received on 5th September 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 L Marshall
- The site is located at Ballard Lodge, 39 Eastfield Road, Ross, Herefordshire, HR9 5JZ
- The application, dated 2<sup>nd</sup> March 2006, was refused on 12<sup>th</sup> April 2006
- The development proposed was Erection of a dwelling
- The main issues are the effect of the proposed dwelling on the character and appearance of Walford Road having regard to its location within the Wye Valley of Outstanding Natural Beauty and near the Ross-on-Wye Conservation Area and its effect on the living conditions of the occupiers of Ballard Lodge and its effect upon highway safety.

**Decision:** The appeal was DISMISSED on 27<sup>th</sup> February 2007

**Case Officer: Yvonne Coleman on 01432 303083**

**Application No. DCSE2006/0171/F**

- The appeal was received on 6th December 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 Persimmon Homes Ltd
- The site is located at On A40 (T) highway between the junction of A40 (T)/A449 and Rudhall Brook, Ross-on-Wye, Herefordshire
- The application, dated 16<sup>th</sup> January 2006
- The development proposed was Three arm roundabout on the alignment of the existing A40 (T)
- The main issue is landscape impact

**Decision:** The appeal was DISMISSED on 28<sup>th</sup> February 2007

**Case Officer: Steven Holder on 01432 260479**

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

**Application No. DCSW2006/0405/F**

- The appeal was received on 26th July 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 N.H Williams
- The site is located at Tonteg, Pool Pardon, Clifford, Herefordshire, HR3 5HQ
- The application, dated 30<sup>th</sup> January 2006, was refused on 30<sup>th</sup> March 2006
- The development proposed was Erection of detached single storey dwelling.
- The main issues are whether the proposed dwelling is acceptable in this location and the effect on the character and appearance of the area, which is within an AGLV.

**Decision:** The appeal was DISMISSED on 1<sup>st</sup> March 2007

**Case Officer: Angela Tyler on 01432 260372**

**Application No. DCSE2006/1841/F**

- The appeal was received on 25th October 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 S Preece
- The site is located at Land adjoining Monkswalk Cottage, Much Marcle, Ledbury, Herefordshire, HR8 2LY
- The application, dated 6<sup>th</sup> June 2006, was refused on 11<sup>th</sup> September 2006
- The development proposed was Erection of five dwellings and relocation of vehicular access.
- The main issue is the effect of the proposed development on Much Marcle Conservation Area and whether it would preserve or enhance its character or appearance including the impact on the setting of two listed buildings.

**Decision:** The appeal was UPHELD on 2<sup>nd</sup> March 2007

**Case Officer: Julie Preston on 01432 260536**

**Application No. DCSE2006/2310/O**

- The appeal was received on 1st December 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 A Maunders
- The site is located at The Plot, Warblington, Bannuttree Lane, Bridstow, Ross-on-Wye, Herefordshire, HR9 6AJ
- The application, dated 17<sup>th</sup> July 2006 was refused on 5<sup>th</sup> September 2006
- The development proposed was One dwelling
- The main issue is Bridstow is a sustainable community and the proposal would thus conflict unacceptably with the primary thrust of planning policy restricting housing in open countryside

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

**Decision:** The appeal was DISMISSED on 2<sup>nd</sup> March 2007

**Case Officer: Duncan Thomas on 01432 261974**

**Application No. DCSE2006/1816/F**

- The appeal was received on 25<sup>th</sup> October 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 S Preece
- The site is located at Land adjoining Monkswalk Cottage, Much Marcle, Ledbury, Herefordshire, HR8 2LY
- The application, dated 6<sup>th</sup> June, was refused on 11<sup>th</sup> September 2006
- The development proposed was Erection of five dwellings and relocation of vehicular access.
- The main issue is the effect of the proposed development on Much Marcle Conservation Area and whether it would preserve or enhance its character or appearance including the impact on the setting of two listed buildings.

**Decision:** The appeal was DISMISSED on 2<sup>nd</sup> March 2007

**Case Officer: Julie Preston on 01432 260536**

**Application No. DCSE2006/0471/F**

- The appeal was received on 12<sup>th</sup> October 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 C J Winney
- The site is located at Highfield, Brampton Abbots, Ross-on-Wye, Herefordshire, HR9 7JG
- The application, dated 11<sup>th</sup> February 2006, was refused on 7<sup>th</sup> April 2006
- The development proposed was Extensions to existing workshop/stores.
- The main issue is the effect of the proposal on highway safety.

**Decision:** The appeal was UPHELD on 2<sup>nd</sup> March 2007

**Case Officer: Duncan Thomas on 01432 261974**

**Application No. DCSE2006/1060/F**

- The appeal was received on 12<sup>th</sup> October 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 C Winney
- The site is located at Highfield, Brampton Abbots, Ross-On-Wye, Herefordshire, HR9 7JG
- The application, dated 1<sup>st</sup> April 2006, was refused on 25<sup>th</sup> May 2006
- The development proposed was Use of land for storage without complying with Condition 3 on Planning Permission SE2002/2519/F dated 20/11/02.
- The main issue is the effect of the proposal on highway safety.

**Decision:** The appeal was UPHELD on 2<sup>nd</sup> March 2007

**Case Officer: Duncan Thomas on 01432 261974**

**Application No. DCSW2006/0932/F**

- The appeal was received on 7th November 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 A F & D E Beken
- The site is located at Gworlodith, Newton St. Margarets, Herefordshire, HR2 0QT
- The application, dated 6<sup>th</sup> March 2006, was refused on 3<sup>rd</sup> May 2006
- The development proposed was a general purpose steel frame building for housing livestock, machinery and fodder.
- The main issue is the effect of the proposal on the character and appearance of the area.

**Decision:** The appeal was DISMISSED on 2<sup>nd</sup> March 2007

**Case Officer: Angela Tyler on 01432 260372**

**Application No. DCSE2006/0886/O**

- The appeal was received on 22nd 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 D Phillips
- The site is located at Land at Former British Lion, Fawley, Kings Caple, Hereford, HR1 4UQ.
- The application, dated 20<sup>th</sup> March 2006, was refused on 4<sup>th</sup> May 2006
- The development proposed was Erection of 1 No. new residential unit.
- The main issues are:
  - (i) *The effect of the proposal on the character and appearance of the surrounding area which lies within the countryside and the Wye Valley Area of Outstanding Natural Beauty (AONB).*
  - (ii) *The implications of the proposal for the need to travel.*

**Decision:** The appeal was DISMISSED on 8<sup>th</sup> March 2007

*An application for the award of costs made by the Council against the appellant was UPHELD*

**Case Officer: Charlotte Atkins/Julie Preston on 01432 260536**

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





**5 DCSW2007/0391/F - TWO SINGLE STOREY EXTENSIONS AND DETACHED DOUBLE GARAGE AT VERMONT, CUSOP, HAY-ON-WYE, HEREFORDSHIRE, HR3 5QX.**

**For: Mr. & Mrs. T.V. & P.M. Willams per Mr. A. Jenkins,  
12 Broad Street, Hay-on-Wye, Herefordshire, HR3 5DB.**

**Date Received: 9th February, 2007 Ward: Golden Valley North Grid Ref: 23541, 42260**

**Expiry Date: 6th April, 2007**

Local Member: Councillor N.J.J. Davies

**1. Site Description and Proposal**

- 1.1 The proposal site is located off the southern side of the B4348 road that leads into Cusop and then Hay on Wye. The site is in a cul-de-sac of detached dwellings most of which are bungalows, the cul-de-sac road is a private road maintained by the residents.
- 1.2 Vermont is a roughly cast rendered bungalow under a hipped slate roof. It is proposed to extend the bungalow northwards by 4.2 metres and 7.6 metres in width, the same width as the bungalow. This will provide a lengthened bedroom on the eastern side of the bungalow and a larger living room on the western side. There is a bedroom in the roof-space lit by rooflights. This roof-space area would also be extended by just over 4 metres. the kitchen is proposed to be extended by covering an area 2.05 metres by 2.3 metres between the existing flat-roofed kitchen and conservatory. A new hipped roof is proposed over the kitchen and bedroom extension. This new roof joins the main roof at right angles.
- 1.3 The third element to this proposal is the erection of a double garage to replace the single width one that will need to be demolished in the event that the extension is approved. The garage will have a natural stone front on the east elevation: the other walls being rough cast rendered and painted cream to match the main bungalow. The garage is 6.2 metres in length and width and 4.3 metres to the ridge of the slate roof. The car parking area will then be extended northwards towards Flowermead.

**2. Policies**

**2.1 Planning Policy Statement**

PPS1 - Delivering Sustainable Development

**2.2 Herefordshire Unitary Development Plan 2007**

Policy S2 - Development Requirements  
Policy DR1 - Design  
Policy H18 - Alterations and Extensions

### 3. Planning History

3.1 None identified.

### 4. Consultation Summary

#### Statutory Consultations

4.1 No statutory or non-statutory consultations required.

#### Internal Council Advice

4.2 Traffic Manager has no objections.

### 5. Representations

5.1 Cusop Parish Council make the following observations:

"The Parish Council is in favour of this application being granted".

5.2 One letter of representation has been received from Mr. J.M. Jones, Flowermead, Cusop, HR3 5QX. The following main points are made:

- It is a bed and breakfast business
- velux window (south elevation) overlooks my property intruding on my privacy
- garage nearer to my property, in future will provide accommodation for bed and breakfast business
- also garage may be built higher, as not everyone builds according to plans
- have to look at a car park
- increase in traffic to bed and breakfast business means more money for upkeep of road to which I will need to contribute
- was once a peaceful location

The full text of these letters can be inspected at The Hereford Centre, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

### 6. Officer's Appraisal

6.1 The main issues are considered to be the principle of extending the property and the impact on the adjoining property.

6.2 The proposed extensions are considered to be proportionate in scale and massing. The main extension onto the northern end of the bungalow is approximately a third of the footprint of the original dwelling. The kitchen extension on the western side of Vermont fills in an area of between 4 and 5 metres square between the existing kitchen and a flat roofed conservatory on the western side. The hipped roof over the existing kitchen and the new extension will replace a flat roof and will enhance the appearance of the bungalow.

- 6.3 The double garage proposed is considered to be of a scale and height that is acceptable. It will not dominate the existing bungalow nor be dominant in the locality. The 4.3 metres ridge height compares favourably to the 6 metres high ridge height on Vermont.
- 6.4 The second main issue relates to the impact that the development would have on adjoining property. A rooflight is proposed on the north elevation of the extension. The north-facing wall of the extension. The north-facing wall of the extension is at a minimum 14 metres from the hedgerow boundary between Vermont and Flowermead. This is considered to be sufficient distance from what is a rooflight in a roof that slopes back at approximately 45 degrees. The rooflight's size also restricts opportunities for overlooking given that it is less than one metre square in area. Therefore, it is considered that the application could not be refused for reasons of overlooking and thereby reducing the amenity of existing and future occupants of Flowermead.
- 6.5 The increase in car parking area has been brought about by the erection of a wider garage building i.e. 3 metres wider and by a building needed to be sited further north than presently. The new parking area is required in order to provide access to the new and re-positioned garage and therefore it is considered to be acceptable.
- 6.6 The other matter raised is that the property is used for bed and breakfast purposes. However this is not a matter before the local planning authority, should two or more bedrooms be used (including 1 additional one in the roof space) then planning permission would be required. Should such an application be made then the planning authority would have to treat it on its merits and with regard the policies in the UDP. The use of the garage can be controlled by planning condition at this stage i.e. for garaging and ancillary purposes only.

**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 E08 (Domestic use only of garage)**

**Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling.**

**INFORMATIVES:**

- 1 N19 - Avoidance of doubt**

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

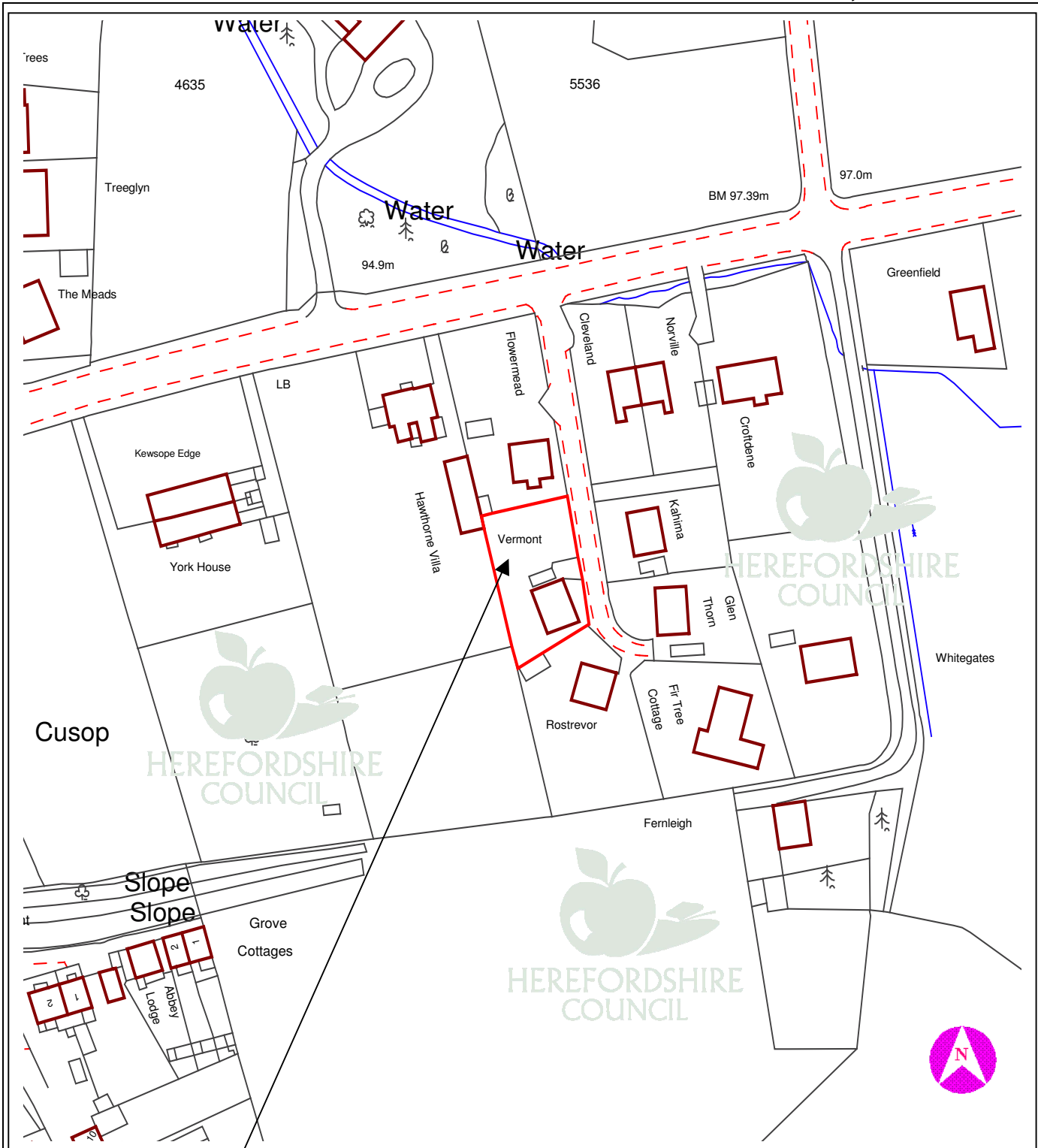
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSW2007/0391/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Vermont, Cusop, Hay-on-Wye, Hereford, Herefordshire, HR3 5QX

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**6 DCSW2007/0036/F - AGRICULTURAL SHEDS - STORAGE FOR HAY, FEED, TRACTOR AND MACHINERY AT CAEMAWR, DORSTONE, HEREFORDSHIRE, HR3 6AY.**

**For: Mr. J.L. Walsh, Caemawr, Dorstone, Herefordshire, HR3 6AY.**

**Date Received: 5th January, 2007 Ward: Golden Valley North Grid Ref: 30972, 43959**

**Expiry Date: 2nd March, 2007**

Local Member: Councillor N.J.J. Davies

**1. Site Description and Proposal**

- 1.1 Caemawr is prominently situated at the corner junction of the unclassified 75220. It is elevated and in an isolated position on Arthur's Stone Lane which runs along the high ridge of land between Dorstone and Bredwardine. The land to the southeast is part paddock/agricultural bounded by mature hedging adjacent to the roadside. The land to the north includes garden curtilage and agricultural land. Access to the field is directly off the unclassified road via a field gate. The area falls within open countryside and designated Area of Great Landscape Value, which is described as the landscape type Enclosed Moors and Commons in the Landscape Character Assessment.
- 1.2 The proposal is to site two agricultural buildings on the land south of the house, adjacent to the road. The largest of the building measures 13.72m x 7.62m x 4.88m to eaves, 7.92m to ridge, positioned on the south side of the two stables, at right angles to the road. The smaller building measures 6.10m x 4.57m x 3.05m to eaves, 4.88m to ridge, positioned on the north side of the two stables. Materials of the buildings are to be agreed.
- 1.3 However, the submitted application raised objections by the Conservation Officer and Dorstone Parish Council and as such the applicant has amended the submitted drawings. On the 12th February 2007 amended plans were received reducing the larger building, however, further plans were submitted on the 19th February 2007 altering the dimensions and design. The amended plan reduces the height of the larger barn from 7.92m to 4.88m to ridge and altering its design to form a 'T' shape, essentially forming two buildings. The section along the roadside measures 9.14m x 6.10m with door opening to the south elevation. The other section will be at right angles linking into the building measuring 6.10m x 6.10m with double door opening to the west. The smaller building to the north of the stables remains the same dimensions.

**2. Policies**

**2.1 Planning Policy Statements**

PPS7 - Sustainable Development in Rural Areas

## 2.2 Herefordshire Unitary Development Plan 2007

Policy DR1	-	Design
Policy E13	-	Agricultural and Forestry Development
Policy LA2	-	Landscape Character

## 2.3 South Herefordshire District Local Plan

Policy GD1	-	General Development Criteria
Policy C8	-	Development within Areas of Great Landscape Value
Policy ED9	-	New Agricultural buildings

## 3. Planning History

- 3.1 DCSW2006/3870/F Construction of stables (two loose boxes) - Approved 18.01.2007

## 4. Consultation Summary

### Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

### Internal Council Advice

- 4.2 Conservation Manager notes that the applicant has listened to the Council's concerns and reduced the size of the hay barn considerably. The proposed outbuildings, at the revised scale, would largely be concealed by the roadside hedgerow and that the adverse impact of the outbuildings has been reduced to an acceptable degree. Recommend that some new hedgerow tree planting be undertaken, should the planning application be successful.
- 4.3 Traffic Manager - No objection

## 5. Representations

- 5.1 In support, the applicant submitted a design and access statement outlining the purpose of the agricultural sheds in order to store hay, feed, tractor and machinery to support agricultural viability of the land. Their design, location and access to the agricultural land have been determined by the nature of area and regard to the existing dwellinghouse.
- 5.2 Further information accompanied the amended plans on the 19th February 2007, stating that the reduction in the size of the larger building would provide a floor area of 93sqm. The height reduction will not enable the round hay bales to be stacked, but can compromise with smaller square bales. The buildings are the same proportion as the stables for which planning permission has been granted in 2006. The hay barn will be used for lambing, but assuming 20 ewes and Defra's 2sqm per lambing ewe, there will only be 53sqm of storage space for hay/straw/feed, machinery and equipment. This building is now 12.5% less and 36% less volume. The size of the smaller shed remains at 27.8sqm for the storage of smaller equipment, i.e. quad bike, strimmer, tools, lawnmower, tack, workbench.
- 5.3 Dorstone Parish Council's comment as follows:



"I refer to the recent letter, 12th February, 2007, regarding the amended plans for the above application. Dorstone Parish Council have studied the amended plans, considered carefully the accompanying letter also an email dated 19th February, which was copied to Mrs. Tyler. Following discussion the Parish Council noted the reduction in size by 12%, however, they are still concerned regarding the overall size of the buildings, proximity to the road, impact on the countryside and note the small acreage involved. Therefore they do not support the amended plans. Council considers no justification for the proposed separate shed to the Hay Barn, removal of this would make the proposed application more acceptable".

The full text of these letters can be inspected at The Hereford Centre, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officer's Appraisal**

6.1 The main issues in the determination of the application are:

- Siting and design of the agricultural buildings
- Impact upon the landscape qualities and wider surroundings

6.2 Herefordshire Unitary Development Plan, Policy E13 outlines criteria for agricultural development. In the case of new buildings, development should be sited with existing groups of buildings where practicable, are sited so as to be readily assimilated into the landscape, avoiding isolated or skyline locations and would not adversely impact upon the environment.

6.3 The two agricultural buildings will form part of the two stables, which were granted planning permission SW2006/3870/F on the 18th January, 2007. These further two buildings will provide shelter for lambing and necessary storage for hay, feed and equipment.

6.4 The amended plan has considerably reduced the size of the Hay Barn, albeit it is in the same position, adjoining the north and south elevations of the two stables, the group remains all at the same height, being 4.88m to the ridge. The re-design of the building, creating two roof sections has reduced its elongated appearance especially on the northerly approach from Arthur's Stone. The entire length of the buildings would measure approximately 22.85m, along the roadside elevation, given that it would be situated behind the mature hedgerow and not segregated around the land, it is considered that the proposed siting and design would be unreasonable to refuse.

6.5 The comments of the Parish Council are noted in respect of removing the smaller shed, however, as explained by the applicant, the reduction in the size of the Hay Barn necessitates the need for the smaller shed to secure other equipment that is necessary. In my opinion, such removal of the building is unnecessary and would lead to reduction in storage facilities and exacerbate the situation during different times of the year, especially lambing.

6.6 The site is visually sensitive, because it is on rising ground at the head of Arthur's Stone Lane and in the foreground of Caemawr. The unclassified road travels south to north providing open views across the surrounding landscape and beyond to the Black Mountains. The sense of openness and the topography of the landscape is an important characteristic. The Council's Landscape Character Assessment describes the landscape type as "Enclosed Moors and Commons". The Conservation Manager

raised objections to the submitted scheme in terms of the large scale building and its visual impact within the pastoral landscape and considered that any such building would need to be comparable in scale with the dwellinghouse.

- 6.7 The amended plans dated 19th February, 2007 have addressed these concerns and the Conservation Manager considers the reduction in the size of the building is acceptable within the landscape subject to an appropriate condition regarding hedgerow tree planting.
- 6.8 The applicant has suggested further planting to help mitigate any harm that the development would cause to the landscape character. It is considered that the use of appropriate materials and further planting would help to break the visual views of the agricultural buildings and provide a wind buffer across the land which is open to inclement weather.
- 6.9 The proposal to construct two agricultural buildings adjacent to the roadside would not adversely affect the landscape character and wider surroundings, and as such accords with the HUDP policies.

## **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 Notwithstanding the details shown on the submitted plans, samples of materials to be used for the walls and roof are to be submitted to and approved in writing by the local planning authority prior to the commencement of development.**

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

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

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

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

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

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

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

- 6 G22 (Tree planting)**

**Reason: To ensure the environment of the development is improved and enhanced.**

**INFORMATIVES:**

**1 N19 - Avoidance of doubt**

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

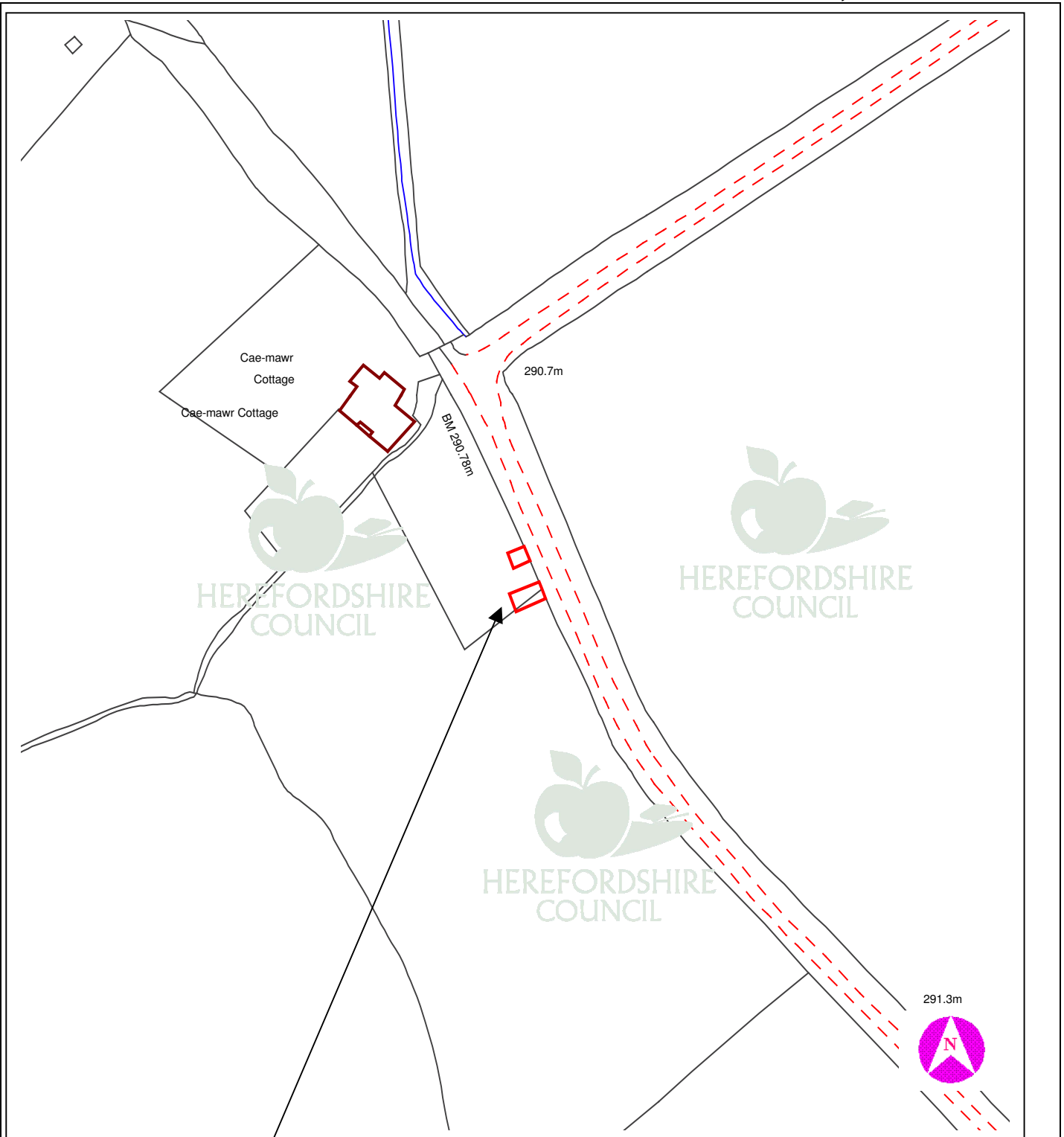
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSW2007/0036/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Caemawr, Dorstone, Hereford, Herefordshire, HR3 6AY

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**7 DCSE2007/0075/F - NEW NATURAL GAS PRESSURE REDUCTION INSTALLATION AND ASSOCIATED WORKS (UNDERGROUND TIE-INS TO EXISTING PETERSTOW COMPRESSOR STATION AND NO. 2 FEEDER OUTSIDE THE COMPRESSOR STATION). LAND ADJACENT TO PETERSTOW COMPRESSOR STATION, TREADDOW OFF THE A4137 HENTLAND, HEREFORDSHIRE, GRID REF: SO 545 238 (OS MAP 162).**

**For: National Grid per Jacobs, Jacobs House, Brooks Drive, Cheadle Royal Business Park, Cheadle, SK8 3GP.**

**Date Received: 10th January, 2007**

**Ward: Llangarron & Pontrilas**

**Grid Ref: 54527, 23839**

**Expiry Date: 2nd May, 2007**

Local Member: Councillor Mrs. J.A. Hyde and Councillor G.W. Davis

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

- 1.1 This site is located on the east side of the Class I A4137 to the south of St. Owens Cross. It comprises some 1.86 ha of agricultural land, currently grassland. The site is adjacent to a gas compressor station that was approved in 1997. Vehicular access to the site is from the Class I road to the southwest and is by way of a recently improved track that also serves the present compressor station.
- 1.2 The proposal is to construct a gas pressure reduction station to be used in association with the construction of a natural gas pipeline from Brecon to Tirley (Gloucestershire), which forms a link to the proposal to transport natural gas from a new terminal at Milford Haven and into the national grid. This is a project of national importance.
- 1.3 The site area is some 1.86 ha but with a significant proportion of this being a landscaped perimeter. The built development would essentially comprise a number of buildings together with above ground pipe infrastructure. There would be two boiler houses each of some 88 sq m and 4 m high, an instrument building of 48 sq m and 3 m high and a standby generator building of 64 sq m and 4 m high. A new access track would circulate through the site. Apart from the physical development the site would be surfaced in stone chipping. A 4 m high fence, comprising a 2.4 m palisade fence with 1.6 m electric fence above, would border the built development. There would be 34 security lights on 6 m columns, two floodlights 2.5 m high and 17 security cameras on 4.5 m poles.
- 1.4 At present there is a natural slope across the site generally to the south. In order to provide a level site a significant cut and fill will be required. The maximum cut would be some 2 m with the maximum fill some 4 m.

**2. Policies****2.1 Planning Policy Statements**

PPS1	-	Delivering Sustainable Development
PPS7	-	Sustainable Development in Rural Areas
PPG4	-	Industrial and Commercial Development and Small Firms
PPS9	-	Biodiversity and Geological Conservation

**2.2 Herefordshire Unitary Development Plan 2007**

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy DR4	-	Environment
Policy DR12	-	Hazardous Substances
Policy DR13	-	Noise
Policy DR14	-	Lighting
Policy LA2	-	Landscape Character
Policy CF1	-	Utility Services and Facilities

**2.3 South Herefordshire District Local Plan**

Policy GD1	-	General Development Criteria
Policy T3	-	Highway Safety Requirements
Policy C9	-	Landscape Requirements
Policy C11	-	Protection of Best Agricultural Land
Policy C16	-	Protection of Species
Policy C48	-	Health and Safety

**3. Planning History**

3.1	SH960993PF	Gas Compressor Station	-	Refused 13.11.96
	SH961054MZ	Proposed 132/11KV outdoor sub-station and associated overhead line supply	-	Objection 13.11.96
	SH970178PF	Gas Compressor Station	-	Withdrawn
	SH970179PF	Gas Compressor Station	-	Approved 02.05.97
	SH2/97	Hazardous substances consent for a gas compressor station	-	Approved 02.05.97
	DCSW2006/1298/F	New natural gas pressure reduction installation and associated works	-	Refused 25.08.06 Appeal lodged.

**4. Consultation Summary**Statutory Consultations

4.1 Environment Agency - no objection subject to conditions

#### 4.2 Natural England comment:

“The ecological survey information for this re-application has not been included in Appendix 3 (excepting a list of plant species). It appears that Natural England’s previous comments concerning the rigour of ecological survey effort still apply. This is understandable given that the period covered by the original application (DCSW2006/1298/F) encompassed the survey season for most species. However, it is regrettable that additional ecological survey effort has not been expended within this section of the pipeline after March and the current submission does not add to the body of ecological information from the last application.

##### Birds

The previous application (DCSW2006/1298/F) states that: ‘The initial habitat-based assessment will be confirmed through formal detailed breeding bird surveys during late-spring 2006’. There is no information from any such survey in the current application, or that this survey was carried out. The mitigation under section 8.6.4 has been downgraded to accommodate this lack of survey and to pre-empt the incidence of nesting birds through habitat removal. The previous application states in this section that ‘...any habitat clearance work carried out on-site would be preceded by a breeding bird survey’ but this now states ‘...removal of potential nesting habitat in advance of the bird nesting season’. Natural England would query why these ‘formal detailed breed bird surveys...’ survey were not carried out.

##### Badgers

Mention has now been made of the ‘well used badger run is present crossing the proposed access track in its south eastern section...’ (Appendix 3 of the Environmental Statement). However, no further survey or mitigation information has been presented although time existed in the autumn period for further surveys to be carried out after determination of the previous application. Natural England requested that this be carried out where the construction and heavy plant usage of the new access road affects the active badger route the old lane to the north of the existing compressor station (between two sites). As Site D would now seem to impinge directly upon this use by badgers allowance must be made for this.

##### Bats

Impacts upon bats have not been further assessed as recommended in the previous application (DCSW2006/1298/F) due to the chronology of the survey season and determination of the previous application. Whilst no additional information is presented, Natural England accepts the explanation that impacts upon flight lines and roosts are not likely to be affected. However, the need for pre-development checks with a follow-up survey to determine foraging and presence/absence in ivy clad trees still stands for the current application. Natural England accepts that there will be benefits in increasing potential foraging habitat within the grounds of the proposed PRI site. However, as there is no mention of the impact of lighting, Natural England cannot agree that no further mitigation is considered necessary as stated in section 8.6.6 of the current application.

##### Great Crested Newt

The two further survey visits recommended in the previous application (DCSW2006/1298/F) do not appear to have taken place. Notwithstanding this Natural England welcomes the proposals for a full capture and exclusion programme to be implemented under an EPS licence.

A draft of the Great Crested Newt licence application and method statement is in conflict with these recommendations in that exclusion fencing is not deemed to be required for the pond in question and no licence is proposed. This anomaly should be rectified in the final application or clarification given as to whether a separate GCN licence application for the Treaddow site will be made. Natural England welcomes habitat enhancement measures for the populations of great crested newt in this area which should be detailed fully in the method statement for great crested newts.

#### Final comments

Placing this development at Site D would appear not to dramatically alter the ecological issues of this application or have implications as to how the survey information provided informs the mitigation approach. In this context Natural England would agree that the ecological issues of Site D are similar in scope to the original ES as stated in Section 4.2. However, a redirection of the pipeline to accommodate this move to the south and east of the current line would involve a major re-route. This has implications for greater impacts upon badgers and great crested newts. This has not been addressed within the application and potential re-route gains no mention.

In view of the lack of additional ecological survey effort and the weak provisions for mitigation, Natural England could not support this application in its present form. Natural England accepts that the issues highlighted above could be addressed through conditions. These conditions must include further survey effort as stated above, the production of a rigorous method statement detailing improved mitigation and enhancement measures which may result from the survey findings (with details of surveys such as dates, surveyor experience/licences held etc. clearly stated). This should be concluded before any construction works commence and the latter overseen by an ecological clerk of works.”

- 4.3 Government Office for the West Midlands - acknowledges receipt of the Environmental Statement but makes no comment

#### Internal Council Advice

- 4.4 Traffic Manager – “I note that there is a historical length of unclassified highway shown on our records as crossing the site from east to west, which would require extinguishment. Subject to satisfactory warning signing, the access would be suitable for the construction traffic, as would the road network serving it.”

- 4.5 Public Rights of Way Manager comments:

- The proposed new gas pressure reduction installation would appear to affect public footpath HN17 (marked as Footpath B on Fig. 11.2) and public footpath HN18 (marked as Footpath A on Fig. 11.2) solely through the visual impact of the proposal on users of the footpaths. The applicant has covered this in some detail in the Environmental Impact Assessment (EIA) (p.100-102) and we have no additional comment to make on this aspect. It should be recognised however, that users of these footpaths may wish to express their personal view over the impact on their enjoyment of these public rights of way.
- In the EIA, the applicant also refers to the visual impact on 'Footpath C', marked on Fig. 11.2. This route is currently recorded as an unclassified county road (UCR) and my colleagues in Highways & Transportation will no doubt comment on this.



- However, the route of the UCR is also subject to a Definitive Map Modification Order (DMMO) application (ref M274) for the addition of a public right of way with the status of a Byway Open to All Traffic (BOAT). The proposed BOAT will continue in a southwesterly direction from the development site, to join the A4137 at approximately the same location as footpath HN17.
- In addition, the green lane leading up to the site from Lower Hendre is also subject to a DMMO application (ref M275), in this case for the addition of a public bridleway.
- The proposed bridleway will cross the access road to the site, and continue in a line between the existing station and the proposed station. The applicant's plans appear to indicate that the line of this bridleway would be obstructed by fencing and the proposed landscaping works.
- If this planning application is approved, it would be necessary to divert the proposed bridleway using provisions in the Town & Country Planning Act 1990, even though the DMMO may not have been determined. A search is currently being made to assess the historical evidence of a public highway along both the DMMO routes.
- The applicant should be required to assess and report on any safety hazards that may present to members of the public using the proposed BOAT and the proposed bridleway by the close proximity of the development to the public rights of way.
- If the DMMOs are successful then the applicant should be aware that the surface of these route will only be maintained by the highway authority to a standard commensurate with their status.
- The applicant would also need to seek consent from the Highway Authority under Section 147 of the Highways Act before erecting any stile or gate across a public right of way.
- Any changes to, or excavations of, the surface of any public right of way must be agreed in writing with this department before any work commences. This is to ensure that the surface is reinstated to an acceptable standard and the public is not inconvenienced whilst work is carried out.
- Any damage to the surface of the public rights of way caused by the movement of construction or maintenance vehicles must be repaired by the applicant before leaving the site, and at the applicant's expense.

#### 4.6 Conservation Manager

- a) Archaeologist - no objection subject to the imposition of an appropriate watching brief condition on any permission.
- b) Building Conservation Officer - the proposals are not likely to have any demonstrable impact on the historic built environment. No Objection
- c) Ecologist - . I have received the Environmental Statement accompanying the application, as well as the comments of Natural England and the response by

Murphy's ecologist. Details of the ecologists who carried out the surveys (and their relevant license numbers) should be submitted.

I accept that the loss of arable land occupying the majority of the site will have a negligible impact upon the ecological value of the site. My main concerns lie with the loss of habitat caused by the creation of the new access road from the existing access road along the south-eastern boundary of the site. This will result in the loss of tall hedgerow shrubs as well as some of the tall-herb fen occupying the low ground adjacent to this boundary. The rushes and other species found here have not been marked with an asterisk in Appendix 3A. There will also be a resultant break in the wildlife corridor. A map of the habitats detailing dominant species present is required and amended species list.

I endorse the opinion of Natural England that a breeding bird survey should have been submitted as part of this application, including the field boundaries. I would disagree with the assertion that the section of hedgerow to be removed is "*unused by or of low value to, birds*". I would therefore recommend that nest boxes be provided along the unaffected field boundaries to compensate for the loss of nesting habitat prior to the maturation of the landscape planting. I am concerned that birds may well have started nesting prior to the commencement of the development works, and require assurances as to how impact upon nesting birds will be avoided. The statement that "*all suitable habitat for breeding birds is removed before February*" is clearly now unachievable. This may result in development works being delayed until autumn 2007. Enhancement measures for tree sparrows (as they have been recorded in the area) would be welcomed. The hedgerow planting specifications could be more diverse, and include species such as field maple, dogwood, honeysuckle and dog rose.

The potential impact of the development on bats has also not been fully addressed. There was opportunity last year to conduct bat activity surveys to demonstrate whether any of the hedgerows are being used as commuting and/or foraging routes. The aerial photograph would appear to show that there are intact corridors that could be being used. The lighting of the site may well have an impact upon bats, depending upon the current usage and which species are present. Old-style street lighting does attract insects (as stated by Murphy's ecologist), which can be beneficial for some bat species, but modern lighting does not appear to have the same insect-attracting properties; strong lighting will have a negative impact upon some species. Normal night-time lighting will therefore need to be directed away from the wildlife corridors.

I welcome the great crested newt capture and exclusion programme under license from Natural England, as well as the enhancement measures that are proposed. However, the location of a new pond is not identified on the site plans, and needs to be clarified.

I accept the findings that there are no badger setts within 30m of the development site, but agree with Natural England that mitigation measures for the potential impact of traffic upon the well-used badger path should have been included.

It should also be noted that the Wilson Farm Ponds Special Wildlife Site is an SWS not a SINC.

In spite of the above concerns, and although some issues do not appear to have been covered in the ecological assessment of the site, my recommendation is for approval of the application, but subject to the inclusion of conditions to deal with the ecological issues.

- d) Landscape Officer - "The proposed site for the gas pressure reduction installation is an open grass field immediately to the south-west of the Peterstow Compressor station. The general profile of this field is a slope down from the north-western site boundary, with the lowest point being the zone of land just to the north-east of the existing access track to the Peterstow compressor station. There is a short rise up to the level of the access track. There is a low field hedgerow and some hedgerow trees along the south-western boundary and the boundary with the access track. This area is described as Principal Settled Farmlands in Herefordshire Council's Landscape Character Assessment.

With regard to planning application DCSW2006/1298/F for the siting of the gas pressure reduction installation on site 'A', land to the north-west of the Peterstow compressor station, I note that the reason given for refusal was that the proposed development would have a harmful impact on the landscape quality of the area by reason of the size and scale of the development, the need for extensive earthworks & landscaping and the degree of visibility from public viewpoints. I will consider these issues in relation to the alternative site 'D' proposed in the current application DCSE2007/0075/F, in order to assess whether siting the installation on site 'D' would have less of an adverse visual impact than siting it on site 'A'.

#### Size and scale of the development

I assume that the size and the scale of the actual installation - the gas pressure reduction plant buildings and structures, remain the same as for the previous application, as the parameters for the size and scale of such installations are normally set by engineering requirements.

#### Earthworks

Site 'D' is on sloping ground, with quite significant changes in levels, particularly on the north-west - south-east axis, as demonstrated by the cross-sections. This means that large-scale earthworks will be required, in order to construct a level building platform, with up to 2 metres of cut being required in the high, north-western zone of the site and up to 4 metres of fill being required in the lowest zone of the site, adjacent to the access track. It does not appear that the amount of earthworks required for site 'D' would be less than would be required for site 'A'. So in terms of earthworks, there is no particular benefit in terms of using site 'D' as opposed to using site 'A'.

#### Visibility of the site

With regard to the visual impact assessment contained within the Environmental Statement I am in agreement with the definition of the zone of visual influence and the identification of key receptors. I agree that the existing compressor station is generally set down within the landscape and I also agree that the fact that site 'D' sits within a local fold in the rolling landscape limits the number of visual receptive locations.

In terms of the visual impact of the proposed development, the fact that site 'D' is very close to the previously proposed site 'A' means that there is not a significant change to the visual impact ratings for the development with regard to many of the receptors. In my view, the key change in visual impacts, caused by switching the site from one side of the compressor station to the other, is in relation to some of the residential property receptors. It is evident that the visual impact rating for receptor 6, Little Peterstow Barn has reduced, in terms of adverse impact, because the proposed development has been moved further away from this property. In my view the adverse visual impact of the development on receptor 7, Patience & Reward will increase, because the development has been moved significantly closer towards these two properties, although this is not reflected in the visual impact assessment. This states that the magnitude of change, for Patience & Reward, will be medium in respect of development on both site 'A' and site 'D'.

With regard to views into the site 'D' from the A4137, I feel that the sensitivity of this receptor has been downplayed in the visual impact assessment. In my view the sensitivity should be medium, not low. In winter in particular, when hedgerows and trees are not in leaf, I noted that parts of site 'D' are quite visible over quite a long stretch of this road, to the south of Great Treadow Farm.

Turning to the issue of the assimilation of the proposed development site into the wider landscape, site 'D' does offer a slight advantage over site 'A' because it fits within an existing field compartment and the associated framework of hedgerows and trees provides a good basis for screening planting. Site 'A' does not relate as well to existing field compartments as it extends partway across the field to the north-west of the compressor station.

#### Landscape mitigation planting

The planting proposals are acceptable. When the planting has matured, it will provide adequate screening. With regard to the proposed new hedgerow planting along the north-western site boundary, I recommend that oak trees be planted at random intervals within the northern part of this hedgerow. This would help to reinforce the screening planting along this boundary.

#### Conclusion

I conclude that from a landscape perspective, the proposed development would be acceptable on site 'D'. Although the development will have some adverse visual impact on nearby receptors, this will lessen over time as the screening planting matures.

However, it should be noted that in terms of reducing adverse visual impacts, there does not appear to be any particular advantage in siting the installation on site 'D' rather than site 'A'. The size and scale of the development remains the same, there is no reduction in the amount of earthworks required and the overall adverse impact on residential properties, farmsteads, nearby roads and footpaths appears to be comparable."

- 4.6 Head of Environmental Health - "I have had a look at the application and accompanying information and am satisfied that this station can operate without undue detriment to the neighbourhood.

The noise assessment in particular accepts that there will be some adverse noise impacts both during the construction stages, commissioning and during its operation but that this can be mitigated to an acceptable level and that during operation this will be 'no more than a slight deterioration to the noise environment whenever reasonably practicable and one which will ensure no impact on night-time sleep'

Whilst the use of typical L90 background noise levels could be questioned, I am satisfied with the overall conclusions of the report and do not have any objection as regards noise.

I can further confirm that the assessment of impact on local air quality demonstrates that whilst there will be some detrimental impact on air quality during the construction stage that acceptable mitigation measures are also available.

I therefore have no objection but would suggest that conditions are attached to any permission imposing the mitigation measures as regards noise and air quality control as detailed in the Environmental Statement."

## **5. Representations**

- 5.1 The applicants have submitted a Design and Access Statement and an Environmental Statement. The Environmental Statement provides a background to and a justification for the project together with an assessment of site selection. It then assesses the potential impact of the development and proposes mitigation in terms of cultural heritage and archaeology, ecology, water resources, agriculture, landscape and visual, noise and vibration, traffic and transportation, socio-economic local air quality and waste management. It concludes that the development will have some environmental impacts both during construction and in the operation of the installation but that measures are identified to keep these to a minimum.
- 5.2 Peterstow Parish Council - No objection provided all environmental, safety and security risks/matters are properly assessed and implemented. Also any disruption during construction must be kept to a minimum.
- 5.3 Hentland Parish Council - no objection
- 5.4 A letter has been received on behalf of Mr and Mrs Gething Lewis in support of the application. This states that while there is opposition to an increase in the scale of the development in this location the current site is "the lesser of two evils", and although there will be an impact on the appearance of the countryside this site is less harmful as it can be better assimilated into the landscape
- 5.5 Letters of objection have been received from the owners of Patience and Reward. The reasons are that there will be harm to the amenity of the dwellings as it is virtually impossible to screen the development which is at a lower level, there would be an extensive loss of habitats, a loss of historical landscape features and the property value would be effected. One letter suggests that the previous site is the preferable option.

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

## **6. Officer's Appraisal**

- 6.1 The proposal is an integral element of the applicant's proposal to construct a new pipeline to transport natural gas from a new terminal at Milford Haven into the national gas transmission system. This has been recognised as a project of national importance. The section of the pipeline between Felindre (South Wales) and Tirley (Gloucestershire), which includes that part crossing Herefordshire, was approved by the Secretary of State for Trade and Industry on 7th February, 2007. Construction of the Herefordshire section is to be undertaken in 2007.
- 6.2 At some point along the route a connection into the existing gas transmission system is required. The purpose of the facility will be to filter, meter and regulate the pressure of the gas before it enters the existing system. The applicants have identified the existing gas compressor station at Peterstow as the most suitable location for this. There is insufficient space within the existing facility to accommodate the work and a new site is required.
- 6.3 The applicants investigated options for the location of the development adjacent to the existing compound. Their preferred location was to its north side and an application was submitted. This was refused in August 2006 for the reason that it would have a harmful impact on the landscape quality of the area by reason of its size, scale earthworks, landscaping and visibility from public viewpoints. An appeal has been made against this decision. At both the meeting of this Committee and the Planning Committee on that application there was discussion of alternative locations and support was expressed for "Site D".
- 6.4 This application relates to "Site D". It comprises an area of agricultural with established hedgerows to some of its boundaries but open on the side that adjoins the track that separates it from the existing site. There is no directly specific policy in the development plan that relates to the proposal, although UDP Policy CF1 deals with proposals for utility services and infrastructure. From this and other policies a number of issues can be identified.
- 6.5 Firstly is the impact on landscape. The site is within an area that is described as Principal Settled Farmlands in the Council's Landscape Character Assessment. It is an area of agricultural land that forms part of a larger field. It has established hedgerows to two of its boundaries. There is a requirement for the development to be constructed on a level site and consequently there would be extensive earthworks. However to mitigate this a comprehensive scheme of landscaping is proposed which shows extensive planting around the boundaries. The landscape impact is considered in the advice from the Landscape Officer, in Section 4.6 (d). It is my opinion that although there will be some adverse visual impact particularly in the short term I do not consider that there will be an unacceptable impact on the landscape.
- 6.6 With regard to the potential visual impact on residential property there are residential properties in relatively close proximity. Some 350 m to the southwest are two houses (Patience and Reward) whilst some 320 m to the northwest and on the opposite side of the Class I road is a detached house (Great Treaddow) which is also a Listed Building. In addition there are a number of other houses on the west side of the Class I road but at a greater distance. The development will be visible from these dwellings and following the establishment of the landscaping scheme this will be to a greater and lesser degree and will vary through the year. The advice from the Landscape Officer considers the extent of this impact in the context of the Environmental Statement. I consider that there will be some adverse impact on the outlook from these dwellings. However these dwellings are at a higher level and this together with the provision of

the landscaping scheme will mitigate the impact such that I consider that it will be acceptable.

- 6.7 With regard to the heritage of the area the primary concern is with regard to archaeology and listed buildings. With regard to archaeology a watching brief during construction will ensure that anything of significance revealed during the work can be recorded and preserved or if necessary excavated. Great Treaddow is a Listed Building and in excess of 300m from the site. I do not consider that the development will have an unacceptable impact on its setting.
- 6.8 With regard to the impact on biodiversity this issue is considered in the Environment Statement. However the advice from the Council's Ecologist and Natural England does raise questions with regard to the comprehensiveness of the survey work and particularly the impact on the hedgerow and the proposed mitigation. Although the majority of the site being an arable field appears to be of low ecological interest the loss of the hedgerow, for the access, would have an impact. There would however be compensation through the landscaping scheme. Overall I consider that in relation to the development proposed, rather than the pipeline which is dealt with separately, the ecological issues have been addressed. I would recommend conditions to resolve the outstanding issues.
- 6.9 With regard to the environmental impact these could arise during the construction and in the operation of the site. The Environmental Statement considers these issues. With regard to noise, during construction working hours and working practices together with the early construction of the landscaped bunds should mitigate this. During operation the design and specification of noise limits on plant should mitigate any noise during the operation of the facility. With regard to air quality during construction this will be mitigated by working practices. During operation odour emissions will be in two forms. Firstly there will be some emissions of natural gas from valves and venting but this should disperse readily into the atmosphere. Secondly there will be emissions of nitrogen oxides from the condensate boiler but it is concluded that these will be insignificant. The Head of Environmental Health raises no objection.
- 6.10 With regard to drainage, during construction best practice measures will be employed, as a result of which there should be no significant impact. In the operation of the site all surface water will be intercepted and discharged to nearby watercourses. This discharge may require consent from the Environment Agency. With regard to foul drainage this will be discharged to a sealed cesspool and removed by tanker. The Environment Agency raise no objection subject to conditions.
- 6.11 With regard to traffic the most impact will be during the construction phase. A traffic management plan has been prepared which includes measure to minimise any impact. In its operation it is estimated that typically one service van per week will visit the site.
- 6.12 There are public rights of way in the vicinity. To the northwest are two public footpaths (HN17/HN18). There will be no direct physical impact on these but the presence of the development will have a significant visual impact on the enjoyment of users of these routes. This will be particularly so until the landscaping has become fully established and mature. In addition there will be routes directly affected. There is a west to east route running from the Class I road to connect with "Hells Ditch", which is an unclassified road but also subject of an application to have it identified as Byway Open to all Traffic. There is a south to north route that runs from Hendre to connect to the above route. This is subject of an application to have it identified as a bridleway. Both of these are likely to result in the routes becoming recorded as public rights of way.

The development will directly affect both of these routes. The applicants have considered this and have suggested that they would seek for both of these routes to be diverted around the perimeter of the site. Such diversions would require formal diversion orders which would be appropriately dealt with by the Secretary of State. These diversions would need to be confirmed before the development is substantially complete. In terms of determining this application I consider that such diversions would, although they would not remain on their historic route, allow the continued use of the routes.

- 6.13 With regard to lighting this will be primarily in the form of security lighting but this will only be activated when there is contact with the security fence and only the appropriate section will be illuminated. The floodlights will only be operated when staff are visiting the site.
- 6.14 The proposal is an integral element of a major project to expand the natural gas supply in the UK. The pipeline itself has received consent and construction has commenced. This proposal is a substantial development that will require significant alterations to the landform and will be visible in the landscape. However I consider that the applicants have justified the principle of the development in this location and subject to conditions its impact can be adequately mitigated.

## RECOMMENDATION

That:

- (i) Pursuant to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI 1999 No. 293), Regulation 3(2) the Herefordshire Council has taken the environmental information into consideration when making their decision. "Environmental Information" is defined by Regulation 2(1) as "the environmental statement, including any further information, any representations made by any body required by those Regulations to be invited to make representations, and any representations duly made by any other person about the environmental effects of the development:" and
- (ii) 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. **B11 (Details of external finishes and cladding (industrial buildings))**  
**Reason: To secure properly planned development.**
  3. **D01 (Site investigation - archaeology)**  
**Reason: To ensure the archaeological interest of the site is recorded.**
  4. **G05 (Implementation of landscaping scheme (general))**  
**Reason: In order to protect the visual amenities of the area.**



5. Notwithstanding the details shown on the landscaping scheme the planting specification for the new hedgerows shall be more diverse and supplemented with oak trees to be planted at regular intervals. The details of these shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of development. The work shall be carried out concurrently with the implementation of the landscaping scheme.

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

6. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters.

7. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

8. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained.

Reason: To prevent pollution of the water environment.

9. Prior to the commencement of development a scheme for the treatment and disposal of condensate discharge from the boiler shall be submitted to and agreed in writing by the local planning authority.

Reason: To prevent pollution of the water environment.

10. All foul drainage shall be contained within a sealed and watertight cesspool, fitted with a level warning device to indicate when the tank needs emptying.

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

11. **No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system including the use of Sustainable Urban Drainage Systems and pollution prevention techniques has been submitted to and approved in writing by the local planning authority. Surface water generated from the site shall be limited to the equivalent Greenfield run-off rate for the site (10l/sec/ha). The scheme shall be implemented in accordance with the approved details.**

**Reason: To prevent pollution of the water environment and the increased risk of flooding.**

12. **During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: 7.00am to 7.00pm Mondays to Fridays and 8.00am to 4.00pm Saturdays. No work on Sundays or Bank Holidays.**

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

13. **F02 (Scheme of measures for controlling noise)**

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

14. **H28 (Public rights of way)**

**Reason: To ensure the public right of way is not obstructed.**

15. **Further surveys for bats and nesting birds shall be conducted at an appropriate time of year by appropriately qualified ecologists and the results submitted for the approval of Herefordshire Council's ecologist prior to development.**

**Reason: All species of bat and their roosts are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats) Regulations 1994 and policies within the Local Plan and UDP NC1, NC5, NC6 and NC7.**

**Nesting birds are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats) Regulations 1994 and policies within the Local Plan and UDP NC1, NC5, NC6 and NC7.**

16. **Prior to development, a method statement shall be submitted to and approved in writing by the local planning authority. This shall detail ecological mitigation and enhancement measures pre-, during and post-construction and should include a capture and exclusion programme for great crested newts. Construction works are to be overseen by an ecological clerk of works.**

**Reason: All species of bat and their roosts are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats) Regulations 1994 and policies within the Local Plan and UDP NC1, NC5, NC6 and NC7.**

Nesting birds are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats) Regulations 1994 and policies within the Local Plan and UDP NC1, NC5, NC6 and NC7.

**Informative(s):**

**1. ND03 - Contact Address**

- 2. Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at: <http://www.environment-agency.gov.uk/business/444251/444731/ppg/>**

**The applicant should also contact Jeremy Churchill to agree pollution prevention measures that may be required during construction and post construction phases.**

- 3. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.**
- 4. Your attention is drawn to Table B2, of PPS25 - Development and Flood Risk (December 2006), which states that...'in making an assessment of the impacts of climate change...the sensitivity ranges in Table B2 may provide an appropriate precautionary response to the uncertainty about climate change impacts on rainfall intensities...'**

**We would therefore recommend, for a development with a lifetime to 2085 (as proposed) that a 20% increase is added to the 1% storm event to account for climate change.**

- 5. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water run-off from a site. This approach can also offer other benefits in terms of promoting groundwater recharge, water quality improvement and amenity enhancements. Approved Document Part H of the Building Regulations 2000 sets out a hierarchy for surface water disposal which encourages a SUDS approach.**
- 6. HN01 - Mud on highway**
- 7. HN02 - Public rights of way affected**
- 8. In making this decision the local planning authority had regard to the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 and have concluded on the basis of the submitted material that there would be insufficient adverse environmental effects from the proposed development to justify refusal of planning permission.**
- 9. N19 - Avoidance of doubt**

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

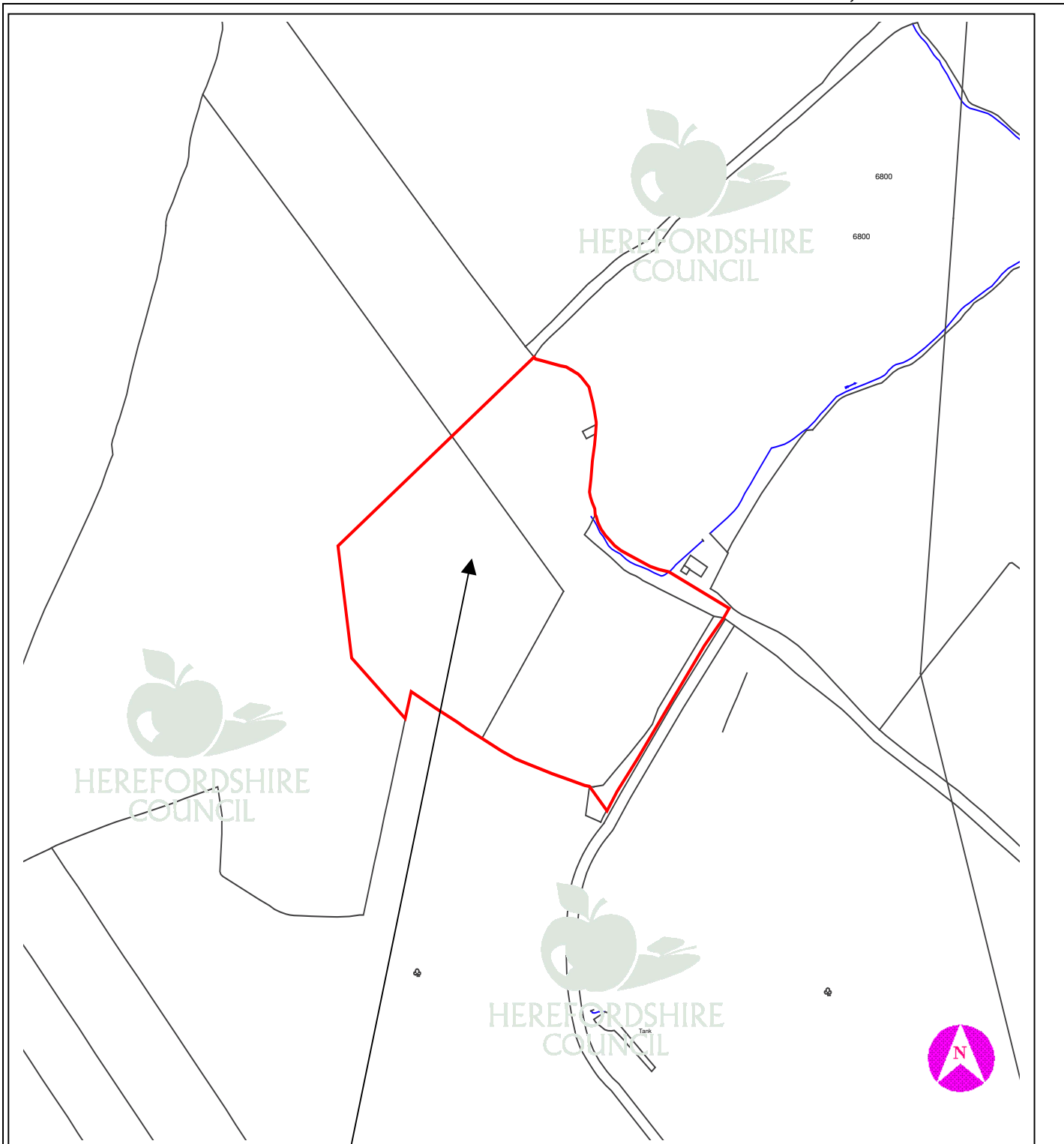
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2007/0075/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** Land adjacent to Peterstow Compressor Station, Treadow off the A4137 Hentland, Herefordshire, Grid Ref: SO 545 238 (OS map 162).

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**8 DCSE2006/3302/F - REMOVAL OF CONDITION 6 OF PERMISSION NE2000/2725/F SO THAT THE PROPERTY CAN BE USED TO ACCOMMODATE AN AGRICULTURAL WORKER AT THE HYDE, WOOLHOPE, HEREFORDSHIRE, HR1 4RD.**

**For: Mr. & Mrs. J.J. Windham per Kernon Countryside Consultants, Brook Cottage, Purton Stoke, Swindon, Wiltshire, SN5 4JE.**

**Date Received: 16th October, 2006    Ward: Old Gore    Grid Ref: 62289, 34457**

**Expiry Date: 11th December, 2006**

Local Member:    Councillor J.W. Edwards

**1. Site Description and Proposal**

1.1 The Hyde comprises a large farmhouse (Listed Grade II) and adjoining farm buildings. Immediately to the house is a mobile home (chalet-type). This was originally granted planning permission in 2000 (NE2000/2725/F) to meet the special needs of an elderly person. Condition no. 6 of that permission required that when she ceased to occupy the mobile home it should be removed and the land reinstated. An application (SE2005/3281/F) to remove condition no. 6 so that the mobile home could be used to support the farm through short-term residential lets and agricultural occupancy was refused in November 2005 for the following reason:

“The Council is not satisfied that the continuation of use of the mobile home is essential to support the farming enterprise. The proposal would conflict therefore with the Council's policies for mobile homes in the countryside and would harm the rural character of the area which is identified as a Great Landscape Value in the Hereford and Worcester County Structure Plan. The policies referred to are RC1, RC2 and H20 of Hereford and Worcester County Structure Plan and Housing 4, 5, 9 and 14, and Landscape 1 & 3 of Malvern Hills District Local Plan.”

1.2 The current proposal is for removal of condition no. 6 in order to accommodate an agricultural worker. A full agricultural appraisal has been submitted. This depicts a farm of 182 ha. of which 151 ha is arable and pastureland and supports a large sheep enterprise with about 800 ewes. The mobile home is required for the shepherd/arable manager; Mrs Windham who occupies the farmhouse works part-time on the farm.

1.3 The Hyde is situated at the south-eastern end of an unclassified road, about 0.75 km from the main road network and is consequently in an isolated, rural location.

**2. Policies**

**2.1 Planning Policy Statements**

PPS7    -    Sustainable Development in Rural Areas

**2.2 Herefordshire Unitary Development Plan 2007**

Policy H7	-	Housing in the Countryside outside Settlements
Policy H8	-	Agricultural and Forestry Dwellings and Dwellings associated With Rural Businesses
Policy LA2	-	Landscape Character and Areas Least Resilient to Change
Policy H11	-	Residential Caravans
Policy H13	-	Sustainable Residential Design

**3. Planning History**

3.1	NE2000/2725/F	Mobile home for elderly relative.	-	Approved 6.12.2000
	DCSE2005/3281/F	Rescind condition no. 6 of NE2000/2725/F so can be used to support farm through short-term residential lets and agricultural occupancy.	-	Refused 28.11.05

**4. Consultation Summary**Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

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

4.3 The Property Services Manager has considered the agricultural case. In his opinion there appears to be a justification for one agricultural dwelling. There is no justification for two dwellings for this farm which is run by one person full time with part-time help. There is already a house on the site, although it does not have an agricultural tie. It is appreciated that it is a large house and possibly unsuitable for an agricultural worker in that it would cost too much to run but presumably it was originally the farm house.

**5. Representations**

5.1 The applicants' agent has submitted both a Design and Access Statement and an Agricultural Appraisal. The former includes the following:

- (i) it is proposed that a log cabin is retained to provide an essential on-site residential presence in order to ensure the welfare of the livestock at the farm. The dwelling will be occupied by a farm worker and his family.
- (ii) The log cabin is typical of those that are used for agricultural dwellings. Photographic elevations of the property have been provided.
- (iii) The log cabin is a complete structure constructed of morticed logs with a hipped roof over. It has two bedrooms, living/kitchen area and two bathrooms.
- (iv) The access is from an existing farm drive that leads from the lane to the farm buildings. This drive is tarmaced and has adequate visibility splays.



The key sections of the Agricultural Appraisal are included as an appendix to this report.

The full text of these letters can be inspected at The Hereford Centre, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officer's Appraisal

- 6.1 The site is in the countryside and residential mobile homes, like permanent dwellinghouses, need special justification (Policies H7 and H11). Policy H7 includes agricultural workers dwellings which are clearly necessary in connexion with agriculture as one of the possible exceptions to the policy not to permit housing in the countryside outside settlements. The criteria to determine whether a dwelling is necessary are set out in Policy H8, which follows the advice in Annex A of PPS7.
- 6.2 It is accepted that there is a functional need for one but not two dwellings and that this is a financially viable agricultural enterprise (the tests in Policy H8). The issue is therefore whether the existing house would meet that agricultural need. It is a sizeable property built in the seventeenth and eighteenth centuries and a listed building; no doubt therefore there are high maintenance costs. The profits made by the farm would not be sufficient to buy such a property and may not cover maintenance. Clearly if this dwelling was proposed to meet this agricultural need it would not meet the test of being commensurate with the enterprise's profitability. However this is not the proposal. There would be many farms which on the same basis could justify a second dwelling because of the recent decline in agricultural incomes.
- 6.3 A key section of Annex A requires that "the functional need could not be fulfilled by another existing dwelling on the unit.....which is suitable for occupation by the workers concerned". As the Agricultural Appraisal points out this has been interpreted in two ways:
- (i) that any existing house will meet the need
  - (ii) that its suitability and availability must be taken into account.

Legal advice and various planning appeals and High Court case are referred to in the Agricultural Appraisal to show that the latter (ii) is the correct approach (see Appendix, section 4.20-4.33). This interpretation applied to the current case would indicate that as the farmhouse is too large and costly to acquire and maintain in relation to income it can be discounted and the farm treated as if there was no farmhouse. However in October 2005 Mrs Windham's input to the farm was clearly critical; in a letter of application seeking removal of condition no. 6 the main reason given was financial support of the farm (farm diversification) with, "as necessary, agricultural occupancy" as an extra to the main use of short-term residential letting [emphasis added]/ "It is .....helpful to [Mrs Windham] to have occupiers of the property who will assist as necessary from time to time and provide security". It is not clear that this has changed only a year later, (the Agricultural Appraisal is dated October 2006). Consequently if permission is granted there would be two dwellings (farmhouse and residential mobile home) occupied by two key workers. In these circumstances referring to the existing dwelling as not suitable or available would conflict with the facts. A further (unintended?) consequence of interpretation (ii) to this case would be that a new dwelling would be justified because of the size and character of the existing farmhouse but that this would not be the case if the existing farmhouse was small and mean.

- 6.4 Annex A emphasises that it is “the needs of the enterprise and not the personal preferences or circumstances of any of the individuals involved” that is the determining factor regarding whether a new dwelling is essential. The farm owner and occupier of The Hyde has chosen to work part-time. If she worked full-time there would be no case for another dwelling at The Hyde. This is a matter that falls within “personal preferences or circumstances of individuals rather than the needs of the enterprise. A recent appeal case in Herefordshire, albeit related to an equine business, has taken this approach resulting in the appeal being dismissed.
- 6.5 It is evident that there are two possible interpretations of the Government’s guidance as to when a new dwelling is essential. For the reasons given above I consider that in this case the mobile home is not essential. Although in a relatively secluded location it would have a small but nonetheless significant harmful effect on the rural character of this attractive rural area.

**RECOMMENDATION**

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

- 1 The Council is not satisfied that the continuation of use of the mobile home is essential to the farming enterprise. The proposal would conflict therefore with the Council's policies for mobile homes in the countryside and would harm the rural character of the area. The policies referred to are H7, H8, LA2, H11 and H13 of the Herefordshire Unitary Development Plan 2007.**

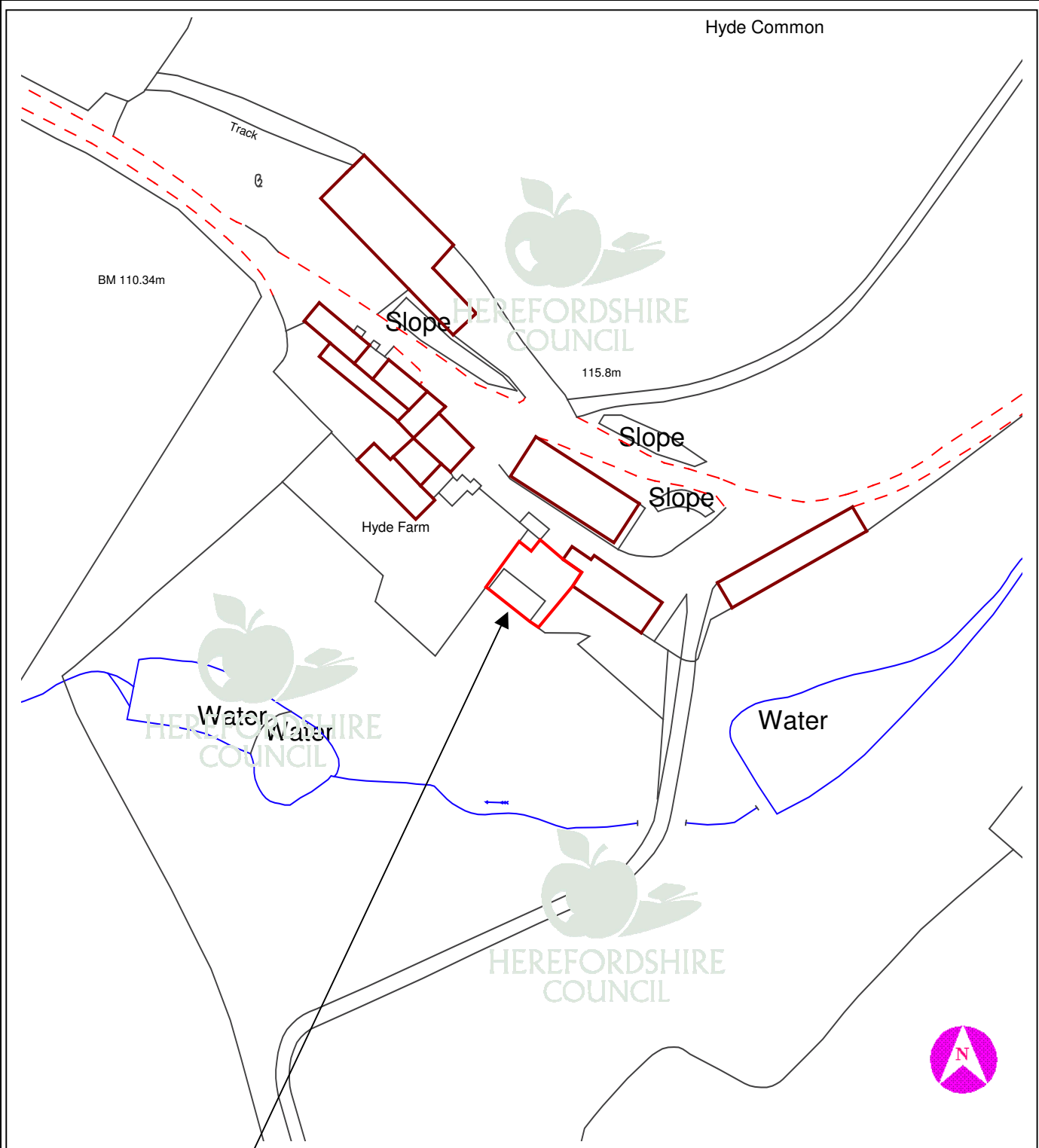
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2006/3302/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** The Hyde, Woolhope, Hereford, Herefordshire, HR1 4RD

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Other Dwellings

4.20 This is perhaps the most important PPS7 consideration for this application. A3 (iv) of PPS7 states:

**“the functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation in the area, which is suitable and available for occupation by the workers concerned.”**

4.21 Potentially there are two interpretations of this guidance:

- i) if there is an existing house, then irrespective of its suitability that house will meet the functional need;
- ii) that the suitability and availability of any existing dwellings must be considered in all cases.

4.22 In a previous similar planning application on a different holding, we instructed a barrister, Sebastian Head, to provide legal advice on this point.

4.23 His advice was unequivocal:

- **“suitable and available”** applies to existing dwellings on the unit;
- existing dwellings cannot undermine the approval of a new dwelling if the existing dwelling is **not suitable**;
- equally existing dwellings cannot undermine the approval of a new dwelling if they are **not available**.

4.24 The existing dwelling at The Hyde is very large. It is a substantial, six bedroomed detached house. The overall floor area of the property is

approximately 580 m<sup>2</sup>, as measured by the applicants. Reading Agricultural Consultants carried out a survey in 1999 of all rural-based local planning authorities in England (297) to see how local planning authorities interpreted what was "commensurate" and if they applied specific guidelines on the maximum size of dwellings that they will permit. Table KCC 2 sets out the distribution of upper limits of sizes quoted by local authorities (only 25 local authorities had limits). The mode (most frequent response) of this distribution is 150m<sup>2</sup>, and the mean (average) is 157 m<sup>2</sup>.

**Table KCC 2 : Upper limits of maximum permitted sizes of agricultural dwellings**

Maximum Size (m <sup>2</sup> )	100	120	140	150	160	170	180	190	200	225	280
No. of responses	1	5	8	9	4	1	4	1	2	1	1

- 4.25 Based on the results of the RAC survey it is clear to see that the existing dwelling at The Hyde is not commensurate with the holding. The ground floor alone at approximately 250 m<sup>2</sup> is larger than what all but one local authority would permit.
- 4.26 In summary we conclude that the existing property at The Hyde is not commensurate with the functional needs of the enterprise. It is not of a size that makes it suitable for a farm worker employee.
- 4.27 It must also be considered whether or not the farm can, in the long-term, fund the maintenance of this dwelling. Currently Mr Windham works full-time off the holding and Mrs Windham part-time off the holding. The residential property is financed by this non-agricultural income.
- 4.28 The current farm accounts show that the farm generates a profit just in excess of the agricultural wage. The long-term maintenance of the existing house could not be achieved from the farm profits alone. Again, therefore, the house is not suitable.
- 4.29 In our opinion the existing dwelling should not prevent the granting of consent for the retention of the log cabin for occupation by a farm worker because:

- i) the existing house is not suitable for the farm because of its size; and
- ii) it is unusually large for the realistic long-term income generation of the farm;

4.30 This view has been shared by a number of Inspectors, I attach two appeal decisions at **Appendix KCC 3** that support our opinion. A summary of the decisions are included in Table KCC 3 below.

Table KCC 3 : Summary of Appeal Decisions

Appeal Ref	Property	Inspector's view
T/APP/P1805/A/98/296568/P7	Alvechurch Nurseries, Alvechurch	"In my view, the words "suitable" and available in paragraph 15 relate to existing dwellings on a holding as well as to alternative accommodation elsewhere. Shepard's Croft is a substantial house and the Council did not dispute that it is worth some £350,000. As such it could not be sustained solely by the income of Alvechurch Nurseries."
T/APP/C/97/R2330/647276	Land at Brownfield Farm, Baxendean	"In considering whether the functional needs of the enterprise can be met by the existing farmhouse I have had regard to the judgment in Keen v Secretary of State for the Environment and Aylesbury Vale District Council (1996) JPL 753 where it was that the mere existence of existing accommodation does not suffice, it should be looked at it terms of availability and suitability. Although the circumstances of that case differ in some respects from those in this appeal before me it seems unreasonable that Mr Ashburner should have to vacate his house and make it available for an agricultural worker. Even if that were done questions must be raised about the suitability of a very large house with 4/5 bedrooms and a granny annex, for occupation by an agricultural worker. A house such as this would command a high market price or rent and I doubt there would be any realistic prospect of it being bought or rented by an agricultural worker. Consequently I am not satisfied that the existing farmhouse is available or suitable for occupation by an agricultural worker."

4.31 In addition to the appeal cases set out above a Court of Appeal Case Keen v Secretary of State for the Environment and Aylesbury Vale District Council (1996) JPL 753, attached at **Appendix KCC 4**. It was held in this instance that, although accommodation might exist, its "availability" and "suitability" had to be subjected to some scrutiny.

4.32 Therefore based on our own professional experience and on the above decisions it is our opinion that no other dwelling is suitable or available to meet the long term needs of the holding.

- 4.33 With regards the proposed dwelling the log cabin is modest in size at approximately 80 m<sup>2</sup> and is in our opinion suitable for a farm worker. The cabin would be well suited to serving the farm long-term, which the current house cannot.

**Siting**

- 4.34 The log cabin is sited adjacent to the farm building complex on the site of an old Farm building and within the farm building complex. It is in a location, where the dwelling occupant can see and hear disturbances.



## 5. SUMMARY AND CONCLUSIONS

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- 5.1 This application is for the retention of a log cabin for occupation by an agricultural worker on a mixed sheep and arable unit.
- 5.2 The agricultural appraisal has examined the proposal against the criteria set out in PPS7 Annex A paragraph 3 we find that:
- a) there is a clearly established existing functional need for a worker to live on site in connection with the established sheep enterprise;
  - b) the farm is a full-time unit and therefore satisfies the full-time test;
  - c) the farm is financially sound;
  - d) no other dwelling is suitable or available to meet the long term needs of the holding. Legal advice given in a similar case has been used to define when PPS7 "suitability" and "availability" tests should be applied.  
  
In this case the existing listed six-bedroomed, country house, with outbuildings and mature gardens is not suitable for the holding long-term. It cannot be maintained from the income potential of the farm. It cannot provide accommodation suitable for an employee. It should therefore be discounted;
  - e) the log cabin is sited in close proximity to existing buildings and is in a suitable location to meet the functional needs of the holding.
- 5.3 This application is not seeking to provide a second farm workers dwelling it is seeking to provide a suitably sized dwelling for a farm worker to enable the farm to continue to be run. The existing dwelling is not suitable to meet that need.
- 5.4 All the necessary tests are therefore satisfied by the proposed development of the retention of an existing log cabin for occupation by a farm worker to serve the agricultural enterprises run from The Hyde.



**9 DCSE2007/0191/F - 25M T-MOBILE MONOPOLE ACCOMMODATING TRI-SECTOR ANTENNA EQUIPMENT CABINETS AND ANCILLARY DEVELOPMENT AT RUARDEAN WORKS, DRYBROOK, HEREFORDSHIRE, GL17 9BH.**

**For: Daly International, Statesman House, Stafferton Way, Maidenhead, Berkshire, SL6 1AY.**

**Date Received: 23rd January 2007 Ward: Penyard**

**Grid Ref: 62896, 18365**

**Expiry Date: 20th March 2007**

Local Member: Councillor H. Bramer

**1. Site Description and Proposal**

- 1.1 The site is located to the northeast of M.F. Freeman Ltd, Ruardean.
- 1.2 The site is located in open countryside designated as being of Great Landscape Value, adjacent to Ancient Woodland and a Special Wildlife Site. A public Right of Way, HM11, runs adjacent to the site.
- 1.3 This application proposes the erection of a 25 metre high telecommunications monopole mast with tri-sector antenna and equipment cabinets that will provide 3G coverage to the Ruardean area. The site will be enclosed by a 1.8 metre high chain link fence. The proposed mast will be some 31 metres south of an existing telecommunications mast.

**2. Policies**

**2.1 Planning Policy Statement**

PPS1 Delivering Sustainable Development  
PPG8 Telecommunications

**2.2 Herefordshire Unitary Development Plan 2007**

Policy LA2	-	Landscape Character and Areas Least Resilient to Change
Policy NC3	-	Sites of National Importance
Policy NC4	-	Site of Local Importance
Policy CF3	-	Telecommunications

**2.3 South Herefordshire District Local Plan**

Policy GD.1	-	General Development Criteria
Policy C.1	-	Development within Open Countryside
Policy C.8	-	Development within Areas of Great Landscape Value
Policy C.9	-	Landscape Features
Policy C.13	-	Protection of Local Nature Conservation Sites
Policy C.19	-	Ancient and Ancient Semi-Natural Woodlands

- Policy C.41 - Telecommunications Development  
 Policy C.42 - Criteria Guide to Telecommunication Development

#### 2.4 Hereford and Worcester County Structure Plan

- Policy CTC2 - Development within Area of Great Landscape Value  
 Policy CTC4 SSSI's - Local Nature Reserves, Special Wildlife Sites and Section 39 Sites  
 Policy CTC6 - Development and Significant Landscape Features  
 Policy CTC9 - Development Criteria

### 3. Planning History

- 3.1 SE2001/2738/F Installation of telecoms pole - Approved  
 and equipment cabin in secure 12.12.01  
 compound

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

#### Internal Council Advice

- 4.2 The Traffic Manager has no objection  
 4.3 Public Rights of Way Officer comments that the proposed development would not appear to affect public footpath HM11.

### 5. Representations

- 5.1 In support the applicant has said

- The site benefits from tree screening, helping to conceal the installation from residential and commuting views. The efficacy of the trees to screen the installation is quite clear from by the plans and ensures that the proposed site will not stand out in the landscape
- The monopole that is utilised by T-Mobile represents a slender and uncluttered design
- With respect to the visual impact, the proposed design represents the optimum option available that utilises the minimum height necessary to achieve the objective coverage
- The proposal will assimilate well into the surrounding environment and is considered highly preferable to a lattice tower
- It is considered the proposal will have minimal impact on visual amenity
- Declaration of conformity with ICNIRP public exposure guidelines is included

- 5.2 Hope Mansell Parish Council "finds itself unable to comment on this application."

- 5.3 Ruardean Parish Council - Feel this is yet another eyesore for the residents of Ruardean to look at on the escarpment of the hill in Herefordshire, over which they have no control.

This Parish Council rejected a previous application for a mast and consider they acted in the best interests of the local residents.

This proposed new mast is in direct line of the local school and is in close proximity to a populated area.

Whilst, this application states, "there is no general risk to health", it does not state categorically there is no risk to health.

Also the application states "the public, pedestrians, have no authorized access to the site but the local map records a public footpath within a few feet of the mast."

Ruardean Parish Council therefore, in the interests of the local community, would request that you reject this application but at the very least the location is reconsidered as if the mast were located further east or west, the magnetic field would impinge on a less populated area.

- 5.4 Forest of Dean District Council - Concern about proliferation of masts. It will appear above tree line. Mast sharing or fake tree preferred options. However, it is against a backdrop of trees. Fencing and ancillary equipment, if permitted should be appropriately coloured.
- 5.5 An objection has been received from R.E. Duberley, Twizling Farm, Hope Mansell:
- It will be an eyesore in this position, and residents have not requested it and do not want it
  - The applicants cannot confirm categorically that there are no effects on children's health
  - I have evidence that the effect on the bird population by radio waves is detrimental
  - The application states it is not accessible to the public, but there is a public footpath very near to the site
- 5.6 The full text of these letters can be inspected at The Hereford Centre, Garrick House, Widemarsh Street, Hereford, and prior to the Sub-Committee meeting.

## **6. Officer's Appraisal**

- 6.1 The proposed mast would be 25 metres in height, predominantly read against woodland when viewed from the northeast. Nevertheless the antenna will project above the tree line of the adjoining woodland. However, it is not considered given the slenderness of the antenna it would cause significant visual intrusion in the landscape. Also, the equipment compound will be viewed against the same woodland. It is not considered the proposal would cause damage to the adjoining Ancient Woodland.
- 6.2 Planning Policy Guidance 8: Telecommunications states that the sharing of masts is strongly encouraged, and that authorities will need to consider the cumulative impact upon the environment of additional antennas sharing a mast or masts sharing a site. In this case the nearest available mast is the adjoining monopole, the design of which makes it unsuitable for mast sharing as each set of equipment increases the structural loading on the mast. Line of sight factors for network data transmissions require structural stability, as instability will affect the signal.
- 6.3 With regard to health issues the applicant has advised that the equipment will be operated in accordance with the National Radiological Protection Board (NRPB) and

International Commission on Non-Ionising Radiation Protection (ICNRP) guidelines. A certificate confirming ICNRP compliance has been submitted with the application.

6.4 The concerns of Ruardean Parish Council are noted. However, Planning Policy Guidance 8: Telecommunications (page 10) states “if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a Local Planning Authority, in processing an application, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them”.

6.5 In conclusion, it is not considered the proposal would have an adverse affect on the surrounding area, the existing woodland provides effective screening to the site when viewed from the direction of Ruardean. However, to mitigate the impact of the of the ground works a condition is recommended requiring the planting of a native species hedgerow around the perimeter fence.

**RECOMMENDATION**

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

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

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

**2 The monopole, equipment cabins and fencing shall be finished a colour in accordance with a colouration/colour coat scheme to be submitted to and agreed in writing by the local planning authority prior to commencement of development. The installation shall be coloured in accordance with the approved details and maintained in perpetuity.**

**Reason: To minimise the impact of the development.**

**3 No development shall take place until details of hedgerow planting around the perimeter of the ground works compound have been submitted to and approved in writing by the local planning authority. The details shall include the following**

**Reason: To protect and enhance the visual amenities of the area.**

**INFORMATIVES:**

**1 N19 - Avoidance of doubt**

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

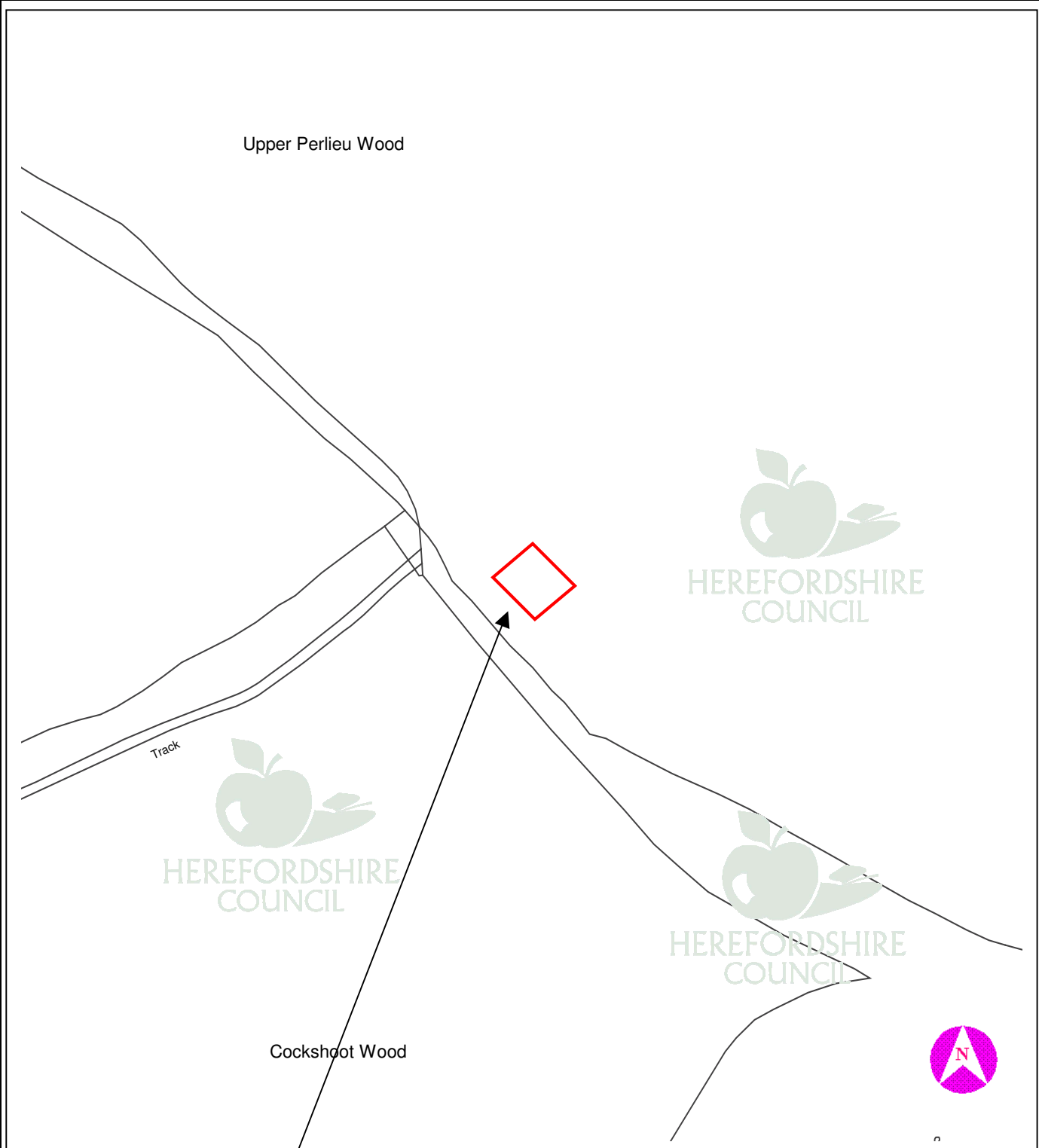
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2007/0191/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Ruardean Works, Drybrook, Herefordshire, GL17 9BH

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**10 DCSE2007/0332/F - CONTINUED USE OF LAND FOR STORAGE OF VEHICLES. NEW FENCE AND GATE AND LANDSCAPING TO EASTERN BOUNDARY AT COTHARS BARN YARD, GORSLEY, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SE.**

**For: Mr. W. Maguire, 40A Edgar Street, Hereford, HR4 9JS.**

**Date Received: 2nd February, 2007    Ward: Penyard    Grid Ref: 67000, 25925**

**Expiry Date: 30th March, 2007**

Local Member:    Councillor H. Bramer

**1. Site Description and Proposal**

- 1.1 The site is located to the west of the village of Gorsley and to the southeast of the M50. Access to the site is gained from an unclassified road (U70228). The surrounding area is characterised by loose knit sporadic development and agricultural land. The land slopes gradually within the site downhill from the northwest to the south and southeast. In planning policy terms the site is within open countryside.
- 1.2 The site comprises a large former agricultural building converted to provide an indoor swimming pool and granny annexe for use by the adjacent dwelling 'Cothars'. The building is set back from the road by approximately 20 metres.
- 1.3 The application is retrospective to continue the use of the land for vehicle storage located on the block-paved yard surrounding the swimming pool and granny annexe building. The site was previously used for vehicle sales. An enforcement notice was served on 1st September 2005 requiring the cessation of vehicles sales from the site. The notice was appealed and the decision upheld on 15th March 2006. This application proposes to regularise the storage of vehicles. It is proposed to restrict the storage of the vans to the rear of the site by erecting a 2.4m high fences and gate from the front of the building to the boundary of the site.

**2. Policies**

**2.1 Planning Policy Guidance**

- |       |   |   |
|-------|---|---|
| PPS.1 | - | Delivering Sustainable Development                    |
| PPG.4 | - | Industrial and Commercial Development and Small Firms |
| PPS.7 | - | Sustainable Development in Rural Areas                |

**2.2 Herefordshire Unitary Development Plan 2007**

- |             |   |                          |
|-------------|---|--------------------------|
| Policy S.1  | - | Sustainable Development  |
| Policy S.2  | - | Development Requirements |
| Policy S.4  | - | Employment               |
| Policy DR.1 | - | Design                   |
| Policy DR.2 | - | Land Use and Activity    |

- Policy E.8 - Design Standards for employment sites
- Policy E.11 - Employment in the Smaller Settlements and Open Countryside

### 2.3 Hereford and Worcester County Structure Plan

- Policy CTC.9 - Development Requirements

### 2.4 South Herefordshire District Local Plan

- Policy GD.1 - General Development Criteria
- Policy C.1 - Development within open countryside
- Policy ED.6 - Employment in the open countryside

## 3. Planning History

- |     |                 |  |   |                                   |
|-----|-----------------|--|---|-----------------------------------|
| 3.1 | DCSE2003/2443/F | Conversion of barns to form swimming pool and granny annexe incorporating change of use of the land from agriculture to residential cartilage. | - | Approved<br>5.11.2003             |
|     | EN2005/0054/ZZ  | Without planning permission, change of use of the land for the sale of vehicles  | - | Appeal<br>dismissed<br>15.03.2006 |

## 4. Consultation Summary

### Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

### Internal Council Advice

- 4.2 The Traffic Manager suggests that the existing close boarded fence along the roadside boundary is set back to achieve visibility to the apex of the bend to the west of the access. At present it follows the curvature of the road and obscures visibility.
- 4.3 The Conservation Manager comments are awaited.

## 5. Representations

- 5.1 Linton Parish Council makes the following observations:

The Council doesn't support as they have ignored enforcement notices and continued to trade

The full text of these letters can be inspected at The Hereford Centre, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officer's Appraisal

- 6.1 In an assessment of the appropriateness of the use of the land for vehicle storage it is necessary to establish the criteria for employment generating uses in the open countryside. Local Plan Policies C.1 and ED.6 of the South Herefordshire District Local Plan and Policy E.11 of the Herefordshire Unitary Development Plan specifies that

proposals for employment generating uses will only be permitted providing the proposal is required for the essential operation of agriculture, forestry or the winning of minerals, a farm diversification or tourism project, or the re-use or adaptation of a rural building. It is evident that the use of the land for vehicle storage does not satisfy these policy requirements.

- 6.2 Whilst the area is not subject to any national or local landscape designation it is considered that the parking of vehicles on the site adversely impacts upon the character and appearance of the locality and has a harmful impact upon the rural environment. The applicant has proposed additional planting to the eastern boundary to screen the vehicles stored on site, whilst this may aid to screen the development there is no guarantee that the planting will not be damaged or die. In any event the question of what is in principle unacceptable development remains.
- 6.3 Planning Policy Statement 7 – Sustainable Development in Rural Areas advises that Planning authorities should support a wide range of economic activity in rural areas (paragraph 5). Set against this however are the countryside policies that seek to protect the landscape and character of rural areas. It is of note that PPS7 also states ‘All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character and local distinctiveness’ (Paragraph 1. (vi)). Clearly a balance must be struck between support for rural economic activities, and the preservation of the landscape and character of the rural area. In this case it is considered that the continued use of the site for the storage of vehicles has an adverse impact upon the appearance of the landscape and is out of keeping with the character of this countryside location. The support for local businesses should not be at a cost to the local environment, as is the case here. This advice is also echoed in Planning Policy Guidance 4 – Industrial and Commercial Development and small firms.
- 6.4 In addition, the proposed use is considered to be unsustainable and an inappropriate use of land in this location in the open countryside. Policy DR.2 of the Herefordshire Unitary Development Plan promotes sustainable development and requires all development to be located so as to facilitate a genuine choice of modes of transport and incorporates wherever a mix of compatible land uses. Employees will inevitably access the site by car and the vehicles will be transported to and from the site for sale at another premises. The use would encourage vehicle generation. In addition, the use of the land for storage of vehicles, in the open countryside, surrounded by agricultural land is not considered to be a compatible land use.

**RECOMMENDATION**

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

- 1 The continued use of the land for vehicle storage would, in view of its location in the open countryside be contrary to policies C1 and ED6 of the South Herefordshire District Local Plan and policies DR2 and ED11 of the Herefordshire Unitary Development Plan.**

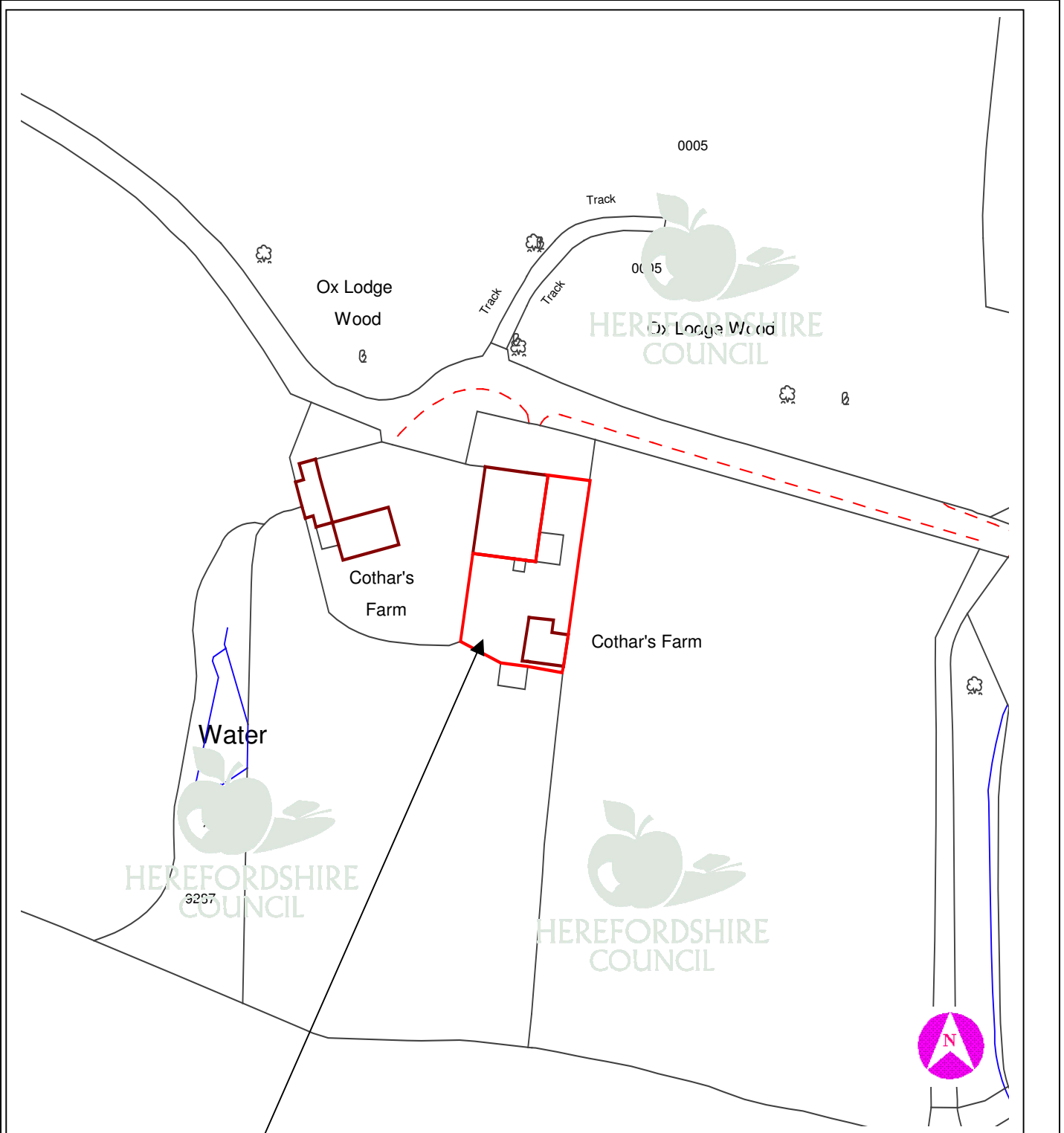
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2007/0332/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Cothars Barn Yard, Gorsley, Ross-on-Wye, Herefordshire, HR9 7SE

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**11 DCSE2007/0315/F - RETROSPECTIVE APPLICATION FOR THE ERECTION OF GARDEN STRUCTURES INCLUDING TWO SHEDS, A GAZEBO, FENCING AND DECKING. ROSPUR, WESTON UNDER PENYARD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7QA.**

**For: Mr. & Mrs. Edmunds, Rospur, Weston under Penyard, Herefordshire, HR9 7QA.**

**Date Received: 1st February, 2007 Ward: Penyard**

**Grid Ref: 63083, 23265**

**Expiry Date: 29th March, 2007**

Local Member: Councillor H. Bramer

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

- 1.1 The site is located within the defined settlement boundary of Weston-Under- Penyard within an Area of Great Landscape Value. St Lawrences Church, a grade I listed building is located to the east of the site. The surrounding area is characterised by houses set in relatively large gardens and agricultural land.
- 1.2 The site comprises a two-storey detached cream rendered extended dwelling. Access to the site is gained from an unclassified road (U70205). The dwelling is set above the adjacent unclassified road and above the adjacent agricultural land to the rear.
- 1.3 The application is retrospective to retain garden features including:
- the erection of a timber clad lean-to shed attached to the north elevation of the dwelling measuring 2.8m x 2.53m x 3.3m;
  - the erection of a timber clad shed to the south of the dwelling measuring 5.5m x 4.85m x 2.65m;
  - the erection of decking on two levels with high timber closeboard fence to the south of the decking and timber railings to the west of the decking;
  - the erection of a gazebo on the decking.
- 1.4 Planning permission is required for the garden features as they are located within 5 metres of the dwelling and are considered as extensions to the dwelling. Permitted development tolerances have been exhausted by an earlier extension to the dwelling.

## **2. Policies**

### **2.1 Planning Policy Statements**

- |       |   |  |
|-------|---|--|
| PPS.1 | - | Delivering Sustainable Development     |
| PPS.7 | - | Sustainable Development in Rural Areas |

### **2.2 Herefordshire Unitary Development Plan**

- |            |   |                          |
|------------|---|--------------------------|
| Policy S.1 | - | Sustainable Development  |
| Policy S.2 | - | Development Requirements |

- Policy DR.1 - Design
- Policy DR.2 - Land Use and Activity
- Policy H.18 - Alterations and Extensions

### 2.3 Hereford and Worcester County Structure Plan

- CTC.2 - Development in Areas of Great Landscape Value
- CTC.9 - Development Requirements

### 2.4 South Herefordshire District Local Plan

- Policy GD.1 - General Development Criteria
- Policy C.8 - Development within Area of Great Landscape Value
- Policy C.29 - Setting of a Listed Building
- Policy SH.23 - Alterations and Extensions

## 3. Planning History

- 3.1 DCSE2005/0826/F Demolition of existing single storey extension and the erection of a two-storey extension in its place. - Approved 26.04.2005

## 4. Consultation Summary

### Statutory Consultations

- 4.1 English Heritage does not object in principle to garden structures in such location, but they are concerned by the apparent inappropriateness of their design, scale and finish to this rural setting. They suggest some mitigation of their visual impact.

### Internal Council Advice

- 4.2 The Traffic Manager has no objection to the proposal.
- 4.3 The Conservation Manager provides the following comments:

The main issue with a bearing on conservation seems to be the presence of these structures in distant views of St Lawrence's Church, which is situated in a commanding hilltop position. However they are of a relatively small scale compared with the surrounding houses and are likely to be absorbed by their background in anything other than views from close quarters.

## 5. Representations

- 5.1 Weston-under-Penyard Parish Council support the application together with the following two stipulations - that the gazebo is removed (too high on the raised decking) and reduce light pollution on the patio area.
- 5.2 2 letters of representation have been received from:

G.S Lowth, Lower Weston House, Weston-under-Penyard, Ross-on-Wye, HR9 7NT.  
Mrs. J. Hind, The link, Church Lane, Weston-under-Penyard, Ross-on-Wye, HR9 7QA.

In which the following main points are raised:



- The structures represent an over development of the site, which is part of an area designated as of great landscape value and which provides the foreground to the view of the Church from the west
- In particular the gazebo, raised decking and balustrade with installed lighting are inappropriate in such a conspicuous rural setting
- Suggest planting to mitigate impact

The full text of these letters can be inspected at The Hereford Centre, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officer's Appraisal

- 6.1 Policies DR.1 and H.18 of the Herefordshire Unitary Development Plan 2007 relates to the general development criteria and house extensions including ancillary buildings. It is considered that these policies facilitate the most effective assessment of this proposal. The policies state that additions should respect the scale and character of the existing dwelling, have regard to residential amenities, and be acceptable in relation to the visual amenities of the locality.
- 6.2 The decking, gazebo and sheds have been erected on the existing ground level of the garden with supported timber posts to the western side of the decking where the land slopes down to the adjacent agricultural land. In terms of the scale of the development, it appears subservient to the dwelling as the dwelling remains the dominant feature. The siting of the development does not result in any adverse overlooking or overbearing of the adjacent properties.
- 6.3 In terms of impact on the landscape, the structures when viewed from the west, are raised above the adjacent agricultural land and as such are prominent. However, due to the undulating landscape there are not many public vantage points where the development can be seen. The decked area and structures are currently visually stark being only recently introduced and of new timber. The development therefore appears somewhat awkward in this rural location. That said, the decking and associated structures are solid and with time will age so as to sit more comfortably within the landscape. It has been suggested that additional landscaping may ameliorate the development however, the decking is located on the boundary of the site and therefore additional planting could not be accommodated. On balance it is considered that the development is acceptable in design and scale and does not compromise the visual amenities of the locality.
- 6.4 The Parish Council's comments are noted, however for the reasons outlined in paragraph 6.2 and 6.3 it is not considered reasonable to require the removal of the gazebo. The lighting on site does not constitute development and it is therefore considered unreasonable to require its removal or to apply a condition restricting further lighting to this domestic dwelling.
- 6.5 St Lawrence's church, a grade 1 listed building is located to the south east of the site. The main issue with a bearing on conservation is the presence of the structures in distant views of the church, which is situated in a commanding hilltop position. However the development is relatively small scale compared with the surrounding houses and is likely to be absorbed by their background in anything other than views from close quarters. It is considered that there is no adverse impact on the setting of the listed church.

**RECOMMENDATION**

**That planning permission be granted.**

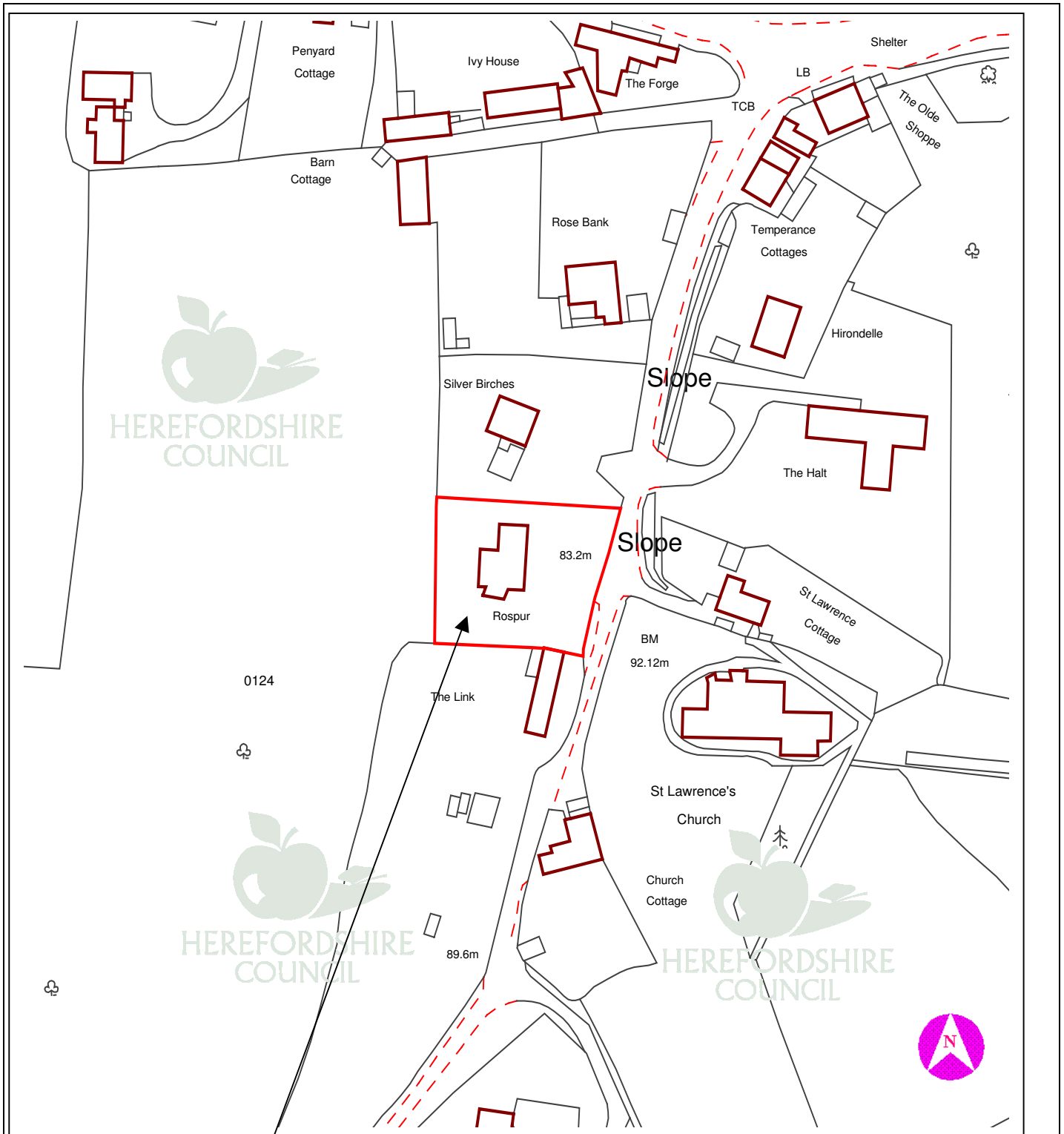
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2007/0315/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Rospur, Weston under Penyard, Ross-on-Wye, Herefordshire, HR9 7QA

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**12 DCSE2007/0334/F - MOBILE FIELD SHELTER FOR AGRICULTURAL LIVESTOCK (RETROSPECTIVE APPLICATION) AT LAND ADJOINING CHADWYNS FARM, FOREST GREEN, WALFORD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5RF.**

**For: Mrs. J.A. Sweet-Escott, Abingdon, Weston Grove, Ross-on-Wye, Herefordshire, HR9 5LU.**

**Date Received: 2nd February, 2007    Ward: Kerne Bridge    Grid Ref: 59808, 19606**

**Expiry Date: 30th March, 2007**

Local Member:    Councillor J.G. Jarvis

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

- 1.1 The site is a 2.056 hectare holding adjacent to Chadwys Farm, Forest Green, Walford. The site is located within the open countryside, within the Wye Valley Area of Outstanding Natural Beauty and Area of Great Landscape Value. A public bridleway (WA91) runs to the west of the site. The site is located in an isolated location immediately adjacent to the unclassified road (U/C 70409) and public bridleway (WA91). There are no existing buildings on the site. Access is gained through an existing agricultural access. A mature hedgerow borders the site. An area of Ancient Woodland is located immediately to the south of the site.
- 1.2 The building measures 4.86m long x 4.24m wide x 3.9m high to the ridge. It is constructed from dark stained timber boarding under corrugated steel sheeting.
- 1.3 The application has arisen following an investigation by the Enforcement Officer. Whilst the building is described as mobile, it was erected on site and not transported therefore it has a degree of permanence and is considered to be development. In addition the applicant informed the Enforcement Officer that the building was for keeping horses on the land which does not fall within the definition of agriculture contained in section 336(1) of the Town and Country Planning Act 1990 is retrospective for a field shelter for agricultural livestock.

## **2. Policies**

### **2.1 Planning Policy Guidance**

- |       |   |  |
|-------|---|--|
| PPS.1 | - | Delivering Sustainable Development     |
| PPS.7 | - | Sustainable Development in Rural Areas |

### **2.2 Herefordshire Unitary Development Plan**

- |             |   |                                      |
|-------------|---|--------------------------------------|
| Policy S.1  | - | Sustainable Development              |
| Policy S.2  | - | Development Requirements             |
| Policy DR.1 | - | Design                               |
| Policy DR.2 | - | Land Use and Activity                |
| Policy LA.1 | - | Areas of Outstanding Natural Beauty  |
| Policy E.13 | - | Agriculture and Forestry Development |

**2.3 Hereford and Worcester County Structure Plan**

- CTC.1 - Development in Areas of Outstanding Natural Beauty
- CTC.2 - Development in Areas of Great Landscape Value
- CTC.9 - Development Requirements
- A.3 - Construction of Agricultural Buildings

**2.4 South Herefordshire District Local Plan**

- Policy GD.1 - General Development Criteria
- Policy C.1 - Development within Open Countryside
- Policy C.5 - Development within Area of Outstanding Natural Beauty
- Policy C.8 - Development within Area of Great Landscape Value
- Policy ED.9 - New Agricultural Buildings

**3. Planning History**

- 3.1 None relevant.

**4. Consultation Summary**Statutory Consultations

- 4.1 The Forestry Commission have no objection to the proposal.

Internal Council Advice

- 4.2 The Traffic Manager has no objection to the proposal.

The Conservation Manager comments are awaited.

**5. Representations**

- 5.1 The applicant has provided the following in support of the application:

“I have a new agricultural holding and eartag number for cattle, sheep and pigs, any of which will be needing the field shelter for shelter, collecting points and food storage. Depending on the weather, grass growth and market availability, I will purchase the stock for this field in the near future.”

- 5.2 Walford Parish Council has no objection to the scheme if the shelter is for agricultural purposes only and that the site is agreed with the neighbours.

- 5.3 3 letters of representation have been received from:

Colonel and Mrs. J.D. Trezona, Drual Cottage, Forest Green, Ross-on-Wye, HR9 5RD  
James and Michelle Thornley, Chadwyns Farm, Forest Hill, Walford, HR9 5RF  
Nigel Fransham, Plum Tree Cottage, Walford, HR9 5RF

In which the following main points are raised:

- It does not resemble a normal field shelter but is more akin to a summer house or store for possessions.

- It is large, ugly, totally out of proportion and on the skyline in this AONB.
- The applicant is not a farmer but a private citizen of Ross-on-Wye. At a loss to see any need for such an obvious eyesore in a field in this lovely protected area.
- If the shed is to remain in the field, it should be situated where it is now. The proposed site is in our view.
- The applicant owned our farm for 26 years and had not farmed it for at least 5 years so it is unlikely she is going to use this field for agriculture.
- The field in question is rented out to a local farmer who uses our barns. If he requires further shelter he can use our outbuildings.
- A more appropriately sized shelter (not so tall and not such a high roof line) would be better so that it is not so prominent.

The full text of these letters can be inspected at The Hereford Centre, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officer's Appraisal**

- 6.1 The main considerations in this application are whether the erection of the building is acceptable in principle, the impact on the landscape and the impact on the amenity of neighbouring dwellings.
- 6.2 The design of the building is typical of an agricultural field shelter and can serve an agricultural purpose. It is small scale and constructed from traditional materials. Policy E13 encourages development to be sited within existing groups of buildings. There are however, no other buildings on the site and therefore the development needs to be sited to be readily assimilated into the landscape, avoiding isolated skyline and taking advantage of natural landform. The building is currently located adjacent to the U70409 in a prominent position when viewed from the east, south and west. The building is proposed to be sited to the southwest of the current site. There is an existing hedgerow and farm buildings at 'Chadwyns Farm' which will provide a good visual break and minimise its impact when viewed from the east and south. The ancient woodland to the south of the site assimilates the building into the landscape when viewed from the north. A condition can be attached to ensure that the dark staining of the building is completed within one month of the date of permission.
- 6.3 Concern has been raised regarding the proposed use of the building. The applicant has confirmed that the land is registered as an agricultural holding and her intention is to keep livestock on the land. The State Veterinary Service has confirmed that the land is registered to the applicant for keeping beef, sheep and pigs. It is considered that there is sufficient evidence to conclude that the building is required for agricultural purposes and at 80m<sup>2</sup> is not excessively large in relation to the area of land it is intended to serve. A condition will be attached to the permission to restrict the use of the building for agricultural purposes.
- 6.4 It is considered that there is sufficient distance between the proposed siting of the building and the dwelling at Chadwyns Farm, approximately 40 metres, for there to be no adverse impact on their amenity.

## **RECOMMENDATION**

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

- 1 Within one month of the date of this decision the building hereby approved shall be sited in accordance with the approved plans received on 23rd January 2007.**

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

- 2 Within one month of the date of this decision the building shall be stained a matt, dark colour, details of which shall be first submitted to and agreed in writing with the local planning authority. The colour so approved shall not thereafter be changed without the prior written approval of the local planning authority.**

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

- 3 The building hereby approved shall be used for agricultural purposes only as defined within section 336(1) of the Town and Country Planning Act 1990 (as amended).**

**Reason: To prevent the establishment of an unacceptable use in the countryside.**

**INFORMATIVES:**

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

Decision: .....

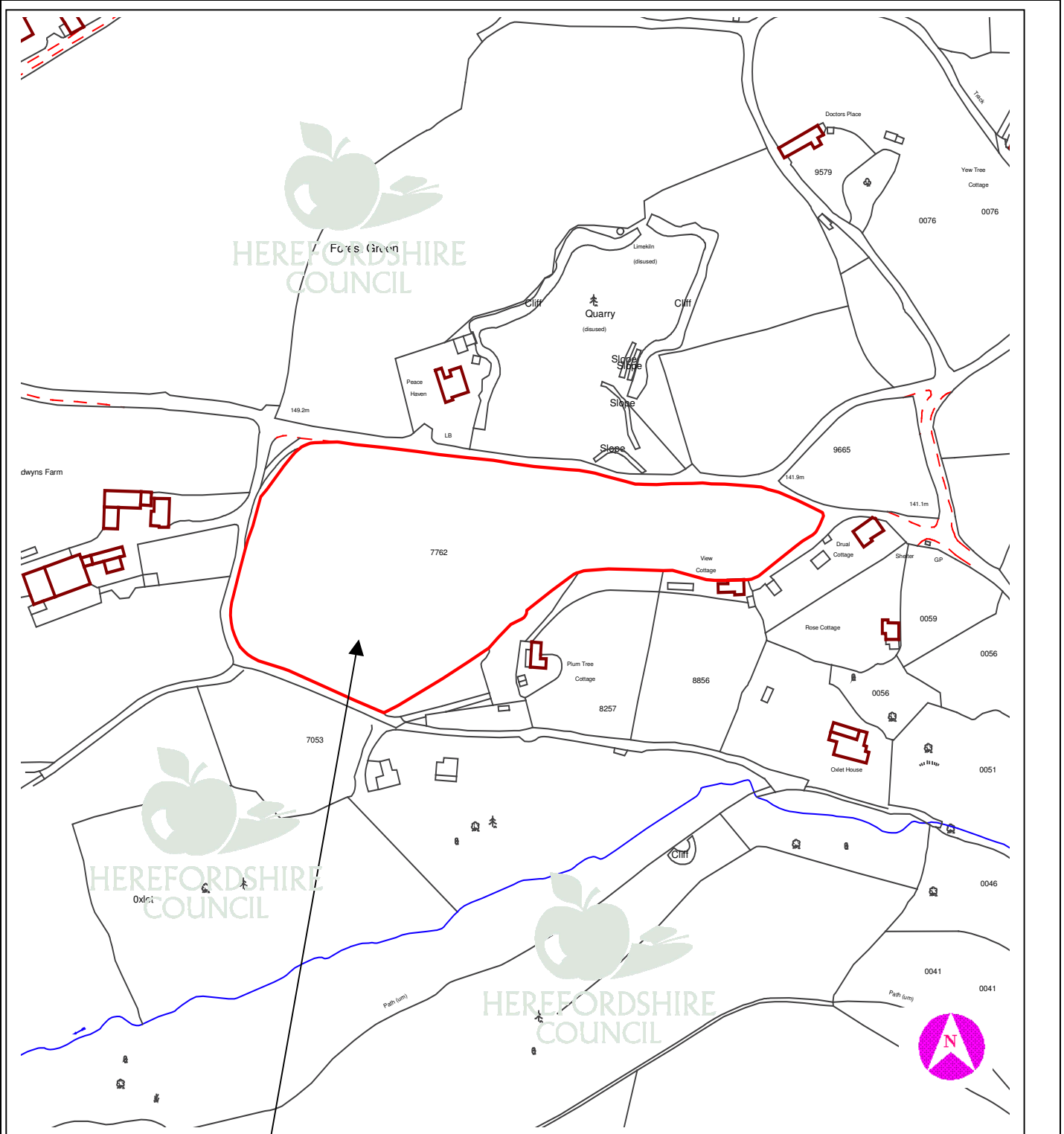
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**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** DCSE2007/0334/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** Land adjoining Chadwyns Farm, Forest Green, Walford, Ross-on-Wye, Herefordshire, HR9 5RF

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**13 DCSE2005/3208/O - SITE FOR RESIDENTIAL AND ASSOCIATED DEVELOPMENT, INCLUDING LINEAR PARK AND SITE ACCESS, LAND OFF TANYARD LANE, ROSS-ON-WYE, HEREFORDSHIRE.**

**For: Persimmon Homes (South Midlands) Ltd, RPS Planning, 155 Aztec West, Almondsbury, Bristol, BS32 4UB.**

**Date Received: 6th October, 2005    Ward: Ross-on-Wye    Grid Ref: 60621, 24787  
East**

**Expiry Date: 1st December, 2005**

Local Member:    Councillor Mrs. C.J. Davis and Councillor Mrs. A.E. Gray

**1. Site Description and Proposal**

- 1.1 As part of the preparation of the Herefordshire Unitary Development Plan (UDP) land was identified off Tanyard Lane as a potential site for development of about 150 houses. This large area of land of about 8 ha. is bounded by the A40(T) road to the east; modern housing (Collier and Brain housing development) off Blenheim Close, Chatsworth Close and Arundel Close plus further housing and a number of commercial enterprises off Tanyard Lane to the north; Rudhall Brook and a caravan site to the south, and housing in Rudhall Meadow along the south-western boundary. The site is in 3 sections: open, grassed areas either side of a central section with a number of businesses including dog boarding kennels. Access to the latter is from Tanyard Lane.
- 1.2 A development brief for the site has been prepared with the prospective developers and has been subject to wide-spread local consultation. The Council adopted the brief in 2005 as a basis to guide preparation of a detailed application for the site. In the UDP the proposed phasing of development requires the first 50 houses to be built by 2006.
- 1.3 This is an outline application for the whole of the site. The application does not specify the number of houses but it is anticipated that the site could accommodate about 200 dwellings. An illustrative layout has been submitted which in addition to housing areas shows a linear park occupying the southern section of the site. Vehicular access would be off a new roundabout to be constructed along the A40(T) road, about halfway between the existing roundabouts at Hildersley and Overross. The main access road would wind along the southern boundary of the proposed housing area, with estate roads extending to the north. A new link to the caravan park is proposed from the main access road. All matters except means of access are reserved for later approval.
- 1.4 This application has not been submitted to the Committee before the current meeting as the terms of the Section 106 Agreement had not been agreed. Consequently some of the representations reported below relate to the period prior to the UDP Inquiry Inspector's report and publication of the Proposed Modifications.

**2. Policies****2.1 Planning Policy Guidance**

PPS3	-	Housing
PPS23	-	Planning and Pollution Control
PPG24	-	Planning and Noise

**2.2 Hereford and Worcester County Structure Plan**

Policy H18	-	Housing in Rural Areas
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**2.3 South Herefordshire District Local Plan**

## Part 1

Policy SH5	-	Housing Land in Ross on Wye
Policy ED4	-	Safeguarding existing Employment Premises
Policy SH14	-	Siting and Design of Buildings
Policy SH15	-	Criteria for New Housing Schemes
Policy C30	-	Open Land in Settlements
GC1	-	General Development Criteria

## Part 3

Chapter 37, Policy 2	-	New Housing Developments
Policy 10	-	Alternative Uses of Employment Land
Policy 20	-	Open Spaces

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

Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR4	-	Environment
Policy DR5	-	Planning Obligations
Policy DR7	-	Flood Risk
Policy DR9	-	Air Quality
Policy DR10	-	Contaminated Land
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H2	-	Hereford and the Market Towns: Housing Land Allocations
Policy H3	-	Managing the Release of Housing Land
Policy H9	-	Affordable Housing
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy H16	-	Car Parking
Policy H19	-	Open space requirements
Policy ED5	-	Safeguarding Employment Land and Buildings
Policy T6	-	Walking
Policy T7	-	Cycling
Policy T8	-	Road Hierarchy
Policy T11	-	Parking Provision
Policy RST3	-	Standards for Outdoor Playing and Public Open Space
Policy NC1	-	Biodiversity and Development
Policy NC8	-	Habitat Creation, Restoration and Enhancement

### 3. Planning History

- |     |                 |  |   |                           |
|-----|-----------------|--|---|---------------------------|
| 3.1 | SE1999/1643     | First floor office extension, Medex Products   | - | Approved 20.7.99          |
|     | SE2001/2452/F   | Extension to south elevation of existing workshop Meadex Moulding.                         | - | Approved 05.11.01         |
|     | DCSE2005/3207/F | Residential and associated development including 60 dwellings, linear park and site access | - | Withdrawn                 |
|     | DCSE2006/0171/F | 3 arm roundabout on alignment of A40(T)  | - | Appeal Dismissed 02.03.07 |
|     | DCSE2006/4006/F | 3 arm roundabout on alignment of A40(T)  | - | Not determined            |

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Highways Agency confirms that the principal of the mitigation proposals as shown on Drawing No. 50319/003 rev C are acceptable. However, the above include works within the Trunk road boundary, which is land over which the applicant has no control and is subject to the provisions of the Highways Act 1980. In order for these works to proceed, the Highways Agency requires the Developer to enter into an agreement under Section 278 of the Highways Act 1980. You are respectfully requested not to issue planning consent until the Section 278 has been completed. If your Council is minded to issue a planning permission prior to the agreement being signed, please ensure that the following 'Grampian' style condition and informative note to applicant is attached to the consent.
- 4.2 Environment Agency has considered the flood risk assessment, contamination assessment, surface water and foul drainage proposal and does not object to the proposals subject to conditions.
- 4.3 Welsh Water's formal response is awaited but a written indication has been given that the proposals are acceptable.

#### Internal Council Advice

- 4.4 Head of Environmental Health advises of the following issues:

"1.1 The applicant's 'WSP - Air Quality Appraisal Report' concludes that there is no need to condition air quality constraints in relation to the proximity of housing from the kerbside of the A40. I see that the difference in air quality using the DMRB is minimal along the A40 "with" and "without" development and do not disagree with these conclusions. From my experience, the separation distance for housing from the kerbside is better determined with reference to "PPG 24 Planning and Noise" which tends to give tighter criteria.

- 1.2 The applicant's 'WSP - Air Quality Appraisal Report' lists a number of mitigating measures to counter nuisance arising from construction. These could form the basis of a general planning condition and I would recommend the inclusion of a condition to minimise nuisance from construction / clearance works:
- 2 Noise
- 2.1 The applicant utilises the statutory planning guidance "PPG 24" which states that 'noise exposure categories for residential development should be used to determine suitability and mitigation'. I believe that all the assessment/prediction criteria used are appropriate assessment tools for such a development.
- 2.2 The Environmental Statement methodology appears satisfactory. The PPG 24 NEC assessment finds the housing nearest to the A40 to fall in NEC "category C". This category means that planning permission should not normally be granted for the houses nearest the A40 on noise grounds, although I accept that PPG 24 does allow certain design criteria in the housing to mitigate this and to allow "a commensurate level of protection against noise".
- 2.3 Therefore, should permission be granted, I would ask that the housing overlooking the A40 is adequately protected against noise by at least the 22m separation distance offered in the application. I am not convinced that the tight noise attenuation criteria for ventilation offered in paragraph 6.13 is necessary, as this would in my opinion be out of character to the housing in this part of Herefordshire. Instead, I would ask that the agreement of the layout ensures that gardens remain on the shielded side of the housing and that the rooms overlooking the A40 do not include main bedrooms and main living rooms: i.e. bathroom, kitchens and studies/spare bedrooms would be appropriate for the front elevation. I would also ask that a suitable earth bund is constructed between the housing and the road, the higher the better and the closer to the road the better, but not less than 2m.
- 2.4 In relation to industrial noise, the WSP noise report implies that the Meades Sawmill, the Wyevale Kennels/Meadex Mouldings and Wye Valley Tractors will all be relocated. If this is the case, I have no objections as I agree that the residual industrial noise from the more distant Ashburton Industrial Estate will have a minimal impact.
- 2.5 If however these businesses are not relocated, I do not agree with WSP's opinion that noise will not be an issue. From my experience, noise from kennels will almost certainly be detrimental to the amenity to much of the housing on the entire estate, I therefore have severe reservations about the principle in using the land for a housing estate unless the planning consent could require the removal of the kennels prior to habitation.
- 2.6 I recommend that the hours of noisy construction operation are limited by an appropriate condition.
- 3 Odour
- 3.1 I have reservations about the location of the proposed nearby housing close to the sawmill unless the planning consent could require the removal of the sawmill prior to habitation.

4 Contamination

- 4.1 I understand that the adjacent sawmill site is now in the ownership of the developer and therefore my concern regarding the migration of contamination from the sawmills site and the land not being under the ownership or influence of the developer, now does not apply.

From our discussions I understand that the development at Tanyard Lane can be adequately controlled by planning conditions in relation to contamination.

Please note we will require submission of site investigation report and any remediation proposals to be submitted prior to the application for reserved matters.”

- 4.5 The Conservation Manager responds as follows:

Landscape - design issues agreed at pre-application meetings have been taken forward in the masterplan of the whole site and the detail of this first phase. The application is generally supported therefore.

Archaeology - after further consideration it is accepted that a condition requiring an archaeological investigation rather than a field evaluation be undertaken prior to determination of the application.

- 4.6 Drainage Engineer comments:

“Previous discussions with the developer have highlighted the need for the preparation and submission of a detailed design for the disposal of surface water. Section 19.1 of the Flood Risk Assessment that accompanies the submission takes this requirement into account and states a drainage strategy will be designed so as not to exacerbate existing flooding of the Rudhall Brook.

The Environment Agency’s quoted Greenfield run-off rate of 10 l/s/ha from the site has previously been approved by this authority and has been incorporated into the design of the Broadmeadows Flood Alleviation Scheme.”

## 5. Representations

- 5.1 The applicant's agent has submitted Planning Statements, plus detailed studies of design, landscape assessment traffic impact, archaeology, environmental and ecological studies, and a flood risk assessment. The reasons for submitting the application is as follows:

- (i) The land at Tanyard Lane is allocated for residential development under Policy H2 of the emerging Herefordshire Unitary Development Plan (HUDP), with 50 dwellings phased for completion by April 2006.
- (ii) Consequently, it is necessary to establish the principles of developing the site through this outline planning application to provide a framework within which comprehensive residential development is able to proceed with a detailed first phase, in accordance with the plan.
- (iii) The delivery of housing as envisaged by the phasing policies within the HUDP will not be achieved on time if a planning application is delayed until the Plan is adopted; as this will not be until Spring 2006, at the earliest. Even if an

application were to be submitted after receipt of the Inspector's Report, there would be insufficient time for it to be determined, a planning obligation completed, and 50 dwellings completed before April 2006.

- (iv) The Council will be aware, as a consequence of promoting the site in the emerging HUDP, that a significant body of work has already been undertaken in relation to land at Tanyard Lane that demonstrates how residential development can be achieved, principally through the preparation, and adoption of the Development Brief for the site, which was the subject of substantial consultation with stakeholders.

5.2 Town Council make the following comments:

"No decision should be taken before the Public Inquiry."

5.3 Ross Rural Parish Council's comments are as follows:

"Ross Rural Parish Council are still currently studying both the Outline application DCSE2005/3208/O and the Full application DCSE2005/3207/F for this major proposed development in the Ross on Wye area, and will return the drawings together with our comments in the near future. In the meanwhile may we ask that a decision on this application is not made until our comments have been received."

5.4 11 letters have been received objecting to these proposals. In summary the following concerns are raised:

- It would be premature to grant permission before the UDP Inquiry Inspector reports on this allocation – the Inquiry cost £1000s which would be waste if results are pre-empted.
- Serious concerns regarding drainage – already causing great problems in this area with foul smells over southern part of town. Must be upgraded before any further development.
- Temporary solution with private treatment works discharging to Rudhall Brook is sixteenth century technology not 21<sup>st</sup> century and concern regarding raw sewage and high levels of phosphate entering Brook and then River Wye – flow of brook not sufficient to dilute effluent to meet DEFRA standards.
- Letters to press and newspaper article on drainage issue have been submitted.
- Both fields have flooded extensively in last 5 years and development would increase risk and extent of flooding in town centre – there are national concerns regarding building in floodplains and the effect on existing properties.
- Uncertainties over new access as Highways Agency have resisted a roundabout and no definite date for de-trunking.
- Roundabout along A40 would slow down traffic along by-pass, possibly cause accidents and serious congestion – already heavily trafficked with Ledbury Road roundabout extremely busy. A40 needs widening to 3 or 4 lanes.
- Emergency vehicles (fire and ambulance) based at Hildersley and would be delayed at best; if A40 blocked have to re-route through town.



- Tanyard Lane could become short-cut for cars, damaging the lane and beautiful listed wall.
- Safety of children – safe pedestrian route to school is required.
- Loss of privacy and quietness of neighbourhood, lovely views across open countryside and neighbours will suffer from noise pollution.
- Density is too high and therefore wholly inappropriate and out-of-keeping with area in general – more about getting maximum density than good design.
- Sustainability is queried as houses are for younger people who will need jobs and therefore have to travel as Ross has limited potential to accommodate so many people.
- New estate road on indicative layout would be too close to Tanyard Cottage considering the difference in levels.
- This property has right of way over Tanyard Lane.
- Dog boarding kennels inevitably has noise from dogs barking and concerned at proximity of new housing.

The full text of these letters can be inspected at The Hereford Centre, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officer's Appraisal

- 6.1 The Local Plan's policy for residential development in Ross-on-Wye was one of restraint following a period of high growth. No new proposals were identified with development limited to windfall opportunities (Policy SH.5). Policy C.30 sought to protect the land off Tanyard Lane from development for its amenity importance and the area occupied by businesses is protected for its employment use (ED.4). The UDP represents a new plan period however with a requirement to find further land to meet the housing requirement of the town up until 2011. The current application site is allocated for residential development in UDP (Policies S.3, H.1 and H.2). The allocation has been the subject of objections which have been fully considered at the UDP Inquiry. The Inspector considered key concerns, in particular drainage and flooding problems and access off the A40(T). The Inspector concluded that "in order to meet Ross-on-Wye's contribution to the county's housing requirement, it will be necessary to make use of greenfield land. The Tanyard Lane site is eminently suitable in this regard. It is a well located urban extension site that, in landscape terms, is not unduly sensitive. It would accommodate a significant number of dwellings on a site contained by the bypass."

Consequently it is not proposed to modify the UDP significantly with respect to this proposal. The UDP is scheduled for adoption on 23<sup>rd</sup> March, 2007 and will then formally supersede the Development Plan. The UDP can therefore be accorded full weight.

- 6.2 The outline application complies with the UDP's requirements. The number of houses anticipated (about 200) is higher than the number expected in the Revised Deposit Draft but this results from further detailed design work by the applicants and would be achieved within the density limits set by UDP and PPS.3. Agreement has been reached regarding the percentage of affordable housing (35%) as required by Policy H.9, although further discussions will be necessary regarding the rented/shared equity

split. Contributions towards educational facilities at John Kyrle High School and towards off-site open space provision (the topography not allowing sports pitches to be formed at Tanyard Lane) have also been agreed. Contributions towards a safer route to the High School from the development and improvement to the pedestrian route to the town centre would also be made and would connect with the pedestrian and cyclist links within the layout proposals (see paragraph 5.4.22 of UDP). A cycle/pedestrian route from the development along the east side of the A40(T) to connect at Hildersley to a projected cycle/pedestrian route to the Model Farm industrial estate and existing cycle routes within and outside Ross-on-Wye was recommended by the Traffic Manager. The developer has indicated that he is not willing to pay for this route. However, this is not now a UDP proposal and the Highways Agency have indicated that the essential toucan crossing(s) of the A40(T) would not be acceptable. Although desirable this is not highway infrastructure that is critical to an acceptable housing development. This is not therefore included within the draft Heads of Terms of the Section 106 agreement.

- 6.3 Three remaining issues need to be addressed: noise, drainage and the highway proposals. At the recent appeal (DCSE2006/0171/F) regarding the new A40(T) roundabout the Inspector concluded that an assessment of the increase in noise to residents of the adjoining Collier and Brain estate should be undertaken before planning permission is granted to ensure that the potential harm can be mitigated. This would apply to the current proposal which includes exactly the same roundabout proposal. The applicant has agreed to carry out noise surveys and indicate appropriate mitigation.
- 6.4 The current drainage problems in Ross-on-Wye are widely known and any additional flows into the existing sewerage is not acceptable. Welsh Water have confirmed that the problems will be resolved by April 2010. In the interim the applicant proposes to use the capacity released by demolition of the former Paragon Laundry site. The latter has planning permission for new housing but provided these dwellings are not built the current proposal would not increase effluent above the level prior to the closure of the laundry. In line with Welsh Water's practice this is considered acceptable and will not exacerbate foul drainage/flooding problems.
- 6.5 The concerns regarding the new roundabout were considered by the Inspector. He was satisfied that this "was the most appropriate means of access ...other options are inappropriate and that a transport assessment would deal with the detailed matters of concern" (paragraphs 5.23.11 and 13). Since then a traffic assessment and road safety audit have been carried out and amendments to the Overross roundabout designed. With these improvements the Highways Agency is satisfied that the new access would be safe and would not significantly add to congestion. No vehicular traffic would be able to enter Tanyard Lane (although this would be an extra route for emergency vehicles) or the Collier and Brain housing estate from the new housing areas, all traffic being funnelled to the A40.
- 6.6 The sawmill (Meade's Sawmill) to the north of Tanyard Lane has been acquired by the applicant and the noise and odour problems that have been caused to nearby residents have ceased. A clause in the Section 106 agreement would ensure that the sawmill did not re-open. Negotiations to acquire the kennels and other businesses within the application site have not, however, been completed. If the kennels in particular were to remain the noise of barking dogs may well give rise to complaints and effect the amenities of residents of the estate. Noise reduces with distance and by use of an appropriate physical barrier. Further discussions are being held with the

applicant's agents to discuss an appropriate condition to protect future residents should the kennels not be acquired.

## **RECOMMENDATION**

**Subject to the completion of noise surveys and an indication of appropriate mitigation:**

**That 1) the Legal Practice Manager be authorised to complete a planning obligation agreement under Section 106 of the Town and Country Planning Act 1990 regarding contributions towards education, open space, adoption of open space, affordable housing and highway works.**

**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 subject to the following conditions and any additional conditions considered necessary by officers:**

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

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

**6. F13 (Scheme to protect new dwellings from road noise)**

**Reason: To protect the residential amenities of the future occupiers of the properties.**

**7. 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.**

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

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

**9. H29 (Secure cycle parking provision)**

**Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.**

**10. Prior to the occupation of any of the (specify) hereby permitted a management plan, to include proposals for the long term design objectives, management responsibilities and maintenance schedules in perpetuity, for the areas of open space and play area(s) but excluding private domestic gardens, shall be submitted to and be approved in writing by the local planning authority. The management plan shall be carried out as approved.**

**Reason: In order to ensure that the use and maintenance in perpetuity of the open space and play area(s) is assured.**

**11. F16 (Restriction of hours during construction)**

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

**12. F41 (No burning of materials/substances during construction phase)**

**Reason: To safeguard residential amenity and prevent pollution.**

**13. W01 (Foul/surface water drainage)**

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

**14. W02 (No surface water to connect to public system)**

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

**15. W03 (No drainage run-off to public system)**

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

**16. Prior to the commencement of the development a detailed programme and method statement to include a timetable for the implementation and completion of the development shall be submitted to and approved in writing by the local planning authority. The development shall be progressed in accordance with the approved details.**

**Reason: In order to ensure that the development is progressed to completion.**

**17. No development within the application area shall be occupied unless the mitigation proposals as shown on Drawing No. 50319/003 rev C has been completed to the satisfaction of the local planning authority after consultation with the Highways Agency.**

**Reason:** To ensure that the A40 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site and in the interests of road safety.

**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.

**APPLICATION DCSE2005/3208/O – SITE FOR RESIDENTIAL AND ASSOCIATED  
DEVELOPMENT, INCLUDING LINEAR PARK AND SITE ACCESS AT LAND  
OFF TANYARD LANE ROSS ON WYE**

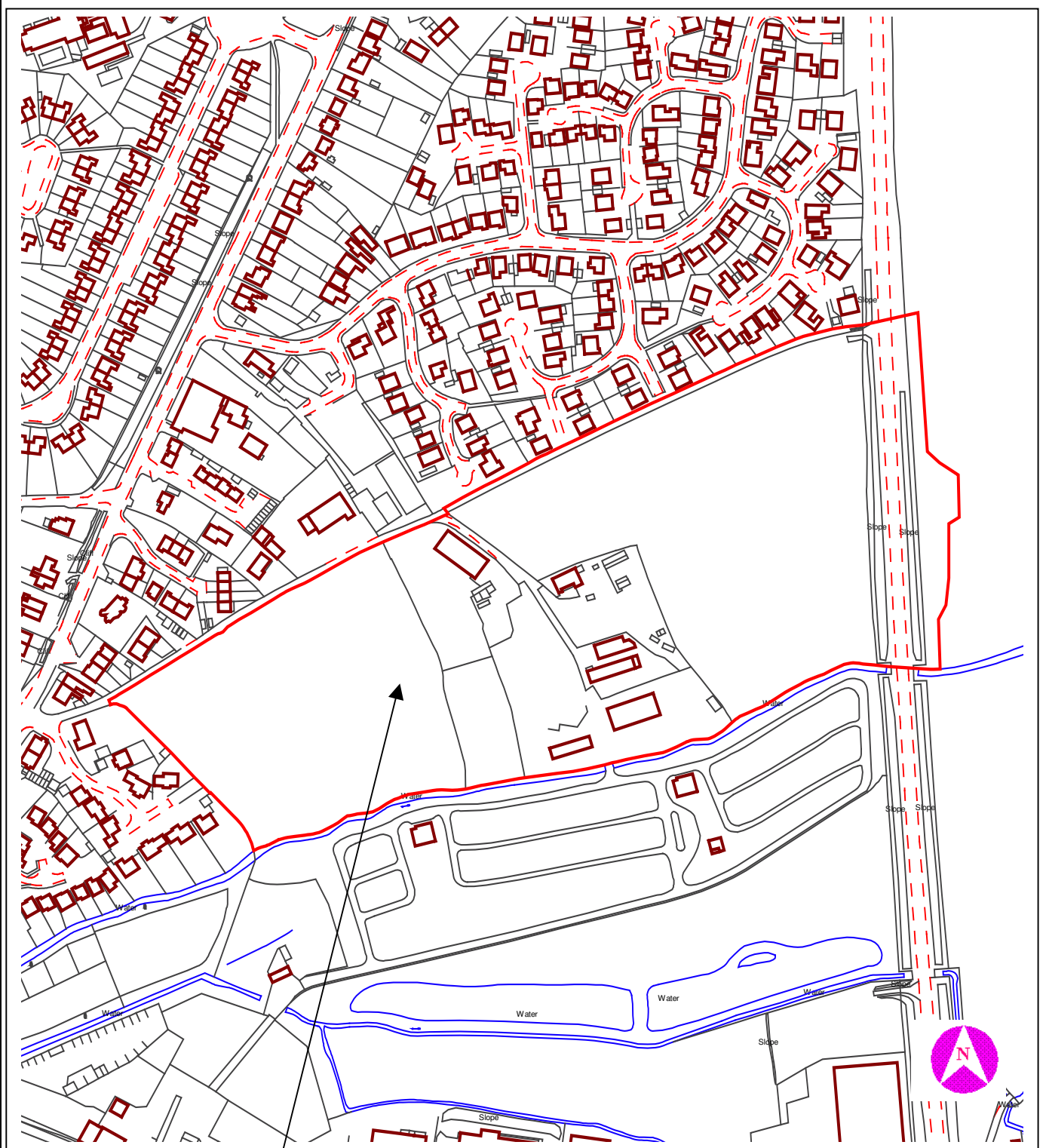
**PROPOSED PLANNING OBLIGATION – SECTION 106 TOWN AND COUNTRY  
PLANNING ACT 1990**

**DRAFT HEADS OF TERMS**

1. The developer covenants with the Council, in lieu of the provision of formal sports/recreation facilities on the Application Site to contribute to the Council the sum of **£200,500**. The payment shall be made prior to the first occupation of any of the dwellings permitted.
2. The Council shall use the monies paid under Clause 1 as a contribution towards the provision of formal sports facilities, for shared use, at John Kyrle High School, Ross on Wye.
3. The developer covenants with the Council to pay the sum of £355,564.00 as a contribution towards the provision of education facilities at John Kyrle High School. The sum is to be paid prior to the first occupation of any of the dwellings permitted.
4. In the event that the Council does not for any reason use any part of the said sum of Clauses 1 and 3 for the purposes specified in the agreement within 10 years of the date of payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by the Council, with interest.
5. Affordable Housing
  - a) The applicant covenants with the Council to provide Affordable Housing within the application Site. The detailed provision shall be at 35% of the total number of dwellings to be constructed.
  - b) The provision of Affordable Housing shall be in accordance with the requirements of the Council's Supplementary Planning Guidance – Provision of Affordable Housing – March 2001 (Updated November 2004).
  - c) The tenure and type of the Affordable Housing shall be agreed for each phase of the development through the provision of an Affordable Housing Brief.
  - d) The applicant shall procure the construction of the Affordable Housing in accordance with the current Housing Corporation development standards and "Lifetime Home" standards with no Affordable Housing grant input, and in accordance with the considerations listed in the Affordable Housing Brief for the scheme.
6. The developer/applicant covenants with the Council to pay a commuted sum to provide for the adoption by the Council of the public open space/linear park to be provided on site as part of the development. The payment shall be calculated in accordance with the Council's current standards for "Planning and Design for Open Space: Standard Requirements for new Housing Developments".
7. The developer/applicant covenants to pay the Council the sum of up to £18,000 to provide transportation facilities necessary to serve and associated with the development. The sum is to be paid prior to the first occupation of any of the dwellings permitted.

8. The Council shall use the monies under Clause 6 for the following purposes: -
  - a) For a contribution towards the Safer Routes to School for John Kyrle High School. (£3000.00)
  - b) Footway improvement schemes in Ledbury Road. (up to £15.000.00).
9. In the event that the Council does not for any reason use the said sum of Clause 7 for the purposes specified in the agreement in Clause 8 within 10 years of the date of payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by the Council, with interest.
10. The developer agrees with the Council that the adjoining former timber yard in its ownership will not be operated as a timber yard following the commencement of the development.
11. Upon completion of this Agreement, the Owner shall pay to the Council the Council's reasonable and proper costs in the preparation and completion of this Agreement.
12. The Owner agrees with the Council that the sums payable under this Agreement by the Owner to the Council shall be adjusted according to any increase in the BCIS all in tender price index published by RICS occurring between the date of this of this Agreement and the date the relevant sum becomes payable.

P. Yates  
Development Control Manager



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**APPLICATION NO:** DCSE2005/3208/O

**SCALE :** 1 : 3533

**SITE ADDRESS :** Land off Tanyard Lane, Ross-on-Wye, Herefordshire

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