

A G E N D A

Southern Area Planning Sub- Committee

Date: **Wednesday, 15th August, 2007**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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**County of Herefordshire
District Council**



HEREFORDSHIRE
COUNCIL

AGENDA

for the Meeting of the Southern Area Planning Sub-Committee

To: Councillor G Lucas (Chairman)
Councillor PD Price (Vice-Chairman)

Councillors CM Bartrum, H Bramer, PGH Cutter, MJ Fishley, AE Gray, TW Hunt, JA Hyde, JG Jarvis, TMR McLean, RH Smith, RV Stockton, DC Taylor and JB Williams

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES	1 - 10
To approve and sign the Minutes of the meeting held on 18th July, 2007.	
4. ITEM FOR INFORMATION - APPEALS	11 - 12
To note the contents of the attached report of the Head of Planning Services in respect of the appeals received or determined for the southern area of Herefordshire.	
REPORTS BY THE HEAD OF PLANNING SERVICES	
To consider and take any appropriate action in respect of the planning applications received for the southern area and to authorise the Head of Planning Services to impose any additional or varied conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
5. DCSW2007/1882/F - MILLENNIUM HOUSE, ALLENSMORE, HEREFORDSHIRE, HR2 9BE.	13 - 16
Removal of condition 3 from planning approval SH950274PO.	
6. DCSW2007/2010/F - UPPER NEWTON FARM, NEWTON ST. MARGARETS, VOWCHURCH, HEREFORDSHIRE, HR2 0QU.	17 - 22
Erection of a farm dwelling with double garage.	
7. DCSW2006/3762/F - BYECROSS FARM, PRESTON-ON-WYE, HEREFORDSHIRE, HR2 9LJ.	23 - 28
Use of land as occasional airstrip (retrospective application).	

8. **DCSW2007/2173/O - FARADAY HOUSE, MADLEY, HEREFORD, HR2 9PJ.** | 29 - 34

Replacement of existing dwelling with residential development.

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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, 18th July, 2007 at 2.00 p.m.

Present: Councillor G Lucas (Chairman)
Councillor PD Price (Vice Chairman)

Councillors: CM Bartrum, H Bramer, PGH Cutter, MJ Fishley, AE Gray, JA Hyde, JG Jarvis, TMR McLean, DC Taylor and JB Williams

In attendance: Councillors TW Hunt, JE Pemberton and RV Stockton

43. APOLOGIES FOR ABSENCE

Apologies were received from Councillors C.M. Bartrum, J.A. Hyde, J.G.Jarvis, and D.C. Taylor.

44. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
P.G.H Cutter	Agenda Item 10 DCSE2007/1391/F – Erection of 6 apartments and associated parking. The Chase Hotel, Gloucester Road, Ross-on-Wye, HR9 5LH.	A Prejudicial Interest was declared and the member left the meeting for the duration of the item.

45. MINUTES

RESOLVED: That the Minutes of the meeting held on 20th June, 2007 be approved as a correct record and signed by the Chairman.

46. ITEM FOR INFORMATION - APPEALS

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

47. DCSE2007/1257/F - THE OLD BAKERY, ARCHENFIELD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5AZ. (AGENDA ITEM 5)

The Southern Team Leader advised Members of an error in the report. He confirmed that in paragraphs 1.1 and 6.1 the size of the site should have been 0.1 hectares and not 1.0 hectares.

The Chairman, speaking in his capacity of local ward member, confirmed that he had

visited the site and felt that the application was acceptable. He noted that there was already an existing permission for 4 dwellings on the site.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

2 The development shall be carried out in accordance with the schedule of materials set out on drawing no. 670-01A and no materials shall be substituted without the agreement in writing of the Local Planning Authority.

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

3 The boundary treatments shown on drawing no. 670-01A shall be completed before the houses are occupied.

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

4 G04 (Landscaping scheme (general))

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

5 G05 (Implementation of landscaping scheme (general))

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

6 Before any other works hereby approved on the application site are commenced, the new entrance shall be set back 2 metres from the rear of the adjoining footway. On each side of the set back entrance splays shall be formed at an angle of 45 with the highway boundary and the whole of the splayed areas shall be graded and cleared so that no part thereof exceeds a height of 0.6 metres above the relative level of the adjoining carriageway.

Reason: In the interests of highway safety.

7 H06 (Vehicular access construction)

Reason: In the interests of highway safety.

8 H13 (Access, turning area and parking)

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

9 W01 (Foul/surface water drainage)

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

10 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.

11 W03 (No drainage run-off to public system)

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

12 H27 (Parking for site operatives)

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

13 Prior to the first occupation of any of the dwellings hereby approved, details of the secure, covered cycle parking shall be submitted to and approved in writing by the local planning authority. The approved cycle parking shall be provided on site prior to the first occupation of any of the dwellings hereby approved.

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.

INFORMATIVES:

1 N19 - Avoidance of doubt

2 HN01 - Mud on highway

3 HN04 - Private apparatus within highway

4 HN05 - Works within the highway

5 HN10 - No drainage to discharge to highway

6 N03 - Adjoining property rights

7 N14 - Party Wall Act 1996

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

48. DCSW2007/1734/F - THE GARN, CLODOCK, HEREFORD, HEREFORDSHIRE, HR2 0PE. (AGENDA ITEM 6)

The Principal Planning Officer reported the following:

- One further letter of representation has been received from :
C. Mitchell ,S. Mitchell & Mrs Prosser, Lower Garn, Clodock HR2 0PE.

The following main points raised are:

- right of way for use and enjoyment, subject to fair payment for use
- selling products now without knowledge of Trading Standards

- 19 traffic movements detailed for one day (up and down)
- The Council's Environmental Health and Trading Standards Manager has no objections

Councillor J.B. Williams, the local ward member, spoke in support of the application and noted that a number of the concerns raised were in respect of the access but he felt that this was a civil matter and not a matter for the committee to address.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

2 B01 (Samples of external materials)

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

3 E27 (Personal condition)

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.

4 E06 (Restriction on Use)

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity.

Informative(s):

1 N19 - Avoidance of doubt

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

49. DCSE2007/1748/L - BERKELEY HOUSE, NEW STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7DA. (AGENDA ITEM 7)

The Planning Officer amended the recommendation to permit 'listed building consent' rather than 'planning permission' as detailed in the report.

RESOLVED

That listed building consent be granted.

Informatives:

1 N19 - AVOIDANCE OF DOUBT

2 N15 - REASON(S) FOR THE GRANT OF LISTED BUILDING CONSENT

50. DCSE2007/1548/F - HALL COURT FARM, KYNASTON, LEDBURY, HEREFORDSHIRE, HR8 2PD. (AGENDA ITEM 8)

The Planning Officer reported the following:

- Due to an error the incorrect Policies and Planning History were included in the printed Report. The existing Section 2 and 3 should be replaced with section 2 and section 3 printed below. The Officer's Appraisal does refer to the correct policies.

2. Policies

Planning Policy Guidance

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

Herefordshire Unitary Development Plan

Policy S.1	-	Sustainable Development
Policy S.2	-	Development Requirements
Policy S.4	-	Employment
Policy S.7	-	Natural and Historic Heritage
Policy DR.1	-	Design
Policy DR.2	-	Land Use and Activity
Policy DR.3	-	Movement
Policy DR.4	-	Environment
Policy DR.13	-	Noise
Policy DR.14	-	Lighting
Policy E.6	-	Expansion of Existing Businesses
Policy E.8	-	Design Standards for Employment Sites
Policy E.13	-	Agriculture and Forestry Development
Policy E.16	-	Intensive Livestock Units
Policy LA.2	-	Landscape Character and Areas Least Resilient to Change
Policy LA.4	-	Protection of Historic Parks and Gardens
Policy LA.5	-	Protection of Trees, Woodlands and Hedgerows
Policy LA.6	-	Landscaping Schemes
Policy NC.1	-	Biodiversity and Development
Policy NC.6	-	Biodiversity Action Plan Priority Habitats and Species
Policy NC.8	-	Habitat Creation, Restoration and Enhancement
Policy HBA.4	-	Setting of Listed Buildings

3. Planning History

DCSE2007/1154/S	Three round storage bins for making own feed for poultry unit	Prior Approval Not Required	15.05.2007
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In accordance with the criteria for public speaking Mr. May, the applicant, spoke in support of his application.

Councillor T.M.R. McLean, the local ward member, had reservations in respect of possible noise pollution due to fans, she also felt that any landscaping scheme should include native evergreens to ensure minimal impact on neighbouring residents.

In response to the questions raised by the local ward member, the Planning Officer

confirmed that the applicant would be required to contact the planning department if he wished to add external fans as they were not permitted in the current application. She also felt that the landscaping concerns could be addressed under condition 7 of the recommendation.

In response to a question from Councillor R.H. Smith, the Planning Officer confirmed that no artificial lighting was permitted on the site and if it was required a further application would have to be submitted by the applicant.

RESOLVED

That planning permission be granted subject to the following conditions:

- 1 A01 (Time limit for commencement (full permission))**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 B01 (Samples of external materials)**
Reason: To ensure that the materials harmonise with the surroundings.
- 3 Notwithstanding the submitted plans, details of the design, materials and siting of the feed bins shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**
Reason: To minimise the visual impact of the development.
- 4 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.
- 5 F32 (Details of floodlighting/external lighting)**
Reason: To safeguard local amenities.
- 6 F38 (Details of fans or extractors)**
Reason: In the interests of the amenity of the area.
- 7 G04 (Landscaping scheme (general))**
Reason: In order to protect the visual amenities of the area.
- 8 G05 (Implementation of landscaping scheme (general))**
Reason: In order to protect the visual amenities of the area.
- 9 G09 (Retention of trees/hedgerows)**
Reason: To safeguard the amenity of the area.
- 10 G27 (Landscape maintenance arrangements)**

Reason: In the interests of visual and residential amenity.

11 G34 (Provision of screen fences to the copse)

Reason: In the interests of residential and visual amenity.

12 H03 (Visibility splays)

Reason: In the interests of highway safety.

13 H05 (Access gates)

Reason: In the interests of highway safety.

14 H13 (Access, turning area and parking)

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

15 Notwithstanding the submitted plans, details of the layout of the access with public road and indication of the route of the public right of way together with measures to ensure its continued use shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the public continue to use the legal line of the footpath with ease.

INFORMATIVES:

1 N19 - Avoidance of doubt

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

51. DCSE2007/1324/F - OAKHOUSE NURSERY, OAK HOUSE, BRAMPTON ABBOTTS, ROSS-ON-WYE, HEREFORDSHIRE (AGENDA ITEM 9)

Councillor T.M.R. McLean, the local ward member, was concerned that the application could have a detrimental effect on the privacy of the neighbouring residents.

In response to a number of questions regarding the roof area, the Southern Team Leader advised members that the roof featured a glazed screen on one side and timber screens on the other sides. He felt that this addressed the issue of overlooking. He confirmed that the timber screens were described in the application as hard wood slatting, he confirmed that a condition could be added to the recommendation to ensure that the material choice was agreed with the planning department.

Councillor H. Bramer had concerns in relation to the safety of children on the roof. He noted that there was no fire escape from and that the only entrance came from the main building.

Councillor P.D. Price felt that it was the committees responsibility to ensure that buildings were fit for purpose and more importantly safe. He also had reservations about the design and felt that a two-storey extension would look more acceptable on

the site.

RESOLVED

That: (i) The Southern Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal 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) Public Safety concerns due to the lack of a fire escape

B) Concerns about the design of the application

C) Impact on amenity of neighbours

(ii) 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 refuse the application subject to such reasons for refusal 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.]

52. **DCSE2007/1391/F - THE CHASE HOTEL, GLOUCESTER ROAD, ROSS-ON-WYE, HR9 5LH. (AGENDA ITEM 10)**

The Principal Planning Officer reported the following:

- The Land Drainage engineer confirms that the additional details of surface water drainage scheme are acceptable.
- The applicant's agent has discussed with the project architect the impact the proposed apartment block may have on existing trees and can provide assurance that sufficient separation distance will be available between the proposed block and existing trees for construction works to take place without impacting on the trees. Notwithstanding this a condition could be applied which seeks to ensure that measures are taken to protect trees during the construction process.

In respect of concerns relating to the potential for future occupants interfering with existing trees in the future, I can confirm that all of the trees on the Chase Hotel site are maintained by the owners of the site and this will continue after the apartments are built.

In accordance with the criteria for public speaking, Ms Brazendale, a local resident, spoke in objection to the application.

Councillor A.E. Gray, one of the local ward members, noted that Ross Town Council had not objected to the application. She sympathised with the local residents but felt that if development was required on the site the proposed location was the most appropriate place for it.

Councillor T.M.R. McLean felt that development of the site would be detrimental to the hotel. She felt that it would have an adverse affect on the parkland and felt that she could not support the application.

Councillor H. Bramer noted the concerns of the local residents and felt that granting the application would have a detrimental effect on the hotel and the associated parkland.

Councillor R. Smith felt that the application was contrary to Policy HBA9 of the Unitary Development Plan, and felt that it should be refused.

In response to the points raised by members the Principal Planning Officer confirmed that although the previous application was dismissed on appeal, the Inspector had stated that development near the main hotel complex was acceptable. He also reminded members that a development of offices and dwellings had already been permitted on the site outlined in the proposed application.

RESOLVED

That: (i) The Southern Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal 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) Contrary to policy HBA9 of the Unitary Development Plan

(ii) 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 refuse the application subject to such reasons for refusal 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.]

53. DCSE2007/1247/F - ERECTION OF 12 NEW DWELLINGS, BROOKSIDE, WHITCHURCH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6DJ. (AGENDA ITEM 11)

The Principal Planning Officer reported the following:

- Whitchurch Parish Council comments were omitted from the report.

“The Parish Council objects to the application, for the following reasons:-

- 1) ACCESS:- The new access on to the existing highway would reduce the width of the highway, thereby increasing road safety problems in a busy road.
- 2) DRAINAGE/SEWERAGE:- The current rain water/sewerage system in the village is already overloaded and has been known to flood into the village street. An additional 12 dwellings in this area would exacerbate this problem.
- 3) DENSITY:- The proposed density of housing is deemed inappropriate. If there is to be development, a scaled down proposal, with bungalows, rather than houses, would be more appropriate and lessen the impact on surrounding properties.
- 4) DESIGN:- The windows of the proposed new properties directly overlook existing homes and would also block light to those homes.
- 5) CAR PARKING:- Car parking arrangements for the likely car-owning occupants of and visitors to the proposed new homes, do not appear to be adequate.
- 6) CHILDREN'S PLAY AREA:- The proximity of the children's play area to the site access would cause road safety problems, both for the children using

the area on foot, and the parents from other areas of the parish, needing to park their cars by the play area.

7) MEASUREMENTS:- There is concern over the accuracy of measurements relating to the access.

8) ENVIRONMENTAL:- The environmental impact of such a large development, would be detrimental to the wellbeing of local residents, e.g. visual impact, additional noise, increase in traffic, as well as light restriction.

9) SITE MEETING:- It is requested that this application be considered by the Southern Planning Committee, and that the members of that Committee hold a site meeting, prior to consideration of this application.”

- One further letter of objection from a local resident has been received.
- Applicant’s agent has forwarded amended layout plans showing trees to be retained and revisions to the house for Plot 4.
- The applicant’s drainage/highway engineers have confirmed that agreement has been reached with the Council regarding highway requirements and that further drainage information do meet outstanding concerns is being prepared.
- The plots referred to in the draft Heads of Terms should be 9-12 not 8-11.

In accordance with the criteria for public speaking, Mr. Williams, representing Whitchurch Parish Council, and Mr. Elphick and Mr. Burchell, two local residents, spoke in objection to the application.

Councillor R.H. Smith accepted that the site required development but had a number of reservations regarding the current proposals. He felt that there were too many issues unresolved and that members required more information before determining the application. He felt that the application was contrary to policies HBA4, DR4, and DR7 of the Unitary Development Plan. He felt that the application required an environmental impact study to satisfy policy DR4, and that a flood risk assessment was required in policy DR7.

RESOLVED

That: (i) The Southern Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal 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) Contrary to policies HBA4, DR4, and DR7 of the Unitary Development Plan

B) Detrimental to the character of the area

(ii) 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 refuse the application subject to such reasons for refusal 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 3.15 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCSE2007/0710/O**

- The appeal was received on 29th June, 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. R. Millard
- The site is located at Land at 2 Brampton View, Brampton Road, Ross-on-Wye, Herefordshire, HR9 7JL
- The development proposed is Proposed erection of 1 no. new dwelling alterations to existing vehicular access to accommodate 2 no dwellings.
- The appeal is to be heard by Hearing

Case Officer: Julie Preston 01432 260536

Application No. DCSE2007/0674/F

- The appeal was received on 18th July, 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 Aldi Stores Limited
- The site is located at Gardner Butcher Garage, Brookend Street, Ross-on-Wye, Herefordshire, HR9 7EG
- The development proposed is Erection of Aldi discount foodstore with associated parking, landscaping and access.
- The appeal is to be heard by Inquiry

Case Officer: Steven Holder on 01432 260479

Application No. DCSE2007/0620/C

- The appeal was received on 18th July, 2007
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant Conservation Area Consent
- The appeal is brought by Aldi Stores Ltd
- The site is located at Gardner Butcher Garages, Brookend Street, Ross-On-Wye, Herefordshire, HR9 7EG
- The development proposed is Demolition of existing buildings to facilitate redevelopment for Aldi Foodstore.
- The appeal is to be heard by Inquiry

Case Officer: Steven Holder on 01432 260479

APPEALS DETERMINED

Application No. DCSE2006/3883/F

- The appeal was received on 1st March, 2007
- 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. C. Edwards
- The site is located at West Ridge, Ashfield Park Road, Ross-On-Wye, Herefordshire, HR9 5AS
- The application, dated 7th December, 2006, was refused on 24th January, 2007
- The development proposed was Single storey extension to the rear of existing flats to create an additional 2 No. 2 bedroomed flats with 4 No. car parking spaces.
- The main issues are the effect that this development would have on the character and appearance of the area and on the living conditions of the occupants of Laycombe.

Decision: The appeal was DISMISSED on 25TH July 2007

Case Officer: Duncan Thomas on 01432 261974

Application No. DCSW2005/3420/O

- The appeal was received on 19th 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. J.E. Sloper
- The site is located at Top Wood, Dorstone Hill, Herefordshire
- The application, dated 23rd October, 2005, was refused on 14th December, 2005
- The development proposed was Eco holiday chalet
- The main issue is the effect of the proposed development on the character and appearance of the surrounding countryside.

Decision: The appeal was DISMISSED on 26TH July, 2007

Case Officer: Andrew Prior 01432 261932

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

5 DCSW2007/1882/F - REMOVAL OF CONDITION 3 FROM PLANNING APPROVAL SH950274PO, MILLENNIUM HOUSE, ALLENSMORE, HEREFORDSHIRE, HR2 9BE.

For: Mr. & Mrs. R. Knipe per Mr. C. Goldsworthy, 85 St Owens Street, Hereford, HR1 2JW.

Date Received: 15th June, 2007

Ward: Valletts

Grid Ref: 44852, 35170

Expiry Date: 10th August, 2007

Local Member: Councillor Mrs. M.J. Fishley

1. Site Description and Proposal

1.1 The application site is on the north-western side of the unclassified road (u/c 73411) that leads southwards out of Cobhall Common, and to the west of the hamlet of Hungerstone. This unclassified road joins the B4348 road at a point approximately half way between Thrupton and Winnal. Therefore this site is in open countryside.

1.2 The dwelling is subject to a planning condition attached to the original planning permission granted on 20th September, 1995. This condition is as follows:

‘The occupation of the accommodation hereby permitted shall be limited to a person solely or mainly employed in connection with the use of the associated land comprising Cobhall Court Stud for the breeding and training of horses, including any dependants of such persons residing with him/her or a widow or widower of such person.

Reason: Justification for the accommodation is based on the need to provide staff accommodation associated with horse breeding and training in connection with the business conducted at Cobhall Court Stud. An unrestricted residential use in this location would be contrary to national and local rural planning policies.’

1.3 The property comprises a four bedroom dwelling, one bedroom is on the ground floor, the remaining ones are within the roof space lit by dormer windows to the rear and rooflights to the front elevation. Two stables and a tack room are attached on the north-eastern end and on the opposite wing is a double garage.

1.4 The Cobhall Court Stud is no longer operating, it closed several years ago, in 2000, therefore the applicants are seeking to remove a condition which cannot be complied with.

1.5 A marketing exercise has been carried out by a local agent.

2. Policies

2.1 Planning Policy Guidance

PPS.7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007

Policy H.8 - Agricultural and Forestry Dwellings and Dwellings
Associated with Rural Businesses

3. Planning History

- | | | | | |
|-----|-----------------|--|---|--------------------|
| 3.1 | SH950274PO | Dwelling and stables for stud groom | - | Approved 20.09.95 |
| | SS980288PM | Dwelling and stables for stud groom | - | Approved 26.08.98 |
| | DCSW2006/2334/F | Removal of condition 3 of planning approval SH950274PO | - | Withdrawn 22.09.06 |

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Traffic Manager has no objection.

5. Representations

- 5.1 In a letter that accompanied the application the applicants' agent makes the following main points:

- previous application withdrawn given need to advertise the property; even though there is not a market with the imposition of condition 3
- the property was advertised in the Hereford Times by local agent. Extensive interest, however tie/condition deterred further interest. No offers were received
- my clients have been informed of an alleged breach of condition 3, outcome pending outcome of this application
- stud ceased trading in 2000, therefore condition cannot be complied with.

- 5.2 Allensmore Parish Council make the following observations:

“While understanding that the business has ceased trading and the applicant's need to settle their business affairs we feel this application for the removal of condition 3 will have to be a matter for the Council's Planning and Legal departments. On the original planning site visit report it stated that a modest single storey dwelling would be appropriate but it would appear the planning office later accepted plans for a larger dwelling with condition 3 attached. This property would not have been built here without this condition: reason for conditions on outline planning dated 20th September 1995 - 'justification for the accommodation is based on the need to provide staff accommodation associated with horse breeding and training in connection with the business conducted at Cobhall Court Stud. An unrestricted residential use in this location would be contrary to national and local rural planning policies'.”

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 main issue is the principle of allowing the removal of a planning condition which restricts the occupation of Millennium House. The condition in question which is reproduced above is very specific and ties the occupation to Cobhall Court Stud. The approach that needs to be undertaken, for proposals for the removal of conditions such as in this case, is set out in Policy H.8. This states:

‘Applications for the removal of agricultural occupancy conditions will only be permitted if it can be demonstrated that the original condition was unreasonably imposed or that there is no longer a current or foreseeable need for an agricultural dwelling either on the holding or in the locality, and that there has been a genuine and unsuccessful attempt to market the property at a realistic price.’

6.2 The Parish Council refer to the size of the dwelling in their observations, however it is the principle of removal of the condition and the relationship of the dwelling to Cobhall Court Stud which is the crucial issue. It is stated that the stud ceased operation in 2000, which technically means that the house should be unoccupied.

6.3 It is considered that the condition attached is a very restrictive one, albeit that it was reasonably imposed at the time. This was in order to establish a link between two different operations on two geographically divorced sites. There is considered not to be a continuing need for the condition as required by planning policy. The property has been marketed at a realistic valuation for such a modern dwelling in open countryside.

6.4 Therefore, given the restrictive condition and the fact that the Cobhall Court Stud has ceased, it is not considered unreasonable for the condition to be removed. It would not be realistic varying the condition, i.e. to tie the occupation of the dwelling to another occupation or enterprise given that none such exist.

RECOMMENDATION

That planning permission be granted.

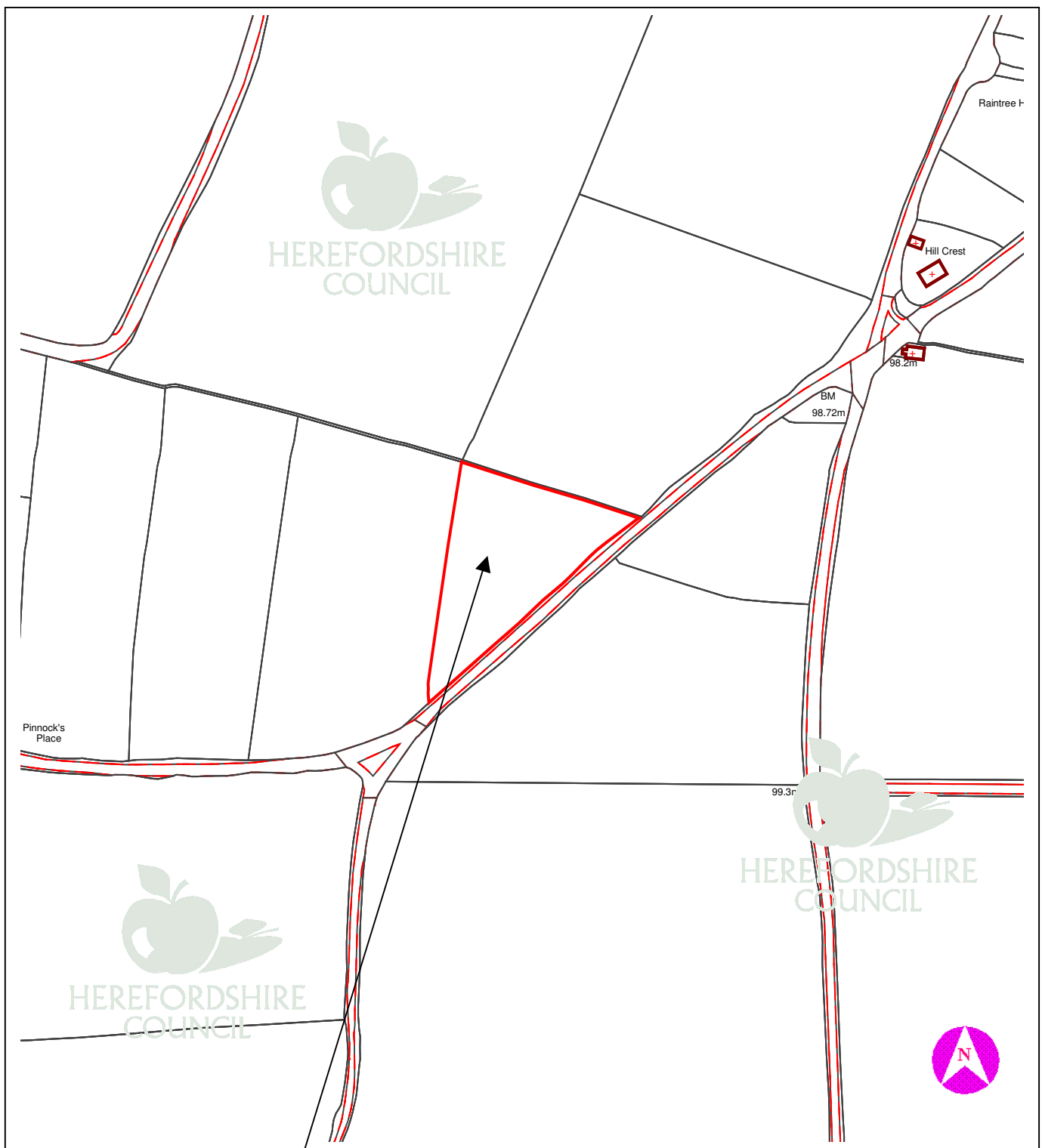
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2007/1882/F

SCALE : 1 : 2500

SITE ADDRESS : Millennium House, Allensmore, Herefordshire, HR2 9BE

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4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Traffic Manager recommends objection given limited visibility achievable in a southerly direction at the junction of the access road with the unclassified road.

- 4.3 The Council's Property Services Manager makes the following main points:

- the farm is well run and the stock appear to be in good condition. Buildings adequate for more cattle
- lambing is done outside, there are adequate buildings for putting sheep in
- land suitable for stock rearing not arable farming
- farmhouse is adequate for one person only
- there are two traditional stone barns, one is close to the cattle yards and the other could be converted even though it is closer to farm track and farmhouse
- it is a typical small upland farm which provides a living for one family, but not productive enough for 2 livings at its present size
- the farm is suitable for one family providing approximately one living
- neither the financial test nor the SMD (Standard Man Days) are passed at present and the tests have to be as at the present time rather than in the future
- there is a need for a full time person on site but not two. No allowance can be made for the age or fitness of the applicant(s) under planning guidance.

5. Representations

- 5.1 Newton Parish Council's observations are awaited.

- 5.2 In a Design and Access Statement that accompanied the application the following main points are made:

- 215 acre holding plus some rented land. Farmed by Mr. J.D. & Mrs. M.M. Powell, together with their married son, Mr. Mark Powell, whom lives 9 miles away in rented accommodation at Kentchurch. Farmhouse too small, extending not an option either, given proximity to farm buildings. Farmhouse also base for catering business.
- Site for dwelling in corner of field. Applicant needs to live on farm for emergencies, particularly for lambing and calving, and be on hand otherwise.
- PPS.7 relevant
- Need to expand enterprise.
- Mr. J. Powell able to undertake some tasks, but not strenuous tasks. Therefore his son needs to be on site.
- Farm enterprise established for over 40 years, as regards requirements for 3 years in PPS.7.
- Farm income estimated (end of March 2007) is 21,008. The appraisal stated a need for second dwelling to meet requirements of security, supervision and comply with animal health and welfare standards.

5.3 An Agricultural Appraisal accompanied the application, it comprised a functional appraisal and a financial appraisal.

- 135 acre holding, plus tenants for further 80 acres
- some 230 metres above sea level. Farm almost entirely permanent pasture
- range of traditional stone buildings, plus steel framed modern buildings
- grass based, suckler herd of 29 cows and replacement heifers. Cattle sold as stores in Jan/Feb at 20/24 months old
- sheep enterprise: 400 ewes, intends to expand it further
- Mark Powell undertaking all physical work on the farm due to father's incapacity
- farm adversely affected by Foot and Mouth outbreak
- new perspectives for EU Rural Development supports agriculture in remote regions, and the need for promoting the quality of life in rural areas (endorsed in guiding principles in Unitary Development Plan)
- current Standard Man Day is 1.4 labour units will increase to 1.64 as livestock numbers increase
- farming business will recoup reduction in income from Common Agricultural Policy (CAP) by joining Entry Level Environmental Stewardship Scheme
- farm accounts show it has been profitable for 3 years
- dwelling can be financed without being a drain on the farm's resources
- there are no other dwellings on the holding. No redundant farm buildings either or suitable tied dwellings for sale in area
- siting well related to farmstead. Can be no highway objections
- enterprise is economically viable
- dwelling proposed is commensurate with the established financial requirements
- proposal satisfies requirements of UDP Policies H.7 and H.8. Agricultural and financial appraisals submitted demonstrate this.

5.4 8 letters of support accompanied the application from the C.L.A., R.G. & R.B. Williams (Chartered Surveyors). 4 letters from residents in area, including a Parish Councillor, local Vicar and veterinary surgeon.

- need to keep young farmers in countryside. Maintains social structure, economy, environment and landscapes in marginal rural areas
- farm suffered during Foot and Mouth outbreak
- applicant's father has a serious health problem
- very good quality of stock sold in our market
- younger generation of farmers will be lost if provision not made
- not on for farmhouse to be passed on by parents, given existence of established catering business run from it
- enterprise to be expanded to 500 ewes to maintain economic viability
- close supervision required particularly at lambing and calving time
- applicant spent long hours in last few years on farm, in addition to milking job.

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 It is incumbent upon planning authorities to carefully scrutinise applications for dwellings in the open countryside. Applications for agricultural dwellings need to satisfy functional as well as financial criteria. This is set out in Annex A to PPS.7 – Sustainable Development in Rural Areas. The relevant local planning policy is H.8 contained in the Unitary Development Plan (UDP).

- 6.2 It has to be established that there is an essential requirement for a second dwelling. It is evident that there is a need for a dwelling on the site given the case advanced; this requirement for the proper functioning of the enterprise is met by the existing farmhouse. It is not essential for two dwellings to provide accommodation for key workers. The application needs to satisfy a functional requirement as set out in PPS.7 and Policy H.8 in the UDP. The functional requirement, determined usually by the SMD (Standard Man Days), is less than 2 which equates to less than the equivalent of two key workers. Therefore the application fails to satisfy this fundamental benchmark. It is evident that the applicant is carrying out a lot of work on the farm given the poor health of his father. It is not made clear whether or not this situation will continue as currently, i.e. the applicant's father will not be undertaking the strenuous tasks on the farm. This places the application in the possible category of providing what could be a retirement property in the existing farmhouse even though it is incumbent upon the local planning authority to impose an agricultural tie on the existing farmhouse as set out in Government advice in PPS.7 and in Policy H.8 in the UDP.
- 6.3 The second related issue is the need to establish whether or not the enterprise is financially viable. There is also a need to satisfy criteria such as the siting and size of the dwelling. The Council's Property Services Manager advises that on the evidence available the enterprise does not generate sufficient income for two key agricultural workers wages. Therefore, the enterprise is not viable as determined by the criteria set out in PPS.7 and UDP Policy for agricultural workers dwellings. Applications need to satisfy this key requirement. It is not sufficient to argue that an agricultural enterprise could expand more were there to be two key workers living on the site. The planning authority can only determine applications on the basis of the needs of the enterprise, i.e. how much labour is required to manage the enterprise effectively and secondly that the enterprise is economically viable.
- 6.4 It is considered that the siting for the dwelling is acceptable given the known problems with drainage in the vicinity of the site. The site utilises trees and hedges on the western side of the site as a backdrop. The dwelling is of a size commensurate with the needs of the enterprise were this site to be approved. However, it is considered that in accordance with the provisions of Policy H.8 in the UDP it has not been sufficiently established why at least one of the stone buildings to the west of the farmhouse could not be utilised. It is stated in the case submitted that they are not redundant, however the nearest barn is only used, it is understood, partly as a kennel, with the first floor being used for fodder storage. Given that the building nearest to the farmhouse could be reasonably utilised it is considered that the application fails to satisfy one of the criteria of Policy H.8 in the UDP.
- 6.5 The final issue relates to the objections raised by the Transportation Manager. This is as regards the visibility achievable at present for vehicles joining the unclassified road (u/c 74205). Whilst visibility is satisfactory to the north it is very poor in a southerly direction. Northbound vehicles would not be visible to vehicles leaving the farm nor vice versa. Therefore, this is a further matter that constitutes a reason for refusal.

RECOMMENDATION

That planning permission be refused for the following reasons:

1. Having regard to Policies H.7 and H.8 in the Unitary Development Plan 2007, the proposed dwelling is considered to be unacceptable. The proposal constitutes development in open countryside, divorced from any settlement and there is considered to be insufficient justification such that an exception should be made to these policies. This is also with regard to the need to utilise existing buildings in preference to new development. In addition, the erection of a dwelling in this location would be contrary to the provisions of PPS.7 that seeks to protect the countryside for its own sake from unwarranted development.

2. The proposed means of access provides insufficient visibility in a southerly direction such that increased use of the existing point on the unclassified road would be detrimental to highway safety. Therefore, the proposal is contrary to the provisions of Policy DR.3 in the Unitary Development Plan 2007.

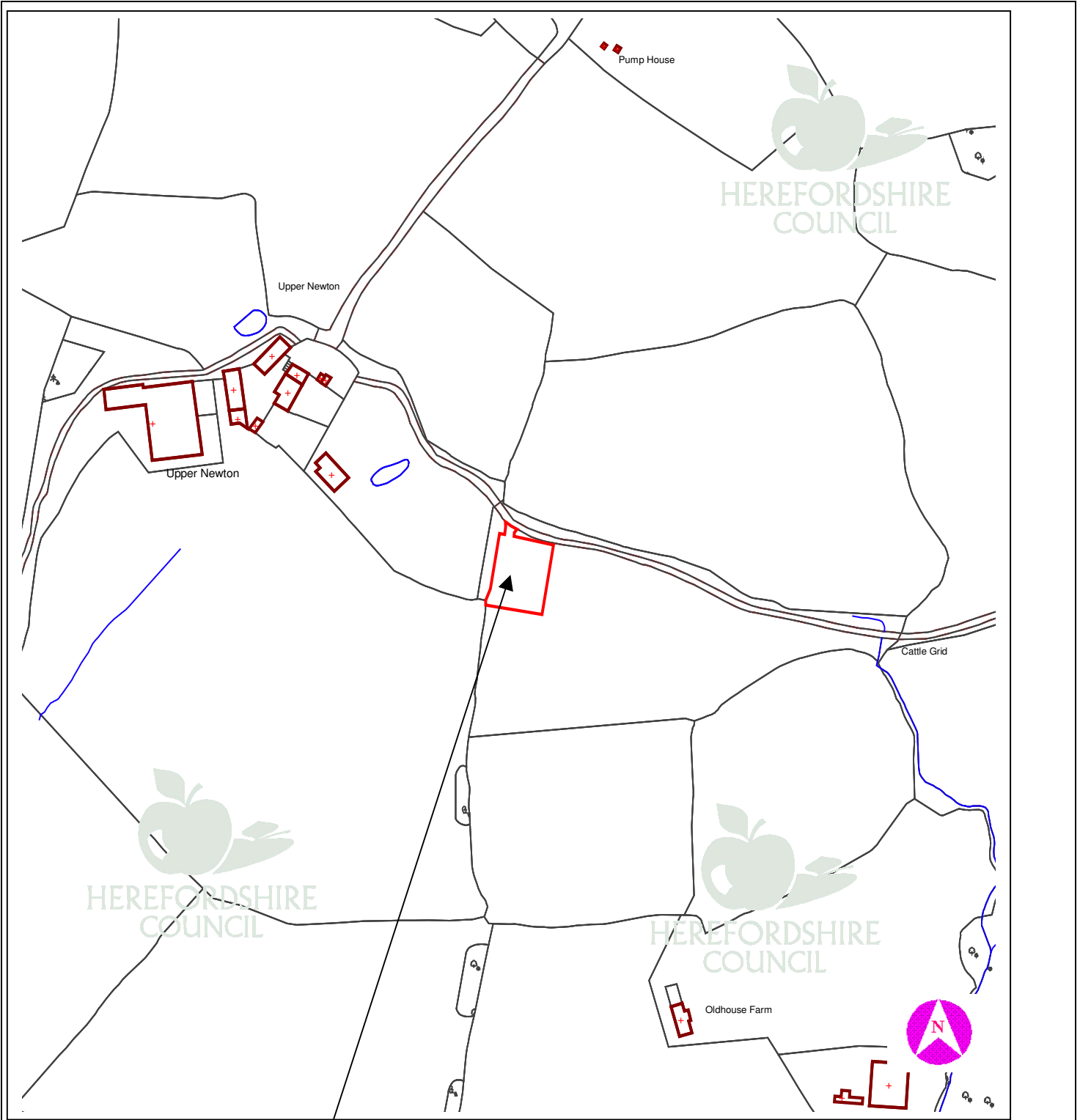
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2007/2010/F

SCALE : 1 : 2500

SITE ADDRESS : Upper Newton Farm, Newton St. Margarets, Vowchurch, Herefordshire, HR2 0QU

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7 DCSW2006/3762/F - USE OF LAND AS OCCASIONAL AIRSTRIP (RETROSPECTIVE APPLICATION), BYECROSS FARM, PRESTON-ON-WYE, HEREFORDSHIRE, HR2 9LJ.

For: Mr. A. Fenn, Byecross Farm, Preston-on-Wye, Herefordshire, HR2 9LJ.

Date Received: 29th November, 2006
Expiry Date: 24th January, 2007

Ward: Golden Valley North **Grid Ref: 37877, 42558**

Local Member: Councillor P.D. Price

1. Site Description and Proposal

- 1.1 Byecross Farm is located on the northern side of the Class III road (C1191) that links Moccas to the west and the northern fringes of Preston-on-Wye to the east. Byecross constitutes a small group of dwellings either side of the C1191 road. Byecross Farm is in close proximity to the River Wye.
- 1.2 The proposal is for the retention of an airstrip. The grassland used, also for grazing horses, is immediately to the east of the farmhouse. The runway is in a cross configuration, i.e. east-west and north-south. The River Wye is immediately on the northern end of the runway.

2. Policies

2.1 Planning Policy Statement

PPS.7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007

Policy DR.2 - Land Use and Activity
 Policy DR.13 - Noise
 Policy LA.2 - Landscape Character and Areas Least Resilient to Change
 Policy NC.1 - Biodiversity and Development
 Policy NC.3 - Siting of National Importance
 Policy NC.8 - Habitat Creation, Restoration and Enhancement

3. Planning History

- | | | | | |
|-----|-----------------|---|---|--|
| 3.1 | NW2001/2137/F | Erection of polytunnel | - | Approved 02.10.01 |
| | DCSW2005/2867/S | Secure agricultural building for trailers | - | Determined 20.09.05 |
| | DCSW2006/3750/U | Use of field as a camp site | - | Certificate of Lawfulness granted 25.01.06 |

DCSW2006/3763/F Retrospective planning for - Approved 21.02.07
toilet/shower block built in
existing steel framed building

4. Consultation Summary

Statutory Consultations

4.1 The Environment Agency raises no objections.

4.2 Natural England has no objections.

Internal Council Advice

4.3 Traffic Manager has no objections.

4.4 Environmental Health and Trading Standards Manager notes that they have not received any complaints, even though it is understood that the site has been in operation for 5 years. However, in order to safeguard the amenity of residents, conditions are recommended.

4.5 The Conservation Manager recommends, following the receipt of an ecological report submitted by the applicant, that if the application is approved it should be subject to the planting of a new 150 metres section of hedgerow as indicated.

5. Representations

5.1 In a letter that accompanied the application the applicant makes the following main points:

- have been operating for 5 years on my own
- avoided flying over neighbours houses. One complaint to multiple take-offs and landings, for friends, stopped doing that
- after receiving complaint put microlight up for sale, for a quicker and quieter aircraft (now sold it)
- will not replace until I know I can carry on flying
- last year (2005) flew for a total of 45 hours only time audible would be in taking off phase.

5.2 In a further letter, the applicant states:

- thought we were entitled to cut boundary hedge, have maintained it for six years we have been here
- new microlight would be indistinguishable from the microlight version, only paperwork changes
- runway not of sufficient length for a conventional aircraft
- no one in UK owns their airspace
- people have used my airstrip mistaking it for one half a mile away, which has since closed
- did receive noise complaint and have as a result put microlight up for sale
- Canadian geese concerns, has objector mentioned 50 per cent shot by his neighbours

- my horses do not bat an eyelid near the runway, objector's horses are half a mile away
- Shobdon full
- to have runway, dream come true - will fit in with locals and not upset them. Taken many flying
- locals say they like seeing me flying.

5.3 The Wyeseide Parish Council make the following observations:

"I write to represent the view of the Wyeseide Parish Council regarding the above planning application. This has been a change of use from permission for a polytunnel for agricultural purposes to a canvas covered aircraft store. A windsock has been set up and hedges trimmed and some removed. Since the runway was established and planes flown, livestock have been disturbed and the quiet nature of properties nearby and in the village have been affected by planes flying overhead as well as landing and taking off."

5.4 Six letters of objection received raising the following main issues:

- noise from airstrip intolerable
- scaring horses in our stud
- detrimental to wildlife and horses
- impact on river used by 'anglers', quiet enjoyment
- it is a SSSI, SAC in Europe
- lack of privacy under flight path, acceptable if no increase in use
- change of use of polytunnel to canvas covered aircraft store
- windsock erected, hedges trimmed and some removed
- east-west runway resulted in loss of hedgerow
- disaster environmentally and visually
- fly over our house
- whilst small microlight not a cause for concern, larger planes would be
- applicant not the only one flying in and out
- helicopters have landed on site
- use Shobdon
- multiple take-offs and landings.

5.5 19 letters of support have been received, the following main points are raised:

- no objections, does not cause a nuisance
- if on casual basis as it has been for last 5 years
- good possibly for scaring off foxes and buzzards
- used infrequently
- number of residents have been taken for flying trips by applicant
- applicant has sold aircraft for a quicker and quieter one
- enhances community
- no disturbance to myself or my animals.

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 main issues are considered to be the impact of the use on the amenity of residents in the locality and secondly the impact on flora and fauna on this site adjacent to the River Wye.
- 6.2 It is evident from the advice of the Environmental Health Manager that the Council have not received noise complaints for the five years the applicant has been operating from the site. This is not the deciding factor in the determination of this retrospective application, it is though, indicative of the use of the site which has been limited previously and would need to be controlled to sole use of the applicant, as recommended by the Environmental Health Manager in the event that the proposal was supported. There are no microlights operating from the application site until such time as this application is determined.
- 6.3 The use of the site for sole use of the applicant and with some restricted landings and take-offs could be supported. It is considered that in the objections received, there is some tacit support for continued but limited use. The fear is that the use would grow as would the activity and associated noise. The type of aircraft proposed could not be reasonably conditioned, aircraft are though governed by the Civil Aviation Authority and that includes for the provision of a Noise Certificate.
- 6.4 Privacy is a difficult issue to quantify, this is given the fact that for a number of local residents the sight of the applicant flying over is welcomed. It is stated that privacy is an issue, however pilots landing or taking off should be more concerned with the operation of the aircraft than viewing below them.
- 6.5 The Conservation Manager requested an ecological appraisal partly for reasons of the representations received relating to herons nesting and given that a length of hedgerow had been removed. The Conservation Manager is satisfied that the commissioned report provides evidence that there are no nesting herons that would be affected. The provision of new hedgerow on a west-east axis is supported by the Conservation Manager subject to the species of plant being appropriate. Therefore, the Conservation Manager subject to the planting of new hedgerow does not feel that the continued use of the grassland for airstrip by the applicant would impinge upon biodiversity and ecological interest as set out in Unitary Development Plan Policies NC.1, NC.3 and NC.8.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **Except in emergency, the use of the airstrip shall be restricted to that by microlight aircraft (as defined from time to time by the Civil Aviation Authority) first registered in the UK on or after 1st April, 1986.**

Reason: In order to define the terms to which the application relates.

2. **The number of aircraft movements (with take off and landing counting as separate movements) from the airstrip shall not exceed 8 per week.**

Reason: To enable the planning authority to retain control over the development in the interests of the residential amenity of local residents.

- 3. Except in emergency no touch-and-go activity shall take place.

Reason: To enable the planning authority to retain control over the development in the interests of the residential amenity of local residents.

- 4. This permission shall enure for the benefit of Mr. A. Fenn only and not for the benefit of the land or any other persons interested in the land, and only at such time as he occupies Byecross Farm.

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.

- 5. F32 (Details of floodlighting/external lighting) (amended wording)

Reason: To safeguard local amenities.

- 6. The hedgerow planting set out in the FWAG Report received on 2nd May, 2007 shall be carried out to the satisfaction of the local planning authority in the first planting and seeding seasons following the first use of the runway, any trees/plants which within a period of 5 years from first planting are removed or seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 years defect period.

Reason: In order to protect the visual amenities of the area and provide mitigation for hedgerow removal previously.

Informative(s):

- 1. The siting or use of an existing building for storing an aircraft will require separate planning permission.
- 2. N19 - Avoidance of doubt
- 3. N15 - Reason(s) for the Grant of Planning Permission

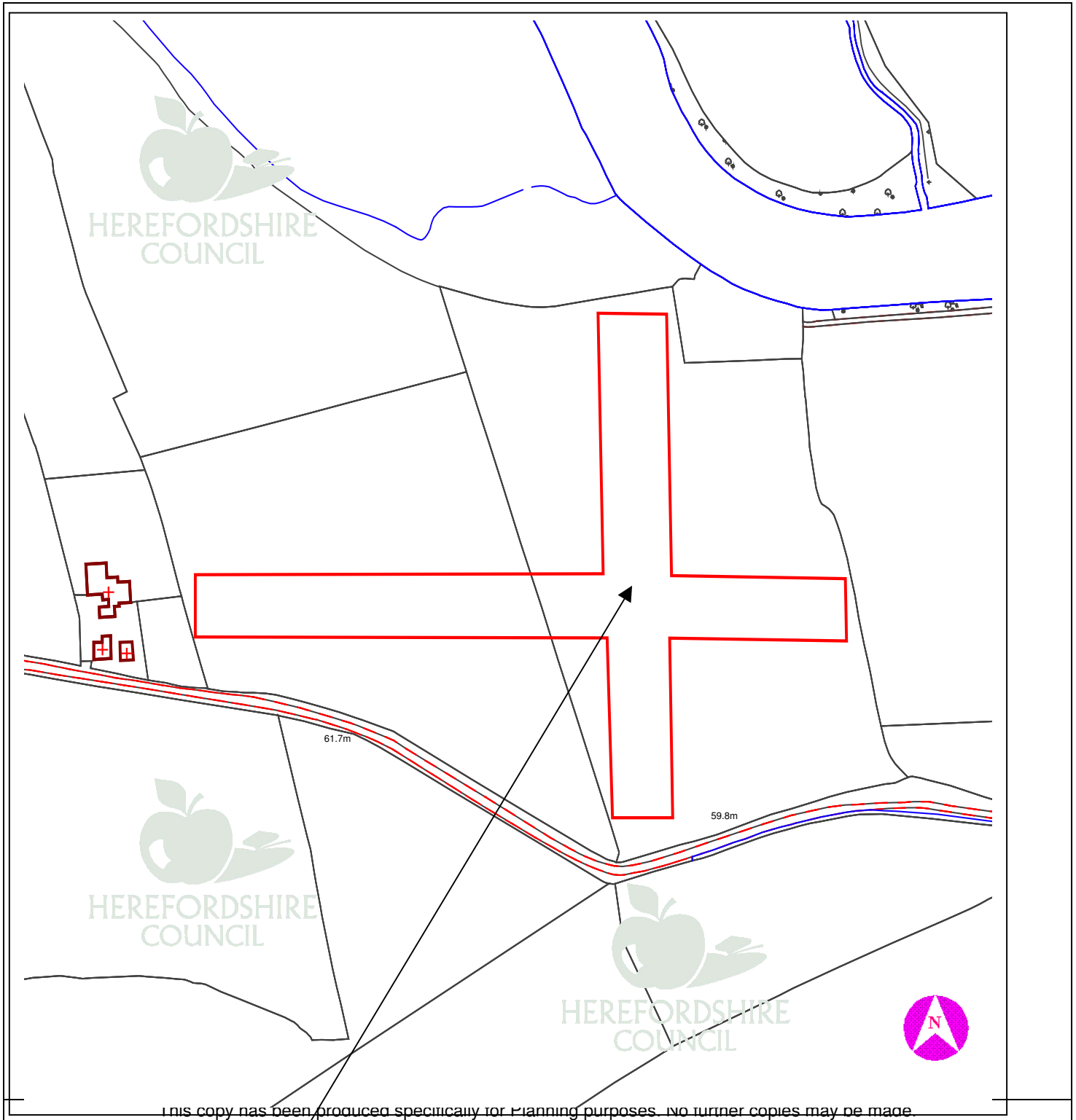
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



APPLICATION NO: DCSW2006/3762/F

SCALE : 1 : 2500

SITE ADDRESS : Byecross Farm, Preston-on-Wye, Herefordshire, HR2 9LJ

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8 DCSW2007/2173/O - REPLACEMENT OF EXISTING DWELLING WITH RESIDENTIAL DEVELOPMENT, FARADAY HOUSE, MADLEY, HEREFORD, HR2 9PJ.

For: Mrs. L. Bullar per RRA Architects, Packers House, 25 West Street, Hereford, HR4 OBX.

Date Received: 6th July, 2007 Ward: Stoney Street Grid Ref: 41804, 38941

Expiry Date: 31st August, 2007

Local Member: Councillor D.C. Taylor

1. Site Description and Proposal

- 1.1 The site lies within the settlement of Madley as defined by the Herefordshire Unitary Development Plan. It is situated to the west of the C1098 that leads through to Bridge Sollars. Access is directly off the classified road that leads onto a single drive to the east elevation. Faraday House is a modest sized bungalow with an approximate footprint of 140sq m, designed having gable sections to the north, south and west elevations being cream rendered under concrete tiles. It is set back from the roadside boundary by approximately 8m and virtually centrally positioned within its large grounds. The garden area surrounding the bungalow is flat and mown providing mature high hedging to its curtilage, with various large trees. Situated within the south-east corner are various mature trees and beyond the boundary at the corner junction of the classified road is a mature oak tree. Open fields lie beyond to the west and north and on the opposite side of the classified road are five detached bungalows.
- 1.2 The proposal seeks outline planning permission for the replacement of the existing dwelling with residential development. The site comprises an area of 0.13 ha's. The only matter submitted at this time is access. The plan showing this also illustrates that two plots are proposed. It is intended to use the existing access. All other matters in terms of layout, scale, appearance and landscaping are matters that are reserved for future consideration. The applicant also submitted a design and access statement.

2. Policies

2.1 Planning Policy Statements

PPS.3 - Housing

2.2 Herefordshire Unitary Development Plan 2007

Policy S.1 - Sustainable Development
 Policy S.2 - Development Requirements
 Policy S.3 - Housing
 Policy DR.1 - Design
 Policy DR.4 - Environment
 Policy H.4 - Main Villages: Settlement Boundaries
 Policy H.13 - Sustainable Residential Design
 Policy H.16 - Car Parking

3. Planning History

3.1 None.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water observations are awaited.

Internal Council Advice

4.2 Traffic Manager recommends the imposition of conditions should permission be granted.

5. Representations

5.1 The agent submitted an e-mail on the 19th July, 2007 relating to question 19 of the application form, which stated two dwellings. The agent has agreed that the application should read dwellings and not specify a housing type.

5.2 Madley Parish Council's observations are awaited.

5.3 Four letters of objection have been received from:

Mr. A. Hall, Lyndhurst, Madley, Hereford, HR2 9PJ.
Mrs. V. Wilkin, Orchard Dale, Madley, Hereford, HR2 9PJ.
D. & G.M. Childs, The Mordens, Madley, Hereford, HR2 9PJ.
Graham Prosser, Mountfield, Madley, hereford, HR2 9PJ.

The following main points are raised:

- Object to replacing bungalow with two detached houses.
- Increased height and number of properties will impair view from my bungalow.
- Houses will detract from nature of immediate residential environment.
- Dwellings built directly opposite, will affect our view of the countryside and reduce amount of light available.
- This area of village has seen a lot of development in recent years and the housing already quite dense.
- No objection to single replacement of bungalow
- Access to property very narrow.
- Additional vehicles parked outside proposed location will create pedestrian and traffic hazards.
- Busy and dangerous narrow road, extra movements from access/egress will also exacerbate danger to Bridge Sollars.
- There is a blind bend within 70 metres and immediately adjacent junction with the B road.
- Inadequate sewage and drainage from properties, further dwellings will only exacerbate this problem.

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 application seeks outline planning permission as to whether the principle of developing the land would be acceptable. Other matters are reserved for a later stage, should the application be considered acceptable.
- 6.2 The Unitary Development Plan identifies Madley as a main village whereby the proposals map 28 includes the application site to be within the settlement boundary. Policy H4 outlines that residential development will be permitted on both allocated and windfall sites within these boundaries, where proposals are in accordance with the housing design and other policies of the Plan. The principle of development to replace the existing bungalow with residential development is acceptable, having regard to its location being within the defined settlement boundary.
- 6.3 Furthermore, Policy H5 has identified further sites for housing to provide a mix and range of housing types to meet the variety of housing requirements of the County. The land identified is 0.83 hectares having an estimated capacity of 20 dwellings to the north of the B4352, which would abut the western and northern boundaries of the proposed application site. Given that this land is identified for housing, it is considered that the proposed application site would not lead to an unwarranted intrusion of larger scaled development to the north side of the B4352.
- 6.4 PPS3 seeks to maximise the net housing density to be achieved on sites and guidelines have been established for sites of one hectare or above. Given that the area of land is only 0.13 hectares the effect of site factors and constraints make guidelines inappropriate. Albeit the application seeks residential development of the site, the site plan illustrates two generous sized plots being approximately 25m x 25m and 13m apart. Essentially the land is capable of achieving a higher density of housing.
- 6.5 The design and access statement outlines that the appearance, layout, landscaping and scale will be considered as a reserved matter. The scale and appearance of the development will be designed to match the buildings that surround the site and sympathetic to the landscape. All existing hedges and trees are to be retained on the site. The dwellings will be situated on the plot to enable parking on site and accessibility to turn for both units. The scale of the new dwellings will be appropriate to the plot size.
- 6.6 The concerns of neighbouring residents are noted. In terms of loss of view, whilst the neighbouring properties enjoy a pleasant outlook, this is not a material consideration when assessing development proposals.
- 6.7 Turning to access/egress onto the classified road, the Highway Engineer recommends conditions and seeks a visibility splay to the south being 2m x 30m and considers that the northerly direction is satisfactory, as such only a small amount of hedge would be removed and the verge graded back. Therefore the proposal would not lead to an unacceptable highway impact upon the road network.
- 6.8 Welsh Waters observations are awaited having regard to the sewage and drainage issues in Madley. Such comments will be reported to Committee.
- 6.9 The proposal for residential development within the defined settlement is acceptable.

RECOMMENDATION

That planning permission be granted subject to the following conditions

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

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

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

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

3. **A04 (Approval of reserved matters)**

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

4. **A05 (Plans and particulars of reserved matters)**

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

5. **E16 (Removal of permitted development rights)**

Reason: In order to limit the enlargement of such development.

6. **F18 (Scheme of foul drainage disposal)**

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

7. **F48 (Details of slab levels)**

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

8. **G08 (Retention of trees/hedgerows (outline applications))**

Reason: To safeguard the amenity of the area.

9. **H03 (Visibility splays)**

Reason: In the interests of highway safety.

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

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

Informative(s):

1. **HN01 - Mud on highway**

2. **HN04 - Private apparatus within highway**
3. **HN05 - Works within the highway**
4. **HN10 - No drainage to discharge to highway**
5. **HN22 - Works adjoining highway**
6. **N19 - Avoidance of doubt**
7. **N15 - Reason(s) for the Grant of Planning Permission**

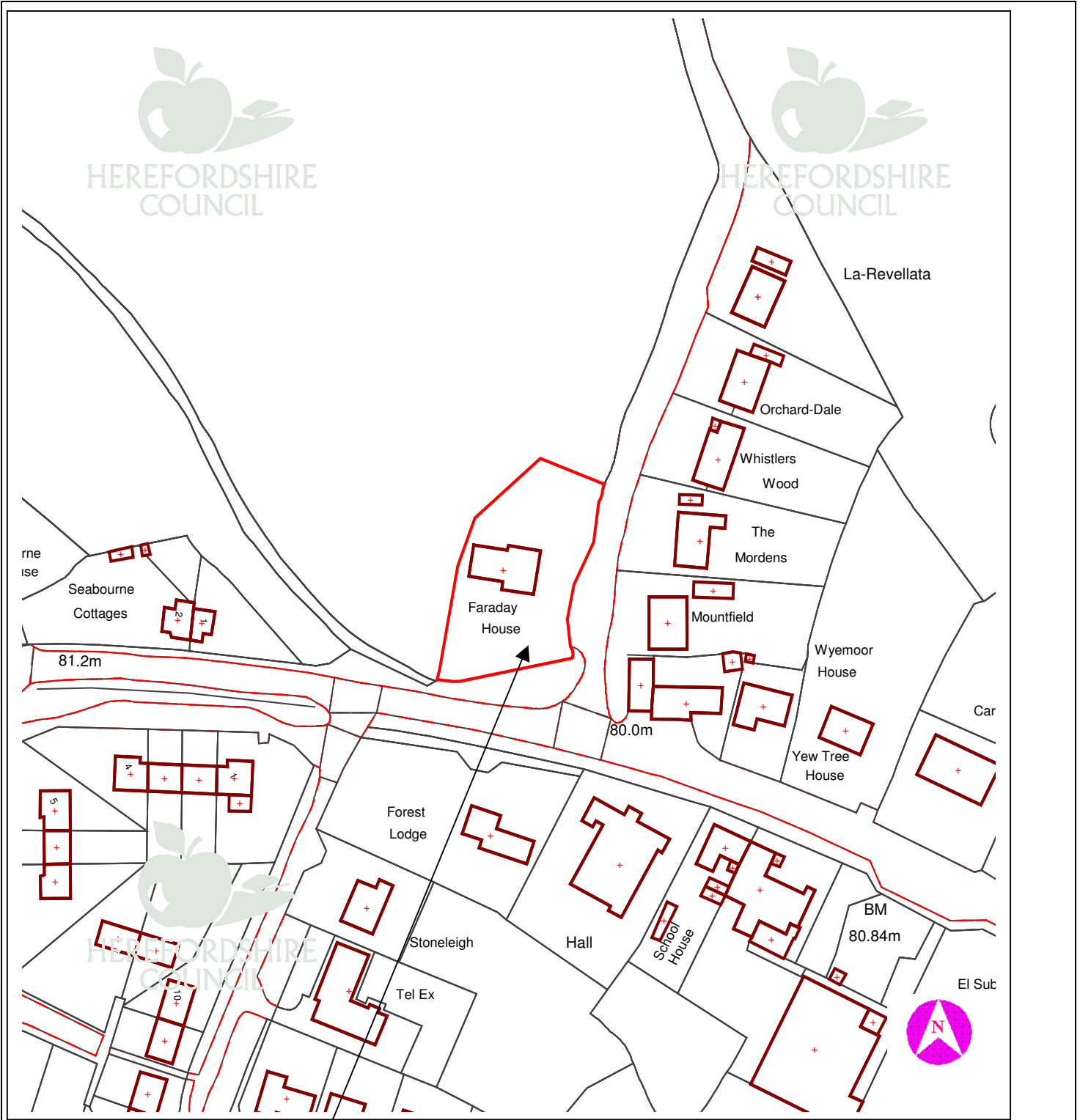
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2007/2173/O

SCALE : 1 : 1250

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