

# A G E N D A

## Southern Area Planning Sub- Committee

Date: **Wednesday, 17th September, 2008**

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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:*

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**Herefordshire Council**



# AGENDA

## for the Meeting of the Southern Area Planning Sub-Committee

To: Councillor PGH Cutter (Chairman)  
Councillor MJ Fishley (Vice-Chairman)

Councillors CM Bartrum, H Bramer, BA Durkin, AE Gray, TW Hunt (Ex-Officio),  
JA Hyde, JG Jarvis, G Lucas, PD Price, RH Smith, RV Stockton (Ex-Officio),  
DC Taylor and JB Williams

### 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.

#### GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

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

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is and leave the meeting room.

### 3. MINUTES

To approve and sign the Minutes of the meeting held on 20 August 2008.

### 4. ITEM FOR INFORMATION - APPEALS

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.

#### Pages

1 - 14

15 - 16

## PLANNING APPLICATIONS

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.

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|--|----------------|
| <p><b>5. DCSE2008/1803/F - REAR OF HAZELNUT COTTAGE, LLANGROVE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6EZ.</b></p> <p>6 new detached houses.</p>   | <p>17 - 26</p> |
| <p><b>6. DCSW2008/1702/F - HEREFORD WALDORF SCHOOL, MUCH DEWCHURCH, HEREFORD, HEREFORDSHIRE, HR2 8DL.</b></p> <p>Siting and erection of prefabricated classrooms, wc and kitchen facilities to provide temporary accommodation during rehabilitation and extension of existing school premises (planning permission ref: DCSW2003/3461/F) for a period of 30 months.</p> | <p>27 - 38</p> |
| <p><b>7. DCSW2008/1571/F - ASHFORD STABLES, STONEY STREET, MADLEY, HEREFORD, HEREFORDSHIRE, HR2 9NJ.</b></p> <p>Renewal of 10 extra car boot sales per calendar year.</p>  | <p>39 - 44</p> |
| <p><b>8. DCSW2008/2025/F - THE CABIN, MUCH BIRCH VC SCHOOL, MUCH BIRCH, HEREFORD, HR2 8HL.</b></p> <p>Retention of timber building within the grounds of Much Birch Primary School for the purpose of providing before and after school care and a nursery class.</p>  | <p>45 - 50</p> |
| <p><b>9. DCSE2008/1894/F - 3 ROMAN WAY, LINCOLN HILL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5RL.</b></p> <p>Single storey rear extension.</p>  | <p>51 - 54</p> |
| <p><b>10. DCSE2008/1510/F - YEW TREE COTTAGE, LINTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7RS.</b></p> <p>Extension and new detached double garage.</p>  | <p>55 - 58</p> |

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**COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

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HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Southern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 20 August 2008 at 2.00 p.m.**

**Present:** Councillor PGH Cutter (Chairman)  
Councillor MJ Fishley (Vice Chairman)

Councillors: CM Bartrum, H Bramer, BA Durkin, JG Jarvis, G Lucas,  
PD Price, RH Smith and DC Taylor

**In attendance:** Councillors TW Hunt

**COUNCILLOR RBA BURKE**

Members stood for a silent tribute in memory of Councillor RBA Burke who recently passed away.

**26. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors AE Gray, JA Hyde, and JB Williams.

**27. DECLARATIONS OF INTEREST**

5. DCSE2008/0996/F - HOMME FARM, HOM GREEN, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7TF. (Agenda Item 5).

Councillor JG Jarvis; Prejudicial; Acquaintance of the applicant.

**28. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 23 July 2008 be approved as a correct record and signed by the Chairman subject to the word 'refuse' being replaced with the word 'approve' in the final paragraph of minute number 24.

**29. ITEM FOR INFORMATION - APPEALS**

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

**30. DCSE2008/0996/F - HOMME FARM, HOM GREEN, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7TF. (AGENDA ITEM 5)**

*To continue to erect, take down and re-erect polytunnels rotated around fields as required by the crops under cultivation.*

The Southern Team Leader reported the following:

- Comments received from the Conservation Manager in support of the application.

- Further letter of objection received from HWVAS.
- Verbal confirmation received from English Heritage stating that they have no formal objection to the application.

In response to the updates received he made the following comments:

- In relation to the letter from HWVAS, it is maintained that the visual impact of the proposal on the character and appearance of the AONB has been appropriately weighed up in the recommendation. There is an acknowledgement of the fact that this is in the light of conflicting policies that support agricultural development and also the views expressed by the Inspector in relation to the Pennoxstone Court Inquiry where the economic benefits of polytunnels (increased quality and quantity of soft fruit, sustainability benefits of reducing food miles and contribution to local economy) were considered to be matters that can be given significant weight.
- Having regard to the procedural issues raised in the letter, the relevant guidance pertaining to applications that potentially do not accord with the provisions of the development plan has been reviewed and advice has been sought from the Government Office for the West Midlands.
- On balance it is considered that if Members are minded to approve the application, this should be done on the basis of delegated approval subject to re-advertising the application as a departure and considering further comments that raise any new material planning considerations.
- Notwithstanding the advice to advertise the application as a departure, it is not considered that the proposal, which seeks to mitigate the visual harm by dispersing polytunnels into a series of smaller 10 hectare blocks and allows for managed rotation together with considerable landscaping and hedgerow reinstatement would significantly prejudice the implementation of the policies of the development plan and the application should not therefore be notified to the Secretary of State. This view is supported by the advice has been sought from the Government Office for the West Midlands (GOWM) who have indicated that they would not wish to see the application unless new material considerations came to light as a result of the additional publicity.

In accordance with the Standards Board Code of Conduct, Councillor JG Jarvis, the local ward member who had declared a prejudicial Interest in respect of the application, addressed the sub-committee prior to leaving the chamber for the ensuing debate and vote.

In accordance with the criteria for public speaking, Mr Preece and Mr Wooldridge spoke in objection to the application and Mr Drummond spoke in support.

Councillor RH Smith asked for confirmation as to what would happen to the land at the end of the 10 year period. The Southern Team Leader confirmed that the polytunnels would have to be removed in accordance with an appropriate scheme of restoration to be agreed between the applicant and the planning department.

Councillor RH Smith felt that the application was complex and was a test case regarding polytunnel usage in Herefordshire. He thanked the case officer for her detailed report and also thanked the applicant for the submission of a detailed Business and Economic Appraisal Summary. He noted that only a small portion of the applicant's land would be under polytunnels at any time and also that the application was limited to a 10 year period only. He also felt that the adverse visual

impact could be limited through the use of appropriate natural screening. Due to these reasons he felt that the application should be approved.

Councillor PD Price concurred with Councillor RH Smith. He added that he was concerned with the wording of condition 1(d) as he felt it could cause some difficulty to the planning department at the end of the planning consent period.

In response to a question from Councillor Price, the Southern Team Leader confirmed that the applicant had only applied for a 10 year planning permission. He added that it may be beneficial to remove the words 'former condition' from condition 1(d) subject to further details to be agreed with the applicant.

Members discussed the application thoroughly and on balance felt that it should be approved.

**RESOLVED:**

**That subject to advertising the application as a departure to the development plan; there being no significant new material planning considerations raised as a result of this publicity warranting notification to the Secretary of State, and in consultation with the Chairman and Ward Member, 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. Development shall take place only in accordance with the supporting letter received on 3rd April 2008, landscape proposals described in the Landscape Statement prepared by DLA Ltd and accompanying plan DLA 1226/06 Rev A. Particularly,**
  - a) Not more than 54 hectares of the land shall be covered with polytunnels, or any part or parts thereof excepting the legs, at any time, for which purposes any uncovered hoops in a row shall be measured from the first to the last to be included in this coverage**
  - b) There shall be no polytunnels sited within those areas coloured pink and annotated as "Polytunnel exclusion/buffer zones" as shown on plan DLA 1226/06 Rev A**
  - c) Notwithstanding the above conditions, there shall be a limit of 10 hectares on the coverage in any single block of tunnels**
  - d) The polytunnels hereby permitted shall be removed on or before 10 years from the date of this permission and the land restored in accordance with a scheme of work submitted to and approved in writing by the local planning authority.**

**Reason: In order to safeguard and maintain the visual amenity of the area and to ensure that the development conforms with Policies DR1, LA1, LA2, LA5, LA6 and HBA4.**

- 2. Not later than 30 November in any calendar year, the applicant (or its successor in title to the parcel of land in question, as the case may be) shall apply in writing to the Local Planning Authority for its approval of a proposed scheme for the siting and rotation of polytunnels for the following year. The application shall be delivered to the Head of Planning and Transportation of the Authority. The scheme shall be implemented as approved or amended by the Local Planning Authority, save that where no approval or amendment to the proposed scheme is given in writing by the Local Planning Authority within eight weeks of its delivery, the**

scheme shall be implemented as proposed.

**Reason:** In order to safeguard and maintain the visual amenity of the area and to ensure that the development conforms with Herefordshire Unitary Development Plan Policies DR1, LA1, LA2, LA5, LA6 and HBA4 4.

3. No polytunnels shall be sited within 2 metres of the centre line of any public right of way.

**Reason:** To ensure that no public right of way is obstructed and to ensure that their enjoyment is safeguarded in accordance with policy T6 of the Herefordshire Unitary Development Plan 2007.

4. No polytunnel shall be sited within 30 metres of the boundary of any residential curtilage of any dwelling house unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To safeguard the amenities of the occupiers of dwelling houses in the immediate vicinity in accordance with policy DR1 of the Herefordshire Unitary Development Plan 2007.

5. None of the polytunnels hereby permitted shall be covered with polythene from 30th November until 31st December in any calendar year nor during the month of January in any calendar year, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the visual impact of the development hereby permitted is limited to the growing periods in accordance with policy LA1 of the Herefordshire Unitary Development Plan 2007.

6. Within 3 months of the date of this decision a plan showing additional hedge and shrub planting in addition to that shown on Landscape Masterplan drawing no. DLA 1226/06 shall be submitted for approval in writing by the Local Planning Authority. A written specification clearly describing the species, sizes and positions or density of the proposed woodland blocks, hedges and hedgerow trees in the locations shall be submitted for approval by the Local Planning Authority. The planting scheme shall be carried out as approved by the Local Planning Authority (which approval may constitute, or include, the Authority's direction to amend the proposed scheme). If the planting scheme is not carried out within one year of the written approval of the planting scheme, whichever is the later, all polytunnels shall be permanently removed from the land.

The planting shall be maintained for a period of 10 years. During this time any trees or shrubs that are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any trees fail more than once they shall continue to be replaced on an annual basis until the end of the 10-year maintenance period.

**Reason:** In order to safeguard and maintain the visual amenity of the area and to ensure that the development conforms with Policies DR1, LA1, LA2, LA5, LA6 and HBA4

7. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all

landscape areas, other than privately owned domestic gardens shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

**Reason:** In order to maintain the visual amenity of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

8. All existing trees and hedgerows upon the land shall be retained unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the development hereby permitted is satisfactorily integrated into the landscape in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

9. Within 3 months of the date of this decision a habitat enhancement and management scheme (based on the recommendations for habitats and protected species set out in the Ecological Appraisal received 3.04.2008 - Ref: 1226/ecorpt-1 and received 27th June 2008 - Ref: 1226/ecorpt-2 prepared by Davies Light Associates) to include the grassland buffer strips, and the restoration of the field boundary to the east of Green Meadow housing estate shall be followed unless otherwise agreed in writing by the Local Planning Authority. The implementation of the ecological mitigation works shall be overseen by an appropriately qualified and experienced ecological clerk of works.

**Reasons:** To ensure the protection of all species covered under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats, & c.) Regulations 1994 (as amended), the Badger Act 1992 and policies NC1, NC5, NC6 and NC7 of the Herefordshire Unitary Development Plan 2007.

To ensure that the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and policies NC1, NC5, NC6 and NC7 of the Herefordshire Unitary Development Plan 2007.

To comply with Herefordshire council's Unitary Development Plan policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and Geological Conservation and the NERC Act 2006.

10. There shall be no variation to the design or appearance of any polytunnel without the prior written approval of the Local Planning Authority.

**Reason:** In order to safeguard and maintain the visual amenity of the area and to ensure that the development conforms with Policies DR1, LA1, LA2, LA5, LA6 and HBA4 4.

11. There shall be no polytunnels sited on land lower than 35.0m AOD, as indicated upon Figure 3 'Flood Elevations' The Homme Supplementary Report dated 26/06/08, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To maintain the conveyance of flood flows and to prevent the increased risk of flooding elsewhere to ensure that the development

complies with Policy DR4.

12. There shall be no new buildings, structures (including polytunnels, gates, walls and fences) or raised ground levels within 8 metres of the top of bank of the River Wye (Main River), inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.

Reason: To maintain access to the watercourse for maintenance or improvements in accordance with Policy DR4.

13. Surface Water generated from the site shall be limited to the equivalent Greenfield run-off rate. The scheme shall be implemented in accordance with the approved details including Drainage Appraisal, as produced by JDIH (Water & Environment) Ltd, dated June 2007, addendum dated 1 April 2008, and Supplementary Report dated 26 June 2008 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with Herefordshire Unitary Development Plan Policy DR7.

14. Within three months of the date of this decision a scheme for the provision and implementation of a surface water regulation system, including the use of sustainable drainage systems, as detailed within page 5 of the JDIH Ref. P:\Drummond(5567)\Tunnel addendum let v1.doc shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before February 2009, unless otherwise agreed in writing by the local planning authority, in consultation with the Environment Agency and Natural England.

Reason: To prevent the increased risk of flooding and prevent adverse impact on the SSSI and SAC by ensuring the satisfactory means of surface water disposal in accordance with Herefordshire Unitary Development Plan Policies DR4, DR5, NC1, NC2 and NC5.

15. In the event of the polytunnels hereby permitted becoming redundant for the growing of soft fruit upon the application site, the polytunnels which including the supporting structures shall be permanently removed from application site within a period of twelve months.

Reason: To ensure that buildings / structures that are redundant for agricultural purposes do not remain in the landscape unnecessarily.

#### INFORMATIVES:

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

The reason for granting planning permission in respect of the development is that it is considered by the Local Planning Authority that the development gives rise to benefits to the local rural economy and that the environmental impacts can satisfactorily be overcome by way of the imposition of appropriate conditions in compliance with the relevant Development Plan policies.

**31. DCSE2008/1376/F - H. WESTON & SON, THE BOUNDS, MUCH MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2NQ (AGENDA ITEM 6)**

*Proposed extension to existing building to form an open sided loading bay.*

Councillor BA Durkin, the local ward member, felt that approving the application would result in a more efficient use of the current facilities as well as an improvement to the Health and Safety on the site. He noted that the Parish Council had not objected the application and therefore supported it fully.

**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. C03 (Matching external materials (general))**

**Reason: To ensure the satisfactory appearance of the development so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan**

**3. G12 (Hedgerow planting)**

**Reason: In order to maintain the visual amenity of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.**

**INFORMATIVES:**

**1 N19 - Avoidance of doubt - Approved Plans**

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

**32. DCSW2007/0064/F - BAGE COURT, DORSTONE, HEREFORD, HR3 5SU. (AGENDA ITEM 8)**

*Conversion of redundant traditional farm buildings to eight houses and one annexe.*

The Principal Planning Officer reported the following:

- Revised plans and a further letter had been received from the applicant's agent.
- A further letter of objection had been received from a neighbouring resident.

The Principal Planning Officer made the following comments as a result of the updates:

- It is considered that the merits of the new access are set out in the Officer's Appraisal. The fact that more traffic uses Scar Lane is not itself a crucial matter given that the issue is whether or not the new junction onto the B4348 road is the optimum method for traffic to join the B4348 road. It is not feasible to provide an access route for traffic generated by the development further to the east as suggested

Councillor PD Price, the local ward member, advised members that the application had been with the planning department for some time. He noted the concerns of the local residents but felt that the applicant had addressed the issues relating to traffic and access. He felt that the removal of the existing farm buildings would make the site more appropriate for a residential development and he therefore supported the application.

Members were disappointed that the applicants had not included any affordable housing on the site. They noted that the application had been submitted prior to the UDP being adopted by Council, but still felt that affordable housing should have been provided through a voluntary section 106 contribution.

## **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 (Development in accordance with the approved plans)**

**Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of Herefordshire Unitary Development Plan.**

**3. D02 (Approval of details)**

**Reason: To ensure that the work is carried out in accordance with the details that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1, HBA3 and HBA4 of Herefordshire Unitary Development Plan.**

**4. D04 (Details of window sections, eaves, verges and barge boards)**

**Reason: To ensure that the work is carried out in accordance with the details that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1, HBA3 and HBA4 of Herefordshire Unitary Development Plan**

**5. D05 (Details of external joinery finishes)**

**Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the special architectural or historical interest of the buildings and to comply with the requirements of Policy HBA1, HBA3 and HBA4 of Herefordshire Unitary Development Plan.**

**6. D09 (Details of rooflights)**

**Reason: To ensure that the rooflights are of an appropriate form and minimise the potential disruption to the appearance and continuity of the roofs in the interests of the safeguarding of the architectural or historic interest of the building (as one which is in a conservation area, or of local**



interest) and to comply with the requirements of Policy HBA12 and HBA13 of Herefordshire Unitary Development Plan.

7. Existing wattle and daub infill panels shall be retained and maintained to the satisfaction of the local planning authority.

Reason: To safeguard the character and appearance of such a feature in this group of buildings of historical and architectural interest.

8. All meter boxes shall be installed internally.

Reason: To safeguard the character and appearance of such a feature in this group of buildings of historical and architectural interest.

9. D12 (Repairs in situ)

Reason: To ensure that the integrity of the building as one which is listed, and is of local interest is preserved to ensure compliance with Policies HBA1, HBA3, HBA12 and HBA13 of Herefordshire Unitary Development Plan

10. G02 (Retention of trees and hedgerows)

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan

11. G09 (Details of boundary treatments)

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.

12. G10 (Landscaping scheme)

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

13. G11 (Landscaping scheme - implementation)

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

14. F06 (Restriction on Use)

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity and to comply with Policy DR2 of Herefordshire Unitary Development Plan.

15. F14 (Removal of permitted development rights (including fences and other boundary treatments))

Reason: To ensure the character of the original conversion scheme is maintained and to comply with Policy HBA12 of Herefordshire Unitary Development Plan.

16. I17 (Scheme of foul drainage disposal)

**Reason:** In order to ensure that satisfactory drainage arrangements are provided and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

**17. I33 (External lighting)**

**Reason:** To safeguard the character and amenities of the area and to comply with Policies HBA1 and DR14 of Herefordshire Unitary Development Plan.

**18. K4 (Nature Conservation - Implementation)**

**Reason:** To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation(Natural Habitats, &c) Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 of Herefordshire Unitary Development Plan.

**19. K5 (Habitat Enhancement Scheme)**

**Reason:** In order to ensure that diversity is conserved and enhanced in accordance with the requirements of PPS9, the NERC Act 2006 and Policies NC6, NC7, NC8 and NC9 of Herefordshire Unitary Development Plan

**20. The development hereby approved shall not be occupied until the development approved under DCSW2005/1713/F has been completed and farming operations transferred from the buildings which gain access off Scar Lane have been relocated to the new farm building.**

**Reason:** In order to define the terms to which the applications relate in order to comply with Policies HBA12, HBA13 and DR3 of the Herefordshire Unitary Development Plan.

**21. H20 (Road completion in 2 years)**

**Reason:** In the interests of highway safety and convenience and a well co-ordinated development and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

**22. H03 (Visibility splays)**

**Reason:** In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

**23. H05 (Access gates)**

**Reason:** In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

**24. H06 (Vehicular access construction)**

**Reason:** In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

**25. H08 (Access closure)**

**Reason:** To ensure the safe and free flow of traffic using the adjoining County highway and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

**26. 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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

**27. H17 (Junction improvement/off site works)**

**Reason:** To ensure the safe and free flow of traffic on the highway and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

**28. H21 (Wheel washing)**

**Reason:** To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

**29. H22 (Opening windows adjacent to the highway)**

**Reason:** In the interests of highway safety and to conform with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

**30. H29 (Covered and 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 and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

**31. Access details for pedestrian and cyclists onto Sydcombe Lane (u/c 75217) shall be submitted to and approved in writing by the local planning authority before first occupation of any dwelling and the approved details shall thereafter be maintained available for use in perpetuity.**

**Reason:** In order to provide adequate access for residents and visitors in accordance with Policy DR3 of Herefordshire Unitary Development Plan.

**Informative(s):**

- 1. N11B – Wildlife & Countryside Act 1981 (as amended) and Conservation (Natural Habitats & c.) Regulations 1994 (as amended) - Bats**
- 2. HN01 – Mud on Highway**
- 3. HN05 – Works Within the Highway**
- 4. HN07 – Section 278 Agreement**
- 5. HN13 – Protection of Visibility Splays on Private Land**

6. N19 - Avoidance of doubt - Approved Plans
7. N15 - Reason(s) for the Grant of Planning Permission

**33. DCSW2007/2194/O - THE LAURELS FARM, BRAMPTON, KINGSTONE, HEREFORD, HEREFORDSHIRE, HR2 9NF. (AGENDA ITEM 9)**

*Vehicular access amendments and site for agricultural dwelling.*

Councillor DC Taylor, the local ward member, advised members of the sustainable nature of the applicant's business and moved the recommendation.

Members had reservations in respect of the positioning of the dwelling on the site. They felt that it should be located closer to the farm.

The Principal Planning Officer advised members that the dwelling was situated to enable clear visibility of the whole site as well as acting as a division to the farm to assist in the quarantine of cattle if required.

**RESOLVED**

**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 and to secure compliance with policy DR1 of the Herefordshire Unitary Development Plan.**
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. **F27 (Agricultural occupancy)**  
**Reason: It would be contrary to Policies H7 and H8 of Herefordshire Unitary Development Plan to grant planning permission for a dwelling in this location except to meet the expressed case of agricultural need.**
6. **H01 (Single access - no footway)**  
**Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan**

## 7. H03 (Visibility splays)

**Reason:** In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

## 8. H05 (Access gates)

**Reason:** In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

## 9. H06 (Vehicular access construction)

**Reason:** In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

## 10. The existing chalet shall be removed from the site no later than 6 months from first occupation of the new dwelling or as unless otherwise agreed in writing prior to completion of the new dwelling.

**Reason:** In order to define the terms to which the application relates in accordance with Policy H8 in the Herefordshire Unitary Development Plan.

**Informative(s):**

## 1. HN01 - Mud on highway

## 2. HN05 - Works within the highway

## 3. HN10 - No drainage to discharge to highway

## 4. HN22 - Works adjoining highway

## 5. N19 - Avoidance of doubt - Approved Plans

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

## 34. DCSE2008/1803/F - REAR OF HAZELNUT COTTAGE, LLANGROVE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6EZ. (AGENDA ITEM 9)

*6 new detached houses.*

The Principal Planning Officer reported the receipt of three further letters of representation, full details of which were circulated at the meeting.

In accordance with the criteria for public speaking Mr Thomas, the applicant's agent, spoke in support of the application.

Councillor JG Jarvis, the neighbouring ward member, welcomed the sustainable aspect of the development but was disappointed by the lack of affordable housing on the site. He also noted that the contribution secured through a Section 106 agreement was considerably lower than would have been achieved through the Planning Obligations SPD introduced in April 2008.

Councillor H Bramer had reservations regarding the design of the dwellings and felt

that a site inspection would be beneficial to members.

**RESOLVED**

**That the determination of the application be deferred pending a site inspection on the following grounds:**

- i) the character or appearance of the development itself is a fundamental planning consideration.**
- ii) the setting and surroundings are fundamental to the determination or to the conditions being considered.**

The meeting ended at 4.10 p.m.

**CHAIRMAN**

**4 ITEM FOR INFORMATION - APPEALS****APPEALS RECEIVED**

NONE

**APPEALS DETERMINED****Application No. DCSW2008/0156/O**

- The appeal was received on 28 April 2008
- 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 M Davies
- The site is located at Rangers Lodge, Little Birch Road, Kingsthorpe, Herefordshire, HR2 8AU
- The application, dated 22 January 2008, was refused on 17 March 2008
- The development proposed was Proposed erection of a detached dwelling with ancillary works.
- The main issue is whether the proposal would allow firstly satisfactory access to avoid detrimental effects on highway safety, and whether satisfactory means of disposal of foul drainage to avoid adverse effects of ground drainage in the area.

**Decision:** The appeal was **ALLOWED** on 18 August 2008

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

**Application No. DCSW2007/2050/F**

- The appeal was received on 21 May 2008
- 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 Elkerton
- The site is located at Shop Barn, Pwll-y-Hunt, Pontrilas, Herefordshire, HR2 0HF
- The application, dated 21 June 2007, was refused on 7 November 2007
- The development proposed was Construction of garage/workshop building to accompany shop barn.
- The main issues are the character and appearance of the surrounding landscape and the living conditions of the occupants of a neighbouring property, namely The Barn

**Decision:** The appeal was **ALLOWED** on 15 August 2008

**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. DCSE2007/3592/F**

- The appeal was received on 27 March 2008
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mrs A Harris
- The site is located at Land adjoining 10 St. Georges, Woolhope, Herefordshire, HR1 4QR
- The application, dated 2 November 2007, was refused on 9 January 2008
- The development proposed was Construction of a new housing development of 6 no. 2 storey affordable houses on agricultural land and within the car park shared by the existing housing.
- The main issues are the effect on highway safety; the effect of the proposal on the character and appearance of the area, which lies within the Woolhope conservation area and partly within an Area of Outstanding Natural Beauty (ANOB) and the implications of the proposal for protected species.

**Decision:** The appeal was **ALLOWED** on 11 August 2008

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

**Application No. DCSE2007/3872/F**

- The appeal was received on 28 April 2008
- 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 Marstons Plc
- The site is located at The Hope and Anchor, Rope Walk, Ross-on-Wye, Herefordshire, HR9 7BU
- The application, dated 12 December 2007, was refused on 6 February 2008
- The development proposed was Erection of a 5m x 9m garden room structure to the front of the building. Predominantly timber with trellis panels and balustrade and timber shingle roof.
- The main issue is the effect of the proposed building on the character and appearance of the area.

**Decision:** The appeal was **ALLOWED** on 7 August 2008

**Case Officer:** Charlotte Atkins on 01432 260536

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



**5 DCSE2008/1803/F - 6 NEW DETACHED HOUSES AT REAR OF HAZELNUT COTTAGE, LLANGROVE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6EZ.**

**For: Mr T Pannett per Mr P Thomas, Lower Grove, Newcastle, Monmouth, NP25 5NT.**

**Date Received: 18 July 2008**

**Ward: Llangarron Grid Ref: 52448, 19306**

**Expiry Date: 12 September 2008**

Local Member: Councillor JA Hyde

**Introduction**

The application was deferred at the Southern Area Planning Sub-Committee on 20 August 2008 to enable Members to undertake a site visit, which took place on 2 September 2008.

**1. Site Description and Proposal**

- 1.1 Planning permission is sought for the erection of 6 detached dwellings on this 0.3ha site at the rear of Hazelnut Cottage, Llangrove. Outline planning permission (DCSE2004/1949/O) was granted in September 2004 for the residential development of the site. Subsequently a further outline planning application (DCSE2005/1118/O) was submitted. This specified the number of dwellings (6) and the layout was submitted for decision at that stage. The associated reserved matters submission (DCSE2008/0627/RM) was approved at the Southern Area Planning Sub-Committee on 30th April 2008. This gave approval for 3 detached dwellings, a pair of semis and a bungalow, all served via a single point of access.
- 1.2 This full planning application, seeks permission for the erection of 6 detached houses on site, four of which would be served via the existing modified access, with the two dwellings to the west of the site (plots 1 & 2) sharing the access to the adjacent Chapel Meadows development. It follows the withdrawal of DCSE2008/0909/F.
- 1.3 Plot 1 would front the road between the existing Hazelnut Cottage and the vehicular access to Chapel Meadows to the west. The remaining five dwellings are aligned between No.1 Chapel Meadows and The Sycamores to the east. The land falls gently away to the east with the effect that ridge heights will fall to follow the topography. The ridge height to plot 2 would be the same as the adjoining dwelling in Chapel Meadows. A typical footprint is 7.5m x 10m, which with a typical 40-degree roof pitch gives an overall height of 8.5 metres. Materials will comprise render and timber boarding, under slate roofs, with painted or stained timber windows and doors.
- 1.4 The dwellings are sited between 8 and 10 metres from the rear (southern) site boundary, beyond which are the rear gardens of existing dwellings. Gardens to serve the proposed dwellings would back onto those serving the existing dwellings to the south. The driveway to plots 3 - 6 passes to the rear of Hazelnut Cottage and also affords access to this dwelling. Private parking areas are formed within the curtilage to each dwelling.
- 1.5 The proposed dwellings are broadly traditional in form. The supporting information describes that the dwellings are designed to meet Code Level 3 of the Code for

Sustainable Homes. The orientation and design of the dwellings has been informed accordingly and manifests itself through the provision of large openings in the south-facing elevations (to maximise passive solar gain) with relatively few openings in the north facing elevation.

- 1.6 First floor balconies are proposed to plots 1, 2, 3 and 6. These have been designed to incorporate privacy screens and thus overcome potential overlooking of neighbouring rear gardens to the south.

## 2. Policies

### 2.1 Planning Policy Statements

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing

### 2.2 Herefordshire Unitary Development Plan 2007

Policy S1	-	Sustainable Development
Policy DR1	-	Design
Policy DR3	-	Movement
Policy DR5	-	Planning Obligations
Policy H6	-	Housing in Smaller Settlements
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy H16	-	Car Parking
Policy LA6	-	Landscaping Schemes

## 3. Planning History

3.1	DCSE2004/1949/O	Proposed site for residential development.	-	Approved 1.9.04
	DCSE2005/1118/O	Site for the erection of five houses and one bungalow.	-	Approved 9.6.05
	DCSE2006/1871/F	Non-compliance with condition 5 of planning permission DCSE2005/1118/O: Relaxation of highway visibility splays.	-	Approved 2.8.06
	DCSE2008/0627/RM	Erection of five houses and one bungalow.	-	Approved 3.4.08
	DCSE2008/0909/F	Six new sustainable houses.	-	Application withdrawn 12.6.08

## 4. Consultation Summary

### Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

### Internal Council Advice

4.2 Traffic Manager: Requires further information with regard to the formation of visibility splays, cycle storage and the internal driveway width to plot 6, which is currently 200mm less than required by the residential design guide.

4.3 Officers consider that these concerns can be met via condition.

## 5. Representations

5.1 Llangrove Parish Council: "The Parish Council objects most strongly to this planning application because of the overall size of the houses and the height and intrusiveness of the balconies and attic windows. We further add that we consider the 'ECO' aspect of the application is unsatisfactory in that it does not fully apply ecologically acceptable systems. Finally as far as we can judge this development is outside the conditions imposed by the Unitary Development Plan."

5.2 At the time of writing 2 letters of objection had been received. These letters come from Mr & Mrs D Honeywill, 1 Hillview Cottage, Llangrove and Mr & Mrs D Williams, Grey Gables, Llangrove. The content of the letters is summarised as follows:

5.3 Mr & Mrs Honeywill:

- The hedging and trees between the application site and No.1 Hillview are mainly deciduous and will not provide an effective privacy barrier;
- There is little point to the balconies as they do not afford a view other than over the properties to the south;
- The proposed solar panels to the plot to the north of Hillview Cottages would be hindered by the large trees;
- Parking is not adequately provided for. 2 spaces per dwelling is not sufficient;
- The future use of a strip of land adjacent to Hillview should be determined now;
- The development is apparently reliant upon LPG fuel which is not environmentally sound.

5.4 Mr & Mrs Williams

- There is a discrepancy with the cill height to the attic window at plot 4;
- Concern that the balconies could be amended in the future with the effect that privacy is compromised;
- Request that balcony screens are non-transparent, effective screens that remain effective in perpetuity.

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 key issues in the determination of this application are as follows:

- The principle of development having regard to the provisions of the Unitary Development Plan and any other material considerations;
- The scale and design of the dwellings relative to the surroundings;
- The impact upon the residential amenity of neighbouring dwellings;
- The vehicular access arrangements;
- S.106 considerations.

### The Principle of Development

- 6.2 The application seeks permission for the erection of 6 detached dwellings on land at the rear of Hazelnut Cottage, Llangrove. Outline planning permission and the associated reserved matters approval exist for the erection of five dwellings and a bungalow. This permission is extant until 9<sup>th</sup> June 2010. These approvals predated the adoption of the UDP and were granted when Llangrove held main village status under the South Herefordshire District Local Plan policy SH.6.
- 6.3 Llangrove is now classified a 'smaller settlement' under policy H6 of the UDP. In smaller settlements residential development will be limited to single infill plots or exceptionally, affordable housing where local need exists. Therefore, were it not for the existing planning permission, the erection of six open market dwellings would be contrary to currently adopted policy.
- 6.4 Therefore whilst the comments made by the Parish Council are acknowledged, the existence of the extant planning permission, authorising six dwellings (DCSE2005/1118/O) is, in the officer's opinion, the decisive factor. The current proposal is not predicated on an increase in the number of dwellings already approved and the principle of development is thus acceptable whilst the outline permission remains valid.

### Scale and Design

- 6.5 The Parish Council describes the scale of the dwellings as a key area of concern. The design approach does give rise to relatively tall dwellings – 2 storeys with the potential for rooms in the roof space. The dwellings are comparatively tall at 8.5 metres in height. However, the scale will be mitigated by the fact that the dwellings (with the exception of plot 1) are set into the site and do not address the public highway. In this context the dwellings will not be unduly prominent or excessively large by comparison with adjoining properties.
- 6.6 The application describes that plot 2, for example, will have a ridge height set at the same height as the neighbouring dwelling in Chapel Meadows. From here the respective ridge heights will fall across the site to follow the ground levels, which fall in an easterly direction. To illustrate, there would be a 3.5m difference between the ridge heights to plot 2 (west of site) and plot 6 (east of site). Furthermore, it would appear that there is scope to excavate and further reduce ground levels. It is recommended that a condition be imposed to require further detail in respect of slab levels relative to adjoining properties.
- 6.7 In design terms, the basic form of the dwellings is traditional. The dwellings would have rendered ground floors with boarded first floors. It is the window detailing that sets the dwellings apart. The window configurations are a consequence of the desire to maximise solar gain whilst minimising heat loss, hence the large expanses of glazing to the south facing elevations, which also exhibit solar panels and in the case of four of the dwellings, balconies.
- 6.8 Although the asymmetry apparent in most of the window configurations is unusual, officers do not consider the effect detrimental to the overall appearance of the scheme.

### Residential amenity

- 6.9 Concern has been expressed at the presence of first floor balconies to four of the proposed dwellings. The balcony to plot 1 is of no consequence as the aspect from this balcony is over plot 2. It is the balconies to plots 2, 3 and 6 which are of greater concern, owing to their relative proximity to the dwellings and gardens to the south.
- 6.10 As part of negotiations the balconies formerly proposed to plots 4 and 5 have been removed entirely, whereas the remaining balconies have been designed so as to reduce the propensity for overlooking. This has been done through the addition of curved balcony screens to a height that will guard against views over the neighbouring gardens. A condition is recommended to ensure that these balconies are constructed in accordance with the submitted details and that the privacy screens are retained in perpetuity.
- 6.11 In terms of overlooking from windows, it is the attic windows to the south facing elevations that would have greatest potential to cause loss of privacy to adjoining dwellings. To counter this the glazing to the gable of plot 4 has a sill height at 1.7m, whereas the south facing roof light to plot 6 lights the stairwell. There are no roof lights to plots 2 and 5, whereas those that serve plot 3 are also 1.7m above internal floor level. In terms of window-to-window distance, there would be 30m between plot 4 and the bungalow Grey Gables to the southeast and a similar distance from plot 5 to Trelawne. These distances, combined with the measures described above are considered to satisfactorily address concerns regarding the potential for undue overlooking and loss of privacy and the scheme is considered to adequately safeguard existing levels of residential amenity. A condition to prevent the addition of additional windows and balconies in certain specified elevations is recommended.
- 6.12 The proposal is not considered to have undue impact upon existing levels of residential amenity and is considered acceptable in this regard.

#### Vehicular Access

- 6.13 The current proposal differs from the previous approval in that the existing Chapel Meadows driveway would serve two of the proposed dwellings. The remainder of the development would be served by the existing modified access to Hazelnut Cottage, which would extend into a shared un-adopted driveway. The Traffic Manager voices some concern at the layout of the driveway, but none of these issues are considered serious enough to warrant refusal of the application and can be met through the submission of additional detail, required via suitably worded conditions.

#### S106 Considerations

- 6.14 Negotiations have been conducted with the applicant to secure financial contributions towards sustainable transport, education and open space. These amount to a total of £17,592 allocated as per the Heads of Terms appended to this report. Although not fully in accordance with the provisions of the Supplementary Planning Document: Planning Obligations, Officers consider the amounts represent a reasonable compromise given the site history and the existence of an extant planning permission which did not entail any financial contributions.

#### Summary and Conclusion

- 6.15 The principle of development is accepted having regard to the presence of the existing planning permission and reserved matters approval for 6 dwellings. Officers consider that the proposal would not constitute overdevelopment of the site (density equates to

20 dwellings/ha) and adequately addresses the site context in its response to concerns expressed at the impact upon residential amenity.

- 6.16 Subject to the imposition of suitable conditions, including one requiring completion of the S.106 agreement, the application is recommended for approval.

## 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 B07 (Section 106 Agreement)**

**Reason: In order to provide [enhanced sustainable transport infrastructure, educational facilities, improved play space, public art, waste recycling and affordable housing] in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.**

**3 C01 (Samples of external materials)**

**Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan**

**4 I16 (Restriction of hours during construction)**

**Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.**

**5 I56 (Sustainable Homes Condition)**

**Reason: To promote the sustainability of the development hereby approved in accordance with Policies S1 and H13 of the Herefordshire Unitary Development Plan and PPS1 Supplement 'Planning and Climate Change'**

**6 I51 (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 so as to comply with Policy DR1 of Herefordshire Unitary Development Plan.**

- 7 Notwithstanding the approved details included in the application, additional drawing and specifications in respect of the following matters shall be submitted to the local planning authority before the commencement of any works. The works to which they relate shall subsequently only be carried out in accordance with the details which have been approved by the local planning authority in writing beforehand:**

- (a) Elevations and plans of the balconies to plots 2, 3, and 6 (as identified on drawing P.01 B) at a minimum scale of 1:20, including details of the privacy screens (materials and height).

**Reason:** To ensure that the balconies are constructed in accordance with the submitted details.

- 8 The privacy screens to the balconies described in condition 5 shall be maintained as such and not changed thereafter without the prior written consent of the local planning authority.

**Reason:** To ensure the continued preservation of residential amenity to adjoining properties in accordance with policy H13 of the Herefordshire Unitary Development Plan 2007.

- 9 G02 (Retention of trees and hedgerows)

**Reason:** To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan.

- 10 G04 (Protection of trees/hedgerows that are to be retained)

**Reason:** To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

- 11 G10 (Landscaping scheme)

**Reason:** In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

- 12 G11 (Landscaping scheme - implementation)

**Reason:** In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

- 13 L01 (Foul/surface water drainage)

**Reason:** To protect the integrity of the public sewerage system and to comply with Policy CF2 of Herefordshire Unitary Development Plan.

- 14 L02 (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 so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

- 15 L03 (No drainage run-off to public system)

**Reason:** To prevent hydraulic overload of the public sewerage system and pollution of the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

**16 H04 (Visibility over frontage)**

**Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.**

**17 H09 (Driveway gradient)**

**Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan**

**18 H29 (Secure covered 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 and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan**

**19 H27 (Parking for site operatives)**

**Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan**

**20 H06 (Vehicular access construction)**

**Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan**

**21 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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan**

**22 F16 (No new windows/balconies in specified elevation)**

**Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.**

**INFORMATIVES:**

**1 N19 - Avoidance of doubt - Approved Plans**

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

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.

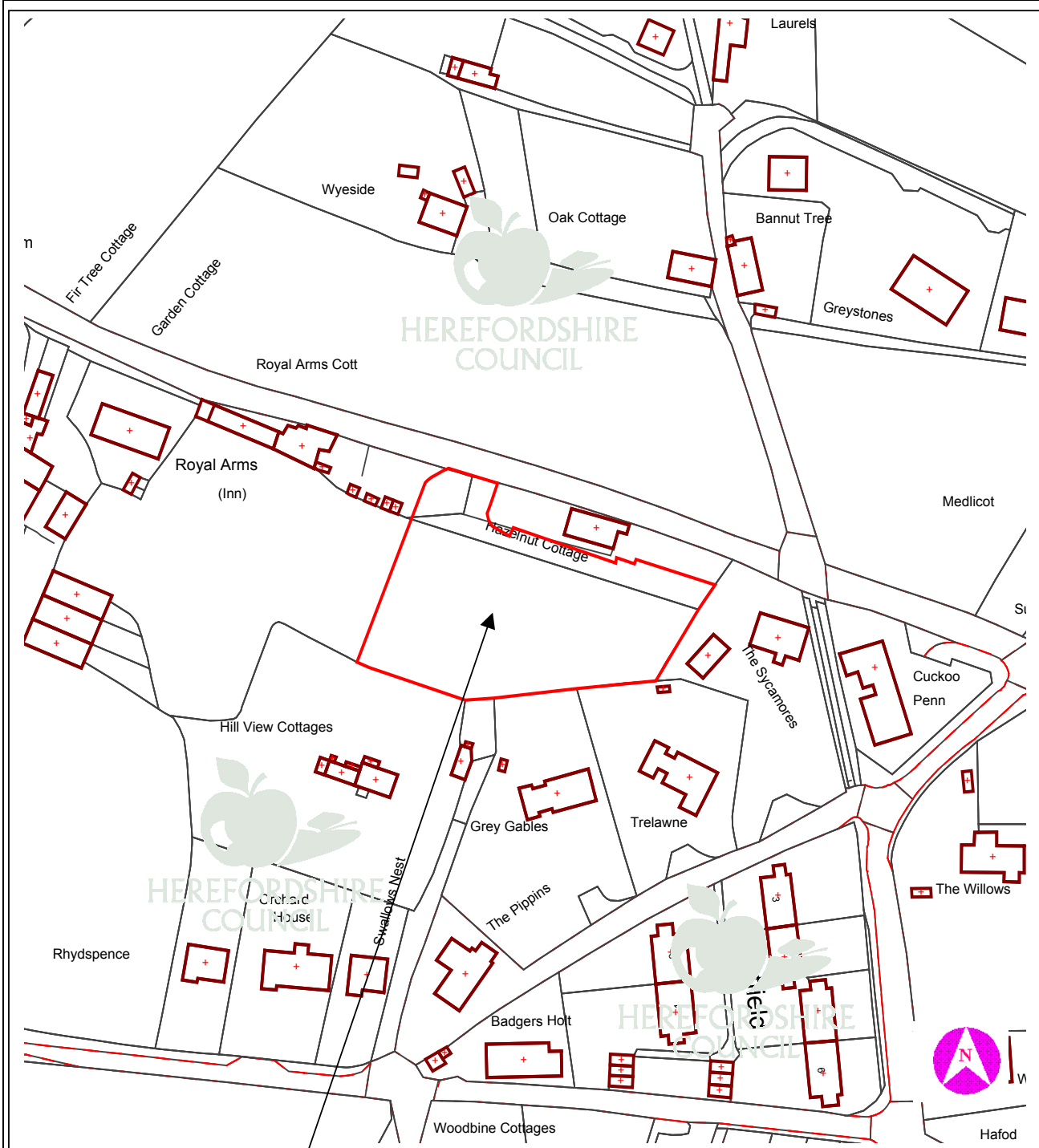


**DRAFT HEADS OF TERMS  
PROPOSED PLANNING OBLIGATION AGREEMENT  
Section 106 Town and Country Planning Act**

**Planning Application – DCSE2008/1803/F**

6 new detached houses on land to the rear of Hazelnut Cottage, Llangrove, Herefordshire HR9 6EZ

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £8,493 to provide enhanced educational infrastructure at John Kyrle High School and improved service provision/capacity at Ross Youth Services.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £8,603 towards the delivery and/or enhancement of sustainable transport initiatives within the locality.
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £496 towards the provision and/or enhancement of public open space, including recreational rights of way.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council an additional administration charge of 2% of the total contributions detailed in this Heads of Terms to be used towards the cost of monitoring and enforcing the section 106 agreement.
5. The financial contributions referred to above shall be indexed linked and paid on or before the commencement of the development or in accordance with a timetable to be agreed in writing with Herefordshire Council.
6. In the event that Herefordshire Council does not use the sums referred to above for the purposes specified within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
7. The developer shall pay to the Council on or before the completion of the Agreement the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
8. In the event that the agreement is not completed before the application is determined, it shall be completed within three months of the date of the planning permission. Otherwise the application will be treated as 'deemed withdrawn.'



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**APPLICATION NO:** DCSE2008/1803/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Rear of Hazelnut Cottage, Llangrove, Ross-on-Wye, Herefordshire, HR9 6EZ

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**6 DCSW2008/1702/F - SITING AND ERECTION OF PREFABRICATED CLASSROOMS, WC AND KITCHEN FACILITIES TO PROVIDE TEMPORARY ACCOMMODATION DURING REHABILITATION AND EXTENSION OF EXISTING SCHOOL PREMISES, (PLANNING PERMISSION REF: DCSW2003/3461/F) FOR A PERIOD OF 30 MONTHS, HEREFORD WALDORF SCHOOL, MUCH DEWCHURCH, HEREFORD, HEREFORDSHIRE, HR2 8DL.**

**For: Hereford Steiner Academy Ltd per John Renshaw Architects, 86 Constitution Street, Leith, Edinburgh, EH6 6RP.**

**Date Received: 30 June 2008**

**Ward: Valletts Grid Ref: 48127, 31064**

**Expiry Date: 29 September 2008**

Local Member: Councillor MJ Fishley

**1. Site Description and Proposal**

- 1.1 Much Dewchurch is located some 7 miles south of Hereford and lies astride the Class II road that connects Wormelow and Allensmore. The site is located on the southern side of the village and comprises the existing Waldorf School. The school site covers a substantial area of land which encompasses the school buildings, pastureland to the south, the existing outdoor play areas to the south of St. David's Church and an area of pastureland to the east. In total the area is some 4.5 hectares.
- 1.2 The application site itself is piece of agricultural land to the south of the former farmhouse (used for staff accommodation, the kindergarten and craft rooms) and is sub-divided from the rest of the school by chestnut paling fencing. The site extends eastwards with a finger of land which runs along the playing field and then heads northwards along the eastern boundary of the school with the Grade I Listed St. David's Church. There are a number of monuments in the graveyard and The Old Vicarage which are listed buildings.
- 1.3 This application is for the siting of temporary classroom units with associated engineering operations and is submitted in order to provide classroom accommodation and other ancillary facilities for use for the duration of the construction of a new assembly hall, classroom block and ancillary building approved pursuant to the extant Application No. SW2003/3461/F. It is proposed to site a maximum of four double classroom units (15.2 metres long and 7.9 metres wide) either side of two temporary buildings comprising a kitchen (3 metres wide and 6.1 metres long) and a toilet unit (both 6.6 metres wide and 6.1 metres long). The number of classroom units will vary according to the requirements of the school during the phased construction of the approved permanent buildings. In the first two phases, two classroom units will be required increasing to four in the third and fourth phases which will include two decked units (maximum height of 6.6 metres).

- 1.4 There will be a 2 metres wide path created that will link the site for the temporary buildings to the rest of the school. Vehicular access will be via a track between the school curtilage and The Pippins further to the west. This would be the route for the HGVs delivering and removing the structures the subject of this application.
- 1.5 Details were submitted with the application for the phasing of construction work including the areas delineated for the contractor's compound which in the final phase will utilise the car park to the north of the school building. The applicants have provided further details of car parking on site throughout the phases including the use of the courtyard area for car parking whilst the contractor's compound is sited on the existing car park. It should be stressed that these arrangements are not part of this application but have been submitted to highlight the means by which parking provision (total of 30 spaces) will be provided during the construction of the approved permanent buildings.
- 1.6 Car parking will be for use by staff and visitors only with contractors vehicles accommodated within the construction compound.

## 2. Policies

### 2.1 Planning Policy Statements

PPS1	-	Delivering Sustainable Development
PPS7	-	Sustainable Development in Rural Areas
PPG13	-	Transport
PPG15	-	Planning and the Historic Environment

### 2.2 Herefordshire Unitary Development Plan

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S7	-	Natural and Historic Heritage
Policy S11	-	Community Facilities and Services
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy DR6	-	Water Resources
Policy T11	-	Parking Provision
Policy T14	-	School Travel
Policy LA2	-	Landscape Character
Policy LA3	-	Setting of Settlements
Policy LA6	-	Landscaping Schemes
Policy NC1	-	Biodiversity and Development
Policy HBA4	-	Setting of Listed Buildings
Policy CF2	-	Foul Drainage
Policy CF5	-	New Community Facilities

## 3. Planning History

- 3.1 SH871704PF Change of use of barn into a 2- - Approved 10.02.88  
storey classroom block and  
construction of playground  
parking and turning area

SH940094PF	Erection of new complex to provide theatre and hall space, art/craft facilities and alterations to link block	- Refused 20.04.94
SH940095PF	Erection of a timber framed kindergarten building	- Refused 20.04.94 Appeal dismissed 15.12.94
SH950413PF	Extant temporary permission for two portakabins and a timber storage shed	- Approved 21.06.95
SH950448PF	Kindergarten block, workshops and hall complex, altered and extended toilet block and hard play area	- Refused 20.09.95 Appeal dismissed 04.10.96
SH970543PF	Retention of two portakabins and storage shed	- Approved 03.09.97
SW2000/2970/F	Change of use to educational premises with extension and alteration and erection of garage workshop (Church Farm)	- Approved 18.04.01
DCSW2003/3461/F	New assembly hall, new classroom block and ancillary buildings. Removal of temporary buildings and sheds	- Approved 09.01.04
DCSW2005/3136/F	Change of use from agricultural use to overspill car parking in part of field on temporary basis	- Deemed Withdrawn 23.03.07
DCSW2006/3430/O	Site for new school buildings and new access to extend school facilities	- Refused 24.01.07 Appeal Dismissed 11.03.08
DCSW2007/1091/O	Site for new school buildings and new access to extend school facilities	- Refused 20.06.07 Appeal Dismissed 11.03.08

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 Environment Agency – No objection. This is a case where the Agency offers standing advice with regard to surface water run-off and drainage.

##### Internal Council Advice

- 4.2 Traffic Manager states that further information is required. How will pedestrian access, cycle parking and car parking be catered for?

4.3 Comments are awaited on the revised car parking plans and will be reported verbally to the Committee. Members are again advised that, as stated above, the management of parking during the construction of the approved school buildings does not form part of the consideration of this application for the temporary classroom units.

4.4 Conservation Manager – Comments awaited.

## **5. Representations**

5.1 In a covering letter to the application the applicant's agent states:

- applying for permission for siting and erection of pre-fabricated classrooms, toilets and kitchen facilities to provide temporary accommodation during the rehabilitation and extension of existing school buildings.

5.2 In a further letter it is stated:

- pathways/decking referred to will not be covered.

5.3 In the Design and Access Statement the following main points are raised:

- proposed temporary buildings needed to replace accommodation in existing school buildings whilst works to rehabilitate and extend the school are carried out
- works undertaken in four phases between August 2008 and October 2010
- four temporary classrooms needed during phases 0 and 1 (see diagrams) and a further four units during phases 1A and 11. Temporary toilet and kitchen facilities required during phases 0, 1 and 1A
- temporary accommodation removed from site as soon as permanent facilities are handed over
- siting best for proximity and ease of access whilst works carried out on site
- segregation between pedestrians and contractor's traffic
- minimising extent of temporary encroachment beyond existing curtilage of school
- minimising visual impact of temporary buildings
- standard pre-fabricated units, utilises slope some 3 metres lower than general ground level and existing school level, not obtrusive from village
- use of two-storey unit in Phases 1A and 11 justified by lower level and reduction in footprint
- colours will be selected in conjunction with local planning authority
- be DDA compliant ramps and ballustrades, pathways of proprietary grass reinforcement system.
- no need for regular vehicular access, no provision has been made
- foul and waste water will discharge to existing septic tank.

5.4 In a further letter received from the applicant's agent the following main points are raised:

- please see copies of car parking arrangements for each of the phases; total of 30 car parking spaces available during each phase (i.e. no reduction in existing provision)
- school is currently developing a Transportation Strategy aimed at reducing number of car journeys, by car sharing, use of shuttle buses connecting with public transport and increased use of public transport and cycles

- relocation of school's early years facility to Llanwarne Village Hall will also help reduce number of vehicle movements
- from September 2008 supervised drop-off facilities for parents in existing forecourt
- parents have been informed only parking provision on premises for staff and visitors (located, as at present, in forecourt and west side of courtyard)
- forecourt will be used as a contractor's compound during final phase of the construction works (Jan - July 2010), during this phase car parking will be in the courtyard
- ad hoc parking has taken place to south, this has ceased.

5.5 In a letter received from the applicant in response to issues raised in representations, the following main points are raised:

- temporary accommodation: purpose of implementing 2004 permission is to obviate need for temporary accommodation
- buildings redundant once new buildings are complete, on hire to school, therefore school has strong financial incentive to remove them as soon as new buildings are handed over
- school is developing a Transportation Strategy, aim is to significantly reduce number of car journeys to and from the school. Measures include car sharing, school shuttle buses connecting with public transport and increased use of public transport and cycles
- from September 2008 there will be a supervised drop-off and pick up facility only for parents in the existing forecourt. Parents have been informed only parking provision on premises for staff and visitors, located as at present in forecourt and west side of the courtyard (forecourt is only used as a contractor's compound during the final phase of the construction works)
- perplexed by statement that plans do not resemble those approved in 2004, subject to minor, non-material amendments the planning permission will be implemented as approved
- aware of obligation to discharge planning conditions, our agents are currently preparing the information required
- site access will be strictly regularised in order to comply with health and safety regulations and to minimise inconvenience to school and its neighbours.

5.6 The Parish Council make the following observations:

"The proposed temporary classrooms and toilets have raised concerns from the residents of Much Dewchurch and the Parish Council.

The proposed site for the buildings is outside the settlement boundary, the buildings would be visible from the Church and Churchyard. The dilapidated temporary units in the School playground do not have current planning permission and the items erected in the field without permission must be removed before considering this application. There is no indication as to whether the proposed units are in section form or already assembled. Access to the site is very limited and the Parish Council question how large transporter lorries could get to the site without damage and inconvenience to properties and residents at the access point, which has occurred on previous occasions, particularly at the War Memorial.

The Parish Council request a written guarantee for completion dates for removal of present illegal items and proposed temporary buildings (if allowed).

These comments only refer to the application for the temporary buildings and drawings TW/1, TW/2, TW/3, TW/3 rev A, TW/4 and Portaloo, 07S-578DC-21-02, but the Parish Council have noted the contents of the seven sheets of plans.”

- 5.7 The Parish Council make the following observations in response to receipt of details for on-site parking during different phases, as follows:

“There have been numerous confrontations between School personnel and people visiting the Church and Much Dewchurch Parish Council consider it not to be unreasonable to request that a condition be included to keep the access lane and the parking space for Church visitors' vehicles clear at all times.

The Parish Council also request that time limits and conditions are adhered to, as the indicated time schedule to complete the development being 30 months is a long time for the Village and residents to face noise and inconvenience.

The proposed parking spaces may well accommodate School vehicles, but no one knows how many nor the size of the contractors vehicles which will require parking spaces for the duration of the development work. Therefore there is no assurance that the proposals will address the concerns being raised nor Health and Safety requirements which will arise when work is in progress.”

- 5.8 The Parish Council state:

“Further information needed regarding route of traffic; conflict will occur and inconvenience to residents of Almond House and The Pippins. Damage could also occur. Should have been consultation, also poor risk assessment (Health and Safety). Needs more thought and consideration.”

- 5.9 Thirty one letters of objection have been received. The following main points are raised:

- temporary buildings already, approval expired not enforced, do not trust applicant nor Council to enforce
- site for temporary buildings will increase site area for school; therefore contrary to Appeal Decision/Inspector's wishes
- temporary buildings may be allowed to remain
- hard-standing could form basis for car park
- need to penalise/fine School if buildings not removed
- excessive gap between southern boundary and buildings
- how will field be reinstated?
- no application for change of use of field
- will detract from setting of village and of Grade I Church
- 30 months excessive; needs to be itemised to be credible
- need to ensure conditions for 2004 approval discharged first (inc. archaeological investigation and drainage) i.e. before development approved
- plans submitted different from 2004 approval; therefore fresh planning application necessitated
- applications for extended development on recently acquired fields in 2006 and 2007 refused and both dismissed in March 2008
- single track inadequate for access for church/domestic use and contractor's traffic
- traffic will back up, as presently, onto main road, parking will be displaced onto main road (dangerous and illegal) and around village cul-de-sacs



- contractors taking over car park (for compound) in Phase II; where are cars to be parked?
- how will 40 x 10 feet long structures get down lane without damaging hedges, etc?
- no traffic plans
- need to restrict use to 9 - 5, weekdays only
- need road markings
- how will track be reinstated/repaired?
- need improved drainage in place, given it was 220 pupils in 2004, currently 270, proposed to be 316 + staff
- remote site for public transport; school serves disparate areas
- no cohesive travel plan produced, a criticism of Council officers previously
- concern for cyclists on HGV laden B4348 road
- amenity and safety to nearby dwellings and church with increase in traffic a major concern. School people have abused church visitors over access previously
- Inspector (Public Inquiry) stated vehicles back up onto road, concern to residents and users of main road. School roll of 250, 316 from September 2008 need convincing evidence on how to reduce traffic movement
- stated temporary road and hardstanding will be provided for HGVs on south field; separate application? If allowed, need to see reinstatement conditions
- need to resolve above before approval can be granted
- make deliveries post 9.30am and not between 3.00pm and 4.00pm to avoid congestion.

5.10 In respect of details for car parking and Travel Plan submitted; the following objections were received:

- no additional public transport available (as stated)
- those who cycle locally, will continue if allowed, to do so
- parents will park illegally on main road or on private drives, therefore dangerous and illegal for former and unacceptable to the latter
- suggest using Three Horseshoes and Park Ballrooms (Wormelow) car park for shuttle bus pick up points
- seems car parking area will be a building site, where will cars be parked?
- flow of construction traffic hazardous, given narrow access and dangerous stretch of road
- findings of expensive inquiry disregarded
- is it safe for children to play in a designated car parking area
- area south of curtilage used for parking in recent months (not ceased as stated) there until recently; Enforcement Officer informed in March, proven inadequacy of 30 spaces
- not convinced vehicle movements can be reduced; average 11 miles, not possible to increase amount of walking/cycling.

5.11 Six letters of support have been received. The following main points are raised:

- aware of history, strongly support
- have seen current condition of classrooms, important to be allowed to continue education
- sensible to allow temporary buildings, it allows School to function
- now in maintained sector need, means to lawfully implement planning permission
- also needs to be proper facilities for car parking and dropping/collection of children from school

- school has suffered enough from local campaign to undermine school's efforts to improve facilities for many local children who go to school now and in the future
- without temporary classrooms all the classes could not be taught and there would be no toilet facilities for the children
- logical site for temporary classrooms
- important for children to have outside area for ball games that is not slippery or muddy in winter.

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 considered that the main issues for consideration in the determination of this application are the principle of allowing the development with regard to existing temporary buildings on site and the extant planning permission, the relevance of the issues raised during the Public Inquiry held in relation to the dismissed appeals for a new school development (DCSW2006/3430/O and DCSW2007/1091/O), the possible use of site in future, access and drainage.
- 6.2 The temporary buildings are required whilst works are carried out on the school in respect of the planning permission granted in January 2004 for a new assembly hall, new classroom block and ancillary block, solar panels on existing roof and the removal of temporary buildings and sheds. The site selected is considered to relate well to the school and is sensitively sited as regards the Grade I church. The proposed siting of the classrooms will still leave the playing field to the south of the listed church, the courtyard and northern car park free for use. This space is needed for the contractors' compound and staff and visitors car parking.
- 6.3 The buildings are not permanent structures and therefore do not raise the same policy issues as those that were the subject of the recently dismissed appeals for a permanent extension and other works. The works proposed do not establish a precedent given that the works are time limited as are the works to refurbish and extend the school. Works such as a hardstanding for HGVs and the path linking the school and the temporary classrooms will need to be removed with the classrooms, kitchen and toilet blocks and the land made good to the satisfaction of the local planning authority. It is not considered that this application could be refused on the basis that the classroom units and associated buildings could remain on the site after works are completed. This will be controlled by way of the time limiting condition. The existing temporary buildings which were refused by the appointed Inspector at the Public Inquiry earlier this year are to be removed as part of the works to implement the extant planning permission and their removal will be monitored. They are in the way of the contractors' compound and will be covered in new building and as such there is no reason to consider that they will be retained beyond the construction phase but clearly this would be the subject of further investigation if required.
- 6.4 It is reiterated that the contractors' compound does not require planning permission and it should be noted that the parking and siting of the contractors' compound fall outside the identified site boundary for the application and as such are not therefore matters that should be considered under the terms of this application.
- 6.5 The extant planning permission is subject to a number of conditions, and details have been submitted in respect of some of the conditions which are currently the subject of detailed consideration. It is not evident from the plans submitted that they materially

differ from the approved plans and ultimately this is not a matter of consideration in relation to this application.

- 6.6 The applicants have provided details of how the classroom units will be delivered and there are no highway safety implications in relation to this temporary disturbance associated with the use of the track that would warrant withholding planning. Clearly, should damage be done to any hedges and trees then this would be a matter for those with third party interests, including those who own the adjacent agricultural land, to resolve with the applicant and their contractors.
- 6.7 The last issue relates to the access to the site whilst works are undertaken to the school. It is evident that the Inspector who considered the recent appeals noted the existing access problems, however that was in relation to different proposals from that which already has extant planning permission. Clearly there will be a period when the movement of construction vehicles will result in inconvenience to local residents and this will be the case whether or not these temporary classroom units are in situ. It is not considered that the temporary units will significantly exacerbate the parking issues during the duration of any temporary permission and the applicant has sought to provide clarification as to how this difficult problem will be managed. The site proposed for the temporary units provides a safer environment for staff and children at the school and provides the basic necessities (i.e. kitchen and toilets) which will be required whilst work is carried out on the site. Furthermore it is stressed that it is the temporary classroom units that are the subject of the application and not the access arrangements whilst works are undertaken on the site.
- 6.8 The application can be supported subject to conditions restricting the time period, controlling the reinstatement of the site following removal of the temporary units, the colour of the units and ensuring that the foul drainage arrangements are controlled appropriately.

## **RECOMMENDATION**

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

**1. B01 (Development in accordance with the approved plans)**

**Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of Herefordshire Unitary Development Plan.**

**2. F20 (Temporary permission and reinstatement of land) (30 months from the date of permission)**

**Reason: The local planning authority is only prepared to allow the siting and use of the land as a temporary measure having regard to the sensitivity of the site in relation to the setting of the historic core of the village, including the Grade I Listed Church .**

**3. Prior to the installation of the classroom units and ancillary structures hereby approved, details of their external finish shall be submitted to and approved in writing by the local planning authority. The units shall thereafter be retained in accordance with the approved details for the duration of this permission**

**Reason: To conform with Policy LA2 of the Herefordshire Unitary Development Plan and to minimise any visual intrusion into the surrounding countryside.**

**4. I24 (Standard of septic tank/soakaway system)**

**Reason: To prevent pollution of the water environment and to comply with Policy DR4 of Herefordshire Unitary Development Plan.**

**Informative(s):**

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

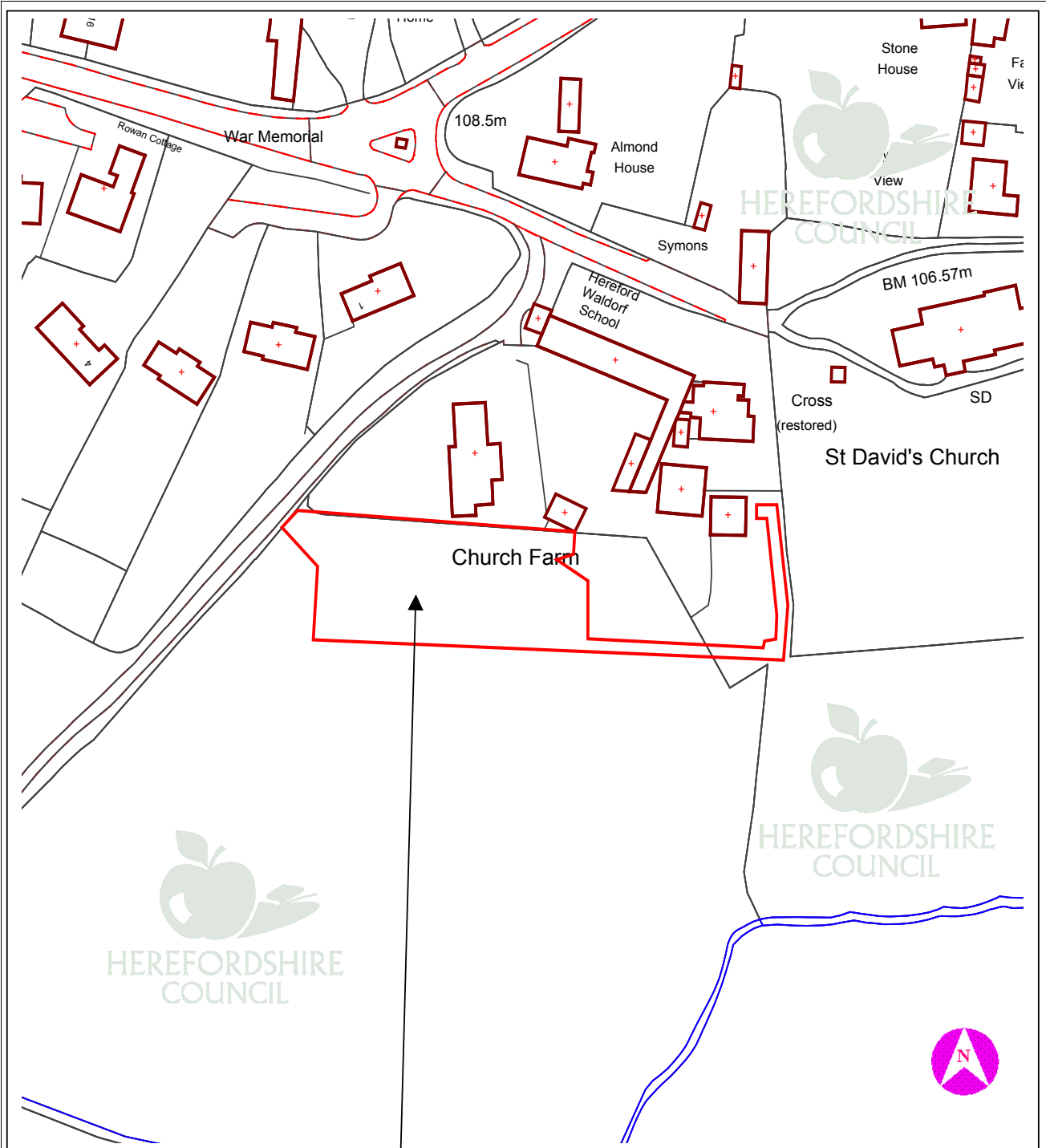
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSW2008/1702/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Hereford Waldorf School, Much Dewchurch, Hereford, Herefordshire, HR2 8DL

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**7 DCSW2008/1571/F - RENEWAL OF 10 EXTRA CAR BOOT SALES PER CALENDAR YEAR, ASHFORD STABLES, STONEY STREET, MADLEY, HEREFORD, HEREFORDSHIRE, HR2 9NJ.**

**For: Mr D Evans, Peartree Cottage, Woodyatts Lane, Madley, Hereford, HR2 9NN.**

Date Received: 20 June 2008

Ward: Stoney Street

Grid Ref: 42166, 37950

Expiry Date: 15 August 2008

Local Member: Councillor DC Taylor

**1. Site Description and Proposal**

- 1.1 The site is on the north-western side of Stoney Street, an unclassified road (u/c 73209) just to the north east of Ashford House. The site is approximately 0.5km from the junction of this unclassified road with the B4349 road adjacent to the Comet Inn.
- 1.2 Access is adjacent to Ashford House into the fields that have a roadside frontage of some 180 metres. The site is 120 metres at its deepest.
- 1.3 It is possible to use land for car boot sales for 14 days a year without the need for a planning application. The proposal is for 10 additional days which goes beyond that allowed in the General Permitted Development Order 1995. This application seeks to renew a temporary planning permission for an additional 10 days (total of 24 per year) that expired on 31st August, 2008.
- 1.4 The applicants have acquired more land to the north of the site, including Pear Tree Cottage, the nearest dwelling to the site, since the time of their 2005 permission.

**2. Policies**

**2.1 Herefordshire Unitary Development Plan**

- Policy DR2 - Land Use and Activity
- Policy DR3 - Movement
- Policy T8 - Road Hierarchy

**3. Planning History**

- 3.1 SH960973PO Bungalow - Refused 27.11.96 (following a Sub-Committee Viewing Panel Inspection)
- SH980114PO Construction of new dwelling - Refused 11.03.09
- SW2000/1311/F Use for 10 extra car boot sales - Approved 02.08.00
- DCSW2005/0593/F 10 extra car boot sales per calendar year - Approved 31.08.05

#### 4. Consultation Summary

##### Statutory Consultations

4.1 No statutory or non-statutory consultations required.

##### Internal Council Advice

4.2 The Traffic Manager requires further information as regards parking on verges or on the road and the history of the site.

4.3 The Head of Environmental Health and Trading Standards raises no objections.

#### 5. Representations

5.1 In a letter that accompanied the application the applicants make the following main points:

- since last application we now live on the farm
- been holding car boot sales on Sunday afternoons for 10 years since 1988 with planning permission
- have had no problem and complied with all planning regulations
- car boots very popular and well attended due to fact that they are well run organised events
- in rural area away from built up areas and any busy roads
- car boot sales encourage recycling unwanted goods/items, therefore environmentally friendly
- given costs and penalties for landfill sites, definitely an environmental alternative.

5.2 In a further letter received in response to representations received, the following main points are raised:

- unlike objectors looking forward to weekends, like thousands of others need to work
- no burger or ice-cream vans arriving or waiting in road, as they have immediate access into the field
- noise and traffic, yet own house only feet away from main road (access to Madley Industrial Estate, i.e. BT, Sun Valley, Gelpack, A W Trailers, Stoney Street Garage, HGV Haulage Company, Farm Machinery Sales to name a few, plus Murphys, the bus route all seven days a week
- run a vibrant and well organised event, weather permitting, loved by locals and non-locals
- regularly support local charities.

5.3 Madley Parish Council support the application.

5.4 Kingstone Parish Council's observations are awaited.

5.5 One letter of objection has been received from:

Mrs J Kury & Mr P Kury, Snowdrop Cottage, Stoney Street, Madley, HR2 9NJ



The following main points are raised:

- look forward to weekends, but Sundays are not a pleasure
- by 10.30 most of burger and ice cream vans have arrived, waiting to get into field followed by trader's vans, then sellers
- then vehicles leave, peace arrives at 5 - 6pm
- even if rained off, vehicles still stream down road looking for car boot
- noise and traffic inside or out of house intolerable
- feel we should go out, which we do not always want to do. Preferable to staying with hundreds of other people and vehicles crawling past us
- if believe in putting people first, then you may take notice of our concerns, give us back 10 days, so we can enjoy our home like others
- why are more than 14 days not enough, which isn't even for a charitable cause.

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 This use has been operating for over 10 years and, as stated above, the applicants could use the site for 14 days for car boot sales without the need for planning permission. The main focus in relation to this application is therefore the impact of the ten extra days being applied for in terms of local amenity and highway safety.
- 6.2 The Environmental Health Manager confirms that the site is well marshalled on sale days. It is also confirmed that the majority of buyers leave the site at 3.30pm, with the car boots officially starting at 2.00pm. Car boot sales have generally taken place on Sundays, weather permitting, although as stated in the representations received, it has not deterred some people from arriving at the site, this though would clearly be to a lesser extent than during fine weather.
- 6.4 In terms of the wider context of the site, Stoney Street is used frequently by a mixture of commercial and residential traffic, with the presence of Gelpack and BT for instance. There have been no identified problems of conflict between commercial and car boot sales traffic. It is not considered that vehicles queuing from time to time on Stoney Street on car boot sales days constitutes grounds for refusing the proposal in relation to highway safety. The Traffic Manager has not objected but is seeking clarification of use of the site.
- 6.5 There is clearly some disturbance for local residents on car boot days. However it is maintained that given the limited frequency and duration of car boot sales days it is not considered that a further planning permission could reasonably be resisted. Conditions previously attached related to the maintenance of a log book and that there should be no consecutive days for car boot sales would continue to restrict the level of use. Government Circular 11/95 'The Use of Conditions in Planning Permissions' refers to the use of temporary planning permissions, particularly in instances when there has been sufficient time for the particular use to have been monitored. It is considered that this proposal falls into this category, and therefore permanent permission can be supported subject to conditions proposed below.

## **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. **A log book/record of all car boot sales shall be kept and shall be available for inspection by the local planning authority, a car boot sale having deemed to have begun when the gates have been opened for at least one hour, notwithstanding subsequent weather conditions.**

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

3. **Car boot sales shall not be carried out on consecutive days.**

**Reason:** In the interests of the amenities of residents in the locality.

4. **F26 (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 having regard to Policy (specify) of Herefordshire Unitary Development Plan.

**Informative(s):**

1. **N19 - Avoidance of doubt - Approved Plans**

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

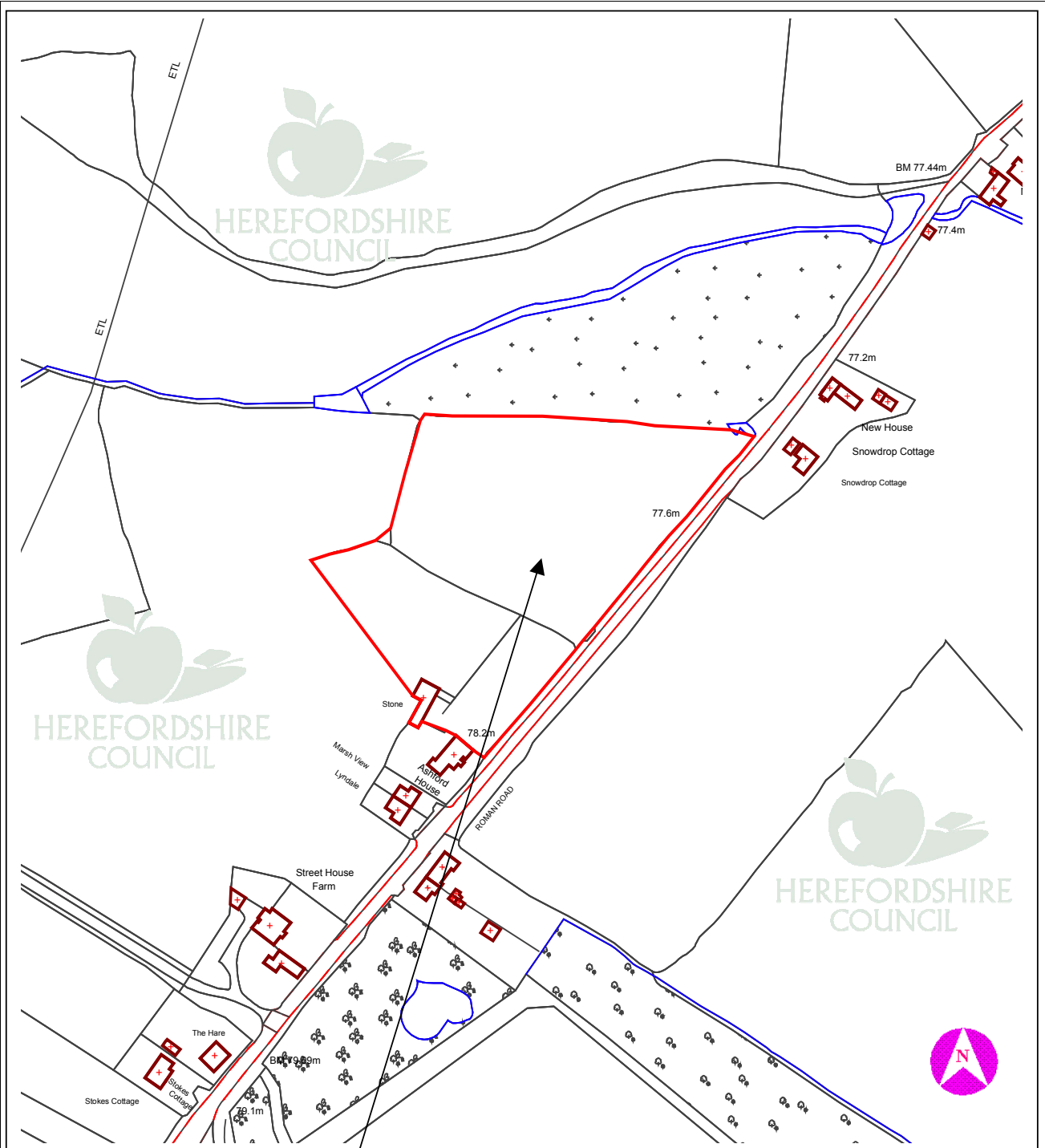
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSW2008/1571/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** Ashford Stables, Stoney Street, Madley, Hereford, Herefordshire, HR2 9NJ

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**8 DCSW2008/2025/F - RETENTION OF TIMBER BUILDING WITHIN THE GROUNDS OF MUCH BIRCH PRIMARY SCHOOL FOR THE PURPOSE OF PROVIDING BEFORE AND AFTER SCHOOL CARE AND A NURSERY CLASS, THE CABIN, MUCH BIRCH VC SCHOOL, MUCH BIRCH, HEREFORD, HR2 8HL.**

**For: Mrs M Roberts, Bromley Court, Hoarwithy, Hereford, HR2 6QN.**

**Date Received: 4 August 2008**

**Ward: Pontrilas**

**Grid Ref: 50097, 30923**

**Expiry Date: 29 September 2008**

Local Member: Councillor RH Smith

**1. Site Description and Proposal**

- 1.1 Much Birch Primary School is situated 100 metres north-west of the crossroads at which Tump Lane and the Class III road (C1263) joins the A49(T). Pedestrian and vehicular access for the school is directly onto the C1263 road. There is a parking area in front of the main school building. The application site comprises an existing grassed area. There is a surfaced playground between the site and the C1263 road.
- 1.2 The proposal entails retaining a 10 metre by 6 metre timber clad building providing accommodation for before and after school care and a nursery in the south-eastern part of the school site immediately adjacent to the boundary of The Old School House. The building is set back between 28 to 34 metres from the metalled edge of the hedgerow lined roadside boundary with the C1263 road.
- 1.3 The building is proposed to be used as a 16 place nursery for 3 and 4 year olds between 9.00am and 3.00pm, and a pre-school between 8.00am and 9.00am and 3.15pm to 5.30pm for children attending the school. The school hours are 8.50am to 3.15pm.

**2. Policies**

**2.1 Herefordshire Unitary Development Plan**

Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy CF5	-	New Community Facilities

**3. Planning History**

- |     |               |   |   |                   |
|-----|---------------|---|---|-------------------|
| 3.1 | SW1999/2574/F | Extension to provide additional classroom and relocate mobile classroom | - | Approved 02.12.98 |
|     | SW2002/0977/F | Single storey extension to existing classroom                           | - | Approved 28.05.02 |

DCSW2003/0766/F Demountable building for use - Approved 18.06.03  
as nursery and pre and after  
school care

#### **4. Consultation Summary**

##### Statutory Consultations

4.1 No statutory or non-statutory consultations required.

##### Internal Council Advice

4.2 The Traffic Manager has no objections.

#### **5. Representations**

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

- the Cabin is used for before and after school care for children attending Much Birch Primary School (8am - 9am and 3.15pm to 5.30pm). It is also used as a nursery class for 3 and 4 year olds between 9am and 3pm
- The Cabin comprises an office, an entrance porch, two children's toilets, 1 disabled/adult toilet, and a main room which contains kitchen and storage areas
- log cabin is in keeping with the school buildings and two nearby sheds
- the school PTA committee has gradually been adding extra features in the school playground such as a three-tiered decking amphitheatre separating the main school playground and nursery playground, totem poles, tables and chairs, and soft surface areas. This is an ongoing project, illustrated on enclosed plans
- cabin fits in well with the landscaped bark area, two wooden sheds, and wooden play equipment nearby, e.g. wooden train and log-enclosed bark play areas
- The Cabin has a decking ramp from floor level up to its two entrance doors, both of which are European standard width, easily accessible to wheelchairs.

5.2 Much Birch Parish Council's response is awaited.

5.3 One letter of objection has been received from Mr W Padden, Fair View, Much Birch, HR2 8HL

The following main points are raised:

- school doubled in size since 1960s
- school run has become a feature of modern life
- works at school have pushed parents vehicles out onto road; difficult sometimes to put out rubbish bin for collection
- site for Cabin was on site of part of car park
- parents need to park, yellow lines, chicanes, etc suggested, would not assist
- yellow lines an eyesore; who would enforce?
- excepting youngest pupils, perhaps should be drop off and pick up points.

5.4 10 letters of support have been received. The following main points are raised:

- facility invaluable during term time and school holidays
- opportunity for working flexible hours; see our patients before 9.00am
- would not be able to work part time without facility and would be without means
- allows children to get accustomed to school environment/grounds
- close link between school and nursery, fabulous liaison
- allows us to provide before and after school care
- difficult to replace
- friendly and secure environment.

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 This proposal has generated local concerns relating particularly to car parking arrangements and traffic congestion.
- 6.2 The concerns raised by the local resident are noted but having regard to the comments of the Traffic Manager it is not considered that there are grounds to object to the continued use of the building in terms of highway safety implications.
- 6.3 It is acknowledged that there is disruption associated with arrival and departure of parents' cars at particular times of the day but it is not considered that the continued use of the building as proposed results in any significant concentration of congestion that would warrant the refusal of planning permission. Indeed the extended hours in place for the pre-school and after school facility effectively dilutes the problem since children are not arriving and leaving within a narrow timescale facilitating better phasing of traffic.
- 6.4 The nursery opening times are also phased to avoid school opening and closing times and it should be borne in mind that children using the nursery are not subject to strict hours with many children being there for possibly only part of the day thereby further spreading vehicular activity between 9.00am and 3.00pm
- 6.5 The proposal provides a base for pre-school children on a school site. The building proposed is considered to be a temporary one, therefore it would be necessary to grant a further temporary planning permission. It is considered that given the distance of the building from the public highway/footpath and the existing boundary scenery and the backdrop to the building of trees and the stone wall, this building would not materially detract from the amenity of the site.
- 6.6 Overall, it is considered that there has been no change of circumstances since the granting of the temporary permission in 2003 and as such the application is recommended for approval.

## **RECOMMENDATION**

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

- 1. The building/structure hereby permitted shall be removed from the site and the land restored to its former condition on or before 17 September 2013 in**

accordance with a scheme of work submitted to and approved by the local planning authority.

**Reason:** To define the terms to which the application relates as the proposed building/structure is considered to be unacceptable as a permanent fixture on this site within a designated Area of Great Landscape Value.

**Informative(s):**

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

Decision: .....

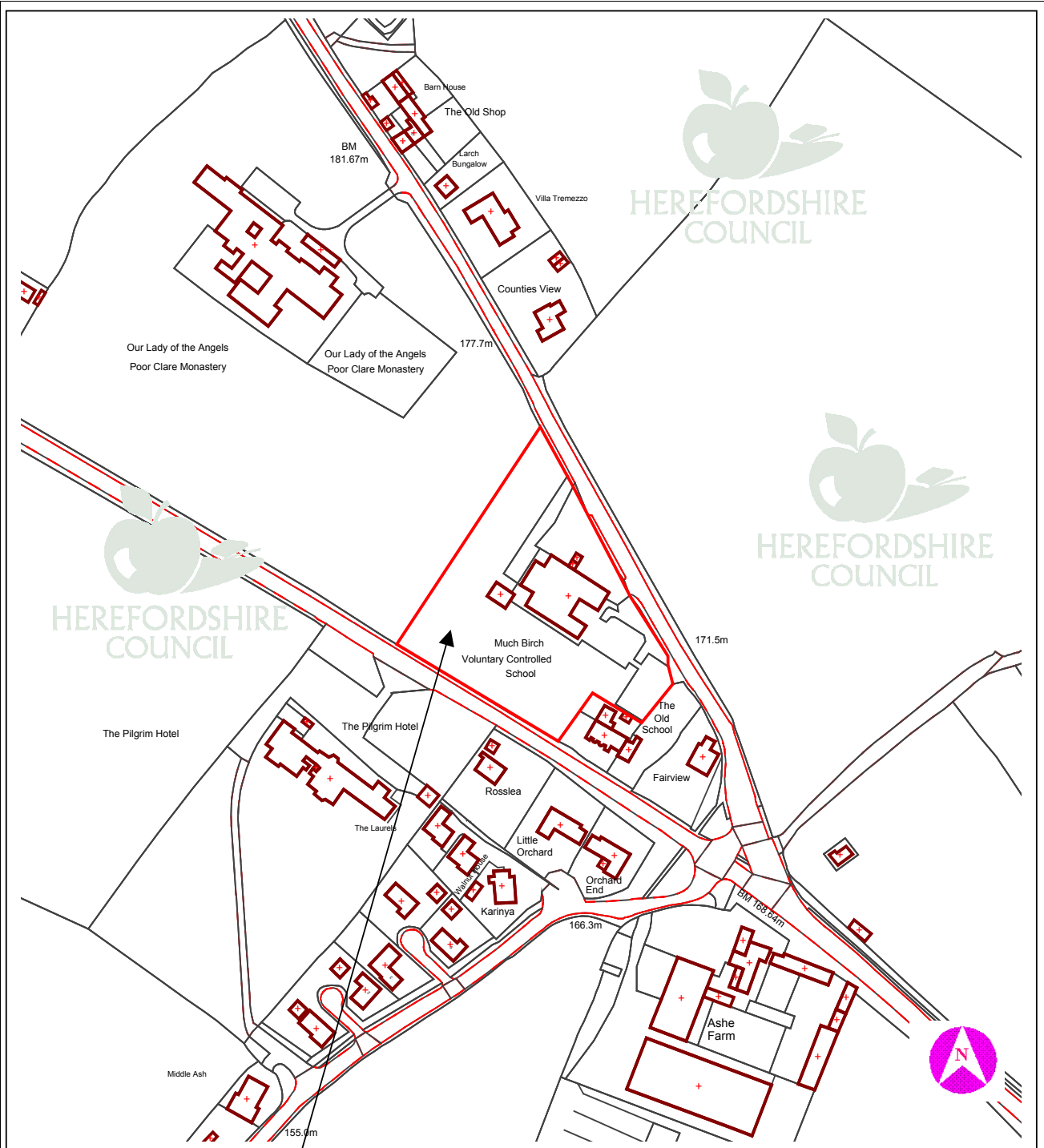
Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** DCSW2008/2025/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** The Cabin, Much Birch VC School, Much Birch, Hereford, Herefordshire, HR2 8HL

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**9 DCSE2008/1894/F - SINGLE STOREY REAR EXTENSION AT 3 ROMAN WAY, LINCOLN HILL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5RL.**

**For: Mrs Punn per Richard Ball Architect Dip Arch RIBA, Ilex, Ashfield Crescent, Ross on Wye, Herefordshire, HR9 N5PH.**

**Date Received: 23 July 2008**

**Ward: Ross-on-Wye West**

**Grid Ref: 59091, 23231**

**Expiry Date: 17 September 2008**

Local Members: Councillors CM Bartrum and G Lucas

**1. Site Description and Proposal**

- 1.1 The application site is a detached house on the northwest side of Roman Way almost opposite its junction with Lincoln Hill that is part of a row of 4 similar type properties. A 2 metre high wooden panel fence bounds the site. There is public open space to the rear. The site is located in an established residential area and within the Wye Valley Area of Outstanding Natural Beauty.
- 1.2 This application proposes the replacement of a uPVC framed conservatory extension that is on the rear of the property with a single storey lean-to roofed addition that will accommodate a kitchen extension and dining room. The extension will be constructed in matching materials.

**2. Policies**

**2.1 Planning Policy Guidance**

PPS1 - Delivering Sustainable Development

**2.2 Herefordshire Unitary Development Plan**

Policy S2 - Development Requirements  
 Policy S7 - Natural and Historic Heritage  
 Policy DR1 - Design  
 Policy H13 - Sustainable Residential Design  
 Policy H18 - Alterations and Extensions  
 Policy LA1 - Areas of Outstanding Natural Beauty

**3. Planning History**

- 3.1 None.

**4. Consultation Summary**

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 Traffic Manager - no reply received at time of report.

## 5. Representations

5.1 A Design and Access Statement has been submitted

- the application is for an extension, 25.7 square metres;
- the extension is to the rear to provide additional family space;
- other than late afternoon the extension will not cause overshadowing of the neighbour, 5 Roman Way; and
- materials will match the existing dwelling.

5.2 Ross Town Council no reply received at time of report.

5.3 Objection from Mrs S Morgan, 5 Roman Way, Ross-on-Wye

- Object to the type of roof.
- We would look out onto a solid brick wall to bedroom height which will block light out of our house and will be unpleasant to look out at.

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 Policy H18 deals specifically with proposals for the alteration and extension to dwellings, subject to the following:

1. The original building (that is, as at 1 July 1948 or as originally built if constructed later than this date, and not including any subsequent extensions) would remain the dominant feature.
2. The proposal is in keeping with the character of the existing dwelling and its surroundings in terms of scale, mass, siting, detailed design and materials.
3. The proposal would not be cramped on its plot, including having regard to provision of suitable private open amenity space, and would not adversely impact on the privacy and amenity of occupiers of neighbouring residential property; and 4. The level of resulting off street parking provision is in accordance with policy H16.

6.2 This application is for the replacement of a uPVC framed conservatory addition that is on the rear of this detached house with a lean-to type extension that will accommodate a dining room and kitchen extension. The extension will project no further than the existing conservatory. Insofar as its scale, design, mass, siting, design and use of materials, the proposal is considered acceptable in that it allows the existing building to remain dominant and the simplicity of a lean-to addition does not conflict with the architectural form of the original.

6.3 3 Roman Way is part of a row of 4 dwellings that are of similar design in staggered row. The neighbour, 5 Roman Way, is positioned forward of the site. This relationship between the 2 properties already compromises levels of daylight to a degree. However, given this proposal is for a single storey addition that does not project any further than the existing conservatory it is not considered the extension would further diminish daylight to an extent that would significantly harm the amenity of the neighbour.

- 6.4 Insofar as the scale of the scale and bulk of the proposal is concerned and its possible affect on outlook, officers acknowledge the extension will project above the height of the boundary between the properties but do not consider the amount of building above the fence will cause harm to the outlook of the neighbour.
- 6.5 While, the site is located in the Wye Valley Area of Outstanding Natural Beauty, it is not considered the extension is of a type that would cause harm to the acknowledged visual qualities of the area.

**RECOMMENDATION**

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

- 1 **A01 (Time limit for commencement (full permission))**  
**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**
- 2 **B03 (Amended plans)**  
**Reason: To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan**
- 3 **C02 (Matching external materials (extension))**  
**Reason: To ensure the external materials harmonise with the existing building so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan**

**INFORMATIVES:**

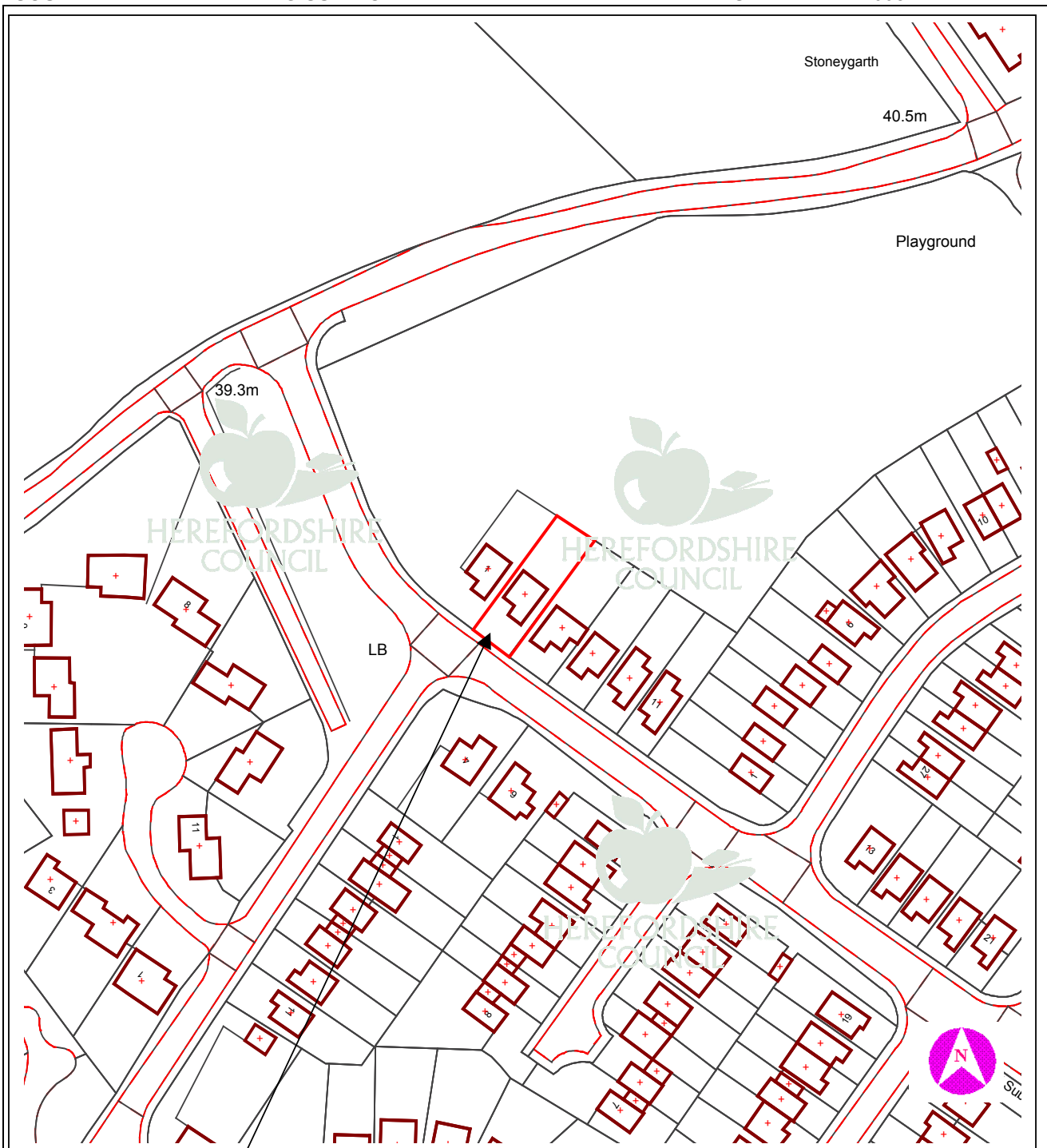
- 1 **N19 - Avoidance of doubt - Approved Plans**
- 2 **N15 - Reason(s) for the Grant of Planning Permission**

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2008/1894/F

**SCALE:** 1 : 1250

**SITE ADDRESS :** 3 Roman Way, Lincoln Hill, Ross-on-Wye, Herefordshire, HR9 5RL

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**10 DCSE2008/1510/F - EXTENSION AND NEW DETACHED DOUBLE GARAGE AT YEW TREE COTTAGE, LINTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7RS.**

**For: Mr D. Howle per Total Design, 2 Court Lane, Newent, Gloucestershire, GL18 1AR.**

**Date Received: 12 June 2008      Ward: Penyard      Grid Ref: 66308, 25042**

**Expiry Date: 7 August 2008**

Local Member: Councillor H Bramer

**1. Site Description and Proposal**

- 1.1 Yew Tree Cottage, a much-altered and extended property, is located on the northeast side of the unclassified 70239 that leads from Linton to Aston Crews. The site is below the level of, and screened from the 70239 by a dense hedge. Truffets is to the northeast at a much lower level than the site. Public footpath LTR38A runs along the northeast boundary of the site. The site is located in open countryside.
- 1.2 This application proposes a 2-storey extension that will accommodate a lounge on the ground floor and a bedroom with an en-suite bathroom on the first floor. A stand-alone double garage is proposed on the northwest side of the cottage.

**2. Policies**

**2.1 Planning Policy Guidance**

PPS1 – Delivering Sustainable Development

**2.2 Herefordshire Unitary Development Plan**

Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy H7	-	Housing in the Countryside outside Settlements
Policy H18	-	Alterations and Extensions

**3. Planning History**

- |     |            |                    |   |                     |
|-----|------------|--------------------|---|---------------------|
| 3.1 | SH810819PF | Kitchen extension  | - | Approved<br>10.8.81 |
|     | SH840458PF | Extension          | - | Approved<br>27.4.84 |
|     | SH870823PF | 2 Storey extension | - | Approved<br>10.8.87 |

**4. Consultation Summary**

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Traffic Manager: No objection.
- 4.3 Public Rights of Way Officer: No objection.

**5. Representations**

- 5.1 Linton Parish Council: This extension appears to be a very large extension attached to a previous extension. Our reading of the UDP indicates that to permit this development would be a departure from planning policy. If however you have decided that there are 'material considerations' which might allow you to grant planning permission, it is suggested that close examination of the site is made to establish the stability of the land and any necessary precautions that should be taken.

This comment refers to the original plan for a 3-storey extension. The comments of the PC on the amended plan are awaited. Any further comment will be reported at the Sub-Committee meeting.

- 5.2 Objection from Mr M Cluley, Truffets, Linton:

- I am concerned the upstairs balconies will overlook our property seriously restricting privacy. I believe this would be contrary to policy H18;
- The balconies are not in keeping with the original cottage;
- Also, the scale of the extension is not in keeping with the character of the original cottage.

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 Policy H18 deals specifically with alterations and extensions to dwellings setting a criterion for consideration. The policy acknowledges extensions can have a significant effect on the character of the original building. In this case Yew Tree Cottage has already been extended, SH870823PF proposed a 2-storey addition that dominates the size, scale and character of what was a small rubble stone cottage. The extension is of poor design that projects above the height of the original cottage so that it detracts from the original. The scale and form of this addition has caused significant damage to the character of original cottage. This proposal, which has been amended to a 2-storey addition (originally a 3-storey addition was proposed), will pick up the form of the original cottage without causing further harm to it. It is considered the amended proposal is acceptable in that it is lower in height than the existing cottage. It also is smaller in volume when compared to both the original cottage and the large built addition.
- 6.2 While, it is said the proposal will cause overlooking of Truffets, this property is already overlooked by the application property. It is not considered the proposal will cause any further overlooking and as such there would be no basis for refusing the application on grounds of loss of privacy.
- 6.3 The Public Rights of Way Manager has no objection to the proposed extension and garage, as it would not affect the public footpath, which passes along the northeast side of the site.



**RECOMMENDATION**

Subject to their being no objection from the Parish Council and the neighbour by the end of the consultation period, the officers named in the Scheme of Delegation to Officers be authorised to approve the application 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. **B03 (Amended plans)**

**Reason: To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan**

- 3. **C03 (Matching external materials (general))**

**Reason: To ensure the satisfactory appearance of the development so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan**

- 4. **F07 (Domestic use only of garage)**

**Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling and to comply with Policy H18 of Herefordshire Unitary Development Plan.**

**INFORMATIVES:**

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

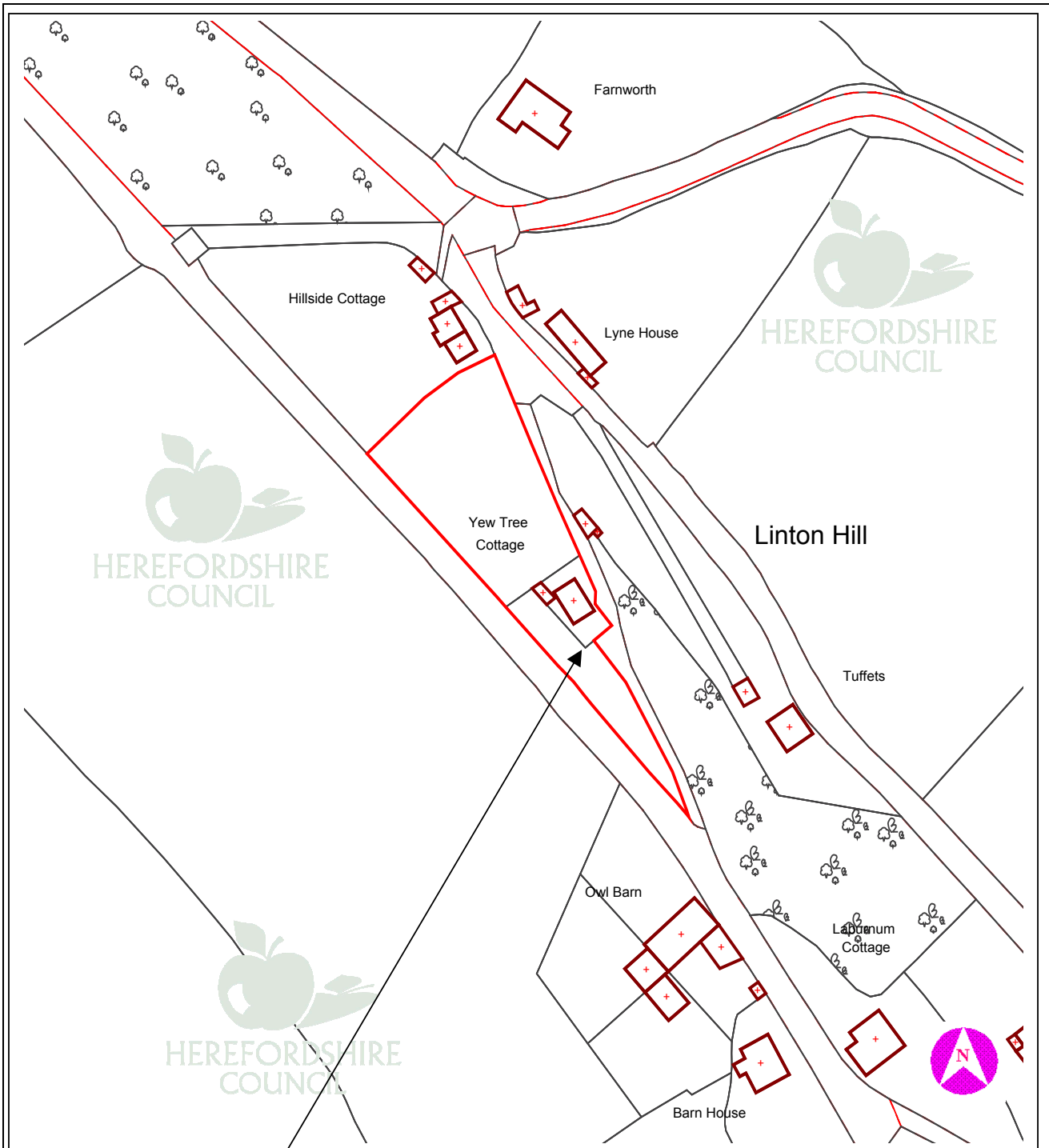
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2008/1510/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Yew Tree Cottage, Linton, Ross-on-Wye, Herefordshire, HR9 7RS

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