

A G E N D A

Southern Area Planning Sub- Committee

Date: **Wednesday, 12th November, 2008**

Time: **2.00 p.m.**

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

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

For any further information please contact:

*Ricky Clarke, Democratic Services Officer, Tel:
01432 261885 Fax: 01432 260286
E-mail: rclarke@herefordshire.gov.uk*

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, JA Hyde, JG Jarvis, G Lucas, PD Price, RH Smith, RV Stockton, DC Taylor and JB Williams

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
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	1 - 14
To approve and sign the Minutes of the meeting held on 15 October 2008.	
4. ITEM FOR INFORMATION - APPEALS	15 - 16
To note the contents of the attached report of the Head of Planning Services in respect of the appeals received or determined for the southern area of Herefordshire.	

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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|-----------|--|---------|
| 5. | DCSE2008/1992/F - THORNY ORCHARD, PART OF OS PLOT 8691, COUGHTON, ROSS ON WYE, HEREFORDSHIRE | 17 - 22 |
| | Construction of retaining wall. | |
| 6. | DCSW2008/2020/O - ETNA, ORCOP HILL, MUCH DEWCHURCH, HEREFORDSHIRE, HR2 8EW | 23 - 32 |
| | Provision of 6 affordable (discounted market housing) dwellings, bio-disc treatment plant and use of existing access, 6 attached single garages. | |
| 7. | DCSW2008/1616/F - UPPER HOUSE, CRASWALL, HEREFORDSHIRE, HR2 0PN. | 33 - 40 |
| | Barn conversion for 2 units of holiday accommodation. | |
| 8. | DCSE2008/2427/F - LAND ADJACENT TO BODENHAM FARM, MUCH MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2NJ. | 41 - 46 |
| | Retention of 2 field shelters with new external cladding. | |

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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, 15 October 2008 at 2.00 p.m.

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

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

In attendance: Councillors TW Hunt and RV Stockton

45. APOLOGIES FOR ABSENCE

Apologies were received from Councillors BA Durkin, AE Gray and JA Hyde.

46. DECLARATIONS OF INTEREST

Councillor JG Jarvis asked for advice from the Principal Lawyer in order to determine whether he should declare an interest in agenda item 9. He confirmed that he was currently being investigated at the request of the assessment sub-committee in respect of an alleged breach of the code of conduct and that part of the complaint related to Thorny Orchard. He added that he had no beneficial interest in the property. The Principal Lawyer referred to Appendix 12 of the constitution and felt that Councillor Jarvis had no personal or prejudicial interest in the application.

47. MINUTES

RESOLVED: That the Minutes of the meeting held on 17 September 2008 be approved as a correct record and signed by the Chairman.

48. ITEM FOR INFORMATION - APPEALS

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

49. DCSE2008/0775/O - TRELLEBORG SITE, ALTON ROAD INDUSTRIAL ESTATE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5NB. (AGENDA ITEM 5)

Proposed outline planning permission for the redevelopment of existing site for a mixed use development including business/general industrial (B1 (B, C), B2) and bulky goods retail (A1) uses.

The Senior Planning Officer advised Members of amendments to conditions 5 and 17 as well as the addition of two new conditions. Full details appeared in the update sheet circulated at the meeting and the amendments are included in the resolution below.

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

Members discussed the application and felt that the proposed redevelopment of the site would be beneficial to the town of Ross-on-Wye. They felt that it would enhance the area but voiced some concerns regarding the impact the development could have on town centre trading.

Councillor RH Smith was concerned that the financial contribution from the applicant was being directed solely to highways, he asked the Chairman to confirm that he had been consulted during the Section 106 process regarding the allocation of any contribution received. The Chairman advised Councillor Smith that he had been reassured that consultation would take place once the funds were secured. Councillor Smith noted that section 2.2.4 of the Planning Obligations SPD required heads of terms to be agreed with the local ward member prior to the application coming before the sub-committee.

In response to a question, the Senior Planning Officer confirmed that transportation were the only Council department who had requested funds in order to improve the highway network.

The Head of Planning and Transportation noted the concerns raised by Councillor Smith, he added that all contributions received through the section 106 agreement had to be used to mitigate the impacts caused by granting the application.

Councillor JG Jarvis, the Cabinet Member for Environment and Strategic Housing, noted the concerns raised in respect of the section 106 agreement and requested a meeting with the Head of Planning and Transportation in order to ensure the correct process was being followed.

RESOLVED

That:

- 1) Subject to securing a resolution to approve planning permission, the application be advertised as a departure and further consideration be given on the need to notify the Secretary of State based upon the responses received.**
- 2) The Legal Practice Manager be authorised to complete a planning obligation agreement under Section 106 of the Town and Country Planning Act 1990 regarding contributions towards improved footway/cycle way links and off-site highway works and any additional matters and terms as he considers appropriate.**
- 3) Upon completion of the aforementioned planning obligation, and in consultation with the Chairman and Local 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. 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. Units 3.1, 3.2, 3.3, 3.4 and 3.5 as shown on drawing 1334/2502 shall be used as a retail warehouse within Class A1 of the Town & Country Planning (Use Classes) Order 1987 with the exception of the following uses:

- i) the sale of food and drink to be consumed off the premises;**
- ii) sale of clothing and footwear;**
- iii) sale of cutlery, crockery and glassware;**
- iv) sale of jewellery, clocks and watches;**
- v) sale of toys, camping and travel goods;**
- vi) sale of books, audio and visual recordings and stationery except for the retail sale of office supplies, office equipment and office furniture including the sale of both bulky and non-bulky catering packs of food and drink for office use;**
- vii) sale of medical goods, cosmetics and toiletries;**
- viii) sales of sports goods, equipment and clothing;**
- ix) all uses within Categories A1 (B to K) of Class A1;**

except where the retail sale of these goods forms a minor and ancillary part of the operation of any of the retail activity.

Reason: The Council's policy as set out in the Hereford Unitary Development Plan is directed towards the protection of the commercial viability of the existing central shopping and commercial areas. This condition is imposed in order to clarify the terms of the permission in accordance with the Council's stated policy, having regard to the need to protect the vitality and viability in accordance with Herefordshire Unitary Development Plan Policies TCR2 and TCR9.

6. Unit 5, 11-16, 16-23 and 24-32 as shown on drawing 1334/2502 shall be used for B1 (b) or (c) and B2 and for no other purpose (including any other purpose) in Class B of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

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.

7. Units 3.1, 3.2, 3.3, 3.4 and 3.5 as shown on drawing 1334/2502 shall not be first occupied until a minimum of 500sq m of B1/B2 floorspace is completed in Unit 5, 11-16, 16-23 and 24-32 as shown on drawing 1334/2502

Reason: Having regard to Herefordshire Unitary Development Plan E5, TCR2 and TCR9 part of the justification for Class A retail development on this site is the maintenance of an appropriate level of Class B employment.

8. 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

9. G01 (Earthworks)

Reason: In order to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan).

10. 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.

11. 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.

12. G15 (Landscape maintenance arrangements)

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

13. H15 (Turning and parking: change of use - commercial)

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

14. 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

15. 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

16. H30 (Travel plans)

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

17. I33 (External lighting)

Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 of Herefordshire Unitary Development Plan

18. 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.

19. Surface water discharges shall only be permitted to discharge to the public surface water sewerage 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.

20. 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.

INFORMATIVES:

- 1. W01 - Welsh Water Connection to PSS**
- 2. W02 - Welsh Water rights of access**
- 3. N19 - Avoidance of doubt - Approved Plans**
- 4. N15 - Reason(s) for the Grant of Planning Permission.**

50. DCSE2008/1091/F - BP NORTHBOUND ROSS SPUR, ROSS ON WYE, HEREFORDSHIRE. HR9 7QJ. (AGENDA ITEM 6)

Erection of retail warehousing (A1 non food)

The Senior Planning Officer reported the following:

A letter received from the applicant confirmed:

1. Halfords have now, since you prepared the report, confirmed their intention to take the third unit. The development is therefore committed, subject to planning.
2. With respect to item 1 of the recommendation referring to departure aspects. I feel it would be beneficial if the Committee were made

aware that this related to the AONB status, as described in your report item 6.2, and policy LA1, rather than other issues such as employment land.

An updated Travel Plan was received on 13 October that included the recommendations of the Sustainable Travel Officer.

In accordance with the criteria for public speakers Mr Woodman, representing Hereford and Worcester Chamber of Commerce, spoke in support of the application.

Councillor RH Smith noted the concerns raised by the Forward Planning Manager who questioned the need for the development. He also felt that the application was contrary to Policy LA1 of the Herefordshire Unitary Development Plan as the site fell within an area of outstanding natural beauty. He went on to note that the retail units intended to sell bulk goods and therefore questioned the need for a section 106 contribution towards footpath and cycle path improvements and felt that the funds would be better allocated on improving the roundabout at the entrance to the site. In summing up he voiced his concerns in respect of the negative effect that granting the application could have on the town centre and felt that he could therefore not support the application.

Councillor H Bramer concurred with the comments of Councillor Smith and felt that the application should be refused as it was contrary to policy LA1. He added that he also had concerns regarding the design of the units and the access to the site from the A449/A40 roundabout.

Councillor PGH Cutter, the Chairman speaking in his capacity of local ward member, agreed that granting the application could have a negative impact on the town centre of Ross-on-Wye. He felt that the traffic manager's proposal to re-route the local bus service in order to service the site was a positive move.

A number of members felt that the application would have an adverse effect on the town centre as well as being concerned as to the suitability of the existing roundabout at the access to the site. Other members noted that the transport assessment had concluded that there would be no material impact on the A449/A40 roundabout.

A motion to refuse the application failed and the resolution below was then agreed.

RESOLVED

That:

- 1) Subject to securing a resolution to approve planning permission, the application be advertised as a departure to the development plan and further consideration be given to the need to notify the Secretary of State based upon the responses received.**
- 2) The Legal Practice Manager be authorised to complete a planning obligation agreement under Section 106 of the Town and Country Planning Act 1990 regarding contributions towards highway works and the provision of a bus service and any additional matters and terms as he considers appropriate.**
- 3) Upon completion of the aforementioned planning obligation, and in consultation with the Chairman and Local 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. A01 (Time limit for commencement (full permission))

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

2. The premises shall be used as a retail warehouse within Class A1 of the Town & Country Planning (Use Classes) Order 1987 with the exception of the following uses:

- i) the sale of food and drink to be consumed off the premises;
- ii) sale of clothing and footwear;
- iii) sale of cutlery, crockery and glassware;
- iv) sale of jewellery, clocks and watches;
- v) sale of toys, camping and travel goods;
- vi) sale of books, audio and visual recordings and stationery except for the retail sale of office supplies, office equipment and office furniture including the sale of both bulky and non-bulky catering packs of food and drink for office use;
- vii) sale of medical goods, cosmetics and toiletries;
- viii) sales of sports goods, equipment and clothing;
- ix) all uses within Categories A1 (B to K) of Class A1;

except where the retail sale of these goods forms a minor and ancillary part of the operation of any of the retail activity.

Reason: The Council's policy as set out in the Hereford Unitary Development Plan is directed towards the protection of the commercial viability of the existing central shopping and commercial areas. This condition is imposed in order to clarify the terms of the permission in accordance with the Council's stated policy, having regard to the need to protect the vitality and viability in accordance with Herefordshire Unitary Development Plan Policies TCR2 and TCR9.

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. G01 (Earthworks)

Reason: In order to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan).

5. 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.

6. 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.

7. G15 (Landscape maintenance arrangements)

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

8. H15 (Turning and parking: change of use - commercial)

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

9. 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

10. 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

11. H30 (Travel plans)

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

12. I33 (External lighting)

Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 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. L04 (Comprehensive & Integrated draining of site)

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

INFORMATIVES:

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

51. DCSW2008/2058/F - LITTLE LLANAFON FARM, DORSTONE, HEREFORDSHIRE, HR3 6AT. (AGENDA ITEM 7)

Installation of small domestic wind turbine.

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

Councillor PD Price, the local ward member, noted the concerns of the Parish Council and had reservations regarding the efficiency savings generated by wind turbines.

Members noted that on previous occasions wind turbine applications had been refused by the sub-committee but consequently allowed following appeal. They had some reservations regarding the location of the wind turbine as it could be clearly seen from the B4348 and also requested guidance regarding levels of noise. They noted PPS22, the government guidance regarding sustainable energy, and on balance felt that the application should be approved.

Members noted that the Planning Committee were due to attend a site visit in the near future which related to a wind farm. The Head of Planning and Transportation advised that the application due to come before the Planning Committee was a considerably larger application and advised them that the current proposal should be determined on its own merit.

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. G13 (Tree 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. **The applicant is requested to notify the Defence Estates Safeguarding Officer the date construction starts and ends, the maximum height of any construction equipment and latitude and longitude of the turbine in order that it is plotted on the flying charts.**
 2. **N19 - Avoidance of doubt - Approved Plans**
 3. **N15 - Reason(s) for the Grant of Planning Permission**
52. **DCSE2008/2209/F - HARTLETON LODGE, BROMSASH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SB. (AGENDA ITEM 8)**

Single and two-storey extensions.

The Principal Planning Officer reported the following:

One further letter of objection had been received from Mary Pytel, Pytel Sculpture, Hartleton, Bromsash, Ross-on-Wye, HR9 7SB. The content was summarised as follows:

- The proposal amounts to a doubling in size of the former lodge building, which has already been extended;
- The existing extension is already out of character as it is finished in render, not local stone, which is the predominant material in the locality;
- The property is in an elevated position, so an additional extension would be a 'disaster.'

He also reported the comments of Linton Parish Council who stated:

Taking into account submissions made to the Parish Council yesterday (13.10.08) we ask you to note a local residents concerns that windows on the extension would invade her privacy and be to the detriment of the amenities she now enjoys. Other local residents were concerned at the size of the extension and the prominence of its position, also trees and shrubs had been removed from the garden to accommodate the extension making it even more visible.

Councillors were surprised to note that the Planning Officer confirmed that there was no record of previous extensions to the house. Parishioners recall an extension being built onto a small stone cottage in the early to mid 1990s; we suggest that a site visit should have confirmed this as the extension is clearly visible. UDP Policy H18 – 1. requires the original building to be the dominant feature. We suggest that this extension does not meet that requirement.

If the Planning Committee decide to grant permission for this development great care should be taken that the detailed design and materials are in keeping with the neighbouring buildings i.e. local stone.

The Principal Planning Officer commented that there was some conjecture as to the date of the previous extension to the property. A further planning history search had revealed that permission was granted on 23 September 1968 (Code no. 26246) for

alterations and additions to the existing dwelling. The additions approved under this permission referred to the rendered section of the existing dwelling. It would appear, therefore, that the most recent extension to the property dated from the late 1960s and not the early to mid 1990s.

In accordance with the criteria for public speaking Dr Bartensham, representing the local residents, spoke in objection to the application.

Councillor H Bramer, the local ward member, noted that the previously approved extension to the original stone building was large in scale. He felt that approving the application would be contrary to Policy H18 of the Unitary Development Plan as the original dwelling would not remain the dominant feature.

RESOLVED

That: (i) The Southern Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the application to the Planning Committee:

A) contrary to Policy H18 of the Unitary Development Plan.

(ii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application subject to such reasons for refusal referred to above.

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

53. DCSE2008/1992/F - THORNY ORCHARD, PART OF OS PLOT 8691, COUGHTON, ROSS ON WYE, HEREFORDSHIRE. (AGENDA ITEM 9)

Construction of retaining wall.

Councillor JG Jarvis, the local ward member, felt that a site inspection would be beneficial to members prior to determining the application. He therefore proposed a site inspection as he felt that a judgement was required on visual impact.

RESOLVED

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

i) A judgement is required on visual impact.

54. DCSW2008/1885/F - WELL COTTAGE, PRIORY WOOD, CLIFFORD, HEREFORDSHIRE, HR3 5HF (AGENDA ITEM 10)

Replacement of steel framed stable etc building with oak framed garage/storage/studio building, enlargement to residential curtilage, formation of ecology pond and improvement to vehicular access.

RESOLVED

That planning permission be granted subject to the following conditions:

1. Notwithstanding the provisions of paragraph 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2008 (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Class E of Part 1 shall be carried out within the extended residential curtilage hereby approved.

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.

2. Any works carried out to the existing building (identified as a shed on the approved site plan) adjoining the pond shall be the subject of the prior written approval of the local planning authority. This building shall remain as an ancillary building to Well Cottage in accordance with Condition 3.

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

3. F07 (Domestic use only of garage/store/studio)

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

4. F13 (Restriction on separate sale)

Reason: It would be contrary to the policy of the local planning authority to grant permission for a separate dwelling in this location having regard to Policy H7 of Herefordshire Unitary Development Plan.

5. H05 (Access gates) (5 metres)

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

Informatives:

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

55. DCSW2008/2020/O - ETNA, ORCOP HILL, MUCH DEWCHURCH, HEREFORDSHIRE, HR2 8EW. (AGENDA ITEM 11)

Provision of 6 affordable (discounted market housing) dwellings, bio-disc treatment plant and use of existing access, 6 attached single garages.

In accordance with the criteria for public speaking Mr Baly, a local resident, spoke in objection to the application and Mr Griffin, the applicant's agent, spoke in support.

Councillor MJ Fishley, one of the local ward members, noted that the map included

in the officer's report did not include all of the dwellings in the vicinity. She felt that the maps were only of use to members if they were up to date. She felt that the proposed expansion to the site was reasonable and noted that Orcop parish council were in support of the application. In summing up she felt that approving the application would result in good quality, affordable homes for the residents of Orcop and she therefore moved approval of the application contrary to the officer's recommendation.

Councillor RH Smith, the other local ward member, noted that the existing 6 discounted market value dwellings were approved following a housing needs survey which identified a need of 18 dwellings. He felt that Orcop Hill was a cohesive community with a public house, a chapel and a bus service and would be an ideal location for affordable housing. However he noted that the application was contrary to UDP Policy H10 which permitted one development of affordable housing subject to an identifiable need. He added that the Sub-Committee may be persuaded to approve an application contrary to Policy H10 as long as a housing needs survey was completed to quantify the requirement. He added that this would also be subject to the provision of a suitable site with community and Parish Council support as well as the provision of affordable housing under the precise definition. In summing up he felt that the applicant's proposal to reduce the market price of the dwellings by 30% did not constitute affordable housing and that coupled with the lack of a recent housing needs survey left him with no option but to support the officer's recommendation.

Members discussed the application and had concerns regarding the affordability of the proposed dwellings. They also had strong reservations regarding the allocation of the previous dwellings and felt that a number of these had not been allocated to local residents. They felt that it would be beneficial to defer determination of the application in order to consult with Strategic Housing in respect of the matter.

RESOLVED

That determination of the application be deferred pending further information from Strategic Housing and the applicant.

- 56. DCSW2008/2206/F - ALDERMEAD COTTAGE, LLANWARNE,
HEREFORDSHIRE, HR2 8JE. (AGENDA ITEM 12)**

Proposed replacement of existing bungalow with permission to extend with new two storey dwelling of same size as extended bungalow.

In accordance with the criteria for public speaking Mrs Wood-Power, a neighbouring resident, spoke in objection to the application.

Councillor RH Smith, the local ward member, noted the concerns of the public speaker but felt that approving the application would have a minor impact on traffic movements and therefore moved the officer's recommendation.

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. B02 (Development in accordance with approved plans and materials)

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

3. H10 (Parking - single house)

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

4. F14 (Removal of permitted development rights)

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.

Informatives:

1. N19 - Avoidance of doubt - Approved Plans

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

The meeting ended at 4.35 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCSE2008/1803/F**

- The appeal was received on 13 October 2008
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr T Dannett
- The site is located at Rear of Hazelnut Cottage, Llangrove, Ross-on-Wye, Herefordshire, HR9 6EZ
- The development proposed is 6 new detached houses
- The appeal is to be heard by Written Representations

Case Officer: Edward Thomas on 01432 260479**Application No. DCSW2008/1468/O**

- The appeal was received on 16 October 2008
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr D Warwick
- The site is located at Treheath, Longtown, Herefordshire, HR2 0LD
- The development proposed is One infill dwelling to the North West of Treheath with new vehicular access to the highway.
- The appeal is to be heard by Written Representations

Case Officer: Andrew Prior on 01432 261932**APPEALS DETERMINED****Application No. DCSW2007/3746/F**

- The appeal was received on 6 June 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 N Jones
- The site is located at Hazeldene, Green Lanes, Kingstone, Herefordshire, HR2 9EX
- The application, dated 5 December 2007, was refused on 30 January 2008
- The development proposed was Erection of 3 starter homes replacing old concrete bungalow.
- The main issue is the effect of the proposed development on the appearance of the streetscene.

Decision: The appeal was DISMISSED on 18 September 2008**Case Officer: Angela Tyler on 01432 260372**

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

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

5 DCSE2008/1992/F - CONSTRUCTION OF RETAINING WALL AT THORNY ORCHARD, PART OF OS PLOT 8691, COUGHTON, ROSS ON WYE, HEREFORDSHIRE.

For: Mr A Chowns per Paul Smith Associates, 12 Castle Street, Hereford, HR1 2NL.

Date Received: 1 August 2008 **Ward: Kerne Bridge** **Grid Ref: 59828, 20834**
Expiry Date: 26 September 2008
 Local Member: Councillor JG Jarvis

Introduction

The application was deferred for a site visit at the meeting of the Southern Area Planning Sub-Committee on 15 October 2008.

1. Site Description and Proposal

- 1.1 Thorny Orchard is a triangular parcel of land that extends to 0.6ha. It comprises sloping land on the south-east side of the Coughton - Howle Hill road, which has been terraced following the grant of planning permission in 2004 for the erection of a building for the storage and repair of vehicles (DCSE2004/0220/F).
- 1.2 The existing planning permission has been partially implemented but it became apparent that the blockwork wall that currently remains in situ did not accord with the approved plan and furthermore it was established that as constructed the wall would not provide adequate support to the public footpath, which passes along an elevated route immediately above the wall.
- 1.3 Whilst the originally approved scheme envisaged a stone-faced retaining wall, it is now proposed to erect a 'timber crib' wall at this location in replacement of the proposed stone wall. The proposed wall would measure 34 metres long and 3.7 metres high at its northern end rising to 5.7 metres where it adjoins the site entrance. The wall would comprise a timber framework infilled with a granular material and planting bags, which would, over time, allow plants to become established across the wall face.

2. Policies

2.1 Herefordshire Unitary Development Plan

Policy S2	-	Development Requirements
Policy S7	-	Natural and Historic Heritage
Policy DR1	-	Design
Policy E8	-	Design Standards for Employment Sites
Policy LA1	-	Areas of Outstanding Natural Beauty
Policy T6	-	Walking

3. Planning History

- 3.1 DCSE2003/1002/F Proposed building for the storage and repairs of agricultural, horticultural, automotive and plant machinery - Withdrawn 22.10.03

- | | | |
|-----------------|--|--|
| DCSE2003/2157/F | Retention of existing replacement hay barn, hardstanding and terrace | - Approved at SAPSC 05.11.03, contrary to officer recommendation |
| DCSE2004/0220/F | Proposed building for the storage and repairs of agricultural, horticultural, automotive and plant machinery | - Approved 13.05.04, contrary to officer recommendation |

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Traffic Manager expresses concerns regarding the proposed, existing and on-going works on site, including the proposed retaining wall, the formation of satisfactory visibility splays and turning circle and the stability of the bank adjacent to the highway.

"I have concern regarding the stability of both the existing wall and the proposed replacement retaining wall with any possible (structural) impact on the adjacent public highway and the public right of way above. Both the Construction Projects Officer and Public Rights of Way Officer have serious concerns. The heights of the wall and the distances involved combined with the topography of the area make these walls very significant structures and there are concerns that the wall could collapse onto the highway. With regard to the proposed new retaining wall the developer would need to submit a document describing how the wall will be designed, to be approved by the Council. It is likely that a structural/geological investigation would need to be undertaken and calculations submitted."

- 4.3 Public Rights of Way Manager: "Of paramount concern is the safety of people walking along the public footpath and assurance should be sought that a chartered engineer has approved the design. It is also important to ensure that the construction work is overseen by a chartered engineer to ensure the final structure is safe." It is also stipulated that the public footpath be restored to its historic width following completion of the project and that a safety fence of sufficiently robust construction should also be the subject of a planning condition. Responsibility for maintaining this fence will rest with the landowner.

5. Representations

- 5.1 Walford Parish Council: No objection. "It was considered that the proposed wall would be an improvement on the existing 'new' wall as long as the project was carried out exactly according to these plans."
- 5.2 Two letters of objection have been received from Mr F. Myers MBE Wythall, Walford, Ross-on-Wye HR9 5SD and Mr. G Lewis 23 Coughton Place, Coughton, Ross-on-Wye HR9 5RX. The content of these letters is summarised as follows:

- The wall is substantially longer and taller than envisaged under the original planning permission because the applicant has excavated into the hillside. The

- approved wall was 8-9m from the southeast boundary and 14m long. The proposed wall is now 34.5m long with a height of 5.7m;
- it was formerly stated that the adjacent public footpath would be unaffected - it is now necessary to install timber posts and railings atop the proposed wall to accompany an elevated footpath;
 - Footpath WA50 has been closed as a result of being undermined and has also been reduced in width;
 - it is abundantly clear that the present application is for a completely different structure to that envisaged in planning application DCSE2004/0220/F and this new application appears to attempt to mask the fact that the site has been developed way beyond the scope of the original permission;
 - the vehicular access has moved and the previously stipulated visibility cannot be achieved;
 - the planning permission was granted against officer advice and the site is now much larger than was approved. Trees that were to be retained have also been felled;
 - the Council should not accept piecemeal applications to regularise offending items. The applicant should be required to restore the site to its formerly approved dimensions, whereby a much smaller retaining wall would be satisfactory;
 - the original was an ill-conceived planning permission imposed upon local residents, which has destroyed the appearance of this part of the Area of Outstanding Natural Beauty.
- 5.3 In response to the concerns expressed by the Public Rights of Way Manager, the scheme engineers (Phi Group Retaining Structures) have responded as follows:
- The Permacrib retaining wall system carries a 60-year guarantee against insect and fungal attack and the components are pressure treated to BS8147:2003;
 - the detailed design will be supervised and signed off by an experienced Chartered Engineer with construction overseen on site;
 - a safety fence/guard rail can be provided to the client's specification or void formers can be installed as works proceed for a fence to be installed post construction if required;

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

6. Officer's Appraisal

- 6.1 The application seeks planning permission for the erection of a retaining wall on the site, which itself has the benefit of planning permission for the erection of a building for the storage and repair of agricultural, horticultural, automotive and plant machinery (DCSE2004/0220/F). The grant of approval in 2004 was contrary to professional advice. Officers recommended refusal on the basis of the suggested adverse impact upon the landscape quality of the AONB. Nonetheless that permission has been implemented and pre-commencement conditions discharged. The key issues in the determination of the current application (as it was in the 2004 proposal) is whether the impact of the proposed works is acceptable given its location in the Wye Valley AONB and ensuring that the works as proposed do not compromise the use of the section of public footpath which skirts the southern boundary of the site.
- 6.2 Ground works have occurred beyond the scope of the original site of the 2004 permission. This work has ceased without recourse to enforcement action. However, the implementation of the planning permission has identified technical difficulties

around the site access. The proposed wall is no longer in the position as shown on the original approved plan, but is positioned further to the southeast. This necessitates a longer, taller wall.

- 6.3 Your officers accept that the development as a whole has an adverse impact upon the landscape quality of this part of the AONB. The ground works, retaining wall, proposed building and ancillary works have and will continue to impact on the character of the area, giving the site a more industrial appearance. However taking the development and site as a whole, the proposed retaining wall needs to be assessed in relation to whether or not it creates additional harm over and above that already approved by the 2004 permission. In this respect, unlike the approved stone wall, the 'Permacrib' construction will allow foliage to grow across the face of the wall over time with the effect that the structure will eventually blend into the backdrop provided by the hillside. The proposal would also have the dual function of allowing the effective implementation of the 2004 permission and provide for the support of the adjacent public footpath, which would otherwise remain unsafe. Notwithstanding these benefits, it is acknowledged that the proposed wall is substantially bigger in scale than that approved in 2004.
- 6.4 It should be borne in mind that approval of this application will not prejudice the local planning authority's power to pursue enforcement action against other aspects of the development that do not accord with the previously approved plans, and these form part of an ongoing investigation.
- 6.5 On balance, the proposed wall is not considered to cause further significant harm to the character or appearance of the immediate landscape over and above that which has already been approved by the 2004 proposal and provides an acceptable solution to the problems encountered in the implementation of the original planning permission.
- 6.6 In the event that Members do not find this current proposal acceptable, your officers will need to consider the expediency and appropriate nature of any enforcement action. As always, Members should determine the current application on its merits giving appropriate weight to planning policies and all other material planning considerations.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 The development hereby approved, which shall include any necessary fence/guard rail to serve the adjoining public footpath, shall be completed in accordance with the approved plans and associated conditions attached hereto within 12 months of the date of this permission**

Reason: In order to maintain the visual amenities of the area and to comply with Policies LA1 and LA6 of the Herefordshire Unitary Development Plan.

- 2 B02 (Development in accordance with approved plans and materials)**

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

- 3 Within 3 months of the date of this permission, details of the construction methodology for the retaining wall hereby approved shall be submitted for the**

written approval of the local planning authority. The development shall be carried out in accordance with the approved design.

Reason: To ensure that the construction of the wall is in accordance with the approved details in the interests of providing effective support to the adjacent public footpath so as to comply with Policy T6 of the Herefordshire Unitary Development Plan 2007.

- 4. Within one (1) month of the date of this permission a scheme of landscaping shall be submitted for the written approval of the local planning authority. The scheme shall include a written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with the plant and grass establishment.

The landscaping scheme approved under this condition shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs, or other plants which 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 plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.

Reason: In order to maintain the visual amenities of the area and to comply with Policies LA1 and LA6 of the Herefordshire Unitary Development Plan.

- 5. Within three (3) months of the date of this permission, details of the fence/guard rail to serve the adjoining public footpath WA50 shall be submitted for the written approval of the local planning authority. Details shall include sections and elevations at a metric scale of not less than 1:20. The fence/guard rail shall be completed to a timescale that accords with condition 1.

Reason: To ensure that the public footpath is safe for use by members of the public so as to comply with Policy T6 of the Herefordshire Unitary Development Plan.

INFORMATIVES:

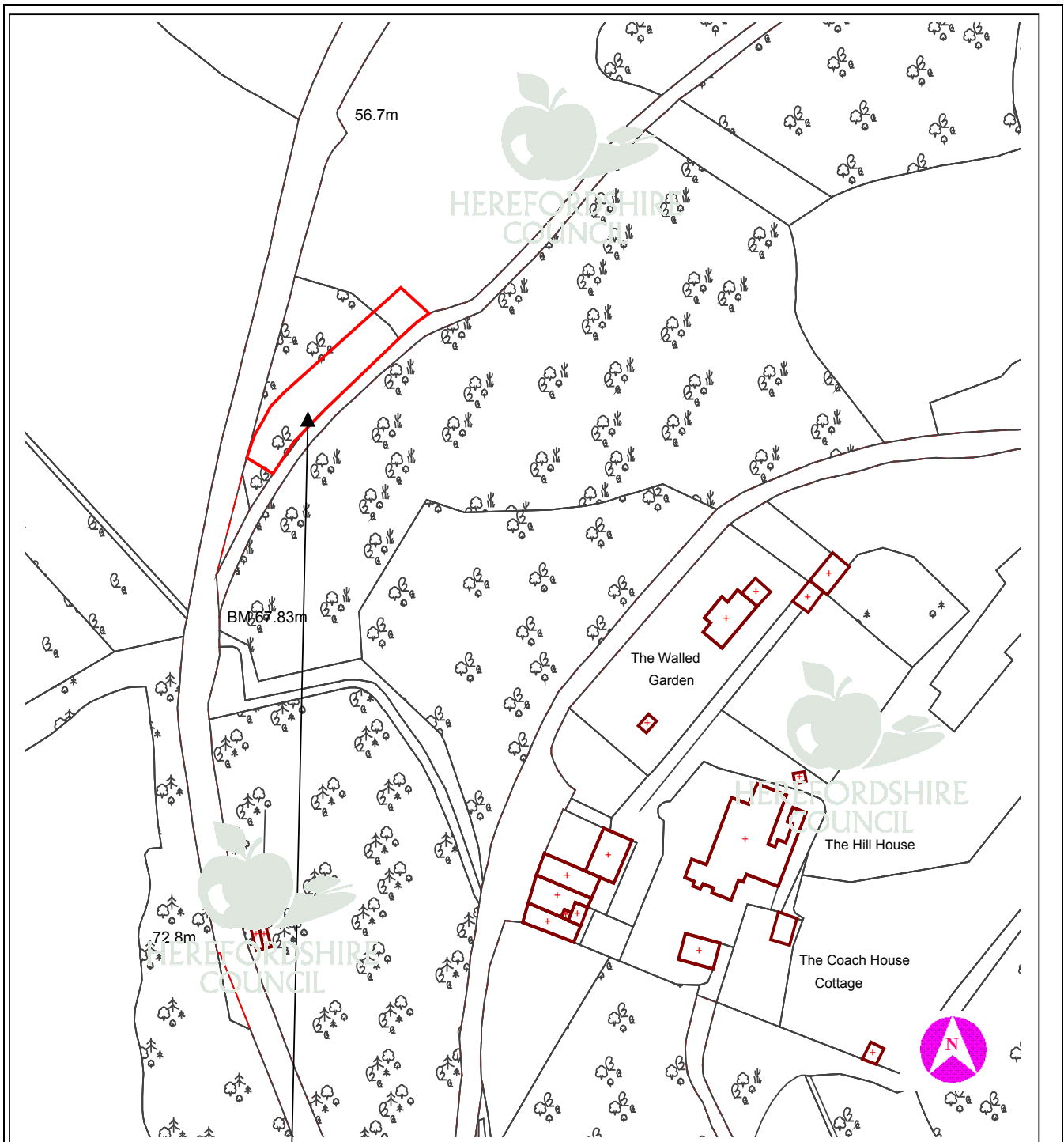
- 1 N19 - Avoidance of doubt - Approved Plans
- 2 N15 - Reason(s) for the Grant of Planning Permission

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2008/1992/F

SCALE : 1 : 1250

SITE ADDRESS : Thorny Orchard, Part of OS Plot 8691, Coughton, Ross on Wye, Herefordshire

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6 DCSW2008/2020/O - PROVISION OF 6 AFFORDABLE (DISCOUNTED MARKET HOUSING) DWELLINGS, BIO-DISC TREATMENT PLANT AND USE OF EXISTING ACCESS, 6 ATTACHED SINGLE GARAGES, ETNA, ORCOP HILL, MUCH DEWCHURCH, HEREFORDSHIRE, HR2 8EW.

For: Mr K Jones per Brian Griffin P&CC Ltd, The Cottage, Green Bottom, Littledean, Gloucester, GL14 3LH.

Date Received: 4 August 2008

Ward: Pontrilas

Grid Ref: 48137, 28175

Expiry Date: 29 September 2008

Local Member: Councillors MJ Fishley and RH Smith

Introduction

This application was presented to Southern Area Planning Sub-Committee on 15 October 2008 and was deferred pending further details being provided relating to house sales on the existing site. The information has been provided by Strategic Housing and is set out in full at Section 4.4 below. The officer's appraisal has been updated to reflect these additional comments.

1. Site Description and Proposal

- 1.1 The proposal site is on the western side of Lyston Lane, a Class III road (C1235) that links Orcop Hill to the A466 road.
- 1.2 Access to the site is via an existing surfaced road that passes the north-eastern side of Etna, a dwelling lived in by the applicant. This roadway, with improved visibility to the north-east, serves six affordable market dwellings (approved pursuant to DCSW2004/0047/O) which are down slope from and to the south-west of the application site. These three pairs of dwellings are subject to a Section 106 Agreement that discounts the market value of the semi-detached properties by 30%. It is proposed that the current proposal would again be subject to a discount of 30% of their market value.
- 1.3 This open site was formerly partly covered by two poultry units. This is an outline application and the only matter to be determined at this stage is the means of access. All other matters are reserved for future consideration.
- 1.4 The roadway and the majority of the site lies within the Pontrilas Ward with a much smaller portion adjoining the existing six dwellings recently constructed within the Vallets Ward.
- 1.5 Orcop was identified as a settlement in the South Herefordshire District Local Plan, and the above-mentioned 2004 application was considered in relation to this plan.

Orcop is no longer classified as a settlement within the Herefordshire Unitary Development Plan and in policy terms is regarded as a site within open countryside.

2. Policies

2.1 Government Guidance

PPS3	-	Housing
PPS7	-	Sustainable Development in Rural Areas

2.2 Regional Planning Guidance for the West Midlands (RSS)

2.3 Herefordshire Unitary Development Plan

Policy S1	-	Sustainable Development
Policy S6	-	Transport
Policy H7	-	Housing in the Countryside Outside Settlements
Policy H10	-	Rural Exceptional Housing
Policy H13	-	Sustainable Residential Design
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy LA3	-	Setting of Settlements

2.4 Supplementary Planning Guidance & Other Material Considerations

Planning Obligations (adopted April 2008)
Herefordshire Housing Needs Assessment 2005

3. Planning History

3.1	Code 11623	2 flock houses, boiler house and agricultural workers bungalow	-	Approved August 1961
	SH930279PF	Demolish 2 existing poultry houses and buildings and replace with 2 modern poultry houses, bins	-	Approved 21.04.93
	SH971420PF	Extension of time for one year only (conditions 1 – 7) excluding condition 6 agreed on SH930279PF	-	Approved 09.12.97
	SS990095PF	Extension of time for 2 years only for planning permission SH971420PF	-	Approved 16.03.99
	SW2001/0496/F	Extension of time for 2 years of previous planning permission SS990095PF	-	Approved 11.04.01
	DCSW2003/2651/O	Site for 11 dwellings with bio-disc treatment system (affordable housing)	-	Withdrawn 28.11.03

DCSW2004/0047/O	Site for 6 dwellings (affordable market housing), removal of poultry buildings	- Approved 31.08.05 (subject to Section 106/ Planning Obligation)
DCSW2006/1032/O	Variation on condition 5 of DCSW2004/0047/O	- Approved 05.05.06
DCSW2006/1534/RM	6 dwellings for affordable market housing	- Approved 18.07.06

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Traffic Manager states that "visibility is sub-standard, access now needs to be set back 2.4 metres (wing walls hide visibility). Layout of access road not to design specification, must be adopted; access to road not acceptable, needs to be re-aligned."
- 4.3 Strategic Housing makes the following observation:

"Strategic Housing does not support the above application for 6 discounted market houses at Orcop Hill. Orcop is classed as an undefined settlement therefore development is limited to the construction of a single affordable dwelling. Orcop also has a lack of facilities and services, making it an unsustainable location for affordable housing.

Strategic Housing do not consider the units to be affordable with the proposed 30% discount. To be affordable the units would need to be discounted in line with the Supplementary Planning Document, Planning Obligations 2008 – technical data, i.e. a 3 bed would be £109,000."

Updated comments relating to the existing 6 properties:

- 4.4 "I have listed below the prices that the original 6 properties were sold for, from Land Registry information:

1 Birch Grove	£113,750
2 Birch Grove	£119,950
3 Birch Grove	£115,000
4 Birch Grove	£145,000
5 Birch Grove	£145,000
6 Birch Grove	£149,950

- The original prices agreed by Councillors with the 30% discount were £113,750 and £140,000. This figure is higher than we (Strategic Housing) wanted as we suggested the SPG figures which at the time were £104,515 and £110,321. Therefore the discounted price should be nearer 40%. The SPG figures that we are currently using are £103,000 and £109,000 therefore we are again looking for a 40% discount. Two low cost market schemes recently completed have been discounted by 40%, they are Risbury and Walford.

- Bradbury Lines low cost market properties were again agreed for a 30% discount and recently we have had to convert them to rented units because they have not been sold. To do this we had to support Housing Corporation funding to convert the units, therefore becoming units with grant assistance.
- The average salary in the County is just over £20,000 so our figures have been calculated for affordability on that basis.
- Unsustainable since the local people stated in the housing need studies that they wanted social housing and low cost purchase up to £90,000.

The Housing Need Study Page 7 para 2 states: "8 people mentioned lack of facilities - shop, post office, children's playground and some felt there should be no further development without such services"

Mainly smaller 2 bed accommodation was suggested as being needed in the Housing Need study page 8 para 3.

- All the properties as agreed in the original S106 were advertised through Homepoint, in total 51 people placed bids for those properties however, only two applicants returned their information to us to be assessed. We know that we put one person forward with a local connection that was housed.

I now have the names of the households who purchased the properties. I can advise that 3 are from Orcop and 2 are from outside the area, 1 is unknown. Of the three with a connection only one paid the agreed price."

5. Representations

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

- previous application was based on housing needs assessment identifying a need for 18 emergent and existing households to be provided with suitable housing
- response of over 40 local applicants
- given response for emergent households, this application is made
- six affordable discounted market houses, one adapted for wheelchair use are proposed
- since 2005 draft Regional Spatial Strategy requires an increased rate of house building, both market and affordable housing
- outline application, all matters reserved, save the means of access.

5.2 In the Design and Access Statement submitted the following main points are made:

Amount - 6 two-bedroom discounted market houses (30%) with single detached garage. Semi-detached in cul-de-sac.

- each dwelling approximately 90m squared
- connecting pavement to 6 recently built houses
- Orcop Hill served by minor roads
- site is mainly flat with slight rise to north and west
- bio-disc treatment system would be installed

Orcop Housing Needs 2003

- undertaken by Housing Department between Jan - March 2003. Higher than normal response, i.e. 67% of 379 resident population
- identified greater need than average parish for additional affordable market housing
- need for 11 new dwellings, seven affordable and four market housing for emergent households, and for existing households a need for seven dwellings, no affordable, all market housing
- 18 new dwellings (11 market and 7 affordable)
- previous scheme attracted exceptional response of over 40 local applicants

Planning Policies

- comprises Unitary Development Plan and West Midlands draft RSS. Unitary Development Plan's rural regeneration policy is 'seeking adequate provision of local housing to meet local needs, including affordable housing'.

Layout

- adjoins existing site, appears as part of established group with common access and linking pavements to Orcop.

Scale

- about 6.5m high, garage 3.3m high
- approximately 6.5m x 7m in area

Landscape

- each dwelling will have side and rear gardens
- 3 clumps of trees will be planted; close boarded fencing between properties

Appearance

- to be affordable will be block rendered mortar and tiled roof matching that used on adjacent site

Access

- existing access utilised

General Information

- Orcop Hill dispersed settlement of mostly two-storey brick or stone dwellings
- it has a public house, chapel, telephone box
- four bus stops serve Orcop Hill
- Policy S1 is also relevant
- Orcop is in open countryside under Policy H7, only exceptions for rural businesses and rural exception sites in line with Policy H10 will be permissible
- Policy H10 limits exceptions to one dwelling therefore on face of it proposal contrary to Policy H7
- factors needed to be taken into account are:
 - (i) layout will not harm amenity or amenity of existing occupiers
 - (ii) RSS requires increase in housing provision in a very rural county
 - (iii) PPS7 states local planning authorities need to meet housing requirements in rural areas. PPS3 is committed.

- (iv) Government's National Housing Advisory Panel recommended a better mix of houses be provided, particularly low cost houses
- Orcop Hill is well served by public transport (bus route 412 Hereford - Orcop) proposed to be expanded
- not ribbon development as it constitutes a constrained block of development within outer boundary of Orcop Hill
- legal agreement would ensure dwellings only sold or rented at 30 per cent of their open market value
- acknowledged site is in open countryside, previous site would have been contrary to Unitary Development Plan, yet demand was considerable
- local community has approached client for further expansion
- one dwelling at least for special needs and one dwelling would be designed for wheelchair user
- 30 per cent discount as previously.

5.3 Much Dewchurch Parish Council make the following observations:

"This application raises questions of what can be regarded as exceptional circumstances, whether further development should be allowed on what is considered to be a Green Field Site, and if approved, will it not set a precedent for further applications for development on the remaining and adjoining land.

Much Dewchurch Parish Council appreciate that there may be a demand for the proposed type of housing from local people which should be addressed, but in this case UDP Policies H7 and H10 would be contravened if permission is granted for the proposed development."

5.4 Orcop Parish Council make the following observations:

"Orcop Parish Council has no objections to this application. It fully supports and welcomes the proposal for more affordable housing in the area."

5.5 Llanwarne Parish Council make the following observations:

"This site is not in Llanwarne, it appears to be in Orcop Parish. Llanwarne has no objections."

5.6 Four letters of representation have been received from:

Mrs V Harcombe, Wenmai Cottage, Orcop Hill, HR2 8SD
 J Manns & S Sayce, 2 Birch View, Orcop, HR2 8SH
 D G Baly, Lodge Farm, Orcop, HR2 8SA
 E A Baly, Lodge Farm, Orcop, HR2 8SA

The following main points are raised:

- cannot see there being any more purchasers when you can only sell one out of six
- can see houses standing empty for some time
- does not sit well. Presence of predominantly stone houses in Orcop
- additional traffic on narrow lane, wear and tear by farm traffic now made worse by more traffic

- where will bio-disc discharge to?
- area highlighted should be for landscaping
- took over a year to sell current houses, four of which could not sell through Home Point scheme
- understand only 3 sold at affordable price
- assured at planning meeting (at which I spoke) no further development
- Orcop has no shop, school; new residents would need to travel probably by car to Hereford, Ross or Monmouth
- high on skyline, visible from Harewood End and large area to east
- also bear in mind site is partly in parish of Much Dewchurch whose inhabitants live several miles away, unaffected by development and not able to see eyesore.

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

6. Officer's Appraisal

- 6.1 The main issue is considered to be the principle of developing the site having regard to Government guidance expressed in PPS7, the Regional Spatial Strategy and the policies of the Herefordshire Unitary Development Plan which restricts housing development in the open countryside.
- 6.2 In the supporting information, the applicant's agent correctly confirms that the site is in open countryside, that Orcop is not identified as a settlement and that the proposal is contrary to Policy H7 of the Herefordshire Unitary Development Plan. The previously approved and implemented scheme on the adjacent site was broadly supported by officers as it was considered that it related well to the existing dwellings on the fringe of Orcop Hill, which at the time was still recognised as a settlement under the terms of the South Herefordshire District Local Plan that remained in force as the now adopted Unitary Development Plan progressed towards adoption. Members may recall that the main issue at this time was the need to establish an acceptable discount on the market value of the dwellings. Officers sought this through a Section 106 Agreement that was based upon average income. Ultimately, Members supported a valuation of the six properties which discounted their open market valuation by 30%. The applicant is seeking to repeat this approach with the current proposal.
- 6.3 At the outset, the policy framework has now fundamentally changed from the time of the previously determined application. Orcop is no longer identified as either a main village or a smaller settlement in the Unitary Development Plan and as such this proposal must be considered with regard to Policy H7, which restricts residential development to limited exceptions that include dwellings required to meet the needs of an agricultural, forestry or other identified rural enterprise or rural exception housing compliant with Policy H10. According to this policy, rural exceptions will only be permitted adjacent to identified settlements and will generally only be made once during the Plan period. This fundamental policy objective is not satisfied and furthermore the Strategic Housing Manager objects to the proposal since the suggested 30% discount on the market value of the dwellings will not deliver affordable housing in accordance with Council policy. This is borne out by further information received by the Strategic Housing Manager above, which adds further weight to the originally stated objection and illustrates that 3 of the original 6 dwellings were sold at a higher value than was identified.

- 6.4 The applicant seeks to make a case that other material consideration should be given weight and cites a number of factors which he considers to outweigh those policy objections in the Herefordshire Unitary Development Plan. It is not considered that a small chapel, telephone box and public house and a bus route are factors that outweigh the policy issues set out above. The occupants of the six dwellings would be largely reliant on the need to drive to take children to school, use local shops, Post Office, go to work and go to a GP. This location is not sustainable for further residential development, a fundamental reason why in the review undertaken for the Unitary Development Plan, settlements such as Orcop were no longer considered to be appropriate locations where new residential development should be identified.
- 6.5 It is also considered that the site is not environmentally acceptable in that it extends residential development up slope to a more elevated position relative to the six houses recently built and residential property to the south-east. It is considered that this proposal will result in residential development effectively extending further into open countryside, up slope and away from the fringe of Orcop Hill. This would represent an uncharacteristic and damaging form of development.
- 6.6 In conclusion, whilst it is fully acknowledged that the delivery of affordable housing is an important Council priority, this must not be at the expense of policies aimed at restricting unsustainable forms of development within the open countryside. The Strategic Housing Manager does not support the type of housing proposed advising that a 30% discount on the market value of the proposed dwellings will not provide housing that will be affordable to local people, which was equally the case in the sale of the properties on the approved site. Accordingly, there is a fundamental policy objection to this proposal and furthermore the additional encroachment of dwellings onto a more elevated and prominent site would be harmful to the character and appearance of the surrounding countryside.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The proposal constitutes development in open countryside where there is a strong presumption against new residential development unless there are exceptional circumstances to justify otherwise. The development will not meet an identified local need for affordable housing and does not satisfy the requirements of the rural exceptions policy. The proposal is therefore contrary to Policies H7 and H10 of the Herefordshire Unitary Development Plan and the guiding principles of PPS7 – Sustainable Development in Rural Areas.**
- 2. The proposed development by reason of the layout and elevated position of the site would detract from the character and appearance of this part of Orcop Hill and the surrounding countryside and therefore the proposal is contrary to Policies DR1 and H13 of the Herefordshire Unitary Development Plan.**
- 3. The proposal by reason of its isolated rural location would not be sustainable in terms of reducing the need to travel by private car as required by Policies S1, S6 and DR2 and as set out in Government advice contained in PPS7 – Sustainable Development in Rural Areas and PPG13-Transport.**

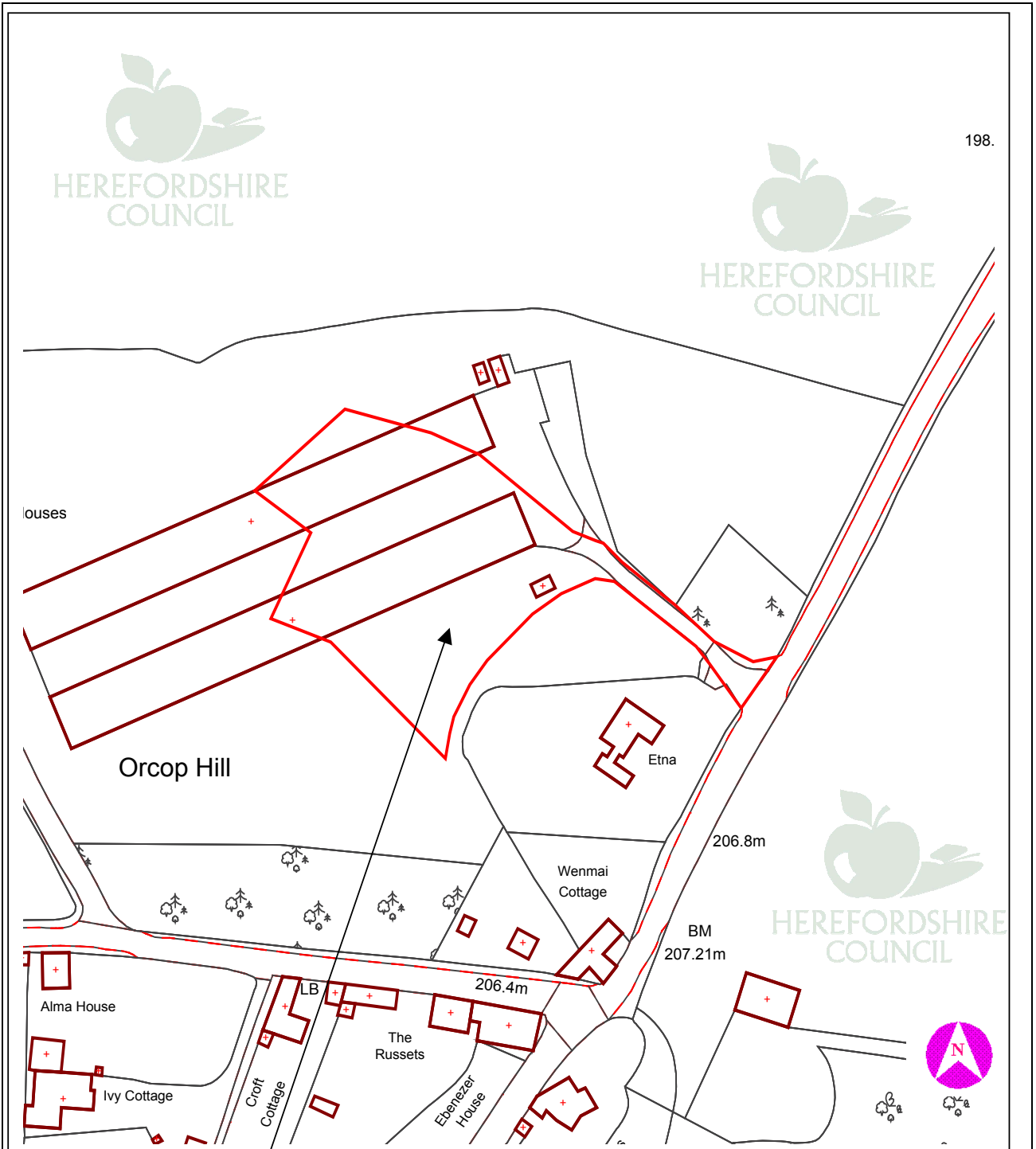
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2008/2020/O

SCALE : 1 : 1250

SITE ADDRESS : Etna, Orcop Hill, Much Dewchurch, Hereford, Herefordshire, HR2 8EW

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7 DCSW2008/1616/F - BARN CONVERSION FOR 2 UNITS OF HOLIDAY ACCOMMODATION, UPPER HOUSE, CRASWALL, HEREFORDSHIRE, HR2 0PN.

For: Mr A Koppens per Mr T Pitt-Lewis, 19 Elstob Way, Monmouth, NP25 5ET.

Date Received: 20 June 2008 Ward: Golden Valley South Grid Ref: 28634, 34343
Expiry Date: 15 August 2008

Local Member: Councillor JB Williams

1. Site Description and Proposal

- 1.1 Upper House Farm is reached off the western side of the C1203 that leads from Longtown north-westwards, through Craswall and on to Hay-on-Wye. The road that inclines westwards from the C1203 road is known as the Hill Road (u/c 75012) which is well treed on both sides before leading southwards to Upper House Farm.
- 1.2 Upper House Farm comprises a stone rubble house with barn at right angles to it, which was recently granted planning permission for use as ancillary accommodation to the dwelling. The land inclines steeply behind the house. The building the subject of this application is directly opposite the farmhouse and is down slope from it. The rectilinear stone rubble building is at right angles to the north-south aligned track. The building steps down such that the western gable end (opposite the farmhouse) is 4.1 metres to the ridge whilst the end of the first section of building is 6.2 metres to the ridge. The next section of building is lower and is 5.5 metres at its lowest rising to 6.4 metres at the top of the eastern gable end.
- 1.3 The larger unit will provide two bedrooms, kitchen and living room, all on the ground floor. There is a small gallery at first floor level lit by a single rooflight. The smaller unit will have one bedroom and bathroom provided on the first floor, over a kitchen and living room below. The scheme has been revised and improved from one that provided for more openings and broke through an existing wall separating the two elements. The larger barn also has a larger void area at first floor level.
- 1.4 The curtilage around the building proposed to be converted into two building units has been simplified such that existing stone walls are retained, made good where necessary and a terraced garden area on the northern side of the stone barn has been deleted from the scheme. A courtyard is created on the southern side of the building for the benefit of the two holiday units. An informal parking area is to the north of the barn. This area constitutes an informal pull-in off the unadopted track which serves Upper House Farm.

2. Policies

2.1 Planning Policy Statement

- | | | |
|------|---|--|
| PPS1 | - | Delivering Sustainable Development |
| PPS7 | - | Sustainable Development in Rural Areas |

2.2 Herefordshire Unitary Development Plan

Policy S1	-	Delivering Sustainable Development
Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy DR3	-	Movement
Policy HBA12	-	Re-use of Rural Buildings
Policy RST12	-	Visitor Accommodation
Policy RST13	-	Rural and Farm Tourism Development

2.3 Supplementary Planning Documentation

Re-use and Adaptation of Traditional Rural Buildings

3. Planning History

3.1	DCSW2005/1322/F	Conversion of adjoining barn to annex	-	Approved 07.07.05
	DCSW2007/1982/F	Two storey extension to farmhouse to replace single storey lean-to		Approved 02.08.07

4. Consultation SummaryStatutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 The Traffic Manager states that public highway and private access road are in poor condition. Provided works can be undertaken, conditions should be attached relating to parking provision.

4.3 The Conservation Manager states in respect of revised plans, the originally submitted scheme was objected to. The revised scheme makes good use of existing spaces particularly in Unit 1, openings are kept to a minimum, internal division wall is retained and the setting of the courtyard retained. Conditions recommended requiring further details for materials and finishes and prohibiting use of external meter boxes and satellite dishes.

4.4 No objection has been raised in relation to the impact of the conversion on protected species resorting to the building.

5. Representations

5.1 In a structural analysis that accompanied the application the applicant's agent concludes that:

- building is generally in good condition, only minor repairs to cracks and repointing in lime mortar
- despite lack of rainwater goods, since slate roof replaced by metal cladding, the walls have weathered well
- replacement work needed for roof

- works are not major or constitute complete rebuilding work. Scheme satisfies requirements of Policy HBA12.
- 5.2 In the Design and Access Statement accompanying the application the following main points are raised:
- typical upland barn, constructed parallel to slope of hill to aid natural drainage
 - barn divided into two parts, upper half is single storey with full height space internally, lower half steps down from it, stables to ground floor, hayloft above
 - traditional random coursed stone with some original trusses under a corrugated metal roof
 - building redundant for a number of years. Should be considered in relation to Policies HBA12 and RST12 (for visitor accommodation)
 - majority of new openings on south side, where they will be less prominent
 - new slate roof
 - existing detached sheds retained for storage use, garden facilities, etc
 - ecological survey carried out

Access

- existing common parking area will be used
- additional screening for this parking area

Summary

- sympathetic conversion in accordance with Council's policy favouring commercial use in preference to full residential conversion.
- 5.3 In a further letter received from the applicant's agent, the following main points are raised in relation to revised plans submitted:
- internal layout altered, separation now on line of existing wall between two barns
 - full height character retained in Unit 1. In Unit 2, ground floor is one large open space with one large bedroom above
 - openings including rooflights reduced to minimum; French doors omitted from gable end
 - one open courtyard to south, terraced area to north omitted
 - road from valley road not in client's ownership, considered to be in reasonable condition for lane of its kind
 - additional traffic generated will not be great nor have significant impact on lane
 - lane leading up to Upper House Farm will be sympathetically repaired.

- 5.4 Craswall Parish Council make the following comments:

'The Parish Council object on the grounds that the road leading to the property is not suitable for more traffic. The property if granted permission should be in keeping with the area.'

- 5.5 Two letters of representation have been received, one of objection and one of support from:

E Arnold, Forest Cottage, Craswall, HR2 0PL
C & K Mackintosh, The Bull's Head, Craswall, HR2 0PN

The following main points are made:

- add to increase in traffic in beautiful area
- narrow road to Forest road, increased danger to hikers and walkers
- accommodation needed in area, will contribute to success of Bull's Head
- excellent use of redundant farm buildings.

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

6. Officer's Appraisal

- 6.1 The main issues are considered to be the principle of converting this redundant stone building, and secondly the means of access to this upland site.
- 6.2 The scheme has been revised in accordance with the wishes of the Council's Conservation Manager. This has resulted in a building which has fewer openings, reduced first floor accommodation with the benefit of retaining the openness of western half and a simpler approach to the treatment of the curtilage of the stone barn. The building is capable of conversion without wholesale rebuilding being required. A new roof will be required, a slate roof which will enhance the appearance of the building is proposed and this is considered acceptable. Therefore, it is considered that the scheme satisfies the requirements of Policies DR1 and HBA12 in the Unitary Development Plan and the Council's adopted guidance on the conversion of traditional agricultural buildings.
- 6.3 The second issue relates to the road network serving the development. The Council's Traffic Manager has concerns regarding the condition of the roads and the Parish Council and a local resident are concerned about the volume of traffic generated on Hill Road and the private road to Upper House Farm. It is considered that the traffic generated for two small units of holiday accommodation (a one bedroom and a two bedroom unit) would be minimal and would not impinge unacceptably upon highway safety. This is given the seasonal nature of the proposed use, which is inherently sporadic and may be used by walkers, and the view that traffic volumes and speeds in the vicinity of the site are not such that the refusal of permission for the intended use of the building would be justified.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2. B01 (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. 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. D02 (Approval of details)

Reason: To ensure that the work is carried out in accordance with details that are appropriate to 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

5. D11 (Repairs to match existing)

Reason: To ensure that all of the works arising from the approved scheme are of an appropriate form in the 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.

6. F14 (Removal of permitted development rights)

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

7. F30 (Use as holiday accommodation)

Reason: Having regard to Policy HBA13 of Herefordshire Unitary Development Plan the local planning authority are not prepared to allow the introduction of a separate unit of residential accommodation, due to the relationship and close proximity of the building to the property known as Upper House Farm in this rural location.

8. 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.

9. H13 (Access, turning area and parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

10. 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.

Informatives:

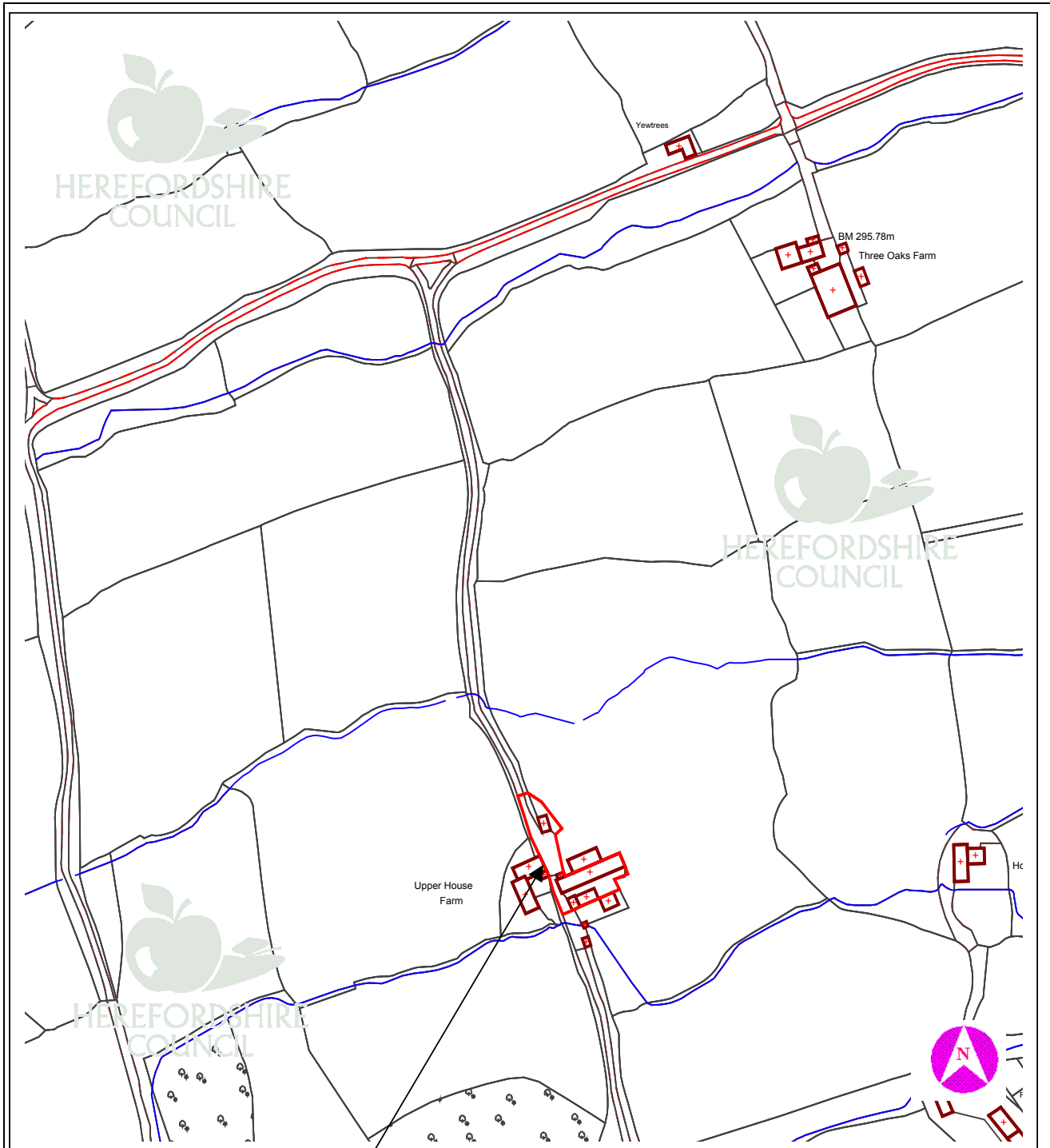
1. N11a (Wildlife and Countryside Act 1981 (as amended) - Birds
2. N11b (Wildlife & Countryside Act 1981 (as amended) and Conservation (Natural Habitats & c.) Regulations 1994 (as amended) - Bats
3. N19 - Avoidance of doubt - Approved Plans
4. N15 - Reason(s) for the Grant of Planning Permission

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2008/1616/F

SCALE : 1 : 2500

SITE ADDRESS : Upper House, Craswall, Hereford, Herefordshire, HR2 0PN

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8 DCSE2008/2427/F - RETENTION OF 2 FIELD SHELTERS WITH NEW EXTERNAL CLADDING, LAND ADJACENT TO BODENHAM FARM, MUCH MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2NJ.

For: The Singing Stud Ltd per Mr C Goldsworthy, 85 St Owens Street, Hereford, HR1 2JW.

Date Received: 1 October 2008

Ward: Old Gore

Grid Ref: 65080, 31881

Expiry Date: 26 November 2008

Local Member: Councillor BA Durkin

1. Site Description and Proposal

- 1.1 The Singing Stud occupies about 8ha of land between the A449 and the unclassified road that leads from Lyne Down and Old Pike to the north of Bodenham Farm. There is access off the unclassified road to the stud farm. On the south side of the access track that leads from the unclassified road is a riding arena and stables and to the south of these are 2 shelters, which this application proposes to retain and re-clad with, waney edged boards that will be stained dark brown to match other building in the stud farm complex. The shelters are adjacent to a small copse.

2. Policies

2.1 Planning Policy Statements

PPS1	-	Delivering Sustainable Development
PPS7	-	Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan

Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy LA2	-	Landscape Character and Areas Least Resilient to Change
Policy E11	-	Employment in the Smaller Settlements and Open Countryside

3. Planning History

3.1	DCSE2005/0795/F	Continuation of use as an equine stud	-	Approved 15.07.05
	DCSE2005/1015/F	Continuation of a use as equine stud farm, training area, hay barn, winter barn, stables including groom's flat	-	Refused 30.06.05
	DCSE2005/3770/F	Fenced training ring at equine centre	-	Refused 16.01.06 Appeal allowed 05.06.06

DCSE2005/3806/O	Dwelling for stud farm worker at equine centre	-	Refused 20.06.07 Appeal allowed 04.02.08
DCSE2006/1486/F	Retention of two field shelters	-	Refused 17.05.06
DCSE2006/1495/F	Retention of foaling boxes and one infill stable	-	Refused 20.06.07 Appeal allowed 04.02.08
DCSE2007/0704/F	Retrospective application for blockwork skin to existing stable	-	Refused 20.06.07 Appeal allowed 04.02.08
DCSE2007/0705/F	Retention of lean-to building for storage purposes	-	Refused 20.06.07 Appeal allowed 04.02.08
DCSE2008/1195/F	Variation of condition	-	Approved 24.06.08
DCSE2008/2037/RM	Dwelling for stud worker	-	Withdrawn

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 to the grant of planning permission.

4.3 Public Rights of Way Officer - "The proposed retention of 2 field shelters would not appear to affect the use and enjoyment of public footpath MM11, which passes outside the field's north boundary some 90+ metres from the shelters, and the PROW Manager has no objections to this application."

5. Representations

5.1 A Design and Access Statement has been submitted:

Existing site:

- The existing site and buildings occupy a location, which is sited so that it is not visible from outside the stud farm apart from a glimpse from the A449;
- The buildings are located against a backdrop of trees and are not silhouetted in the landscape;

Proposed use:

- The shelters are an essential part of the stud and they provide protection from the elements for the animals;
- The location means that the structures can serve a number of the paddocks and are central to the fields they serve;

- They are also within easy reach of the stabling and are further protected from the elements by the small coppice against which they are positioned;
- The shelters are an essential element for any equine stud and primarily for the well being of the animals;

Design and appearance:

- The size and shape of the structures are dictated by their function;
- The original finish will be improved by the cladding and capping which is easily applied;
- The colour will be a dark brown stain to match other buildings in the main complex and will blend in with the coppice background;

Landscape:

- The buildings are set into the field and no landscaping is proposed;

Access:

- This is only required by the animals from different paddocks;
- The gates are opened and closed as required.

5.2 Much Marcle Parish Council no reply received at time of report

5.3 Objections have been received from N Pope, Avenue Cottage, Much Marcle and Mr B Morgan, Bodenham Farm, Much Marcle:

- These are substandard buildings, of poor design and construction on a beautiful bank adjoining a parkland of national significance - they are an eyesore which new cladding will not disguise;
- These buildings have been erected without planning permission and enforcement action should be taken to remove them immediately;
- The continual expansion of this site with ever more buildings should be halted until a clear understanding of the financial viability of all the companies trading at the site has been carried out;
- An audit of the existing space available to the businesses and numbers of horses involved at this site and their Hillingdon Barn site should be carried out to ascertain why these buildings are required;
- The buildings are visible from our property, as well as the A449. The buildings are very much "silhouetted in the landscape" as seen from the A449 particularly during the winter months;
- The shelters cannot be an "essential part of the stud" as the last application asked for "the retention, for a temporary period of two years", only;
- The alterations described are minimal, and the buildings are already stained dark brown. The alterations will not affect the block house appearance of them on the skyline as viewed from the A449; and
- Having lived with these "obtrusive features" in an "attractive rural area" for over four years I ask they are refused again and the buildings removed forthwith.

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 Planning permission for continuation of use as a stud farm was granted in 2005, DCSE2005/0795/F refers. It was apparent that some of the buildings had not been granted planning permission and further structures were erected including these two

field shelters which are within the southern section of the stud farm and immediately to the north of a copse which partially divides this area of grazing. They are about 50 metres west of the A449, on elevated land. They can be glimpsed when travelling the A449. The unauthorised shelters are clad in plywood sheets (or similar sheet material) painted brown with a shallow mono-pitch roof. This application proposes to clad the shelters with waney edged boards to give the appearance of other stables in the locality.

6.2 This application has been submitted following the refusal of DCSE2006/1486/F when it was proposed to retain the buildings without improvement to their appearance. The application was refused for the following reason:

“The field shelters because of their appearance and open position would be obtrusive features in the landscape. Their retention would therefore be detrimental to the character of this attractive rural area and conflict with policy LA2 of the Herefordshire Unitary Development Plan 2007.”

6.3 Whilst it is acknowledged that the existing shelters are not attractive and do not form part of the two existing groups of stables (nearest is about 60m to the north) it is considered that the cladding of the buildings with waney edged boards that will be stained a colour to match other buildings at the stud farm, will blend the shelters into the landscape so as not to be detrimental and obtrusive features in the landscape. Also, it is considered the copse against which the shelters are seen help to assimilate the buildings into the landscape and accordingly on the key planning issue, the landscape impact, the application is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. **Within 3 months of the date of this permission the field shelters shall be clad in waney edged boards and stained a dark brown colour and thereafter maintained.**

Reason: In the interests of visual amenity and to ensure the shelters comply with Policy LA2 of the Herefordshire Unitary Development Plan.

Informatives:

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

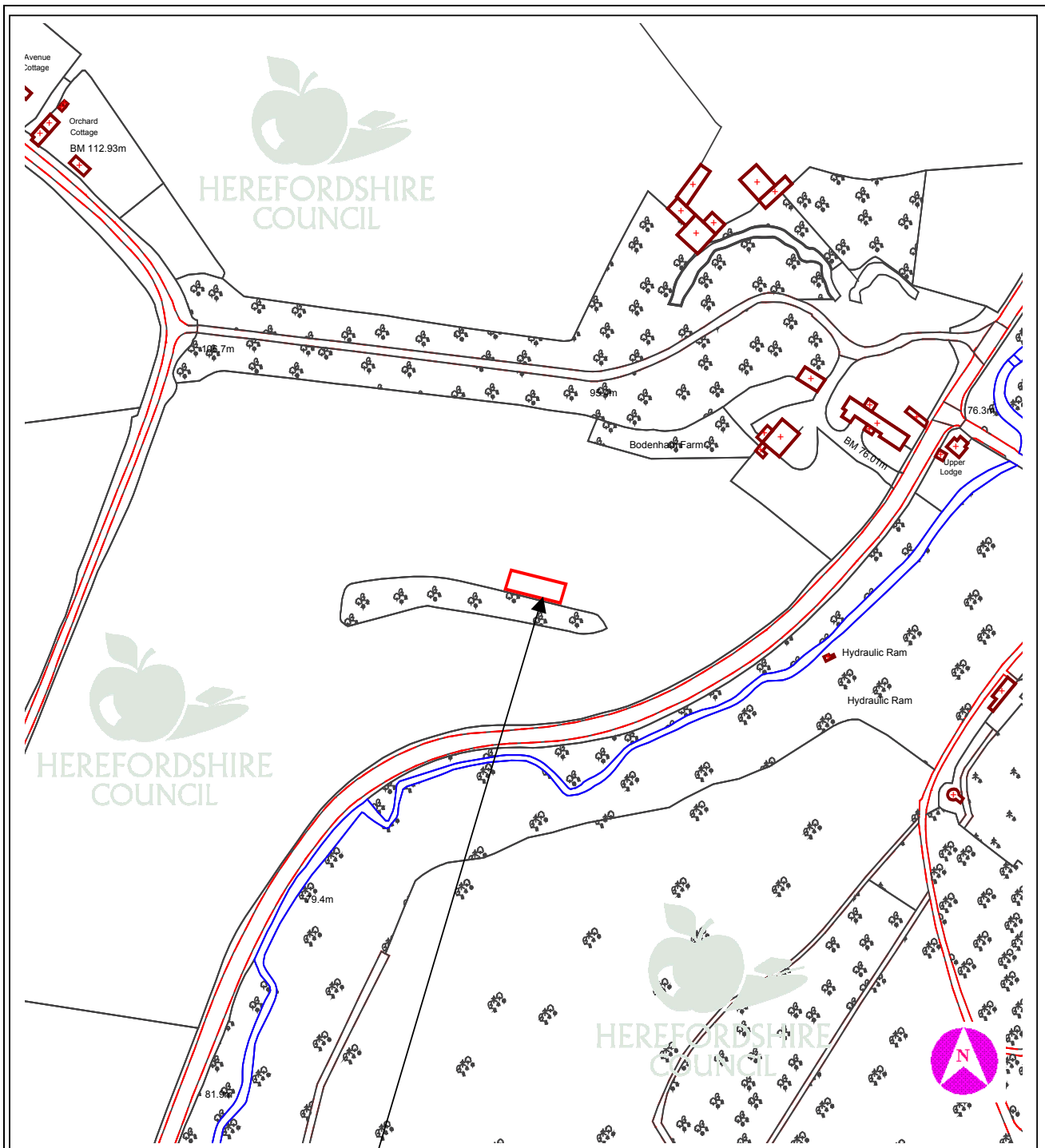
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2008/2427/F

SCALE : 1 : 2500

SITE ADDRESS : Land adjacent to Bodenham Farm, Much Marcle, Ledbury, Herefordshire HR8 2NJ

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