

# AGENDA

## Planning Committee

Date: **Wednesday 3 November 2010**

---

Time: **10.00 am**

---

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

Email: [rclarke@herefordshire.gov.uk](mailto:rclarke@herefordshire.gov.uk)

---

If you would like help to understand this document, or would like it in another format or language, please call Ricky Clarke, Democratic Services Officer on 01432 261885 or e-mail [rclarke@herefordshire.gov.uk](mailto:rclarke@herefordshire.gov.uk) in advance of the meeting.

# Agenda for the Meeting of the Planning Committee

## Membership

<b>Chairman</b>	<b>Councillor TW Hunt</b>
<b>Vice-Chairman</b>	<b>Councillor RV Stockton</b>
	<b>Councillor ACR Chappell</b>
	<b>Councillor PGH Cutter</b>
	<b>Councillor H Davies</b>
	<b>Councillor GFM Dawe</b>
	<b>Councillor DW Greenow</b>
	<b>Councillor KS Guthrie</b>
	<b>Councillor JW Hope MBE</b>
	<b>Councillor B Hunt</b>
	<b>Councillor RC Hunt</b>
	<b>Councillor G Lucas</b>
	<b>Councillor RI Matthews</b>
	<b>Councillor JE Pemberton</b>
	<b>Councillor AP Taylor</b>
	<b>Councillor DC Taylor</b>
	<b>Councillor WJ Walling</b>
	<b>Councillor PJ Watts</b>
	<b>Councillor JD Woodward</b>

## **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. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

## AGENDA

		Pages
1.	<b>APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
2.	<b>NAMED SUBSTITUTES (IF ANY)</b> To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3.	<b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
4.	<b>MINUTES</b> To approve and sign the Minutes of the meeting held on 13 October 2010.	1 - 14
5.	<b>CHAIRMAN'S ANNOUNCEMENTS</b> To receive any announcements from the Chairman.	
6.	<b>APPEALS</b> To be noted.	15 - 16
7.	<b>PROPOSED REVISED PLANNING ENFORCEMENT POLICY</b> To update the Council's Planning Enforcement Policy.	17 - 24
8.	<b>DMNC/091832/F - LEDWYCHE FARM, BLEATHWOOD, LITTLE HEREFORD, HEREFORDSHIRE, SY8 4LF.</b>  Change of use of land for stationing of caravans to provide 1 no. residential mobile home for agricultural workers employed in free range egg production.	25 - 30
9.	<b>DMS/191822/FH - STONE LEA, RECTORY ROAD, HAMPTON BISHOP, HEREFORDSHIRE, HR1 4JU.</b>  Proposed single storey extension and alterations to car parking arrangements.	31 - 36
10.	<b>DMS/102061/F &amp; DMS/10262/C - PENRICE, WALFORD ROAD, ROSS ON WYE, HEREFORDSHIRE, HR9 5PQ.</b>  Demolition of existing residential property, construction of 8 no. apartments, 3 no. town houses with associated car parking, landscaping and access.	37 - 48
11.	<b>DMS/102055/G - FALCON BROOK, HOW CAPLE, HEREFORDSHIRE, HR1 4TF.</b>  Discharge of Section 52 Agreement attached to planning permission SH891980/PO to remove occupancy condition.	49 - 54
12.	<b>DMN/101477/FH - 3 AND 4 STATION BUNGALOWS, ALBERT ROAD, COLWALL, HEREFORDSHIRE, WR13 6QH.</b>  Alterations to 2 nos. bungalows to include demolition of existing porch & construction of new extension & porch.	55 - 58

**13. DATE OF NEXT MEETING**

Date of next site inspection - 23 November 2010

Date of next meeting - 24 November 2010



## **The Public's Rights to Information and Attendance at Meetings**

### **YOU HAVE A RIGHT TO: -**

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

### **Public Transport Links**

- Public transport access can be gained to Brockington via the service runs approximately every 20 minutes from the City bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus stop to Brockington is located in Vineyard Road near to its junction with Old Eign Hill. The return journey can be made from the same bus stop.

## **HEREFORDSHIRE COUNCIL**

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

### **FIRE AND EMERGENCY EVACUATION PROCEDURE**

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

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

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

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

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



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

HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 13 October 2010 at 10.00 am**

**Present:** Councillor TW Hunt (Chairman)  
Councillor RV Stockton (Vice Chairman)

Councillors: ACR Chappell, PGH Cutter, H Davies, GFM Dawe, PJ Edwards, KS Guthrie, JW Hope MBE, B Hunt, RC Hunt, G Lucas, JE Pemberton, AP Taylor, DC Taylor, WJ Walling, PJ Watts and JD Woodward

**In attendance:** Councillors LO Barnett, BA Durkin and J Stone

**41. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors DW Greenow and RI Matthews.

**42. NAMED SUBSTITUTES (IF ANY)**

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor PJ Edwards was a substitute member for Councillor RI Matthews.

**43. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**44. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 13 October 2010 be approved as a correct record and signed by the Chairman.

**45. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman introduced all of the Officers present at the meeting.

At the request of Councillor PGH Cutter, the consideration of agenda item 11 was brought forward to be considered immediately after agenda item 7.

**46. APPEALS**

The Committee noted the report.

**47. DMSE/100966/F - PENNOXSTONE COURT FARM, KINGS CAPLE, HEREFORDSHIRE, HR1 4TX.**

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking, Mrs Wyatt, representing Hentland Parish Council, and Mr Thomas, representing a number of local residents, spoke in objection to the

application. Mr Cockburn, the applicant, and Mr Moss, policy advisor for the National Farmers' Union, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's constitution, Councillor BA Durkin, the local ward member, commented on a number of issues, including:

- The case officer was congratulated for his thorough report
- The application was finely balanced between the needs of a large business and the requirement to protect an Area of Outstanding Natural Beauty
- There was support for the application from a number of workers and local people.
- There had been a history of polytunnels being installed contrary to policy and without planning permission on the site in the past.
- A number of the polytunnels on the site had become 'lawful through the passage of time' as they had not been rotated as agreed in the 2003 voluntary SPD.
- The application proposed 25 Ha of covered tunnels through a structured rotation plan.
- Concerns were raised that the Council may have to 'police' the enterprise.
- Uncovered hoops and stands would remain when circumstances did not permit timely dismantling, this would have an impact on the AONB
- A large majority of respondents to the Kings Cople Parish Plan felt that polytunnels were causing harm to the landscape.
- A significant number of objections had been received in writing to the Council in respect of the application.
- Concerns were raised regarding the increase in HGV movements on the local roads.
- The development was not of greater national interest than the purposes of the AONB.
- The detriment to the landscape could not be mitigated through conditions.
- The application should be refused in accordance with policies LA1 and LA2 of the Herefordshire Unitary Development Plan and guideline 2 of the Polytunnels Supplementary Planning Document 2008

Members opened the debate by noting the importance of the site inspection which had taken place at the site the previous day. The opening speakers voiced their concerns in respect of the application and paid particularly attention to the effect that the application would have on an Area of Outstanding Natural Beauty; on the impact it would have on the nearby church; as well as the detrimental effect on the local highways infrastructure.

In response to a question, the Principal Planning Officer confirmed that he had not received a petition in respect of the application. He noted that a petition had been received for an earlier application on the site.

In response to comments made by the Committee, the Principal Planning Officer advised that Garden Field had not been considered by the Inspector as polytunnels were erected on the site after the Inspector's report. He also confirmed that an enforcement notice had been served on the applicants in respect of Garden Field. In response to an additional question, the Principal Planning Officer identified the lawful 9.68 hectares of polytunnels on the site map.

Other members of the Committee were of the opinion that the application should be approved. It was noted that the site only covered 0.76% of the AONB and that any concerns regarding biodiversity could be addressed through appropriate conditions. The view of some members was that the impact was not significant enough to warrant refusal under policies LA1 and LA2 of the Unitary Development Plan and that the application should be supported as there was a need to promote farming in rural areas. It was also noted that a number of jobs could be lost if the application was refused.



In response to a number of questions from a member of the Committee, the Principal Planning Officer advised that the majority of the 140 workers resided in lawful accommodation at Pennoxstone Court; that landscaping would take up to 5 years to mature; and that there were concerns regarding the ability of the hedgerows to mitigate the visual impact of the site from elevated positions.

A number of members noted the complex nature of the application and the difficulty in balancing the issues of whether the economic benefits of the business were capable of outweighing the impact on the AONB.

The Committee also noted that tourism revenue resulted in over £400m for the County and felt that this should be considered whilst making a decision.

The Planning Department was urged to monitor the site closely as concerns were raised by members regarding previous enforcement issues on the site as well as the possibility of any existing polytunnels that may have been in situ for a period of time nearing lawful usage. 9.86 Ha of polytunnels on the site were already deemed immune from enforcement due to their lawfulness through the passage of time. The applicants were also urged to downsize the operation in a bid to resolve some of the issues with neighbouring residents.

In response to comments raised by Members the Assistant Director – Environment, Planning and Waste noted that the application was finely balanced. He advised members to consider the application on its merits and consider both national and local planning policies. He noted that a number of factors had been raised which were not material planning considerations, these included; the background and ethnicity of the workforce; the costs incurred in submitting the application; and the part retrospective nature of the application.

In accordance with the Council's constitution, the local ward member was given the opportunity to close the debate. He noted that Members had debated the application thoroughly and chose to make no new statement.

A motion to refuse the application in accordance with the officer's recommendation failed and then a motion to approve the application with suitable conditions to be delegated to Officers was carried.

## **RESOLVED**

**THAT officers named in the scheme of delegation to officers be authorised to approve the application subject to suitable conditions.**

### **48. DMS/101741/O - MOREBOROUGH, LEDBURY ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7BE.**

The Team Leader (South) gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

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

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor PGH Cutter, one of the local ward members, commented on a number of issues, including:

- Concerns were raised in respect of the access to the site.
- Traffic in the area was particularly problematic during school drop off and pick up times.
- An additional two dwellings could result in a number of vehicular movements.
- The school was due to implement a 'no waiting' proposal which would have a detrimental effect on the highways infrastructure in the area.
- Concerns were also raised regarding the high hedges on the boundary of the site.
- Concerns were raised regarding the lack of consultation with the local member in respect of the Section 106 agreement.
- One dwelling would be more suitable on the site.

In response to a question regarding the hedge on the boundary of the site, the Team Leader (South) advised Members that there was legislation in place regarding the height of hedgerows but that it was complex to enforce and would come at the cost of the neighbouring residents.

Members discussed the application and had a number of concerns regarding the access to the site as well as the effect the development would have on the already busy road infrastructure. Other concerns related to the suitability of two semi detached properties on the plot and the close proximity of the proposed dwelling to the neighbouring building.

In response to a question regarding the access to the site, the Team Leader (South) confirmed that a visibility splay of 43 metres had been achieved.

The Development Control Manager noted that the primary concerns expressed by members related to the access onto the site. He advised that the Transport Manager was satisfied with the proposal subject to conditions. He also added that in the case officer's opinion the impact on the neighbouring dwelling would not be unacceptable.

In response to a question, the team Leader (South) advised members that the distance from the boundary to the proposed dwelling was 1.4m. He added that the distance between the proposed dwelling and the neighbouring dwelling was 2.4 metres.

In response to a number of comments made by Members, the Assistant Director – Environment, Planning and Waste advised that the Committee could defer the application for further discussions with the applicant regarding the possibility of a revised site layout or to discuss members' preference for one dwelling on the site.

## **RESOLVED**

**THAT consideration of the item be deferred pending further discussions between the applicant and the Planning Department.**

### **49. DMNW/100435/F - LOWER FIELD AT ASH FARM, BARNET LANE, WIGMORE, HEREFORDSHIRE, HR6 9UJ.**

The Senior Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking, Mr Bailey, a resident of Wigmore, spoke in objection to the application.

In accordance with paragraph 4.8.2.2 of the Council's constitution, Councillor LO Barnett, the local ward member, asked questions and commented on a number of issues, including:

- How many ancillary units were proposed on the site?
- Would all other units be removed?
- How large was the whole field?
- Local people would not be permitted to develop on the site.
- Object to the injustice of the precedent set for traveller applications.
- Affordable housing would not be permitted on the site
- Urge the Committee to refuse the application.

In response to a number of questions raised by the local ward member, the Senior Planning Officer confirmed that the planning permission was for one caravan, one shed, and one toilet building and that all other units would be removed from the site. He added that there was no restriction on the number of motor vehicles permitted. In response to a question regarding the plot size, he confirmed that the site was 0.2 hectares in total. Finally he advised members that the Council was required to find an additional 83 traveller pitches by 2012.

A member of the Committee opened the debate in support of the application. It was noted that the applicant may have ceased travelling but was still considered a traveller in planning law. Reference was made to the site and the natural screening provided from the public highway. A 99 signature petition was noted and the Senior Planning Officer confirmed that all signatures were from residents of Wigmore.

Other members noted the comments but felt that they could not support the application. Concerns were noted in respect of any anti social behaviour taking place on the site as referred to in the representation submitted by Wigmore Parish Council. Members also noted that the applicant had recently married and clarification was sought as to whether she intended to reside at the home her husband currently resided. Finally members expressed concerns regarding the impact of the application on the visual amenity of the area.

In response to questions, the Head of Development Control outlined national guidance and criteria considerations and re-iterated that it was for the committee to make a judgement about the acceptability of the application given the material planning considerations

The Head of Development Control advised that the committee needed to give appropriate weight to national guidance and local planning policies which gave a degree of priority to traveller sites. It was for the committee to conclude whether all the other material planning considerations outweighed the policy considerations.

The Locum Lawyer explained the relevance of the policy considerations and commented on the authority's obligations under the Race Relations and Equality Acts.

In response to a question regarding the appeal information listed in the report the Senior Planning Officer confirmed that although there had been no appeals in respect of this area of the site there had been appeals on other areas of the plot and therefore the appeal information was relevant.

Councillor Barnett was given the opportunity to close the debate in accordance with the Council's constitution. She reiterated her comments in objection to the application and thanked the Committee for their comments.

## **RESOLVED**

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

1. **The proposal fails to protect the landscape by its very presence and is visually damaging because of its prominence in the countryside. The proposal fails to protect the countryside for the sake of its intrinsic character and beauty. Despite the existing and/or potential screening, the development site will have a continued detrimental impact upon the character and visual amenity of the landscape. As such the proposal is contrary to Planning Policy Statement 7 and the Herefordshire Unitary Development Plan policies H12 and LA2.**

*[Councillors ACR Chappell and GFM Dawe wished it be noted that they voted in support of the application]*

**50. DMNW/100558/F - ASHFIELD BARNET LANE, WIGMORE, HEREFORDSHIRE, HR6 9UJ.**

The Senior Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking, Mr Bailey, a resident of Wigmore, spoke in objection to the application.

In accordance with paragraph 4.8.2.2 of the Council's constitution, Councillor LO Barnett, the local ward member, commented on a number of issues, including:

- The application should be refused for the same reasons as the previous agenda item.

**RESOLVED**

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

2. **The proposal fails to protect the landscape by its very presence and is visually damaging because of its prominence in the countryside. The proposal fails to protect the countryside for the sake of its intrinsic character and beauty. Despite the existing and/or potential screening, the development site will have a continued detrimental impact upon the character and visual amenity of the landscape. As such the proposal is contrary to Planning Policy Statement 7 and the Herefordshire Unitary Development Plan policies H12 and LA2.**

**51. DMNC/091832/F - LEDWYCHE FARM, BLEATHWOOD, LITTLE HEREFORD, HEREFORDSHIRE, SY8 4LF.**

The Chairman noted that the meeting had reached 3 hours in duration and asked members to decide on which course of action to take, in accordance with the Council's constitution. Members decided to defer the determination of the remaining items until the next meeting of the Planning Committee scheduled to take place on 3 November 2010.

**RESOLVED**

**THAT the determination of the application be deferred.**

**52. DMS/101822/FH - STONE LEA, RECTORY ROAD, HAMPTON BISHOP, HEREFORDSHIRE, HR1 4JU.**

**RESOLVED**

**THAT the determination of the application be deferred.**

**53. DATE OF NEXT MEETING**

Members noted that the next meeting of the Planning Committee was scheduled for 10:00 am on 3 November 2010.

**APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES**

The meeting ended at 1.15 pm

**CHAIRMAN**



# **PLANNING COMMITTEE**

**Date 13 October 2010**

## **Schedule of Committee Updates/Additional Representations**

**Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.**





**1 DMSE/100966/F - Application (part retrospective) to erect, take down and re-erect polytunnels, rotated around fields as required by the crops under cultivation (soft fruit) at Pennoxstone Court Farm, Kings Cople, Herefordshire, HR1 4TX**

**For: Mr N J Cockburn Per Antony Aspbury Associates, Unit 20, Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW**

## **ADDITIONAL REPRESENTATIONS**

### **National Farmer's Union**

A letter has been received from the President of the NFU. The letter asks the local planning authority to attribute appropriate weight to the following:

- That polytunnels are essential for British growers if they are to meet the market demands for quality and quantity;
- The contribution that the soft fruit industry makes to the local economy;
- The benefits that the use of polytunnels have in terms of reducing the necessity to import soft fruit from overseas.

### **Wye Valley AONB Unit**

The Wye Valley AONB unit remains of the view that the development must be described as large-scale within the AONB and that uncovered frames continue to have a detrimental impact upon the landscape. The AONB unit maintains that the development is unacceptable if assessed solely against the primary purpose of the AONB designation, but accepts that it is for the local planning authority to balance the negative landscape and visual impacts against the positive benefits.

### **Wye Valley Society**

A further letter of objection has been received from the Wye Valley Society. The Society considers the proposal detrimental to the physical and natural environment of King Cople parish and contrary to the purpose of the designation of the AONB, and recommends the application be refused as contrary to policies LA1, LA3, HBA4 and S7 of the Unitary Development Plan.

Two further letters of objection have been received from local residents. These reiterate the points summarised at paragraph 5.5 of the report.

## **OFFICER COMMENTS**

During the negotiation period the applicants offered to enter into a Section 106 agreement to the effect that were planning permission to be granted the applicant would agree not to use cloches or similar forms of crop protection over soft fruit crops across the application site for the duration of the permission.

The applicant has stated that were permission to be refused he could consider using cloches across a potentially larger and arguably more visually sensitive area and consequently were the Council to grant planning permission together with a Section 106 agreement such a "fall back" position would be prevented

Without prior knowledge of the extent and duration of cloche usage, it is not certain that this fallback position could operate without the benefit of planning permission and in the circumstances officers do not consider that the offer of a S.106 restricting the use of cloches is sufficient to offset the harm caused to the landscape by the extent of polytunnel use proposed elsewhere.

## **NO CHANGE TO RECOMMENDATION**

**2 DMNW/100435/F - Retrospective re-application for change of use of land from agricultural to one family travellers site including stationing of one caravan, shed and ancillary structure at Lower Field At Ash Farm, Barnet Lane, Wigmore, Herefordshire, HR6 9UJ**

**For: Ms Cleverly Per Ms Alison Cleverly, C/O 23 Ford Street, Wigmore, Herefordshire, HR6 9UW**

**ADDITIONAL REPRESENTATIONS**

Wigmore Group Parish Council in their absence and unavailability to attend the Committee meeting make the following points –

- Attention is drawn to the previous correspondence and objections made to this application which are maintained
- The applicant is recently married to a local resident, she and her son could live in his house
- Twelve number new houses were built in Wigmore at Queens Meadow and the applicant made no application to be housed in one of them

Mr J Bisset, Kings Meadow, Wigmore makes reference to an alleged change in the personal circumstances of the applicant, that is she is now married to a local resident and resides in a permanent dwelling in Wigmore. As a consequence the need and her status are questioned.

Mrs Fieldhouse, Pear Tree Farm, Wigmore reemphasises that the issue of principle is at stake whilst also maintaining her previous written objections

The Council's Gypsy and Traveller Officer confirms the Council have not provided any sites in the past three years, however there are 3 number vacant plots at the Council run site at Pembridge, a vacant site at Bosbury has had an enquiry, and three number applications have been made for vacant plots at Croft Lane, Luston.

**OFFICER COMMENTS**

Mrs Cleverly has Gypsy/Traveller status and this does not extinguish on living in a traditional home, even for a prolonged time period.

This application is considered on its own merits and does not prejudice other or future planning applications.

The maintained objections are reported and addressed in the Committee Report

**NO CHANGE TO RECOMMENDATION**

**3 DMNW/100558/F - Change of use from agricultural land to one family traveller site to include the stationing of one living vehicle, storage boxes & shed at Ashfield Barnett Lane, Wigmore, Herefordshire, HR6 9UJ**

**For: Mr Wells Per Mr Richard Wells, Ashfield Barnett Lane, Wigmore, Herefordshire, HR6 9UJ**

### **ADDITIONAL REPRESENTATIONS**

Wigmore Group Parish Council in their absence and unavailability to attend the Committee meeting make the following points –

- Attention is drawn to the previous correspondence and objections made to this application which are maintained
- This application and that of Mrs Cleverly reference DMNW/100435/F are inextricably linked and Herefordshire Council should, as far as possible, treat the two applications with the same merit
- It is alleged that the applicant is running a tractor dealership from the site, which is neither an agricultural use, or that applied in this application

Mrs Fieldhouse, Pear Tree Farm, Wigmore reemphasises that the issue of principle is at stake whilst also maintaining her previous written objections

The Council's Gypsy and Traveller Officer confirms the Council have not provided any sites in the past three years, however there are 3 number vacant plots at the Council run site at Pembridge, a vacant site at Bosbury has had an enquiry, and three number applications have been made for vacant plots at Croft Lane, Luston.

### **OFFICER COMMENTS**

This application is considered on its own merits and does not prejudice other or future planning applications. It is appropriate this and application DMNW100435/F are treated as two separate applications and individually as these are two different separate planning units with different characteristics and planning history.

The alleged unauthorised use has been reported to the Council's Enforcement team for investigation.

The maintained objections are reported and addressed in the Committee Report

### **NO CHANGE TO RECOMMENDATION**

**5 DMS/101741/O - Erection of 2 dwellings, construction of new vehicular access and associated works at Moreborough, Ledbury Road, Ross-on-Wye, Herefordshire, HR9 7BE**

**For: Mr and Mrs Davis Per Mr Paul Smith, 12 Castle Street, Hereford, HR1 2NL**

**ADDITIONAL REPRESENTATIONS**

Further communication has been received from Mr and Mrs McLachlan of Meadow View, Court Road. In addition to their objection to the proposed development, the following comments are raised in respect of the content of the officers report:-

- garden of Meadow View is not north facing but rather north-west facing and as such the development will have a detrimental effect in terms of loss of sunlight and daylight. Areas of the garden will be in perpetual shade and the proposed development will block out the only remaining source of sunlight/daylight that the property currently enjoys.
- The revised scheme is not identical to the refused scheme, the dwellings have been pushed back into the site to cater for the parking requirements
- It is not considered that the development can be satisfactorily accommodated on the site. It will result in unacceptable cramming and the staggered design will be uncharacteristic of the area.

The Traffic Manager has commented on additional information (cross sections) concerning the detailed design of the access onto Court Road. Subject to conditions relating to the retention of visibility splays and managing surface water run-off from the driveway no objection is raised to the access and parking arrangement proposed.

**OFFICER COMMENTS**

With regard to the comment that the application is not identical in terms of layout, it is acknowledged that the dwellings are set back a further 300mm than the refused scheme in order to accommodate the revised parking area.

**CHANGE TO RECOMMENDATION**

Additional conditions are recommended regarding formation and retention of visibility splay and the control of drainage from the driveway. These are as follows:-

CAH – Driveway gradient

CAL – Access, turning and parking (4 cars new dwelling/2 cars existing access)

CAB – Visibility splays

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>3 NOVEMBER 2010</b>
<b>TITLE OF REPORT:</b>	<b>APPEALS</b>

---

**CLASSIFICATION:** Open

### **Wards Affected**

Countywide

### **Purpose**

To note the progress in respect of the following appeals.

### **Key Decision**

This is not a key decision

### **Recommendation**

That the report be noted

## **APPEALS RECEIVED**

### **Application No. EN/001208/ZZ**

- The appeal was received on 11 October 2010
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mrs Alison Pontifex-Price
- The site is located at Fir Tree Inn, Much Cowarne, Herefordshire, HR7 4JN
- The breach of planning control alleged in this notice is: Without planning permission, the laying of a hardstanding and erection of a building used as a function hall facility within the last four years
- The requirements of the notice are: 1) cease the use of the building as a function hall facility, 2) demolish the building and remove the hardstanding together with associated services 3) remove all resultant materials from the land
- The appeal is to be heard by Written Representations

**Case Officer: Roland Close 01432 261803**

## **APPEALS DETERMINED**

### **Application No. DMNC/100096/F**

- The appeal was received on 29 March 2010
- 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 L.A.R.C.

---

Further information on the subject of this report is available from the relevant case officer

- The site is located opposite Barclays Bank, Broad Street, Leominster, Herefordshire, HR6 8
- The application dated 13 January 2010 was refused on 15 March 2010
- The development proposed was Freestanding bronze tactile model of Leominster's Market House.
- The main issues are whether the proposal would preserve or enhance the character or appearance of the Conservation Area and whether the proposal will preserve the setting of nearby listed buildings

**Decision:** The planning application was refused under delegated powers on 15 March 2010  
The appeal was allowed on 1 October 2010

**Case Officer: Mr N Banning 01432 383093**

**Application No.DCCE0009/1701/F**

- The appeal was received on 13 April 2010
- 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 Ivor Brown
- The site is located at Diamond Gables, Whitestone, Hereford, Herefordshire, HR1 3RX
- The application dated 27 March 2009 was refused on 6 October 2009
- The development proposed was the conversion of existing barn and workroom to form a single dwelling.
- The main issue is the effect of the proposal on the character and appearance of the surrounding countryside having regard to local policy on the re-use of existing buildings.

**Decision:** The application was refused under delegated powers on 6 October 2009  
The appeal was dismissed on 11 October 2010

**Case Officer: Mr A Donaghey on 01432 261947**

**Application No. DMCW/091334/F DCCW0009/1390/F**

- The appeal was received on 6 April 2010.
- 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 Jack Bishop.
- The site is located at Land Adjacent To Dinham, Ryeland Street, Hereford, HR4 0LA.
- The application dated 2 June 2009, was refused on 14 October 2009.
- The development proposed was a proposed new dwelling.
- The main issues are the character and appearance of the area, together with the living conditions of the occupiers of Merrivale and Winston having particular regard to loss of light and outlook.

**Decision:** The application was refused against officer recommendation at the Planning Committee on 14 October 2009.  
The appeal was allowed on 13 October 2010.

**Case Officer: Ms K Gibbons on 01432 261781**

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>3 NOVEMBER 2010</b>
<b>TITLE OF REPORT:</b>	<b>PROPOSED REVISED PLANNING ENFORCEMENT POLICY</b>
<b>REPORT BY:</b>	<b>ASSISTANT DIRECTOR – ENVIRONMENT, PLANNING &amp; WASTE</b>

## Purpose

To update the Council's Planning Enforcement Policy.

## Recommendation

### THAT:

**Members make comments on the revised policy which will be forwarded to the Cabinet Member, Environment and Strategic Housing for his approval as a Policy of the Council to come into effect immediately thereafter.**

## Introduction and Background

- 1 The current Planning Enforcement Policy was approved by a Key Decision in 2007 and is published on the Council's website. In June 2010 the Development Management Team was reorganised to reflect changes to the Planning Committee structure. This resulted in a reduction from 3 development management areas to 2, but with an enforcement team reporting to its own Team Leader, to enable a more consistent approach to this activity across the County. This has afforded an opportunity to review and renew the enforcement policy and to acknowledge Members' keen interest in this subject. It is therefore appropriate to seek approval for an updated Policy at this time.

## Proposed Changes

- 2 Having reviewed the Policy the fundamental strategy, principles and powers have not changed since 2007. There is a change however in the requirement to provide feedback on cases to complainants, which are to be acknowledged within 5 working days, and to keep Members informed at the outset of cases and as they reach significant stages.

The introduction of the Civica system allows a more refined monitoring of the performance of the Enforcement Team and of the cases investigated.

---

Further information on the subject of this report is available from  
Mr M Tansley on (01432) 261815

## **Appendices**

### **PLANNING ENFORCEMENT POLICY**



## **PLANNING ENFORCEMENT POLICY**

This Planning Enforcement Policy was approved by the Cabinet Member (Environment and Strategic Housing) on XXXXX 2010. Prior to this approval the draft policy was reported to the Planning Committee on XXXXXXX 2010. This final version incorporates the comments made at that Committee.

### **Contents**

- 1. Aims of Policy**
- 2. Enforcement Powers**
- 3. Enforcement Practice in Herefordshire**
- 4. Enforcement Strategy**
- 5. Principles**
- 6. Assessing the Need for Enforcement Action**
- 7. Service Standards**
- 8. Priorities for Action.**
- 9. Monitoring of Planning Conditions and Legal Agreements**
- 10 Case Management**
- 11. Information and Publicity**
- 12. Performance Monitoring.**

### **1. AIMS OF POLICY**

- 1.1 To control unauthorised development, works and operations and ensure effective compliance with planning permissions, listed building and other related consents and regulations through an approach to enforcement that is proportionate, targeted, consistent and clear.

### **2. ENFORCEMENT POWERS**

- 2.1 There are several tools available to the Council to deal with breaches of planning control under the Town and Country Planning Acts.
  - Requisition for Information - often served to gather information on ownership of land or buildings prior to serving one of the notices listed below.
  - Planning Contravention Notice - can be served where it appears that there may have been a breach of planning control and the Council requires information about activities on the land or nature of the occupier's interest in the land.
  - Breach of Condition Notice - can be served where there is a failure to comply with any condition or limitation imposed on the grant of planning permission.

- Enforcement Notice - can be served to remedy an actual breach of planning control by requiring an unauthorised use to stop or building works to be removed. A notice can also be served to restrict or condition a particular operation, which is otherwise unacceptable. There is a right of appeal against the notice.
- Stop Notices - can be served in conjunction with an Enforcement Notice to require unauthorised activities to cease before the Enforcement Notice comes into effect. In practice the threat of claims for compensation are a real deterrent to serving this type of notice.
- Temporary Stop Notices - can be served to require unauthorised activities to cease for 28 days, they are not required to be served with an enforcement notice.
- Injunctions - can be sought in the County Court or High Court to restrain any actual, or expected, breach of planning control.

2.2 The Council may initiate a prosecution in all cases where the requirements of a notice or injunction are not met in the stated timescale.

2.3 In addition to the powers outlined above, Planning Services is also responsible for investigating and controlling the following:

- Unauthorised works to Listed Buildings - It is an offence to carry out unauthorised works to a Listed Building or demolish it without consent. Prosecution can be pursued under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Alternatively the Act also includes the power to serve a Listed Building Enforcement Notice to which there is a right of appeal.
- Unauthorised works to protected trees - It is an offence to carry out unauthorised work to trees protected by a Tree Preservation Order. Works to trees in a Conservation Area should be notified to the Local Planning Authority in advance. In both instances the Council has power to prosecute offenders and require the planting of replacement trees.
- Unauthorised removal of hedgerows - Under the Hedgerow Regulations 1997, the Council is responsible for protecting 'important' hedgerows. It is an offence to remove a rural hedgerow if the owner has not served a Hedgerow Removal Notice on the Council or where the Council has served a 'Hedgerow Retention Notice'. Enforcement of the Regulations may involve prosecution, requiring the planting of a replacement hedgerow or the service of an injunction to restrain any actual or apprehended offence.
- Unauthorised advertisements - The Council may prosecute any person who displays an advertisement in contravention of the Advertisement Regulations.
- Land adversely affecting amenity - Section 215 of the Town and Country Planning Act 1990 enables a Local Planning Authority to serve a notice requiring steps to be taken to remedy the condition of land where it is not being suitably maintained and is an eyesore as a result. There is a right of appeal to the magistrates' court.
- Contraventions of Hazardous Substances Control - It is a criminal offence under the Planning (Hazardous Substances) Act 1990 to exceed controlled quantities of hazardous substances or fail to comply with a condition on Hazardous Substances Consent. Prosecution is through the Magistrates Court. The Council can also serve a contravention notice and apply for an Injunction.

- Within Hereford Area of Archaeological Importance it is an offence to undertake any operations which disturb the ground, flood or tip without giving 6 weeks notice to the Council who are the administering authority.
- The Council also has powers to carry out works to protect listed buildings under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **3. ENFORCEMENT PRACTICE IN HEREFORDSHIRE**

- 3.1 A wide variety of enforcement enquiries are received by the Council each year. Many of these are dealt with quickly as investigation reveals there is either no breach of control, or a minor technical breach is discovered which can be easily resolved. More serious cases may require formal enforcement action.
- 3.2 The types of enforcement cases encountered in Herefordshire vary widely. They include breaches of planning conditions, unauthorised development and changes of use such as the siting of mobile homes on agricultural land.
- 3.3 The Council is also responsible for taking action against unauthorised works to listed buildings, works to or the removal of protected trees without consent, the removal of hedgerows in contravention of the Hedgerow Regulations, and contravention of procedures that operate within Hereford Area of Archaeological Importance.
- 3.4 The Enforcement Team is based in the Development Management team.. It investigates cases from initial complaint through to the service of formal notices, appeals and court action. Historic Buildings Officers are closely involved in cases involving unauthorised works to Listed Buildings.
- 3.5 Other officers in the Service take the lead where the unauthorised removal of trees and hedgerows are involved.
- 3.6 The Enforcement team and other officers also work closely with the Building Control team who inform them when work has started on site and make an initial check on whether development is proceeding in accordance with the approved plans.
- 3.7 The Legal Practice Manager and senior officers in the Service have powers delegated by the Planning Committee to make decisions on whether to take enforcement action. In addition, the decision to prosecute rests with the Legal Practice Manager. The Council's Legal Services team provides legal advice on cases as required and handle the serving of Enforcement Notices and prosecutions.

### **4. ENFORCEMENT STRATEGY**

- 4.1 Public confidence in the development management process is quickly undermined if unauthorised development is allowed to proceed without any apparent attempt by the local planning authority to intervene before serious harm to amenity results from it.
- 4.2 The Council has discretion to take enforcement action when it regards it as expedient. In taking action the Council will be guided by the following considerations that are set out in Planning Policy Guidance Note 18.
- The Council has the primary responsibility for taking whatever enforcement action is necessary in the public interest.

- The Local Government Ombudsman may find 'maladministration' if the Council fails to take effective enforcement action which is plainly necessary within a reasonable timescale.
- In considering any enforcement action under the Planning Acts the decisive issue should be whether the breach of control would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest.
- Enforcement Action should always be commensurate with the breach of planning control to which it relates. For example, it is usually inappropriate to take formal enforcement action against a trivial or technical breach of control which causes no harm to amenity in the locality of the site.
- The local planning authority will normally make an initial attempt to seek a negotiated solution by persuading the owner or occupier of the site to make an application and/or cease work. However, negotiations will not be allowed to hamper or delay whatever formal enforcement action may be required to make the development acceptable on planning grounds, or to compel it to stop.

4.3 Early identification of breaches of planning control is important to ensure that in the longer term as little potentially abortive work as possible is undertaken. This means that potential remedies are less costly to the contravener and use less officer time and hence make best use of available resource. To this end upon commencement of development, as notified by the Building Control team, planning file will be checked for compliance with conditions. Any found to be outstanding will result in an initial letter seeking resolution of those breaches. Failure to take action within the prescribed period could result in the service of breach of condition notices and against which there is no appeal.

4.4 Enforcement action under the Hedgerow Regulations and within Hereford Area of Archaeological Importance will be pursued in accordance with Government guidance and accepted best practice. All officers will continue to work together to ensure a unified approach to planning enforcement matters.

## 5. PRINCIPLES

5.1 The Council signed up to the Enforcement Concordat in November 2000. This document was drawn up by the Access to Business Group and sets out the principles under which all local authority enforcement functions should be administered.

- Performance will be measured against agreed **standards**.
- There will be **openness** in dealing with business and others.
- Enforcers will be **helpful, courteous** and **efficient**.
- Complaints procedures will be **publicised**.
- Enforcement decisions will be taken in a **proportionate** manner.
- Enforcement Officers will strive for high standards of **consistency**.

## 6. ASSESSING THE NEED FOR ENFORCEMENT ACTION OR PROSECUTION

In deciding whether enforcement action or prosecution is expedient the Council will take the following steps:

- 1 Establish the facts - to find out what is happening on a site or in a building, to establish the identity of the owner/occupier and the relevant planning history of the site.

In doing this the Enforcement Officer may do any or all of the following:

- Visit the site. This will usually be unannounced and photographs may be taken. Where circumstances require it the site visit may be done under warrant.
- Interview the owner and/or occupier. Such interviews are used to obtain information about the alleged breach of planning control and to give information about the enforcement process and options available.
- Occasionally, in serious cases where an offence may have been committed, it may be necessary to conduct an interview under caution as required by the Police and Criminal Evidence Act 1984.
- Issue of Planning Contravention Notice or other statutory request for information.
- Check the Council's files for planning permission, planning conditions or other correspondence, which may be relevant to the alleged breach of planning control.
- Make enquiries with other statutory bodies and enforcement agencies to co-ordinate action.





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>3 NOVEMBER 2010</b>
<b>TITLE OF REPORT:</b>	<p><b>DMNC/091832/F - CHANGE OF USE OF LAND FOR STATIONING OF CARAVANS TO PROVIDE 1 NO. RESIDENTIAL MOBILE HOME FOR AGRICULTURAL WORKERS EMPLOYED IN FREE RANGE EGG PRODUCTION AT LEDWYCHE FARM, BLEATHWOOD, LITTLE HEREFORD, HEREFORDSHIRE, SY8 4LF.</b></p> <p><b>For: Mr Willis per Mr Matthew Green, 3a High Street, Much Wenlock, Shropshire, TF13 6AA.</b></p>

**Date Received: 30 July 2009**

**Ward: Upton**

**Grid Ref: 354956,271221**

**Expiry Date: 30 March 2010**

Local Member: Councillor J Stone

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

- 1.1 The site lies in open countryside in an area characterised by an undulating landscape and field boundaries demarcated by hedgerows and belts of trees. Accordingly the area is described in the Council's Landscape Character Assessment as one of Principal Timbered Farmlands. It is accessed via a stoned roadway directly off the C1054.
- 1.2 More specifically, the site occupies a raised position within the landscape with the land generally falling to the south and east and levelling north. The farm holding amounts to an area of land slightly in excess of 5 hectares. A group of buildings provide an element of storage for the agricultural use of the land. A single storey brick range has been converted to holiday accommodation and a free range egg production building erected approximately 150 metres to the north-west of the application site.
- 1.3 The application is retrospective in that it seeks to retain one of two mobile homes sited on the land. It is supported by an agricultural appraisal that seeks to demonstrate that there is a need for accommodation on the land to support an emerging free range egg production enterprise.
- 1.4 The appraisal identifies a three year development plan for the business, after which the laying flock will number 5,000. The unit will operate a 60 week cycle and birds will be allowed to graze the land during daylight hours. The need for accommodation on the site is based principally on animal welfare issues, but the appraisal also makes reference to labour intensive nature of the business, particularly a need to collect eggs by hand. This is a conscious decision made by the applicant to minimise energy use, but also as mechanisation would not be cost effective due to the relatively modest scale of the enterprise.

---

Further information on the subject of this report is available from Mr A Banks on 01432 383085

- 1.5 The appraisal goes on to advise that the building is fully automated. Ventilation systems will control temperature between pre-set limits and the building is alarmed for excessively high and low temperature and power failure. Similarly feeding and drinking systems are fully automated, but need to be checked regularly to ensure that they are functioning properly.
- 1.6 The appraisal concludes that there is a functional need for on site accommodation due to animal welfare issues and because the nature of the business requires a worker to be on site for significant periods of the day. There are no other dwellings on the holding and none in the locality which are either available or would meet the functional need of the business (to be in sight and sound of the buildings that are intended to be served).
- 1.7 Further information submitted by the applicant's agent includes a letter from an egg distributor. This confirms that he is willing to take all of the applicant's eggs subject to market price for distribution to approximately 250 retailers and restaurants in Shropshire and Cheshire and surrounding areas.

## 2. Policies

### 2.1 Herefordshire Unitary Development Plan

- E11 - Employment in the Countryside
- E13 - Agricultural and forestry development
- LA2 - Landscape character and areas least resilient to change
- H7 - Housing in the countryside outside settlements
- H8 - Agricultural and forestry dwellings and dwellings associated with rural businesses
- H11 - Residential caravans
- PPS7 - Sustainable Development in Rural Areas

## 3. Planning History

### 3.1

- |                 |   |  |   |  |
|-----------------|---|--|---|--|
| DCNC2007/3086/F | - | Retention of mobile home to provide agricultural workers accommodation   | - | Refused 26/11/07   |
| EN2007/0078/ZZ  | - | Enforcement Notice served on 11th July 2007 to require the removal of 2 mobile homes and lorry containers from the land. The Notice was appealed on the basis that the mobile homes were required to provide accommodation in connection with an emerging pig farrowing and free-range egg production enterprise | - | The appeal was dismissed and the Notice upheld on 24/04/08 |
| EN2007/0024/ZZ  | - | Breach of Condition Enforcement Notice served on 19/03/07 for the breach of condition 4 of DCNC2001/1502/F – The building converted under the terms of this permission as holiday accommodation being used for residential use by the owner of the land and his family   | - |  |
| DCNC2007/0336/F | - | Proposed removal of condition 4 of planning permission DCNC2001/1502/F for use of holiday accommodation as an agricultural dwelling  |   | Refused 08/03/07   |



DCNC2007/0234/S	- Proposed pig farrowing house	- Refused 22/02/07 and dismissed on appeal
DCNC2006/3934/S	- Erection of a free range poultry building	- Prior approval not required 05/01/07
DCNC2001/1502/F	- Conversion of farm buildings into 2 holiday houses	- Approved 27/09/01
DCNC1999/1739/O	- Siting of a mobile home to oversee the establishment of a new free-range egg and pig production unit	- Approved 29/09/99

#### 4. Consultation Summary

4.1 Transportation Manager – No objections

4.2 County Land Agent – Accepts that there is an essential need for on site accommodation to oversee a free-range egg production enterprise of the scale capable of being implemented on the land.

5. Representations

5.1 Brimfield & Little Hereford Parish Council – Object to the application as they do not feel that the proposal is justified.

5.2 Six letters of objection have been received from local residents and landowners. In summary the points raised are as follows:

- The poultry building that has been erected is below standard and the land cannot be farmed efficiently.
- The enterprise relies on solar and wind power. The reliance of this is questioned when the enterprise will require a significant power supply.
- The applicant's do not have legal access to their land.
- The use of a mobile home as a permanent residence is not suitable for the area.
- The proposal does not accord with the requirements of PPS7 as it diminishes the character and appearance of the area and does not promote a sustainable pattern of development.
- The site lacks accessibility and will result in additional traffic movements, compromising highway safety.
- The proposal is detrimental to nearby residential amenity.
- The proposal is purely speculative.
- The applicant's have continued to flout planning regulations and ignore the requirements of enforcement notices.

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

#### 6. Officer's Appraisal

6.1 The starting point is to assess the proposal against national policy advice in PPS7 where guidance on agricultural and forestry development is set out in Annex A. Paragraph 1 reminds both authorities and applicants that it will often be as convenient and more sustainable for workers to live in nearby towns and villages, or existing dwellings, so as to avoid new and potentially obtrusive development in the countryside. Paragraph 2 states that it is essential to scrutinise applications in order to identify speculative proposals that attempt to abuse the concessions that the planning system makes for new occupational dwellings in the countryside. The policy statement also stresses the importance of establishing that the stated intentions are genuine, that they are reasonably likely to materialise and that they are capable

---

Further information on the subject of this report is available from Mr A Banks on 01432 383085

of being sustained for a reasonable period of time. It is also important to establish that the needs of the enterprise require one or more people engaged in it to live nearby. These points are also the fundamental basis for the Council's own policy under H8 of the Unitary Development Plan.

- 6.2 In the case of temporary accommodation, the guidance lists five criteria that must be satisfied, and these are as follows:
- There is clear evidence of a firm intention and ability to develop the enterprise
  - There is a functional need
  - That the enterprise has been planned on a sound financial basis
  - That the functional need could not be satisfied by another existing dwelling on the unit or any other existing accommodation in the area which is suitable and available, and;
  - Other normal planning considerations are satisfied
- 6.3 Your Officers understand that the applicant purchased the land in 2003 and subsequently implemented the planning permission for the conversion of the buildings into holiday accommodation (NC2001/1502/F), completing the work himself. It is clear from the planning history outlined above that a number of enforcement issues have arisen during this time, most obviously the unauthorised residential occupation of the land, and latterly the holiday accommodation. However, it is also clear that the applicant has implemented the permissions that have been granted. The poultry building has been completed and it is understood that it has been operating since the early summer of this year. Correspondence submitted on behalf of the applicant from an egg distributor indicates that he has a ready outlet for the eggs that are produced and, in your Officers opinion, this is a clear indication of the applicant's intention and ability to develop the enterprise. The first point is considered to be satisfied.
- 6.4 In dismissing the Enforcement Appeal in 2008, the Inspector expressed the view that it would be desirable for someone to be close to livestock at all times if the development of an egg production unit occurred. His view was based on the 'low technology background' of the enterprise, particularly the applicant's intention to rely on renewable energy sources. He therefore concluded that this would constitute a functional requirement for the purposes of PPS7.
- 6.5 The Inspector's view is endorsed in respect of this current application by the County Land Agent. Originally he had expressed some reservations about the enterprise, particularly the low technological basis of the enterprise, the poor quality and questions about the availability of access to the site and the contractual arrangements that the applicant had made for the sale of eggs.
- 6.6 The last of these points has already been discussed. In respect of the first two, the applicant's agent has provided additional information including trade details of the ventilation system that has been installed in the poultry building, a detailed energy assessment from an independent organisation, and a letter from the applicant's solicitor confirming their right of access to their land.
- 6.7 The County Land Agent is satisfied that the details provided address the points originally raised. He also confirms that the Egg Board are happy with the standard of the building and that there is sufficient land to support the 5,000 birds proposed for the third year of the business plan. He concludes that it will be necessary for someone to live on site due to the combined facts that the enterprise is some distance from a public road and that there are no houses available to buy or rent in the locality. He also makes it clear that the applicant will need to provide detailed, audited accounts should he apply in the future for permanent accommodation on the land.

- 6.8 It is therefore concluded that the functional requirement for accommodation on the land is met, that this need cannot be satisfied elsewhere and that the financial projections submitted on behalf of the applicant are not unreasonable based on the number of birds proposed over a three year period. The proposal is therefore considered to accord with Policy H8 of the Unitary Development Plan, and with Annex A of PPS7.
  
- 6.9 It therefore falls to consider any other material planning considerations that might influence the determination of this application, and the primary issue is considered to be that of visual impact.
  
- 6.10 There can be no doubt that there have been a number of concerns about the appearance of the holding over a considerable period of time. The stationing of lorry backs on the land was addressed by the Enforcement Notice issued in July 2007. These do remain on the land but are being used for agricultural purposes, and as such are considered as chattels for which planning permission is not required. The general appearance of the land is not however, reason to refuse this application, it is simply the appearance and impact of a mobile home that must be assessed.
  
- 6.11 As stated at the beginning of this report, the application is effectively retrospective as accommodation already exists on the land. It is positioned immediately adjacent to the original range of farm buildings serving the land, including the building which has been converted to holiday accommodation. At the time that the site was visited, two co-joined mobile homes were positioned on the land. They are quite discretely sited and any view of them is seen against the backdrop of the buildings. Their visual impact is considered to be very limited, and not sufficient to warrant the refusal of the application.
  
- 6.12 The applicant's agent has confirmed that the intention is to retain a mobile home for residential use as defined by the Caravan Sites and Control of Development Act 1960, and the Caravan Site Act 1968. Although they have not been explicit, your Officers have taken their reference to both Acts to mean that it is the intention of the applicant to retain both as a single unit. It is recommended that this is addressed through the imposition of an appropriately worded condition should planning permission be forthcoming.
  
- 6.12 On balance it does appear that the criteria set out by Policy H8 of the Unitary Development Plan and PPS7 are met and the application is therefore recommended for approval.

**RECOMMENDATION**

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

- 1 F22 Temporary permission & reinstatement of land (mobile home/caravan) – 3 years**
- 2 F27 Agricultural occupancy**
- 3 The permission hereby granted is specifically for the siting of two co-joined units as defined by Section 13(1) of the Caravan Site Act 1968.**

**Reason: In order to define the terms of this permission and to comply with Policies H8 and H11 of the Herefordshire Unitary Development Plan.**

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.

---

Further information on the subject of this report is available from Mr A Banks on 01432 383085



Scale 1:4000

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

**APPLICATION NO:** DMNC/091832/F

**SITE ADDRESS :** LEDWYCHE FARM, BLEATHWOOD, LITTLE HEREFORD, HEREFORDSHIRE, SY8 4LF

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

Further information on the subject of this report is available from Mr A Banks on 01432 383085



<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>3 NOVEMBER 2010</b>
<b>TITLE OF REPORT:</b>	<p><b>DMS/101822/FH - PROPOSED SINGLE STOREY EXTENSION AND ALTERATIONS TO CAR PARKING ARRANGEMENTS AT STONE LEA, RECTORY ROAD, HAMPTON BISHOP, HEREFORDSHIRE, HR1 4JU.</b></p> <p><b>For: Mr Watts per Mr Stephen Potter, Pomona Office Kings Acre Road, Hereford, HR4 0SN.</b></p>

**Date Received: 19 July 2010**

**Ward: Backbury**

**Grid Ref: 355558,238299**

**Expiry Date: 6 October 2010**

Local Member: Councillor JE Pemberton

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

- 1.1 This application is reported to committee because the applicant is an employee of Herefordshire Council and holds a politically restricted post.
- 1.2 Stone Lea is a link detached bungalow on the southern side of Rectory Lane, Hampton Bishop. The bungalow is of facing stone and brick construction with a tiled roof. The site lies within the Hampton Bishop Conservation Area and a Grade II Listed Building, Box Tree Cottage, is situated to the northeast. The site is within a level 2 and 3 Flood Zone. Levels are relatively flat within the site, with residential development either side of the property and an orchard to the rear.
- 1.3 The proposed development comprises two components. Firstly, the removal of the existing flat roofed, covered yard/passage way, garage and utility room to the western, side elevation of the dwelling and replacement with an extension of a 'L' shaped footprint, wrapping around the rear elevation. The proposed extension would provide a kitchen/dining/living area and bedroom with en-suite facilities. The extension would have a width of 3.1 metres, from the front elevation, and would project some 2.6 metres beyond the existing rear elevation. The roof height would be some 4.1 metres, which is the same height as the existing. Matching materials are proposed.
- 1.4 The second element of the proposal is to extend the existing hardstanding, to the front of the property, to provide an enlarged parking/turning area. A gravelled and concrete surface is proposed. There is an existing hedgerow and a tree alongside and parallel with the lane.

## **2. Policies**

- 2.1 Department of Environment:

---

Further information on the subject of this report is available from C L Atkins (Mrs) on 01432 260536

- PPS5 - Planning for the Historic Environment
- PPS25 - Development and Flood Risk

## 2.2 Herefordshire Unitary Development Plan:

- S1 - Sustainable Development
- S2 - Development Requirements
- S7 - Natural and Historic Heritage
- DR1 - Design
- DR7 - Flood Risk
- H7 - Housing in the Countryside Outside Settlements
- H18 - Alterations and Extensions
- HBA6 - New Development within Conservation Areas
- LA5 - Protection of trees, woodlands and hedgerows

## 3. Planning History

3.1 None.

## 4. Consultation Summary

### Statutory Consultees

4.1 None.

### Internal Council Advice

4.2 Traffic Manager: Recommends conditions

4.3 Conservation Manager: Removal of garage and erection of extension is acceptable in principle. Materials should match the existing. Careful consideration should be given to ensuring the enlarged parking/turning area surfacing would not be harmful to the tree.

## 5. Representations

5.1 Hampton Bishop Parish Council: No comments received at time of report.

5.2 A Flood Risk Assessment was submitted with the application. In summary this states:

- The applicant is aware that the property lies in flood zones 2 and 3, as family members have lived in the property for over 20 years.
- Although there is a history of flooding in the area, the dwelling is well elevated from the roadway and surrounding ground, such that no flood waters have ever entered the property to date.
- Proposed floor level will match the existing and therefore there will be no greater risk of the flooding of the extension than the dwelling.
- Extension will increase roof area by approximately 3.6 square metres, which would not unduly affect the volume of rainwater to be disposed of. Rainwater would be directed into soakaways within the site.
- Extended parking/turning area would have a permeable surface for rainwater to soak through.
- Applicant has been advised to study the Environment Agency's document 'Prepare Your Property for Flooding' and also to sign up for their flood warnings.

- 5.3 The notification period does not elapse until 6 October 2010. Any representations received after this report was produced will be summarised in the update sheet.
- 5.4 The full text of these letters can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.
- 6. Officer's Appraisal**
- 6.1 The main considerations in the determination of this application are the impact of the development on the neighbouring property, the character and appearance of the Conservation Area, flooding and highway safety.
- 6.2 Policy H18 of the HUDP sets out the requirements for extensions to dwellings and buildings incidental to the use of the dwellinghouse. The policy requires that the original dwelling remains the dominant feature and that the new development is in keeping with the character of the existing dwelling in terms of scale, mass, siting, detailed design and materials, amongst other criteria. With regards the proposed extension, it would be small in scale and would predominantly represent a replacement in terms of floor area. The extension would be read as a modest, subservient addition. The pitched roof would complement the existing property, as would the overall design and materials. In respect of the impact upon the neighbour, the extension would only project 2.6 metres beyond the rear elevation. The neighbours' property has a similar element to the rear, albeit of a flat roofed design. The extension would be to the east of the neighbour. By virtue of this orientation and the minimal height of the extension it is considered that the proposal would not adversely affect their residential amenity.
- 6.3 PPS5 Planning for the Historic Environment and policy HBA6 of the Herefordshire Unitary Development Plan set out the criteria for development in Conservations Areas. It is required that developments either preserve or enhance the character and appearance of the Conservation Area. The proposed extension is small in scale and in keeping with the character and appearance of the existing property. It would not be prominent in the Conservation Area, being set back from the lane. As such the extension would preserve the existing character and appearance of the Conservation Area. With regards the proposed area of hardstanding for parking/turning, this would be largely obscured by the existing hedgerow, particularly when approaching the site from the east. With regards the existing tree, the Conservation Manager considers that it makes a valuable contribution to the character and appearance of the Conservation Area. To ensure its retention a condition controlling this and the submission of details of the consolidation, surfacing and drainage of the parking/turning area is recommended.
- 6.4 PPS25 Development and Flood Risk and policy DR7 of the Herefordshire Unitary Development Plan set out the criteria for development in flood risk areas. The proposal provides for the floor area of the extension to be the same as the existing. By virtue of this and due to the extension predominantly being a replacement of an existing part of the property it is considered that the extension would not increase the flood risk of the site. With regards the parking/turning area, this would be finished with a permeable gravel materials. A condition requiring detailed construction and surfacing materials, to ensure that there is no surface run off from the site would satisfactorily control the matter.
- 6.5 The proposal would result in the loss of a garage, but would provide an enlarged parking/turning area. This would reduce the need for on-road parking on Rectory Lane, which is relatively narrow. The Traffic Manager has no objection to the proposal, subject to a condition regarding the laying out of the area.
- 6.6 In conclusion, the proposal is considered to accord with both national and local planning policies and there are no material planning considerations to suggest a decision to the contrary should be made.

**RECOMMENDATION**

**Provided that no representations are received that raise material planning considerations that planning permission be granted subject to the following conditions:**

- 1. A01 Time limit for commencement (full permission)**
- 2. B02 Development in accordance with approved plans and materials**
- 3. H13 Access, turning area and parking**
- 4. G02 Retention of trees and hedgerows**

**INFORMATIVES:**

- 1. N15 Reason(s) for the Grant of PP/LBC/CAC**

Decision: .....

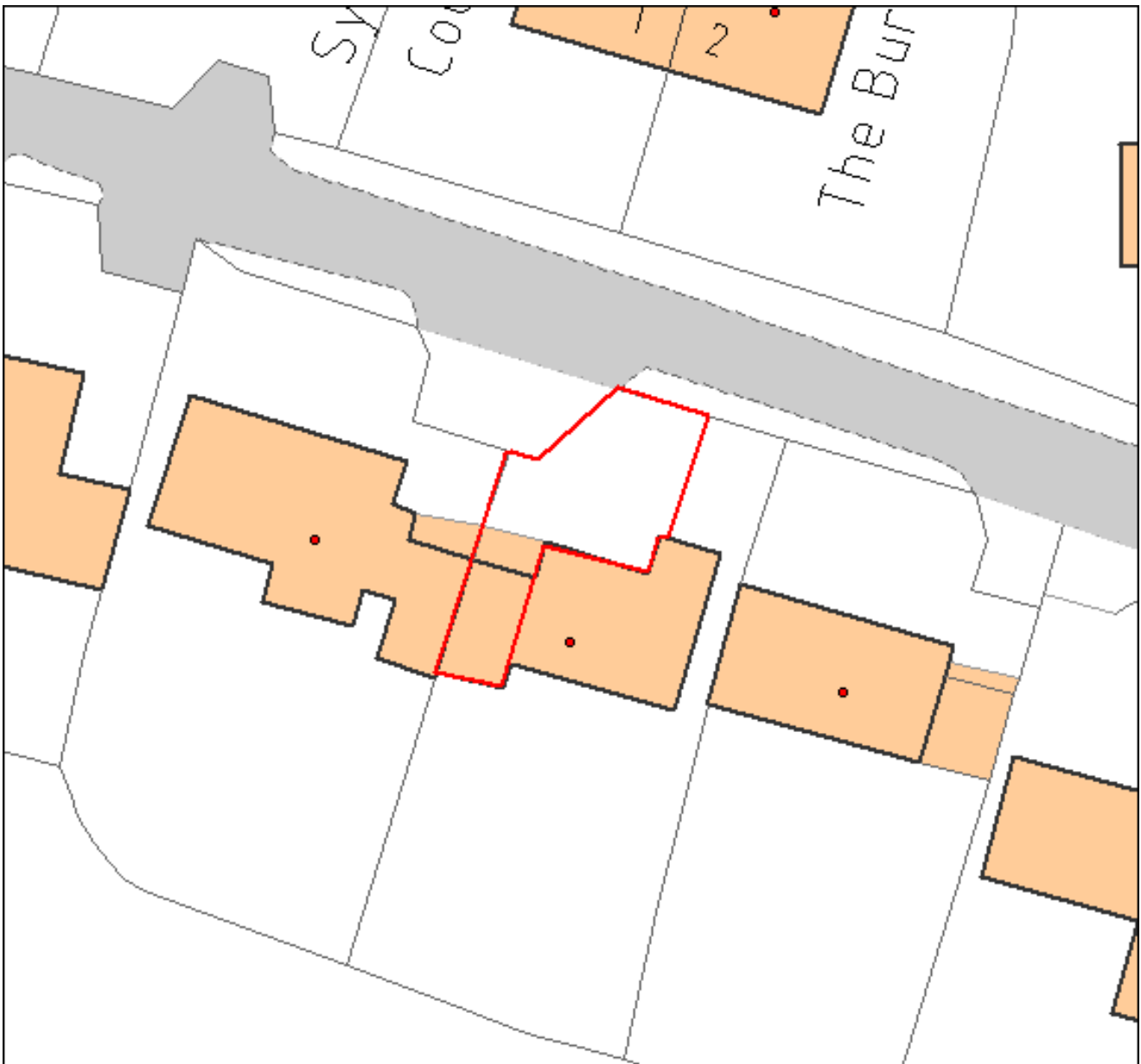
Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.





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

**APPLICATION NO:** DMS/101822/FH

**SITE ADDRESS :** STONE LEA, RECTORY ROAD, HAMPTON BISHOP, HEREFORDSHIRE, HR1 4JU

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





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>3 NOVEMBER 2010</b>
<b>TITLE OF REPORT:</b>	<p><b>DMS/102061/F - DEMOLITION OF EXISTING RESIDENTIAL PROPERTY, CONSTRUCTION OF 8 NO. APARTMENTS, 3 NO. TOWN HOUSES WITH ASSOCIATED CAR PARKING, LANDSCAPING AND ACCESS AT PENRICE, WALFORD ROAD, ROSS ON WYE, HEREFORDSHIRE, HR9 5PQ.</b></p> <p><b>DMS/102062/C - DEMOLITION OF EXISTING RESIDENTIAL PROPERTY, CONSTRUCTION OF 8 NO. APARTMENTS, 3 NO. TOWN HOUSES WITH ASSOCIATED CAR PARKING, LANDSCAPING AND ACCESS AT PENRICE, WALFORD ROAD, ROSS ON WYE, HEREFORDSHIRE, HR9 5PQ.</b></p> <p><b>FOR: M F FREEMAN, RUARDEAN WORKS VARNISTER ROAD, DRYBROOK, GLOUCESTERSHIRE, GL17 9BH.</b></p>

**Date Received: 11 August 2010    Ward: Ross-on-Wye East    Grid Ref: 359823,223347**

**Expiry Date: 10 November 2010**

Local Members: Councillors PGH Cutter and AE Gray

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

- 1.1 The application site is located on the east side of the B4234 Walford Road some 800 metres south of Ross-on-Wye town centre. The site comprises Penrice, a large inter-war detached dwelling, set within a garden curtilage that extends to 0.28ha. The site is within the settlement boundary of Ross-on-Wye, in the Wye Valley Area of Outstanding Natural Beauty and Ross-on-Wye Conservation Area.
- 1.2 The site is rectangular in shape with a frontage onto the Walford Road. The existing vehicular access is towards the northern end of the frontage with the driveway running diagonally and to the south of Penrice to a flat roofed garage and large parking area. The site is currently screened from Walford Road by a stone wall, wooden fence and mature roadside planting.
- 1.3 The southern perimeter is defined for much of its length by a 3 metre high stone wall, which also forms part of the north elevation of Chasedale Cottage, which as a consequence forms part of the southern site boundary. Westwood is a detached dwelling to the immediate north, with the remainder of the northern boundary formed by the playing fields to St. Joseph's primary school. Residential properties on Eastfield Road are found to the east beyond mature planting that forms the boundary.

---

Further information on the subject of this report is available from Mr S Withers on 01432 260612

- 1.4 The application follows a refusal of a scheme earlier this year and which is the subject of an undetermined appeal (DMSE/100399/F). The refused scheme included the demolition of the existing dwelling and proposed two separate three storey apartment blocks with a total of 14, 2 bed apartments. The ridge height of the refused apartment buildings was 10.3 metres. The refused scheme proposed a contemporary design approach but with a palette of materials intended to reflect the surrounding locality, including panels of red brick, render and glazing under a traditional slated roof with chimney stacks to provide vertical emphasis. The proposal was refused for the following reason:

*The proposed 3-storey apartments, by virtue of their detailed design, scale and massing, would represent an over-development of the site, would harm the character of the Ross on Wye Conservation Area, be out of keeping with the established character of the area and have an adverse impact on the amenity of adjoining residents. The proposal is thus contrary to Policies DR1, HBA6 and H13 of the Herefordshire Unitary Development Plan 2007.*

- 1.5 This proposal similarly is for the demolition of the existing dwelling but now proposes the erection of two buildings comprising a total of 11 units. An apartment block would be located on the front portion of the site and contains a total of 8, 2-bed apartments with a terrace of 3, 3 bed townhouses located to the rear. The accommodation in both buildings would be arranged over 3 floors. A Conservation Area Consent application covering the demolition of Penrice accompanies the planning application. The apartment block would occupy the land vacated by the demolished dwelling with the rear block located in the eastern portion of the site. It is proposed to move the vehicular access to the south-west corner of the site moving through to a parking court set between the two buildings.
- 1.6 Both buildings would have an overall ridge height of 8.8 metres (1.5 metres lower than the refused scheme and identical to the ridge height of the existing dwelling). This proposal also promotes a contemporary design but incorporates a more traditional roof form with gabled elements that reflect the character of the existing dwelling. The palette of materials is very similar to the refused scheme and incorporates coursed rubble stone, red brick, render, natural slate and glazing.
- 1.7 Chasedale Cottage and Westwood are the two dwellings in closest proximity to the application site. At it's nearest the apartment block would be 12 metres from Westwood and 8.4 metres from Chasedale Cottage. The townhouse element would be approximately 6 metres from Chasedale Cottage at its closest. The apartment and townhouse buildings occupy essentially the same footprint on the site as the refused scheme but the townhouse itself would be approximately 14.2 metres from the boundary with the rear gardens of the properties in Eastfield Road and some 56 metres from the nearest elevation of the properties. The rear facing element of the townhouse has no windows at second floor level, the dormer windows within the long sloping catslide roof being set at first floor and approximately 60 metres from the nearest windows in the neighbouring properties in Eastfield Road.
- 1.8 The application is accompanied by an, ecological report (Bat and Reptile Survey), Tree Survey and Arboricultural Assessment and a Heritage Statement/Conservation Area Appraisal.
- 1.9 A draft heads of terms accompanies the application, the content of which is attached to this report.

## **2. Policies**

### **2.1 National Planning Guidance:**

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing
PPS5	-	Planning for the Historic Environment

---

Further information on the subject of this report is available from Mr S Withers on 01432 260612

PPS9 - Biodiversity and Geological Conservation

## 2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR3	-	Movement
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H13	-	Sustainable Residential Design
H14	-	Re-using Previously Developed Land and Buildings
H16	-	Car Parking
HBA6	-	New Development Within Conservation Areas
HBA7	-	Demolition of Unlisted Buildings Within Conservation Areas
LA1	-	Areas of Outstanding Natural Beauty
LA5	-	Protection of Trees, Woodlands and Hedgerows
NC1	-	Biodiversity and Development

## 3. Planning History

3.1	SH87/1589/PO	Erection of a dwelling for veterinary surgery assistant to live on site.	-	Refused
	SH89/0095/PO	Three houses to rear of Penrice.	-	Refused 01.03.1989
	DCSE2007/1955/O	Outline application for the erection of a detached dwelling with ancillary works on land adjoining Penrice.	-	Refused and dismissed on Appeal 28.02.2008
	DCSE0009/1972/F & SE0009/1973/C	Demolition of existing residential property and construction of 14 no. apartments, associated car parking landscaping and access.	-	Withdrawn 18.12.2009
	DMSE/100399/F & DMSE/10400/C	Demolition of existing residential property and construction of 14 no. apartments, associated car parking, landscaping and access.	-	Refused 12.05.10 Appeal lodged

## 4. Consultation Summary

4.1 Welsh Water : No objection subject to condition controlling the discharge of foul and surface water.

### Internal Council Advice

4.2 Conservation Manager: No objection, I was supportive of the original scheme and whilst this version contains explicitly traditional design elements, it retains a contemporary identity that has not fallen into the trap of pastiche.

4.3 Traffic Manager: No objection subject to conditions requiring appropriate visibility (2.4 metres by 90 metres), provision of footway, details of the driveway specification, closure of the

---

Further information on the subject of this report is available from Mr S Withers on 01432 260612

existing access, provision of the proposed parking and turning area, wheel washing facilities, details of site operatives parking and secure cycle parking.

## 5. Representations

5.1 Ross Town Council: The Planning Committee's objection to the original application was on grounds of access. We note that the current application has fewer dwellings than the last application and there is a planning obligation allocation for road safety improvements in Walford Road and therefore we have no objections

5.2 15 letters of objection have been received from local residents, one accompanied by a 48 signature petition. The content of the letters is summarised as follows:

- The erection of the 3 storey apartment and townhouse and the demolition of a detached dwelling would be out of keeping with the prevailing character of the conservation area and would neither preserve or enhance the character or appearance of the area.
- The proposed buildings are of an inappropriate scale and type.
- The buildings would be overbearing in relation to their neighbours. The loss of residential amenity and privacy is unacceptable.
- Development would result in the creation of a busy junction onto the already busy Walford Road. The high demand for parking associated with these properties could result in additional parking on Walford Road, restricting road width and the free flow of traffic.
- Penrice and other late C20 dwellings do contribute to the pleasant mixture of well proportioned houses that are appropriate to their sites. The proposal is disproportionately large in relation to both the surrounding area and the plot.
- Permitting this development would result in an unwelcome precedent for similar redevelopment proposals that result in the loss of large gardens.
- No details concerning light noise, traffic movements and refuse storage.
- Heritage Statement contains inaccuracies about extension at Danefield House.
- Government guidance seeks to stop use of gardens for large scale residential development.
- This scheme is near identical to the one refused by Planning Committee.
- New access is complicated and will open up the site to the detriment of the conservation area.
- Site is within AONB and should fit in with the surrounding landscape.
- Limited provision for service vehicles.
- Permitting 3 storey development would set a dangerous precedent.

5.3 The response from the Herefordshire Branch of the CPRE can be summarised as follows:

- Emphasis is placed upon the revised PPS3 and specifically upon the comments of the Chief Planners statement that "there is no presumption that previously developed land is suitable for housing, nor that all the curtilage should be developed".
- The development will occupy most of the site.
- Height of the block will be visually obtrusive.
- Probable increase in traffic is a material consideration.
- Policies DR1, HBA6 and HBA7 contravened.
- Reference is made to the previously dismissed appeal on the site for one dwelling.
- Density, design, height and bulk of the dwellings seems out of character within this Conservation Area.

5.4 The response from the Wye Valley Society can be summarised as follows:-

- Height, density and bulk inappropriate in this part of the Conservation Area.
- This garden grabbing development will take up most of the site contrary to amended PPS3.

---

Further information on the subject of this report is available from Mr S Withers on 01432 260612

- Likely land drainage problems.
- Would detract from the spacious garden setting of nearby residences within the AONB.
- Reference made to the Inspectors decision in dismissing an appeal for a single dwelling on the site.
- Demolition of the house conflicts with HBA6 and HBA7.
- Parking provision is insufficient leading to parking on Walford Road and conflict with vehicles and pedestrians.
- Same refusal reasons for previous scheme apply.

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

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

6.1 The recent planning history of the application site revolved around establishing the principle of whether demolition of the existing inter-war detached dwelling (Penrice) and the residential redevelopment of this site is an acceptable one, and it is clear that the sensitive context of the location, in particular its location within the Ross-on-Wye Conservation Area, the Wye Valley Area of Outstanding Natural Beauty and its relationship with existing residential properties are key considerations in the determination of this revised application. As was the case previously, this is a joint report dealing with the requirement to obtain Conservation Area Consent for the demolition of the existing dwelling and the redevelopment of the site with 8, 2 bed apartments and 3, 3 bed townhouses.

6.2 Having regard to the recently refused applications for the redevelopment of the site, it is appropriate to focus primarily upon the reasons for refusal (the subject of an appeal to be considered by Informal Hearing in December) and to reconsider the impact of the revised development upon the character and appearance of the site and the surrounding locality as well as the implications for the privacy and amenity of residents living within the immediate vicinity of the site.

### Detailed Design, Scale and Massing within the Conservation Area

6.3 A number of objections suggest that this is a virtually identical scheme to the one that was refused but upon comparison it is clear that there are a number of significant changes that have been introduced to seek to overcome the grounds for refusal. The revised proposal promotes a total of 11 residential units (8, 2 and 3, 3 bed units) compared to the 14 2 bed units previously submitted and it is apparent that the scale and massing of the revised proposal has been reduced.

6.4 It is considered that the main change relates to the ridge height of the two buildings which at 8.8 metres are identical to the existing dwelling and 1.5 metres lower than the refused scheme. Furthermore the overall footprint of development has been reduced from 675 square metres to 609 square metres. However the building frontages remain fundamentally the same width as the refused scheme as does the format and disposition of the T-shaped apartment at the front of the site. It is worth mentioning that the width of the forward projecting and most visually prominent element of the apartment block is 9.6 metres compared to the 11.1 metres of Penrice, albeit that the set back element remains at 22.5 metres wide.

6.5 The design approach, although not the mix of materials, has also changed markedly and whilst it is considered to retain a contemporary appearance, it exhibits a far more traditional suburban character than the refused scheme. The apartment building now incorporates gabled and hipped roofs (rather than the pyramidal roof previously proposed) with dormers contained within the second floor. The use of glazing is more restrained and the omission of large balcony features further reduces the visual prominence of the building within the streetscene.

- 6.6 The townhouse element also represents a significant change from the refused scheme which in broad terms promoted two buildings of the same plan form. The revised proposal could be described as a modern terrace which presents a full 3 storey height to the parking courtyard (again 8.8 metres to the ridge) with a long catslide roof down to first floor level incorporating a series of dormers serving the first floor accommodation. By reason of its position at the rear of the site, its visual prominence in relation to public vantage points is negligible but in general terms the overall scale and mass of this building element is reduced from that which was refused.
- 6.7 Notwithstanding the comparisons between the proposed and refused schemes, it remains the case that this proposal as with its predecessor, is for development at a much larger scale than the dwelling that exists on the site. This however, is not in itself grounds for the refusal of planning permission. The key policy consideration is whether the proposal can be considered to preserve or enhance the character of the Conservation Area. In this context it is worth noting that the mature landscaping within the site will not be affected by the proposals, and most importantly the trees adjacent to the boundary with Walford Road and which compliment the attractive mix of planting and built development which contribute to the character of this part of the Conservation Area will be properly protected. Furthermore there are examples within the near vicinity of the site, such as the Chasedale Hotel, where a larger footprint and scale of building sits comfortably within the landscape setting and otherwise more modest mixed residential development.
- 6.8 On this issue it is considered that the mature landscaping together with the set back and more restrained elevational treatment of the apartment block in particular are such that the development in its revised form would preserve the essential spatial qualities that define the character and appearance of the Conservation Area and therefore accord with PPS5 and Policy HBA6 of the Herefordshire Unitary Development Plan. In the broader sense, and having regard to the AONB designation that covers much of Ross-on Wye and its environs, it is not considered that within this urban environment there would be any discernible impact upon the intrinsic landscape character of the surrounding area. Policy LA1 of the Herefordshire Unitary Development Plan is therefore satisfied.

#### Residential Amenity

- 6.9 The revised scheme incorporates a number of detailed design changes which combine to reduce the impact upon neighbouring occupiers. The key change, as identified above, is the 1.5 metre reduction in ridge height, which would generally reduce the perceived scale of the development from those properties that bound the site. Furthermore the extent of glazing and the use of external balconies has been curtailed. There are now no projecting balconies within the apartment building and only 3 proposed at second floor level on the inward facing front elevation of the townhouse.
- 6.10 The main concerns relating to residential amenity arising from the consultation exercise have been voiced from residents occupying the properties in Eastfield Road. In this respect, the reduction in height and change in design of the townhouse is of particular relevance. The first floor dormers in the rear elevation of the townhouse would be just under 60 metres from the nearest elevation of properties in Eastfield Road and the reduced ridge height (now over 65 metres distant) and long catslide roof now proposed is such that privacy standards are significantly exceeded and the concerns about overbearing impact have been satisfactorily addressed.
- 6.11 Chasedale Cottage, is most closely related to the proposed development but is located due south such that it will not be impacted by overshadowing and any associated loss of daylight/sunlight. The second floor window closest to this boundary would serve an ensuite bathroom and as such could be obscure glazed and it is also considered that the first floor study should be similarly treated so as to avoid any possible overlooking of this property.



Whilst no specific daylight/sunlight analysis has been produced for this scheme, on the basis that it is reduced in scale and located in the same position as the previous one, its conclusions are comparable and accordingly satisfactory living conditions would be retained

- 6.12 Westwood lies to the north of the apartment block and at a distance of some 12 metres from the flank elevation at its nearest. Again the reduction in ridge height serves to improve this relationship as does the removal of recessed balconies which previously necessitated the use of privacy screens. The result is a simpler elevation that has no windows in the side facing rear element and fixed and obscure glazing to the side facing windows and dormers. In this respect there would be no overlooking and whilst the increase in massing of the proposed development would be evident from the side and rear of Westwood, the principal rearward outlook would be retained and the general level of amenity would be within acceptable limits. Consideration has been given to the impact of the development on the properties on the opposite side of Walford Road and having regard to the 45 metre distance and interceding planting, it is concluded that there would be no material harm to the amenities of these properties.

#### Other Material Considerations

- 6.13 A number of objections refer to the revised content of PPS3 and the implications of the advice on “garden grabbing”. It is considered that whilst this updated guidance does reduce the pressure placed upon local authorities to approve higher density schemes on garden plots in terms of meeting nationally prescribed targets for housing delivery on previously developed land, it does not override the need to consider each case on its merits and in relation to locally adopted policies. In this case, the Unitary Development Plan contains relevant policies that should be given significant weight in any determination. These policies seek to protect areas and individuals from the impact of unacceptable development and in this case for the reasons set out above it is considered that the relevant policies are satisfied
- 6.14 Whilst not a reason for refusal of the previous scheme, concern continues to be expressed at the level of vehicular movements that will be associated with the erection of 11 units at this location on Walford Road given that it is a busy road, well used by vehicles and pedestrians alike.
- 6.15 The Traffic Manager has been involved in the formulation of the revised access and parking arrangements. There have been some very minor revisions to the access and driveway and it is considered that the means of vehicular access is acceptable in the context, with the requisite visibility splay. Likewise the parking provision of 19 spaces (6 dedicated spaces for the 3 bed townhouse and 13 for the 8 2 bed apartments) is considered acceptable, with a condition recommended to ensure that the parking areas and secure cycle stores are constructed prior to the first occupation of any of the units.
- 6.16 The draft Heads of Terms (Appendix 1) includes a contribution towards sustainable transport improvements in the locality, which if permission were granted, would help secure the installation of a formal pedestrian crossing point at a position to be agreed on Walford Road. It also makes provision for contributions towards play space and sports facilities and the improvement of educational facilities within the vicinity of the application site. These contributions are in accordance with the adopted Supplementary Planning Document: Planning Obligations and are agreed as appropriate by the relevant service areas.
- 6.17 The final matter to address is in the light of continued reference to the contribution that the existing dwelling makes to the character of the area. It is acknowledged that whilst as a single dwelling within a large garden cartilage, it reflects the prevailing grain of this part of the Conservation Area, it is not of such architectural or historic merit that it fulfils the test of a locally important building and as such its retention is not a fundamental prerequisite to the successful development of the site. Therefore whilst not a reason for refusing the previous

scheme, it is reiterated that subject to securing an acceptable redevelopment scheme, the principle of demolishing Penrice is an acceptable one.

- 6.18 In conclusion it is considered that the revised proposal, whilst attracting a similar and significant level of objections, responds positively to the reasons for refusing the previous scheme. Its detailed design has been made more traditional in approach and the scale and massing of the two elements has been reduced, most fundamentally by a 1.5 metres drop in height, the combination of which are considered to reduce the visual presence of the proposal within the streetscene. Further attention has been given to the relationship of the development to neighbouring properties and this has also reduced the extent of any overlooking and overbearing effects. Accordingly the planning application and associated application for Conservation Area Consent are recommended for approval.

## **RECOMMENDATION**

**In respect of DMS/ 02061/F:**

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

- 1 A01 Time limit for commencement (full permission)**
- 2 B03 Amended plans**
- 3 B07 Section 106 Agreement**
- 4 C01 Samples of external materials**
- 5 H03 Visibility splays**
- 6 H02 Single access - footway**
- 7 H06 Vehicular access construction**
- 8 H08 Access closure**
- 9 H13 Access, turning area and parking**
- 10 H21 Wheel washing**
- 11 H27 Parking for site operatives**
- 12 H29 Secure covered cycle parking provision**
- 13 F17 Obscure glazing to windows**
- 14 G02 Retention of trees and hedgerows**
- 15 G04 Protection of trees/hedgerows that are to be retained**
- 16 G10 Landscaping scheme**

**Informatives:**

- 1 HN01 Mud on highway**
- 2 HN04 Private apparatus within highway**

---

Further information on the subject of this report is available from Mr S Withers on 01432 260612

- 3        **HN05 Works within the highway**
- 4        **HN10 No drainage to discharge to highway**
- 5        **HN28 Highways Design Guide and Specification**
- 6        **N15 Reason(s) for the Grant of PP/LBC/CAC**

**In respect of DMS/102062/C:**

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

- 1        **D01 Time limit for commencement (Conservation Area Consent)**
- 2        **D13 Signing of contract before demolition**

**Informative:**

- 1        **N15 Reason(s) for the Grant of PP/LBC/CAC**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NOS:** DMS/102061/F & DMS/102062/C

**SITE ADDRESS :** PENRICE, WALFORD ROAD, ROSS ON WYE, HEREFORDSHIRE, HR9 5PQ

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

Further information on the subject of this report is available from Mr S Withers on 01432 260612

**DRAFT HEADS OF TERMS**  
**PROPOSED PLANNING OBLIGATION AGREEMENT**

**Section 106 Town and Country Planning Act 1990**

Planning Application – DMS/102061/F

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1 April 2008.

Demolition of existing residential property. Construction of 8 no. apartments, 3 no. townhouses with associated car parking, landscaping and access at Penrice, Walford Road, Ross-on-Wye, Herefordshire, HR9 5PQ

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £23,456 to provide enhanced educational infrastructure (at Ashfield Park, St Josephs & John Kyrle High School. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £18,307 to provide a sustainable transport infrastructure to serve the development, which sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate. The monies shall be used for the following purposes:-
  - a) Improvements to pedestrian crossings in the locality of the site.
  - b) Safe routes to school.
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £9,939 and £5,166 for sports (contribution based around the requirements of policy H19 and RST4 of the UDP and Sport England Sports Facilities Calculator respectively). The money shall be used by Herefordshire Council for the provision of to provide enhanced formal or informal recreational or public open space.
4. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, 4, 5, 6 and 7 above, for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
5. The sums referred to in paragraphs 1, 2, 3 and 4 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
6. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
7. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Date:19/10/2010

---

Further information on the subject of this report is available from Mr S Withers on 01432 260612

PF2





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>3 NOVEMBER 2010</b>
<b>TITLE OF REPORT:</b>	<p><b>DMS/102055/G - DISCHARGE OF SECTION 52 AGREEMENT ATTACHED TO PLANNING PERMISSION SH891980PO - TO REMOVE OCCUPANCY CONDITION AT FALCON BROOK, HOW CAPLE, HEREFORDSHIRE, HR1 4TF.</b></p> <p><b>For: Mr &amp; Mrs Jones per Mr &amp; Mrs B D Jones, Falcon Brook, How Caple, Herefordshire, HR1 4TF.</b></p>

**Date Received: 9 August 2010**

**Ward: Old Gore**

**Grid Ref: 360943,231986**

**Expiry Date: 4 October 2010**

Local Members: Councillor BA Durkin

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

- 1.1 The site lies on the south side of the B4224 Hereford to Ross-on-Wye road. To the south east of the site is a dwelling known as Little Falcon, which is occupied by the applicant's parents. To the northwest and northeast of the site is agricultural land. The site and surrounding area fall within the open countryside and the Wye Valley Area of Outstanding Natural Beauty.
- 1.2 The application site comprises a workshop currently used as a blacksmiths, agricultural repair and metalwork business and a two storey red brick dwelling with attached garage known as Falcon Brook. The workshop and dwelling are immediately adjacent to each other, fronting the B4224. The dwelling is occupied by Mr B Jones, who is currently employed in the workshop, and his family.
- 1.3 Outline planning permission was granted on 11 April 1990 for the erection of a dwelling at Little Falcon Workshop, Sollershope. The site is located in the open countryside where residential development is strictly controlled, therefore the relevant parties entered into an Agreement under Section 52 of the Town and Country Planning Act 1971 (now in substance Section 106 Town and Country Planning Act 1990) on 4 April 1990. The agreement was primarily to ensure that the dwelling was occupied in connection with persons employed at the workshop and states the following:

Pursuant to Section 52 of the Town and Country Planning Act 1971 the Owners hereby covenant and agree with the Council as District Planning Authority aforesaid and with object and intent of binding the property into whosever hands the same may come that upon the Council granting planning permission for the erection of one dwelling shown on the plan attached and coloured red under the Council's Code SH891980PO:-

1. The said dwelling shall be occupied by a person or persons employed at a workshop shown on the plan attached and coloured green or their dependents.

1.4 The application proposes the discharge of the Section 52 agreement to remove the occupancy restriction. The applicant needs to raise funds to buy a half share of the business and also to invest money in the business to remain competitive. The applicant has approached 4 lenders who have advised that due to the employment restriction on the property title they would not consider issuing a mortgage as the restriction would affect future saleability.

## 2. Policies

### 2.1 Planning Policy Statement:

- PPS1 - Delivering Sustainable Development
- PPS4 - Planning for Sustainable Development
- PPS7 - Sustainable Development in Rural Areas

### 2.2 Herefordshire Unitary Development Plan 2007:

- S1 - Sustainable Development
- S2 - Development Requirements
- DR2 - Land Use and Activity
- H7 - Housing in the Countryside Outside Settlements
- H8 - Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses

## 3. Planning History

- 3.1 SH891980PO - Dwelling, Little Falcon Workshop, Sollershope, Herefordshire Approved 11 April 1990
- 3.2 SH901301PM - Proposed new house and garage, Little Falcon Workshop, Sollershope, Herefordshire – Approved 13 December 1990

## 4. Consultation Summary

4.1 Economic Development Manager: Economic Development strongly supports the approval of the planning application to help maintain this important local rural business which offers a highly skilled service and bespoke metalwork products and currently contributes to the local economy.

## 5. Representations

5.1 The applicant has submitted a statement in support of the application which includes 5 letters from mortgage companies and correspondence from Advantage West Midlands, The Business Lending Exchange and Impetus-Marches. The information, in summary, is as follows:

I have been employed at the workshop with his parents and brother since leaving school in 1987. My parents intend to retire from the business due to bouts of ill health. In order to continue working at the workshop, I need to raise funds to buy the remaining half share of the business and also to invest money in the business to remain competitive. The dwelling known as Falcon Brook is the only asset available to raise funds to purchase the share of the business from the retiring directors. I have approached a number of mortgage lenders to raise the necessary funds to continue working from the workshop. The mortgage lenders have advised that the Section 52



agreement is too restrictive and the property is therefore unsuitable for mortgage purposes.

I have approached a number of alternative funding sources including the Federation of Small Businesses, Business Link and Advantage West Midlands and those they have advised may be able to help have been turned down due to the planning condition.

In addition, as my brother is intending to buy an equal share of the business, without my investment the business would be forced to close.

With the retirement of our parents from the business after many years service, it is our intention to create employment for two new staff as replacement.

When the original permission was granted it allowed a family business to grow and created employment, which served the community well at the time, but now 20 years later the Section 52 agreement with the change in circumstance, has become an obstacle for the future of the business.

5.2 Fifty-nine letters of support have been received. In summary the points raised are:

- The discharge of the Section 52 agreement is imperative for the future of this long established rural business and the income of the associated families who are dependent on it.
- Important to support local businesses, particularly in this difficult economic climate.
- The business supports our company by supplying manufactured fittings which we use on a daily business.
- The applicants have always exhibited a professional approach to their work and it would be a severe loss to the skills base in this area if we were to lose them.
- The applicants benefit the community both through their business (which is a great asset locally, particularly to those who, like us, are farming) and as good neighbours and great supporters of local community events. We believe it is essential that this clause is removed to enable to family to continue to live in, and enhance this community.

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

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

6.1 The main issue to be considered is whether the Section 52 agreement continues to serve a useful planning purpose in ensuring that the dwelling remains occupied in connection with the rural business and does not result in an unencumbered dwelling in the open countryside. In order to determine this, it will be necessary to consider whether the discharge of the Section 52 agreement means that the resultant development accords with national policies and those of the Development Plan.

6.2 Planning Policy Statement 7: Sustainable Development in Rural Areas states: "Where the need to provide accommodation to enable farm, forestry or other workers to live at or near their place of work has been accepted as providing the special justification required for new, isolated residential development in the countryside, it will be necessary to ensure that the dwellings are kept available for meeting this need for as long as it exists. For this purpose planning permission should be made subject to appropriate occupancy conditons."

6.3 Herefordshire Unitary Development Plan Policy H7: Housing in the Countryside Outside Settlements states, "it is important that residential development is strictly controlled in order to protect the landscape and the wider environment. Residential development is thus limited to that which meets an essential agricultural, forestry or other economic or farm diversification

requirements or accompanies the establishment or growth of a rural enterprise, or which results from the conversion of an existing rural building or which is linked to the replacement or extension of an existing dwelling. Occupancy controls are applied by means of planning condition or obligation to dwellings arising from the expansion of business enterprises, as well as to agricultural and forestry dwellings.”

- 6.4 Policy H8: Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses requires that dwellings proposed in association with non-agricultural businesses will be permitted only where there is a clear intention to provide employment opportunities and that the applicants accept that living accommodation will be bound to the business by planning condition or planning obligation.
- 6.5 Although the planning permission was granted in 1990, there has been little change in the policies regarding development in the open countryside. In granting planning permission for the dwelling in 1990 there was a recognised need for the essential supervision and management of the business as part of rural regeneration. Planning permission was approved subject to the living accommodation being bound to the business by planning obligation.
- 6.6 The applicant has stated that even if the application is successful in discharging the obligation, he intends to continue to occupy the dwelling and run the business and would therefore comply with the terms of the agreement. The reason for discharging the condition is to raise funds to invest in the business. Whilst the Council acknowledge that the applicant may have no intention of selling the dwelling, there is no guarantee that this will be the case and there is no formal way of ensuring that this will continue to be the case without an obligation.
- 6.7 Despite the applicant’s assertion, the Council has to consider the harm that may arise if the obligation were discharged. If the obligation were discharged the situation could arise whereby the applicant needs to invest further in the business. This may only be feasible through the sale of the associated dwelling. It has already been recognised that there is an essential need for a dwelling in connection with the business through the grant of planning permission in 1990. This could result in the applicant requiring a further dwelling which would weaken the overall approach to locating dwellings in sustainable locations and thus lead to further pressure for sporadic development in the countryside.
- 6.8 The Human Rights of the applicant need to be considered within the decision making process. In particular, there is Article 8 (Right to Respect for Private and Family Life) and Article 1 of the First Protocol (Protection of Property). While it has been concluded that the Discharge of the Agreement does not have planning merits, it is acknowledged that this will interfere with the rights of the applicant to use their property as they wish. However, it is considered that the recommendation is proportionate and that the protection of the countryside and wider environment outweighs the harm to the individual’s rights in this case.
- 6.9 It is considered that the Section 52 agreement continues to serve a useful planning purpose in controlling development in the open countryside by restricting the occupation of the dwelling in connection with the business. If permission were granted the proposal would be contrary to UDP Policies H7: Housing in the Countryside Outside Settlements and H8: Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses as it would result in an unencumbered dwelling in the open countryside.

## **RECOMMENDATION**

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

- 1 The local planning authority considers that the Section 52 agreement continues to serve a useful planning purpose in controlling development in the open countryside**

**by restricting the occupation of the dwelling in connection with the business. If permission were granted the proposal would be contrary to UDP Policies H7: Housing in the Countryside Outside Settlements and H8: Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses as it would result in an unencumbered dwelling in the open countryside.**

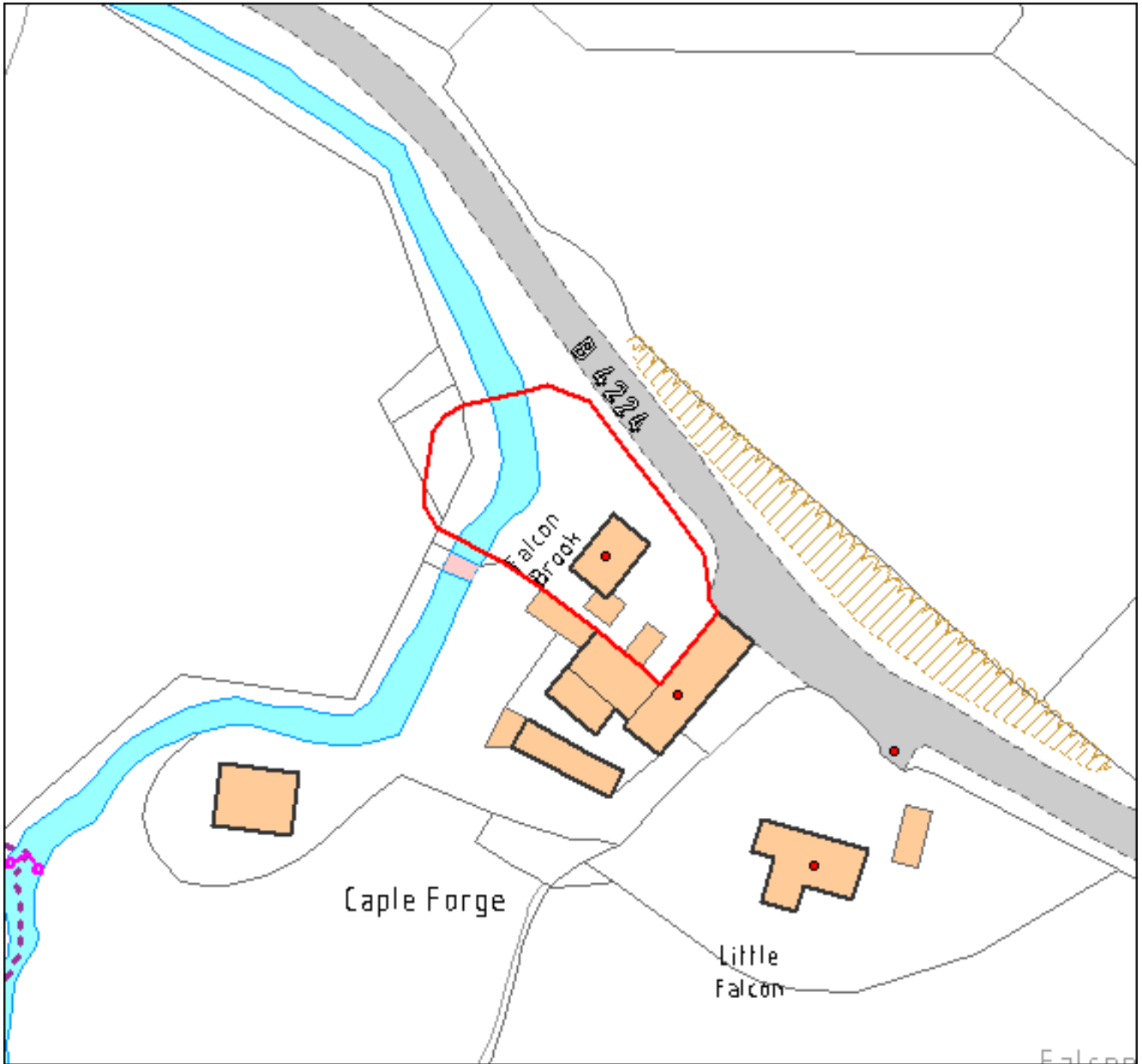
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** DMS/102055/G

**SITE ADDRESS :** FALCON BROOK, HOW CAPLE, HEREFORDSHIRE, HR1 4TF

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

Further information on the subject of this report is available from Mrs Y Coleman on 01432 383083



<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>3 NOVEMBER 2010</b>
<b>TITLE OF REPORT:</b>	<p><b>DMN/101477/FH - ALTERATIONS TO 2 NOS. BUNGALOWS TO INCLUDE DEMOLITION OF EXISTING PORCH &amp; CONSTRUCTION OF NEW EXTENSION &amp; PORCH AT 3 AND 4 STATION BUNGALOWS, ALBERT ROAD, COLWALL, HEREFORDSHIRE, WR13 6QH.</b></p> <p><b>For: Ms Roseff per Mr John Parry, Kensington House 33 Imperial Square, Cheltenham, Gloucestershire, GL50 1QZ.</b></p>

**Date Received: 16 June 2010**  
**Expiry Date: 15 October 2010**

**Ward: Hope End**

**Grid Ref: 375720,242448**

Local Members: Cllr RV Stockton and Cllr AW Johnson

## 1. Site Description and Proposal

- 1.1 This site is located immediately adjacent to Colwall railway station on the opposite side of the railway track, ie on its south-east side. It is located outside the approved settlement boundary which extends along the north-west side of the railway track. The rest of the site is surrounded by fields and wooded areas. The whole area is within the Malvern Hills Area of Outstanding Natural Beauty. The site consists of two dwellings contained in one building set in a large garden. There is also another similar block of two dwellings adjacent, which is also in the applicant's ownership. Vehicular access to these four dwellings is via an existing gateway onto a narrow track which emerges onto Albert Road.
- 1.2 The block of two bungalows has smooth render on the walls with weathered corrugated sheeting on the roof. There is a lean-to at the south-east end made of concrete block and a concrete tile roof. The adjacent block of two bungalows is of a very similar size and design. There is also a small disused toilet building with concrete block walls and corrugated sheeting on the roof.
- 1.3 The application proposes various alterations to the block of two bungalows. This involves the raising of the roof height by approximately 1.2 metres and replacing the roof cladding with tiles or profiled sheeting. The windows will be replaced; the small lean-to at the south-east end will be replaced with a slightly larger extension with a pitched roof (external materials/finishes to match main dwelling) and a small porch added at the other end of the bungalow block. There will also be some minor internal alterations. In addition, the existing toilet block will be replaced with one of a similar size and in the same position and also two small log stores will be erected in each of the two gardens. Some minor landscaping will be undertaken, eg hedgerows and footpaths, etc.

---

Further information on the subject of this report is available from Mr N Banning on 01432 383093

## 2. Policies

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

## 2.2 Herefordshire Unitary Development Plan

- S2 - Development Requirements
- DR1 - Design
- H18 - Alterations and Extensions
- LA1 - Areas of Outstanding Natural Beauty

## 3. Planning History

- 3.1 DCNE2004/3660/F - Proposed two houses and garages to replace existing bungalows at 1, 2, 3 & 4 Station Bungalows - Planning permission 5 January 2005

## 4. Consultation Summary

### Statutory Consultations

- 4.1 None required.

### Internal Consultations

- 4.2 The Transportation Manager has no objections.

## 5. Representations

- 5.1 The agent states that the bungalows are not listed, but the site is located in an Area of Outstanding Natural Beauty. The entrance to the property is from a track and there is a dedicated parking area. Nos. 3 and 4 Station Bungalows are currently vacant, although they have been used as a residence until recently. The proposal is to improve the appearance of the building. It is not proposed to alter the existing parking arrangements. Access from a parked car to the dwellings will be by means of level stone paving.
- 5.2 Colwall Parish Council has no objections to this application.

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

## 6. Officer's Appraisal

- 6.1 The main issues relate to:-

- (i) The impact of the proposals on the character and appearance of the dwellings and the character of the Area of Outstanding Natural Beauty.
- (ii) The effect of the proposal on the residential amenities of the adjacent bungalows.

The most relevant policies with respect to these issues are H18, S2, DR1 and LA1 of the Herefordshire Unitary Development Plan.

- 6.2 The proposed alterations will improve the appearance of the building and are not be out of keeping with the scale and character of the original dwellings. In addition, the erection of the replacement toilet block and the two new log stores will also be acceptable. The visual

---

Further information on the subject of this report is available from Mr N Banning on 01432 383093

appearance and character of the surrounding area and the Area of Outstanding Natural Beauty will not be adversely affected. The site is largely hidden from view by the existing trees in the area. It can be seen from the railway station on the opposite side of the railway track, but is sufficiently screened by the existing trees and hedgerows on the boundary (ie both sides of the boundary fence). The residential amenities of the adjacent bungalows in the applicant's ownership will not be adversely affected by the proposed development.

6.3 In conclusion, the proposed development will look acceptable and be a visual improvement to the existing building and landscape character of the Area of Outstanding Natural Beauty. As such the proposal will be in accordance with the relevant planning policies and guidance. In particular, having regard to Policies H18, S2, DR1 and LA1, the development will not harm the character or appearance of the Area of Outstanding Natural Beauty and the alterations are such that they reflect the design and scale of the existing building which will remain the dominant feature.

6.4 There was no evidence, at the time the site was inspected, of any work commencing on the application site with respect to planning permission DCNE2004/3660/F for the replacement dwellings, which has now expired.

## **RECOMMENDATION**

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

- 1 A01 Time limit for commencement (full permission)**
- 2 B01 Development in accordance with the approved plans**
- 3 C01 Samples of external materials**
- 4 I16 Restriction of hours during construction**

## **INFORMATIVES:**

- 1 The details required by condition no. 3 also refers to the external materials/finishes intended for the new outbuildings, the new porch and chimney.**

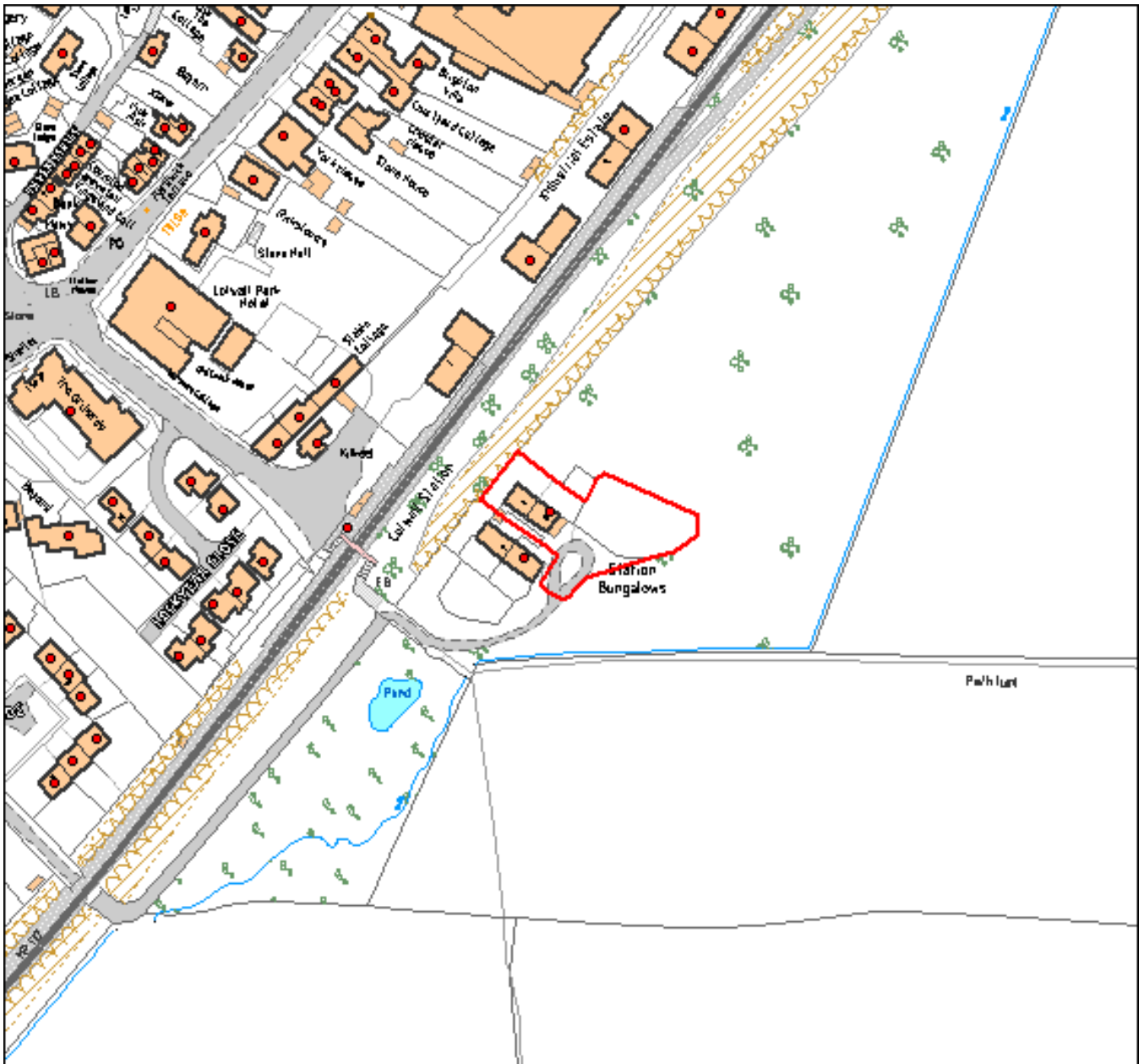
Decision: .....

Notes: .....

.....

## **Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** DMN/101477/FH

**SITE ADDRESS :** 3 AND 4 STATION BUNGALOWS, ALBERT ROAD, COLWALL, HEREFORDSHIRE, WR13 6

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

Further information on the subject of this report is available from Mr N Banning on 01432 383093