

A G E N D A

Southern Area Planning Sub- Committee

Date: **Wednesday, 14th April, 2004**

Time: **2.00 p.m.**

Place: **Council Chamber, Brockington**

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

For any further information please contact:

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Southern Area Planning Sub-Committee

To: Councillor Mrs. R.F. Lincoln (Chairman)
Councillor P.G. Turpin (Vice-Chairman)

Councillors H. Bramer, M.R. Cunningham, N.J.J. Davies, Mrs. C.J. Davis, G.W. Davis, J.W. Edwards, Mrs. A.E. Gray, T.W. Hunt (ex-officio) Mrs. J.A. Hyde, G. Lucas, D.C. Taylor and J.B. Williams

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES To approve and sign the Minutes of the meeting held on 17th March, 2004.	1 - 30
4. ITEM FOR INFORMATION - APPEALS To note the contents of the attached report of the Head of Planning Services in respect of the appeals received or determined for the southern area of Herefordshire.	31 - 36
5. HEAD OF PLANNING SERVICES REPORT To consider and Take any appropriate action on the attached reports of The Head of Planning Services in respect of the planning applications received for the southern area of Herefordshire, and to authorise him to impose any additional conditions and reasons considered to be necessary. Plans relating to planning applications on this agenda will be available for inspection by members during the meeting and also in the Council Chamber from 1.30 p.m. on the day of the meeting.	37 - 114

EXCLUSION OF THE PUBLIC AND PRESS

In the opinion of the Proper Officer, the next item will not be, or is likely not to be, open to the public and press at the time it is considered.

RECOMMENDATION: THAT the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Local Government Act, 1972 as indicated below.

6. CONFIDENTIAL ENFORCEMENT REPORT

115 - 118

To note the Council's current position in respect of enforcement proceedings for the Southern Area.

(This item discloses information relating to possible legal proceedings by the Council.)

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- 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 three 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 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.
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BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the Southern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on 17 March 2004 at 10:30 a.m. and 2:00 p.m.

Present: Councillor Mrs. R.F. Lincoln (Chairman)
Councillor P.G. Turpin (Vice-Chairman)

Councillors: H. Bramer, M.R. Cunningham, N.J.J. Davies, Mrs. C.J. Davis, G.W. Davis, J.W. Edwards, Mrs. A.E. Gray, T.W. Hunt (Ex-officio) Mrs. J.A. Hyde, G.Lucas, D.C. Taylor, J.B. Williams

In attendance: PJ Edwards, C Mayson, Mrs J Pemberton, Mrs G Powell

53. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

54. DECLARATIONS OF INTEREST

Councillor	Item	Interest
DC Taylor	Ref 4 – DCSW2004/0092/7 – Sports Hall and Changing Rooms, Kingstone High School, Kingstone, Hereford, HR2 9HJ	Declared a personal interest and remained in the meeting.
PG Turpin	Ref 4 – DCSW2004/0092/7 – Sports Hall and Changing Rooms, Kingstone High School, Kingstone, Hereford, HR2 9HJ	Declared a personal interest and remained in the meeting.
JB Williams	Ref 4 – DCSW2004/0092/7 – Sports Hall and Changing Rooms, Kingstone High School, Kingstone, Hereford, HR2 9HJ	Declared a personal interest and remained in the meeting.

55. MINUTES

RESOLVED: That the Minutes of the meeting held on 18 February 2004 be approved as a correct record and signed by the Chairman.

56. PLANNING DELIVERY GRANT

The Chairman of the Planning Committee was delighted to report that in recognition of its continued efficient service delivery, the Planning Services Division had been

awarded a Planning Delivery Grant of £406,000. The Sub-Committee expressed its appreciation for the hard work undertaken by the Division in achieving the Grant. The Chairman welcomed Mr J Lester, Enforcement Officer, to the meeting.

57. PLANNING APPEALS

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

58. HEAD OF PLANNING SERVICES REPORT

The Southern Divisional Planning Officer presented the report of the Head of Planning Services in respect of the planning applications that had been received for the Southern area of Herefordshire.

RESOLVED: That the planning applications be determined as set out in the appendix to these Minutes.

EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED: That under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below.

- 12) Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:**
- (a) any legal proceedings by or against the authority, or**
 - (b) the determination of any matter affecting the authority (whether, in each case, proceedings have been commenced or are in completion)**
- 14) Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.]**

SUMMARY OF THE PROCEEDINGS OF EXEMPT INFORMATION

59. ITEM FOR INFORMATION – ENFORCEMENT REPORT

The Sub-Committee received an information report about the enforcement matters within the southern area of Herefordshire.

The meeting ended at 12.10 pm then reconvened at 2.00 pm and closed at 3.05 pm

CHAIRMAN

APPENDIX**DEFERRED
APPLICATION**

Ref. 1

MADLEY

DCSW2003/3281/N

Waste treatment (using an autoclave) & recycling facility, including construction of a new building,

**STONEY STREET INDUSTRIAL ESTATE, MADLEY, HEREFORD,
HR2 9NQ**

For: **Estech Europe Ltd per Enviros Consulting Ltd, Enviros House, Shrewsbury Business Park, Shrewsbury, SY2 6LG**

The Chairman outlined the arrangements for the meeting and said that because the application was of major interest, public speaking time had been increased from 3 minutes to 10 minutes each for the Parish Council Representatives, the objectors to the application and to the applicants.

The Principal Planning Officer (Minerals and Waste) presented his report and said that two further letters of objection had been received from two previous correspondents but that they had not raise any further material planning issues. He also reported that two letters and an e-mail had been received from Gelpack Industrial Limited which made a formal objection to the application. The company had submitted a report explaining the grounds for their objections and the Principle Planning Officer (Minerals and Waste) read out the executive summary contained within the report. He said that the company had grave concerns that the location of the waste recycling plant next to their premises would compromise the requirements under which they operated to produce food packaging and in turn could jeopardise some 200 jobs. He advised that although the objection was a material one, it was not a cause for refusal on planning grounds.

The Principle Planning Officer (Minerals and Waste) read out amendments to the text and the recommendations contained within his report which had been circulated at the meeting. He also advised that since his report had been written, it been announced that as part of the Government's Initiatives for achieving targets to reduce landfill waste, DEFRA had launched a £30 million scheme to encourage alternatives for waste. The scheme proposed at Madley was amongst those that were being encouraged by the Government's initiative for tackling waste.

In accordance with the criteria for public speaking, Mr P Rowlands of Eaton Bishop Parish Council and Mr P Hince of Madley Parish Council spoke against the application. They said that they represented the views of six parish councils and they expressed concerns about the environmental and ecological impact of the proposed scheme, the road safety issues that would arise because of a large number of heavy vehicles travelling to and from the site, the inadequate road network for such vehicles from Greyfriars Bridge

in Hereford to the site and the unsuitable location for the site. They suggested that the Council needed to first develop a waste management strategy and then invite tenders from companies with a proven waste management and recycling record. They felt that the land comprising part of the former army depot at Moreton-on-Lugg would be much more suitable because of its transport infrastructure and location.

Mr Rogers of Waste Watchers also spoke against the application and said that he represented over 2000 local objectors. He was of the view that the recommendations in the report departed from the Council's planning policies to a significant extent and that the application should be submitted to the Secretary of State. He had grave doubts about the process proposed by Estech Europe Limited which was not operational anywhere in the world and was unproved and untested. He said that there was a risk of the site flooding thereby threatening pollution of the local water table, that the operation would severely jeopardise the clean environment required by Gelpack to for its food packaging process and that alternative and better sites existed. He also had doubts that the scheme could be dealt with under the Council's Scheme of Delegation to Officers.

Mr J Fowler-Wright of MPD Limited, the site owners, and Mr Thompson of Estech Europe Limited spoke in favour of the application. Mr Fowler-Wright said that the proposed scheme would assist with the economic development of the area and would help to meet the waste management provisions which were contained within the emerging Unitary Development Plan. He was confident that the process proposed would be suitable on the Madley site and would be straightforward to monitor. Mr Thompson said that the Mobile Demonstration Plan had shown how benign the nature of the technology was. Instead of 80% of waste having to be sent by lorry to landfill in Worcestershire, it could be recycled by Estech and have a major impact upon the waste management requirements of the County for the next 25 years. The facility tied in with the Council's policies, innovative markets had been found for the fibre produced by recycling and there would be no harm to the local ecology or environment. The statutory consultees had raised no objections and there were no perceived highway or access problems. He said that the company were aiming for a 2005 start-up and that the plant would be a showcase for the treatment of waste and enable Herefordshire to become a leading county in that field.

The Head of Planning Services said that the application did not constitute a significant departure from the development plans necessitating it being referred to the Secretary of State and that the Sub-Committee had authority to delegate approval to the officers, subject to the expiry of the consultation period. Councillor DC Taylor the Local Ward Member had concerns about the environmental impact of the proposed scheme and the highway safety issues involved. These concerns were shared by Councillor PG Turpin.

The Principle Planning Officer (Minerals and Waste) explained about the stringent planning conditions that would be attached to any permission and also the necessary licenses that the company would first have to obtain from other agencies before starting operations. All aspects of the application had been carefully considered and appropriate conditions were very comprehensive and extensive. These included environmental, ecological, transportation and highway safety issues. The Head of Engineering and Transportation said that he had investigated the potential traffic generation and that this was relatively small compared to existing traffic usage of the highway network between Hereford and Madley. Heavy goods vehicle movements associated with this development were likely to be significantly less than might be generated by other types of permissible development on the site.. He was of the view that the additional heavy goods vehicles using the routes were unlikely to have any significant effect on the road traffic accident patterns. In terms of the application, he said that the highway improvements suggested by the applicant would be of benefit to all occupiers of the industrial estate but it would not be reasonable to expect the developer to carry out highway improvements that were far distant from the application site. The Principle Planning Officer (Minerals and Waste) also explained that very careful consideration had been given to the location of the site and he outlined the reasons why he considered it to be suitable that other sites had been considered in the light of applicants and objectors representations and why the land suggested at Moreton-on-Lugg would not be available.

Having considered all the points in relation to the application, Councillors DC Taylor and PG Turpin still had grave concerns. Councillor Turpin proposed an amendment to the recommendation that the application should be refused

- (i) due to its adverse impact on the amenity of local residents,
- (ii) the local transportation network and related highway safety issues,
- (iii) the lack of consideration of alternative sites, and
- (iv) the potential impact on air quality from heavy vehicles using the proposed routes through Hereford.

The amendment was lost and a vote was taken on the substantive motion which was carried.

RESOLVED: That

- (I) **it be recorded, pursuant to the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 (SI 1999 No 293), Regulation 3(2) that the Herefordshire Council have taken the environmental information into consideration**

when making their decision. “Environmental Information” is defined by Regulation 2(1) as “the environmental statement, including any further information, any representations made by any body required by those Regulations to be invited to make representations, and any representations duly made by any other person about the environmental effects of the development:” and

- (II) that subject to no further objections raising material planning considerations by the end of the consultation period, the officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any amendments and further conditions considered necessary by officers

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

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

2. **No development shall take place unless and until a Great Crested Newt survey and appraisal has been undertaken and approved by the local planning authority in writing. The survey shall only be undertaken by an appropriately qualified ecologist and only between the dates of 14th March and 14th June and the submitted appraisal shall propose either:**

- a) that if no Great Crested Newts are found, that appropriate mitigation features shall be constructed on site before any development takes place, or
- b) that if Great Crested Newts are found that no development shall take place until an appropriate mitigation scheme has been approved by the local planning authority in accordance with a DEFRA licence.

Reason: In order to protect the nature conservation interest of the site, with particular reference to ensuring the protection of Great Crested Newts and their habitat.

3. **No development, site clearance, or demolition shall be undertaken until:**

- a) a desk top study has been submitted for the approval of the local planning authority. the submitted study shall include:

- i) the identification of previous site uses,
 - ii) potential contaminants arising from those uses
 - iii) related issues which might affect or arise from the proposal and
 - iv) a conceptual model in accordance with best practice, of all potential contaminant sources, pathways and receptors, and
- b) a site investigation has been submitted to and approved in writing by the local planning authority prior to that investigation being carried out on the site using the information obtained from the approved desk top study and conceptual model. The submitted investigation scheme shall include a risk assessment to be undertaken relating to:
 - i) the receptors associated with the proposed new use
 - ii) those uses that will be retained
 - iii) other receptors on and off the site that may be affected
 - iv) proposals for the refinement of the conceptual model, to take account of the risk identified and
 - v) a Method Statement detailing the remediation necessary to enable the proposal to be undertaken without unacceptable risk to the environment and human health, and
- c) the site investigation and risk assessment have been undertaken and reported in accordance with details approved by the local planning authority. Future monitoring proposals and the method of reporting shall also be detailed in the report. Thereafter the remediation shall be carried out in full, in accordance with the approved method statement and risk assessment, and
- d) a completion report verifying that the work has been undertaken in accordance with the method statement shall be provided to the local planning authority for approval.

Only when the local planning authority has confirmed in writing that all of the elements of the above have been completed and a monitoring scheme is in place shall development, site clearance or demolition take place.

Reason: To ensure that potential sources of contamination are identified and methods established to

ensure that the site is fit for the approved use, in order to prevent pollution, particularly of the water environment.

- 4. No development shall take place until proposals for the location and construction of the areas and means of:
 - a) waste acceptance into the site**
 - b) waste storage**
 - c) waste processing**
 - d) waste water storage**
 - e) waste water disposal and**
 - f) storage of treated waste and**
 - g) a report specifying the levels of all pollutants (including dust and odour) within the steam/emissions from the autoclaves and process building and the predicted emission level of these from the discharge point to atmosphere.****

have been submitted to and agreed in writing by the local planning authority.

Reason: To prevent pollution of the environment and in the interests of the amenity of local people and businesses.

- 5. F20 (Scheme of surface water drainage)**

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

- 6. F21 (Scheme of surface water regulation)**

Reason: To prevent the increased risk of flooding.

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

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

- 8. A04 (Approval of reserved matters)**

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

- 9. A05 (Plans and particulars of reserved matters)**

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

10. **G13 (Landscape design proposals)**
Reason: In the interests of visual amenity.
11. **G14 (Soft landscaping works)**
Reason: In the interests of visual amenity.
12. **G15 (Landscaping implementation)**
Reason: To ensure the site is satisfactorily landscaped.
13. **G27 (Landscape maintenance arrangements)**
Reason: In the interests of visual and residential amenity.
14. **G33 (Details of walls/fences (outline permission))**
Reason: In the interests of residential and visual amenity.
15. **G40 (Barn Conversion – owl box)**
Reason: In order not to disturb or deter the nesting or roosting of barn owls which are a species protected by the Wildlife and Countryside Act 1981.
16. **F16 (Restriction of hours during construction)**
Reason: To protect the amenity of local residents.
17. **E02 (Restriction of hours of delivery)**
Reason: To safeguard the amenities of the locality and to allow the operator flexibility if necessary to cater for unforeseen events without excessive adverse effects on the locality.
18. **No material shall be processed on site other than Municipal Solid Household and Commercial Waste collected by or on behalf of, or for disposal by, the County of Herefordshire District Council or Worcestershire County Council.**
Reason: In order to define the permission and to ensure that the permission is operated in accordance with the principles of BEPO, Waste Hierarchy, Proximity Principle, Regional Self-Sufficiency, and to safeguard the amenities of the locality.
19. **No material shall be processed on site unless and until**

one week's notice of the date of commencement is given in advance in writing to the local planning authority.

Reason: In order to define the date of commencement and to enable the permission to be monitored in accordance with the conditions imposed on it in the interests of nature conservation, pollution control and the amenities of local people.

20. Not more than 100,000 tonnes of waste shall be processed on site in any 12 month period.

Reason: In order to define the permission and to ensure that the permission is operated in accordance with the principles of BEPO, Waste Hierarchy, Proximity Principle, Regional Self-Sufficiency, and to safeguard the amenities of the locality.

21. In any 12 month period during the first 10 years after the date of commencement not more than 40% of the material processed on site shall ever originate from outside of the county of Herefordshire and in any subsequent 12 month period not more than 20% of the material processed on site shall originate from outside of the county of Herefordshire.

Reason: In order to define the permission and to ensure that the permission is operated in accordance with the principles of BPEO, Waste Hierarchy, Proximity Principle, Regional Self-sufficiency and to safeguard the amenities of locality.

22. No treated or untreated waste shall be stored on site other than within the plant building.

Reason: To protect the appearance of the locality, the amenities of local people and to prevent pollution.

23. F42 (Restriction of open storage)

Reason: To protect the appearance of the locality.

24. The level of noise emitted from the proposed development shall not exceed 43dB $L_{Aeq, 1h}$ between 2300 to 0700, as measured at a distance of 25m from the building, in a south easterly direction in a direct line towards Dene Villa (as identified on Plan 1 attached). All measurements are to be taken in Accordance with BS 4142, 1997.

Reason: To protect the interests of residential amenity.

25. No activities from the operation or deliveries from the site shall be audible at the nearest residential property on Sundays, bank holidays or public holidays.

Reason: To protect the interests of residential amenity.

26. All doors and building openings on the eastern elevation of the building (i.e. in the direction of Kingstone) shall be kept closed during the period 2300 to 0700.

Reason: To protect the interests of residential amenity.

27. All doors to the process building shall be kept firmly closed when not in use.

Reason: To safeguard residential amenity.

28. All incoming deliveries of waste shall be sheeted over with tarpaulin when on site.

Reason: To safeguard residential amenity and adjoining businesses.

29. Vehicles on site shall not exceed the speed of 10mph to minimise dust release from haul roads on site.

Reason: To safeguard residential amenity and adjoining businesses.

30. Haul roads on site shall be hard surfaced and maintained in good condition, to the satisfaction of the local planning authority to enable adequate cleaning and sweeping.

Reason: To safeguard residential amenity and adjoining businesses.

31. Daily road sweeping of all on-site haul roads shall be undertaken and all spillages and litter outside the building cleared as soon as is practically possible.

Reason: To safeguard residential amenity and adjoining businesses.

32. F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

33. The general building structure and ventilation shall be designed to the written satisfaction of the local planning

authority to contain fugitive emissions and ensure containment of steam, odorous air and dust within the building. To achieve this, the ventilation system shall be suitable and sufficient, so as to maintain negative pressure at all times when processing or when steam, odours or dust are likely to be present within the building.

Reason: To prevent pollution of the environment and in the interests of local people and businesses.

34. Prior to the discharge of process air from the building, suitable and sufficient abatement plant shall be installed to abate dust and odour (and any other pollutant identified) prior to its release to atmosphere. Details of these plans shall be submitted to Herefordshire Council and shall not be installed until they have expressed their satisfaction in writing.

Reason: To prevent pollution of the environment and in the interests of local people and businesses.

35. Unless otherwise agreed in writing by the Local Planning Authority the discharge point from the odour and dust abatement plant shall be from a stack which emits at a sufficient height for adequate dispersal. An "HM1P D1" calculation showing the calculation of this stack shall be submitted to Herefordshire Council for approval, prior to its construction.

Reason: To prevent pollution of the environment and in the interests of local people and businesses.

36. H13 - Access, turning area and parking;

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

37. H17 – Improvements to the pinch point on Stoney Street to ensure safe flow of traffic.

Reason: To ensure the safe and free flow of traffic on the highway.

38. H21 - Wheel washing.

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

39. H27 - Parking for site operatives; and

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

40. H29 - Secure cycle parking provision.

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

Informative(s)

1. **HN4 - Private apparatus within the highway;**
2. **HN5 - Works within the highway;**
3. **HN7 - Section 278 Agreement.**
4. **N15 (Reasons for the granting of planning permission)**
5. **Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 (SI 1999 No 293) Regulation 21.**

Councillors NJJ Davies and GW Davis abstained from voting on this item.

At this juncture the meeting was adjourned and reconvened at 2:00 pm to consider the remaining items on the Agenda.

Ref. 2
**SYMONDS YAT
WEST**
DCSE2004/0064/F

Proposed erection of timber shed at woodlands,

SYMONDS YAT WEST, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6BL

For: Mr J E Blows, Woodlands, Symonds Yat West, Ross-on-Wye, Herefordshire HR9 6BL

The receipt of a further letter of objection was reported.

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

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

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

- 2 **B01 (Samples of external materials)**

Reason: To ensure that the materials harmonise with the

surroundings.

- 3 Notwithstanding the submitted drawings no development shall take place until a plan to a scale not less than 1:200 showing the position of the shed on the plot and existing trees, shrubs and hedgerow has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved plans.**

Reasons: To define the terms of the permission and to protect the visual amenities of the area.

- 4 F48 (Details of slab levels)**

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

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

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

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

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

- 7 The shed hereby permitted shall not be used for the garaging of vehicles.**

Reason: In the interests of highway safety.

Informative:

- 1 N15 - Reason(s) for the Grant of planning permission.**

Ref. 3
COUGHTON
DCSE2004/0220/F

Proposed building for the storage and repairs of agricultural, horticultural, automotive and plant machinery at

THORNY ORCHARD, PART OF OS PLOT 8691, COUGHTON, ROSS-ON-WYE, HEREFORDSHIRE

For: **Mr S Cole per Mr C F Knock, 22 Aston Court, Aston Ingham, Ross-on-Wye, Herefordshire HR9 7LS**

The Principal Planning Officer reported the receipt of a further letter from the agent acting on behalf of the applicant. He also said that

the Environment Agency had indicated that it had no objections to the application in principle but that it had recommended the imposition of conditions on any approval granted.

In accordance with the criteria of public speaking, Mr Powell spoke in favour of the application.

Councillor Mrs RF Lincoln, the local Ward Member, said that she supported the application on a number of grounds, including planning policy statement (PPS7) regarding agricultural diversification. She also felt that there was flexibility within policy ED6 for the application to be supported. She said that the applicant had revised his original proposals by reducing the roof line by 15 feet and the number of bays by 2 and she did not feel that the building would be out of keeping or obtrusive within a rural agricultural environment. She said that she had received a petition containing eighty signatures and ten letters of support which had drawn attention to the important service that the applicant provided for the local farming community.

The Principal Planning Officer said that the proposal was in conflict with the Area of Outstanding Natural Beauty, on the side of a hill and difficult to screen and would be a prominent building. The Southern Divisional Planning Officer drew attention to policies that were in place to protect the environment. He advised that the application constituted a commercial business rather than an agricultural business and that it conflicted with a number of those policies. The applicant had not been able to satisfy the criteria for a Certificate of Lawful Use.

Notwithstanding the views of the Officers, the Sub-Committee felt that there were sufficient grounds for the application to be granted.

RESOLVED: That

- (i) the Southern Area Planning Sub-Committee is minded to approve the application, subject to conditions regarding planting and landscaping and any further conditions considered necessary by the Head of Planning Services, provided that the Head of Planning Services does not refer the application to the Planning Committee;**
- (ii) if the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to approve the application, subject to such conditions referred to above.**

(Note: the Chief Development Control Officer said that he would refer the application to the Head of Planning Services because

there were crucial policy issues at stake)

Ref. 4
KINGSTONE
 DCSW2004/0092/F

Sports hall and changing rooms,

KINGSTONE HIGH SCHOOL, KINGSTONE, HEREFORD, HR2 9HJ

For: **Herefordshire Council per Property Services,
 Herefordshire Council, Franklin House, 4 Commercial Road,
 Hereford, HR1 2BB**

It was reported that Welsh Water had no objection to the application but had made recommendations about conditions that should be attached to planning permission.

RESOLVED: That:

1. **The application be referred to the Government Office for the West Midlands, together with the representations of Sport England.**
2. **Subject to the Government Office for the West Midlands confirming that it does not intend to call it in, the officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by officers:**
 1. **A01 (Time limit for commencement (full permission))**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
 2. **A07 (Development in accordance with approved plans)**
Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.
 3. **B01 (Samples of external materials)**
Reason: To ensure that the materials harmonise with the surroundings.

Informative(s):

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

Ref. 5&6

WALFORD

DCSE2004/0041/F

DCSE2004/0042/L

Conversion of existing outhouse to annexe with extension.
Proposed detached garage and garden store at

**BROOK HOUSE, WALFORD, ROSS-ON-WYE, HEREFORDSHIRE,
HR9 5SB**

Conversion of existing outhouse to annexe with extension.
Proposed detached garage & garden store at

**BROOK HOUSE, WALFORD, ROSS-ON-WYE, HEREFORDSHIRE,
HR9 5SB**

For: **Mr & Mrs A McIntosh per Hook Mason, 11 Castle Street,
Hereford HR1 2NL**

RESOLVED: That In respect of SE2004/0041/F

That planning permission be granted subject to the following conditions:

1. A01 (Time limit for commencement)

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

2. C02 (Approval of details)

Reason: To safeguard the character and appearance of this building of (special) architectural or historical interest.

3. The annexe hereby permitted shall not be occupied other than as living accommodation or for other purposes incidental to the residential use of the dwellinghouse known as Brook House, and shall not be used as a separate dwelling.

Reason: It would be contrary to the policy of the local planning authority to grant planning permission for a separate dwelling in this location.

4. E08 (Domestic Use only of Garage)

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

5. F48 (Details of slab levels)

Reason: In order to define the permission and ensure that

the development is of a scale and height appropriate to the site.

Informative(s):

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

In respect of SE2004/0042/L

That listed building consent be granted subject to the following conditions

- 1 C01 (Time limit for commencement (Listed Building Consent))

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 C02 (Approval of details)

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

3. F48 (Details of slab levels)

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

Informative(s):

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

Ref. 7
SYMONDS YAT
DCSE2003/3612/O

Proposed demolition of redundant church building and outline consent for residential development at

**OUR LADY AND ST TERESA OF LISEUX R.C. CHURCH,
WHITCHURCH, SYMONDS YAT, HEREFORDSHIRE HR9 6DJ**

For: Trustees of Archdiocese of Cardiff per Walter Davies,
Chartered Surveyor, 12 Tawe Business Village, Phoenix Way,
Enterprise Park, Swansea SA7 9LA

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

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

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 2 **A03 (Time limit for commencement (outline permission))**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 3 **A04 (Approval of reserved matters)**

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.
- 4 **A05 (Plans and particulars of reserved matters)**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 5 **Only one dwelling shall be erected on the site.**

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

Informative(s):

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

Ref. 8
HOARWITHY
DCSW2004/0054/F

Erection of detached double garage and a two storey extension, creation of new driveway, change of use agricultural to residential.

STONEWAY WAYS, HOARWITHY, HEREFORD, HR2 6QE

For: **Mr & Mrs Croke per Warren Benbow Architects, 21 Mill Street, Kington, Herefordshire, HR5 3AL**

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

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

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

2. **A07 (Development in accordance with approved plans)**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. **B01 (Samples of external materials)**

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

4. **G04 (Landscaping scheme (general))**

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

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

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

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

Reason: In the interests of protecting the amenity of this elevated area of land that constitutes part of the Area of Outstanding Natural Beauty and Area of Great Landscape Value.

Informative(s):

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

Ref. 9
ROSS-ON-WYE
DCSE2004/0075/F

First floor extensions to front of dwelling at

2 OKELL DRIVE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5QQ

For: Mr Francis, The Maples, 2 Okell Drive, Ross-on-Wye, Herefordshire HR9 5QQ

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

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

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

2 **A06 (Development in accordance with approved plans)**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3 B02 (Matching external materials (extension))

Reason: To ensure the external materials harmonise with the existing building.

Informative(s):

1 N03 - Adjoining property rights

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

Ref. 10
ROSS-ON-WYE
DCSE2003/2954/F

Residential development of 9 houses together with highway improvements to Walford Road at

FORMER WATER BOARD DEPOT, WALFORD ROAD, COUGHTON, ROSS-ON-WYE

For: Corporation Properties Ltd per Keith Reynolds Associates, Derwent House, Mary Ann Street, St Pauls Square, Birmingham B3 1RL

The receipt of an additional letter of objection was reported. The Principle Planning Officer said that amended plans had been received but that full drawings were awaited and then consultation would be undertaken.

RESOLVED: That subject to the receipt of satisfactorily revised drawings with regard to the house designs:

- 1) Subject to there being no valid planning objections to the revised plans at the end of the consultation period, the officers named in the scheme of delegation to officers be authorised to approve the application subject to the County Secretary and Solicitor being authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 with regard to financial contributions to off-site education provision and any other matters and terms as considered appropriate.**
- 2) Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers.**

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

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

2 A09 (Amended plans)

Reason: To ensure the development is carried out in accordance with the amended plans.

3 B01 (Samples of external materials)

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

4 H11 (Parking - estate development (more than one house))

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

5 Prior to the occupation of any of the dwellings the highway works as set out on drawing TTB02519/01/P3 shall be carried out.

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

6 H18 (On site roads - submission of details)

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

7 H21 (Wheel washing)

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

8 H27 (Parking for site operatives)

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

9 Floor levels of any buildings shall be at 36.820 m above ordnance Datum (or as otherwise agreed in writing by the local planning authority in consultation with the Environment Agency).

Reason: To protect the development from flooding.

10 Prior to development on site, approval of details of siting

of any buildings and infrastructure including existing and proposed ground levels, shall be submitted and approved in writing and thereafter implemented in accordance with the approved plans.

Reason: To prevent the increased risk of flooding.

- 11 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage has been submitted to and approved in writing by the local planning authority. Such a scheme shall be implemented in accordance with the details approved by the local planning authority prior to the construction of any impermeable surfaces draining to the system.

Reason: To prevent the increased risk of flooding.

- 12 Development approved by this planning permission shall not be commenced unless:

a) A desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And (using this information) a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and reception has been produced to the satisfaction of the Local Planning Authority.

b) A site investigation has been designed for the site using the information obtained from the desk top study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the local planning authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to the receptors associated with the proposed new use, those uses that will be retained (if any) and other receptors on and off the site that may be affected, and
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

c) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment undertaken.

- d) **A Method Statement detailing the remediation requirements using the information obtained from the Site Investigation has been submitted to the local planning authority. This should be approved in writing by the local planning authority prior to that remediation being carried out on the site.**

Reason: To ensure that the proposed site investigations and remediation will not cause pollution of the environment or harm to human health.

- 13 The development of the site should be carried out in accordance with the approved Method Statement.**

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and harm to human health.

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

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and harm to human health.

- 15 Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.**

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed to an appropriate standard.

- 16 Foul water and surface water discharges must be drained separately from the site.**
- Reason:** To protect the integrity of the public sewerage system.
- 17 No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.**
- Reason:** To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.
- 18 No land drainage run-off will be permitted, either directly or in-directly, to discharge into the public sewerage system.**
- Reason:** To prevent hydraulic overload of the public sewerage system and pollution of the environment.
- 19 The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres of the line of the public sewer.**
- Reason:** To protect the integrity of the public sewer and avoid damage thereto.
- 20 D01 (Site investigation - archaeology)**
- Reason:** To ensure the archaeological interest of the site is recorded.
- 21 G01 (Details of boundary treatments)**
- Reason:** In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
- 22 G02 (Landscaping scheme (housing development))**
- Reason:** To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.
- 23 G03 (Landscaping scheme (housing development) - implementation)**

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

24 E17 (No windows in side elevation of extension)

Reason: In order to protect the residential amenity of adjacent properties.

25 Prior to the occupation of any dwelling a management plan, to include proposals for the long term design objectives, management responsibilities and maintenance schedules in perpetuity, for the area of open space shall be submitted to and approved by the local planning authority. The management plan shall be carried out as approved.

Reason: In order to ensure that the use and maintenance in perpetuity of the open space is assured.

26 None of the dwellings hereby permitted shall be occupied until the area shown on the approved plans as open space have been laid out and completed in accordance with the approved plans. This area shall not thereafter be used for any purpose other than open space and it shall at all times in perpetuity be available for that use.

Reason: In order to ensure that the open space is available for the use of occupiers of the dwellings.

Informatives:

- 1 HN01 - Mud on highway**
- 2 HN04 - Private apparatus within highway**
- 3 HN05 - Works within the highway**
- 4 HN07 - Section 278 Agreement**
- 5 HN08 - Section 38 Agreement details**
- 6 HN09 - Drainage details for Section 38**
- 7 N15 - Reason(s) for the Grant of Planning Permission.**

HEREFORDSHIRE, HR9 5RE

**For: Mr J. Williams, Kiln Green Cottage, Walford,
Ross on Wye, Herefordshire HR9 5RE**

RESOLVED: That subject to the receipt of suitably amended plans, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

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

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

2 B01 (Samples of external materials)

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

3 Notwithstanding the submitted site plan the location of the garage shall not be as shown but in accordance with a plan to be submitted to and approved in writing by the local planning authority.

Reason: To protect the visual amenities of the area.

4 G04 (Landscaping scheme (general))

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

5 G05 (Implementation of landscaping scheme (general))

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

6 F48 (Details of slab levels)

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

7 Before the garage is brought into use visibility of the access to the highway shall be improved in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety and to ensure

the free flow of traffic using the adjoining highway.

8 H14 (Turning and parking: change of use - domestic)

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

Informative(s):

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

Ref. 12
UPTON CREWS
DCSE2003/2649/O

Renewal of planning permission SE2001/0906/O site for single storey dwelling at

LAND AT UPTON CREWS, NEAR ROSS-ON-WYE, HEREFORDSHIRE

For: Mr & Mrs J.A. Watkins, Ellbrook House, Linton, Ross on Wye, Herefordshire HR9 7SR

In accordance with the criteria for public speaking Mr Fray spoke against the application.

RESOLVED: That outline planning permission be granted subject to the following conditions:

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

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

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

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

3 A04 (Approval of reserved matters)

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

4 A05 (Plans and particulars of reserved matters)

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

5 F18 (Scheme of foul drainage disposal)

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

Informative(s):

1 Dwr Cymru - Welsh Water advises:

There are no foul/surface water sewers in the immediate vicinity. It is therefore likely that off-site sewers will be required to connect to the public sewerage system.

If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru - Welsh Water's Network Development Consultants on Tel: 01443 331155.

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

Ref. 13
PETERSTOW
DCSE2004/0085/F

Two storey side extension and single storey rear extension at

**KYRLES CROSS, PETERSTOW, ROSS-ON-WYE,
HEREFORDSHIRE, HR9 6LD**

For: **Mr & Mrs Nightingale per A Wadley MBIAT, Hillview,
Gloucester Road, Upleadon, Newent, GL18 1EJ**

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

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

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

2 A07 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3 B01 (Samples of external materials)

Reason: To ensure that the tile hanging harmonises with the surroundings.

Informative(s):

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

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCSE2003/3091/F**

- The appeal was received on 25th March 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by D Boynton & Son
- The site is located at Hildersley Farm, Hildersley, Ross-On-Wye, Herefordshire, HR9 7NW
- The development proposed is Demolition of barn. Erection of general-purpose building for agricultural engineering and commercial workshop/store.
- The appeal is to be heard by Written Representations

Case Officer: Mr Steven Holder 01432 260479**Application No. DCSE2003/3272/F**

- The appeal was received on 23rd March 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr D A Wyatt
- The site is located at Slades, Peterstow, Ross-on-Wye, Herefordshire, HR9 6LJ
- The development proposed is Site for caravan storage
- The appeal is to be heard by Written Representations

Case Officer: Mr Steven Holder on 01432 260479**Application No. DCSW2003/3895/O**

- The appeal was received on 18th March 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr O Beman
- The site is located at Land at The Old Bungalows, Minster Farm, Much Birch
- The development proposed is Site for 1 dwelling.
- The appeal is to be heard by Hearing

Case Officer: Mr Andrew Prior on 01432 261932**Application No. EN2003/0048/ZZ**

- The appeal was received on 12th March 2004
- 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 PGL Travel Ltd
- The site is located at The School House, Hole in the Wall, Foy, Ross-on-Wye, Hereford
- The breach of planning control alleged in this notice is "The erection of a porch"
- The requirements of the notice are: Remove the unauthorized porch and reinstate the front of the building to its former appearance.

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

- The appeal is to be heard by Written Representations

Case Officer: Mr Steven Holder on 01432 260479

Application No. DCSW2003/3772/O

- The appeal was received on 5th March 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs J E & J D Sloper
- The site is located at Fallow Wood, Dorstone, Hereford, Herefordshire, HR3 6AU
- The development proposed is Site for erection of holiday chalet to extend holiday chalet park
- The appeal is to be heard by Written Representations

Case Officer: Mr Andrew Prior 01432 261932

Application No. DCSW2003/3096/F

- The appeal was received on 4th March 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr D Thomas
- The site is located at Perry Hill Farm, Clehonger, Hereford, HR2 9SB
- The development proposed is Removal of condition 4 of application SW01/1457/F.
- The appeal is to be heard by Written Representations

Case Officer: Mr Andrew Prior 01432 261932

Application No. DCSW2003/3107/F

- The appeal was received on 3rd March 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs C Swainson
- The site is located at 1 Redlands Cottages, Longtown, Hereford, HR2 0LQ
- The development proposed is Proposed first floor extension
- The appeal is to be heard by Written Representations

Case Officer: Mr Andrew Prior on 01432 261932

Application No. DCSE2003/3059/F

- The appeal was received on 26th February 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by S. Chan & Lin Choi
- The site is located at Land at Butchers Alley (rear of 25/26 Brookend Street), Ross-on-Wye
- The development proposed is Erection of 4 no. flats
- The appeal is to be heard by Hearing

Case Officer: Mr Nigel Banning 01432 261974

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

Application No. DCSE2003/2028/O

- The appeal was received on 2nd March 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Green
- The site is located at Waters Edge, -, Howle Hill, Ross-On-Wye, Herefordshire, HR9 5SP
- The development proposed is Site for agricultural/ horticulture bungalow with garage and re-siting of solar polytunnel.
- The appeal is to be heard by Written Representations

Case Officer: Mrs Charlotte Atkins on 01432 260536

Application No. DCSW2003/3076/L

- The appeal was received on 3rd March 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by M & J Cook
- The site is located at Clodock Mill, Longtown, Herefordshire, HR2 0PD
- The development proposed is Deletion of condition 3 of listed building consent SW2002/2796/L. Variation of design of replacement windows.
- The appeal is to be heard by Written Representations

Case Officer: Mrs Angela Tyler on 01432 260372

APPEALS DETERMINED

Application No. SE2002/3889/F

- The appeal was received on 13th August 2003
- 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 Dr. W Green
- The site is located at Land adjacent to The Link, Weston Under Penyard, Ross-On-Wye, Herefordshire, HR9 7QA
- The application, dated 9th December 2002, was refused on 18th February 2003
- The development proposed was Proposed dwelling
- The main issue is the effect of the proposal on the character and appearance of the village and the surrounding countryside, which lies within an Area of Great Landscape Value (AGLV)

Decision: The appeal was **Dismissed** on 11th march 2004

Case Officer: Mr Steven Holder on 01432 260479

Application No. SE2003/0668/F

- The appeal was received on 18th July 2003
- 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 E Heyes
- The site is located at Hill Bungalow, -, Symonds Yat, Ross-On-Wye, Hereford, HR9 6BN

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

- The application, dated 26th February 2003, was refused on 28th April 2003
- The development proposed was Two storey extension
- The main issue is the effect of the proposed extension on the character and appearance of the existing dwelling and, in turn, the wider countryside which is within the Wye Valley Area of Outstanding Natural Beauty (AONB) and designated as an Area of Great Landscape Value (AGLV)

Decision: The appeal was **Dismissed** on 11th March 2004

Case Officer: Mr Steven Holder on 01432 260479

Application No. SW2002/3212/RM

- The appeal was received on 24th November 2003
- 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 J.G. Price & Sons Ltd.
- The site is located at Albion Villa, Peterchurch, Hereford, HR2 0RT
- The application, dated 22 October, 2002 sought approval of details pursuant to conditions Nos 3, 4 and 5 of a planning permission granted by the council on 12th June, 2002
- The application was refused on 28th August, 2003
- The development proposed was Erect detached dwelling and garage.
- The main issue is the effect of the proposed noise attenuation measures on the living conditions of the future occupiers of the proposed dwelling, with particular regard to noise

Decision: The appeal was **Allowed** in part on 16th March, 2004

Case Officer: Mr Andrew Prior on 01432 261932

Application No. EN2003/0028/ZZ

- The appeal was received on 11th September 2003
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr M Phelps
- The site is located at The Laurel Farm, Barrel Lane, Aston Ingham, Ross-on-Wye
- The breach of planning control alleged in this notice is "change of use of land from agriculture to a mixed use for agriculture and the siting of a mobile home, without planning permission
- The requirements of the notice are: to remove the mobile home, extension and septic tank from the land and return the land to its former condition

Decision: The notice is varied to extend the period for compliance. Subject to this amendment the appeal is dismissed and the notice upheld.

Case Officer: Mr Mike Willmont on 01432 260612

Application No. SE2003/1157/F

- The appeal was received on 5th December 2003
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs A. Ayres
- The site is located at Brynhyfryd, Phocle Green, Ross-on-Wye, Herefordshire

- The application, dated 10th April, 2003, was refused on 6th June, 2003
- The development proposed was Two-storey extension consisting of bedroom at first floor and new entrance lobby, study and utility room at ground floor.
- The main issue in this case is the effect of the proposed extension on the character and appearance of the host building and the surrounding area

Decision: The appeal was **Dismissed** on 31st March, 2004

Case Officer: Mr Nigel Banning on 01432 261974

Application No. SW2003/0575/F

- The appeal was received on 7th May 2003
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs E Gittoes
- The site is located at Cwm Farm, Walterstone, Herefordshire, HR2 0DX
- The application, dated 17th February, 2003, was refused on 23rd April, 2003
- The development proposed was Demolition of modern agricultural buildings. Construction of a new house and four bay garage with one bedroom staff flat over, together with associated gardens and landscaping. Restoration of existing cottage and barn and new access drive.
- The main issue is as the appellants acknowledge, the proposal does not comply with the local development plan. They rely on the specific exception to countryside protection policies set out in paragraph 3.21 of PPG7. This indicates that *'isolated new houses in the countryside require a special justification – for example, where they are essential to enable farm or forestry workers to live at or near their place of work. An isolated new house in the countryside may also exceptionally be justified if it is clearly of the highest quality, is truly outstanding in terms of architecture and landscape design, and would significantly enhance its immediate setting and wider surroundings. Proposals for such development would need to demonstrate that proper account had been taken of the defining characteristics of the local area, including local or regional building traditions and materials. This means that each generation would have the opportunity to add to the tradition of the Country House which has done so much to enhance the English countryside.'*

There is no claim that the house is justified by an essential need for agricultural or forestry purposes. The proposal is effectively for a new Country House. While many local people object to the proposal in principle, the Council accepts that the house would be clearly of the highest quality and would be truly outstanding in terms of its architecture and landscape design. It therefore seems to me that the main issue in this appeal relates to the 3rd test set by paragraph 3.21 of PPG7, that is, whether the proposal would significantly enhance its immediate setting and wider surroundings such that an exception to the development plan countryside protection policies is justified.

Decision: The appeal was **Dismissed** on 31st March, 2004

Case Officer: Mr Mike Willmont on 01432 260612

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

SOUTHERN AREA PLANNING SUB-COMMITTEE

14TH APRIL, 2004

APPLICATIONS RECEIVED

REF No.	APPLICANT	PROPOSAL AND SITE	APPLICATION NO.	PAGE NO.
1	Mr. & Mrs. J. Taylor	Erection of two-storey three bedroom house, Nantwich Cottage, Oak Road, Ross-on-Wye	DCSE2004/0376/F	39 - 44
2	Mr. G. Morgan	Construction of hobby workshop with store loft over, Woodfield, Church Road, Clehonger	DCSW2004/0275/F	45 - 48
3	Mr. K. Jones	Site for six dwellings (affordable/market housing), Bio-disc treatment system, removal of poultry buildings, Orcop Poultry, Orcop Hill, Much Dewchurch	DCSW2004/0047/O	49 - 56
4	Rowden House School	Proposed change of use from dwelling house to shared dwelling and conversion of garage to additional accommodation, Bro-a-Bryn, Allensmore	DCSW2004/0389/F	57 - 64
5	Mr. R. Cousins	Sub-division of single dwelling into three dwellings. Single storey extension to west elevation at The Old School, Bridstow, Nr. Ross-on-Wye	DCSE2004/0417/F	65 - 70
6	Hardon Housing Association (Midlands) Ltd	Construction of ten two-storey dwellings and ancillary site works, Sun Villa and former works to side and rear, Bazley Lane, Peterchurch	DCSW2003/3778/F	71 - 76

7	Mr. & Mrs. M. Robinson	Proposed two-storey extension and conservatory, Kinsleigh Cottage, Picts Cross, Sellack, Ross-on-Wye	DCSE2004/0522/F	77 - 80
8	Mr. & Mrs. K. Pittaway	Site for one dwelling, Plot 7232, land to the rear of The Walled Garden, Ross Court, Ross-on-Wye	DCSE2004/0349/O	81 - 86
9	Collier & Brain Ltd	Alteration to extend frontage of the garage, 4 The Walled Garden, Ross-on-Wye	DCSE2004/0618/F	87 - 88
10	Mr. D. Nicholls	Proposed change of use of first floor office into self-contained unit of accommodation (retrospective) at The Studio, Old Gloucester Road, Ross-on-Wye, Herefordshire, HR9 5JG	DCSE2004/0279/F	89 - 92
11	J P Construction	Removal of conditions 19, 20 and 21 of planning permission SE2001/0890/F, provision of pedestrian refuges, Knightshill Farm, Aston Ingham, Ross-on-Wye	DCSE2004/0643/ F	93 - 100
12	Lancashire County Council Pension Fund	Change of use from A1 to A3 (restaurant, snack bar, café), Unit 1, The Maltings, (42/43 Broad Street), Ross-on-Wye	DCSE2004/033 2/F	101 - 106
13	Hutchinson 3G UK Ltd	Erection of 15 metre telecommunications monopole incorporating three telecommunications antenna, one 30cm transmission dish, two 60cm transmission dishes and associated cabinet equipment and compound. security compound 2, Broad Meadows Industrial Estate, Station Approach, Ross-on-Wye	DCSE2004/0561/T	107 - 114

1 DCSE2004/0376/F - ERECTION OF TWO-STOREY THREE BEDROOM HOUSE AT NANTWICH COTTAGE, OAK ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7BB

For: Mr & Mrs J Taylor per Geoff Jones Architect, 53 Broad Street, Ross on Wye, Herefordshire HR9 7DY

Date Received: 3rd February 2004 Ward: Ross-on-Wye West Grid Ref: 60237, 24786

Expiry Date: 30th March 2004

Local Members: Councillor M R Cunningham and Councillor G Lucas

1. Site Description and Proposal

- 1.1 The site lies within the settlement and primarily residential area of Ross-on-Wye, as defined the Local Plan. It is also situated within the designated Wye Valley Area of Outstanding Natural Beauty.
- 1.2 At present the site subject to this proposal forms part of the rear garden of Nantwich Cottage, which is accessed off Oak Road. It is proposed to erect a single detached dwelling, with access being provided off Brampton Avenue. The surrounding area comprises a range of house sizes and designs. The eastern and western boundaries of the site are well defined and screened by substantial planting. The land levels rise gradually from the south of the site up to the north.
- 1.3 The proposal comprises the formation of a vehicular access, area of hardstanding for the parking of two vehicles and a detached dwelling. As originally submitted the dwelling would have a dual, shallow pitched roof of some 6 metres in height, however revised plans have now been received for a mono-pitched roof, with a maximum height of 5.7 metres. It is proposed to provide a lounge, lobby, dining/kitchen and W.C/utility room at ground floor with three bedrooms and a bathroom above. The footprint of the proposed dwelling would be 10 metres by 5 metres, with the addition of lean-to, glazed canopies to the front and rear elevations. In terms of design the proposed dwelling is modern in character, with external finishes of horizontal timber boarding, facing brick and profiled steel roofing materials.
- 1.4 Planning permission was granted in October 2002 for the erection of a two storey, two-bedroomed dwelling on the site. This planning permission has not been implemented, but remains valid until 23rd October 2007. This proposal is in lieu of the extant permission. The dwelling now proposed would be 2 metres wider than that previously granted and would provide an additional bedroom.

2. Policies

2.1 Planning Policy Guidance

PPG 1	General Policy and Principles
PPG 3	Housing
PPG.9	Transport

2.2 Hereford and Worcester County Structure Plan

Policy H18	Residential Development in Rural Settlements
Policy H16A	Housing in Rural Areas
Policy CTC1	Area of Outstanding Natural Beauty
Policy CTC9	Development Criteria

2.3 South Herefordshire District Local Plan

Part 1	
Policy GD1	General development criteria
Policy C5	Development within AONB
Policy C43	Foul sewerage
Policy C45	Drainage
Policy SH6	Housing Development in Larger Villages
Policy SH8	New Housing Development Criteria in Larger Villages
Policy SH14	Siting and design of buildings
Policy T1A	Environmental sustainability and transport
Policy T3	Highway Safety Requirements
Policy T4	Highway and Car Parking Standards

Part 3, Chapter 37

Policy 3	Infill Sites for Housing
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2.4 Herefordshire Unitary Development Plan – First Deposit Draft

Part 1	
Policy S1	Sustainable Development
Policy S2	Development Requirements
Policy S3	Housing
Part 2	
Policy DR1	Design
Policy H2	Hereford and the Market Towns: Housing Land Allocations
Policy H13	Sustainable Residential Design
Policy LA1	Areas of Outstanding Natural Beauty

3. Planning History

- 3.1 SE2002/2484/F - Erection of two-storey dwelling - granted 23.10.2002

4. Consultation SummaryStatutory Consultations

- 4.1 Welsh Water - No objection, subject to the imposition of conditions regarding the drainage of foul and surface water

Internal Council Advice

- 4.2 Head of Engineering and Transportation has no objections, subject to conditions.

5. Representations

- 5.1 Ross-on-Wye Town Council – no objections.
- 5.2 Two letters of representation has been received from Ms Margretts of Fairview, Mount Pleasant, Ross-on-Wye, in respect of the originally submitted plans and the amended plans. The main points raised are:
- only change to the earlier proposal, which I considered to be unacceptable, is that the property would now be bigger and more imposing
 - if granted it would detract from my enjoyment of my garden, it would overlook my garden and cause me to lose the only corner of privacy I have. This would not be the case for the proposer of the construction or its intended occupants.
 - Height of the proposal would reduce the natural light to my garden and home, the upper window would look straight into my kitchen.
 - The materials chosen to build the construction, in particular the roof, are not in keeping with properties that would surround it.
 - I hope that planning permission will not be given.

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

6. Officers Appraisal

- 6.1 The main considerations in the determination of this application are the principle of the proposal, the effect of the development on the character and appearance of the surrounding area, neighbouring properties and highway safety.
- 6.2 The principle of the erection of a dwelling on the site has been accepted by virtue of the grant of planning permission in 2002. There has been no material change in either national or local planning policy or circumstances that would alter this.
- 6.3 The general pattern of development in the area surrounding the site is mixed in respect of building sizes, layouts and designs. The dwelling now proposed would have a slightly larger footprint than the dwelling previously granted, some 50 square metres in comparison with 40 square metres, but would be the same height and essentially on the same siting within the plot and of the same design. The increased width of the dwelling in comparison with the earlier granted scheme, from 8 metres to 10 metres, would result in the dwelling being closer to the side (eastern and western) boundaries of the site. There would be a distance of 1 metre from either side of the dwelling to the eastern and western boundaries of the site. Taking into account the established character and appearance of the area it is considered that the revised dwelling size, the resulting building to plot ratio and its orientation would not appear cramped and would complement the existing pattern of development in the area. Whilst the design of dwelling proposed is modern the dwellings in the immediate area are of mixed character. It is considered that the dwelling by virtue of the limited roof height, which is no higher than that previously granted planning permission would not be prominent within the street scene.

- 6.4 It is considered that materials which would be appropriate for the modern design of dwelling proposed and which would also complement the existing surrounding development can be achieved. To ensure this, it is considered necessary to require that samples and/or trade descriptions of external materials are submitted and agreed prior to the commencement of development.
- 6.5 The proposed dwelling would be 1 metre nearer to the eastern and western site boundaries than the dwelling previously granted planning permission. The dwelling would be 5.7 metres in height, which would be no higher than the dwelling granted planning permission. In respect of the impact of the proposal on the amenity of neighbouring properties, by virtue of the modest increase in size and associated reduction in distance to the eastern and western boundaries, no increase in height, and the existence of substantial boundary treatments to the eastern and western boundaries, the proposal would not be overbearing or overshadow adjacent properties. There would only be one, small single light window in the first floor of the eastern elevation of the proposed dwelling, as per the previously granted scheme. Due to its height, approximately 3.8 metres from ground levels to the window cill and its orientation in relation to 'Fairview', which would not be directly facing any of the windows in the objector's property, it would not materially reduce privacy. As the proposed window would be a secondary window to the bedroom, in order to minimise the perception of overlooking it is suggested that a condition be imposed requiring that the window be fitted with obscure glazing. With regard to the effect upon the privacy of neighbouring properties, including Nantwich Cottage, it is considered that the revised scheme would not materially differ from that previously granted planning permission.
- 6.6 Vehicular access to the site would be provided off Brampton Abbots, which is a cul-de-sac. At present access to Nantwich Cottage is gained off via Oak Road and this would remain so if permission is granted for the proposal. Two off road parking spaces are proposed for a three bedroomed property. This complies with parking standards set out in the Local Plan and taking into account the proximity of the site to public transport routes and Ross-on-Wye town centre this aspect of the proposal is acceptable. Subject to the provision of satisfactory visibility onto Brampton Avenue the proposed parking and access would be acceptable and would accord with policy requirements.
- 6.7 In summary it is considered that the proposal is acceptable in principle and would not be harmful to the character and appearance of the area, the amenity of neighbouring properties or be detrimental to highway safety. As such the proposal would accord with the relevant policies of the Development Plan.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 A09 (Amended plans)

Reason: To ensure the development is carried out in accordance with the amended plans.

- 3 Notwithstanding the materials annotated on the approved plans no development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

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

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order, with or without modification), no windows, dormer windows or other new openings shall at any time be placed in the eastern and southern elevations of the dwelling hereby permitted.**

Reason: In order to protect the residential amenity of adjacent properties.

- 5 E19 (Obscure glazing to windows)**

Reason: In order to protect the residential amenity of adjacent properties.

- 6 H04 (Visibility over frontage)**

Reason: In the interests of highway safety.

- 7 H05 (Access gates)**

Reason: In the interests of highway safety.

- 8 H06 (Vehicular access construction)**

Reason: In the interests of highway safety.

- 9 H10 (Parking - single house)**

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

- 10 Foul water and surface water discharges must be drained separately from the site. There shall be no, direct or indirect, discharge of surface water or land drainage run-off to the public sewerage system.**

Reason: To prevent hydraulic overload of the Public Sewerage System and pollution of the Environment.

Informative(s)

- 1 HN01 - Mud on highway**
- 2 HN04 - Private apparatus within highway**
- 3 HN10 - No drainage to discharge to highway**

4 The applicant is advised to contact the Network Development Consultants (DCWW sewerage agents) on tel: 01443 331155, if a connection is required to the public sewerage system.

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

2 DCSW2004/0275/F - CONSTRUCTION OF HOBBY WORKSHOP WITH STORE LOFT OVER WOODFIELD, CHURCH ROAD, CLEHONGER, HEREFORD, HEREFORDSHIRE, HR2 9SE

For: Mr G Morgan per Mr B Chamberlain, Caple Lea, Fownhope, Herefordshire, HR1 4PJ

Date Received: 26th January 2004 Ward: Stoney Street Grid Ref: 46588, 37924

Expiry Date: 22nd March 2004

Local Member: Councillor D. C. Taylor

1. Site Description and Proposal

- 1.1 The proposal site comprises a semi-detached property adjoining Swan Lake Cottage. Swan Lake Cottage fronts onto the western side of the main thoroughfare Class III (C1200) that leads northwards off the B4348 road, through Old Clehonger. Woodfield was originally a cottage set back and elevated from the C1200 road, it was then extensively extended many years ago. This former extension is now a separate dwelling house, it has a single-storey extension on its southern side that forms the eastern boundary wall for Woodfield. Swan Lake Cottage has accommodation on three floors, the proposal site has accommodation on two floors, including the roof space.
- 1.2 The proposal is to erect a detached workshop and store building in the garden. It is 0.5 metres south of a kitchen extension. The building will be 4 metres wide, 7.4 metres long, 3.6 metres to the eaves and 5.3 metres to the ridge. It will have a rendered finish to roof tile, matching that used on the main dwelling.

2. Policies

2.1 Planning Policy Guidance

PPG.1 - General Policy and Principles

2.2 Hereford and Worcester County Structure Plan

Policy CTC.9 - Development Requirements

2.3 South Herefordshire District Local Plan

Policy GD.1 - General Development Criteria

Policy SH.23 - Extensions to Dwellings

3. Planning History

- 3.1 SH970324PF Extension comprising sun room and bedroom - Approved 24.04.97

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 The Head of Engineering and Transportation has no objections.

5. Representations

5.1 In a letter that accompanied the application, the applicant's agent states:

- whilst noting concern with ridge height, ground level for site is considerably higher than the floor level of the existing buildings
- if ground level reduced, it would result in flooding from the adjoining garden and farm land which is considerably higher than the floor level of the proposed building.

5.2 Clehonger Parish Council make the following observations:

"The Parish Council support this application provided the workshop and store are used for purposes connected with the house and not used for business or commercial purposes."

The full text of this letter can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

6.1 The main issues are the size, scale and impact of the building proposed. There is no objection in principle to the erection of a storage building in the garden of Woodfield.

6.2 The building is on ground level higher than that of the semi-detached property belonging to the applicants. It will replace a glass house that has a ridge height that is approximately the same height as the eaves for a mono-pitch roofed kitchen less than 2 metres away. The proposed building will provide accommodation on two floors and is approximately 0.5 metres higher than the highest ridge point on the twin gabled Woodfield. Even if it were possible to reduce the ground level by two feet, approximately 0.56 metres, the proposed outbuilding would not be subservient in relationship to Woodfield. The dominance of the building is also compounded by the eaves line of the building that leaves a 1.4 metres gap between the top of doors and windows on the building. The building will also be clearly visible from the churchyard of the Grade I Listed Church of All Saints.

6.3 The proposed building is out of scale with the existing dwelling and will be over-dominant. A reduction in size and scale and or reducing the level had been sought before submission of this proposal, however proposed revisions were declined.

RECOMMENDATION

That planning permission be refused for the following reason:

1. The proposed outbuilding would, by reason of its scale and design, be out of keeping with the locality in which it is to be situated, and in relation to Woodfield, contrary to the provisions of Policy GD.1 contained in the South Herefordshire District Local Plan.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

3 DCSW2004/0047/O - SITE FOR SIX DWELLINGS (AFFORDABLE/MARKET HOUSING), BIO-DISC TREATMENT SYSTEM, REMOVAL OF POULTRY BUILDINGS, ORCOP POULTRY, ORCOP HILL, MUCH DEWCHURCH, HR2 8EN

For: Mr K Jones per Mr Griffin, ADAS, The Patch, Elton Newnham, Gloucester, GL14 1JN

Date Received: 7th January 2004 Ward: Pontrilas Grid Ref: 48120, 28138

Expiry Date: 3rd March 2004

Local Member: Councillor G. W. Davis

1. Site Description and Proposal

- 1.1 The proposal site is on the western side of Lyston Lane, a Class III road (C1235) that links Orcop Hill to the A466 road. The southern boundary of the site fronts onto the hedgerow lined C1235 road that continues westward towards Saddlebow Hill onto Bagwyllydiart. The eastern boundary of the site comprises the western boundaries of Wenmai Cottage, which is on the corner of Lyston Lane and Etna to the north of Wenmai Cottage, which the applicant resides in. A new arbitrary boundary will be created on the north-western side of the 0.37 hectares plot at an angle to the more elevated turkey sheds that are still in use. These sheds will be demolished and the site cleared in the event of planning permission being granted.
- 1.2 Access will be off the western side of Lyston Lane utilising an existing bell-mouth access that serves Etna and the poultry units that are uphill from Lyston Lane.
- 1.3 Only the means of access, which is the existing means of access, is to be determined at this stage. All other matters are reserved for future consideration.

2. Policies

2.1 Planning Policy Guidance

PPG.1	-	General Policy & Principles
PPG.3	-	Housing
PPG.7	-	The Countryside – Environmental Quality and Economic and Social Development

2.2 Hereford and Worcester County Structure Plan

Policy H.16A	-	Housing in Rural Areas
Policy H.20	-	Residential Development in Open Countryside
Policy H.18	-	Residential Development in Rural Areas
Policy CTC.2	-	Area of Great Landscape Value
Policy CTC.9	-	Development Criteria

2.3 South Herefordshire District Local Plan

Policy GD.1	-	General Development Criteria
Policy SH.10	-	Housing in Smaller Settlements
Policy SH.11	-	Housing in the Countryside
Policy SH.13	-	Affordable Housing in/adjacent to Settlements
Policy C.1	-	Development within Open Countryside
Policy C.2	-	Criteria for Exceptional Development outside Settlement Boundaries
Policy C.8	-	Development within Area of Great Landscape Value

2.4 Unitary Development Plan

There are no policies that are considered to raise issues different from the current Development Plan policies. Although, it should be noted that Orcop will no longer be identified as a settlement in the Unitary Development Plan.

3. Planning History

3.1	Code 11623	2 flock houses, boiler house and agricultural workers bungalow	-	Approved August 1961
	SH930279PF	Demolish 2 existing poultry houses and buildings and replace with 2 modern poultry houses, bins	-	Approved 21.04.93
	SH971420PF	Extension of time for one year only (conditions 1 – 7) excluding condition 6 agreed on SH930279PF	-	Approved 09.12.97
	SS990095PF	Extension of time for 2 years only for planning permission SH971420PF	-	Approved 16.03.99
	SW2001/0496/F	Extension of time for 2 years of previous planning permission SS990095PF	-	Approved 11.04.01
	SW2003/2651/O	Site for 11 dwellings with bio-disc treatment system (affordable housing)	-	Withdrawn 28.11.03

4. Consultation Summary

Statutory Consultations

4.1 The Environment Agency has no objections subject to the imposition of conditions.

Internal Council Advice

4.2 The Head of Engineering and Transportation recommends that conditions be attached in the event of planning permission being granted.

4.3 The Environmental Health and Trading Standards Officer has received a number of complaints in the past relating to the existing units. The removal of the units will obviously resolve the issue once and for all.

- 4.4 The Head of Strategic Housing Services states that there is evidence of local housing need. A Housing Needs Survey has been undertaken and a local need identified. The amount of discount in order to make the properties affordable is crucial.

5. Representations

- 5.1 In a statement that accompanied the application, the following main points are made:

- 164 properties in Orcop, proposal constitutes 3.6% increase
- Orcop Housing Needs Survey identifies need for 18 dwellings, 7 of which are affordable and 11 market housing
- Policy SH.13 (in the South Herefordshire District Local Plan) provides the exception for providing a site, as the Council considers the site is outside the settlement
- proposal for 6, small affordable dwellings (90m squared floor area at 25% discount of open market value of a semi-detached dwelling)
- development would allow for removal of 2 active intensive/broiler sheds, and offer considerable environmental gains for Orcop
- Council's Supplementary Planning Guidance on Affordable Housing states (page 2) that the Council is strongly committed to the delivery of affordable housing. The Unitary Development Plan recognises the difficulty of achieving this aim, proposal offers chance to provide below market cost housing
- site is 2.6 ha (6.5 acres) holding owned and occupied by Mr. K. Jones, as an intensive broiler enterprise. Each building is 1,338m squared plus ancillary buildings, poultry buildings cover 3,000 m squared of the holding
- existing bell mouth access to east serves restricted dwelling and holding. Site comprises pasture and belts of trees (leylandii and poplar)
- approval in 1993, later renewed to expand the poultry unit by provision of extra sheds. Services to site (i.e. mains water, electricity and telephone)
- in Area of Great Landscape Value. Orcop Hill is a loose arrangement of mainly two storey dwellings, constructed out of stone, or brick, and a few rendered properties with large gardens
- Orcop Hill has a public house, telephone box and small Chapel. Other facilities in Orcop, are an impressive Church, and wider still, Parish Hall.
- four bus stops serve Orcop Hill
- the site is 0.37 ha. In addition to the applicant's own dwelling, five other dwellings adjoin or affront the application site
- on southern and western boundaries are mature hedgerows with clumps of native trees, group of over mature poplars in south-east of site felled recently as they posed a safety risk
- production would cease in poultry buildings and they would be demolished. Overhead services would be placed underground
- proposed to arrange 6 dwellings in three pairs around a central access road and turning area, single garaging is proposed for each dwelling of 90m squared
- a hedgerow would be planted on the new north-western boundary
- a bio-disc treatment system would be used
- Housing Needs Survey was carried out in Orcop in January 2003, higher than normal response (i.e. 67% of 379 represented in responses). Covers period of next 5 years
- Housing Needs Survey identified greater need than the average parish for additional affordable market housing
- survey identified need for 11 new dwellings from emergent households, seven of which should be affordable and 4 market housing. The existing households showed a need for 7 new dwellings, comprising no affordable dwellings and

- 7 market housing. Therefore, 18 houses identified 11 market houses and 7 affordable houses
- application is for 6 discounted market houses to make them affordable
 - proposal meets requirements of Policy SH.13 in South Herefordshire District Local Plan as given size and planning condition would sell at 25% below their normal market value
 - no ecological nor historical interests on site. Not prominent in landscape
 - adjoining properties not overlooked
 - dwellings would be block rendered with some stone detailing to reflect the local vernacular
 - existing access is proposed
 - short length of minor road, before joining the Class I (A) road. Less heavy traffic with demise of poultry units
 - Orcop Hill is served by bus route 412
 - new north-western boundary hedgerow, three other sides constrained by existing physical barriers
 - no sound trees are lost
 - proposal will meet identified local need. Transport in rural areas is car based, however site is served by regular bus services
 - nine properties are within 100 metres of poultry units, complaints have been made. ADAS appraisal of odour accompanied previous application and forms part of this proposal
 - planning permission would not be granted today for units on site with current environmental awareness
 - Environmental Health and Trading Standards Officer supports application, see accompanying letter.

Also attached to the statement were specifications and cost of sewage treatment plant and cost of demolition and associated matters, i.e. site clearance.

5.2 Orcop Parish Council make the following observations:

"The Council are pleased that the existing access is being utilised but feels that six dwellings under utilises the site.

The Council would prefer to see 11 dwellings in the northern section of the site, much like the u shape development at Much Dewchurch, thus leaving the south side of the site as an open green site and not enclosing existing local residents.

This they feel would be supporting the findings of the Orcop Housing Needs Study carried out in January 2003."

5.3 Much Dewchurch Parish Council "fully support this application."

5.4 Llanwarne Parish Council have no objections.

5.5 Fourteen letters of representation have been received in which the following main points are raised:

- contrary to Development Plan
- reducing number to six makes it less objectionable
- need a sensitive scheme, not ugly rendered boxes
- self-build on larger plots that are also energy efficient would assist

- £100,000 ceiling unviable given cost of sewage treatment plant and road to serve development
- lack of detail amazing
- small houses with relatively small gardens give a suburban feel
- facilities outside the area, further need for 2 cars
- if low income how can they afford 2 cars?
- potential buyers are not country orientated, happier on an urban brown field site
- need good mix of dwellings
- devaluation of our properties, by poor quality low cost housing and related social problems
- site will be rubbish strewn, and there will be broken down cars also
- moved away due to lack of affordable housing
- dwellings could be bought by landlord types exploiting low income groups
- Orcop Hill is renowned for landscape views, six counties are visible on a clear day. It is therefore a potential blot on the landscape
- no facilities, i.e. shop, post office, school nor facilities for young children
- need 30mph speed limit
- access road (Lyston Lane) takes high volumes of traffic (school run and commuting) recently impassable due to snow and ice
- agricultural field to north drains onto site, during periods of wet weather it lies on the site, therefore pollution risk given existence of sewage treatment plant
- road to Saddlebow floods, southern boundary of site lies on natural line of springs, floods properties nearby and further down hill
- springs opens up in my garden and has lifted neighbours paving stones
- even if permeable surfaces used, still problems
- run-off should be channelled north-east or east of plot not to south or west. should be on north side of plot, cannot pump water up hill
- need larger plots for drainage/run-off
- what is the west of the site to be used for? Need Section 106 if approved
- residents mostly retired elderly people, please leave our beautiful quiet village alone.

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

6. Officers Appraisal

- 6.1 There are five main issues relating to the proposal. They are the principle of developing the site, the road network, drainage issues, impact in landscape and availability of facilities.
- 6.2 Orcop is listed a smaller settlement in Policy SH.10 contained in the Local Plan, although strictly speaking the area of Orcop parish clustered around the Fountain Inn is Orcop Hill. Nevertheless, it is considered that the site is outside the reasonable physical limits of Orcop given there is only Wenmai Cottage and the applicant's property known as Etna on the north-western side of the C1235 road that borders the eastern and southern sides of the Etna, Wenmai Cottage and the field to the south-east of the existing poultry units on which it is proposed to erect six affordable market dwellings. However, there is provision in Policy SH.13 contained in the Local Plan for affordable housing on sites adjacent to or within settlements. It is considered that in locational terms the proposal site falls into this category, given the existence of development on the southern side of the Class III (C1235) road opposite the site. This site does not constitute an incursion into open countryside.

- 6.3 The development also needs to be small scale and demonstrate that there is a clearly demonstrated and genuine local need, that cannot be accommodated elsewhere. The Herefordshire Needs Survey for Orcop carried out in 2003 identified a need for affordable housing in the settlement, this is borne out by the stance of the Orcop Parish Council who state that six dwellings should be increased to 11 dwellings. It is considered that a site for affordable housing in Orcop can be justified and that the numbers proposed are also acceptable. In addition, the number of houses would not be out of scale with the size of the settlement. A crucial element of Policy SH.13 is the requirement that the affordable element will be enjoyed by successive as well as by initial occupiers of the properties. This would need to be controlled by way of a Section 106 Agreement. It is a little more complicated in that the applicant is not a Registered Social Landlord (RSL), usually a Housing Association, nevertheless it is possible given the experience of the Council elsewhere. The houses proposed are to be discounted open market rather than for rent. The applicants are proposing this at 25% below open market value. The most recent similar agreement elsewhere in the county has been on the basis of a 30% discount.
- 6.4 The site has poultry units that have been on this elevated site for over 40 years and have been the subject of complaints to the Council's Environmental Health and Trading Standards Department. This is verified by consultation reply. Also, there are no trees on the proposal site and with the removal of the more elevated poultry units the amenity of this site in the Area of Great Landscape Value can only be enhanced. This would though be subject to the design and layout of the dwellings at the time that they are submitted.
- 6.5 The road network is considered to be capable of managing the traffic generated by the development site such that there will be an adverse impact on highway safety. The previously submitted proposal for 11 dwellings proposed taking the access onto the southern side of the site onto a narrower stretch of the C1235 road, that also had poorer visibility than the existing bell mouthed access point serving the poultry units site that is currently proposed. It is true that living in this rural location will necessitate the use of a motor vehicle, however this needs to be weighed against the continuing requirement of affordable housing across Herefordshire and particularly in the parish of Orcop.
- 6.6 The Environment Agency have not raised any objection in principle to the development of the site. The Environment Agency have focused on the potential for pollution with the demolition of the existing poultry units, boiler unit and ancillary buildings. There is considered to be sufficient land in the applicant's ownership on which to drain onto. Should there be water run-off from Orcop Hill through the site, then that will be a matter for the applicant to address at the time.
- 6.7 There will be an impact in developing the site, the development is lower in the landscape than the existing poultry units and will relate more to existing development to the south-east and south than the poultry units do at present. Further landscaping on the site will help ameliorate the development.
- 6.8 Orcop is designated as a smaller settlement in the South Herefordshire District Local Plan, not only for reasons of its population and size, but also given that it is limited in facilities. However, the requirement to provide affordable housing as set out in Government advice contained in PPG.3 – Housing, which has not been possible in or adjacent to many of the smaller settlements identified in Policy SH.10, to a degree outweighs the requirements of providing development that is sustainable which is a

requirement of Policies GD.1 and SH.10 contained in the South Herefordshire District Local Plan.

- 6.9 Subject to the applicant entering into a Section 106 Agreement, the principle of development of this site for six dwellings can be supported

RECOMMENDATION

That: 1. The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to ensure that the benefits of low cost affordable housing will be enjoyed in perpetuity by initial owner occupiers and contribute to meeting local housing requirements and any additional matters and terms as she considers appropriate.

2. Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:

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

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

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

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

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

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

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

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

- 5. F17 (Scheme of foul drainage disposal)**

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

- 6. F20 (Scheme of surface water drainage)**

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

- 7. F44 (Investigation of contaminated land)**

Reason: To ensure that potential contamination of the site is satisfactorily assessed.

8. F45 (Contents of scheme to deal with contaminated land)

Reason: To ensure that potential contamination is removed or contained to the satisfaction of the local planning authority.

9. F46 (Implementation of measures to deal with contaminated land)

Reason: To ensure contamination of the site is removed or contained.

10. Before development commences on site all poultry units and ancillary buildings and structures shall be demolished and cleared from the site to the satisfaction of the local planning authority in accordance with conditions 7, 8 and 9 above.

Reason: In order to define the terms to which the application relates and in the interests of the residential amenity of future residents.

11. H03 (Visibility splays)

Reason: In the interests of highway safety.

12. H05 (Access gates)

Reason: In the interests of highway safety.

13. H06 (Vehicular access construction)

Reason: In the interests of highway safety.

Informative(s)

1. N15 - Reason(s) for the Grant of planning permission

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

4 DCSW2004/0389/F - PROPOSED CHANGE OF USE FROM DWELLING HOUSE TO SHARED DWELLING AND CONVERSION OF GARAGE TO ADDITIONAL ACCOMMODATION, BRO-A-BRYN, ALLENSMORE, HEREFORD, HR2 9AR

For: Rowden House School per Jamieson Associates, 30 Eign Gate, Hereford, HR4 OAB

Date Received: 4th February 2004

Ward: Valletts

Grid Ref: 45232, 34376

Expiry Date: 31st March 2004

Local Member: Councillor P. G. Turpin

1. Site Description and Proposal

- 1.1 The application property comprises a detached red brick bungalow, that gains access onto the western side of the class II road (B4348) that leads from Locks Garage on the junction of the B4348 road and the A465(T) westward to Kingstone via Winnal and Thrupton. The bungalow has 3 bedrooms on the ground floor and one further within the roof space.
- 1.2 Bro-a-Bryn shares a driveway entrance onto the B4348 road with Rutland House immediately to the north, and Thornbrook further north of Rutland House.
- 1.3 The proposal is for a change of use of the bungalow from a dwellinghouse which is C3 in the Use Classes Order to a C2 use to provide accommodation for five young people with learning difficulties under supervision of a member of staff, the members of staff operating on a rota basis. It is proposed as part of the application to convert the existing integral garage and breakfast room on the eastern/front of the bungalow into additional bedrooms.

2. Policies

2.1 Planning Policy Guidance

PPG.1	-	General Policy and Principles
PPG.3	-	Housing
PPG.7	-	The Countryside – Environmental Quality and Economic and Social Development
PPS.7 (Draft)	-	Sustainable Development in Rural Areas
PPG.13	-	Transport

2.2 Hereford and Worcester County Structure Plan

Policy CTC.9	-	Development Requirements
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2.3 South Herefordshire District Local Plan

Policy GD.1	-	General Development Criteria
Policy C.1	-	Development within Open Countryside
Policy CF.4	-	Residential Homes

- Policy T.3 - Highway Safety Requirements
 Policy T.1A - Environmental Sustainability and Transport

2.4 Unitary Development Plan

- Policy S.1 - Sustainable Development
 Policy S.2 - Development Requirements
 Policy DR.2 - Land Use and Activity
 Policy LA.2 - Landscape Character and Areas Least Resilient to Change
 Policy CF.7 - Residential Nursing and Care Homes

3. Planning History

- 3.1 SH930585PF Two new dwellings to complement existing development - Refused 23.06.93
- SH931546PF New dwelling – bungalow - Approved 18.05.94 (Subject to Section 106 Agreement)

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Head of Engineering and Transportation has no objection.

5. Representations

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

- Rowden House School and Winslow Court are a school for children and young adults with severe learning difficulties. They are based on a 26 acre campus at Rowden, on the outskirts of Bromyard
- Bro-a-Bryn is a 4 bedroom bungalow, one of three dwellings served by a common access drive at Winnal, near Allensmore
- bungalow acquired by Rowden House and Winslow Court, part of the Senad Group
- occupied as shared dwelling house with five residents and one resident full-time member of staff who will operate on a rota basis
- will be registered as a house and will have a registered manager
- will be operated identically to Orchard End (formerly known as Cuillins), Herefordshire Council approved some two years ago
- purpose is to reintroduce young adults back into the community
- Orchard End is a single storey dwelling on outskirts of Wellington. Purchased 2 years ago, run successfully as shared dwelling since then
- main purpose is to integrate residents back into community, participated in many local activities, made use of village amenities and facilities with great success
- minor alterations proposed and conversion of integral garage into fifth bedroom each with en-suite facilities
- existing bedroom in roof space will provide a staff bedroom
- all other facilities shared as a normal family dwelling house.

5.2 Allensmore Parish Council make the following observations:

"We oppose the change of use from a dwelling house to a shared dwelling with conversion of garage to additional accommodation.

We would point out that the residents will be coming from a 26 acre campus at Rowden to a dwelling with a shared access with two other properties on the side of probably the most dangerous stretch of road in the parish, with no verge, limited visibility from the access road and flooding at that entrance during heavy rain. There are three dwellings next door, Thornbrook, Rutland House, and Arnwood, 2 other dwellings and 2 busy livestock farms close by.

Little detail is disclosed of the number of traffic movements per 24 hours which must be quite numerous compared to a private residence with staff, officials and service vehicles.

If required emergency services from Hereford could take quite a time to arrive given the present traffic situation in Hereford.

We would question whether the existing septic tank is adequate for the number of extra people living, working at or visiting the dwelling.

We feel that the situation of the property, village life, facilities and amenities at Allensmore are not as accessible or numerous compared to the situation of the shared dwelling house given as an example at Wellington.

We appreciate the aims of Rowden School but feel this would be better sited on a quiet side road a little more secluded than Bro-a-Bryn.

We would suggest a site visit."

5.3 National Care Standards Commission - response is awaited.

5.4 West Mercia Constabulary have responded as follows:

"Having researched our systems in respect of reported incidents from Rowden House School and Winslow Court, and from Orchard End, I have no reason to make any comments that may reflect unfavourably on the application."

5.5 Seventeen letters of objection have been received one of which was sent on behalf of the adjoining property by Solicitors, in which the following main points are raised:

- close proximity to other dwellings
- access shared with lady living on own and young family
- our security is threatened, particularly for family with young children. Cannot be guaranteed by requisite parties
- visibility restricted to south-west bend 50 metres away at top of bank. Also verge on north-west often overgrown restricting visibility
- very busy road, unlit, fast moving traffic with various protuberances hanging off them
- narrow road, difficult for large vehicles to pass
- time of shift change periods change every 8 hours, minimum of 7 cars will access shared driveway

- no footpath
 - road floods outside access point
 - increase in traffic, service vehicles, visitors, parents, doctors, also assume residents do not have vehicles
 - no amenity, no local community, dispersed properties, no social interaction
 - sports and leisure facilities 6 miles away
 - garage and public house half a mile away, pub restaurant based anyway
 - village hall 2kms away on A465(T)
 - no local bus service/even on this Ross - Hay-on-Wye road
 - emergency services 6kms away, could take over an hour to reach site given problems with bridge
 - overloading of existing sewage system, designed for 4 residents, toilets increasing from three to seven, used by visitors, residents. Increased risk of pollution to stream
 - three carers required according to Government guidelines
 - if of school age, will school take them?
 - petition signed by a cross section of immediate private residences
 - question quality control, supporting letter misleading as to amount of carers required
 - nuisance of lights particularly in winter using driveway
 - change of use forever
 - establishes precedent for other 'open' property situations
 - needs more space for group activities, e.g. gardening, growing own food
 - needs controlled environments, with proper amenities
 - will be extensive build up of rubbish causing health hazard
 - impact on value of property
 - contrary to terms of Covenants of 3 properties (sharing access point)
 - misleading to compare site with Wellington. It is in its own plot, has own private access, off a quiet country lane, in easy reach of village amenities including sports and club facilities
 - Wellington site more accessible to Bromyard HQ, need to pass through Hereford, difficult particularly at peak times
 - not visited us or other neighbours
 - also plan submitted misleading, applicant owns driveway to front of Rutland House
 - Section 106 restriction on Bro-a-Bryn shows it is intended to be a single private dwelling
 - only recently served notice on neighbour and us by applicant, cannot see how application can be reported to April meeting
 - appears service of notice overlooked, question the competence of agents and company involved
 - do not wish to share private driveway
 - shocked Highways officer has not visited the site
 - previous refusals for dwellings on site, refused on highway grounds still relevant
 - if property disposed of, given alterations will not be used for private purposes again, contrary to restrictive covenants
 - actions of company involved have caused much stress, concerns and ill health.
- 5.6 In a letter from local Estate Agent accompanying one of the letters received, it is stated that the privacy of the other two dwellings will be affected and off-putting to prospective purchasers.
- 5.7 In another letter from Solicitors acting on behalf of one of the local residents it is stated that the site plan submitted is incorrect, Bro-a-Bryn owns more land and that as stated

in a copy of the covenant attached, one clause states that the three dwellings shall only be used as single private dwellings.

5.8 In a petition received appended by 65 different signatures the following main points are made:

- one care assistant referred to, in fact Government guidelines indicate three care assistants required for this number of people with severe learning difficulties
- no footpaths
- road/highway access limited
- traffic rotation every 8 hours of three care assistants change over, minimum of 7 cars utilising this entrance
- road floods
- if re-cycling plant at Madley approved, traffic would increase even further
- in Land Title and property details covenants reference made to single private dwelling and not to permit nuisance or annoyance to others
- no amenities, shop/post office half a mile away, no footpaths
- no leisure facilities
- security compromised particularly for families with young children
- social interaction limited given dispersed community
- operating company a venture capital group not able to guarantee adjoining residents or other residents any security as emergency services six miles away in Hereford
- incident at Edwin Ralph (Hereford Times 15.02.04) risk assessment carried out afterwards, feel prevention better than cure for us
- cross section of petitioners, stricter Government control needed for right care, location and environment
- local population small (hence only 60 signatures, of which 98% have signed this petition, all independently self-sufficient with transportation.

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

6. Officers Appraisal

6.1 The current use of the property is as a single dwellinghouse (Class C3). Planning permission is required as following a number of appeal cases and in particular an appeal case – North Devon D.C v The Secretary of State (2003), the proposal for Bro-a-Bryn falls outside the remit of Class C3 given that the carer is not resident on a full time basis. This places the use within Class C2, a class that defines itself as being one for residential accommodation and care, to people in need of care (other than a use within Class C3 (dwelling houses).

6.2 The main issues relating to the proposal are the suitability of the location and the means of access and the impact that the use would have on the amenity of residents in the locality.

6.3 The means of access is shared by three detached properties. It is stated that the increase in use of the access, particularly at time of shift changes every 8 hours will have an impact on traffic safety given the narrowness of the highway at this point and the limited visibility. However, the Council's Head of Engineering and Transportation has not objected. It is not considered that a refusal can be sustained on these grounds given that the traffic generated by the proposed change of use is essentially

incidental, the residents are not likely, if at all, to be driving, visitors and members of staff being the primary users of the shared access point onto the B4348 road. There will be some disturbance from traffic movement, for residents in the nearby properties at Rutland House and Thornbrook, this will be though on a regular dispersed basis and not in a concentrated fashion.

- 6.4 Policy CF.4 deals with residential houses and states permission is subject to certain criteria. Policy CF.7 contained in the Unitary Development Plan deals with residential nursing and care homes, states that such uses will be permitted in areas where new residential development is acceptable or where they involve the environmentally acceptable conversion of buildings, which is the case in this instance. There is not a locational constraint in either of the criteria set out for new proposals in either Policy CF.4 or UDP Policy CF.7.
- 6.5 This site is not located in close proximity to a large settlement. However, although facilities such as the Post Office and general provisions at Locks Garage are not readily accessible by footpath, they are still within reasonable distance of Bro-a-Bryn. This is often the case for residential homes in rural areas, which tend to be sited out of settlements.
- 6.6 The issue of security has been raised, however without substantive evidence being produced it is not considered that a reason for refusal could be sustained on these grounds. Also West Mercia Constabulary have raised no objection.
- 6.7 The sewerage treatment system at Bro-a-Bryn should it need to be upgraded is a matter that can be dealt within the ambit of the Building Regulations.
- 6.8 The covenant drawn up in respect of Bro-a-Bryn and the other two dwellings and indeed most dwelling houses relates to law that falls outside the remit of Planning Law. How or indeed whom can invoke such a covenant is not a matter that falls within the remit of this proposal. The legal agreement (Section 106) relating to Bro-a-Bryn was drawn up by South Herefordshire District Council at the time in order to ensure that no further dwellings or mobile homes were erected on the site on which Bro-a-Bryn stands. This followed refusal for two dwellings on the same site.
- 6.9 The issue of quality control is one that is a matter for regulatory authorities such as the National Care Standards Commission.

There are considered to be no compelling reasons for withholding planning permission for this proposal.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2. **A06 (Development in accordance with approved plans)**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

- 3. The occupation of the property shall be limited to a maximum of 5 adults

Reason: In order to define the terms under which this permission is granted.

- 4. At all times when the residents are present in the property a minimum of one care staff shall also be present.

Reason: In order to ensure that continual residential care is available to children.

Informative(s):

- 1. N15 - Reason(s) for the Grant of planning permission

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

5 DCSE2004/0417/F – SUB-DIVISION OF SINGLE DWELLING INTO THREE DWELLINGS. SINGLE STOREY EXTENSION TO WEST ELEVATION AT THE OLD SCHOOL, BRIDSTOW, NR ROSS-ON-WYE, HEREFORDSHIRE

For: Mr R Cousins per Paul Smith Associates, Chase View House, Merrivale Road, Ross-on-Wye, Herefordshire HR9 5JX

Date Received: 5th February 2004 Ward: Llangarron Grid Ref: 58561, 24515

Expiry Date: 1st April 2004

Local Member: Councillor Mrs J A Hyde

1. Site Description and Proposal

1.1 The Old School at Bridstow is situated on the north-east corner of the junction of the A49(T) with the C1271 road leading to Foy and Sellack. It comprises a small Victorian school which has been extended to the front (south) with a single-storey flat roofed building and a range of temporary classrooms to the east. To the east of the school is the former school house.

1.2 It is proposed to convert these buildings into 3 units. Each of these 2-storey units would have 3 bedrooms, although for two of the units some bedrooms would be on the ground floor. As originally submitted a single-storey extension was proposed at the eastern end of the building but the applicant has agreed to delete this part of the proposal. The other main external change is the insertion of roof lights in the south elevation roof to light three bedrooms. Ample car parking would be provided within the curtilage of the school with vehicular access via the existing entrance off the C1271. There is also scope for private garden(s), although not directly accessed from the dwellings.

2. Policies

2.1 Planning Policy Guidance

PPG.7	The Countryside: Environmental Quality and Economic & Social Development
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2.2 Hereford and Worcester County Structure Plan

Policy CTC1	Area of Outstanding Natural Beauty
Policy CTC2	Area of Great Landscape Value
Policy CTC13	Conversion of Buildings
Policy CTC14	Conversion of Buildings
Policy H20	Housing in Rural Areas

2.3 South Herefordshire District Local Plan

Policy GD1	General Development Criteria
Policy C1	Development Within Open Countryside
Policy C4	AONB Landscape Protection
Policy C5	Development within Areas of Outstanding Natural Beauty
Policy C8	Development Within Area of Great Landscape Value
Policy C36	Re-use and Adaptation of Rural Buildings
Policy C37	Conversion of Rural Buildings to Residential Use
Policy SH24	Conversion of Rural Buildings

2.4 Herefordshire UDP (Deposit Draft)

Policy H7	Housing in the Countryside outside Settlements
Policy H13	Sustainable Residential Design
Policy H14	Re-using Previously Developed Land and Buildings
Policy H16	Car Parking
Policy H17	Sub-division of Existing Housing
Policy H18	Alterations and Extensions
Policy LA1	Areas of Outstanding Natural Beauty

3. Planning History

3.1	SE1999/1199/F	Change of use - Residential to Nursery	-	Withdrawn 02.07.99
	SH971024PF	School use (Part of site only) Demolition of temporary classrooms and conversion of main school building to dwelling	-	Permitted 22.10.99
	SE2000/1106/F	Security gates and turning space.	-	Permitted 02.08.00
	SE2000/2611/F	Retention of classroom and use for nursery school	-	Refused 23.3.01
	SE2004/0045/O	Erection of 3 dwellings.	-	Refused 01.03.04

4. Consultation SummaryStatutory Consultations

- 4.1 The Highways Agency is obliged to acknowledge that this site historically did have a certain traffic generation associated with the use of the site as a school. These proposals to subdivide this building to form three dwellings albeit with a single storey extension is unlikely to significantly exceed the previous traffic levels generated by this site. In these circumstances the Agency does not propose to give a direction restricting the grant of planning permission.
- 4.2 Environment Agency has no objections to the proposed development.
- 4.3 Welsh Water recommends conditions be imposed.

Internal Council Advice

- 4.4 Head of Engineering and Transportation recommends that conditions be imposed.

5. Representations

5.1 The applicant's agent makes the following submission:

It was previously used as the village school, adjoins the new school and village hall and is hemmed in by a dwelling, to the south. The site lies in a sustainable location on a principal transport corridor. It enjoys good access to a range of community facilities, regular bus services and is in reasonable walking distance from Ross on Wye.

The housing stock in Bridstow is dominated by large detached properties and the approval of this scheme would provide smaller dwellings improving the house type mix in the village. Moreover, the proposed development entails the efficient re-use of a building with no harm being caused. The only changes proposed to the building's exterior would be the insertion of rooflights and a small rear kitchen extension to one unit.

The submission of this application follows that of an outline application for the erection of three dwellings to the rear of this building. Both schemes, including the proposed vehicular access arrangements, have been designed such that the two schemes can be developed in concert to complement each other. A large area of hardstanding - previously the school playground - is available on site. There is sufficient space to provide for a reasonable car parking requirements of the proposed three, conversion and three, new-build units of accommodation.

The proposed development is acceptable in principle and detailed terms and accords fully with Development Plan and national planning guidance.

5.2 Parish Council object on the grounds that they are very concerned about the increased traffic on an already potentially dangerous road junction with the main A49 and the proximity of the Primary School. Traffic congestion and increased number of pedestrians, including small school children, makes this potentially a very dangerous area. They have already written to the Highways Department expressing their concern about the lack of suitable pedestrian crossing and the 60 speed limit seems too high.

5.3 Objections have been received from the adjoining Parish Hall and Ross on Wye and District Civic Society expressing the following concerns:

- (1) This application in conjunction with the outline proposal for 3 dwellings would increase by at least 12 the number of cars egressing onto a busy road leading to the new school, church and parish hall (national average per household is 2.5 cars).
- (2) Added to this traffic from farm tractors and PGL vehicles would make this a very dangerous bend when turning in from A49, especially when children are entering and leaving Bridstow School.
- (3) Parish Hall is well used throughout the year and any prospective occupiers would need to be aware that there will be noise disturbance.
- (4) Proposed new wing is painted brickwork and new fenestration will detract from the appearance of this attractive stone-built Victorian building.

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

6. Officers Appraisal

- 6.1 Planning permission for conversion of the school into one dwelling was granted in 1997 so that the principle of residential development has been accepted. This is an attractive, rural building that is worthy of retention. Use of the extension and adjoining temporary classrooms as a nursery school was refused in 2001 because the additional traffic would be detrimental to highway safety. In addition to highway safety the other issues raised by the current proposal are the effect on the character of the building and the living conditions of occupiers.
- 6.2 The representations take into account an accompanying application for the erection of 3 dwellings to replace the temporary classrooms. This application has been refused as it was considered to conflict with the Council's policies for residential development in the open countryside. The current proposal should be considered on its own merits. The increase in the number of units from one sizeable house to three small units would result in an increase in traffic along this section of the highway but only by a small fraction of the existing flows. There is no evidence that the existing situation is so dangerous that any increase would be unacceptable. The access has been granted planning permission and constructed as required by the Highways Agency. Neither the Agency nor the head of Engineering and Transportation consider that significant traffic issues are raised. In these circumstances it is not considered that increased traffic is sufficient grounds to refuse permission.
- 6.3 There would be little change to the external appearance of the building, given that the new extension has been deleted (amended plans are awaited at the time of writing). The number of rooflights on the south elevation is perhaps excessive and 3 somewhat larger windows would be preferable. The single-storey brick extension is not attractive and the applicant has agreed to consider improvements to its external appearance. The extension is not however prominent from outside the site being at a lower level than the footway and partially screened by a hedge. These matters will be covered in revised drawings. For these reasons it is considered that the proposal complies with the Council's policies and guidelines for conversion of traditional rural buildings.
- 6.4 The dwellings would be close to the trunk road to the south and Parish Hall to the north. In respect of the former the units would not be significantly closer than the Old School House and houses on the opposite side of the road. The private amenity area/garden would be on the north side of the buildings and at a significantly lower level than the trunk road. The Parish Hall is about 13 m from the nearest part of the school building. At this distance it is accepted that noise and disturbance could be a problem particularly in the evenings. However no evidence is submitted to show that noisy activities (parties, dances etc) would be sufficiently frequent and at such late hours as to seriously harm the amenities of occupiers of these proposed dwellings.
- 6.5 As pointed out by the applicant's agent (paragraph 5.1) a separate application for the erection of three houses to replace the temporary classrooms was also submitted. This has been refused primarily on the grounds that this would involve development in the open countryside. However the current proposal assumes that the housing scheme would go ahead and car parking is arranged on this basis. It is considered that the temporary classrooms should be removed as proposed for the earlier proposal

for residential use. This would allow more acceptable car parking arrangements. Both of these matters can be required by planning conditions.

RECOMMENDATION

That subject to the receipt of suitably amended plans, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

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

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

2 C02 (Approval of details)

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

3 Notwithstanding the provisions of paragraph 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D, E and H of Part 1 of the Schedule 2, shall be carried out without the prior written consent of the local planning authority.

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

4 G04 (Landscaping scheme (general))

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

5 G05 (Implementation of landscaping scheme (general))

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

6 Notwithstanding the approved drawings no development shall take place until details of car parking and turning areas have been submitted to and approved in writing by the local planning authority. the approved areas shall be provided before the occupation of the dwellings and thereafter retained and kept available for those uses at all times.

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

7 H27 (Parking for site operatives)

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

8 Before the occupation of the dwellings hereby approved the temporary class outlined on the plan attached to this permission shall be demolished and all the building materials shall be removed from the land.

Reason: To benefit the visual amenities of the area and to protect the amenities of the occupants of the converted school.

INFORMATIVE:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

6 DCSW2003/3778/F - CONSTRUCTION OF TEN TWO STOREY DWELLINGS & ANCILLARY SITE WORKS, SUN VILLA & FORMER WORKS TO SIDE & REAR, BAZLEY LANE, PETERCHURCH.

**For: Hardon Housing Association (Midlands) Ltd,
Fellows Burt Dalton Assocs Ltd, The Old Telephone
Exchange, Gipsy Lane, Balsall Common, Coventry,
CV7 7FW**

**Date Received: 17th December 2003 Ward: Golden Valley Grid Ref: 34600, 38592
North**

Expiry Date: 11th February 2004

Local Member: Councillor N. J. J. Davies

1. Site Description and Proposal

1.1 The site lies on the eastern side of the main thoroughfare in Peterchurch, the B4348 road. The existing entrance to the site is opposite the general store/Post Office in the village. Most of the site was formerly a plastics factory. The 0.25 hectare site borders Osbourne House on the south-eastern side for approximately 38 metres, and open field for 8/9 metres. The north-eastern boundary is shared with an electricity sub-station. The north-western boundary abuts Bazley Lane. The description of the site is given as Bazley Lane, when in effect access will be directly onto the B4348 road which entails demolishing Sun Villa which is in separate ownership.

1.2 The ten dwellings are all 3 bedroomed, and are set out in two rows. Three dwellings will front onto the B4348 behind a new pavement and railings. The seven other dwellings are sited to the rear of the former factory site having rear or north-eastern facing elevations facing towards the electricity sub-station. An acoustic barrier of 5 metres in height is proposed to the rear of this terrace of seven dwellings. Parking arrangements are provided into two areas, one area is to the rear of the three roadside fronting dwellings. Fourteen spaces are provided to the rear of the existing roadside cottages, that are between Sun Villa, that is to be demolished to facilitate the central means of access. The dwellings will be built with facing brick under a concrete tile roof.

2. Policies

2.1 Planning Policy Guidance

PPG.1	-	General Policy and Principles
PPG.3	-	Housing
PPG.24	-	Noise

2.2 Hereford and Worcester County Structure Plan

Policy H.18	-	Housing in Rural Settlements
Policy H.16A	-	Housing in Rural Areas

- Policy CTC.2 - Area of Great Landscape Value
 Policy CTC.9 - Development Criteria

2.3 South Herefordshire District Local Plan

- Policy GD.1 - General Development Criteria
 Policy SH.6 - Housing Development in Larger Villages
 Policy SH.8 - New Housing Development Criteria in Larger Villages
 Policy SH.14 - Siting and Design of New Buildings
 Policy SH.15 - Criteria for New Housing Schemes
 Policy C.8 - Area of Great Landscape Value

2.4 Unitary Development Plan (First Deposit Draft)

- Policy H.14 - Re-using Previously Developed Land and Buildings

3. Planning History

- 3.1 SH901547PF Storage and Distribution - Refused 20.05.91
 SW2000/1716/O Site for proposed residential development - Approved 07.03.01
 SW2002/2183/F Erection of 12 two-storey houses - Refused 08.04.03

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water have no objection on the grounds of water supply and advise that foul water and surface water discharges must be drained separately from the site. There should be no land drainage run-off into public sewerage system and no problem envisaged for treatment of downstream discharges from the site.

Internal Council Advice

- 4.2 Head of Engineering and Transportation has no objection subject to conditions.
 4.3 Environmental Health & Trading Standards Officer states that the proposed acoustic barrier is acceptable.

5. Representations

- 5.1 The Parish Council make the following observations:

"Firstly, the Parish Council wish to point out that the plan is wrong in that Sun Villa and the proposed entrance are not on Bazley Lane but on the main B4348. Bazley Lane is the narrow lane to the north of the site.

The Parish Council is unable to support the proposed development for the following reason:-

- the site is too small for such a dense development in the centre of the village

- the access from, and on to, the main B4348 is in an extremely dangerous position. Ten houses are likely to have over twenty vehicles negotiating this access on to an already hazardous section of the road
- the three houses, proposed for the front of the site on the B4348, will narrow the approach of Bazley Lane and restrict the vision of vehicles entering the B4348 from the Lane
- it is proposed to deal with the surface water by soak-aways, but it is doubtful if these will be able to cope with the storm water and as a consequence will exacerbate the problems with flooding in the village
- the problem of the noise from the electricity sub-station to the rear of the site has not been addressed in detail, which was one reason that the previous application was turned down.

This proposal was considered at a Public Meeting where there were over forty members of the public present and there was an overwhelming majority against the development."

5.2 Seventeen letters of objection have been received in which the following main points are made:

- 40 to 45 people at public meeting, overwhelming opposition to scheme (cross-section of Peterchurch)
- unsightly site, however number of houses excessive
- reduction in houses (from that refused) however still 30 bedrooms, 31 bedrooms previously
- too small a space, better layout for 2000 approval indicated 6 houses, Committee and officers indicated 3/4 dwellings. Site only increased by 20% with demolition of Sun Villa
- are houses for local people who require this accommodation?
- no need for houses
- 3 sites in Peterchurch with rented accommodation, majority of occupants not local residents
- empty Council bungalow in Lewis Way for several months
- plots 1, 2 and 3 too close to road, move into site and provide parking area/open space
- affecting character of village centre
- not imaginative, better to have small green, or even mini-roundabout
- contrary to local and structure plan policies
- contrary to Peterchurch Chapter 35.6 (in South Herefordshire District Local Plan) that states that the Environment Agency object to any further development due to lack of capacity in water supply service
- low cost private housing for locals should be considered
- private sector housing better, would not devalue property
- creates ghetto environment
- welcome if more imaginative scheme possible
- recall 1999 dismissed appeal in Peterchurch. Inspector considered that there were no grounds for more housing (over provision/an imbalance in employment, no need in local community/unsustainable
- 30mph speed limit ignored
- feed lorries and Pontrilas timber lorries often meet at this pinch point
- dangerous to cross here, particularly for children who may use new entrance as playground
- accident waiting to happen here
- 20 cars will be using access point, not sure how extra traffic can be dealt with

- traffic speed will increase with removal of Sun Villa
- not 'The New House', also site layout plan omits my house, will detract from amenity of adjoining residents, planning policies should take account of visual intrusion
- 25m of my 41m boundary wall offered security and privacy for 30 years, wall varies between 7m and 3m in height
- 1.8 metres close boarded wall and trellis not acceptable
- what is happening to building behind cottage, appears to be half demolished. Wall provided security on my boundary
- plots 9 and 10 overlook my house directly, particularly 2 bedrooms, balcony and large patio doors/dining room patio doors and windows and kitchen windows. This in spite of recommendation with refused scheme
- can hear buzz at peak times of sub-station 500 yards away
- electricity sub-station still exists
- layout does not overcome environmental problems of sub-station
- few employment opportunities, need to travel out of Peterchurch, hence congestion on roadway
- flood water runs down Bazley Lane through site, how will stormwater be dealt with, soakaways as stated not possible
- drainage system facilities inadequate for existing properties in village
- in 1987 Welsh Water stated village up to capacity.

5.3 In one letter of support the following main points are raised:

- brown-field site, Government keen to see development
- some people have legitimate concerns regarding sewage and access, however some see rent-payers as beyond the pale
- improve appearance of village centre
- more children for primary school
- more customers for local trade, i.e. shop/hairdressers
- more modest properties against expensive ones being built elsewhere in village
- sad to see children of families in Golden Valley forced out. Herefordshire is after all a low wage area and has relatively high property prices

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

6. Officers Appraisal

6.1 There are considered to be five main issues relating to the proposal and these are the form the development takes, including the need, traffic and the means of access, flooding and sewage capacity, and visual intrusion and effect on amenity.

6.2 Planning applications have to be determined on their merits with regard to the Development Plan that at present comprises the Local Plan and the Structure Plan unless material considerations indicate otherwise. This essentially covers Government advice mainly contained in Planning Policy Guidance together with case law. This is in line with Section 54A of the 1990 Town and Country Planning Act. The relevant Government advice in this instance is that contained in PPG.3 – Housing, this sets out the requirements of providing affordable housing and also when selecting sites for housing development identifying developed sites over Greenfield sites. This former factory site falls under the remit of a brown-field site on which the Government encourages housing development which makes efficient use of land (between 30 and

- 50 dwellings per hectare net) particularly on sites with good public transport connections. The previous proposal was at a higher density than the current proposal, nevertheless both developments fall within the stated range. The current proposal constitutes 30 dwellings per hectare.
- 6.3 Whether or not there is a need is not a matter that is of issue for this site in the centre of Peterchurch. The site is within the settlement boundary in the Local Plan where new development can be permitted. Planning permission granted in 2000.
- 6.4 There will be a different use of the site from the extant use that the site has at present which is for a general industrial use that has entailed HGVs entering and leaving the site utilising the existing entrance. It is considered that the revised access will, although removing parking for customers for the Post Office and general store will nevertheless bring a road safety gain to the village.
- 6.5 Welsh Water have responded positively to the proposal. They state that there is capacity for further dwellings in Peterchurch, and that surface water will have to be dealt with on site. It is not considered that there are reasonable grounds for withholding planning permission on these grounds subject to conditions recommended by Welsh Water.
- 6.6 The site has a requirement for an acoustic barrier between the north facing rear seven properties. The low frequency humming noise from the electricity sub-station requires an acoustic barrier of at least 5 metres in height. An acoustic report accompanied the previously refused application. The Council's Environmental Health and Trading Standards Officer has been involved with this issue throughout and is satisfied that if a 5 metres high acoustic fence as specified was erected there would be no objection from the Environmental Health and Trading Standards Officer. The fence would not be clearly visible from the main thoroughfare in Peterchurch. It would not detract from the amenities of the area, including views across the site from the north towards the spire of the church, the main landmark in the village given the height of machinery and apparatus comprising the electricity sub-station. Residents of the seven dwellings would either be faced with a view of the electricity sub-station and suffer the audible intrusion of the constant humming sound emanating from it or have a high fence that screens this eye-sore from view and reduces the noise irritant. It is considered on balance that the benefits of providing affordable housing with rear gardens of between 8.75 to 12 metres that would be usable by the residents, well located to local facilities outweighs the visual impact of the acoustic barrier. Also, the acoustic barrier is largely screened from view by the seven dwellings aligned in front of it. This screening overcomes one of the reasons for refusal with the previous submitted scheme.
- 6.7 A further issue is the impact that the development would have on adjoining residential properties. This is a requirement of Policies GD.1, SH.8 and SH.15 contained in the Local Plan. One of the reasons that the previous scheme for 12 dwellings was refused was that seven dwellings would be facing south-eastward towards the rear garden of Osborne House. Osborne House shares a boundary wall, at present that comprises a flank wall of one of the factory units. The previous scheme provided for a 1.8 metres high, close boarded fence on this boundary. There was also a new passage way for 5 dwellings immediately adjacent to this proposed rear boundary fence. The current scheme has no dwellings sited at right angles to Osborne House, what is proposed is a communal car parking area and further north-eastward a terrace of 7 dwellings. It is considered that a close boarded fence between Osborne House and this site needs to be replaced by a brick wall. However, this leaves the issue of visual intrusion raised by the occupants of Osborne House. Normally dwelling houses should have back to

front distances of at least 21 metres. The nearest dwelling is Plot 10 to Osborne House, which is not directly in front of the new dwelling, it is at an angle to it. This increases the nearest distance to over 25 metres which is considered to be acceptable.

6.8 There are considered to be some architectural refinements needed to the dwellings. These include the removal of half-hipping to the roofs, and the introduction of simple lean-to porches on all dwellings in the rear terrace of 7 dwellings. This would help simplify the appearance of these buildings. Also, a brick wall needs to be, as stated previously, erected between Osborne House and the site, and a screen wall on the Bazley Lane boundary instead of close boarded fencing as currently proposed.

6.9 The proposal would, with the imposition of other conditions relating to materials, and as required by Welsh Water, provide a site that complies with Government advice contained in PPG.3 – Housing, and conforms to Policies GD.1, SH.8 and SH.15 contained in the Local Plan and Policies H.16A and H.18 in the Structure Plan.

RECOMMENDATION

That subject to the receipt of satisfactory revised plans relating to house designs and boundary treatment, officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

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

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

- 2. **A07 (Development in accordance with approved plans)**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

- 3. **B01 (Samples of external materials)**

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

Informative(s):

- 1. **N15 - Reason(s) for the Grant of planning permission**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

7 DCSE2004/0522/F - PROPOSED TWO STOREY EXTENSION AND CONSERVATORY AT KINSLEIGH COTTAGE, PICTS CROSS, SELLACK, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6LU

For: Mr & Mrs M Robinson per Mr I R Phillips, 8 Walford Avenue, Ross on Wye, Herefordshire HR9 5PZ

Date Received: 13th February 2004 Ward: Llangarron Grid Ref: 55892, 26779

Expiry Date: 9th April 2004

Local Member: Councillor Mrs J A Hyde

1. Site Description and Proposal

- 1.1 This site is in open countryside approximately 2 miles to the south east of Hoarwithy and flanks the south west of the C1261 Class III road which runs between Hoarwithy and Poolmill. The site is a small two storey cottage with white/cream painted stone and a weathered plain tile roof. There is a small single storey extension at the side with stone effect render on the external walls. There is a second cottage attached to the end of this cottage on its north western side. The second cottage is at a slightly lower level than the applicants cottage. The two cottages back onto open fields.
- 1.2 The proposal involves the erection of a two storey extension, incorporating the existing single storey side extension, a covered porch and a small conservatory.

2. Policies

2.1 Hereford and Worcester County Structure Plan

Policy H16A	-	Development Criteria
Policy H20	-	Residential Development in Open Countryside
Policy CTC1	-	Development in Areas of Outstanding Natural Beauty
Policy CTC9	-	Development Criteria

2.2 South Herefordshire District Local Plan

Policy GD1	-	General Development Criteria
Policy C1	-	Development Within Open Countryside
Policy C5	-	Development within Areas of Outstanding Natural Beauty
Policy SH23	-	Extensions to Dwellings
Policy T3	-	Highway Safety Requirement

2.3 Unitary Development Plan – Deposit Draft

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

3. Planning History

- 3.1 SE2001/0729/V Extension to existing house. - Certificate of Lawful Use or Development Granted 02.05.01
- SE2003/2784/F Proposed extension. - Withdrawn 22.10.03

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non statutory consultations.

Internal Council Advice

- 4.2 Head of Engineering and Transportation has no objection.

5. Representations

- 5.1 The applicants' agent has submitted a letter of support. the main points being:
- the new design means that the neighbouring property will not be affected by the proposed extension.
 - The extension provides additional needed bedroom.
 - The extension will be constructed using materials that match the existing.
- 5.2 The Parish Council has no objection.

The full text of this letter can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The main issues relate to the size and design of the proposed extensions and their relationship with the original dwelling, their effect on the landscape and the residential amenities of the occupants of the neighbouring dwelling. The planning policies which are particularly relevant are Policies GD1 and SH23 in the Local Plan and Policies H16A and H20 in the Structure Plan.
- 6.2 The proposed extensions will be in keeping with the scale, design and character of the original dwelling which will remain the dominant feature of the resultant extended dwelling. The development will not adversely affect the surrounding landscape which has been designated as an Area of Outstanding Natural Beauty. In addition the proposed development will not adversely affect the residential amenities of the occupants of the attached dwelling to the west e.g. no adverse overlooking nor loss of light to windows etc. The development will also be constructed in external materials to be in keeping with the existing dwelling.
- 6.3 The proposed development is therefore considered to be acceptable and in accordance with the approved planning policies for the area.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2 **A06 (Development in accordance with approved plans)**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

INFORMATIVES:

- 1 **N03 - Adjoining property rights**
- 2 **N14 - Party Wall Act 1996**
- 3 **N15 - Reason(s) for the Grant of Planning Permission**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

8 DCSE2004/0349/O - SITE FOR ONE DWELLING PLOT 7232, LAND TO THE REAR OF THE WALLED GARDEN, ROSS COURT, ROSS-ON-WYE, HR9 7TN

**For: Mr & Mrs K Pittaway per Jane Holland Architects,
Brook House, Phocle Green, Ross on Wye,
Herefordshire HR9 7TN**

**Date Received: 2nd February 2004 Ward: Ross-on-Wye East Grid Ref: 60718, 25318
Expiry Date: 29th March 2004**

Local Members: Councillor Mrs C J Davis and Councillor Mrs A E Gray

1. Site Description and Proposal

- 1.1 This site within Ross on Wye is located off a narrow track which leads to the B4228 Ledbury Road. The site itself is a small area of unused land surrounded by dwellings on three sides. The land is unkept and has a number of small trees and bushes on it. The surrounding dwellings all back onto the site. There is an existing track which runs along the north western and south western boundaries of the site.
- 1.2 This proposal is an outline planning application for one house with all the 'reserved matter' details reserved for future consideration.

2. Policies

2.1 Planning Policy Guidance:

PPG1	General Policy and Principles
PPG3	Housing

2.2 Hereford and Worcester County Structure Plan

Policy CTC9	-	Development Criteria
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2.3 South Herefordshire District Local Plan

Policy GD1	General Development Criteria
Policy SH5	Housing Land in Ross on Wye
Policy SH14	Siting and Design of Buildings
Policy SH15	Criteria for New Housing Schemes
Policy T3	Highway Safety Requirements
Policy Ross 2	New Housing Developments
Policy Ross 3	Infill Sites for Housing
Policy Ross 4	Primarily Residential Areas
Policy Ross 5	Housing in Built-up Areas

2.4 Herefordshire UDP (Deposit Draft)

Policy S2	Development Requirements
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Policy S3	Housing
Policy H1	Hereford and the Market Towns : Settlement Boundaries and Established Residential Areas
Policy H16	Car Parking

3. Planning History

- 3.1 SE2003/3296/O Site for 5 houses - Refusal of outline planning permission 22.01.04

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non statutory consultations received.

Internal Council Advice

- 4.2 Head of Engineering and Transportation has no objection.

5. Representations

- 5.1 Ross Town Council observe:

There is insufficient detail to reach an informed decision. The access is not clearly defined and there is no indication of size.

- 5.2 One letter of representation has been received from S A Maxfield and N A Boycott, Heaven Sent, 4 The Walled Garden, Court Road, Ross on Wye, Herefordshire HR9 7GX. The main points being:

- No objection subject to certain provisions.
- The building be limited to two stories only and no first floor windows overlooking the wall into the walled garden.
- No indication of position of building within plot. Would not want any building too close to wall of Walled Garden which could damage wall or its foundations.

- 5.3 Five letters of objection have been received from:

Ms K Notley-Jones, 6 Overross Farm, Ross on Wye, Herefordshire HR9 7BN
 Mr S Parry and Ms R Griffiths, Rossendale, Ledbury Road, Ross on Wye, Herefordshire HR9 7BG
 J & S Gasston, Mansel, Ledbury Road, Ross on Wye, Herefordshire HR9 7BG
 Mrs R B Gabb, 8 Overross Farm, Ross on Wye, Herefordshire
 Mr and Mrs A Meek, Inglemark, Ledbury Road, Ross on Wye, Herefordshire HR9 7BG

The main points being:

- always been orchard, to build on land would be invasion of privacy and paid a lot of money for house and not be overlooked,
- if land is to be accessed from Ledbury Road then the existing lane which already serves 18 homes cannot take traffic for a further dwelling, inadequate for present traffic,
- more traffic would mean more noise and pollution,

- lot of wildlife on the site,
- increase in traffic would be a danger to children,
- court ruling that no planning permission would be granted on the plot,
- the present owner has not maintained the land,
- planning authority failed to oversee previous adjacent housing development,
- only section of land left undeveloped in the area and was formerly part of outer area of the walled garden of Ross Court,
- security problem to nearby houses would be increased if application was successful,
- land very narrow and regularly obstructed,
- where would access to site be placed,
- site unsuitable for development due to increased number of vehicles,
- existing problems in lane of thoughtless parking,
- previous refusal reason relating to vehicular movements should be upheld,
- proposal to use mains sewer but there is no mains sewer on this side of the walled garden
- irrelevant how many houses are built on the land as the access remains inadequate
- unclear who owns single track unmade road,
- reasons for denying the previous application should still be relevant for this planning application,
- many planning applications are originally for more houses than finally get approved as less houses are a better option and people settle for this. Hope Planning Officers do not settle for this application.

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

6. Officers Appraisal

- 6.1 The main issues with respect to this outline planning application relate to the suitability of the land for the siting of a dwelling, its effect on surrounding land uses and residential amenities of neighbouring dwellings, vehicular access to the site and suitability of track for more traffic and also the zoning of the land in the Local Plan. Ross on Wye Policies 3 and 4 and GD1 of the Local Plan are the most relevant in this case.
- 6.2 The site is within the town boundary and on land designated in the Local Plan as a 'primarily residential area'. Ross on Wye Policy 4 of the Local Plan require that new development in primary residential areas will need to be compatible with that primary land use. Therefore the principle of erecting a new dwelling on this site would be in accordance with this policy.
- 6.3 The plot is fairly substantial in size and is considered large enough for the siting of one dwelling. Also it is considered that a dwelling could be sited and designed so as not to adversely affect the residential amenities of the neighbouring dwellings. The dwellings to the north east and south west of the site could be potentially affected. However if the new house was sited and designed so that the windows faced north west and south east then it is considered that the residential amenities of the adjacent dwellings would not be adversely affected.

- 6.4 Although the access track to the site is narrow it is already used by a number of dwellings and it is considered that the additional traffic generated by one extra dwelling would not have any significant adverse impact on the use of the track. The Council's Head of Engineering and Transportation has no objection. The additional traffic generated by the new dwelling would not cause any significant additional disturbance to neighbouring dwellings.
- 6.5 The proposed erection of a dwelling on this site is therefore considered to be acceptable and in accordance with planning policies, in particular Policy GD1 (General Development Criteria), Ross policy 3 (Infill sites for housing) and Ross Policy 4 (Primarily residential areas) which collectively require applications for individual dwellings or small scale development on infill sites within the defined residential areas to be permitted provided they meet certain criteria e.g. good relationship with adjoining land uses, satisfactory car parking arrangements, having regard to setting of neighbouring buildings and their uses, safe vehicular access etc. The site is not considered to be visually attractive, is unkept and untidy and does not contribute or enhance the visual amenities of the area. The provision of a new dwelling on this site will be likely to improve the visual amenities of the site. The objectors refer to the lack of direct access to the mains sewerage system in the area. As such it is considered that any permission granted should include a condition requiring details of the proposed foul and surface water drainage arrangements to be submitted for approval.

RECOMMENDATION

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

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

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

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

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

3 A04 (Approval of reserved matters)

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

4 A05 (Plans and particulars of reserved matters)

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

5 F18 (Scheme of foul drainage disposal)

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

INFORMATIVES:

1 N14 - Party Wall Act 1996

2 The applicants/developers should be aware that this planning permission does not override any civil/legal rights enjoyed by adjacent property owners nor any covenants on this or adjoining land nor rights of access along the adjacent track/roadway.

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

9 DCSE2004/0618/F - ALTERATION TO EXTEND FRONTAGE OF THE GARAGE AT 4 THE WALLED GARDEN, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7GX

For: Collier & Brain Ltd, The Cross, Drybrook, Gloucester GL17 9ED

Date Received: 8th March 2004 Ward: Ross-on-Wye East Grid Ref: 60743, 25339
Expiry Date: 3rd May 2004

Local Members: Councillor Mrs A E Gray and Councillor Mrs C J Davis

1. Site Description and Proposal

- 1.1 Outline planning permission for the erection of 8 dwellings in the former walled garden of Ross Court was granted in 1995 and reserved matters approved in 1999 . A subsequent application for a revised scheme (SE2002/0518/F) which included an additional dwelling was granted permission in April 2002. This scheme has been implemented and only one house remains to be built. The house (no 4) which is the subject of this application has an attached garage to its side with a 'granny annexe' to the rear of the garage and linked to the house. It is sited in the north-west corner of the Walled Garden. The nine houses are arranged formally along 3 sides of the site facing toward the wide access drive.
- 1.2 The depth of the garage is only 4.9m. internally which is not sufficient for a prospective purchaser's cars. The application, which is retrospective, is for the forward extension of the garage by about 0.7 m. This has been achieved by extending the roof, with a slight change in pitch and construction of new supporting piers. The bricks and roof tiles used match those of the house.

2. Policies

2.1 South Herefordshire District Local Plan

Policy GD1	General Development Criteria
Policy SH23	Extensions to Dwellings

3. Planning History

- | | | | | |
|-----|---------------|--|---|-------------------|
| 3.1 | SH9551271PO | Erection of 8 dwellings. | - | Permitted 12.7.96 |
| | SH981011PM | 8 4-bedroom houses. | - | Permitted 3.3.99 |
| | SH2000/1273/F | Additional garden beyond old wall. | - | Permitted 29.9.00 |
| | SE2002/0518/F | Revised layout with additional dwelling. | - | Permitted 2.4.02 |

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non statutory consultations required.

Internal Council Advice

4.2 Head of Engineering and Transportation has no objection to the grant of permission.

5. Representations

5.1 Parish Council raise no objections to this planning application.

5.2 No representations have been received from local residents.

6. Officers Appraisal

6.1 The garage could not readily be extended to the rear because of the annexe. The length of the garage was only appreciated by a prospective purchaser once it had been constructed. The issues raised by the proposal are the effect on the appearance of the house and street-scene and whether the garage forecourt would be of sufficient length. With regard to the former the extension has been carried out sensitively and does not jar. There is sufficient height at eaves level for the front of this wide, 3-bay garage to retain acceptable proportions. The garage does now project in front of the porch of the house and of the adjoining property (no. 5) but does not appear unduly intrusive or out of keeping. There should be no unacceptable impact on adjoining or nearby property.

6.2 Extending the garage forward has reduced the length of the forecourt. However there is still 6.5 m between the edge of the access drive and the garage doors. A typical parking space is 4.8 m. The forecourt would therefore allow a car to be parked off the access road whilst waiting to be parked in the garage.

RECOMMENDATION

That planning permission be granted. No conditions.

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

10 DCSE2004/0279/F - PROPOSED CHANGE OF USE OF FIRST FLOOR OFFICE INTO SELF-CONTAINED UNIT OF ACCOMMODATION (RETROSPECTIVE) AT THE STUDIO, OLD GLOUCESTER ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5JG

For: Mr D Nicholls per Mr A Powell, Yew Tree Cottage, Brinkley Hill, Brockhampton, Herefordshire HR1 4SJ

**Date Received: 26th January 2004 Ward: Ross-on-Wye East Grid Ref: 60091, 24021
Expiry Date: 22nd March 2004**

Local Members: Councillor Mrs A E Gray and Cllr Mrs C J Davis

1. Site Description and Proposal

- 1.1 The application property is a small two-storey building and forecourt situated on the north side of Old Gloucester Road. The property has previously been used, it is understood, as offices and garaging in connexion with a contractor's business. The site adjoins the rear of shops and other commercial premises in Gloucester Road. Immediately next to The Studio are commercial premises used for storage/depot purposes. On the opposite side of Old Gloucester Road are houses, a telephone exchange and vehicle repair workshop.
- 1.2 The first floor of the building has been used as residential accommodation for several years however and the ground floor for incidental storage. The current application is for permission to continue this use. Internally the main change proposed is the provision of a shower unit and externally new handrails would be installed on the steps which lead to the flat's entrance door. The upper floor is about 31m² in floor area. There would be a separate w.c./shower room and the kitchen would be partially separated from the remaining living and sleeping area.

2. Policies

2.1 South Herefordshire District Local Plan

Policy ED4	Safeguarding Existing Employment Premises
Policy GD1	General Development Criteria
(Part III) 10	Alternative Uses of Employment Land

3. Planning History

- 3.1 There have not been any recent applications relating to this property.

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Head of Engineering and Transportation has no objection.
- 4.3 Head of Environmental Health confirms that he has no objections provided the downstairs garage remains in the ownership/use of the first floor bedsit.
- 4.4 The Chief Conservation Officer does not object to the proposal from an architectural point of view.

5. Representations

- 5.1 The applicant's agent makes the following submission:
- (i) the applicant has recently taken over responsibility for this building and was unaware that planning permission had not been applied for
 - (ii) Council tax has been collected by the Council since July 2001
 - (iii) the building is of traditional construction with painted rendered walls and fibre-cement slate roof
 - (iv) externally will remain the same except for replacement of handrail to stairs to comply with building Regulations
 - (v) internally bedsit will be upgraded by fitting a new kitchen and enlargement of w.c. to fit a shower tray
 - (vi) off-road parking would be provided in the ground floor garages.
- 5.2 Town Council has no objections to the proposal.
- 5.3 Two letters have been received stating that the building is unsuitable for residential accommodation, in summary, for the following reasons:
- (i) close relationship of access to this building to main road and service road for supermarkets, banks, JD Weatherspoons etc - consequently in use on 24 hour basis by very large lorries,
 - (ii) no reference on application to parking, which is at a premium in Old Gloucester Road due to lack of on street parking - this will be compounded if ground floor garages are let separately
 - (iii) Ross has more than sufficient low cost rental accommodation but lacks small business units which provide employment possibilities
 - (iv) premises were built for commercial use and structure is not suitable for habitation.
- 5.4. One other letter supports the proposal for the following reasons:
- (i) it appears from all the estate agents in Ross on Wye that there is a shortage of small, flat/starter home-type properties for rent and sale within the town
 - (ii) for the town to thrive it needs an abundance of low-cost properties, affordable to the younger generations
 - (iii) Old Gloucester Road is primarily residential anyway
 - (iv) the road is relatively wide, uncluttered, with easy access for emergency vehicles/reasonably sized commercial vehicles/cars
 - (v) we can see no reason why the property shouldn't be used either domestically or commercially.

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

6. Officers Appraisal

- 6.1 The bedsit is small but would contain all the basic facilities for residential accommodation. In addition there is space on the ground floor for domestic storage and garaging a car(s), although there is no direct access between the two floors of the building. The applicant also confirms that there is a forecourt sufficient for a car to park. It does adjoin the service road used by JD Weatherspoons and other commercial premises and no doubt there would be some noise and disturbance resulting from HGVs manoeuvring along the narrow service access. Nevertheless it is considered that the level of use of the service area, particularly late at night, would not be so intensive that the amenities of the occupiers of this bedsit would be significantly harmed. Other nearby commercial uses and activities, on the evidence available, seem to co-exist with the residential properties in Old Gloucester Road without serious conflict arising. In these circumstances it is considered that the living conditions experienced by the occupiers of this flat would be acceptable.
- 6.2 Policy ED4 seeks to retain commercial premises in Ross on Wye unless there are net environmental and community benefits from development for residential purposes. In this case the lawful use (storage and offices or depot) is unlikely to generate significant noise or pollution to harm the amenity of residential occupiers on the opposite side of the road. Nor would traffic generation add significantly to traffic problems along Old Gloucester Road. Nevertheless this is a small building which is no longer needed for the applicant's business. Residential use has been established for some years, with the building providing useful extra accommodation. There is no certainty that an alternative commercial user could be found. It is considered therefore that there are grounds for making an exception in this case rather than applying the policy strictly with the corollary of enforcement action to ensure cessation of residential use.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 The ground floor of the property known as The Studio shall not be used for any purpose except for garaging and other purposes incidental to the enjoyment of the first floor flat.**

Reason: To define the terms of the permission and to ensure acceptable living conditions.

- 2. Within 2 months of the date of this permission details of the handrails shall be submitted for approval in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To protect the visual amenities of the area.

Informative:

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

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

11 DCSE2004/0643/F - REMOVAL OF CONDITIONS 19, 20 AND 21 OF PLANNING PERMISSION SE2001/0890/F - PROVISION OF PEDESTRIAN REFUGES AT KNIGHTSHILL FARM, ASTON INGHAM, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7LR

For: J P Construction, Gannaway Lane, Tewkesbury, Gloucester GL20 8EY

Date Received: 23rd February 2004

Ward: Penyard

Grid Ref: 66733, 22158

Expiry Date: 19th April 2004

Local Member: Councillor H Bramer

1. Site Description and Proposal

1.1 Planning permission for the conversion of the barns into 4 dwellings of Knightshill Farm was granted in April 2000. This farm complex is situated on the east side of the B4222 about 1 km from the junction with the A40(T) in the centre of Lea. This intervening section of the Class II road is narrow with a number of bends, with no footway or kerbs and only for short distances level grass verges. The Southern Area Planning Committee on 16th February 2002 delegated the decision to planning officers to negotiate suitable provision for pedestrians. Following a site meeting the applicant's agent submitted a plan showing five pedestrian refuges that were considered to be practicable and conditions were attached to the planning permission to ensure that they were provided. The plan showed 5 refuges at roughly equal intervals of about 100m along the east side of the B4222, the first being about 120m south of Knightshill Farm Barn, the fifth about 70 m. from the start of the footway on the edge of the settlement at Lea. These conditions were as follows:

"11. Prior to the occupation of the dwellings hereby approved, the pedestrian refuge areas, as indicated on the plan and letter submitted to this authority dated 28th February, 2000 (letter reference cfk/1040/pl/17) shall be installed well behind the edge of the carriageway and surfaced with tarmacadam or similar to the satisfaction of the local planning authority.

Reason: In the interests of highway safety.

12. The passing refuges as identified in condition no. 11 shall be located along the straight sections of the adjoining highway or in places where intervisibility between a moving vehicle and a pedestrian is reasonably good.

Reason: In the interests of highway safety.

13. The passing refuges must be maintained in the future in a good and clear condition free from overgrowing vegetation, and the surface kept reasonably free from potholes and puddles.

Reason: In the interests of visual amenity."

An application for revised proposals was submitted in April 2001 which was granted permission on 3rd August 2001. Conditions numbered 19, 20 and 21 replicated nos 11-13 of the earlier permission.

- 1.2 The current application is for removal of condition nos. 19-21 of SE2001/0890/F. The permission has been implemented aside from these conditions. The reasons for this proposal are set out in paragraph 5.1 below.

2. Policies

2.1 Planning Policy Guidance

PPG13 Transport

2.2 South Herefordshire District Local Plan

Policy T3 Highway Safety Requirements

3. Planning History

3.1	SS990116PF	Conversion to form 4 residential dwellings.	-	Permitted 03.04.00
	SS990117LD	Conversion to form 4 residential dwellings and renovation of house and all other buildings.	-	Consent 03.04.00
	SE2001/0744/L	Conversion of outbuildings and barns to form 4 No residential dwellings, renovation and conservation of house and all other buildings. (Revised scheme following planning permission reference SS990117LD).		03.08.01
	SE2001/0890/F	Conversion of outbuildings and barns to form 4 No. residential dwellings - (revised proposal following permission under SS990116PF).	-	Permitted 03.08.01

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Head of Engineering and Transportation has no objection to the grant of planning permission.

5. Representations

- 5.1 The applicant states:

"1. We have now for several months been attempting to resolve with the Council the practicalities of actually constructing the pedestrian refuges as stated in condition

19. Unfortunately we have been unable to resolve such questions as exactly what these are, how they are to be built, at what locations, on whose land etc.
2. As a result of our meeting with Council Officers and the viewing of the areas in question, I am of the understanding that the road from Knightshill Farm to the pedestrian footpath just outside of Lea village, does not realistically present any location whereby any refuges could practically be sited. There are however, several existing gateways to fields and at least one indentation of the steep verge, together with the new site entrances to Knightshill Farm, which themselves all provide good refuge for any pedestrians.
 3. From a constructional point of view, the Highways Officer advised that he knew of no examples as to the size of a pedestrian refuge, or as to how it should be constructed. He would therefore be unable to issue any "approved" constructional information to enable us to create a refuge, even if locations could have been found. In essence, we could not comply with any standard, as none exists.
 4. We would also wish to record that the number of pedestrians using this lane is either negligible or at its worst, extremely low. Traffic speed is restricted by the very nature of the lane, whilst visibility is very good. It also seems highly unlikely that a pedestrian is going to be at one of the proposed refuges just at the point in time when a vehicle approaches. It is therefore more likely that the vehicle will pass the pedestrian as is the existing situation.
 5. In summary, Herefordshire Council concluded "that there are no precedents for this type of measure and have concerns of the deliverability in this location. they are also concerned over the ongoing maintenance and drainage issues which could result from any such works". We would therefore respectfully request that Condition 19 should be removed from the above Planning Permission."

5.2 Aston Ingham Parish Council's observations are as follows:

- (i) This Council is strongly opposed to the proposal to delete the above conditions, relating to the provision of pedestrian refuges on the roadway below the above development towards Lea.
- (ii) At a meeting on site in February 2000, with the then Agent, CF Knock, District Councillor J Edwards, Mr M Jones (the Principal Planning Officer) and members of the Aubrey family, the then owners of the site, it was agreed that towards pedestrian safety on the narrow roadway and to encourage foot traffic in line with Government Policy, a footpath would be provided on the owner's side of the hedge bordering the roadway. Later it was decided by the Planning Officer, that due to the fact that the land, under the ownership of the Aubrey family, did not extend fully down towards the existing pavement at Lea, by approximately 100 metres, quite inexplicably, as a compromise, four pedestrian refuges should be provided on the southern side of the roadway on land, at that time, in the ownership of the vendor of the site of the development. In consequence, the pedestrian refuges were incorporated in the Conditions of the Planning Permission in August 2001. The matter was reported in the Ross Gazette of the 24th February 2000.
- (iii) The Conditions of the Permission clearly state that prior to occupancy of new properties, the refuges should be provided. Nevertheless, the Developer saw fit

to ignore the conditions and the contractors left the site, without any action being taken by the Planning and Enforcement Officers.

- (iv) In the Agent's letter to Herefordshire Planning Services, dated 6th January 2004, it is stated that foot traffic is negligible and traffic speed is regulated by the narrowness of the roadway. Regarding vehicle speeds on this roadway, it is in no way regulated by the nature of the roadway, as frequent users of this route from Lea to Aston Crews and beyond well know. This roadway is still designated the B4222, it has no speed limit apart from the National 60mph limit for single carriageway roads. It serves as a corridor between the junction of the roadway with the A40 and the B4222 at Aston Crews towards Kilcot and the B4221. Traffic on this road can consist of commercial vehicles of all types and sizes including articulated vehicles, as well as motor cars and at times, by very large tractors and farm trailers.
- (v) Regarding the Agent's complaint of lack of specification of the design of the refuges; it is surely not beyond the wit of the highways Department to offer a reasonable specification, for example:

The pedestrian refuges shall not be less than 5 metres long and shall set back not less than 1.25 metres from the edge of the roadway. The refuges shall be surfaced with crushed rubble or other suitable hard standing. Kerbing of the road edge shall be at the Highways Department's discretion.

- (vi) Please see attached cutting from Ross Gazette dated 24th February 2000.
- (vii) The Council reiterates its objection to the Application for the removal of the Conditions."

The newspaper cutting referred to is attached as an Appendix to this report.

- 5.3 Lea Parish Council strongly objects otherwise there have not been any comments.
- 5.4 One letter has been received objecting to the removal of these conditions. In summary the following points are made:
- (1) the objector was formerly ward councillor and later parish councillor and has considerable knowledge of these planning applications.
 - (2) The original letter from the applicant proposing 5 refuges is referred to and it is pointed out that the meeting at which this was agreed included the then owners of the farm, ward member and Divisional Planning Officer (South). Their deliberations should not be lightly set aside.
 - (3) Knightshill lane (section of B4222) carries a significant amount of heavy traffic and used as rat-run to M50.
 - (4) I have walked route many times and it is just not safe for pedestrians - video tape shows exactly the dangers involved.
 - (5) Developers were aware of conditions and should have applied to remove conditions when first taking over the project and any genuine difficulty should have been referred to Highways - it could have been sorted out: they are not being required to build the Taj Mahal.
 - (6) Should have been Grampian conditions as should have been foreseen that developers would try to wriggle out of them.

A copy of the letter to which reference is made is also included as an Appendix.

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

6. Officers Appraisal

- 6.1 The need for a footway between the barns of Knightshill Farm and Lea was discussed by the Southern Area Planning Sub-Committee in connexion with the earlier application. For reasons of practicability and/or need the Committee did not accept that this was an essential part of the development but indicated that some provision for pedestrians should be made. The applicant’s agent suggested 5 pedestrian refuges and these were required by conditions attached to the planning permission.
- 6.2 The concern of the Parish Council is appreciated. For much of this section of road there is no level grass verge. The eastern side of the road has a steep bank 2 m. high or more and in part the hedgerow is close to the carriageway. The western side has narrow verges which again are not level. Consequently pedestrians would have difficulty stepping on to the verge if required by on-coming traffic. Nevertheless the solution is a footway and as noted above this was not considered necessary by the Committee : it would have required considerable engineering works and have been very intrusive in the countryside. This would not have been a reasonable requirement in relation to the development of just 4 residential units. The option adopted of 5 short refuges would provide only limited help : the emergency requiring pedestrians to step off the carriageway would have to coincide with the section of road with a refuge and yet these could most readily be provided (and some are proposed) at the points along the highway that have verges useable by pedestrians. The refuges would therefore provide little additional help to pedestrians. On the other hand the Head of Engineering and Transportation has expressed concern that forming hard surfaced refuges with the necessary kerbing could add to hazards by effectively narrowing the carriageway.
- 6.3 On reflection the conditions themselves are not considered to meet the test of DoE Circular 13/95 in that nos. 19 and 20 are not precise and the applicant understandably has had to enquire what he is required to do. Furthermore no. 21 is unreasonable in requiring part of the public highway to be maintained by a developer. It is open to the Committee to correct these matters and issue a fresh permission nevertheless for the reasons given above it is recommended that this application to remove the conditions be granted permission.

RECOMMENDATION

That planning permission be granted. No conditions.

Informative:

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

Decision:

Notes:

Background Papers

Internal departmental consultation replies.

My ref: cfk/1040/pl/17
Your ref: DL/JF/SS990116PF & SS990117LD.

Christopher F. Knock
B.Sc. (Civil Engineering)

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Herefordshire.
HR9 7LS

Mrs. D. Lewis
Planning Officer, Planning Services
County of Herefordshire District Council
Southern Divisional Planning Office
P.O.Box 230
HEREFORD, HR1 2ZB

Telephone: 01969 720 681
Facsimile: 01969 720 681
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Architectural & Planning Consultant

28th February 2000

Dear Mrs. Lewis



Knightshill Farm, Aston Ingham, Ross-on-Wye, Herefordshire.
Conversion of Outbuildings and Barns to form 4 No. residential dwellings. Renovation and
conservation of the house and all other buildings in the group.
Planning application SS990116PF and Listed Building Consent application SS990117LD.

Further to our meeting with the following present: Mr. and Mrs. D. Aubrey, Mrs. A. Aubrey, Mr. Martin Jones, Councillor John Edwards, myself and yourself.

I enclose a copy of the ordnance map(1:2500) with grass verge step off safe areas for pedestrians, as discussed. These areas are the only areas possible to be put to this use without significant engineering works being carried out affecting the highway. In general on the western side of the road the verge is very narrow and falls steeply away and if the hedge were to be trimmed back this would encourage the vehicles to travel closer to the edge making the road less safe for vehicles. In general, on the eastern side of the road the bank supporting the hedge above rises steeply from the road edge and to increase the width of the grass verge would be to de-stabilise the bank itself, making landslips of the bank into the road more likely.

I look forward to hearing from you shortly.

Yours sincerely

A handwritten signature in black ink that reads 'Christopher F. Knock'.

Christopher F. Knock

Copies to:
Mr. and Mrs. Aubrey,
Mr. Martin Jones, Herefordshire Council Planning,
Cllr. John Edwards.

Road safety fears as house plans approved

ROSS GAZETTE 24/2/2000

PLANNERS have given the go-ahead for a housing development at Aston Ingham, in spite of fears about safety on the road leading from the proposed development to the Lea.

Plans for the conversion of outbuildings and barns into houses at Knightshall Farm, Aston Ingham, were debated at a meeting of the Herefordshire Council's Southern Area Planning Sub-committee in Hereford last week.

It had been suggested that the applicant be asked to supply a footway to the Lea but some of the land bordering the road is not in the ownership of the applicant.

The local member, Cllr John Edwards, said as far as the application and site were concerned, all was in order, but he added: "I have a tremendous amount of concern about the road

below the site.

"There will be 20 or more people living in this settlement and it is quite a way from the Lea, and about 600 yards before you can get to a footpath.

"It is potentially extremely dangerous. If two lorries were to meet, there would be nowhere for a pedestrian to get off the road in safety - they could be squashed.

"The new Transport Plan for Herefordshire gives the priority to pedestrians, people with mobility problems and cyclists."

He suggested that councillors should make a site visit to see the problem for themselves.

Planning officer Martin Jones said if the application was deferred for a site visit the applicant could go to appeal for non-determination. He said the application should be delegated

to the officers who would consult with the applicant and the local member about the problem.

Cllr Eunice Saunders said: "No one could have road safety closer to their hearts than I have. I would like to see a footway but if we could get a grass verge that would be something. I don't think we can delay this application too much."

Cllr Godfrey Davis said a site visit might just put off the application for a month and they would see nothing at the end of it. "I am against a site visit, we should determine this today."

Mr Edwards agreed to withdraw his request for a site visit. The councillors agreed to delegate to the officers regarding some provision for pedestrians on the road.

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Advice surgeries

COUNCILLOR Joyce Thomas is holding a surgery this Thursday (24th) at 10am until 12pm at Ross Library.

On March 2nd Cllr Mark Cunningham will be in attendance.

Herefordshire MP Paul Keetch will hold his surgery on March 4th from 10am until 12 noon at the Ross Town Council Chambers.

BUNK BEDS
 AT CRYSTAL BEDS
 UNIT 6B, HOMEND TRADING

**12 DCSE2004/0332/F - CHANGE OF USE FROM A1 TO A3
(RESTAURANT, SNACK BAR, CAFE), UNIT 1,
THE MALTINGS, (42/43 BROAD STREET),
ROSS-ON-WYE**

**For: Lancashire County Council Pension Fund per
Knight Frank, Emperor House, Scott Harbour, Pierhead
Street, Cardiff, CF10 4PH**

**Date Received: 30th January 2004 Ward: Ross-on-Wye Grid Ref: 60038, 24236
East**

Expiry Date: 26th March 2004

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

1. Site Description and Proposal

- 1.1 This site is located in the centre of Ross-on-Wye. The site is an existing shop (presently vacant) which fronts onto Broad Street and forms part of the Maltings development.
- 1.2 The proposal is to change the use of this ground floor and first floor premises from A1 use (shops) to A3 use (food and drink) i.e. the use for the sale of food and drink for consumption on the premises, or of hot food for consumption off the premises.

2. Policies

2.1 Planning Policy Guidance

PPG.1 - General Policy and Principles
PPG.6 (Revised) - Town Centres and Retail Development

2.2 Hereford and Worcester County Structure Plan

Policy E.1 - Economic Growth
Policy CTC.1 - Areas of Outstanding Natural Beauty
Policy CTC.9 - Development Requirements
Policy CTC.13 - Conversion of Buildings
Policy CTC.15 - Conservation Areas

2.3 South Herefordshire District Local Plan

Policy GD.1 - General Development Criteria
Policy C.20 - Protection of Historical Heritage
Policy C.22 - Maintain Character of Conservation Areas
Policy C.29 - Setting of a Listed Building
Policy ED.3 - Employment Proposals within/adjacent to Settlements
Policy RT.1 - Ross-on-Wye Town Centre
Policy T.3 - Highway Safety Requirements
Policy 21 - Central Shopping Zone

2.4 Unitary Development Plan – Deposit Draft

Policy S.2	-	Development Requirements
Policy S.5	-	Town Centres and Retail
Policy TCR.1	-	Central Shopping and Commercial Centres
Policy TCR.2	-	Vitality and Viability
Policy TCR.3	-	Primary Shopping Frontages
Policy TCR.6	-	Non-Retail Uses (Classes 2 and 3)
Policy TCR.15	-	Hot Food Take-Away Outlets
Policy T.11	-	Parking Provision
Policy LA.1	-	Areas of Outstanding Natural Beauty
Policy HBA.4	-	Setting of Listed Building
Policy HBA.6	-	New Development within Conservation Areas

3. Planning History

3.1 No recent history.

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 Head of Engineering and Transportation has no objection.

4.3 The Chief Conservation Officer has no objection.

4.4 Head of Environmental Health and Trading Standards observes:

"No details of hours of operation nor any externally mounted ventilation or refrigeration equipment. Suggest conditions prohibiting its opening beyond 23.00 hrs, and a scheme be submitted showing location/design of any externally mounted ventilation or refrigeration equipment and predicting noise level to nearest residential property with window overlooking it."

5. Representations

5.1 The applicants' agent has submitted a letter of support. The main points being:

- change of use of Unit 1 The Maltings to A3 use
- premises empty for around 3 years
- difficulty in letting property for pure retail use
- expand potential use to A3 restaurant, cafe, snack bar or hot food shop
- The Maltings is primarily A1 retailers.

5.2 The Ross-on-Wye Town Council has no objections.

5.3 Five letters of objection have been received from:

Mr. K. Lane, The Malt Loaf, The Maltings, Ross-on-Wye, HR9 7DL

Mr. S. E. Buckley, 34a Gloucester Road, Ross-on-Wye, HR9 5BS
R. V. Keene, Cloisters Wine Bar & Restaurant, 24 High Street, Ross-on-Wye, HR9 5BZ
Mr. E. Kefalas & Miss R. Jones, Seven Seas Fish Bar, 22 Broad Street, Ross-on-Wye, HR9 7EA

A petition from local traders with 29 signatures (23 addresses) has been received.

A petition from the residents of Ross-on-Wye with 36 signatures (33 addresses) has also been received.

The main points being:

- there are already too many restaurants, cafes, snack bars and premises selling hot food in Ross-on-Wye and several are shut at this time of year due to lack of custom. A further outlet would increase strain on remainder who are already struggling to survive
- proposal will have negative impact on town which is already saturated with sit in and take-away food outlets. Proposal will put a lot of existing premises out of business
- objector has purchased building next door to expand their business, but can not commence if this proposal is granted. Causing them distress
- need to look at planning history of The Maltings to see what conditions were imposed
- more shops required and less food and charity shops
- high levels of noise at night time in Broad Street
- unhappy with most of the decisions taken by the Council
- fighting to keep town active
- at least 34 food servers or take-aways in the town
- this large unit is only suitable for a large multi-national company
- many empty shops along Gloucester Road and Broad Street
- proposal could increase traffic problems, e.g. car parking and delivery wagons. Maltings car park could become congested
- an indoor market for local businesses may be a good idea/better option
- the unit could be split into two. Rent and rates could be kept lower
- the narrowing of the road by The Maltings could become dangerous and noisy
- increase in taxes and stringent parking enforcements has caused problems to traders
- fears over the size of the building and the big company which will occupy it, resulting in loss of personal approach and loss of trade for smaller outlets.

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

6. Officers Appraisal

- 6.1 This site is in the centre of Ross-on-Wye town centre within the central shopping zone. The main issues which relate to this application are whether it is appropriate for an A3 use to be located in this location and its effect on the attractiveness, vitality and viability of Ross town centre. The policies which particularly relate to this proposal are policies RT.1 (Ross-on-Wye Town Centre), 21 (Central Shopping Zone) and GD.1 (General Development Criteria) in the Local Plan. Policies TCR.1 (Central Shopping and Commercial Areas), TCR.2 (Vitality and Viability) and TCR.3 (Primary Shopping

Frontages) in the Draft Herefordshire Unitary Development Plan – deposit draft, are also particularly relevant.

- 6.2 The policies in the Local Plan seek to maintain and enhance the attractiveness, vitality and viability of the town centre, ensure that proposals are appropriate for the setting, do not adversely affect adjacent uses and normally restrict A3 (also A2 and B1) uses in the central shopping zone to a maximum of two units within a continuous floor frontage of any six units to prevent the central shopping area being eroded. Examples of A3 uses are restaurants, public houses, snack bars, cafes, wine bars and shops for the sale of hot food. These types of premises are considered to be appropriate for a town centre provided the retail/shopping vitality and character of the area is properly maintained and not eroded.
- 6.3 The proposed development complies with the aforementioned policies in the Local Plan, in particular Policy 21 (i.e. a maximum of no more than two A2, A3 and B1 use units within a continuous floor frontage of six units) and will not adversely affect the character of the immediate area which will remain predominately retail.
- 6.4 With respect to the Unitary Development Plan (Deposit Draft) the proposal will be situated on a defined 'primary shopping frontage' within the central shopping and commercial area of the town. The aforementioned policies in the UDP in particular Policy TCR.3 also seek to retain the retail trading character of the primary shopping frontages by promoting retail use and limiting A2 and A3 use in ground floor premises. The proposal will be situated within a predominately retail area and frontage where the visual impact of a non-retail use would be minimal. The proposed development will comply with the provisions of these policies and from this point of view is considered to be acceptable.
- 6.5 The objectors have raised concerns about traffic and noise problems. However it is not considered that the proposed development will have any adverse impact on these matters. The objectors have also stated that the proposal will increase competition in the town with respect to A3 uses which is already causing problems. The financial implications of a proposed development on other similar uses is not considered to be a material planning consideration.
- 6.6 The proposed use/development will not adversely affect the visual appearance and character of the Ross-on-Wye Conservation Area.
- 6.7 The proposed development is therefore considered to be acceptable in this location and will be in accordance with the approved planning policies which relate to this type of development in the centre of Ross-on-Wye.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2. **A07 (Development in accordance with approved plans)**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

- 3. E04 (Restriction on hours of opening (restaurants and hot food takeaways))**

Reason: To safeguard the amenities of the locality.

- 4. A scheme for the position and design of any externally mounted ventilation or refrigeration equipment and predicting its noise level at the facade of the nearest residential property with windows overlooking it shall first be submitted to and be subject to the prior written approval of the local planning authority prior to the installation of any such equipment.**

Reason: In the interests of the visual amenity and residential amenities of dwelling units in the area.

Informative(s):

- 1. N15 - Reason(s) for the Grant of planning permission**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

13 DCSE2004/0561/T - ERECTION OF 15 METRE TELECOMMUNICATIONS MONOPOLE INCORPORATING THREE TELECOMMUNICATIONS ANTENNA, ONE 30CM TRANSMISSION DISH, TWO 60CM TRANSMISSION DISHES AND ASSOCIATED CABINET EQUIPMENT AND COMPOUND. SECURITY COMPOUND 2, BROAD MEADOWS INDUSTRIAL ESTATE, STATION APPROACH, ROSS-ON-WYE, HEREFORDSHIRE

For: Hutchison 3G UK Ltd per White Young Green Planning, Ropemaker Court, 12, Lower Park Row, Bristol BS1 5BN

**Date Received: 2nd March 2004 Ward: Ross-on-Wye East Grid Ref: 60273, 24520
Expiry Date: 26th April 2004**

Local Members: Councillor Mrs C J Davies and Councillor Mrs A E Gray

1. Site Description and Proposal

- 1.1 The site lies within Ross-on-Wye, and to the northwestern section of the Broadmeadows Industrial Estate. The Rudhall Brook lies to the northwest, between the site and The Plough Inn, Renault garage and residential properties to the north and northwest. The site is within the Rudhall Brook flood plain. The site is not within the Wye Valley Area of Outstanding Natural Beauty, the boundary of which is defined by Overross Street and Ledbury Road, with the Area of Outstanding Natural Beauty lying to the west of the road and the site to the east.
- 1.2 Currently the site subject to this proposal comprises a chain link fenced compound with a number of vehicles and a storage tank within. The levels are flat both within the site and the immediate surroundings. Land levels within the wider area rise from south to the north.
- 1.3 It is proposed to erect a 15 metre high telecommunications mast incorporating 3 antenna, 3 dishes (1 of 30 centimetre diameter and 2 of 60 centimetre diameters), of a monopole design. The ground equipment would comprise an electric meter cabinet of 1 metre by 0.6 metres and a 2 metre by 0.8 metre service unit both which would be mounted on a 0.45 metres concrete plinth. The associated ground equipment would be contained within the 6.4 metre by 6.4 metre compound, with a palisade perimeter fence.
- 1.4 The proposal comprises 'permitted development', although under the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) an application to the local planning authority for a determination as to whether their prior approval is required, in respect of the siting and appearance of the proposal. Under this procedure the local planning authority is required to issue its determination and decision within 56 days of the date of receipt of the application, in

this case by 26th April 2004. If after the expiration of the 56 day period the applicant has not received the local planning authority's determination and decision the development is authorised by default.

2. Policies

2.1 Planning Policy Guidance

PPG 1	General Policy and Principles
PPG 8	Telecommunications
PPG 25	Development and Flood Risk

2.2 Hereford and Worcester County Structure Plan

Policy CTC9	Development Criteria
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2.3 South Herefordshire District Local Plan

Policy GD1	General development criteria
Policy C41	Telecommunications Development
Policy C42	Criteria to Guide Telecommunication Development
Policy C44	Flooding

2.4 Herefordshire Unitary Development Plan – First Deposit Draft

Part 1	
Policy S2	Sustainable Development

Part 2	
Policy DR7	Flood risk
Policy CF3	Telecommunications

3. Planning History

3.1 None.

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency advise:

The Agency maintains its objection at this time as no sequential test has been undertaken in accordance with PPG25. The site is in the 1% apf floodplain and historical floodplain. It would appear that floor risk has NOT been considered and PPG25 advises that lower risk locations outside of the floodplain should be looked at.

If the LPA are happy that the applicant has undertaken an exhaustive sequential test, in terms of looking for alternative sites outside of zone 3 of the Indicative Floodplain, then the proposed site in question would appear to have minimal implications in terms of floor flow and storage, following confirmation of site layout and proposals in the letter dated 25 March 2004 (from the Agent) which involves proposals to remove the tank on the site and the existing cars etc.

In line with zone 3a of PPG25, it is also recommended that any electrical equipment is raised above the 1 in 100 year flood level (+20% for climate change) to protect the equipment.

Internal Council Advice

- 4.2 Head of Engineering and Transportation has no objections to the proposal.
- 4.3 Environmental Health Officer - It is presumed that ICNIRP guidelines on maximum exposure levels for electromagnetic fields have been followed, as implied in the application. No doubt the close proximity of the residential properties has been taken into account when determining the site's compliance with the ICNIRP guidelines.

5. Representations

- 5.1 Ross-on-Wye Town Council comment as follows:

It is considered that there are currently sufficient masts in the town to meet current needs. This is an AONB and a proliferation of masts is not in keeping with the area. Also the impact on health has not been fully explored and this proposal is sited in a residential area.

- 5.2 A letter containing supplementary information was submitted with the application by the applicant's agent. Further correspondence has been received from the applicants regarding the flooding issue. The main points are:

- Site has been carefully selected because of surrounding commercial context and as it is outside of the Area of Outstanding Natural Beauty.
- The compound is backed by several mature trees of approximately 10 metres in height, that would provide screening from surrounding land uses, as demonstrated by the photographs taken from various locations with a cherry picker raised to 15 metres in height. This demonstrates the benefits of tree screening and the minimal impact the 15 metre mast would have.
- Height has been kept to a minimum and a monopole design selected to minimise visual impact.
- A thorough search, within the cell area, was carried out prior to selecting this site. Sites were considered in terms of their technical suitability to provide the required level of service, effect on visual amenity, Development Plan designations, topography, natural screening and operational consideration, i.e. vehicular access, power supply, security.
- Alternative sites considered were Hanson Ready Mix, Newent Windows and an existing mast at the Larruperz Community Centre. The first two sites were discounted as the site providers were unwilling to accommodate the development, with regards the third option, in order to share the mast it would be necessary to increase it to 20 metres in height and it was considered that this would be more visually intrusive than the proposal.
- No suitable sites for H3G to utilise that would be a less intrusive option or would give the levels of radio frequency coverage in the area to meet the H3G licence requirements.
- Application has been carefully formulated in light of Development Plan policies, national policy guidance and established good land use planning practice.

- Any site within the industrial context of the Broadmeadows Industrial Estate is encompassed within the floodplain so would face the same 'in principle' objection from the Environment Agency.
- Only areas that are not in the floodplain and not within the designated AONB or Conservation Area would be to the north of the site, which would be more prominent and closer to residential properties. Selecting a site to the north of that proposed would have serious implications for radio coverage and could leave gaps in coverage to the south, any coverage gaps would ultimately need to be filled by another mast to the south.
- Selected site is most appropriate for Hutchinson 3G to meet their licence requirements and there are no more appropriate sites for telecommunications development which are within the cell area and outside of the floodplain. As such the Environment Agency comments in paragraph 2 should apply.
- The electrical equipment would not need to be raised because due to its height as proposed it would not be damaged by flooding. If however the Environment Agency considers that the plinth needs to be raised this could be conditioned.

5.3 Twenty five letters of representation have been received from 1, 4, 5, 6, 7, 8, 9, 11, 13, 14 and 16 Brookmead, 1, 5, 7, 8, 9 and 10 Rudhall Meadow, Brookfield House, The Plough Inn, 7, 9 and 23 Overross Street, Cedar Cottage and Springbank Brookfield Road and 3 Green Court, Wilton. The main points raised are:

- Health risks would have harmful impact upon business (The Plough Inn beer garden) and residential properties
- Well known and strong evidence that radiation emitted from masts is a serious health hazard
- Lack of evidence to disprove concerns regarding health hazard
- Siting of mast in close proximity to a residential area, including properties occupied by families with children, would result in anxiety. Better to be safe than sorry and there is enough evidence to justify installing away from residential properties
- Council should be aware of vicarious liability issues
- Is it in the public interest to encourage increased use of mobile phone, which cause nuisance in public places?
- Proposal will devalue properties
- No planning permission for compounds, how can an application for a mast therefore be made on the site?
- For 9 months the use of the security compounds has been deeply disturbing
- Site is unsightly enough already, with buses, lorries, palletts etc
- Believe site is in Area of Outstanding Natural Beauty
- Mast would be an eyesore in local vicinity and wider area, clearly seen from town centre, supermarket and approach into Ross-on-Wye
- Ross-on-Wye is promoted for tourism, it would be ludicrous to even consider a mast virtually in the middle of the town's shopping area/heart of ancient market town
- Mast would spoil views from properties and would dominate the landscape
- Proposal is of no benefit to residents of this part of Ross-on-Wye
- Suggest a site visit for Committee Members can see the proximity to residential properties for themselves
- Mast would detract from attractive tree screen
- Need to keep up with modern technology, but proposed site is not appropriate
- Other sites should be used for the mast, such as open farmland, industrial areas, the MOD shooting range at Hildersley or Penyard Woods.

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

6. Officers Appraisal

- 6.1 The main considerations in the determination of this application for prior approval are the siting and appearance of the mast, together with associated material planning considerations including health risks and flooding.
- 6.2 As set out in PPG8 – Telecommunications, the government's policy is to facilitate the growth of new and existing telecommunications systems, whilst keeping the environmental impact to a minimum. Moreover policy C41 of the Local Plan supports the long term economic, social and environmental benefits of developing telecommunications and states that proposals for its development will be considered in the context of current government advice. Policy C42 sets out the criteria to guide telecommunications development. In particular the specific requirements of the development including its location, the siting and external appearance of the apparatus, the availability of alternative sites and the dual use of existing installations where possible should be taking into account. Proposals, which would have a detrimental impact on the Wye Valley Area of Outstanding Natural Beauty, Conservation Areas, Listed Buildings, sites of Scheduled Ancient Monuments and other designated sites, will be resisted. The site does not lie within any area of special landscape, ecological, geological or nature conservation designation.
- 6.3 The site is within an area used for industrial purposes, but in relatively close proximity to a residential area. The compound would be clearly read in conjunction with the industrial development and due to its minimal size and height (1.8 metres) and the existence of soft landscaping to the north of the site it would not be unduly prominent in its immediate context or the wider surrounding area. The proposed mast would be 15 metres in height and a slender monopole design. The three transmission dishes would be at a maximum of 13 metres in height. Whilst the land to the south of the site is predominantly open the land to the north and northwest comprises close knit, mainly two storey buildings. By virtue of the existing density and scale of development in the area views of the mast would be limited. On this basis and taking into account the natural topography of the area and the height and design of the mast it is considered that it would not be prominent in the wider landscape nor loom above surrounding buildings. It is recognised that the mast could be seen from some neighbouring properties, however the fact that it can be seen does not mean that it would be prominent or have an overbearing impact.
- 6.4 PPG 8 and policy C42 of the Local Plan encourage the dual or multiple use of masts. It is proposed to erect a monopole mast on the site, which would not be capable of being shared. It is considered that to satisfactorily minimise the visual impact of the mast this design is preferred and outweighs the preference for a mast that is capable of being shared.
- 6.5 It is considered that the applicant has carefully and adequately assessed other potential sites for the mast, however within the cell area there were limited sites available. The Larruperz Community Centre site would have enabled mast sharing, in line with the government's preference. However the increase in height of the mast, which is of a lattice design, to provide the required distance separation between the existing and proposed equipment would have resulted in a mast of 20 metres, which

would be unduly prominent in the wider area and the Wye Valley Area of Outstanding Natural Beauty.

- 6.6 Many of the objections to the application specify health risks as a major concern. It has been established, through caselaw, that both health risks and the perception of health risks are material planning considerations to be taken into account in the determination of planning applications and applications for prior approval. The boundary of the curtilage of the nearest property would be 31 metres from the site, whilst the southeastern part of The Plough Inn's beer garden would be 10 metres from the site, albeit separated by the brook and existing vegetation.
- 6.7 Both mobile 'phones and masts use electromagnetic fields (EMF's) to transmit and receive signals. EMF's also occur naturally and are found in other manmade sources, where there is an electrical circuit, such as domestic wiring and appliances. The government's statutory advisor, the National Radiological Protection Board (NRPB) provide advice regarding EMF's and health issues, to local planning authorities and the general public. At the request of the government, the NRPB set up an independent expert group, chaired by Sir William Stewart, and following a rigorous and comprehensive assessment the report was published in May 2000. With regards to base stations the report found that the '*balance of evidence indicates that there is no general risk to the health of people living near to base stations...*'. The cautionary approach recommended is limited to specific recommendations in the report. With regards emissions from mobile 'phone base stations they must meet the guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP) for public exposure.
- 6.8 A certificate of compliance with the International Commission on Non-Ionising Radiation Protection (ICNIRP) was submitted with the application. PPG8, paragraph 98 states that it is '*the government's firm view that the planning system is not the place for determining health safeguard. It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them [emphasis added].'* In addition, as stated at paragraph 101 '*In the Government's view, local planning authorities should not implement their own precautionary policies.*' In light of the submission of the certificate of compliance with the International Commission on Non-Ionising Radiation Protection (ICNIRP), which confirms that the whole of the coverage area would meet the ICNIRP requirements and government advice it is considered that the health risks raised are not sufficient to outweigh technical evidence and government advice. With regards the perception of health risks, whilst the mast could be seen from some neighbouring properties, it would be partially screened by existing trees and read against the industrial development beyond. Furthermore the limited height and slender design of the mast would further reduce its prominence. Therefore it is considered that simply having limited views of the mast, in this context, would not give rise to a significant or justified heightened sensitivity about health risks.
- 6.9 The objections state that if the mast is erected it would reduce local house values. PPG 1 notes that it is not for the planning system to protect private interests of one person against the activities of another. Furthermore no evidence has been submitted to support this view.

- 6.10 The site lies within land identified as within the historic floodplain of the Rudhall Brook and the indicative floodplain which shows a 1% annual probability of flooding. In accordance with PPG25 and C44 of the Local Plan, development is discouraged within the floodplain wherever possible. Of particular concern is the impact of the proposal on flood storage and flood flow conveyance. The compound is presently surfaced with gravel and has a number of vehicles and a tank stored within. The proposal would also have a gravelled surface, with two plinths, one for the mast and the other for the cabinet. The Environment Agency issued a request for deferral pending the receipt of additional information in respect of whether the sequential test for identifying the site took into account the flood plain, as required by PPG25 and details of the existing site layout. On receipt of further information from the applicants the Environment Agency has advised that their objection is maintained. The Environment Agency considers that an exhaustive sequential test in respect of flooding has not been undertaken in line with PPG25. The Environment Agency consultation response then states if the Local Planning Authority considers that an exhaustive sequential test for alternative sites out of the flood plain has taken place without success then subject to conditions in respect of the height of electrical equipment they would not object. It is considered that it has not been demonstrated that an exhaustive sequential search has been carried out in respect of alternative sites outside of zone 3 of the Indicative floodplain. Whilst other possible alternative sites that would be outside of the floodplain and within the cell area would be likely to be within the Conservation Area, Area of Outstanding Natural Beauty or nearer to residential properties it is considered that not all sites within the Area of Outstanding Natural Beauty, within the urban context, would automatically be unacceptable in visual amenity terms. The Local Planning Authority does not actively encourage proposals for masts within the Area of Outstanding Natural Beauty, however it is opined that each site should be considered on its own merits, in relation to landscape impact and the existing character and appearance of the area. For example there may be alternative sites, within the cell area to the southeast of the application sites that could be acceptable in respect of its visual impact and would fall outside of the floodplain. With the exception of the existing mast at the Larruperz Community Centre the applicants have submitted no evidence that they have considered any specific sites that are outside of the floodplain. It is considered that on the basis of the information provided it cannot be held that an exhaustive sequential test has been undertaken.
- 6.11 In conclusion it is considered that the mast would not have a harmful impact upon the landscape, visual amenity or the health of local residents. Until it has been demonstrated that an exhaustive sequential test has been carried out in respect of flooding, in accordance with PPG25, it is considered that the siting of the mast is unacceptable.

RECOMMENDATION

That prior approval is required and be refused for the following reason:

In the absence of evidence of an exhaustive sequential test in relation to the suitability of alternative sites outside of the Indicative Floodplain, the Local Planning Authority is not satisfied that the proposed siting of the mast is acceptable in respect of the impact on the floodplain. The proposal is therefore contrary to policy C44 of the South Herefordshire District Local Plan and the principles of PPG25 - Development and Flood Risk.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

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