

A G E N D A

Southern Area Planning Sub- Committee

Date: **Wednesday, 12th May, 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, 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	1 - 16
To approve and sign the Minutes of the meeting held on 14th April, 2004	
4. ITEM FOR INFORMATION - APPEALS	17 - 20
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.	
5. HEAD OF PLANNING SERVICES REPORT	21 - 44
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.	

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

45 - 46

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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YOU HAVE A RIGHT TO:-

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt information'.
- Inspect agenda and public reports at least 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.
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, its Committees and Sub-Committees and to inspect and copy documents.
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Please Note:

Agenda and individual reports can be made available in large print. Please contact the officer named on the front cover of this agenda **in advance** of the meeting who will be pleased to deal with your request.

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A public telephone is available in the reception area.

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- The service runs every half hour from the 'Hopper' bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus-stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

If you have any questions about this agenda, how the Council works or would like more information or wish to exercise your rights to access the information described above, you may do so either by telephoning officer named on the front cover of this agenda or by visiting in person during office hours (8.45 a.m. - 5.00 p.m. Monday - Thursday and 8.45 a.m. - 4.45 p.m. Friday) at the Council Offices, Brockington, 35 Hafod Road, Hereford.

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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

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

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Southern Area Planning Sub-Committee held at Council Chamber, Brockington on Wednesday, 14th April, 2004 at 2.00 p.m.

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

Councillors: M.R. Cunningham, N.J.J. Davies, Mrs. C.J. Davis,
G.W. Davis, Mrs. A.E. Gray, Mrs. J.A. Hyde, G. Lucas, D.C. Taylor and
J.B. Williams

60. APOLOGIES FOR ABSENCE

Apologies were received from Councillors H. Bramer and J.W. Edwards.

61. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
G. Lucas	Ref 13 – DCSE2004/0561/T – Erection of 15 metre telecommunications monopole incorporating three antenna, one 30cm transmission dish, two 60cm transmission dishes and associated cabinet equipment and compound at: Security Compound 2, Broad Meadows Industrial Estate, Station Approach, Ross-on- Wye, Herefordshire.	Declared a prejudicial interest and left the meeting for the duration of this item.

62. MINUTES

RESOLVED: That the Minutes of the meeting held on 17th March, 2004 be approved as a correct record and signed by the Chairman. Subject to the following amendments;

- 1) Deletion of the last sentence of P3 Para 3.
- 2) P5 Para 1, replace “...the necessary licenses that the company would first have to obtain from other agencies...” with “...the necessary licence that the company would have to obtain from the environment agency...”

63. ITEM FOR INFORMATION - APPEALS

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

64. HEAD OF PLANNING SERVICES REPORT

The report of the Head of Planning services was presented in respect of planning applications 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 be involved the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below.

65. CONFIDENTIAL ENFORCEMENT REPORT

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

RESOLVED: That the report be noted.

- 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).
- 13) Information which, if disclosed to the public, would reveal that the authority proposes:
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
- 14) Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

The meeting ended at 3.20 p.m.

CHAIRMAN

APPENDIX

Ref. 1
ROSS-ON-WYE
 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

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 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

Ref. 2
CLEHONGER
 DCSW2004/0275/F

Construction of hobby workshop with store loft over, at:

WOODFIELD, CHURCH ROAD, CLEHONGER, HEREFORD, HEREFORDSHIRE, HR2 9SE

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

The Principal Planning Officer reported the receipt of a further letter from the applicant.

Councillor D.C. Taylor, the local Ward Member, said that the height of the workshop was important to the applicant, as he needed to store wood in the upper section in connection with his woodworking hobby. He asked the Sub-Committee to approve the application and did not consider the proposals to be out of keeping with the existing buildings.

RESOLVED: That

1. **the Southern Area Planning Sub-Committee is minded to approve the application, subject to any conditions felt to be necessary by the Head of Planning Services, provided that the Head of Planning Services does not refer the application to the Planning Committee.**
2. **if the Head of Planning Services does not refer the application to the Planning Committee the Officers named in the Scheme of Delegation to Officers be instructed to approve the application, subject to such conditions referred to above.**

(NB. The application was not referred to the Head of Planning Services because it was considered that there were no crucial planning policy issues at stake. The application was therefore approved.)

Ref. 3
MUCH
DEWCHURCH
 DCSW2004/0047/O

Site for six dwellings (affordable/market housing), bio-disc treatment system, removal of poultry buildings, at:

**ORCOP POULTRY, ORCOP HILL,
 MUCH DEWCHURCH, HR2 8EN**

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

The Principal Planning Officer notified Members of a correction to paragraph 6.5 of the report. The correct wording should be "... there will **not** be an adverse impact on highway safety."

In accordance with the criteria for public speaking, Mr. Brookes spoke on behalf of Orcop Parish Council, Mr Baly, an objector spoke against the application and Mr Griffin, the applicants agent spoke in support.

Councillor G.W. Davis felt that affordable housing would benefit Orcop and enable youngsters to stay in the area, he supported the application.

RESOLVED:

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.

14. The number of Dwellings hereby permitted shall be

limited to a maximum number of six.

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

Informative(s)

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

Ref. 4
ALLENSMORE
DCSW2004/0389/F

Proposed change of use from dwelling house to shared dwelling and conversion of garage to additional accommodation, at:

BRO-A-BRYN, ALLENSMORE, HEREFORD, HR2 9AR

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

The application was withdrawn at the request of the applicant.

Ref. 5
BRIDSTOW
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

The Senior Planning Officer advised Members that the applicant had submitted the amended plans.

Councillor Mrs. J.A. Hyde, the local Ward Member felt this application would improve the site.

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 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

Ref. 6
PETERCHURCH
DCSW2003/3778/F

Construction of ten two storey dwellings & ancillary site works, sun villa & former works to side & rear, at:

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

The Principal Planning Officer reported the receipt of amended plans and a further letter from the owner of the site.

In accordance with the criteria for public speaking, Mr. Traenor, representing Peterchurch Parish Council, and Colonel Boun, an objector, spoke against the application.

Councillor N.J.J. Davies felt this application would have a detrimental effect on the village centre and reiterated the points raised by the Parish Council.

A number of Members raised concerns regarding the application. These concerns focussed on traffic problems, noise, and the amenity of neighbours.

A vote for refusal was lost and a second vote was taken on the substantive motion which was carried.

RESOLVED: 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

Ref. 7
SELLACK
 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

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.

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

Ref. 8
ROSS-ON-WYE
 DCSE2004/0349/O

Site for one dwelling plot 7232, land to the rear of the walled garden, at:

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

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.

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

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

RESOLVED: That planning permission be granted. No conditions.

Informative:

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

Proposed change of use of first floor office into self-contained unit of accommodation (retrospective) at:

Ref. 9
ROSS-ON-WYE
DCSE2004/0618/F

Ref. 10
ROSS-ON-WYE
DCSE2004/0279/F

**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

RESOLVED: 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

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

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

The Principal Lawyer advised Members that any conditions added to the original application had to fulfil a number of criteria set out in DoE circular 11/95. Conditions 19 and 20 were not precise and condition 21 was unreasonable.

RESOLVED: That planning permission be granted. No conditions.

Informative:

Ref. 11
ROSS-ON-WYE
DCSE2004/0643/F

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

Ref. 12
ROSS-ON-WYE
 DCSE2004/0332/F

Change of use from A1 to A3 (restaurant, snack bar, cafe), at:

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

Councillor Mrs. C.J. Davis, the local Ward Member, said that as the building had been empty for some time and had become an eyesore, she was in favour of the application.

In response to a question from Councillor M.R. Cunningham, the Senior Planning Officer advised members that the standard opening hours referred to in condition 3 were 8.00 am to 11.00 pm.

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. 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

Ref. 13
ROSS-ON-WYE
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, at:

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

The Senior Planning Officer reported further letters of objection from Paul Keetch M.P. and Virginia Taylor. She also advised Members that the consultation period did not expire until 16th April, 2004.

In accordance with the criteria for public speaking Mr. Hughes and Mrs. Berry spoke against the application.

RESOLVED: That subject to no further representations raising material planning grounds being received by the end of the consultation period the Officers named in the Scheme of Delegation to Officers be authorised to refuse planning permission on the following grounds:

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.

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCSE2003/3063/F**

- The appeal was received on 24th 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 J Gilling
- The site is located at Newton Farm, Welsh Newton, Herefordshire, NP5 3RN
- The development proposed is Equestrian centre, including restaurant, staff and instructors accommodation. Car parking and ancillary works.
- The appeal is to be heard by Hearing

Case Officer: Nigel Banning on 01432-261974

Enforcement Appeal No. EN2004/0003/ZZ

- The appeal was received on 6th April 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 Mr D Wyatt
- The site is located at Slades, Peterstow, Ross-on-Wye, Herefordshire, HR9 6LJ
- The breach of planning control alleged in this notice is "Without planning permission, change of use of the land from use as a dwelling house and cartilage to a mixed use for the storage of caravans and use as a dwelling house and curtilage"
- The requirements of the notice are: Stop using the land for the storage of caravans and remove all caravans from the land
- The appeal is to be heard by Written Representations

Case Officer: Steven Holder on 01432-260479

Application No. DCSW2003/3814/O

- The appeal was received on 15th April 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 P Howells
- The site is located at 2 Lyndale Cottages, Kingstone, Hereford, Herefordshire, HR2 9HF
- The development proposed is Proposed erection of two bedroom bungalow
- The appeal is to be heard by Written Representations

Case Officer: Andrew Prior on 01432-261932

Application No. DCSE2004/0045/O

- The appeal was received on 16th April 2004

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

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr R Cousins
- The site is located at The Old School, Bridstow, Ross-On-Wye, Herefordshire, HR9 6PY
- The development proposed is Site for erection of three dwellings.
- The appeal is to be heard by Written Representations

Case Officer: Steven Holder on 01432 260479

Application No. DCSW2003/3582/O

- The appeal was received on 19th April 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 T Mussell
- The site is located at Land adjoining Falcon, Birch Hill Road, Clehonger, Hereford, HR2 9RF
- The development proposed is Proposed new dwelling and access
- The appeal is to be heard by Written Representations

Case Officer: Andrew Prior on 01432 261932

Application No. DCSW2003/2801/O

- The appeal was received on 26th April 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 E Herridge
- The site is located at Site adjacent to Old Post Office, Garway Common, Garway, Hereford, Herefordshire, HR2 8RF
- The development proposed is Site for detached dwelling
- The appeal is to be heard by Written Representations

Case Officer: Andrew Prior on 01432 260479

APPEALS DETERMINED

Application No. SE2003/1167/F

- The appeal was received on 10th 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 Tolley
- The site is located at Roman Ridge, Bannut Tree Lane, Bridstow, Ross-on-Wye, Herefordshire, HR9 6AJ
- The application, dated 11th April 2003, was refused on 10th June 2003
- The development proposed was Proposed new dwelling
- The main issues are: (a) the effects of the proposal on the character and appearance of the locality, having regard to inclusion of the site in the Wye Valley Area of Outstanding Natural Beauty (AONB); (b) whether the proposal would harm the living conditions of neighbouring residents through impact on outlook, noise and disturbance and loss of privacy; and (c)

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

whether the proposal would comply with the objectives of development plan policy relating to local housing requirements

Decision: The appeal was **DISMISSED** on 25th March 2004

Case Officer: Steven Holder on 01432-260479

Application No. DCSW2003/1392/F

- The appeal was received on 11th 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 Holland
- The site is located at Harewood Cottage, Harewood End, Hereford, Herefordshire, HR2 8JT
- The application, dated 7th May 2003, was refused on 3rd July 2003
- The development proposed was First floor extension
- The main issue is the effect of the proposal on the character and appearance of the existing building

Decision: The appeal was **DISMISSED** on 29th March 2004

Case Officer: Andrew Prior on 01432-261932

Application No. DCSE2003/2652/F

- The appeal was received on 11th 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 G Gibbs
- The site is located at Sutton Barn, Hope Mansell, Ross-on-Wye, Herefordshire, HR9 5TJ
- The application, dated 28th August 2003, was refused on 24th October 2003
- The development proposed was Proposed extension & alterations
- The main issue is the effect of the proposal on the character and appearance of the existing range of former farm buildings

Decision: The appeal was **DISMISSED** on 29th March 2004

Case Officer: Steven Holder on 01432-260479

Application No. DCSE2003/2716/F

- The appeal was received on 30th 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 Ms J M Whatley
- The site is located at Barn Adjacent The Knapp, Aston Ingham, Nr Ross-on-Wye, Herefordshire.
- The application, dated 26th September 2003, was refused on 3rd November 2003
- The development proposed was Conversion of stable to dwelling.

Decision: The appeal was **DISMISSED** on 14th April 2004

Case Officer: Nigel Banning on 01432-261974

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

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

SOUTHERN AREA PLANNING SUB-COMMITTEE

12TH MAY, 2004

APPLICATIONS RECEIVED

REF NO.	APPLICANT	PROPOSAL AND SITE	APPLICATION NO.	PAGE No.
1	V Edwards	Bricking-up of front to porch and new door (retrospective application) at 8 Birch Hill Road, Clehonger	DCSW2004/1022/F	23 - 24
2	E J Farms Ltd	Proposed agricultural building at Hall End Farm, Kynaston, Ledbury	DCSE2004/0768/F	25 - 30
3	The Governors of the School	Erection of a storage shed at Weston under Penyard C of E Primary School, Weston under Penyard, Ross on Wye	DCSE2004/0983/F	31 - 34
4	Westbury Homes Holdings Ltd	Retention of Bryntirion and erection of nine houses with garaging and associated highways at Brynbtirion B4349, Kingstone	DCSW2003/3266/F	35 - 40
5	H T Developments Ltd	Proposed alterations to approved layout, alternative house type for Plot 1, addition of Plot 5 and entrance wall at land adjacent to Seabourne House, Madley	DCSW2004/0918/F	41 - 44

1 DCSW2004/1022/F - BRICKING-UP FRONT TO PORCH AND NEW DOOR (RETROSPECTIVE APPLICATION) AT 8 BIRCH HILL ROAD, CLEHONGER, HEREFORD, HR2 9RD

For: V. Edwards per Mr. R. Morris, 8 Birch Hill Road, Clehonger, Hereford, HR2 9RD

Date Received: 22nd March 2004 Ward: Stoney Street Grid Ref: 45080, 37664

Expiry Date: 17th May 2004

Local Member: Councillor D. C. Taylor

1. Site Description and Proposal

1.1 The application property is a red-brick faced building comprising two properties, numbers 6 and 8 Birch Hill Road. The applicant's property is an upstairs flat reached via its own porch. This block of flats is paired with numbers 10 and 12 Birch Hill Road. The property is 55 metres up hill from the junction of Birch Hill Road and the B4349 road.

1.2 This is a retrospective application for works already undertaken to the porch that serves no. 8 Birch Hill Road. A pair of white doors have been installed in the front of the porch, together with a brick infill wall and side windows.

2. Policies

2.1 South Herefordshire District Local Plan

Policy GD.1 - General Development Criteria

Policy SH.23 - Extensions to Dwellings

3. Planning History

3.1 None identified

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 (Divisional Surveyor) has no objection to the grant of planning permission.

5. Representations

5.1 The Parish Council's observations are awaited.

5.2 One letter of objection has been received from Mr. C. D. Griffiths, 12 Birch Hill Road, Clehonger, HR2 9RD. The following main points are raised:

- why was the bricking up and addition of new front doors carried out 3/4 weeks ago and you are only writing to me now?
- thought planning permission should be sought first
- no mention of concrete step, it causes an obstruction
- eye-sore, out of keeping with the building.

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 issue is considered to be the impact of the development on the amenity of the area. Planning permission is required for the infilling of the porch as it is not for a single dwelling house, as defined in the Town and Country Planning Act 1990. This is as the property served by the porch is an upstairs flat.

6.2 It is considered that the work carried out does not impact on the other adjoining flats, which was at the risk of the owner, is satisfactory in appearance given the building is set 10 metres back from the road and is partially screened by roadside hedging. Birch Hill Road is also one on which, as in the rest of Clehonger, a variety of additions, and new doors have been installed often without the need for planning permission. It is not considered that there are reasonable grounds for withholding planning permission for the works undertaken.

RECOMMENDATION

That planning permission be granted.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

2 DCSE2004/0768/F - PROPOSED AGRICULTURAL BUILDING AT HALL END FARM, KYNASTON, LEDBURY, HEREFORDSHIRE, HR8 2PD

For: E J Farms Ltd per Mr J C Ashton, The Orchard Office, Union Place, Off Northwick Road Worcester WR3 7DX

Date Received: 1st March 2004 Ward: Old Gore Grid Ref: 63882, 36294

Expiry Date: 26th April 2004

Local Member: Councillor J W Edwards

1. Site Description and Proposal

1.1 This site in the countryside is located approximately 3/4 mile to the south of Putley. The site itself is a field situated adjacent to the applicant's farm (i.e. farm house and associated buildings) located to the east.

1.2 The proposal is to erect an agricultural building, 54.86 metres long and 22.86 metres wide. The building will have a pitched roof and will be 6.891 metres high to ridge level and 4.876 metres to eaves level. The building will have dark green coloured steel side cladding over a concrete block plinth, and fibre cement sheeting on the roof. The north east side elevation will be open sided. The building will be used for the storage of machinery and animal feed and also cattle/sheep on a non-intensive basis i.e. during bad weather and lambing etc.

2. Policies

2.1 Planning Policy Guidance

PPG1	General Policy and Principles
PPG.7 (Revised)	The Countryside: Environmental Quality and Economic & Social Development

2.2 Hereford and Worcester County Structure Plan

Policy CTC2	Area of Great Landscape Value
Policy CTC9	Development Criteria
Policy A1	Development Criteria
Policy A3	Agricultural Buildings

2.3 Malvern Hills District Local Plan

Landscape Policy 1	Development Outside Settlement Boundaries
Landscape Policy 3	Development in Areas of Great Landscape Value
Landscape Policy 7	Agricultural and Forestry Buildings and Roads
Conservation Policy 11	The Setting of Listed Buildings

2.4 Herefordshire UDP (Deposit Draft)

Policy S2	Development Requirements
Policy DR1	Design
Policy E13	Agricultural and Forestry Development
Policy HBA4	Setting of Listed Buildings

3. Planning History

3.1 No relevant history.

4. Consultation Summary

Statutory Consultations

4.1 The Environment Agency has no objections to the development but makes certain observations/comments regarding animal waste, building material waste and surface water run-off.

Internal Council Advice

4.2 The Head of Engineering and Transportation has no objection.

4.3 The Head of Environmental Health and Trading Standards has no comment.

5. Representations

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

- need to release existing grainstore from its multi-purpose functions for crop assured accreditation
- new accommodation is required for sheep, lambs, pedigree cattle, storage of feed, bedding and farm machinery
- farm increased in size by a third since 1998 by another 45 hectares of mainly arable land
- building located far enough away from listed building to not affect its setting but close enough to grouping of farm complex
- sheep movements would be reduced
- building sited near roadside hedge and trees. Trees in area. Extra tree planting could be undertaken if required
- building to have dark green cladding to match those on farm
- hardstanding to be provided in front of roller shutter door
- roof drainage to storm drain
- proposal in accordance with Structure Plan and Local Plan policies
- the building will be partly set down into the ground by excavation
- siting and appearance of building carefully considered with respect to landscape
- part of loose knit grouping of farm buildings
- land rises westwards towards Marcle Hill
- continued management of landscape by the farm.

5.2. The Parish council has no objections.

5.3 A letter of objection has been received from Mr M J McGlone, Underhill House, Woolhope Cockshoot, Putley, Nr Ledbury, Herefordshire HR8 2QR. The main points being:

- the development is already at saturation point, having a multi-housing complex
- the equine and farming activities is causing severe congestion on the lane which cannot sustain the weight and wear of constant heavy plant movements and rocks and mud left on road. The lane is never cleared and is left in a filthy state
- proposal is on sharp bend will exacerbate problem and increase risk of accidents
- the property is lit 24 hours a day causing light pollution and this latest development will require additional floodlighting
- horses in lane causing problems for traffic
- the excessive development at Hall End Farm is out of keeping with environment and spiralling out of control

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 relate to the size and the design of the agricultural building and its effect on the visual appearance and character of the surrounding landscape. In addition the effect the building will have on other land uses, the adjacent highway and the character and setting of the existing grade II listed building at the farm premises. The planning policies which are particularly relevant are policies CTC.2 and A3 of the Structure Plan and landscape policies 1, 3 and 7 of the Local Plan. The advice contained within PPG7 is also relevant to this proposed development.

6.2 The proposed building is low level in form and character and is of an appropriate design for an agricultural building. The land rises slightly towards the north west end of the field and consequently the proposed building will be cut into the ground at that end. Further away from the site the land rises up to the north west and south west forming small hills. There is also an area of trees to the south west just outside the field. The existing farm complex is also adjacent to the site. As a result it is considered that set in this position the proposed building will not be prominent on the landscape (provided the roof is dark coloured) and will be viewed in conjunction with the existing farm complex. Consequently the building will not adversely affect the visual appearance and character of the surrounding rural landscape. Also the building will be far enough away from the farm complex so as not to affect the setting of the Grade II listed buildings situated within it. In addition the applicant is prepared to plant trees along the roadside boundary and in the north west corner of the field if required in order to help soften the building on the landscape.

6.3 The building will provide accommodation for cattle and sheep during poor weather and at lambing time and as such will not be used on an intensive basis. Also at present there is a number of various items of agricultural machinery on the site which will be stored in the new building if it is approved. It is therefore considered that the building is reasonably required.

6.4 There is an existing substantial vehicular access which serves the site with acceptable visibility in both directions. The objector has raised concerns about the use of the road and the condition it is left in. However it is not considered that the proposed development will have any significant additional or adverse impact on the existing use

of the access and road. The Head of Engineering and Transportation has no objection to the proposed development.

- 6.5 In addition it is not considered that the development of Hall End Farm is “spiralling out of control”. The main changes to the farm is that some of the outbuildings have been converted to residential use. These conversions are minimal and are considered acceptable. As far as this Council is aware all the development within the farm complex has the required planning permissions and listed building consents. No floodlighting has been proposed for the new agricultural building.
- 6.6 The proposed development is considered to be acceptable and in accordance with the relevant planning policies in particular the landscape policies. The proposed building will not adversely affect the visual appearance and character of the surrounding rural landscape designated as an Area of Great Landscape Value. The proposal will therefore, in particular, be in accordance with landscape policies 3 and 7 in the Local Plan. The proposal will also be in accordance with Government advice contained in PPG7 which encourages development which benefits the rural economy provided it does not adversely affect the rural environment.

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 B08 (Dark roof colouring (agricultural buildings))**

Reason: To protect the visual amenities of the area.

- 4 The building hereby approved shall not be used to house livestock on an intensive basis.**

Reason: To define the terms to which this planning permission relates and to protect the residential amenities of nearby dwellings.

- 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.

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

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

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

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

- 8 Before any work commences on site details of the top surface intended for the new vehicular turning area shall first be submitted to and be subject to the prior written approval of the local planning authority.

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

- 9 F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

- 10 Details of external cowls, louvres or other shields to be fitted to the external lighting to reduce light pollution shall be submitted to and agreed in writing with the local planning authority before the external lighting is erected. The approved shields shall thereafter be retained in perpetuity.

Reason: To minimise light overspill and to protect the amenity of neighbouring properties and the surrounding rural environment.

Informatives:

- 1 The Environment Agency advises:

- i All washwaters, manures and stable waste should be collected, stored and disposed of in accordance with DEFRA "Code of Good Agricultural Practice for the Protection of Water".
- ii Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with section 34 of the Environment Protection Act 1990.
- iii Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water run-off from a site. This approach can also offer other benefits in terms of promoting groundwater recharge, water quality improvement and amenity enhancements. Approved Document Part H of the Building Regulations 2000 sets out a hierarchy for surface water disposal which encourages a SUDs approach.

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

AREA SUB-COMMITTEE

3 DCSE2004/0983/F - ERECTION OF A STORAGE SHED AT WESTON UNDER PENYARD C OF E PRIMARY SCHOOL, WESTON UNDER PENYARD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7PA

For: The Governors of the School per Mr Price, Ty-Angles, Llangrove, Ross-on-Wye, Herefordshire HR9 6EZ

Date Received: 2nd April 2004

Ward: Penyard

Grid Ref: 63361, 23176

Expiry Date: 28th May 2004

Local Member: Councillor H Bramer

1. Site Description and Proposal

- 1.1 The school playground at Weston under Penyard is at the rear (south east) of the Primary School. It is mainly hard surfaced and is elevated above the adjoining residential properties. Planning permission for various structures in the playground was granted in 2003. These included a shed to be sited at the eastern apex of the site. The shed that has been erected is significantly larger and of a different design to that permitted. The current application is for planning permission to retain this building.
- 1.2 The shed as built is 6.1 m long and 4.8 m wide, the height to eaves is about 2.5m and to ridge about 4 m. About two-thirds of the length or width is timber boarded with the remainder open. It is proposed to reduce the height of ridge by about 0.8 m by a more shallow pitch (17 degrees rather than 32 degrees). The roof would be covered by grey bituminous shingle tiles. In addition a new boundary fence, 2.1 m high would be erected along part of the north western boundary and planting undertaken on the outside of the fence. The shed would be stained dark brown.

2. Policies

2.1 South Herefordshire District Local Plan

Policy C8	Development Within Area of Great Landscape Value
Policy GD1	General Development Criteria

3. Planning History

- | | | | |
|-----|---------------|---|----------------------|
| 3.1 | SE2002/3363/F | Boilerhouse | Approved
16.12.02 |
| | SE2002/3895/F | Storage shed and various garden features. | Approved
17.07.03 |
| | SE2003/1725/F | Single storey extension to provide new group room | Approved
05.08.03 |

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 The applicant's agent lists the proposed changes:

- (1) Planting of shrubs/climbers on the outside of the timber fence along the north-west elevation to the shed.
- (2) New 2.1 m high fencing along the north-west elevation as a replacement for the existing four fence panels with a dark stain finish - exact colour to be agreed with the planning authority.
- (3) The provision of a trellis along the new fencing to the north-west elevation extending from the top of the fence to eaves level of the new shed.
- (4) A reduction in the pitch of the existing shed from 32 deg. to 17 deg.
- (5) The staining of the existing timber cladding to the shed in a colour to be agreed.

5.2 Parish Council comment as follows:

"Councillors have no objections to this revised application but wished to register their disquiet about the procedures used from the beginning when this application was first submitted".

5.3 Two letters have been received from local residents objecting to the proposal. The following reasons are given:

- On site of former shed but considerably larger and hardly merits term 'shed', more like a chalet dwelling; reliably informed that was a stable and should be described as such.
- Blight on landscape and an eyesore that completely changes approach and character of residential cul de sac - visitors have questioned how such a lovely development could have such a dreadful monstrosity erected.
- Should be re-positioned where not visible - currently in full view of front windows and eaves height reduced by 2 feet with a flat roof.
- Planners have de-valued our property - did not think this is what planning was about.

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 shed is comparable in size with a small double garage. The problem arises because the school playground is elevated above Mill Orchard and its houses and the eastern apex juts forward of the adjoining house (Penyard House). Consequently the shed is conspicuous when viewed from the houses to the north-east. The conifer

hedge along the south-eastern boundary which would have screened the shed has been reduced in height.

- 6.2 At present the shed is considerably higher than the fence along the north-eastern boundary which is on top of a retaining wall. The proposed higher fence with trellis now proposed should be more attractive than the present structure and only the roof would be visible above the fence. Planting on the outside of the fence if practicable should in time also help to reduce the visual impact of the shed. Along the south-eastern boundary the conifer hedge, if allowed to grow will quickly provide screening. The more attractive colour and roofing material will all contribute to reducing visual harm.
- 6.3 The shed will block views from houses to the north of the wooded hillside beyond Weston under Penyard. However these houses are about 50 m or so from the shed and this is not reason to refuse permission.

RECOMMENDATION

That subject to no further objections raising additional material planning considerations on the expiry of the consultation period, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional considered necessary by officers:

- 1 Within 3 months of the date of this permission the new fence/trellis shall be erected in accordance with details which have been submitted to and approved in writing by the local planning authority.**

Reason: To protect the visual amenities of the area.

- 2 Within one month of the date of this permission a planting scheme including a timetable for implementation shall be submitted to and approved in writing by the local planning authority.**

Reason: To protect the visual amenities of the area.

- 3 The approved planting scheme shall be implemented in accordance with the agreed timetable, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.**

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

- 4 Within 3 months of the date of this permission the roof of the shed shall be rebuilt and the shed stained in accordance with the drawings hereby approved.**

Reason: To protect the visual amenities of the area.

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

4 DCSW2003/3266/F – RETENTION OF BRYNTIRION AND ERECTION OF NINE HOUSES WITH GARAGING AND ASSOCIATED HIGHWAYS AT BRYNTIRION B4349, KINGSTONE, HEREFORDSHIRE HR2 9HJ**For: Westbury Homes Holdings Ltd per Turley Associates, Apsley House, 35 Waterloo Street, Birmingham B2 5TJ**

Date Received: 29th October 2003 **Ward: Valletts** **Grid Ref: 42034, 36121**
Expiry Date: 24th December 2003
Local Member: Councillor P G Turpin

1. Site Description and Proposal

- 1.1 The proposal site is on the southern side of the B4349 road nearly opposite the Primary School. It is an elevated site with a roadside hedge. There is a bank between the hedge and the edge of the classified road of between 1½ to 4 metres, at its widest, in depth.
- 1.2 The site is within the designated settlement boundary for Kingstone. It comprises the major part of the well treed and lawned garden areas to Bryntirion, a two-storey red brick dwelling. The site area inclines eastward from Bryntirion. There are open fields on the south-eastern and north-eastern boundaries.
- 1.3 The scheme originally submitted proposed the erection of 12 detached houses across the site, this entailed the demolition of Bryntirion. The scheme has been revised such that 9 four-bedroom detached houses are currently proposed, and Bryntirion will remain served by its own existing access. The access point serving the nine new dwellings is closer to the Bryntirion access than was envisaged by the earlier planning permission granted for a smaller site in 2002. Also the traffic calming scheme envisaged at the time of the earlier planning permission has come into being, this reduces the highway visibility requirements for the development from that originally approved in September 2002. The access road is proposed to be adopted to the two turning heads delineated by rumble strips.
- 1.4 The materials proposed are a mixture of brick and render which are materials used in Kingstone, under concrete interlocking tile roofs. The dwellings have been sited to provide sufficient distance from mature trees particularly on plots 4 and 5 that are close to a Horse Chestnut tree and plot 7 that is close to a large Birch tree.

2. Policies**2.1 Hereford and Worcester County Structure Plan**

Policy H.16A - Housing in Rural Areas
Policy CTC.9 - Development Requirements

2.2 South Herefordshire District Local Plan

- Policy GD.1 - General Development Requirements
- Policy SH.8 - New Housing Development Criteria in Larger Villages

2.3 Herefordshire UDP (Deposit Draft)

There are no policies that are considered to raise issues different from Development Plan policies.

3. Planning History

- 3.1 SW2002/2058/O Outline application for residential – Approved 25.9.2002 development

4. Consultation Summary

Statutory Consultations

- 4.1 Hyder – no response received (no objection was raised to the application in 2002).

Internal Council Advice

- 4.2 Head of Engineering and Transportation recommends that conditions be attached to any grant of planning permission. In respect of the revised scheme reduced visibility requirements are required.

5. Representations

- 5.1 A letter did not accompany the original application for 12 houses, however in a letter received subsequently it is stated:

- see amended site layout (10325/036) together with a tree survey
- Plot 9 has been moved forward by 2m and Plot 8 by 1m to enable a separation distance of 29 metres between rear of each plot and existing properties to the rear
- Bryntirion's curtilage has been increased slightly
- gable window to B: housetype, plots 2, 3 and 9 will be fitted with obscure glazing, this can be conditioned in perpetuity
- ownership of land adjacent to large Birch tree will be divided between plots 7, 8, and 9
- extent of adoptable road, limited to turning head facility
- see letter from Mr Dalal (of the Council) re traffic calming measures

- 5.2 Revised house types were received for revised site layout (10325/036) shortly afterwards.

- 5.3 In a further letter the applicant's agent states:

- plots 4 & 5 re-positioned, therefore outside the identified tree protection zone
- plots 3 and 4 have been handed thereby ensuring adequate separation from tree (T24)
- plot 5 house, changed to AN type, staying smaller footprint helps with relationship with trees

- parking arrangements for plots 4 & 5 amended in order to ensure adequate parking is considerable
- driveway to plot 5 will use a geotechnical engineering solution ensuring
- ground compaction within time canopy does not occur. Surface will be permeable. A planning condition is suggested in regard to the driveway.

5.4 The Parish Council made the following observations to the original proposal:

"The Council objects strongly to this application on the following grounds. That the access to the site is too close to the entrances to both the Primary and the High school. There will be too many houses, built too close to existing properties and these will be overlooked by the higher new properties. A development in this area would be detrimental to the new traffic calming scheme outside the schools. After the Westbury development at Cottons Meadow was completed, residents of Kingstone were told there would be no further major development sites in the village. During recent research into our Planning Policy we have been told that there is no more capacity at the local sewerage station, the Doctors Surgery would find it difficult to take many more patients and the schools are full with only odd vacancies in some year groups."

5.5 The Parish Council's observations in respect of the revised scheme are awaited.

5.6 Four letters of objection have been received to the original proposal from:

GT and JA Hyett, Bryntirion Cottage, Kingstone HR2 9HJ,
Mr M Lewis, 77 Coldstone Cross, Kingstone HR2 9HR,
Mrs L Sleath, The Villa, Kingston, HR2 9ET and
Dr J D Sleath, The Surgery, Kingstone HR2 9EY. The following main points were raised:

- access only 10 feet away from dangerous school crossing point near Cooks Lane
- if access point were moved closer to Kingstone High School it would still be dangerous
- Knowledge of junction of Cooks Lane and B4347 road as old surgery used to be in Cooks Lane
- Cooks Lane busy with a lot of nursery traffic
- will disrupt traffic calming next year
- Bryntirion good period house, no good reason to demolish it with more than just as a building plot
- loss of a substantial family house for the sake of another cramped modern development
- a lot of local affection for Bryntirion
- believe originally only 3 houses were approved
- not a surgery in Cooks Lane, it is a nursery
- opportunity to provide footpath to Cooks Lane crossing point missed
- can the sewage system cope
- will there be sufficient places at the schools and doctors' surgery
- planning and consultants should see development that has already occurred, parking opposite village hall is appalling
- proximity of plots 10 and 11 to Bryntirion Cottage, which is at a lower level (1.8-2 metres lower)
- had to reduce roof of extension by 3 inches due to restrictions on windows to prevent overlooking. Had proposal to raise roof on garage to create a workshop, withdrew given the dominance on adjoining properties planners stated would result. Dominance far less than for plots 10 and 11. Suggest a bungalow replaces 2 plots

- also suggest plot 4 be replaced by plots 10 and 11 in order to maintain density
- mixture of bungalows in Cooks Lane could be reflected on site
- Bryntirion Cottage not correctly shown on plan

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 previous application site was smaller i.e. 0.32 hectares than the originally submitted plan which has increased to 0.57 hectares. This included Bryntirion and land previously excluded, when approval was granted in 2002. The original number of dwellings applied for was 12 dwellings and entailed demolishing Bryntirion. The proposal has been amended such that Bryntirion remains, and retains its own access as at present and that the number of detached dwellings proposed has reduced to nine.
- 6.2 The scheme has not only been reduced in scale but also a tree survey carried out identifying those trees on site in particular a Horse Chestnut on the north-eastern boundary and a Birch tree opposite the proposed access point that need to be protected. There are also other important trees on the southern boundary of the site that also form part of the boundary for the site which will be supplemented by new planting together with a new roadside hedgerow boundary, given the need to provide visibility splays across the front of the site.
- 6.3 The main issues are considered to be the scale and form of the development, and its relationship to adjoining properties, the means of access and highway safety, the demolition of Bryntirion, service capacity, school and surgery places.
- 6.4 The roadside element of the scheme has been designed such that gaps will remain between the four detached properties and with different heights for garages and houses the impact is reduced. This is also as the site frontage is set back given the need for improved visibility. The main impact will be when viewed from the school's side of the B4349 road. Bryntirion will still be, albeit with a smaller garden area, a continuing focal point on this side of the B4349 and the trees around the site, as has already been stated will continue to significantly contribute to the amenity of this part of Kingstone. This will continue with the use of planning conditions. The five remaining dwellings are to the rear of the four frontage dwellings and all have satisfactory relationships between each other in terms of overlooking. Plots originally proposed on the site of Bryntirion and in close proximity to Bryntirion Cottage have been deleted from the scheme. There are two plots on the western boundary of the site that are considered to be sited sufficient distance away from Halcot, a bungalow lower down on Cooks Lane, and the nursery, incorrectly titled as surgery on the submitted plans.
- 6.5 The means of access has moved westward towards Cooks Lane, from that possible to achieve with the earlier scheme. This will greatly improve visibility up hill i.e in an easterly direction. It is not considered that notwithstanding the issue raised relating to the use of Cooks Lane and the crossing point there that with the traffic calming scheme implemented these highway safety concerns cannot be maintained such that the application could be refused on these grounds.
- 6.6 As has already been stated Bryntirion will be kept and therefore the representations received in response to its demolition have been overcome.

- 6.7 As regards the issue of sewage capacity, this is not considered to be an issue given that Hyder Consulting on behalf of Welsh Water did not highlight this matter previously when considering the previously approved planning application. It is not considered that whether or not there is sufficient capacity for places at local schools or the doctors surgery is a matter in itself that could substantiate a reason for refusal. The site is within the identified settlement boundary for Kingstone. It is the remaining largest site possible for development within the remit of the Development Plan. A safer means of access can be provided and a scheme that protects existing trees on the site and with the layout of development proposed would not be intrusive in the landscape.

RECOMMENDATION

That subject to no further objections raising additional 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 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.

4 E17 (No windows in side elevation of extension)

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

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 G18 (Protection of trees)

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

8 G21 (Excavations beneath tree canopy)

Reason: To prevent the unnecessary damage to or loss of trees.

- 9 Details of surfacing for all new driveways and paths under the canopy of existing trees to remain on the site shall be the subject of the prior written approval of the local planning authority before any development commences on site.

Reason: In order to protect the root systems of trees in the interest of protecting the amenity of the site.

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

5 DCSW2004/0918/F – PROPOSED ALTERATIONS TO APPROVED LAYOUT, ALTERNATIVE HOUSE TYPE FOR PLOT 1, ADDITION OF PLOT 5 AND ENTRANCE WALL AT LAND ADJACENT TO SEABOURNE HOUSE, MADLEY, HEREFORDSHIRE, HR2 9PL

For: H T Developments Ltd per Axys Design, 30 Grove Road, Hereford HR1 2QP

Date Received: 12th March 2004 Ward: Stoney Street Grid Ref: 41653, 38965

Expiry Date: 7th May 2004

Local Member: Councillor D C Taylor

1. Site Description and Proposal

- 1.1 The proposal site is on the northern side of the B4352 road, which is the main east - west thoroughfare through the village. The site is between Frogmore Cottage, and Seabourne House, an imposing 3-storey red brick dwelling which is understood to have been a workhouse.
- 1.2 The site has the benefit of approval for 4 detached dwellings and garages. Three houses have been built, these are on the eastern side of the cul-de-sac. It is proposed as part of this application to re-site Plot 1 further north-westward and erect an integral double garage on the southern side of the 4-bedroom dwelling. The garage had been previously sited on land proposed to provide Plot 5.
- 1.3 The new dwelling on Plot 5 is sited parallel to the cul-de-sac's driveway. It is 5.4 metres wide and 8.6 metres long, it provides two bedrooms. The front elevation is the eastern one that faces the west gable elevation of the three-storey Seabourne House. It will have two dormer windows at eaves level and two ground floor windows for the living room and kitchen. There is a panel fence between the two properties. There are three rooflights on the west elevation, within the roof space, this provides natural light for two bathrooms and the stairwell. A ground floor window is proposed on the north gable elevation i.e. towards Plot 1 and a living room door on the roadside or southern elevation. Two parking spaces will be provided to the north of the dwelling.

2. Policies

2.1 Hereford and Worcester County Structure Plan

Policy CTC.9	Development Requirements
Policy H16A	Housing in Rural Areas

2.2 South Herefordshire District Local Plan

Policy GD.1	General Development Criteria
Policy SH.8	New Housing Development Criteria in Larger Villages

2.3 Herefordshire UDP (Deposit Draft)

There are no policies that are considered to raise issues different from the current Development Plan policies.

3. Planning History

3.1	SW2000/2250/O	Construction of 4 dwellings with garages.	-	Approved 22.11.2000
	SW2001/0658/F	Means of access (to serve 4 dwellings)	-	Approved 05.06.2001
	SW2002/1785/RM	Erection of 4 dwellings with garages and private drive.	-	Approved 31.07.2002
	SW2003/3857/F	Alterations to approved layout at Plot 1 and addition of Plot 5, adding entrance gates and walls.	-	Refused 17.02.04

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 Madley Parish Council support the application.

5.2 One letter of objection has been received from Mr and Mrs G Wild, Seabourne House, Madley HR2 9PC. The following main points were raised:

- Plot directly overlooks both front and rear gardens as well as our kitchen window and bedroom windows on the second and third floor taking away our privacy
- 20% more traffic : house too close to main access point, danger for pedestrians and other motorists
- out of character, although of similar design lacks finesse of other Plots. Appears to be very cramped on the Plot.
- does not have a double garage, the norm for other Plots
- single storey positioned further back on Plot better
- also need to consider impact on Frogmore Plot

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 essentially relate to the erection of the two-bedroom dwelling, known as Plot 5, close to the entrance serving the cul-de-sac development. The re-siting of Plot 1 which has been carried out in order to facilitate the possibility of erecting a

further dwelling is acceptable. It does not impact upon either Frogmore Cottage or Seabourne House. The previous application was refused primarily for reasons of limited amenity area around Plot 5 and the erection of gates across the cul-de-sac entrance.

- 6.2 The new dwelling proposed is of a design that reflects the other much larger dwellings on the site, three of which have already been erected on site, this is in terms of the fenestration, facing materials and proportion including the roof pitch. There is considered to be sufficient space around the dwelling to provide sufficient amenity space for a two-bedroom dwelling. The dwelling has been sited further east, i.e. towards the driveway in order to achieve this, thus overcoming one of the reasons for refusal for a two-bedroom unit on this Plot in February 2004. The other reason for refusal was the erection of gates between Seabourne House and Plot 5, these gates have been removed from this current scheme.
- 6.3 It is not considered that in terms of increased traffic flow there are no reasonable grounds for withholding planning permission. The Head of Engineering and Transportation has not raised objections, the issue is the increased traffic utilising the existing access point approved onto the B4352 road. The two parking places serving Plot 5 is considered at 19.5 metres from the edge of the B4352 road to be sufficient distance.
- 6.4 The final issue relates to the loss of privacy to adjoining dwellings. The occupiers of Seabourne House state that overlooking would result from the two east facing bedroom windows proposed in the dwelling on Plot 5. There is considered to be sufficient distance at 14 metres building to building (i.e. Plot 5 to west gable of Seabourne House) for not unacceptable levels of overlooking to result. There are no first floor windows in the rear of this dwelling as it directly overlooks the garden area of Frogmore Cottage.

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 E18 (No new windows in specified elevation)

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

Informative(s):

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

Document is Restricted

