

A G E N D A

Southern Area Planning Sub- Committee

Date: **Wednesday, 18th June, 2003**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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Tel 01432 260248*

e-mail: pmartens@herefordshire.gov.uk

**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. ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN	
To note that, at the Annual Council meeting on 23 rd May, 2003 Councillor Mrs R.F. Lincoln was elected Chairman and Councillor P.G. Turpin was appointed Vice-Chairman of the Southern Area Planning Sub-Committee.	
2. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
3. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
4. MINUTES	5 - 24
To approve and sign the Minutes of the meeting held on 23 April, 2003.	
5. ITEM FOR INFORMATION - APPEALS	25 - 28
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.	
6. HEAD OF PLANNING SERVICES REPORT	29 - 108
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.	

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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SOUTHERN AREA PLANNING SUB-COMMITTEE

23 APRIL 2003

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 23 April 2003 at 2:00 p.m.

Present: Councillor Mrs. R.F. Lincoln (Chairman)
Councillor J.W. Edwards (Vice-Chairman)

Councillors: Mrs P.A. Andrews (ex-officio), A.J. Allen, M.R. Cunningham, N.J.J. Davies, Mrs. C.J. Davis, G.W. Davis, P.J. Edwards (ex-officio) A.G. Morgan, Mrs. C.C. Powell, Mrs E.M. Saunders, D.C. Taylor, Mrs. J.H. Thomas, J.B. Williams.

In attendance: Councillor PE Harling

The Chairman expressed her appreciation for the work of Members and officers during the past three years and for the clarity of reporting by the Ross Gazette. She was particularly sorry to be loosing Councillors Mrs CC Powell and Mrs JH Thomas who would be standing down at the forthcoming elections. The Sub-Committee expressed their appreciation for the fair-minded way in which the Chairman had chaired meetings of the Sub-Committee.

65. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

66. DECLARATIONS OF INTEREST

The following declarations of interest were made.

Councillor	Item	Interest
Mrs EM Saunders	Item 5, Ref 11 SE2002/3418/F – Continuation of use of land for siting of caravan. Cuckoos Patch, Hope Mansell, Nr Ross-on-Wye, Herefordshire.	Personal and left the meeting before the voting took place on this item.
JW Edwards	Item 5, Refs 2, 3 & 10 SE2003/0594/F – Demolition of redundant agricultural buildings and erection of indoor exercise pool with first floor games/entertainment room, ancillary to and linked to principal residence at The Grange, Aston Crews, Ross-on-Wye, Herefordshire, HR9 7LW.	Prejudicial and left the meeting for the duration of this item.

	SE2003/0595/L – Demolition of redundant agricultural buildings and erection of new exercise pool with first floor games/entertainment room at The Grange, Aston Crews, Ross-on-Wye, Herefordshire, HR9 7LW. SW2003/0590/F – Erection of 40 bedroom travel lodge, additional car parking and service areas and use of land and buildings for A3 purposes only (amended plans), Grafton Inn, Grafton, Hereford, HR2 8ED.	
Mr M Willmont, Southern Divisional Planning Officer	Item 5, Ref 10 SW2003/0590/F – Erection of 40 bedroom travel lodge, additional car parking and service areas and use of land and buildings for A3 purposes only (amended plans), Grafton Inn, Grafton, Hereford, HR2 8ED.	Personal and left the meeting for the duration of this item.

67. MINUTES

RESOLVED: That the Minutes of the meeting held on 26 March 2003 be approved as a correct record and signed by the Chairman.

68. PLANNING APPEALS

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

69. 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.

The meeting ended at 4.07 pm

CHAIRMAN

APPENDIX

DEFERRED
APPLICATION
MADLEY
SW2002/3591/O

Site for proposed agricultural/horticultural workers dwelling at:

DANMEK NURSERIES, MADLEY, HEREFORDSHIRE

For: Mr and Mrs Nellist per Mr D Forrest, 2 Broomy Hill, Hereford.
HR4 0LH

In accordance with the criteria for Public Speaking, Mrs H Cole of Madley Parish Council and Mr Nellist, the applicant, both spoke in favour of the application.

The Local Ward member, Councillor DC Taylor was in favour of the application because the applicant wished to erect a small house on the site in connection with the business to be on hand to deal with such matters as deliveries, winter power cuts and to deter theft. He was of the view that the application should be approved with suitable conditions under Policy PPG 7 which would tie the dwelling to agricultural/horticultural use as part of the business. The Sub-Committee shared his view and felt that there was sufficient flexibility within the Council's Planning Policies for permission to be granted. The Southern Divisional Planning Officer said that Officers were of the view that there was not a sufficient case for a house to be constructed in connection with the business and that the proposed dwelling in open countryside did not comply with the Council's Planning Policies. He said that there was plenty of scope for the applicant to obtain a dwelling near to the business in the village.

RESOLVED:

- That (i) **the Southern Area Planning Sub-Committee is minded to approve the application subject to the dwelling being tied to the land and business for an agricultural/horticultural workers dwelling use and any further 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;**
- (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

Under the Council's referral procedure, the Chief Planning Services Officer said that she would refer the application to the Head of Planning Services, given that there were crucial planning policy issues at stake.

Ref. 1

WALTERSTONE
SW2003/0575/F

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 at:

CWM FARM, WALTERSTONE, HEREFORDSHIRE, HR2 0DX

For: Mr & Mrs E Gittoes per Kent Jones & Done Churchill House, Regent Road, Stoke-on-Trent, ST1 3RQ

The receipt of 1 letter of objection, 25 letters of support, a letter from the Herefordshire Gardens Trust and a letter from the Committee for Architecture and the Built Environment was reported and the contents summarised.

In accordance with the criteria for public speaking, Mr S Fletcher, an objector, and Mrs D Palmer of Walterstone Parish Council spoke against the application. Mr G Anderson, the agent acting on behalf of the applicant spoke in favour of the application.

RESOLVED: That planning permission be refused for the following reason:

- 1. The development is contrary to Hereford and Worcester Structure Plan Policies H.16A, H.20, CTC.2 and CTC.6, and South Herefordshire District Local Plan Policies C.1, C.8, C.9 and SH.11. The proposal constitutes development in the open countryside, designated an Area of Great Landscape Value, without justification. The local planning authority do not consider that the development would significantly enhance its immediate setting and wider surroundings and there is considered to be no special justification for the development, taking into account Paragraph 3.21 in Planning Policy Guidance Note 7, such that an exception should be made to development plan policies**

Ref. 2 and Ref 3
ASTON CREWS
 SE2003/0594/F
 AND
 SE2003/0595/L

SE2003/0594/F - Demolition Of Redundant Agricultural Buildings And Erection Of Indoor Exercise Pool With First Floor Games/Entertainment Room, Ancillary To And Linked To Principal Residence; and

SE2003/0595/L - Demolition Of Redundant Agricultural Buildings And Erection Of New Exercise Pool With First Floor Games/Entertainment Room at:

**THE GRANGE, ASTON CREWS, ROSS on WYE,
 HEREFORDSHIRE, HR9 7LW**

For: Angus Jamieson per Jamieson Associates 30 Eign Gate
 Hereford HR4 OAB

The Southern Divisional Planning Officer reported that a letter had been received from the agent acting on behalf of the applicant indicating that he had deleted the proposed link between the dwelling and proposed building.

RESOLVED: That in respect of SE2002/0594/F planning permission be granted 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 C05 (Details of external joinery finishes)

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

5 C02 (Approval of details)

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

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.

That in respect of SE2002/0595/L listed building consent be issued subject to the following conditions and any additional conditions considered necessary by officers:

- 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 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 C05 (Details of external joinery finishes)**

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

- 5 C02 (Approval of details)**

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

Ref. 4
ROSS-ON-WYE
SE2002/3919/F

3-Storey Office Block And Associated Works at:

**HAIGH ENGINEERING CO LTD, ALTON ROAD, ROSS-ON-WYE,
HEREFORDSHIRE, HR9 5NG**

For: The Haigh Engineering Co. Ltd. per Geoff Jones Architect, 53
Broad Street, Ross on Wye, Herefordshire HR9 7DY

Councillor Mrs CJ Davis, the Local Ward Member had grave reservations about the application because of the proposed access from Alton Road and the considerable adverse impact that a large 3 storey office block was likely to have on adjoining 2 storey residential properties. The Southern Divisional Planning Officer pointed out that the proposed offices would be situated some 40 metres back from the road and that the application met all the relevant planning policies. Notwithstanding the views of the officers, the Sub-Committee shared the concerns of local residents and the Ward Member.

RESOLVED: That

- 1. The Southern Area Planning Sub-Committee is minded to refuse the application on the grounds of**

- (i) Traffic**
- (ii) Noise/air pollution/distance**
- (iii) Amenity**
- (iv) Visual impact**

(and subject to any further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the application to the Planning Committee;

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

Note

Under the Councils referral procedure, the Chief Planning Services Officer said that she would not refer the application to the Head of Planning Services.

Ref. 5
KINGSTHORNE
SW2003/0593/F

Erection of detached dormer bungalow with garage, building plot on land adjacent to:

WESTERLEY, KINGSTHORNE, HEREFORDSHIRE, HR2 8AL

For: Mr G Parker, Ty Helyg, 29 Willow Close, Newport, South Wales, NP19 4NQ

The receipt of a letter of support and a 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. **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. **B01 (Samples of external materials)**

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

4. **E18 (No new windows in specified elevation)**

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. **H01 (Single access - not footway)**

Reason: In the interests of highway safety.

8. **H03 (Visibility splays)**

Reason: In the interests of highway safety.

9. H05 (Access gates)

Reason: In the interests of highway safety.

10. H06 (Vehicular access construction)

Reason: In the interests of highway safety.

11. H10 (Parking - single house)

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

12. H12 (Parking and turning - single house)

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

13. 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.

Informatives

1. HN01 (Mud on highway)

2. HN04 (Private apparatus within highway)

3. HN05 (Works within the highway)

4. HN10 (No drainage to discharge to highway)

Ref. 6 & 7
HARDWICKE
 SW2003/0713/F
 AND
 SW2003/0710/F

Change of use from hotel (C1) to dwelling house; and

Change of use from holiday guest accommodation to on site educational unit for the children housed in the dwelling at:

**THE HAVEN, HARDWICKE, HAY-ON-WYE, HEREFORDSHIRE
 HR3 5TA**

For: Sedgemoor College Per Olorun Planning Partnership Ltd,
 107 High Street, Honiton, Devon, EX14 1PE

In accordance with the criteria for public speaking, Mrs M Denies of Clifford Parish Council spoke against the application. The receipt of 10 letters of objection and a further letter from the applicant was reported.

Councillor Mrs CJ Davis said that she was not in favour of the application because she thought that the remote rural location with limited amenities was totally unsuitable for young people who would mainly be used to an urban environment. She was also concerned that the police response time to the location would be at least 30 minutes if an incident arose which required their attention. Councillor NJJ Davis, the local Ward Member had similar concerns about the application which he felt was similar to one which had been recommended for refusal by the Sub-Committee at its meeting in December 2002. He also had concerns that care workers could not be on site on a permanent basis if they worked on a rota. He also said that there were a number of concerns from local residents, many of whom were elderly persons and who were fearful of the proposals.

RESOLVED:

1. **The Southern Area Planning Sub-Committee is minded to refuse the applications on the grounds that:**
 - (i) **this the wrong location for this type of house being too isolated**
 - (ii) **real fear of residents living in the vicinity**
 - (ii) **lack of policing due to the isolated location**

(and subject to any further reasons for refusal felt to be necessary by the Head of Planning Services), provided that the Head of Planning Services does not refer the application to the Planning Committee;
2. **if the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application subject to such reasons for refusal**

referred to above.

NOTE

Under the Council's referral procedure, the Chief Planning Services Officer said that she would refer the application to the Head of Planning Services

Ref. 8
LONGTOWN
SW2002/3814/F

Variation Of Conditions 3 & 5 Of Planning Permission SH93/0872PF And Conditions 4 & 9 Of Planning Permission SH97/0565PF, Also To Retain Additional Van Body And To Site Temporary Portacabin at:

SPRINGVALE, LONGTOWN, HEREFORD, HR2 0PB

For: Black Mountain Mineral Water Co. Ltd., Springvale, Longtown, Hereford, HR2 0PB

The receipt of a letter from the applicant and a letter from the applicant's agent was reported.

RESOLVED: That consideration of the application be deferred pending a site inspection on the grounds that:

- (a) the character or appearance of the development itself is a fundamental planning consideration;
 - (b) a judgement is required on visual impact;
- and
- (c) the setting and surroundings are fundamental to the determination or to the conditions being considered.

Ref. 9
LONGTOWN
SW2003/0113/F

Change of use of land and new vehicular access onto class III road, at:

SPRINGVALE, LONGTOWN, HEREFORD, HR2 0PB

For: Black Mountain Mineral Water Co. Ltd., Springvale, Longtown, Hereford, HR2 0PB

RESOLVED: That consideration of the application be deferred pending a site inspection on the grounds that:

- (a) the character or appearance of the development itself is a fundamental planning consideration;
 - (b) a judgement is required on visual impact;
- and

- (c) **the setting and surroundings are fundamental to the determination or to the conditions being considered.**

Ref. 10
GRAFTON
SW2003/0590/F

Erection of 40 bedroom travel lodge, additional car parking and service areas and use of land and buildings for A3 purposes only (Amended Plans), at:

GRAFTON INN, GRAFTON, HEREFORD, HEREFORDSHIRE, HR2 8ED

For: Barrington Inns Ltd. per TCP Ltd, PO Box 69, Ross-on-Wye, Herefordshire, HR9 7WG

RESOLVED: That consideration of the application be deferred pending a site inspection on the grounds that:

- (a) **the character or appearance of the development itself is a fundamental planning consideration;**
- (b) **a judgement is required on visual impact; and**
- (c) **the setting and surroundings are fundamental to the determination or to the conditions being considered.**

Ref. 11
HOPE MANSELL
SE2002/3418/F

Continuation of use of land for siting of caravan at:

CUCKOOS PATCH, HOPE MANSELL, NR ROSS-ON-WYE, HEREFORDSHIRE

For: Mr & Mrs A Haile per Paul Smith Associates, Chase View House, Merrivale Road, Ross-on-Wye, Herefordshire, HR9 5JX

The Principal Planning Officer reported that the Weston Under Penyard Parish Council had no objection to the application. In accordance with the criteria for public speaking, Mrs Dubberly and Mr Mummery spoke against the application. Councillor Mrs EM Saunders, the Local Ward Member spoke in favour of the application before withdrawing from the meeting prior to the vote being taken.

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

- 1 The use of this land as a site for a caravan shall be for a period expiring on 30th April 2008 and the occupation of the caravan shall be limited to Mr and Mrs A Haile only and any dependent children living with them. On the expiry of this period or the cessation of occupation by Mr and Mrs A Haile, whichever is the sooner, the use shall cease and the caravan and all other structures shall be removed from the land.**

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicants' special circumstances.

- 2 No more than one caravan shall be sited on the application site.**

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

Informative Note

The applicants are reminded that any further caravan, building or structure on the site or enlargement of the site would require planning permission.

Councillors NJJ Davies and Mrs JH Thomas abstained from the voting on this application.

Ref. 12
SELLACK
SE2003/0754/F

Amendments to existing scheme for new underground garage/rumpus room with natural swimming pools and sauna at:

LAWLESS HILL COTTAGE, SELLACK, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6QP

For: Mr K Meehan per Malcolm Harrison & Associates, Newcastle Farmhouse, Orcop Hill, Herefordshire, HR2 8SF

RESOLVED: That consideration of the application be deferred pending a site inspection on the grounds that:

- (a) the character or appearance of the development itself is a fundamental planning consideration;
 - (b) a judgement is required on visual impact;
- and**
- (c) the setting and surroundings are fundamental to the determination or to the conditions being considered.

Ref. 13 & 14
MUCH BIRCH
SE2002/3800/F
AND
SE2002/3809/L

SE2002/3800/F - Renovation of traditional buildings/barns to form 3 units of residential accommodation land and buildings; and

SE2002/3809/L – Renovation of listed buildings/barns to residential uses (3 units) at:

PENNY PITT FARM, MUCH BIRCH, HEREFORDSHIRE, HR2 8HZ

For: Mr & Mrs S.B. Goodwin per TCP Ltd, PO Box 69, Ross-on-Wye, Herefordshire, HR9 7WG

The receipt of 2 letters of objection and 1 letter in support of the application was reported.

In accordance with the criteria for public speaking, Mr O Kendrick, the agent acting on behalf of the applicant spoke in favour of the application.

RESOLVED: That

In respect of SE2002/3800/F subject to the submission of acceptable amended drawings 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 G04 (Landscaping scheme (general))

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

4 G05 (Implementation of landscaping scheme (general))

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

5 G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

6 H01 (Single access - not footway)

Reason: In the interests of highway safety.

7 H03 (Visibility splays)

Reason: In the interests of highway safety.

8 H05 (Access gates)

Reason: In the interests of highway safety.

9 H06 (Vehicular access construction)

Reason: In the interests of highway safety.

10 H10 (Parking - single house)

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

11 H12 (Parking and turning - single house)

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

12 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.

13 H27 (Parking for site operatives)

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

Informative Notes

1 HN01 - Mud on highway

2 HN04 - Private apparatus within highway

3 HN05 - Works within the highway

In respect of SE2002/3800/F

That subject to the submission of acceptable amended drawings the officers named in the Scheme of Delegation to officers be authorised to issue listed building consent subject to the following conditions and any additional conditions considered necessary by officers:

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 G04 (Landscaping scheme (general))

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

4 G05 (Implementation of landscaping scheme (general))

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

5 G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

Ref. 15
**WESTON-UNDER-
PENYARD**
SE2003/0689/F

Residential development, including new access roads, for 19 dwellings at:

LAND ADJOINING UPPER WESTON, WESTON-UNDER-PENYARD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7NY

For: Craig Thorpe Limited per Evans Jones Housing, 6 St George's Terrace, St James Square, Cheltenham, Gloucestershire, GL50 3PR

The receipt of 3 letters of objection was reported. The Principal Planning Officer said that a letter had been received from the applicant stating that a sewer would be requisitioned for foul drainage. Storm water would be dealt with through improved mains with balancing storage tanks on the site to deal with adverse weather conditions.

In accordance with the criteria for public speaking Mrs Rees and General Sir Thomas Pearson spoke against the application.

Councillor Mrs EM Saunders, the local Ward Member had concerns about highway safety issues and potential flooding problems and said that the officers needed to be satisfied about the arrangements proposed for dealing with surface water drainage. She was also concerned about the fact that 5-bedroomed houses were proposed on plots 17 and 19 which would over-look the existing adjoining properties.

The Southern Divisional Planning Officer said that the points of concern which had been raised were being investigated by officers and that matters relating to foul and surface water drainage had nearly been resolved. Agreement could be reached with the applicant about situating bungalows on plots 17 and 19, thereby overcoming the concerns of residents of the existing adjoining properties and also the local Ward Member. He said that if the officers failed to reach agreement on all the points raised then the matter could be referred back to the Sub-Committee.

RESOLVED: That Subject to being satisfied regarding revised drawings of layout, drainage and design, including bungalows on plots 17 and 19 and any other conditions considered appropriate.

- 1) The County Secretary and Solicitor be authorised to vary the planning obligation already drafted 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 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 G04 (Landscaping scheme (general))
Reason: In order to protect the visual amenities of the area.
 - 4 G05 (Implementation of landscaping scheme (general))
Reason: In order to protect the visual amenities of the area.
 - 5 G01 (Details of boundary treatments)
Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
 - 6 D01 (Site investigation - archaeology)
Reason: To ensure the archaeological interest of the site is recorded.
 - 7 E16 (Removal of permitted development rights)
Reason: To ensure that these units remain low-cost and affordable.
 - 8 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.
 - 9 F18 (Scheme of foul drainage disposal)
Reason: In order to ensure that satisfactory drainage arrangements are provided.

- 10 The development shall not be brought into use until the highway works in the form shown on drawing number 10092/02, titled Proposed Housing Layout, Land adjoining Upper Weston, Weston under Penyard, Herefordshire and dated February 2003 has been certified as being complete by the Local Planning Authority in consultation with the Highways Agency.

Reason: To enable the A40 Trunk Road to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety on the Trunk Road.

- 11 H06 (Vehicular access construction)

Reason: In the interests of highway safety.

- 12 H09 (Driveway gradient)

Reason: In the interests of highway safety.

- 13 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.

- 14 Development shall not begin until details of the access and parking area for construction traffic and site operatives have been submitted to and approved in writing by the local planning authority and the access and parking area have been provided in accordance with the approved details. This provision shall be retained and kept available during construction of the development.

Reason: In the interests of highway safety.

- 15 H21 (Wheel washing)

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

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED

Application No. SW2003/0575/F

- The appeal was received on 7th May 2003
- 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 E Gittoes
- The site is located at Cwm Farm, Walterstone, Herefordshire, HR2 0DX
- The development proposed is 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 appeal is to be heard by Inquiry

Case Officer: Mr M Willmont on 01432 260612

Application No. SW2002/3826/O

- The appeal was received on 23rd May 2003
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Non-determination
- The appeal is brought by C N A Stanford FRICS
- The site is located at Part of grounds of The Graftonbury Garden Hotel, Grafton Lane, Hereford, HR2 8BN.
- The development proposed is Site for specialist residential accommodation for people over 55. (existing hotel use to be retained).
- The appeal is to be heard by Inquiry

Case Officer: Mr Andrew Prior 01432 261932

APPEALS DETERMINED

Application No. SW2002/1675/O

- The appeal was received on 8th January 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 D W Watkins
- The site is located at Caeflwyn Workshop, Ewyas Harold, Hereford, HR2 0JD
- The application, dated 19th May 2002 was refused on 31st July 2002
- The development proposed was site for new bungalow after demolition of existing industrial building.
- The main issue is the effect of the proposed development on the character and appearance of the surrounding rural area

Decision: The appeal was **Dismissed** on 11th April, 2003

Case Officer: Mrs Angela Tyler 01432 260372

Application No. SW2002/1469/F

- The appeal was received on 9th December 2002
- 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 Hoare
- The site is located at Trolway Barn, Garway, Herefordshire, HR2 8QQ.
- The application, dated 15th May, 2003, was refused on 11th July, 2003
- The development proposed was Porch and detached garage with first floor room.
- The main issue is the effect on the character and appearance of the area

Decision: The appeal was **Dismissed** on 23rd April, 2003

Case Officer: Mr Nigel Banning on 01432 261974

Application No. SE2002/0104/F

- The appeal was received on 23rd September 2002
- 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 Collier & Brain Ltd
- The site is located at Arundel Close, Ross Court, Ross-on-Wye, Herefordshire, HR9 7BD.
- The application, dated 14th January, 2003, was refused on 12th March, 2003
- The development proposed was Construction of 1 No. single storey dwelling unit.
- There are 2 main issues in this appeal. The first is whether there would be a material loss of open space in the area. The second is the effect the proposed development would have on the character and appearance of the area.

Decision: The appeal was **Dismissed** on 29th April, 2003

Case Officer: Mrs Charlotte Atkins on 01432 260536

Enforcement Notice Reference No.EN2002/027/ZZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Jacinta Birchley against an enforcement notice issued by Herefordshire District Council.
- The site is Shark House Farm, Clehonger, Herefordshire, HR2 9TE.
- The notice was issued on 25 September 2002.
- The breach of planning control as alleged in the notice is the change of use of the land from that of fields to its being used firstly for the unauthorised siting of a mobile home for use as a human habitation and secondly the unauthorised siting of a portacabin.
- The requirements of the notice are to stop using the land for siting either the mobile home, the portacabin or replacing either or both with any other similar structure or structures.
- The period for compliance with the requirements is 3 months to stop using the land for the siting of the mobile home and 2 months to stop using it for the siting of the portacabin.
- The appeal is proceeding on the grounds set out in sections 174(2)(a), (b) and (c) of the 1990 Act.

Decision: The appeal was **ALLOWED** and planning permission granted for the stationing of the twin unit mobile home subject to conditions relating to a 12 month permission and restriction on occupation

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

Case Officer: Mr Nigel Banning on 01432 261974

Application No. SE2002/1801/F

- The appeal was received on 21st January 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 Scottford
- The site is located at Stepps Cottage, Ganarew, Monmouth, NP25 3SS
- The application, dated 15h June 2002 , was refused on 12th August 2002
- The development proposed was Proposed conservatory extension onto front of an existing cottage.

Decision: The appeal was **Dismissed** on 6th May 2003

Case Officer: Mrs Angela Tyler 01432 260372

Application No. SW2002/1714/F

- The appeal was received on 22nd January 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 P Jackson
- The site is located at Haie Barn, The Bage, Dorstone, HR3 5SU
- The application, dated 7th June, 2002, was refused on 29th July, 2002
- The development proposed was Proposed 'lean to' boot room/drying area
- The main issue is the effect of the proposal on the character and appearance of the area

Decision: The appeal was **Dismissed** on 7th May, 2003

Case Officer: Mr Nigel Banning on 01432 261974

Application No. SE2002/1978/F

- The appeal was received on 9th October 2002
- 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 L Cork
- The site is located at Edge Meadow House, Harewood End, Herefordshire.
- The application, dated 2nd July 2002, was refused on 22nd August 2002
- The development proposed was Removal of a limitation contained in the description of the development for which planning permission was granted on 21st December 1989 (South Herefordshire District Council Ref: SH890571PO), specifying the exclusive use of the dwelling then permitted to the owner of Harewood End Inn.

Decision: The appeal was **WITHDRAWN** on 16th May 2003

Case Officer: Mrs Charlotte Atkins 01432 260536

Application No. EN2002/053/ZZ

Site at Norton House, Whitchurch, Herefordshire

Decision: The appeal was **WITHDRAWN** on 13th May 2003

SOUTHERN AREA PLANNING SUB-COMMITTEE

18TH JUNE 2003

Case Officer: Mrs Charlotte Atkins 01432 260536

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

18TH JUNE, 2003

DEFERRED APPLICATIONS

REF No.	APPLICANT	PROPOSAL AND SITE	APPLICATION NO.	PAGE NO.
A	Black Mountain Mineral Water Co. Ltd.	Change of use of land and new vehicular access onto Class III road, Springvale, Longtown	SW2003/0113/F	27 - 34
B	Black Mountain Mineral Water Co. Ltd.	Variation of Conditions 3 and 5 of planning permission SH93/0872PF and Conditions 4 and 9 of planning permission SH97/0565/F, also to retain additional van body and to site temporary portacabin, Springvale Longtown	SW2002/3814/F	35 - 44
C	Mr. K. Meehan	Amendments to existing scheme for new underground garage/rumpus room with natural swimming pools and sauna, Lawless Hill Cottage, Sellack, Ross-on-Wye	SE2003/0754/F	45 - 50

APPLICATIONS RECEIVED

REF No.	APPLICANT	PROPOSAL AND SITE	APPLICATION NO.	PAGE NO.
1	Mr. J. Menton	Erection of two storey, three bedroomed dwelling with double garage, rear of Madley Store & P.O., Madley	SW2003/0774/F	51 - 53
2	Mr. B. Davies	Single storey extension to rear of garage, West View, Lea, Ross-on-Wye	SE2003/1225/F	54 - 56

3	Mr. P. Crapper	Proposed detached dwelling and garage/store, land at Thornbury Cottage, Allensmore	SW2003/0898/RM	57 - 59
4	Chicory Crops Ltd.	Proposed apple storage building, Phocle Green, Herefordshire	SE2003/0968/F	60 - 63
5	Mr. & Mrs. Flemming	Ground floor extension, various alterations, Shark House Barn, Clehonger	SW2003/0761/F	64 - 66
6	Mr. & Mrs. P. Powles	Site for the erection of eight dwellings, Commercial Yard, Pontshill, Nr. Ross-on-Wye	SE2003/0801/O	67 - 71
7	Ms. M. Roberts	To site a 10m x 6m timber clad demountable building within the grounds of Much Birch Primary School for the purpose of providing before and after school care and a nursery class, 8.15a.m. - 5.45p.m., to include 2 car parking spaces at The Old School House, Much Birch CP School, Much Birch	SW2003/0766/F	72 - 75
8	Mr. & Mrs. G. Watkins	Removal of agricultural occupation restriction (Condition 2) of plng. permission SH901391PF, Crickadarn, Thruxton	SW2003/0886/F	76 - 79
9	D. Boynton & Sons	Relocation of dairy unit from Vine Tree Farm to Arbour Hill Farm (Renewal of planning permission SH970699PF), Arbour Hill Farm, Lincoln Hill, Ross-on-Wye	SE2003/0841/F	80 - 85
10	Mr. R. Goodwin	Conversion of agricultural buildings to one house with residential annexe and erection of one house, Great House Farm, Dorstone	SW2003/0995/F	86 - 92
11	Mr. R. Goodwin	Listed building application in respect of the above	SW2003/0997/L	86 - 92

12 Casepress Ltd.

Proposed semi-detached two
storey dwelling, corner site
Henry Street and Croft Lane,
Ross-on-Wye

SE2003/1275/F

93 - 96

SITE VISIT

A SW2002/3814/F - VARIATION OF CONDITIONS 3 & 5 OF PLANNING PERMISSION SH93/0872PF AND CONDITIONS 4 & 9 OF PLANNING PERMISSION SH97/0565PF, ALSO TO RETAIN ADDITIONAL VAN BODY AND TO SITE TEMPORARY PORTACABIN AT SPRINGVALE, LONGTOWN, HEREFORD, HR2 0PB

**For: Black Mountain Mineral Water Co. Ltd.,
Springvale, Longtown, Hereford, HR2 0PB**

Date Received: 19th December 2002 Ward: Golden Valley South Grid Ref: 3250 2651
Local Member: Councillor J B Williams

1. Site Description and Proposal

1.1 Determination of this application was deferred by the Southern Area Planning Sub-Committee on 23rd April 2003 so that a site visit could be undertaken which subsequently occurred on 16th June 2003. The previous report to Committee is included as an Appendix.

2. Representations

2.1 Since the original report was written the applicants have submitted an additional letter of support/explanation, which essentially expands on the case originally submitted and set out in the previous report to Committee. The main additional points being:

- Rapid growth of company due to demand for water. The extension of hours is to accommodate deliveries out by haulage companies.
- Main core of business is refilling bottles for water cooler companies throughout the UK. The water must be delivered before these companies commence their daily deliveries.
- Most of these companies do not own an abundance of bottles and therefore applicants have to wait for the empty bottles to be returned to be refilled which can cause problems.
- The lorries must depart the bottling plant at least 4 hours before 7.00am to reach destination at that time.
- Increase of staff requiring the provision of the rest room facilities under regulations. The temporary portacabin will provide this facility.
- Have to bottle at source.
- Before company was started the Directors were involved locally in agriculture.
- Intend to blend building naturally with surrounding countryside.

2.2 Since the original report was written two further letters of objection have been received, one from Mr J White, Glan Monnow, Clodock, Longtown and one from RPS (Planning Consultants) on behalf of Mr and Mrs White. The main additional points being:

SITE VISIT

- The plant was open from 10.00 am to 5.00 pm on Sunday 11th May 2003 when lorries were being loaded. Work on Sundays has occurred before.
- The overnight movements of vehicles cannot be controlled by a condition or sound attenuation. The 24-hour operation will adversely affect the neighbours and as such would be contrary to Policy ED.5. Nothing to suggest in Development Plan that this policy should be overridden.
- Having stated that the van/lorry bodies are unacceptable it is inconceivable that a temporary permission should be recommended. Proposed clearly contrary to Policy ED.5.
- Recommended conditions are inadequate and make no attempt to restrict or control operations or noise.

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.

3. Officer's Appraisal

- 3.1 The contents of the representations set out in section 2 have been fully considered and taken into account. However it is considered that these representations do not introduce any significantly new information/details which would result in the previous recommendation to Committee being altered or amended in any way.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **The portacabin hereby permitted shall be permanently removed from the site on or before 30th April, 2006.**

Reason: The local planning authority would not be prepared to permit the siting of such a structure in this rural location other than on a temporary basis in the interests of the visual amenity of the area.

2. **The hours during which working may take place on Saturdays shall be restricted to 8.00 am to 4.00 pm. There shall be no such working on Sundays, Bank or Public Holidays.**

Reason: To safeguard the amenities of the locality.

3. **The two existing van bodies/lorry trailers sited within the curtilage of the premises shall be permanently removed from the site on or before 30th April, 2006.**

Reason: The local planning authority would not be prepared to permit the continued siting of these structures in this rural location other than on a temporary basis in the interests of the visual amenity of the area.

4. **No amplified or other music shall be played in the premises which is audible outside of the original building and any permitted extension.**

Reason: In order to protect the amenity of occupiers of nearby properties.

SITE VISIT

Decision:

Notes:

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8 SW2002/3814/F - VARIATION OF CONDITIONS 3 & 5 OF PLANNING PERMISSION SH93/0872PF AND CONDITIONS 4 & 9 OF PLANNING PERMISSION SH97/0565PF, ALSO TO RETAIN ADDITIONAL VAN BODY AND TO SITE TEMPORARY PORTACABIN AT SPRINGVALE, LONGTOWN, HEREFORD, HR2 0PB

**For: Black Mountain Mineral Water Co. Ltd.,
Springvale, Longtown, Hereford, HR2 0PB**

Date Received: 19th December 2002 Ward: Merbach Grid Ref: 3250 2651
Local Member: Councillor N. J. J. Davies

1. Site Description and Proposal

- 1.1 This site is located approximately half a mile to the south of Clodock and flanks the western side of the C1205 Class III road which runs southwards out of Clodock.
- 1.2 The site itself constitutes a small triangular area of land with an existing water bottling business on it. There is a wooden building on site with a larger metal clad extension at the rear. There is an existing vehicular access onto the Class III road. There are also two van/lorry trailers at the rear of the building.
- 1.3 The site also includes part of an adjoining field which has recently been surfaced with stone and used as a car park. A second vehicular access to the site at its south eastern end onto the Class III road was recently formed. This is the subject of application SW2003/0113/F.
- 1.4 This application is for the variation of conditions on the two previous planning permissions which permitted the two buildings on the triangular site, i.e. SH930872PF and SH970565PF, to increase the hours of operation from 8.00 a.m. to 6.00 p.m. Mondays to Fridays and 8.00 a.m. to 1.00 p.m. Saturdays (no work Sundays and Public Holidays) to 24 hours Monday to Friday and 8.00 a.m. to 4.00 p.m. Saturdays and to retain existing van/lorry body on site. The application also involves the retention of an additional van body/lorry trailer used for storage and the proposed siting of a temporary portacabin for staff refreshments/mess facilities.

2. Policies

2.1 Hereford and Worcester County Structure Plan

Policy CTC.2	-	Areas of Great Landscape Value
Policy CTC.9	-	Development Requirements
Policy E.6	-	Industrial Development in Rural Areas
Policy E.8	-	Industrial Development in Rural Areas
Policy E.9	-	Industrial Development in Rural Areas

APPENDIX

2.2 South Herefordshire District Local Plan

Policy GD.1	-	General Development Criteria
Policy C.1	-	Development within the Open Countryside
Policy C.8	-	Development within Area of Great Landscape Value
Policy ED.3	-	Employment Proposals within/adjacent to Settlements
Policy ED.5	-	Expansion of Existing Businesses
Policy ED.6	-	Employment in the Countryside
Policy T.3	-	Highway Safety Requirements
Policy T.4	-	Highway and Car Parking Standards

2.3 Herefordshire Unitary Development Plan

Policy DR.1	-	Design
Policy DR.3	-	Movement
Policy DR.4	-	Environment
Policy E.6	-	Expansion of Existing Businesses
Policy E.11	-	Employment in the Countryside
Policy T.11	-	Parking Provision
Policy LA.6	-	Landscaping Schemes
Policy T.9	-	Road Freight

3. Planning History

3.1	SH930872PF	Erection of building for bottling natural mineral water	-	Approved 06.12.93
	SH970565PF	Steel portal framed building for the storage of empty water bottles, etc.	-	Approved 09.07.97
	SW2003/01113/F	Change of use of land and new vehicular access onto Class III road	-	Not yet determined

4. Consultation Summary

4.1 The Parish Council observe:

"Condition 3 - hours of work

Can a trial period of 6 months be imposed. With the restriction for consideration of neighbours and environment that noise levels in factory be restricted as far as possible between the hours of 12 midnight and 6 a.m., e.g. radio. Suitable native trees, shrubs could be used as screening on southern boundary.

Condition 5 - use of van bodies

Review in 6 months.

Application for temporary portacabin - no objection."

APPENDIX

4.2 Head of Engineering and Transportation, response from Transportation Manager: no objection to the grant of permission.

4.3 The Environmental Health Officer observes:

- no objections to the temporary portacabin nor the retention of the two van bodies
- relating to the proposed hours of work, a noise attenuation report should be submitted prior to approval to ensure that noise levels fall within limitations of BS4142: 1997.
- details of any floodlighting/external lighting should be to approval.
- details of external cowls, louvres or other shields to be fitted to lighting should be to approval.

5. Representations

5.1 The applicants have submitted a letter of support. The main points being:

- vary hours of work to 24 hours Monday to Friday and 8.00 a.m. to 4.00 p.m. Saturdays. These hours are not solely for production but to accommodate deliveries out by haulage companies to places such as London, Cambridge and Jersey
- need to retain the two van bodies due to rapid business expansion, storage space is at a premium and these van bodies are essential on a temporary basis
- the temporary portacabin is for refreshments/relaxation area for staff in accordance with Health and Safety, Food Hygiene and the Bottled Water Cooler Association.

5.2 Four letters of objection have been received.

Three from Mr. J. & Mrs. D. White, Glan Monnow, Clodock, Longtown and one from RPS (Planning Consultants) on behalf of Mr. & Mrs. White

The main points being:

- unacceptable for hours of work to be extended to 24 hours Monday to Friday and all day Saturday. The existing hours should be sufficient
- last summer the plant was open most weekday evenings and Sunday afternoons which causes disturbance. A number of occasions been woken up by lorries in early hours of morning
- continual breach of planning conditions
- the imposition of conditions followed Government guidance set out in Circular 11/95 to ensure operations respected the quiet rural character of the area. Consent would not have been given without these conditions
- there is a need for these conditions to be imposed at the time and more so at the present by the increased operations at the site
- Council policies have remained strong to protect amenity and those contained in the South Herefordshire District Local Plan and emerging Herefordshire District Plan reflect this
- site within designated Area of Great Landscape Value
- any relaxation of these conditions will have negative impact on the residential amenities of the neighbours

APPENDIX

- conditions were attached to the permissions for the removal of the van body. The new buildings were intended to replace the unsightly van body and the retention of the two van bodies would represent a wholly inappropriate form of development in a protected area and would conflict with planning policies
- the two van bodies were moved from the front to the rear of the buildings last summer after the new shed was erected in April. New shed was to accommodate all pallets and containers. Storage outside has increased since shed was erected
- the temporary portacabin judging from previous experience seems unlikely to be temporary
- no indication given to why a temporary period is sought or for what time period. No permanent solution put forward
- necessary to assess merits of a portacabin on the site permanently. A portacabin would be an inappropriate form of development in this sensitive area
- if business needs to expand then it should relocate elsewhere
- the proposals are contrary to planning policies
- the directors of the company do not live on site so their residential amenities are unaffected
- lorries loading/unloading at the site have recently occurred on several occasions on a Sunday
- open doors in fine weather and play radio very loudly which can be heard in objector's garden
- employees use back field to play sports during work breaks.

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 situated in the countryside with fields around it. There is an existing dwelling immediately to the south of the site.
- 6.2 Policy ED.5 of the Local Plan encourages expansion of existing businesses provided it satisfies the criteria of Policy ED.3, i.e. has no adverse effects on amenity value of the surrounding area and has a suitable access. This local business for the bottling of natural spring water is a small enterprise which provides employment in the area. The business cannot move elsewhere as it is restricted to being near to the source of the water.
- 6.3 The applicants state that they require the 24 hour working period during the week to enable them to transport water across country to their regular customers by morning, i.e. 7.00 a.m. The day to day bottling operations etc, at the site would not carry on during the night. However it is the loading of the lorries and their departure from the site which is required during the night. Whilst it is appreciated that this could cause a disturbance to the adjacent dwelling, it is nevertheless a requirement for the successful operation of the business.
- 6.4 The positioning of the van/lorry bodies is not acceptable from a visual amenity point of view and should be removed. However the applicants need the van bodies for storage of water bottles. They would prefer to have an extension to the building to replace the van bodies and would hope to undertake this in a few years time subject to permission.

APPENDIX

Provided the building is extended at that time then it is considered that allowing the van bodies to remain in the meantime, although not desirable, would not be unacceptable.

- 6.5 The siting of the proposed portacabin for staff refreshments at the north eastern corner of the building is considered to be acceptable as a temporary measure.
- 6.6 The acceptance of these proposals is not an ideal solution to the situation due to the problems encountered by the neighbours. However the rejection of the application could result in the existing expanding local enterprise being unable to develop to its potential. In view of this the Committee may wish to formally inspect the application site before making a decision.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. **The portacabin hereby permitted shall be permanently removed from the site on or before 30th April, 2006.**

Reason: The local planning authority would not be prepared to permit the siting of such a structure in this rural location other than on a temporary basis in the interests of the visual amenity of the area.

- 2. **The hours during which working may take place on Saturdays shall be restricted to 8.00 am to 4.00 pm. There shall be no such working on Sundays, Bank or Public Holidays.**

Reason: To safeguard the amenities of the locality.

- 3. **The two existing van bodies/lorry trailers sited within the curtilage of the premises shall be permanently removed from the site on or before 30th April, 2006.**

Reason: The local planning authority would not be prepared to permit the continued siting of these structures in this rural location other than on a temporary basis in the interests of the visual amenity of the area.

- 5. **No amplified or other music shall be played in the premises which is audible outside of the building, i.e. the original building and its extension.**

Reason: In order to protect the amenity of occupiers of nearby properties.

Decision:

Notes:

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SITE VISIT**B SW2003/0113/F - CHANGE OF USE OF LAND AND NEW VEHICULAR ACCESS ONTO CLASS III ROAD, SPRINGVALE, LONGTOWN, HEREFORD, HR2 0PB****For: Black Mountain Mineral Water Co. Ltd.,
Springvale, Longtown, Hereford, HR2 0PB**

Date Received: 16th January 2003 Ward: Golden Valley South Grid Ref: 3251 2654
Local Member: Councillor J B Williams

1. Site Description and Proposal

- 1.1 Determination of this application was deferred by the Southern Area Planning Sub-Committee on 23rd April 2003 so that a site visit could be undertaken which subsequently occurred on 16th June 2003. The previous report to Committee is included as an Appendix.

2. Representations

- 2.1 Since the original report was written the applicants have submitted an additional letter of support/explanation which essentially expands on the case originally submitted and set out in the previous report to Committee. The main additional points being:

- The accelerated growth of the company and demand for water contributed to the need for the additional parking area.
- Have made a conscious effort to have hub of production at furthest point away from neighbours property (100 metres).
- The new entrance has made this stretch of the class III road less dark and improved length of vision for road users and provided two "pull-ins" for passing vehicles.
- The splay of the new entrance is 19 metres. The distance from the corner of adjacent cottage to centre of new entrance is 17 metres. There is a total of 51 metres from the adjacent cottage entrance to the new vehicle entrance.

- 2.2 Since the original report was written two further letters of objection have been received, one from Mr J White, Glan Monnow, Clodock, Longtown and one from RPS (Planning Consultants) on behalf of Mr and Mrs White. The main additional points being:

- The plant was open from 10.00 am to 5.00 pm on Sunday 11th May 2003. During this time a bulldozer was used to clear up debris around the new parking area.
- Could Planning Sub-Committee during their site visit come and look at situation from objectors side and back garden?
- The premises has doubled in size.
- Affects amenity of neighbours property and is contrary to Policy ED.5.
- The new access has resulted in loss of hedgeline to the detriment of the locality.

SITE VISIT

- The new access is not substandard but it is debatable if the new access would be there if the Council had not created it.
- The required visibility in each direction cannot be achieved and therefore is a hazard to highway safety.
- Access causes disturbance to neighbours.
- Everything in the report to Committee clearly points to the unacceptability of the proposal and as such should be refused.
- No adequate conditions are recommended to mitigate impact of the proposed development especially its use late at night.
- No policy reasons why the application should be approved. The success of the business is acknowledged to be important but it should not override planning policies. The application should be refused and an alternative solution found.

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.

3. Officer's Appraisal

- 3.1 The contents of the representations set out in section 2 have been fully considered and taken into account. However it is considered that these representations do not introduce any significantly new information/details which would result in the previous recommendation to Committee being altered or amended in any way.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. A07 (Development in accordance with approved plans)

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

2. The use of land hereby approved shall be used solely for purposes ancillary with the water bottling business on site and for no other purposes whatsoever.

Reason: The local planning authority wish to control the specific use of the land in the interests of local amenity.

3. There shall be no storage of pallets, bottles or other containers on the land comprising the curtilage of the premises without the prior written approval of the local planning authority.

Reason: In order to protect the visual amenities of the surrounding countryside designated as an Area of Great Landscape Value.

4. G04 (Landscaping scheme (general))

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

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

SITE VISIT

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

6. The junction of the new access driveway with the public highway shall have a kerb radius of at least 4 metres.

Reason: In the interests of highway safety.

7. The three existing tree stumps on the south side of the new access corner shall be removed unless otherwise first agreed in writing by the local planning authority.

Reason: In the interests of highway safety.

8. H05 (Access gates)

Reason: In the interests of highway safety.

9. The new access should be used for incoming vehicles only. The existing access (northern end) should be used for exiting vehicles.

Reason: In the interests of highway safety.

10. A signage scheme relating to condition No. 9 shall be submitted for approval by the local planning authority and implemented on site within 6 months of the date of this permission.

Reason: In the interests of highway safety.

11. The visibility splay at the existing exit access (northern end) must be maintained. Any new fencing must not obstruct the existing visibility at all times hereafter.

Reason: In the interests of highway safety.

12. The new vehicular access shall have a sealed surface, and it shall remain unobstructed at all times.

Reason: In the interests of highway safety.

13. Details of any floodlighting/external lighting proposed to illuminate the development should be submitted to and approved in writing by the local planning authority prior to their erection. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

Reason: To safeguard local amenities.

14. Details of external cowls, louvres or other shields to be fitted to the floodlights to reduce light pollution shall be submitted to and agreed in writing with the local planning authority prior to their erection.

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

SITE VISIT

- 15. The whole of the works required by conditions 6 to 12 must be fully completed within 6 months of the date of this permission unless otherwise first agreed in writing by the local planning authority.

Reason: In the interests of highway safety.

Informatives

- 1. HN01 - Mud on highway
- 2. HN05 - Works within the highway
- 3. HN10 - No drainage to discharge to highway

Decision:

Notes:

9 SW2003/0113/F - CHANGE OF USE OF LAND AND NEW VEHICULAR ACCESS ONTO CLASS III ROAD, SPRINGVALE, LONGTOWN, HEREFORD, HR2 0PB

**For: Black Mountain Mineral Water Co. Ltd.,
Springvale, Longtown, Hereford, HR2 0PB**

Date Received: 16th January 2003 Ward: Merbach Grid Ref: 3251 2654

Local Member: Councillor N. J. J. Davies

1. Site Description and Proposal

- 1.1 This site is located approximately half a mile to the south of Clodock and flanks the western side of the C1205 Class III road which runs southwards out of Clodock.
- 1.2 The site constitutes part of a field adjacent to a triangular area of land with an existing building on it used by the applicants for their water bottling business. A car parking area has already been formed in the field which effectively forms an extension to the parking area around the existing building. The new parking area is hard surfaced with loose stone. A new vehicular access onto the Class III road at the south eastern corner of the site has also been created.
- 1.3 This application is therefore retrospective for the retention of the vehicular access, the change of use of the land to form an extension to the water bottling business and the formation of a hard surfaced parking area on the said land.
- 1.4 There is an existing dwelling immediately to the south of the site with fields to the rear. The site is in an open countryside location in a designated Area of Great Landscape Value.

2. Policies

2.1 Hereford and Worcester County Structure Plan

- | | | |
|--------------|---|---------------------------------------|
| Policy CTC.2 | - | Areas of Great Landscape Value |
| Policy CTC.9 | - | Development Requirements |
| Policy E.6 | - | Industrial Development in Rural Areas |
| Policy E.8 | - | Industrial Development in Rural Areas |
| Policy E.9 | - | Industrial Development in Rural Areas |

2.2 South Herefordshire District Local Plan

- | | | |
|-------------|---|-----------------------------------------------------|
| Policy GD.1 | - | General Development Criteria |
| Policy C.1 | - | Development within the Open Countryside |
| Policy C.8 | - | Development within Area of Great Landscape Value |
| Policy ED.3 | - | Employment Proposals within/adjacent to Settlements |
| Policy ED.5 | - | Expansion of Existing Businesses |
| Policy ED.6 | - | Employment in the Countryside |
| Policy T.3 | - | Highway Safety Requirements |

AREA SUB-COMMITTEE

Policy T.4 - Highway and Car Parking Standards

2.3 Herefordshire Unitary Development Plan

Policy DR.1 - Design
Policy DR.3 - Movement
Policy DR.4 - Environment
Policy E.6 - Expansion of Existing Businesses
Policy E.11 - Employment in the Countryside
Policy T.11 - Parking Provision
Policy LA.6 - Landscaping Schemes
Policy T.9 - Road Freight

3. Planning History

- 3.1 SH930872PF Erection of building for bottling natural mineral water - Approved 06.12.93
- SH970565PF Steel portal framed building for the storage of empty water bottles, etc. - Approved 09.07.97
- SW2002/3814/F Variation of conditions 3 & 5 on planning permission SH930872PF and conditions 4 & 9 of planning permission SH970565PF. To retain additional van body and to site a temporary portacabin - Not yet determined

4. Consultation Summary

- 4.1 The Parish Council has no objection.
- 4.2 The Head of Engineering and Transportation, response from Transportation Manager: recommends that any permission includes certain conditions, mainly relating to the access point itself and use of new access for incoming vehicles only and existing for exiting.

5. Representations

- 5.1 The applicants have submitted a letter of support. The main points being:
- change of use of land to increase curtilage outside the site originally approved under planning permission reference No. SH930872PF
 - this is needed due to increased business in the last year. Encountered serious problems in winter when applicants were unable to enter property due to wet weather conditions and lack of space
 - the hard surfaced area for staff parking and the loading/unloading of lorries. Staff and visitors were forced to park on the side of the road which resulted in complaints from Parish Council. In order to overcome this problem the applicants extended parking facilities into the adjoining land
 - the new vehicular access onto the Class III road. Existing entrance onto Class III road had restricted vision for drivers so applicants have tried to implement a goods in entrance and an out entrance

AREA SUB-COMMITTEE

- during May to October lorries were unable to access site through original entrance due to Council roadworks/traffic lights on Class III road.

5.2 Five letters of objection have been received. Three from

Mr. & Mrs. White, Glan Monnow, Clodock, Longtown and one from RPS (Planning Consultants) on behalf of Mr. & Mrs. White.

One letter from P. V. M. Rumsey, Ty Mawr, Clodock, Longtown

The main points being:

- the roadside hedge has been removed along with hedgeline between bottling plant and field
- a hardcore driveway and parking area put in and used by cars and lorries
- the mess that was originally at front of bottling plant is now spreading towards Glan Monnow
- unsightly van bodies are eyesore and been there long enough
- warehouse built onto without planning permission
- the second vehicular access and hard surfaced parking area are wholly inappropriate in this tranquil rural area designated as an Area of Great Landscape Value
- planning policies in place to protect rural areas and uses
- in granting permission for bottling plant conditions were imposed to protect amenities of neighbours
- the recent increased size of bottling business and its intensification of use/operations harm residential amenities of dwelling immediately adjacent to site
- the field was never part of the bottling plant
- the new parking area comes right across the field to within a few yards of objectors boundary hedge and the new access driveway comes alongside objectors sitting room and conservatory. Large lorries stop outside of windows
- the new entrance is badly sited and dangerous. Lorries of this size should not be coming down country lanes. Original access should be sufficient
- if water bottles and van bodies were removed this would leave plenty of parking within original site
- the bottling plant has become an unsightly eyesore with vehicles and containers left all over the place
- extra noise generated and privacy of objectors affected by the business premises moving closer to their property
- the bottling plant caused objectors little disturbance during the first year that objectors lived by it but it has expanded considerably over the last year with no regard to location or neighbours
- the Herefordshire Council created a temporary access into the field to carry out essential highway works and the Council intend to close access and reinstate hedge in near future
- no justification submitted as to why the second access is required by the applicants. The new access is unnecessary over-development of the site
- significant visibility splays would be required in both directions to achieve acceptable levels of safety. However the nature of the roads would not enable the required splays to be achievable. The access is therefore considered to be unnecessary and sub-standard
- the use of heavy goods vehicles on the site would conflict with Policy T.9 of the emerging Unitary Development Plan

AREA SUB-COMMITTEE

- lorries loading and unloading at the site have recently occurred on several occasions on a Sunday
- plastic water containers have been blown into the road during strong winds
- open doors in fine weather and play radio very loudly which can be heard in objector's garden
- employees use back field to play sports during work breaks.

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 extended car park area provides additional parking provision within the site which the applicants claim is essential for the continued existence and viability of the water bottling business. The business has expanded and the business has come to rely on the extra space created. The same applies to the new vehicular access created which allows for ease of movement within the site.
- 6.2 The vehicular access was originally created as a temporary measure by this Council who were undertaking works to repair the adjacent river bank (i.e. on the opposite side of road) and required an area of land to store equipment, etc. The works have now been completed. The applicants retained the access and created a parking area by hard surfacing the access and parking area.
- 6.3 The development does look unsightly at present although this is partly due to the rubble/materials left on the land by the Council. If the land was tidied up with rubble/materials removed and appropriate landscaping/tree planting of the site implemented then its visual impact on the surrounding countryside and the neighbouring property could be significantly reduced.
- 6.4 The new vehicular access is not in an ideal position next to the neighbour's dwelling and would affect their residential amenities. However the effect on the neighbours would be reduced if the access was not used late at night and was only used for traffic entering the site with the original access used for traffic leaving the site. The early morning activity usually relates to lorries leaving the site to deliver water bottles to the various outlets.
- 6.5 The Council's Transportation Unit have no objection to the vehicular access provided it complies with certain conditions.
- 6.6 The granting of planning permission for this development is not ideal from the point of view of the neighbours situation and the effect it has on their residential amenities. However the rejection of the application could result in the existing expanding local enterprise being unable to operate properly and going out of business. In view of this the Committee may wish to formally inspect the site before making a decision.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

AREA SUB-COMMITTEE

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

- 2. The use of land hereby approved shall be used solely for purposes ancillary with the water bottling business on site and for no other purposes whatsoever.**

Reason: The local planning authority wish to control the specific use of the land in the interests of local amenity.

- 3. There shall be no storage of pallets, bottles or other containers on the land comprising the curtilage of the premises without the prior written approval of the local planning authority.**

Reason: In order to protect the visual amenities of the surrounding countryside designated as an Area of Great Landscape Value.

- 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. The junction of the new access driveway with the public highway shall have a kerb radius of at least 4 metres.**

Reason: In the interests of highway safety.

- 7. The three existing tree stumps on the south side of the new access corner shall be removed unless otherwise first agreed in writing by the local planning authority.**

Reason: In the interests of highway safety.

- 8. H05 (Access gates)**

Reason: In the interests of highway safety.

- 9. The new access should be used for incoming vehicles only. The existing access (northern end) should be used for exiting vehicles.**

Reason: In the interests of highway safety.

- 10. A signage scheme relating to condition No. 9 shall be submitted for approval by the local planning authority and implemented on site within 6 months of the date of this permission.**

Reason: In the interests of highway safety.

- 11. The visibility splay at the existing exit access (northern end) must be maintained. Any new fencing must not obstruct the existing visibility.**

Reason: In the interests of highway safety.

AREA SUB-COMMITTEE

- 12. The new vehicular access shall have a sealed surface, and it shall remain unobstructed at all times.**

Reason: In the interests of highway safety.

- 13. Details of any floodlighting/external lighting proposed to illuminate the development should be submitted to and approved in writing by the local planning authority prior to their erection. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.**

Reason: To safeguard local amenities.

- 14. Details of external cowls, louvres or other shields to be fitted to the floodlights to reduce light pollution shall be submitted to and agreed in writing with the local planning authority prior to their erection.**

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

- 15. The whole of the works required by conditions 6 to 12 must be fully completed within 6 months of the date of this permission unless otherwise first agreed in writing by the local planning authority.**

Reason: In the interests of highway safety.

Informatives

- 1. HN01 - Mud on highway**
- 2. HN05 - Works within the highway**
- 3. HN10 - No drainage to discharge to highway**

Decision:

Notes:

SITE VISIT**C SE2003/0754/F - AMENDMENTS TO EXISTING SCHEME FOR NEW UNDERGROUND GARAGE/RUMPUS ROOM WITH NATURAL SWIMMING POOLS AND SAUNA AT LAWLESS HILL COTTAGE, SELLACK, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6QP****For: Mr K Meehan per Malcolm Harrison & Associates,
Newcastle Farmhouse, Orcop Hill, Herefordshire,
HR2 8SF****Date Received: 14th March 2003 Ward: Llangarron Grid Ref: 5673 2760**

Local Member: Councillor Mrs J A Hyde

1. Site Description and Proposal

- 1.1 This application was deferred by the Committee at the meeting on 23rd April 2003 in order to inspect the site.
- 1.2 Further information has been received from the applicant's agent, which is summarised below:
 - (1) The original timber sauna building was 4 metres square but front to back went into the stone wall that concealed a staircase and a chimney. This made the actual building 5.5 metres deep as drawn. We allowed a 750mm wall thickness in the absence of engineers' calculations for stone structure and this cranked back behind the building to make the wall 1500mm thick. The wall projected 1000mm on the right to allow for the roof over sail. This wall rose 200mm higher than the planned roofline.
 - (2) This whole wall is no longer required in the proposed scheme. The approved building footprint is approximately 5.5 x 4 therefore 22 square metres. The new building is a circle 5.5 metres diameter. This is a footprint of 23.75 square metres. The new building is lighter and further back and eliminates a massive stone structure.
 - (3) It could be argued that this development including the proposed round building comes within the guidelines of PPG7 recommending approval for exceptional buildings in the countryside.
- 1.3 The original report is included as an appendix to this report. The above representations clarify the relative sizes of the approved and proposed buildings. It is not considered that the advice quoted from PPG7 is relevant as that refers to new houses whereas this case relates to extensions/outbuildings to an existing house. Nevertheless in view of the similarity in size of the approved and proposed building and that there would be no significant increase in harm to the visual amenities of this part of the Wye Valley Area of Outstanding Natural Beauty it is recommended that permission should be granted.

SITE VISIT

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2 B01 (Samples of external materials)

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

- 3 G04 (Landscaping scheme (general))

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

- 4 G05 (Implementation of landscaping scheme (general))

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

- 5 F18 (Scheme of foul drainage disposal)

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

INFORMATIVE

- 1. The developer’s attention is drawn to the advice of the Environment Agency included in the letter dated 27th March 2003 attached to this permission

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

APPENDIX

12 SE2003/0754/F - AMENDMENTS TO EXISTING SCHEME FOR NEW UNDERGROUND GARAGE/RUMPUS ROOM WITH NATURAL SWIMMING POOLS AND SAUNA AT LAWLESS HILL COTTAGE, SELLACK, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6QP

**For: Mr K Meehan per Malcolm Harrison & Associates,
Newcastle Farmhouse, Orcop Hill, Herefordshire,
HR2 8SF**

Date Received:
14th March 2003

Ward:
Wilton

Grid Ref:
5673 2760

Local Member: Councillor G Davis

1. Site Description and Proposal

- 1.1 Planning permission was granted in June 2002 for a garage and rumpus room with natural swimming pool and sauna at this residential property which overlooks the River Wye at Sellack. The application site rises steeply from the flood plain with the detached house adjoining the southern boundary and hence at the highest point. The access drive zig-zags up the incline which has been stabilised by massive stone retaining walls and structures. The garage/rumpus room, pools and sauna form part of the western end of these structures.
- 1.2 The current proposal is for amendments to the approved scheme. The main change would be to the sauna building which would now be circular (5.5m in diameter) rather than square and built off a retaining wall which touched the western boundary of the site (overall dimensions scale as 4m x 4.65m on the approved drawing). The sauna would be set further into the site (by 0.8m) and about 2.5m further back. The flat roof would be at the same level on the site but with a small flue casing. This building would be glazed within an oak frame.
- 1.3 The other changes are the inclusion of cedar or oak shutters to the garage windows and cedar boarding facing part of the western retaining wall.

2. Policies

2.1 Hereford and Worcester County Structure Plan

Policy CTC1	Area of Outstanding Natural Beauty
Policy CTC2	Development in Areas of Great Landscape Value
Policy H20	Housing in Rural Areas
Policy H16A	Housing in Rural Areas

2.2 South Herefordshire District Local Plan

Policy C5	Development within Areas of Outstanding Natural Beauty
Policy C8	Development within Areas of Great Landscape Value
Policy SH23	Extensions to Dwellings
Policy GD1	General Development Criteria

APPENDIX

3. Planning History

- | | | | |
|-----|---------------|----------------------------------------------------------------------------------------|----------------------|
| 3.1 | SE2001/3372/F | Underground garage/rumpus room with natural swimming pools over and sauna. | - Permitted 24.06.02 |
| | SH810481PF | Amendments to approved fenestration and rebuild annexe. | - Approved 22.05.81 |
| | SS980180PF | Extension to rear. | - Approved 01.07.98 |
| | SS980558PF | Extension to form porch and balcony. | - Approved 14.10.98 |
| | SE1999/2237/F | Retain stone retaining wall along drive, retain bank and form terrace. | - Approved 04.10.99 |
| | SE2000/1140/F | Conservatory extension to 1st floor | - Approved 06.07.00 |
| | SE2000/1858/F | 160mm deep pond. | - Approved 1.11.00 |
| | SE2000/0403/F | Cladding to cottage, extension lean-to, alterations to balcony. | - Approved 10.05.00 |
| | SE2001/0108/F | Extension to conservatory (hot tub room/sauna), underground garage amend conservatory. | - Approved 12.03.01 |

4. Consultation Summary

- 4.1 Sellack Parish Council have not been very happy with this development. There have been many complaints from nearby residents about the scale of this project.
- 4.2 Head of Engineering and Transportation, response from Divisional Surveyor (South) has no objection to the grant of permission.
- 4.3 The Environment Agency has no objections in principle but recommends that a condition be imposed regarding foul drainage.
- 4.4 Public Rights of Way Manager advises that the proposed development would not appear to affect public footpath SK11.

5. Representations

- 5.1 The applicant's agent makes the following submissions:

- "1. The inclusion of Cedar or Oak shutters to the tall windows facing onto the highway and the adjoining land to make the building less visible in the landscape when not in use.
2. The alteration of the proposed masonry wall construction on the boundary that would have backed a square sauna building in favour of a lightweight circular glazed building constructed further back on the site and off the boundary.

The building will be constructed with curved glass in order to minimise glass reflection when seen from a distance. In setting the building further back on the site and reducing the height slightly we anticipate that once trees are established it will only be visible as a structure from distances in excess of 70 metres from the site at which distance it will have blended with the surroundings. Since the building is only glass if it is not shuttered it will in any case be practically invisible.

APPENDIX

The footprint of this building is actually smaller in area than the approved building and will have no diagonal perspective unlike the square building that would have appeared 7 metres wide. This building will be 5.5 metres across from any view.

3. We have made use of the underground space at the rear of the building for storage and as a plant room serving the ponds above.
 4. We have settled on a planting scheme for the roof. Though the planting scheme does not form part of this application we have included the pond surface level in this amendment application."
- 5.2 One letter has been received from Ross on Wye and District Civic Society. the following concerns are raised:
- a) design and materials of sauna building are alien to this environment
 - b) visibility of works carried out is apparent both from the road and longer views
 - c) urge that permission not be given unless Council satisfied that the new structure is not visible from these view points.

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 massive engineering and building operations on this site have significantly altered the character of this hillside side. The loss of tree cover, only in part a direct consequence of building works, has made them more visible than otherwise would have been the case but the garage/rumpus room and the retaining walls on the lower slopes in particular are too close to the road to screen. Nevertheless the latter do help to hide the buildings and structures further up and further back on the site. A number of trees on the adjoining land have recently been cut down and this has exposed more of the western part of the works to view.
- 6.2 The proposed building would be larger in area (pace the agent's submission) but the approved building would only appear smaller if viewed at right angles; oblique views would be much the same. By re-positioning the building away from the boundaries it would be less visible than the approved building. Nevertheless there would be glimpses of the building from both the road and from wider, more distant views. It is considered however that the current proposal would not significantly increase the visual harm arising from this development.
- 6.3 Similarly the shutters would make little difference and when closed would draw less attention to the garage than large expanses of glass.
- 6.4 The site needs to be planted substantially to screen or soften the buildings and stone walls. It is understood that a scheme is being prepared for discussion involving the Council's Landscape Architect. Nevertheless it will take several years before the planting has any appreciable effect on the appearance of this hillside site.

APPENDIX

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

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

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

Decision:

Notes:

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1 SW2003/0774/F - ERECTION OF TWO STOREY, THREE BEDROOMED DWELLING WITH DOUBLE GARAGE REAR OF MADLEY STORE & P.O., MADLEY, HEREFORD, HEREFORDSHIRE, HR2 9LS

For: Mr J Menton, Whitehall, Madley, Herefordshire, HR2 9LS

Date Received: 11th March 2003

Ward: Stoney Street

Grid Ref: 4197 3880

Expiry Date: 6th May 2003

Local Member: Councillor D C Taylor

1. Site Description and Proposal

1.1 The proposal site is on the southern side of the B4352 road. It is 16 metres wide and 33-35 metres deep i.e. back from the edge of the 1.5 metres wide pavement that runs along the southern side of the B4352 road. This path stops 26 metres to the east at the intersection of roads known as Madley Cross.

1.2 This site comprises part of the garden area of Whitehall/Post Office and Store and part of the car park serving the Post Office Store. The site is approximately 1.3 metres above the level of the path adjoining the B4352 road. This area being 5 metres where it abuts the highway narrowing to 4 metres and between 11 to 10.5 metres deep. An area of garden will be provided 10 metres long and between 2.5 to 4 metres wide. This will allow for easier manouvring in the car park. There is a boundary of conifers, and a post and wire fence on the western boundary shared with Whitehall Place, a two storey dwelling 19 metres away from the boundary. There is a masonry wall on the southern boundary and a rear boundary comprising a post and panel fence is proposed on the eastern boundary, i.e. between the application site and Whitehall and the Post Office/Store.

It is proposed to erect a 3-bedroom dwelling comprising brick and tile, with an attached double garage to the north of it, i.e. between house and Class II road. The house will be 10.4 square metres and 8.9 metres to the ridge. The front elevation has sash windows and a central gable fronted feature with a balcony at first floor level. The remaining windows on the other elevations are casement ones.

A proposal for a 1½ storey dwelling covering a larger footprint of the site was refused under delegated powers in January this year. The grounds of refusal related to the form and style of the dwelling proposed and to the capacity of the existing public sewerage system not being sufficient as directed by Welsh Water.

2. Policies

2.1 Hereford and Worcester County Structure Plan

Policy H.16A - Housing in Rural Areas

2.2 South Herefordshire District Local Plan

Policy GD1	-	General Development Criteria
Policy SH8	-	New Housing Development Criteria in Larger Villages
Policy SH.14	-	Siting and design of Buildings
Polcy C.40	-	Provision of Essential Services

3. Planning History

SW2002/3385/f One and a half storey new dwelling - refused 30.01.03

4. Consultation Summary

4.1 Dwr Cymru Welsh Water object to the development as it would overload the existing public sewerage system.

5. Representations

5.1 Madley Parish Council make the following observations:

“No objections to dwelling but extremely strong objections to access directly onto B4352. Please see previous application number SW2002/3385/F. Access must be via car park.”

5.2 One letter of representation has been made from M G Bateman, 1 Cross Cottage, Madley HR2 9LP. The following main points are made:

- Driveway will cut through only pavement running along the B4352 road.
- Pavement provides route to shop, bus stop, church and primary school.
- At school run times B road is single width given the parking carried out.
- Cross roads very busy, less than 10 metres away from access point.
- Was an accident at crossroads last year without this additional hazzard.

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 three main issues

- (i) the means of access,
- (ii) the style and form of the proposed dwelling, and
- (iii) the capacity of the local sewerage system.

6.2 The Head of Engineering and Transportation, Divisional Surveyor (South) does not object to a new access being created such that access is made onto the B4352 road, 35 metres of the crossroads. This was also what was recommended previously for the 1½ storey dwelling refused earlier this year. This support for the new access is made with the proviso that conditions are attached to any planning permission.

6.3 The new dwelling covers a smaller plot area than that for the previous refused 1½ storey dwelling. It is aligned south-east to north-west with a projecting gable fronted feature in the centre of the first and northern elevation. The central feature will have a

projecting balcony feature together with sash-style windows. It is considered that the style and form of the square shaped building conflicts with the vernacular of buildings in the locality and as such it does not contribute positively to the townscape particularly with regard to adjacent Whitehall and the Post Office/Stores buildings.

6.4 The remaining issue is one relating to the capacity of the sewerage system. Welsh Water maintain their objection, in principle, this is a stance taken by Welsh Water Authority with other planning applications in Madley. The views of Welsh Water must be given weight and under guidance constitute a reason for refusal. Therefore, the proposal is contrary in this respect to the provisions of policies C40 and GD1 contained in the South Herefordshire District Local Plan.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1 The proposed development would, given its scale, design and siting be out of character and detracts from the amenities of this part of the village and reduce the amenity of adjoining residents. Therefore, the proposed is contrary to the provisions of Policies GD.1 and SH.8 contained in the South Herefordshire District Local Plan and Policy H.16A contained in the hereford and Worcester County Structure Plan.**
- 2 The existing public sewerage system is not of sufficient capacity to provide sewage drainage facilities and therefore the proposal is contrary to the provisions of Policies GD.1, C.40 and SH.8 contained in the South Herefordshire District Local Plan.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

2 SE2003/1225/F - SINGLE STOREY EXTENSION TO REAR OF GARAGE WEST VIEW, LEA, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7LN

For: Mr B Davies, West View, Lea Line, Lea, Ross-on- Wye, Herefordshire HR9 7LN

Date Received: 24th April 2003

Ward: Penyard

Grid Ref: 6685 2125

Expiry Date: 19th June 2003

Local Member: Councillor H Bramer

1. Site Description and Proposal

- 1.1 The application property is a detached house with extensive outbuildings and garden situated on the west side of the C1281 (Lea Line to Aston Crews road) about 150 metres north of the junction with the A40(T). A detached garage has been erected close to the south-western boundary to the front of the house. It is rendered externally with a slate-type roof. A row of conifers has been planted between the garage and the boundary.
- 1.2 It is proposed to extend the garage to the rear by about 2 metres. The eaves and ridge heights would be the same, as would the width (about 5.1 metres). The overall length would be about 8 metres. The window in the rear wall would be moved to the new end gable.

2. Policies

2.1 Planning Policy Guidance

- | | | |
|-------|---|--------------------------------------------------------------------------|
| PPG.1 | - | General Principles |
| PPG.7 | - | The Countryside: Environmental Quality and Economic & Social Development |

2.2 Hereford and Worcester County Structure Plan

- | | | |
|-------------|---|---------------------------------------------|
| Policy CTC2 | - | Area of Great Landscape Value |
| Policy H20 | - | Residential Development in Open Countryside |

2.3 South Herefordshire District Local Plan

- | | | |
|-------------|---|---------------------------------------------------|
| Policy C8 | - | Development within Areas of Great Landscape Value |
| Policy SH23 | - | Extensions to Dwellings |
| Policy GD1 | - | General Development Criteria |

2.4 Herefordshire Unitary Development Plan

- | | | |
|------------|---|------------------------------------------------|
| Policy H7 | - | Housing in the Countryside Outside Settlements |
| Policy H18 | - | Housing in Rural Areas |

3. Planning History

3.1	SH891089PF	Infilling of hole.	-	Permitted 26.7.89
	SH891140PF	Change of position of vehicle access.	-	Permitted 28.7.89
	SH951166PF	Alterations and extensions.	-	Refused 4.12.95
	SH960126PF	Alterations and extensions.	-	Permitted 13.3.96

4. Consultation Summary

No representations have been received.

5. Representations

5.1 The application did not include any supporting information.

5.2 Lea Parish Council supports the proposal.

5.3 One letter has been received which raises the following concerns:

- (1) The kitchen window of the adjoining house to the south (The Firs) looks directly on to the garage which would be a long expanse of white wall after the conifers have been cut down. The conifers should be replaced by young trees.
- (2) Window at rear of garage will be on boundary line so no space for planting and will overlook ground of The Firs - if for parking is window necessary?
- (3) Future owner of the Firs (which is on market) may wish to include this land into their garden which would then be overlooked.
- (4) Garaging and workshop area to north of West View has window overlooking that garden in private.

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 garage, although forward of the house, is not unduly prominent. It is somewhat narrow for a double garage and it is considered the small extension would not make it unduly long. The main concerns are the amenities of the occupiers of The Firs. This house faces towards the garage but is separated by a distance of some 17 metres. The side wall of the garage is currently largely obscured by conifers, which have outgrown the narrow space they occupy and the objector is concerned that they will be removed. A condition could be attached requiring appropriate planting.

6.2 The proposed window would be very close to the boundary and would overlook land that is part of The Firs, although not apparently part of the garden. Nevertheless a condition requiring opaque glass would be sufficient to ensure privacy. In these circumstances it is not considered that the amenities of the occupiers of The Firs would be seriously harmed.

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 G04 (Landscaping scheme (general))

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

- 4 G05 (Implementation of landscaping scheme (general))

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

- 5 E19 (Obscure glazing to windows)

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

3 SW2003/0898/RM - PROPOSED DETACHED DWELLING AND GARAGE/STORE LAND AT THORNBURY COTTAGE, ALLENSMORE, HEREFORD, HR2 9BP**For: Mr P. Crapper, 16 Yarlinton Mill, Belmont, Hereford, HR2 7UB****Date Received: 20th March 2003 Ward: Valletts
Expiry Date: 15th May 2003****Grid Ref: 4527 3552**

Local Member: Councillor P. G. Turpin

1. Site Description and Proposal

- 1.1 The site has planning permission for one dwelling. It is immediately to the west of a pair of cottages once known as Thornbury Cottages, which are now one dwelling only. The amalgamation of two dwellings into one was the subject of a Section 106 Agreement attached to the planning permission.
- 1.2 The site will gain access onto the unclassified road (u/c 73410) on an outside bend providing satisfactory visibility
- 1.3 The dwelling proposed is 16.6 metres long and is aligned west to east. It is in three elements, having a gable fronted element on the western end 8.1 metres wide, a longer middle section 7.1 metres wide and on the eastern end is a structure 6.5 metres wide and that is 5.4 metres to the ridge, this compares to a height of 7.4 metres on the main roof. The western gable fronted element is 7.7 metres to the ridge. The gable fronted element will be framed in oak, there will also be oak framing above reclaimed brickwork on the middle section of the building. The smaller building on the eastern end will be entirely in brickwork as will the whole of the north elevation, east elevation and part of the west elevation which also has a natural stone chimney with a brick stack starting just above the eaves. The roof will comprise clay tiles.
- 1.4 It is also proposed to erect a double garage just to the south-east of the double garage comprising brickwork and clay tiling that match the main house. Also a 3 metres wide and 4.5 metres deep store building is proposed on the northern side of the double garage. The garage is 5 metres high to the ridge and 6 metres square. The stone building is 4.5 metres to the ridge.

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 Criteria
- Policy SH.10 - Housing in Smaller Settlements
- Policy SH.14 - Siting and Design of Buildings

3. Planning History

- 3.1 SW2000/1930/O One dwelling to replace one of two semi-detached dwellings converted into one dwelling - Approved 15.11.01 (subject to Planning Obligation/Section 106 legal agreement)

4. Consultation Summary

- 4.1 None applicable.

5. Representations

- 5.1 Allensmore Parish Council make the following observations:

"The Parish Council were surprised to note the size of the proposed dwelling on this site. It is in effect a 5 bedroomed house. We feel this is inappropriate to the area which is a mix of bungalows and older properties. It was not what we envisaged when outline planning was given."

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 appropriateness of the dwelling proposed for this site, in terms of character and scale, given that the site has the benefit of planning permission granted in November 2001, subject to a Planning Obligation/Section 106 Legal Agreement.
- 6.2 A two storey dwelling is appropriate for the site, given the proximity of the site to Thornbury Cottage. A modern bungalow would, if it were all on one floor, take a larger plot area than a two storey dwelling. Good visibility is provided for the access in accordance with the conditions recommended by the Head of Engineering and Transportation.
- 6.3 It is considered that the materials proposed and the design incorporating oak framing, reclaimed brickwork under a clay tile roof are sympathetic and therefore in accordance with the character of the area, a requirement of Policies SH.10 and GD.1 contained in the South Herefordshire District Local Plan.
- 6.4 The scale of the dwelling is clearly an issue for the Parish Council. It is considered that the dwelling is not excessively high for a modern dwelling. This has been achieved by bringing the eaves down. The length of the building is broken up by the aforementioned three elements, it is 16.6 metres in length, however Thornbury Cottage is 16 metres long on a plot 24 metres at its widest, this is compared to 43 metres for the site reported to Sub-Committee. The impact is also further reduced given the south elevation of the dwelling is between 14.5 and 14 metres back from the metalled edge of the unclassified road onto which access is gained.
- 6.5 There remain a few details that would be required before reserved matters approval could be granted and these include details of the facing brick, roof tile (i.e. colour) and hard and soft landscaping. There is already a 2 metre high fence on the boundaries

between the site and Thornbury Cottage and established hedgerow and trees on the eastern boundary, the longest boundary of the site. However, details of the hard surfacing for vehicles, and landscaping on the roadside or southern boundary need to be established.

RECOMMENDATION

That subject to the receipt of further details relating to materials and landscaping, officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following condition and any additional conditions considered necessary by officers:

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

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

4 SE2003/0968/F - PROPOSED APPLE STORAGE BUILDING PHOCLE GREEN, HEREFORDSHIRE

**For: Chicory Crops Ltd per A J Lowther & Son Ltd,
The Works, Whitchurch, Ross-on-Wye, Herefordshire
HR9 6DF**

Date Received: 26th March 2003

Ward: Old Gore

Grid Ref: 6256 2726

Expiry Date: 21st May 2003

Local Member: Councillor J W Edwards

1. Site Description and Proposal

- 1.1 This site is located in open countryside approximately half a mile north of Phocle Green and is sited approximately 180 metres to the east of the unclassified road No 70005 which runs between the A449 and the B4221. The site is situated on the edge of a large field and is adjacent to an existing building of a similar size used for storage and packing. Vehicular access to the site is via an existing track which leads to an existing access onto the unclassified road.
- 1.2 The proposal is for the erection of an apple storage building. The building will be clad in grey sheeting to match that approved on the adjacent building. The building will measure 29 metres by 12 metres and will be 7 metres high to ridge level. The building will be used to store apples and also other fruit grown on the applicant's land on which the building is to be sited.

2. Policies

2.1 Department of the Environment – Planning Policy Guidance No 7 (Revised)

The Countryside-Environmental Quality and Economic and Social Development.

2.2 Hereford and Worcester County Structure Plan

Policy CTC9	-	Development Requirements
Policy A1	-	Development on Agricultural Land
Policy A3	-	Agricultural Buildings

2.3 South Herefordshire District Local Plan

Policy GD1	-	General Development Criteria
Policy C1	-	Development within Open Countryside
Policy ED9	-	New Agricultural Buildings
Policy T3	-	Highway Safety Requirements

2.4 Unitary Development Plan – Deposit Draft

Policy S2	-	Development Requirements
Policy DR2	-	Land Use and Activity
Policy E13	-	Agricultural and Forestry Development

3. Planning History

- 3.1 SE2002/1961/S Proposed general store building and proposed road. - Prior Approval Not Required 6.08.02

4. Consultation Summary

- 4.1 None

5. Representations

- 5.1 The Parish Council observe:

"Council unanimously agreed to object to this application.

The development is in a particularly prominent and exposed location.

The applicant has three existing stores with an immense storage capacity/facility in the village. A further building of this size constitutes overdevelopment on the land and it will increase traffic on an unsuitable access road."

- 5.2 A letter of objection has been received from The Ross on Wye and District Civic Society. The main points being:

- adds a further structure to a formerly open location visible from many directions.
- At very least attention should be paid to suitable planting to screen the new 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 The proposed building will be sited adjacent to an existing building, of a similar size and character, and will be used to store fruit grown on the applicant's land. The applicant currently uses fruit storage buildings which are situated away from where the fruit is grown. Therefore it would benefit him for a number of reasons if there was a fruit storage building on the land in question, e.g. ease of movement, keeping produce fresh, not having to transport fruit on the road system to the other storage buildings.
- 6.2 The proposed size and design of the building is considered to be appropriate and acceptable and in keeping with the existing building on the site. The proposed building will be situated in a shallow dip with the land around it at a slightly higher level. Consequently the lowland nature of the site ensures that the new building will not be prominent on the surrounding rural landscape especially as it will be associated with the existing building and also nearby buildings on the adjacent property on the road frontage i.e. to the south of the application site where recently planning permission has been granted for a storage yard, Ref No SE2002/1753/F.
- 6.3 Due to the nature of the site it is not considered absolutely necessary for any landscaping/tree screening. However it would help to soften the new building within the immediate landscape if there were some tree planting on the northern and western

sides of the proposed building. The applicant has indicated that he would be willing to plant trees for screening purposes if required. There are no nearby dwellings affected by the proposal although there is a dwelling situated to the north which can view the site but this is some distance away and is not affected by the development.

- 6.4 The proposed development complies with the relevant planning policies for the area which require that applications for agricultural/horticultural buildings should be treated sympathetically where a need is shown and that such buildings should be sited adjacent to existing buildings and not be in isolated or visually intrusive positions i.e. in particular Policies A1 of the Hereford and Worcester County Structure Plan and ED9 of the South Herefordshire District Local Plan. Also the proposed development complies with other policies which require that new buildings are sited in positions where they would not adversely affect the landscape nor any adjoining uses i.e. in particular Policies GD1 and C1 of the South Herefordshire District Local Plan. The site has a suitable means of access and as such complies with Policy T3 of the South Herefordshire District Local Plan. The Head of Engineering and Transportation (South) has no objection to the proposal.
- 6.5 In conclusion it is considered that the proposed development set in this lowland location with some additional tree planting would be perfectly acceptable and would not adversely affect the surrounding landscape. The proposed external materials are also considered to be acceptable. As such the proposal is in accordance with policies and it is recommended for approval with conditions.

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 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 Before any work commences on site full details showing how the building is intended to be cut into the ground shall first be submitted to and be subject to the prior written approval of the local planning authority.

Reason: To define the terms to which this planning permission relates.

- 7 Before any work commences on site full details of the extent/area and intended top surface material of any proposed hardstanding area to be used in connection with the building, hereby approved, shall first be submitted to and be subject to the prior written approval of the local planning authority.**

Reason: To protect the visual amenities and character of the surrounding rural area.

INFORMATIVE NOTE

- 1 The landscaping details required by Condition No. 4 should be in the form of appropriate tree planting, in particular, on the northern and western sides of the building hereby approved.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**5 SW2003/0761/F - GROUND FLOOR EXTENSION,
VARIOUS ALTERATIONS, SHARK HOUSE BARN,
CLEHONGER, HEREFORD, HR2 9TE**

**For: Mr & Mrs Flemming per Mr C Goldsworthy,
85 St Owens Street, Hereford, HR1 2JW**

Date Received: 10th March 2003 Ward: Stoney Street Grid Ref: 4457 3746

Expiry Date: 5th May 2003

Local Member: Councillor D. C. Taylor

1. Site Description and Proposal

- 1.1 Shark House Barn is on the northern side of the B4349 road. It is between Shark House the former farmhouse immediately to the east and Twenty Acres, a smallholding just to the west. This side of the Class II road (B4349) is outside the defined settlement for Clehonger, the north-western boundary of which is on the opposite side of the B road.
- 1.2 The converted barn is an approximate 'L' shape, comprises red facing brick and horizontal boards above a stone plinth, under a slate roof.
- 1.3 It is proposed to extend out on the north-western side of the building, with the erection of a single-storey structure, boarded and slate roofed to match the main building. It is 4.3 metres wide, projects 6.6 metres out from the existing building and is 5.1 metres to the ridge. It is also proposed to introduce French windows onto the north-western elevation, together with two rooflights in the south-east elevation of the main barn, i.e. fronting onto the B4349 road.

2. Policies

2.1 Planning Policy Guidance

PPG.7 - The Countryside: Environmental Quality and Economic and Social Development

2.2 Hereford and Worcester County Structure Plan

Policy CTC.9 - Development Criteria
Policy CTC.13 - Buildings of Special Architectural or Historical Interest
Policy CTC.14 - Criteria for the Conversion of Buildings in Rural Areas

2.3 South Herefordshire District Local Plan

Policy C.36 - Re-use and Adaptation of Rural Buildings
Policy C.37 - Conversion of Rural Buildings to Rural Use
Policy GD.1 - General Development Criteria

3. Planning History

- 3.1 SH950537PF Conversion of existing barn to dwelling - Approved 21.06.95 with altered access

4. Consultation Summary

- 4.1 None applicable.

5. Representations

- 5.1 The applicant makes the following main points:

- 2 bedrooms on first floor used by our children. Our bedroom is on the ground floor, it is of an awkward size and is the smallest
- both my husband and I have parents who would like to stay, and use the downstairs bedroom, due to knee/hip problems
- possibility of one of our parents will need to stay with us in the future
- husband needs to work from home
- want to stay in area. Son at Kingstone, daughter is at Madley Primary School, where I also work part-time
- extension in keeping with property and not visible to other houses around

- 5.2 Clehonger Parish Council has no objections.

- 5.3 Allensmore Parish Council has no objections.

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 issue is the principle of extending buildings that were usually traditional farm buildings and then converted into dwelling houses. The building had to be capable of conversion without the need for further extension. The permitted development rights are removed in order that alterations and additions are not possible to buildings that fall into the category of conversions of buildings worthy of preservation. The dwelling falls into this category
- 6.2 Therefore, the principle of extending the existing dwelling is contrary to established planning policies set out in the development plan and Supplementary Planning Guidance issued by the Council, notwithstanding the personal circumstances cited in support of the application.

RECOMMENDATION

That planning permission be refused for the following reason:

1. The proposed extension would detract from the original character of this traditional rural building and therefore the proposal is contrary to the provisions of Policies C.36, C.37 and GD.1 of the South Herefordshire District Local Plan, together with Supplementary Planning Guidance for the conversion of rural buildings.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

6 SE2003/0801/O - SITE FOR THE ERECTION OF EIGHT DWELLINGS COMMERCIAL YARD, PONTSHILL, NR. ROSS-ON-WYE, HEREFORDSHIRE

**For: Mr & Mrs P Powles per Paul Smith Associates
Chase View House Merrivale Road Ross-on-Wye
Herefordshire HR9 5JX**

Date Received: 6th March 2003 Ward: Penyard Grid Ref: 6396 2199

Expiry Date: 1st May 2003

Local Member: Councillor H Bramer

1. Site Description and Proposal

1.1 The application site comprises a haulage and timber yard, about 0.3 ha in area. It is situated at Pontshill. This settlement comprises in the main houses along two roads: Bartwood Lane and the short local road linking the C1275 and C1277 (Pontshill - Coughton and Pontshill - Bailey Lane End roads respectively). The access to the yard is off the south-west side of the latter, between two houses. The south-western boundary of the site is a small stream with fields beyond that and to the south-east; the remaining boundaries are with residential properties. There are a number of buildings in the yard, partly of wooden construction.

1.2 It is proposed to redevelop the site for residential development. As originally submitted this outline application was for 8 detached and semi-detached dwellings, with siting as well as access reserved for later decision. The application has been amended following negotiations however and the number of dwellings is now not specified and siting together with design, external appearance and landscaping are reserved matters.

2. Policies

2.1 Planning Policy Guidance

PPG3	-	Housing
PPG.7	-	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 Requirements
Policy H16A	-	Housing in Rural Areas
Policy H18	-	Housing in Rural Areas

2.3 South Herefordshire District Local Plan

Policy C1	-	Development Within Open Countryside
Policy C8	-	Development Within Area of Great Landscape Value

Policy SH10	-	Housing in Smaller Settlements
Policy SH14	-	Siting and Design of Buildings
Policy SH15	-	Criteria for New Housing Schemes
Policy ED4	-	Safeguarding Existing Employment Premises
Policy GD1	-	General Development Criteria
Policy T1A	-	Environmental Sustainability and Transport
Policy T3	-	Highway Safety Requirements

3. Planning History

- | | | | |
|-----|-------------|-------------------------------------|-------------------|
| 3.1 | SH901593/PO | 4 pairs semi-detached starter homes | - Refused 6.3.91 |
| | SH910380/PO | 4 pairs semi-detached starter homes | - Refused 10.7.91 |

4. Consultation Summary

- 4.1 Environment Agency's comments are awaited.

5. Representations

- 5.1 The applicants' agent makes, in summary, the following case:

- (1) The application site has long been used as a haulage and timber yard and its owner is presently considering his long-term business plans.
- (2) The present level of use is modest, but the hours of operation are unrestricted.
- (3) In addition the applicant possesses an H.G.V. Operators license for four lorries and six trailers. Therefore, the full commercial use of this site would have a detrimental impact upon the amenities of occupants of adjoining residential properties.
- (4) Its alternative use for housing would avoid this scenario protecting residential amenities enhancing the appearance of this site and its surroundings.
- (5) The site lies entirely within the village envelope hemmed in to the south by a brook and associated tree line and in all other directions by buildings, most of them dwellings.
- (6) Structure Plan and Local Plan Policies allow new housing in this settlement.
- (7) Policy SH10 refers to "small scale" development although no definition is given of the number envisaged.
- (8) PPG3 'Housing' requires a housing density of between 30 and 50 houses per hectare i.e. between 11 and 19 houses for this site.
- (9) The applicant proposed fewer houses to better reflect the types and plot sizes in accordance with Local Plan Policy SH9, including small, semi-detached properties.
- (10) The application site comprises a previously developed site the development of which is strongly emphasised in central government pronouncements.

- (11) The whole scheme would use the existing vehicular access to this site and improvements required by Highway Officers can be secured by use of additional land in the applicant's ownership.
- (12) The removal of extensive buildings abutting the brook would assist in the drainage of the site.
- 5.2 In addition a local estate agent has written to confirm that he has "no doubt that there exists a local housing requirement for the proposed housing in terms of type, number and location".
- 5.3 Parish Council's observations are as follows:
- (a) as far as they were aware, there is no demonstrable need for this number of new houses locally;
 - (b) they would prefer to see the site used as a source of employment e.g. for light industrial use - this would be more beneficial for the wider community;
 - (c) an additional eight houses would increase traffic on the narrow Pontshill roads considerably;
 - (d) in view of the proximity of the brook, if permission is given for houses to be built on this site, provision should be made to slow down run-off of stormwater;
 - (e) although the view was expressed that a modest housing development might be more appropriate for the setting than the continuation of industrial use, particularly bearing in mind the unknown implications of noise and heavy traffic, the majority of councillors decided to object to the application.
- 5.4 One letter has been received from a local resident stating that he has no objection to this planning 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 key issue in this case is the principle of residential development of this site. This resolves into 4 questions:
- (i) Is the site within the settlement of Pontshill?
 - (ii) Are there environmental/community benefits that outweigh the advantages of retaining these commercial premises?
 - (iii) Is there a local housing requirement?
 - (iv) Is it sustainable in terms of reducing the need to travel by car?
- 6.2 There is no defined boundary for Pontshill. As noted above this settlement extends along two roads with primarily frontage development. However the section adjoining the appeal site has housing extending behind the frontage houses with access off Old Alley and the yard access itself. This together with the tall screen of trees along the stream ties the site visually into the settlement. Furthermore housing on this site would not be conspicuous in the landscape. For these reasons it is considered that the site is within the settlement.
- 6.3 The site does not have a light industrial use and activities cannot therefore be restricted to those which would not cause detriment to residential amenities. From the

submissions and several site visits it appears that the use is currently not intensive. Nevertheless this could change and there is potential for considerable noise and disturbance affecting much of Pontshill. There are no planning restriction on hours of operation. In addition the site is not attractive and is directly overlooked by 4 houses, although as noted above the yard is not prominent in wider views. It is considered that the environmental benefits do outweigh the employment that could be provided on this site.

- 6.4 Only limited evidence has been submitted regarding local housing requirements. However less substantial evidence has been held on appeal to be sufficient. The evidence indicates a continuing demand for housing in this area.
- 6.5 The site is about 0.3 km from a good rural bus route (Hereford – Ross – Gloucester). There are local facilities (school, church and pub) at Weston under Penyard, although this village is about 1.5 km away. Nevertheless as the site is within a settlement in which residential development is encouraged it is considered that the sustainability criterion would be met.
- 6.6 Other issues are highway safety and surface water drainage. The existing access is sub-standard but it is proposed to improve visibility particularly to the east and on this basis the Head of Engineering and Transportation, Divisional Surveyor (South) considers the scheme to be acceptable. There would not necessarily be a greater drainage problem if development goes ahead as there are yard buildings but a scheme to alleviate any potential difficulties could be required by planning consideration.
- 6.7 It is concluded that residential development would accord with the Council's policies and that a safe access and acceptable drainage can be achieved. On this basis it is recommended that outline planning permission should be granted.

RECOMMENDATION

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 F18 (Scheme of foul drainage disposal)

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

6 No development shall take place until details of the improvements to the access and access drive and of the vehicle parking and turning areas have been 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.

7 No dwelling hereby approved shall be occupied until the details approved pursuant to condition No. 6 above have been implemented and these areas shall thereafter be 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.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

7 SW2003/0766/F - TO SITE A 10M. X 6M. TIMBER CLAD DEMOUNTABLE BUILDING WITHIN THE GROUNDS OF MUCH BIRCH PRIMARY SCHOOL FOR THE PURPOSE OF PROVIDING BEFORE AND AFTER SCHOOL CARE AND A NURSERY CLASS, 8.15AM - 5.45PM, TO INCLUDE 2 CAR PARKING SPACES AT THE OLD SCHOOL HOUSE, MUCH BIRCH C P SCHOOL, MUCH BIRCH, HEREFORD, HR2 8HL

For: Ms M Roberts, Farm Childcare Group, Bromley Court, Hoarwithy, Hereford, HR2 6QN

Date Received: 11th March 2003 Ward: Pontrilas

Grid Ref: 5013 3087

Expiry Date: 6th May 2003

Local Member: Councillor G. W. Davis

1. Site Description and Proposal

- 1.1 Much Birch Primary School is situated 100 metres north-west of the crossroads at which Tump Lane joins the south-western side of the A49(T) and the Class III road (C1263) joins the A49(T) from the north-west. Pedestrian and vehicular access for the school is directly onto the C1263 road. There is a parking area in front of the main building of the school. The site is on a grassed area. There is a surfaced playground between the site and the C1263 road.
- 1.2 The proposal entails erecting a 10 metres by 6 metres demountable timber clad building providing 16 places in the south-eastern part of the school site immediately adjacent to the modern stone walled and treed boundary of The Old School House. The applicant has also served notice on the owners of The Old School House such that the applicant and one other person can park at this private residence. It is between 28 to 34 metres away from the metalled edge of the hedgerow lined roadside boundary of the C1263 road.
- 1.3 The building is proposed to be used as a 16 place nursery for 3 and 4 year olds between 9.00 a.m. and 3.15 p.m., and an after school care facility until 5.45 p.m. The school hours are 8.50 a.m. to 3.15 p.m.

2. Policies

2.1 Planning Policy Guidance

PPG.17 - Sport and Recreation

2.2 Hereford and Worcester County Structure Plan

Policy CTC.2 - Area of Great Landscape Value

Policy CTC.9 - Development Requirements

2.3 South Herefordshire District Local Plan

- Policy GD.1 - General Development Criteria
- Policy CF.1 - Retention and Provision of New Community Facilities
- Policy C.8 - Area of Great Landscape Value

3. Planning History

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

4. Consultation Summary

- 4.1 The Highways Agency has no objections.
- 4.2 The Sports Council does not object as the land affected is incapable of forming part of a playing pitch nor is it likely to have an adverse impact on current use of sporting facilities.

5. Representations

- 5.1 Much Birch Parish Council have no objections.
- 5.2 In a letter that accompanied the application, the applicant makes the following main points:
- the Farm Childcare Group based in Hoarwithy have provided child care for over a decade
 - growth in demand, been working with schools on or near their sites, helping working parents (Little Dewchurch and Kings Cople to date)
 - want to provide before school from 8.15 a.m. and after school care until 5.45 p.m.
 - building will also be used as a nursery for 3 and 4 years (9.00 a.m. - 3.15 p.m). This will ease demand for places at The Farm, and Step by Step
 - concern with congestion, over 100 cars arrive between 3 and 3.20 p.m., car park can only serve 15 cars at a time
 - local residents have complained about their driveways being used for turning in and blocking. Police have even been involved this term. By escorting 16 - 20 children to after school care hopefully this will ease the traffic congestion.

- 5.3 One letter of representation has been received from:

Mr. & Mrs. Padden, Fair View, Much Birch, HR2 8HL

The following main points are raised:

- how many weeks a year will the facility be operating?
- building type is not clear due to poor photocopy. At least one tree will need to be removed

- application states no new access required, although one is indicated between school site and The Old School House
- car parking arrangement only temporary, could change in the future, would affect value of their property if made permanent
- lived here since 1976, it was a small village school of some 100 pupils, now 200. Children coming from Hereford City and Wormbridge due to closure of school there
- traffic congestion chronic in afternoon, often unable to leave property. Vehicles turning on my property
- proposal will not help as suggested, it will exasperate matters. Already children dropped off at 8.00 a.m. onwards, parking beyond the Monastery
- then at 4.30 p.m. road becomes busy again, people returning from work, using this 60 mph road, in spite of repeated protests by the Parish Council
- stated hours of business 8.15 a.m. - 5.45 p.m. will extend, as working parents find themselves delayed
- This commercial enterprise not required, already facilities in the village.

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 proposal has generated local concerns relating to commercial need, car parking arrangements as proposed and traffic congestion
- 6.2 Demand for the facility is not a matter that falls within the remit of the Town and Country Planning Systems and development plan policies.
- 6.3 It does not follow that in respect of the traffic congestion issue there would be more traffic exacerbating the difficulties experienced by local residents. Those children using the pre-school facility from 8.15 a.m. could introduce earlier traffic congestion, however, it has to be remembered that they were going to be dropped off probably later in any case. It should hopefully entail better phasing of traffic given the availability of this pre-school facility. It appears from the letter of representation received that it is the picking up of children after school that is providing more problems than in the morning, as parents, relatives and friends manoeuvre for position and place. Fewer children leaving the premises all at one time should help matters. The nursery opening times are also phased to avoid school opening and closing times. There may also be 3 and 4 year old children who live closer to Much Birch Primary School than to Farm Childcare Centre which is in open countryside, therefore this site can be viewed as more sustainable in that it will on balance cut down the amount of travelling time undertaken. Also, children using the nursery are not subject to strict hours, many children will be there for part or possibly all of the day and may be dropped off and picked up at all times, between 9.00 a.m. and 3.15 p.m.
- 6.4 The proposal provides a base for pre-school children on a school site. The building proposed is considered to be a temporary one, therefore it would be necessary to grant a temporary planning permission. Notwithstanding this aspect, it is considered that given the distance of the building from the public highway/footpath and the existing boundary scenery and the backdrop to the building of trees and the stone wall, this building would not materially detract from this part of the designated Area of Great Landscape Value in accordance with Policies GD.1 and C.8 contained in the South Herefordshire District Local Plan.

- 6.5 Parking for two vehicles at The Old School House is advantageous in taking vehicles off the highway and easing the demand for parking at the school, however it could not reasonably be made a condition of any planning permission granted.

RECOMMENDATION

That planning permission be granted subject to the following condition:

- 1. The building/structure hereby permitted shall be removed from the site and the land restored to its former condition on or before 30th June, 2008 in accordance with a scheme of work submitted to and approved by the local planning authority.**

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

8 SW2003/0886/F - REMOVAL OF AGRICULTURAL OCCUPATION RESTRICTION (CONDITION 2) OF PLANNING PERMISSION SH901391PF, CRICKADARN, THRUXTON, HEREFORD, HR2 9BD

For: Mr & Mrs G Watkins per Williams Parry Richards, Windsor House, St Mary's Street, Ross on Wye, Herefordshire HR9 5HT

Date Received: 19th March 2003 Ward: Valletts

Grid Ref: 4388 3483

Expiry Date: 14th May 2003

Local Member: Councillor P. G. Turpin

1. Site Description and Proposal

- 1.1 The application site is a 4 bedroom house with integral double garage set back between 23 to 24 metres from the grass verge bounding the northern side of the B4348 road and on the western side of the junction of the C1222 road that leads north-eastward from the B4348 road and southward towards Thrupton.
- 1.2 This dwelling house was approved in 1990, subject to an agricultural occupancy condition restricting the occupation of the dwelling. The dwelling was approved to serve a horticultural enterprise on the 6.45 acres on which this house was sited. The buildings/polytunnels being sited to the north or rear of the dwelling.
- 1.3 An application to remove the occupancy condition was refused in 2002. This was for the reason that the property had not been marketed at a value that reflected the agricultural occupancy condition.

2. Policies

2.1 Planning Policy Guidance

PPG.7 - The Countryside: Environmental Quality and Economic And Social Development

2.2 South Herefordshire District Local Plan

Policy SH.19 - Removal of Agricultural Occupancy Condition

3. Planning History

- | | | | | |
|-----|------------|-----------------------------------------------------------------------------------------------------------------|---|-------------------|
| 3.1 | SH891831PO | One dwelling for use of applicant | - | Refused 20.12.89 |
| | SH900173PO | Horticultural dwelling | - | Approved 19.04.90 |
| | SH901391PF | Erection of four bedroom house and integral garage for occupation in connection with a horticultural enterprise | - | Approved 21.11.90 |

SW2002/1676/F Removal of agricultural occupation - Refused 15.08.02
restriction (removal of Condition 2 of
planning permission SH901391PF)

4. Consultation Summary

4.1 None applicable.

5. Representations

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

- will recall last year Council rejected a similar application on the grounds that the property had been marketed at too high a price
- marketed at £240,000 for 6 months in accordance with your valuer's opinion
- modern residence built in 1991, extending to 6.45 acres, now pasture
- started horticultural venture in 1989, initially lived in mobile home on site
- in 1994 horticultural business to whom they were suppliers expanded their own premises, less supplies required. The business declined
- now growing under 8,000 square feet of twin skinned heated tunnels, 70,000 pot plants and up to 400,000 starter plugs, sought contracts to supply trade but were unsuccessful
- even advertised polytunnels individually for rent
- due to loss of income took work outside horticulture to supplement income
- close to retirement and with work commitments finding the maintenance and upkeep of Crickadarn a burden
- in late 2000 property placed in hands of Williams Parry Richards of Ross-on-Wye, Williams Watkins and Richards of Ross-on-Wye and Stooke Hill and Walshe of Hereford, marketed by all firms from late January 2001
- marketed for £300,000, £150,000 less than agents opinion of unrestricted market price
- advertised by Williams Parry Richards (with their 7 offices) in Gloucestershire Newspapers, Hereford Times, Gloucester Citizen and Farmers Weekly. Messrs Stooke Hill and Walshe also advertised in Hereford Times a number of times
- lack of interest due to occupancy restriction and only 6.45 acres
- more people willing to pay £300,000, however Solicitors and local planning authority advised them against proceeding as they did not comply with the occupancy condition
- since August 2002, following refusal, marketed at £240,000. Still prospective buyers deterred by restriction
- property has now been on the market for 2 years and two months, unsaleable due to restriction, even at lower attractive figure
- general depression since 1996, aggravated by 2001 Foot and Mouth outbreak contributed to lack of interest by farmers
- also should be noted possibly 80 - 90 per cent of farming businesses have had to diversify, with most young farmers seeking a job outside the industry.

5.2 In a further letter, the applicant's agent states that:

- considerable negotiations with people from Weston-Super-Mare and from Kingstone, Walterstone and Bath, all of whom could not satisfy the condition
- also had 13 further applications for particulars, but no further interest was shown once the applicants became aware of the restriction.

5.3 Allensmore Parish Council make the following observations:

"The Parish Council are still in agreement that the property was granted planning as an agricultural holding and therefore feel it cannot support the lifting of these restrictions."

5.4 Thruxton Parish Council has no objection to this application.

5.5 One letter of representation has been received from:

D. A. Leefarr, Wigmore Cottage, Thruxton, Allensmore, Hereford, HR2 9BD

The following main points are made:

- no objection, with proviso that conditions are imposed restricting further development of commercial or private housing
- if de-regulation leaves it open, could not approve the 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 issue relates to whether or not sufficient grounds have been established for allowing the removal of the agricultural occupancy condition, and whether or not the property has been marketed in accordance with the provisions of Policy SH.19 contained in the South Herefordshire District Local Plan.

6.2 It is evident that this property has been marketed at a valuation reflecting a 4 bedroom house with integral garage and the land available with an agricultural tie. This is following refusal of a proposal to remove the agricultural occupancy condition in 2002. The names of those people who pursued the property through agents acting on behalf of the applicants, as confirmed in a letter submitted to the planning authority, do tally with members of the public who contacted the planning department. Therefore, attempts have been made to market the property in accordance with Policy SH.19 in South Herefordshire District Local Plan.

6.3 The enterprise that began in the late 1980s and then collapsed in the 1990s, and the attempts made by the applicants to overcome their financial predicament are noted, and it is considered that planning permission was probably granted earlier for a dwelling without the enterprise being given an opportunity to establish itself. This is a requirement of Annex I, contained in PPG.7. It is also noted that an ADAS appraisal commissioned by the planning authority at the time of the first planning approval in 1990 stated the proposal did not meet the viability criteria.

6.4 It is considered, notwithstanding the objections raised by Allensmore Parish Council, that for the reasons set out above the removal of the condition can be supported.

RECOMMENDATION

That planning permission be granted subject to the following condition:

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

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

9 SE2003/0841/F - RELOCATION OF DAIRY UNIT FROM VINE TREE FARM TO ARBOUR HILL FARM (RENEWAL OF PLANNING PERMISSION SH970699PF) ARBOUR HILL FARM, LINCOLN HILL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7TH

For: D. Boynton & Sons per Bruton Knowles, Bisley House, Green Farm Business Park, Bristol Road, Gloucester GL2 4LY

Date Received: 17th March 2003 Ward: Kerne Bridge Grid Ref: 5878 2246

Expiry Date: 12th May 2003

Local Member: Councillor Mrs R Lincoln

1. Site Description and Proposal

1.1 Planning permission was granted in March 1998 for the erection of an extensive dairy unit at Arbour Hill Farm. The site is some 1.4 ha in area and is to the south of the existing farmhouse at Arbour Hill. It is situated on the south-east side of the unclassified road between Lincoln's Hill, Ross on Wye and Walford and about 1 km south of that town. The existing field access would be used, with the site set back some 60m from the highway. To the south of the site is a pig farm with intensive poultry units but with planning permission to redevelop the piggery with further poultry units. The surrounding land is farmland, although there is a farm worker's dwelling associated with the pig farm (not associated with the applicants' enterprise) and further dwellings to the north of Arbour Hill Farmhouse.

1.2 The intention was to construct the new dairy unit to allow expansion and to obviate environmental problems associated with the current unit at Vine Tree Farm on the southern outskirts of Ross on Wye. The existing farmhouse would serve the new complex. The planning permission included a number of conditions requiring prior approval before development commenced. The applicants have not submitted the required details in time to commence development within the 5-year period set by condition No. 1. This application is therefore to vary that condition in order to renew the permission. A Section 106 agreement was entered into relating to construction of passing places, landscaping, restricting the number of cows and proscribing intensive calf-rearing.

2. Policies

2.1 Planning Policy Guidance

PPG.7 - The Countryside: Environmental Quality and Economic & Social Development

2.2 Hereford and Worcester County Structure Plan

Policy CTC1 - Area of Outstanding Natural Beauty

Policy A3 - Agricultural Buildings

2.3 South Herefordshire District Local Plan

Policy C1 - Development Within Open Countryside
 Policy C4 - AONB Landscape Protection
 Policy C5 - Development within AONB
 Policy C6 - Landscape and AONB
 Policy C9 - Landscape Features
 Policy C11 - Protection of Best Agricultural Land
 Policy C17 - Trees/management
 Policy ED9 - New Agricultural Buildings
 Policy GD1 - General Development Criteria

2.3 Herefordshire UDP (Deposit Draft)

Policy H2 - Housing Land Allocations
 Policy E13 - Agricultural and Forestry Development
 Policy E15 - Protection of Greenfield Land
 Policy LA1 - Areas of Outstanding Natural Beauty
 Policy LA2 - Landscape Character and areas least resilient to change
 Policy S2 - Development requirements.

3. Planning History

- 3.1 SH970699PF Relocation of dairy unit from Vine Tree - Permitted 18.3.98
 Farm to Arbour Hill Farm.

4. Consultation Summary

- 4.1 Environment Agency has no objection to the proposal.

5. Representations

5.1 Walford Parish Council would welcome the return of a dairy herd to the parish. It has no objection to the relocation of the unit to Arbour Hill Farm, as in 1997, provided that the conditions of the access road being from B4234 at Vine Tree (unmarked on site plan), dark coloured buildings, good landscaping and care over discharge into the existing ponds are complied with.

5.2 3 letters have been received objecting to the proposal. In summary the following reasons are given:

- (1) The road is a narrow single track lane very unsuitable for large milk tankers as very few passing places.
- (2) Heavy traffic would pass through Lincoln Hill housing estate: this is obstructed by parked cars (especially Roman Road) and hazards to children would increase.
- (3) Turn from Redwood Close onto Lincoln Hill is dangerous at present as obstructions (tree, hedge, lamp standard and traffic sign) restrict visibility to left.
- (4) 24-hour collection of milk would cause considerable noise at all hours of the day.

- (5) It is pointed out that 6 years have elapsed since application first submitted during which dairy stock has been sold; that profitability of small dairy farms is extremely low and many have left the business - viability of applicants' business might therefore be doubtful.
- (6) Enquiries should be made as to what land and buildings would be used for should dairying prove unsustainable.
- (7) Reference is made to the Inspector's Report on South Herefordshire District Local Plan regarding development at Arbour Hill and subsequent housing at Vine Tree Farm. Inspector found (a) former would be contrary to aims of ED10 and ED11 (current proposal somewhat larger than that envisaged by Inspector, and (b) latter raised difficulties with regard to over-supply of housing. Inspector confirmed that Area of Outstanding Natural Beauty and open countryside should be fully protected. Paragraph 51.03 of Inspector's Report indicates that the Local Planning Authority would not support any large industrial applications including farms in AONB.

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 A key issue is the development of a large agricultural complex in the Wye Valley Area of Outstanding Natural Beauty. The former South Herefordshire District Council was aware from the Committee report that the development would be intrusive in the landscape but it was concluded that this site was less harmful than the alternatives of expansion at Vine Tree Farm and the open exposed site on the pastures below Arbour Hill Farm. The South Herefordshire District Local Plan had not been adopted at the time planning permission was granted but the relevant policies are the same as in the adopted Plan. The Unitary Development Plan policies differ in wording but not in their thrust viz. the recognition that agricultural development has to be accommodated in the open countryside, if necessary on new sites, and that in the Area of Outstanding Natural Beauty priority is given to preserving the natural beauty of the landscape. There has not therefore been any changes in policy between the initial grant of permission and now. This is one of the grounds on which renewal of permission can be resisted. The Unitary Development Plan in fact allocates Vine Tree Farm for housing. However this Plan is at a very early stage and this proposal has very limited weight in relation to the current application.
- 6.2 The other main ground is that there have been significant and relevant changes in circumstances. As pointed out in the representations the applicants' no longer have a dairy herd. The environmental problems at Vine Tree Farm which was one factor encouraging the former Council to permit a new dairy unit, no longer occur. Nevertheless dairying could be resumed without the need for permission. The approved unit was restricted by planning condition to dairying and it is for the appellants' or successors to decide whether to implement the permission. A fresh permission would be needed to use or develop the current proposal for some other agricultural operation for which they may not be ideally suited or appropriately sited.
- 6.3 There seems no reason to think that the problems of additional HGV traffic and resultant noise and danger on the roads including the Lincoln Hill estate would be more

serious now than when permission was originally granted. Similarly smells and environmental pollution, loss of outlook and harm to landscape would be no more harmful. For these reasons then it is considered that there are no changes in circumstances that justify refusal to renew permission.

RECOMMENDATION

That 1) The County Secretary and Solicitor be authorised to complete a deed of variation under Section 106 of the Town and Country Planning Act 1990 and deal with any other appropriate and incidental terms, matters or issues.

2) Upon completion of the aforementioned planning obligation officers named in the scheme of delegation be authorised to issue planning permission 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 G04 (Landscaping scheme (general))

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

3 G05 (Implementation of landscaping scheme (general))

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

4 G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

5 A full specification for the external finishes and colour of all other materials used in all engineering and building works shall be submitted to and approved in writing by the local planning authority before the development is commenced. Development shall be carried out in accordance with the approved specifications.

Reason: To protect the visual amenities of the area.

6 Proposals for landscaping shall include earth mounding along the land bordering the south-east, north-east and north-west of the proposed site, which shall be carried out and seeded before the buildings are brought into use.

Reason: To protect the visual amenities of the area.

7 Details for the safeguarding of the ponds on the south-eastern boundary from any contamination shall be submitted to and approved in writing by the local planning authority before the development is commenced. Development shall be carried out in accordance with the approved details.

Reason: To avoid pollution.

- 8 Before the buildings hereby approved are brought into use the internal farm roadway identified on drawing No. MB12, and the revised access arrangements at the point of access onto the Class II highway at Vine Tree Farm buildings, shall be upgraded in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason: To ensure that the roadway and access will meet the applicants' requirements and in the interest of safety.

- 9 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.

- 10 Notwithstanding the provisions of Article 3, Schedule 2 and Part 6 of the Town and Country Planning (General Permitted Development) Order 1995, no works referred to in Class A and Class B (other than those contained within this specific planning permission) shall be carried out.

Reason: Specific permission has been given to transfer an existing Dairy unit to this site. If other agricultural uses are proposed it is essential that the local planning authority assess the impact of any changes in relation to the neighbourhood where there are residential properties in separate ownership.

- 11 Notwithstanding the provisions of Section 55(2) of the Town and Country Planning Act 1990 the proposed buildings and associated structures and engineering works, subject of this permission, shall only be used for the agricultural uses described as a dairy unit and the new premises shall not be used for any other agricultural purpose without the prior written permission of the local planning authority.

Reason: Specific permission has been given to transfer an existing Dairy unit to this site. If other agricultural uses are proposed it is essential that the local planning authority assess the impact of any changes in relation to the neighbourhood where there are residential properties in separate ownership.

- 12 D03 (Site observation - archaeology)

Reason: To allow the potential archaeological interest of the site to be investigated and recorded.

- 13 H16 (Parking/unloading provision - submission of details)

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

- 14 The proposed improvements and upgrading of the existing access onto the county highway shall be carried out prior to the construction of the proposed buildings.

Reason: In the interests of highway safety.

- 15 F02 (Scheme of measures for controlling noise)

Reason: In order to protect the amenity of occupiers of nearby properties.

- 16 A plan shall be submitted to and approved in writing by the local planning authority which specifies the locations of any stock-piled manure resulting from this development.**

Reason: To prevent environmental pollution and protect the amenities of neighbours.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

10 SW2003/0995/F - CONVERSION OF AGRICULTURAL BUILDINGS TO ONE HOUSE WITH RESIDENTIAL ANNEXE AND ERECTION OF ONE HOUSE, GREAT HOUSE FARM, DORSTONE, HEREFORDSHIRE, HR3 6BE

11 SW2003/0997/L - LISTED BUILDING APPLICATION IN RESPECT OF THE ABOVE

For: Mr R Goodwin per Burton & Co, Lydiatt Place, Brimfield, Ludlow, Shropshire, SY8 4NP

Date Received: 28th March 2003 Ward: Golden Valley North Grid Ref: 3157 4150

Expiry Date: 23rd May 2003

Local Member: Councillor N. J. J. Davies

1. Site Description and Proposal

- 1.1 This site is within the Conservation Area for Dorstone, and within the defined settlement boundary for the village. They comprise curtilage buildings to Great House Farm.
- 1.2 The site is served by two entrances off the C1207 road either side of a Grade II listed barn that it is proposed to convert into one dwelling. This stone and horizontally boarded building is aligned approximately at right angles to the C1207 road, i.e. north to south. Great House Farmhouse is in the applicant's ownership, is 25 metres to the west of the grade II listed barn. It will have its own access gained off the C1207 road. There is a smaller stone building 3/4 metres to the west of the listed barn, it is grade II listed and will provide an annexe to the main barn. It is also proposed to extend this listed building 7.5 metres long and 5.6 metres wide, with the addition of a 6.4 metres long by 6.2 metres wide extension. This extension follows the line of a previous building in regard to the width, however it stops short when previously the building joined a range of buildings at right angles to those on the southern end of Great House Farmhouse. This extension is horizontally boarded, in contrast to the stone construction of the existing listed building. the stable building and extension will provide an annexe to the main building, forming a threshing barn.
- 1.3 The other dwelling is a new one sited in the south-eastern corner of the site, it is sited between 4 - 4.8 metres away from the stone wall boundary of Dorstone Court to the east, another grade II listed building. The dwelling has the appearance of a converted barn particularly when viewing the north or roadside elevation, given it has a central carting opening, a single slit window and two 2-light windows at first floor level which is boarded, the remaining part of the building at ground floor level comprises stone walling. This new dwelling is on the site of a Dutch barn that will be removed together with one 0.8 metres away from and parallel to the aforementioned stone boundary wall of Dorstone Court. The new dwelling will be served by an existing access at the north-western corner of the site adjacent to the gable end of an outbuilding belonging

to Dorstone Court. Garaging will be provided by an existing open fronted stone shed covered in stone slates.

- 1.4 The barn and annexe will utilise the central access point. Garaging is provided by an existing open fronted cart shed, that is grade II listed, between the listed threshing barn and Great House Farmhouse.

2. Policies

2.1 Planning Policy Guidance

- PPG.7 - The Countryside: Environmental Quality and Economic and Social Development
PPG.15 - Planning and the Historic Environment

2.2 Hereford and Worcester County Structure Plan

- 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 C.8 - Development within Area of Great Landscape Value
Policy C.23 - New Development affecting Conservation Areas
Policy C.24 - Demolition in Conservation Areas
Policy C.27A - Change of Use to a Listed Building
Policy C.27B - Alterations or Additions to Listed Buildings
Policy C.29 - Setting of a Listed Building
Policy C.36 - Re-use and Adaptation of Rural Buildings
Policy C.37 - Conversion of Rural Buildings to Residential Use
Policy SH.8 - New Housing Development Criteria in Larger Villages
Policy SH.14 - Siting and Design of Buildings
Policy SH.16 - Housing and Livestock Units

3. Planning History

- 3.1 None identified.

4. Consultation Summary

- 4.1 The Environment Agency has no objections in principle subject to a condition being attached to any planning permission granted.

5. Representations

- 5.1 In a letter that accompanied the application, the applicant's agent makes the following main points following an on-site meeting with officers:

- explained buildings virtually redundant as he owns other farm buildings at Lower Barn outside the village, from where he conducts his business
- site lies within settlement boundary and Conservation Area

- 3 buildings at Great House Farm are listed of Architectural/Historical interest, the Threshing Barn and Cow House, the Stable to south west and Cart Shed to the west
- prefer residential use not commercial given proximity to Great House Farmhouse, listed status of buildings and location in settlement
- agreed best to keep Threshing Barn as one unit, as not easily sub-divided
- Cart Shed would be used and unaltered for garaging
- given size and outlook, Stable better used as an annexe
- an extension to the Stable possible given settlement location and that it took pressure off listed Stable
- demolition of two modern buildings acceptable
- location for new house acceptable given in settlement boundary, it should take form of a traditional agricultural building assisting in its assimilation
- agreed to keep 3 existing access points
- design and layout of new buildings and boundary walls intended to provide sense of enclosure
- each house will have large plots, guaranteeing privacy
- new house, high pitched roof, Welsh slate 230mm x 38mm roughsawn weatherboard, local coursed rubble stone walls, open eaves. No overlooking windows on east elevation.

5.2 In a letter of support that accompanies the application, the applicant's agent makes the following main points:

- comment as follows regarding planning matters
- issue of nuisance raised for two new dwellings from vehicle movements and ventilation fans (connected with potato farm) but not the housing of livestock
- our clients nor tenants (live in part of farmhouse) report any problems with such operations
- no loss of mutual privacy between barn conversion and Dorstone Court, a distance of at least 24 metres (80 feet), also single storey office buildings, high stone boundary walls and trees
- suggested threshing barn could be adopted to store modern machinery, inspection reveals either side of threshing bay cross-wall structures preventing access to virtually all of building, listed building consent needed to remove structures.

5.3 Dorstone Parish Council make the following observations:

"Dorstone Parish Council support the application with the following comments:-

1. stable annex remains part of the threshing barn complex site, not to be sold off separately,
2. consider the points made in Mrs. Goring's letter Paragraph 5 & 6 "We have ..." and "our yard"
3. improve the access/visibility to/from the central entrance (yard/threshing barn)."

5.4 One letter of representation has been received from:

Mrs. J. Goring, Dorstone Court, Dorstone, HR3 6AW

The following main points are made:

- impression from applicant that officers have visited the site and permission will be a formality
- could adversely affect our business
- no objection to two plots west of Great Farmhouse farm nor to barn conversion outside village, though he now says he will leave the area
- have a very busy yard close by, occupants of expensive new houses may not be tolerant of our activities
- our yard houses cold stores with fans flicking on/off, workshop with 2 busy fitters, plus lorries and tractors with produce constantly on the move
- lodged our interest in purchasing buildings for agricultural use - not willing to negotiate
- listed barn one of four unconverted in area
- five generations of our family have lived with Goodwins for most of last century, understanding our farming needs. Non-farming occupants could take a different approach
- windows in first floor of main barn just yards from side entrance of Dorstone Court House, invasion of privacy for both occupants
- threshing barn could be adopted to store modern machinery, together with zinc clad open fronted Dutch barn, old but in good repair
- another zinc clad barn has been used for storing and drying grain
- over 20 families dependant on our success, largest employer in the parish
- 17 houses under construction, plus Mr. Goodwin's two plots and barn conversion out of the village.

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 There are a number of issues relating to the applications for planning permission and listed building consent. These include the design of new buildings including the house and extension in close proximity to listed buildings, the conversion of the listed buildings, the means of access, treatment of foul drainage, relationship of new dwellings to adjoining properties and the possibility for disturbance from farming activities.
- 6.2 It is considered that this is the optimum number of dwellings on this site, excluding the Great House farmhouse. The main threshing barn would not easily be converted into more than one dwelling. It is an imposing well maintained building that makes an important contribution to the Conservation Area.
- 6.3 The extension to the listed stable that will provide the annexe to the converted threshing barn is not inappropriate given that there was clearly a length of building joining it to the southern end of Great House farmhouse. This is evident from Ordnance Survey maps dating from 1970. Policy C.37 makes it possible for buildings to be extended, where such additions are not incompatible, this is particularly in the case where parts of the former building project out of the western gable of this listed stable. The Chief Conservation Officer would wish to see the size of windows in the extension reduced in scale, from three light to two light windows. This would further enhance the building. The Chief Conservation Officer is also concerned in respect of the west elevation of the threshing barn, at the height of the entrance. This needs to be addressed. The treatment of cobble floors in the threshing barn and listed cow

house, the latter providing garaging for the new dwelling will need to be protected by imposition of conditions.

- 6.4 The new house is well sited in relation to existing buildings on the site, i.e. the threshing barn and to Dorstone Court farmhouse. There are no windows in the eastern gable elevation overlooking the garden and of that residential property and the upstairs north facing windows are of sufficient distance away from those in Dorstone Court farmhouse. The Chief Conservation Officer recommends that more boarding is used in the building, which on balance would provide a building that would assimilate even better onto the site. This house is well proportioned. It also has some privacy to the south of the dwelling between it and the converted listed cow house that will be used for garaging.
- 6.5 The Head of Engineering and Transportation is concerned about the use of the middle access point, which is an existing use for the threshing barn and annexe. Visibility is restricted in the easterly direction on the 'C' road by the gable end wall of the threshing barn. However, the existing access onto the 'C' road adjacent to Dorstone Court House also has restricted visibility to the west, and on balance given that the central access is serving one dwelling only and also 3 listed buildings are brought into productive use outweighs the concerns of the Head of Engineering and Transportation. It would also mean that the roadside stone walls which contribute to the setting of the listed buildings and to the Conservation Area can be maintained.
- 6.6 The Environment Agency do not object in principle, however, they recommend that in accordance with Policy GD.1 contained in the South Herefordshire District Local Plan details of the means of foul drainage be approved before works commence on site.
- 6.7 The next issue is the one of relationship between existing dwellings and the proposed conversion of listed buildings and the new dwelling. There is a distance of between 24.5 and 25.5 metres between the west facing windows of the threshing barn dwelling and Great House farmhouse. This is sufficient distance to provide a reasonable level of privacy. The garden area for the threshing barn is not directly overlooked by Dorstone Court House. There are a number of additional east facing windows at first floor level of the threshing barn, these should be reduced in number or narrowed possibly. This would also improve the appearance of this listed farmhouse that at present has no first floor windows in this particular elevation. It is considered that the distance between the upstairs west facing window in Dorstone Court Farm is at minimum 25 metres which is an acceptable distance between new buildings.
- 6.8 The remaining issue is the one relating to potential nuisance and disturbance that occupants of the new dwellings could experience given the farming activity generated by the site to the north-east of the site and opposite Dorstone Court Farmhouse. The policy criteria are set out in Policy SH.17 contained in the south Herefordshire District Local Plan. This policy is more generally concerned with the proximity of livestock buildings to proposed dwellings, often the conversion of rural buildings. It is considered that the buildings that generate noise are of sufficient distance away from the new dwellings proposed. The new dwelling is 28 metres from the metalled edge of the Class III road. The threshing barn is closer, however it is more orientated westward towards Great House farmhouse, in addition there is an office block and car parking between the site and the buildings generating noise. The traffic generated which would be heightened at particular times of the year undoubtedly has an impact on the generally quiet environment, nevertheless the site is within the settlement boundary and it is considered that on balance the merits of the scheme which provide for the future of these listed buildings outweighs disturbance from traffic.

- 6.9 Therefore, subject to amendments being made to the elevational treatment of, in particular, the listed threshing barn and the new dwelling, this application can be supported.

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 and listed building consent subject to the following conditions and any additional conditions considered necessary by officers:

In respect of SW2003/0995/F

- 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. C02 (Approval of details)**

Reason: To safeguard the character and appearance of this building of architectural and historical interest.

- 4. C10 (Details of rooflights)**

Reason: To ensure the rooflights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of this building of architectural and historical interest.

- 5. G01 (Details of boundary treatments)**

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

- 6. E15 (Restriction on separate sale)**

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

- 7. E16 (Removal of permitted development rights)**

Reason: In order to safeguard the character and appearance of this building of architectural and historical interest.

- 8. E18 (No new windows in specified elevation)**

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

9. F18 (Scheme of foul drainage disposal)

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

10. G04 (Landscaping scheme (general))

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

11. G05 (Implementation of landscaping scheme (general))

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

In respect of SW2003/0997/L

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 architectural and historical interest.

3. C10 (Details of rooflights)

Reason: To ensure the rooflights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of this building of architectural and historical interest.

4. G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

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.

Decision:

Notes:

Background Papers

Internal departmental consultation replies.

12 SE2003/1275/F - PROPOSED SEMI-DETACHED TWO STOREY DWELLING CORNER SITE HENRY STREET & CROFT LANE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7AA

For: Casepress Ltd per Mr C Goldsworthy, 85 St Owens Street, Hereford HR1 2JW

Date Received: 29th April 2003 Ward: Ross-on-Wye East Grid Ref: 6011 2415

Expiry Date: 24th June 2003

Local Member: Councillors Mrs C J Davies and Mrs A E Gray

1. Site Description and Proposal

1.1 The rectangular site of about 0.02 ha is situated on the corner of Henry Street and Croft Lane, opposite The Stag Public House. The site has been built up with a rough concrete surface. It is used informally as car parking. Planning applications for the erection of 2, 2-storey houses on this site have been refused permission for the following reason:

1.2 The current application is for a single dwellinghouse. This would be of similar style to the 3 refused schemes (which were identical). The 'L' shaped building would be of brick construction with artificial slate roof and Georgian style windows. The house would have 4 bedrooms. No car parking would be provided. The flank wall would be about 2-5 m. forward of the houses on the southern side of Crofts Lane and separated from The Stag by about 7 m. Compared to the earlier proposal the flank wall would be wider (9m rather than 7m).

2. Policies

2.1 Planning Policy Guidance

PPG.13	Transport
PPG.15	Planning and the Historic Environment

2.2 Hereford and Worcester County Structure Plan

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

Part 1

Policy GD.1	General Development Criteria
Policy C.23	New Development Affecting Conservation Areas
Policy SH.5	Housing Land in Ross-on-Wye
Policy SH.14	Siting and Design of Housing
Policy SH.15	Criteria for New Housing Schemes
Policy T.4	Highway & Car Parking Standards

Part 3 - Ross (Chapter 37)

Policy 1	Housing Land in Ross-on-Wye
Policy 3	Infill Sites for Housing
Policy 5	Housing in Built-up Areas

3. Planning History

- 3.1 SE2002/0324/F 2, 3-bed dwellings - Refused 03.04.03
 SE2002/1109/F 2, 3-bed dwellings. - Refused 05.06.02
 SE2003/0976/F Erection of 2 No 3-bed semi-detached dwellings - Refused 21.05.03

4. Consultation Summary

- 4.1 Welsh Water's representations are awaited.

5. Representations

- 5.1 No additional information was included with the application.
 5.2 Ross on Wye Parish Council's observations are as follows:

Whilst there are no objections to the actual house, there are concerns over the lack of off-road parking in an already congested area. The paved forecourt area looks of insufficient size to accommodate off-road parking.

- 5.3 Two letters of objection have been received. In summary the following points are made:
- (1) Welsh Water objected to an earlier application. The current application seems to allow surface and main drainage to be removed from the site via the Town's overloaded drainage system, which was the reason for Welsh Water's objection to any further building in Ross.
 - (2) Drawing No. SE03/1275/F does not indicate that the window in the adjoining property (No 4 Henry Street) is at ground floor level and therefore the proposed building will interfere with light and may contravene the 1832 Prescription Act and the 1959 "Rights of Light Act". The window is stained glass and relies on light to fulfil its decorative nature.
 - (3) The drawing showing the front elevation perspective from Henry Street, shows that the proposed development is tied into the adjoining property therefore our property which is an end terrace home becomes mid terraced.
 - (4) At present the various services to No 4 Henry Street are on the external wall that the proposed development ties into and would have difficulty in accessing them for maintenance. They have been in situ since the present occupants of No 4 bought the property.

- (5) No notification has been served on the owners of No 4 in relation to the Party Wall Act 1996 which mentioned that no development can be tied into an existing property without the permission of the owners. We will not grant that permission.
- (6) The application form states that the site is at present used for unauthorised parking. If the parking has to be relocated to parking on the street, this would require a further 10 on-street parking places, in an already congested area.
- (7) Policy 3(i) of the South Herefordshire District Local Plan states that the design and materials are in harmony with surrounding buildings. We do not believe that this development harmonises with the individuality of the surrounding properties, in this conservation area. Therefore a good relationship with adjoining land users will not be achieved, as set out in the aforementioned plan Policy 3(iv).
- (8) We also believe that this development will contravene South Herefordshire District Local Plan Policy 5(iii) by adversely affecting the visual appearance and character of the locality.

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 sole reason for refusal for the 2 houses scheme was the proximity of the building to The Stag. The windows at first and second floor light living accommodation above the public house. The flank wall of the building would be only about 4 m. from these windows and this was considered to be too close to allow adequate light to and acceptable outlook from the flat. The principle of residential development was considered to be acceptable, indeed an attractive new building would enhance the character and appearance of the Conservation Area.
- 6.2 The smaller building now proposed would be further from the public house (7m. rather than 4m.). This is considered to be sufficient improvement to overcome the objections raised to the earlier scheme. The design is considered to be acceptable except that the blank gable end wall would not be attractive and should be re-considered. As this is a town centre site the Head of Engineering and Transportation, Divisional Surveyor (South) accepts that off-street car parking need not be a requirement.
- 6.3 The issues raised by the neighbour partly concern property rights which would not be set aside by the grant of planning permission. Welsh Water has indicated in connexion with the previous application (SE2003/0976/F) that subject to conditions they do not object to residential development on this site. It is not considered therefore that there are grounds to refuse planning permission.

RECOMMENDATION

That subject to submission of acceptable revised drawings, 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.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.