

A G E N D A

Southern Area Planning Sub- Committee

Date: **Wednesday, 18th February, 2004**

Time: **2.00 p.m.**

Place: **The Council Chamber, Brockington**

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

For any further information please contact:

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Southern Area Planning Sub-Committee

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

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

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES	1 - 22
To approve and sign the Minutes of the meeting held on 21st January, 2004.	
4. ITEM FOR INFORMATION - APPEALS	23 - 26
To note the contents of the attached report of the Head of Planning Services in respect of the appeals received or determined for the southern area of Herefordshire.	
5. HEAD OF PLANNING SERVICES REPORT	27 - 96
To consider and Take any appropriate action on the attached reports of The Head of Planning Services in respect of the planning applications received for the southern area of Herefordshire, and to authorise him to impose any additional conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection by members during the meeting and also in the Council Chamber from 1.30 p.m. on the day of the meeting.	
EXCLUSION OF THE PUBLIC AND PRESS	
In the opinion of the Proper Officer, the next item will not be, or is likely not to be, open to the public and press at the time it is considered.	
RECOMMENDATION:	
THAT the public be excluded from the meeting for the following item of business on the grounds that it involves the likely	

disclosure of exempt information as defined in Schedule 12(A) of the Local Government Act, 1972 as indicated below.

6. CONFIDENTIAL ENFORCEMENT REPORT

97 - 98

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

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

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YOU HAVE A RIGHT TO:-

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

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BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the Southern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on 21 January 2004 at 2:00 p.m.

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

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

In attendance: Councillors PJ Edwards and PE Harling

43. APOLOGIES FOR ABSENCE

Apologies were received from Councillors M.R. Cunningham and N.J.J. Davies.

44. DECLARATIONS OF INTEREST

The following declarations of interest were made.

Councillor	Item	Interest
Mrs A Gray	1 DCSE2003/2323/F - Demolition of farm buildings. re-development of land for 66 houses, conversion of barn, provision of off-site drainage and re-alignment of farm track at land formerly part of Vine Tree Farm, Walford Road, Ross-on-Wye, Herefordshire	Prejudicial – Left the Meeting for the duration of the item.
G Lucas	1 DCSE2003/2323/F - Demolition of farm buildings. re-development of land for 66 houses, conversion of barn, provision of off-site drainage and re-alignment of farm track at land formerly part of Vine Tree Farm, Walford Road, Ross-on-Wye, Herefordshire	Prejudicial – Left the Meeting for the duration of the item.
H Bramer	2 DCSW2003/2345/F - Stabilisation of approx 90m of bank to the Dulas Brook with gabions, to prevent bank erosion, Horsecroft, Ewyas Harold, Hereford, HR2 0EQ	Personal – remained at the meeting

JB Williams	2 DCSW2003/2345/F - Stabilisation of approx 90m of bank to the Dulas Brook with gabions, to prevent bank erosion, Horsecroft, Ewyas Harold, Hereford, HR2 0EQ	Personal – remained at the meeting
GW Davies	2 DCSW2003/2345/F - Stabilisation of approx 90m of bank to the Dulas Brook with gabions, to prevent bank erosion, Horsecroft, Ewyas Harold, Hereford, HR2 0EQ	Personal – remained at the meeting
JW Edwards	2 DCSW2003/2345/F - Stabilisation of approx 90m of bank to the Dulas Brook with gabions, to prevent bank erosion, Horsecroft, Ewyas Harold, Hereford, HR2 0EQ	Personal – remained at the meeting

45. MINUTES

RESOLVED: That the Minutes of the meeting held on 10 December, 2003 be approved as a correct record and signed by the Chairman.

46. PLANNING APPEALS

The Sub-Committee noted the Council's current position in respect of planning appeals for the Southern area of Herefordshire. The Southern Divisional Planning Officer advised that in respect of application SW2003/0571/O the Council had been granted a partial award of costs in recognition of abortive work undertaken prior to the appeal being withdrawn.

47. 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 3.27 pm

CHAIRMAN

APPENDIX

Ref. 1
ROSS-ON-WYE
DCSE2003/2323/F

Demolition of farm buildings. Re-development of land for 66 houses, conversion of barn, provision of off-site drainage and re-alignment of farm track at:

**LAND FORMERLY PART OF VINE TREE FARM,
WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE**

For: Lovell Partnerships, River House, Ynysbridge Court, Gwaelod-y-Garth, Cardiff CF15 9YY

RESOLVED: That subject to the receipt of acceptable revised drawings:

- 1) The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 with regard to financial contributions towards off-site provision of amenity facilities and traffic-calming measures and management of the surface water drainage arrangements, affordable housing and any additional matters and terms as considered appropriate.
- 2) Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:
 - 1 A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
 - 2 B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.
 - 3 G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
 - 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 G11 (Retention of hedgerows (where not covered by Hedgerow Regulations))**

Reason: To ensure that the application site is properly landscaped in the interests of the visual amenity of the area.
- 7 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.
- 8 F20 (Scheme of surface water drainage)**

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
- 9 H03 (Visibility splays)**

Reason: In the interests of highway safety.
- 10 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.
- 11 H17 (Junction improvement/off site works)**

Reason: To ensure the safe and free flow of traffic on the highway.
- 12 H18 (On site roads - submission of details)**

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.
- 13 H21 (Wheel washing)**

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

safety.

14 H27 (Parking for site operatives)

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

15 H28 (Public rights of way)

Reason: To ensure the public right of way is not obstructed.

INFORMATIVE NOTES

1 HN04 - Private apparatus within highway

2 HN05 - Works within the highway

3 HN08 - Section 38 Agreement details

4 HN09 - Drainage details for Section 38

5 HN10 - No drainage to discharge to highway

6 HN13 - Protection of visibility splays on private land

7 HN19 - Disabled needs

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

Ref. 2
EWYAS HAROLD
DCSW2003/2345/F

Stabilisation of approx 90m of bank to the Dulas Brook with gabions, to prevent bank erosion at:

HORSECROFT, EWYAS HAROLD, HEREFORD, HR2 0EQ

For: **Herefordshire Housing, Thorn Business Park,
Unit 3, Rotherwas Industrial Estate, Hereford, HR2 6JT**

The Principal Planning Officer (Minerals and Waste) reported a letter from an objector (Mr Wells of Stone House) stating that his views had not been taken into account and requesting that the application be deferred. The officer confirmed that the objection had been acknowledged and the points made taken into consideration.

In accordance with the criteria for public speaking Father Carney spoke against the application.

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

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

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

2. A07 (Development in accordance with approved plans)

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

3. The development shall not be commenced unless and until:

- a) a plan and scheme for post-construction management designed to increase the nature conservation potential of the development, and
- b) details of pre-seeded matting covers to the gabions have been submitted to and approved in writing by the local planning authority, and both the plan and scheme shall be implemented as approved.

Reason: In the interests of the landscape and nature conservation.

4. E05 (Restriction on hours of use (industrial))

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

5. During the process of constructing the development hereby permitted, no materials capable of trapping or injuring otters shall be left overnight within three metres of the bank of the Dulas Brook.

Reason: In the interests of protecting otters, a statutorily protected species.

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

Councillors GW Davis and JW Edwards abstained from voting on this item.

Ref. 3
MADLEY
DCSW2003/1769/F

Residential development comprising: three no. 3 bed detached houses, two no. 2 bed semi-detached houses and three no. 2 bed terraced houses at:

MONTROSE, MADLEY, HEREFORD, HR2 9LS

**For: M. F. Freeman Ltd per James Spreckley, MRICS FAAV,
Brinsop House, Brinsop, Herefordshire,
HR4 7AS**

The Principal Planning Officer reported that acceptable amended plans had been received from the applicant. The Local Ward Member, Councillor DC Taylor, asked if provision would be made to retain the holly hedge on one of the boundaries of the site and the Principal Planning Officer said that this would be protected through the appropriate planning conditions.

RESOLVED: That the Officers named in the Scheme of delegation to Officers be authorised to grant planning permission, subject to the following conditions and any further conditions considered necessary by Officers:

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

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

2. A07 (Development in accordance with approved plans)

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

3. B01 (Samples of external materials)

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

4. D01 (Site investigation - archaeology)

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

5. E18 (No new windows in specified elevation)

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

6. Foul water and surface water discharges must be drained separately from the site.

Reason: To protect the integrity of the Public Sewerage System.

7. No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.

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

- 8. No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.**

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

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

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

- 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.

- 12. H03 (Visibility splays)**

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. H27 (Parking for site operatives)**

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

INFORMATIVES

- 1. N15 - Reason(s) for the Grant of Planning Permission**
- 2. HN01 - Mud on highway**
- 3. HN05 - Works within the highway**
- 4. HN10 - No drainage to discharge to highway**

Ref. 4
EWYAS HAROLD
DCSW2003/1804/O

□

Site for erection of a pair of semi-detached houses on existing beer garden/car park, at:

TEMPLE BAR INN, EWYAS HAROLD, HEREFORDSHIRE, HR2 0EU

For: **Mr C J W Castle, Hazelwood, Ewyas Harold, Herefordshire, HR2 0EU**

The Principal Planning Officer reported the receipt of a letter in support of the application.

In accordance with the criteria for public speaking Mr CJW Castle, the applicant, spoke in favour of the application.

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

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

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

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

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

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

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

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

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

5. **D01 (Site investigation - archaeology)**

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

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

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

7. **Foul water and surface water discharges must be drained separately from the site.**

Reason: To protect the integrity of the public sewerage system.

8. **Surface water discharges will only be permitted to discharge to the public surface water sewerage system.**

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

9. **No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.**

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

10. **F49 (Finished floor levels (area at risk from flooding))**

Reason: To protect the development from flooding.

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

Reason: In the interests of highway safety.

12. **H03 (Visibility splays)**

Reason: In the interests of highway safety.

13. **H05 (Access gates)**

Reason: In the interests of highway safety.

14. **H06 (Vehicular access construction)**

Reason: In the interests of highway safety.

15. **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.

16. **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.

17. H27 (Parking for site operatives)

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

INFORMATIVES

1. N15 - Reason(s) for the Grant of Planning Permission
2. HN01 - Mud on highway
3. HN04 - Private apparatus within highway
4. HN05 - Works within the highway

Ref. 5
ROSS-ON-WYE
 DCSE2003/3177/F

Single storey extensions to front and side of dwelling at:

13 SYCAMORE CLOSE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5UA

For: **Mr & Mrs R Hayes per D Kirk & Associates, Flat 2, 11 Station Street, Ross-on-Wye, Herefordshire HR9 7AG**

A letter of objection was read out by the Senior Planning Officer.

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

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

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

2 A07 (Development in accordance with approved plans)

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

3 Before any work commences on site full details of the materials to be used externally on the walls (above window level only) on the north east elevation of the living room extension, hereby approved, shall first be submitted to and be subject to the prior written approval of the local planning authority.

Reason: To ensure that the development is satisfactory in appearance.

INFORMATIVE

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

Ref. 6
BLAKEMERE
 DCSW2003/3390/F

General purpose agricultural shed and new access road, at:

**PARCEL 2625, HOLYWELL, BLAKEMERE, HEREFORDSHIRE.
 HR2 9JW**

For: **J Stevens, Harefield, Almeley Road, Eardisley, Hereford,
 HR3 6PP**

The receipt of a twenty-five-signature petition and three letters objecting to the application, was reported. The Principal Planning Officer said that the names of two of the objectors, Mr and Mrs Foulds had been omitted from the report, but that their concerns about the application had been included in the text of the report.

In accordance with the criteria for public speaking, Mr Foulds and Mr Wooley spoke against the application. Mr Stevens, the applicant spoke in favour.

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

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

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

2. **A09 (Amended plans)**

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

3. **B10 (Details of cladding (agricultural and industrial buildings)**

Reason: To minimise the visual impact of the development.

4. **Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of**

interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

5. F03 (Restriction on specified activities)

Reason: To protect the amenities of nearby properties.

6. G04 (Landscaping scheme (general))

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

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

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

INFORMATIVES

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

- 2. It is the responsibility of the applicant to ensure that the spring, located on this site, is not affected as a result of this development.**

Ref. 7
PETERCHURCH
DCSW2003/3551/F

Proposed 6 no stables, tack and hay barn, dungstead, creation of hard standing and grazing for horses, land at:

PETERCHURCH, PART PARCEL NO 9100, PETERCHURCH, HEREFORDSHIRE

For: Mr & Mrs D. L. Hancorn per Thompsons Agriculture House, Tillington Road, Hereford, HR4 9QJ

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

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

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

2. A07 (Development in accordance with approved plans)

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

3. B01 (Samples of external materials)

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

4. H01 (Single access - not footway)

Reason: In the interests of highway safety.

5. H03 (Visibility splays)

Reason: In the interests of highway safety.

6. H05 (Access gates)

Reason: In the interests of highway safety.

7. H06 (Vehicular access construction)

Reason: In the interests of highway safety.

8. 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.

9. H27 (Parking for site operatives)

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

INFORMATIVES**1. N15 - Reason(s) for the Grant of Planning Permission****2. HN01 - Mud on highway****3. HN04 - Private apparatus within highway****4. HN05 - Works within the highway**

Ref. 8
BRIDSTOW
DCSE2003/3554/F

Removal of condition 3 from permission SE2003/1859/F at:
WYE LEA COUNTRY MANOR, BRIDSTOW, ROSS-ON-WYE,

HEREFORDSHIRE, HR9 6PZ

For: **Wye Lea Leisure Ltd per M E Thorne & Co, The Ridge, Buckcastle Hill, Bridstow, Ross On Wye**

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

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

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

2 B01 (Samples of external materials)

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

3 The relief manager's bedroom and associated accommodation outlined in red on the plan attached to this permission shall only be occupied by a person employed at Wye Lea Country Manor holiday centre or as holiday accommodation and shall not be used as a separate residential unit.

Reason: It would be contrary to the policy of the local planning authority to grant planning permission for a residential unit in this location without the special need to provide on-site accommodation.

INFORMATIVE

1. N15 – Reason(s) for the grant of planning permission

Ref. 9
ROSS-ON-WYE
DCSE2003/3316/F

Two storey extension, at:

DESIGN HOUSE, BULLS HILL, ROSS ON WYE, HEREFORDSHIRE HR9 5SD

For: **Mr & Mrs R Porter, Design House, Bulls Hill, Ross-on-Wye, Herefordshire, HR9 5SD**

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

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

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

2. B01 (Samples of external materials)

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

3. Notwithstanding the approved drawings, the fenestration of the extension shall not be as shown but in accordance with details, which shall include the size, type and materials of construction which have been submitted to and approved in writing by the local planning authority.

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

INFORMATIVE

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

Ref. 10
ROSS-ON-WYE
SE2002/3827/F

Proposed new dwelling for staff accommodation at:

**YE HOSTELERIE HOTEL, GOODRICH, ROSS-ON-WYE
HEREFORDSHIRE.**

For: Ye Hostellerie per D Kirk and Associates, Flat 2, 11 Station Street, Ross-on-Wye, Herefordshire HR9 7AG

The receipt of a further letter from a neighbour expressing concerns about the first floor window overlooking his property was reported. The Principal Planning Officer said that revised plans had been submitted by the applicant. Members had concerns about the window and took the view that it should be of obscure glass and not have an opening light. The Principal Planning Officer said that he could discuss the concerns with the applicant to arrive at a satisfactory solution.

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

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

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

2 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 F48 (Details of slab levels)

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

7 F18 (Scheme of foul drainage disposal)

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

8 E16 (Removal of permitted development rights)

Reason: [Special Reason].

9 E18 (No new window in specified elevation)

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

10 E19 (Obscure glazing to windows)

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

11 The occupation of the dwelling shall be limited to a person solely or mainly employed at Ye Hostellerie Hotel and any resident dependants.

Reason: It would be contrary to the policy of the local planning authority to grant planning permission for a residential unit in this location without the special need to provide on-site accommodation.

INFORMATIVE

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

Ref. 11
ROSS-ON-WYE
 DCSE2003/3203/F

Convert rear showroom to two self-contained flats and redevelop rear yard to provide four self-contained flats with courtyard landscaping at:

OLD BAKERY MEWS, 12 BROOKEND STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7EG

For: **Mr F Fryer per B S Technical Services, The Granary Studio, Lower House, Bryngwyn, Raglan NP15 2BL**

The receipt of letters of objection from occupants of properties at Fontaine Court and an e-mail from the Housing Association owning adjoining properties regarding concerns about loss of light was reported.

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

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

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

2 C02 (Approval of details)

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

3 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.

INFORMATIVE

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

Ref. 12
**WESTON UNDER
PENYARD**
SE2003/3209/J

Remove one thuja tree at:
**HUNSDEN MANOR, WESTON UNDER PENYARD, ROSS ON
WYE**
For: **M F Freeman Ltd, Ruardean Works, Varnister Road, Nr
Drybrook, Glos GL17 9BH**

In accordance with the criteria for public speaking Mrs Backhouse of Weston Under Penyard Parish Council spoke against the application. The Committee was concerned that the scheme had not been constructed in accordance with the approved plans and that the thuja tree had been left in a dangerous condition. It was agreed that the tree could be removed but that its replacement should be of notable worthiness.

RESOLVED: That Consent to fell the thuja be GRANTED subject to the following conditions:

1. **The works shall be carried out in accordance with BS3998 recommended for works to trees.**

Reason: In the interest of good tree management.

2. **The thuja tree hereby approved to be felled shall be replaced by one semi-standard tree of such species and in a location to be agreed in writing with the local planning authority in consultation with the local Ward Councillor. The replacement tree shall be planted within 12 months of the removal of the tree subject to this approval.**

Reason: To maintain the visual and environmental quality of the site and surrounding area.

3. **The works must be begun not later than the expiration of two years from the date of this permission.**

Reason: To ensure the that works hereby approved are appropriate to the specific application for which they were approved, in view of the likely growth of the tree in question.

NOTE: This approval does not grant consent for works to the line of beech trees, proposals for which were withdrawn in the applicant's communication dated 5th January, 2004.

Background Papers

1. **Development Control File SE2003/3900/F**
2. **Herefordshire Unitary Development Plan (Deposit draft)**

3. South Herefordshire District Local Plan
4. Hereford and Worcester County Structure Plan
5. Tree Preservation Orders – a Guide to the Law and Good Practice (DETR, March 2000)
6. BS 5837:1991 – Guide for Trees in relation to Construction (BSi)
7. BS 3998:1989 – Recommendations for Tree Work (BSi)

Ref. 13
**WESTON UNDER
PENYARD**
SE2003/3510/J

Cut back cedar trees to create minimum clearance of 5m over new access and adjacent to A 40 and remove deadwood at:

HUNSDEN MANOR, WESTON UNDER PENYARD, ROSS ON WYE

For: M F Freeman Ltd, Ruardean Works, Varnister Road, Nr Drybrook, Glos GL17 9BH

In accordance with the criteria for public speaking Mrs Backhouse of Weston Under Penyard Parish Council spoke against the application.

The Sub-Committee was concerned that the developers wished to breach the conditions of the Tree Preservation Order, despite having obtained planning permission for the scheme in full knowledge of it.

RESOLVED: That consent be not granted for works to the trees covered by a tree preservation order because of the impact on the visual amenity of the area.

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCSE2003/2496/F**

- The appeal was received on 28th January 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr M B Gwilliam
- The site is located at 4 Green Close, Brampton Abbots, Ross-On-Wye, Herefordshire HR9 7JB
- The development proposed is Change of roof style from flat felt to tiled pitch, to include a dormer window to allow light into new spare room.
- The appeal is to be heard by Written Representations

Case Officer: Mrs Charlotte Atkins on 01432 260536

Application No. DCSW2003/2865/O

- The appeal was received on 15th January 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by The Exors of G A Roberts Decd
- The site is located at Bromley Lodge, -, Much Birch, Hereford, Herefordshire, HR2 8HZ
- The development proposed is Outline application for erection of a bungalow
- The appeal is to be heard by Hearing

Case Officer: Mrs Angela Tyler on 01432 260372

Application No. DCSW2003/1726/F

- The appeal was received on 21st January 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mrs James
- The site is located at Ty Button Cottage, Clodock, Herefordshire, HR2 0NY
- The development proposed is Demolish existing garage and build 2 storey rear extension and provision of new access and drive
- The appeal is to be heard by Written Representations

Case Officer: Mrs Angela Tyler on 01432 260372

Application No. DCSE2003/1521/F

- The appeal was received on 15th January 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs R Boocock

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

- The site is located at Crocketts Barn Aston Crews, Ross-on-wye Hereford.
- The development proposed is Extension to side and rear of dwelling.
- The appeal is to be heard by Hearing

Case Officer: Mr Steven Holder on 01432 260479

Application No. DCSE2003/1651/F

- The appeal was received on 12th January 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr D.E. Sayce
- The site is located at Willowbrook, Woolhope, Hereford, Herefordshire, HR1 4RJ
- The development proposed is Change of use of existing bungalow to holiday accommodation for families with young children with disabilities. Removal of Condition 10 of previous Planning Permission NE2000/0629/F.
- The appeal is to be heard by Written Representations

Case Officer: Mrs Charlotte Atkins on 01432 260536

Application No. DCSE2003/2496/F

- The appeal was received on 28th January 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr M B Gwilliam
- The site is located at 4 Green Close, Brampton Abbots, Ross-On-Wye, Herefordshire, HR9 7JB
- The development proposed is Change of roof style from flat felt to tiled pitch, to include a dormer window to allow light into new spare room.
- The appeal is to be heard by Written Representations

Case Officer: Mrs Charlotte Atkins on 01432 260536

APPEALS DETERMINED

Application No. SE2003/0501/F

- The appeal was received on 11th September 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 S Edwards
- The site is located at 2 Millbrook Cottages, Pontshill, Ross-On-Wye, Herefordshire HR9 5TH
- The application, dated 23RD January 2003 , was refused on 11th April 2003
- The development proposed was Change of use of garages & utility/store and single storey extension to form additional residential accommodation
- The main issue is the effect of the development on the rural character and appearance of the area and on the adjacent group of buildings.

Decision: The appeal was **ALLOWED** on 15th January 2004

Case Officer: Mr Steven Holder 01432 260479

Application No. DCSW2003/1369/F

- The appeal was received on 13th October 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 C C Dennison
- The site is located at 1 Boyce Cottages, Madley, Herefordshire, HR2 9NY
- The application, dated 7th May 2003 , was refused on 16th July 2003
- The development proposed was Erection of small wind turbine for generating electricity 2.5kw 8 m. high mast self supporting.
- The main issue is the effects of the proposed development on (a) the rural landscape, and (b) the living conditions of the occupiers of nearby dwellings in terms of noise nuisance and visual intrusion.

Decision: The appeal was **ALLOWED** on 15th January 2004

Case Officer: Mr Andrew Prior on 01432 261932

Application No. SW2003/0264/F

- The appeal was received on 8th September 200
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Dr. P Harris
- The site is located at Lilac Cottage, Ridge Hill, Hereford, HR2 8AD
- The application, dated 24th January 2003 , was refused on 18th March 2003
- The development proposed was Replacement two-storey garage building incorporating surgery/office
- The main issue is the effect on the character and appearance of the Area of Great Landscape Value (AGLV)

Decision: The appeal was **DISMISSED** on 14TH January 2004

Case Officer: Mr Andrew Prior on 01432 261932

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

SOUTHERN AREA PLANNING SUB-COMMITTEE

18TH FEBRUARY, 2004

APPLICATIONS RECEIVED

REF NO.	APPLICANT	PROPOSAL AND SITE	APPLICATION NO.	PAGE No.
1	Estech Europe Ltd	Waste treatment (using an autoclave) and recycling facility, including construction of a new building, Stoney Street Industrial Estate, Madley, HR2 9NQ	DCSW2003/3281/N	29 - 34
2	Solutions Ltd	Use of dwelling for accommodation of young people and supervisory staff, Fairview, Foy, Nr. Ross-on-Wye	DCSE2003/3794/F	35 - 44
3	Mr. P. S. J. Whittal	Erection of agricultural building for free range egg production, Bowling Green Farm, Clehonger	DCSW2004/0015/F	45 - 48
4	Mr. & Mrs. W. H. Whittaker	Proposed extensions and alterations, Great Hillshone Cottage, Ganarew, Monmouth	DCSE2003/3819/F	49 - 54
5	Messrs A J & C I Snell	Soft fruit packhouse facility, together with new site entrance and security fencing, Windmill Hill, Harewood End	DCSW2003/3759/F	55 - 68
6	Dr. R. Kway Kway	Proposed conservatory, Mandalar, Greytree, Ross-on-Wye	DCSE2003/3633/F	69 - 72
7	Mr. G. A. Roberts	Change of use from agricultural to business/light industry, Windy Hollow, Upton Bishop, Ross-on-Wye, HR9 7TT	DCSE2003/3606/F	73 - 76

8	Mr. C. Cooke & Ms. K. Cooke	Erection of one dwelling, land adjoining Monks Walk Cottage, Much Marcle, HR8 2LY	DCSE2003/3290/F	77 - 86
9	Mr. C. Cooke & Ms. K. Cooke	Erection of 4 dwellings and relocation of vehicle access at land adjoining Monks Walk Cottage, Much Marcle	DCSE2003/3347/F	77 - 86
10	Mr & Mrs J.A. & S.A. Wood	Conversion of existing garage/store to living accommodation. New rear access and garage, Westbury House, Gloucester Road, Ross-on-Wye, HR9 5LR	DCSE2003/3741/F	87 - 90
11	Mr. G. H. Probyn	Proposed extensions to existing cottage at Common Gate Cottage, Welsh Newton, Monmouth, Gwent, NP25 5RT	DCSE2003/3842/F	91 - 96

1 DCSW2003/3281/N - WASTE TREATMENT (USING AN AUTOCLAVE) & RECYCLING FACILITY, INCLUDING CONSTRUCTION OF A NEW BUILDING, STONEY STREET INDUSTRIAL ESTATE, MADLEY, HEREFORD, HR2 9NQ

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

Date Received: 7th November 2003 Ward: Stoney Street Grid Ref: 41742, 36979

Expiry Date: 27th February 2004

Local Member: Councillor D. C. Taylor

1. Site Description and Proposal

1.1 The application site is part of the Stoney Street Industrial Estate, Madley, part of a former World War Two RAF base. It is located about 700 metres north-west of Kingstone, 1.7kms south of Madley and 9.5kms to the west of the centre of Hereford. The Madley Earth Tracking Station is about 800m to the north-east. The site itself is irregular in shape, its longest dimensions about 260m east-west and about 97m north-south. It is bounded by the Dene Industrial Estate to the south-east and Stone Street to the west. There are existing industrial buildings (some disused) (some of which are former military buildings) on three sides and fields to the south. The nearest house is at Dene Villa about 36m to the south-east of the application site boundary and about 115m from the proposed building. The surrounding area is semi-rural. The former runways are clearly detectable and there are scattered farms and houses in the wider landscape.

1.2 The Proposal

The proposal is to develop a waste treatment and recycling plant to process 100,000 tonnes per annum of Municipal Solid Waste and Commercial Industrial Waste. The applicants state that they anticipate that the majority, if not all, of this waste would be from municipal waste collection services in Hereford and the surrounding areas. Treated material would be exported off site.

1.3 Buildings

The process would be undertaken in a proposed new building 112m x 54m x 12m to the eaves, 15m to the apex with an additional 5m high chimney. The building itself is a standard twin-bay steel portal building with profiled steel cladding and blockwork. The roof would be curved profiled metal cladding, the floor concrete. Three-storey offices, staff facilities and a visitor centre (550 sq metre floorscape) and viewing gallery would be located at the west end of the building, with operational processes concentrated in the southern half of the building and vehicle movement areas within the northern half. Vehicle access would be through two doors, each 6m wide and 5.1m tall. Separate pedestrian doors are also proposed.

1.4 The application also includes proposals for two weighbridges and an associated office, car parking and fuel and water tanks. The site as a whole is 2.56 hectares in size, of

which the buildings would cover 0.72 hectares, hardstandings for waste vehicles (to the north of the building) 0.34 hectares, and car parking (30 spaces to the south) 0.2 hectares, leaving about half the site undeveloped.

1.5 Process

The proposed operations are to tip waste for treatment onto a concrete floor within the reception hall, transfer it via a loading shovel into feed hoppers where it would be checked and bulky or prohibited items removed. From the hopper waste would be conveyed through barriers and weighing systems to remove oversized materials into one of two 70 ton intermediate storage hoppers to allow batch processing and monitoring of the waste through either of the two proposed autoclaves.

1.6 The applicants state that wastes would be cleared from the working floor each day and that any overnight waste stored in the hoppers would be covered to minimise smells and prevent access by vermin. The two autoclaves would each be 3m in diameter, 18m long and could contain 20 tons of waste. The autoclaves would be sealed, the waste treated with steam at 160 degrees centigrade under low pressure (5 bar) and rotated at 12RPM. Steam would be injected for around 15 minutes at a constant basis and maintained for 30 to 40 minutes (dependant upon the waste processed).

1.7 Treated wastes would consist of sanitised products (metals and plastics) (less than 20%), homogenous organic fibre (more than 60%) and sanitised waste for landfill (less than 20%), these would be screened using a trommel, sieves and air classifiers to separate out the lighter material (organic fibre) and heavier materials (grit, glass and metals) which would be further separated by magnet, eddy current separator and by machine or hand sorting into distinct streams for packaging and onward distribution. The proposed end use would be a mixture of landfill (residual waste, less than 20%), direct recyclables (e.g. metals and plastics about 20%) or re-use. The applicants state that the greater part of the treated waste (60% +) would be organic fibre capable of being used for a number of applications, including insulation, fibre board, as a bio-mass fuel or, after further treatment, as a compost. The waste volume is stated to be reduced by around 65% by the process.

1.8 Emissions

The applicants emphasise that no emissions should be released to atmosphere by the process except steam escaping when the autoclave door is opened for the removal of treated wastes and steam evaporating from the treated waste as it goes through the various processes to separate out recyclables, etc. These emissions would be captured by extractor fans, condensed and re-used, Negative air pressure is proposed within the building as a whole to treat air within the building to remove particulates (via a wringing separator) and odours (using an ultra-violet/ozonation system). Floors will be swept clean every night and any waste held overnight stored in covered hoppers. The intention is stated that no wastes would be stored overnight except in case of breakdown or emergency.

1.9 Hours of Operation

The proposal is to operate the site 24 hours a day, 6 days a week (not Sundays or Bank Holidays except for maintenance or in exceptional circumstances). In practice working is anticipated to be over 16 hours per day but the applicants state that permission for 24 hour working is required to allow for essential maintenance and flexibility for peaks in demand.

1.10 Vehicle Movements

Vehicle movements into and out of the site are proposed from 7.00 a.m. to 6.00 p.m. and the applicants state that the doors of the facility would be closed outside of these hours. The submitted environmental statement predicts that there would be 160, ten tonne vehicle movements per day. This has subsequently been revised to an estimate that, imports of 400 tonnes per day over 5 days per week and 50 weeks per year (equivalent to 100,000 tonnes) 50% would be delivered in ten tonne loads and 50% in 17.5 tonne loads. This gives estimates of 58 product movements in per day and on the same basis 54 vehicles removing treated waste out, i.e. a generation of 112 product vehicles per day. A maximum of 160 movements per day. Vehicles would be under the applicants' direct or contractual control and could therefore be limited to prescribed routes. The primary access proposed is off the A465 trunk road along the B4352, past Clehonger and south along Roman Road at the Comet crossroads to the south site.

1.11 Drainage

Rainwater would be drained into an external collection tank to supplement mains water to feed the boiler. Water from external hardstandings would be drained to the industrial estate's existing drainage system discharging into the Coldstone Brook via two oil interceptor/grip traps. Dirty water (e.g. washdown waters from the process building) and sewage would be discharged to foul sewer.

1.12 External Activities

The proposal includes signs at the entrance, lighting, to provide a minimum of 25 lux for external areas, security gates and supplementary fencing (details to be agreed) and a small landscaping block 800 sq metres to the south east of the main building. The applicants state that space constraints limit the potential for further landscape planting but that hedges and trees at the far end of the site would be retained.

1.13 Environmental Controls

Proposed methods of controlling odour, dust, litter, vermin, noise and air quality are set out. It is estimated that construction would take 8 months, working 7am until 7pm weekdays and 9am - 5pm Saturdays, and would require 3 temporary porta-cabins on site.

1.14 The application is accompanied by plans and a statement of support, letters of clarification and a statutory Environmental Statement. The Environmental Statement includes, inter-alia, an assessment of the proposed development and design principles, planning policy, need, alternatives and BPEO, and assessments of effects on traffic, agricultural quality, ecology, noise and vibration, archaeology and other issues. Ten possible sites for the proposal are discussed with the conclusion that the Madley site was the best. The Ecological Survey of the site found one Great Crested Newt on one occasion, in a concrete water sump. This is a European Protected Species. 34 smooth newt larvae were also found but no other protected species.

1.15 The applicants have held two demonstrations on site, one open to the public, using a one-tenth scale plant.

2. Policies

To be included

3. Planning History

- 3.1 SW2002/0044/F Erection of proposed industrial - Granted 03.04.02
unit and offices, Use Classes B1
and B8

Adjoining land - 23 permissions for industrial or related development have been granted since 1993 and one for an emergency stop-over site for gypsies. Earlier permissions include, inter-alia, use of the site as a transport depot and HGV training centre.

4. Consultation Summary

Statutory Consultations

- 4.1 The following organisations have been consulted, responses will be summarised in a future report:

Environment Agency
English Nature
Herefordshire Nature Trust
ODPM
HSE
BT
Network Rail
Dwr Cymru - Welsh Water
Highways Agency
CPRE

Internal Council Advice

- 4.2 Internal consultations are also being undertaken with:

The County Archaeologist
Ecologist
Landscape Architect
Highways Engineer
Drainage Engineer
Waste Manager
Environmental Health Officer

Responses will be summarised in a future report.

- 4.3 The application was advertised in two local newspapers on two successive weeks and on site. 37 neighbour notification letters were also sent out.

5. Representations

- 5.1 At the time of writing 400 letters of objection, including a petition of 20 names, have been received, including those from Madley, Kingstone, Eaton Bishop, Clehonger, Belmont Rural, and Kilpeck Group Parish Councils, Friends of the Earth and Age Concern.

Summarised, these objections particularly draw attention to issues relating to possible health and safety risks, problems arising from new and unproven technology, the scale

of the proposal, the potential for pollution and its effects, effects on water resources and quality, the undesirable intensification of the industrial estate, effects on local amenities, problems arising from nuisances, smell, noise, steam, smoke, fumes, effluent and from 24 hour working, overlooking, effects on the landscape, ecology and protected species, the importance of the BPEO concept and the proximity principle, and human rights issues. The most significant single area of concern raised by objectors, however, is that arising from the increased volume of traffic, particularly the increase in the number of large vehicles, perceived increases in congestion both close to the site and far afield, especially Hereford itself, and the perceived increased risk of accidents to local people.

- 5.2 Nine letters of support have also been received, including one from Mercia Waste Management.

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

6. Officers Appraisal

- 6.1 At the time of writing a number of matters are still outstanding, this is therefore only a preliminary report. Officers hope to be able to bring a further report for determination to the meeting of the Sub-Committee on 17th March, 2004. The scale and character of the proposal and of the public interest in it are such that officers consider that Members would find it useful to inspect the site and its surroundings before determining the application.

RECOMMENDATION

That Members hold a formal Site Inspection to consider the possible effects of the proposal on the character and appearance of the area.

Decision:

Notes:

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Background Papers

Submitted Environmental Statement

2 DCSE2003/3794/F - USE OF DWELLING FOR ACCOMMODATION OF YOUNG PEOPLE AND SUPERVISORY STAFF FAIRVIEW, FOY, NR ROSS-ON-WYE, HEREFORDSHIRE

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

Date Received: 18th December 2003 Ward: Old Gore Grid Ref: 60016, 28912

Expiry Date: 12th February 2004

Local Member: Councillor J W Edwards

1. Site Description and Proposal

- 1.1 Fairview is located some 190 metres, alongside an unmade road, to the north of the unclassified no-through road which serves Foy. It is a detached two-storey building, that may originally have been a pair, that is rendered in a salmon pink colour and with a tiled roof. Its curtilage extends to some 0.1ha. The access road skirts to south and east sides and from this is an access to a large parking/manoeuvring area. The remainder of the curtilage is essentially lawn and there are hedgerows to the boundary. To the rear of the building is a single-storey flat roofed building that has recently been converted from a garage to offices/playroom. The property is on rising ground some 10m above the level of the unclassified road. It is within the Area of Outstanding Natural Beauty and the Area of Great Landscape Value.
- 1.2 The unmade road runs past the site further to the north and serves other property. Immediately to the north is Hillcrest, a property operated by PGL as an activity centre and beyond that some housing and a farm. To the south adjacent to the junction are seven dwellings.
- 1.3 This proposal is to change the use of the building from C3 dwelling house to C2 use to provide accommodation for young people and supervisory staff.

2. Policies

2.1 Planning Policy Guidance

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

2.2 Hereford and Worcester County Structure Plan

- Policy CTC.1 - Areas of Outstanding Natural Beauty
- Policy CTC.2 - Areas of Great Landscape Value

Policy CTC.9 - Development Requirements

2.3 South Herefordshire District Local Plan

Policy GD.1 - General Development Criteria
 Policy C.1 - Development within Open Countryside
 Policy C.5 - Development within Area of Outstanding Natural Beauty
 Policy C.8 - Development within Area of Great Landscape Value
 Policy CF.4 - Residential Homes
 Policy T.3 - Highway Safety Requirements
 Policy T.1A - Environmental Sustainability and Transport

2.4 Unitary Development Plan

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

3. Planning History

- | | | | | |
|-----|---------------|---|---|---|
| 3.1 | SH170/80 | Erection of double garage | - | Approved 17.03.80 |
| | SH681/80 | Erection of porch | - | Approved 22.08.80 |
| | SE2003/3158/V | Use of dwelling for accommodation of young people under supervision | - | Lawful Use Certificate Refused 02.12.03 |

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Head of Engineering and Transportation has no objection.
- 4.3 Head of Strategic Housing Services advises that the property could be construed as a house in multiple occupation.
- 4.4 Head of Social Care's advice is awaited.

5. Representations

- 5.1 In support of the proposal the agent suggests there is little difference in the occupancy of the property to that of a single family and is no less sustainable than as a dwelling. Reference is made to an appeal at The Haven, Hardwicke and the Inspector's conclusion with regard to residents' fear and the behaviour of those people to be accommodated. The agent suggests that the home at Fairview has been in operation for over six months and there is no convincing evidence of harm with regard to the use.

In addition, a letter has been received from the applicants outlining the use and this is attached as an Appendix.

5.2 Foy Parish Council state:

"Written evidence from Clifford Parish Council at Hay makes it very clear that the security risk and nuisance implications from noise, vehicle access problems and security lights would prejudice the amenity value of local properties with the consequent appeals for reduction in Council Tax.

When PGL were given permission for their last expansion plan at Foy, Hereford Council Planning Committee clearly stated there should be no further commercial development in Foy, which would generate more traffic. The present irregular use of this property indicates this proposal would be in direct contradiction of this restriction and the Brampton Abbots and Foy Parish Council are unanimous that this application should be refused."

5.3 Sellack Parish Council state: "Unsuitable and remote site for teenagers."

5.4 National Care Standards Commission have no objections. They have additionally advised that they registered the site for occupation by one person on 21st August, 2003.

5.5 West Mercia Constabulary have not responded.

5.6 Nineteen letters raising objections have been received. These can be summarised as follows:

- it is questioned why an application has been made as they were previously advised that permission was not required
- the use has been in operation for some time
- it is a remote location unsuitable for such a use
- the area lacks the necessary services, amenities and public transport
- there is a potential to house three 16 year olds
- the use will cause noise and disturbance
- problems have occurred at similar homes elsewhere (specific instances are referred to)
- the site is remote with the access roads unsuitable and liable to flood
- the use should be in a town rather than the countryside
- it is difficult to obtain from the relevant bodies actual evidence of problems at similar establishments
- it is inappropriate to locate it adjacent to a childrens activity centre
- the children will not integrate into the local community
- there will be a risk of crime and property damage
- a family home has been lost
- the garden has largely been altered to provide parking
- the traffic of between 2 - 12 vehicles causes damage to the access track
- the suitability of the septic tank system is questioned
- the poor quality of the access track causes problems with water, debris and dust
- emergency services are remote.

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 It is considered appropriate initially to outline the background to the application and the requirement for planning permission. The property has historically been occupied as a dwellinghouse (it appears to have originally been a pair of houses). Such a use would fall within Class C3 of the Town and Country Planning (Use Classes) Order 1987, which is defined as:-

“Use as a dwellinghouse (whether or not as a sole or main residence –

- (a) by a single person or by people living together as a family, or
- (b) by not more than 6 residents living together as a single household (including a household where care is provided for residents).”

The implications of this are that small care and support homes fall within the definition of a dwellinghouse and as such there would not be a change of use. There has nationally been a number of appeal cases on this issue with the most relevant being North Devon District Council v The Secretary of State (2003). The general conclusion from the various cases is that where there is a small home with the residents living together as a single household and where the carer is also a resident then the use would normally fall within Class C3.

- 6.2 The potential use of this property has been the subject of lengthy correspondence with the local community since 2002. Much of the concern was expressed as supposition as to how the property would be used. The Council’s position was that until any use actually commenced an assessment of whether it fell within Class C3 could not be undertaken. Following the commencement of the use the applicant’s submitted an application seeking a Certificate of Lawful Use. From the information submitted with that application it was apparent that with regard to carers there would be a rota system, and whilst there would be an overnight presence, the use did not fall within Class C3. The application was refused. The use would therefore appropriately fall within Use Class C2 which is defined as:-

“Use for the provision of residential accommodation and care to people in need of care (other than a use within Class C3 (dwellinghouses)).

Use as a hospital or nursing home.

Use as a residential school, college or training centre.”

Following that decision, this application has resulted. It is clear however that as a matter of fact and degree that there is a fine dividing line on the difference between Class C2 and C3 uses.

- 6.3 The application however should be determined on its merits. The starting point for this is the policies of the development plan. The plan contains no specific policies with regard to children’s homes. However Local Plan Policy CF.4 deals with residential homes and states permission will be granted for such uses subject to the meeting of certain criteria. In addition, Unitary Development Plan Policy CF.7 deals with residential nursing and care homes and, subject to meeting certain criteria, states that such uses will be permitted in areas where new residential development is acceptable or where they involve the environmentally acceptable conversion of buildings.

6.4 From this policy context the following two broad issues can be identified –

- whether this is a suitable location for a residential institution, and
- the impact of the use on the amenities of nearby properties

6.5 Whether this is a suitable location for a residential institution

The site is within open countryside where planning permission would not normally be granted for new development. This proposal is however for the change in use of an existing building. Local Plan Policy CF.4 does not include a locational constraint, as such, for residential homes and neither does UDP Policy CF.7, in terms of the conversion of an existing building. Fairview is a four bedroomed house with a curtilage of some 0.1ha. The applicants advise that the maximum number of residents will be four (Appendix 1. Three children and one staff member). The former garage has been converted to provide offices/classroom (this work at the time it was undertaken was permitted development). The whole property has been refurbished and will provide a reasonable level of accommodation and physically the site is suitable.

Foy is a hamlet scattered alongside the unclassified road and other than the church it contains no local services or facilities. The nearest schools are located in Bridstow and Ross-on-Wye, and it is the latter, some four miles away, that also provides the concentration and range of community services and facilities. It is clear therefore that the occupants, as currently do all the existing local residents, will have to travel to obtain all the basic services and facilities. However, there are throughout the county a number of other similar establishments (either Class C3(b) or Class C2 uses) which are in the more rural areas with similar travel distances for access to services. It is considered that the use in this location would not be so disadvantaged in terms of access to these services such that it is unacceptable.

With regard to accessibility and traffic issues, Foy is relatively isolated and is served by an unclassified road. The nearest major road, the A40, is some 3 miles to the south west. The A40 additionally provides the nearest route for public transport. The access to the site from the public highway is an unmade track but this does serve other uses beyond the site, notably the PGL activity site. The occupancy in terms of numbers of people can be equated with that of a dwellinghouse but it is likely that the traffic generated may exceed that which could reasonably be expected from use as a dwellinghouse. The occupants will be obliged to use the single road access. This road is occasionally blocked by floodwater from the nearby River Wye. All access will involve the use of private vehicles as there is no public transport. However this situation currently exists for local residents. It is considered that the traffic generated by the use will not be at a level such that there would be an unacceptable increase on the road network resulting in an adverse impact on highway safety. Within the site itself there is an acceptable provision for car parking. The Head of Engineering and Transportation has no objection.

In conclusion on this issue it is considered that the site is a suitable location.

6.6 The impact of the use on the amenities of nearby properties

It is clear that the residents of the home will require continuing professional care and support. Local Plan Policy CF.4 and UDP Policy CF.7 seek to ensure that residential care homes do not adversely affect the amenities of neighbouring properties. This is an issue of significant concern to local residents and it has been raised during the

consideration of other similar proposals both in the county and nationally. It has been confirmed that a fear of the behaviour from the occupants of residential care homes can be a material planning consideration. However in order to carry significant, and determining, weight such concerns need to be accompanied by convincing evidence that the assertions made will result.

Firstly it is considered that from the level of occupation intended the operation of the use within the site itself, in terms particularly of noise and disturbance, is unlikely to have an unacceptable impact on the amenities of nearby dwellings. The nearest dwellings are some 150m to the south. It is likely that the operation of the use will generate additional traffic but again it is considered that this is unlikely to cause unacceptable harm to residential amenity.

With regard to the broader issue the expressed fears (in the representations) are that the use will cause problems in the community with crime and anti-social behaviour, and that the occupants will not be suited to the rural environment or integrate. A number of the representations refer to, and provide details of, problems that have occurred at other similar homes, including those operated by the applicants. It is acknowledged that due to the nature of the use the provision of precise details of any particular occurrences from the statutory agencies is difficult to obtain.

The applicants have stated that the situation would not arise where a young person was in the home (day or night) without a member of staff being in attendance, and that they will seek to operate the home as close as possible to a normal home.

It is accepted that the children accommodated are likely to be in a completely different environment to that which they are used to. In addition it is not doubted that problems do arise at other similar homes. However these will arise whether the home is in the town or country. A number of the objections suggest that the home will be more appropriate in a town with the implication that any problems would be easier to deal with in such a location. However wherever a home is located if problems with behaviour arise they do need to be dealt with. Restricting such uses to towns will not remove this issue. It is noted that the National Care Standards Commission (the regulatory authority) do not object to this proposal. Whilst the details submitted with the representations do point to a level of unacceptable behaviour it cannot be assumed that such behaviour will inevitably result from this proposal. The evidence provided, it is suggested, is not compelling that any degree of risk arising elsewhere means the proposal would inevitably result in similar incidents. The suggestion, that the examples given and the perceived fears, could be advanced in any location, towns and countryside, to resist such proposals. The effect of this would be to prejudice the provision of residential homes of this nature. If problems do arise then the regulatory authorities have the powers to deal with them. It is necessary to also be mindful of the advice in PPG.3 which promotes the concept of mixed and inclusive communities, including meeting the housing needs of specific groups.

In conclusion on this issue it is considered that the proposal would not result in an unacceptable impact on the amenities of residential property in the area.

- 6.7 The site is within the Wye Valley Area of Outstanding Natural Beauty and the Area of Great Landscape Value. It is considered that the nature of the proposal is such that harm will not be caused to the landscape character of the area.

6.8 Conclusion

The introduction of such uses into any location is usually accompanied by concerns from the local community. In this case having regard to the policies of the development plan it is considered that the proposal is acceptable. With regard to other material considerations, whilst the concerns of the local community are understood they do not represent, in planning terms, a clear justification to refuse the application.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. The occupation of the property shall be limited to a maximum number of three children.**

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

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

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

Informative(s):

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

mwj

SOLUTIONS

quality care
Your Ref: 2003/3794. children

Mr. M. Wilmont,
Development Control Manager,
Planning Services,
Herefordshire Council,
Blueschool House,
Blueschool Street,
Hereford. HR1 2ZB.

Wednesday, 28 January 2004

Ref: Fairview, Foy

Dear Mr. Wilmont,

I am writing in support of our planning application for the use of 'Fairview', Foy as a children's home.

I understand there have been a number of objections to this application, and believe that many of the objections are based on myth rather than fact.

To clarify some of the salient points I have the following comments to make:-

1. Maximum number of children.

'Fairview' is a four bedroomed house. The Care Standards Act ensures that children have privacy in their own bedrooms, sufficient bathroom facilities to have a choice of either a shower or bath, and at least one member of staff sleeping in at night. Therefore, the number of bedrooms in 'Fairview' limits the maximum number of children accommodated to three.

2. Education of children.

Where possible children are enrolled at the local schools. However, due to previously missed years of education we will frequently use our own fully registered school facilities at Ledbury, Monmouth or Dinmore. Our schools have an attendance record exceeding 90% and are inspected by HMI, Ofsted or Estyn. Sometimes the school will make arrangements for home tuition, when this is deemed in the child's interest.

3. Operation of the home.

The home is run as closely as possible to a normal home. The routines are identical, with the same highs and lows as any other home. Domestic routines are the same and children are expected to assist in these duties as well as join in local activities, clubs etc..

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HEREFORDSHIRE COUNCIL
PLANNING SERVICES
DEVELOPMENT CONTROL

30 JAN 2004
To: MWJ EX
Ack'd: File:



THE BUSINESS CENTRE
LLANGARRON
HEREFORDSHIRE HR9 6PG
TEL: 01989-770766
01989-770701
FAX: 01989-770011

4. 'Contract' between the Child and Solutions.

Upon arrival, very clear guidelines are agreed with the children, with the expectations for both sides set out in a 'contract'. This will include the rewards for good behaviour, sanctions for crossing boundaries and ultimately termination of the contract. We are very reluctant to 'close a bed' and inform a placing local authority that we can no longer look after this child. This can send the wrong message to the young person that they do not have any security, however in extreme cases we have and will take these steps.

5. Neighbour Contact.

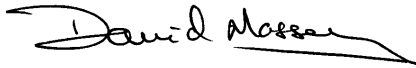
Prior to placing we will have gathered as much information about the young person from the placing authority and undertaken a complete and thorough assessment as to the impact they may have on other children living in the home and the local community.

The home has been open since August 2003 and the staff at the home have made every effort to blend into the neighbourhood. An invitation was extended to all neighbours to visit 'Fairview' on the afternoon of Sunday 30th November 2003, to meet the staff and the child residing at that time. This appeared to be a very successful event with the majority of close neighbours taking the opportunity to visit. This day will be repeated in the future to assist in the process of reassurance to the local community.

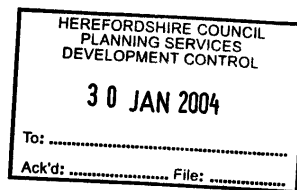
I hope the above assists in giving the picture of the current situation and intended future for 'Fairview'.

Should you wish for any further information, please do not hesitate to contact me.

Yours sincerely,



David Massey
Managing Director



3 DCSW2004/0015/F - ERECTION OF AGRICULTURAL BUILDING FOR FREE RANGE EGG PRODUCTION BOWLING GREEN FARM, CLEHONGER, HEREFORD, HR2 9SJ

For: Mr P S J Whittal, Bowling Green Farm, Clehonger, Hereford, HR2 9SJ

Date Received: 5th January 2004 Ward: Stoney Street Grid Ref: 45977, 37934

Expiry Date: 1st March 2004

Local Member: Councillor D. C. Taylor

1. Site Description and Proposal

1.1 The application site is reached off the northern side of the Class II road (B4349), 160 metres east of the junction of the B4349 road and the Gosmore Road.

1.2 Bowling Green Farm is a 190 hectares farm, and predominantly arable. It comprises a red brick faced farmhouse, with a range of modern farm buildings to the north and north-east of the original farmstead. It is proposed to erect a single building 21.9 metres wide, 73.6 metres long, 8.1 metres to the ridge and 3.6 metres to the eaves. The roof and sides of the building will be box profile polyester coated steel sheeted, and coloured to subsequent approval. Eleven pop holes measuring 400mm high and 2 metres wide are arranged along both sides of the building. Ventilation will be through the ridge of the roof. Two feed bins are sited on the southern end of the building, where the service area and egg store is situated. The two feed bins are on the western side of the building and are 7.3 metres high, i.e. below the ridge height of the main building. This building is sited on an area of partly treed land, these are apple trees. The site will continue to be tree lined on the western boundary which has elevated views towards Clehonger and on the eastern boundary. The western boundary is open at present.

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 Requirements
Policy A.3 - Agricultural Buildings
Policy A.5 - Intensive Food Production Units

2.3 South Herefordshire District Local Plan

Policy GD.1 - General Development Criteria
Policy SH.16 - Housing & Livestock Units
Policy ED.9 - New Agricultural Buildings

2.4 Unitary Development Plan

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

3. Planning History

- 3.1 SH790177PF Agricultural building - Approved 19.04.79

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency has no objections to the application

Internal Council Advice

- 4.2 The Head of Engineering and Transportation has no objections to make.

5. Representations

- 5.1 The applicant submitted a supporting letter. The main points being:

- diversification project aimed at producing a profit so that I can continue farming
- demand for free range eggs
- provides employment for one person on site
- building naturally ventilated. No heaters or burners, only limited number of fans for ventilation in adverse weather
- orchard to west and agricultural buildings to south and east shelter the site
- two hedges are to be planted for extra shelter for the hens, further providing screening
- colour of building will be green, blending it into countryside
- rainwater from gutters and yards will go into existing drainage systems. Dirty water from wash downs will be collected into collection tanks
- unpleasant smells will be limited. Smell will be noticeable at change over when building is cleaned out (once every 13 months)
- all waste material will be used as natural fertiliser
- no marked increased in vehicular movements as there will be only one feed lorry and three egg collections a week
- building specifically designed for free range egg layers, it complies with DEFRA, BEIC and RSPCA standards

- 5.2 The Parish Council's observations are awaited.

- 5.3 A joint letter of objection has been received from Nos. 1 - 6 inclusive of The Pippins, Church Road, Clehonger

The following main points are raised:

- adverse impact on residential properties
- major unpleasant smell, given prevailing wind direction in the catchment area
- waste product storage and disposal as fertiliser is also an offensive smell
- diversification case outweighed by quality of life issue

- farm already had major grain-store built in last 12 months, not complimentary to surrounding area
- possible creeping over-development occurring.

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 considered to be two main issues in relation to the proposal. Firstly is the impact of the building on the landscape and the second is the impact that a free range egg production unit would have on the amenities of residents in the locality.
- 6.2 The application site is well screened from the south, i.e. from the highway, with the existing tree screening and existing red brick farmhouse and outbuildings and from the east and south-east by a line of mature trees and that the site declines north-westward from the main farm complex. The site is visible from the south-west after leaving Clehonger and inclining up to the farm entrance on the northern side of the B4349 road. A silhouette of an 8.1 metres high building will be more visible in the winter months when the existing trees on the western side of the proposed building are not in leaf. There would though be other taller buildings visible behind the building. More tree planting could take place not only to provide more screening, but also to provide some sheltered areas for the chickens.
- 6.3 The second issue relates to the use of the building for egg production. The building is 150 metres away from the closest protected building, Larkrise, which is to the south-west. The boundary of the nearest dwelling, at The Pippins, to the site is 370 metres which is considered to be an accepted distance given a farm building is also between the site and The Pippins. Although 12,000 birds will be housed in this building, the use of the building cannot be compared to a broiler house in which the birds never see daylight, and where the means of ventilation and lighting are not natural. The chickens in buildings, such as the one proposed, can use the 22 pop holes provided, this also provides natural ventilation for the building. It is not usual for a majority of the birds to venture outside, nevertheless the means are provided. There will be some odour possibly detectable and depending on wind direction when the birds are replaced by new ones every 13/14 months, however this cannot be compared to the more regular cleaning out of 6/13 weeks say of broiler units. The Environment Agency has not objected, nor recommended conditions that ought to be attached in the event that planning permission is granted for the proposal. The Head of Environmental Health and Trading Standards' formal advice is awaited but the indication is that this will not be in the form of an objection.

RECOMMENDATION

That subject to the response of the Head of Environmental Health and Trading Standards, 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. A07 (Development in accordance with approved plans)

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

3. B01 (Samples of external materials)

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

4. G04 (Landscaping scheme (general))

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

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

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

Informative(s):

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

4 DCSE2003/3819/F - PROPOSED EXTENSIONS AND ALTERATIONS, GREAT HILLSHONE COTTAGE, GANAREW, MONMOUTH, NP25 3SS

For: Mr & Mrs W H Whittaker, 9 Bakers Way, Cannock, Staffordshire, WS12 4XZ

Date Received: 22nd December 2003 Ward: Kerne Bridge Grid Ref: 52817, 16979
Expiry Date: 16th February 2004

Local Member: Councillor Mrs. R. F. Lincoln

1. Site Description and Proposal

- 1.1 Great Hillshone Cottage lies in open countryside and the Area of Great Landscape Value, as defined in the Local Plan. It is situated to the north-west of the A40 Ganarew exit and to the west of Lewstone. Access is gained via a public bridleway, which passes to the north of the site. The land rises from the south-east to the north-west and the surrounding area comprises loose knit, sporadic development. On the opposite side of the track to the cottage is a modern stable building and to the south-west lie a barn converted to residential use and a large modern agricultural building, with a mobile home beyond.
- 1.2 The property is a detached, two storey cottage that has been altered and sits close to the south-western boundary of the site. A detached garage is sited to the north-west of the dwelling. There is a single storey addition to the front (south-eastern) elevation and a lean-to extension to the rear (north-western) elevation. Great Hillshone Cottage is rendered and painted white, with a slate roof. The majority of the residential curtilage lies to the east (front) of the property. At present the property has a kitchen, dining room, lounge, conservatory (with tiled roof) rear lobby and bathroom at ground floor, with three bedrooms over.
- 1.3 It is proposed to demolish the existing extension to the rear elevation, the bathroom and rear lobby, and erect a two storey extension to the rear elevation. The extension would comprise a two-storey section with a gable end to the rear elevation and a two-storey element with a mono-pitched roof extending from the existing roof eaves. Amended plans have been received which set the side elevation of the extension in from the original side gable end of the cottage and reduce the projection of the first floor. The extension would extend a maximum of 5 metres from the rear elevation of the original cottage, although only 3.5 metres of this length would be two storey. The extension would have a floor area of 58 square metres over both floors and would provide a utility room, study, W.C and hallway with a bedroom and landing area at first floor. The scheme proposes revisions to the existing internal layout of the property, namely the resiting of the staircase into the extension, currently it is in the dining room, and a bathroom at first floor. As a result the proposed extended property would have three bedrooms.

2. Policies

2.1 Planning Policy Guidance

PPG.1 - General Policy and Principles

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

2.2 Hereford and Worcester County Structure Plan

- Policy H.20 - Housing in rural Areas
Policy CTC.9 - Development Criteria
Policy CTC.2 - Development in Areas of Great Landscape Value

2.3 South Herefordshire District Local Plan

- Policy GD.1 - General Development Criteria
Policy C.1 - Development within Open Countryside
Policy C.8 - Development within Area of Great Landscape Value
Policy SH.23 - Extensions to Dwellings

2.4 Unitary Development Plan (First Deposit Draft)

- Part 1
Policy S.2 - Development Requirements
- Part 2
Policy DR.1 - Design
Policy H.18 - Alterations and Extensions
Policy LA.2 - Landscape Character and Areas Least Resilient to Change

3. Planning History

- 3.1 None.

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Head of Engineering and Transportation has no objections to the proposal, and advises that it would not appear to affect the public bridleway.

5. Representations

- 5.1 Ganarew Parish Council - Comments awaited
- 5.2 One letter of objection has been received from, The Reverend Gill Evans and Mr Gary Evans of Great Hillshone Barn. The main points raised are:
- applications should be considered according to strict criteria, as the site is in open countryside, overlooking the Wye Valley Area of Outstanding Natural Beauty, within the Area of Great Landscape Value and open countryside.
 - seems the proposed increase in the size of the property is disproportionately large in relation to the size of plot.

- the south-western elevation of the property directly faces our main recreational/sitting out area. There are no windows on the gable end of the existing cottage, which is largely screened off by a high hedge of conifers. Proposal would roughly double the south-western elevation and introduce two windows and a partly glazed door, all of which would overlook us. The plans do not indicate that the evergreen screening would be retained.
- the proposed north-westerly elevation, from which the major part of our garden is overlooked also shows a substantial increase in fenestration and again retention of the evergreen screening is not shown.
- the cottage and our property receive a sub-metered water supply from Great Hillshone Farm. Even without the cottage being regularly occupied we have experienced appreciable fluctuation in water pressure, the demands of a much larger dwelling may cause greater problems.
- a larger property could generate heavier use on our common access track and would impair the poor quality of the track.
- we hope that the digging of foundations would not disturb the root system and viability of the large mature oak tree closest to the cottage, which is an invaluable asset in the relatively treeless surrounding landscape.

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 considerations in the determination of this application are the principle of extending the dwelling and the acceptability of the scheme in respect of the impact upon the character and appearance of the original dwelling, the surrounding area and the effect on the residential amenity of the neighbouring property and the impact upon the public bridleway.
- 6.2 Policy H20 of the Structure Plan states that the extension of an existing dwelling, provided that in the resulting scheme the original dwelling would remain the dominant element, is an exception to the normal presumption against new residential development in the open countryside. The proposed extension would represent a subservient element of the original cottage, in terms of its size, siting and design. Therefore in principle the extension is acceptable in planning policy terms.
- 6.3 Policy SH23 of the Local Plan states that extensions to dwellings should be in keeping with the character of the existing dwelling in terms of mass, scale, design and materials. The gable end of the proposed extension would be the same span as that of the original cottage. In terms of the scale, mass and design of the extension it would complement the existing dwelling. The external materials would match the existing. Furthermore due to the siting the proposed extension would not impact upon the principal elevation. It is considered that the proposal fully accords with Policy SH23 of the Local Plan. Due to the siting of the extension the main area of garden would be entirely retained. It is considered that the resulting dwelling would not appear cramped or over large within the site.
- 6.4 As a result of the extension proposed the existing property would be enlarged. However due to its siting, to the rear of the dwelling, its subservient scale and its complementary design and materials it would not be unduly prominent in the rural landscape. Furthermore it would be near to other buildings of a larger scale. By virtue of its scale and sensitive design it is considered that the proposal would not adversely affect the Area of Great Landscape Value and as such accords with Policies CTC2 and C8 of the Structure Plan and Local Plan, respectively.

- 6.5 Great Hillshone Cottage and Great Hillshone Barn are orientated so that no elevations are directly facing one another. The cottage occupies higher land than the converted barn, but there is a distance of some 36 metres between the two properties. Furthermore between the curtilages of the properties is a parcel of land in a third parties' ownership, on which it is understood that the conifers are sited. One first floor window is proposed in the south-western elevation of the proposed extension, to serve the bedroom. Due to the orientation of the cottage to the objectors' property and the distance between the two dwellings it is considered that the provision of a window in the side elevation of the extension would not unacceptably impinge upon amenity. The second window and partially glazed door, to which the objectors' refer, would be at ground floor and due to the distance between the properties, the existing screening and the scope for further boundary landscaping by either party, their inclusion within the scheme would not adversely effect privacy. With regards the north western elevation of the extension the only first floor windows proposed in the extension would be two rooflights to provide light to the staircase. Due to the siting of this element of the extension it is considered that they would not overlook the objectors' garden, but rather would only provide limited views of the third parties land and the public right of way. A new window is shown on the submitted plans to serve an existing bedroom. This window would be in an original part of the dwelling and as such would constitute permitted development.
- 6.6 The potential for increased use of the private access track and water supply as a result of the proposed development is a matter between land owners/users. However it should be noted that the resulting dwelling would only have the same number of bedrooms as the existing and two additional toilets. Furthermore in respect of the access track, which is a public bridleway no objections are raised by the Head of Engineering and Transportation.
- 6.7 The proposed extension would not be nearer to the oak tree than the existing dwelling, nor would it be underneath the tree's canopy. It is therefore considered that the proposed development would not adversely impact upon the tree.

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. B02 (Matching external materials (extension))

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

Informative(s):

- 1. The Public Rights of Way Officer advises that the following points should be noted:

The right of way should remain open at all times throughout the development. If development works are perceived to be likely to endanger members of the public then a temporary closure order should be applied for from the Public Rights of Way Section, preferably 6 weeks in advance of work starting.

The right of way should remain at its historic width and suffer no encroachment or obstruction during the works or at any time after completion.

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

5 DCSW2003/3759/F - SOFT FRUIT PACKHOUSE FACILITY, TOGETHER WITH NEW SITE ENTRANCE AND SECURITY FENCING, WINDMILL HILL, HAREWOOD END, HEREFORDSHIRE

For: Messrs A J & C I Snell per Mr P Dunham, Dunham Associates, 19 Townsend, Soham, Cambridgeshire CB7 5DD

Date Received: 22nd December 2003 Ward: Pontrilas Grid Ref: 52297, 27782

Expiry Date: 16th February 2004

Local Member: Councillor G. W. Davis

1. Site Description and Proposal

- 1.1 The site lies to the north of Harewood End, adjacent to the A49, and approximately 14km south of Hereford and 8km north of Ross-on-Wye. It is situated in open countryside, in planning policy terms and adjacent to the Wye Valley Area of Outstanding Natural Beauty, the boundary being the A49 trunk road. The site is on the south western side of the A49. Harewood Park Lodge lies to the northeast of the site and two further residential properties lie to the north-west. The surrounding area is characterised by loose knit, sporadic development, set within agricultural land typical of such a rural location.
- 1.2 At present the site comprises agricultural land used for soft fruit growing. There is an existing access into the site from the A49 trunk road. The main part of the site is essentially a rectangular parcel of land with an access track proposed through the adjacent field to the south-east. The site slopes down from the A49 to the south and the northern, eastern and southern boundaries are defined by poplar shelterbelts, with the western being defined by an alder shelterbelt. The applicants farm other land within the local vicinity and rent a fruit packhouse at Much Birch at present. Information was submitted with the application setting out the applicants' need for a new soft fruit packhouse and why the currently used packhouse is not suitable.
- 1.3 It is proposed to erect a large building, having a total floor area of some 2,150 square metres on the rectangular parcel of land and a new access across the land to the southeast onto the A49. The building would have a number of sections of roofs the highest of which would be 7.5 metres. The building would provide an area for soft fruit packing, holding area, a cool store, packing store, dispatch holding, staff canteen, offices etc and a lorry docking. In addition an open yard area, concrete hardstanding, staff and visitor parking and access and turning areas are proposed. The building would be sited within the northeastern part of the site, nearest to the highway. The scheme includes the provision of two metre high security fencing and security gates to the eastern boundary, behind the existing trees, the closure of the existing access with additional tree planting and re-grading of the natural land levels to accommodate the building and associated yard area etc.
- 1.4 The new access incorporates the removal of an existing hedgerow and the raising of the land levels within the proposed visibility splay to the same as the highway.

2. Policies**2.1 Planning Policy Guidance**

- PPG.1 - General Policy and Principles
- PPG.7 - The Countryside, Environmental Quality and Economic and Social Development
- PPG.13 - Transportation

2.2 Hereford and Worcester County Structure Plan

- Policy CTC.9 - Development Criteria
- Policy A.3 - Agricultural Buildings

2.3 South Herefordshire District Local Plan

- Policy GD.1 - General Development Criteria
- Policy C.1 - Development within Open Countryside
- Policy C.3 - Criteria for Exceptional Development outside Settlement Boundaries
- Policy ED.6 - Employment in the Countryside
- Policy ED.9 - New Agricultural Buildings
- Policy T.3 - Highway Safety Requirements
- Policy T.4 - Highway and Car Parking Standards

2.4 Unitary Development Plan (First Deposit Draft)

Part 1

- Policy S.1 - Sustainable Development
- Policy S.2 - Development Requirements
- Policy S.4 - Employment

Part 2

- Policy DR.1 - Design
- Policy DR.4 - Environment
- Policy DR.13 - Noise
- Policy DR.14 - Lighting
- Policy E.8 - Design Standards for Employment Sites
- Policy E.11 - Employment in the Countryside
- Policy E.13 - Agricultural and Forestry Development

3. Planning History

- 3.1 SE2002/1837/F Soft fruit packhouse for Pencoyd Court Farm's produce - Refused 28.11.02

4. Consultation SummaryStatutory Consultations

- 4.1 The Highways Agency have no objections subject to conditions.
- 4.2 The Environment Agency's recommendations are awaited.

Internal Council Advice

- 4.3 Head of Environmental Health's comments are awaited.
- 4.4 Head of Economic Development's comments are awaited.
- 4.5 The Chief Forward Planning Officer comments "In principle the proposal is acceptable, provided that landscape and highway issues are satisfactorily addressed."
- 4.6 The Chief Conservation Officer comments: "The proposal is appreciable in scale and would result in a considerable amount of ground disturbance. However, given that there are no recorded archaeological remains on or near the application site, a minor access condition is recommended were permission granted."

5. Representations

- 5.1 A Project Report and Transportation Assessment were submitted by the applicants in support of the proposal. The Project Report, which sets out the applicants' farming operations and proposals, is contained in Appendix I.

- 5.2 Pencoyd Parish Council comment:

"Following a site visit councillors involved came to the following conclusions:-

There would be no objection in principle but were concerned that the siting in its present position could cause problems to local residents:

- (1) Proximity.
- (2) Noise and possible light pollution if this includes night working.

It was felt that if the whole complex could be moved back by the total depth of the proposed site it would help to alleviate these problems."

- 5.3 Harewood Parish Council comment:

"Following a site visit councillors involved came to the following conclusions:-

There would be no objection in principle but were concerned that the siting in its present position could cause problems to local residents:

- (1) Proximity.
- (2) Noise and possible light pollution if this includes night working.

It was felt that if the whole complex could be moved back by the total depth of the proposed site it would help to alleviate these problems."

- 5.4 One letter of support has been received from KG Fruits Ltd, of Tonbridge, Kent. The points raised are:

- Applicants are members of KG Growers Ltd, the UK's largest soft fruit marketing co-operative. We would be grateful for support for the new facility proposed as it forms an important part of our business.

5.5 Six letters of representation have been received, from R.C and S.D Gwilliam of Harewood Park Lodge, Mr D Thomas of Hilcrest, D Dixon of Swayns Diggins, Dr D Watts and Ms J Ballantyne of Handley Cross House, Mrs A M Perkins of Horizons and David Curtis on behalf of the Duchy of Cornwall. The main points raised are:

- The plan does not show our house (Harewood Park Lodge) correctly, half our living accommodation would face the proposed development, resulting in our loss of privacy and reflection of light off vehicles and security lighting towards our property.
- Will be subjected to high levels of noise, from early morning to late evening, from cars, lorries (reversing etc), forklifts, tractors, refrigeration fans, movement of wire cages, employees etc. A49 traffic is not continuous, but the packhouse noise would be constant.
- Smell from rotting fruit is already a problem, so on a larger scale it would be unbearable.
- This would be major development for Harewood End, entirely visible from the road
- Would result in large number of vehicular movements to and from the site
- Will student accommodation be proposed in future, as is the case at the existing packhouse at Much Birch, if so this would be a recipe for trouble. Concerns regarding the status of the workforce and where they would live. No infrastructure in the village to support workforce.
- Unless speed limit is reduced on the A49, where the access is proposed, the crawler lane would enable vehicles to increase their speed.
- Harewood Park Lodge is Grade II listed, and in the final stages of being renovated, the development proposed would be out of keeping with the area and would affect the value of our home.
- Existing fruit growing area consists of rows of plastic growing tunnels, spoiling the landscape. The soft fruit packing 'factory' with associated traffic movements would compound this eyesore.
- There is already enough vehicular traffic in the area, using narrow lanes, do not want anymore.
- Proposal would increase the possibility of more serious accidents, on one of the most dangerous stretches of road. How many accidents are considered enough? No adherence to 40mph speed limit.
- Surely the site and surrounding area are within AONB, which is supposed to be protected from development. Building proposed should be built next to applicants' own farm buildings, using existing farm access. If it is speculative development, there must be brownfield sites which would be less obtrusive and more suitable, without destroying good agricultural land.
- Surprised the Council is even considering the application, which seems to be a commercial venture rather than agricultural.
- Understand the applicants' need for the proposal, but strongly recommend that additional areas of tree screening should be provided between the complex and A49, particularly either side of the proposed new entrance, which would be opposite the Duchy's own new entrance to properties etc to be regenerated (with benefit of planning permission etc).
- Existing poplar trees do not offer a great deal of cover during winter months, we would request that the complex is moved slightly away from the A49 to provide additional area for tree screening (plan enclosed of suggested areas).
- Substantial tree planting is proposed by the Duchy opposite the application site.

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

6. Officers Appraisal

- 6.1 The main considerations in the determination of this application are the principle of the development and the acceptability of the scheme in terms of its impact on highway safety, the character and appearance of the rural landscape, and residential amenity of neighbouring properties.
- 6.2 Policy C1 of the Local Plan states that new development in the open countryside will only be allowed in certain circumstances, one of these being for the purposes of agriculture. On the basis of the information submitted with the application, in particular the size of the holding, land used for fruit growing and the tonnage produced on the land, it is considered that the proposed building would only meet the requirements of the applicants at peak times in the season. On this basis it is considered that the application proposal is for agricultural purposes.
- 6.3 PPG7 states that the building in open countryside should be strictly controlled (paragraph 2.3), whilst acknowledging that agricultural business need to adapt to new environmental, hygiene and welfare legislation and to changing market requirements (paragraph 3.3). *'Reform of the Common Agricultural Policy is bringing farmers closer to the market-place, through farm-based enterprises supplying niche markets..., larger scale group collaborations such as central fruit and vegetable packing operations...These ventures can add value to local produce. The siting of new agricultural buildings should take account of the operational needs of farming.'* (PPG7 - paragraph 3.4). The site is not within the Wye Valley Area of Outstanding Natural Beauty.
- 6.4 Policy A3 of the Structure Plan states that proposals for new agricultural buildings will be treated sympathetically, where a need can be shown, but such buildings, wherever possible, should be sited and designed to harmonise with the surrounding rural area. Furthermore policy ED9 of the Local Plan states that where possible and appropriate new agricultural buildings should be sited adjacent to existing farm buildings and not in isolated or visually intrusive locations. Policy GD1 of the Local Plan requires that proposals relate in terms of form, mass, scale, layout to the surrounding area, have regard to the setting of neighbouring buildings and landscape features, have safe access and would not disturb or conflict with adjoining uses. The applicants' agent has submitted details of the sequential natured approach to identifying the site for the proposed building. In summary the existing packhouse, which is rented and originally built as an apple packing facility, at Court Farm, Much Birch, is a constrained site in terms of the premises and the associated yards. The vehicular access is difficult, with the highway also serving the Church, a dried flower business, a number of residential properties, a doctor's surgery and other farming activities at Court Farm. The existing buildings at Pencoyd Court, the applicants' farm, would need to be substantially upgraded and extended to accommodate the required packing etc facilities. Whilst the applicants state this would not be impracticable the site is remote from the A49, with access by relatively narrow country lanes, not really suitable for large vehicles and is also more remote to the main growing areas than other alternative sites. It is considered that other sites have been explored and although the proposed site would not be next to other farm buildings, it represents the most appropriate site in terms of other issues, such as highway safety and the operational needs of the holding. As

such the provision of an agricultural packing facility on the site is considered acceptable.

- 6.5 The proposed building would be large in scale and a maximum of 7.5 metres in height. By virtue of its design the building would have broken elevations, which could be further enhanced through the careful use of external materials. The building and associated access and turning areas would be lower than the A49, with the floor area of the building being some 2.5 metres lower than the highway verge. Earth bunding and land re-grading are proposed. The building and associated areas of hard standing would be partially screened by the existing tree belt to the site boundaries and by the proposed re-grading. A section of the existing tree belt is proposed to be removed to provide the access into the site. Consideration has been given to re-siting the building further from the A49, to the southwest of the site. However this would involve more significant re-grading of the land to create a level surface for the building and hard standing and a longer access track to the A49. It is therefore considered that the proposed siting of the building etc would have a lesser impact on the landscape than re-siting it to the southwest.
- 6.6 Although the proposed building would be large, being for agricultural purposes and of a modern agricultural building design it would not appear out of place in a rural area where the main land use is agriculture. It is recommended that landscaping and planting should be carried out, particularly to supplement the existing tree screen and ensure its longevity to satisfactorily ameliorate the visual impact of the proposal. As proposed there is sufficient space within the site to enable deep areas of tree planting, particularly to the north western corner of the site and as a staggered row behind the existing tree belts. Whilst this would not completely screen the proposed development it would break-up the scale and mass of the building from views outside of the site. It is considered that although the proposal would be seen, due to its justified need and design and scope for additional planting it would not be harmful to the landscape. The boundary of the Wye Valley Area of Outstanding Natural Beauty lies in close proximity to the site. Due to the natural gradient of the site, falling away from the boundary, the visual separation provided by the trunk road, the mature tree belts, the justified need and design of the agricultural building it is considered that the proposal would not adversely affect the appearance of the Area of Outstanding Natural Beauty.
- 6.7 As a result of the proposal traffic would be generated to and from the site. This would range from HGVs collecting the packed fruit from the site, smaller vehicles bringing picked fruit from the fields and mini buses and private cars transporting employees. The appellants' have stated that it is their intention to provide shuttle transport for seasonal and casual workers from the campsites to the field and packhouse locations and also a pick-up services locally from Ross-on-Wye and Hereford. There is a bus stop in close proximity to the site, opposite Harewood Park Lodge. The A49 is well serviced by public transport and would therefore provide an opportunity for employees to use public transport, thus encouraging sustainable transport methods. The proposed access would provide visibility of 215 metres in both directions. The scheme does not include a 'crawler' lane. A Transportation Assessment was submitted with the application by Engineering and Environmental Consultants. Reference is made to the accident data and concludes that none of the accidents in the locality appear to have been associated with fruit growing at Pencoyd Court Farm, rather the majority appear to be due to excessive speed and driver behaviour. The Highways Agency has advised that the proposed access would be acceptable in highway safety terms and with regard to the efficient use of the trunk road. Conditions are recommended to ensure the visibility splay is retained. The proposal also includes the permanent closure of an existing access onto the A49, which consists of a gap in the tree belt, and

has restricted visibility. It is considered that closure of this access would be beneficial to highway safety.

- 6.8 The proposal, by its nature would incorporate refrigeration units. Furthermore the use would involve vehicles accessing and egressing the site and manoeuvring within it and the movement of agricultural produce. These factors could give rise to nuisance. Harewood Park Lodge is sited on the opposite side of the A49 to the site. The curtilage of this residence would be some 52 metres from the nearest elevation of the proposed building. A small area of parking for cars would be between the building and the A49, whilst the access and turning area, where the HGVs would manoeuvre and be loaded would be 70 metres from the curtilage. By reason of the distance separation between this property and the application site, the lower land levels of the site together with the proposed earth bunding and existing and proposed landscaping it is considered that a loss of amenity would not result. In addition the siting and direction of any security lights could be controlled by condition to ensure they would not adversely affect the occupants of the dwelling. Horizons, the nearest dwelling to the north-west is some 150 metres from the site. The Environmental Health Officer's comments are awaited. It is considered that until this advice has been received planning permission should not be granted, rather the decision could be delegated to officers subject to receipt of either recommended conditions to satisfactorily mitigate any nuisance or detailed information from the applicants that confirms that the proposed refrigeration units etc would not result in nuisance.
- 6.9 The proposal does not include living accommodation for employees, nor do the applicants suggest that this is intended. If such an application were made it would be considered in light of planning policies relating to such development.
- 6.10 Due to there being no recorded archaeological remains on or near the application site, it is considered that a condition requiring the applicants to allow reasonable access to the site for observations of excavation works would be reasonable.
- 6.11 The principle of the holding requiring a new soft fruit packhouse is considered acceptable. In light of this and the mitigation measures proposed and recommended, it is considered that the proposal would not adversely impact on the surrounding landscape or residential amenity. The proposed access would not be detrimental to highway safety and the closure of the existing access would be beneficial. On the basis of the submitted Traffic Assessment the proposal satisfactorily addresses the issue of sustainability taking into account the rural nature of the location.

RECOMMENDATION

That subject to the resolution of the issue with regard to noise, and clarification with regard to the conditions as directed by the Highways Agency, 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. **A08 (Development in accordance with approved plans and materials)**

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area.

3. B11 (Details of external finishes and cladding)

Reason: To minimise the visual impact of the development

4. D03 (Site observation - archaeology)

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

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. G06 (Scope of landscaping scheme)

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

Informative(s)

1. ND3 (Contact Address)

2. N15 (Reason(s) for the grant of planning permission)

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

SW03 / 3759 / F

PROJECT REPORT	
Client: Mr A Snell	22 DEC 2003
Project: Proposed New Soft Fruit Packhouse Facility	
To Ack d.....	

The Farming Business

The present farming business has evolved from the original enterprise started in 1960 by Mr Norman Snell, uncle of the present owners.

The applicants, Mr & Mrs A Snell, trading as A J & C I Snell, took over the business in 1986.

Over the past few years, our clients broadened the crop base on the farm from traditional rotation, by growing increasing areas of specialist vegetables and soft fruit.

In 1991 a horticultural packhouse facility was granted permission at the home farm, at Pencoyd Court.

The crop rotation had broadened by 1995, such that of the 400 acres farmed, 100 acres comprised iceberg lettuce; 50 acres cauliflowers; 15 acres blackcurrants, with 100 acres main crop potatoes, and the balance cereals.

With increasing uncertain returns from the vegetables, potatoes and cereals, our clients at that stage decided to concentrate their efforts on soft fruit production.

It was soon realised during that first year of concentrated fruit production that the existing facility at Pencoyd Court were totally inadequate to meet the requirements of their customers in handling and packing the soft fruit. For the 1996 season, our clients moved the soft fruit packing operations to the rented accommodation they currently occupy at Court Farm, Much Birch. This facility, a former top fruit packhouse, though limited in size, was both more acceptable to their supermarket customers, and more strategically placed to the actual fruit growing areas.

Our clients have developed a close relationship with KG Fruits Ltd who act as marketing agents for soft fruit in the Midlands and Southern Counties to Marks and Spencers, Sainsburys, Tescos and the majority of the other multiples.

The development of our clients business has very much been encouraged by KG Fruits Ltd, not only because the majority of their growing areas have the advantage of near ideal soil type, water resources in winter storage reservoirs and southern aspect, but also, by reason of their proven track record of producing quality soft fruit.

The company joined the Soil Association in 2001, which lead to the conversion of 10 acres of product areas to organic blackcurrants.

The business has continued to expand with demand such that at current date they are the sixth biggest supplier to KG Fruits out of a co-operative grower base of 70 producers.

Paul Dunham Associates	Ref: 293.402
19 Townsend, Soham Cambs. CB7 5DD	18 th December 2003
Tel: 01353 720737 Fax: 01353 723456	

PROJECT REPORT

Client: Mr A Snell

Project: Proposed New Soft Fruit Packhouse Facility

SW03 / 3759 / F

Current Soft Fruit Production

In 2003 the overall land areas in soft fruit production has risen to 315 acres comprising:

<i>115 acres</i>	<i>strawberries</i>
<i>55 acres</i>	<i>raspberries</i>
<i>100 acres</i>	<i>blackcurrants</i>
<i>10 acres</i>	<i>organic blackcurrants</i>
<i>20 acres</i>	<i>blackberries</i>
<i>15 acres</i>	<i>Tayberries</i>

The main production areas local to the site are as shown on drawing 293.402.C5A with a further 35 acres at Ridgeway Cross and Acton Green in Worcestershire.

In 2003 some 700 tonnes of fruit were produced, compared with 563 tonnes in the 2002 season.

The majority of the fruit is prepared for the J. Sainsbury supermarket chain, business that in 2003 exceeded £1,800,000.00 in value.

The Existing Packhouse at Court Farm

The packhouse facility at Court Farm has fulfilled a very important role in enabling the soft fruit enterprise to grow.

However, with the significant business growth to meet customer demands in recent years, with production in 2003 some 25% more than the 2002 season and 50% more than the 2001 season, has meant that this facility can no longer cope.

This has forced our clients to hire off site chill storage facilities and arrange for some product at peak periods to be contract packed elsewhere.

These off site needs have obviously severely hampered both the business management and control of product production standards as well as involving otherwise unnecessary vehicle movement.

The rented premises were originally built, we understand, in the 1960's as an apple packing facility. The premises and associated yards are severely constrained.

The access to Court Farm is difficult, with the highway access also servicing the Church, a dried flower business, a number of private residences, a busy doctors surgery, as well as other farming activities of the landlord at Court Farm.

Page 2 of 6

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Tel: 01353 720737 Fax: 01353 723456

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18th December 2003

PROJECT REPORT

Client: Mr A Snell

Project: Proposed New Soft Fruit Packhouse Facility

SW03/3759/F

The Need

At present whilst our clients main customer, J Sainsbury, are pleased with their product and level of service, this has only been sustainable of late on the known desire to establish a modern packing facility which fully addresses their stringent requirements.

In order to meet these needs, and indeed to account for future needs the facility ideally requires:

- (i) Covered unloading areas, which facilitate the efficient handling of harvested product and relieve the potential damaging effects of the prevailing climatic conditions whether sun, rain or wind.*
- (ii) Facilities that enable rapid cooling from field temperatures to 4-5°C as quickly as possible in order to maximise maintenance of quality and therefore shelf life of the product.*
- (iii) Conditioned holding rooms to allow for peak production periods. Crop maturity is largely driven by sunshine hours and inevitably product needs to be harvested in advance of market demands, which often lag 48 hours behind.
The rooms need to be spacious as product ideally should be stored in a manner which allows for batches on a basis of first in first processed, as well as accounting for product types and also varieties of individual product.*
- (iv) A spacious packing hall is essential, where product grading, selection and packing can be carried out efficiently, in a hygienic environment and with due regard for sufficient manoeuvring space for mechanical handling equipment.
The diverse range of product grown means that multiple packing lines should be provided so that the specific needs of the individual product lines or different packaging modules can be efficiently handled without the need to alter equipment in critical production periods.
In addition dedicated lines for organic product are really a pre-requisite to offset the need to clean down non-organic lines prior to production.*

Page 3 of 6

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18th December 2003

PROJECT REPORT

Client: Mr A Snell

Project: Proposed New Soft Fruit Packhouse Facility

SW03/3759/F

- (v) *Adequate finished product high humidity chill storage to enable product to be held at optimum environmental conditions prior to dispatch. It is important that sufficient space is available at peak production periods for product to be accessible for dispatch on a first in first out basis as well as facilitating collation of product batches to particular distribution depots.*
- (vi) *The proposed lorry docking facilities will enable the 'cool chain' care of the product to be fully exercised to optimise maintenance of product dispatch temperatures.*
- (vii) *Staff amenities with adequate staff canteen facilities, utilities and locker rooms as well as hygiene stations.*
- (viii) *Administration and quality control areas should be in easy contact with production areas, but obviously separated for reasons of hygiene.*
- (ix) *Adequate external areas for handling of traffic from both harvested product, and packed product in articulated refrigeration vehicles particularly at peak times. It is important to realise that even at peak periods in June the daily dispatched product in 2003 was handled by three to four refrigerated vehicles.*
- (x) *The site should have an adequate space to house in a 'quiet' aspect to accommodate equipment associated with fieldwork and harvested product transport.*
- (xi) *Adequate staff and visitor parking areas.*
It has been, and will be, our clients policy to provide shuttle transport to transport seasonal and casual workers from the campsites to field and packhouse locations, and also to provide a local pick-up service for local labour from Ross-on-Wye and Hereford areas.
This policy clearly gives our clients a more definite control of labour movements as well as reducing the number of individual private vehicles attending site.
In addition, the site at Windmill Hill is well serviced by a public bus service with a bus stop adjacent to the site.
- (xii) *In summary, the site should best maximise operational efficiencies, and afford ease of access for the necessary traffic movements, whilst portraying a clean unencumbered image.*

Page 4 of 6

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PROJECT REPORT

Client: Mr A Snell

Project: Proposed New Soft Fruit Packhouse Facility

Alternative Sites Considered

SW03 / 3759 / F

Refer to drawing 293.402.C13 for relative locations of the alternative sites listed below.

1. *Court Farm*

With the co-operation of the landlord, development of modern facilities in the area of the existing site. Utilisation or conversion of the existing facilities is not really a practical or viable option as the site is quite constrained.

Our clients are also conscious that no relief to the traffic movement on the access road would be possible.

2. *Pencoyd Court*

The existing building would need to be substantially uprated and extended to provide the ideal facility. Whilst this is by no means impractical in itself, the site is more remote than alternatives to the growing area, is remote from the A49, and is only accessed by the relatively narrow country lanes not really suited to larger vehicle movements.

3. *Windmill Hill*

The Windmill Hill site, from our clients view point, appears to offer only advantages in:

(i) *Proximity to the main growing areas*

Other lands adjacent to this site are likely to be available to our clients, which appeals to them, as they have available the necessary water for irrigation from the winter storage reservoir

(ii) *Ease of access, without nuisance to others, to the A49 trunk road and to the M50 at Ross-on-Wye.*

A copy of transport assessment undertaken by Messrs White Young Green Planning is enclosed.

(iii) *Opportunity to create a development which both fulfils the various needs described, but occupies a relatively quiet location.*

(iv) *The proposal would be cut into the sloping nature of the site to create both a quieter level area for the main development and potentially a reduced level area to access the lorry docking facility.*

With the benefit of the new access from the A49 the floor levels of the proposal and surrounding yards and infrastructure have been able to be further reduced (by some 800mm) compared to the original proposals previously considered by the Authority.

Page 5 of 6

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PROJECT REPORT

Client: Mr A Snell

SW03/3759/F

Project: Proposed New Soft Fruit Packhouse Facility

- (v) *With the benefit of the existing tree screens, the proposed development is considered to afford minimal intrusion in the landscape*
- (vi) *The construction of the new entrance will provide the additional benefit of improved vision to users of the A49 and those emerging from Netherton Lane.
The existing ground levels within the new vision splays are proposed to be raised to levels approximating to existing verge levels.
It is also proposed to install a low (max. 1000 high) post and rail fence worth low hedge planted on the field side min 1000 behind the vision lines.*
- (vii) *Whilst the development proposed is a significant undertaking financially there is every indication that the proposals on this site could attract the benefit of European Funding.*

4. Other Rural Locations

Research revealed that no suitable farmsteads of potential exist in the area that are either available or in a practical location both in terms of the growing area and ease of access to trunk roads.

Conclusion

- 1. *The site on Windmill Hill is very much the favoured option of both our clients and their supermarket customers*
- 2. *The development, if permitted, would relieve the problems of the existing access to Court Farm or potential access to Pencoyd Farm*
- 3. *The development would enable our clients to continue to expand their soft fruit business particularly in respect of the organic and other specialist products.*
- 4. *The development, if permitted, will afford our clients the opportunity to exploit opportunities to expand the yearly production periods, which in turn will enable them to offer increased permanent employment opportunities.
It is fully expected that the facility will create at least 10 full time job opportunities as well as the additional seasonal and casual needs.*
- 5. *The proposal, whilst respecting it is a green field development, offers a relatively quiet location that minimises visual impact, whilst offering the opportunity to incorporate all facets needed for a modern packhouse facility and associated infrastructure.*

Page 6 of 6

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Ref: 293.402

18th December 2003

6 DCSE2003/3633/F - PROPOSED CONSERVATORY MANDALAR, GREYTREE, ROSS ON WYE

For: Dr. R Kway Kway per Mr R H Ball, Ilex, Ashfield Crescent, Ross-on-Wye, Herefordshire, HR9 5PH

**Date Received: 4th December 2003 Ward: Ross-on-Wye Grid Ref: 59910, 25180
West**

Expiry Date: 29th January 2004

Local Member: Councillor M. R. Cunningham
 Councillor G. Lucas

1. Site Description and Proposal

1.1 The application property is a two-storey detached house situated on the corner of Greytree and Second Avenue. It was developed as part of a small housing scheme comprising two houses and three bungalows. The other house is to the north of the appeal property in Second Avenue; the bungalows front Greytree.

1.2 It is proposed to erect a conservatory on the eastern elevation of the house, i.e. facing Second Avenue. This would be about 3.5m wide x 2.8m deep x 3.1m high to ridge. The roof would be hipped. The glazed frame (brown PVCu to match the house windows) would rest on a low brick wall.

2. Policies

2.1 Hereford and Worcester County Structure Plan

Policy CTC.1 - Development in Areas of Outstanding Natural Beauty

2.2 South Herefordshire District Local Plan

Policy C.5 - Development within Area of Outstanding Natural Beauty
Policy SH.23 - Extensions to Dwellings
Policy GD.1 - General Development Criteria

3. Planning History

3.1	SE2002/3565/F	Single-storey extension	-	Refused 15.01.03
	SE2003/1355/U	Side Extension	-	Certificate of lawful development granted 26.06.03

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Head of Engineering and Transportation (Divisional Surveyor) has no objection to the grant of permission.

5. Representations

- 5.1 The Parish Council's observations are as follows:

"The Ward Councillors have concerns regarding this application, its proximity to the highway and its impact on adjacent neighbours."

- 5.2 One letter has been received from Mr. S. Ellis, Plot 1, Shiredean, Greytree, Ross-on-Wye, HR9 7HT, expressing objections to the proposal. The following points are made:

- the conservatory would protrude beyond the natural building line of Second Avenue
- the building would reduce natural daylight to the front of Plot 1 Shiredean, especially in the winter months
- visibility from Second Avenue into Greytree Road would be impaired for vehicles turning right.

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 in this case is considered to be the effect on the street scene. The conservatory would be prominently sited on the corner of Greytree/Second Avenue and protrude forward of properties in Second Avenue. Nevertheless the conservatory is small with a ground level about 0.7m below the adjoining footway. There is no clear building line along the west side of Second Avenue; the elevation of Mandalar is in line with that of the next house (Shiredean) but the latter has a projecting canopy. The next property (Greytree Lodge) to that is further forward, and Diallyn projects beyond that. In materials the conservatory would match the house and would be in proportion to it. This would be emphasised if the roof was tiled rather than glazed. In addition the bungalow (Montana) on the opposite side of Greytree has a conservatory on the east facing gable which is clearly visible. In these circumstances it is considered that the proposed conservatory would not be so intrusive in the street scene to justify refusal of permission.
- 6.2 The conservatory would not intrude into the vision splay at the junction of Greytree and Second Avenue and no objections are raised by the Head of Engineering and Transportation. It would be to the south of Shiredean but about 3.5m away from the boundary with that property and it would not, it is considered, significantly reduce daylighting.

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. B02 (Matching external materials (extension))

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

Informative(s):

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

7 DCSE2003/3606/F - CHANGE OF USE FROM AGRICULTURAL TO BUSINESS/LIGHT INDUSTRY, WINDY HOLLOW, UPTON BISHOP, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7TT

For: Mr G A Roberts, Windy Hollow, Upton Bishop, Ross-on-Wye, Herefordshire, HR9 7TT

Date Received: 2nd December 2003

Ward: Old Gore

Grid Ref: 63336, 26439

Expiry Date: 27th January 2004

Local Member: Councillor J. W. Edwards

1. Site Description and Proposal

1.1 The application site comprises an area of land of about 0.85ha on which three potato storage buildings were erected during the 1990s. The site is on the south side of the B4221 roughly half way between Phocle Green and Crow Hill. The buildings are about 850m², 450m² and 460m² in floor area. There is no farmhouse associated with this group of agricultural buildings. The site has been landscaped, which included reducing ground level, bunds and planting, with a vehicular access formed in accordance with the local highway authority's requirements.

1.2 This complex is no longer required for storage of potatoes. It is proposed to use the buildings for business/light industrial purposes. No building works affecting the external appearance of the buildings are proposed.

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 E.6 - Development in rural Areas outside the Green Belt

2.3 South Herefordshire District Local Plan

Policy C.1 - Development within Open Countryside
 Policy C.36 - Re-use and Adaptation of Rural Buildings
 Policy ED.6 - Employment in the Countryside
 Policy ED.7 - Re-use and Adaptation of Rural Buildings for Employment /Tourism Use

3. Planning History

- | | | | | |
|-----|------------|--|---|--------------------------------------|
| 3.1 | SH931112PF | Portal frame potato, cereal and grass seed storage buildings | - | Permitted 28.10.93 |
| | SH960696PF | Portal frame potato, cereal and grass seed storage buildings | - | Permitted 16.10.96 |
| | SS980511FZ | Storage building | - | Prior Approval not required 08.09.98 |

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Head of Engineering and Transportation has no objection to the grant of permission.
- 4.3 Head of Environmental Health has no comments to make on the proposal.

5. Representations

- 5.1 The applicant has submitted a supporting statement which, in summary, makes the following points:-

- potatoes have been grown, stored and graded at this site but due to the downturn in arable farming and inability to obtain contracts for processing potatoes the only sensible alternative would be to curtail farming activities and apply for light industrial use
- the buildings are of high specification with insulated composite panelling and electric up and over sectional doors; temperature control is possible in two of the buildings
- they were erected in 1994, 1996 and 1998
- Economic Development Officer suggested light industrial might be best alternative
- site is on B4221 just one mile from Junction 4 of M50, 300m from nearest dwelling and half a mile from any hamlet, visibility at access to site is good
- potato haulage can be noisy and dusty but never encountered any noise, light or dust/odour problems.

- 5.2 Parish Council "are strongly opposed to this development as it represents yet more creeping industrialisation of the countryside. If the original planning application had been for light industrial rather than agricultural use it would never have been passed. Local residents are very anti this application."

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

- site is not suitable for business/light industrial use - it would not be entertained were there not new agricultural buildings there now
- permission should not have been given, under delegated powers, in first place - on top of a hill (not a hollow) seen for some distance and out of place in landscape
- objections were submitted to the second building; it was pointed out that permission had been given for a huge pile of pallets as much as a building (stacked as high as eaves for much of year) - second building supposed to solve this problem but did not
- what exactly are intentions? Must be found out as use could become more elaborate with time - another Technicrop sprawl with aircraft landing strip or even a slaughterhouse?
- B4221 is very busy and would be made worse by extra traffic, local roads cannot cope with increased lorries (no doubt site will expand in future as two large businesses in village have, spoiling the village)
- access to B4221 is unsuitable for cars and low vehicles, as due to steep slope visibility is not up to standard

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 Both national and local policies encourage re-use of rural buildings especially for uses that benefit the local economy. Thus in PPG.7 it is stated that "the re-use and adaptation of existing rural buildings has an important role in meeting the needs of rural areas for commercial and industrial development There should be no reason for preventing the conversion of rural buildings (including modern buildings) for business re-use" provided that stated criteria are met. The criteria are as follows:

- (a) they are of permanent and substantial construction;
- (b) conversion does not lead to dispersal of activity on such a scale as to prejudice town and village vitality
- (c) their form, bulk and general design are in keeping with their surroundings; and
- (d) imposing reasonable conditions on a planning permission overcomes any legitimate planning objections (for example on environmental or traffic grounds) which would otherwise outweigh the advantages of re-use; and
- (e) if the buildings are in the open countryside, they are capable of conversion without major or complete reconstruction.

6.2 These are substantial agricultural type buildings and are therefore appropriate in the countryside. Their prominent location is appreciated but the current proposal does not involve any increase in their size. The buildings would not therefore be any more intrusive in the landscape. They are capable of being converted to business use without major or complete reconstruction.

6.3 Generally there appears little demand for re-use of rural buildings for business use in Herefordshire. There have been some applications in the Ross-on-Wye area, including a butcher's shop at Phocle Green (now with permission for servicing and repair of agricultural and commercial vehicles and machinery) and for industrial use at

Hildersley Farm. The latter also includes extensive new industrial units but has not yet been implemented. Nevertheless employment remains highly concentrated in Ross town centre and the industrial estates within the town. The Unitary Development Plan proposes a 10ha. business park which if realised would accentuate the role of this market town. There is no likelihood therefore that this proposal, or the cumulative impact of this and comparable proposals, would prejudice the vitality of Ross-on-Wye or the nearby villages.

- 6.4 It is accepted that if this was an application for new industrial development it would conflict with the Council's policies (for example Policy ED.6). However the buildings are there, they have been used for agricultural purposes for a number of years and are unlikely to be demolished or removed if permission is refused for the current proposal. Given the strong support for re-use of rural buildings it is not considered that this is grounds to refuse permission in this case.
- 6.5 The access was formed in accordance with the former county highway authority's requirements. The site is only a short distance along a 'B' class road from the motorway/trunk road network (M50 and A40). The Head of Engineering and Transportation does not share the concerns of objectors regarding highway matters. In these circumstances it is not considered that this is sufficient reason not to grant permission. Furthermore the distance from residential properties means that local residents are unlikely to be adversely affected by the proposed use.

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. **E10 (Use restricted to that specified in application)**
Reason: To define the terms of the permission and to protect the visual amenities of the area.
- 3. **F42 (Restriction of open storage)**
Reason: To protect the appearance of the locality.

Informative(s):

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

8 DCSE2003/3290/F - ERECTION OF ONE DWELLING, LAND ADJOINING MONKS WALK COTTAGE, MUCH MARCLE, HEREFORDSHIRE, HR8 2LY

9 DCSE2003/3347/F – ERECTION OF 4 DWELLINGS AND RELOCATION OF VEHICLE ACCESS AT LAND ADJOINING MONKS WALK COTTAGE, MUCH MARCLE, HEREFORDSHIRE

For: Mr C. Cooke & Ms K. Cooke per Paul Smith Associates, Chase View House, Merrivale Road, Ross-on-Wye Herefordshire HR9 5JX

Date Received: 30th October 2003

Ward: Old Gore

Grid Ref: 65746, 33176

Expiry Date: 25th December 2003

Local Member: Councillor J. W. Edwards

1. Site Description and Proposal

- 1.1 The site lies within the settlement of Much Marcle and Conservation Area, as defined in the Local Plan. The 0.29 hectare site is on the northeastern side of the B4024 and rises upwardly from the road to Monks Walk Cottage. Currently the site comprises an orchard, with an access track from the B4024 to Monks Walk Cottage. Mature hedges define the site boundaries and a large oak tree lies to the northwest of the existing access and adjacent to the B4024. There are two listed buildings, Parting Ground and Toll House Cottage, to the southeast and northwest of the site.
- 1.2 Two applications have been made, the first for one detached dwelling (SE2003/3290/F) and the other for four dwellings (SE2003/3347/F) on land adjoining Monks Walk Cottage. The reason for this is so that no fee is payable for the proposed four houses following the withdrawal of the earlier application for four dwellings. As the proposal is for the residential development of the orchard as a whole it is appropriate to consider the two planning applications together.
- 1.3 The five proposed dwellings would be two-storey, some 6.5 metres in height, and would be facing the B4024. Plot 5 would be nearest to the road, and Plot 1 set back the furthest. Due to the sloping nature of the site the proposal includes some regrading of the land to the rear of the footprint of the properties. One three bedroomed, a pair of semi-detached two bedroomed, and two four bedroomed dwellings are proposed. It is proposed that the dwellings would have plain tiled roofs with chimneys, with brick elevations incorporating plinth, string course and corbel detailing. Painted timber windows and doors are also proposed. Amended plans have been received which make modifications to plots 1, 4 and 5. All three of these plots would be reduced in size at first floor, whilst plot 5 would be set back further in its plot.
- 1.4 A new access is proposed into the site off the B4024, some eleven metres to the south of the existing access. It is proposed to plant new hedging to infill the existing access

and any existing hedge that would need to be removed to achieve the visibility splay. The proposed access would serve the five properties proposed, with private driveways to the plots, and Monks Walk Cottage.

2. Policies

2.1 Planning Policy Guidance

PPG.1	-	General Policy and Principles
PPG.3	-	Housing
PPG.13	-	Transportation
PPG.15	-	Planning and the Historic Environment

2.2 Hereford and Worcester County Structure Plan

Policy H.18	-	Housing in Rural Areas outside the Green Belt
Policy H.16A	-	Housing in Rural Areas
Policy CTC.9	-	Development Criteria
Policy CTC.15	-	Conservation Areas

2.3 Malvern Hills District Local Plan

Housing Policy 3	Settlement Boundaries
Housing Policy 17	Residential Standards
Conservation Policy 2	New Development in Conservation Areas
Landscape Policy 8	Landscape Standards

2.4 Unitary Development Plan (First Deposit Draft)

Part 1

Policy S.1	-	Sustainable Development
Policy S.2	-	Development Requirements
Policy S.3	-	Housing

Part 2

Policy H.6	-	Housing in Smaller Settlements
Policy LA.2	-	Landscape Character and Areas Least Resilient to Change
Policy LA.6	-	Landscaping Scheme
Policy HBA.6	-	New Development within conservation Areas
Policy HBA.9	-	Protection of Open Areas and Green Spaces

2.5 Much Marcle Parish Design Statement

3. Planning History

- 3.1 NE2003/1079/F Erection of four dwellings and - Withdrawn 30.10.03
relocation of vehicular access

4. Consultation Summary

Statutory Consultations

- 4.1 Severn Trent Water - No objections, subject to the imposition of conditions regarding drainage works.

Internal Council Advice

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

4.3 Chief Conservation Officer:- No objections.

5. Representations

5.1 Much Marcle Parish Council comment in respect of DCSE2003/3347/F:

"Much Marcle Parish Council object to this planning application for the following reasons:

1. Not in keeping with the Parish Design Statement guidelines
2. Overlooking adjacent buildings
3. No through view. Buildings obstructing view
4. If the site is to be developed, single storey bungalow would be more acceptable
5. The Parish Council consider that the proposed development is inappropriate for the site."

No specific comments have been received in respect of DCSE2003/3290/F.

5.2 Eight letters of objection have been received from, Mrs K Harper of Freshfields, K Payne of Bartons Well, Mrs N W Bullock of Denwood, Mr and Mrs R J Howes of The Forge, David Beeching of Parting Ground, Elisabeth Wood of Greenway Cottage, Mrs G Loader of Hale End, 1 The Bartons and Mr and Mrs Mason of Toll House Cottage.

The main points raised are:

- Impact upon our property opposite would be overwhelming, altering our view, due to higher land levels of the application site and number and height of proposed properties
- Noise, fumes, light and loss of privacy from five households would be harmful to health
- Proposal would decrease property value
- Due to lie of land and proposal would compromise drainage, want guarantee that surface water and sewerage provision would be adequate
- Loss of grassed area and established fruit trees, and other similar areas in the village, make up unique character of village, which along with historic buildings etc draw tourists/visitors to village
- dwellings would be incongruous with the neighbouring properties, which are bungalows, with low roof lines, and the listed buildings
- the earlier application was submitted to the Northern Division and this one to the Southern Division, why is this?
- proposal should be limited to four bungalows
- proposal does not conform with the Much Marcle Parish Design Statement - on design and protection of traditional orchards and unimproved grasslands
- predominantly single storey dwellings along B4024 (to driveway to Hellens), five executive type, two-storey dwellings would dominate the skyline and be out of character with the area, which is a Conservation Area.
- would overlook bungalows and adjacent Listed Buildings

- headlights of cars leaving the site, in the dark, would shine into bedrooms of the facing bungalows
- no consideration appears to have been given to the problems of storm water, existing ditch is unable to handle normal rainfall and as a result the road floods down to Toll House Cottage and beyond.
- Not sympathetic development, smaller bungalows would be more appropriate, more affordable to locals
- Proposal amounts to suburban estate
- If development has to be allowed two houses with big gardens and retention of rest of orchard would be only solution
- More homes would add to congestion of traffic, 30 mph speed limit is not observed and there is no pavement from the School to the A449/B4024 cross roads.

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

6. Officers Appraisal

- 6.1 The main considerations in the determination of these applications are the principle of the residential development of the site and the acceptability of the scheme in terms of its impact on the character and appearance of the Conservation Area and street scene, highway safety and residential amenity of neighbouring properties.
- 6.2 The site is located within the settlement boundary, where the principle of residential development is established. There are no policies in the Local Plan, which specifically identify the site as an important open space within the village that should be retained. The Much Marcle Parish Design Statement gives guidance that existing traditional orchards should be protected and appropriately managed. It refers to Landscape policies 1 and 12 of the Local Plan, however Landscape policy 1 is not relevant to this application as it relates to development outside settlement boundaries. Landscape Policy 12 refers to Trees and Woodlands and states that wherever possible trees and woodlands will be protected and enhancement encouraged through management schemes for woodlands, providing advice to various interests groups or individuals and encouraging planting as part of development proposals. It is considered that this policy does not override the principle of development in settlement boundaries.
- 6.3 Much Marcle is defined as a smaller settlement in the first deposit draft of the Unitary Development Plan, where Policy H.6 applies. This states that proposals for residential development arising from the infilling of small gaps between existing dwellings within the settlement would only be granted subject to compliance with specified criteria. In particular the infill gap is no more than 30 metres in length. The site would clearly not accord with this policy. However both representations of support and objection have been received in respect of Policy H.6. As such, in accordance with the guidance set out in paragraph 48 of PPG.1 only limited weight can be afforded. It is considered that the Unitary Development Plan policy does not outweigh those of the adopted Development Plan.
- 6.4 The site lies within in the Conservation Area and as such section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The Much Marcle Conservation Area extends over a wide area including the village core and open land beyond and comprises a variety of land uses and building designs and

ages. Opposite the site are single storey bungalows of little architectural merit, whilst to the north and south lie two storey Grade II listed buildings.

- 6.5 The proposal would predominantly retain the existing hedgerow adjacent and parallel to the highway and a large oak tree. The proposed dwellings by reason of their siting, scale and design would provide gaps between the plots and a gap of some 8.4 metres between plots three and four, providing access to Monks Walk Cottage and views through the site. The proposed dwellings would be of traditional massing, having narrow gable ends and would include design features, such as chimneys, string course and corbel detailing and timber fenestration. The roof pitches of the proposed dwellings would be 40 degrees, with clay roof tiles. The design and materials would accord with Section 8 – Building Design Guidelines of the Much Marcle Parish Design Statement. In assessing the proposal careful consideration has been given to the impact upon the Conservation Area. Taking into account the mixed character and appearance of the Conservation Area, the quality of the existing development in close proximity to the site, particularly opposite, and the siting of the dwellings facing the highway and their standard of design it is considered that, on balance, the proposal would preserve the character and appearance of the Conservation Area as a whole.
- 6.6 The driveway within the site to serve plots 1 and 2 would partially encroach underneath the canopy of the oak tree. The tree is not subject to a Tree Preservation Order, but nevertheless makes a value contribution to the Conservation Area and street scene. Furthermore it would partially screen the proposed development. A condition is recommended to protect the tree during construction works and to ensure that the driveway would not prejudice its life span.
- 6.7 Although the dwellings would occupy higher ground land levels than the highway, their impact would be reduced by the retention of the hedgerow and tree. Due to their size, siting and design it is considered that the dwellings would contribute positively to the village street scene. There are bungalows within the Conservation Area, however bungalows are not of local vernacular or traditional. It is considered that two-storey dwellings, of the design and scale proposed would reflect that of traditional, vernacular dwellings.
- 6.8 It is proposed to close the existing access into the site and provide a new one. The proposed access would provide visibility splays of 200 metres to the south and 70 metres to the north. It is considered that the proposed access is acceptable in highway safety terms and traffic generated by the proposal could be absorbed by the road network without being harmful to the free flow of traffic or the safety of other users. The Head of Engineering and Transportation has no objections to the proposal, subject to conditions. To facilitate the visibility splay sections of the existing hedgerow would need to be removed. It is proposed to replant a hedgerow to the rear of the splayed area, thus resulting in a continuous hedgerow, with the exception of the access, along the site frontage. On this basis the visual impact of the access is considered acceptable.
- 6.9 The proposed dwellings would be set back between 11 and 15 metres into the site. The distance between the front elevation of the proposed dwellings and the bungalows opposite would be some 28 metres. It is considered that this distance would ensure that satisfactory levels of privacy are achieved. The site lies to the east of the bungalows. Therefore due to the orientation of the proposed dwellings in relation to those existing on the opposite side of the road and the distance separation, it is considered that the development would not overshadow or overbear these single storey dwellings. Whilst it is inevitable that car head lights would shine in the direction of the properties opposite, when leaving the site, the impact of this must be considered in light of the existing situation and the degree of harm likely to be caused. Due to the number of houses proposed, the siting of the bungalows

and the limited times when the car head lights would be switched on, it is considered that the disturbance would be minimal and insufficient to warrant refusal of planning permission. Taking into account the village location of the site it is considered that the potential noise and fumes from occupants of the dwellings and their cars would not be sufficient to be harmful to existing residents.

- 6.10 With regards the listed buildings, the scheme has been revised to site the dwelling on plot 5 further back into the site and set back the first floor elevation. It is considered that this amended scheme would ensure that the proposal would not have an adverse impact upon either the setting of Parting Ground or the residential amenity of its occupants. In respect of Toll House Cottage, the listed building to the north, due to the proposed siting of the dwelling on Plot 1, the siting of the listed building, to the northern end of the curtilage and the existing mature boundary hedgerow between the sites, the proposal would not have a harmful impact upon the setting or amenity of this property.
- 6.11 The scheme would include the drainage of foul water to the mains sewer and storm water to soakaways/mains. Provided that adequate provision is made for surface water drainage from the site, which could be satisfactorily conditioned, it is considered that the proposal would not result in run-off onto the highway. Whilst developing the site would reduce the areas of land to absorb rainwater etc, in comparison with the existing use of the site, through the implementation of drainage this could be adequately controlled. Severn Trent Water has raised no objections, subject to conditions.
- 6.12 In conclusion the principle of residential development is acceptable and by reason of the number, siting, scale and design the proposal would preserve the Conservation Area as a whole. The proposal would not adversely affect residential amenity, highway safety or drainage. As such the proposal is considered to accord with Development Plan policies and no other material planning considerations outweigh this.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

In respect of DCSE2003/3290/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. 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. 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. G06 (Scope of landscaping scheme)

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

7. Prior to the commencement of any development on site details of the construction of the driveway to plots 1 and 2 beneath the tree canopy shall be submitted to and approved in writing by the local planning authority. The works shall be carried out strictly in accordance with the approved details and completed prior to the first occupation of either Plot 1 or Plot 2, whichever is the sooner.

Reason: In order to protect the longevity of the tree in the interests of the visual amenities of the area.

8. G18 (Protection of trees)

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

9. G21 (Excavations beneath tree canopy)

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

10. H01 (Single access - not footway)

Reason: In the interests of highway safety.

11. H03 (Visibility splays)

Reason: In the interests of highway safety.

12. H05 (Access gates)

Reason: In the interests of highway safety.

13. H06 (Vehicular access construction)

Reason: In the interests of highway safety.

14. Prior to the first occupation of the dwelling hereby approved an area shall be laid out within the curtilage of the property for the parking of 1 car so that it may turn within site and enter and leave the application site in a forward gear. The access, turning area and parking facilities shall be properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority. 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.

15. H27 (Parking for site operatives)

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

16. **The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with the details to be submitted to and approved by the local planning authority in writing.**

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Informative(s):

1. **HN01 - Mud on highway**
2. **HN04 - Private apparatus within highway**
3. **HN05 - Works within the highway**
4. **N15 - Reason(s) for the Grant of Planning Permission**

In respect of DCSE2003/3347/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. **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. **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. **G06 (Scope of landscaping scheme)**

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

7. **Prior to the commencement of any development on site details of the construction of the driveway to plots 1 and 2 beneath the tree canopy shall be submitted to and approved in writing by the local planning authority. The works**

shall be carried out strictly in accordance with the approved details and completed prior to the first occupation of either Plot 1 or Plot 2, whichever is the sooner.

Reason: In order to protect the longevity of the tree in the interests of the visual amenities of the area.

8. G18 (Protection of trees)

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

9. G21 (Excavations beneath tree canopy)

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

10. H01 (Single access - not footway)

Reason: In the interests of highway safety.

11. H03 (Visibility splays)

Reason: In the interests of highway safety.

12. H05 (Access gates)

Reason: In the interests of highway safety.

13. H06 (Vehicular access construction)

Reason: In the interests of highway safety.

14. Prior to the first occupation of the dwellings hereby approved an area shall be laid out within the curtilages of each of the properties for the parking of 1 car so that it may turn within site and enter and leave the application site in a forward gear. The access, turning area and parking facilities shall be properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority. 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.

15. H27 (Parking for site operatives)

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

16. The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with the details to be submitted to and approved by the local planning authority in writing.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Informative(s):

1. **HN01 - Mud on highway**
2. **HN04 - Private apparatus within highway**
3. **HN05 - Works within the highway**
4. **N15 - Reason(s) for the Grant of Planning Permission**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

10 DCSE2003/3741/F - CONVERSION OF EXISTING GARAGE/STORE TO LIVING ACCOMMODATION. NEW REAR ACCESS AND GARAGE, WESTBURY HOUSE, GLOUCESTER ROAD, ROSS-ON-WYE, HR9 5LR

For: Mr & Mrs J A & S A Wood, Westbury House, Gloucester Road, Ross-on-Wye, HR9 5LR

Date Received: 12th December 2003 Ward: Ross-on-Wye Grid Ref: 60439, 24097 East

Expiry Date: 6th February 2004

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

1. Site Description and Proposal

1.1 Westbury House is a modern two-storey detached house on the north side of Gloucester Road, Ross-on-Wye. The adjoining houses are Victorian, Beech House being a substantial detached house; Braeside is a semi-detached house. These houses are set about 10m back from the highway but because of a mature beech tree in the front garden Westbury House is about 20m back, with the front elevation to the rear of the backs of the adjoining houses.

1.2 The current application is a revised proposal following refusal of permission for an earlier scheme. The reason for refusal was as follows:-

"The proposed living accommodation, by reason of the size and position of the extensions in relation to the adjoining property, would be overbearing and consequently harm the amenities of the occupiers of that property."

The proposal is to reconstruct and convert the existing garage and stores along the boundary with Braeside. The front part would be rebuilt slightly further from the boundary but extending forward about 0.5m. This section would have a hipped roof. The remainder of the building would have a ridge roof to replace the existing lean-to roof. The extension would be used as additional living accommodation. In addition, a new garage would be erected at the rear of the garden with access off the private service road.

2. Policies

2.1 Hereford and Worcester County Structure Plan

Policy CTC.1 - Development in Areas of Outstanding Natural Beauty
Policy CTC.2 - Development in Areas of Great Landscape Value

2.2 South Herefordshire District Local Plan

Policy C.5 - Development within Area of Outstanding Natural Beauty
Policy C.8 - Development within Area of Great Landscape Value

- Policy SH.23 - Extensions to Dwellings
Policy GD.1 - General Development Criteria

3. Planning History

- 3.1 SE2003/1768/F Conversion of garage and store rooms to living accommodation. New garage and access - Refused 07.08.03

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Head of Engineering and Transportation (Divisional Engineer) has no objection to the grant of permission.

5. Representations

- 5.1 Parish Council has no objection provided the applicants have right of access from the rear road.

- 5.2 One letter has been received from C & L J Brooks, Braeside, Gloucester Road, Ross-on-Wye, HR9 5LR, objecting to the proposal. The following reasons are given:

- although an attempt has been made to lessen the effect on our property it will still have serious implications
- although the plans show a minimal decrease in the ground area we believe the application continues to constitute an over-development of the property
- we also note that a roof light to which we would object has now appeared on the elevation overlooking our property
- if successful the development even with the minor modification will still have an overbearing effect due to the difference in ground level height of our property being some 600mm below Westbury House
- the proposed development in modified form will still have a major effect on the natural light to the rear of our property and in winter will be of major significance. From the first floor windows at the rear of the house the view will be completely obliterated. In addition the requirements for construction will no doubt require access to our property as will maintenance over the coming years. As we value our privacy such access will not be allowed
- although the proposed garage will not cause us any problems we understand that covenants exist on the use of the rear access lane restricting the number of entrances and we know that occupants of properties adjoining the lane have expressed serious concerns over the possible increased use of this private lane, especially as the applicant has adequate access, garage and drive off the Gloucester Road
- the development will, without doubt, have a potential impact of the value of our property.

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 existing building has been constructed along or close to the boundary with Braeside. The adverse impact which led to the earlier application being refused resulted from the increase in height of the building along the boundary. The existing lean-to roof has a low pitch and is not prominent from the garden or ground floor windows of Braeside. The original proposal, in particular the gable wall and roof of the reconstructed part (extending 2.75m further forward) was considered to be overbearing when viewed from the adjoining property.
- 6.2 The revised scheme shows a reduction in size of the rebuilt front section (by about 2.25m). In addition, rather than a gable the roof would be hipped, with the eaves at a similar height to the existing structure. Viewed from Braeside garden and the ground floor windows the roof would not be apparent above the wall unless the viewer stepped away from the wall. The smaller rebuilt section would be seen against the mass of the house. The larger ridge roof section would block some views from first floor windows but being to the north would have little effect on daylight and sunlight reaching the garden of Braeside and the rear of the house. The garage would be at the end of the garden and with a much lower ground level in order to allow access from the rear service road. In these circumstances it is considered that the adverse impact on the amenities of occupiers of Braeside is not so harmful as to warrant refusal of permission.
- 6.3 Viewed from the front, the west side of Westbury is not attractive, with a car port partly screening the brick garage with its almost flat roof. The car port would remain but the hipped roof would be more in keeping with the house. There would be a minor benefit therefore to the character and appearance of this part of Ross-on-Wye Conservation Area. The loss of stone walling at the rear in order to build the garage would not have a significant adverse impact.
- 6.4 The applicants right to use the rear road is not known but is not a matter that can affect determination of this application.

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. **B02 (Matching external materials (extension))**

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

Informative(s):

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

11 DCSE2003/3842/F - PROPOSED EXTENSIONS TO EXISTING COTTAGE AT COMMON GATE COTTAGE, WELSH NEWTON, MONMOUTH, GWENT, NP25 5RT

For: Mr G H Probyn per Mr O Probyn, 35 Shakespeare Road, London, SE24 0LA

Date Received: 22nd December 2003 Ward: Llangarron Grid Ref: 51289, 17381

Expiry Date: 16th February 2004

Local Member: Councillor Mrs. J. A. Hyde

1. Site Description and Proposal

- 1.1 This site, at Welsh Newton Common, flanks the south western side of the unclassified road No. U71222 which runs through the area. The existing dwelling on site has white rendered walls and grey slate roof. There is an existing stone outbuilding with corrugated sheeting on the roof on the road frontage and some derelict stone pigsties attached to the south eastern end of the dwelling. There are fields on the southern and eastern sides of the dwelling
- 1.2 The proposal involves the erection of a two storey extension at the south eastern end of the dwelling (replacing the derelict pigsties) incorporating single storey extensions to the front and rear of the proposed extension. Part of the new living accommodation at the front will be incorporated within the existing stone outbuilding which will be converted. There will also be alterations to the front of the existing dwelling i.e. removing the porch and erecting a new partly glazed porch/walkway and a stair well extension

2. Policies

2.1 Planning Policy Guidance

PPG.1 - General Policy and Principles

2.2 Hereford and Worcester County Structure Plan

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

2.3 South Herefordshire District Local Plan

Policy GD.1 - General Development Criteria
 Policy C.1 - Development Within Open Countryside
 Policy C.8 - Development Within A.G.L.V
 Policy SH.23 - Extensions to Dwellings
 Policy T.3 - Highway Safety Requirements

2.4 Herefordshire Unitary Development Plan (Deposit Draft)

Policy S.2 - Development Requirements
 Policy DR.1 - Design
 Policy H.18 - Alterations and Extensions

3. Planning History

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|-----|----------------|--|---|------------------|
| 3.1 | SW 2003/0990/F | Erection of two storey extension (replacing existing sheds) with link and new stair to cottage | - | Refused 21.05.03 |
| | SE 2003/2171/F | Two storey extension (replacing existing sheds) with link and new stair to cottage | - | Refused 11.09.03 |

4. Consultation SummaryStatutory Consultations

- 4.1 The Forestry Commission has no comment to make.

Internal Council Advice

- 4.2 Head of Engineering and Transportation has no objections.
- 4.3 The Chief Conservation Officer has no observations.
- 4.4 The County Land Agent observes that provided proposal does not extend beyond boundaries onto common land then it will not affect the common. It would be likely to have a considerable visual impact on common.

5. Representations

- 5.1 A letter of support from the applicant's agent was submitted with the application. The main points being:-
- one of the purposes of the proposal is to provide a ground floor bedroom for applicants 97 year old mother who has lived at the cottage for over 30 years to continue to enjoy her home as long as she is able.
 - the proposal also allows the applicant, who has been recently widowed, to move in to support his mother.
 - this is third application to extend cottage. With each revision the floor area and volume of the proposed extension has been reduced.
 - the intention is to keep the stone walls on the shed. There are some cracks in the wall and the eastern face is concave. Will take advice from a structural engineer and a mason as to how best to retain as much as possible. Any portion which needs to be taken down will be rebuilt.
 - the design of the new stair well extension has been revised again.

- the proposed extension is now clearly subordinate to the existing cottage and so complies with planning policies. Using shell of existing sheds will ensure its continued survival and contribution to the environment.

5.2 The Parish Council support this application.

5.3 A letter of support has been received from Mr. and Mrs. P.E. Cotton, Wellfield Bungalow, Welsh Newton, Monmouth NP25 3RT.

The main points being:-

- no objections to proposals, on the contrary have great empathy.
- the widow in her late 90's has lived there for approximately 40 years and is a pillar and respected member of the locality.
- the dwelling would benefit from modernising and would also benefit the occupier.
- there have been extensive extensions to other dwellings in the hamlet.
- the existing outbuilding will look better as a result of the development.
- the proposals will have no detrimental effect on the writers nor any other persons.

5.4 A letter of objection has been received from Mrs. H.McCoy, 1 Woodside, Welsh Newton Common, Monmouth, NP25 5RS.

- again writing to express concerns over planning application on site.
- the revised plans will extend living space within the building by 124%, more than doubling the current habitable area to accommodate one extra person seems excessive.
- the latest plans seem to indicate that the dwelling will be used as two separate dwellings in the future due to high number of rooms and second main entrance.
- original plans were submitted on the basis that Mrs Probyn required ground floor accommodation to allow her to remain comfortably in her home. These new plans to accommodate one other person seems outrageously extravagant. The existing upstairs accommodation no longer required by Mrs Probyn would allow for adequate living space for her son.
- the height and length of the building will still block the objectors small amount of light obtained from a southerly direction particularly during the winter months and provide the objectors with a view of a roof in the summer.
- if such an increase in size (124%) of living space be deemed necessary then the dwelling could be extended to the south where it would not be intrusive to any neighbour. However it appears that the applicant is unwilling to compromise the scenic view from the dwelling preferring instead to cause distress and concern to others.
- since last planning application in July last year Mr. Probyn has made no attempt to communicate on any occasion and blatantly shuns contact since first frequenting the common on a regular basis earlier last year.
- if plans were approved the objector would like details of whom she could take her concerns further and whether there are planning laws preventing the fitting of windows on the north facing aspect at a later date.

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

6. Officers Appraisal

- 6.1 The main issues relate to the size and design of the proposed extension, its relationship to the existing dwelling, its effect on the landscape and on residential amenities of the occupants of neighbouring dwellings. The planning policies which are particularly relevant are Policies GD.1 and SH.23 in the South Herefordshire District Local Plan and Policies H.16A and H.20 of the Hereford and Worcester County Structure Plan.
- 6.2 Two previous planning applications on the site for proposed extensions to the dwelling were both refused planning permission in 2003. The proposed extensions were considered to be too large and as a result would over dominate the existing dwelling. The applicant and his agent have subsequently discussed the proposed development with the case officer and as a result have submitted this revised application.
- 6.3 The proposed extensions to the dwelling, submitted in this current application, are considered to be acceptable. The proposed enlargements/extensions are considered to be in keeping with the scale and character of the existing dwelling and will not become the dominant feature of the resultant extended dwelling. This current proposal is considered to be a significant improvement on the two previous schemes which were refused planning permission. The current scheme in terms of mass and scale is in keeping with design and character of the existing dwelling.

In this current proposal the existing dwelling remains the dominant feature of the proposed development.

- 6.4 The current proposal will utilise the existing stone outbuilding as part of the new accommodation thus retaining and making use of a small stone building which may otherwise have been lost in the future. This obviously reduces the extent of the new building work and to certain extent retains the visual appearance and character of the existing roadside vista.
- 6.5 The proposed development will not adversely affect the landscape. In addition it is considered that the proposed development will not in any way adversely affect the residential amenities of the occupants of any of the nearby dwellings in the area. Also the proposed development is situated within the curtilage of the existing dwelling and it is considered that it will have no visual impact on any 'common' land.
- 6.6 With reference to the matters raised by the objector these have been generally dealt with in the aforementioned paragraphs. However the objector refers to the increase in living space being excessive. However in evaluating the proposed development it is the increase in the mass of the development and its effect on the visual appearance and character of the existing dwelling that is important and not just the increase in floor area. Also the existing dwelling is fairly small and the increase in the number of rooms is not considered to be unacceptable in this case.
- 6.7 With respect to loss of light, the objectors dwelling is situated approximately 70 metres away from the application site. As such it is considered that at this distance there can be no adverse loss of residential amenities to this property. There will be no adverse loss of light nor adverse overlooking of the objectors dwelling as a result of the new development being built. Also the assertion that the proposal will affect their view is not a planning matter.

- 6.8 In conclusion it is considered that the proposed development will be in keeping with the scale and character of the existing dwelling and will be in accordance with the planning policies which particularly relate to extensions to dwellings.

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) (drawing nos. 1, 4 rev B, 5 rev B, 6 rev B ,7 rev B, 8 rev B, and 9 rev B)**

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

- 3. Before any work commences on site, detailed drawings showing the full extent of the north facing elevation of the proposed two storey extension and also the south facing elevation of the altered/converted stone outbuilding.**

Reason: To ensure that the development is satisfactory in appearance.

- 4. All new stonework to be used externally on the walls shall be natural local stone laid in a traditional style similiar to that on the existing outbuilding unless otherwise first agreed in writing by the Local Planning Authority.**

Reason: To ensure that the development is satisfactory in appearance.

- 5. The existing walling on the existing stone outbuilding (to be converted/extended) shall be retained in full unless otherwise first agreed in writing by the Local Planning Authority. In the event of any rebuilding being required then detailed drawings showing the extent proposed to be rebuilt shall first be submitted to and be subject to the prior written approval of the Local Planning Authority prior to any demolition of these walls.**

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

- 6. The additional accommodation hereby approved shall remain ancillary to the use of the existing dwelling as such and shall not at any time be utilised as a separate residential unit.**

Reason: It would be contrary to the approved planning policies for the area to grant planning permission for a separate dwelling unit in this location.

- 7. The new rooflight shall be flush with the roof slope.**

Reason: To ensure that the rooflight does not protrude unduly above the external surface of the roof.

Informative(s):

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

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