

A G E N D A

Southern Area Planning Sub- Committee

Date: **Wednesday, 27th October, 2004**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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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, Mrs. J.A. Hyde, G. Lucas, D.C. Taylor and J.B. Williams

		Pages
1.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
2.	DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
3.	MINUTES To approve and sign the Minutes of the meeting held on 29th September, 2004.	1 - 12
4.	ITEM FOR INFORMATION - APPEALS To note the contents of the attached report of the Head of Planning Services in respect of the appeals received or determined for the southern area of Herefordshire.	13 - 14
REPORTS BY THE HEAD OF PLANNING SERVICES		
To consider and take any appropriate action in respect of the planning applications received for the southern area and to authorise the Head of Planning Services to impose any additional or varied conditions and reasons considered to be necessary.		
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.		
Agenda item 5 is an application that was deferred at the last meeting and agenda items 6 to 12 are new applications.		
5.	DCSE2004/2733/F - PETROL FILLING STATION (FORMER), GLOUCESTER ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5NA Demolition of existing filling station and erection of 18 no. residential apartment dwellings.	15 - 22
6.	DCSE2004/0891/F - VINE TREE FARMHOUSE, WALFORD ROAD, ROSS-ON-WYE	23 - 26

	Change of use to temporary construction project office, site compound and with new access.	
7.	DCSE2003/2298/F - REDUNDANT BARNs AT LLANROTHAL FARM, LLANROTHAL, MONMOUTH, NP25 5QJ	27 - 34
	Conversion of redundant traditional stone barns to residential use (amended plans).	
8.	DCSW2004/1558/F - YEW TREE COTTAGE, COBHALL COMMON, ALLENSMORE, HEREFORDSHIRE, HR2 9BN	35 - 38
	Erection of detached dwelling with garage and ancillary works.	
9.	DCSE2004/3063/F - PARAGON LAUNDRY WORKS, LEDBURY ROAD, ROSS-ON-WYE, HEREFORDSHIRE	39 - 44
	Residential development including demolition of existing buildings and associated site works.	
10.	DCSW2004/2454/F - PETERCHURCH BAPTIST CHURCH, B4348, PETERCHURCH, HEREFORDSHIRE, HR2 0RL	45 - 50
	Demolition of the existing church and erection of 3 no. detached residential dwellings.	
11.	DCSE2004/1796/F - BARN ADJOINING PETERSTOW HOUSE, PETERSTOW, ROSS-ON-WYE, HR9 6LB	51 - 56
	Change of use of offices to one dwelling.	
12.	DCSE2004/2916/F - PORCH FARM, WESTON UNDER PENYARD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7PG	57 - 60
	Extension to existing livestock building for free range egg unit.	

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Southern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 29th September, 2004 at 2.00 p.m.

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

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

In attendance: Councillors P.E. Harling and T.W. Hunt

58. APOLOGIES FOR ABSENCE

Apologies were received from Councillors J.W. Edwards and Mrs. J.A. Hyde.

59. DECLARATIONS OF INTEREST

The following declaration of interest was made:

Councillor	Item	Interest
Councillor N.J.J. Davies	11 (DCSW2004/2703/F – Change of use from grazing land to sports field, provision for Fairfield High School, field adjacent to the Crossing Bungalow, Peterchurch, Herefordshire)	Declared a prejudicial interest and left the meeting for the duration of the item.

60. MINUTES

RESOLVED: That the Minutes of the meeting held on 1st September, 2004 be approved as a correct record and signed by the Chairman.

61. ITEM FOR INFORMATION - APPEALS

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

62. DCSE2004/2752/F - DOWARD HOTEL, WHITCHURCH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6DW (AGENDA ITEM 5)

Change of use from residential C3 to residential care home C2 for adults with learning difficulties.

The Team Leader (Southern) reported the receipt of comments from Ganarew Parish Council who objected to the application. He also reported the receipt of

comments from the Council's Conservation architect who had no objections to the application providing listed building consent was obtained if required. Members also heard details of 3 letters and 2 emails which were summarised by the Team Leader (Southern).

In accordance with the criteria for Public Speaking, Mr. Evans, representing two local residents, Mr. Thorp and Mr. Gdaniec, spoke against the application.

Councillor Mrs. R.L. Lincoln, the Local Ward Member, felt that she needed more information on Voyage Care Homes before she could make a decision on the application. She also said that there were a number of concerns from local residents who were fearful of the proposals.

Some Members expressed concerns about the potential for disruption in the locality resulting from the use. However, it was noted that no objections had been raised by the Commission for Social Care Inspection and, therefore, there were no planning reasons to warrant refusal in this instance.

The Team Leader (Southern) advised Members that the application was for a change of use from residential (C3) to residential care home (C2) and that the Commission for Social Care Inspection would be responsible for licensing the operation and the use.

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 The occupation of the property shall be limited to a maximum number of ten adults.

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

3 At all times when adults 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.

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

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

Informative:

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

63. DCSE2004/2323/F - CHRISTMAS COTTAGE, SANDYWAY LANE, WHITCHURCH, ROSS-ON-WYE, HR9 6DN (AGENDA ITEM 6)

Double and single storey extensions to side of dwelling.

In accordance with the criteria for Public Speaking, Mrs. Lyons, a resident of a neighbouring property spoke against the application and Mr. Davies, the applicant, spoke in support.

Councillor Mrs. R.F. Lincoln, the Local Ward Member, noted the views of the Parish Council and supported 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 B01 (Samples of external materials)

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

4 Before any work commences on site full details of all new gates and fencing shall first be submitted to and be subject to the prior written approval of the local planning authority.

Reason: In the interests of visual amenity.

Informative:

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

64. DCSW2004/2175/F - LAND ADJACENT TO GREAT HOUSE FARM, DORSTONE, HEREFORD, HR3 6BE (AGENDA ITEM 7)

Erection of two detached 4 bed houses and double garages.

RESOLVED

That subject to the receipt of acceptable foul drainage proposals, the officers named in the Scheme of Delegation to Officers be authorised to grant 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.

6 H03 (Visibility splays)

Reason: In the interests of highway safety.

7 H04 (Visibility over frontage)

Reason: In the interests of highway safety.

8 H05 (Access gates)

Reason: In the interests of highway safety.

9 H06 (Vehicular access construction)

Reason: In the interests of highway safety.

10 H10 (Parking - single house)

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

11 H12 (Parking and turning - single house)

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

12 H13 (Access, turning area and parking)

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

13 H27 (Parking for site operatives)

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

14 Details of any sub-division of the plot of land delineated in blue immediately adjacent to the application site shall be the subject of the prior written approval of the local planning authority.

Reason: In the interests of protecting the amenity of this area of land

adjacent to the designated Conservation Area.

Informatives:

- 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**

65. DCSE2004/2716/T - COMPOUND 2, BROAD MEADOWS INDUSTRIAL ESTATE, STATION APPROACH, ROSS-ON-WYE, HEREFORDSHIRE (AGENDA ITEM 8)

Telecommunications development comprising 15m high monopole, incorporating 3 no. antennae, 1 no. 30cm transmission dish, 2 no. 60cm transmission dishes and associated cabinet equipment and compound security.

The Team Leader (Southern) reported the receipt of further correspondence regarding flooding from the applicant as well as six further letters of objection from local residents. He also reported the receipt of comments from Ross-on-Wye Town Council, who objected to the application, and the Environment Agency who had no objections. Following the receipt of the Environment Agency's comments the Team Leader (Southern) recommended that prior approval was required and that prior approval be granted.

In accordance with the criteria for Public Speaking, Mr Hughes, a local resident, spoke against the application.

Councillor Mrs. A.E. Gray, the Local Ward Member, felt that the use of a monopole mast in this application was contrary to policy C42 of the South Herefordshire District Local Plan and the principles of PPG8. She also felt that the application site was not suitable and she could not support the application.

The Chief Development Control Officer advised members not to refuse the application on Health grounds as a certificate of compliance from the ICNIRP had been submitted with the application.

A number of Members expressed concerns regarding the visual impact of the mast and felt the application should be refused.

RESOLVED:

- (i) **The Southern Area Planning Sub-Committee is minded to refuse the application as it is for a monopole which is contrary to PPG8 and also on grounds of visual impact (and any further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the application to the Planning Committee.**
- (ii) **If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application subject to such reasons for refusal referred to above.**

(Note: The Chief Development Control Officer said that he would not refer the application to the Head of Planning Services)

66. DCSE2004/2624/F - 9 PROSPECT TERRACE, HOMS ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7DE (AGENDA ITEM 9)

Establishment of detached building as annexe to property and alterations.

The Principal Planning Officer reported the receipt of comments from Ross-on-Wye Town Council who objected to 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 B01 (Samples of external materials)

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

3 E29 (Occupation ancillary to existing dwelling only (granny annexes))

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

4 E16 ((Removal of permitted Development Rights)

Reason: To protect the amenities of neighbours.

Informative:

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

67. DCSE2004/2614/F - ST. JOSEPHS CONVENT, WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5PQ (AGENDA ITEM 10)

New access.

The Principal Planning Officer reported the receipt of comments from Ross-on-Wye Town Council who had no objections to the application. He also reported the receipt of amended plans.

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 G04 (Landscaping scheme (general))

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

3 G05 (Implementation of landscaping scheme (general))

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

4 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.

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 H08 (Access closure)

Reason: To ensure the safe and free flow of traffic using the adjoining County highway.

Informatives:

1 HN01 - Mud on highway

2 HN04 - Private apparatus within highway

3 HN05 - Works within the highway

4 HN10 - No drainage to discharge to highway

5 HN19 - Disabled needs

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

68. DCSW2004/2703/F - FIELD ADJACENT TO THE CROSSING BUNGALOW, PETERCHURCH, HEREFORDSHIRE (AGENDA ITEM 11)

Change of use from grazing land to sports field, provision for Fairfield High School

The Principal Planning Officer reported the receipt of comments from the Environment Agency who had no objections subject to a condition regarding boundary fences.

In accordance with the criteria for Public Speaking, Mr. Bland, a local resident, spoke against the application and Mr. Barker, the Headteacher of Fairfield's High School, spoke in support.

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 Details of the boundary fence shall be the subject of the prior written approval of the local planning authority before the use is first brought into use.**
Reason: In the interests of the amenity of this part of the designated Area of Great Landscape Value.
- 4 G04 (Landscaping scheme (general))**
Reason: In order to protect the visual amenities of the area.
- 5 G05 (Implementation of landscaping scheme (general))**
Reason: In order to protect the visual amenities of the area.
- 6 H03 (Visibility splays)**
Reason: In the interests of highway safety.
- 7 H05 (Access gates)**
Reason: In the interests of highway safety.
- 8 H06 (Vehicular access construction)**
Reason: In the interests of highway safety.
- 9 H21 (Wheel washing)**
Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.
- 10 H27 (Parking for site operatives)**
Reason: To prevent indiscriminate parking in the interests of highway

safety.

Informatives:

- 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**

69. DCSE2004/1769/F - LAND ADJOINING AND INCLUDING 1 & 2 LOWER GREYTREE COTTAGES, SIXTH AVENUE, GREYTREE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7HW (AGENDA ITEM 12)

Erection of seven dwellings and associated garages. Demolition of existing pair of cottages. Alteration and improvement to existing vehicular access and construction of private driveway.

Councillor G. Lucas, one of the Local Ward Members felt that the private drive should be completed before building work commenced on the dwellings.

RESOLVED

That subject to the receipt of satisfactory revised drawings of siting and of the access drive, 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) (acoustic fence or wall)**

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
- 6 **Prior to development commencing, full drawings showing sections of the existing site profiles and sections of the proposed site including buildings, roads and embankment and specifying their proposed levels shall be submitted to and approved by the local planning authority.**

Development shall be carried out in accordance with the approved levels and profiles.

Reason: To ensure that the development is satisfactorily assimilated into the site and does not adversely affect the flood plain.

- 7 Notwithstanding the approved drawings, no development shall take place until details of any works to the embankment have been submitted to and approved in writing by the local planning authority.**

Reason: To protect the visual amenities of the area.

- 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 There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within**

- a) 5 metres of the top of any bank or watercourses, and/or**
- b) 3 metres of any side of an existing culverted watercourse,**

inside or along the boundary of the site, unless previously agreed otherwise in writing by the local planning authority.

Reason: To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension to the rear (north east) elevation of Plots 2 and 3 shall be erected.**

Reason: To protect the amenities of occupiers of neighbours.

- 11 H03 (Visibility splays)**

Reason: In the interests of highway safety.

- 12 H06 (Vehicular access construction)**

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 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.

- 15 H21 (Wheel washing)**

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

16 H27 (Parking for site operatives)

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

17 F44 (Investigation of contaminated land)

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

18 F45 (Contents of scheme to deal with contaminated land)

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

19 F46 (Implementation of measures to deal with contaminated land)

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

Informative:

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

70. DCSE2004/2733/F - PETROL FILLING STATION (FORMER), GLOUCESTER ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5NA (AGENDA ITEM 13)

Demolition of existing petrol filling station and erection of 18 no. residential apartment dwellings.

The Principal Planning Officer reported the receipt of comments from Ross-on-Wye Town Council who had no objections to the application. He also reported the receipt of a further letter from Welsh Water, who had no objections, and 7 letters of objection from local residents.

Councillor Mrs. A.E. Gray, one of the Local Ward Members, proposed that a site inspection be undertaken as the character or appearance of the development itself was a fundamental planning consideration, a judgement was required on visual impact and the setting and surroundings were fundamental to the determination or to the conditions being considered.

In accordance with the criteria for Public Speaking, Mr. Watkins and Mr. Phillips had registered to speak against the application and Mr Baume had registered to speak in support, both decided to defer their opportunity to speak until this application was considered again after the site inspection had taken place.

RESOLVED:

That consideration of the application be deferred for a site inspection on the grounds that the character or appearance of the development itself is a fundamental planning consideration, a judgement is required on visual impact and the setting and surroundings are fundamental to the determination or to the conditions being considered.

The meeting ended at 3.20 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCSW2004/1216/F**

- The appeal was received on 7th October, 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. Whitfield
- The site is located at Mount Pleasant, Garway Hill, Herefordshire, HR2 8RU
- The development proposed is Erection of wind turbine on 11m high tower
- The appeal is to be heard by Written Representations

Case Officer: Andrew Prior on 01432 261932

Application No. DCSW2004/1671/F

- The appeal was received on 23rd September, 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. A. Cooper
- The site is located at Stoney Barn, Garway Hill, Hereford, Herefordshire, HR2 8RR
- The development proposed is Reinstatement of north gable of property to extend first floor.
- The appeal is to be heard by Hearing

Case Officer: Andrew Prior on 01432 261932

Application No. DCSE2004/1747/F

- The appeal was received on 22nd September, 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. A. Chowns
- The site is located at Ashley Lodge, Ashfield Crescent, Ross-on-Wye, Herefordshire, HR9 5PH
- The development proposed is Retrospective application for retention of hobby room.
- The appeal is to be heard by Written Representations

Case Officer: Nigel Banning on 01432 261974

Application No. DCSW2004/1161/O

- The appeal was received on 17th September, 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by E.G. Perry & Sons
- The site is located at Top Barn, Little Penllan Farm, Dorstone, Herefordshire, HR3 6BL (grid ref: 2969-4011)
- The development proposed is Site for the erection of a agricultural detached dwelling with garage
- The appeal is to be heard by Hearing

Case Officer: Andrew Prior on 01432-261932

APPEALS DETERMINED

Application No. DCSW2003/3772/O

- The appeal was received on 5th March, 2004
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr. & Mrs. J.E. & J.D. Sloper
- The site is located at Fallow Wood, Dorstone, Hereford, Herefordshire, HR3 6AU
- The application, dated 16th December, 2004 , was refused on 9th February, 2004
- The development proposed was Site for erection of holiday chalet to extend holiday chalet park.
- The main issue is in the context of the development plan other material considerations, the effect of the proposal on the character and appearance of the surrounding landscape.

Decision: The appeal was **DISMISSED** on 29th September, 2004

Case Officer: Andrew Prior on 01432 261932

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

SITE VISIT

5 DCSE2004/2733/F - DEMOLITION OF EXISTING PETROL FILLING STATION AND ERECTION OF 18 NO. RESIDENTIAL APARTMENT DWELLINGS AT PETROL FILLING STATION (FORMER), GLOUCESTER ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5NA

For: First London Investment Group Ltd. per Hook Mason, 11 Castle Street, Hereford, HR1 2NL

Date Received: 23rd July, 2004 Ward: Ross-on-Wye East Grid Ref: 60729, 24175

Expiry Date: 17th September, 2004

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

Consideration of this application was deferred by the Sub-Committee on 29th September, 2004 in order that a site visit could be held. This took place on 11th October, 2004.

1. Site Description and Proposal

1.1 The application site, the petrol filling station and car sales lot that has recently closed, is located towards the eastern end of Gloucester Road, Ross on Wye. To the east is the former Ashburton Inn which has now been converted into residential accommodation and beyond is the Ashburton Industrial Estate. Other nearby properties in Gloucester Road and Weston Grove to the north of the application site are residential.

1.2 It is proposed to erect three blocks of flats on this site. Two blocks would be sited in the rear half of the plot, the third would be sited close to the front and the boundary with the former Inn. This aims to relate the blocks to the adjoining dwellings, with Rowancroft positioned near the rear of its plot, the former Inn close to Gloucester Road. The western block would be 2-storeyed, the central block 3-storeyed, also with a hipped roof and the eastern block 3-storeyed but with a gabled roof. 18 apartments would be provided with 1 or 2 bedrooms. The external materials would be brick, render and plain clay tiles. 27 parking spaces would be provided mainly to the front of the blocks but with 11 spaces to the rear. Communal amenity areas are proposed to the rear of the apartment blocks.

2. Policies

2.1 Planning Policy Guidance

PPG3 - Housing

2.2 Hereford and Worcester County Structure Plan

Policy H16 - Location of Growth
 Policy CTC9 - Development Requirements
 Policy CTC18 - Development in Urban Areas

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2.3 South Herefordshire District Local Plan

Policy GD1	-	General Development Criteria
Policy SH14	-	Siting and Design of Buildings
Policy SH15	-	Criteria for New Housing Schemes
Policy R3A	-	Development and Open Space Targets
Policy SH9	-	Balance of Housing Types
Policy T3	-	Highway Safety Requirements
Policy T4	-	Highway and Car Parking Standards
Policy 3	-	Infill Sites for Housing
Policy 4	-	Primary Residential Areas

2.4 Herefordshire Unitary Development Plan – Revised Deposit Draft

Policy H1	-	Established Residential Area
Policy H2	-	Housing Land Allocations
Policy H9	-	Affordable Housing
Policy H13	-	Sustainable Residential Design
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy H15	-	Density
Policy H16	-	Car Parking
Policy H19	-	Open Space Requirements
Policy RST3	-	Standards for Outdoor Playing and Public Open Space

3. Planning History

3.1	SH930690PF	New petrol tanks, pumps, islands and canopy	-	Approved 28.07.93
	SE2001/2584/F	New underground storage tanks.	-	Approved 28.01.02

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water has identified that surface water from the current petrol filling station discharges to the public combined sewerage system along with the domestic foul flows. In order to alleviate capacity within the hydraulically overloaded public sewerage system to accept the increased foul discharge from the proposed development, it is intended to discharge the proposed surface water flows to a public surface water sewer located in Alton Road. In light of the above request that conditions and advisory notes be incorporated should planning permission be granted.

Internal Council Advice

- 4.2 Head of Engineering and Transport recommends that conditions be imposed regarding the access and off-street parking.
- 4.3 Head of Environmental Health recommends that a contaminated land investigation be undertaken with appropriate mitigation if required. It is recommended that the

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underground petrol tanks be removed. Conditions relating to the construction phase are recommended.

5. Representations

5.1 The Town Council has no objection but they regret the loss of the petrol station. Also, the new buildings might overload the services of existing houses.

5.2 16 letters of objection have been received one of which is supported by a petition with 20 signatures. The following grounds are cited:

- (1) A major concern is that the proposed development would be totally out of character with the area and spoil it completely - adjoining houses are lower with a lower terrace to rear, whereas proposed would be tallest residential buildings in the area, which is one of oldest, established residential streets in Ross.
- (2) Size, height, appearance and density are all considered unacceptable and so is car park at front with only a low boundary wall. Less would be better for all is a frequent comment. One writer suggests 12 units and others bungalows or 2-storey development would be beneficial.
- (3) Insufficient private personal space for a large number of families etc.
- (4) A second, strongly voiced objection is that there would be loss of privacy as too close to boundary fence (Weston Grove) with overlooking of gardens and full view inside houses. Privacy is a right. A 2-storey scheme would allow trees to be planted which would secure some measure of privacy, which has been enjoyed for at least 40 years. Also loss of security for properties in Weston Grove.
- (5) Significant loss of amenity already as shop at petrol filling station has closed - this was very important to elderly as allowed shopping locally for essential goods.
- (6) Obscure views of Chase Woods, Tank Meadow and surrounding area.
- (7) Removal of large fir tree would be a great loss as haven for birds - more trees/landscaping needed especially against boundary (Weston Grove) and to soften impact along Gloucester Road.
- (8) Disproportionate increase in number of local residents would result in significant increase in traffic flow and parking problems along Gloucester Road and in crime. Gloucester Road is very busy especially at junction with Alton Road and Camp Road, is dangerous with cars parked both sides and speeding vehicles so that exiting properties safely is difficult at times. Insufficient off-street parking within site.
- (9) What proposals being made to ensure future maintenance of communal spaces? Will there be an annual rent?
- (10) Flooding in this area is frequent due to lack of drainage and adding 18 further dwellings would not be wise.

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- (11) Closure of garage has resulted in queuing at roundabout outside Safeways.
- (12) Other concerns mentioned include devaluation of adjoining properties (very distressing); some neighbours have not been notified; gain rear access through the site and would like this to continue – one notes that access goes back to 1976; noise and disturbance during development.

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

6. Officers Appraisal

- 6.1 The main issues are considered to be firstly the effect on the visual amenities of the area and secondly the effect on the amenities of neighbours. On the first issue the principal consideration is whether the proposal is in keeping with the residential area in which it would be set. Along the section of Gloucester Road to the west which is within the Ross on Wye Conservation Area there are detached houses, well separated from each other and in a variety of styles. The proposed blocks would certainly be larger than these and much closer together. The former Inn however has a greater floor area. Although two blocks are 3-storeyed the development would not be dissimilar in height and scale at the western and eastern ends to Rowancroft and the former Inn, building up in the central part to a full 3-storeys. They are bulkier buildings but have been designed to reduce as far as possible this visual impact. In style they respect without copying nearby properties and the 3 individual designs reflect the diversity in this part of Gloucester Road. Thus, whilst not identical to the adjoining section of Gloucester Road the proposed apartment blocks are not so different as to be discordant and out of character.
- 6.2 The extensive car parking area at the front is not ideal but there is scope for planting along the frontage and attractive hard surfacing materials would be important. There is more opportunity for planting trees at the rear of the site. On balance then it is considered that there are not sufficient grounds to refuse permission on this issue.
- 6.3 Turning to the second issue the main concerns are whether there would be loss of privacy and whether the buildings would be overbearing. The rear of the blocks would be about 40m from the nearest house in Weston Grove. This is well above generally accepted standard, even allowing for the new buildings being 3 storeys. However the central block is just 10m from the boundary of properties in Weston Grove. This will result in overlooking of gardens and hence some loss of privacy. Nevertheless these are long gardens and any negative impact can be reduced in the longer term by tree planting. The relationship of the eastern block to the former Inn is more sensitive. The gap between these two buildings would be 5.5m which is considered to be at the margin of acceptability but windows directly facing windows in the former Inn from this distance are too close. The applicant's agent is preparing revisions to overcome this concern. Subject to this being achieved it is considered that they would not be a significant loss of amenity by neighbours. The loss of views is appreciated but in this case is not grounds to refuse permission.

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- 6.4 Of the other matters raised the access and traffic implications have been carefully considered by the Head of Engineering and Transportation and are acceptable. It should be borne in mind that a petrol filling station would generate a considerable volume of traffic and that the number of accesses has been reduced to one. The closure of a local shop is no doubt an important loss but this site is too large for retail development to meet local needs.
- 6.5 Policy R.3A of the Local Plan requires an infants play area for schemes of more than 10 dwellings. There is space for a play area at the rear of the apartments and this provision can be ensured by a planning condition.

RECOMMENDATION

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

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

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

2 B01 (Samples of external materials)

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

3 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 H03 (Visibility splays)

Reason: In the interests of highway safety.

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

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

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9 H21 (Wheel washing)

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

10 Before the occupation of any dwelling hereby approved, an infants play area shall be provided in accordance with a scheme which has been submitted to and approved in writing by the local planning authority.

Reason: To ensure appropriate provision of amenity space and facilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Informatives:

- 1 HN05 - Works within the highway
- 2 HN10 - No drainage to discharge to highway
- 3 HN19 - Disabled needs
- 4 N15 - Reason(s) for the Grant of Planning Permission.
- 5 Welsh Water advises that a public sewer crosses the site and no part of the building will be permitted within 3 metres of either side of the centreline of the public sewer.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

6 DCSE2004/0891/F - CHANGE OF USE TO TEMPORARY CONSTRUCTION PROJECT OFFICE, SITE COMPOUND AND WITH NEW ACCESS AT VINE TREE FARMHOUSE, WALFORD ROAD, ROSS-ON-WYE

For: Lovell, River House, Ynysbridge Court, Gwaelod-y-Garth, Cardiff, CF4 8YY

Date Received: 11th March, 2004 Ward: Ross-on-Wye East Grid Ref: 59501, 22752

Expiry Date: 6th May, 2004

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

1. Site Description and Proposal

- 1.1 Vine Tree Farmhouse is on the west side of Walford Road and at the southern edge of the defined settlement of Ross on Wye. An application (SE2003/2323/F) for the development of 66 houses to the south of the farmhouse was considered by Committee in December 2003. The Committee authorised planning permission to be granted under delegated powers subject to a Section 106 Agreement. A draft agreement has been prepared but has yet to be signed. The current proposal is to use the garden of the farmhouse as a compound for the construction works and the farmhouse as an office. A new temporary access off Walford Road would be necessary.
- 1.2 The proposal includes fencing the site with a 2.1 m high close-boarded fence, formation of a new access and a 6m buffer zone at the north end where the site adjoins a residential property (24 Walford Road). The proposed access, towards the centre of the frontage, would be at a point in Walford Road where it is intended that the carriageway would be narrowed. This is part of the traffic calming works along Walford Road which are currently being finalised. A revised position for the access close to the northern boundary of the site has been agreed therefore and revised plans have been submitted. Compared to the original proposal the buffer zone has been widened (6 m rather than 3 m) and the layout altered so that car parking adjoins the buffer zone with the materials being stored further from adjoining houses.

2. Policies

2.1 South Herefordshire District Local Plan

GD1	-	General Development Criteria
Policy T3		Highway Safety Requirements

3. Planning History

- | | | | | |
|-----|---------------|---|---|---|
| 3.1 | SH931354PO | Residential housing. | - | Refused 20.2.94 |
| | SE2003/2323/F | Re-development for 66 new houses, conversion of barn. | | Decision delegated subject to S106 Agreement 10.12.03 |

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Head of Engineering and Transportation recommends that conditions be imposed.
- 4.3 Head of Environmental Health has no objections but recommends conditions regarding hours of use.

5. Representations

- 5.1 One letter of objection has been received from Mr. and Mrs. G. Bound, 24 Walford Road, Ross on Wye which cites the following grounds:

- Silos and woodracks being situated close to our boundary;
- excessive noise in the early hours as delivery trucks wait to be unloaded;
- excessive dust drifting over from the silos;
- an additional access would be dangerous and unnecessary considering there are already three access points to the site;
- excessive dirt on the Walford Road from the site vehicles;
- excessive noise disruption throughout on the above.

- 5.2 In addition Tudorville Residents Association raised the following concerns:

- there are three entrances already on to the proposed site why a fourth?
- dust, noise and fumes from a contractors compound which is situated in close proximity to residential properties including sheltered housing the majority being older and less mobile.
- heavy lorries using a new entrance onto a busy main road which still has no road calming;
- the very narrow footpath still in daily use;
- there is no objection to the farmhouse being used as an office, if accessed from the original drive.

These representations were received in relation to the original submission. No further letters have been received following re-consultation on the revised proposal.

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

6. Officers Appraisal

- 6.1 There are 2 main issues relating to this proposal viz. the effect on the amenities of neighbours and highway safety. The concern of neighbours can be well understood. However the visual impact of the compound would be reduced by the existing hedge along the boundary with 24 Walford Road. The 6m buffer zone would also help in this respect. The layout of the compound has also been revised to limit adverse

consequences for neighbours. A condition limiting hours of working and deliveries, as recommended by the Head of Environmental Health, could also be imposed. There are additional controls under other legislation. In these circumstances it is considered that there would not be serious harm to the amenities of neighbours.

- 6.2 As noted in paragraph 1.2 the position of the temporary access has been re-considered because of proposed traffic calming measures along this section of Walford Road. This was at the recommendation of the Head of Engineering and Transportation taking highway safety considerations into account.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 E21 (Temporary permission and reinstatement of land) (31 October 2007 or completion of the development at Vine Tree Farm, whichever is the sooner).**

Reason: To protect the amenities of neighbours and the visual amenities of the area.

- 2 No development shall take place unless planning permission has been granted for the associated development at Vine Tree Farm, application reference no. SE2003/2323/F.**

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

- 3 A09 (Amended plans)**

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

- 4 No vehicles shall be parked or equipment and materials shall be stored in the area specified as buffer zone on the approved drawing.**

Reason: To protect the amenities of neighbours.

- 5 No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times:**

Monday - Friday 7.00 am - 6.00 pm

Saturday 8.00 am - 1.00 pm

Not at any time on Sundays, Bank or Public Holidays

Reason: To protect the amenities of neighbours.

- 6 Before the use commences the buffer zone shall be fenced off from the compound in accordance with details submitted to and approved in writing by the local planning authority.**

Reason: To protect the amenities of neighbours.

7 H03 (Visibility splays)

Reason: In the interests of highway safety.

8 H05 (Access gates)

Reason: In the interests of highway safety.

9 H15 (Turning and parking: change of use - commercial)

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

7 DCSE2003/2298/F - CONVERSION OF REDUNDANT TRADITIONAL STONE BARNs TO RESIDENTIAL USE (AMENDED PLANS), REDUNDANT BARNs AT LLANROTHAL FARM, LLANROTHAL, MONMOUTH, NP25 5QJ

**For: Mr. D.C. Breakwell per B.S. Technical Services,
The Granary Studio, Lower House, Bryngwyn, Raglan,
NP15 2BL**

Date Received: 29th July, 2003 Ward: Llangarron Grid Ref: 46821, 18976

Expiry Date: 23rd September, 2003

Local Member: Councillor Mrs. J.A. Hyde

1. Site Description and Proposal

- 1.1 This site at Llanrothal, approximately 2 miles to the north west of Welsh Newton, is situated at the end of the unclassified road no. UC.71218. The site itself is a collection of redundant stone farm buildings with natural slate roofs. The smaller outbuildings within the courtyard area have a mixture of red pantiles and stone slates. There are some existing more modern farm buildings in and around the site in particular two large buildings and two silos on the north eastern side of the site. There are two existing dwellings near to the site, one being Llanrothal Court which is a Grade II Listed building. Other than these the site is surrounded by fields.
- 1.2 The proposal is to convert these stone buildings into five dwellings each with their own curtilage and parking area. There will be a communal landscaped area in the courtyard with the smaller stone buildings used for domestic storage purposes. The existing modern farm buildings and the two silos are to be removed.

2. Policies

2.1 Planning Policy Guidance & Statements

- PPG.1 - General Principles
PPS.7 - Sustainable Development in Rural Areas

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

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 C.29	-	Setting of a Listed Building
Policy C.36	-	Re-use and Adaptation of Rural Buildings
Policy C.37	-	Conversion of Rural Buildings to Residential Use
Policy C.43	-	Foul Sewerage
Policy C.45	-	Drainage
Policy SH.24	-	Conversion of Rural Buildings
Policy T.3	-	Highway Safety Requirements
Policy T.4	-	Highway and Car Parking Standards

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S.2	-	Development Requirements
Policy DR.1	-	Design
Policy H.7	-	Housing in the Countryside Outside Settlements
Policy HBA.4	-	Setting of Listed Buildings
Policy HBA.13	-	Re-use of Rural Buildings for Residential Purposes

2.5 Supplementary Planning Guidance – Herefordshire Council

Re-use and Adaptation of Traditional Rural Buildings

3. Planning History

3.1 No relevant history.

4. Consultation Summary

Statutory Consultations

4.1 The Environment Agency has no objections but recommends a condition relating to the submission of foul drainage works be imposed on any planning permission.

4.2 The Open Spaces Society observes that a public footpath crosses the application site. Also an ancient road also goes through the site and should not be encroached or obstructed by the development.

4.3 The Ramblers Association observes that the proposals do not affect the public footpath.

Internal Council Advice

4.4 The Head of Engineering and Transportation recommends that any permission includes certain conditions and observes that the public footpath No. L05 will not be affected by this development.

4.5 The Chief Conservation Officer has no objections.

5. Representations

5.1 The applicant's agent observes:

"Proposal is to convert the traditional stone barns to five dwellings which will enhance area and maintain the buildings for the future. The complex is not overlooked from other dwellings and the conversions do allow privacy for the sub-division of the barns. The Structural Report indicates that the barns are in very good condition and that many of the internal features will be kept. The store buildings within the courtyard are to be used for storage for the various dwelling units. The courtyard area will be a common area for all the dwellings. All the existing modern agricultural buildings including the silos are to be removed from the site, leaving just the traditional barns. A traffic movement survey has been undertaken, i.e. current and proposed, with regard to the site and other dwellings on the unclassified road. There are two existing passing places on the unclassified road that can be used. There are no other locations where it would be necessary to have a passing bay, bearing in mind that the actual amount of traffic movements are minimal. Surface water drainage from the new development would need to go to soakaways or into the local existing ditch network, which terminates in the river. This will be addressed during the Building Regulation phase of the project.

A Structural Report and a Traffic Movement Survey were submitted in support of the proposed development."

5.2 The Parish Council observe:

"The Parish Council before commenting would like further clarification of the environmental impact and the impact of traffic flow."

5.3 Five letters of objection have been received from:

Mr. I. & Mrs. S. Smyth, Llanrothal Court, Llanrothal, Monmouth, NP25 5QJ
Mr. T. White-Miller, Llanrothal Lodge, Llanrothal, Monmouth, NP25 5QJ
L. Stone Wisdom, Hogfrith, The Cwm, Welsh Newton, Monmouth, NP25 5RW
B. Taylor, The Cotes, Llanrothal, Monmouth, NP25 5QL
Mrs. M. Walsh, The Cwm, Welsh Newton, Monmouth, NP25 5RW

These letters relate to the originally submitted scheme.

The main points being:

- the proposal for five large dwellings
- the barns are overlooked by properties. The rooflights to be inserted in barn one are directly opposite objectors dwelling
- the large number of bedrooms per dwelling will have an effect on the volume of traffic using the road
- the conversion scheme will increase the number of vehicles using the lane which cause problems at busy times
- service vehicles will also increase in number
- the proposed development site is at the end of a narrow twisting track with steep gradients, blind bends and poor drainage
- passing places are few. More will be required if development goes ahead. Traffic already has to reverse along the lane when faces with other traffic

- the extra traffic will result in traffic chaos, road damage and ditches becoming blocked. More accidents will occur and road repairs will be required.
- construction traffic will cause a problem and should use a track which leads from the farm to the Broad Oak/Welsh Newton road rather than through Welsh Newton itself
- the proposed 10 parking spaces for 5 dwellings is not enough as it does not take into account visitors who may park on road verges as an alternative
- the development should be completed in one go and not spread out for each individual plot
- area needs to be kept clean from building debris
- beautiful area. New dwellings not acceptable
- ecological concerns. Will bats or owls be disturbed
- the existing farm buildings to be removed should be demolished before construction work so as not to prolong disturbance
- the layout of the barns does not make the proposed number of dwellings sensible and will have adverse effect on existing properties
- the four existing dwellings near the farm are served by water from a private natural spring which during dry weather runs low and therefore cannot supply any more properties. The proposal will have to be connected to the mains system. Ideally this should be from the top of the hill rather than down the existing lane and also before work commences on the development
- there has been problems with drainage from the farm during heavy rain with water running out of the farm onto objectors land. As such proper drainage facilities should be provided to cater for the new development
- the site notice which was placed by the site should have been placed further up the lane so other properties could have viewed it.

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

6. Officers Appraisal

- 6.1 The main issues relate to the suitability of the buildings for conversion, i.e. whether they are structurally sound and whether they have any architectural/historic merit which makes them worthy of retention and subsequent conversion. Also the proposed scheme should be acceptable, i.e. respecting the visual appearance and character of the buildings, have acceptable amenity space, its impact on the surrounding environment and the residential amenities of nearby dwellings. Other main issues relate to vehicular access and parking provision and the effect the proposed development will have on the immediate road network. Drainage and services are other issues. The most relevant planning policies are GD.1, C.36, C.37, SH.24 and T.3 of the South Herefordshire District Local Plan and H.16A, H.20 and CTC.9 of the Hereford and Worcester County Structure Plan.
- 6.2 These redundant agricultural buildings are traditional stone barns which are considered worthy of conversion. Following negotiations with the applicant's agent a revised scheme has been submitted which is now considered to be acceptable. The proposed alterations to the buildings are considered to be acceptable and in keeping with the visual appearance and character of the buildings. The proposed layout of the dwellings, their curtilages and amenity space are also considered to be acceptable. The buildings are also considered to be far enough away from other existing dwellings so as not to adversely affect their residential amenities. There will be no adverse overlooking or disturbance to these dwellings. The submitted structural appraisal

indicates that the buildings are generally in a good condition. From these points of view it is considered that the proposed development is acceptable and in accordance with the planning policies relating to conversion of rural buildings and also advice contained in the Council's Supplementary Planning Guidance 'Re-use and Adaptation of Traditional Rural Buildings.'

- 6.3 A number of modern agricultural buildings in and around the site will be removed. This will improve the visual amenity of the area and will ensure that the new dwellings will not be adversely affected by agricultural operations. Also the buildings are not considered to be suitable in this location for any commercial re-use.
- 6.4 The main objections from local residents relate to the highway implications of the proposed development. The site itself is located at the end of an unclassified road. Access onto this road from the site is considered to be acceptable. With the removal of the modern agricultural buildings the agricultural use of the site will cease and along with it the agricultural traffic generated by the use. This will be replaced by the residential traffic generated by the five new dwellings. Although the road is narrow and winding it is considered that the proposed use of the road will not be adversely affected by the change of use. The Council's Head of Engineering and Transportation has no objections to the change of use. The applicants agents have undertaken a traffic movement survey which indicates that there will be an average increase of 8 vehicles per day from Llanrothal Farm and that 2 heavy goods vehicles, i.e. 38 ton articulated lorries delivering/collecting farming materials will cease to use the unclassified road.
- 6.5 The objectors also refer to the need for more parking spaces to serve the proposed development. At present each dwelling will have two parking spaces allocated to it. The Head of Engineering and Transportation has no objection to this. However, there is ample land available in the applicants ownership, especially with the removal of the existing modern agricultural buildings which could be allocated as a visitor parking area. The public footpath which runs through the application site will be unaffected by the proposed development.
- 6.6 The applicant proposes to use a sewage treatment plant to deal with sewage disposal. The Environment Agency have no objections to this but require details to be submitted for approval. The developer intends to connect the proposed development to the mains water supply and not to the local spring referred to by the objectors.
- 6.7 The proposed development is considered to be acceptable and in accordance with the approved planning policies and supplementary planning guidance. The comments of the objectors have been taken into account but are not considered sufficient to warrant refusal of the proposed development.

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 E16 (Removal of permitted development rights)

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

4 The external surfaces of the new flues shall be coloured black unless otherwise first agreed in writing by the local planning authority.

Reason: To ensure the development is satisfactory in appearance.

5 Before any of the dwellings, hereby approved, are first brought into use the existing modern agricultural buildings and structures shown on the drawings to be demolished, shall be removed from the site unless otherwise first agreed in writing by the local planning authority.

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

6 G05 (Implementation of landscaping scheme (general))

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

7 F18 (Scheme of foul drainage disposal)

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

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 Before the new development is first brought into use a visitor parking area shall be provided within/or adjacent to the site in accordance with details to be first submitted to and approved in writing by the local planning authority.

Reason: To ensure there is adequate parking provision for visitors at the site.

Informatives:

1 HN01 - Mud on highway

2 HN04 - Private apparatus within highway

3 HN05 - Works within the highway

4 HN24 - Drainage other than via highway system

5 The developer should ensure that proposed arrangements for the water supply are properly put in place prior to the occupation of any of the dwellings.

6 N03 - Adjoining property rights

7 The Public Rights of Way Manager advises:

- The nearby right of way, i.e. Public Footpath L05, 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 Department, 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.
- The applicants should ensure that they hold lawful authority to drive over the public footpath.
- The applicants should note that the right of way has footpath status and will only be maintained as such.

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

8 DCSW2004/1558/F - ERECTION OF DETACHED DWELLING WITH GARAGE AND ANCILLARY WORKS, YEW TREE COTTAGE, COBHALL COMMON, ALLENSMORE, HEREFORDSHIRE, HR2 9BN

For: Mr. & Mrs. M. Nahoriak per The Brock Planning Consultancy, Kingston House, 45 Victoria Road, Coleford, Gloucester, GL16 8DS

Date Received: 28th April, 2004 Ward: Valletts

Grid Ref: 45424, 35578

Expiry Date: 23rd June, 2004

Local Member: Councillor P.G. Turpin

1. Site Description and Proposal

- 1.1 The application site comprises part of the lawned garden area of Yew Tree Cottage, a red brick faced cottage that fronts onto the eastern side of the unclassified road (u/c 73410) that leads north/north-east out of the settlement. This site is wholly within the village settlement.
- 1.2 There is an existing garage building fronting onto the grassed roadside verge, this will need to be demolished in order to erect the 4 bedroomed dwelling. The dwelling house will be faced in brickwork, and will have a fibre-cement slate roof. The windows will be timber framed and stained. The building is broken up into two elements, one element is 7.1 metres high, has a frontage of 6.5 metres and is 7.4 metres wide or deep. The second element has a frontage of 3.8 metres, a ridge height of 6.7 metres, and a width of 5.9 metres. Therefore the dwelling in appearance appears to have been extended. The building line of the proposed dwelling is in line with the applicants' property (Yew Tree Cottage).
- 1.3 A single width garage is proposed to the rear on the southern side of the property, close to the hedgerow lined boundary with Three Gables.
- 1.4 The plot is 32 metres deep and has a frontage of 15 metres narrowing to 13 metres on the rear or eastern boundary of the site.

2. Policies

2.1 Planning Policy Guidance

- PPG.1 - General Principles
PPG.3 - Housing

2.2 Hereford and Worcester County Structure Plan

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

2.3 South Herefordshire District Local Plan

Policy GD.1	-	General Development Criteria
Policy SH.10	-	Housing in Smaller Settlements
Policy C.43	-	Foul Sewage

2.4 Unitary Development Plan (Revised Deposit Draft)

Policy H.6	-	Housing in Smaller Settlements
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3. Planning History

3.1 None identified.

4. Consultation Summary

Statutory Consultations

4.1 The Environment Agency initially responded with a holding objection, however with the submission of further details, including porosity test results, the Environment Agency have no objections.

Internal Council Advice

4.2 Head of Engineering and Transportation states that the means of access proposed is contrary to the interests of highway safety, but that it is possible to create a revised layout to overcome this problem.

5. Representations

5.1 In a letter that accompanied the application the applicants' agent makes the following main points:

- site lies within settlement boundary for Cobhall Common
- reasonable infill development
- development elsewhere, indeed nearly opposite the site
- the proposed dwelling is intended for the applicants' son, who is shortly returning from university
- dwelling is characteristic of cottage style properties at Cobhall Common
- brick and slate yet to be finalised can be made conditional
- private treatment plant proposed; there is a substantial area of land available for drainage purposes
- consider dwelling will assimilate well into the settlement.

5.2 In a further letter, following the Environment Agency's holding objection, it is stated:

- percolation tests are being undertaken this week.

5.3 In a letter submitted on behalf of the applicants, details of percolation tests are provided as submitted to the Environment Agency.

5.4 Allensmore Parish Council make the following observations:

"Allensmore Parish Council opposes this development on Cobhall Common on the same grounds as we opposed the 2 bedroomed bungalow at Chapel Cottage on the opposite side of the road at your planning meeting on 5th November, 2003.

We feel it would be unwise to support further development on Cobhall Common, in this case a three bedroomed house not a bungalow. Our comments on the drainage improvement scheme of 1997 being to improve surface water run-off still hold true."

6. Officers Appraisal

- 6.1 The main issues are considered to be the principle of development, the means of access and the means of foul drainage.
- 6.2 With regard to the principle of developing this site, Cobhall Common is identified as a smaller settlement within the remit of Policy SH.10 contained in the Local Plan. Cobhall Common will no longer be an identified settlement within the remit of emerging Unitary Development Plan policy, however given the fact that there have been objections raised to Unitary Development Plan policy it is considered that Development Plan policy in this instance Policies GD.1 and SH.10 and Policy H.16A in the Hereford and Worcester County Structure Plan still obtain. The type of dwelling proposed is of a scale and proportion that will assimilate well into this part of Cobhall Common. The facing materials can be made the subject of a planning condition. The other issue is satisfying local housing need, which has been demonstrated by the supporting covering letter.
- 6.3 The second issue is one relating to the means of access. The plans submitted provide for a single drive leading towards the garage sited to the rear of the brick faced dwelling. There is no means demonstrated for a vehicle to manoeuvre on site. It is considered that in line with the recommendations of the Head of Engineering and Transportation that with some further work on the scheme a means of turning a vehicle on site such that it could join the unclassified road in forward gear can be achieved.
- 6.4 Cobhall Common has historically been the subject of drainage problems. The current proposal is one that does take advantage of improvements made to surface water works started in 1997. This proposal entails using a package treatment plant for which there is no objection from the Environment Agency. Therefore, it is not considered that planning permission could be reasonably withheld for reasons of drainage problems associated with Cobhall Common in this instance.
- 6.5 The proposal satisfies the criteria for new residential development in smaller settlements in accordance with Policies SH.10, GD.1 and C.43 contained in the Local Plan. There are considered to be no reasonable grounds for withholding planning permission, subject to satisfactory revised plans relating to on-site manoeuvring facilities being provided.

RECOMMENDATION

That subject to the receipt of satisfactory revised plans relating to the means of access and turning area on site, 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:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

9 DCSE2004/3063/F - RESIDENTIAL DEVELOPMENT INCLUDING DEMOLITION OF EXISTING BUILDINGS AND ASSOCIATED SITEWORKS AT PARAGON LAUNDRY WORKS, LEDBURY ROAD, ROSS-ON-WYE, HEREFORDSHIRE

For: Newland Homes Limited, 8 Lansdown Place, Cheltenham, Glos, GL50 2HU

**Date Received: 20th September, 2004 Ward: Ross-on-Wye East Grid Ref: 60436, 4878
Expiry Date: 15th November, 2004**

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

1. Site Description and Proposal

- 1.1 Paragon Laundry Works is situated on the south-eastern side of Ledbury Road in Ross on Wye. It comprises a collection of various industrial buildings plus a reception area for dry cleaning on a site of about 0.34 ha. The rear part of the site has been built up and is considerably higher than the saw mill to the south-east (which fronts Tanyard Lane) and housing to the south-west in Rudhall Close. To the north-east are mobile homes (Cottage Mobile Home Park).
- 1.2 This long-established laundry is re-locating to Overross and the current proposal is for residential redevelopment. The dwellings would be arranged in three sections (i) two terraces of 3 houses each fronting Ledbury Road (ii) a terrace of 7 houses, extending along the central part of the site to which an additional unit has been attached at the northern corner, comprising a first floor flat with garage below and an entrance to the car parking area to the rear, and (iii) a block of apartments flanked by further houses at the south-east end of the site. All units would be 3-storeyed with the second floor within the roof slope, except for the flat with garage and entry in section (ii). The second floors would be lit by dormer windows and rooflights. A drive would extend from the existing access along the south-western boundary of the site which would lead to the open car parking (31 spaces) and 3 garages.
- 1.3 The 22 dwellings would be a mix of 2 and 3 bed units (11 and 9 respectively) plus two 1 bed apartments. They would be of brick construction with a tiled roof. In design the terraced houses would be flat fronted with Victorian-style windows. A gap between terraces and change in ground floor levels (as in (i)) or staggering part of the terrace (as in (ii)) or the apartment block projecting forward of its flanking houses and a central gable (as in (iii)) are employed to add variety to the basically simple designs. All units would have private gardens, that of the six apartments being shared, which would be 7-10m long. A play area for toddlers would be provided.
- 1.4 The ground level over almost all of the site would be reduced. This would be minimal close to Ledbury Road but by 2 m or more to the rear. Along the boundary with the saw mill a 2 m high retaining structure (gabions) would be formed with a 3 m high acoustic fence on top.

2. Policies**2.1 Planning Policy Guidance**

PPG3 - Housing

2.2 South Herefordshire District Local Plan

Policy R3A - Development and Open Space Targets
 Policy SH9 - Balance of Housing Types
 Policy SH14 - Siting and Design of Buildings
 Policy SH15 - Criteria for New Housing Schemes
 Policy ED4 - Safeguarding Existing Employment Premises
 Policy 3 (Part 3) - Infill Sites for Housing

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft

Policy H1 - Established Residential Area
 Policy H9 - Affordable Housing
 Policy H13 - Sustainable Residential Design
 Policy H14 - Re-Using Previously Developed Land and Buildings
 Policy H16 - Housing in Rural Areas- Car Parking
 Policy H19 - Open Space Requirements

3. Planning History

3.1	SH961186PF	Portable building for storage	-	Approved 15.12.96
	SE2003/3149/F	Residential development (24 units)	-	Withdrawn 20.9.04

4. Consultation SummaryStatutory Consultations

4.1 Welsh Water recommend conditions.

Internal Council Advice

4.2 Head of Engineering and Transportation recommends that conditions be imposed if permission is granted.

4.3 Head of Environment Health's advise is awaited.

5. Representations

5.1 The applicant had submitted a noise assessment report prior to the current application.

5.2 4 letters have been received from local residents and the owner of the Cottage Mobile Home Park which object to the proposal or express concerns. The following is a summary of these representations:

- (1) Unacceptably overbearing on properties in Rudhall Close as their main aspect faces the site and ground floor level of new buildings would be almost 3 m higher

- and 3-storeyed development about 10 m high (i.e. 13 m above Mornington Crescent's ground level).
- (2) Bungalows should be considered as 3 storey flats will tower above mobile homes.
 - (3) An appeal is quoted in which the proposals, although only a bungalow was dismissed partly due to a 3.5 m build level difference (SE2001/2851/F).
 - (4) Very detrimental to Mobile Home Park site, tenants and livelihood - boundary can be almost stepped over and tenants (all retired) privacy and security would be severely encroached upon. In particular car parking and children's play area next to fence; mobile homes have 4 gas cannisters and problem of children climbing fences are mentioned.
 - (5) All properties in area single or two-storeyed, and a development containing 3 levels both out of character and unfitting to the area.
 - (6) Egress from Rudhall Court can prove difficult at times - further development in close proximity will only exacerbate this.
 - (7) Add to drainage problems - the Ross 'smell' already well known and not aware of plans to remedy this - planning permission recently refused for change of use of commercial premises to dwelling for this reason.
 - (8) Meeting promised at Park but has not happened.
 - (9) New plans not thought to be any different from original, according to one resident but another is pleased that revised scheme shows a lot more respect for residents of Mobile Home Park.

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 site is within a residential area, and a laundry (as well as the adjoining sawmill) may well give rise to some environmental problems. There is no evidence that there has been severe environmental pollution. Nevertheless the redevelopment of this site for residential purposes would be both appropriate and be likely to enhance the amenities of those living nearby. The factory is not attractive and a well-designed housing scheme would improve the appearance of the area. In principle therefore it is considered that residential development is acceptable and has environmental benefits that outweigh the loss of employment land (Policy ED4).
- 6.2 The specific issues raised by this proposal are considered to be (i) the effect on the street scene(s) and the character of the area, (ii) the effect on the amenities of neighbours and (iii) whether the living conditions of occupants would be acceptable in view of the proximity of a saw mill.
- 6.3 It is appreciated that the new buildings would have three storeys. However the second floor would be within the roof and the houses would not be unusually deep, so that they would be no higher than a typical two-storey house. The apartment block is deeper but the houses on either side are lower (1.5 m difference in ridge height) and this helps to reduce the visual impact of these buildings. The differences in ground level with adjoining sites is a factor, with the properties in Rudhall Close being about 1.5 m below the proposed level of the new houses and a much greater difference with the saw mill. To this should be added the low buildings in Rudhall Close (two-storeyed but with flat roofs) and the mobile homes. Nevertheless with the reduction in the level of the application site it is considered that the disjunction between the proposed and existing housing would not be so serious as to be grounds to refuse permission.

- 6.4 The design of the buildings and their disposition on the site are considered to be acceptable. The one concern is the height of section (iii) which would stand well above the saw mill and be prominent viewed from lower ground to the south. Nevertheless this would be seen against the backdrop of higher buildings to the north – this tiered effect is an attractive feature of the town. It is considered therefore that the proposal would not harm the street scene or character of the town.
- 6.5 On the second issue the relative differences in ground levels and height of buildings have been referred to above. It is not considered however that this would result in overbearing and intrusive development because there would be sufficient distance between the new and existing housing. The central section (ii) is at least 21 m from the dwellings in Rudhall Close facing it and 10 m or more from the rear of the mobile homes. The southern – eastern section (iii) is closer to the mobile homes and Rudhall Close but is not directly in front of them. A 1.8 m high wall or screen fence would separate the new estate from the mobile homes and provide some security. An appropriate fence would also help reduce noise from the parking areas that would adjoin the mobile home park. For these reasons it is considered that the amenities of neighbours would not be seriously harmed.
- 6.6 The adjoining saw mills is the source of considerable noise and odours. A study of the former was submitted prior to this application which concluded that with appropriate amelioration the ambient noise levels within the proposed houses would not be above accepted levels. This has been considered by the Council's Head of Environmental Health who concluded that daytime noise could be mitigated to an acceptable level by the acoustic fence. This would not protect the upper floors of the nearest units (section (iii)) but only bedrooms would face the saw mill and night time working is not normally undertaken and could be controlled under environmental legislation.
- 6.7 Odours are primarily from creosote and cannot be reduced by physical measures on the application site. These odours are pervasive but there is no record of complaint and a number of dwellings are as close as those proposed. As best available techniques to minimise odours are undertaken at the mill it is not likely that future complaints would prejudice the continued running of that business. On balance it is considered that although at times odours would be detrimental to residential amenity this is not sufficient to refuse permission.
- 6.8 The problems of drainage are acknowledged but Welsh Water has considered the proposal and does not object provided surface water is not discharged to the public sewers. This could be controlled by planning conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 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 Notwithstanding the submitted drawing no development shall take place until full drawings showing cross sections of the existing site profiles and cross sections of the proposed site including all buildings, roads and car parking areas shall be submitted to and approved by the local planning authority.**

Reason: To ensure that the development is satisfactorily assimilated into the site.
- 7 E18 (No new windows in specified elevation)**

Reason: In order to protect the residential amenity of adjacent properties.
- 8 F47 (Measures to deal with soil contamination)**

Reason: To ensure potential soil contamination is satisfactorily dealt with before the development is occupied.
- 9 H03 (Visibility splays)**

Reason: In the interests of highway safety.
- 10 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.
- 11 W01 (Foul/surface water drainage)**

Reason: To protect the integrity of the public sewerage system.
- 12 W02 (No surface water to connect to public 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.
- 13 W03 (No drainage run-off to public system)**

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

14 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.

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

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

10 DCSW2004/2454/F - DEMOLITION OF THE EXISTING CHURCH AND ERECTION OF 3 NO. DETACHED RESIDENTIAL DWELLINGS, PETERCHURCH BAPTIST CHURCH, B4348, PETERCHURCH, HEREFORDSHIRE, HR2 0RL

For: The Baptist Union Corporation Limited per Hook Mason, 11 Castle Street, Hereford, HR1 2NL

Date Received: 5th July, 2004 Ward: Golden Valley North Grid Ref: 34409, 38979

Expiry Date: 30th August, 2004

Local Member: Councillor N.J.J. Davies

1. Site Description and Proposal

- 1.1 The proposal site is on the eastern side of the main thoroughfare in Peterchurch, the Class II road (B4348). The site is triangular just to the west of Valley View Farm and has frontages onto the B4348 road and unclassified road (u/c 75406) that leads eastward from the junction of the two roads which is also the north-western corner of the site.
- 1.2 There is an existing red brick church on the centre of the site that it is proposed to demolish. This Baptist Church is at right angles to the B4348 road.
- 1.3 It is proposed to erect three 4 bedroom houses with single integral garages. They will all be brick faced under slate roofs. The internal floor levels for all three dwellings are 600mm above the external ground level. A new central vehicle access point is proposed on the centre of the hedgerow lined frontage onto the B4348 road. Two houses will front onto the B4348 and the third one is aligned parallel to the unclassified road at the rear of the site.

2. Policies

2.1 Planning Policy Guidance

- PPG.1 - General Policy & Principles
PPG.25 - Flooding

2.2 Hereford and Worcester County Structure Plan

- Policy H.16A - Housing in Rural Areas
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.8 - Development within Area of Great Landscape Value
Policy SH.6 - Housing Development in Larger Villages

- Policy SH.8 - New Housing Development Criteria in Larger Villages
- Policy SH.14 - Siting and Design of Buildings
- Policy SH.15 - Criteria for New Housing Schemes

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- Policy H.4 - Main Villages: Settlement Boundaries

3. Planning History

- 3.1 None identified.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency has no objections. The Environment Agency note that the historical flood plain does not extend beyond the 125m AOD contour, the site is nearly 1.5 metres above the highest recorded level. Recommends finished floor level of at least 600mm above ground level or frontage road level, whichever is the higher.
- 4.2 Welsh Water recommends that foul water and surface water is drained separately from the site. No surface water be allowed to connect to the public sewerage system. No land drainage run-off be permitted to discharge into public sewerage system.

Internal Council Advice

- 4.3 Head of Engineering and Transportation has no objection subject to conditions being attached to any grant of planning permission.
- 4.4 The Chief Conservation Officer recommends that an archaeological survey and recording condition be attached to any grant of planning permission.

5. Representations

- 5.1 In a letter that accompanied the application, the applicants' agent states:

- taken preliminary advice from the Environment Agency, due to site being located on the margin of the flood plain. Design reflects Agency's advice.

- 5.2 Peterchurch Parish Council make the following observations:

"The Parish Council cannot support the proposed demolition of the Baptist Chapel and the subsequent erection of three dwellings for the following reasons:

- The Council have indicated in the Unitary Development Plan that there is no need for further housing in Peterchurch as the work available locally will not sustain it.
- The proposed development is in an area liable to flooding and surface water run-off will exacerbate the existing problem with flooding in the village.
- The public sewerage system and waste water treatment work are at full capacity."

5.3 One letter of representation has been received from:

C.W. Barker, 1 Valley View, Peterchurch, HR2 0RU

The following main points are raised:

- church is worthy of and in a suitable condition for conversion, rather than demolition
- dark colour (brick) of church fits in well with our terrace
- too cramped a development
- better if access were onto rear road.

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

6. Officers Appraisal

- 6.1 The main issues are considered to be the suitability of the site for development including the demolition of the chapel, the risk of flooding, capacity of sewerage system and waste water treatment and access onto the classified road.
- 6.2 This site is wholly within the settlement boundary for Peterchurch, which is a designated larger village currently and within the remit of the emerging Unitary Development Plan. The three houses although having 4 bedrooms each, although those bedrooms are mostly medium to small in area. There is still satisfactory sized garden areas around each house. It is not considered that the erection of 3 dwellings constitutes an overdevelopment of the site. The relationship of the new dwellings to existing ones is acceptable in terms of respecting the amenity of adjoining residents.
- 6.3 It is regrettable that the chapel is not incorporated in part of a development scheme for the site, nevertheless the site is within the settlement boundary and given the potential for flooding, finished floor levels are of crucial importance and has been the starting point for the design for the 3 dwellings proposed following preliminary discussions between the applicant's agent and the Environment Agency.
- 6.4 The risk of flooding, an issue raised by the Parish Council has been addressed by the proposal, in conjunction with the Environment Agency. There are considered to be no reasonable grounds for withholding planning permission on this basis given the written advice received from the Environment Agency. Welsh Water has stated that subject to the imposition of conditions, that statutory body has no objections to the development of the site.
- 6.5 The final issue is one related to the means of access proposed, which is directly onto the B4348 road. The Head of Engineering and Transportation has confirmed that no objection is raised subject to the attachment of conditions including the provision of visibility splays of 40 metres in each direction.
- 6.6 This proposal will entail the demolition of a chapel, works on site will be monitored by the Archaeological Section of the Council. It is not considered that the retention of the chapel, given that it is on site within the defined settlement can be justified such that it prohibits development of the site. This is given the siting of the building, the capability of converting the building and the issue of flood risk that is addressed directly by the proposal.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 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 D02 (Archaeological survey and recording)

Reason: A building of archaeological/historic/architectural significance will be affected by the proposed development. To allow for recording of the building during or prior to development. The brief will inform the scope of the recording action.

5 G04 (Landscaping scheme (general))

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

6 G05 (Implementation of landscaping scheme (general))

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

7 H01 (Single access - not footway)

Reason: In the interests of highway safety.

8 H03 (Visibility splays)

Reason: In the interests of highway safety.

9 H05 (Access gates)

Reason: In the interests of highway safety.

10 H06 (Vehicular access construction)

Reason: In the interests of highway safety.

11 H10 (Parking - single house)

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

12 H12 (Parking and turning - single house)

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

13 H13 (Access, turning area and parking)

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

14 H27 (Parking for site operatives)

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

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

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

16 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.

17 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.

Informatives:

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.

11 DCSE2004/1796/F - CHANGE OF USE OF OFFICES TO ONE DWELLING, BARN ADJOINING PETERSTOW HOUSE, PETERSTOW, ROSS-ON-WYE, HR9 6LB

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

Date Received: 17th May, 2004 Ward: Llangarron Grid Ref: 56437, 24870

Expiry Date: 12th July, 2004

Local Member: Councillor Mrs. J.A. Hyde

1. Site Description and Proposal

- 1.1 This site, just outside the settlement boundary of Peterstow, is located within the grounds of Peterstow House (a Grade II Listed building) and is adjacent to St. Peters Church. The building in question is a stone/red brick barn which has been converted into an office (planning permission granted in October 1997 - reference no. SH970907PF). There is an existing orchard to the north of the site and fields to the east.
- 1.2 The building has been used as an office, however, it is now vacant. The proposal is to change the use of the building into a dwelling with only minor internal alterations proposed. It is proposed to utilise the existing vehicular access onto the unclassified road to the east.

2. Policies

2.1 Planning Policy Guidance and Statements

- | | | |
|-------|---|--|
| PPG.1 | - | General Principles |
| PPS.7 | - | Sustainable Development in Rural Areas |

2.2 Hereford and Worcester County Structure Plan

- | | | |
|---------------|---|---|
| Policy H.16A | - | Development Criteria |
| Policy H.20 | - | Residential Development in Open Countryside |
| Policy CTC.1 | - | Development in Areas of Outstanding Natural Beauty |
| Policy CTC.9 | - | Development Criteria |
| Policy CTC.13 | - | Buildings of Special Architectural or Historic Interest |
| Policy CTC.14 | - | Criteria for the Conversion of Buildings in Rural Areas |

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.23 | - | New Development affecting Conservation Areas |
| Policy C.29 | - | Setting of a Listed Building |

Policy C.36	-	Re-use and Adaptation of Rural Buildings
Policy C.37	-	Conversion of Rural Buildings to Residential Use
Policy SH.24	-	Conversion of Rural Buildings
Policy T.3	-	Highway Safety Requirements
Policy T.4	-	Highway and Car Parking Standards
Policy ED.4	-	Safeguarding Existing Employment Premises

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S.2	-	Development Requirements
Policy DR.1	-	Design
Policy H.7	-	Housing in the Countryside Outside Settlements
Policy HBA.4	-	Setting of a Listed Building
Policy HBA.13	-	Re-use of Rural Buildings for Residential Purposes
Policy LA.1	-	Areas of Outstanding Natural Beauty
Policy E.5	-	Safeguarding Employment Land and Buildings
Policy HBA.6	-	New Development within Conservation Areas

2.5 Herefordshire Council Supplementary Planning Guidance

Re-use and Adaptation of Traditional Rural Buildings

3. Planning History

3.1	SH970242PF	Additional hotel accommodation and unit for manager	- Refused 21.05.97
	SH970907PF	Extension to existing coach house, demolition of existing store/shed and replacement to form offices	- Planning Permission 22.10.97
	SH970908LA	Reconstruction of part of existing coach house also demolition of existing store and rebuild to form offices	- Listed Building Consent 22.10.97

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 The Head of Engineering and Transportation has no objection.

4.3 The Chief Conservation Officer has no objection but has recommended that a condition be imposed on any planning permission relating to bat and barn owl roosting opportunities/provision.

4.4 The Chief Environmental Health Officer has no comment to make.

4.5 Private Sector Housing recommend smoke detectors to ground floor and first floor.

5. Representations

5.1 The applicant's agent observes:

"The proposal accords with the Development Plan. This building was used as a commercial office by the applicant whilst he resided in Peterstow House. Change of use only, no external changes proposed. Proposed dwelling would have its own vehicular access, parking and garden. The commercial use entailed up to 15 people commuting to these offices which is more than would be generated by a single dwelling. The property has been advertised as commercial floor space and has been included in the Council's Register of Floor Space since December 2003. No response was received from a potential occupier. This shows that this building is neither suitable nor desirable as a commercial premises. The proposal is in accordance with PPS.7 which accepts that some buildings in reasonable proximity of a settlement may lend themselves only to a residential use. The Council has previously judged that only a commercial use associated with the occupation of the main house is acceptable. It follows that a commercial use of this building not associated with the occupier of the house will be resisted by the Council."

5.2 A letter has been received from an estate agent confirming that since marketing the property as offices since December 2003 no interest in the property for office use has been received. The rural office market is very slow at the present time.

5.3 The Parish Council observe:

"Objection. We refer to the Planning Conditions of 22.10.97.

1. Building to be used only as office for owners of Peterstow House.
2. The building must not be sold separately.

Our views are those expressed previously under SH970907PF 31.07.97, i.e. close proximity to Church and Graveyard and drainage problems."

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 use of the building as a dwelling and its effect on the existing adjacent dwelling, the loss of a commercial use and also highway safety. The most relevant policies are GD.1, C.36, C.37, SH.24, ED.4 and T.3 of the South Herefordshire District Local Plan and policies CTC.9 and CTC.14 of the Hereford and Worcester County Structure Plan.

6.2 The proposed use of this building as a dwelling is considered to be acceptable and will not adversely affect the residential amenities of the adjacent dwelling. The building has been advertised by an Estate Agent for commercial use but there has been no interest shown and as such the principle of changing the use from a commercial use is considered to be acceptable.

6.3 The other main issue relates to highway safety. When planning permission was granted for the use of the building as office accommodation, the main house had

ceased to be used as a hotel. Conditions 2 to 4 imposed on this planning permission (reference no. SH970907PF) were as follows:

2. The building and the extensions hereby permitted shall be used only for office accommodation by the owners of the adjacent property, the former Peterstow House Hotel.
3. The building and the extensions hereby permitted shall not be sold separately as offices from the former Peterstow House Hotel.
4. The building and the extensions hereby permitted shall not be used as offices if the Hotel use is resumed without the prior approval of the planning authority in writing.

The reason for these conditions is:

To define the use in accordance with the terms of the application which relies on the fact that the former Hotel has ceased reducing traffic impact upon the means of access and lanes leading to the premises.

It was considered at the time that it would be acceptable for the use of the building as office accommodation provided it remained in the ownership of the main house, i.e. Peterstow House.

- 6.4 However, it is considered that the proposed use of the building as a dwelling will not generate as much traffic as the commercial office did. Also the proposed dwelling will use the existing vehicular access to the rear of the property onto the unclassified road and not the vehicular access to the north at the front of the property (onto the lane serving the church) which is the main entrance to Peterstow House. Consequently, it is considered that from a highway point of view the proposal is considered to be acceptable. The Council's Head of Engineering and Transportation has no objections to the proposal.
- 6.5 The proposed use of the building as a dwelling should not have any more implications with respect to drainage as its last use as an office building. Also the proposed use will not have any adverse effect on the character and setting of the nearby church.
- 6.6 The proposed use of the building as a dwelling is therefore considered to be acceptable. The residential amenities of the adjacent dwelling will be unaffected and from a highway safety point of view the proposal is considered to be acceptable and will be no worse than the current situation. Also it should be noted that Peterstow House was previously used as a hotel but is now used as a single dwelling. Also Peterstow House and the proposed new dwelling will use separate vehicular accesses onto separate roads.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 A07 (Development in accordance with approved plans)

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

3 E16 (Removal of permitted development rights)

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

4 The whole of the splayed entrance (to serve the new dwelling) shall have a sealed surface and which shall be completed before the development is first brought into use.

Reason: In the interests of highway safety.

5 The existing driveway connecting the site and Peterstow House shall be permanently sealed before the new development is first brought into use in accordance with details to be first submitted to and subject to the prior written approval of the local planning authority unless otherwise first agreed in writing by the local planning authority.

Reason: To define the terms to which this planning permission relates and in the interests of highway safety.

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency's representations are awaited.

Internal Council Advice

- 4.2 Head of Environmental Health has no objections to the development.
- 4.3 Head of Engineering and Transportation has no objection to planning permission being granted.

5. Representations

- 5.1 Weston under Penyard Parish Council make the following comments:

Following a site visit, councillors agreed to support this application, but propose the following conditions:

- (a) should it be necessary to install a fan inside the building, then it should be baffled to reduce noise:
- (b) as the building is in close proximity to residential properties, the applicants should ensure that the chicken manure is disposed of at a distance, in accordance with environmental parameters.

- 5.2 13 letters have been received objecting to or expressing concerns about the proposal. In summary the following is a list of the reasons cited:

- (1) A primary concern is the smells that would emanate from the building and from the disposal of litter (storage heap - spreading on fields) - this would be pervasive and unacceptable and prevent windows being opened in summer and children playing outside.
- (2) Allied to the smells would be noise from fans and extractors running 24-hours a day all year. There are 15 houses within 150 m of the building (not 6 shown on the submitted plan).
- (3) Health would be put at risk through vermin, dead chickens and flies - one resident is concerned because her child has a serious illness and is prone to picking up infections.
- (4) The above would all result in a significant reduction in the quality of life of neighbours.
- (5) Existing drainage and pollution problems would be exacerbated.
- (6) Additional heavy traffic would result.
- (7) Extension is too big and would harm natural beauty of the area and also harm views of countryside from house.
- (8) Value of local properties would be reduced.

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

6. Officers Appraisal

- 6.1 The proposed extension together with the building it would adjoin would be used for free range egg production. This is not the same as intensive raising of chickens for meat. The hens are free to roam over the land next to the unit during the day and are only locked in at night. Mechanical heating and venting system are not required, or at least not on the same scale. The problems of noise and smells do not therefore arise provided there is proper management of the unit. An exception to this is when the unit is emptied and storage and spreading of litter would need to be carefully controlled. There are Government guidelines on these matters which could be required by planning condition. This is a sizeable agricultural unit and there should be scope to ensure that residents are not unreasonably affected during these processes. Thus whilst the concerns of neighbours are appreciated it is not considered that there are amenity grounds to refuse planning permission.
- 6.2 A second concern is the visual impact of the building. To the north the land falls away so that the farm is visible over a wide area. Nevertheless this is a relatively small building and would be seen against the backdrop of the farm complex. The nearest building juts further northwards and the extension would not therefore be intrusive viewed from any direction. The shape of the building would not be ideal with a ridge roof smaller than that of the building to which it would be attached. But this is not so serious as to justify refusal of permission.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 B01 (Samples of external materials)

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

3 G04 (Landscaping scheme (general))

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

4 G05 (Implementation of landscaping scheme (general))

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

5 No mechanical fans or other equipment shall be installed unless details of the fans and equipment have been submitted to and approved in writing by the local planning authority.

Reason: To protect the amenities of neighbours.

6 Before the extension is brought into use details of the areas of land to be used for the storage and spreading of poultry litter and the regime for disposal of litter shall be submitted to and approved in writing by the local planning authority.

Litter from the extension shall only be stored and spread in accordance with the approved details.

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

7 No incinerator for disposal of carcasses shall be installed without the prior approval in writing of the local planning authority.

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.