

A G E N D A

Southern Area Planning Sub- Committee

Date: **Wednesday, 22nd December, 2004**

Time: **2.00 p.m.**

Place: **The Council Chamber, Brockington**

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

For any further information please contact:

*Ricky Clarke, Members' Services,
Brockington, 35 Hafod Road, Hereford Tel:
01432 261885 Fax: 01432 260286*

e-mail: rclarke@herefordshire.gov.uk

**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Southern Area Planning Sub-Committee

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

Councillors H. Bramer, M.R. Cunningham, N.J.J. Davies, Mrs. C.J. Davis, G.W. Davis, J.W. Edwards, Mrs. A.E. Gray, 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	1 - 14
To approve and sign the Minutes of the meeting held on 24th November, 2004.	
4. ITEM FOR INFORMATION - APPEALS	15 - 18
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.	
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 10 are new applications.	
5. DCSE2004/2607/RM - NEWTON FARM, WELSH NEWTON, MONMOUTH, HEREFORDSHIRE, NP5 3RN	19 - 26
Equestrian Centre, car parking and ancillary works, Newton Farm, Welsh Newton.	
6. DCSW2004/3709/O - TOP BARN, LITTLE PENLAN FARM, DORSTONE,	27 - 32

HEREFORDSHIRE.

- Erection of a detached agricultural dwelling with garage.
7. **DCSE2004/3136/F - DENBARA LODGE, LEALINE, LEA, ROSS-ON-WYE, HR9 7LL** 33 - 36
- Agricultural barn.
8. **DCSE2004/3422/F - EXISTING CCI MAST, GREAT TREWEN FARM, WHITCHURCH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6ES** 37 - 40
- Mast extension of 2.5m, the installation of 6 antennae and a ground based equipment housing.
9. **DCSE2004/1077/F - 1 HENRY STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7AA** 41 - 44
- Conversion of shop premises to form 2 shops, office unit and apartment.
10. **DCSE2004/3428/F - OUR LADY OF ST. TERESA OF LISEUX R.C. CHURCH, WHITCHURCH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6DJ** 45 - 48
- Proposed conversion of redundant church building to form 1 residential dwelling.

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

Please Note:

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

The meeting venue is accessible for visitors in wheelchairs.

A public telephone is available in the reception area.

Public Transport Links

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

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

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point J which is located at the southern entrance to the car park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

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

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

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Southern Area Planning Sub-Committee held at The Council Chamber, Brockington on Wednesday, 24th November, 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, Mrs. J.A. Hyde, G. Lucas
and D.C. Taylor

In attendance: Councillors P.J. Edwards, T.W. Hunt (ex-officio) and Ms. G.A. Powell

83. APOLOGIES FOR ABSENCE

Apologies were received from Councillor J.B. Williams.

84. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

85. MINUTES

RESOLVED: That the Minutes of the meeting held on 27th October, 2004 be approved as a correct record and signed by the Chairman.

86. ITEM FOR INFORMATION - APPEALS

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

87. DCSE2004/3063/F - PARAGON LAUNDRY WORKS, LEDBURY ROAD, ROSS-ON-WYE, HEREFORDSHIRE (AGENDA ITEM 5)

Residential development including demolition of existing buildings and associated works.

The Principal Planning Officer reported the receipt of comments from the Environmental Health Officer who did not object to the application subject to suitable conditions.

In accordance with the Criteria for Public Speaking, Mr. Shovelton, a resident from a neighbouring property spoke against the application.

Councillor Mrs. A.E. Gray, one of the Local Ward Members, felt that the proximity of the application site to the sawmills could lead to future Environmental Health issues.

In response to a question, the Principal Planning officer advised Members that the ground level over most of the site would be reduced by 2 metres.

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 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 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 potential soil contamination is satisfactorily dealt with before the development is occupied.

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

Reason: To ensure potential soil contamination is satisfactorily dealt with before the development is occupied.

- 10 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 shall form part of the Method Statement.

Reason: To ensure potential soil contamination is satisfactorily dealt with before the development is occupied.

- 11 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 ensure potential soil contamination is satisfactorily dealt with before the development is occupied.

- 12 H03 (Visibility splays)

Reason: In the interests of highway safety.

- 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 W01 (Foul/surface water drainage)
Reason: To protect the integrity of the public sewerage system.
- 15 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.
- 16 W03 (No drainage run-off to public system)
Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.
- 17 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.
- 18 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

88. DCSE2004/3075/O - THE GABLES, ASTON CREWS, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7LW (AGENDA ITEM 6)

Site for family home.

The Team Leader (Southern) reported the receipt of comments from Aston Ingham Parish Council, who objected to the application.

Councillor H. Bramer, the Local Ward Member, noted the concerns of local residents and the Parish Council.

RESOLVED

- (i) The Southern Area Planning Sub-Committee is minded to refuse the application as it does not fulfil policy SH10 in terms of meeting a local housing requirement (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)

89. DCSE2004/3160/F - GREEN ACRE STABLES, LEA, ROSS-ON-WYE,
HEREFORDSHIRE, HR9 7JZ (AGENDA ITEM 7)

Block of 3 stables.

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

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 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 B01 (Samples of external materials)

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

5 E11 (Private use of stables only)

Reason: In order to safeguard the residential amenity of the area.

6 F48 (Details of slab levels)

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

Informative:

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

90. DCSE2004/2594/F - THE SKAKES, GLEWSTONE, ROSS-ON-WYE,
HEREFORDSHIRE, HR9 6AZ (AGENDA ITEM 8)

Retention of boundary fencing.

RESOLVED

That subject to the receipt of suitably amended plans with regard to height, position and appearance of the fences, the officers named in the Scheme of Delegation to Officers be authorised to determine the application subject to any conditions considered necessary by officers.

91. DCSE2004/2777/F - WALLOW FARM, PONTSHILL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5TQ (AGENDA ITEM 9)

New soakaway outfall to existing sewage treatment plant outfall.

The Principal Planning Officer reported the receipt of a further letter of objection from a local resident.

RESOLVED

That planning permission be granted subject to the following condition:

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

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

Informative:

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

92. DCSW2004/3343/RM - ALLWAYS, CLEHONGER, HEREFORD, HEREFORDSHIRE, HR2 9TE (AGENDA ITEM 10)

Erection of two dwellings after demolition of existing bungalow.

The Team Leader (Southern) reported the receipt of two emails objecting to the application from Mr. and Mrs Lloyd, and Mr. and Mrs. Bussell.

Mrs. Honey had registered to speak on behalf of Clehonger Parish Council but was not present at the meeting. Mr. Spreckley, the applicant's agent, spoke in support of the application.

Councillor D.C. Taylor, the Local Ward Member, supported the views of the Parish Council and the local residents and felt that two bungalows would be more appropriate than the house and dormer bungalow proposed for the application site.

RESOLVED

That planning permission be granted subject to the following conditions:

1 A06 (Development in accordance with approved plans)

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

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 G05 (Implementation of landscaping scheme (general))

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

5 Notwithstanding the approved plans, the details of the boundary treatment to the north west and north east boundaries of the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The work shall be carried out in accordance with the approved details.

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

Informative(s):

1 N09 - Approval of Reserved Matters

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

93. DCSE2004/3028/F - EDMO ENGINEERING LTD., OVERROSS INDUSTRIAL ESTATE, NETHERTON ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7QQ (AGENDA ITEM 11)

Installation of a 12m phase 1.5 monopole, 6 x antenna, 2 x 600mm dishes, radio equipment housing and ancillary development.

The Principal Planning Officer reported the receipt of comments from Brampton Abbot Parish Council who did not object to the application. He also reported the receipt of the ICNIRP certificate.

In accordance with the Criteria for Public Speaking, Mr. Evans, the applicant's agent, spoke in support of the application.

The Legal Practice Manager advised Members of a recent case heard by the Court of Appeal, *T-Mobile (UK) Ltd. And Others v First Secretary of State*, which stated that if an ICNERP Certificate had been received it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them.

RESOLVED

That planning permission be granted subject to the following condition:

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

Reason: Required to be imposed by Section 91 of the Town and Country

Planning Act 1990.

Informative:

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

94. DCSE2004/2607/RM - NEWTON FARM, WELSH NEWTON, MONMOUTH, HEREFORDSHIRE, NP5 3RN (AGENDA ITEM 12)

Equestrian Centre, car parking and ancillary works.

Councillor Mrs. J.A. Hyde, the Local Ward Member, 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, Mrs. Fender and Mrs. Swinglehurst had registered to speak against the application but 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 be undertaken 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

95. DCSW2004/0047/0 - ORCOP POULTRY, ORCOP HILL, MUCH DEWCHURCH, HR2 8EN (AGENDA ITEM 13)

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

The Team Leader (Southern) reported the receipt of a further letter from the applicant's agent. He also reported the receipt of a letter of support from Orcop Parish Council.

The Senior Enabling Officer (Strategic Housing) advised members that the Housing Need Survey for Orcop outlined 7 people in need of affordable housing. The Survey also stated that they could not afford more than £90,000. He also said that the October 2004 ASHE Figures indicated that the average household income for Herefordshire was £22,088. This would result in a maximum figure of £73,000 that people could expect to raise towards the cost of a house through a mortgage lender. He also said that as the applicant had indicated a starting price of £131,000 for these dwellings they would not be affordable to local residents and would not satisfy the local housing needs.

Councillor G.W. Davis, the Local Ward Member, supported the views of the Parish Council, he felt that it would be very difficult for the applicant to build the dwellings for £90,000. He also felt that the proposed cost of £131,000, which included a 25% discount on market value, was considerably lower than current house prices in Orcop.

In response to a question, the Southern Team Leader advised Members that that the site was an exception site that had only initially been granted planning permission due to the promise of affordable housing.

RESOLVED

- (i) The Southern Area Planning Sub-Committee is minded to approve the application subject to the following, and any conditions felt to be necessary by the Head of Planning Services, provided that the Head of Planning Services does not refer the application to the Planning Committee**
 - (a) The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to ensure that a 25% reduction on market value is applied to the dwellings.**
 - (b) Upon completion of the aforementioned planning obligation that the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to any conditions considered necessary by the Head of Planning Services.**
- (ii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to approve the application subject to such conditions referred to above.**

(Note – The Development Control Manager said that as there were crucial planning policy issues at stake he would refer the matter to the Head of Planning Services.)

96. DCSW2004/2832/F - HINTON CROSS GARAGE, PETERCHURCH, HEREFORD, HEREFORDSHIRE, HR2 0TF (AGENDA ITEM 14)

Extension to agricultural and motor repair workshop including area for MOT testing with waiting room and office.

RESOLVED

That subject to revisions being sought to the existing entrance serving the 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 E01 (Restriction on hours of working)

Reason: To safeguard the amenities of the locality.

4 E06 (Restriction on Use)

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity.

5 F25 (Bunding facilities for oils/fuels/chemicals)

Reason: To prevent pollution of the water environment.

6 F26 (Interception of surface water run off)

Reason: To prevent pollution of the water environment.

7 F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

8 F42 (Restriction of open storage)

Reason: To protect the appearance of the locality.

Informative(s):

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

97. DCSW2004/3114/F - SITE AT DORSTONE VILLAGE GREEN, DORSTONE, HEREFORD, HR3 6AN (AGENDA ITEM 15)

Demolition of derelict bungalow and construction of 3 cottages on the site.

RESOLVED

That subject to the receipt of satisfactory revised plans relating to the fenestration for Unit 3, 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 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.

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 H04 (Visibility over frontage)

Reason: In the interests of highway safety.

7 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.

8 H27 (Parking for site operatives)

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

Informative(s):

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

98. DCSE2004/0969/F - WYE VIEW, BULLS HILL, WALFORD, NR. ROSS-ON-WYE, HEREFORDSHIRE. (AGENDA ITEM 16)

Proposed two storey extension.

The Principal Planning Officer reported the receipt of a further letter of objection from a local resident.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

2 A09 (Amended plans)

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

3 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 Notwithstanding the approved drawing the sewage treatment plant shall not be installed until full details of the system, including percolation tests, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To prevent environmental pollution and flooding.

Informative:

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

99. DCSE2004/2297/F - WYEVERN, WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5PT (AGENDA ITEM 17)

Extension/alterations to provide additional flat.

The Senior Planning Officer reported the receipt of revised plans with detail of improved parking and cycle lockers.

In accordance with the Criteria for Public Speaking Mr. Pye spoke in objection to the application and Mr Sargeantson, the applicant, spoke in support.

Councillor Mrs. A.E. Gray, one of the Local Ward Members, felt that she could not support the application due to the poor vehicular access.

RESOLVED

(i) The Southern Area Planning Sub-Committee is minded to refuse the application due to traffic issues with view to the impending traffic calming on Walford Road and on grounds of over intensification (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)

**100. DCSW2004/2915/F - MALT HOUSE, PRIORY WOOD, CLIFFORD,
HEREFORDSHIRE, HR3 5HF (AGENDA ITEM 18)**

New garage to replace existing, with utility room at rear and with store and studio over.

RESOLVED

That planning permission be refused for the following reason:

- 1. The scale of the building proposed and its prominence in an Area of Great Landscape Value would detract from the amenity of the locality and is therefore contrary to the provisions of Policies GD.1, C.1 and C.8 contained in the South Herefordshire District Local Plan.**

The meeting ended at 4.04 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCSW2004/2948/O**

- The appeal was received on 15th November, 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. D. Headon
- The site is located at Plot adjacent Thisseldo, Harewood End, Hereford, Herefordshire, HR2 8JT
- The development proposed is Site for one dwelling
- The appeal is to be heard by Hearing

Case Officer: **Andrew Prior on 01432 261932**

Application No. DCSE2004/2716/T

- The appeal was received on 16th November, 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 Hutchison 3G UK Limited
- The site is located at Security Compound 2, Broad Meadows Industrial Estate, Station Approach, Ross-On-Wye, Herefordshire
- The development proposed is 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
- The appeal is to be heard by Written Representations

Case Officer: **Mike Willmont on 01432 260612**

APPEALS DETERMINED**Application No. DCSW2003/3582/O**

- The appeal was received on 19th April, 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. T. Mussell
- The site is located at Land adjoining Falcon, Birch Hill Road, Clehonger, Hereford, HR2 9RF
- The application, dated 30th November, 2003 was refused on 24th January, 2004
- The development proposed was Proposed new dwelling and access
- The main issues are the effect of the proposed development on the character and appearance of the surrounding area, the effect of the proposed development on the living conditions of the occupiers of Falcon in terms of privacy and private garden space and the effect of the proposed development on road safety in School Lane.

Decision: The appeal was **ALLOWED** on 26th October, 2004

Case Officer: **Andrew Prior on 01432-261932**

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

Application No. DCSE2003/3059/F

- The appeal was received on 26th February, 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 S. Chan & Lin Choi
- The site is located at Land at Butchers Alley (rear of 25/26 Brookend Street), Ross-on-Wye
- The application, dated 6th October, 2003, was refused on 3rd December, 2003
- The development proposed was Erection of 4 no. flats
- The main issue is whether the development would overload the sewerage system in the area and whether the development and/or its access would be subject to flooding.

Decision: The appeal was **DISMISSED** on 12th October, 2004

Case Officer: Nigel Banning on 01432 261974

Application No. DCSE2003/3091/F

- The appeal was received on 25th March, 2004
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a grant of planning permission
- The appeal was brought by D. Boynton & Son
- The site is located at Hildersley Farm, -, Hildersley, Ross-On-Wye, Herefordshire, HR9 7NW
- The application, dated 1st September, 2003, was allowed on 19th December, 2003 subject to conditions
- The development proposed was Demolition of barn. Erection of general purpose building for agricultural engineering and commercial workshop/store.
- The Inspector has varied the planning permission by deleting the original condition and substituting with a new conditions 4 and 5

Decision: The appeal was **ALLOWED** on 7th October, 2004

Case Officer: Steven Holder on 01432 260479

Application No. DCSW2003/3814/O

- The appeal was received on 15th April, 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. P. Howells
- The site is located at 2 Lyndale Cottages, Kingstone, Hereford, Herefordshire, HR2 9HF
- The application, dated 16th December, 2003, was refused on 3rd February, 2004
- The development proposed was Proposed erection of two bedroom bungalow
- The main issue is the impact of the proposal first, on the character of the locality and second, on highway safety.

Decision: The appeal was **DISMISSED** on 7th October, 2004

Case Officer: Andrew Prior on 01432-261932

Application No. DCSE2003/2028/O

- The appeal was received on 2nd 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 Green
- The site is located at Waters Edge, -, Howle Hill, Ross-On-Wye, Herefordshire, HR9 5SP
- The application, dated 7th July, 2003, was refused on 1st September, 2003
- The development proposed was Site for agricultural/ horticulture bungalow with garage and re-siting of solar polytunnel.
- The main issue is whether there is an agricultural need for the dwelling sufficient to overcome the presumption contained in national and local planning policy against new housing in the countryside.

Decision: The appeal was **DISMISSED** on 6th October, 2004

Case Officer: Mrs Charlotte Atkins on 01432 260536 (currently on maternity leave)

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

SITE VISIT

5 DCSE2004/2607/RM - EQUESTRIAN CENTRE, CAR PARKING AND ANCILLARY WORKS AT NEWTON FARM, WELSH NEWTON, MONMOUTH, HEREFORDSHIRE, NP5 3RN

For: Mr. J. Gilling per M. John Crowther & Associates, Suite 2, Cobb House, 82 Newport Road, Caldicot NP26 4BR

Date Received: 14th July, 2004 Ward: Llangarron Grid Ref: 50069, 17882
Expiry Date: 8th September, 2004
 Local Member: Councillor Mrs J.A. Hyde

Consideration of this application was deferred by the Sub-Committee on 24th November, 2004 in order that a site visit could be held. This took place on 6th December, 2004.

1. Site Description and Proposal

- 1.1 This site is located in a field immediately to the south-east of the small settlement/hamlet of Welsh Newton. The site itself is on sloping grassland on the side of a hill. There are some existing buildings on the land to the north-west of the proposed site, two of which have planning permission for conversion to residential use i.e. one dwelling and also for 3 holiday cottages. Work to convert these two buildings has commenced. There is an existing vehicular access off the class III road to the north which serves the site. There is also a public footpath which runs past the proposed development on its western side.
- 1.2 Outline planning permission was granted on this site on 11th October 2001 for an equestrian centre with car parking (ref no. SW2000/0312/O). The details relating to siting and means of access were also approved at that stage. The outline planning permission was augmented by a Section 106 Legal Agreement which basically required (i) the equestrian centre, the accommodation and the farmhouse must remain part of the land, (ii) the whole of the land shall remain in same ownership, (iii) no further dwellings or mobile homes/caravans be erected/stationed on the land (iv) certain buildings be removed from the land and the sites be landscaped and not used for farming or equestrian purposes. This current application for approval of reserved matters is for the remaining reserved matter details relating to external appearance, design and landscaping.
- 1.3 The proposal is for an 'L'-shaped building split into 3 sections by two access points. The building is single storey with natural local stone walls with a natural slate roof. The building is approximately 58.5 m along the western side and 33.5 m along the northern side and 7.8 m wide. The top of the ridged roof will be 5.4 m high. The building will consist of 22 loose boxes with a tack room and toilet/changing facilities and a menage area attached to the south-east side i.e. within 'L' shape. A car parking area is to be situated immediately to the north of the building catering for 34 cars and 6 horse box

SITE VISIT

parking. The proposed landscaping is essentially for the planting of trees around the site.

2. Policies

2.1 Planning Policy Guidance and Statements

PPG1	-	General Principles
PPS7	-	Sustainable Development in Rural Areas

2.2 Hereford and Worcester County Structure Plan

Policy CTC2	-	Area of Great Landscape Value
Policy CTC6	-	Development and Significant Landscape Features
Policy CTC9	-	Development Criteria
Policy A2	-	Diversification of Agricultural Units
Policy LR1	-	Enjoyment of the Countryside
Policy LR2	-	Development Criteria
Policy LR3	-	Promotion of Facilities

2.3 South Herefordshire District Local Plan

Policy GD1	-	General Development Criteria
Policy C1	-	Development Within Open Countryside
Policy C8	-	Development Within Area of Great Landscape Value
Policy C9	-	Landscape Features
Policy R1	-	Provision of New Recreational Facilities
Policy ED6	-	Employment in the Countryside
Policy ED8	-	Farm Diversification
Policy T3	-	Highway Safety Requirements

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy E12	-	Farm Diversification
Policy LA2	-	Landscape Character and Areas Least Resistant to Change
Policy LA6	-	Landscaping Schemes
Policy RST1	-	Criteria for Recreation, Sport and Tourism Development

3. Planning History

3.1	SW2000/0312/O	Equestrian centre with car parking.	-	Outline Planning Permission 11.10.01
	SW2000/0313/F	Conversion of equestrian building to farmhouse.	-	Planning Permission 11.10.01
	SW2000/0314/F	Conversion to form 6 holiday cottages	-	Planning Permission 11.10.01

N.B. A Section 106 Legal Agreement was approved in association with the

SITE VISIT

above-mentioned permissions.

SW2002/2136/F	Barn conversion for residential purposes	- Planning Permission 13.11.02
SW2002/3708/F	Erection of domestic garages	- Planning Permission 06.03.03
SW2002/3712/F	Conversion of stable block into three holiday cottages	- Planning Permission 01.05.03`
DCSE2003/2909/F	Upgrading existing access	- Refusal of Planning Permission 20.11.03
DCSE2003/3063/F	Equestrian Centre, including Restaurant, Staff and Instructors Accommodation, Car Parking and Ancillary Works.	- Refusal of Planning Permission 08.01.04. Subject of current Appeal to DoE
DCSE2004/0912RM	Proposed equestrian centre, car parking and ancillary works	- Refused 07.05.04
DCSE2004/3729/F	Conversion of Existing Stables into Holiday Accommodation	- Refused 29.11.04.

4. Consultation SummaryStatutory Consultations

- 4.1 The Environment Agency has no objections but notes that the applicant is proposing a Package Sewage Treatment Plan and as such a discharge consent may be required which may not be granted. All washwaters, manure and stable waste should be disposed of in accordance with DEFRA requirements.
- 4.2 The Open Spaces Society comment that proposal does not affect their interests.
- 4.3 The Ramblers Association are concerned with safety of walkers on public footpath. The footpath must not be encroached upon nor obstructed during building work.

Internal Council Advice

- 4.4 The Head of Engineering and Transportation recommends that any permission includes a condition relating to the parking spaces and that there should be a restriction on surface waste discharge from site to equivalent of 'green field site' run off and pollutants must not reach watercourse.

In addition he observes that the public footpath WNN8 will be affected and that certain points should be taken into consideration i.e. warning signs be erected at access with class III road and at exit to car park warning drivers of pedestrians. The track should be wide enough to cater for vehicles and pedestrians. Any works to surface of public

SITE VISIT

footpath requires approval from PROW Department and it is an offence to render a footpath inconvenient as a public right of way. Applicants should ensure they have lawful authority to drive over footpath.

4.5 The Chief Conservation Officer has no objections. Finishes and materials should be to approval. Could Barn Owl box be provided?

4.6 The Head of Environmental Health has no adverse comments to make.

5. Representations

5.1 The Parish Council observe:

The Parish Council were split in their decision. Some opposed the actual development in its entirety. Whilst others generally supported this original proposal with reservations concerning access as below. The Council would reiterate there is very strong local opposition to the proposal. This is fundamental and covers all aspects of the plans.

The Parish Council do have strong concerns over the proposed access to the centre. This would be from a small lane on a blind bend and there are serious concerns for safety. It was felt that an alternative access should be considered.

5.2 Nine letters of objection have been received from:

Mr R and Mrs G Moseley, Malicar Mill, Welsh Newton, Monmouth NP25 5RN
G & P Ravenhill, Hunters Post, Welsh Newton, Nr Monmouth NP25 5RW
Mrs M P Swinglehurst, Pembridge House, Welsh Newton, Monmouth NP25 5RN
E Swinglehurst, Pembridge House, Welsh Newton, Monmouth NP25 5RN
Mrs P Fender, Farley Cottage, Welsh Newton, Monmouth NP25 5RN
Mr D Fender, Farley Cottage, Welsh Newton, Monmouth NP25 5RN
M S Phillips, The Old Post Office, Welsh Newton, Nr Monmouth, NP25 5RN
J C M Phillips, The Old Post Office, Welsh Newton, Nr Monmouth, NP25 5RN

The main points being:

- bemused outline planning permission was originally granted,
- increase in traffic will be a hazard to local residents,
- the character of area will be changed by the development,
- major earth moving will be required, how will hillside be retained?
- public footpath has not been shown on the plans,
- no longer any justification for this development which was originally granted for Miss Telford's expanding business,
- proposed development will be an eyesore and discordant with the area,
- the proposal is poorly conceived and would not meet basic standards of the British Horse Society, loose boxes too small, whole design inappropriate,
- difference in levels from existing barn to site. Some of land has been excavated to get more space behind barn. Extensive earthworks will be required to get vehicular access from lower level to site level,
- the proposal does nothing for local people. Already equestrian facilities in area,
- access track will be dangerous for walkers etc,
- loss of privacy to local residents,
- effect the character of Pembridge House and Grade II Listed building,

SITE VISIT

- no staff accommodation vital in previous applications,
- the choice of Acer trees in countryside inappropriate,
- menage area overlooked by stabled horses which is not good practice,
- public footpath by barn has been destroyed and dug deeper to allow barn conversion floor to be made lower,
- where will excavated soil be dumped?
- a massive construction will need to be built to contain the hillside
- discrepancies in levels,
- is it an equestrian centre or riding school
- each planning application submitted has been changed. Restaurant and staff accommodation now omitted from current scheme,
- no intention of applicant to use property for equestrian purposes,
- many changes to proposals on site suggesting main intent is just to develop site,
- the equestrian centre is not a viable proposition,
- the outline consent does not commit the planning office to any design,
- history of application has led to local anxiety,
- never encountered stables constructed in the manner proposed,
- stables built in normal manner, i.e. single storey timber units would be far more acceptable,
- this type of building would reduce height of building and fit into landscape,
- stables would be large enough to accommodate a horse,
- would reduce risk of change of use in future,
- meet anxiety of local people,
- timber stables would not reduce benefit of rural sustainable development/employment

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

6. Officers Appraisal

- 6.1 This application for 'approval of reserved matters' purely relates to those matters relating to external appearance, design and landscaping. As such the main issues will relate to the size, design and appearance of the building, its effect on the landscape and surrounding properties. The most relevant planning policies are GD1, R1 and C8 of the Local Plan and also CTC2, CTC9 and LR2 of the Structure Plan which relate to these issues.
- 6.2 This application has been submitted following negotiations with officers, the applicant and his agents with respect mainly to the size, design and external appearance of the building and the uses contained within it. The size of the building has been reduced considerably from that previously considered and refused, which also included a restaurant and residential accommodation. Although the site is in an elevated and prominent position it is considered that the current proposal is probably the best solution given the provisions of the original outline planning permission. The building is low level and the use of local stone on the most prominent walls and natural slate on the roof are considered to be acceptable. The proposed building will not adversely affect the residential amenities of neighbouring properties and with the landscaping proposals will not be too obtrusive on the surrounding area designated as an Area of Great Landscape Value.

SITE VISIT

- 6.3 Some of the objectors have referred to whether there is a need for an equestrian centre as well as traffic implications. However the principle of the building/use and the traffic implications were considered at the time the outline planning permission was granted.
- 6.4 The details relating to the required earthworks fall under the ambit of landscaping and can be dealt with via conditions on any approval. However the development will be cut into the ground in accordance with details submitted and approved at the outline stage and form part of the siting of the development.
- 6.5 In conclusion it is considered that the proposed development is considered to be acceptable and in accordance with the relevant planning policies. Matters relating to the layout of the proposal with respect to good practice and standards of keeping horses/training etc are not material planning considerations.

RECOMMENDATION

That approval of reserved matters be granted subject to the following conditions:

1 A07 (Development in accordance with approved plans)

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

2 B07 (Stonework laid on natural bed)

Reason: In the interests of conserving the character of the building.

3 Notwithstanding the details shown on the approved drawings the roofs shall be clad in natural blue/black Welsh slate and the ridges/hips shall be blue clay to match the slate roof unless otherwise first agreed in writing by the local planning authority.

Reason: To protect the visual amenities of the area.

4 Before any work commences on site details of the colour intended for the render to be used externally on the walls shall first be submitted to and be subject to the prior written approval of the local planning authority.

Reason: To protect the visual amenities of the area.

5 Before any work commences on site full details of all earthworks/banking etc. shall first be submitted to and be subject to the prior written approval of the local planning authority.

Reason: To protect the visual amenities of the area.

6 All external doors and windows shall be stained a matt dark brown colour unless otherwise first agreed in writing by the local planning authority.

Reason: To ensure the development is satisfactory in appearance.

SITE VISIT

7 F48 – (Details of slab levels)

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

8 G05 – (Implementation of landscaping scheme (general))

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

Informatives:

1 N09 - Approval of Reserved Matters

2 The applicant/developer should ensure that the public footpath WNN8 which runs along the western boundary of the application site is not affected in any way. If in doubt the applicant should contact the Council Public Rights of Way Manager.

3 The Environment Agency advises that a Discharge Consent under the Water Resources Act 1991 may be required from the Agency.

4 The applicant should ensure that no pollutants from the development reaches any watercourse.

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

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

6 DCSW2004/3709/O - THE ERECTION OF A DETACHED AGRICULTURAL DWELLING WITH GARAGE, TOP BARN, LITTLE PENLAN FARM, DORSTONE, HEREFORDSHIRE.

For: E.G. Perry & Sons per Mrs. T. Lloyd, Ty-gwyn, Dorstone, Hereford, HR3 6AG

Date Received: 26th October, 2004 Ward: Golden Valley Grid Ref: 29680, 40116 North

Expiry Date: 21st December, 2004

Local Member: Councillor N.J.J. Davies

1. Site Description and Proposal

- 1.1 The proposal site is just over 410 metres to the south-east of the crossroads with another unclassified road (u/c 75228) that leads southward to Bonnylands and Vagar Hill and north and then east to Dorstone passing the farmhouse serving the agricultural holding. The site area is approximately 36 metres by 27 metres. The site is approximately 34 metres to the north-west of some existing farm buildings that comprise a sheep house.
- 1.2 A block plan (scale 1:500) accompanied the application providing details of the siting and means of access for the proposed dwelling, all other matters being reserved for future consideration in the event that planning permission is granted.

2. Policies

2.1 Planning Policy Guidance

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

2.2 Hereford and Worcester County Structure Plan

- Policy H.16A - Housing in Rural Areas
Policy H.20 - Housing in Rural Areas Outside the Green Belt

2.3 South Herefordshire District Local Plan

- Policy GD.1 - General Development Criteria
Policy C.1 - Development within Open Countryside
Policy SH.11 - Housing in the Open Countryside
Policy SH.17 - Agricultural Workers Dwellings

3. Planning History

- 3.1 SW2001/1387/O Agricultural dwelling - Refused 27.03.02
- SW2002/3114/O Agricultural dwelling - Refused 23.12.02 (Appeal by Hearing pending)

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency has no objections, subject to conditions being attached relating to details for fould drainage works being provided.

Internal Council Advice

- 4.2 Head of Highways & Transportation recommends that conditions be attached to any grant of planning permission.

5. Representations

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

- further to our meeting on 9th July, 2004 the following are included:

- (i) a copy of the original section 106 objection tying the occupancy of the dwelling to the applicants' 280 acre holding and a clause to ensure that the dwelling will not be sold off separately from the land
- (ii) updated agricultural, financial and planning appraisals from Messrs I.B. Howie, OBE, NDA, FRAGS, FI.Agr M, and D. Cave
- (iii) copies of letters of support from: Sunderlands - Chartered Surveyors & Auctioneers, Mr. & Mrs. D. Handley, Mr. & Mrs. M. Starkey, Mr. C.J. Miles, Ms. D.M. Wood, former Councillor Miss J. Pickering, Ms. P.J. Rye, Mr. V.J.N. Thomas - Group Secretary of the NFU. The Chief Executive & Secretary of the National Sheep Association, Thorne Widgery - Chartered Accountants & Mr. J.A.O. Davies, Veterinary Surgeon of Hay-on-Wye

In addition Ms. C. Bedell, BSc Hons, MRICS, FAAV - Rural Practice Surveyor of the CLA - West Midlands Region will be writing to you direct upon this new application.

- 5.2 In an Agricultural Appraisal the following main points are made:

- Little Penlan Farm is a livestock farm in a designated Less Favoured Area situated some distance from Dorstone Village in west Herefordshire
- the farm is owned and managed by a family farming partnership, comprising of Mr David and Mr Norman Perry
- there is no dwelling relating to the farm. The two brothers reside with their elderly mother, Mrs. E.G. Perry in her small house. There is no suitable alternative affordable accommodation on or within a reasonable distance from the farm

- having regard to the size of the farm, the numbers of livestock and the scale of the business at Little Penlan Farm, a dwelling is needed on the property to maintain security and to be able to meet animal welfare standards and the increasing legislation relating to livestock, particularly outside normal working hours to deal with emergencies
- the farm accounts show that the farm has been profitable over the last three years and taking cognisance of the changes in government policy to maintain farming in the hills and uplands, the future profitability and viability of the farming partnership at Little Penlan Farm is sustainable
- although based on accepted Standard Man Days (SMDs) data, it is calculated that the farming system at Little Penlan Farm requires some 2.44 labour units (see attached annex 2 of the appraisal); the partners willingly work in excess of the standards used in the calculation
- the building at Top Barn, adjacent to the proposed site of the dwelling, is used continuously from September into May. It is used to house finishing lambs from September, to house the ewes in December prior to and through to the end of lambing in May. It is also used to bring cows into calve from the adjoining land
- the government review "The Future of Food and Farming", chaired by Sir Don Curry, set up in the wake of the Foot and Mouth epidemic, highlights the importance of the farming industry in maintaining landscapes, particularly in the marginal areas, maintaining a viable thriving rural economy and conserving and safeguarding the environment. Also need to produce quality livestock of the type produced at Penlan
- as such with the well-established profitable farming system, producing quality livestock in an environmentally acceptable way, the activities at Little Penlan Farm meet the functional and financial criteria within the Planning Guidance
- the dwelling envisaged at Top Barn can be financed without being a drain on the farm's resources
- enterprise will qualify for environmental stewardship schemes, as farm is a low input method one, will offset reduction in income from Common Agricultural Policy
- essential to have dwelling adjacent to buildings, to carry out routine tasks, deal promptly and efficiently with emergencies
- 280 acre farm, has no dwelling, between 300 and 430 metres contour lines
- grassland livestock production, small area for arable crops, cereal crops go to livestock, also used for straw
- two separate ranges of buildings, Little Penlan and Top Barn (Little Penlan - two modern cattle buildings, workshop, plus traditional farm buildings, Top Barn - stone barn, plus large steel framed building approximately 140' x 50')
- cattle, suckler herd of some 40 cows, breeding heifers calving March to May
- sheep, major source of income, 650 ewes plus 150 ewe lambs for breeding and 20 rams
- need to supervise fattening levels (from nearby dwelling) housed from September, ewes housed from December over winter to lambing in March - May, and for calving cows
- business therefore sound - concerned about need to meet animal health and welfare standards and provide adequate supervision/security at Top Barn.

5.3 In the Planning Appraisal the following main points are raised:

- applicants live rent free with their aged mother in a modest house with no security of tenure. Applicants need to share bedroom, their mother sleeps in other bedroom

- house at Little Penlan severed from holding in 1987 when farmland and buildings conveyed to applicants by Deed of Gift
- the farmhouse will be conveyed to her daughter (Mrs. Rea of Town House, Bredwardine)
- following refusal, meeting held in July 2004. Officer confirmed refusal finely balanced. Needed evidence of year round functional need and prospects for viability of enterprise
- apparent Council's Land Agent had not been consulted
- siting of dwelling more central on enterprise and forms good grouping visually with existing building
- there is a clear functional need as required by PPS.7, particularly during 5 months long lambing season, and bringing cows to calve. Essential for at least one partner to live near sheep house
- borthers both full time workers in agriculture (i.e. 2.44 units). This satisfies PPS.7 p 3(ii)
- enterprise established for at least 3 years (as per PPS.7 p3 (iii)) financially viable and has prospect of remaining so
- applicants have recovered from the BSE and foot and mouth epidemic
- no other dwelling on holding, as required by criterion (iv). Farmhouse severed from holding in 1987. Also one mile by road from sheep house, at times of emergencies no vacant existing accommodation
- access is acceptable, Engineering Technician has recommended conditions previously that can be met
- no objection to siting by officers, i.e. it is well related to existing built development as required by PPS.7 and Policy SH.17 in the South Herefordshire District Local Plan.
- Paragraph 4, Annex A to PPS.7 states whether or not need for one or more workers to be available at all times. Agricultural Appraisal states this is the case
- enterprise is viable as required by para 8 to Annex A of PPS.7. See letter from Messrs Thorne Widgery
- para 9 to Annex A of PPS.7 requires dwellings to be commensurate, block plan submitted detailing dwelling (3 bedrooms) of 159 sq. metres, approximately £61,200 to build. Cost can be found and therefore will not affect financial viability
- reasons for refusal previously namely Policies C.1, SH.11 and SH.17 addressed in agricultural appraisal above and in financial appraisal
- criteria contained in Policy GD.1 are also met
- in respect of Structure Plan, reasons for refusal are addressed in agricultural appraisal
- acknowledged development not well related to public transport provision, as nearest bus route is 2.25 miles away at Dorstone
- proposal will help sustain the rural community, another policy requirement
- policy criterion in UDP Policies are also satisfied. Dwelling is essential part of viable enterprise.

5.4 A draft Section 106/Planning Obligation tying the proposed dwelling to the holding accompanied the application.

5.5 The financial appraisal is available for inspection on the file by Members.

5.6 Twelve letters of support were also received:

Thorne Widgery confirm that the partnership has been profitable for 3 years and attached financial appraisal based on farm accounts. Viability of enterprise looks assured.

5.7 Other points raised in remaining letters are as follows:

- alleviates overcrowding at 2 bedroom cottage
- lambing a 24 hours, 7 days a week process for duration of lambing 800 ewes, often coincides with worst weather
- possibility for outside assistance more difficult, given Mid-Term Review falls upon two brothers
- nearby dwelling will reduce ewe and lamb mortality
- fifth generation family. Need to support these custodians, and maintain the social structure of rural areas
- cottage severed from farm in 1987
- no other suitable dwelling available
- profitable for more than 3 years
- Mid Term Review will have an effect, however too early to say, business needs to adapt to new income streams
- The Countryside and Rights of Way (CROW) Act allows for greater public access to farm land, even more need than previously for presence at times of lambing, calving and stock movement
- sheep and cattle likely to exceed 1750 head during much of year, vital to have someone on hand at all times, need for this heightened in DEFRA Animal Health and Welfare Strategy.

5.8 Dorstone Parish Council's observations are as follows;

"Dorstone Parish Council support the application, request this application is brought before the Planning Area Sub-Committee.

Note: No financial assessment received."

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 the principle of erecting a dwelling to serve the existing agricultural enterprise.
- 6.2 There is a farmhouse already serving the enterprise, the case therefore is that there is a substantive case for a second dwelling to serve the needs of the agricultural enterprise. Government advice is contained in Annex A to PPS.7: Sustainable Development in Rural Areas that replaced Government advice formerly contained in PPG.7. The advice contained in PPS.7 sets out the two principle requirements for applicants to provide a functional and financial case for the dwelling, including temporary ones. There has to be an essential need for a dwelling to serve the enterprise concerned, it is not an issue of the personal preferences or circumstances of any individuals involved.
- 6.3 The relevant policies in the South Herefordshire District Local Plan are Policies C.1, SH.11 and SH.17, the latter one concerned with agricultural workers' dwellings and the two former policies establishing the type of development acceptable in the open countryside, i.e. replacement dwellings, the conversion of sustainable rural buildings and agricultural/forestry workers dwellings.

- 6.4 The dwelling is sited in proximity to the existing sheep house and a safe access can be provided onto what is essentially a cul-de-sac. However, it is whether or not there is a substantively made case for a second dwelling that is the issue on which this application turns. It is considered that the existing dwelling is within reasonable distance of the sheep buildings, and indeed the fields in which the sheep graze. There is provision within the General Development Order 1995 for temporary buildings, i.e. caravans to be sited as required for emergencies, or possibly lambing. It is also considered that the net income stated for the enterprise would, with the erection of a dwelling, affect the viability of the agricultural enterprise. It is also considered that the size of dwelling envisaged in the block plan, one of 159 square metres, for a second dwelling would not be commensurate with the needs of the enterprise and would affect the viability.
- 6.5 Therefore, the proposal fails to satisfy the requirements of Government advice contained in PPS.7 together with Policy SH.17 in the South Herefordshire District Local Plan, therefore the erection of a dwelling on this site without the essential requirement stated above constitutes development in open countryside contrary to Policies C.1 and SH.11 in the South Herefordshire District Local Plan and H.20 and H.16A in the Hereford and Worcester County Structure Plan. There is also a further requirement to be sustainable in reducing the need to travel given that the dwelling proposed is in open countryside it would entail a number of journeys for shopping and other facilities contrary to the provisions of Government advice in PPS.7 and PPG.13 – Transport, together with Policy GD.1 contained in the South Herefordshire District Local Plan.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1 The proposal is contrary to the provisions of Policies SH.17, SH.11 and C.1 contained in the South Herefordshire District Local Plan, Policies H.20 and H.16A contained in the Hereford and Worcester County Structure Plan and the provisions of Annex I to PPG.7 - 'The Countryside, Environmental Quality and Economic and Social Development', given that there is not considered to be an essential requirement for a dwelling on the holding nor is the agricultural enterprise of such a financial viability as set out in Annex I to PPG.7 that a dwelling on the holding could be substantiated on the basis of the financial details submitted. The dwelling would also not be commensurate with the agricultural enterprise. Therefore, the principles of sustainability, as set out in Government advice contained in PPG.13, have not been achieved.**

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

7 DCSE2004/3136/F - AGRICULTURAL BARN, DENBARA LODGE, LEALINE, LEA, ROSS-ON-WYE, HR9 7LL

For: Mr. C.D. Dudley Cooper, Denbara Lodge, Lealine, Lea, Ross-on-Wye, HR9 7LL

Date Received: 6th September, 2004 Ward: Penyard Grid Ref: 66735, 20881

Expiry Date: 1st November, 2004

Local Member: Councillor H. Bramer

1. Site Description and Proposal

- 1.1 This site at Lea Line flanks the western side of the C1281 which leads southwards towards Mitcheldean. The site itself constitutes a small paddock/orchard situated adjacent to the applicant's dwelling. The land is a registered agricultural holding. The site is surrounded by fields although there is an existing dwellinghouse on the opposite side of the road. There is an existing field gate on the roadside boundary of the site with a mature hedge on the roadside boundary. The site slopes down from the road. There is an existing garage by the field gate.
- 1.2 The proposal is to replace an existing old wooden shed/hen house with a new building. The building will have a fibre cement roof with metal side cladding on the walls. The building will measure 12 metres by 6 metres and will have a sloping roof and will be 3.6 metres above ground level at its highest point.

2. Policies

2.1 Planning Policy Guidance

PPS.7 - Sustainable Development in Rural Areas

2.2 Hereford and Worcester County Structure Plan

Policy CTC.2 - Development in Areas of Great Landscape Value
 Policy CTC.9 - Development Criteria
 Policy A.1 - Development Criteria
 Policy A.3 - Construction of Agricultural Buildings

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 T.3 - Highway Safety
 Policy ED.9 - New Agricultural Buildings

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S.2 - Development Requirements
 Policy DR.1 - Design
 Policy E.13 - Agricultural and Forestry Development

3. Planning History

3.1 No relevant history.

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 The Head of Highways and Transportation has no objection to the proposal.

5. Representations

5.1 The Parish Council state:

"... objection on the grounds that the proposed building is not to be located in the same position as the existing one.

The proposed building is much larger than the existing one and will be obtrusive to the property opposite, especially being 12 feet high. Also visible from the road in winter.

The site is in an Area of Great Landscape Value."

6. Officers Appraisal

6.1 The main issues relate to the size, design and appearance of the building, its location and its effect on the landscape. Also its effect on the residential amenities of nearby dwellings and other land uses. The most relevant policies are GD.1, C.8 and ED.9 of the South Herefordshire District Local Plan and CTC.2, CTC.9 and A.3 of the Hereford and Worcester County Structure Plan.

6.2 The proposed building is very small and will be situated on land which is at a lower level than the nearby road. There is a mature hedgerow on the road frontage and an old garage set behind the hedge. There is also a section of mature hedgerow adjacent to where the new building is to be sited. There are also some small trees in the orchard and a wooded area further to the west of the site. As such, the proposed building set in this position is considered to be acceptable. The building will not be prominent on the landscape and will not adversely affect the residential amenities of the nearby dwelling, i.e. on the opposite side of the road. The top of the roof of the proposed building will, due to the sloping nature of the ground, be approximately level with the nearby road level. The building will also be largely screened by the existing trees and hedgerows on the site.

6.3 The agricultural building will be used for general use, i.e. storage of a small tractor, hay and sheltering a few sheep during inclement weather, etc. The use of this building for these purposes are considered to be acceptable in this rural setting.

6.4 As such it is considered that the proposed building set in this position/location is considered to be acceptable. The applicant is also willing to colour the building as required by the local planning authority. The proposed development is therefore considered to be in accordance with the planning policies for the area.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

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

Reason: To protect the visual amenities of the area.

- 4 **Before any work commences on site, detailed drawings showing the rear (south east) and end (south west) elevations of the building shall first be submitted to and be subject to the prior written approval of the local planning authority.**

Reason: To ensure the satisfactory appearance of the development.

- 5 **The agricultural building hereby approved shall not be used at any time for intensive livestock purposes.**

Reason: To protect the residential amenities of nearby dwellings.

Informative(s):

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

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

8 DCSE2004/3422/F - MAST EXTENSION OF 2.5M, THE INSTALLATION OF 6 ANTENNAE AND A GROUND BASED EQUIPMENT HOUSING AT EXISTING CCI MAST, GREAT TREWEN FARM, WHITCHURCH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6ES

**For: Waldon Telecom Ltd. Beaver House York Close
Byfleet Surrey KT14 7HN**

Date Received: 4th October, 2004 Ward: Kerne Bridge Grid Ref: 53747, 18010

Expiry Date: 29th November, 2004

Local Member: Councillor Mrs. R.F. Lincoln

1. Site Description and Proposal

- 1.1 The mast of Great Trewen Farm is positioned some 250m south of Simmonds Trewen Farm and a similar distance to the south-west of the residential property known as Hilltop. The mast is 20m high with various sets of antennae. Just to the east is a lower triangular lattice mast. This application is to increase the 20 m tower by 2.5 m and install a further set of 6 antennae on a circular headframe. In addition two structures, an equipment cabinet and electrical metre cabinet would be sited within the compound at the base of the mast. The compound is secured by 1.8 m palisade fencing.

2. Policies

2.1 Planning Policy Guidance

PPG.8 - Telecommunications-

2.2 Hereford and Worcester County Structure Plan

Policy CTC6 - Development and Significant Landscape Features

2.3 South Herefordshire District Local Plan

Policy C1 - Development Within Open Countryside
Policy C41 - Telecommunications Development
Policy C42 - Criteria to Guide Telecommunications Development

3. Planning History

- | | | | |
|-----|---------------|--|------------------|
| 3.1 | SE2002/0025/F | To install two H3G panel antennae at 12 m (mean), two 0.6m dishes and one 0.3 m dish, all at 12 m (mean), two H3G cabinets (1300 x 1300 x 790 and 1300 x 770 x 790) plus associated cabling. | Approved 6.3.04 |
| | SE2003/0826/F | One panel antenna | Approved 12.5.03 |

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

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

4.3 Head of Environmental Health has no adverse comments on this proposal.

5. Representations

5.1 The applicant's agent has submitted coverage plots to demonstrate the need for the additional antennae, an explanation for choosing the site and an ICNIPP Certificate. In summary the following reasons are given:

- (i) Vodafone has a requirement for an installation to create a new cell as part of its current 2G national network in the area. In particular, it is seeking to provide additional coverage to the area west of Whitchurch, along the A40 and surrounding areas.
- (ii) This is necessary because of an effective gap in coverage from the network in the wider area, caused by a combination of factors, including attenuation or signal loss arising out of distance, topography and local factors such as the effect of buildings and other obstacles such as trees.
- (iii) Within this area, customers will be experiencing dropped calls and an inability to connect, the most frustrating aspects of mobile telephony. There is therefore a need to remedy this unsatisfactory situation to ensure reasonable customer demands for a high quality, consistent and reliable service can be met.
- (iv) The operator already has a requirement for a 2G installation on the site, but needs to carry out the development proposed to satisfy its 3G requirements also.
- (v) Plot 4 3G, illustrates how there is an effective gap in coverage over the area described above and Plot 3 3G shows how an installation at the application site should substantially remedy the situation.

5.2 The Parish Council objects to this application, which would be a growing eyesore within the AONB.

5.3 One letter has been received objecting to any further development on this site. In summary the following reasons are given:

- (i) The proposed planning of extension will surely be above trees on the skyline in full view of our property. We cannot understand why these applications are granted in an area of outstanding natural beauty.
- (ii) We are also concerned about radiation which is within 200 yards of our property. Over the past 3-4 years our health is causing concern to us and our family.

- (iii) We would also recommend that the existing site has a proper hardcore drive and signposted from the road. This will reduce the frustration of site workers using our drive to get to the site which must be stopped. Large vehicles reverse out onto main road; it is very dangerous.

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 existing mast was originally required to provide coverage along the A40(T) corridor between Monmouth and Ross on Wye. This section of its trunk road follows the River Wye valley and hence the need for a mast on elevated land. The mast is close to a clump of trees but these do not effectively screen the mast, particularly viewed from the south. The submitted plots do indicate gaps in coverage in this immediate area with significant improvements that would follow the current proposal.
- 6.2 It is considered that there are reasonable grounds for improving the network. This proposal would meet this requirement and avoid the need for an additional mast. It is not within the Wye Valley Area of Outstanding Natural Beauty although it is visible from within it and from the nearest residential property. In view of the limited extra height however it is considered that the proposal would not be unduly intrusive in the landscape or seriously harm the amenities of neighbours.
- 6.3 The application includes an ICNIRP Certificate. This means that the proposal meets internationally accepted standards with regard to exposure to electromagnetic fields and there is no cogent reason therefore to conclude that the telecommunications mast is prejudicial to the health of people living nearby.
- 6.4 There are two masts at Great Trewen Farm used by several companies. The problems of access raised in the representations may not therefore be the responsibility of the applicants. Nevertheless they have agreed to investigate this matter and take such steps as they are able to minimise future problems.

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 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 Notwithstanding the approved drawings no development shall take place until details of the fencing, cabinets and gantry including design and colour of finish have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the visual amenities of the area.

Informative:

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

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

9 DCSE2004/1077/F - CONVERSION OF SHOP PREMISES TO FORM 2 SHOPS, OFFICE UNIT AND APARTMENT AT 1 HENRY STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7AA

For: Kingsley Builders (Glos) Ltd. per Mr. C. Goldsworthy, 85 St Owens Street, Hereford HR1 2JW

Date Received: 25th March, 2004 Ward: Ross-on-Wye East Grid Ref: 60111, 24108

Expiry Date: 20th May, 2004

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

1. Site Description and Proposal

- 1.1 The application site comprises commercial premises on the west side of Henry Street, which adjoin the rear of properties in Gloucester Road and front the eastern end of Corpus Christi Lane. The bulk of this building, which is at various levels and includes a basement, is currently used as a retail shop. The proposal is to divide the ground floor shop into two units with additional stores and facilities at upper basement level; form a 2-bedroom residential unit from the area to the rear of the shop and the rear part of the basement and an office unit from the front part of the basement. The main external changes would be demolition of a small garage and reduction in the level of the yard so that full height windows can be formed at basement level, plus a courtyard for the apartment and new steps down to the offices.
- 1.2 The submitted drawings also include a pair of semi-detached houses which would occupy the remainder of the yard. A separate application has been submitted for the these houses which is not the subject of this report.

2. Policies

2.1 Planning Policy Guidance

- PPG6 - Town Centres and Retail Development
PPG13 - Transport

2.2 Hereford and Worcester County Structure Plan

- Policy E17 - Location of Office Accommodation
Policy CTC9 - Development Criteria
Policy CTC18 - Use of Urban Areas for Development

2.3 South Herefordshire District Local Plan

- Policy C23 - New Development Affecting Conservation Areas
Policy RT1 - Ross on Wye Town Centre

3. Planning History

- 3.1 SH950066PF Change of use to A1 retail. - Permitted 5.4.95

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water notes that it has been proposed to separate the foul and surface water flows from 1 Henry Street, to enable the surface water flows to be restricted to an agreed discharge rate to the public combined sewerage system, therefore by alleviating the drainage concerns. In light of the above information they would request that their objection with withdrawn but would request that conditions be imposed regarding foul and surface water drainage.

Internal Council Advice

- 4.2 Head of Highways and Transportation has no objection to the grant of permission.
- 4.3 Head of Conservation does not wish to object from an architectural point of view.

5. Representations

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

"It is considered that the same standards that applied to 4a Henry Street should also be adopted for these developments now applied for. The transportation manager in his report to committee re 4a Henry Street on the 3rd April, 2003 made particular reference to PPG13 and it post dated the local plan by 2 years and the fact that there was a reduced parking provision for Ross anyway.

In addition consultant engineers have submitted letters relating to discussions with Welsh Water regarding drainage"

- 5.2 The Town Council has no objections but is concerned about parking facilities. There are more dwellings and no parking spaces.
- 5.3 Two letters of objection have been received. In summary the following reasons are given:
- (1) considerable over-development with no emergency access to apartment at the back
 - (2) existing walls and roof will be used for the shops but they are not suitable for that purpose. Essential that they are inspected before decision made as public safety is at stake – protection of public and neighbours is one of functions of planning system, the objector understood
 - (3) the two walls and roof of shop adjoin small courtyard at rear of 18 Gloucester Road which is open to general public (part of antique business). A wooden wall overhangs courtyard and is in dangerous state and water drains from roof into the courtyard. Proposal therefore compromises safety of public

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 These premises are currently in retail use and adjoin the defined primary shopping frontage in Gloucester Road. To the north of the yard of these premises are residential properties with further commercial uses on the opposite side of Henry Street and in Cantilupe Road. The proposed mix of uses (retail on ground floor, with apartment on basement and ground floor and office in basement) is appropriate in this location. Policy RT10 (South Herefordshire District Local Plan) encourages re-use of vacant upper floors above shops for residential, shop or office purposes and this principle surely applies also to basements. No parking is proposed as the yard is the subject of another application for the erection of new housing but in this town centre location is not essential.
- 6.2 The main changes to external appearance relate to the side elevation. These are considered to be acceptable and would ensure good lighting to the basement. The concern of the neighbour regarding safety and drainage is appreciated. Nevertheless these are not directly planning matters. The development of the building would provide the appropriate opportunity and investment to remedy any structural problems and resolve any conflicting interests.

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 C02 (Approval of details)

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

Informative:

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

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

10 DCSE2004/3428/F - PROPOSED CONVERSION OF REDUNDANT CHURCH BUILDING TO FORM 1 RESIDENTIAL DWELLING, OUR LADY OF ST. TERESA OF LISEUX RC CHURCH, WHITCHURCH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6DJ

For: M. Addis per Mr. V. Marlow, V.J.M. Design House, 26 Whaddon Road, Cheltenham, Glos. GL52 5NA

Date Received: 5th October, 2004 Ward: Kerne Bridge Grid Ref: 54952, 17631

Expiry Date: 30th November, 2004

Local Member: Councillor Mrs. R.F. Lincoln

1. Site Description and Proposal

1.1 The church which is the subject of this application is within the village of Whitchurch. The church is no longer in use and outline planning permission has been granted for demolition and residential development of the site (SE2003/3612/O). The current proposal is for conversion of the church into one dwelling. The church occupies a site off the Whitchurch - Llangrove road and adjoins houses to sides and rear. It is situated in the rear, south-east corner of the plot.

1.2 The church is of "modern" design, with low eaves but a very steeply pitched roof, resulting in a triangular shape when viewed from the front. The front elevation has a central glazed window from ground to roof level, with two triangular dormers in the roof sides and a single-storey gable projecting from the north side. The submitted scheme for conversion involves a series of rooflights along each side of the roof to light the two floors that would be inserted into the roof space plus additional fenestration at ground floor level and entrance doors in the redesigned front window.

2. Policies

2.1 Planning Policy Guidance

PPS.7 - Sustainable Development in Rural Areas

2.2 Hereford and Worcester County Structure Plan

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

Policy CTC.13 - Conversion of Buildings

Policy CTC.14 - Conversion of Buildings

2.3 South Herefordshire District Local Plan

Policy GD.1 - General Development Criteria

Policy C.5 - Development within Area of Outstanding Natural Beauty

Policy C.8 - Development within Area of Great Landscape Value

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.6	-	Housing Development in Larger Villages
Policy SH.24	-	Conversion of Rural Buildings

3. Planning History

- 3.1 9819 Erection of R.C. Church - Approved 25.07.60
- SE2003/3612/O Demolition and residential - Approved 17.03.04
development

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water recommend that conditions be imposed regarding drainage.

Internal Council Advice

- 4.2 Head of Highways and Transportation recommends that any permission include conditions regarding visibility and parking.

5. Representations

- 5.1 Whitchurch Parish Council supports the proposal.
- 5.2 One letter has been received expressing strong objections/concern regarding this development. In summary the following matters are raised:
- large church roof overwhelms neighbouring properties and skylights would mean uninterrupted vision into living room and bedroom - so no privacy in house or garden
 - opaque glass would not solve the problem as can be opened to allow views
 - church walls are only 45 feet from objectors house.
- 5.3 Three other letters do not object but express concerns regarding the following matters:
- overlooking of houses, ask for obscure glazing or stained glass in dormers and rooflights
 - Ross-on-Wye and District Civic Society are delighted that this building is to be retained but query treatment of front central window which is striking whereas proposal would be much simpler pattern with entrance door.

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 church is within a larger settlement and in principle residential use is acceptable. The key issue is whether conversion can be achieved without detriment to the privacy of adjoining residents. The church is only about 3m from the rear boundary of

residential properties and about 13m from the nearest house (The Clock House). Given the steep roof rooflights would not be much further away and would be well below normally accepted standards to protect privacy. However, only one first floor habitable room (a bedroom) faces the neighbouring houses and this could be lit by a rooflight positioned above eye-level. A number of proposed windows could be omitted and all other windows, lighting bathrooms could be obscurely glazed and fixed shut, except where required for emergency purposes. The large new ground floor window lights a widened section of corridor and again could be glazed with obscure glass. Other ground floor windows are narrow slits and it is not considered that these would result in significant loss of amenity. The triangular dormer would light a section of building kept open and apart from passing views while climbing the central staircase could not be looked out of. It is considered therefore that the problems identified in the representations could be overcome.

- 6.2 The applicant's agent is preparing revised drawings to meet the problems of loss of privacy and is also reconsidering the design of the large central window. In general the proposed alterations are considered to be acceptable in that they respect the character of this unusual building.

RECOMMENDATION

That subject to receipt of acceptable revised drawings with respect to design and fenestration, 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 E19 (Obscure glazing to windows)

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

3 E17 (No windows in side elevation of extension)

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

4 No floor shall be installed above first floor level in the section of the building outlined in red on the plan attached to this permission.

Reason: To protect the amenities of neighbours.

5 H04 (Visibility over frontage)

Reason: In the interests of highway safety.

6 H05 (Access gates)

Reason: In the interests of highway safety.

7 H08 (Access closure)

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

8 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.

9 W01 (Foul/surface water drainage)

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

10 W03 (No drainage run-off to public system)

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

11 E16 (Removal of permitted development rights)

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

Informative(s):

1 HN01 - Mud on highway

2 HN05 - Works within the highway

3 HN10 - No drainage to discharge to highway

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

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.