

A G E N D A

Southern Area Planning Sub- Committee

Date: **Wednesday, 16th February, 2005**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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**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 - 6
To approve and sign the Minutes of the meeting held on 19th January, 2005.	
4. ITEM FOR INFORMATION - APPEALS	7 - 10
To note the contents of the attached report of the Head of Planning Services in respect of the appeals received or determined for the southern area of Herefordshire.	
5. TREE PRESERVATION ORDER 513 AT ASHBURTON ROAD AND TO THE REAR OF ASHBURTON INDUSTRIAL ESTATE, ROSS-ON-WYE.	11 - 16
To consider the representations made in relation to a Tree Preservation Order.	
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.	
6. DCSW2004/1766/F - COURT FARM, MUCH BIRCH, HEREFORDSHIRE, HR2 8HT	17 - 26
Erection of 4 new poultry buildings on existing site.	

7.	DCSE2005/0065/F - NEWTON FARM, WELSH NEWTON, MONMOUTH, NP25 3RN	27 - 36
	Partial reconstruction and extension of barn for 1 no. dwelling.	
8.	DCSE2005/0064/F - NEWTON FARM, WELSH NEWTON, MONMOUTH, NP25 3RN	37 - 44
	Alterations and partial reconstruction of the stable block for the provision of 3 no. holiday cottages.	
9.	DCSE2004/2901/RM - LAND ADJOINING MARSH COTTAGE, PONTSHILL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SZ	45 - 48
	Erection of one dwelling.	
10.	DCSE2004/4263/F & DCSE2004/4261/L - 5 & 6 NEW STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7DA	49 - 54
	A) Conversion of one dwelling into two dwellings and internal alterations and single storey extension.	
	B) Conversion of 5 and 6 New Street from one dwelling to two dwellings, single storey extension and internal alterations. Remove garage door to elevation facing New Street and replace by wooden door and window.	
11.	DCSE2004/4207/A - SUPERDRUG STORE, 10 MARKET PLACE, ROSS-ON-WYE, HEREFORD	55 - 58
	Fascia sign x 1 and projecting sign x 1.	
12.	DCSW2004/4329/F - SITE ADJOINING CHAPEL COTTAGE, COBHALL COMMON, ALLENSMORE, HEREFORDSHIRE, HR2 9BN	59 - 64
	Erection of detached dwelling house with single garage.	
13.	DCSE2004/3641/F - DAF-Y-NANT GARAGE, WHITCHURCH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6DW	65 - 72
	Demolition of existing structures and construction of a new garage with shop and café. Canopy with pumps and underground tanks.	
14.	DCSE2004/4062/F - MERRIVALE COTTAGE, MERRIVALE LANE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5JL	73 - 76
	Pool house office and garden shed in one building detached from existing cottage on site of former outbuildings.	
15.	DCSW2004/4315/F - UNIT 4, MADLEY AIRFIELD INDUSTRIAL ESTATE, MADLEY, HEREFORDSHIRE, HR2 9NQ	77 - 80
	The provision of a purpose made LPG bulk storage tank and base.	
16.	DCSE2004/3603/RM - LAND ADJOINING LLANGROVE COTTAGE, LLANGROVE, ROSS-ON-WYE, HEREFORDSHIRE	81 - 84
	Residential development of six detached houses and associated vehicular access.	
17.	DCSE2004/4117/F - THE GRANGE, ASTON CREWS, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7LW	85 - 88
	Proposed change of use of first floor games and entertainment room to residential unit.	

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| 18. | DCSE2004/3323/F - UP BEYOND, WYE VIEW LANE, SYMONDS YAT, ROSS-ON-WYE, HEREFORDSHIRE | 89 - 94 |
| | Proposed demolition of existing house. Erection of new 3 bedroom dwelling and associated garden pavilion. | |
| 19. | DCSE2004/3644/F - LAND ADJOINING 1 DOWARD PLACE, GOODRICH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6HY | 95 - 100 |
| | New dwelling. | |
| 20. | DCSE2004/1722/L - TOVEY COTTAGE, THREE ASHES, HEREFORDSHIRE, HR2 8LS | 101 - 104 |
| | Replacement of 2 external stairways. Take down and rebuild collapsing wall. | |

EXCLUSION OF THE PUBLIC AND PRESS

In the opinion of the Proper Officer, the next item will not be, or is likely not to be, open to the public and press at the time it is considered.

RECOMMENDATION: **THAT the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12A of the Local Government Act, 1972 as indicated below.**

- | | | |
|-----|--|-----------|
| 21. | PROPERTY AT HOWLE HILL, ROSS-ON-WYE, HEREFORDSHIRE | 105 - 106 |
| | To inform members of the service of a Purchase Notice by the owner of the property and to make a formal response. | |
| | (This item discloses any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services) | |

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- 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.

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- 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.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Southern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 19th January, 2005 at 2.00 p.m.

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

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

111. APOLOGIES FOR ABSENCE

Apologies were received from Councillor H. Bramer.

112. DECLARATIONS OF INTEREST

There were no declarations of interest made.

113. MINUTES

RESOLVED: That the Minutes of the meeting held on 22nd December, 2004 be approved as a correct record and signed by the Chairman.

114. ITEM FOR INFORMATION - APPEALS

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

115. DCSW2004/1691/F - WOODVALE, PONTRILAS, HEREFORD, HEREFORDSHIRE, HR2 0EH (AGENDA ITEM 5)

Two-storey side extension including conversion of existing garage to room.

RESOLVED

That subject to the receipt of satisfactory revised plans relating to the window for the kitchen area of the scheme, 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. E17 (No windows in side elevation of extension)

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

Informative:

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

116. DCSE2004/4116/RM - THE NURSERIES, PLOT 1, LLANGROVE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6EP (AGENDA ITEM 6)

Amendment to approved position of dwelling (ref: planning permission SE2003/3553/RM).

The Principal Planning Officer reported the receipt of a further letter from the applicant's agent regarding the proposed 2 metre boundary fence.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order, with or without modification), no windows or dormer windows shall at any time be placed in the eastern and western elevation of the dwelling hereby permitted.**

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

- 2. Before the dwelling is occupied a 2m screen fence shall be erected along the eastern boundary of the plot in accordance with details of design, materials and position which have been submitted to and approved in writing by the local planning authority and thereafter the fence shall be permanently retained.**

Reason: To protect the amenities of neighbours.

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

Reason: In the interests of highway safety.

- 4. H05 (Access gates)**

Reason: In the interests of highway safety.

- 5. 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.

Informatives:

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

117. DCSE2003/3641/O - COMMERCIAL YARD, PONTSHILL, NR ROSS-ON-WYE, HEREFORD (AGENDA ITEM 7)

Site for the erection of eight dwellings.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **A02 (Time limit for submission of reserved matters (outline permission))**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
2. **A03 (Time limit for commencement (outline permission))**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. **A04 (Approval of reserved matters)**
Reason: To enable the local planning authority to exercise proper control over these aspects of the development.
4. **A05 (Plans and particulars of reserved matters)**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
5. **H03 (Visibility splays)**
Reason: In the interests of highway safety.
6. **H06 (Vehicular access construction)**
Reason: In the interests of highway safety.
7. **H11 (Parking - estate development (more than one house))**
Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.
8. **H21 (Wheel washing)**
Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

9. H27 (Parking for site operatives)

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

Informative

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

118. DCSE2004/3946/F - VINE TREE COTTAGE, BISHOPSWOOD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5RA (AGENDA ITEM 8)

Conversion of an existing games room over a garage/workshop to form a detached granny annexe.

In accordance with the criteria for Public Speaking, Mr. Daniels, representing Walford Parish Council, spoke against the application.

Councillor Mrs. R.F. Lincoln, the Local Ward Member, noted the concerns raised by the Parish Council but felt that these issues had been addressed in the conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2. A06 (Development in accordance with approved plans)

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

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

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

Informative:

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

119. DCSE2004/3893/F & DCSE2004/4894/C FACTORY PREMISES (ADJACENT TO NO. 31) BRAMPTON STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7EQ (AGENDA ITEM 9)

a) Residential development

b) Demolition of factory buildings

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

In response to a question, the Development Control Manager advised Members that the Transportation Manager felt that one car parking space per dwelling was acceptable for the development.

RECOMMENDATION

In respect of DCSE2004/3893/F:

That subject to the receipt of amended drawings regarding detailed design, 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. A09 (Amended plans)**

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

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

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

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

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

- 5. F48 (Details of slab levels)**

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

- 6. F44 (Investigation of contaminated land)**

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

- 7. F45 (Contents of scheme to deal with contaminated land)**

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

- 8. F46 (Implementation of measures to deal with contaminated land)**

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

- 9. F32 (Details of floodlighting/external lighting)**

Reason: To safeguard local amenities.

- 10. H13 (Access, turning area and parking)**

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

Informative:

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

In respect of DCSE2004/3894/C:

That subject to the receipt of amended drawings regarding detailed design, the officers named in the Scheme of Delegation to Officers be authorised to issue conservation area consent subject to the following conditions and any additional conditions considered necessary by officers:

- 1. C01 (Time limit for commencement (Listed Building Consent))**

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2. C14 (Signing of contract before demolition)**

Reason: Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Informative:

- 1. N15 - Reason(s) for the Grant of Conservation Area Consent**

The meeting ended at 2.40 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCSE2004/3156/O**

- The appeal was received on 20th January, 2005
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr. & Mrs. R. Seal
- The site is located at Land adj. Dyffryn, Firs Road, Ross-On-Wye, Herefordshire, HR9 5BH
- The development proposed is Proposed erection of chalet bungalow.
- The appeal is to be heard by Written Representations

Case Officer: Nigel Banning 01432 261974

Application No. DCSE2004/2733/F

- The appeal was received on 13th December, 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 First London Investment Group
- The site is located at Petrol Filling Station (Former), Gloucester Road, Ross-on-Wye, Herefordshire, HR9 5NA
- The development proposed is Demolition of existing petrol filling station and erection of 18 no. residential apartment dwellings.
- The appeal is to be heard by Written Representations

Case Officer: Steve Holder on 01432 260479

APPEALS DETERMINED**Application No. DCSE2004/0624/L**

- The appeal was received on 13th July, 2004
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against condition 2.
- The appeal was brought by Hale Jackson Knight
- The site is located at Montague House, 4 St. Marys Street, Ross-on-Wye, Herefordshire, HR9 5HT
- The application, dated 20th February, 2004, was granted subject to conditions, on 16th April 2004
- The development proposed was Repairs and internal alterations. Fascia sign and erection of hanging sign.

- The main issues are whether the hanging sign has indeed harmed the special architectural or historic interest of the building, which is listed under grade II, or it's setting in Ross-on-Wye Conservation Area and thereby the character and appearance of the Conservation Area.

Decision: The appeal was **ALLOWED** on 21st December, 2004

Case Officer: Mike Willmont on 01432-260612

Application No. DCSW2004/0918/F

- The appeal was received on 24th May, 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 H T Developments Ltd
- The site is located at Land adj to Seabourne House, Madley, Hereford
- The application, dated 11th March, 2004 , was refused on 12th May, 2004
- The development proposed was Alterations to approved layout, alternative house type for plot 1, addition of plot 5 and entrance wall.
- The main issue are the effect of the proposal on the character and appearance of the surrounding area; and whether the proposal would have an adverse effect on the living conditions of the occupiers of Seabourne House in relation to privacy.

Decision: The appeal was **ALLOWED** on 8th, December, 2004

Case Officer: Andrew Prior on 01432 261932

Application No. DCSW2004/0316/RM

- The appeal was received on 20th May, 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. J. Williams
- The site is located at Grove Farm Bungalow, Michaelchurch Escley, Hereford, HR2 0PT
- The application, dated 28th January, 2004 , was refused on 24th March, 2004
- The development proposed was Approval of reserved matters for the erection of replacement farmhouse
- The main issue is the effect of the proposal on the character of the countryside, having regard to policies designed to control new and replacement dwellings.

Decision: The appeal was **ALLOWED** on 8th December, 2004

Case Officer: Andrew Prior on 01432 261932

Application No. DCSW2003/2801/O

- The appeal was received on 26th 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 E. Herridge
- The site is located at Site adjacent to Old Post Office, Garway Common, Garway, Hereford, Herefordshire, HR2 8RF
- The application, dated 15th September, 2003, was refused on 28th January, 2004
- The development proposed was Site for detached dwelling
- The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Decision: The appeal was **DISMISSED** on 23rd December, 2004

Case Officer: Andrew Prior on 01432 261932

Application No. DCSE2004/0045/O

- The appeal was received on 16th 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. R. Cousins
- The site is located at The Old School, Bridstow, Ross-On-Wye, Herefordshire, HR9 6PY
- The application, dated 5th January, 2004, was refused on 1st March, 2004
- The development proposed was Site for erection of three dwellings.
- The main issue is the impact of the proposed development upon the rural character and natural beauty of the area, which lies within the Wye Valley Area of Outstanding Natural Beauty (AONB), having regard to national and local policies on new development in the countryside.

Decision: The appeal was **DISMISSED** on 17th November, 2004

Case Officer: Steven Holder on 01432 260479

Application No. DCSE2003/3063/F

- The appeal was received on 24th March, 2004
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr. J. Gilling
- The site is located at Newton Farm, Welsh Newton, Herefordshire, NP5 3RN
- The application, dated 9th October, 2003, was refused on 8th January, 2004
- The development proposed was Equestrian centre, including restaurant, staff and instructors accommodation. Car parking and ancillary works.

Decision: The appeal was **WITHDRAWN** on 27th January, 2005

Case Officer: Nigel Banning on 01432-261974

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

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

5 TREE PRESERVATION ORDER 513: LINEAR TREE FEATURE ALONG ASHBURTON ROAD AND TO THE REAR OF ASHBURTON INDUSTRIAL ESTATE, ROSS-ON-WYE.

Report By: Head of Planning Services

Wards Affected

Ross-On-Wye East

1. Purpose

- 1.1 To consider the representations made in relation to the making of a provisional Tree Preservation Order upon trees located along Ashburton Road and to the rear of Ashburton Industrial Estate, Ross-on-Wye and determine whether to confirm the Order.

2. Order description and details

- 2.1 This order concerns one group of trees comprising 10 pines, 2 poplars, 2 sycamores, 1 maple and 1 walnut tree growing along the southern rear boundary of the Ashburton industrial estate where it adjoins the residential area of North Road, Weston Grove and Ryefield Road.
- 2.2 The trees have been awarded a score using the Council's amenity evaluation rating system of 21 (Benchmark rating for inclusion within TPO is 15). The Group of trees is relatively large: has a life expectancy of between 15 and 40 years; and has an overall average form for the various species concerned. The group is particularly visible by the public, and the trees are fairly suitable to the location. This linear feature, as a former part of railway line embankment and station, demarcates industrial from residential land. The potential amenity value of the trees has already been recognised, being visible from all the surrounding public areas. The trees are considered a very important landscape feature to the surrounding area.
- 2.3 The Order was made on 8th October, 2004.

3. Background

- 2.4 The Council was alerted to the possible loss of or works to the trees by members of the public and by a request for information about the status of the trees. A site inspection was undertaken on 7th October, 2004 whereupon an assessment of their amenity value was undertaken.
- 3.2 The Order was made under emergency procedures in accordance with section 198 of the 1990 Town and Country Planning Act.

4. Policies

4.1 South Herefordshire District Local Plan Policy C.17 (Trees/management) states: -

“PARTICULARLY WITHIN SETTLEMENTS AND WHERE PROPOSALS FOR DEVELOPMENT ARE ADVANCED, THE COUNCIL WILL SUPPORT THE INCREASE AND PROTECTION OF THE STOCK OF TREES IN THE PLAN AREA IN THE INTERESTS OF AMENITY BY:

- (i) CONTINUING TO SERVE TREE PRESERVATION ORDERS IN APPROPRIATE CIRCUMSTANCES, WHERE THERE IS A DANGER TO THE AMENITY OF THE AREA BY THE LOSS OF TREES;
- (ii) ”

5. Representations

5.1 Letters of support for the TPO have been received from Ross-on-Wye & District Civic Society, P. Watkins of 23 North Road, Ross-on-Wye, and A. and C. Hiley, 8 North Road, Ross-on-Wye. The representations in support include:

- They are fine trees in themselves and form a much-loved local amenity.
- They have historic value in that they formed the boundary of the former railway line.
- They form a useful visual barrier between the housing to the south and industrial buildings to the north.
- They act as a shelterbelt against northerly winds for adjacent houses.
- They provide a lovely backdrop to the street, helping to hide the industrial buildings behind.
- They are visible amenity from most parts of the town adding to its amenity.

Reference is also made to other trees in the vicinity, which might be protected, and to a petition that was made to the owner of the trees.

5.2 Representations have been received from the owner of the trees, Alan Porter Ltd, The Glebe, Ashfield park Road, Ross-On-Wye who made the following points:

- We are looking to respond to pressures/complaints of neighbouring property owners and tenants in relation to the trees.
- Issuing a TPO is unnecessary as we are prepared to make any formal application required. We would not have proceeded to do any works without making such a formal application to the Council, but simply we wanted to establish the Council's interest and seek quotes for the cost of removing some and lopping other trees.
- Most of the trees are unattractive, with the Corsican Pines being more appropriate as woodland or park coppice trees than linear planting.
- In our opinion the trees are unstable and represent a threat to the adjacent units and the occupants.

- Ongoing damage is being caused to the roofs on both premises by the continuing build up of pine needles; blocked gutters and downpipes are a regular problem; wet pine needles covering the roofs prevents flows of rainwater to gutters; rotting pine needles are causing premature, unnecessary damage to the roof which may result in early replacement of the sheeting.
- Does the Council now take responsibility for damage caused by the shedding of branches? At the moment damage is being done to roofs, gutters, downpipes and drain gullies.

5.3 A letter of objection has also been received from Mr. D Hughes, 2 North Road, Ross-on-Wye. The grounds of objection are:

- The majority of the trees are not worthy of a TPO and they should not all be clubbed together through one order, with each tree being separately assessed in terms of suitability.
- Trees should not be protected if they cause a danger or they are not suited to the location. Such large trees on a mutual boundary are a cause of family distress, particularly during high winds. The aesthetics of the trees is far outweighed by the constant aggravation and danger of dead limbs falling, causing damage to vehicles underneath and potentially to residents.
- The trees have not been managed or maintained since the demise of the railway. They would have been cut back in the past and works are needed to them for the health and welfare of the trees.
- The use of the area has changed since the trees were planted.
- The trees constantly cause aggravation and danger through dead limbs falling, blocking gutters, dripping sap, damage to telephone wires, etc..
- There is a need to carry out works to reduce the number and height of the trees, in particular adjacent to my property

5.4 The full text can be inspected at the Town Hall, Hereford and prior to the Sub Committee meeting.

6. Officer Appraisal

6.1 A further site inspection was made in relation to the trees following receipt of representations.

Appropriateness of a TPO –

6.2 Collectively the trees are still considered to have sufficient public amenity value to warrant a TPO. Although a well-known woodland tree, Pines are common in linear features, shelterbelts, screens and old Victorian planting schemes. The trees are therefore fairly suitable for their current and historical location. This is not to say that works to address some of the issues raised may not be appropriate.

6.3 The intention of the owner to discuss works with the Council is welcomed. There is, however, no requirement for any formal application or notification without either a TPO being made or the land falling within a conservation area. The making of a

TPO does not preclude any works from taking place. Application for appropriate works would not unreasonably be withheld and works to dead, dying or dangerous trees is excluded from the need to obtain consent.

- 6.4 The trees have been individually assessed. The Group category term has been used for these trees as they have an overall impact and quality that warrants protection. The intention of the group classification is not simply to protect trees that have individual merit and happen to be standing close to one another, but for their merit as a group. Some specimens within the group may have individual merit. However, their location within the collective linear feature, demarcating industrial from residential land, has the greater value. Although the classification of 'Tree' and 'Group' differ, the legal constraints by the TCPA remain the same for both classifications.
- 6.5 Although consideration has been given to the fact that this linear feature formed part of railway line embankment and station and therefore has some historical significance, the fundamental reason these trees were protected is that they are of visual amenity value, especially demarcating and separating industrial from residential land.

Safety of the Trees

- 6.6 Public safety is of foremost importance when dealing with trees. However, the popular perception of what is dangerous does not always correlate with what actually is dangerous. All trees covered by the Order have been fully inspected by the Council's Arboricultural Consultant in light of the above objection. Although some minor defects and works that could be resolved by remedial tree surgery were noted, no trees exhibited signs of instability or other defects that would make them exempt from preservation. Arboriculture, particularly the risk assessment of trees, is a form of applied biology, where decisions should be justified by reasonably available evidence. No competing evidence has been supplied to show that the trees are at this moment in time unstable or that they present an unacceptable risk to the site. A meeting between the Council's Arboricultural Officer and the owner could proceed at any time to discuss remedial works, the need for which is mentioned above.
- 6.7 The condition of trees does change over time. A tree owner owes a 'duty of care' under the Occupiers Act 1957 to ensure that trees within his/her responsibility do not pose an unacceptable risk to life or property. It is accepted that a good tree owner should have their tree or trees inspected on a regular basis by an appropriate person. Routine deadwood and minor defects within branches could be easily resolved by remedial tree surgery. This normal household maintenance of a tree while clearly a burden to some people is a fact of life and the disadvantages should be weighed against the benefits of the trees to the town and to the value of both the property and the neighbourhood. If a problem were reasonably foreseeable then the Council would not withhold permission for appropriate works to the trees. The Council would not be liable for an injury or damage caused unless it refused consent to remove the hazardous material or for works that are needed to avoid loss or damage that could reasonably have been foreseen.

Maintenance Liability and Nuisance

- 6.8 The degree of nuisance can be a factor in determining whether works to important trees might usefully be undertaken, although not generally to whether any important

trees should be covered by a TPO. Minor nuisances are generally those, which may cause inconvenience to people, but rarely significant discomfort or financial loss. Most trees in highly populated urban areas have the capacity to cause nuisance, and it is common to hear that trees are generally appreciated, but not wanted in a particular position because of this. Action in response to all minor nuisances would lead to the removal or mutilation of many trees, to the detriment of both public amenity and wildlife. The recognition of the value of trees in towns requires that trees be retained for the benefit of wider society, even where they cause minor inconvenience to immediate landowners and residents. It is recommended that the Council should not authorise any tree work to alleviate a nuisance, which will not have a significant affect.

- 6.9 The dropping of leaves, fruits and flowers is another natural function of a tree's biology. Activities such as clearing up fallen leaves and seeds, or even installing needle guards on gutters or cleaning out gutters periodically are all part of normal property maintenance and while they are clearly a burden to some people, they are a fact of life and the disadvantages should be weighed against the benefits of trees to the town. There are a number of gutter guards for needles in the market place. If such a product was correctly installed and regularly maintained in accordance with manufacturers instructions the risk of product becoming blocked would be reduced to an acceptable level.
- 6.10 When identifying remedial works that might be undertaken, it would be useful to discuss whether any additional works might also take place to reduce the level of maintenance provided the overall amenity that the group of trees provide.
- 6.11 One of the benefits of the TPO would be to ensure the future of the linear feature. Trees such as the poplars, which are currently appropriate, may not be so appropriate to retain to full or post maturity. The poplars early removal, and replacement, for example by pines or other evergreen, would ensure the continuation of the feature.

RECOMMENDATION

That Tree Preservation Order no. 513 - Linear tree feature along Ashburton Road and to the rear of Ashburton Industrial Estate, Ross-on-Wye be confirmed without modification.

6 DCSW2004/1766/F - ERECTION OF 4 NEW POULTRY BUILDINGS ON EXISTING SITE, COURT FARM, MUCH BIRCH, HEREFORDSHIRE, HR2 8HT

For: F.M. Green per ADAS Kinnersley House Barn, Kinnersley, Worcester, WR8 9JR

Date Received: 13th May, 2004 Ward: Pontrilas Grid Ref: 50317, 29891
Expiry Date: 2nd September, 2004
 Local Member: Councillor G.W. Davis

1. Site Description and Proposal

- 1.1 The proposal is on the southern side of the A49(T) road and entails travelling south along an adopted road (u/c 71606) initially between St. Mary's Church and the recently extended doctor's surgery and the Community Hall on the western side. A track starts close to Court Farm and then leads south past a fruit packing plant and southward down a track that is also along the line of a public footpath.
- 1.2 The proposal is four broiler units, each building is 91 metres long and 18 metres wide accommodating 31,000 day old chicks. A total capacity of 124,000 birds. There are eight existing rearing houses on the farm accommodating a total of 181,000 birds. Each cycle is 65 days, females are removed after 38 days. There is a period of 1-2 weeks for cleaning out the buildings, resulting in an 8-9 week cycle.
- 1.3 The buildings are aligned roughly north-north-east south-south-west in close proximity to existing sheds immediately to the east and north-east.
- 1.4 This planning application was accompanied by an Environmental Impact Assessment. A scoping study concluded that noise and odour were major issues, whilst other issues such as traffic, waste and dust should be covered to a lesser extent.

2. Policies

2.1 Planning Policy Guidance and Statements

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

2.2 Hereford and Worcester County Structure Plan

Policy CTC.2	-	Areas of Great Landscape Value
Policy CTC.9	-	Development Requirements
Policy A.3	-	Agricultural Buildings
Policy A.5	-	Intensive Food Production Units

2.3 South Herefordshire District Local Plan

Policy GD.1	-	General Development Criteria
Policy C.1	-	Development within Open Countryside
Policy C.8	-	Development within Area of Great Landscape Value

- Policy C.46 - Water Abstraction
- Policy C.47 - Pollution
- Policy ED.9 - New Agricultural Buildings
- Policy ED.10 - Siting and Design of Intensive Livestock Units and Associated Structures/Facilities
- Policy ED.11 - The Siting of Intensive Livestock Units from Protected Buildings
- Policy T.3 - Highway Safety Requirements

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- Policy S.2 - Development Requirements
- Policy D.1 - Design
- Policy DR.4 - Environment
- Policy DR.6 - Water Resources
- Policy DR.9 - Air Quality
- Policy DR.13 - Noise
- Policy LA.6 - Landscaping Schemes
- Policy E.13 - Agricultural & Forestry Development

3. Planning History

- 3.1 No relevant history.

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency has no objections but makes comments on surface water and waste matters.
- 4.2 The Highways Agency requested further information relating to an analysis of detailed wheel movements onto and off the A49(T) road. This information was provided and the Highways Agency are content that the proposals are unlikely to result in a detrimental impact to the A49 trunk road.
- 4.3 English Nature does not wish to comment except to note that the proposals are not likely to affect any Site of Special Scientific Interest (SSSI)/candidate Special Area of Conservation (cSAC).

Internal Council Advice

- 4.4 The Traffic Manager considers that the proposal is acceptable for the following reasons:
- small (in traffic terms) intensification of existing use
 - only short section of County road between farm access and A49, with many opportunities to pass (albeit informal - access bellmouths).
 - would not appear to affect public footpath MB.24.
- 4.5 The Conservation Manager raises no objections as the new buildings will be viewed in the context of existing farm buildings. Development is screened from both local and long range views. The best means of landscaping would be to reinforce existing field boundaries and not adjacent to the poultry houses.

- 4.6 Environmental Health and Trading Standards Officer advises that after reviewing the data provided and looking at the site in the context of surrounding dwellings, i.e. the national 400 metres rule, the Environmental Health and Trading Standards Officer does not raise objections.

5. Representations

- 5.1 In the appraisal that accompanied the application the applicant's agent makes the following main points:

odour

- Environmental Health Department confirm they have received no complaints about site during its life, i.e. approximately 35 years
- odour levels at surrounding houses were the same and marginally less than the odours when the existing site was stocked at previous levels.

noise

- calculated noise levels - as per BS4142 more than 10 dB below noise limits suggested by BS8233 and World Health Organisation
- average total number of vehicles visiting site will be 17, noise impact negligible. Most affected dwellings already affected by noise from A49

traffic

- will be an increase in traffic, but existing road system and access able to cope. Transportation Unit confirm in principle, it has no objection.

manure (litter) & waste

- manure use will be by land spreading, sufficient land available
- poultry enterprise established for approximately 35 years, capacity to rear 181,000 broilers at any one time. Currently 8 buildings of various sizes used
- additional 124,000 birds proposed, i.e. total of 305,000 birds
- throughput of 5.7 batches per year as currently
- 52 day cycle, females removed after 38 days proposed, as currently operated
- heavy vehicle movements average 10 per week, proposed 7 per week, a total of 17 per week
- cleaning over 1-2 weeks, resulting in a 8-9 week cycle
- contracting for cleaning sheds at end of crop will continue to come onto site and inspections from company will continue. Approximately 22 vehicles will visit the site per year, as currently, i.e. no increase
- roof water taken to existing soakaway system
- washing down water stored in below ground tanks and spread on land at Court Farm or taken away by an approved contractor
- distances to closest dwellings are Ashfield 500m, Long Orchard Farm 420m
- additional impact of odour units, particularly from more prevailing westerly winds small
- odours from floor litter minimised through use of sheeted lorries taken off site immediately
- client farms 1012ha of land, 610ha is required for spreading. Can be selective, helps to reduce impact due to odour during and immediately after spreading
- new efficient incinerator will be installed at a position furthest away from houses (use of existing one will cease, as it is in a position nearer to houses - thus impact will be significantly reduced)

landscape

- additional tree planting and bunding, buildings coloured as required

dust

- The Agricultural Meteorological Office Department comments if odour concentrations in the neighbouring area are at acceptable levels, dust concentrations highly unlikely to be the source of a further nuisance, particularly as nearest dwellings are 400 metres or more from development
- additional employment for one person on site, estimated for every one person on site, up to 7 are employed in ancillary industries
- birds destined for Sun Valley Foods, a significant local employer
- also expansion strengthens farm business at St. Owens Cross, again major employers in Herefordshire
- cumulative impact: Poolspringe 600 metres due south growing turkeys from 1-6 weeks old before they are taken elsewhere for growing on. Odour slightly less than if turkeys grown to full term or broilers grown
- next nearest site approximately 2 miles away to south, at Llanwarne Court. There are turkeys grown to maturity (and maximum odour) at 48 weeks, potential for cumulative odour less likely to occur frequently.

5.2 The applicant's agent in response to the representations received makes the following points:

- at a loss about disinfectant smell experienced over long period as this should only occur 5.7 times a year, i.e. during cleaning out
- re: siting at Ditton Farm and not here, already a significant broiler site approximately 400m from Ditton Farm
- new incinerator will be introduced and sited to west of houses, will replace one of outmoded design and near to houses
- feed lorries will only be during the day
- majority of farm vehicles go onto B4348 road, however not suitable for lorries
- no more litter spreading at Court Farm
- vast majority of residents in Much Birch have not objected
- no record of complaints re: odours, according to Environmental Health Department
- at cleaning out time, material will be pushed out immediately. Litter will be wetted to reduce dust, a major carrier of odour. Also a portable deodorising unit will be purchased and placed down wind, it will operate during the loading time
- extra vehicle per day on average not exacerbating, given majority of vehicles leaving and entering A49 are visiting the packhouse. Hopefully with relocation to Harewood End traffic will reduce.

5.3 Much Birch Parish Council make the following observations:

"The Parish Council objects to the application, which was the subject of an Extraordinary Parish Council meeting, attended by 45 concerned parishioners, most of whom live in the area currently affected by odours when the existing poultry houses are cleaned out:

1. Whilst the applicant has indicated his willingness to adopt working practices to keep smells to a minimum, there will inevitably be an increased period of severe smells affecting local householders, when broiler houses are being cleaned out.

cleaning out currently takes one and a quarter days about six times a year, and would be likely to increase to two days about six times a year.

2. Road safety problems will be exacerbated due to an increase in lorries using the lane past the Doctors' surgery - by probably one or more lorries per day. This would greatly raise the risk of accidents both on the lane and at its junction with the A49.
 3. There would be increased lorry noise and accompanying smell from the lorries, particularly as many lorry movements are during the night.
 4. The applicant has indicated that he would improve the lane down to the B4348, to make it suitable for lorry traffic, subject to the agreement of Herefordshire Council. If the application were to receive permission, this would ease the traffic problem."
- 5.4 13 letters of objection have been received, one letter of which represents 4 different residences, in which the following main issues are raised:

- astonished by responses from Transport Unit
- huge increase in traffic (70%, 10-17 HGVs per week)
- Church Lane 4.88m to 3.96m wide, too narrow for lorries
- congestion, vehicles visiting, dropping off children for play-group at Hall & Surgery. Road gets blocked, backs up onto A49(T) on black-spot
- even more congestion when vehicles collect strawberries
- left with crumbling tarmac, pot-holes and damage to properties
- access serves Hall, Surgery, Church, packing shed plus 13 residences
- vehicles taking litter/manure use B4348, permission should be dependant upon all lorries going south, i.e. onto B4348, as sparsely populated
- noise of all the fans proposed
- lorry blowers discharging loads into hoppers at night a frequent occurrence, then sound of empty vehicles rattling along the track
- Hollybush properties in line of SW prevailing winds, 6/7 times a year lasts for several hours, impossible to work outside
- Surgery and Hall have to shut windows, particularly in summer months
- additional pollution over 18/21 days with this proposal, logic dictates an increase
- complaints not alleged to have been made due to high tolerance level
- blight on sale of properties
- 15 fans per unit, makes 60 fans blasting more dust and smell into air. Suffer from asthma
- smell from incinerator, smoke and fumes and burnt feathers unacceptable now, either a larger or second one will be required
- smell of disinfectant inside and outside my property, at time of writing this letter
- precedent for more poultry units
- appraisal flawed, claims to be impartial but funded by applicant
- water abstraction already cost villagers £70,000
- more sound of traffic at night.

- 5.5 Two letters of conditional support have been received, which raises the following:

- tolerant to smells, dust, incinerator and noise. Closest to 6 existing units and proposed new houses
- will not support future development of old buildings as would jeopardise rural idyll at Treberva

- assured that new buildings plus one existing house will be screened
- improved drainage system could be installed through our land
- intensive farming important to Herefordshire.

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 impact of the proposed development on the amenity of residents which covers such factors as noise, odour and dust, the impact that the four poultry houses would have in the landscape and finally the means of access serving the site and the increase in traffic that it is stated would occur.
- 6.2 Intensive food production units such as poultry units have certain legislative requirements placed on them, one of which is the requirement for an Environmental Impact Assessment (EIA) when the proposed development crosses a certain threshold, in this instance the number of birds that could be housed in the four poultry houses. This EIA has been the subject of preliminary discussion with colleagues in the Environmental Health and Trading Standards and the applicant's agents as regards the scope of the EIA, in the form of a scoping study. The issues focused on the possible cumulative impact of the poultry houses, when taken together with other poultry units at Court Farm and to the south at Poolspringe Farm. The main issue related to the national 400 metres distance between any poultry house and an unprotected dwelling, usually defined as one not inhabited by an agricultural worker. This distance of 400 metres is referred to in Government advice in PPS.7, and more pertinently in Policy ED.11 contained in the South Herefordshire District Local Plan. This policy requires that new intensive livestock buildings are sited at least 400 metres from protected buildings (i.e. dwellings and other buildings used by non-agricultural workers) thus given the recognition that such livestock units give rise to pollutants such as noise, smell, dust and other possible nuisances. The proximity of other existing livestock units could also have a bearing.
- 6.3 The ADAS appraisal that accompanied the application demonstrates that, notwithstanding the objections received from residents all of whom are 400 metres away from the proposed poultry houses, there are no protected dwellings within 400 metres of any of the poultry houses proposed. This is a significant factor in the determination of such applications as there is a general acceptance that new livestock units within 400 metres, particularly to the north-east and east of the prevailing westerly and south-westerly units will result in a material reduction in amenity that residents and others in protected buildings would reasonably expect to enjoy.
- 6.4 The prevailing wind direction is westerly and then south-westerly which is in the direction of the A49(T) north-west of the Axe and Cleaver towards Treberva Fruit Farm. Dwellings along both sides of the A49(T) are more than 400 metres to the north-east of the poultry houses. An issue regarding pollution emanating from the existing poultry houses that have been at Court Farm just to the north-east of the currently proposed ones for nearly 35 years has been raised. It could well be as stated by a local resident that, as part of the representations received, the local residents have a high tolerance level and some have moved to Much Birch after the erection of the poultry houses.
- 6.5 It is considered that many of the concerns raised are extrapolating understandably of the situation faced by residents at certain times of the year, particularly when cleaning

out occurs and feed hoppers are filled sometimes at night. The applicant's agent has stated that in respect of the noise of feed lorries at night in particular, when the background noise is at its lowest, his client is willing to accept only day time visits of feed lorries. This is an improvement on the existing situation and responds directly to one of the policy objectives of Policy ED.11 contained in the South Herefordshire District Local Plan, which is to demonstrate a positive improvement.

- 6.6 Complaints have also been received about odour particularly at cleaning out times which will increase from one to two days. The applicant's agent has responded to this source of concern experienced by some residents although it cannot be categorically stated that the existing units are the sole source of nuisance, as there are other poultry houses, i.e. at Poolspringe Farm further to the south of the proposal site. The applicant's agent states that the material will be pushed out and loaded immediately, trailers will also be sheeted and building fans will be run during cleaning out to disperse the odour. The litter will also be wetted before emptying thereby reducing dust, a carrier of odour, and lastly a portable deodorising unit will be placed down wind of the loading point. It will operate for 100% of the loading time, and will act to mask any smells. It is also stated that some litter spreading occurring at Court Farm will cease. It should also be stated that the litter will be taken south as at present onto the B4348 road.
- 6.7 The issue of noise has already been touched upon above as regards feed deliveries at night. The issue of noise from fans has also been raised in one letter, it is however considered that given the distances involved between the nearest protected dwelling and the poultry houses and that it is very unlikely that all the fans would need to be going all at one time. A reason for refusal on grounds of noise could not reasonably be sustained.
- 6.8 The second issue relating to the impact that the poultry houses would have in this part of the designated Area of Great Landscape Value. The existing buildings and existing trees screen the development from both local and long range views. It is recommended that existing field boundaries are reinforced with additional tree planting. Therefore it is not considered that the four poultry units will have a detrimental impact in the landscape.
- 6.9 The issue of traffic movements and the means of access has been raised by both the Parish Council and a number of residents. There will be an increase in traffic movements of seven additional vehicles from 10 at present, however this averages out at one additional lorry movement a day which both the Highways Agency and the Traffic Manager consider to be acceptable. The delay in determination of the application was due to the Highways Agency needing to be satisfied that articulated vehicles could manoeuvre onto the A49(T) to the satisfaction of the Highways Agency. There are evidently problems with vehicles being parked haphazardly outside the Community Hall and Doctor's Surgery that has resulted in lorries being blocked in their passage. However, as has been stated already only one extra articulated lorry movement per day is anticipated and given that the Traffic Manager considers that for such a relatively short stretch of adopted road there are no adverse problems, grounds of refusal on highway grounds cannot be reasonably sustained. Some locals would prefer all traffic to go via the southerly route onto the B4348 road, i.e. articulated feed lorries and the existing litter trailers and vehicles. This is though not believed to be practicable given the access arrangements available for larger vehicles.
- 6.10 The proposal is one that will have an impact in many different ways. There is the impact of the buildings themselves which, although not an issue raised in objections, is

nevertheless an issue given the site is on land designated as being part of the Area of Great Landscape Value. These buildings are large, being 91 metres long and 18 metres wide, however the topography of the site and the existing tree cover and lack of prominent vistas through the site ameliorate the impact of the poultry houses. Therefore, the proposal satisfies the provisions of Policies GD.1, ED.9 and C.8 in the South Herefordshire District Local Plan, together with Policies A.3, A.5 and CTC.9 in the Hereford and Worcester County Structure Plan.

- 6.11 The pollutants of noise, odour and dust requirements of Policies CTC.9 and A.5 in the Hereford and Worcester County Structure Plan and C.47, GD.1, ED.10 and ED.11 in the South Herefordshire District Local Plan have been satisfactorily achieved given the distance of the nearest protected dwelling from the poultry houses proposed, that noise levels at night will be reduced by day-time feed deliveries in future, that litter will be managed in a more systematic manner with deodorising the odour and the covering of trailers carrying litter such that the extended clearance period of two days will not create intolerable conditions to residents, many of whom are over 600 metres away from the proposal site. Litter will also not be spread at Court Farm, but elsewhere on land in the applicant's ownership. There are clearly improvements being made that address some of the issues raised as required by Policy ED.11 in the South Herefordshire District Local Plan. The Environment Agency and the Environmental Health and Trading Standards Officer support the application. A new incinerator sited further away from residents to replace the existing one should also make a material improvement in the amenity of those residents who have been affected previously particularly with the smell of burnt feathers.
- 6.12 Traffic will increase, however the extra articulated lorry a day on average on top of the average of two movements per day is considered acceptable as the Highways Agency is satisfied that the junction of the unclassified road and A49(T) is satisfactory and that the Traffic Manager is satisfied that the capacity of the existing adopted road can take the extra traffic that will ensue in the event of planning permission being granted. Therefore, there are considered to be no grounds for withholding planning permission subject to conditions requiring additional tree planting, a condition controlling the colour of the buildings, details of the new incinerator, a condition stopping litter spreading at Court Farm and a condition controlling the times delivery vehicles leave and visit the site.

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. B11 (Details of external finishes and cladding (industrial buildings))**

Reason: To secure properly planned development.

4. E02 (Restriction on hours of delivery)

Reason: To safeguard the amenities of the locality.

5. No litter from any of the proposed poultry houses shall be spread on any land at Court Farm. All litter shall be taken off the site properly sheeted and via the access onto the B4348.

Reason: To safeguard residential amenity.

6. F38 (Details of flues or extractors)

Reason: In the interests of the amenity of the area.

7. Details of any replacement incinerator including the proposed siting shall be the subject to the existing incinerator being permanently removed from Court Farm and shall be approved in writing by the local planning authority before the incinerator is first installed.

Reason: To safeguard residential amenity.

8. At times of cleaning out any of the poultry houses a deodorising unit, specifications of which shall be the subject of the prior written approval of the local planning authority shall be sited down wind of the poultry units in order to lessen the potential for odour.

Reason: To safeguard residential amenity.

9. G04 (Landscaping scheme (general))

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

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

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

Informative(s):

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

7 DCSE2005/0065/F - PARTIAL RECONSTRUCTION AND EXTENSION OF BARN FOR ONE NO. DWELLING, NEWTON FARM, WELSH NEWTON, MONMOUTH, NP25 3RN

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

Date Received: 11th January, 2005 Ward: Llangarron Grid Ref: 50016, 17872

Expiry Date: 8th March, 2005

Local Member: Councillor Mrs. J.A. Hyde

1. Site Description and Proposal

- 1.1 The site is located at Welsh Newton which is a small settlement located on the east side of the Class I A466 in the extreme south of the County. The site itself is just to the south east of the settlement and is approached by an unmade track.
- 1.2 The proposal relates to a stone building for which planning permission was granted in 2002 for conversion into a dwelling. Recent investigations have revealed that the work as undertaken is significantly different from that approved. This application seeks to essentially regularise the work as carried out.

2. Policies

2.1 Planning Policy Guidance/Statements

PPG.1	-	General Policy and Principles
PPG.15	-	Planning and the Historic Environment
PPS.7	-	Sustainable Development in Rural Areas

2.2 Hereford and Worcester County Structure Plan

Policy CTC.2	-	Area of Great Landscape Value
Policy CTC.7	-	Development and Features of Historic and Architectural Importance
Policy CTC.9	-	Development Requirements
Policy CTC.14	-	Criteria for the Conversion of Buildings in Rural Areas
Policy H.16A	-	Development Criteria
Policy H.20	-	Residential Development in Open Countryside

2.3 South Herefordshire District Local Plan

Policy GD.1	-	General Development Criteria
Policy C.1	-	Development within Open Countryside
Policy C.8	-	Development within Area of Great Landscape Value
Policy C.29	-	Setting of a Listed Building
Policy C.36	-	Re-use and Adaptation of Rural Buildings

- Policy C.37 - Conversion of Rural Buildings to Residential Use
- Policy SH.11 - Housing in the Countryside
- Policy SH.24 - Conversion of Rural Buildings

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- Policy H.7 - Housing in the Countryside outside Settlements
- Policy H.14 - Re-using Previously Developed Land and Buildings
- Policy HBA.4 - Setting of Listed Buildings
- Policy HBA.12 - Re-use of Rural Buildings
- Policy HBA.13 - Re-use of Rural Buildings for Residential Purposes
- Policy LA.2 - Landscape Character and Areas Least Resilient to Change
- Policy DR.1 - Design

2.5 Supplementary Planning Guidance

Re-use and Adaptation of Traditional Rural Buildings

3. Planning History

- 3.1 There have been a considerable number of applications with respect to Newton Farm. The following are those most directly relevant to this proposal:

- | | | | |
|----------------------------|--|---|-------------------|
| SH890603PF)
SH890604LA) | Barn to staff accommodation, part of equestrian training centre and stud | - | Approved 21.06.89 |
| SW2000/0312/O | Equestrian centre with car parking | - | Approved 11.10.01 |
| SW2000/0313/F | Conversion of equestrian building to farmhouse | - | Approved 11.10.01 |
| SW2000/0314/F | Conversion to form 6 holiday cottages | - | Approved 11.10.01 |

NB. A Section 106 Agreement was completed in association with the above-mentioned permissions

- | | | | |
|------------------|---|---|---|
| SW2002/2136/F | Barn conversion for residential purposes | - | Approved 13.11.02 |
| SW2002/3708/F | Erection of domestic garages | - | Approved 06.03.03 |
| SW2002/3712/F | Conversion of stable block into three holiday cottages | - | Approved 01.05.03 |
| DCSE2003/2909/F | Upgrading existing access | - | Refused 20.11.03 |
| DCSE2003/3063/F | Equestrian Centre, including restaurant, staff and instructors accommodation, car parking and ancillary works | - | Refused 08.01.04 (subject of current Appeal to DoE) |
| DCSE2004/0912/RM | 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 |

DCSE2004/2607/RM Equestrian centre, car parking and ancillary works - Approved 17.01.05

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency has no objections subject to conditions.
- 4.2 The Open Spaces Society have no comments.

Internal Council Advice

- 4.4 The Traffic Manager has no objection subject to conditions and advises that parking should not be permitted where it would obstruct the Public Right of Way.
- 4.5 The Conservation Manager objects as the proposal does not meet the criteria in the Council's Supplementary Planning Guidance.

5. Representations

- 5.1 Llanrothal Parish Council object to this proposal. The building is out of scale with the existing barn and both larger and higher increasing the impact on the local environment in an area of great landscape value. The building is now the dominant feature in that area. The increased size has greatly caused concern about the proximity to a Grade 2 listed building and also the reduction in privacy this entails. Again the Council are worried about the precedent in allowing a previous conversion of an old traditional barn transform into an almost complete modern new build which we believe would have been very unlikely to have been approved.
- 5.2 The applicant and his agent have both written in support/explanation and these are attached as an appendix.
- 5.3 Three letters in support have been received. These consider that the building has only been slightly altered in a minor way, it will enhance the site and the area and there will be no effect on adjoining buildings.
- 5.4 Thirteen letters of objection have been received. The objections raised are:
- this is a new building and not a conversion
 - it is contrary to planning policy
 - it dominates the area
 - it harms the setting of the nearby listed building
 - its style is unseemly and insensitive
 - it should be reinstated to its previous form
 - it is not a conversion but a new house and is too large
 - there is disruption for the Public Right of Way and traffic danger
 - there are discrepancies in the drawings
 - the barn is a listed building
 - the privacy of adjoining houses has been lost
 - the building is not in the form of the permitted conversion
- 5.5 It should be noted that the consultation period expires on 14th February, 2005.

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 Welsh Newton is identified in the Local Plan as a smaller settlement. The application site is to the south of the main group of dwellings that constitute the settlement and therefore is in the open countryside. Planning policy seeks to restrict new development in such locations. In terms of housing exceptionally, permission can be granted where the proposal is for the conversion of an existing building, in the case of a new dwelling where it is required for an agricultural worker or for affordable housing.
- 6.2 This original permission related to a traditional rural building. This essentially comprised a long stone structure of single storey with an attic, with on its west side two single storey additions. In 1989 permission was granted for its conversion to residential accommodation. Subsequently in 2001 permission was granted for its conversion to six holiday cottages with this scheme being one of three permissions, the others being conversion of a further building into a farmhouse and construction of an equestrian centre. In 2002 permission was granted for the conversion of this building into a residential use (SW2002/2136/F). It is considered that this is not a Listed Building.
- 6.3 The applicant sought to implement the 2002 permission. The approved plans showed the retention of the principal stone structure but with the two wings on the west side to be reconstructed. The finished conversion would create a five bed roomed house.
- 6.4 Work commenced in early 2003 (as noted by Building Control). However recently it became apparent that the work was not proceeding in accordance with the permission. It seems clear that the majority of the original barn has been demolished and rebuilt. The only identifiable remaining part of the original is a seven metre length of wall. In its rebuilding the main structure has been increased in height, from a ridge height of some 6.6 to some 7.6 metres. The wagon way gable entrance on the east side is significantly larger than the original; the width has increased from 3.9 to 5.8 metres and the ridge height from 5.7 to 7.2 metres. The rear wings are also different to that approved. One has increased in width from 8.7 to 9.8 metres and its ridge height from 5.8 to 7.6 metres. The ridge height of the other has risen from 5 to 6 metres. In addition a chimney has been added. There are other matters of important detail – the new stone walling does not reflect the local character, the treatment of the eaves has a modern boxed appearance and the roof is entirely new. When these discrepancies were identified the applicant was advised that the work was unauthorised.
- 6.5 This application seeks permission for the work as, so far, completed. In support reference should be made to the letters from the agent and the applicant in the appendix.
- 6.6 In considering the original application there was no suggestion on the submitted drawings that major reconstruction was intended or even necessary. With regard to the issue of the Building Regulations the position as stated by the agent is disputed. Although the site was visited on a number of occasions by the Building Inspector at no time was it suggested or required that any existing walls should be removed.

- 6.7 Planning permission was for the conversion of a building. The only part of the original building that remains appears to be a short section of wall, which is now an internal wall. Effectively this is a new dwelling.
- 6.8 Planning policy clearly restricts new housing in the countryside. The conversion of rural buildings can be permitted. The scheme in 2002 met the policy requirement. Although it involved some reconstruction, of the rear wings, these would in their design retain their 'agricultural' scale and appearance especially in relation to the main structure. The site is near to a Listed Building, Pembridge House. The 2002 scheme respected the setting of Pembridge House.
- 6.9 It is not the case that the structure as built will look the same as would a scheme based on a pure conversion. It is a significantly different structure.
- 6.10 It is an important element of policy that in dealing with rural buildings any conversion is that – a conversion and not a new structure. This is emphasised in all relevant policies and in the Supplementary Planning Guidance. The policy aim is to preserve important structures and not to permit new dwellings.
- 6.11 In terms of the principle, the proposal is contrary to policy in that it is the erection of a new dwelling in the countryside without planning permission. It appears to be based on the 2002 permission but the construction has resulted in a new and significantly different building. The new construction does not reflect the original agricultural character and it is a significantly more intrusive feature in the local landscape particularly when viewed from the west. The site is within the Area of Great Landscape Value. The changes are such, particularly with regard to the scale and design of the wings on the west side, that there is now a detrimental impact on the setting of Pembridge House.
- 6.12 It is not considered that changes could be readily made to the structure that would mitigate its overall unacceptability. A new house has been constructed, albeit very loosely based on a planning permission for a barn conversion, in the open countryside. There would appear to be no justification why an exception should be made to normal policy. It should be noted that if permission is refused then it would be expedient to proceed with enforcement action to secure the removal of the building.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. Notwithstanding that planning permission was granted in 2002 (Application SE2003/2136/F) for the conversion of a building, the development as carried out has resulted in the erection of a new dwelling in the open countryside. This is contrary to Hereford and Worcester Structure Plan Policies H.16A and H.20, and South Herefordshire Local Plan Policies C.1 and SH.11, as supplemented by the advice in PPS.7. There does not appear to be justification for these policies to be set aside. In addition the development, due to its scale and form, would have a harmful effect on the Area of Great Landscape Value and the setting of Pembridge House, a Listed Building.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

SE 05 / 0065 / F

DEREK  PROSSER
ASSOCIATES

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Ty-Canol,
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South Wales.
NP44 6JH.

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Your Ref. T2004/4321

7 January 2005

Mr M Willmont
Planning Department
County of Herefordshire District Council
Southern Planning Services PO Box 230
Blueschool House
Blueschool Street
HR1 2ZB

Dear Mr Willmont

RE: ALTERATIONS, REPAIRS AND EXTENSIONS TO BARN FOR RESIDENTIAL PURPOSES. NEWTON FARM WELSH NEWTON MONMOUTH HEREFORDSHIRE NP5 3RN.

This letter is submitted in support of application T2004/4321 recently submitted at your Department's request following our Client, Mr Gilling's work to implement the planning permission previously granted for the conversion and extension of the existing barn.

You may be aware that Mr Gilling has been slowly implementing the planning permission since Spring 2003. The original barn building was in poor condition and I am surprised that prior to the grant of permission you did not require from my Client a Structural Engineers report on the integrity of the structure of the building. Nonetheless, following Officer inspection of the building and due consideration of your Council's policies and other material considerations your Council granted planning permission.

The permission allowed major elements of new development in lieu of portions of the original building which were in poor structural condition. My Client naturally commenced the permission with the construction of these elements because they added structural integrity to the remaining elements which were many years old. Elements of the existing barn had been subject to poor work as part of reconstruction efforts by a previous owner. A visit by the Building Inspector, Mr Herbert confirmed that work carried out as part of the earlier restoration by others had been condemned by him and had to be rebuilt to meet current Building Regulations. As Mr Herbert was an Officer of the Council, Mr Gilling felt that this advice needed to be fully addressed. At no time did Mr Herbert refer Mr Gilling back to the Planning Department for advice. Conversations between Mr Herbert were witnessed by Mr Gilling's employee and no doubt Mr Herbert will have notes of his visits. When Mr Herbert moved to the Northern Hereford Area, two other Inspectors appeared and were content with the work which was being

HEREFORDSHIRE COUNCIL
PLANNING SERVICES
DEVELOPMENT CONTROL

11 JAN 2005

Principal: Derek J. Prosser, B.Sc., DipTP., MRTPi

Ack'd File

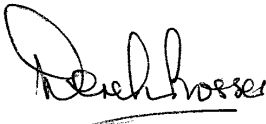
carried out painstakingly in small sections in order to retain as much of the original barn structure as was possible.

During the time the work has been implemented there have been several site visits by your Planning Officers in relation to other proposals at the farm and at no time have questions been raised over the progress of this development. It has been proceeding slowly and completely openly with no intention to deceive. It was consequently, a great surprise to my Client that your Department required this new application.

I have some experience with similar schemes elsewhere and on one occasion with a similar proposal which resulted in major elements of reconstruction, resulting from visits by the Council's Officers, I won an appeal and I recall, an award of costs against the Council when the Council served an Enforcement Notice requiring the demolition of major elements of approved new work. I am sure we can resolve this matter amicably and suggest that we meet at your offices shortly to review the existing planning permission and my Client's efforts to implement it.

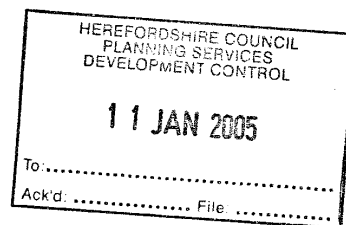
I look forward to hearing from you with some suggested dated for such a meeting with your colleagues, my Client Mr Gilling and Architect, Mr Crowther.

Yours sincerely



Derek Prosser BSc DipTP MRTPI

cc M J Crowther



SE 05 / 0065 / Fmu

The Standing,
Upper Lane,
Devauden,
Monmouthshire
NP16 6PE

Dear Mr Willmont,
Ref: Barn, Newton Farm, Welsh Newton.

With reference to the discrepancy in the width of the two wings, I spoke some time ago with the sub contractor responsible for building the wings. He claims that the footings were constructed in the exact 'footprint' of the wings which existed. By way of background the wings comprised of wooden and metal frame structures but with a definite footprint.

It would appear that on-site evidence would point to this being correct. In the case of the southern wing it the kitchen and utility areas, marks on the existing underpinned wall would point to this to this being correct. This can be backed up by the fact that the roof which comprised corrugated sheets were built on metal A frame trusses. We still have these trusses and comparing these against the outside of the reconstructed building would show this to be correct.

The roof over the wing containing the lounge was hand made out of timber, and whilst no back up evidence is available, no doubt the discrepancy on this wing could be explained this way as well. Should it be possible for a member of your staff to visit the site, the evidence could be viewed.

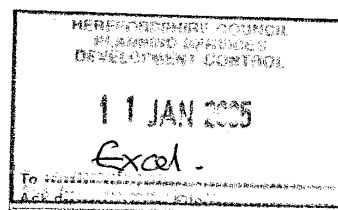
Prior to our commencing work on the barn, the stonework was very stained and covered with moss and vegetation. The fact that no guttering existed only assisted the deterioration.

The stonework was thoroughly cleaned and the appearance of the barn, in our view, enhanced. We did not feel that this cleaning action would contravene any planning permission. The stonework is now weathering evenly and is beginning to resemble the stonework of nearby properties.

I trust this is satisfactory and await you comments.

Yours Sincerely,


J.S. Gilling



8 DCSE2005/0064/F - ALTERATIONS AND PARTIAL RECONSTRUCTION OF THE STABLE BLOCK FOR THE PROVISION OF 3 NO. HOLIDAY COTTAGES, NEWTON FARM, WELSH NEWTON, MONMOUTH, NP25 3RN

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

Date Received: 11th January, 2005 Ward: Llangarron Grid Ref: 50016, 17872

Expiry Date: 8th March, 2005

Local Member: Councillor Mrs. J.A. Hyde

1. Site Description and Proposal

- 1.1 The site is located at Welsh Newton which is a small settlement located on the east side of the Class I A466 in the extreme south of the County. The site itself is just to the south east of the settlement and is approached by an unmade track.
- 1.2 The proposal relates to a single storey brick structure for which planning permission was granted in 2002 for conversion into three holiday cottages. Recently a significant part of the building was demolished and new foundation work commenced. This application seeks to regularise the work.

2. Policies

2.1 Planning Policy Guidance/Statements

PPG.1	-	General Policy and Principles
PPG.15	-	Planning and the Historic Environment
PPS.7	-	Sustainable Development in Rural Areas

2.2 Hereford and Worcester County Structure Plan

Policy CTC.2	-	Area of Great Landscape Value
Policy CTC.7	-	Development and Features of Historic and Architectural Importance
Policy CTC.9	-	Development Requirements
Policy CTC.14	-	Criteria for the Conversion of Buildings in Rural Areas
Policy H.16A	-	Development Criteria
Policy H.20	-	Residential Development in Open Countryside

2.3 South Herefordshire District Local Plan

Policy GD.1	-	General Development Criteria
Policy C.1	-	Development within Open Countryside
Policy C.8	-	Development within Area of Great Landscape Value
Policy C.29	-	Setting of a Listed Building
Policy C.36	-	Re-use and Adaptation of Rural Buildings

- Policy C.37 - Conversion of Rural Buildings to Residential Use
- Policy SH.11 - Housing in the Countryside
- Policy SH.24 - Conversion of Rural Buildings

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- Policy H.7 - Housing in the Countryside outside Settlements
- Policy H.14 - Re-using Previously Developed Land and Buildings
- Policy HBA.4 - Setting of Listed Buildings
- Policy HBA.12 - Re-use of Rural Buildings
- Policy HBA.13 - Re-use of Rural Buildings for Residential Purposes
- Policy LA.2 - Landscape Character and Areas Least Resilient to Change
- Policy DR.1 - Design

2.5 Supplementary Planning Guidance

Re-use and Adaptation of Traditional Rural Buildings

3. Planning History

- 3.1 There have been a considerable number of applications with respect to Newton Farm. The following are those most directly relevant to this proposal:

- | | | | |
|----------------------------|--|---|-------------------|
| SH890603PF)
SH890604LA) | Barn to staff accommodation, part of equestrian training centre and stud | - | Approved 21.06.89 |
| SW2000/0312/O | Equestrian centre with car parking | - | Approved 11.10.01 |
| SW2000/0313/F | Conversion of equestrian building to farmhouse | - | Approved 11.10.01 |
| SW2000/0314/F | Conversion to form 6 holiday cottages | - | Approved 11.10.01 |

NB. A Section 106 Agreement was completed in association with the above-mentioned permissions

- | | | | |
|------------------|---|---|---|
| SW2002/2136/F | Barn conversion for residential purposes | - | Approved 13.11.02 |
| SW2002/3708/F | Erection of domestic garages | - | Approved 06.03.03 |
| SW2002/3712/F | Conversion of stable block into three holiday cottages | - | Approved 01.05.03 |
| DCSE2003/2909/F | Upgrading existing access | - | Refused 20.11.03 |
| DCSE2003/3063/F | Equestrian Centre, including restaurant, staff and instructors accommodation, car parking and ancillary works | - | Refused 08.01.04 (subject of current Appeal to DoE) |
| DCSE2004/0912/RM | 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 |

DCSE2004/2607/RM Equestrian centre, car parking and ancillary works - Approved 17.01.05

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency has no objection subject to conditions.
- 4.2 The Open Spaces Society have no comment.

Internal Council Advice

- 4.4 The Traffic Manager has no objection subject to conditions. With regard to the Public Right of Way it is advised that any parking should not obstruct it nor should it be affected by the development.
- 4.5 The Conservation Manager objects as it is considered that the proposal does not meet the requirements of the Council's Supplementary Planning Guidance.

5. Representations

- 5.1 Llanrothal Parish Council object to this development. The block does not appear to be of architectural value or suitable for conversion due to the deterioration in the structure since the last application. It is outside the village boundary and the Council are concerned about setting a precedent with granting permission to build largely a new structure.
- 5.2 The applicants' agent has written in support/explanation and this letter is attached as an appendix.
- 5.3 Two letters in support has been received. These state that the Council had overlooked structural problems and that the demolition was to make the building safe on professional advice and the requirement for a further application is onerous.
- 5.4 Ten letters of objection have been received. The objections are:
- it is doubted that the building is now capable of conversion
 - the building has been largely demolished and it will be a new building
 - it will not be a conversion
 - there will be a traffic danger
 - nuisance will be caused to nearby residents
 - there will be a risk to users of the Public Right of Way
 - the AGLV will not be enhanced
 - a new building will be contrary to planning policy
 - the conversion scheme is unattractive
- 5.5 It should be noted that the consultation period expires on 14th February, 2005.

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 Welsh Newton is identified in the Local Plan as a smaller settlement. However this site is to the south of the main group of dwellings and is in the open countryside. In such locations planning policy seeks to restrict new development. One exception to this is where a rural building can be converted to an alternative use.
- 6.2 This relates as originally submitted to a rural building. This essentially comprises(ed) a single storey brick structure with a corrugated metal ridged roof. Planning permission for its conversion was originally granted in 2001, into a farmhouse. This development was in association with two other permissions being the conversion of a barn into six holiday cottages and the construction of an equestrian centre. Subsequently in 2003 permission was granted for the conversion of the building into three holiday cottages. (Application SE2002/3712/F).
- 6.3 The scheme approved showed the existing brick walls to be retained and faced externally in natural stone cladding. At the time the agent confirmed that the "existing foundation and external walls are to remain repaired and underpinned as necessary and clad externally in local stone" (letter dated 25th April, 2003).
- 6.4 At some point in late 2004 the west wall of the building collapsed. In a letter, in November, outlining the event the agent enclosed a letter from a structural engineer (dated August 2004) which expressed concern as to the stability of the wall. Following its collapse, work commenced on new foundation work. The applicants were advised that as the building had been demolished by some 50% (part of the roof was also removed) that the planning permission had been lost.
- 6.5 This application seeks to alter and partially reconstruct the building. It shows one half of the building to be entirely new with the remainder to be retained. As in the 2003 permission it would be clad in natural stone.
- 6.6 The original building is of little architectural or historic merit. The approved conversion would have involved its retention although its external appearance would have significantly changed by the addition of stone cladding and a slate roof. However it did provide for a re-use of an existing building and thus be in accordance with policy. The current application in terms of the resultant external appearance would be identical to that previously approved.
- 6.7 However, it is a fundamental element of policy that buildings should be capable of being converted without the requirement for extensive reconstruction. It is regrettable that some 50% of the building no longer exists. Indeed, recently a further short section of wall on the south end has also been lost due to the effects of the weather. Having regard to the structural frailty of the building there is no evidence that the remaining sections could be retained as still envisaged. There is a possibility that the whole of the structure would be required to be replaced.
- 6.8 Whilst, as noted above, the resultant building would be almost identical in its external appearance it would effectively be substantially a new structure. It would be contrary to established policy to grant permission for new build development in this location.

RECOMMENDATION

That planning permission be refused for the following reason:

1. Notwithstanding that planning permission was granted in 2003 (Application SW2002/3712/F) for the conversion of the building, the proposal would result in a substantial amount of new build development. As such, the development would not be the conversion of a rural building and is therefore contrary to Hereford and Worcester County Structure Plan Policies H.16A, H.20 and CTC.14, and South Herefordshire District Local Plan Policies GD.1, C.1, C.36, C.37 and TM.5, as supplemented by the Council's 'Re-use and Adaptation of Traditional Rural Buildings' and PPS.7.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

SE2005/0064/Fmw

DEREK  PROSSER
ASSOCIATES

Planning and Development Consultants

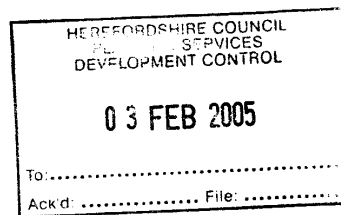
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South Wales.
NP44 6JH.

Tel & Fax (01633) 861161
Mobile (07748) 150267
E-mail derekprosser@supanet.com

Your Ref. T2004/4318

2 February 2005

Mr M Willmont
Planning Department
County of Herefordshire District Council
Southern Planning Services PO Box 230
Blueschool House
Blueschool Street
HR1 2ZB



Dear Mr Willmont

RE: ALTERATIONS AND RECONSTRUCTION OF STABLE BLOCK FOR PROVISION OF 3, NO, HOLIDAY COTTAGES, NEWTON FARM WELSH NEWTON MONMOUTH HEREFORDSHIRE NP5 3RN.

I refer to the above-mentioned planning application which I understand has recently been acknowledged and registered.

This letter is submitted to support the proposal following necessary changes to the approach to the project as a result of the condition of the building. You will know that the original building was in poor condition. Nonetheless in considering the original proposal to convert it to 3 holiday lets, your authority did not require a Structural Engineers report upon the integrity of the building and its ability to withstand conversion works. Following Officer inspection, and in the light of your Council's prevailing policies for the area and such proposals your Council decided to grant planning permission.

The building was however, in poor condition with substantial undermining of foundations and corner walls in some location as a result of existing site drainage runs. As cautiously as Mr Gilling approached the work, the condition of the building deteriorated to such an extent that replacement work was necessary. Since then, of course, you will be aware that during a heavy storm, Mr Gilling reported to your Department that the roof and an entire wall had been lost. All of these issues have led to the current application which is submitted to produce the same building on the site but acknowledging the reconstruction works.

I understand that previously, permissions have been granted for holiday lets on this site and in the light of the planning permission granted for the equestrian centre and your Council's policies and

Principal: Derek J. Prosser, B.Sc., DipTP., MRTPI

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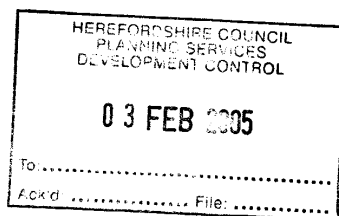
national policies encouraging diversification of the rural economy, I trust you will feel able to support the current proposals, notwithstanding that less of the original structure will remain.

Yours sincerely



Derek Prosser BSc DipTP MRTPI

cc M John Crowther



**9 DCSE2004/2901/RM - ERECTION OF ONE DWELLING.
LAND ADJOINING MARSH COTTAGE, PONTSHILL,
ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SZ**

**For: Mr. & Mrs. D. Hopwood per Mr. M.J. Morgan,
1 Coombs Road, Coleford, Gloucestershire, GL16 8AY**

Date Received: 16th August, 2004 Ward: Penyard Grid Ref: 63883, 22051
Expiry Date: 11th October, 2004
Local Member: Councillor H. Bramer

1. Site Description and Proposal

1.1 Outline planning permission was granted in February 2003 for the erection of a cottage in part of the garden to the south-west of The Marsh, Pontshill Marsh. It was considered that the site was within the smaller settlement at Pontshill. The site adjoins residential properties to the south-east, including a new dwelling replacing Juniper Cottage. There is a brook along the south-western boundary of the site and a line of mature trees along the north-western boundary.

1.2 The current proposal is for reserved matters approval. All matters are included except for means of access which was agreed at outline stage. The proposed two-storey house would be sited away from the highway and brook and about 4.5m from the north-eastern boundary with The Marsh and about 7m from the south-eastern boundary with the new Juniper Cottage. The house would have 4/5 bedrooms with an integral garage. It would be rectangular in shape but with the garage and entrance porch/cloak room projecting at ground floor level. The external materials would be facing bricks and concrete tiles. The original submission has been amended by changes to detailed design and the position of the house, moving it further into the site away from the boundary trees and stream.

2. Policies

2.1 Planning Policy Guidance

PPS.7 - Sustainable Development in Rural Areas
PPG25 - Development and Flood Risk

2.2 Hereford and Worcester County Structure Plan

Policy H18 - Housing in Rural Areas
Policy H20 - Housing in Rural Areas
Policy H16A - Housing in Rural Areas
Policy CTC2 - Area of Great Landscape Value
Policy CTC9 - Development Criteria

2.3 South Hereford District Local Plan

Policy SH10 - Housing in Smaller Settlements
Policy SH14 - Siting and design of buildings

Policy SH15	-	Criteria for new housing schemes
Policy GD1	-	General development criteria
Policy C43	-	Foul sewerage
Policy C44	-	Flooding
Policy C45	-	Drainage

2.4 Herefordshire UDP (Revised Deposit Draft)

Policy H6	-	Housing in smaller settlements
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3. Planning History

3.1	DCSE2003/3287/O	Erection of Cottage	-	Approved 26.02.03
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4. Consultation Summary

Statutory Consultations

4.1 The Environment Agency has no objections in principle but points out:

- The Agency's latest Flood risk data shows that the lower part of the site is at risk of flooding in a 1% event.
- It is considered that the dwelling is located just outside of Flood Zone 3 but the proposed Biodisc is located within this flood risk area.
- As the proposed dwelling lies at the edge of Flood Zone 3 and may be at risk of flooding due to its close proximity to the floodplain of the adjacent Ordinary watercourse, it is recommended that the Applicant sets floor levels 600mm above the highest recorded flood level or existing ground level.

Internal Council Advice

4.2 The Traffic Manager recommends that conditions be included if permission is granted.

5. Representations

5.1 The applicants' agent points out that "the (sewage disposal) unit is identical to the one currently in use on the adjoining new house [Juniper Cottage] which has proved to function very satisfactorily."

5.2 Parish Council comments:

"The Parish Council objects to this application, for the reason already given in application SE2002/3287/O, as follows:

- (a) the site is low-lying and wet, with a brook bordering one side; it is considered that building another house will aggravate the existing poor drainage conditions in the area."

5.3 One letter has been received objecting to the development for the following reasons:

- such a large house would be very overpowering; a 4 bedroom house is much too big for such a small area especially with a stream as its boundary

- as land is so wet, floor level will have to be raised about 1m so that house will tower over The Marsh, giving no privacy at all - already overlooked on all 4 sides and only window not overlooked will be in direct line of proposed house
- Juniper Cottage has 7 windows and a front porch overlooking The Marsh which has taken away privacy and this will finish it.

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

6. Officers Appraisal

- 6.1 This application is for approval of the siting, external appearance, design and landscaping matters. The main issue raised is the effect on the amenities of neighbours. The house would be sited away from the stream and its trees. This is necessary as the stream does flood the lower part of the site and to protect the trees from serious harm during construction of foundations. The flank wall of the new house would be about 24m from The Marsh and no windows are proposed in that elevation. The rear windows face the end elevation of Juniper Cottage which is about 19m away but there are no windows in the latter. The new house would overlook the gardens of both neighbouring houses but this is not untypical in villages and the windows in the new house would be at a 45 degree angle to the garden of The Marsh. It is considered therefore that there would not be a serious loss of privacy.
- 6.2 The house would not be unusually large for the size of the plot and would be lower than a full two-storey house as the upper floor is partly within the roof slope. Consequently raising the floor level recommended by the Environment Agency would not result in the house being unacceptably obtrusive.
- 6.3 There are reservations regarding design but some amendments have been made and the house would be similar to the recently constructed Juniper Cottage.
- 6.4 The problem of poor drainage/flooding was fully considered at outline stage and it was considered that this was not grounds to refuse permission.

RECOMMENDATION

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

1. B01 (Samples of external materials)

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

2. A09 (Amended plans)

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

3. G04 (Landscaping scheme (general))

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

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

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

5. 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(s)

- 1. The proposed Biodisc should be relocated outside of the 1% floodplain to prevent any environmental nuisance, from the system being washed out, in the event of a severe flood.
- 2. N15 - Reason(s) for the Grant of Approval of Reserved Matters

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

10A DCSE2004/4263/F - CONVERSION OF ONE DWELLING INTO TWO DWELLINGS AND INTERNAL ALTERATIONS AND SINGLE STOREY EXTENSION, 5 & 6 NEW STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7DA

10B DCSE2004/4261/L - CONVERSION OF 5 & 6 NEW STREET FROM ONE DWELLING TO TWO DWELLINGS, SINGLE STOREY EXTENSION AND INTERNAL ALTERATIONS. REMOVE GARAGE DOOR TO ELEVATION FACING NEW STREET AND REPLACE BY WOODEN DOOR AND WINDOW, 5 & 6 NEW STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7DA

For: Mr. J. Powell per Mr. A.B. Parkes, Crown Cottages, Peterstow, Ross-on-Wye, Hereford, HR9 6JZ

**Date Received: 15th December, 2004 Ward: Ross-on-Wye Grid Ref: 59842, 24296
West**

Expiry Date: 9th February, 2005

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

1. Site Description and Proposal

- 1.1 This site, situated within the town boundary of Ross-on-Wye and the designated Conservation Area, is an existing dwelling which forms part of a terrace of dwellings fronting directly onto New Street. The existing dwelling has four bedrooms with one upper floor above the garage side of the dwelling and two upper floors above the other side. Consequently the dwelling has two different roof levels. The building is a Grade II Listed building and has a narrow garden at the rear.
- 1.2 The proposal is to convert this dwelling into two individual dwellings, i.e. by splitting it straight down the middle. The proposal also involves the erection of a single storey extension at the rear and other minor alterations to doors and windows, e.g. removing garage door at front and inserting a new window and front door and enlarging a rear window at first floor level. The proposed two storey dwelling will have two bedrooms and the proposed three storey dwelling will have three bedrooms.

2. Policies

2.1 Planning Policy Guidance

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

2.2 Hereford and Worcester County Structure Plan

- Policy CTC.1 - Areas of Outstanding Natural Beauty
- Policy CTC.2 - Areas of Great Landscape Value
- Policy CTC.9 - Development Requirements
- Policy CTC.15 - Conservation Areas

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.23 - New Development affecting Conservation Areas
- Policy C.27B - Alterations or Additions to Listed Buildings
- Policy C.29 - Setting of a Listed Building
- Policy C.32 - Archaeological Information
- Policy Ross-on-Wye 2 - New Housing Development
- Policy Ross-on-Wye 5 - Housing in Built Up Areas
- Policy Ross-on-Wye 16 - Conservation Area
- Policy T.3 - Highway Safety Requirements
- Policy T.4 - Highway and Car Parking Standards
- Policy SH.23 - Extensions to Dwellings

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- Policy S.2 - Development Requirements
- Policy DR.1 - Design
- Policy H.1 - Hereford and the Market Towns: Settlement Boundaries
And Established Residential Areas
- Policy LA.1 - Areas of Outstanding Natural Beauty
- Policy HBA.1 - Alterations and Extensions to Listed Buildings
- Policy HBA.4 - Setting of Listed Buildings
- Policy HBA.6 - New Development within Conservation Areas
- Policy Arch 6 - Recording of Archaeological Remains
- Policy H.16 - Car Parking
- Policy H.17 - Sub-Division of Existing Housing
- Policy H.18 - Alterations and Extensions

3. Planning History

- 3.1 DCSE2004/2834/F Convert and extend former outbuilding to form replacement kitchen - Planning Permission 29.11.04
- DCSE2004/2835/L Convert and extend former outbuilding to form replacement kitchen and various internal alterations - Listed Building Consent 29.11.04

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Conservation Manager has no objections but advises that details relating to new external materials, doors and windows, etc. be submitted. Also as the site is within historic core of Ross-on-Wye that a standard archaeological survey and recording condition be imposed on any permission.
- 4.3 The Traffic Manager recommends that any permission includes a condition requiring secure covered cycle parking.
- 4.4 The Council's Strategic Housing Services' comments relate to fire risk advice.

5. Representations

- 5.1 The applicant/agent comments that the proposed rear single storey extension was recently granted planning permission and Listed Building Consent. This dwelling was previously two dwellings, i.e. Nos. 5 and 6 and was changed to one single dwelling sometime between 1962 and 1966. The applicant has submitted extracts from various legal documents which verifies this. The proposed removal of the garage door and insertion of a door and window are more appropriate for this Listed building and its setting. A two bed town house is more appropriate for Ross-on-Wye than a five bed town house. The removal of the garage will provide an additional on-street car parking space, i.e. directly in front of existing garage door.
- 5.2 The Town Council has no objections.

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

6. Officers Appraisal

- 6.1 The main issues relate to the suitability of creating two separate dwellings out of this existing dwelling, will the two dwellings be of adequate size, its effect on neighbouring dwellings and parking, the effect on the character and setting of this Grade II Listed building and on the Conservation Area. Also the effect of the extension on the residential amenities of the neighbours. The most relevant policies are GD.1, C.27B, SH.23 and T.3 of the South Herefordshire District Local Plan.
- 6.2 The proposed flat roofed single storey extension at the rear has recently been granted planning permission and Listed building consent and as such is considered to be acceptable. The other minor alterations will not adversely affect the residential amenities of the neighbouring dwellings.

- 6.3 The existing dwelling was created from the conversion of two dwellings in the early 1960s. This application will basically revert the situation to how it was. It is considered that the resultant two dwellings will be large enough to be used as individual dwellings and will not result in cramming the site. In fact the resultant two dwellings will be in keeping with the size of the majority of the other dwellings in that section of New Street. There are a number of dwellings which are approximately the same size as the smallest (i.e. No. 5) of the proposed new dwellings. The residential amenities of the neighbouring dwellings will not be adversely affected by the proposed development.
- 6.4 The works required for the creation of the two dwelling units are minimal and will not adversely affect the character, fabric and visual appearance of this Grade II Listed building. The existing windows and external door on the front of the dwelling are made of UPVC and are at present unauthorised, i.e. Listed Building Consent was never granted for their insertion.
- 6.5 There is already an off-street car parking space in front of number 6 New Street. No parking is allowed at present in front of the existing garage. Consequently if the garage is removed and a new dwelling created then a new parking space will then be available on the street, i.e. in front of No. 5. There will therefore be a parking space available directly in front of each dwelling, i.e. No. 5 and No. 6. This is considered to be adequate in this area. The Traffic Manager's advice that secure cycle parking be provided is not considered necessary for this reason.
- 6.6 The proposal is therefore considered to be acceptable and in accordance with planning policies and guidance.

RECOMMENDATION

In respect of DCSE2004/4263/F

That planning permission be granted subject to the following conditions:

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

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

2. A07 (Development in accordance with approved plans)

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

3. Before any work commences on site detailed drawings of all new windows, dormer windows, rooflights and external doors (including materials and finish) shall first be submitted to and be subject to the prior written approval of the local planning authority.

Reason: To protect the visual appearance, character and fabric of this Grade II Listed building.

4. The new external walling on the front elevation shall match that as existing on that section of the front wall unless otherwise first agreed in writing by the local planning authority.

Reason: To protect the visual appearance, character and fabric of this Grade II Listed building.

- 5. Before any work commences on site details of the new roofing material intended for the roof of the main building shall first be submitted to and be subject to the prior written approval of the local planning authority.**

Reason: To protect the visual appearance, character and fabric of this Grade II Listed building.

- 6. D02 (Archaeological survey and recording)**

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

Informative(s):

- 1. This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.**
- 2. N14 - Party Wall Act 1996**
- 3. The applicant/developer is advised that this planning permission does not override any civil/legal rights enjoyed by adjacent property owners. If in doubt then the applicant/developer is advised to seek legal advice. Also the applicant/developer is advised to liaise with the owners of the adjoining properties before and during building work to ensure no damage is caused to those properties by the approved development.**
- 4. If you have any queries regarding the archaeological interest of the site or the requirements of the conditions relating to archaeological work, please contact Herefordshire Archaeology, Planning Services, Town Hall, St. Owen Street, Hereford (Tel: 01432-383351).**
- 5. N15 - Reason(s) for the Grant of Planning Permission**

In respect of DCSE2004/4261/L

That Listed Building Consent be granted subject to the following conditions:

- 1. C01 (Time limit for commencement (Listed Building Consent))**

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

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

3. Before any work commences on site detailed drawings of all new windows, dormer windows, rooflights and external doors (including materials and finish) shall first be submitted to and be subject to the prior written approval of the local planning authority.

Reason: To protect the visual appearance, character and fabric of this Grade II Listed building.

4. The new external walling on the front elevation shall match that as existing on that section of the front wall unless otherwise first agreed in writing by the local planning authority.

Reason: To protect the visual appearance, character and fabric of this Grade II Listed building.

5. Before any work commences on site details of the new roofing material intended for the roof of the main building shall first be submitted to and be subject to the prior written approval of the local planning authority.

Reason: To protect the visual appearance, character and fabric of this Grade II Listed building.

Informative(s):

1. This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
2. N14 - Party Wall Act 1996
3. The applicant/developer is advised that this Listed Building Consent does not override any civil/legal rights enjoyed by adjacent property owners. If in doubt then the applicant/developer is advised to seek legal advice. Also the applicant/developer is advised to liaise with the owners of the adjoining properties before and during building work to ensure no damage is caused to those properties by the approved development.
4. The existing UPVC external door and windows on the front elevation of the dwelling are at present unauthorised as Listed Building Consent has not been granted for their insertion.
5. N15 - Reason(s) for the Grant of Listed Building Consent

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

11 DCSE2004/4207/A - FASCIA SIGN X 1 AND PROJECTING SIGN X 1 AT SUPERDRUG STORE, 10 MARKET PLACE, ROSS-ON-WYE, HEREFORD, HR9 5NU

For: Superdrug plc per Frodsham Signs, North Florida Road, Haydock, St. Helens, Merseyside, WA11 9UB

**Date Received: 9th December, 2004 Ward: Ross on Wye East Grid Ref: 59972, 24141
Expiry Date: 3rd February, 2005**

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

1. Site Description and Proposal

- 1.1 The site is located at the top end of Market Place, opposite the Market Hall. The site is within the Conservation Area.
- 1.2 The proposal is for a replacement fascia sign of the same dimensions as the existing, with revised script, logos and colour. A projecting sign, measuring 0.9 m by 0.65m is proposed at one end of the sign. The signs are not illuminated.
- 1.3 Advertisement consent is required where any letter or symbol would exceed 0.75 m in height. In this instance the agent has confirmed that the height of the star symbol is 0.755 m and as such Advertisement Consent is required. Please note that this is the only reason that consent is required.

2. Policies

2.1 Planning Policy Guidance

PPG19 - Outdoor Advertisement Control

2.2 South Herefordshire District Local Plan

Policy C26 - Advertisements affecting Conservation Areas and Listed Buildings
Policy C50 - Advertisement Control
Part 3, Policy 18 Advertisements in the Conservation Area

2.2 Supplementary Planning Guidance

Design of Shopfronts and Advertisements

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy HBA11 - Advertising

3. Planning History

- 3.1 DCSE2004/4032/A Internally illuminated fascia sign. - Refused
17.1.05

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Conservation Manager: No objection in principle subject to materials and lettering, some concern at the form of script used.
- 4.3 Traffic Manager: Recommends condition.

5. Representations

- 5.1 The Town Council object to protruding signs in the Town Centre.

- 5.2 Ross on Wye and District Civic Society:
The fascia lettering does not conform with the guidance (Supplementary Planning Guidance) that such lettering should be plain and simple. The cursive script in an angular style is not appropriate to the centre of Ross. The guidance also states that businesses should be prepared to modify their house styles wherever appropriate to the building or character of the area.

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 for consideration are the impact of the signage upon visual amenity in the Conservation Area and highway safety implications.
- 6.2 Planning policies and guidance in the Council's SPG "Design of Shopfronts and Advertisements", require a high quality of design of signage and seek to ensure that advertisements will not detract from the host building and the character of the area, particularly within a Conservation Area.
- 6.3 It will be noted that a recent application for similar replacement signage on the building, which was internally illuminated, was refused advertisement consent, on the basis that it dominated the host building to the detriment of the historic area. This signage is not internally illuminated which considerably lessens its visual impact. The script and logos are considered to relate well to the basic proportions of the shopfront and building, and indeed the sign as a whole is considered to be more 'subdued' in appearance, colour and style than the existing fascia which is somewhat garish. Comments regarding the form of script are noted, however this is not considered to be sufficiently detrimental to warrant objection to the scheme.

- 6.4 The Town Council objection to the projecting sign is noted. Policy guidance states that projecting signs or hanging signs are usually acceptable provided they are placed at fascia level, as in this instance. Furthermore, both adjoining shops have very similar projecting signage. As such no objection is raised to this element of the scheme.
- 6.5 The replacement signage will not adversely affect highway safety.
- 6.6 Overall, subject to conditions, the proposed replacement signage is considered to respect the host building and the character and appearance of the Conservation Area.

RECOMMENDATION

That Advertisement Consent be granted subject to the following conditions:

- 1 I01 (Time limit on consent)**
Reason: In the interests of the visual amenity of the area.
- 2 I02 (Removal of existing signs)**
Reason: To preclude the build-up of unnecessary advertisements on the application site to the detriment of [the street scene] [visual amenity].
- 3 I06 (Non-illuminated sign only)**
Reason: In the interests of visual amenity.
- 4 No development shall take place until details or samples of materials and finishes for the signage have been submitted to and approved in writing by the local planning authority.**
Reason: To ensure the satisfactory appearance of the signage.
- 5 H23 (Canopies/signs/projections over the highway)**
Reason: In the interests of highway safety.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

12 DCSW2004/4329/F - ERECTION OF DETACHED DWELLING HOUSE WITH SINGLE GARAGE, SITE ADJOINING CHAPEL COTTAGE, COBHALL COMMON, ALLENSMORE, HEREFORDSHIRE, HR2 9BN

For: Mr. Preece per Mr. V. Thurgood, 44 Etnam Street, Leominster, Herefordshire, HR6 8AQ

Date Received: 21st December, 2004

Ward: Valletts

Grid Ref: 45389, 35607

Expiry Date: 15th February, 2005

Local Member: Councillor P.G. Turpin

1. Site Description and Proposal

- 1.1 The application site comprises part of the lawned garden area of Chapel Cottage, a red brick faced cottage on the western side of the unclassified road (u/c 73410) that leads north/north-east out of the settlement. This site is wholly within the village settlement.
- 1.2 The site is well screened by mature hedging when viewed from the public highway. There is fencing on the north-eastern boundary shared with Copper Beeches and trees and hedging further back along the same boundary adjoining Ffrwd Cottage.
- 1.3 The site has a frontage of 18 metres and is between 36 to 40 metres deep. This application is for a four bedroom dwelling faced in brick under a slate roof. It is 7.35 metres to the ridge, 11.9 metres long and 6.9 metres deep. A single width garage is proposed to the north-eastern side.

2. Policies

2.1 Planning Policy Guidance

PPS.7 - Sustainable Development in Rural Areas

2.2 Hereford and Worcester County Structure Plan

Policy CTC.9 - Development Requirements

Policy H.16A - Housing in Rural Areas

2.3 South Herefordshire District Local Plan

Policy GD.1 - General Development Criteria

Policy C.43 - Foul Sewage

Policy SH.10 - Housing in Smaller Settlements

2.4 Unitary Development Plan

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

3. Planning History

- | | | | | |
|-----|-----------------|---|---|--------------------|
| 3.1 | SH891515PO | Erection of two dwellings with garages | - | Refused 20.12.89 |
| | SW2003/1375/O | Proposed 2 bedroom bungalow | - | Approved 05.11.03 |
| | DCSW2004/2991/F | Erection of one dwelling with integral garage | - | Withdrawn 19.11.04 |

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency raises no objections subject to a scheme of foul drainage works being approved by the local planning authority.

Internal Council Advice

- 4.2 The Traffic Manager recommends that conditions be attached in the event of planning permission being granted.

5. Representations

- 5.1 Allensmore Parish Council make the following observations:

"The original application, opposed by this council, for a small bungalow was approved with support from the Environment Agency as to a Bio Disc Klargestor Sewage System being a satisfactory system in this situation. We now have a large 4 bedroomed house being submitted to replace the original bungalow although this is supported by a letter stating that a similar larger sewage system could cope in this area.

The dormer windows will lower the roof line but the surrounding dwellings are mostly smaller cottages.

We feel this is a very large replacement for the original outline planning permission."

- 5.2 Two letters of representation have been received from:

R. Pritchard, Orchard House, Cobhall Common
Mrs. S. H. Panting, Copper Beeches, Cobhall Comon, HR2 9BN

The following main points are raised:

- overlook our lounge and dining room. Re-site 2 metres further back
- concerned about the boundary of our ditch. Will erect posts to establish boundary.

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

6. Officers Appraisal

- 6.1 There are considered to be three issues, firstly the principle of development, secondly the means of foul drainage, and lastly issues relating to overlooking.
- 6.2 With regard to the principle of development, Cobhall Common is identified as a smaller settlement within the remit of Policy SH.10 contained in the South Herefordshire District Local Plan. This proposal needs therefore to satisfy the requirements of that policy, i.e. Policy SH.10, together with general development criteria contained in Policy GD.1 and drainage in Policy C.43. This site already has the benefit of planning permission for a 2 bedroom bungalow that was granted on 5th November, 2003. The main issue is the impact that a two storey dwelling with first floor accommodation would have in this part of the settlement and the capability of the site to cope with foul drainage for more occupants.
- 6.3 The proposed dwelling is 7.35 metres high to the ridge, this has been achieved by putting the first floor accommodation into the roof space and giving the dwelling a cottage appearance as dormer windows are proposed at eaves level. This elevation onto the highway reflects that for Chapel Cottage to the south-west, as regards the use of red facing brick and a slate roof. It is not considered that the massing of the cottage dwelling is unduly dominant or discordant in the street scene. A new dwelling was approved for a 7.2 metres high dwelling on the opposite side of the unclassified road on 27th October, 2004 (reference SW2004/1558/F). This dwelling is approximately 1.3 metres higher than Yew Tree Cottage immediately to the north-east, and only 4.5 metres away. Therefore, it is considered that the new dwelling satisfies the requirements of Policies SH.10 and GD.1 contained in the South Herefordshire District Local Plan in respect of new development.
- 6.4 The second issue is the one relating to the disposal of foul drainage in an area associated with drainage problems. The applicants have increased the number of potential occupants to six from that approved with the original planning approval in November, 2003 from 5, which was five occupants. The Environment Agency are satisfied on the basis of the drainage details provided that a satisfactory means of drainage can be provided as required by the provisions of Policies GD.1 and C.43 in the South Herefordshire District Local Plan.
- 6.5 A further issue raised by representations received is that of overlooking windows. It is considered that the siting is acceptable and that overlooking windows are only in the rear or west elevation and the two windows concerned are two light dormer windows approximately one metre square in area. It is not considered that material overlooking will occur to the detriment of adjoining residents.
- 6.6 The proposed dwelling has been carefully designed and with a good facing brick and a slate roof the new dwelling will compliment existing dwellings in this part of Cobhall Common.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2. A07 (Development in accordance with approved plans)

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

3. B01 (Samples of external materials)

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

4. 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. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to a private treatment plant has been submitted to and approved by the local planning authority. No part of the development shall be brought into use until such treatment plant has been constructed.

Reason: To prevent pollution of the water environment.

7. H03 (Visibility splays)

Reason: In the interests of highway safety.

8. H05 (Access gates)

Reason: In the interests of highway safety.

9. H09 (Driveway gradient)

Reason: In the interests of highway safety.

10. 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.

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

13 DCSE2004/3641/F - DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A NEW GARAGE WITH SHOP AND CAFE. CANOPY WITH PUMPS AND UNDERGROUND TANKS, DAF-Y-NANT GARAGE, WHITCHURCH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6DW

For: Mr. & Mrs. Hamze per Mr. Price, Ty-Angles, Llangrove, Ross-on-Wye, Herefordshire, HR9 6EZ

Date Received: 18th October, 2004 Ward: Kerne Bridge Grid Ref: 54528, 17093

Expiry Date: 13th December, 2004

Local Member: Councillor Mrs. R.F. Lincoln

1. Site Description and Proposal

- 1.1 This site, located to the south west of Whitchurch, flanks the southern side of the A40 trunk road. The site now vacant was last used as a petrol station with shop and diner. The single storey buildings, petrol pumps and canopy are still in place and are situated at the western end of the site. The rest of the site being a large car park area with two existing vehicle accesses onto the Trunk Road and two accesses onto the Class III road at the rear.
- 1.2 There is a small industrial estate adjoining the site on the western side and a bungalow to the east. There are fields directly to the south of the site and a field and a dwelling to the north.
- 1.3 The proposal is to demolish the existing structures on site and build a new petrol station, shop and cafe in roughly the same part of the site. The proposed building will be metal panelling on a brick plinth with a metal sheeted pitched roof. The proposed building will be slightly higher than the existing buildings on site.

2. Policies

2.1 Planning Policy Guidance

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

2.2 Hereford and Worcester County Structure Plan

- | | | |
|--------------|---|-------------------------------------|
| Policy CTC.1 | - | Areas of Outstanding Natural Beauty |
| Policy CTC.2 | - | Areas of Great Landscape Value |
| Policy CTC.9 | - | Development Requirements |

2.3 South Herefordshire District Local Plan

- | | | |
|-------------|---|-------------------------------------|
| Policy GD.1 | - | General Development Criteria |
| Policy C.1 | - | Development within Open Countryside |

Policy C.5	-	Development within Area of Outstanding Natural Beauty
Policy C.8	-	Development within Area of Great Landscape Value
Policy C.44	-	Flooding
Policy T.3	-	Highway Safety Requirements

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S.2	-	Development Requirements
Policy DR.1	-	Design
Policy DR.7	-	Flood Risk
Policy DR.10	-	Contaminated Land
Policy LA.1	-	Areas of Outstanding Natural Beauty

3. Planning History

3.1	SH970151PF	Retention of portacabin for use as roadside diner until revised scheme for permanent building is implemented	-	Refused 19.03.97
	SH971116PF	Change of use from storage to café of existing structure at rear and adjoining garage	-	Planning Permission 08.12.97

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency objects to the proposal on the grounds that it is not accompanied by a flood risk assessment and the site is located within a high risk flood zone. In addition, the site may also be contaminated due to nature of the previous use and therefore a desk study should be carried out to identify possible land contamination.
- 4.2 The Highways Agency has no objection to the application and does not propose to direct refusal.
- 4.3 The Ramblers Association observe:
- “That public footpath WC103 is already blocked by existing buildings. No objection to proposed diversion of footpath. Notices warning drivers and pedestrians of risk. A proper standard of footpath be provided.

Internal Council Advice

- 4.4 The Traffic Manager recommends that any permission includes certain conditions. In addition, Public footpath WC103 runs across the proposed development site and proposed new building lies across line of footpath and therefore a public diversion order is required. The applicants have applied to divert the path.

Concern that the route of the diverted path will pass behind car parking area on west side of site and also that the proposed route will join road (C1251) at southern boundary of site where there is currently a vehicle access.

The footpath was not included in the side road orders when the A40 dual carriageway was built in 1950s. Consequently the footpath is little used. Currently involved in informal pre-order consultations with local Ramblers Association.

- 4.5 The Head of Environmental Health and Trading Standards has offered advice regarding health and safety, residential amenity aspects and also recommended certain conditions be imposed on any planning permission in order to protect residential amenity during the construction and afterwards. Also the noise from the car wash should not be an issue.

5. Representations

- 5.1 The applicants' agent observes:

- the applicants have submitted an application in September 2004 to the Council for a Public Path Order to divert line of the existing public footpath across site
- the car parking area at eastern end of site will not be used as an overnight lorry park
- no objections to comments of the Council's Petroleum and Explosives Officer
- will carry out desk top contaminated land study and flood risk assessment if required
- will be height restriction to parking outside shop and will provide CCTV installation as per recommendations of Petroleum and Explosives Officer
- the use of the existing underground tanks will be discontinued
- will comply with comments of Council's Environmental Health Officer
- a survey of the noise from car wash shows that it will be completely reduced before it reaches site boundary
- a desk top contaminated land survey has been received from the applicants
- the flood risk assessment has been undertaken and the results will be submitted as soon as possible.

- 5.2 The Parish Council observe:

"The site has been an eyesore for many years and we look forward to it being tidied up. Entrance and exit need clear markings. Double yellow lines suggested on old A40."

- 5.3 There have been five letters of representation expressing objections or concern from:

Mr. & Mrs. K. G. Burford, Daf-y-Nant Bungalow, Whitchurch, Ross-on-Wye, HR9 6DW
B. Evans & M R Oxford, Sandyway House, Sandyway Lane, Whitchurch, HR9 6DN
Mr. A. Dunn, Oak House, Sandyway Lane, Whitchurch, HR9 6DN
Mr. & Mrs. S. K. Sheikh, Old Pound Cottage, Whitchurch, HR9 6DW
E. Sanger, Llynellen Cottage, Great Doward, Ross-on-Wye, HR9 6BP

- writer's bungalow not shown on drawings
- wind blows petrol fumes from existing petrol pumps. The proposed pumps will be closer to writer's house causing a danger
- applicants have to get public footpath removed
- would not want lorries parking overnight on car park
- would like drop kerb near writer's hedge taken away
- the Highways let previous owner to do what he liked

- the fuel tank will be located near to footpath. Will there be a wall/barrier as people could drop cigarette end
- would like back closed off. Perhaps a height bar (goal post style) suitable only for emergency vehicles and cars only. Perhaps then a safer public footpath could be provided
- repositioning of fuel pumps could bring heavy vehicles to use rear road. Fuel pumps should be nearer to A40.
- no indication how rear boundary is to be delineated
- access onto rear road should be for local traffic and emergency vehicles only. Traffic calming measures needed
- large fuel tankers filling repositioned tanks near to dwellings could heighten noise and pollution levels
- no usage of area to east for overnight parking of lorries. Such usage has been witnessed over the years
- the application should be rejected as it stands, and any other proposal must restrict entry and exit of lorries via rear Class III road
- any lighting should be deflected from intruding into nearby properties.

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

6. Officers Appraisal

- 6.1 The main issues relate to the visual appearance, size and scale of the development, its effect on the landscape and the residential amenities of neighbouring dwellings, highway safety, noise, health and safety and flooding. The most relevant policies are GD.1, C.5 and T.3 of the Local Plan and Policies CTC.1 and CTC.9 of the Structure Plan.
- 6.2 From a visual point of view the proposed development in terms of its size and design is considered to be acceptable and a significant improvement on the existing buildings/structures on site which have become a bit of an eyesore. There will be no adverse overlooking or loss of light, etc. of neighbouring properties as a result of this development. In addition, the proposed development will not adversely affect the visual amenities of the surrounding landscape which is designated as an Area of Outstanding Natural Beauty and Area of Great Landscape Value.
- 6.3 The vehicular access arrangements are proposed to remain as existing and are considered to be acceptable. The Council's Traffic Manager and the Highways Agency have no objections to the proposed development.
- 6.4 The Head of Environmental Health and Trading Standards has made certain observations/comments which the applicants intend to comply with. There are no objections to the proposed development but certain standard conditions are recommended to be imposed on any permission. Also he is satisfied that any noise from the proposed car wash will not be an issue with respect to its effect on neighbouring dwellings etc. In addition, the owners/applicants have confirmed that no lorries will be allowed to park on site overnight.
- 6.5 There is an existing public footpath which runs through the site, i.e. from east to west, the line of which runs through the existing buildings on site. However the applicants have applied to divert the footpath to run through the site along the western boundary near to the front and rear vehicular accesses on that side.

- 6.6 The Environment Agency require a flood risk assessment to be submitted as the site lies within a defined flood zone. Also due to the nature of the existing use they consider that a Desk Study to identify possible contamination of the land also be undertaken and submitted for consideration. As a result the Desk Study has been undertaken and submitted and the flood risk assessment has also been undertaken but has yet to be submitted. It is not anticipated that significant problems will arise as a result of these assessments/studies.
- 6.7 The proposed development is therefore considered to be acceptable and will be a significant improvement on the existing situation. Provided the Environment Agency are satisfied with the results of the surveys referred to in Section 6.6 then planning permission can be granted for this development. Therefore it is recommended that subject to there being no objection from the Environment Agency to the aforementioned surveys, that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission for this development subject to certain conditions considered necessary by the officer.

RECOMMENDATION

That subject to there being no objection from the Environment Agency to the flood risk assessment and contaminated land desk study, that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

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

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

2. A07 (Development in accordance with approved plans)

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

3. B01 (Samples of external materials)

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

4. Before any work commences on site details of the colours intended for the car wash, i.e. frame and brushes, shall first be submitted to and be subject to the prior written approval of the local planning authority.

Reason: In the interests of visual amenity.

5. 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.

6. During the demolition and construction phase, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside of the following times, without prior consent from the local planning authority:

Monday - Friday 07.30am - 06.00pm,
Saturday 8.00am - 1.00pm
nor at any time on Sundays, Bank or Public Holidays

Reason: To protect the amenity of local residents

7. No materials or substances shall be incinerated within the application site during the demolition and construction phase.

Reason: To safeguard residential amenity and prevent pollution.

8. All machinery and plant shall be operated and maintained in accordance with BS5228: 1984 Noise Control of Construction and Open Sites.

Reason: To safeguard residential amenity.

9. The car wash shall only operate between the hours of 07.00 to 22.00 unless otherwise first agreed in writing by the local planning authority.

Reason: To protect the residential amenities of nearby dwellings.

10. There shall be no deliveries to the site before 07.00 and after 22.00 unless otherwise first agreed in writing by the local planning authority.

Reason: To protect the residential amenities of nearby dwellings.

11. No lorries shall be parked overnight within the site.

Reason: To protect the residential amenities of nearby properties.

12. The existing underground petrol tanks shall cease to be used when the development hereby approved is first brought into use unless otherwise first agreed in writing by the local planning authority.

Reason: In the interests of safety.

13. F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

14. F35 (Details of shields to prevent light pollution)

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

15. G04 (Landscaping scheme (general))

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

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

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

17. G01 (Details of boundary treatments)

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

Informative(s):

- 1. The Council's Petroleum and Explosives Officer advises that the new petrol tanks must be double-skinned with an approved tank gauging system and suitable overfill prevention device. Further installation/method statements need to be approved by this Department prior to the commencement of any work.
- 2. The public footpath No. WC103 needs to be legally diverted before the new building is erected. The footpath must then remain unobstructed at all times.
- 3. This planning permission does not give any formal approval for the signage shown on the approved drawing, for which separate advertisement consent will be required.
- 4. N15 - Reason(s) for the Grant of Planning Permission

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

3. Planning History

- 3.1 SH970914PF Double garage building situated in - Approved 19.11.97
existing drive detached from boundary
walls and dwelling

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water's advice is awaited.

Internal Council Advice

- 4.2 Traffic Manager has no objection to the grant of permission.

5. Representations

- 5.1 Town Council has no objections to the proposal.
- 5.2 One letter has been received objecting to the proposal on the following grounds:
- (1) not in a suitable place or position being about 10 paces from kitchen window so will obstruct light and make the room dark,
 - (2) garage already built by side of objector's house so only view from bedroom window is garage roof - if it is built up at back of the house the same problem will result, blocking the limited existing view over fields,
 - (3) devalue objector's house, in which she has lived for 21 years without any problem before,
 - (4) photographs have been submitted

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

6. Officers Appraisal

- 6.1 The issue raised by this application is considered to be the effect on the amenities of neighbours. The pool house and shed is on the north side of the property and is set well back from the front boundary with a wide grass verge to the rear of footway, and at a significantly lower ground floor level. The proposal would only impinge therefore on the adjoining property (6 Merrivale Lane). A high stone/brick wall extends along the side boundary between these dwellings. The top part of the roof would be visible above the wall, according to the submitted drawing this would be about 0.8 m, with a maximum of 1.3 m, over a horizontal distance of about 6 m. The rear gable of the pool room would be high but this is some 4.5 m further from the boundary wall (about 6.5 m to ridge). In view of the position of the windows in the rear and side of 6 Merrivale Gardens it is not considered that this would be overbearing. Some views may be lost from the first floor window but this is not grounds to refuse permission and there would not be a significant reduction in daylight to the adjoining house. Some additional overshadowing of the neighbour's garden would occur particularly as the rear garden falls to the rear of the house, but not to cause serious loss of residential amenity.

6.2 This is a large structure but would not be out of scale with the main building. From the main public view, which is partly screened by the boundary wall, the impact of the building would be mitigated by being set well below the level of the adjoining area of front garden. The design is considered to be acceptable.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 B01 (Samples of external materials)

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

Informative

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

15 DCSW2004/4315/F - THE PROVISION OF A PURPOSE MADE LPG BULK STORAGE TANK AND BASE, UNIT 4, MADLEY AIRFIELD INDUSTRIAL ESTATE, MADLEY, HEREFORDSHIRE, HR2 9NQ

For: Gelpack Industrial Ltd per Mr. A.W. Morris, 20 Ferndale Road, Kings Acre, Hereford, HR4 0RW

Date Received: 16th December, 2004 Ward: Stoney Street Grid Ref: 41531, 37082

Expiry Date: 10th February, 2005

Local Member: Councillor D.C. Taylor

1. Site Description and Proposal

1.1 The application site forms part of Gelpack Industrial Ltd, known as Unit 4, Madley Airfield. The site itself lies to the south of the unclassified road 73209. Access to the industrial buildings utilises an open entrance to the north-east for loading and unloading purposes. A further access from Stoney Street lies to the north-west of the industrial buildings serving the offices and parking area. Hedging abuts the public highway to the north-west of the site.

1.2 The proposal is for the provision of a 1200 litre LPG bulk storage tank and base situated 3m away from the northern corner of the industrial building. The tank will be situated within the car parking area for the offices. An approved fire wall/barrier will be built to the rear of the tank, approximately 1.5m away from the hedgerow and to the side of the tank facing the car parking area.

2. Policies

2.1 Hereford and Worcester County Structure Plan

Policy E.6 - Development in Rural Areas Outside the Green Belt

2.2 South Herefordshire District Local Plan

Policy ED.3 - Employment Proposals within/adjacent to Settlements

Policy ED.5 - Expansion of Existing Businesses

2.3 Unitary Development Plan (Revised Deposit Draft)

Policy S.1 - Sustainable Development

Policy S.2 - Development Requirements

Policy S.4 - Employment

Policy E.6 - Expansion of Existing Businesses

Policy E.8 - Design Standards for Employment Sites

Policy E.11 - Employment in the Smaller Settlements and Open Countryside

3. Planning History

- | | | | |
|-----|---------------|--|---------------------|
| 3.1 | SH871628PF | 2 no. industrial units, 1 for use as multipak production unit and 1 to be let | - Approved 18.12.87 |
| | SH911607PF | Change of use of yard area to storage and erection of screen fence | - Approved 22.01.92 |
| | SH970820PF | Construct a vertical extension to existing building to accommodate a new plastic extrusion machine | - Approved 22.08.97 |
| | SH970821PF | Construction of canopy over access doors to Unit 4 | - Approved 22.08.97 |
| | SH971097PF | Proposed construction of 4 no. 16m x 3.5m diameter silos | - Approved 13.11.97 |
| | SW1999/1433/F | Steel framed lean-to building and extension. Roofing and cladding to match existing | - Approved 29.06.99 |
| | SW2001/2071/F | Proposed pre-fabricated pump house and water storage tank for fire protection and control sprinkler system | - Approved 13.09.01 |
| | SW2003/0033/F | Proposed pre-fabricated pump house and water storage tank for fire protection and control sprinkler system | - Approved 07.02.03 |

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Traffic Manager has no objection and states "it would appear that the existing visibility from adjacent junction would not be impeded."
- 4.3 Head of Environmental Health and Trading Standards comments as follows:

"The agent contacted Environmental Health for advice on siting. Advice given - no comment on application."

5. Representations

5.1 Madley Parish Council have no objections.

5.2 A single letter of objection has been received from the following source:

Mr. A.M. Fowler-Wright, MPD Ltd, PO Box 3, Ludlow, SY8 4WL

The objections raised can be summarised as follows:

- Gelpack's yards at both ends of building too small for the uses they have outgrown site.
- Traffic obstruction to Stone Street and MPD access - Gelpack cannot contain operational need.
- Problems of unsightly litter on highway.
- Safety issue because when road/access blocked, fire and ambulance would not be able to attend.
- Loading and unloading operations and vehicle cleaning forced onto highway and our access.
- Area needed to replenish storage tank is required for existing traffic to park, already inadequate.
- Creates serious obstructions and sight line issues.
- To park gas lorries upon Stoney Street when transferring gas exacerbates the existing problems that Gelpack cause.
- Their operations have obstructed the access and we have lost tenants because of this problem.
- Estech waste plant will reduce traffic levels of our site from their previous peak, however, cannot stress Gelpack's inability to stop obstructions.
- Gas main passing by building could easily be used to reduce current nuisance.

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

6. Officers Appraisal

The key issues in the consideration of this application are:-

- Highway safety and parking
- Impact upon the environment and its surroundings

6.2 The proposal is to provide a 600 kilogram tank having a gas capacity of 1200 litres. The area to which it will be sited lies to the northern corner of the parking area, approximately three metres from the warehouse. The proposed position would remove one car parking space from the site.

6.3 Access to refuel the tank would be to the north-east of the site, in front of the warehouse building. The tanker would position itself parallel to the building and lead the pipe through the access gate, to the side of the building and connect to the LPG tank. It is not intended to fill the LPG tank from Stoney Street.

- 6.4 The concerns raised relating to highway matters are noted in relation to the obstruction of the access to neighbouring units. The Traffic Manager has raised no objection in that the position of the tank would not impede the existing visibility. The majority of the issues raised by the objector are not material to this application and it would be unreasonable to refuse the application on those grounds.
- 6.5 Members will note that advice was sought from the Environmental Health and Trading Standards as to the proposed siting of the LPG tank. No comment was made to the application. The LPG tank is to be sited approximately 1.5 metres behind the hedgerow and 3 metres from the warehouse building. It is considered that the firewall and tank would not adversely effect the environment and would not be visually prominent within its surroundings.
- 6.6 In light of the above-mentioned considerations it is considered that the proposed LPG tank is acceptable.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2. **A06 (Development in accordance with approved plans)**

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

Informative(s):

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

16 DCSE2004/3603/RM - RESIDENTIAL DEVELOPMENT OF SIX DETACHED HOUSES AND ASSOCIATED VEHICULAR ACCESS AT LAND ADJOINING LLANGROVE COTTAGE, LLANGROVE, ROSS-ON-WYE, HEREFORDSHIRE

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

Date Received: 15th October, 2004 Ward: Llangarron Grid Ref: 52376, 19310

Expiry Date: 10th December, 2004

Local Member: Councillor Mrs. J.A. Hyde

1. Site Description and Proposal

- 1.1 Outline planning permission was granted in October 2004 for the erection of 6 detached houses and a vehicular access on this site in Llangrove. The application site comprises the western half of a field to the rear of the Royal Arms Inn and Royal Arms Cottage and to the east of the farmyard at Llangrove Cottage. All matters except means of access were reserved for later decision. The access would be through the car park of the Royal Arms with additional car parking for the Inn provided at the rear of that building.
- 1.2 The current application is for approval of all of the reserved matters. The submitted layout, which has been revised in response to concerns raised by officers, shows a short shared surface access road leading directly to the public house car park and one house on the eastern boundary (Plot 1), from which a private drive cuts diagonally across the site which leads to the remaining 5 houses. The latter would be arranged with 3 houses along the southern boundary and two in a line between these houses and the Inn and at right angles to them. There would be 3 house types: a simple rectangular, 4-bed house (4 units) and two larger L-shaped houses, one with a gable to the rear and the other with a longer gable to the front incorporating a garage. Other units would have garaging in two garage blocks except for the eastern unit (Plot 1) which would have an attached single garage. In style the houses would reflect Victorian designs. The external elevations would be partly stone, partly render with a slate roof.
- 1.3 Ten extra parking spaces would be provided in the new Inn car park although 6 would involve "double parking" (one car behind another).

2. Policies

2.1 Planning Policy Guidance

PPG3 - Housing

2.2 Hereford and Worcester County Structure Plan

Policy H16A	-	Housing in Rural Areas
Policy H18	-	Residential Development in Rural Settlements
Policy CTC9	-	Development Requirements

2.3 South Herefordshire District Local Plan

Policy C2	-	Settlement Boundaries
Policy C29	-	Setting of a Listed Building
Policy SH6	-	Housing Development in Larger villages
Policy SH8	-	New Housing Development Criteria in Larger Villages
Policy SH9	-	Balance of Housing Types
Policy SH14	-	Siting and Design of Buildings
Policy SH15	-	Criteria for New Housing Schemes
Policy GD1	-	General Development Criteria
Policy T1A	-	Environmental Sustainability and Transport
Policy T3	-	Highway Safety Requirements

2.4 Herefordshire Unitary Development Plan – Revised Deposit Draft

Policy H6	-	Housing in Smaller Settlements
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3. Planning History

3.1	SE2003/1765/O	Site for residential development of six detached houses & associated vehicular access	-	Withdrawn 18.05.04
	SE2004/2155/O	Residential development of 6 detached houses and associated vehicular access.	-	Approved 08.10.04

4. Consultation SummaryStatutory Consultations

4.1 Environment Agency has no objections in principle to the development.

Internal Council Advice

4.2 Traffic Manager recommends that conditions be attached if planning permission is granted.

4.3 The Conservation Manager does not object to the proposal.

5. Representations

5.1 The applicant's agent makes the following submission:

- (1) The proposed access arrangements are as agreed with the Highways Engineer following on site meetings and consultations, and incorporate the maximum visibility splays as existing on site, being the existing car park to the Royal Arms public house.

- (2) this application is whole-heartedly supported by the landlord of the Royal Arms who is a willing participant in this proposal as it improves the pub's facilities. It would result in both a larger pub car park and beer garden.
 - (3) This would be a very real improvement on the existing car park, where customers have to reverse into the highway to turn around.
 - (4) Indeed this application is supported by the Highways Engineer with whom we have had numerous meetings on site. The proposed layout of the new car park will be subject to condition in negotiation with the Highways Engineer.
- 5.2 Parish Council continues to have reservations with regard to the safety, security and visibility of the splay and its proximity to the adjacent development at Hazelnut Cottage, Llangrove (SE2004/3427/O).
- 5.3 One letter has been received re-iterating the following concerns:
- (1) each new household will have 2 cars and the lane to Whitchurch has two dangerous bends and a blind summit,
 - (2) the greater the volume of traffic the greater the risk of a serious accident on that lane.
- 5.4 The revised layout has been re-advertised and any further representations will be reported at the Sub-Committee meeting.

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 principle of developing 6 houses on this site has been accepted when outline planning permission was granted. The site is within the defined larger settlement of Llangrove. The vehicular access and extra traffic that would be generated was given careful consideration at outline stage, bearing in mind that an application for development of the eastern half of the field with a separate vehicular access, had also been submitted. Conditions were attached to the outline permission requiring a visibility splay along the highway.
- 6.2 The main issues are considered to be the effect of the development on the character of the village and on the amenities of neighbours. The revised layout is not considered to be cramped, with sufficient space between the buildings. In general they have been sited away from the boundaries with 10 m or more rear gardens (other than for Plot 1), except for the gable end elevations. The siting in relation to existing dwellings (and barns with permission for residential conversion) has been carefully considered so that distances are above those normally considered acceptable. One exception is that windows in Plot 6 are only 19 m from those in the rear of Garden Cottage, but as this would be at an acute angle there would not be any significant adverse effect on privacy. The Inn car park would be close to both Royal Arms Cottage and care is needed with regard to fencing and planting to ensure this is acceptable.
- 6.3 The design and materials of the houses are considered to be appropriate, natural stone connecting the development to the attractive stone agricultural buildings at Llangrove Cottage. For these reasons the proposed development would conform with the Council's policies with regard to residential development in rural areas.

RECOMMENDATION

That approval of Reserved Matters be granted subject to the following conditions:

- 1. B01 (Samples of external materials)**

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

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

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

- 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.

Informatives:

- 1. The Environment Agency advises that surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management.**

- 2. N15 - Reason(s) for the Grant of Approval of Reserved Matters.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

17 DCSE2004/4117/F - PROPOSED CHANGE OF USE OF FIRST FLOOR GAMES AND ENTERTAINMENT ROOM TO RESIDENTIAL UNIT, THE GRANGE, ASTON CREWS, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7LW

For: A. Jamieson per Jamieson Associates, 30 Eign Gate, Hereford, HR4 OAB

Date Received: 30th November, 2004

Ward: Penyard

Grid Ref: 67041, 23304

Expiry Date: 25th January, 2005

Local Member: Councillor H. Bramer

1. Site Description and Proposal

- 1.1 Planning permission for the demolition of agricultural buildings and erection of an indoor swimming pool with first floor games/entertainment room at the Grange, Aston Crews, was granted in April 2003. The building would be linked to the main house and intended as ancillary accommodation to the main house. The construction of the outbuilding is nearing completion. The building is rectangular in shape with a curved roof except for a section along the eastern side which would have a flat roof.
- 1.2 It is now proposed to use the first floor as residential accommodation rather than a games and entertainment room. This would not involve changes to the exterior of the building except that a pergola (steel structure with flat glass roof) linking outbuilding and house would not be constructed. Internally the upper floor would provide spacious 2 bedroomed accommodation.

2. Policies

2.1 Planning Policy Guidance

PPG.1	-	General Policy and Principles
PPG.15	-	Planning and the Historic Environment
PPS.7	-	Sustainable Development in Rural Areas

2.2 Hereford and Worcester County Structure Plan

Policy CTC.2	-	Area of Great Landscape Value
Policy CTC.9	-	Development Criteria
Policy A.1	-	Development on Agricultural Land
Policy H.18	-	Residential Development in Rural Settlements
Policy H.20	-	Residential Development in Open Countryside

2.3 South Herefordshire District Local Plan

Policy GD.1	-	General Development Criteria
Policy C.8	-	Development within Area of Great Landscape Value
Policy C.11	-	Protection of Best Agricultural Land
Policy C.27B	-	Alterations or Additions to Listed Buildings
Policy C.29	-	Setting of a Listed Building

Policy SH.10	-	Housing in Smaller Settlements
Policy SH.11	-	Housing in the Countryside
Policy SH.23	-	Extensions to Dwellings

3. Planning History

3.1	SH810844PF	Demolition of part of rear hallway and re-erection of hallway with laundry room extension	-	Granted 22.10.81
	SH830937PF	Change of use of redundant farm buildings to craft workshops together with associated alterations and rebuilding	-	Refused 01.02.84
	SH830981PF	Change of use of domestic garage and store to holiday accommodation	-	Granted 15.10.84
	SH871720SZ	Use of farm store for butchery and packaging of pork produced on the farm	-	Planning Permission Required 15.02.88
	SH930007PF	Conservatory	-	Granted 11.02.93
	SH930008LA	Conservatory	-	Granted 11.02.93
	SH930704LA	Alterations to existing window into double doors	-	Granted 20.07.93
	SH970112LA	Provision of a bay window on the front of the north wing of existing building	-	Granted 24.06.97
	SE2000/3245/L	Replacement first floor window	-	Granted 23.02.01
	SE2003/0594/F	Demolition of agricultural buildings and erection of indoor exercise pool and first floor games/entertainment room	-	Approved 23.04.03
	SE2003/0593/L	Demolition of agricultural buildings and erection of indoor exercise pool and first floor games/entertainment room	-	Approved 23.04.03
	SE2003/0622/F	Change of use of farmyard and buildings to domestic garden with access drive	-	Approved 22.04.03

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Traffic Manager has no objection to the proposal.
4.3 Conservation Manager has no objection.

5. Representations

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

It is proposed to carry out minor internal works to the first floor, namely the erection of two internal partitions, to form a two bedroom flat. No other alterations are required either internally or externally to the existing building. The two partitions will form two bedrooms within the existing first floor. All other services such as bathroom and kitchen are existing as are means of access, both internal and external. No changes are envisaged to the external fabric of the existing building.

The present building re-uses two of the existing stone walls from the previous agricultural building which was demolished, namely to the south east and north east and it is clearly within the envelope of the existing village. This application therefore is in essence for a change of use only as the alterations involved are purely internal and of a minor nature.

- 5.2 Linton Parish Council does not support the proposal.
5.3 Aston Ingham Parish Council "objects most strongly to this proposal for the change of use of the games room to living accommodation. There is no stated need or requirement for this accommodation, and it is contrary to SH.10 of the South Herefordshire District Local Plan. Should this change of use be permitted, the Parish Council strongly recommend that a condition be placed on this building that it cannot be sold separately from the main dwelling."

6. Officers Appraisal

- 6.1 Aston Crews is one of the smaller settlements named in Policy SH.10 (South Herefordshire District Local Plan). A key issue therefore is whether the site falls within the limits of that settlement. There is no defined boundary of the settlement in the Local Plan. Nevertheless The Grange itself is clearly part of the settlement and the new building is only a few metres from it and has a permitted use as domestic outbuilding. Although part of a former farmyard it is now visually and functionally part of the residential curtilage. It is considered therefore that the new building is within the settlement and the relevant policy in the Local Plan with regard to new residential development is therefore SH.10.
6.2 In view of the previous permission and listed building consent the building is considered to be acceptable in this location and with this design and external appearance. However one of the criteria in SH.10 is that the development should meet a housing requirement. It is understood that the occupants would be part of an

extended household at The Grange. Furthermore as there is no separate garden, access and parking area shown on the drawing it would be reasonable to impose conditions ensuring that The Grange and the new flat do not become separated. In these circumstances it is considered that the intention of this criteria would be met, bearing in mind that the intention behind the policy was to limit new housing in view of an over supply, which an Inspector recently pointed out, no longer applies in the new plan period.

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. E15 (Restriction on separate sale)**

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

Informative(s):

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

18 DCSE2004/3323/F - PROPOSED DEMOLITION OF EXISTING HOUSE. ERECTION OF NEW 3 BEDROOM DWELLING AND ASSOCIATED GARDEN PAVILION AT "UP BEYOND", WYE VIEW LANE, SYMONDS YAT, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6BN

For: Mr. & Mrs. R. Harvey per Metropolis Architecture Ltd, Studio G, 27 High Street, Ryton-on-Dunsmore, Warwickshire, CV8 3EY

Date Received: 24th September, 2004 Ward: Kerne Bridge Grid Ref: 55703, 16076

Expiry Date: 19th November, 2004

Local Member: Councillor Mrs. R.F. Lincoln

1. Site Description and Proposal

1.1 The west side of the Wye Gorge at Symonds Yat West is characterised by a series of lanes which cut diagonally upwards from the main highway. The application site is accessed off Wye View Lane which is towards the southern end of Symonds Yat West. Up Beyond is a detached, white painted house with hipped roof, significantly higher than the lane and with a sheer cliff face close to the rear of the house.

1.2 It is proposed to erect a replacement dwelling. This would be of modern design with most of the living accommodation at ground floor level. This, together with the smaller first floor level (master bedroom and roof terrace) would be timber cladding with floor to ceiling non-reflective glass and a curved copper roof. The basement below the southern section of the house would be of local dry stone walling but held within gabion cages. This would accommodate garaging and storage and utility/w.c. The new house would be set further back within the site, close to the rock face, and with the basement finished floor level below that of the existing house. Nevertheless the roof would be about 1 m higher than the ridge of the existing dwelling. A number of terraces are proposed to the side of the house and on part of the roof of the ground floor section.

2. Policies

2.1 Planning Policy Guidance

PPS7 - Sustainable Development in Rural Areas

2.2 Hereford and Worcester County Structure Plan

Policy CTC1 - Area of Outstanding Natural Beauty
 Policy CTC2 - Area of Great Landscape Value
 Policy H20 - Residential Development in Open Countryside

2.3 South Herefordshire District Local Plan

Policy C4 - AONB Landscape Protection

Policy C5	-	Development within Areas of Outstanding Natural Beauty
Policy C8	-	Development Within Area of Great Landscape Value
Policy SH21	-	Replacement Dwellings
Policy GD1	-	General Development Criteria

3. Planning History

3.1 There have not been any recent applications relating to this property.

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency has no objections in principle but recommends that a condition be imposed regarding drainage.

4.2 Forestry Commission state that as no woodland is affected they have no comments to make on the proposal.

4.3 English Nature has not yet responded.

Internal Council Advice

4.4 Traffic Manager has no objections to the proposal.

4.5 Conservation Manager has no objections to the proposal.

5. Representations

5.1 The applicant's agent has not submitted a letter of application but notes attached to the drawing give the following explanation:

(1) The proposed house is located behind the existing house to make use of the existing levels, blend the house within it's landscape, maximise the views and daylight to the east and provide as much amenity space away from the rock face.

(2) The existing turning area could be enlarged, but it is proposed to place a new turning area near to the garage/entrance area.

(3) The only tree affected by the proposal is a single conifer.

(4) It is proposed to collect all the rainwater in an external wild life pond which in turn feeds a grey water re-cycling tank located under the building.

(5) The building is designed to be an ecological structure, growing out of the site and blending within the setting.

(6) The structure will be a locally sourced timber structure with individual foundation bases allowing a minimal footprint on the site. The floor structures will float above the existing site levels.

5.2 The Parish Council states that Councillors are unanimous in their objection to this application, which is totally out of keeping with the surrounding area. Furthermore, it is

not on the site of the existing house, but much further back, and larger. Such a radical proposal warrants a Committee decision.

5.3 Three letters have been received expressing objections or concern. In summary the following points are made:

- (1) the primary concern is that there is very poor access to the site via Wye View Lane which is very narrow (at points only 2-5 m wide) poorly maintained and with an impossibly sharp turn at the access to Up Beyond,
- (2) large vehicles have great difficulty using the lane and adjoining properties have been damaged and the lane so severely damaged that it has been closed causing much nuisance and disruption,
- (3) consequently extremely difficult, if not impossible for delivery vehicles to bring materials including large modular sections and plant to the site,
- (4) also alarmed that house to be demolished with all the rubble/fittings having to be removed,
- (5) Ross on Wye District and Civic Society have no objection to the design but have strong reservation about using copper for the roof and cladding the staircase - views across the Wye Gorge are of particular importance and colour of oxidised copper will not blend well particularly in winter,
- (6) holding tank for water way overflow/burst resulting in flooding of properties below,
- (7) boundary line to the property could be incorrect

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

6. Officers Appraisal

- 6.1 The main issue is considered to be whether the proposed dwelling because of its size, position and design would harm the natural beauty of the Wye Valley AONB. The existing house is about half way up the steep valley side and from public views, albeit from some distance, stands out from the surrounding trees. Up Beyond can also be seen from Wye Valley Lane and public footpaths. Comparison in terms of size with the proposed house is not straight forward as they are very different buildings. The footprint of the new house is larger than the existing but the upper floor of the former is significantly smaller. Thus although slightly higher the reduced size of the upper floor would be less prominent in the landscape. The two houses therefore have similar floor areas. However the new house would have an additional storey below the ground floor. This would primarily be for garaging and would be below the ground floor level of the existing house and would not be seen from public viewpoints. The existing house does not have a garage. It seems reasonable therefore in comparing the size of the two houses to conclude that they would comply with Policy SH21 which requires that they be of similar size.
- 6.2 Setting the house further back on the site and the use of non-reflective glass would further help to reduce the visual impact of the proposed house. The roof although less

noticeable than the roof of the existing house could stand out unless carefully considered but the materials can be controlled by planning condition. It is considered then that the house would not be as prominent or obtrusive in this sensitive landscape, despite being larger, than the existing white painted building.

- 6.3 The house is of modern design. Symonds Yat West is characterised by houses of very varied materials (wood, stone and brick) and styles. Adding to this variety a house of interesting yet contemporary design would not harm the natural beauty of the landscape. It would be well separated from existing houses and not therefore appear incongruous amongst dissimilar buildings.
- 6.4 Of the other issues raised in the representations the problems of demolishing Up Beyond, removing the materials and delivering new materials are appreciated. However these are matters for the developer to solve rather than grounds for refusing planning permission.

RECOMMENDATION

That subject to there being no objection to the revised plans by the end of the consultation period, the officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and further conditions considered necessary by officers:

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

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

2 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 E16 (Removal of permitted development rights)

Reason: [Special Reason].

6 F48 (Details of slab levels)

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

7 F18 (Scheme of foul drainage disposal)

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

8 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.

Informative(s):

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

19 DCSE2004/3644/F - NEW DWELLING AT LAND ADJOINING 1 DOWARD PLACE, GOODRICH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6HY

For: Mr. C. Winney per Andrew Last, Brookside Cottage, Knapton, Hereford, HR4 8ER

Date Received: 18th October, 2004 Ward: Kerne Bridge Grid Ref: 57526, 19287
Expiry Date: 13th December, 2004

Local Member: Councillor Mrs. R.F. Lincoln

1. Site Description and Proposal

- 1.1 The application site, an irregularly shaped area of land of about 0.14 ha, forms part of the garden to the side of 1/2 Doward Place. It is on the east side of the road leading from Goodrich to Coppett Hill and about 50 m from the Dry Arch Bridge. It is proposed to erect a detached dwellinghouse on this plot. In form this would comprise two gabled sections facing the road, with a linking section, less deep than and with a roof at right angles to the gables. The southern gabled section would be asymmetrical and significantly larger than the northern gable, with the principal rooms lit by south facing windows and dormer windows. The walls would be of facing bricks render and the roof clad with grey/blue slates. The house would be sited about 8 m back from the highway and close to the northern apex of the plot. It would contain 4 double bedrooms with an integral garage on the ground floor.
- 1.2 There are houses immediately to the north and to the west on the opposite side of the road. The former comprise two, 2-storey houses arranged one behind the other with double, parallel ridges; the latter are bungalows. To the south and east is open countryside which falls steeply to the River Wye. Adjoining the north east boundary of the site is part of the garden of 2 Doward Place.
- 1.3 Planning permission (SE2002/2285/F) for a new dwelling on this site was refused permission in 2002 for the following reason:

The proposed development would overload the public sewerage system and therefore would exacerbate pollution problems. It has not been demonstrated that an alternative foul drainage system would be suitable. The proposal would conflict therefore with Government advice in DETR Circular 3/99 and policies H.16A and CTC.9 of the Hereford and Worcester County Structure Plan and policies C.40, C.43, C.47, GD.1, SH.8 and SH.14 of the South Herefordshire District Local Plan.

2. Policies

2.1 Hereford and Worcester County Structure Plan

Policy H16A	-	Housing in Rural Areas
Policy H18	-	Residential Development in Rural Settlements
Policy CTC1	-	Area of Outstanding Natural Beauty
Policy CTC2	-	Area of Great Landscape Value

2.2 South Herefordshire District Local Plan

Policy C4	-	AONB Landscape Protection
Policy C5	-	Development within Areas of Outstanding Natural Beauty
Policy C8	-	Development Within Area of Great Landscape Value
Policy C43	-	Foul sewerage
Policy SH6	-	Housing Development in Larger Villages
Policy SH8	-	New Housing Development Criteria in larger Villages
Policy SH14	-	Siting and Design of Buildings
Policy T3	-	Highway Safety Requirements
Policy GD1	-	General Development Criteria

3. Planning History

3.1	SE2002/2285/F	New dwelling	-	Refused 16.12.02
	SE2003/0814/F	New vehicular access	-	Approved 17.03.03
	SE2003/3903/F	New dwelling and change of area of land	-	Withdrawn 04.02.04

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency raised concerns in relation to the previous planning application (ref. SE2003/3903/F) on the proposed method of foul drainage (proposed septic tank discharging to a soakaway), as Goodrich is a sewered area. Connection to the mains sewer is the most sustainable option. The Agency are on the understanding that the mains foul sewerage system is at capacity, however the LPA should pursue this option as it is the most sustainable method of disposal.

If it is demonstrated (based on cost and feasibility) that a connection to the mains sewer is impractical then a non-mains drainage method will be assessed in line with DETR Circular 3/99 (Planning Requirements in respect of non-Mains Sewerage).

If the LPA decide to accept a non-mains foul drainage scheme (with the view to a future connection of the development into the foul sewer), it is requested that they consult with Welsh Water to satisfy themselves of the certainty of the site being able to receive such a mains sewerage connection. The LPA might consider negotiating an advancement of such a mains drainage connection with the utility company (Welsh Water) through an appropriate 106 obligation.

- 4.2 Welsh Water have no comment to make on the application.
- 4.3 English Heritage do not wish to make any representations.

Internal Council Advice

- 4.4 Traffic Manager recommends that any permission should include conditions regarding the access and parking/turning.
- 4.5 Conservation Manager advises that is some distance from the main area of archaeological sensitivity in Goodrich (Castle and Priory) but recommends a condition to allow observation and recording.

5. Representations

- 5.1 Parish Council has serious objections to this development. Despite the adjustment in levels the house remains on the skyline and will still have a very significant and detrimental effect to the view up towards the Dry Arch from Kerne Bridge. The proposed dwelling is far too large for the site and not in line with the guidelines for smaller villages within the Unitary Development Plan.
- 5.2 6 letters of objection have been received. In summary the following reasons are cited:
- (1) House would be too large for plot - it would be totally out of scale with and dwarf the 4 adjoining cottages. It is doubted if it would fit into the area available but no stated dimensions to be able to check,
 - (2) it would be out of keeping with this very old village; the style would be completely out of place,
 - (3) no need as plenty of this size houses on the market in Goodrich,
 - (4) site is very sensitive visually being in AONB and with panoramic views from Kerne Bridge of Goodrich Castle, Dry Arch Bridge and Coppett Hill - very few buildings intrude into this view but the proposed house will, spoiling the skyline. One objector thinks that a sandstone house with slate or stone roof which was lower than parapet of Dry Arch Bridge would be more acceptable - site is very close to this old bridge, built in 1824,
 - (5) loss of privacy especially to the garden of 2 Doward Place part of which is already overlooked by no. 1 and the new house would overlook the remainder,
 - (6) loss of light to garden of no. 2 later in day and to house on opposite side of the road,
 - (7) Loss of views from nearby houses of Goodrich Church and countryside,
 - (8) Loss of trees and hedge to form access and new planting will not automatically generate a new wildlife habitat,
 - (9) Wider access, with no turning area so vehicles may reverse onto highway; inadequate parking and road parking dangerous so near junction; more vehicles on narrow highway - all these factors would increase traffic hazards,
 - (10) Not big enough area for septic tank,
 - (11) Lead to ribbon development up Coppett Hill,
 - (12) Enormous groundworks would be necessary which would seriously disrupt flow of traffic on highway and cause noise and inconvenience,
 - (13) Retaining wall appears to extend into Beech hedge which is part of 2 Doward Place.

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 application site is within the defined settlement of Goodrich and in principle therefore is a suitable site for residential development. One of the main issues raised by the proposal however is the effect on the character of the village and the natural beauty of the Wye Valley AONB. The plot has a wide frontage although it narrows to the rear. The house would be set back from the highway with a hedge along at least part of that frontage. It would have a similar ridge height to 1 and 2 Doward Place and would be sited about 8 m from these properties. 1-4 Doward Place are very close to the highway and occupy much of the frontage between the application site and the

junction with the access road to the Castle. 1 and 2 Doward Place being joined form a substantial building with prominent gables. For these reasons it is not considered that the proposed house, although close to the rear boundary would appear too large for its plot or out of character with the area.

- 6.2 It is accepted that the view from Kerne Bridge of the Castle and adjoining landscape is very attractive which could be marred by one house inappropriately sited or designed. Indeed one modern house does project above the ridge which screens most of the village from Kerne Bridge. The proposed house would be seen from the valley particularly, from the Kerne Bridge – Goodrich Road to the west of Flanesford Priory. The land falls away immediately to the south east of the application site and even with extra planting could not readily be screened. The applicant has agreed to reduce the massing of the southern end of the building and alter the detailed design and the house can also be set at a lower level of its plot. These measures will help to limit the visual impact of the proposal.
- 6.3 A second issue is the effect on the amenity of neighbours. The main problem here is overlooking of the garden of 2 Doward Place. The applicant has agreed that the house should be further from the boundary with that property and that the first floor bedroom window would be obscurely glazed. This part of the sizeable garden of 2 Doward Place is somewhat detached from the house itself and it is not unusual to be overlooked in these circumstances. The new house also intrudes in front of the end, south elevations of 1 and 2 Doward Place with windows facing towards the new house. Although there are no windows in the latter looking north this is not ideal. Nevertheless it is not considered that the loss of amenity is so serious as to justify refusal of planning permission.
- 6.4 The third issue is drainage. As noted above the mains sewerage system is overloaded and it was for this reason that planning permission was refused in 2002. The additional land should allow a septic tank system to operate effectively and Policy C43 of the Local Plan does allow for alternative to mains drainage where this is not practicable. The Environment Agency also appears to have softened its rigid objection to non-mains drainage in areas which have this facility. It would be possible to require a change to mains drainage once the system is upgraded through a planning agreement. However this may be unreasonable as currently there are no definite plans for these works to be undertaken.
- 6.5 Of the other concerns raised it should be noted that the Traffic Manager considers the formation of a new access for this house to be acceptable given the speed of traffic and relatively low traffic flows. Loss of views is not considered to be grounds to refuse permission.

RECOMMENDATION

That subject to the submission of amended plans showing reduced massing and altered relationship to northern boundaries of 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. B01 (Samples of external materials)

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

3. G01 (Details of boundary treatments)

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

4. G04 (Landscaping scheme (general))

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

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

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

6. F48 (Details of slab levels)

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

7. F18 (Scheme of foul drainage disposal)

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

8. E18 (No new windows in specified elevation)

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

9. E19 (Obscure glazing to windows)

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

10. E16 (Removal of permitted development rights)

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

Informative(s):

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

20 DCSE2004/1722/L - REPLACEMENT OF 2 EXTERNAL STAIRWAYS. TAKE DOWN AND REBUILD COLLAPSING WALL AT TOVEY COTTAGE, THREE ASHES, HEREFORDSHIRE, HR2 8LS

For: Mr. T. Howe, Tovey Cottage, Three Ashes, Herefordshire, HR2 8LS

Date Received: 11th May, 2004 Ward: Llangarron Grid Ref: 51629, 22750

Expiry Date: 6th July, 2004

Local Member: Councillor Mrs. J.A. Hyde

1. Site Description and Proposal

1.1 The application property is part of a group of listed buildings at Treribble which now form a number of separate residential units. In addition, a former granary and a coach house have been converted into residential accommodation. Tovey Cottage is the rear part of the principal building, which together form the northern side of a courtyard; The Granary being the west side and The Coach House the east side. A stone retaining wall forms the southern boundary. The curtilage of Tovey Cottage includes an access drive to the south of that retaining wall plus the western part of the courtyard.

1.2 The application is for listed building consent to retain various works to the drive and courtyard. These include a new (i) brick wall along part of the drive, which has been hard surfaced for parking, (ii) two piers mark the start of the paved area, (iii) a new brick staircase with piers at the western end of the paved area to gain access to the courtyard, (iv) a widened set of steps also of brick linking courtyard with the immediate forecourt of Tovey Cottage.

2. Policies

2.1 Planning Policy Guidelines

PPG.1 - General Principles
PPG15 - Planning and the Historic Environment

2.2 Hereford and Worcester County Structure Plan

Policy CTC9 - Development Criteria

2.3 South Herefordshire District Local Plan

Policy GD1 - General Development Criteria
Policy C27A - Change of Use of Listed Building
Policy C27B - Alterations to a Listed Building
Policy C29 - Setting of a Listed Building

2.4 Herefordshire Unitary Development Plan – Revised Deposit Draft

Policy S2	-	Development Requirements
Policy HBA1	-	Alterations and Extensions to Listed Buildings
Policy HBA4	-	Setting of Listed Buildings

3. Planning History

- 3.1 SH940561PF Liquid propane Storage Tank - Planning Permission
1800 litres 21.09.94

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Conservation Manager notes "that letter of application accords with understanding of the meeting except that paviers should be removed. Subject to the amendments being part of the application I would not wish to object."

5. Representations

- 5.1 The applicant makes the following submission:

- Now know Listed Building Consent is required and are happy to bring this to a conclusion
- happy to dismantle the right hand brick pillar and make good the stone walling, also to reduce the left hand brick pillar to the level of the boundary wall and cap all four pillars with an unobtrusive concrete cap
- blockwork drive was originally in place to alleviate flooding. The level has been increased by 2-3 inches. Will cover blockwork in pea shingle to cover grey colour
- otherwork to allow access to park and get in and out of car

- 5.2 Parish Council has no objection to this planning application.

- 5.3 Two letters have been received which raise the following concerns and queries:

- concern that development is not in keeping with design of adjoining buildings in particular the tall pillars of entrance,
- should an application for planning permission be also submitted?
- if it is a retrospective application, shouldn't it be described as such?
- no indication of proposed changes i.e. demolition of the brick pillar attached to listed stone wall, an alternative base for parking area and changes to modern brick wall,
- question whether stone wall was in danger of collapsing,
- stairway did not affect parking,
- moving entrance some 4 metres was not necessary to allow parking,
- appearance, materials and quality of workmanship of pillars and brick wall is incongruous with setting of listed building,
- the steps are closer to the Granary affecting privacy,

- care was taken in the conversion of the Granary. Disappointing to see standards falling.

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

6. Officers Appraisal

- 6.1 There is considered to be one main issue, namely the effect on the setting of these listed buildings. On the first issue certain aspects of the works undertaken are considered to be out of proportion or inappropriate (e.g. the two brick pillars and the modern concrete paviers). The applicant has agreed to rectify these matters however, and on this basis it is considered that the proposal would be acceptable. The materials are appropriate and the design, once amended, would not be so assertive. The setting of these attractive listed buildings would not therefore be harmed significantly.
- 6.2 The application is for listed building consent rather than planning permission and the effect on the amenities of neighbours is not therefore a relevant consideration in the determination of this proposal. Nevertheless the new steps from parking area to courtyard are much closer to the rear of The Granary and it is not practicable to provide a screen in front of the large windows in that property. The whole of the courtyard adjoining The Granary is part of Tovey Cottage however and it is not considered that there would be a serious loss of privacy.

RECOMMENDATION

That subject to the receipt of acceptable revised drawings relating to the brick piers and hard surfaced parking area that the officers named in the Scheme of Delegation to Officers be authorised to issue Listed Building Consent subject to the following conditions and any additional conditions considered necessary by officers:

1. A09 (Amended plans)

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

2. B07 (Stonework laid on natural bed)

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

3. Full details of the proposed capping on the pillars shall first be submitted to and be subject to the prior written approval of the Local Planning Authority.

Reason: To protect the visual amenities, character and setting of the Grade II listed building.

4. Full details of the surfact material intended for the driveway surface shall first be submitted to and be subject to the prior written approval of the local planning authority.

Reason: To protect the visual amenities, character and setting of the Grade II listed building.

- 5. Full details of any screening to the gas tank shall first be submitted to and be subject to the prior written approval of the local planning authority.

Reason: To protect the visual amenities, character and setting of the Grade II listed building.

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

Document is Restricted

