

# A G E N D A

## Southern Area Planning Sub- Committee

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

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Time: **2.00 p.m.**

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

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

*For any further information please contact:*

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01432 261885 Fax: 01432 260286*

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# AGENDA

## for the Meeting of the Southern Area Planning Sub-Committee

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

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

	Pages
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. DECLARATIONS OF INTEREST</b>	
To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>3. MINUTES</b>	1 - 20
To approve and sign the Minutes of the meeting held on 16th February, 2005.	
<b>4. ITEM FOR INFORMATION - APPEALS</b>	21 - 24
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.	
<b>REPORTS BY THE HEAD OF PLANNING SERVICES</b>	
To consider and take any appropriate action in respect of the planning applications received for the southern area and to authorise the Head of Planning Services to impose any additional or varied conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
Agenda item 5 is an application that was deferred for a site inspection at the last meeting and the rest of the items are new applications.	
<b>5. DCSW2004/1766/F - EXISTING SITE, COURT FARM, MUCH BIRCH, HEREFORDSHIRE, HR2 8HT</b>	25 - 34
Erection of 4 new poultry buildings.	
<b>6. DCSW2004/2177/O - LAND AT CYPRUS COTTAGE, KINGSTHORN, HEREFORD</b>	35 - 40
Site for the erection of a single dwelling.	

7.	<b>DCSE2004/3924/F - PAN PIZZA, 8 GEORGE PLACE, GLOUCESTER ROAD, ROSS-ON-WYE, HEREFORD HR9 5B</b>	41 - 44
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	Demolition of existing petrol filling station and erection of 16 no. residential apartment dwellings.	
9.	<b>DCSW2004/3763/F - THE GARAGE SITE, PRESTON-ON-WYE, HEREFORDSHIRE</b>	53 - 58
	Proposed house and garage.	
10.	<b>DCSE2005/0409/O - LAND ADJACENT TO GOODRICH PRIMARY SCHOOL, GOODRICH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6HY</b>	59 - 62
	Site for residential development.	
11.	<b>DCSE2005/0040/F - BROADMEADOWS INDUSTRIAL ESTATE, ROSS-ON-WYE, HEREFORDSHIRE</b>	63 - 66
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12.	<b>DCSE2005/0042/F - COLERAINE FARM, COUGHTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SG</b>	67 - 76
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13.	<b>DCSE2004/3266/F - THE FIRS, LEA LINE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7LN</b>	77 - 80
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14.	<b>DCSE2005/0087/O - LAND ADJOINING COMMERCIAL YARD, PONTSHILL, NEAR ROSS-ON-WYE, HEREFORDSHIRE</b>	81 - 84
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15.	<b>DCSE2004/4371/F - OUTBUILDING AT THE CLEEVE, CLEEVE LANE, ROSS-ON-WYE, HEREFORDSHIRE</b>	85 - 88
	Use of outbuilding as annexe accomadation.	
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	Extension to garage to form studio apartment for additional living accommodation.	
17.	<b>DCSE2004/3630/F - ARTHURS DINGLE, LEYS HILL, WALFORD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5QU</b>	93 - 98
	Proposed horse riding arena.	
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	Provision of a multi-sports area with new access and car parking on the Overross Playing Field site. Provision of a synthetic turf pitch and associated floodlighting on the main school site.	

19.	<b>DCSE2004/2272/F - BIBBY COTTAGE, GREAT DOWARD, SYMONDS YAT, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6BP</b>	107 - 110
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	Site for erection of one bungalow.	
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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, 16th February, 2005 at 2.00 p.m.**

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

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

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

**120. APOLOGIES FOR ABSENCE**

All Members were present.

**121. DECLARATIONS OF INTEREST**

The following declarations of interest were made:

<b>Councillor</b>	<b>Item</b>	<b>Interest</b>
Councillor Mrs. J.A. Hyde	Item 14 – (DCSE2004/4062/F) – Pool house office and garden shed in one building detached from existing cottage on site of former outbuildings at: <b>Merrivale Cottage, Merrivale Lane, Ross-on-Wye, Herefordshire, HR9 5JL</b>	Prejudicial and left the meeting for the duration of the item.
Councillor G. Lucas	Item 21 – Property at Howle Hill, Ross-on-Wye, Herefordshire:	Prejudicial and left the meeting for the duration of the item.

**122. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 19th January, 2005 be approved as a correct record and signed by the Chairman.

**123. ITEM FOR INFORMATION - APPEALS**

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

**124. TREE PRESERVATION ORDER 513 AT ASHBURTON ROAD AND TO THE REAR OF ASHBURTON INDUSTRIAL ESTATE, ROSS-ON-WYE. (AGENDA ITEM 5)**

The Conservation Manager reported the receipt of one further of letter of objection from Mr. Hughes.

In accordance with the criteria for public speaking, Mr. Hiley, a local resident, spoke in support of the tree preservation order.

**RESOLVED**

**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.**

**125. DCSW2004/1766/F - COURT FARM, MUCH BIRCH, HEREFORDSHIRE, HR2 8HT (AGENDA ITEM 6)**

*Erection of 4 new poultry buildings on existing site.*

Councillor G.W. Davis, the Local Ward Member, proposed that a site inspection be undertaken as the character or appearance of the development itself was a fundamental planning consideration, a judgement was required on visual impact and the setting and surroundings were fundamental to the determination or to the conditions being considered.

In accordance with the criteria for Public Speaking, Mr. Williams had registered to speak against the application but decided to defer his opportunity to speak until this application was considered again after the site inspection had taken place.

**RESOLVED:**

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

**126. DCSE2005/0065/F - NEWTON FARM, WELSH NEWTON, MONMOUTH, NP25 3RN (AGENDA ITEM 7)**

*Partial reconstruction and extension of barn for 1 no. dwelling.*

The Development Control Manager advised Members that the application had been withdrawn at the request of the applicant.

**127. DCSE2005/0064/F - NEWTON FARM, WELSH NEWTON, MONMOUTH, NP25 3RN (AGENDA ITEM 8)**

*Alterations and partial reconstruction of the stable block for the provision of 3 no. holiday cottages.*

The Development Control Manager reported the receipt of a further letter of support from Mr. Morgan.

In accordance with the criteria for Public Speaking, Mr. Prosser, the applicant's agent, had registered to speak but was not present at the meeting.

**RESOLVED**

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.

**128. DCSE2004/2901/RM - LAND ADJOINING MARSH COTTAGE, PONTSHILL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SZ (AGENDA ITEM 9)**

*Erection of one dwelling.*

The Principal Planning Officer reported the receipt of revised plans. He also advised Members that the objections raised by the Parish Council and the neighbouring resident remained.

In accordance with the criteria for Public Speaking, Mr. Hopwood, the applicant, spoke in support of the application.

**RESOLVED**

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.

**Informatives:**

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

**129. DCSE2004/4263/F & DCSE2004/4261/L - 5 & 6 NEW STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7DA (AGENDA ITEM 10)**

- 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.*

The Senior Planning Officer reported the receipt of a further letter from the applicant and a letter of support from a local resident.

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

**RESOLVED**

**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.

**Informatives:**

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

130. DCSE2004/4207/A - SUPERDRUG STORE, 10 MARKET PLACE, ROSS-ON-WYE, HEREFORD (AGENDA ITEM 11)

*Fascia sign x 1 and projecting sign x 1.*

**RESOLVED**

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.

131. DCSW2004/4329/F - SITE ADJOINING CHAPEL COTTAGE, COBHALL COMMON, ALLENSMORE, HEREFORDSHIRE, HR2 9BN (AGENDA ITEM 12)

*Erection of detached dwelling house with single garage.*

Councillor P.G. Turpin, the Local Ward Member, said that although he supported the previous application for a small dwelling on the site he could not support an application for a dwelling of this size.

The Development Control Manager advised Members that the dwelling was in keeping with existing dwellings in the area.

**RESOLVED**

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

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

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

2. A07 (Development in accordance with approved plans)

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

3. B01 (Samples of external materials)

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

4. 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 approved treatment plant has been constructed and is available for use.

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.

**Informatives:**

1. HN01 - Mud on highway

2. HN04 - Private apparatus within highway

3. HN05 - Works within the highway

4. HN10 - No drainage to discharge to highway

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

**132. DCSE2004/3641/F - DAF-Y-NANT GARAGE, WHITCHURCH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6DW (AGENDA ITEM 13)**

*Demolition of existing structures and construction of a new garage with shop and café. Canopy with pumps and underground tanks.*

The Senior Planning Officer reported the receipt of an email from a local resident in support of the application. He also advised Members that comments from the Environmental Health Officer had been received requesting a condition regarding opening hours.

In accordance with the criteria for Public Speaking, Mr. Sheikh, a local resident, spoke in objection to the application.

The Chairman, speaking in her capacity as Local Ward Member, supported the views of the objectors and asked for a condition to be added to the recommendation to prevent large vehicles accessing the site from the C1251.

**RESOLVED**

**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 written 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.**

- 18. The development hereby permitted shall not be open to customers outside the hours of 0600 am to 1100 pm daily.**

**Reason: In the interests of the amenities of the existing residential properties in the area.**

- 19. No vehicular access to and from the site for lorries and similar sized large vehicles shall be permitted at any time via the south-eastern boundary of the site onto the class 3 road. Measures shall be carried out on site to physically implement the restrictions before the development hereby approved is first brought into use. Full details of these measures shall first be submitted to, and be subject to the prior written consent of, the local planning authority before the development be brought into use.**

**Reason: In the interests of highway safety.**

**Informatives:**

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**

**133. DCSE2004/4062/F - MERRIVALE COTTAGE, MERRIVALE LANE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5JL (AGENDA ITEM 14)**

*Pool house office and garden shed in one building detached from existing cottage on site of former outbuildings.*

The Principal Planning Officer reported the receipt of a further letter of objection from a resident of a neighbouring property. He also advised Members that comments had been received from Welsh Water who did not object to the application subject to conditions regarding drainage.

**RESOLVED**

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

1. **A01 (Time limit for commencement (full permission))**  
**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**
2. **B01 (Samples of external materials)**  
**Reason: To ensure that the materials harmonise with the surroundings.**

**Informative:**

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

**134. DCSW2004/4315/F - UNIT 4, MADLEY AIRFIELD INDUSTRIAL ESTATE, MADLEY, HEREFORDSHIRE, HR2 9NQ (AGENDA ITEM 15)**

*The provision of a purpose made LPG bulk storage tank and base.*

The Development Control Manager reported the receipt of a further letter of objection from Mr. A.M. Fowler-Wright.

Councillor D.C. Taylor, the Local Ward Member, advised that the LPG tank was required to provide fuel for forklift trucks, he felt this would be beneficial to the

environment and supported the application.

**RESOLVED**

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

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

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

**2. 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:**

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

**135. DCSE2004/3603/RM - LAND ADJOINING LLANGROVE COTTAGE,  
LLANGROVE, ROSS-ON-WYE, HEREFORDSHIRE (AGENDA ITEM 16)**

*Residential development of six detached houses and associated vehicular access.*

The Principal Planning Officer reported the receipt of a further letter of objection from a local resident and amended plans from the applicant. He also advised Members that the Parish Council and the Traffic Manager still had concerns about the layout of the car park.

**RESOLVED**

**That subject to the receipt of acceptable amended plans the Officers named in the Scheme of Delegation to Officers, in conjunction with the Local Ward Member, be authorised to grant the approval of Reserved Matters subject to the following conditions and any additional conditions considered necessary by Officers:**

**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.

**136. DCSE2004/4117/F - THE GRANGE, ASTON CREWS, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7LW (AGENDA ITEM 17)**

*Proposed change of use of first floor games and entertainment room to residential unit.*

**RESOLVED**

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

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

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

2. 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:**

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

**137. DCSE2004/3323/F - UP BEYOND, WYE VIEW LANE, SYMONDS YAT, ROSS-ON-WYE, HEREFORDSHIRE (AGENDA ITEM 18)**

*Proposed demolition of existing house. Erection of new 3 bedroom dwelling and associated garden pavilion.*

The Principal Planning Officer reported the receipt of revised plans from the applicant. He also advised members that the Parish Council still had concerns about the application.

The Chairman, speaking in her capacity as Local Ward Member, reiterated the comments made by the Parish Council. She also felt that a condition should be added regarding the removal of site debris in order to reduce the disturbance caused to neighbouring properties.

A number of Members expressed concerns regarding the design of the dwelling and felt that the application should be refused.

A motion to refuse the application failed and the Sub-Committee agreed the resolution detailed below.

**RESOLVED**

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.

9. **The existing dwelling known as 'Up Beyond' shall be demolished and the building materials removed from the property within 3 months of the completion of the dwelling hereby approved.**

Reason: To accord with the Council's policy for rural development

**Informative:**

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



138. DCSE2004/3644/F - LAND ADJOINING 1 DOWARD PLACE, GOODRICH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6HY (AGENDA ITEM 19)

*New dwelling.*

The Principal Planning Officer reported the receipt of revised plans from the applicant.

**RESOLVED**

**That subject to the submission of satisfactory 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:

1. N15 - REASON(S) FOR THE GRANT OF PLANNING PERMISSION

139. DCSE2004/1722/L - TOVEY COTTAGE, THREE ASHES, HEREFORDSHIRE,  
HR2 8LS (AGENDA ITEM 20)

*Replacement of 2 external stairways. Take down and rebuild collapsing wall.*

**RESOLVED**

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**

**EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED: 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.**

**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**

- 140. PROPERTY AT HOWLE HILL, ROSS-ON-WYE, HEREFORDSHIRE (AGENDA ITEM 21)**

**SUMMARY OF THE PROCEEDINGS OF EXEMPT INFORMATION**

The Sub-Committee received a report about the service of a Purchase Notice by the owner of the property and made a formal response.

The meeting ended at 3.50 p.m.

**CHAIRMAN**



Document is Restricted



SOUTHERN AREA PLANNING SUB-COMMITTEE

16TH MARCH, 2005

<b>ITEM FOR INFORMATION - APPEALS</b>
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**APPEALS RECEIVED****Application No. DCSE2004/2297/F**

- The appeal was received on 24th February, 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. A. Sargeantson
- The site is located at Wyevern, Walford Road, Ross-on-Wye, Herefordshire, HR9 5PT
- The development proposed is Extension/alterations to provide additional flat.
- The appeal is to be heard by Written Representations

**Case Officer: Nigel Banning on 01432 261974****Application No. DCSE2004/2092/U**

- The appeal was received on 9th February, 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. S. Cole, Mrs. S.M. Cole, Mr. R. Chinn, Mrs. V.M. Chinn
- The site is located at Land part O/S Plot No. 0021, Orchard House, Coughton, Ross-on-Wye, Herefordshire
- The development proposed is Use of land for storage agricultural contractor's plant and machinery.
- The appeal is to be heard by Inquiry

**Case Officer: Steven Holder on 01432 260479****Application No. EN2004/0013/ZZ**

- The appeal was received on 9th February, 2005
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr. S. Cole, Mrs. S.M. Cole, Mr. R. Chinn, Mrs. V.M. Chinn
- The site is located at Orchard House, Coughton, Ross-on-Wye, Hereford
- The breach of planning control alleged in this notice is "Without planning permission, change of use of the land from use for agriculture to a use of the land for the storage of vehicles, machinery and equipment in connection with an agricultural contracting business"
- The requirements of the notice are: Stop using any part of the land for storage of vehicles, machinery and equipment and remove from the land all vehicles, machinery and equipment brought on to the land for the purpose of that use.
- The appeal is to be heard by Inquiry

**Case Officer: Steven Holder on 01432 260479****Application No. DCCW2004/4033/O**


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

- The appeal was received on 9th February, 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. J. Caton
- The site is located at 103 Kings Acre Road, Hereford, Herefordshire, HR4 0RQ
- The development proposed is Site for single detached dwelling
- The appeal is to be heard by Written Representations

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

**Application No. DCSW2004/3387/F**

- The appeal was received on 14th February, 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. G. Mussell
- The site is located at Land adjacent to Lilac Cottage, Clehonger, Herefordshire, HR2 9SL
- The development proposed is Detached dormer bungalow with garage
- The appeal is to be heard by Written Representations

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

## **APPEALS DETERMINED**

**Application No. DCSW2004/0079/O**

- The appeal was received on 21st June, 2004
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr. & Mrs. D. Evans
- The site is located at Land to the rear of Lawnsdown House, Clehonger, Hereford, Herefordshire, HR2 9TE
- The application, dated 18th December, 2003, was refused on 31st March, 2004
- The development proposed was Site for a dormer bungalow.
- The main issue is the size of the dwelling and its positioning on the site.

**Decision:** The appeal was **DISMISSED** on 18th January, 2005

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

**Application No. DCSE2003/3868/F**

- The appeal was received on 27th 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. & Mrs. Jones
- The site is located at Grey Hill Barn, Sollars Hope, Herefordshire
- The application, dated 12th December, 2003, was refused on 16th February, 2004

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



- The development proposed was Convert existing attached lean-to structure to provide additional accommodation to approved conversion Application No. SE2003/1245/F
- The main issue is the effect of the proposal on the character and appearance of the existing barn and its setting.

**Decision:** The appeal was **DISMISSED** on 14th February, 2005

**Case Officer:** Nigel Banning on 01432 261974

**Application No. DCSW2003/3774/F**

- The appeal was received on 13th 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. I.R. Prior
- The site is located at Agricultural land adjoining Hangar No 2 off Brampton Road, Madley, Hereford
- The application, dated 24th November, 2003, was refused on 11th February, 2004
- The development proposed was Retention of three mobile homes on existing agricultural land for full time/casual part time agricultural worker occupation/storage.
- The main issue is the effect on the appearance and character of the surrounding countryside.

**Decision:** The appeal was **DISMISSED** on 14th February, 2005

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

**Application No. DCSW2003/3895/O**

- The appeal was received on 18th 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. O. Beman
- The site is located at Land at The Old Bungalows, Minster Farm, Much Birch
- The application, dated 28th December, 2003, was refused on 24th February, 2004
- The development proposed was Site for 1 dwelling.
- The main issues are the housing need for the development, whether the proposal accords with the principles of sustainable development, and what the effect will be on the character and appearance of the area.

**Decision:** The appeal was **DISMISSED** on 22nd February, 2005

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

**Application No. DCSW2004/2060/F**

- The appeal was received on 9th August, 2004
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr. & Mrs. Hodgkinson
- The site is located at 2 Crossways, Walterstone, Herefordshire, HR2 0DX
- The application, dated 7th June, 2004, was refused on 29th July, 2004

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

- The development proposed was Proposed two storey extension.
- The main issue is the effect of the proposal on the character and appearance of the surrounding area

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

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

**Application No. DCSW2004/0910/F**

- The appeal was received on 5th August, 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. D. Mussell
- The site is located at Home Farm, Dorstone, Herefordshire, HR3 6AD
- The application, dated 6th March, 2004, was refused on 4th May, 2004
- The development proposed was a new dormer bungalow with attic bedrooms and double garage to replace store and barn out-buildings.
- The main issue is that the proposal would harm the character and appearance of the area.

**Decision:** The appeal was **DISMISSED** on 23rd February, 2005

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

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

**5 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

Consideration of this application was deferred by the Sub-Committee on 16<sup>th</sup> February, 2005 in order that a site visit could be held. This took place on 28<sup>th</sup> February, 2005.

The previous report is attached as an Appendix.

Further to the original report, the applicant's agent has sent a further communication in which the following main points are made:

- entrance is onto a lower class of road
- entrance may have to be moved and hedges removed to increase visibility
- internal roadway unsuitable, considerable cost to improve it
- security, site manager lives near existing access. House will be needed for southern entrance
- increased lorry movements through Wormelow
- southern entrance may not be acceptable to Highways Agency/Council's Highways Division whereas northern entrance (onto A49) is
- southern road for tractors and machinery purely voluntary
- should be noted we are only talking about one extra lorry movement a day.

**RECOMMENDATION**

**That planning permission be granted, subject to conditions (as detailed in the previous report)**

## APPENDIX

## **5 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: .....

.....

**Background Papers**

Internal departmental consultation replies.

## **6 DCSW2004/2177/O – SITE FOR THE ERECTION OF A SINGLE DWELLING, LAND AT CYPRUS COTTAGE, KINGSTHORN, HEREFORD**

**For: Mr. F.W.H. Perkins per Jamieson Associates,  
30 Eign Gate, Hereford**

**Date Received: 16<sup>th</sup> June, 2004**

**Ward: Pontrilas**

**Grid Ref: 5017 3199**

**Expiry Date: 11<sup>th</sup> August, 2004**

Local Member: Councillor G.W. Davis

### **1. Site Description and Proposal**

- 1.1 The application site comprises part of the overgrown garden area of Cyprus Cottage that has a southern aspect across a rear garden that declines to the south and south-west. The dwelling backs onto Barrack Hill, in this roadside elevation there are no windows nor openings.
- 1.2 Access for Cyprus Cottage is immediately adjacent to Cyprus Cottage at the top of Laburnum Lane or Pages Pitch, and adjacent to the junction with Barrack Hill, an unclassified road (u/c 71603). It is not possible to turn left at the top of Laburnum Lane, i.e. close to Cyprus Cottage onto Barrack Hill given the difference in levels between the two roads. Traffic going down Laburnum Lane and passing Cyprus Cottage leaves Barrack Hill travelling in a westerly direction only. It is not easy to turn into Laburnum Lane travelling eastward without doing a very tight u-turn.
- 1.3 This application seeks to determine the principle of developing the site. All matters are reserved for future consideration.
- 1.4 The originally submitted location plan has been amended as a strip of land five metres wide and immediately adjacent to Walnut Cottage was included with the land that comprised part of the application site. This has been rectified with the submission of correct Ordnance Survey extract plans received on 9th December, 2004. The recommendation of the Traffic Manager and the drainage details submitted on behalf of the applicant by drainage consultants relates to the site as delineated in the revised and correct Ordnance Survey extract plan.

### **2. Policies**

#### **2.1 Planning Policy Guidance/Statement**

PPS.7 - Sustainable Development in Rural Areas

#### **2.2 Hereford and Worcester County Structure Plan**

Policy CTC.2 - Development in Areas of Great Landscape Value

Policy CTC.9 - Development Criteria

Policy H.16A - Housing in Rural Areas

#### **2.3 South Herefordshire District Local Plan**

Policy GD.1 - General Development Criteria

- Policy C.43 - Foul Sewerage  
Policy SH.8 - New Housing Development Criteria in Larger Villages

#### 2.4 Unitary Development Plan (Revised Deposit Draft)

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

### 3. Planning History

- 3.1 None identified

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 The Environment Agency initially submitted a holding objection pending the receipt of further details of percolation details. On the receipt of further information the Environment Agency raises no objection subject to the imposition of a planning condition.

#### 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 In a letter that accompanied the original submission, the applicants agent makes the following main points:

- Cyprus Cottage is on the north-eastern corner of the village of Kings Thorn
- on northern edge of 0.17 hectare plot
- existing access onto slip road to south-west of Cyprus Cottage
- overgrown garden with thick shrubbery to eastern southern and south-western boundaries plus fruit trees and Cyprus trees
- shrubs screen garden completely from Manchester House and Treetops to the south and Seathwaite to the east
- access will be shared with existing dwelling, entails removal of a clump of Cyprus trees 5 metres south of access
- specimen trees will not be removed, however one or two fruit trees will need to be removed
- foul drainage will consist of a bio-disc unit.

- 5.2 In a further letter received from the applicants agent it is stated revised location plans are enclosed and that the Environment Agency will be contacted regarding foul drainage arrangements.

- 5.3 Much Birch Parish Council make the following observations:

“The Parish Council opposes the existing gateway being used as a joint access. It is recommended that a splayed joint access should be put in, half way between Cyprus Cottage and Walnut Cottage (see attached plan).

It is recommended that the new dwelling should be sited at the back of the plot, relative to the lane (West side).

It is a steeply sloping plot and care will be needed in siting the soakaways, so as to avoid run-off into neighbouring property, below. The Parish Council would like to see them on land west of the proposed plot, but still in the garden of Cyprus Cottage.

It is considered to be far better to erect the new dwelling between Cyprus Cottage and Seathwaite, at a suitable distance from the road and, have the joint access as suggested above. This would not be in full view from Cyprus Cottage and would give plenty of room for soakaways and car turning areas/garages.

NB. It is understood that the plot may be smaller than shown, as a piece of land was apparently purchased by the owners of Walnut Cottage, some years ago.

The occupants of Walnut Cottage and Bramble Tor are opposed to the application, on access and drainage grounds.”

5.4 3 letters of objection have been received from:

R. Thomas, Bramble Tor, Kingsthorpe, HR2 8AW  
D. & A. Evans, Celyn, Kingsthorpe, HR2 8AW  
Mrs. C. J. Scarisbrick, Walnut Cottage, Kingsthorpe, HR2 8AW

The following main points are raised:

- plan outdated, boundary with Walnut Cottage incorrect. Site smaller than indicated
- trees on site should be protected by Tree Preservation Orders
- site will be overlooked by Cyprus Cottage
- backland development
- perhaps intention is for further development crammed on the site
- proper sight lines required, splayed entrance, possibly 4 vehicles using entrance
- need space for off-road parking of oil delivery vehicles
- access road (Laburnum Lane) is very narrow also used as short cut between Barrack Hill and Wrigglesbrook Lane
- embargo on further development until mains drainage provided
- are Council fighting appeals, in absence of firm Planning Policy a pleasant village will be spoilt again
- flooding along lane needs to be managed
- run-off will impact directly on our dwelling
- potential damage and smells from stormwater, soakaways and drains
- noise both human and traffic.

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 raised in relation to this application are the suitability of the site for development, the means of access and the ability for satisfactory drainage arrangements.
- 6.2 The site is one that steeply declines from Laburnum Lane from which access will be gained. It is not considered that one dwelling could not be sited on this particular

site that would detract from the amenity of this part of Kingsthorpe. Care would be needed in respect of the levels, i.e. how the dwelling is cut into the site, this could be addressed by the imposition of a planning condition. There is sufficient space to allow for off-road parking and manoeuvring for both Cyprus Cottage and the proposed dwelling. A dwelling could be sited such that it screens the rear garden from south facing windows in Cyprus Cottage.

- 6.3 Laburnum Lane or Pages Pitch is a narrow unclassified road onto which access will need to be gained. The Traffic Manager considers that a satisfactory means of access can be provided notwithstanding that the junction of Laburnum Lane and Barrack Hill, another unclassified road is not a conventional one allowing traffic joining Barrack Hill to safely turn right only. The limitations of Laburnum Lane in terms of width and alignment restricts the number of vehicles using this unclassified road.
- 6.4 Kingsthorpe has a history of problems associated with drainage which are referred to in two letters of representation received by the Council. There is not an embargo on residential development until such time as mains drainage is provided. This policy of South Herefordshire District Council has been tested on appeal several times and each time the appointed Inspector has allowed the appeal and given due weight to the views of the Environment Agency. In every allowed appeal the Environment Agency has not objected, notwithstanding local public views including those of the particular Parish Council.
- 6.5 The Environment Agency is satisfied that the method of foul drainage proposed, by means of a packaged sewage treatment plant is appropriate and that the percolation tests for this site are satisfactory. There are therefore not considered to be grounds for withholding planning permission on the basis that satisfactory foul drainage arrangements cannot be provided. This site does decline steeply however the Environment Agency are satisfied that ground conditions are suitable.
- 6.6 This site can accommodate a dwelling whilst retaining a number of trees on and around the site. The means of access can be improved upon and better off-road parking facilities provided. The means of foul drainage and access/parking will determine the form of development possible on this site. Therefore, the proposal satisfies Policies GD.1 and SH.8 in particular in the South Herefordshire District Local Plan.

## 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. The foul drainage from the proposed development shall be discharged to a treatment plant and soakaway system which meets the requirements of British Standard BS6297: 1983, and which is provided in accordance with the details submitted dated 21st January, 2005 (including letter and plan entitled 'Sketch -1'), unless otherwise agreed in writing by the local planning authority. There shall be no connection with any watercourse or land drainage system and no part of the soakaway system located within 10 metres of any ditch or watercourse, nor within 50 metres of any water abstraction or well.**

**Reason:** To prevent pollution of the water environment.

**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. G09 (Retention of trees/hedgerows)**

**Reason:** To safeguard the amenity of the area.

**8. H01 (Single access – not footway)**

**Reason:** In the interests of highway safety.

**9. H03 (Visibility splays)**

**Reason:** In the interests of highway safety.

**10. H05 (Access gates)**

**Reason:** In the interests of highway safety.

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

**Reason:** In the interests of highway safety.

**12. H10 (Parking – single house)**

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

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**7 DCSE2004/3924/F - VARIATION OF CONDITION 2 OF PLANNING PERMISSION REF: SE1999/1679/F (HOURS OF OPERATION). PAN PIZZA, 8 GEORGE PLACE, GLOUCESTER ROAD, ROSS-ON-WYE, HEREFORD HR9 5BS**

**For: Mr. & Mrs. Jaradat per Tufnell Town & Country Planning, Waverley Studio, Gloucester Road, Hartpury, Gloucester, GL19 3BG**

**Date Received: 12th November 2004 Ward: Ross-on-Wye East Grid Ref: 59973, 24083**

**Expiry Date: 7th January 2005**

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

**1. Site Description and Proposal**

- 1.1 The application site is "Pan Pizza" which is sited on the southern side of Gloucester Road at the top end of the street, close to the market place. The premises has permission for an A3 use class, granted in August 1999, and it is essentially a take-away with a few seats against the window. Ground floor premises in the immediate vicinity are mainly retail. There are also banks, public houses and other take-aways in the surrounding area. Above the application site and adjoining shops, there are residential properties. The site is within the Ross on Wye central shopping zone and Conservation Area.
- 1.2 Condition 2 of the original planning permission for A3 use (ref. SE99/1679/F), restricted the opening hours from 8am to 11pm Monday to Thursday, 8am to 12.00 midnight on Friday and Saturday and from 8am to 11pm on Sundays. This application is to vary condition 2, to allow opening from 8am to 12.00 midnight from Sunday to Wednesday and from 8am to 2am Thursday to Saturday.

**2. Policies**

**2.1 Planning Policy Guidance**

PPS1 - Delivering Sustainable Development

**2.2 South Herefordshire District Local Plan**

Policy GD1 - General Development Criteria  
RT1 - Ross on Wye Town Centre

Part 3,  
Policy 16 - Conservation Area  
Policy 21 - Central Shopping Zone

**2.2 Herefordshire UDP (Deposit Draft)**

Policy S2	-	Development Requirements
Policy S5	-	Town Centres and Retail
Policy DR13	-	Noise
Policy TCR15	-	Hot Food Take-away Outlets

### 3. Planning History

- 3.1 SE/99/1679/F Change of use from A1 (retail) to A3 (food and drink) - Conditional permission 4.8.99

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

#### Internal Council Advice

- 4.2 The Traffic Manager has no objections.
- 4.3 The Conservation Manager has no observations.
- 4.4 Head of Environmental Health and Trading Standards has no adverse comments in terms of pollution. With regard to public amenity, no objection is raised however it is stated that a Premises Licence from the Local Licensing Authority will be required. The prospective Licensee will be required to show that adequate systems are in place to ensure that the four licensing objectives are not compromised by the operation of his business, the four licensing objectives are:
1. Prevention of Crime and Disorder
  2. Prevention of Public Nuisance
  3. Public Safety
  4. Protection of Children from harm

### 5. Representations

- 5.1 Ross on Wye Town Council : Two o'clock closing time is too late.
- 5.2 Two letters of objection from the Ross on Wye and District Civic Society and the Rosswyn Hotel. The main points raised are:
- the operation of this business into the small hours of the morning will constitute a nuisance for residents of Gloucester Road due to frequent comings and goings of customers and loud behaviour which is likely from some customers.
  - This is likely to discourage greater residential occupancy of spaces above commercial premises in the town centre. It may also discourage tourists.
  - Late night opening of another take away in the town previously caused disturbance with noise, obscene language and behaviour, mess and litter especially in the summer.

- The extractor fan already causes nuisance to the rear of the Rosswyn Hotel, later opening would mean later nuisance.
- 5.3 A petition of support was submitted with the application with some 126 signatories.
- 5.4 A standard letter of support was submitted with the application from 3 local residents, from 6 Gloucester Road, 3 Gloucester Road and the first floor flat above 4 Gloucester Road, stating that the application has their full backing and that whilst Pan Pizza have been trading they have had no cause for complaint due to noise or nuisance of any kind.
- 5.5 The agent also submitted a covering letter making the following points:
- The proposed times are in general conformity with the opening times of other premises within the town including A3 use and night clubs.
  - The premises was opening late for a period last year (although this was unauthorised) this was in effect a "trial" period during which time only one complaint was received.
  - The proposal complies with the requirements of Unitary Development Plan Policy TCR15.
  - There is a taxi rank and bus stop outside the premises and a CCTV camera monitors the building.
  - Many customers order in advance and the business is conducted to minimise noise, litter and disturbance.
  - The proposal will have a positive impact on the evening economy assisting the vitality and viability of the town.

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 premises already has permission for the take-away use and the main issue for consideration is the impact of the later opening upon the amenity of the area, including the impact upon the conservation area, neighbouring residents and traffic implications.
- 6.2 The later opening of the premises is not considered to have a significant impact upon the character or appearance of the Conservation Area. Neither would it be expected to generate significant additional traffic and there are no objections in this respect.
- 6.3 The impact upon residential amenity can be considered from two aspects, firstly in terms of any pollution from smells, fumes etc. and secondly in terms of noise and general disturbance from customers. The Head of Environmental Health raises no objection in terms of pollution and indeed the original planning permission did make provision for the control of fumes and odours.
- 6.4 The concerns raised by local interested parties regarding general disturbance for local residents late at night are noted. It is acknowledged that the later opening will be likely

to cause additional disturbance to some extent and there is some concern at the late hours proposed particularly on Thursday, Friday and Saturday. However, no objection is raised by the Head of Environmental Health who does have means of control over late opening under separate legislation for a Premises Licence. Furthermore, this property is within the town centre in a predominantly commercial area where activity and disturbance late at night must be accepted to a certain extent. In addition it is noted that the support expressed for the proposal far outweighs the number of objections received. On this basis, on balance the proposal is not considered to cause undue disturbance such that would warrant refusal of the application and consequently conditional permission is recommended.

**RECOMMENDATION**

**That planning permission be granted subject to the following condition:**

- 1 The premises shall not be open to customers outside the hours of 8.00 am and 12.00 midnight Sunday to Wednesday, and 8.00 am to 2.00 am Thursday to Saturday.**

**Reason: To safeguard the amenities of the locality.**

**Informativ:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**8 DCSE2004/4339/F - DEMOLITION OF EXISTING PETROL FILLING STATION AND ERECTION OF 16 NO. RESIDENTIAL APARTMENT DWELLINGS, FORMER PETROL FILLING STATION, GLOUCESTER ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5NA**

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

**Date Received: 21st December 2004      Ward: Ross-on-Wye East      Grid Ref: 60729, 24175**

**Expiry Date: 15th February 2005**

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

**1. Site Description and Proposal**

- 1.1 Planning permission was refused in October 2004 for the erection of 3 blocks of residential apartments providing 18 dwellings on the site of a former petrol filling station at the eastern end of Gloucester Road. This decision is the subject of an appeal which has not yet been determined. The reasons for refusal were as follows:

"The proposal would result in over-intensive development which would appear cramped and would harm the privacy of neighbours. As a consequence the proposal would conflict with Policies SH.14, SH.15 and GD.1 of South Herefordshire District Local Plan."

- 1.2 The current proposal is a revised scheme to provide 16 dwellings. There would be three blocks, as before: two set back but with the third block close to Gloucester Road. The main change is that the central building would contain only two storeys rather than three. The design of the buildings would be very similar to the earlier scheme. The fenestration of the east elevation of block 3 would be changed however. This faces a residential unit in the former Ashburton Inn and all but 3 ground floor windows originally proposed would be 'blind'. External materials would again be a mix of brick and render with plain clay tiled roofs. Car parking would be in front of the western two blocks and to the rear of the third, with the main amenity area to the rear of the former, as in the original application.

**2. Policies**

**2.1 Planning Policy Guidance**

PPG.3                      -              Housing

**2.2 Hereford and Worcester County Structure Plan**

Policy H.16              -              Ross and Rural Sub-Area  
 Policy CTC.9            -              Development Requirements  
 Policy CTC.18          -              Development in Urban Areas

### 2.3 South Herefordshire District Local Plan

Policy GD.1	-	General Development Criteria
Policy SH.14	-	Siting and Design of Buildings
Policy SH.15	-	Criteria for New Housing Schemes
Policy R.3A	-	Development and Open Space Targets
Policy SH.9	-	Balance of Housing Types
Policy T.3	-	Highway Safety Requirements
Policy T.4	-	Highway and Car Parking Standards
Policy 3	-	Infill Sites for Housing
Policy 4	-	Primary Residential Areas

### 2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy H.1	-	Established Residential Area
Policy H.2	-	Housing Land Allocations
Policy H.9	-	Affordable Housing
Policy H.13	-	Sustainable Residential Design
Policy H.14	-	Re-using Previously Developed Land and Buildings
Policy H.15	-	Density
Policy H.16	-	Car Parking
Policy H.19	-	Open Space Requirements
Policy RST.3	-	Standards for Outdoor Playing and Public Open Space

## 3. Planning History

3.1	SH930690PF	New petrol tanks, pumps, islands and canopy	-	Approved 28.07.93
	SE2001/2584/F	New underground storage tanks	-	Approved 28.01.02
	SE2004/2733/F	Demolition of existing petrol filling station and erection of 18 no. residential apartment dwellings	-	Refused 27.10.04 Subject to appeal

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Environment Agency has no objections in principle but recommends conditions requiring a contaminated land study and remediation.
- 4.2 Welsh Water requests that conditions be imposed regarding a comprehensive and integrated drainage scheme. The site is crossed by a public sewer.

### Internal Council Advice

- 4.3 Traffic Manager recommends that conditions be attached if planning permission is granted.
- 4.4 Head of Environmental Health recommends conditions to deal with contamination and restriction on hours of construction. It is pointed out that as the underground fuel tanks have been filled with foam there may be problems with load-bearing of foundations.



## 5. Representations

5.1 The applicant's agent points out the following:

- the application ostensibly follows the principles as previously agreed with you for the previous application
- however in recognition of the stated reason for refusal of the previous application we have reduced Block 2 to 2-storey height and reduced Block 3 to 2-storeys in height, albeit that accommodation is included within the roof space of that block.

5.2 Town Council has no objections but regret the loss of the petrol filling station. The new buildings might overload the services of existing houses.

5.3 Six letters have been received expressing objections to the proposed development. In summary the reasons given are as follows:

- although the changes to the central block are noted this would still be an over-intensive use of the site, with too high a density resulting in "congestion onto and from the site, no private personal space for a large number of families, etc"
- all three buildings are large, monolithic and out of scale with surroundings - eastern block especially which is higher than anything else in the vicinity even though some units are in roof slope
- as a consequence this development would be totally inappropriate and out of keeping with surrounding properties and have a detrimental impact on them
- the western block (next to Rowancroft) should be built at ground level not on raised ground, as Planning Committee recommended, and would not then be higher than the other blocks. Questioned when central block is higher than northern block even though latter on raised ground
- numerous windows overlook Weston Grove properties resulting in serious loss of privacy and gardens would be overlooked by southern (tallest) block
- light would be blocked to adjoining properties, as would views of Chase Woods
- loss of large tree regrettable
- insufficient car parking would result in extra parking along Gloucester Road which is already overcrowded and will get worse as restrictions are proposed for on-street parking in Smallbrook Road
- drainage problems: system already overloaded so that raw sewage overflows drains in Weston Grove; noted that 2 bed units have 3 bathroom suites!
- what provision for future maintenance of parking/communal areas?
- no access to service electricity cable to rear of site or for emergency vehicles
- harm security - bike bays used to climb fence
- loss of rear access to Weston Grove properties
- reduce property values
- several suggestions made:
  - (i) two 2-storey blocks only, one turned end on to road, and no larger than smaller (central) block
  - (ii) northern block should be at ground level
  - (iii) include a maintenance/service agreement in perpetuity for communal areas.

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

## 6. Officers Appraisal

- 6.1 The site is in a primarily residential area and residential development of this site is therefore appropriate and acceptable in principle. The earlier scheme was refused permission not because it was for residential purposes but because it would be cramped and over-intensive development which would harm the amenities of adjoining residents.
- 6.2 The central block has been significantly reduced in height and now would not contain a third storey. This would significantly reduce the scale of this building and the visual impact of the overall development in the street scene. The eastern block would be the largest but like the adjoining building (former Ashburton Inn) has lower and higher sections of comparable height, nor is not significantly wider. The massing of this new building would not be dramatically different to the former Inn, nor significantly closer to Gloucester Road. The reduction in number of units from 18 to 16 would allow some greater scope for landscaping as few parking spaces would be required. Taking these changes as a whole it is considered that they are sufficient to ensure that the development would not be so cramped or over-intensive as to justify refusing planning permission.
- 6.3 The problem of inter-looking between windows in the side of this block and the adjoining residential unit would be overcome by the omission of first floor windows and provision of screen fence along the boundary; the latter could be required by a planning condition. The new buildings would be the same distance (about 10m) from the boundary to the properties in Weston Grove, although the omission of the second floor in the central block would reduce the number of units and windows which look towards those properties. It is considered that the scheme complies with generally accepted standards for spaces between dwellings.
- 6.4 In view of the above it is concluded that there are insufficient grounds to refuse this revised scheme.

## **RECOMMENDATION**

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

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

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

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

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

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

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

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

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

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

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

**6. F48 (Details of slab levels)**

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

**7. H03 (Visibility splays)**

**Reason:** In the interests of highway safety.

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

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

**9. H21 (Wheel washing)**

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

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

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

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

- a) A desk top study has been carried out which shall include the identification of previous site use, potential contaminants that might reasonably be expected given those uses and other relevant information and using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
- b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the local planning authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:
  - a risk assessment to be undertaken relating to the receptors associated with the proposed new use, those uses that will be retained (if any) and other receptors on and off the site that may be affected, and
  - refinement of the Conceptual Model, and
  - the development of a Method Statement detailing the remediation requirements.
- c) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment undertaken.

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

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

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

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

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

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

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

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

15. W01 (Foul/surface water drainage)

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

16. W02 (No surface water to connect to public system)

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

17. W03 (No drainage run-off to public system)

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

18. No development shall commence until the Developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water,

surface water and land drainage will be dealt with and this has been agreed in writing by the local planning authority in liaison with Dwr Cymru Welsh Water's Network Development Consultant.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

**Informative(s)**

- 1. HN05 - Works within the highway
- 2. HN10 - No drainage to discharge to highway
- 3. HN19 - Disabled needs
- 4. N15 - Reason(s) for the Grant of Planning Permission

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



## **9 DCSW2004/3763/F - PROPOSED HOUSE AND GARAGE, THE GARAGE SITE, PRESTON-ON-WYE, HEREFORDSHIRE**

**For: Mr. & Mrs. P.J. Roberts per John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH**

**Date Received: 29th October 2004      Ward: Golden Valley      Grid Ref: 38522, 41705 North**

**Expiry Date: 24th December 2004**

Local Member:    Councillor N.J.J. Davies

### **1. Site Description and Proposal**

- 1.1 The application site is on the eastern side of the unclassified road (u/c 90007) that leads north-eastward to Hacton, that is immediately north of The Forge, a red brick faced dormer style bungalow. This site which had a garage building on it has planning permission for a pair of semi-detached bungalows granted in 2002. The current proposal is for a single red brick faced dwelling on the site.
- 1.2 The dwelling proposed has a roadside elevation 12.8 metres long. It is 12.1 metres long on the northern elevation facing The Salleys. The front portion is 6.3 metres wide. It is 5 metres to the eaves of this natural slate half-hipped roof. The ridge height is 7.8 metres. The house is set back 16 metres into the site, which is approximately 2/3 metres further back into the site than the previous garage premises. A double garage is proposed between the house and the unclassified road from which access will be gained.
- 1.3 This application has been submitted following refusal for a dwelling, higher at the ridge, with a larger footprint including a longer roadside elevation.
- 1.4 The current proposal has been revised slightly from submission such that a single-storey element has been deleted, the chimney centralised on the building and the porch amended.

### **2. Policies**

#### **2.1 Planning Policy Guidance**

PPS.1                    -            Delivering Sustainable Development

#### **2.2 Hereford and Worcester County Structure Plan**

Policy H.16A        -            Housing in Rural Areas

#### **2.3 Leominster District Local Plan**

Policy A.1            -            Managing the Districts Assets & Resources  
 Policy A.23          -            Creating Identity and an Attractive Built Environment  
 Policy A.54          -            Protection of Residential Amenity

Policy A.55 - Design & Layout of Housing Development

#### 2.4 Unitary Development Plan (Revised Deposit Draft)

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

### 3. Planning History

- |     |                 |  |   |                   |
|-----|-----------------|--|---|-------------------|
| 3.1 | NW2001/2537/O   | Demolition of garage premises and site for three dwellings           | - | Refused 15.11.01  |
|     | NW2002/2559/O   | Demolition of garage and construction of two semi-detached dwellings | - | Approved 04.10.02 |
|     | DCSW2004/0785/F | Proposed 4 bedroom house and garage                                  | - | Refused 26.04.04  |

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Welsh Water raises no objection subject to conditions being attached to any grant of planning permission.

#### 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 Preston-on-Wye Parish Council make the following observations:

"Concerns re extra windows in N elevation overlooking adjoining dwelling."

- 5.2 Letters of representation have been received from:

Mr. A.B. Huffer, The Forge, Preston-on-Wye, HR2 9JU  
Mr. K. & Mrs. P. Jones, The Salleys, Preston-on-Wye, HR2 9JU  
G.D. & H. Dutson, High House, Preston-on-Wye, HR2 9JU

The following main points are raised:

- inappropriate, too large for plot, dominate surrounding properties and out of keeping
- overlook our property and neighbouring properties
- please consider number of windows facing our property
- we both work unsocial hours, concerned about disturbance to sleep patterns
- boundary line shown with our property 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 issues are considered to be the impact of the proposed dwelling in this part of Preston-on-Wye and the impact on the amenities of residents in the vicinity of the site.
- 6.2 There are a variety of dwelling types in Preston-on-Wye. Dwellings are predominantly of brick construction or have a rendered finish. Therefore the use of a red facing brick is acceptable for this site as is the use of a natural slate on the roof. The design of the house is bold and reflects an older historic style that is indeed represented in Preston-on-Wye and in Madley. It is a difficult site to develop given that any new building will contrast with the scale and massing of the dormer bungalow immediately to the south-west. It is considered that the dwelling is sufficiently set back from the highway such that the impact is reduced, notwithstanding the fact that the dwelling is only 1.5/2 metres from the southern boundary of the plot. This is minimised by the dwelling to the south having a garage with a flat roof on the other side of the boundary. There is a 4 metre gap between the north elevation and the boundary with The Salleys, although unlike The Forge to the south, The Salleys is approximately 16 metres away from the north elevation of the dwelling. There is considered to be sufficient private rear garden for the dwelling such that with set back from the highway already mentioned above, it is not considered that the proposal constitutes an over-development of the site.
- 6.3 As has already been stated above there is considered to be sufficient distance between the north elevation rear wing of the house and The Salleys. The Salleys is also down slope from the plot and partly screened by existing trees. The first floor windows in the wing comprise two bathroom windows and two secondary bedroom windows. The nearest elevation to The Forge is a blank one, this will need to be the subject of a condition prohibiting the possibility of new windows at first floor level in particular given that they could also be directly opposite existing north facing windows in The Forge. Therefore the proposal satisfies the requirements of Policy A.54 in the Leominster District Local Plan.
- 6.4 The new dwelling covers only a slightly larger area of the plot than the previous garage premises. It will have a greater visual impact than the building it replaces, however it is considered that the impact is ameliorated by the use of a good quality facing brick and slate covered roof. The design is also complimentary to Preston-on-Wye. Therefore the proposal contributes to the character and amenity of Preston-on-Wye as required by the provisions of Policies in the Leominster District Local Plan and in particular Policies A.1 and A.23.
- 6.5 The Conservation Manager previously recommended a site observation condition be attached to any planning permission granted.
- 6.6 Also a condition restricting working hours, given the relative proximity to The Forge, has been included in the recommendation.

**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. **D03 (Site observation - archaeology)**

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

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

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

6. **E01 (Restriction on hours of working)**

**Reason:** To safeguard the amenities of the locality.

7. **W01 (Foul/surface water drainage)**

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

8. **W02 (No surface water to connect to public system)**

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

9. **W03 (No drainage run-off to public system)**

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

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

**Reason:** In the interests of highway safety.

11. **H04 (Visibility over frontage)**

**Reason:** In the interests of highway safety.

**12. H05 (Access gates)**

**Reason: In the interests of highway safety.**

**13. 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.**

**14. H27 (Parking for site operatives)**

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

**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.**

**Informative(s):**

- 1. HN01 - Mud on highway**
- 2. HN05 - Works within the highway**
- 3. HN10 - No drainage to discharge to highway**
- 4. ND03 – Contact Address**
- 5. N15 - Reason(s) for the Grant of Planning Permission**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**10 DCSE2005/0409/O - SITE FOR RESIDENTIAL DEVELOPMENT AT LAND ADJACENT TO GOODRICH PRIMARY SCHOOL, GOODRICH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6HY**

**For: Herefordshire Council Education Directorate per Property Services Manager, Herefordshire Council Property Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB**

**Date Received: 9th February 2005      Ward: Kerne Bridge      Grid Ref: 57396, 19302**

**Expiry Date: 6th April 2005**

Local Member:    Councillor Mrs. R.F. Lincoln

**1. Site Description and Proposal**

- 1.1 Outline planning permission is sought for residential development on an irregularly shaped area of land to the rear of the former Goodrich Primary School. The site is about 0.2 ha in area and slopes steeply down from the higher land to the north-west. There are houses to the north west of the site; the old school is to the east and the new school and playing field to the south.
- 1.2 All matters are reserved for later approval except for the means of access which would be off the access road to the new school. Drainage would be to the combined public sewer, however a storm water attenuation system is proposed to ensure that development would not exacerbate existing overloading of that system. A scheme has been designed by drainage consultants.

**2. Policies**

**2.1 Planning Policy Guidance**

PPS7                    -            Sustainable Development in Rural Areas

**2.2 Hereford and Worcester County Structure Plan**

Policy H18            -            Residential Development in Rural Settlements

Policy H16A          -            Development Criteria

Policy CTC1          -            Development in Areas of Outstanding Natural Beauty

Policy CTC2          -            Development in Areas of Great Landscape Value

**2.3 South Herefordshire District Local Plan**

Policy SH1A          -            Overprovision of Housing

Policy SH7            -            Residential Proposal Sites in Larger Villages

Policy SH8            -            New Housing Development Criteria in Larger Villages

Policy SH14          -            Siting and Design of Buildings

Policy SH15          -            Criteria for New Housing Schemes

Policy C5             -            Development within Areas of Outstanding Natural Beauty

Policy C8             -            Development within Areas of Great Landscape Value

Policy GD1            -            General Development Criteria

**2.4 Herefordshire UDP (Deposit Draft)**

Policy RST4	-	Safeguarding existing Recreational Open Space
Policy H4	-	Main Villages: Settlement Boundaries

**3. Planning History**

3.1	SE2001/0088/F	Conversion and change of use of old school building into 3 houses together with the construction of 2 houses.	-	Refused 06.03.01
	SE2001/2834/O	Site for erection of new dwellings.	-	Undetermined.

**4. Consultation Summary**Statutory Consultations

4.1 Welsh Water assessment of the consultants' report is awaited.

Internal Council Advice

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

**5. Representations**

5.1 Parish Council's comments are awaited.

5.2 26 letters have been received objecting to and raising concerns regarding this proposal. These are, in summary, as follows:

- Very prominent location in village and in AONB, elevated above school – development would detract from the look of the village, destroy this part of the village and totally change for the worse the entrance to the village.
- Most unsuitable site for building, being extremely steep and developer would be likely to build large houses leading to serious visual harm.
- Site is smaller than area allocated in SHDLP, narrower and steeper and with illegal tipping and is no longer suitable for residential development.
- Insufficient detail to assess proposal and submission of siting, number and type of dwellings and their appearance should be required before a decision made.
- Village has suffered from architecturally insensitive development and felling of row of poplars of landscape value – this proposal would cause further blight.
- Houses i.e. in plural stated on drawing so at least 2 but site is not big enough for 2 plots comparable in size to adjoining properties and therefore proposal would be overdevelopment.
- Detrimental impact on 3 adjoining houses (Endeen, The Baan, The Old Orchard).
- Threat to nearby property and new school (through subsidence of bank?).
- Shares drive with school – already congested at school opening and closing and also when nearby village hall has functions (acts as overflow car park).
- Access shown to be difficult with steep gradients in earlier application which did have drawings – has not been shown that satisfactory access can be achieved.
- Increased congestion would result in increased risk of accidents – nearby junction with Coppett Hill road is dangerous (accident referred to).

- Contrary to UDP: majority of villagers strongly support recreational use proposal which would be asset to village and school both visually and as additional recreational facility.
- Should not rely on SHDLP to grant permission – recreation land been accepted locally as future use for 2 years now and Council has moral duty to keep to this – too late to overturn UDP.
- Parish Council have offered to take on and manage land as open space in conjunction with school and this is strongly supported.
- Site gives scope to enlarge school rather than take part of playing field – school cannot cater for all children in village; or it could be a valuable school garden.
- Welsh Water object; pumping station is at capacity; there are no storm water drains.
- No need for extra housing has been shown.
- Devalue 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 site is within the village of Goodrich and is within the settlement boundary delineated in both South Herefordshire District Local Plan and Herefordshire UDP (Deposit Draft). In the former Plan this site is allocated for housing development (Policy SH7). The land was considered to be appropriate for designation as it satisfied the criteria listed under Policy SH7 and was deemed to help to meet the housing needs of South Herefordshire. However the UDP allocates the site as “safeguarded open space”. It is understood that the change in allocation was made because the constraints on development (i.e. drainage of the site) seemed insuperable. Under UDP Policy RST4 loss of recreational land and/or open space will not be permitted unless there is a clear excess in provision or alternative equivalent land is provided.
- 6.2 The emerging UDP is currently subject to a public inquiry. There have been objections to the rural housing policies of UDP and these are being considered at the Inquiry. Consequently these UDP policies carry only limited weight. Until the adoption of the UDP the Development Plan remains Hereford and Worcester County Structure Plan and South Herefordshire District Local Plan. The relevant policy in considering this proposal is therefore SH7 of SHDLP. In principle therefore residential development of this site is acceptable and complies with current policies.
- 6.3 The key issue is whether the new development can be drained acceptably. The submitted scheme has been designed to ensure that there is no increase in flow to the combined sewer system. This approach, provided it is practicable, has been accepted by Welsh Water in other cases. As noted above Welsh Water’s response has not yet been received.
- 6.4 The number of house(s), together with their layout and design has not been specified at this stage although the drainage study assumes two 4-bed dwellings. The suitability of the site for residential development was fully considered during the preparation of the Local Plan, as noted in paragraph 6.1 above. It is not considered therefore that further details are required in order for this application to be determined. It is appreciated that the school drive and adjacent highway is congested at the start and end of the school day. Nevertheless this is not so serious as to preclude all development of this site.

**RECOMMENDATION**

That subject to being satisfied that the site can be drained acceptably, 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 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 A06 (Development in accordance with approved plans)

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

- 6 H09 (Driveway Gradient)

Reason: In the interests of highway safety.

**Informative:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**11 DCSE2005/0040/F - FORMATION OF COMPOUNDS. ERECTION OF FENCES AND GATES AT BROADMEADOWS INDUSTRIAL ESTATE, ROSS-ON-WYE, HEREFORDSHIRE**

**For: Yorkley Timber Co. Ltd. per Christopher F. Knock, Tinkers Grove Cottage, The Deer Park, Eastnor, Nr Ledbury, Herefordshire, HR8 1RQ**

**Date Received: 6th January 2005      Ward: Ross-on-Wye East      Grid Ref: 60318, 24521  
Expiry Date: 3rd March 2005**

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

**1. Site Description and Proposal**

- 1.1 Broadmeadows Industrial Estate is an area of general small scale commercial activity occupying a large triangular area to the rear (south-east) of properties in Overross and to the north-east of Millpond Car Park and Morrisons. the current application site is an area about 90m long x 18m wide between the Checkley and Rudhall brooks and close to their confluence near to Millpond Street Car Park. It is part of a larger area, formerly part of Yorkley Timber Yard, which was consolidated and surfaced in the late 1980's, the north-eastern half of which is a coach depot (allowed on appeal). An area to the north-west and of similar size to the current application site was divided in 5 compounds in the 1990's and appear to be used for low-key storage activities. The current proposal is to form 5 further compounds by the erection of galvanised palisade fencing 2.4 m high, each compound having double gates.
- 1.2 To the north west of Checkley Brook are houses in Brookmead and commercial premises along Overross. The gardens of the former are about 35m away from the application site. The area is known to flood when the brooks overflow their banks. The banks of both brooks have been raised, their channel dredged and screen planting undertaken along Checkley Brook in recent years.

**2. Policies**

**2.1 Planning Policy Guidance**

PPS.1                    -            Delivering Sustainable Development

**2.2 Hereford and Worcester County Structure Plan**

Policy E.12            -            Expansion of Industries and Commercial Premises  
Policy E.13            -            Industry in Residential Areas

**2.3 South Herefordshire District Local Plan**

Policy GD.1            -            General Development Criteria  
Policy ED.3            -            Employment Proposals within/adjacent to Settlements  
Policy ED.5            -            Expansion of Existing Businesses

## 2.4 Herefordshire Unitary Development Plan(Revised Deposit Draft)

- Policy E.6 - Expansion of Existing Businesses
- Policy E.7 - Other Employment Proposals in Hereford and the Market Towns
- Policy E.8 - Design Standards for Employment Sites

## 3. Planning History

There have not been any recent applications for development of this site.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Environment Agency's advice is awaited.

### Internal Council Advice

- 4.2 The Traffic Manager objects as it is felt that the proposal would adversely affect the proposed Ross Flood Alleviation Scheme as it would limit the ability to undertake future maintenance of the Scheme.
- 4.3 The Conservation Manager does not consider this development would affect the setting of the adjacent listed building (The Plough Inn).

## 5. Representations

- 5.1 Town Council has no objections to the proposal.
- 5.2 2 letters have been received from nearby residents expressing strong objections or concerns. The following reasons are cited:
1. Site is on flood plain of the two brooks and history of flooding in the area - concerned that building here will seriously increase likelihood of flooding which will affect our home especially as climate change and more frequent localised storms and flash flooding.
  2. Debris from existing compounds (built without planning permission?) getting into brooks and increasing risk of waterflow being impeded increasing risk of homes flooding.
  3. Photographs submitted showing debris which spoils what should be a pristine area inhabited by wildlife.
  4. Noise pollution from compounds which are so close to residential properties in Brookmead already making life unbearable. These were erected after houses in Brookmead built but latter are not shown or acknowledged in current application - Committee should be aware of this large residential area all along boundary of Rudhall Brook.

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 lawful use of this land is not clear. The area between the two brooks is allocated for public open space in the South Herefordshire District Local Plan. However at the Local Plan Inquiry it was agreed following objections, to delete this allocation, which is therefore an uncorrected error. In the emerging Unitary Development Plan the area is shown as safeguarded employment land. At the appeal concerning the adjoining coach depot the lawful use of the area between the brooks was considered by the Inspector. He concluded that although the evidence for lawful commercial use was not conclusive it was probable and he allowed the appeal partly on the basis that the coach depot, restricted by planning conditions, may well be less harmful to residential amenities than an alternative commercial use. In view of these findings and the UDP allocation, to which objections have not been raised, it is considered that in principle this development to facilitate more intensive commercial use would not conflict with current policies.
- 6.2 Two issues remain to be considered: the effect on the flood plain and the effect on the amenities of nearby residents. With regard to the former the Council is committed to undertake a flood alleviation scheme with works scheduled to commence in Spring 2006 with completion by the end of that year. Once completed the risk of further flooding would be very greatly reduced.
- 6.3 The use of the compounds is not specified but industrial/storage uses are clearly intended. In view of the proximity to residential properties it would be reasonable, as the lawful use has not been unequivocally established, to restrict the use to within Class B1 and B8 i.e. industrial activities that would not be noisy or give rise to fumes, smells and dust and storage. In addition a limitation on hours of working would ensure peace and quiet outside normal working hours. On this basis it is considered that the proposal would not cause significant harm to the living conditions of local residents.
- 6.4 The concern expressed regarding future maintenance of the Flood Alleviation Scheme is appreciated. Nevertheless the compounds would not physically restrict maintenance to any significant extent and in view of the Inspector's conclusion reported above, commercial use of this land would be difficult to resist.

## **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. E06 (Restriction on Use)**

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

**Informative(s):**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**12 DCSE2005/0042/F - RELOCATION AND EXTENSION OF RESIDENTIAL SITE FOR SEASONAL AND CASUAL WORKERS TOGETHER WITH LAND AREAS TO BE RE-PROFILED AT COLERAINE FARM, COUGHTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SG**

**For: Cobrey Farms per Paul Dunham Associates, 19 Townsend, Soham, Cambridgeshire, CB7 5DD**

**Date Received: 6th January 2005      Ward: Kerne Bridge      Grid Ref: 61305, 21738**

**Expiry Date: 3rd March 2005**

Local Member:    Councillor Mrs R.F. Lincoln

**1. Site Description and Proposal**

- 1.1 The application site adjoins the large modern farm complex at Coleraine Buildings. this agricultural enterprise has planted a large area of asparagus (about 135 ha) which will begin to produce substantial crops this coming year. A new grading and packing building at Coleraine Buildings for asparagus was granted planning permission in November 2004. This would be sited at the rear of the large potato store and adjoining the brook. A new access road is required which leads off the existing drive. The proposed caravan site (68 caravans) would be immediately to the south-west of that building and access road, extending over an area of about 0.2 ha.
- 1.2 The intention is to undertake substantial re-grading, primarily to reduce the level of the caravans and the spoil would be used to raise the height of the adjoining field to the south-west. Along the south-eastern boundary of the application site and bank would be formed which it is intended to plant. The south-western boundary is formed by the brook. The caravan site is divided by overhead power lines below which an open recreation area would be formed and the site of a future reception centre is also shown although it is not part of the current application.
- 1.3 The caravan site would house student workers (up to about 330 by 2007) during the asparagus season (March-July) and a smaller number for grading and harvesting new potatoes (July-October). About 30 caravans would be required this year and these are now on site. This requirement would rise to an estimated 66 by 2007. Siting of caravans for agricultural use is permitted development but only whilst occupied for this purpose. The proposal is to retain the caravans all year round and permission is therefore required.

**2. Policies**

**2.1 Planning Policy Guidance**

- |       |   |  |
|-------|---|--|
| PPS.1 | - | Delivering Sustainable Development     |
| PPS.7 | - | Sustainable Development in Rural Areas |

**2.2 Hereford and Worcester County Structure Plan**

Policy A4	-	Agricultural Dwellings
Policy H20	-	Housing in Rural Areas
Policy CTC2	-	Area of Great Landscape Value
Policy CTC6	-	Development and Significant Landscape Features
Policy CTC9	-	Development Criteria
Policy RC2	-	Residential Caravan Sites

**2.3 South Herefordshire District Local Plan**

Policy C1	-	Development Within Open Countryside
Policy C8	-	Development Within Area of Great Landscape Value
Policy SH11	-	Housing in the Countryside
Policy SH26	-	Residential Caravans/Mobile Homes
Policy ED5	-	Expansion of existing Businesses
Policy ED6	-	Employment in the Countryside
Policy ED9	-	New Agricultural Buildings
GD1	-	General Development Criteria
Policy C44	-	Flooding
Policy C47	-	Pollution

**2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)**

Policy E13	-	Agricultural and Forestry Development
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**3. Planning History**

3.1	SE2004/3102/F	Asparagus grading and packing facility with lorry parking, staff amenities, access roads and hardstandings.	-	Approved 17.11.04
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**4. Consultation Summary**Statutory Consultations

- 4.1 Environment Agency objects to the development as part of the site lies within Flood Zone 3 (1% annual probability of flooding) of a watercourse. The Flood Risk Assessment submitted only relates to flooding issues associated with the asparagus packing facility and cannot be extended to evaluate flooding at adjacent sites. In addition it is unclear how foul water would be disposed as details have not been submitted.

Further details are to be submitted and the reponse of the Environment Agency will be reported at the Committee meeting.

Internal Council Advice

- 4.2 Forestry Commission have no comment to make as no woodland is affected.
- 4.3 Traffic Manager recommends that conditions be imposed regarding access to the site.
- 4.4 Head of Environmental Health has no comments on the proposal.

- 4.5 Head of Conservation recommends that a condition be imposed to ensure an archaeological watching brief during the development.

## 5. Representations

- 5.1 The applicant's agent's explanation of this proposal is included as an appendix to this report.

- 5.2 Parish Council's observations are as follows:

There was a unanimous vote to object to this application. The Parish Council thinks that the residential caravans will have a severe adverse visual impact on the landscape of the Coughton valley both from the road and from the surrounding hills. The Council will comment further on receipt of the promised statement of background information and need.

- 5.3 Weston under Penyard Parish Council's (adjoining) observations are as follows:

Following a site visit the council's observations are as follows: The need for 60 residential caravans accommodating approximately 240 workers is only required for the asparagus season from April to June, thereafter only 40 workers will be required for potato harvesting therefore appropriate residential occupation restrictions need applying.

An effective on-site Biotech apparatus is required to cope with the waste disposal for 240 residents.

The safety of the workers in walking along the narrow lanes to and from Walford and Ross needs to be addressed to prevent road traffic accidents.

Effective screening and landscaping will be essential to merge the caravans into this picturesque valley.

- 5.4 Three letters have been received which, in summary, make the following objections:

1. Although of benefit to this agricultural business, with some permanent jobs there would be overall significant disbenefits to the local economy and to the community.
2. The major disbenefit is harm to tourism - some polythene and caravan sites can be absorbed into landscape but limits now reached and area will lose its reputation (based on anecdotal evidence) as a lovely area of the country.
3. Income from tourism worth more to local economy than that from such enterprises with low pay and temporary jobs and much of income 'repatriated' outside the local economy.
4. Serious visual intrusion and damaging to Wye Valley AONB - caravans already brought onto site and clearly visible from nearby highway which is at a higher level, an unsightly/ugly caravan park; also visible from higher land to north with footpaths.
5. Nearly 70 caravans must raise questions about infrastructure necessary to support this residential use and impact on local rural environment.

6. The highway ('C' class road) is narrow, with dangerous blind corners and have been 'several consequential accident situations' - proposals for considerable expansion for growing and packing and increasing heavy traffic and plus vehicles of workers will lead to traffic hazards, congestion and serious casualties.
7. Light, steep soils, serious erosion and increasing potential for pollution of Castle Brook and light pollution - has EIA been carried out?
8. Flooding - flood risk assessment is questioned as there is considerable potential for flooding and pollution in this steep valley.
9. Further time should be allowed for local comment - raises issues that area of national importance Surrey Waverley/Tuesley Farm inquiry and S & A Davies (Brierley) appeals are referred to - proposal very similar to latter as caravans already on site : has permission be granted already?

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 no specific policies in the current Development Plan or the emerging Unitary Development Plan which relate to developments of this type. Policy C1 allows in principle development for agricultural purposes in the countryside, although agricultural workers dwellings must be shown to be necessary to the business. Policy RC2 of Hereford and Worcester County Structure Plan states that 'residential caravan sites should be subject to similar locational requirements as permanent residential development'. These would seem to be the most relevant policies relating to the principle of development of this type. PPS7 encourages farmers to adapt to new and changing markets, diversity into new agricultural opportunities and broaden their operations to 'add value' to their primary produce (paragraph 27). As farmers seek to respond to the radical changes in the agricultural economy there will inevitably be pressures for change in the countryside. It is not for the local planning authority to decide what agricultural activities should be undertaken: these decisions can only be taken by farmers. However it should be noted that this innovative enterprise has received the backing of grant aid through the Rural Development Programme.
- 6.2 It is considered therefore that this residential caravan site could be acceptable provided it is necessary and the environmental and other consequences (effect on landscape, flood risk, pollution problems, highway considerations etc.) are not so serious as to make this location acceptable.
- 6.3 It is generally understood that there are serious problems in recruiting short-term agricultural workers. The difficulties have been reduced in this case as the asparagus season coincides 'cox and box' with the requirements of potato growing, which has been undertaken by the applicants for the past 10 decades or more. Nevertheless it is accepted that there will be a need for short-term workers which cannot be met from the local labour force. Asparagus is very labour intensive during the growing season (late March to July). The standard labour requirement is stated to be about 2.5 workers per ha, hence the size of the caravan site (68). Considerable investment would be undertaken with the erection of a grading and packing building.



- 6.4 In terms of location the site is next to an existing large farm complex at which packing and grading would take place. The site is not elevated, being next to the brook, but even with extensive re-grading and tree planting it would not be possible to screen the site as it is overlooked from higher land to both north and south as well as from the nearby highway. Nevertheless it is at the centre of asparagus growing extending east and west along this valley and there would not appear to be a more suitable and less intrusive location. On balance it is considered that the proposal is not so harmful that this outweighs the need of the agricultural enterprise for seasonal labour.
- 6.5 This new business venture will take some years before it is fully established. Once maximum cropping is reached it will be possible to calculate accurately the number of workers required and hence the number of caravans. It may also be clearer whether this venture will be profitable in the longer term and so require a caravan site for the foreseeable future. In these circumstances it is considered that it would be appropriate to initially grant permission for a limited period and 5 years seems appropriate.

## RECOMMENDATION

**That subject to being satisfied regarding flooding 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 E21 (Temporary permission and reinstatement of land)**

**Reason: To enable the local planning authority to give further consideration to the acceptability of the proposed use after the temporary period has expired and to ensure the land is restored to its former agricultural use.**

**2 G04 (Landscaping scheme (general))**

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

**3 G05 (Implementation of landscaping scheme (general))**

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

**4 G07 (Details of earth works)**

**Reason: To protect the visual amenities of the area.**

**5 The occupation of the caravan site hereby permitted shall be limited to persons employed in agriculture at the farm related to Coleraine Buildings, Coughton, only and not those working away from the farm site.**

**Reason: The caravan site is only acceptable for this purpose.**

**6 No more than 68 caravans shall be sited within the approved application site. Details of the siting and positioning of the caravan units and any new shower/toilet facilities shall be submitted and approved in writing by the Local Planning Authority.**

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

- 7 A Green Transport Plan containing measures to promote sustainable travel patterns and the efficient movement of the seasonal workers both in the operation of Brook Farm and for social trips/activities including a schedule for its implementation shall be submitted to and approved in writing by the local planning authority within three months of the date of this decision. A detailed record shall be kept of measures taken to promote green transport initiatives and shall be made available for inspection by the local planning authority upon request.

**Reason:** To ensure the most efficient and sustainable modes of transport are promoted and used in accordance with the sustainable objectives of Herefordshire Council and Central Government.

- 8 The applicant or his agent or successors in title shall ensure that a professional archaeological contractor undertakes an archaeological watching brief during any development to the current archaeological standards of and to the satisfaction of the local planning authority.

**Reason:** To ensure that the archaeological interest of the site is investigated.

**Informative:**

- 1 The applicant should ensure the siting of caravans and services on the approved application site should be in accordance with the standards set out in "Model Standards 1989 : Holiday Caravan Sites" published by the Department of the Environment.

**2 N15 – Reasons for the Grant of Planning Permission**

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.

2005/0042

# Paul Dunham Associates

Building and Engineering Designers



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19 Townsend  
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Our Ref: PVD/37/437

23<sup>rd</sup> February 2005

Herefordshire District Council  
PO Box 230  
Blueschool House  
Blueschool Street  
Hereford  
HR1 2ZB

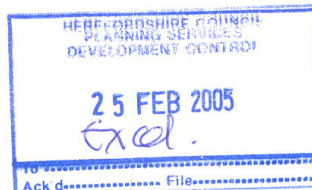
For the attention of Mr S Holder

Dear Sirs,

*re: Cobrey Farms  
Proposed Relocation and Extension of Residential Site  
for Seasonal and Casual Workers with Land Areas Reprofiled*

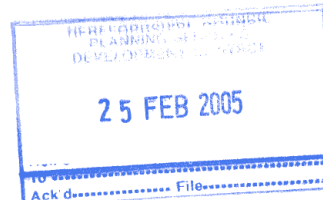
Further to our recent telephone contact we write to clarify various issues concerned with the above proposals.

1. Our clients are grateful to the Council for granting them planning consent for the Asparagus Packing Facility at Coleraine Farm, proposals which subsequently have also gained the support of the European Commission, through the Department for the Environment, Farming and Rural Affairs, in the form of a Processing and Marketing Grant under the Rural Development Programme.
2. The application for the student workers accommodation site reflects the projected needs for labour by the enterprise. Whilst a core labour force is needed for the planting and field management of the asparagus, the peak labour need is involved with the hand harvesting and subsequent grading and packing of the product during the harvest months April to June annually.  
The business is also a major producer of 'baby new' potatoes which are typically graded at harvest during July to October annually. The labour requirements for the grading and preparation of these products are very complimentary and significantly aid the continuity of the work force employed.



continued .....

3. *Whilst the business is, in common with others, becoming increasingly dependant on student workers, they do as a policy endeavour, wherever possible, to recruit local labour.*
4. *The proposed accommodation site is both central to the areas of labour need and close to the management centre of the business, which allows the welfare and control of the workforce to be maximised, in recognising that it is vital to provide properly organised and managed facilities for such seasonal workers.*
5. *The proposals involve the cutting in of the existing field slopes to enable the proposals to be sited on a controlled gradual gradient, with profiled banking to the southern aspects, which in conjunction with landscaping in natural species of trees and shrubs will minimise the visual impact from Coughton Lane and other southern vistas particularly.*
6. *With regard to transportation the company's policies are quite specific. The company's recruitment policy does not allow the student workers to utilise private road vehicles of any kind.  
The company's three minibuses are used for a rota of weekly shopping trips to Ross town centre.  
On a day to day basis most of the access to field operations is on foot, generally around the field margins.  
For more distant sites the workers are transported daily in the company's minibuses.  
The proposals allow for a small area of car parking (for nominally twelve vehicles) in the area allocated for a possible future community facility. This measure has been taken in recognising the need for support infrastructure, as may be needed from time to time, such as health and welfare workers visits, interpreters and liaison personnel.  
In addition to this ample car parking for some further thirty vehicles, in the unlikely event that it is required by the company's workforce or others, is available near the central offices at Coleraine Farm.*
7. *With regard to the comments received from the Environment Agency in respect of potential flood risk to the site, we enclosed with our application a copy of a 'Flood Risk Assessment' prepared by John Young Associates.  
Although the Environment Agency has pointed out, quite correctly, that this report was specific to the Asparagus Packhouse development, and cannot be accepted as evidence with this application, the report clearly states that even considering a 1:30 year flood case the flow of water will be within the Brook along the length of open water course from the Coleraine Buildings downstream beyond the application site to Castle Brook crossing and beyond.  
Unfortunately, Messrs John Young and Associates are not in a position to provide a report in reasonable time for this application. Our clients have therefore commissioned JDIH (Water and Environment) Ltd to carry out the necessary survey and hydrological data processing to substantiate this statement.*



continued .....

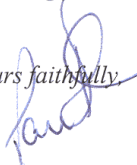
*The Environment Agency primarily, as you will be aware, is a general projection based on a principle flood risk model from the Centre for Environment and Hydrology which in real time highlights areas of potential concern, but which, when hard hydrological evidence is provided which is site specific based on the HEC-RAS, or equivalent model, substantiates that the real risk of the site differs, or is non existent, they will amend their data base accordingly.*

*We are assured that the report satisfying the needs of the application, will be available to us in the next few days, at which time a copy will be made available to yourselves and the Environment Agency.*

*We trust that you will find the above information helpful in consideration of the above proposals and that you will be able to consider the application favourably.*

*Thanking you in anticipation.*

*Yours faithfully*



*P. V. Dunham*





**13 DCSE2004/3266/F - PROPOSED REPLACEMENT DWELLING AT THE FIRS, LEA LINE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7LN**

**For: Mr. & Mrs. D. Sheppard per Mr. C.F. Knock,  
Tinkers Grove Cottage, The Deer Park, Eastnor, Nr  
Ledbury, Herefordshire HR8 1RQ**

**Date Received: 20th September 2004    Ward: Penyard    Grid Ref: 66782, 21205**

**Expiry Date: 15th November 2004**

Local Member:    Councillor H. Bramer

**1. Site Description and Proposal**

1.1 The application site comprises a detached bungalow and garden and adjoining land near Lea Line. The property as a whole lies in the angle between the A40(T) and the C1281 road (Lea Line - Aston Crews), with the house and garden at the eastern apex. Planning permission (SE2004/2355/F) for a replacement dwelling was refused permission in August 2004 for the following reason:

“The proposed dwelling would not comply with the Council's policies for replacement dwelling as it is not of comparable size to the existing dwelling and would detract from the rural character of this area, which is designated as of Great Landscape Value in the Hereford and Worcester County Structure Plan. The relevant policies are CTC2 and H20 of Hereford and Worcester County Structure Plan and C8 and SH21 of South Herefordshire District Local Plan.”

1.2 The current application is for a revised scheme. The existing bungalow is ‘L’-shaped and a double garage has been attached to the south-eastern end and a bedroom formed in the roof space. The proposed house makes use of the changes in level on the site by including a basement below the main part of the house and by reducing the finished floor level. The width of the house would be similar to the existing bungalow and garage (about 18.2 m compared to 17.5 m). The ridge would be about 0.6 m higher and the depth about 1.2 greater. The basic shape and style of the house would reflect the existing but the changes allow for a substantial basement, with a retaining wall to allow light, and additional first floor accommodation. It would occupy much the same site.

**2. Policies**

**2.1 Planning Policy Guidance**

PPS7    Sustainable Development in Rural Areas

**2.2 Hereford and Worcester County Structure Plan**

Policy CTC2    -    Area of Great Landscape Value  
Policy H20    -    Housing in Rural Areas

### 2.3 South Herefordshire District Local Plan

Policy C1	-	Development within Open Countryside
Policy C8	-	Development Within Area of Great Landscape Value
Policy SH21	-	Replacement Dwellings
Policy GD1	-	General Development Criteria

### 3. Planning History

- 3.1 SE2004/2355/F Replacement Dwelling - Refused 23.8.04

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Environment Agency does not wish to comment on this proposal.

#### Internal Council Advice

- 4.2 Traffic Manager recommends that conditions be included regarding access and parking.
- 4.3 Head of Environmental Health recommends that conditions be imposed to protect residential amenity during construction of the dwelling.

### 5. Representations

- 5.1 Lea Parish Council supports this proposal.
- 5.2 Adjoining Aston Ingham Parish Council still considers that such a dwelling on this site, in the AGLV, is over-development, out of character, and would pose a major visual impact on the surrounding 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 Council's adopted policy is to allow replacement dwellings in the countryside provided "the existing dwelling is not of architectural or historic interest which it is desirable to retain [and] the replacement is of a size and scale similar to that of the original dwelling and is on the same site" (Policy SH21). The existing dwelling is a modern bungalow and is not considered to be architecturally noteworthy. The new dwelling would occupy almost all of the site of the existing dwelling. The planning issues then are (1) whether the new, larger dwelling would be comparable in size such that it would not harm the landscape and (2) the acceptability of the design.
- 6.2 The floor area of the proposed dwelling would certainly be significantly larger but the bulk of this would arise from the new basement. The dwelling would be cut into the ground with a retaining wall along the north-western and south-western elevations, about 3 m away from the dwelling. The existing fall in the land to the west would ensure that the basement level would not be visible in wider views. An existing hedge would help screen the garage elevation so that the only significant public view would



be of the front elevation from the adjoining highway and more distant views from the A40(T). The elevation would not have the basement exposed to view, and the dwelling would have a finished floor level below the highway. As noted in paragraph 1.2 the new dwelling would be larger in width, depth and height but not to such an extent, discounting the basement, that it would not be comparable with the existing bungalow. In these circumstances it is considered that the proposal would not be significantly more intrusive in the countryside. The replacement dwellings policy is clearly intended to restrict increases in the size of new dwellings in order to protect the countryside. It is concluded that as this intention would be met the proposal is acceptable.

- 6.3 The modest changes in size noted in paragraph 1.2 do alter the proportions and scale of the building. Nevertheless from public viewpoints this would appear to be a single-storey building with rooms in the roof. There are a number of reservations regarding detailed design which have been discussed with the agent.

## RECOMMENDATION

**That subject to submission of acceptable revised drawings with regard to design and fenestration, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:**

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

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

- 2 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 The development hereby approved shall be carried out in strict accordance with the levels approved.**

**Reason: To ensure that the development is carried out in accordance with the approved plan.**

- 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 Authority:**

**Monday - Friday 7.30 am - 6.00 pm, saturday 8.00 am - 1.00 pm 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 BS 5228: 1984 Noise Control of Construction and open sites.**

**Reason: To safeguard residential amenity and prevent pollution.**

**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.**

**11 E16 (Removal of permitted development rights)**

**Reason: In order for the local planning authority to retain control over further alterations to the property.**

**Informatives:**

**1 HN01 - Mud on highway**

**2 HN04 - Private apparatus within highway**

**3 HN05 - Works within the highway**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

## **14 DCSE2005/0087/O - ERECTION OF STABLES, LAND ADJOINING COMMERCIAL YARD, PONTSHILL, NEAR ROSS-ON-WYE, HEREFORDSHIRE**

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

**Date Received: 12th January 2005**

**Ward: Penyard**

**Grid Ref: 64006, 21966**

**Expiry Date: 9th March 2005**

Local Member: Councillor H. Bramer

### **1. Site Description and Proposal**

1.1 Outline planning permission was granted in January 2005 for the erection of eight houses on the site of this former transport yard. The site was considered to be within the smaller settlement of Pontshill. The yard comprises a series of buildings around the perimeter of the site, which includes stabling for a number of horses, not connected directly with that commercial use. The current proposal is for the erection of stables as alternative accommodation.

1.2 The application site adjoins the transport yard and the brook which runs along the south-west boundary of this part of the settlement. It is about 30m x 20m and the access drive would cross the field on which they graze, connecting via an existing drive between two houses (Meadow View and 1 Meadow View) to the yard's vehicular access. The stable building would be 'L' shaped, the largest dimension being 18m x 13m. These are amended dimensions: as originally submitted the building would have been 24m x 16m. The application is for outline permission and details of design, external appearance or landscaping are reserved for later approval. However it is indicated that the stables would need to be up to 5m high.

### **2. Policies**

#### **2.1 Planning Policy Guidance**

PPS.7 - Sustainable Development in Rural Areas

#### **2.2 Hereford and Worcester County Structure Plan**

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

#### **2.3 South Herefordshire District Local Plan**

Policy GD.1 - General Development Criteria

Policy C.1 - Development within Open Countryside

Policy C.2 - Settlement Boundaries

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

## 2.4 Unitary Development Plan

Policy LA.3 - Setting of Settlements

## 3. Planning History

- 3.1 SE2003/3812/O Erection of workshop/stable - Refused 13.02.04
- SE2004/3138/O Proposed site for erection of stables Not determined

## 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 grant of permission.

## 5. Representations

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

- planning permission has been granted for residential development on the commercial yard in lieu of a variety of buildings including private stables (SE2003/0801/O)
- since that time, my client has tried to obtain permission for replacement stables. This latest application is for a more compact building footprint to reduce its visual impact
- my client wishes to continue living in the village and intends to occupy the easternmost building plot of the approved housing scheme
- the proposed stables need not be any higher or more extensive than those they are to replace (i.e. up to 5 metres high) although they need to be slightly larger than standard to accommodate his large horses
- the stables would be used only for non-commercial purposes
- the stables would be accessed by means of an existing gate and would be compatible with its surroundings on the edge of the village.

- 5.2 Parish Council, after discussion, resolved at their recent meeting (with one abstention) to object to this application on the grounds that the building is excessively large to replace the former two stables and a workshop (see paragraph 2 of Agent's letter to Mr. Holder dated 04.01.05).

- 5.3 Three letters have been received from adjoining residents who support the proposal for the following reasons:

- no concerns or objections to these stables being built - already living by them and only seems a matter of moving them further out into the field

- normally expect to find animals in the countryside and absolutely paramount that they have shelter during winter months as well as from summer heat; a question of animal welfare.

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 no specific policies in the current Development Plan or Unitary Development Plan with regard to the erection of stables in the countryside, unless they are part of a commercial enterprise. In the latter case new building may be acceptable in locations, such as in this case, which adjoin settlements. PPS.7 gives general encouragement to equestrian enterprises in the countryside but again not specifically for private stables. Nevertheless modest developments of up to about 6 stables have normally been supported by the Council provided they are appropriately located so as to minimise any adverse impact on the landscape and neighbours, and of suitable design and materials. In this case only the principle and siting (footprint) of the stable, together with the access, are for immediate determination.
- 6.2 It is understood that 5 stables are required, some of which would be for 'Shire' type horses. As referred above, these would not be part of an equestrian business. The intention is that they would be for the benefit of the occupier of the nearest of the houses for which outline permission has recently been granted and this link could be ensured by a planning condition. Although somewhat larger than typical stables they need not be inordinately so and any adverse impact on the countryside would be limited by the siting close to the edge of the settlement. They would be within the field in which the horses graze.
- 6.3 The access would be between two houses, and the stables themselves would be close to existing and proposed dwellings. However as noted above the stables would be linked to the nearest proposed house and further from existing dwellings than the present accommodation. The movement of vehicles and horse boxes into and out of the site is unlikely to be frequent as no business is involved. It is not considered therefore that the amenities of neighbours would be harmed.
- 6.4 For the above reasons it is considered that the proposed would not cause significant harm to the rural character of the area or residential amenities and would conform to informal but "established policies."

## **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. E11 (Private use of stables only)

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

Informative(s):

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

Decision: .....

Notes: .....

.....

Background Papers

Internal departmental consultation replies.



Policy C37	-	Conversion of Rural Buildings to Residential Use
Policy SH24	-	Conversion of Rural Buildings

### 3. Planning History

- 3.1 SE2003/2890/F Construction of hard surface tennis court with chain link mesh fence - Application not required 13.11.03
- SE2004/4372/L Use of outbuilding as annexe. - Consent 17.02.05

### 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 grant of permission.
- 4.3 The Conservation Manager has no objection in principle subject to conditions.

### 5. Representations

- 5.1 The applicants' agent makes the following submission:

1. The building is currently used for domestic storage purposes in association with the applicants' extensive Grade II listed property, The Cleeve. The scheme entails the alternative use of this building as annexe living accommodation. The design minimises change to the interior and the exterior of this building preserving its essential character and appearance. The building is in good physical condition and capable of these alterations without any substantial works other than the reconstruction of a timber clad addition to the original building.
2. Whilst the scheme incorporates a kitchen and w.c./shower room it is not the applicants' intention to use this building as a dwelling and they accept the imposition of a planning condition restricting the occupation of the building to annexe accommodation.
3. In all, the proposed scheme would preserve and enhance this curtilage listed building and the setting of the principal listed building. The applications would comply fully with the objectives and provisions of relevant primary legislation and the development plan.

- 5.2 Town Council has no objections to this proposal.

- 5.3 One letter has been received which, in summary, makes the following objections:

- would be created a mere 3 feet from the boundary with my property and would severely compromise the privacy of both my house and gardens - windows directly looking over my garden wall



- totally inappropriate to allow a residential building to be placed so close to my property
- devalue my property
- both listed buildings standing in a green belt area
- house currently on market and there is no personal need of the proposed extra accommodation
- means of increasing the sale value
- imagine that proposed annexe would eventually be used for commercial purposes as holiday lets or B&B causing extra traffic on the dangerous blind junction.

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 building is of stone construction with a pantile roof. It complements the listed house, helping to enclose the front courtyard. The conversion scheme, it is considered, would retain much of the character of this building and in this respect complies with the council's policies for conversion and adaptation of rural buildings. The wooden workshop, which would be replaced, forms only a small part of the outbuilding and the proposed new structure would have the same footprint. The proposed ridge roof would be more in keeping with the outbuilding than the existing lean-to roof.
- 6.2 The use is as an annexe and it is not intended to create a separate residential unit. A planning condition could be imposed limiting use of the living accommodation to purposes incidental to the enjoyment of the main dwellinghouse. On this basis there is no requirement for marketing for commercial purposes.
- 6.3 With regard to the impact on the amenities of neighbours it is not considered that there would be serious harm. All the windows face to the south-west i.e. at right angles to the boundary with the adjoining house (The Old Barn) except for the high level rooflight in the north-east elevation. The Old Barn is about 15m to the north-east of the outbuilding, sufficient to protect the privacy and living conditions of the occupants of that property.

## **RECOMMENDATION**

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

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

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

**2 A09 (Amended plans)**

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

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

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

**4 C02 (Approval of details)**

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

**Informative(s):**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**16 DCSE2004/4047/F - EXTENSION TO GARAGE TO FORM STUDIO APARTMENT FOR ADDITIONAL LIVING ACCOMMODATION AT THE OLD GRANARY, LEA, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7JZ**

**For: Mr. & Mrs. G. Woodyatt per Mr. D.R. Davies, 23 Charlton Rise, Ludlow, Shropshire SY8 1ND**

**Date Received: 23rd November 2004    Ward: Penyard    Grid Ref: 66269, 21790**

**Expiry Date: 18th January 2005**

Local Member:    Councillor H. Bramer

**1. Site Description and Proposal**

- 1.1 This site is situated within the designated village boundary of Lea which is designated as a 'larger village' in the Local Plan. The site constitutes the applicants' dwelling and garden. There is an existing double garage within the garden area with a red clay tile roof and grey roughcast render on the walls. The site is surrounded by other dwellings.
- 1.2 The proposal is to enlarge the double garage, by extending onto the rear and raising the roof by 1 metre, in order to create additional living accommodation in the form of an annexe to the house. The annexe will be used by the applicants' son, his partner and their 12 month old baby. The garage itself will continue to be used as a garage. The enlarged garage will be externally clad in materials to match the existing garage.

**2. Policies**

**2.1 Planning Policy Guidance**

PPS.1	-	Delivering Sustainable Development
PPS.7	-	Sustainable Development in Rural Areas

**2.2 Hereford and Worcester County Structure Plan**

Policy H16A	-	Development Criteria
Policy H18	-	Housing in Rural Areas
Policy CTC9	-	Development Criteria

**2.3 South Herefordshire District Local Plan**

Policy GD1	-	General Development Criteria
Policy SH23	-	Extensions to Dwellings
Policy SH6	-	Housing Development in Larger Villages
Policy T3	-	Highway Safety Requirements

**3. Planning History**

- 3.1 No relevant history.

#### **4. Consultation Summary**

##### Statutory Consultations

4.1 The Highways Agency has no objections.

##### Internal Council Advice

4.2 The Conservation Manager has no objections from an architectural point of view.

4.3 The Traffic Manager recommends that any permission includes a condition requiring parking/turning for 3 cars within the site.

#### **5. Representations**

5.1 The Agent submits the following:

The proposal is to extend existing garage to provide additional living accommodation which is to be used solely by the family. The accommodation is to be used by the applicants elder son, his partner and 12-month old baby. No objection to a condition restricting the sale of the accommodation as a separate unit from the main house.

5.2 The Parish Council has not responded.

5.3 A letter of objection has been received from Mrs M I Usher, 2 Millbrook Gardens, Lea, Herefordshire HR9 7LA. The main points being:

- Outlook from objectors dwelling is in direction of proposed development which would fill the ground between the existing garage and common boundary. The resulting impact of the proposed extension on both the sunlight falling on garden and views from living rooms and bedrooms would be detrimental to objectors wellbeing and value of property.
- The proposal is more like a dormer bungalow than a studio apartment.
- Future owners may let building as holiday accommodation or sell it as an independant property.
- The objector believes that the land in question may be the subject of a legal restriction preventing the erection of any new buildings.

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 proposed development, its effect on the visual amenities and character of the area and the residential amenities of neighbouring dwellings. In addition the principle of the proposed development in this setting/situation. The most relevant policies are GD1 and SH23 of the Local Plan.

6.2 The proposed resultant extended building is considered to be acceptable in terms of its size, scale and design and will not be out of keeping with the character of the area. It is also considered that the proposal will not adversely affect the residential amenities of any of the neighbouring dwellings. There is a window at first floor level which faces

towards the neighbour's property but this will be a bathroom window. A condition could be imposed on any permission to ensure that this window is obscure glazed.

- 6.3 The proposed accommodation will form an annexe to the main dwelling and be ancillary to its use. In this situation the proposed development is considered to be acceptable and can be conditioned accordingly i.e. accommodation ancillary to main dwelling. There is already parking space within the site for at least three cars or more.
- 6.4 The objector refers to a possible legal restriction on the land in question. However this is not a material planning consideration and has no bearing on this planning application.
- 6.5 The proposed development is therefore considered to be acceptable and in accordance with planning policies.

## 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 E29 (Occupation ancillary to existing dwelling only (granny annexes))**

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

**4 The existing garage section of the resultant extended building shall be used solely for the garaging of private vehicles and for purposes incidental to the enjoyment of the main dwellinghouse as such unless otherwise first agreed in writing by the Local Planning Authority.**

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

**5 The window serving the bathroom at first floor level on the north elevation of the development shall have obscure glazing and at all times thereafter, unless otherwise first agreed in writing by the Local Planning Authority.**

**Reason: To ensure that there is no adverse overlooking of the adjacent dwelling.**

### Informatives:

**1 N03 - Adjoining property rights**

**2 N14 - Party Wall Act 1996**

**3 The applicants should be aware that this planning permission does not override any civil/legal rights enjoyed by adjacent property owners nor any legal covenants etc which may relate to the land in question.**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**17 DCSE2004/3630/F - PROPOSED HORSE RIDING ARENA, ARTHURS DINGLE, LEYS HILL, WALFORD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5QU**

**For: Ms S A Tottle per Mr M Keyse, Sawpits, Great Doward, Symonds Yat, Ross on Wye, HR9 6BP**

**Date Received: 18th October 2004    Ward: Kerne Bridge    Grid Ref: 58517, 18799**

**Expiry Date: 13th December 2004**

Local Member:    Councillor Mrs. R.F. Lincoln

**1. Site Description and Proposal**

- 1.1 The site is on a wooded valleyside just north of the river Wye in Leys Hill. The application site is surrounded by a paddock area in the applicant's ownership, which includes an access track along the upper edge leading to an existing stable and tack room. The site is within an Area of Outstanding Natural Beauty and an Area of Great Landscape Value.
- 1.2 The proposal is for a horse riding arena, measuring 37m by 20m, surrounded by a 1.4m post and rail fence. The arena will require some excavation and embankment creation, each around 1m in depth, to ensure a level surface. An embankment of approximately 21° slope will be created, extending some 9m in width along the lower edge of the site. The arena will have a silica sand finish.
- 1.3 Amended plans were received on 24th February, 2005 showing the lower embankment re-graded to a shallower pitch (now approximately 21°), together with a planting scheme of native trees and shrubs on the embankment. Full reconsultation on the amended plans was not considered necessary in this case.

**2. Policies**

**2.1 Planning Policy Guidance**

- PPS.1            -        Delivering Sustainable Development  
PPS.7            -        Sustainable Development in Rural Areas

**2.2 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

**2.3 Unitary Development Plan (Revised Deposit Draft)**

- Policy S.7      -        Natural and Historic Heritage  
Policy LA.1    -        Areas of Outstanding Natural Beauty

### 3. Planning History

- 3.1 SE2003/0941/F Outdoor riding arena for private use - Withdrawn 20.05.03

### 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.

- 4.3 The Conservation Manager raised concern at the visual impact of the original proposal upon the surrounding landscape which is an Area of Outstanding Natural Beauty and an Area of Great Landscape Value. It was however acknowledged that the site is only visible as glimpses from a few public vantage points and the siting is the best on the paddock. It was suggested that the embankment should be graded much more gently. There were no comments on archaeology.

Further to this the agent has submitted amended plans with a shallower gradient on the embankment and additional planting. The Conservation Manager has been reconsulted and the response is awaited.

### 5. Representations

- 5.1 Walford Parish Council have "no objections if the development means, as stated in the accompanying letter, that there will be no further traffic on the road network and no exterior lighting."
- 5.2 Six letters of objection have been received from:

Mr. & Mrs. R. Dolman, Chequers Lodge, Leys Hill  
M. Amu, Yew Tree Cottage, Walford  
Mr. & Mrs. Penfold, Pen-y-Bryn, Bulls Hill, Walford  
G. Mitchell Esq, Oak Tree Cottage, Leys Hill  
S. Mitchell, 'CATS', Leys Hill  
Mr. B. Green, Oak Lodge, Leys Hill

The concerns raised are summarised as follows:

- concern that the use of the arena may become a commercial enterprise and will not just be used for private use
- the proposal may result in an increase in the number of horses in the area causing associated problems
- the proposal will increase the number of horse trailers causing traffic problems
- there are other horse arenas on Leys Hill, would be more appropriate and could be used
- this sloping site is unsuitable, the arena will require visually intrusive embankments
- the proposal would adversely affect wildlife



- the proposal devalues the Area of Outstanding Natural Beauty. Policy LA.1 states development in the Area of Outstanding Natural Beauty should be small scale, this is 1000m<sup>2</sup> which is not small scale
- there are parking problems at the entrance to the site.

5.3 Two letters of support have been received from:

Mr. Dunford, Pool Cottage, Coppett Hill, Goodrich  
Ms. Saxon & Mr. Macrostie, Upper Cottage, Leys Hill

making the following points:

- the arena would be well hidden by trees and would not be visually intrusive in the landscape
- an arena at a well established stables is an entirely appropriate use for the area
- the proposal will enable horses to be exercised off road which benefits local traffic.

5.4 The applicant has responded to the comments made in objection letters, reiterating some of the points originally made in support of the application. These points are summarised as follows:

- the arena is for private use only, for use by horses (no more than four) which are kept on the land. It is not for business use
- the arena would enable horses to be safely exercised off the road, minimising road useage
- the proposal site is on an existing enclosed isolation paddock. This was chosen as it is the flattest area so excavation is kept to a minimum and it is surrounded by trees, additional planting is also proposed. The site is well screened from the road and neighbouring properties
- there is no floodlighting and a neutral sand colour will be used
- the proposal is considered to comply with Policies GD.1, LA.1 and LA.2.

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 proposal is for a private use horse riding arena on an existing paddock in the open countryside. There is no policy objection to the principle of such development and the main issue for consideration is the visual impact of the development.

6.2 The site is in a sensitive landscape, due to its hillside location and its designation as an Area of Outstanding Natural Beauty and an Area of Great Landscape Value. Local Plan Policies aim to safeguard natural beauty and proposals should be small scale and have a minimal effect upon the special scenic quality of the landscape and environment. Further to concerns raised by the Conservation Manager regarding the visual impact of the proposal and particularly the embankments, the proposal has been amended slightly to create gentler embankments and provide additional planting. Comments from the Conservation Manager on the amended plans are awaited. However it is considered that these amendments will soften the visual impact of the development when viewed from the surrounding area. Existing belts of mature trees further screen the proposed arena and it is not considered prominent from surrounding

public vantage points. The size of the arena is not considered unduly large for such developments and it will replace an existing enclosed relatively level paddock area. (NB The existing enclosed paddock did not constitute development and a planning application was not required). Taking the above factors into account, the proposal is not considered to have an unduly adverse impact upon the landscape such that would warrant refusal.

- 6.3 The arena is a significant distance from neighbouring dwellings and relatively well screened and there is no objection in terms of the impact upon neighbouring residents.
- 6.4 The arena is for private use and therefore it should not generate additional traffic, the Traffic Manager has no objections.
- 6.5 The concerns raised by local residents regarding potential commercial usage of the site are noted. Conditions can be imposed to prevent commercial use and prevent any floodlighting.
- 6.6 Overall the amended scheme is considered satisfactory and conditional permission is recommended.

### **RECOMMENDATION**

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

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

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

2. **A09 (Amended plans)**

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

3. **B01 (Samples of external materials)**

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

4. **The arena shall be used to accommodate the applicant's own horses only and shall not be used for any commercial riding, breeding, training or other equestrian enterprise.**

**Reason: To safeguard the amenity of the area.**

5. **No form of external lighting or floodlighting shall be erected in association with the arena.**

**Reason: To safeguard the amenity of the area.**

**Informative(s):**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**18 DCSE2005/0013/F - PROVISION OF A MULTI-SPORTS AREA WITH NEW ACCESS AND CAR PARKING ON THE OVERROSS PLAYING FIELD SITE. PROVISION OF A SYNTHETIC TURF PITCH AND ASSOCIATED FLOODLIGHTING ON THE MAIN SCHOOL SITE, JOHN KYRLE HIGH SCHOOL, LEDBURY ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7ET**

**For: Herefordshire Council per Property Services,  
Herefordshire Council, Franklin House, 4 Commercial  
Road, Hereford, HR1 2BB**

**Date Received: 4th January 2005**

**Ward: Ross-on-Wye  
East & West**

**Grid Ref: 60286, 25333**

**Expiry Date: 1st March 2005**

Local Member: Councillor Mrs. C.J. Davis, Councillor Mrs. A.E. Gray  
Councillor M.R. Cunningham, Councillor G. Lucas

**1. Site Description and Proposal**

- 1.1 This application relates to two separate sites within the town boundary of Ross-on-Wye. One site is within the boundary of the main school premises off Three Crosses Road. The other site is located immediately to the north west of the A40 Trunk Road and fronts onto Brampton Road.
- 1.2 The site at the main school building is currently a sports field within the school grounds and is situated immediately adjacent to the existing hard surfaced tennis courts. The proposal is to provide a synthetic turf pitch approximately 105 metres long by 67 metres wide, essentially to be used for hockey and football. Floodlighting is proposed to be provided around the pitch, i.e. lighting will be attached to the top of 8 proposed 16 metre high steel poles at regular intervals on the pitch boundary.
- 1.3 The other site is a rough grassed area located on the south eastern side of Brampton Road directly opposite the Greytree housing estate. There are existing factory developments to the north west and north east of the site. There is a small coppice of mature trees in the western corner of the site. The Brampton Road boundary has a mature tree lined hedge running along it with a metal field gate situated near to the centre. Public footpaths No. ZK1 and ZK2 run within the site near to the south east and south west boundaries. The proposal is to create a sports area, e.g. football pitches and a running track. A new vehicular access (situated by the existing field gate) will be created with parking facilities for 23 cars and 2 coaches. In the centre of the site a position for a sports pavilion is shown. However no details of the pavilion have been submitted and therefore it cannot be considered under the ambit of this planning application.

**2. Policies****2.1 Planning Policy Guidance**

- PPS.1 - Delivering Sustainable Development
- PPG.17 - Planning for Open Space Sport and Recreation

**2.2 Hereford and Worcester County Structure Plan**

- Policy CTC.1 - Areas of Outstanding Natural Beauty
- Policy CTC.9 - Development Requirements
- Policy LR.16 - Sub-Regional Sports Facilities

**2.3 South Herefordshire District Local Plan**

- Policy GD.1 - General Development Criteria
- Policy T.3 - Highway Safety Requirements
- Policy T.4 - Highway and Car Parking Standards
- Policy R.1 - Provision of New Recreational Facilities
- Policy R.6 - Dual Use
- Policy R.11 - Diversions to Public Rights of Way
- Policy CF.1 - Retention and Provision of Community Facilities
- Policy C.5 - Development within AONB

**2.4 Unitary Development Plan (Revised Deposit Draft)**

- Policy S.2 - Development Requirements
- Policy S.8 - Recreation, Sport and Tourism
- Policy S.11 - Community Facilities and Services
- Policy DR.1 - Design
- Policy DR.4 - Environment
- Policy DR.14 - Lighting
- Policy LA.1 - Areas of Outstanding Natural Beauty
- Policy RST.1 - Criteria for Recreation, Sport and Tourism Development
- Policy RST.2 - Recreation, Sport, Tourism Development within Areas of Outstanding Natural Beauty
- Policy RST.3 - Standards for Outdoor Playing and Public Open Space
- Policy RST.10 - Major Sports Facilities

**3. Planning History**

- |     |               |  |   |                                 |
|-----|---------------|--|---|---------------------------------|
| 3.1 | 602717        | New floodlit joint use all weather pitch and tennis courts with other external alterations | - | Planning Permission<br>06.06.97 |
|     | SE1999/3017/F | The formation of 6 tennis courts all fully illuminated with floodlight provision           | - | Planning Permission<br>11.01.00 |

#### **4. Consultation Summary**

##### Statutory Consultations

- 4.1 The Highways Agency require further information regarding the proposed use before they can comment fully.
- 4.2 The Open Spaces Society comments that the plan shows the line of the proposed diversion of the public footpaths subject of a confirmed legal diversion. Works have never been expedited to bring new path into being. However this route differs from what was formally agreed. The proposed diverted path should be identified by some form of road marking. The plan does not depict the existing legal footpath.
- 4.3 The Ramblers Association comments that the diversion be put into place before the commencement of development. The proposed path (1.5m wide) is too narrow. A gate be provided at entrance rather than a stile.
- 4.4 Sport England has no objection. Would advise that floodlighting is included to allow school to maximise the use of the facilities.

##### Internal Council Advice

- 4.5 The Traffic Manager has no objection. Parking appears to be to standards required for team games areas. Public footpath ZK2 will be obstructed by the proposal. Applicants will apply to divert footpath. The diversion order must be confirmed and certified before the development is substantially complete.
- 4.6 The Forward Planning Manager comments that planning policies support the provision of new facilities that will provide a range of recreation and leisure facilities and dual use of facilities providing the site is acceptable. The proposed sites are in principle acceptable for this type of use.
- 4.7 The Conservation Manager has no objection in principle to the development. With respect to Brampton Road site, the proposed car park entrance is bleak and will require planting. A new hedgerow will be required along the northern site boundary. Tree planting by car park will be required and details of perimeter fence.
- 4.8 The Head of Environmental Health and Trading Standards comments that if floodlighting is required then a scheme should be submitted for approval by the local planning authority.
- 4.9 Head of Community and Economic Development supports the application as there is a recognised shortfall of community playing pitches.

#### **5. Representations**

- 5.1 The Town Council has no objections.
- 5.2 The Parish Council observes:

"The Multi-Sports Area site off Brampton Lane is within the Ross Rural Parish Council area.

Ross Rural Parish Councillors support this application but have raised the following comments:

1. Can assurances be obtained that the Public footpath will be diverted before construction works are carried out on the site?
2. No details have been provided for the proposed pavilion. Is this part of this current application?
3. Will any restrictions be placed on the operating hours of the site? Disturbance could be caused to neighbours if the facilities included lighting for evening use or with vehicles parking in Brampton Lane if the site is used for public sports fixtures at weekends.

We support the application for the sports pitches on the main school site but believe that point 3 above may also be relevant to this site."

5.3 There have been 10 letters of representation expressing objections or concerns. The main points being:

- the existing traffic problems in area at school times is a problem and the increase in traffic will make situation worse
- solution would be to have the new vehicle access from Overcross
- possible overspill of cars onto Brampton Road
- could new access be built through industrial estate
- could Brampton Road be designated for residents parking only
- use of site by the school only and should not be used by other parties
- Brampton Road is very narrow and cannot take extra traffic
- should build access bridge direct from school
- site designated as sports field approximately 17 years ago
- present access should be used as road is wider at that point
- is a 10 metre high perimeter fence necessary for an athletics track. Will floodlights be installed and will timing of lights be restricted
- will coppice be retained. This was planted to restrict glare and light from the Somerfield complex
- no dimensions shown for club house
- as home-owner opposite school playing fields would object if the area is to be floodlit
- existing problems of light pollution from the existing floodlights at school. Any additional floodlighting will be closer to houses and will make situation even worse
- increased noise levels from sports activities
- the possible loss of the copse on Brampton Road boundary will have adverse effect on houses. The copse reduces impact of the factories. Could affect existing wildlife in copse
- the land is already artificially high due to excavations that were carried out when Somerfield Depot was built
- need to retain established landscaping
- will facilities be rented out to local football/rugby leagues?

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 principle and need for the creation of these sports facilities, their effect on the surrounding environment, the residential amenities of local residents, traffic problems and the effect on local dwellings by the proposed floodlighting at the school site. The most relevant policies are GD.1, R.1, R.6, CF.1 and T.3 of the Local Plan.
- 6.2 With respect to the synthetic turf pitch at the main school site it is considered that this proposal is acceptable. It is a facility that is required by the school and will be environmentally acceptable. However the main issue with this site is the proposed floodlighting. The original scheme as submitted did not have any floodlighting proposed, however the applicants have since added floodlighting, i.e. around the edge of the proposed synthetic pitch, as a revision to the scheme. Full details of the proposed floodlighting are awaited and upon receipt the Head of Environmental Health and Trading Standards will be formally re-consulted on these proposals. The local residents near to the site have been consulted on the revision to the scheme.
- 6.3 Planning permission was previously granted in January 2000, reference No. SE1999/3017/F for tennis courts with floodlighting. However local residents have stated that these floodlights already cause a problem at night, i.e. lighting up their front rooms even when the curtains are closed. However the applicants are of the opinion that the proposed floodlighting should not be a problem to neighbouring dwellings.
- 6.4 With respect to the Brampton Road site, it is considered that the proposed facilities will be a benefit to the local community. The local residents have expressed concerns over extra traffic causing problems and the loss of the small coppice along the Brampton Road boundary. The Traffic Manager has no objections to the proposals. However the Highways Agency has requested more information regarding the use of the facilities before they can comment fully. With respect to the trees and hedging, a condition requiring a landscaping scheme to be submitted could be imposed on any planning permission which can hopefully address any concerns/issues expressed.
- 6.5 In principle the proposed development is considered to be acceptable. However before planning permission can be granted the issues relating to the floodlighting will need to be resolved. Any further comments of local residents following the re-consultation procedure and the comments from the Head of Environmental Health and Trading Standards on the awaited revised floodlighting proposals will need to be fully evaluated. The comments of the Highways Agency relating to the use of the development will also need to be taken into account when they are received with respect to highway issues. Therefore it is recommended that following the completion of these consultation procedures and the issues being satisfactorily addressed that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to any conditions considered necessary by the officer.

## RECOMMENDATION

**That following the completion of the consultation procedures and the issues relating to floodlighting and traffic being satisfactorily addressed 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. **Notwithstanding the details shown on the approved drawings full details of all new surface treatments, gates and fencing shall first be submitted to and be subject to the prior written approval of the local planning authority before any work commences on site whatsoever.**

**Reason: To protect the visual amenities of the area.**

4. **G04 (Landscaping scheme (general))**

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

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

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

6. **F32 (Details of floodlighting/external lighting)**

**Reason: To safeguard local amenities.**

7. **F35 (Details of shields to prevent light pollution)**

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

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

**Reason: In the interests of highway safety.**

9. **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(s):**

1. **N03 - Adjoining property rights**

2. **HN05 - Works within the highway**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**19 DCSE2004/2272/F - RETENTION OF VERANDAH ON THE SIDE OF THE GARAGE AT BIBBY COTTAGE, GREAT DOWARD, SYMONDS YAT, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6BP**

**For: Mr. & Mrs. M. Hickton, Bibby Cottage, Great Doward, Symonds Yat, Ross on Wye, Herefordshire HR9 6BP**

**Date Received: 24th June 2004      Ward: Kerne Bridge      Grid Ref: 55100, 16793**

**Expiry Date: 19th August 2004**

Local Member:      Councillor Mrs R.F. Lincoln

**1. Site Description and Proposal**

- 1.1 This site is located on top of the Great Doward which constitutes an area of sporadic residential development on top of the hill. Access to the site is via a narrow track. There is a mixture of fields and dwellings in the vicinity of the site. There is an existing dwelling immediately adjacent to the site to the west.
- 1.2 The site itself constitutes the applicants' dwelling situated in a large garden. Within the garden is an existing stone clad double garage. Attached to the garage on its north western side is a wooden platform on wooden pillars which forms an open verandah with railings around it where the applicants can sit. Access to the verandah is via some wooden steps. The floor level of the verandah is level with the top of the garage door. There is an existing door off the verandah which leads to storage area in the garage roof. This application is a retrospective planning application for the retention of the verandah. The wooden steps were previously approved with the original planning permission for the garage.

**2. Policies**

**2.1 Planning Policy Guidance**

- |       |   |  |
|-------|---|--|
| PPS.1 | - | Delivering Sustainable Development     |
| PPS.7 | - | Sustainable Development in Rural Areas |

**2.2 Hereford and Worcester County Structure Plan**

- |             |   |                                    |
|-------------|---|------------------------------------|
| Policy H16A | - | Development Criteria               |
| Policy H20  | - | Housing in Rural Areas             |
| Policy CTC1 | - | Area of Outstanding Natural Beauty |
| Policy CTC2 | - | Area of Great Landscape Value      |
| Policy CTC9 | - | Development Criteria               |

**2.3 South Herefordshire District Local Plan**

- |            |   |                                     |
|------------|---|-------------------------------------|
| Policy GD1 | - | General Development Criteria        |
| Policy C1  | - | Development Within Open Countryside |

Policy C4	-	AONB Landscape Protection
Policy C5	-	Development within Areas of AONB
Policy C6	-	Landscape and AONB
Policy C8	-	Development within AGLV
Policy SH23	-	Extensions to Dwellings

#### 2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy H18	-	Alterations and Extensions
Policy LA1	-	Areas of Outstanding Natural Beauty

### 3. Planning History

3.1	SE2000/0333/F	Detached double garage in grounds of Bibby Cottage.	-	Planning Permission 06.04.00
	SE2002/0354/F	Bedroom extension.	-	Planning Permission 03.04.02

### 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. The proposed development would not affect public footpath WC34.

### 5. Representations

5.1 The Parish Council comments: - Supported.

5.2 A letter of objection has been received from Mr. A. and Mrs. E. Beaumont, Lanivet Cottage, The Doward, Whitchurch, Herefordshire HR9 6DZ. The main points being:

- The height of the structure and its use as a 'sitting out' area means that a large area of objectors' garden is overlooked which seriously compromises privacy.
- The structure was started but not finished when objectors' bought their house in December 2001. If known at time the proposed purpose of structure the objectors may have reconsidered decision to buy their current house.
- The size of the structure is out of proportion to the associated buildings and has an unacceptable visual impact.
- Even if structure is screened from objectors view, the structure will remain inappropriate to the property.

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 size and design of the development, its effect on the residential amenities of the neighbouring dwellings and also its effect on the visual amenities and character of the surrounding rural area designated as an AONB and AGLV. The most relevant policies are GD1, C5 and SH23 of the Local Plan and H16A, H20 and CTC1 of the Structure Plan.
- 6.2 The wooden verandah (attached to the garage) set in this large garden area looks acceptable and not out of keeping with the rural character of the surrounding area. The visual amenities and character of the Area of Outstanding Natural Beauty will not be adversely affected by the development.
- 6.3 The verandah faces to the north west directly over part of the applicants' garden and an adjacent paddock. The verandah also looks over part of the neighbours/objectors garden to the west. However the neighbours dwelling is positioned further to the west. The objectors dwelling itself is positioned too far away to be adversely overlooked by the verandah and as such the residential amenities of its occupants will not be adversely affected. Although part of the objectors garden will be overlooked by any persons sitting on the verandah, it is not considered that this will adversely affect their residential amenities, and certainly not to any extent which will warrant refusal of planning permission. That section of the garden can already be overlooked by persons standing in the garden and also looking out of the windows of the applicants' dwelling.
- 6.4 The proposed development is therefore considered to be acceptable and in accordance with the planning policies for the area.

**RECOMMENDATION**

**That planning permission be granted.**

**No conditions.**

**Informative(s):**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.





**20 DCSE2004/2866/F - DETACHED HOUSE AND GARAGE AT PART GARDEN OF BROOKFIELD LODGE, OVERROSS STREET, ROSS-ON-WYE, HEREFORD, HR9 7AT**

**For: Pugh Mephram Ltd per Mr. N.J. Teale, Bramble Farm, Naunton, Upton-upon-Severn, Worcestershire WR8 0PZ**

**Date Received: 4th August 2004      Ward: Ross-on-Wye East      Grid Ref: 60270, 24608**  
**Expiry Date: 29th September 2004**

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

**1. Site Description and Proposal**

- 1.1 The site is within the town boundary of Ross on Wye and located within the rear garden area of existing flats which front onto Overross Street. The site itself fronts onto the residential cul-de-sac known as Brookmead. There was a tree lined hedge and an existing vehicular access into Brookmead. However this has recently been removed and is now open to the road frontage. There is an existing dwelling immediately adjacent to the site on its eastern side.
- 1.2 This application for full planning permission is for the erection of a dwelling and garage with a new vehicular access to serve the site and the adjacent flats. Outline planning permission was previously granted on this site for a dwelling ref no. SE2003/3057/O on 3rd December 2003 with the matters of siting and means of access being approved at that stage.

**2. Policies**

**2.1 Planning Policy Guidance**

- |       |   |                                    |
|-------|---|------------------------------------|
| PPS.1 | - | Delivering Sustainable Development |
| PPG3  | - | Housing                            |

**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 SH5           | - | Housing Land in Ross on Wye       |
| Policy T3            | - | Highway Safety Requirements       |
| Policy T4            | - | Highway and Car Parking Standards |
| Policy Ross on Wye 2 | - | New Housing Developments          |
| Policy Ross on Wye 3 | - | Infill Sites for Housing          |
| Policy Ross on Wye 4 | - | Primary Residential Areas         |
| Policy C29           | - | Setting of a Listed Building      |

**2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)**

Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy H1	-	Hereford and the Market Towns : Settlement Boundaries And Established Residential Areas
Policy HBA4	-	Setting of Listed Buildings
Policy H16	-	Car Parking

**3. Planning History**

3.1	SE2003/0185/F	Extension to side of dwelling. New garage, single storey workshop.	-	Planning Permission 13.3.03
	SE2003/3057/O	Proposed dwelling with 2 parking spaces and creation of 2 additional parking spaces.	-	Outline Planning Permission 03.12.03
	SE2004/3163/L	Two-storey extension and conversion to provide two flats.	-	Not yet determined.
	SE2004/3167/F	Two storey extension and conversion to provide two flats.	-	Not yet determined.

**4. Consultation Summary**Statutory Consultations

4.1 Welsh Water advise that any permission include certain conditions.

Internal Council Advice

4.2 The Conservation Manager has no objection from from an architectural point of view.

4.3 The Traffic Manager recommends that permission be refused for the reason that there should be provision for vehicle turning on the site so that vehicles are able to enter and leave the site in a forward gear.

**5. Representations**

5.1 The Town Council has no objections.

5.2 Two letters of representation have been received from and Mr. D.W. & Mrs. C.R. Hughes, 1 Brookmead, Ross on Wye HR9 7XS and K.P. Jones, Brookfield House, Overross Street, Ross on Wye HR9 7AT. The main points being:

- site at higher level than neighbours property, a shed (now removed) near to boundary has caused cracks in neighbours' retaining wall. Inevitable that corner of applicant's garden will collapse onto neighbours' garden in future
- adequate foundations to dwelling will be necessary to prevent subsidence onto neighbours' property and collapsing of retaining wall
- access to site will be tight especially during construction
- the street marked on the plan as Overross Street is in fact Brookmead
- the plans show large area of land in corner of Brookfield Lodge but this is not accurate
- Brookfield Lodge is a low building and a modern two-storey dwelling will be out of scale in this small plot

- Brookfield Lodge is a semi-detached property who park cars in Brookmead. If approved, they will have to park nearer to junction
- If approved then please ensure no lorries or vans will block Brookmead
- Is there a need to 'shoe-horn' a modern two-storey house and garage into the garden of an interesting old property, when there is a proposal to built 150 new homes in Tanyard Lane.

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 principle of erecting a dwelling on this site, its size, scale and design, the effect on the surrounding environment and the residential amenities of the neighbouring dwellings, highway safety and parking. The most relevant policies are GD1 and T3 and also Ross on Wye policies 2, 3 and 4.
- 6.2 Outline planning permission has already been granted on this site for a dwelling with its siting adjacent to the eastern boundary and with vehicular access and parking spaces (within site) facing directly onto the road i.e. no turning on site (Application SE2003/3057/O). Therefore the principle of a dwelling with vehicular access has already been established. In any event the site is within the town boundary and on land designated within the Local Plan as a 'primary residential area' suitable for new housing development.
- 6.3 The proposed dwelling is very small and it is considered that it will be acceptable on this site and not be out of keeping with the visual amenities, scale and character of the immediate area. Also the proposed dwelling will not adversely affect the residential amenities of the occupants of the neighbouring dwellings.
- 6.4 The neighbour to the east is concerned that the development may cause subsidence in the future and affect the retaining wall on his property. However this is a civil issue which he will need to take up with the developer and is not a material planning consideration.
- 6.5 The proposed new vehicular access will provide on-site parking which will also serve Brookfield Lodge. There will be two parking spaces allocated for the proposed new house and two spaces for Brookfield Lodge. This arrangement is considered to be an improvement on the previous access/parking provisions previously approved in the outline planning permission (Application DCSE2003/3057/O) which had four parking spaces i.e. two for the new dwelling and two for Brookfield Lodge, which were basically parking spaces which had access directly onto the road with no turning provision at all. In that application the Traffic Manager did not recommend refusal nor the imposition of any condition requiring any turning provision and commented that there were already several similar accesses on Brookmead. Brookmead is essentially a small modern residential cul-de-sac with mostly driveway parking and no turning areas within the plots. The proposed parking arrangements are therefore considered to be acceptable in this case.
- 6.6 The proposed development is therefore considered to be acceptable and in accordance with planning policies.

**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 G01 (Details of boundary treatments)**

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

**5 W01 (Foul/surface water drainage)**

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

**6 W02 (No surface water to connect to public system)**

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

**7 W03 (No drainage run-off to public system)**

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

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

**Reason: In the interests of highway safety.**

**9 H05 (Access gates)**

**Reason: In the interests of highway safety.**

**10 The whole of the splayed entrance shall have a sealed surface, (tarmac, concrete or similar) and shall remain unobstructed at all times.**

**Reason: In the interests of highway safety.**

**11 The whole of the works relating to means of access including drainage shall be completed before the development is brought into use.**

Reason: In the interests of highway safety.

**INFORMATIVES:**

- 1 N03 - Adjoining property rights
- 2 The applicants/developers are advised to liaise with owners of adjoining properties before and during building work to ensure that no damage is caused to those properties by this development during construction work or at any time in the future.
- 3 N14 - Party Wall Act 1996
- 4 HN05 - Works within the highway
- 5 HN01 - Mud on highway
- 6 HN10 - No drainage to discharge to highway
- 7 If a connection is required to the public sewerage system, the developer is advised to contact Welsh Waters Network Development Consultants on telephone: 01443 331155.
- 8 N15 - Reason(s) for the Grant of Planning Permission

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**21 DCSE2004/1990/O - SITE FOR ERECTION OF ONE BUNGALOW, LAND ADJOINING MONK WALK COTTAGE, MUCH MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2LY**

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

**Date Received: 1st June 2004**

**Ward: Old Gore**

**Grid Ref: 65776, 33163**

**Expiry Date: 27th July 2004**

Local Member: Councillor J.W. Edwards

**1. Site Description and Proposal**

- 1.1 This site, located within the village settlement boundary of Much Marcle, forms part of the large garden area of the applicants' existing dwellinghouse. The site itself is a small strip of ground at the southern end of the garden and has an existing hedge separating it from the rest of the garden. There are also existing hedgerows on the front and rear boundaries of the site with a post and wire fence on the southern side boundary. There are fields to the rear and southern side of the site with a paddock/orchard to the front. The existing vehicular access to the highway is via a short rough track through the orchard. There are also some old sheds and a garage near to the front of the site.
- 1.2 The proposal is an outline planning application for the erection of one bungalow on the site with the details relating to 'siting' and 'external appearance' submitted for consideration at this stage. This is a revision to the scheme as originally submitted which had all the 'reserved matter' details reserved for future consideration.

**2. Policies**

**2.1 Planning Policy Guidance**

PPS.1	-	Delivering Sustainable Development
PPG.3	-	Housing
PPS.7	-	Sustainable Development in Rural Areas

**2.2 Hereford and Worcester County Structure Plan**

Policy H.16A	-	Development Criteria
Policy H.18	-	Residential Development in Rural Settlements
Policy CTC.15	-	Preservation, Enhancement and Extension of Conservation Area

**2.3 Malvern Hills District Local Plan**

Housing Policy 3	-	Settlement Boundaries
Housing Policy 17	-	Residential Standards
Conservation Policy 2	-	New Development in Conservation Area

Landscape Policy 8 - Landscape Standards

#### 2.4 Unitary Development Plan (Revised Deposit Draft)

Policy S.2	-	Development Requirements
Policy S.3	-	Design
Policy H.6	-	Housing in Smaller Settlements
Policy HBA.6	-	New Development within Conservation Area
Policy CF.2	-	Foul Drainage

#### 2.5 Much Marcle Parish Design Statement

### 3. Planning History

3.1 None on site. However there have been two recent planning permissions on the paddock/orchard to the front of the site:-

SE2003/3290/F	Erection of one dwelling	-	Planning Permission 18.02.04
SE2003/3347/F	Erection of 4 dwellings and relocation of vehicular access	-	Planning Permission 18.02.04

### 4. Consultation Summary

#### Statutory Consultations

4.1 Severn Trent Water has no objection subject to the inclusion of a condition regarding surface water and foul sewage disposal.

#### Internal Council Advice

4.2 The Traffic Manager recommends that any permission includes certain conditions.

4.3 The Conservation Manager had concerns with respect to a bungalow as negotiations were undertaken to get houses for the 5 dwellings approved in the orchard fronting onto the road as houses were considered to reflect the traditional character of the village Conservation Area and the more recent bungalow development allowed by Malvern Hills District Council were not appropriate. However the revised scheme showing a 'lodge'-style development is more appropriate to the character of the village.

### 5. Representations

5.1 The applicants' agent observes:-

This parcel of land is well contained by mature screening which would remain. The land lies within the settlement boundary and accords with planning policies. The Council has recently granted planning permission for five houses on the old orchard fronting the village road.

The village has a full range of services and facilities. The emerging Draft Unitary Development Plan proposes to prevent development on this site. The applicants have contested this policy change. At present the UDP is too immature to be afforded



particular weight as current planning policy. Local residents' preference for bungalows to be built on old orchard site to minimise visual impact.

It is the applicants' preference to promote a single storey dwelling so as to minimise its visual impact on the landscape and Conservation Area.

The means of access has been reserved for future consideration. However it is intended that the existing access to Monk Walk Cottage is adapted or that the new access approved as part of the old orchard site is used.

#### 5.2 The Parish Council observe:

"Much Marcle Parish Council do not wish to comment on this application based on:

1. Herefordshire Council disregarding local opinion during the previous applications.
2. Prefer to await the outcome of Herefordshire Council's proposed UDP development plan for the area."

#### 5.3 Three letters of objection have been received from:

Mr. & Mrs. R.J. Howes, The Forge, Dymock Road, Much Marcle  
Ms. E. Wood, Greenway Cottage, Much Marcle  
Mr. G. Mason, Toll House Cottage, Much Marcle

The main points being:

- appreciate application is for a bungalow (which was recommended by the Parish Council and residents for the five dwellings previously approved but not taken on board) it is felt that yet further development will compound concerns previously raised
- how long before an application to demolish Monks Walk Cottage and erect more dwellings in garden. Slowly turning into a housing estate and would be contrary to Much Marcle Parish Design Statement
- emerging Draft Unitary Development Plan proposes to prevent development of the site
- local residents disappointed that five houses on orchard site was granted. The aim of the Village Design Statement is that the character of the village should not be substantially altered which already is happening. Five houses squeezed into the orchard
- the area needs many years of ecological rest after the approval of five houses in orchard. It would benefit everybody if all lights could now be switched on.

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 principle of placing a new dwelling on this land, whether a bungalow would be acceptable, its effect on the traditional character of the village and the vehicular access arrangements. The most relevant policies are H.16A, H.18 and CTC.9 in the Structure Plan and Housing Policy 3 and Conservation Policy 2 in the Malvern Hills District Local Plan.

- 6.2 The proposed site is within the approved settlement boundary in the Local Plan for the village of Much Marcle and as such the general principle of erecting a dwelling on this site is considered to be acceptable. This site within the garden area of Monk Walk Cottage forms a natural plot by the side of the existing house. The site is not prominent within the village and will be located behind the site for the row of five dwellings which were recently granted planning permission in the old orchard. In any event the site has an existing mature hedgerow on the front boundary which is to be retained. In view of the fact that the five dwellings were approved on the road frontage it is not considered unreasonable to erect a dwelling on this site.
- 6.3 The Conservation Manager does not favour a normal modern style bungalow on this site as he feels two storey dwellings are more appropriate for the traditional village character. However following negotiations the applicants agent has submitted details of the bungalow but has designed a 'lodge'-style single storey dwelling which is more traditional in appearance and therefore more in keeping with the traditional village character of Much Marcle. Also the site is at a slightly higher level than the old orchard and consequently a single storey dwelling would be more appropriate in terms of its overall height and its prominence on the landscape. The principle of erecting a bungalow on this site would not be contrary to the aims of the Much Marcle Parish Design Statement.
- 6.4 The proposed new dwelling will be situated within the garden area of Monk Walk Cottage where it will be set well back from the five new houses which have planning permission, but yet to be built, in the old orchard site. As such the residential amenities of these dwellings and the proposed new dwelling will not be adversely affected by each other.
- 6.5 The use of the existing access track serving Monk Walk Cottage or the new access driveway approved in the housing development in the old orchard would be acceptable. If these five houses are built it is considered that the use of the approved new access driveway, which runs between the houses, for the proposed new dwelling would not result in any adverse disturbance to the residential amenities of the occupants of the said houses.
- 6.6 The objectors are concerned that in the future the existing dwelling could be demolished and more dwellings will be proposed. However any such planning application would have to be considered at that time on its own merits and in accordance with the relevant planning policies.
- 6.7 All the relevant observations and representations have been taken into account. However it is considered that the erection of a 'lodge'-style single storey dwelling on this site would be acceptable and in accordance with planning policies and guidance. It should be noted that in the emerging Unitary Development Plan Much Marcle is not designated as a 'main village' suitable for new residential development but is in fact designated as a 'smaller settlement' where there are greater restrictions on granting planning permission for new housing development and where such approval is far less likely. The emerging UDP is currently subject to a public inquiry. There have been objections to the rural housing policies of UDP and these are being considered at the Inquiry. Consequently these UDP policies carry only limited weight. Until the adoption of the UDP the Development Plan remains Hereford and Worcester County Structure Plan and Malvern Hills District Local Plan.

**RECOMMENDATION**

That outline 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. **A06 (Development in accordance with approved plans)**

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

- 6. **F18 (Scheme of foul drainage disposal)**

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

**Informative(s):**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**22 DCSE2000/0881/F - COMMERCIAL USE FOR CANOEING. RIVERSIDE HOUSE, KERNE BRIDGE, NR ROSS-ON-WYE, HEREFORDSHIRE**

**For: Mr. G. Smith per Phillip Clifford Designs,  
36 Hotwell Road, Hotwell, Bristol, BS8 4UD**

**Date Received: 11th April 2000    Ward: Kerne Bridge    Grid Ref: 5823 1876**  
Local Member:    Councillor Mrs. R.F. Lincoln

**1. Site Description and Proposal**

- 1.1 This application was first considered by the Committee in September 2000. The Committee decided that subject to a Section 106 Agreement being entered into to restrict the scale of the business that planning permission should be approved. Partly due to the changes in the requirements of the business a Section 106 Agreement has not been made. The most recent draft has been commented on by both English Nature (as required by Committee resolution) and the Environment Agency. However as the intensity of use is greater than that envisaged in the report to Committee and further representations have been received which raise new issues the application is being reported back to Committee.
- 1.2 The application property, Riverside House, comprises a detached house and garden located on the south side of the B4220 immediately to the east of the public car park and canoe launch at Kerne Bridge. The original proposal was to provide canoeing activities based at Riverside House. Clients would canoe from Hay-on-Wye or Hereford, on longer trips, and Hoarwithy or Ross-on-Wye, on single day trips. All trips would end at Riverside House. Canoes would be stored at Riverside House and taken with clients to the starting point. On average 10 people occupying 5 canoes would be catered for each day. No additional car parking would be provided as clients would use the adjoining public car park and be taken upstream in a 12-seater Landrover towing a trailer capable of carrying 6 canoes. Under the revised proposals the use of the public canoe launch would be restricted to 25 canoe launches or landings per day plus supervised special needs training for children with a maximum number of canoe launches and landings not exceeding 12 per day.

**2. Policies**

**2.1 Planning Policy Guidance**

PPS.7                    -            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 CTC9        -            Development Criteria  
Policy TSM1        -            Tourism Development  
Policy LR1          -            Leisure and Recreation Development  
Policy LR2          -            Leisure and Recreation Development

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Further information on the subject of this report is available from Mr. S. Holder on 01432 260479 Ext 0479

Policy LR3 - Low-key Recreational Facilities

### 2.3 South Herefordshire District Local Plan

Policy C5 - Development within Area of Outstanding Natural Beauty  
 Policy C8 - Development within Area of Great Landscape Value  
 Policy TM1 - General Tourism Provision  
 Policy TM10 - Proposals within Wye Valley Area of Outstanding Natural Beauty  
 Policy R1 - Provision of new recreational facilities  
 Policy R9 - Recreational Use of Natural Features  
 Policy GD1 - General Development Criteria

### 3. Planning History

3.1 SS990381PF Two storey extension - Permitted 05.05.99  
 SE2000/0074/F Two storey extension - Permitted 08.01.01

### 4. Consultation Summary

#### Statutory Consultations

4.1 Environment Agency has no objection but advises that all the land south of Riverside House lies in the floodplain of the River Wye and existing ground levels should not be raised.

4.2 English Nature advises as follows:-

“We discussed mechanisms to achieve these necessary safeguards. Because the application involves the business use of a public launch site outside the site boundary, a planning agreement would be needed to prevent a more intensive use of the launch site and the section of river bordering the launch site.

We suggest that the main points are:-

- The business operated from the premises should not use the public launch site for business purposes other than those specified in the planning agreement.
- The planning agreement should incorporate the description of the use of the launch site and public car park set out in the application (or other agreed description).
- Use of the premises and public launch site need to be linked and to prevent canoe launches for daily or hourly hire.
- An upper limit on the number of canoes to be operated from the site to be established to prevent excessive exploitation of the River Wye. (This would also have the benefit of safeguarding the car park as an amenity for the use of the public).

We suggest that the upper limit for number of canoes operated from the site should be established with the applicant. We do not see the need to restrict the timing of the use of the site on nature conservation grounds.

We agreed that English Nature should comment on a draft agreement to be prepared by the applicant and your Council. English Nature's holding objection stands until a satisfactory planning obligations have been concluded".

- 4.3 Herefordshire Wildlife Trust points out that the proposal is in line with the 1992 Wye Challenge Report to make optional use of existing launch sites. However, canoeing can disturb wildlife and cumulatively cause long term harm. The impact is difficult to quantify and assess. Recommend refusal but may re-consider if total numbers could be limited and restriction on times when in use - both to be agreed by English Nature.

#### Internal Council Advice

- 4.4 The Traffic Manager advises as follows:-

"Given the fact that the application site fronts onto a classified highway carrying light to medium flow of traffic and no provision exists on the road for a storage lane for right turning traffic at the access to the site, it is considered that the proposed commercial use of the site for canoeing would constitute a potential danger to the through traffic and therefore not acceptable from a highways safety point of view.

The applicant has been requested many a time to submit a traffic profile likely to be associated with the proposal for my assessment and I am still waiting for it to arrive".

- 4.5 The Conservation Manager advises that an appropriate assessment may be needed.

### **5. Representations**

- 5.1 The application included details of the proposals, including a summary of the following:-

- (i) The applicants qualifications, experience and current aims.
- (ii) The proposed use would involve clients canoeing from Hay-on-Wye or Hereford, on a pre-planned route over a number of days, or a days canoeing from Hoarwithy or Ross-on-Wye. All journeys will end at Riverside House.
- (iii) Clients will be encouraged to use the local bed and breakfasts, hotels and campsites, further supporting the local rural economy.
- (iv) Riverside House is ideally situated with a self-contained parking area (there will be no need for additional parking facilities/access). Riverside House will offer an excellent opportunity for controlled management of the area, whilst also enhancing the opportunities for access into the countryside. The river and existing canoe launch is easily accessible via the existing gate at the rear of Riverside House. No negative impacts will be caused to the natural environment.
- (v) The centre would encourage sustainable regeneration, and improve local job opportunities. The rural economy and environment will be further enhanced by educating clients in environmental awareness and the preservation of the countryside.

- (vi) The opportunities for access into the countryside will be improved for people of all ages and abilities, including people with special needs who greatly benefit from licensed outdoor activities.
- 5.2 The Walford Parish Council has no objections to the commercial use at Riverside House as it will lead to more constant supervision of the site. Verification of support from the Countryside Commission should have been included with the application. If new signage is proposed, Walford Parish Council would like to see it included in that for canoe site, picnic site and Village Hall. The suggestion was made that vehicles for Riverside House should use the same entrance off B4234 as for the Canoe Launch site on this dangerous bend.
- 5.3 Goodrich and Welsh Bicknor Parish Council objects to a change of use of a private residence to take advantage of the public facilities which are already provided.
- 5.4 20 letters of support have been received. The following points are made:-
- (i) Personal qualities and exemplary business and professional practices;
  - (ii) Applicant's concern for safety and care for environment are particularly noted and his work with the under-privileged;
  - (iii) Benefits to tourists and locals from the use but also spin-off benefits to local businesses and the community;
  - (iv) Ideal location next to car park and canoe launch and would have no adverse environmental effects;
  - (v) Buildings would be improved;
  - (vi) Accords with Local Plan policies regarding small businesses.
  - (vii) One angler states that applicant respects other river users
- 5.5 Six letters of objection has been received making the following points:-
- (i) As in Area of Outstanding Natural Beauty appears to conflict with Policy CTC1 of County Structure Plan and C5 and TSM10 of Local Plan;
  - (ii) Intensify use in heavily canoed region of lower Wye and interests of other legitimate users have not been addressed;
  - (iii) No independent environmental impact assessment addressing effects on river environment locally and up and down stream - site already used for launching canoes downstream creating potential for increasing activity downstream with further traffic congestion;
  - (iv) Concern that disturbance to wildlife and amenity of this SSSI and AONB
  - (v) Opposed by Goodrich and Welsh Bicknor Group Parish Council - apparently as would initiate a precedent for commercialisation of the river (a major objection to a proposal at Huntsham Bridge).



- (vi) Small development such as this may be harmless but set precedent for environmentally damaging development thereafter – critical that this internationally important River is preserved for future generations to enjoy.
- (vii) Full range of consultations with environmental and other interest groups have not been undertaken – Environment Agency after became navigation authority and fishery interests are mentioned.
- (viii) Fishery interests should be part to Section 106 as of right as own bed of river and thereby strictly speaking control all landing/land rights.
- (ix) Conflict between canoers and anglers is referred to : very great increase in canoe traffic especially between Kerne Bridge and Symonds Yat West make salmon fishing non-productive in terms of catch and recreation between 10.00 am and 5.00 pm Easter – September.
- (x) Wye Salmon Fishery owners are taking up question of canoe density with Environment Agency which now has responsibility for regulating and providing policy on navigation as well as fishing, recreation, environment and decision should be withheld until navigation regulations have been determined.
- (xi) Very serious concern expressed that use allowed to continue and Section 106 has not been concluded and that it would not be enforceable.
- (xii) No confidence that Council would effectively control this development – planning creep has been allowed and the co-ordinated action necessary (with Gloucester county Council and Environment Agency) has not been arranged.

## 6. Officers Appraisal

- 6.1 There are three main issues raised by this proposal: firstly the effect on the nature conservation interest of the River Wye cSAC – SSSI, secondly the effect on other users of the River Wye in particular anglers and thirdly whether restrictions on the level of activity would be enforceable.
- 6.2 On the first issue the key question is the scale of activities which could have an adverse effect on the water quality of the River Wye and hence would require an appropriate assessment. English Nature advises that the level of activity proposed is not significant in this regard and there would be no appreciable effect on the River Wye's nature conservation value.
- 6.3 The representations refer to the conflicting interests of canoeists and other boaters on the River Wye and anglers. The stretch of river adjoining the public canoe launch may well be relatively heavily used by canoeists and although the additions now proposed would intensify this use it is unlikely to sterilise long sections of the river, as far as angling is concerned. The other trips would start or finish at Kerne Bridge as they would involve canoeing reasonable distances by more experienced canoeists are much less likely to give rise to activities that would make fishing a fruitless and frustrating experience. Consequently although this proposal would add to existing problems it is not thought that this would be so serious as to justify refusal of planning permission. The Environment Agency which has responsibilities for use of rivers states that it wishes to encourage canoeing on the River Wye.

6.4 The third issue relates to the problem of whether it is practicable to restrict the scale of the business operated from Riverside House. The property adjoins the canoe launch and would be the base from which the trips originate and the storage area for the canoes. It is intended that canoes would be stored in existing buildings and open storage of canoes could be restricted by planning condition. Any new buildings would require planning permission. The canoe launch is open to the public but it would be practicable through a planning agreement to restrict its use by the business operated from Riverside House. The terms of the draft Section 106 agreement limit the scale of the business and require submission of reports certifying the number of canoe launches and landings. These could be checked by surveillance as is sometimes necessary for enforcing planning conditions. Both English Nature and the Environment Agency are satisfied with the terms of the Agreement. It is considered therefore that the business could be restricted to the level of activity now proposed and that as this would not have a significant adverse impact on nature conservation or other users of the River there are no cogent grounds to refuse permission.

**RECOMMENDATION**

**That :**

- (i) The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to restrict the scale of the business operated at this canoe centre within 3 months of the date of this Committee meeting and deal with any other appropriate and incidental terms, matters or issues.**
- (ii) Upon completion of the aforementioned planning obligation officers named in the scheme of delegation be authorised to issue planning permission subject to the following condition and any other conditions considered necessary by officers:**
  - 1. No canoes shall be stored in the open at Riverside House but in accordance with the details which have been submitted to and approved in writing by the local planning authority.**

**Reason: To protect the visual amenities of this part of the Wye Valley AONB.**

**Informative:**

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

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies