

A G E N D A

Southern Area Planning Sub- Committee

Date: **Wednesday, 11th May, 2005**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Southern Area Planning Sub-Committee

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

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

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1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES	1 - 4
To approve and sign the Minutes of the meeting held on 13th April, 2005.	
4. ITEM FOR INFORMATION - APPEALS	5 - 8
To note the contents of the attached report of the Head of Planning Services in respect of the appeals received or determined for the southern area of Herefordshire.	
REPORTS BY THE HEAD OF PLANNING SERVICES	
To consider and take any appropriate action in respect of the planning applications received for the southern area and to authorise the Head of Planning Services to impose any additional or varied conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
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| <p>19. DCSE2004/2701/F - LAND AT 28 OVERROSS FARM, ROSS-ON-WYE, HEREFORDSHIRE</p> <p>Erection of detached dwelling with ancillary works.</p> | <p>91 - 96</p> |
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| <p>21. DATE OF NEXT MEETING</p> <p>The next scheduled meeting is Wednesday 8th June, 2005.</p> | |

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

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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, 13th April, 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, Mrs. C.J. Davis, G.W. Davis, Mrs. A.E. Gray, Mrs. J.A. Hyde, G. Lucas, D.C. Taylor and J.B. Williams

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

163. APOLOGIES FOR ABSENCE

Apologies were received from Councillors N.J.J. Davies and J.W. Edwards.

164. DECLARATIONS OF INTEREST

The following declaration of interest was made:

Councillor	Item	Interest
Councillor G. Lucas	Item 7 – DCSE2005/0355/F – Erection of 18 apartments at: The Chase Hotel, Gloucester Road, Ross-on-Wye, Herefordshire, HR9 5LH	Prejudicial and left the meeting for the duration of the item.

165. MINUTES

RESOLVED: That the Minutes of the meeting held on 16th March, 2005 be approved as a correct record and signed by the Chairman.

166. ITEM FOR INFORMATION - APPEALS

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

167. DCSE2005/0042/F - COLERAINE FARM, COUGHTON, ROSS-ON-WYE, HEREFORDSHIRE

Re-location and extension of residential site for seasonal and casual workers together with land areas to be re-profiled.

The Principal Planning Officer reported the receipt of 25 further letters of objection. He also reported the receipt of comments from English Nature who expressed concerns regarding flooding and drainage issues.

In accordance with the criteria for public speaking, Mr. Morgan, a local resident, spoke in objection to the application.

The Chairman, speaking in her capacity as Local Ward Member, thanked Members for attending the site inspection. She also noted the concerns raised by the Parish Council but advised that the caravans could already remain on the site throughout the asparagus-growing season under permitted development rights. She also felt that the granting of this application would give the Council an opportunity to monitor the site during the five-year temporary permission period.

Members discussed the application and felt that it would be beneficial to add a condition to the recommendation to ensure that a suitable colour was selected for the exterior finish of the caravans.

RESOLVED:

That subject to being satisfied regarding flooding and foul drainage 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) (5 years only)

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 known as Cobrey Farms, 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.

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

7. Before any caravans are sited 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. Development shall be carried out in accordance with the approved details.

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

8. A Green Transport Plan containing measures to promote sustainable travel patterns and the efficient movement of the seasonal workers both in the operation of Coleraine Buildings, Coughton 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.

9. 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.

Informatives:

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

168. DCSE2005/0191/F - 2-5 MARKET PLACE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5NX

Formation of 14 no. self-contained flats.

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. C02 (Approval of details)

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

3. H29 (Secure cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

Informative(s):

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

169. DCSE2005/0355/F - THE CHASE HOTEL, GLOUCESTER ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5LH

Erection of 18 apartments.

The Principal Planning Officer reported the receipt of one further letter of objection. He also reported the receipt of comments from the Council's Drainage Engineer who recommended a condition regarding the requirement of a surface water scheme.

Councillor Mrs. C.J. Davis, one of the Local Ward Members, felt that the loss of recreational land would be detrimental to the residents of Chaseside and Waterside.

Councillors discussed the application and felt that the development would unacceptably intrude on the open space and would harm the character and amenity of the area. They also felt that the existing planning permission for additional rooms and a leisure complex would be more beneficial to the Hotel than the current application.

RESOLVED:

That (i) The Southern Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the application to the Planning Committee:

- 1. Loss of open space in Ross-on-Wye**
- 2. Neighbourhood amenity**

(ii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application subject to such reasons for refusal referred to above.

[Note: Following the vote on the above resolution, the Southern Team Leader noted that the Sub-Committee had thoroughly debated the issues and there were not critical policy issues at stake. Therefore, the application would not be referred to the Head of Planning Services.]

170. DATE OF NEXT MEETING

It was noted that the date of the next scheduled meeting was 11th May, 2005.

The meeting ended at 2.50 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCSE2004/3301/F**

- The appeal was received on 22nd March, 2005
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr. & Mrs. R. Margrett
- The site is located at Moat Farm, -, Hope Mansell, Ross-On-Wye, Herefordshire, HR9 5TL
- The development proposed is Proposed extension
- The appeal is to be heard by Written Representations

Case Officer: Steven Holder on 01432 260479

Application No. DCSE2004/2609/F

- The appeal was received on 11th April, 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 Mrs. S.E. Roskill
- The site is located at Upper Courtyard, Gamage Farm, Much Marcle, Ledbury, Herefordshire, HR8 2NS
- The development proposed is Erection of clock tower on roof of open fronted shed
- The appeal is to be heard by Written Representations

Case Officer: Steven Holder on 01432 260479

Application No. DCSE2004/4169/F

- The appeal was received on 7th April, 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. N. Peeling
- The site is located at Hallbank, -, Linton, Ross-On-Wye, Herefordshire, HR9 7RR
- The development proposed is Proposed two storey extension and conservatory
- The appeal is to be heard by Written Representations

Case Officer: Charlotte Atkins on 01432 260536

Application No. DCSE2004/2366/O

- The appeal was received on 13th April, 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. Bowen
- The site is located at Land adjoining The Little Place, Pontshill, Ross-On-Wye, Herefordshire, HR9 5TB

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

- The development proposed is Site for erection of a dwelling
- The appeal is to be heard by Written Representations

Case Officer: Nigel Banning on 01432 261974

Application No. DCSE2004/2367/O

- The appeal was received on 13th April, 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. Bowen
- The site is located at Land adjoining The Little Place, Pontshill, Ross-On-Wye, Herefordshire, HR9 5TB
- The development proposed is Site for the erection of a dwelling
- The appeal is to be heard by Written Representations

Case Officer: Nigel Banning on 01432 261974

APPEALS DETERMINED

Application No. DCSW2004/1476/O

- The appeal was received on 19th October, 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 R.B., E.A., D.J. & G.I. Morgan
- The site is located at OS 5983, Valley View Farm, Peterchurch, Herefordshire
- The application, dated 20th April, 2004, was refused on 22nd July, 2004
- The development proposed was Site for residential development
- The main issue is the effect on the setting and character of Peterchurch and the countryside

Decision: The appeal was **DISMISSED** on 1st April, 2005

Case Officer: Andrew Prior on 01432 261932

Application No. DCSW2004/1216/F

- The appeal was received on 7th October, 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. M. Whitfield
- The site is located at Mount Pleasant, Garway Hill, Herefordshire, HR2 8RU
- The application, dated 4th January, 2004, was refused on 7th July, 2004
- The development proposed was Erection of wind turbine on 11m high tower
- The main issue is the effect of the proposed development on the character and appearance of this Area of Great Landscape Value.

Decision: The appeal was **UPHELD WITH CONDITIONS** on 7th April 2005

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

Case Officer: Andrew Prior on 01432 261932

Application No. DCSE2004/2500/F

- The appeal was received on 24th November, 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 William Hill Organisation Ltd against non-determination
- The site is located at 8 Gloucester Road, Ross-On-Wye, Herefordshire, HR9 5BU
- The development proposed was Use of premises for A2 purposes as a licensed betting office
- The main issue is whether the proposed change of use would accord with adopted and emerging policies which seek to maintain and enhance the attractiveness, vitality and viability of the Ross-on-Wye town centre.

Decision: The appeal was **DISMISSED** on 26th April, 2005

Case Officer: Nigel Banning on 01432 261974

Application No. DCSE2004/2733/F

- The appeal was received on 13th December, 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 First London Investment Group
- The site is located at Petrol Filling Station (Former), Gloucester Road, Ross-on-Wye, Herefordshire, HR9 5NA
- The application, dated 22nd July, 2004, was refused on 27th October, 2004
- The development proposed was Demolition of existing petrol filling station and erection of 18 no. residential apartment dwellings.
- The main issue is whether the scheme is sympathetic to the character of the locality in terms of density, form, scale and height.

Decision: The appeal was **DISMISSED** on 27th April, 2005

Case Officer: Steve Holder on 01432 260479

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

DEFERRED APPLICATION

5 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: 16th June, 2004

Ward: Pontrilas

Grid Ref: 5017 3199

Expiry Date: 11th August, 2004

Local Member: Councillor G.W. Davis

1. Site Description and Proposal

- 1.1 This application was originally presented to Sub-Committee on 16th March, 2005. Members resolved that it be deferred pending further discussions with regard to visibility splays and the position of the dwelling.
- 1.2 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.
- 1.3 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.
- 1.4 This application seeks to determine the principle of developing the site. All matters are reserved for future consideration.
- 1.5 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 11th March, 2005. 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

DEFERRED APPLICATION

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 SummaryStatutory 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 following a further site inspection on 1st April, 2005, that an access point slightly downhill and with improved visibility splays than at present, would be acceptable. He 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.

DEFERRED APPLICATION

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 Wigglesbrook 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.

DEFERRED APPLICATION

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 considered that one dwelling could be sited on this particular site and that would not 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, and without overlooking Walnut Cottage given the orientation of the site and its topography. There are no windows in Walnut Cottage overlooking the site.
- 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. The Traffic Manager has specified the visibility requirements needed and these will improve the visibility currently available for residents of Cyprus Cottage and provide satisfactory visibility for residents on the proposed plot.
- 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.

DEFERRED APPLICATION

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) (2m x 25m – uphill and 15m –downhill)**
Reason: In the interests of highway safety.

DEFERRED APPLICATION

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:

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Background Papers

Internal departmental consultation replies.

6 DCSW2005/0924/F - RETROSPECTIVE APPLICATION FOR ENGINEERING OPERATIONS TO CREATE A 60M X 20M RIDING ARENA, THE WOODLANDS, ORCOP, HEREFORDSHIRE, HR2 8SE

For: Mrs. J.A. Childs, The Woodlands, Orcop, Herefordshire, HR2 8SE

Date Received: 24th March, 2005

Ward: Pontrilas

Grid Ref: 48095, 27763

Expiry Date: 19th May, 2005

Local Member: Councillor G.W. Davis

1. Site Description and Proposal

- 1.1 The Woodlands, Orcop comprises a red brick bungalow, two sets of stables, a 40 x 20m fenced all-weather arena and the 60 x 20m riding arena, the subject of this application.
- 1.2 The site is set on Orcop Hill within the open countryside. The land slopes downwards from the east to the west towards the U71419. The land to the south and west of the site is well screened with mature trees.
- 1.3 The proposal relates to the provision of an all-weather riding arena for Dressage tests to replace an existing grass arena. The grass arena was not level, sloping downwards to the north-west and west of the site, therefore earth was excavated at the eastern end and the soil used to build up the western end. This has created a bank of soil on both sides at the western end.
- 1.4 The arena has been constructed using a geotex membrane overlaid with 18cm of 40mm clean washed drainage stone. A drainage pipe has been inserted around the inside edge of the arena and three pipes laid across north to south at equal intervals. The pipes exit at the bottom of the bank at the western end and drain onto the adjacent paddock. The drainage stone is overlaid with an additional geotex membrane. The final surface consists of chopped hardwood. The arena is edged in railway sleepers stacked one above the other.

2. Policies

2.1 Hereford and Worcester County Structure Plan

- Policy CTC.2 - Development in Areas of Great Landscape Value
 Policy CTC.9 - Development Requirements
 Policy CTC.11 - Trees and Woodlands

2.2 South Herefordshire District Local Plan

- Part 1
 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.17	-	Trees/Management
Policy C.45	-	Drainage

3. Planning History

- 3.1 SH870293PF Erection of 3 stables, tack room, hay store and all-weather menage - Approved 07.05.87
- SH890134SZ Erection of wooden building for storage of garden tools, firewood, coal, etc. - Approved 27.02.89
- SH891503PF Block of 4 stables on concrete base - Approved 13.10.89
- SH910779PF Retain block of stables without complying with condition no. 2 on SH891503PF and giving of riding tuition - Approved 10.07.91
- SH920770PF Stable block of 3 loose boxes to extend livery space - Approved 08.07.92

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Traffic Manager raises no objection.
- 4.3 Conservation Manager raises no objection subject to a suitably designed landscaping scheme.

5. Representations

- 5.1 Llanwarne Parish Council raise no objection.
- 5.2 Orcop Parish Council raise no objection.
- 5.3 One letter of objection has been received from:

B. Thomas, Wood Cottage, Little Hill, Orcop, Hereford, HR2 8SE

raising the following concerns:

- muddy bank - a blot on the landscape
- noise pollution from riding instructors shouting commands
- inadequate drainage.

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

6. Officers Appraisal

- 6.1 The proposal is retrospective and for a riding arena constructed on the site of an existing grass arena in the open countryside. The arena will be used for dressage training, specialising in teaching dressage to children mainly from the Pony Clubs, Hereford Under 21s UK and British Young Riders Dressage Scheme. The clubs use the facilities free of charge.
- 6.2 The main issues for consideration are the visual impact of the development within an Area of Great Landscape Value and the impact on residential amenity of surrounding properties.
- 6.3 The site is in a sensitive landscape location, due to its hillside location and its designation as an Area of Great Landscape Value. Local Plan Policies aim to protect the landscape and proposals should be small in scale and sensitively designed and must not adversely affect the landscape.
- 6.4 The Conservation Manager does not object to the proposal subject to a scheme of landscaping which includes re-grading of the embankment to seamlessly marry in the new levels to the existing, seeding with an amenity grass mix, additional hedge planting and six Silver Birch trees. The applicant has indicated in writing her agreement to additional planting to screen the arena. Additional planting will soften the visual impact of the development when viewed from the surrounding area.
- 6.5 An existing belt of mature trees further screen the arena and it is not considered prominent from surrounding viewpoints. The size of the arena is not considered unduly large and it will replace an existing grass arena. Taking the above factors into account, the proposal is not considered to have an adverse impact upon the landscape such that would warrant refusal.
- 6.6 The concern raised by a local resident concerning noise pollution from activity at the site is noted. However, the lawful use of The Woodlands as a commercial riding centre has been established since 1991. The arena is a significant distance, being some 50 metres from the neighbouring dwelling, but it is elevated above the property due to the slope of the land. Although the arena will intensify the commercial use at the site it is considered that this should not result in an unacceptable impact on the amenity of neighbouring property.
- 6.7 The Traffic Manager has visited the site to inspect any damage that may have appeared in the embankment and paddock as a result of the drainage. At the outlet points there was no evidence of scouring and no sign of damage to the lower paddock from any water discharge. The drainage system is considered adequate for the proposed works, however it is recommended that some form of outfall structure be constructed around the outlets to prevent possible future damage to the pipes.
- 6.8 Overall the scheme is considered to satisfy the relevant local plan policies and conditional permission is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. **G04 (Landscaping scheme (general)) (within one month)**

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

- 2. **G05 (Implementation of landscaping scheme (general)) (before the end of 2005)**

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

- 3. **G10 (Retention of trees)**

Reason: In order to preserve the character and amenities of the area.

- 4. **There shall be no external lighting/illumination of the riding arena hereby permitted.**

Reason: In order to preserve the character and amenities of the area.

- 5. **Within one month of the date of this planning permission details for the construction of outfall structures around the outlets of the drainage pipes shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented within one month of the date of its approval.**

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

7 DCSW2005/0759/F - SIDE AND REAR TWO STOREY EXTENSIONS. CHANGE OF USE FROM REAR PADDOCK TO GARDEN. PROPOSED GARAGE. ROSE COTTAGE, CHAPEL TUMP, ST. OWENS CROSS, HEREFORDSHIRE, HR2 8LH

For: Mr. & Mrs. Tweddell per Broadheath Consulting Ltd Broadheath, Moreton on Lugg, Hereford, HR4 8DQ

Date Received: 10th March, 2005

Ward: Pontrilas

Grid Ref: 53928, 24253

Expiry Date: 5th May, 2005

Local Member: Councillor G.W. Davis

1. Site Description and Proposal

- 1.1 The application site lies within open countryside as defined by the South Herefordshire District Local Plan. The property known as Rose Cottage is a detached 2 bedroom cottage situated in irregular grounds. It lies parallel to the private lane, with hedging and a range of trees partially screening it from view. Double gates provide access and off street parking from the lane. To the south forms the rear garden and paddock area where post and mesh fencing is the boundary to open fields beyond and to its east. The western boundary is a mixture of hedging, post and mesh fencing and various trees to neighbouring properties known as St. James Cottages and The Palace.
- 1.2 The proposal is to provide a first floor extension over the existing single storey and a rear gabled two-storey extension, measuring 4.8m x 4.1m, which links into the first floor. A conservatory measuring 5m x 3.8m adjoins the gabled extension and sits within the formed 'L' shape. The existing porch cover to the front door, north elevation, is removed and replaced with a gabled porch measuring 2.2m x 1m. The west elevation currently has a large water storage container along the gabled wall, this will be removed and replaced with a gabled single storey extension measuring 2.3m x 1.4m. Facing materials would be rendered walls and roof tiles to match existing.
- 1.3 In addition, a two bay garage with additional storage area measuring 8m x 5m x 4m situated at right angles to the lane, the eastern corner of the parking area. The application also seeks a change of use of paddock area to garden, an approximate area measuring 50m x 20m, south of the dwellinghouse.
- 1.4 Since the submission of the application, negotiations have taken place and as such amended plans were received on the 18th April 2005. They propose to reduce the ridge height of the extensions by 0.1m, the conservatory will measure 4.5m x 3.7m and the garage will measure 7.2m x 5m x 4.5m (to ridge). The garage is repositioned to be 1m from the private lane.

2. Policies

2.1 Planning Policy Guidance

PPS.1 - Delivering Sustainable Development

2.2 Hereford and Worcester County Structure Plan

Policy CTC.9 - Development Criteria

2.3 South Herefordshire District Local Plan

Policy GD.1 - General Development Criteria
 Policy C.1 - Development within Open Countryside
 Policy SH.23 - Extensions to Dwellings

2.4 Untiary Development Plan

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

3. Planning History

3.1 SE2001/0923/F Two storey rear extension - Refused 16.05.01

4. Consultation SummaryStatutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 The Traffic Manager has no objections.

5. Representations

5.1 Hentland Parish Council has no objections to the application.

5.2 4 letters of objection have been received from:

J. Edwards, The Palace, Chapel Tump Lane, St. Owens Cross, Hereford HR2 8LH
 Mr. M. Gunn & Ms. H. Bailey, 1 St James Cottages, St. Owens Cross, HR2 8LH
 Colonel J.R. Robinson MBE, Meeks Cottage, Chapel Tumps, St. Owens Cross,
 Hereford HR2 8LH
 M.J. Edwards, The Palace, Chapel Tump Lane, St. Owens Cross, Hereford HR2 8LH.

The grounds of objection can be summarized as follows:-

- Realise changes need to be made to Rose Cottage, but could be done without destroying our environment.
- Large window to bedroom 1 will completely destroy our privacy.
- Overlooking and consequent loss of privacy from large bedroom window, the landing window and side of conservatory.
- Extension not sympathetic with surrounding properties in the hamlet.
- Rear paddock created by exchange of land and assured by applicant would remain as green field.

- Change of use should be limited to area close to cottage.
- Changing paddock to garden may encourage similar requests and set a precedent if planning permission allowed.
- Extent of new garden may lead to an application to build a new house.
- Should planning permission be granted the lane should not be blocked up during operations.

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 key issues in the consideration of the application are:-

- The effect of the proposal upon the existing dwellinghouse
- Amenity of the nearby residents
- Highway safety
- Impact upon change of use of paddock to garden

Each of these will be considered individually.

6.2 The effect of the proposal upon the existing dwellinghouse

The previous application submitted under SW2001/0923/F was refused on the grounds that its mass, scale and design for a double gabled two storey extension and large conservatory were unacceptable in relation to the existing cottage. The submitted application has addressed the concerns of the refusal reasons.

Policy SH23 of the SHDLP seeks to ensure that proposals are in keeping with the character of the existing dwelling in terms of mass, scale, design and materials and that the resultant scheme remains subservient. The existing internal arrangement of the cottage allows little alteration without the necessity of extending the property. The purpose of the additions is to remove the bathroom at ground floor and provide a study and dining room, which links to the proposed conservatory. The first floor re-arranges the two small bedrooms and provides a bathroom, two small bedrooms and bedroom en-suite. The design of the extension forms an 'L' shape to the cottage and replicates the gabled elevations for the 2 storey rear and over first floor. Although concerns were raised initially to the proposed ridge heights, they have been reduced to achieve a slight subservience to the existing ridge height. The conservatory has also been reduced to remain in proportion with the extension.

The concerns of the objectors are noted, however, this small hamlet of houses are of varying sizes, heights, designs having generous amenity areas, all personalizing their own characteristics within their curtilages. It is considered that the size, scale and design of the extensions would not appear incongruous within its surroundings nor would the resultant scheme dominate the original dwellinghouse.

6.3 Amenity of nearby residents

The concerns of the neighbour at St. James Cottage are noted. At present this cottage is at right angles to the application site and off-road parking is provided between the two properties. The proposed conservatory would be approximately 16.5m from the ground floor rooms, where various hedges and trees partially screen its view. At

present the application site runs parallel to the rear gardens and there is currently some degree of overlooking and privacy is reduced. Alterations have reduced the size of the conservatory and two windows to the landing area and it is considered that the distance would not result in an unacceptable increase in the risk of overlooking or loss of privacy. Additional planting or screening would benefit further privacy and the use of appropriate conditions could achieve this.

Furthermore, with regard to the concerns regarding the size of the window to bedroom one, it is in proportion to the size of the extension and is considered acceptable and would not unacceptably reduce the privacy of the neighbouring property known as The Palace by reason of its distance being approximately 42m and having substantial screening to its curtilages.

6.4 Highway Safety

The Traffic Manager has no objection to the application. The double garage to the eastern boundary has been reduced and set back 1m from the private lane. Its size, height and design in relation to its surroundings are considered acceptable.

6.5 Impact of change of use of paddock to garden

The hamlet lies outside a designated settlement and as such further development would be strictly controlled should an application be sought for housing, however, the proposed change of use should be considered on its own merits and impact upon the surrounding area. Whilst the concerns of the neighbours are noted, the paddock area has in fact served as part of the garden to Rose Cottage for sometime. The land is mown and well cared for and appears more domestic than paddock. On this basis, the change of use of paddock to garden would not have a harmful effect upon the character and appearance of its rural surroundings. To safeguard the character and amenities of the locality an appropriate condition could achieve this.

Having regard to the above and with appropriate conditions it is considered that the proposal would accord with Policies GD.1 and SH.23 of the SHDLP.

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 G01 (Details of boundary treatments)

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

5. E08 (Domestic use only of garage)

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling.

6. E09 (No conversion of garage to habitable accommodation)

Reason: To ensure adequate off street parking arrangements remain available at all times.

7. E16 (Removal of permitted development rights)

Reason: To safeguard the character and amenities of the locality.

Informative(s):

- 1. The applicants' attention is drawn to the need to ensure that the lane is kept clear at all times during the process of development.**
- 2. N15 - Reason(s) for the Grant of Planning Permission**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

8 DCSW2005/0744/F - NEW HOUSE, ALUN HOUSE GARDEN, CHURCH ROAD, PETERCHURCH, HEREFORDSHIRE

For: Mr. & Mrs. K.G. Lewis per John Farr and Associates Fincham, Stockley Hill, Peterchurch, Hereford, HR2 0SS

**Date Received: 8th March, 2005 Ward: Golden Valley Grid Ref: 34505, 38607
North**

Expiry Date: 3rd May, 2005

Local Member: Councillor N.J.J. Davies

1. Site Description and Proposal

- 1.1 The application site comprises an area of land immediately to the south-west of Almshouses, that in turn are south-west of the Boughton Arms which is on the western side of the main thoroughfare, the B4348 road in Peterchurch. There is a garage to the north-west of this plot, access to which is along the western boundary of this well screened site on Church Road, an unclassified road (u/c 75405). The site is within the settlement boundary for Peterchurch, which is identified as a larger settlement in Policy SH.8 in the South Herefordshire District Local Plan.
- 1.2 The application has been advertised as affecting the setting of the Grade I Listed St. Peter's Church which is to the south-south-west of the proposed site.
- 1.3 It is proposed to erect a 3 bedroom dwelling set back 7 metres from edge of pavement on Church Road. The house has a gable fronted element that projects forward from the main bulk of the dwelling. This gable fronted element reflects the two end gables of the Almshouses immediately to the north-east of the site. An elevation onto Church Road has been provided, it demonstrates that the brick faced and slate covered dwelling is 7.6 metres to the ridge. The ridge height on the Almshouses is 7 metres. A chimney stack on the roof slope of the building closest to the site is 8.8 metres high to the top of the stack.

2. Policies

2.1 Planning Policy Guidance

PPS.1 - Delivering Sustainable Development

2.2 Hereford and Worcester County Structure Plan

Policy CTC.2 - Areas of Great Landscape Value
Policy H.16A - Housing in Rural Areas

2.3 South Herefordshire District Local Plan

Policy GD.1 - General Development Criteria

- Policy C.8 - Areas of Great Landscape Value
 Policy C.29 - Setting of a Listed Building
 Policy SH.8 - New Housing Development Criteria in Larger Villages

3. Planning History

- 3.1 SW2000/2233/O Site for residential development - Approved 20.11.00
 SW2004/0957/F New house - Withdrawn 09.03.04

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Traffic Manager recommends that conditions be attached in the event of planning permission being granted.
 4.3 Conservation Manager has no objections from an architectural point of view; he recommends that further details of finishes be made conditional.

5. Representations

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

"Council feels dwelling is out of scale with adjacent buildings."

- 5.2 One letter has been received from:

The Trustees of John Smith's Charity, c/o The Old Rectory, Turnastone, Vowchurch, HR2 0RD

The following main points are raised:

- stress how important it is that light to the windows of the adjoining almshouses is not restricted
- also that the almshouses are not disturbed unduly during the construction period.

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

6. Officers Appraisal

- 6.1 The main issues are considered to be the style and form of the development and the relationship of the proposed dwelling to the adjoining almshouses.
 6.2 The dwelling proposed is set back into the site a minimum distance of 7 metres from the edge of the highway. This allows the almshouses to be viewed from the south-west in particular. The ridge height of the proposed dwelling is approximately 600mm higher than the ridge heights of the three buildings that form the courtyard shaped

almshouses adjoining the proposal site. It is considered that 7.6 metres for a modern dwelling that is set back in the site as described above is satisfactory. The respective buildings are not in line with one another and the chimney stack on the almshouses is higher than the ridge height of the proposed dwelling. The visual importance of the almshouses is not impaired. The proximity of the dwelling and its positioning should not result in undue overlooking and loss of daylighting to the west elevation of the nearest building. This is given the orientation of the site in relationship to the almshouses.

- 6.3 Further details are needed relating to finishes to windows and cills, as well as for the facing brick and type of slate proposed. The choice of facing brick is important given the visual amenity of the almshouses in this part of Peterchurch. It is not considered that a dwelling erected on the site would detract from the setting of the Grade I Listed St. Peter's Church.
- 6.4 There is a slight discrepancy in the plans submitted as regards a rear porch/canopy to the rear of the dwelling and how it appears in elevations. This will need to be resolved before planning permission can be granted.

RECOMMENDATION

That subject to the receipt of revised plans relating to the rear of the dwelling, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any 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. Details of materials and finishes to all new joinery, window heads, cills, eaves and verges, dormer windows and rooflights shall be the subject of the prior written approval of the local planning authority before any development commences on site.**

Reason: In order to define the terms to which the application relates.

- 5. H03 (Visibility splays)**

Reason: In the interests of highway safety.

- 6. H05 (Access gates)**

Reason: In the interests of highway safety.

7. 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.

8. H27 (Parking for site operatives)

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

9. F41 (No burning of materials/substances during construction phase)

Reason: To safeguard residential amenity and prevent pollution.

10. D03 (Site observation - archaeology)

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

11. G04 (Landscaping scheme (general))

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

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

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

Informative(s):

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

9 DCSW2005/0556/F - AMENDMENT TO CONDITION 4 OF PLANNING APPROVAL (03/1109380 - 30/07/03) TO EXTEND EDUCATION USE FOR NOT EXCEEDING 4 NON-RESIDENT STUDENTS AT THE HAVEN, HARDWICKE, HAY-ON-WYE, HEREFORD, HR3 5TA

For: Sedgemoor Ltd per Olorun Planning Partnership Ltd, 107 High Street, Honiton, Devon, EX14 1PE

Date Received: 18th February, 2005 **Ward: Golden Valley North** **Grid Ref: 26519, 43879**

Expiry Date: 15th April, 2005

Local Member: Councillor N.J.J. Davies

1. Site Description and Proposal

- 1.1 The site is on the northern side of the Class II road (B4348). The entrance is 220 metres south-east of the junction of the B4348 road with the B4352 road at Hardwicke.
- 1.2 This natural stone 19th Century building has permission, granted on Appeal, for use as a residential institution. The approval also includes use of a former Coach House, previously used as guest accommodation, for educational purposes for the benefit of up to four 11-16 year olds residing at The Haven.
- 1.3 The current proposal entails expanding the use of the existing educational facility from use by four resident 11-16 year olds to one for 8 pupils, the additional four students being non-resident and using the educational facility only on a daily basis. This building is 24 metres long, providing 2 classrooms either side of a food area and bathroom. There is also a common room and store. There is a first floor accommodation half the length of the ground floor accommodation. It will be used for art and science lessons. The displaced offices on the first floor have moved into an existing garage on the site. This change of use was approved earlier this year.

2. Policies

2.1 Hereford and Worcester County Structure Plan

Policy CTC.2 - Areas of Great Landscape Value

2.2 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

2.3 Unitary Development Plan

There are no relevant policies that introduce issues different from the policies set out above.

3. Planning History

- | | | | | |
|-----|---------------|----------------------------------------------------------------------------------------------------------------|---|------------------------------------------------|
| 3.1 | SH900423PF | Conversion of coach house to holiday guest accommodation and replace stone drying shed | - | Approved 18.04.90 |
| | SW2002/3241/F | Change of use from hotel (C1) to residential institution (C2) | - | Refused 11.12.02
Appeal Allowed
30.07.03 |
| | SW2003/0710/F | Change of use from holiday guest accommodation to on-site educational unit for children housed in the dwelling | - | Approved 17.07.03 |
| | SW2003/0713/F | Change of use from hotel (C1) to dwelling house | - | Approved 17.07.03 |
| | SW2004/4394/F | Conversion of garage to offices | - | Approved 14.02.05 |

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.

5. Representations

- 5.1 In a letter that accompanied the application, the applicant's agents make the following main points:

- proposal is to use the entire Coach House for educational purposes
- condition 4 to planning approval (granted on Appeal) limits the use to four children in residence in the main dwelling
- Coach House some 160m squared is therefore under-utilised
- more effective use, as recommended by PPG.1
- objective is to provide special needs education to enable children to catch up so that they can return to main stream education
- likely to result in two additional traffic movements Monday - Friday by them to The Haven and then taking them home; and four additional staff movements each day (i.e. Monday - Friday)
- an appropriate amendment to Condition 4 is as follows:

"The premises shall be used only for the educational use of the children in care at 'The Haven' and for not exceeding four non-resident children in care and not for any other purpose, including any other purposes in Class C2 of the schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class, in any statutory instrument revoking and re-enacting that Order."

5.2 Clifford Parish Council make the following observations:

"7 parish councillors viewed the application, 5 being opposed, 2 making the following comment - If the amendment was along the lines suggested in the letter 17.02.05 (in italics) I would not object.

These comments were made by 5 councillors:

1. In my view the original planning permission granted by the inspector at the inquiry held on July 15th and 16th 2003 should be adhered to. The Inspector states in his formal decision 33.4) that the educational use of the former Coach House shall be ancillary to the residential use of the main house and shall only be used for the education and supporting administration of the four children referred to in condition 2 (33.2). The worries and concerns that the parish council and the local community had at this time have now been proven to be valid. I feel that if this decision is overturned in less than 2 years with all the problems that the community and police force have experienced it makes a mockery of the inquiry held in 2003.
2. Since The Haven opened as a residential home for boys in care with behavioural problems eighteen months ago its neighbours have suffered a number of unpleasant incidents. I am an elderly widow living alone nearby and my house had to be searched by police officers after a fifteen-year old with a history of violence absconded and was seen climbing over a wall into my yard. The boy was finally found in the garden of a disabled man close by, who was upset. Another time a boy stole a staff car at night and overturned it half a mile away. On other occasions boys have been found in the surrounding fields, once chasing sheep, one pitching tents in grass grown for hay, once hiding in woods, several times waving torches round the fields by the house at night, and one night one of our holly trees in a hedge near the house was set on fire. Besides these incidents affecting the public, The Haven staff have had to ask many times for police assistance to deal with trouble inside the house (between June and August 2004 staff were calling the police on average twice a week), and on at least two occasions the fire brigade had to be called out as well. I appreciate that there have been fewer incidents following the appointment of a new Manager late last year. Moreover, it seems that in recent months only two boys have been in residence. Nevertheless The Haven staff have still sometimes requested police help. I oppose the application to allow a further four non-residential children in care to receive education at The Haven as it still seems likely that the presence of more youngsters there during school hours would lead to more trouble.
3. I am strongly opposed to this application as the home was only for the education of four boys.
4. In view of the misdemeanours from The Haven in the past eighteen months I object to further expansion.
5. I strongly oppose this application and wholeheartedly agree with the comments of 1 to 4."

6. Officers Appraisal

- 6.1 The main issues raised are considered to be the principle of extending the use of the educational facility, the additional traffic generated by the increased use of the educational facility and the concerns about security and amenity of local residents and by the Parish Council.
- 6.2 It is considered that the external use of the educational facility is acceptable. Children will be brought to site from other locations to The Haven. This traffic already occurs as Sedgemoor mini-buses take residents and staff from The Haven on continual leisure and educational trips throughout school term time. It is a sustainable use of the educational facility, given the facility exists already and that the networking also already takes place.
- 6.3 It is considered that the additional traffic can be accommodated on the local road network. This stance is endorsed by the Traffic Manager.
- 6.4 The final issue relates to the perception of further problems that would arise as a result of four more students being on site. This is given the reported incidents include absconding, and the use of staff cars by residents. The Haven is the subject of the National Care Standards Commission registration, and they have the ability to withdraw the registration of homes, and if necessary insist on the closure of homes. In allowing the existing use the Inspector did not rule out the possibility of behaviour by the occupants that could result in them being moved to more appropriate institutions. The Inspector considered that the degree of risk of crime and other anti-social behaviour would not make it unacceptable in planning terms.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. The premises shall be used only for the educational use of the children in care at 'The Haven' and for not exceeding four non-resident children in care and not for any other purposes, including any other purposes in Class C2 of the schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class, in any statutory instrument revoking and re-enacting that Order.**

Reason: In order to define the terms to which the application relates.

- 2. At all times when children receiving residential care and education are on the premises a minimum of four care staff shall also be present.**

Reason: In order to define the terms to which the application relates.

Informative(s):

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

10 DCSE2005/0857/F - ALTERATION OF BUILDING TO INCREASE HEIGHT TO ACCOMMODATE NEW PRESS MACHINES, THE BOUNDS, MUCH MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2NQ

For: H. Weston & Sons per C.A. Masefield, Building Design Services, 66-67 Ashperton Road, Munsley, Ledbury, Herefordshire, HR8 2RY

Date Received: 16th March, 2005 Ward: Old Gore

Grid Ref: 64870, 33036

Expiry Date: 11th May, 2005

Local Member: Councillor J.W. Edwards

1. Site Description and Proposal

- 1.1 The Bounds, Much Marcle is located in open countryside to the west of Much Marcle village. The site, which rises from the east to west, lies adjacent to the C1262. The site comprises buildings of differing sizes and designs, ranging from traditional agricultural barns to modern purpose built units. The site has a long history of cider production.
- 1.2 The proposal relates to the alteration of the roof to an existing building which lies immediately adjacent to the C1262. The eaves height to the front elevation is proposed to increase from 5.2 metres to 6.1 metres. The ridge height will remain at 8.1 metres but will now extend over the full length of the building. The height of the building when altered will not exceed the height of the original building. The materials proposed are coated steel cladding to the roofs and walls to match the existing buildings. The alteration to the building is required to accommodate an additional cider press.

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 ED.6 - Industrial Development in Rural Areas
Policy CTC.9 - Development Criteria

2.3 Malvern Hills District Local Plan

- Employment Policy 7 - New Build Employment in the Open Countryside
Employment Policy 10 - Expansion on Industrial Sites
Landscape Policy 1 - Development Outside Settlement Boundaries

3. Planning History

3.1	MH90/2282	Reception Centre and Museum	-	Approved
	MH96/0100	Bottle storage building, agricultural implement shed and vehicle maintenance building	-	Approved
	MH97/0913	Retrospective application for extension to bottle storage building	-	Approved
	NE1999/2591/F	Conversion of existing agricultural buildings and change of use from existing storage to offices	-	Approved 09.11.99
	NE2002/0260/F	Create car park for 80 cars and 2 coaches	-	Approved 20.03.02
	NE2002/1106/F	Extension to warehouse	-	Approved 24.05.02
	NE2002/2772/F	Cider production building	-	Approved 27.11.02
	DCSE2004/0956/F	More weighbridge and stone surface track (retrospective)	-	Approved 11.05.04
	DCSE2004/1003/F	Finished Product Storage Building	-	Approved 06.06.04
	DCSE2004/2759/F	Extension to rear of office building to provide disabled toilet and other toilets	-	Approved 04.11.04
	DCSE2004/2974/F	Childrens play area and viewing areas to animal enclosures (retrospective)	-	Undetermined

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 to the proposal.

5. Representations

5.1 No response has been received from Much Marcle Parish Council.

5.2 Four letters of objection have been received from:

Mr. & Mrs. M. Roff, The Laytons, Much Marcle, HR8 2PJ
Mr. A. Wilson, The Orchards, Much Marcle, HR8 2PG
Mr. S. Pryor, Upper Nuttal Cottage, Much Marcle, HR8 2PG
Mr. I. Lilleystone, Upper Nuttall, Much Marcle, HR8 2PG

raising the following concerns:

- raising the height of the building will result in a loss of view
- Much Marcle is a small village that does not deserve to be landed with a massive industrial estate
- adverse impact on water supply.

5.3 The applicant has provided the following in response to the concerns of the objectors:

"With regard to raising of the roof of the roadside building, this building can only be seen from the roadside and so is not visible from the houses in question. The only impact will be seen whilst driving directly past the building concerned, going up hill.

Welsh Water have had problems getting supplies to the Ridge for many years and during the summer months have had to supplement the supply with road tankers of water. Marcle Ridge is the highest point of supply on the water line from the reservoir.

In order to help the current situation Welsh Water have agreed to re-zone the supply to Westons by taking the supply via another line. This is being switched over today (21st April, 2005) and may improve the situation. However if it does not Welsh Water is proposing putting in a small pumping station at the point where it goes directly up to Marcle Ridge to ensure the water does reach the houses in question.

The application for the building to house the Bucker Press will not take any additional water as the press is for pressing fruit only.

We are a customer of Welsh Water and they have assured us there is no problem with the supply of water required. Longer term Welsh Water may have to look at the supply to its customers and ensure that suitable resources are in place to meet their needs."

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

6. Officers Appraisal

- 6.1 The main issues for consideration are whether the scale of the extension is appropriate to the location, the visual impact of the proposal within the landscape and the impact on the water supply to the village.
- 6.2 The building is immediately adjacent to the C1262 and forms part of the established complex of industrial buildings at the site. The height of the building when altered will not exceed the height of the original building. In addition, by raising the roof, the pitch of the building will lessen and the roof mass will not be as prominent when viewed from the adjacent highway.

6.3 The height of the resultant building will be lower than the immediately adjacent buildings. Furthermore, the building can only be viewed on the approach to the site from the adjacent highway and does not have a detrimental effect on the landscape.

6.4 The impact of the development on the water supply has been discussed with the applicant and Welsh Water. Welsh Water have provided the following response:

“The houses are supplied off Marcle Ridge boundary meter which is located near Hazerdine Cottages where the guaranteed standard for water in accordance with the Water Act supplied to properties must be a minimum of 9 litres per minute at 10 meters head. Welsh Water more than meets this standard even with the present and proposed water demands of the Cider Works.

Following discussions with Westons Cider, Welsh Water re-zoned the Cider Works on Thursday, 21st April, 2005 onto the lower level system which supplies the village of Much Marcle via a Pressure Reducing Valve. This will remove any additional demand that the Cider Works may have been placing on the high level system off which Marcle Ridge properties are supplied.

Welsh Water do not propose to install a pumped supply to serve the higher properties as the distribution system meets all regulatory requirements and the problem of the water supply is not due to deficiencies of the water network. It is due to the height of the properties in relation to the boundary box location.”

On the basis of the information supplied and the ongoing attempts by the parties involved to improve the situation, the adverse effect on the water supply is not considered to be a sufficient reason to refuse this application.

6.5 Overall the scheme is considered to satisfy the relevant local plan policies 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. A08 (Development in accordance with approved plans and materials)

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

Informative(s):

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

11 DCSE2005/0863/F - SITING OF FOUR SILO TANKS (RETROSPECTIVE APPLICATION) THE BOUNDS, MUCH MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2NQ

For: H. Weston & Sons Ltd. per C.A. Masefield, Building Design Services, 66-67 Ashperton Road, Munsley, Ledbury, Herefordshire, HR8 2RY

Date Received: 18th March, 2005 Ward: Old Gore

Grid Ref: 64806, 33119

Expiry Date: 13th May 2005,

Local Member: Councillor J.W. Edwards

1. Site Description and Proposal

1.1 The Bounds, Much Marcle is located in open countryside to the west of Much Marcle village. The site, which rises from the east to west, lies adjacent to the C1262. The site comprises buildings of differing sizes and designs, ranging from traditional agricultural barns to modern purpose built units. The site has a long history of cider production.

1.2 The proposal relates to the retrospective application for the siting of four silo tanks. Each tank is 16.6 metres high and has a capacity of 185,000 litres. The tanks are located to the north west of the site adjacent to 3 existing silo tanks. Orchards lie immediately to the north, east and west of the site and the land is within the applicant's ownership.

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 ED.6 - Industrial Development in Rural Areas
Policy CTC.9 - Development Criteria

2.3 Malvern Hills District Local Plan

Employment Policy 7 - New Build Employment in the Open Countryside
Employment Policy 10 - Expansion on Industrial Sites
Landscape Policy 1 - Development Outside Settlement Boundaries

3. Planning History

3.1	MH90/2282	Reception Centre and Museum	-	Approved
	MH96/0100	Bottle storage building, agricultural implement shed and vehicle maintenance building	-	Approved
	MH97/0913	Retrospective application for extension to bottle storage building	-	Approved
	NE1999/2591/F	Conversion of existing agricultural buildings and change of use from existing storage to offices	-	Approved 09.11.99
	NE2002/0260/F	Create car park for 80 cars and 2 coaches	-	Approved 20.03.02
	NE2002/1106/F	Extension to warehouse	-	Approved 24.05.02
	NE2002/2772/F	Cider production building	-	Approved 27.11.02
	DCSE2004/0956/F	More weighbridge and stone surface track (retrospective)	-	Approved 11.05.04
	DCSE2004/1003/F	Finished Product Storage Building	-	Approved 06.06.04
	DCSE2004/2759/F	Extension to rear of office building to provide disabled toilet and other toilets	-	Approved 04.11.04
	DCSE2004/2974/F	Children's play area and viewing areas to animal enclosures (retrospective)	-	Undetermined

4. Consultation SummaryStatutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 The Traffic Manager has no objection to the proposal.

5. Representations

5.1 No response has been received from Much Marcle Parish Council.

5.2 Four letters of objection have been received from:

Mr. & Mrs. M. Roff, The Laytons, Much Marcle, HR8 2PJ
Mr. S. Pryor, Upper Nuttal Cottage, Much Marcle, HR8 2PG
Mr. A. Wilson, The Orchards, Much Marcle, HR8 2PG
Mr. I. Lilleystone, Upper Nuttall, Much Marcle, HR8 2PG

raising the following concerns:

- strong objection to the silo tanks
- they are far too high, and no amount of tree planting will ever hide them
- Much Marcle is a small village that does not deserve to be landed with a massive industrial estate
- adverse impact on water supply.

5.3 The applicant has provided the following in response to the concerns of the objectors:

"With regard to the silo tanks being seen by Mr. & Mrs. Roff, you can see the tops of these particular tanks but they will be screened when the trees in the orchard have leaves on and so for the majority of the year they will not be able to be seen. However, during the winter months the tanks are not above the skyline and blend into the land mass.

Welsh Water have had problems getting supplies to the Ridge for many years and during the summer months have had to supplement the supply with road tankers of water. Marcle Ridge is the highest point of supply on the water line from the reservoir.

In order to help the current situation Welsh Water have agreed to re-zone the supply to Westons by taking the supply via another line. This is being switched over today and may improve the situation. However if it does not Welsh Water is proposing putting in a small pumping station at the point where it goes directly up to Marcle Ridge to ensure the water does reach the houses in question.

The application for the building to house the Bucker Press will not take any additional water as the press is for pressing fruit only.

We are a customer of Welsh Water and they have assured us there is no problem with the supply of water required. Longer term Welsh Water may have to look at the supply to its customers and ensure that suitable resources are in place to meet their needs."

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

6. Officers Appraisal

6.1 The main issues for consideration are whether the scale of the silo tanks are appropriate to the location and the visual impact of the tanks within the landscape.

6.2 The tanks are located to the north west of the site adjacent to three existing silo tanks within the established industrial buildings. The tanks cannot be viewed within the immediate vicinity of the area but due to the site rising from the east to the west, they are a prominent feature when approaching the site from Much Marcle village.

6.3 The site is however, partially screened by mature orchards to the north, east and west and when viewed within the context of the existing buildings and silo tanks they are not considered to be an alien feature within the landscape.

6.4 The impact of the development on the water supply has been discussed with the applicant and Welsh Water. Welsh Water have provided the following response:

“The houses are supplied off Marcle Ridge boundary meter which is located near Hazerdine Cottages where the guaranteed standard for water in accordance with the Water Act supplied to properties must be a minimum of 9 litres per minute at 10 meters head. Welsh Water more than meets this standard even with the present and proposed water demands of the Cider Works.

Following discussions with Westons Cider, Welsh Water re-zoned the Cider Works on Thursday, 21st April, 2005 onto the lower level system which supplies the village of Much Marcle via a Pressure Reducing Valve. This will remove any additional demand that the Cider Works may have been placing on the high level system off which Marcle Ridge properties are supplied.

Welsh Water do not propose to install a pumped supply to serve the higher properties as the distribution system meets all regulatory requirements and the problem of the water supply is not due to deficiencies of the water network. It is due to the height of the properties in relation to the boundary box location.”

On the basis of the information supplied and the ongoing attempts by the parties involved to improve the situation, the adverse effect on the water supply is not considered to be a sufficient reason to refuse this application.

6.5 Overall the scheme is considered to satisfy the relevant local plan policies.

RECOMMENDATION

That retrospective planning permission be granted.

Informative(s):

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

12 DCSE2005/0249/F - REINSTATE ORIGINAL VEHICULAR ACCESS TO FAIRFIELDS AND CLOSE OFF EXISTING ACCESS, FAIRFIELDS, BROMSASH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7PJ

For: Mrs. S. Thomsen per Morris Bricknell, Stroud House, 30 Gloucester Road, Ross-on-Wye Herefordshire, HR9 5LE

Date Received: 26th January, 2005 Ward: Penyard Grid Ref: 64681, 24166

Expiry Date: 23rd March, 2005

Local Member: Councillor H. Bramer

1. Site Description and Proposal

- 1.1 Fairfields is a detached house on the south side of the C1280 road leading to Bollitree and about 200m from the crossroads at Bromsash. Planning permissions were granted in 1989 for the erection of two houses in the garden of Fairfields, these properties are now called Almscliffe and Rosegarth. A joint access for all three properties was formed and an existing access at the western end of the curtilage of Fairfields was closed. The latter was a requirement of a planning conditions (nos 14, 15 and 16) attached to planning permissions SH882173PF and SH882174PF.
- 1.2 The current proposal is to re-open the western access which would be used by Fairfields, leaving the existing access for Almscliffe and Rosegarth. A wall would be formed along the boundary between Fairfields and Almscliffe closing off vehicular access to the former except for a pedestrian gate. To improve visibility at the proposed access a section of the front boundary wall would be removed as well as some planting. To the west the roadside hedge would be cut back. The original drive was not removed and this would be reinstated.

2. Policies

2.1 Planning Policy Guidance

PPG.13 - Highways

2.2 South Herefordshire District Local Plan

Policy T.3 - Highway Safety Requirements

3. Planning History

- | | | | | |
|-----|------------|---------------------------------------------------|---|-------------------|
| 3.1 | SH882173PF | Erection of dwelling with new vehicular access | - | Approved 17.1.89 |
| | SH882174PF | Erection of dwelling with shared vehicular access | - | Approved 17.01.89 |

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Traffic Manager points out that visibility would appear to be sub-standard looking east. It will be necessary to reduce the height of existing boundary wall to 0.60m as well as other improvements to visibility outlined in this application - this has been discussed with applicant previously. Would the parking/turning provision be as existing?

5. Representations

- 5.1 The applicant's agent has made the following submission:

- new access would be within a 30mph area
- cutting back the very wide roadside hedge to left and remaining young trees and shrubs to right should cover the visibility aspect with regard to these proposals
- historically there was always an access here until the last 20 years or so until moved to a shared access with Rosegarth and Almscliffe, but particularly with Almscliffe this has not proved to be very successful being so close to that house.

- 5.2 Weston under Penyard Parish Council has no objections provided that the visibility splay complies with Highway Authority requirements.

- 5.3 Adjoining Linton Parish Council makes the following comments:

"When the previous owner of Fairfields was given planning permission to build 'Almscliffe' and 'Rosegarth' it was a serious departure from planning policy. A combined entrance/exit for all three houses was imposed in an effort to mitigate the extra traffic hazards, which would result from the new development.

Since then although a 30mph speed limit has been introduced on part of this narrow lane, it is neither adhered to nor enforced, and the volume of traffic using this lane has steadily increased. Also since this combined entrance was made the frequency of use by passing heavy goods vehicles and farm machinery has accelerated, as has the size of all these vehicles. Therefore the traffic hazards would considerably increase if the original entrance were re-opened.

It should be noted that the existing access could not be closed because it serves both 'Rosegarth' and 'Almscliffe'.

For the above reasons the Parish Council does not support this application."

- 5.4 One letter has been received expressing "real concerns" about the proposed retention of a pedestrian access off the shared drive:

- given the ease of access to the existing driveway it is a very strong possibility that visitors and tradesmen will find it easier to use the existing rather than the new driveway
- these vehicles parked on shared drive could make access difficult for the other two houses sharing the driveway.

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

6. Officers Appraisal

- 6.1 The main issue raised by this proposal is the effect on highway safety. The Traffic Manager recommends that the front boundary wall should be reduced in height to no more than 0.6m. This, with removal of planting, would allow a visibility splay of 2m x 45m to the east. Cutting back the hedge to the west would facilitate greater visibility in that direction as the road curves slightly to the north. Although the latter is not in the applicant's ownership a negative condition requiring cutting back before the access is brought into use could legitimately be imposed. Similarly the other requirements for a safe access, including parking and turning areas within the site, could be the subject of planning conditions. The application site is on the edge of the settlement of Bromsash on a lightly trafficked road, and as Linton Parish Council note, a 30mph speed limit has been imposed since the original grant of planning permission. In these circumstances it is considered that visibility at the access would be acceptable. This view is shared by the Traffic Manager.
- 6.2 A second consideration is that noted in paragraph 5.4 above. It is possible that the shared drive to Almscliffe and Rosegarth would be used by visitors to Fairfields but it is more likely that they would be short term (delivery vehicles, postmen, etc). The degree of inconvenience is not likely to be significant and there may well be benefits to Almscliffe in particular as most vehicles entering Fairfields will no longer have to pass close to Almscliffe. It is not considered that this is sufficient grounds to refuse permission.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2. H01 (Single access - not footway)

Reason: In the interests of highway safety.

3. H03 (Visibility splays)

Reason: In the interests of highway safety.

4. H05 (Access gates)

Reason: In the interests of highway safety.

5. H06 (Vehicular access construction)

Reason: In the interests of highway safety.

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

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

7. G04 (Landscaping scheme (general))

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

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

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

Informative(s):

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

13 DCSE2005/1084/F - ERECTION OF THREE STOREY SHELTERED ACCOMMODATION AT ALTON COURT BREWERY, STATION STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7AG

For: McCarthy & Stone (Dev) Ltd per The Planning Bureau Ltd, Homelife House, 26-32 Oxford Road, Bournemouth, Dorset, BH8 8EZ

**Date Received: 5th April 2005 Ward: Ross-on-Wye East Grid Ref: 60123, 24317
Expiry Date: 31st May 2005**

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

1. Site Description and Proposal

1.1 The site is towards the northern edge of the town centre and fronts Station Street. It is roughly square in shape with an area of some 0.29ha. The current use of the land is for car parking which has its access from Station Street, along which is a high wall. In the north east corner is a large single storey building. There is a mixture of development both in terms of its use and architectural style in the vicinity.

1.2 The application proposes the redevelopment of the site to provide sheltered housing. This would be in the form of a 'T' shaped three storey block fronting Station Street. It would provide 43 units - 34 1-bed flats and 9 2-bed flats including warden's accommodation. There would be a vehicular access from Station Street, through an archway, with provision for 14 car parking spaces and space for emergency and refuse vehicles. The remainder of the site would be laid out as landscaped gardens. The existing single storey building would be removed, but the wall that forms the boundary would be retained.

1.3 The site is within the Ross-on-Wye Conservation Area and the Area of Outstanding Natural Beauty.

2. Policies

2.1 Planning Policy Guidance

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

2.2 Hereford and Worcester County Structure Plan

Policy H.2C	-	Low-cost Housing
Policy CTC.1	-	Development in Areas of Outstanding Natural Beauty
Policy CTC.7	-	Development and Features of Historic and Architectural Importance
Policy CTC.15	-	Preservation, Enhancement and Extension of Conservation Areas

2.3 South Herefordshire District Local Plan

Policy GD.1	-	General Development Criteria
Policy C.5	-	Development in Area of Outstanding Natural Beauty
Policy C.23	-	New Development affecting Conservation Areas
Policy C.24	-	Demolition in Conservation Areas
Policy C.40	-	Provision of Essential Services
Policy C.44	-	Flooding
Policy SH.12	-	Cross Subsidisation Schemes
Policy SH.14	-	Siting and Design of Buildings
Policy SH.15	-	Criteria for New Housing Schemes
Policy 5	-	Housing in Built-up Areas
Policy 16	-	Conservation Areas
Policy C.23	-	Redevelopment of Sites

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy DR.1	-	Design
Policy DR.2	-	Land Use and Activity
Policy DR.3	-	Movement
Policy DR.4	-	Environment
Policy DR.7	-	Flood Risk
Policy H.2	-	Housing Land Allocations
Policy H.9	-	Affordable Housing
Policy H.13	-	Sustainable Residential Design
Policy H.16	-	Car Parking
Policy LA.1	-	Area of Outstanding Natural Beauty
Policy HBA.6	-	New Development
Policy CF.2	-	Foul Drainage

3. Planning History

3.1 The following are relevant to this application:

SH891058PO	Redevelopment/refurbishment to form 30 sheltered flats, 1 warden, 17 apartments, 7 shops, 1 flat and 1 dwelling	-	Approved 04.10.89
SH891059LE	Demolition of buildings	-	Approved 04.10.89
DCSE2003/2242/F	Proposed Retirement Homes	-	Withdrawn 22.10.03
DCSE2003/2245/C	Demolition works to accommodate construction of retirement homes.	-	Withdrawn 22.10.03
DCSE2003/3862/F	Three storey sheltered accommodation.	-	Withdrawn 23.03.04
DCSE2003/3863/C	Demolition works to accommodate construction of retirement flats.	-	Withdrawn 04.05.04
DCSE2004/2315/F	Erection of three storey sheltered	-	Withdrawn 17.02.05

accommodation

- | | | | |
|-----------------|-------------------------------------------------------------------------|---|------------------------------------------------------|
| DCSE2004/2422/F | Residential development consisting of mixed scheme containing 22 units. | - | Withdrawn 17.02.05 |
| DCSE2004/1789/F | Erection of three storey sheltered accommodation. | - | Approved subject to Section 106 Agreement – 02.12.04 |
| DCSE2004/1790/C | Demolition works to accommodate construction of retirement flats. | - | Approved 02.12.04 |

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency's response is awaited.
- 4.2 Welsh Water's response is awaited.
- 4.3 English Heritage make no comment.

Internal Council Advice

- 4.4 The Traffic Manager's response is awaited.
- 4.5 The Head of Environment Health and Trading Services has no objection subject to conditions.
- 4.6 The Conservation Manager has no objection in principle but comments that the details of the design are not as successful as with the previous scheme.

5. Representations

- 5.1 The agent points out that permission has been granted for 42 apartments and that this scheme differs by way of providing one additional apartment. This has been done by sub-dividing the house manager's apartment. The change only involves internal changes and no impact on the elevations. Otherwise the scheme is identical. They also state that they will agree to a legal agreement as provided for on the previous application.
- 5.2 Ross-on-Wye Town Council state: "Insufficient car parking provision".

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 Planning permission was granted for the redevelopment of this site on 2nd December 2004. The permission provides for the construction of a building to accommodate 42 apartments. Prior to the grant of permission the applicant entered into a Section 106 Agreement which provides for a contribution of £165,000 towards the provision locally

of affordable housing, limits the age of the occupants of the apartments and within the first year the apartments would only be sold to a local person.

- 6.2 This proposal is a variation to the permitted scheme through an increase from 42 to 43 units. The approved scheme includes accommodation for a warden which comprised a three bedroomed unit on two floors. This scheme has divided that unit into two apartments, one being for the warden. The applicant has indicated willingness to complete a new and identical Section 106 Agreement.
- 6.3 The principle of this type and form of development has been accepted. The proposed building in terms of its size and scale is essentially identical to that already approved. In terms of its design there are a number of variations from the approved scheme, which are not considered to be as successful and negotiations on these are taking place.
- 6.4 The scheme shows the provision of 14 car parking spaces which for this type of development and in this location meets the appropriate standard and is acceptable.
- 6.5 The existing building on the site is to be demolished. Its eastern side forms the boundary to the gardens of the dwellings in Millpond Street and it is an attractive feature. The application indicates that the boundary wall will be retained. However the height is not specified and clarification of this is being sought.
- 6.6 The increase in number of units will have no implications with regard to service provision or flooding.

RECOMMENDATION

- That
- 1) **the County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of The Town and Country Planning Act 1990 to deal with a contribution to the provision off-site of affordable housing in Ross-on-Wye and any additional matters and terms as she considers appropriate**
 - 2) **upon completion of the aforementioned planning obligation and resolution of the details of the design and form the boundary wall that the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any other conditions considered appropriate:**
 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. C02 (Approval of details)

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

5. 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.

6. G01 (Details of boundary treatments)

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

7. G04 (Landscaping scheme (general))

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

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

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

9. H03 (Visibility splays)

Reason: In the interests of highway safety.

10. H05 (Access gates)

Reason: In the interests of highway safety.

11. 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.

12. H21 (Wheel washing)

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

13. H27 (Parking for site operatives)

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

14. H29 (Secure cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

15. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:
- a) a 'desk study' report documenting the history of the site and its surrounding area and likelihood of contaminant extent and type
 - b) if the study confirms the possibility of contamination, a site investigation report documenting the ground conditions of the site, incorporating a "conceptual model" of all the potential pollutant linkages and an assessment of risk to identified receptors
 - c) if risk assessment identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

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

16. The Remediation Scheme, as approved pursuant to condition no. 15 above, shall be fully implemented before the development is first occupied. Any variation to the scheme shall be agreed in writing with the local planning authority in advance of works being undertaken. On completion of the remediation scheme the developer shall provide written confirmation that all works were completed in accordance with the agreed details.

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

17. F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

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

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

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

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

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

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

21. 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.

22. 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.

23. Prior to the commencement of development the siting and details of any electricity sub-station shall be submitted to and be approved in writing by the local planning authority. The work shall be carried out in accordance with the approved details.

Reason: In order to protect the amenities of adjoining property.

24. Prior to the occupation of any of the dwellings hereby permitted a management plan, to include proposals for the long term design objectives, management responsibilities and maintenance schedules in perpetuity, for the areas of open space associated within this site but excluding private domestic gardens, shall be submitted to and be approved in writing by the local planning authority. The management plan shall be carried out as approved.

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

25. Prior to the commencement of any development a detailed programme and method statement shall be submitted to and approved in writing by the local planning authority. The programme shall include a timetable for the implementation and completion of the development. The development shall be progressed in accordance with the approved details.

Reason: In order to ensure that the development is progressed to completion.

Informatives:

1. HN05 - Works within the highway
2. HN09 - Drainage details for Section 38
3. HN10 - No drainage to discharge to highway
4. N15 - Reason(s) for the Grant of Planning Permission

Decision:

Notes:

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Background Papers

Internal departmental consultation replies

14 DCSE2005/1118/O - SITE FOR THE ERECTION OF FIVE HOUSES AND ONE BUNGALOW AT HAZELNUT COTTAGE AND ADJOINING LAND, LLANGROVE, HEREFORDSHIRE.

**For: Paul Smith Associates, 19 St Martin Street,
Hereford,**

Date Received: 31st March, 2005 Ward: Llangarron Grid Ref: 52445, 19305

Expiry Date: 26th May, 2005

Local Member: Councillor Mrs. J.A. Hyde

1. Site Description and Proposal

- 1.1 Outline planning permission was granted in September 2004 for the residential development on this 0.3 ha site at the rear of Hazelnut Cottage in Llangrove. The application site included part of the garden of that property and a section of the field to the south. All matters were reserved for future decision except for the means of access. The latter would involve an improvement to the existing access close to the western boundary of the site with a visibility splay of 2m x 45m.
- 1.2 The current application is also for outline planning permission but the number of dwellings is specified and the layout is submitted for decision at this stage. In addition a revised visibility splay of 2m x 33m is proposed.
- 1.3 The submitted scheme shows a short access drive leading to a turning head. This directly serves a pair of semi-detached houses sited at the rear of the turning head and close to the western boundary of the site. Two further houses (detached) would be sited in line with these semis. The remaining two would be positioned at the eastern end of the site orientated to face towards the turning head and at right angles to the other 4 units. Of the latter the dwelling nearest Hazelnut Cottage would be a bungalow, with a significantly larger footprint than the 2-storey houses. The semis would have a ground floor area of about 50m², the detached houses about 70m² and the bungalow about 120m². Car parking would be open (the semis) or in two blocks of 3 garages or an attached single garage (the house next to the semis), with 2 spaces per unit, including Hazelnut Cottage to replace the garage which would be demolished. The 3 units that would occupy the eastern half of the site plus Hazelnut Cottage would be serviced off a private drive.

2.1 Planning Policy Guidance

PPG3 Housing

2.2 Hereford and Worcester County Structure Plan

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

2.3 South Herefordshire District Local Plan

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

2.4 Herefordshire Unitary Development Plan – Revised Deposit Draft

Policy H6	Housing in smaller settlements
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3. Planning History

3.1	SH900008PO	Two-bedroom dwelling and garage.	-	Permitted 7.3.90
	SH900733/PM	Two bedroom dwelling and garage.	-	Permitted 27.7.90
	SH911112PF	New access	-	Refused 24.10.91
	SH930019PF	Amended positioning of access and garage	-	Permitted 8.2.93
	DCSE2004/1949/O	Residential development	-	Approved 01.09.04
	DCSE2004/3427/O	Erection of 5 houses and one bungalow.	-	Withdrawn 30.3.05

4. Consultation SummaryStatutory Consultations

- 4.1 Welsh Water's views are awaited.
- 4.2 Traffic Manager recommends that conditions be imposed regarding the access, parking and turning.

Internal Council Advice**5. Representations**

- 5.1 The applicant makes the following submission:

- (1) I regret that you are unable to amend the previous application to incorporate the amended site layout which I propose in response to your comments and those of local residents.
- (2) Outline planning permission was granted for residential development on this site last year. Therefore, the principle of houses on this site has been accepted by your Council as has the new vehicular access.

- (3) The form and the composition of the proposed layout strikes a balance between the efficiency of land use required by central government planning guidance (which normally requires the erection of 9 houses on a site of this size) and the need to avoid harm to the appearance of the locality.
- (4) Furthermore, the scheme provides for a mix of house types; a bungalow, two 2-bedroomed and three four-bedroomed properties to cater for a variety of local housing needs.
- (5) Existing mature screening and the retention of the cottage on the road frontage will screen much of the development from public vantage points and the vehicular access is as recently approved.
- (6) This proposal accords fully with national and local planning policy.

5.2 Parish Council's observations are awaited.

5.3 1 letter has been received from Mr. and Mrs. R. & J. Oakley, Greenfields, Llangrove, Ross on Wye objecting to this development. The following grounds are given:

- (1) In the Agenda DCSE2004/1949/O Para 6.2 you state "at least 2 dwellings on this area of land". This implies that two would be ideal; therefore to allow six would surely exacerbate the problems you say you wish to avoid.
- (2) The cumulative impact of this and application DCSE/2004/2155/O will create an estate of 12 houses, too large a development for this size village.
- (3) Two access roads together onto the main road will make additional hazards on this busy narrow road through the village.

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 settlement boundary of Llangrove as defined in the South Herefordshire District Local Plan and the principle of residential development has been accepted by the grant of outline planning permission. The main issue therefore is whether the 6 dwellings can be accommodated on this site without adversely affecting the character of the village, the amenities of neighbours and highway safety.

6.2 Llangrove is characterised by a variety of house types, sizes and layout ranging from sizeable houses in large plots to terraced housing with small gardens. The section of the village adjoining this site is primarily detached houses. The proposed layout would be mainly detached houses although on smaller plots and consequently closer together. However the spacing between proposed dwellings is not unacceptable and the revised scheme shows garden sizes and distances between dwellings in the main to meet generally accepted standards. The bungalow is perhaps larger in footprint and closer to Hazelnut Cottage than ideal but this is not considered to be so serious as to justify refusal of permission. The scheme takes into account the development of the field to the west, for which reserved matters for 6 houses has recently been approved (SE2004/3603/RM).

6.3 The principle of an access to serve this development of the western half of the field has been accepted with the grant of outline permission for both (SE2004/1949/O and

SE2004/2155/O). The visibility splay now proposed is the same as that approved for the adjoining scheme (i.e. 2 x 33m), which serves 6 houses and the car park of The Royal Arms. An access of that standard should therefore be adequate for 7 dwellings. The access would be within the application site and a Grampian-style condition could be imposed (as for both the earlier outline applications SE2004/1949/O and SE2004/2155/O) as the visibility splay is not wholly within the applicant's ownership and control.

RECOMMENDATION

Subject to no further objections raising additional material planning considerations by the end of the consultation period, 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. **H03 (Visibility splays)**

Reason: In the interests of highway safety.

- 6. **H06 (Vehicular access construction)**

Reason: In the interests of highway safety.

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

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

Informative:

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

Decision:

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

Notes:

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Background Papers

Internal departmental consultation replies.

15 DCSE2005/0571/F - EXTENSION/ALTERATION TO PROVIDE ADDITIONAL FLAT, WYEVERN, WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5PT

For: Mr. A. Sargeantson per Mr. T. Margrett, Green Cottage, Hope Mansel, Ross-on-Wye, Herefordshire, HR9 5TJ

Date Received: 22nd February, 2005 Ward: Ross-on-Wye Grid Ref: 59731, 23075 East

Expiry Date: 19th April, 2005

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

1. Site Description and Proposal

- 1.1 This site is located within Ross-on-Wye and fronts onto the B4228 Walford Road. The rear of the property backs onto Chapel Road (unadopted). The property forms part of a terrace with a rear extension and patio area plus an unused area of land set behind a wooden fence. In front of the fence is a concrete layby which is adjacent to Chapel Road. The site is surrounded by dwellings. The premises at present constitutes three flats. With the exception of the layby area at the rear of the property there is no on-site parking provision at present.
- 1.2 The proposal is to erect a small extension at the rear of the existing building to provide an additional flat. The walls will be rendered and it will have a slate roof. The proposal also involves the provision of covered lockable cycle parking in the rear garden. The application is identical to the previous one submitted at the site (reference No. DCSE2004/2297/F which was refused planning permission 24th November, 2004) except that the proposed car parking provisions have been removed from the scheme and the land at the rear to be garden with landscaping. This previous application is the subject of a current appeal to the Secretary of State.

2. Policies

2.1 Planning Policy Guidance

PPS.1	-	Delivering Sustainable Development
PPG.3	-	Housing
PPG.13	-	Transport

2.2 Hereford and Worcester County Structure Plan

Policy H.16A	-	Development Criteria
Policy H.18	-	Residential Development in Rural Settlements
Policy CTC.1	-	Development in Areas of Outstanding Natural Beauty
Policy CTC.9	-	Development Criteria

2.3 South Herefordshire District Local Plan

- Policy GD.1 - General Development Criteria
- Policy SH.15 - Criteria for New Housing Schemes
- Policy T.3 - Highway Safety Requirements
- Policy T.4 - Highway and Car Parking Standards
- Policy C.5 - Development within Area of Outstanding Natural Beauty
- Policy Ross-on-Wye 2 – New Housing Developments
- Policy Ross-on-Wye 3 – Infill Sites for Housing
- Policy Ross-on-Wye 4 – Primarily Residential Areas

2.4 Unitary Development Plan (Revised Deposit Draft)

- Policy S.2 - Development Requirements
- Policy S.3 - Housing
- Policy S.6 - Transport
- Policy DR.1 - Design
- Policy H.1 - Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
- Policy LA.1 - Areas of Outstanding Natural Beauty
- Policy T.11 - Parking Provision

3. Planning History

- | | | | | |
|-----|-----------------|----------------------------------------------------------------------|---|------------------------------------|
| 3.1 | SH880776PF | Alterations to house to form 2 flats | - | Planning
Permission
29.06.88 |
| | SH910377PF | Alterations/extension to ground floor forming 2 flats and garages | - | Refused 05.06.91 |
| | SH911057PF | Alteration and extension to ground floor forming 2 flats and garages | - | Planning
Permission
11.09.91 |
| | DCSE2004/2297/F | Extension/alterations to provide additional flat | - | Refused 24.11.04 |

The above application is the subject of a current appeal to the Secretary of State.

4. Consultation SummaryStatutory Consultations

- 4.1 Welsh Water recommend that certain conditions relating to drainage be imposed on any planning permission.

Internal Council Advice

- 4.2 The Traffic Manager recommends that any planning permission includes a condition requiring the provision of secure cycle parking.
- 4.3 Head of Strategic Housing Services recommends smoke detection be introduced and need to clarify natural lighting and ventilation provision.

5. Representations

5.1 The applicant's agent submits the following:

The previously indicated car parking provision removed from the scheme due to proximity to town centre and as site is self sustaining given the public transport links. This removes need for residents to be car owners and secured covered cycle parking introduced on site in accordance with PPG.13.

5.2 The Town Council has no objection.

5.3 Two letters of objection have been received from:

S.J. & J.E. Pye, The Bungalow, Chapel Road, Tudorville, Ross-on-Wye, HR9 5PR
S. & T. Phillips, Thelsam, Chapel Road, Ross-on-Wye, HR9 5PR

The main points being:

- the current application submitted on basis that a cyclist and not a car owner can occupy the new flat
- rear garden described as garden and landscaping area. Therefore presume this means that it will not be permissible for any car/vehicle parking
- when Walford Road traffic calming measures are implemented the cars which presently park in Walford Road will then park in Chapel Road
- inevitable that the gardening and landscaping area will be eventually used for car parking which will generate original fears over traffic/parking problems in Chapel Road
- Chapel Road is very narrow and unkept by local authorities
- impossible to stop parking in Chapel Road which will generate a large volume of additional noise and disturbance. An additional dwelling at Wyevern will make situation worse
- objectors live with consequences of the Council's decisions.

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 proposed extension, its effect on the residential amenities of the neighbouring dwellings, the traffic/parking implications for the immediate area, in particular Chapel Road, and also the effect and principle of another residential dwelling unit on this site. The most relevant Policies are GD.1, SH.15, T.3, Ross-on-Wye 2 and 3 of the Local Plan and also Policy CTC.9 of the Structure Plan.

6.2 The proposed extension itself will look acceptable, be in external materials to match the existing single storey extension and will not adversely affect the residential amenities of adjacent dwellings. The visual amenities of the area will not be adversely affected by the proposed development.

6.3 With respect to the rear garden area/curtilage of the site, the submitted drawings show the position of the secure lockable cycle parking and the area to be landscaped.

However, details of the size and design of the cycle parking and the landscaping details, including how the rear boundary with Chapel Road will be defined, have not been submitted.

- 6.4 The creation of another flat on this site in the manner proposed is considered to be acceptable. However, the main concern of the neighbours still relates to the potential parking/traffic problems and how they will affect Chapel Road. However, the proposed development will not involve any car parking provision within the site. Also it should be noted that there are parking restrictions in place on this section of Chapel Road, i.e. directly to the rear of the site. The only parking involved will be the secure lockable cycle parking.
- 6.5 Consequently, the proposed development will not generate any additional traffic nor parking along Chapel Road. A rear boundary fence or wall, etc. with a pedestrian access suitable for cycles could be erected along the rear boundary with Chapel Road with perhaps an added condition that no vehicular access be created from the site onto Chapel Road at any time in the future. The applicant does not consider that car parking is required for the residents of the site and that covered cycle parking and use of public transport will be sufficient. The Council's Transport Manager does not object to the proposal due to its location, provided secure cycle parking is provided. This is considered to be a sustainable alternative and in accordance with guidelines contained in PPG.13.
- 6.6 As such the proposed development is considered to be acceptable and in accordance with the planning policies for the area. With the on-site parking element taken away a suitable rear boundary wall/fence erected and a condition preventing the creation of a new vehicular access from the site onto Chapel Road at any time in the future, will ensure that the proposed development will have no future highway/parking implications with respect to highway safety or congestion along Chapel Road.

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. Before any work commences on site detailed drawings showing the south west and north west elevations of the proposed extension shall first be submitted to and be subject to the prior written approval of the local planning authority.

Reason: To ensure the development is satisfactory in appearance.

- 4. The new rooflights shall be flush with the roof slope unless otherwise first agreed in writing by the local planning authority.

Reason: To ensure that the rooflights do not protrude unduly above the external surface of the roof.

- 5. Before any work commences on site, full details of the covered lockable cycle parking, i.e. size, design, elevations and external materials, shall first be submitted to and be subject to the prior written approval of the local planning authority.

Reason: To ensure the development is satisfactory in appearance.

- 6. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment which shall be erected along the rear south east roadside boundary with Chapel Road. The boundary treatment shall be completed before the development hereby approved is first brought into use. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, to ensure dwellings have satisfactory privacy and in the interests of highway safety. Also to define the terms to which this planning permission relates.

- 7. There shall be no vehicular access from the site onto Chapel Road nor any created at any time in the future.

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

- 8. All of the works relating to the cycle parking and the rear boundary treatment shall be fully completed before the development hereby approved is first brought into use.

Reason: In the interests of highway safety.

Informative(s):

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

16A DCSE2005/1050/F - CONVERSION OF EXISTING BUILDINGS TO 10 DWELLINGS AT BILL MILLS, PONTSHILL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5TH

16B DCSE2005/1051/L - CONVERSION OF EXISTING BUILDINGS TO 10 DWELLINGS AT BILL MILLS, PONTSHILL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5TH

For: H.E. Combes & G. Owen per Edward Nash Partnership, 23a Sydney Buildings, Bath, BA2 6BZ

Date Received: 4th April, 2005

Ward: Penyard

Grid Ref: 62553, 21661

Expiry Date: 30th May, 2005

Local Member: Councillor H. Bramer

1. Site Description and Proposal

1.1 Bill Mills comprises an eighteenth century water mill, long disused, plus additional industrial building which together with a modern factory until recently has been used for the manufacture of soft drinks. The mill and associated buildings are listed grade II. Planning permission was granted by the Deputy Prime Minister for conversion of this extensive complex into 5 residential units. This was a split decision and the application for 12 houses on the site of the modern factory and adjoining land was refused.

1.2 The current application is for conversion of the mill and adjoining buildings into 10 units. It is a revised scheme following refusal of an earlier application for conversion into 10 units plus erection of 2 new dwellings within a replacement extension, for the following reasons:

"1. The proposed new dwellings within replacement extensions would conflict with the Council's policies to restrict residential development in the open countryside and it is not considered that they are justified as enabling development to secure the restoration and long-term future of the listed mill. The proposals conflict therefore with Policy H20 of Hereford and Worcester County Structure Plan and Policies SH11 and C1 of the South Herefordshire District Local Plan.

2. The proposed replacement extensions, staircase tower and extension to the timber frame building, together with the car parking provision and formation of curtilages would harm the character and appearance of the listed mill buildings and their setting. The proposals would conflict therefore with the Council's policies for conversion of rural buildings including listed buildings, into residential accommodation. The relevant policies are CTC13 and CTC14 of Hereford and Worcester County Structure Plan and C36, C37, SH24, C27A, C27B and C29 of South Herefordshire District Local Plan and Supplementary Planning Guidance : Re-Use and Adaptation of Traditional Rural Buildings."

2.1 Planning Policy Guidance

PPG3	-	Housing
PPS7	-	Sustainable Development in Rural Areas
PPG15	-	Planning and the Historic Environment

2.2 Hereford and Worcester County Structure Plan

Policy CTC2	-	Area of Great Landscape Value
Policy CTC13	-	Conversion of Buildings
Policy CTC14	-	Criteria for the Conversion of Buildings in Rural Areas
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 27A	-	Change of Use of a Listed Building
Policy 27B	-	Alterations or additions to Listed Buildings
Policy C36	-	Re-use and Adaptation of Rural Buildings
Policy C37	-	Conversion of Rural Buildings to Residential Use
Policy SH24	-	Conversion of Rural Buildings
GD1	-	General Development Criteria

2.4 Unitary Development Plan – Deposit Draft

Policy H14	-	Re-using Previously Developed Land and Buildings
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3. Planning History

3.1	SH840069PF	Rebuild existing external staircase and toilet accommodation	-	Approved 06.03.84
	SH840070LA	Rebuild existing external staircase and toilet accommodation	-	Approved 06.03.84
	SH890775PF	Erection of extension for manufacture and storage of soft drinks	-	Approved 05.07.90
	SH890776LA	Erection of new processing factory	-	Approved 05.07.90
	SH951341PF	Two portable buildings for factory staff facilities	-	Approved 09.02.96
	SS990015PF	Continued use of two portable buildings for staff facilities (Former application SH951341PF 20.12.95)	-	Approved 12.03.99
	SE2000/1727/O	Demolition of factory buildings and replacement with 19 dwellings and associated car parking, garages and access	-	Refused 27.09.00

SE2000/3006/L	Conversion to five dwellings	- Approved 11.07.02
SE2000/3013/F	Conversion of mill buildings to five dwellings and erection of 12 dwellings	- Allow development EXCLUSION of the 12 dwellings and associated garaging and car parking 24.10.02
SE2003/2878/F	Conversion of existing buildings to 10 dwellings & erection of two new dwellings within replacement extensions.	- Refused 04.04.05
SE2003/2979/L	Conversion of existing buildings to 10 dwellings and erection two new dwellings within replacement extensions	- Not determined

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency advice is awaited.

Internal Council Advice

4.2 Traffic Manager's recommendation is awaited.

4.3 The Conservation Manager does not object in principle from an architectural point of view but raises concerns regarding the porch to unit 5 and queries whether a new chimney is intended (shown on north elevation but not south elevation drawings).

5. Representations

5.1 A detailed Design Statement has been submitted. This is included as an appendix to this report.

5.2 Parish Council's observations are as follows:

- the number of proposed units was considered to be over-development, therefore it was felt that fewer units should be built; concern was also expressed at the increased traffic which would be generated on the very narrow Coughton road;
- the pond and mill-race should be restored as they form an integral part of the listed development;
- it was felt that the lack of outside space which would be available to the occupants under the existing scheme is not conducive to mixed family/non-family occupation; with this in mind the possibility of turning the metal clad building adjacent to the site into an amenity area should be considered.

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 In the appeal referred to in paragraph 1.1 the Inspector concluded that the “only viable option for the listed buildings, both for financial and preservation reasons, is conversion to residential use”. The viability of the proposals (i.e. conversion into 5 flats) was questioned at the Inquiry because the retention of the modern factory would suppress the potential value of the residential units. The current application doubles the number of residential units in response to this problem, although it is still not certain that the new scheme would be viable.
- 6.2 The two new units, plus staircase tower and extension to the timber-frame building proposed in the earlier application have been deleted from these revised proposals. There are few alterations to external elevations and these are considered to be acceptable by the Conservation Manager with the exception of the new porch to the timber-frame building (Unit 5). This is being discussed with the applicants. Internally there would be greater change, with partitions and staircases being added to form the new units. The mill machinery including water wheel would however be retained in one 3-storey unit. It is considered that in view of the need to preserve these buildings and that the earlier scheme may not be viable, the current proposals are acceptable and retain the historic character and appearance of the listed buildings.
- 6.3 It is agreed that 10 units are likely to result in increased traffic but this would mainly be cars rather than large lorries. The ‘C’ class road between Pontshill and Coughton is narrow with difficult bends at certain points, nevertheless it is not considered that the additional traffic that would arise from this development would add significantly to road hazards. The property does have existing use rights for industrial purposes and conversion to residential use would ensure that no industrial traffic was generated.
- 6.4 The application site includes the mill pond but there is an extensive area to the west of the mill buildings which includes the mill streams. It is important for the setting of the listed buildings that these attractive areas are maintained and this can be required by planning condition. These areas may be suitable as additional informal and open areas for the benefit of the residents.

RECOMMENDATION

With regards DCSE2005/1050/F

That subject to the receipt of suitably amended plans with regard to Unit (e), 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. No development shall take place until details of the surfacing of car parking and vehicular access areas has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that vehicular areas are suitably surfaced.

3. F18 (Scheme of foul drainage disposal)

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

4. F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

5. All alterations to the external elevations of the buildings to be retained shall be carried out using matching, and where available, original materials.

Reason: To protect the appearance of the retained buildings.

6. H27 (Parking for site operatives)

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

7. The site shall be the subject of a survey to ascertain the extent of any soil contamination. Before the survey is carried out the methodology and scope of the survey shall be submitted to and agreed in writing by the local planning authority. If the survey identifies that the site is contaminated remedial measures to deal with the contamination shall be submitted to and agreed in writing by the local planning authority. The remedial measures shall be carried out in full before any dwelling or residential unit is occupied.

Reason: To protect the intended occupants of the residential units.

8. H13 (Access, turning area and parking)

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

9. B01 (Samples of external materials)

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

10. G10 (Retention of trees)

Reason: In order to preserve the character and amenities of the area.

11. G01 (Details of boundary treatments)

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

12. G04 (Landscaping scheme (general))

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

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

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

14. G18 (Protection of trees)

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

15. H21 (Wheel washing)

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

16. Prior to the occupation of any dwelling a management plan, to include proposals for the long term design objectives, management responsibilities and maintenance schedules in perpetuity, for the areas of open space , mill pond and streams within the areas shown in red on the plan attached to this permission shall be submitted to and approved by the local planning authority. The management plan shall be carried out as approved.

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

Informative:

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

With regards DCSE2005/1051/L

That subject to the receipt of suitably amended plans with regard to Unit (e), 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. 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. C02 (Approval of details)

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

3. No development shall take place until details of the surfacing of car parking and vehicular access areas has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that vehicular areas are suitably surfaced.

4. F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

- 5. All alterations to the external elevations of the buildings to be retained shall be carried out using matching, and where available, original materials.

Reason: To protect the appearance of the retained buildings.

- 6. G10 (Retention of trees)

Reason: In order to preserve the character and amenities of the area.

- 7. G04 (Landscaping scheme (general))

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

- 8. G05 (Implementation of landscaping scheme (general))

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

- 9. G18 (Protection of trees)

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

- 10. G01 (Details of boundary treatments)

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

Informative:

- 1. N15 - Reason(s) for the Grant of Listed Building Consent

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

Brief History

Bill Mills is a historic group of industrial buildings surrounding a water mill, and is typical of ancient water mill sites, in that industrial production has taken place continuously in this location over many centuries. There is documentary evidence of a mill on the site as early as 1362. Since that time the site was used for a wide variety of purposes that required waterpower, including an ironworks, a paper mill, corn milling, malting and most recently the bottling of beer and soft drinks. Bottling started here in the late nineteenth century, and was at first powered totally by waterpower. Later the waterwheel was assisted by steam engines. After the Second World War diesel engines were substituted for the steam engines, although the water wheel was still occasionally used until the 1950s. Eventually mains electricity was adopted as a power source, and this continued to power the plant until all production on the site ceased a few years ago.

The mill buildings form a continuous terrace surrounding the old millpond on two sides. Like many water mills the Bill Mills complex has been added to and altered at various times throughout its long life as an industrial site, and the various buildings were constantly being adapted or rebuilt to suit new methods of production or to accommodate new uses, and the widely different historical styles and mixture of forms and materials thus created has produced a naturally picturesque composition of buildings around the now-silted mill pond.

The mill is in an isolated rural location in a shallow valley, at an S-bend in the narrow road. The bends in the road on both approaches mean that a traveller comes upon the group of buildings suddenly. The contrast between the open farming country beyond and the sudden entry into this industrial hamlet is very striking, and this experience has not been marred by the recent construction of the modern factory, as this building was kept well back from the road in a slight hollow and is screened from distant views by trees and hedgerows. The historic mill buildings form a grouping of buildings typical of the industrial heritage of Herefordshire and their importance is reflected in their Grade II listing.

By the last decade of the twentieth century the old mill buildings were proving to be increasingly poorly adapted to modern methods of production and the demands of an expanding business. Hence in 1990 a modern factory was built next to the older buildings to house the bottling plant, and various steel framed extensions capable of use by modern factory machinery were added to the older buildings. From that time the historic mill buildings become progressively redundant to the industrial process. During this period one of the old mill buildings was however restored as a water-powered corn mill, as a historical curiosity for visitors, and an old steam engine was set up in the basement. At the same time some of the old mill buildings were also converted into cottages. By the end of the decade the bottling business had outgrown even the new factory at Bill Mills, and the decision was made to transfer the business, (by then called Dayla Liquid Packing), to new premises in Ross on Wye. From late 2001 the remaining historic mill buildings, as well as the modern factory, have remained empty.

A planning application by Dayla Liquid Packing to demolish the modern factory building and replace it with 12 new dwellings and also to convert the historic mill buildings to five dwellings was taken to appeal in 2001. The decision of the Secretary of State was that permission for the conversion of the old buildings was allowed, (subject to certain conditions), but the application for the new dwellings on the site of the new factory building was refused.

Architectural intentions

The appeal decision presumes that the modern factory building can be let or sold and continue in business use, and that the historic mill buildings can be viably converted to residential premises. Our intention in the present application is therefore to devise a scheme for the reuse of the historic buildings that is sympathetic to the existing fabric and hopefully that can generate enough value for the buildings to be restored without the need for additional "enabling development" on the site of the modern factory, (which was the economic presumption of the previous application).

The best way to ensure the preservation of a redundant historic building is to find for it a new use that will not only generate the funds for the restoration and conversion of the building, but also create sufficient income or value to ensure the maintenance of the building for the foreseeable future. From our studies of the viability of various strategies for the site, we consider that the only new use that is viable in this location is to convert the buildings to residential units a point recognised by the inspector.

In planning the conversion of the group of historic buildings, we have decided to demolish the recent steel-framed additions to the original complex of buildings, as well as certain other extensions that detract from the appearance of the group as a whole.

We believe that it is important that the existing composition of buildings surrounding the mill pond is not marred by parked cars, and so we have made the strategic decision to create a new landscaped parking court behind the north range of historic mill buildings and to connect it to one of the existing site accesses to the modern factory, rather than to create a new junction with the public road. The parking court will be screened from view by the existing buildings to each side, by the existing trees along the river and outfall leat, and also by a new stone wall and new screen planting. The parking court and associated screening will also form a buffer between the factory and the residential site.

In order to ensure flexibility of future usage of the modern factory building, we have been careful in the location of the boundary between the residential conversion of the historic buildings and the modern factory building, to ensure that the curtilage of the factory will contain the whole extent of the present hard-surfaced loading bays as well as the existing vehicular circulation route round the building. The two existing turning heads for factory vehicles into the site of the historic buildings will however be removed.

Between the new parking court and the north elevation of the historic buildings a belt of landscaped space will be formed, broken in places by stone walls to screen the parking court from the dwellings. There will also be a shared entrance courtyard for three of the units. We have aimed to create an appropriate landscaped setting for the buildings which will not feel over domestic. We have restricted the number of garden boundaries to the minimum to try to retain the industrial atmosphere of the group.

In designing the internal planning of the new residential conversion, we have endeavoured to maintain the architectural integrity of the existing envelopes. Hence the proposed divisions between the various residential units will follow the grain of the existing buildings, and we have designed them to coincide wherever possible with the dividing walls between buildings of different dates or to follow main lines of structure.

Our overall design approach is to treat the surviving mill buildings as a series of archaeological layers that are visual evidence of the historical evolution of the buildings. We have aimed therefore to retain the surviving fabric of all the phases of evolution of the buildings. We have sought to ensure that the small amount of new additions and alterations necessary to the conversion are always in sympathy with the style of the older buildings, and that they reflect the massing, materials and overall sensibility of the older buildings.

We have also resisted the temptation to "tidy up" the existing buildings by rationalising the wide variety of window and door types, the range of colours and textures of materials. Our aim is to preserve the existing quirkiness of the buildings, and not to expunge their feeling of age and slow evolution by the substitution of standard modern components for existing elements of fabric that are capable of viable repair.

In planning the conversion of the buildings we have maintained the unity of the previously restored water mill. This will become a single unit, complete with its water wheel and steam engine room. Although we cannot impose this future on the building, nothing we propose would preclude the possibility of a private buyer repairing the whole mill and reopening it to the public in the future.

Detailed design approach**Units 1 and 2**

We intend that these two units will be formed by dividing the present two-storey building into two new houses. A dividing wall is to be inserted into the building, staggered to maintain the present separation of the building into three bays, with the central bay shared between the two units. All the existing openings will be retained in the conversion, but some will be adapted to become windows or doors. In addition, a shelf will be inserted into the roof structure of each unit, supported by the present roof trusses, to provide an additional second floor bedroom in each house. The remainder of the space will be left open to the roof, to maintain the feeling of open space at the upper level.

Unit 3

Unit 3 is to be formed from the existing restored water mill, and the conversion is based around the retention of the existing mill machinery. The envelope of the unit is devised so that all the various items of mill machinery, including the water wheel and steam engine, will be contained within this single residential unit, to prevent future ownership disputes about different parts of the machinery. In order to comply with fire regulations a new protected stairway will be inserted into the building, rising through the three floors. Despite the proposed retention of the machinery, the building will be able to accommodate a three-bedroom house, with little alteration to the existing structure, and with the retention of all the existing external openings. A single new window is intended to be added to the front elevation to create more light in the ground floor.

Units 4, 9 & 10

These three apartments will be formed out of the tall four-storey building adjacent to the water mill. The building is to be manipulated in section so that each apartment will have a separate entrance at ground level and to create a separate cellar area connected to the adjacent watermill building unit 3 for the steam engine and associated line-shafting. The water wheel pit and wheel will also become part of the adjacent unit 3.

The large open floor plates for industrial production create the character of the interior of the present building, and this will be maintained in the conversion, by minimising the internal subdivision of the spaces. Unit 4 will be on two levels: the lower, basement level will contain the kitchen-dining area and open out into a courtyard garden. This garden will be formed by removing the area of fill associated with the steel-framed shed that was recently built onto the west elevation of the building, (and which we also intend to remove). The fill has obscured the one of the cellar windows, and by its removal we will be able to reopen this window and create a glazed door into the new garden.

The lower floor area of unit 4 will be connected directly to the upper level by an open staircase, (replacing the existing ladder). This upper floor will contain the two bedrooms and an open-plan living area, and will be lit by the existing metal windows in the west elevation as well as various new and existing openings in the north wall, facing out onto a shared courtyard.

The ground level to the west of the four-storey building is half a level above the ground floor of the building itself. At present this is resolved by a recent timber staircase at the east end of the space. In our alterations, this area will be changed so that the east door gives access to the floor above, (i.e. the first floor of the building), and this will become the main entrance to unit 9. A new wide staircase will open into an open plan living area of unit 9, lit by the existing metal framed windows in the north and east walls of the space. At the west end of the first floor, two bedrooms will be created, each using one of the existing metal windows in the west elevation.

Unit 10 will be created from the top floor of the four-storey building, and like the conversion of the lower floors will also be a two-bedroom apartment. It will be reached by a new external staircase,

built within the envelope of the remains of the stone extension to the north, (that are presently contained within the later steel framed canopy which is built against the whole of the north elevation of the four storey building, and which, like the other recent factory extensions, we intend to remove). The new spiral staircase will be formed behind the two blocked openings in the existing stonewall, and these will be reopened to form the front door and staircase window of unit 10. The top floor of the four-storey building is at present an attractive airy space, open to the underside of the roof and with large exposed timber roof trusses. This character will be retained in the conversion, but two bedrooms will be formed at the western end of the plan.

Unit 5

This house will be formed by the conversion and restoration of an existing timber framed building – one of the earliest surviving buildings on the site. At present this building consists of a stone cellar supporting a timber-framed superstructure, which takes the form of an open hall with the remains of a solar to the south. We have taken pains to retain this “hall-house” character in our conversion. We will leave the hall as an open full-height space, with a balcony platform over the kitchen at the southern end. The house will have a garden to the north and a view out over the millpond to the south. New openings, where required, will respect the logic of the timber structure, and will mostly be formed where openings have already been created by previous adaptations of the building. A new staircase ‘porch’ will be added aligned with the existing loading door, so the stairs do not destroy the existing lower floor structure.

Unit 6

This unit will be formed out of the adjacent stone building, to create a new three bedroomed house. At present this building opens out into a concrete blockwork lean-to to the north, which will be demolished and a new north wall created in its place, in sympathy with the rest of the building.

Units 7 and 8

These two houses will be created by subdividing the existing, largely Edwardian building at the eastern end of the terrace. This building was last in use as a residential flat, over offices and warehousing. The integrity of the building has however been compromised by new extensions to the south, west and north, which we intend to demolish. The removal of the recent southern extension will create a new courtyard to the south, which will become the private front garden of unit 9, and reveal the balcony above once again to view. We intend to create a new timber structure to support the balcony, as part of a new southern elevation to unit 7, formed by altering the existing internal wall in this location.

Unit 8 will be formed out of the eastern half of the Edwardian building, and extend into the former single storey office building adjacent to the mill pond. The existing modern external staircase that is built on to the north elevation will be demolished, and a new staircase created inside the unit. The primary floor structure and existing timber columns will however be retained. The existing loading door will be expressed as an opening, by recessing a new timber wall within the aperture.

17A DCSE2005/0949/F - DEMOLITION OF EXISTING 1970'S HALL AND LIVING ACCOMMODATION. CONSTRUCTION OF NEW BLOCK OF 8 NO. FLATS AT ST JOSEPHS CONVENT, WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5PQ

17B DCSE2005/0951/C - DEMOLITION OF EXISTING 1970'S HALL AND LIVING ACCOMMODATION. CONSTRUCTION OF NEW BLOCK OF 8 NO. FLATS AT ST JOSEPHS CONVENT, WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5PQ

For: Woodfield Developments Ltd per Mr. J. Spreckley, Brinsop House, Brinsop, Hereford, HR4 7AS

Date Received: 31st March 2005 Ward: Ross-on-Wye East Grid Ref: 59829, 23548

Expiry Date: 26th May 2005

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

1. Site Description and Proposal

- 1.1 St Joseph's Convent occupies a large Victorian stone villa and grounds situated on the east side of Walford Road. To the north of the main building an extensive single-storey building was erected in the 1970's. The convent is in a primarily residential part of Ross on Wye but adjoining it to the east is a primary school (St Joseph's), to the north is a social club and to the south a residential house for the elderly (Lawfords House). Adjoining the north-east part of the site are dwellings in The Avenue and there are further dwellings on the west side of Walford Road and to the south of Lawfords House.
- 1.2 It is proposed to demolish the single-storey building and to erect a 3-storey block of 8 flats. The modern building comprises hall with linked residential accommodation to the rear. It is mainly of brick construction with a hipped roof and very shallow ridge roof over the hall. The proposed 3-storey block of flats would occupy the site of the hall and about a third of the residential section, a footprint of about 355m² rectangular in shape except that the rear half would project a few metres closer to the main building. It would be of modern design and materials with a cantilevered flat roof. The height would be about 8m, which viewed from Walford Road would be just below eaves level of the main convent building. Sections of the south side wall in the rear section would be recessed to form small terraces at ground and first floor level, with a larger terrace at second floor level on both the side and front of the building. The walls of the block would be partly rendered, partly Rockwool Rockpanel Rainscreen Cladding, partly larch cladding. All the flats would have 2 bedrooms.

1.3 Additional car parking would be provided within the grounds plus an enclosed refuse and cycle store clad in natural finish larch to match the cladding on the new flats.

1.4 An application (DCSE2004/3495/F) to convert the main convent building into 6 units has also been submitted.

2. Policies

2.1 Planning Policy Guidance

PPG3 - Housing

2.2 Hereford and Worcester County Structure Plan

Policy H16 - Location of Growth
Policy CTC9 - Development Criteria

2.3 South Herefordshire District Local Plan

Policy SH5 - Housing Land In Ross on Wye
Policy SH14 - Siting and Design of Buildings
Policy SH15 - Criteria for New Housing Schemes
Policy C23 - New Development affecting Conservation Areas
Policy C25 - Demolition and Redevelopment

Part 3
Policy 3 - Infill Sites for Housing
Policy 5 - Housing in Built-up Areas

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy H1 - Settlement Boundaries and Established Residential Areas
Policy H13 - Sustainable Residential Design

3. Planning History

3.1	SE2002/1929/F	Extension to provide classroom, cloaks & store. Re-provision of displaced car parking.	-	Council Approved Application 19.08.2002
	DCSE2004/2614/F	New access.	-	Approved 04.11.04
	DCSE2004/3905/F	Demolition of existing 1970's hall and living accommodation. Construction of new block of 11 no. flats	-	Withdrawn 31.03.05
	DCSE2004/3906	Demolition of existing 1970's hall and living accommodation.	-	Not determined
	DCSE2004/3495/F	Conversion from house in multiple occupancy into six residential units.	-	Not determined

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water recommend conditions regarding foul and surface water drainage.

Internal Council Advice

- 4.2 The Traffic Manager requests further information regarding the car parking layout.
- 4.3 The Conservation Manager supports these latest proposals subject to the high quality of materials and detailed design that we have discussed and should anticipate. No details submitted of refuse and cycle store and initially it does give me some concern. Applicant has agreed to consider this further.

5. Representations

- 5.1 Town Council's observations are as follows:

"Should be aware that there is a social club next door which holds regular late night functions."

- 5.2 4 letters have been received which express the following concerns/objections:

- (1) One of main concerns is that size, shape and proximity to houses in The Avenue would harm amenities - loss on natural light and privacy and be completely overpowering.
- (2) 3-storey structure will have severe and negative impact on amenity and no opportunity to screen with trees; gardens are small (on average only 45ft.)
- (3) The properties do not have uninterrupted views but do have privacy.
- (4) Compared to earlier application there is a reduction in number of flats from 11 to 8 and movement of east face some 10ft. back to line up with division wall between the Conservative Club and Invermoray - this makes very little difference to above concerns.
- (5) Unattractive, mundane, 'shoe-box' like block, completely out of keeping with any nearby buildings; a flat roof, East European style and low grade construction materials have nil architectural merit - negative impact on area and absolutely conflict with Grade II listed building.
- (6) Accept that there is legitimate case for infill development but must be sympathetic to architectural quality of both Conservative Club and Convent.
- (7) One letter considers design an improvement compared to previous application.
- (8) Removal of steel mesh balustrades and cladding in terracotta squares, with the more irregular disposition of window and variety of wall surface all serve to reduce the grid-like effect however remains basically rectangular flat roofed structure which seems out of keeping with the splendid Victorian house.

- (10) Given quality and historical importance of the house (built for Thomas Blake, benefactor of Ross) and that it is in a conservation area should it not at least have a pitched roof?

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

6. Officers Appraisal

- 6.1 There are considered to be two main issues, firstly the effect on the character and appearance of the Ross on Wye Conservation Area and secondly the effect on the amenities of neighbours. On the first issue it is agreed that the main convent building is of unusual quality and architectural interest, although not in fact listed. Any new building should not detract from the setting of this former villa. However this does not mean that the new building should be of the same architectural style. The position of the proposed building and height would ensure, it is considered, that it was visually subservient to the main building. As noted by the Conservation Manager it is critical that materials and detailing are of high quality. Further details can be required by planning condition. The scheme has been very fully considered by the Conservation Manager and he concludes that the proposed block of flats would complement the main convent building. The building is set well back from Walford Road and provided the trees along the frontage and the significant trees within the grounds are retained it would not be prominent in the street scene. It would be clearly visible from The Avenue and this side elevation therefore needs as much care as the front elevation.
- 6.2 The second issue relates to the impact on neighbours' amenities. This has two aspects. Firstly the impact on occupants of the houses in The Avenue. The rear of these houses faces towards the north side of the proposed building which is higher than the existing single-storey building (about 2.6m at the eastern corner of the new block but significantly higher to the west). However the existing building extends across the rear of the curtilage of Invermoray, the proposal extends only to the boundary between social club and Invermoray. There would therefore be both benefits and disbenefits in terms of the outlook of residents of The Avenue. On balance it is considered that the proposal would not be so overbearing as to justify refusing planning permission. However a number of bedroom windows overlook these residential properties and this needs to be resolved.
- 6.3 The second aspect is the relationship with the existing building which is to be converted into flats. Windows in the side wall of the latter would face towards flats in the new block of flats. The main windows on the second floor rear flat would be angled away from the convent building. Nevertheless this would not entirely resolve the problem. However the space between the sides of buildings is generally significantly less than between fronts and backs and, bearing in mind that both blocks of flats (new building and conversion) have yet to be developed, it is thought that the living conditions of occupants would be acceptable.

RECOMMENDATION

With regards DCSE2005/0949/F

That subject to the receipt of suitably revised drawings with regard to fenestration/layout and the refuse/cycle store and car parking the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission

subject to the following conditions and any additional conditions considered necessary by officers:

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

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

- 2. C02 (Approval of details)

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

- 3. G04 (Landscaping scheme (general))

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

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

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

- 5. G01 (Details of boundary treatments)

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

Informative:

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

With regards DCSE2005/0952/C

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

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

- 2. C14 (Signing of contract before demolition)

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**18 DCSW2005/0725/F - SINGLE STOREY EXTENSION
INCORPORATING FACILITIES FOR A DISABLED
PERSON AT ROSEDALE, WELLBROOKSIDE,
PETERCHURCH, HEREFORD, HR2 0SP**

**For: Mr. T. Clark & Miss P. Brace, 3 Princes Orchard,
Peterchurch, Herefordshire HR2 0RW**

Date Received: 7th March, 2005 Ward: Golden Valley North Grid Ref: 35072, 38288

Expiry Date: 2nd May, 2005

Local Member: Councillor N.J.J. Davies

1. Site Description and Proposal

- 1.1 The proposal site is on the south-eastern side of the Class C road (C1175) just to the north-east of Wellbrookside and opposite Crossways. This Class C road is the road joining Peterchurch and Tyberton on the B4352 via Stockley Hill.
- 1.2 Rosedale is a detached bungalow set back from the Class C road between two other bungalows either side of it namely Oaklands and the Vernals.
- 1.3 It is proposed to extend the early twentieth century bungalow to the rear or south-eastward. The existing bungalow is 8.6 metres wide and 10 metres long, with two structures on the rear elevation, a lean-to glasshouse and wooden structure, that will both be demolished. The proposed extension is 8 metres long and 8.3 metres wide. The extension as originally submitted had a flat roof, this has been amended to a hipped roof of cement fibre slates that match those on the existing bungalow. The walls of the extension will be rendered to match.
- 1.4 The site is within the defined settlement boundary for Peterchurch.

2. Policies

2.1 Planning Policy Guidance

PPS7 - Sustainable Development in Rural Areas

2.2 Hereford and Worcester County Structure Plan

Policy H20 - Housing in Rural Areas

2.3 South Herefordshire District Local Plan

Policy GD1 - General Development Criteria

Policy SH23 - Extensions to Dwellings

3. Planning History

- 3.1 No planning history identified.

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Traffic Manager recommends that conditions be attached relating to the need for three parking spaces.

5. Representations

- 5.1 Two letters have been received submitted by the applicants. These letters contain confidential medical information.

- 5.2 Peterchurch Parish Council "support the application".

- 5.3 One letter of representations has been received from D.H. & S.I. Bowen, Oaklands, Peterchurch HR2 0SP. The following main points are:

- about same area as existing property
- flat roof out of keeping
- loss of privacy, through overlooking
- re-positioning of back door close to our property gives cause for concern

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 scale of development, and the planning merits of the application.

- 6.2 The extension has been designed purposely with the needs of one of the occupants specifically. The occupant is the son of one of the applicants who will be in the future wheelchair bound and dependent upon carers. The applicants and their family live in Peterchurch, but need a bungalow that can be extended and modernised with the specific needs of their son in mind. They also have three other children.

- 6.3 The extension is on a bungalow that is between 22 and 20 metres set back from Wellbrook Road (the C1195 road). Therefore, the impact of the extension will not, when viewed from the highway have a detrimental impact. The extension is in keeping with the main bungalow in terms of the materials and design. The extension is, having regard to the policy on extensions, larger than would normally be anticipated, this is though a small margin. However, this can be set against the fact that the site is within the settlement boundary for Peterchurch and that a replacement dwelling or indeed a new dwelling proposal on this site of just over one tenth of an hectare or just over quarter of an acre would cover a greater footprint than the bungalow presently on the site.

- 6.4 It is not considered that the installation of a side doorway into the existing bungalow, nor the additional windows, could be reasonably deemed to affect the amenity of adjoining residents.
- 6.5 The proposal can be supported on its merits given the limited impact it will have in the street scene and the fact that the site is within the settlement boundary. It will not have a detrimental impact on the amenity of residents in the vicinity of 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. **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.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

19 DCSE2004/2701/F - ERECTION OF DETACHED DWELLING WITH ANCILLARY WORKS AT LAND AT 28 OVERROSS FARM, ROSS-ON-WYE, HEREFORDSHIRE

For: Tendean Ltd per The Brock Planning Consultancy, Kingston House, 45 Victoria Road, Coleford, Glos GL16 8DS

Date Received: 21st July, 2004

Ward: Ross-on-Wye East

Grid Ref: 60670, 25276

Expiry Date: 15th September, 2004

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

1. Site Description and Proposal

- 1.1 This site is located within a residential area within the town boundary of Ross on Wye. The site itself is a lawn area which forms part of the large garden of No. 28. This site and the existing two storey dwellinghouse i.e. No. 28 which adjoins the site are owned by the applicant. The site is positioned between two existing dwellings and forms part of a small housing estate. There is an existing mature hedge on the road frontage and an area of mature trees to the rear of the site and a tree lined hedge on the side (south east) boundary.
- 1.2 The proposal is to erect a two-storey dwelling with an attached flat roofed garage and rear conservatory. The roof and walls will be tiles and render to match the adjoining dwelling. A new vehicular access to serve the new dwelling will be created on the road frontage.

2. Policies

2.1 Planning Policy Guidance

- | | | |
|------|---|------------------------------------|
| PPS1 | - | 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 C43 | - | Foul Sewerage |
| Policy SH5 | - | Housing Land in Ross on Wye |
| Policy SH14 | - | Siting and Design of Buildings |
| Policy SH15 | - | Criteria for New Housing Schemes |
| Policy Ross on Wye 1 | - | Housing Land in Ross on Wye |
| Policy Ross on Wye 2 | - | New Housing Developments |
| Policy Ross on Wye 3 | - | Infill Sites for Housing |

- Policy Ross on Wye 4 - Primarily Residential Areas
- Policy T3 - Highway Safety Requirements

2.3 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 H2 - Hereford and the Market Towns : Housing Land Allocations
- Policy CF2 - Foul Drainage

3. Planning History

- 3.1 No relevant history.

4. Consultation Summary

Statutory Consultations

- 4.1 Dwr Cymru Welsh Water comments that following recent investigations by the Sewerage Operations Contractor of the public sewerage pumping station downstream of the development site, it has been identified that some limited capacity exists which could cater the foul flows from the proposed development. In addition they recommend that certain conditions and advisory notes be incorporated within any planning permission with respect to foul and surface water discharges and also that no part of the building be within 3 metres of the public sewer which crosses the site.

Internal Council Advice

- 4.2 The Traffic Manager has no objections to the amended drawings.

5. Representations

- 5.1 The applicant's agent submits the following:

"The existing dwelling does have a number of windows facing the site but it is proposed to either close off the openings or ensure they comprise obscure glazed or high level windows. The site is part of residential curtilage i.e. developed land which PPG3 gives prioritisation to. New dwelling reflects character and appearance of area. The existing house and new house will have adequate amenity space. Proposal in accordance with planning policies. Applicants have had discussions with Welsh Water who have subsequently withdrawn their objections. Amended plans of the development have now been submitted."

- 5.2 The Town Council, with respect to the original scheme, returned consultation response with no comments attached.

The Town Council observe with respect to the revised scheme:

"Comments cannot be made as there is no site plan".

5.3 There have been six letters of objection received with respect to the revised scheme and six letters of objection received with respect to the original scheme. The main points which apply to revised scheme being:

- minimal alterations to revised scheme. If previous was unacceptable then the revised should be unacceptable,
- building density was agreed for this estate at time of original development of estate. Have there been changes in legislation which enables Council to increase density?
- another house on site will make estate look overcrowded,
- building on the garden will result in chopping down of trees,
- changes in appearance of No. 28 will conflict with provisions of the vendors deeds which prohibit changes to design of the dwellings on the estate,
- appearance of the building is unacceptable and unsuitable for the area,
- why should area be spoilt just for the financial gain of the developer?
- the estate already has traffic and parking problems which will be made worse and could lead to more traffic being parked on the road,
- extra traffic could cause problems for the elderly/children,
- very narrow road,
- other housing developments planned for Ross on Wye. Surely there are enough units planned without this unnecessary infilling,
- estate already fully developed and other applications at entrance to Overross Farm refused in past,
- house much larger than other properties around it,
- the property is only one metre from boundary of neighbours garden and is at a higher ground level. House will be overlooked and lose privacy, loss of light and hedge/trees on boundary,
- surface water from site will run directly into neighbour's garden,
- Overross Farm has its own pumping station at bottom of the estate which is only adequate for the existing houses. There are currently problems with the sewerage and more houses will make situation worse,
- sewage is pumped up road and under application site. How will pipe be checked if house is built over it?
- new house will overlook houses on opposite side of road.

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 dwelling on this site, the size and design of the dwelling and its effect on residential amenities of the neighbouring dwellings and the character and setting of the immediate area. In addition the effect the new dwelling will have on traffic/parking and also the sewerage implications. The most relevant policies are GD1, SH15, C43 and Ross on Wye 3 of the South Herefordshire District Local Plan.

6.2 This site is a natural infilling plot within a residential area/housing estate within the town boundary of Ross on Wye. Therefore the principle of erecting a new dwelling on this site is considered to be acceptable. The original dwelling proposed was considered to be too large for the site and its setting and was considered to be unacceptable. Following negotiations the applicant has now submitted a revised proposal. The dwelling was redesigned essentially by reducing the height, mass and width to ensure that it was of a similar size and scale as the adjacent dwelling No. 28.

The width of the dwelling was reduced which meant that the proposed building was moved away from the neighbours boundary to the south east by a metre so that it is now approximately 2 metres away from that boundary.

- 6.3 The revised size/design for the dwelling is considered to be acceptable. The building is now of an appropriate size and is in keeping with the size and design of some of the other dwellings on the estate. The revised dwelling is now considered to be appropriate in relation to the size of the plot. The proposed dwelling will not adversely affect the residential amenities of the occupants of any of the adjacent dwellings. With respect to the dwelling to the south east, the side wall of the proposed new dwelling [facing that dwelling] is blank except for a small utility room window and door at ground level and a small obscure glazed en-suite window at first floor level. The building is far enough away so as not to adversely take light nor overdominate the adjacent dwelling to the south east.
- 6.4 The proposed parking and access arrangements are considered to be acceptable and it is not considered that the flow of traffic on the estate road will be adversely affected by this proposal.
- 6.5 There has been concern from the residents regarding the existing sewerage arrangement for the estate and the effect another dwelling would have on the system. However Welsh Water has confirmed that the existing sewerage pumping station can cater for the additional foul flows which will be generated by the proposed development provided certain conditions are imposed on any planning permission. They also state that there is a public sewer pipe which crosses the planning application site and that they need to have access to the pipe at all times. In fact under the Water Industry Act 1991 Welsh Water has rights of access to its apparatus at all times. Welsh Water have discussed the proposal with the applicants. Welsh Water have no objections to the proposed new dwelling on this site provided that no part of the new building is within 3 metres of either side of the centreline of the sewer pipe.
- 6.6 In conclusion it is considered that the proposed development is acceptable on this site and will be in accordance with the planning policies for the area. The concerns of the objectors are noted but are not considered to be sufficient to warrant a refusal of planning permission for a dwelling on this 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. W01 (Foul/surface water drainage)

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

4. 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.

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

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

6. Prior to the commencement of the development hereby approved, details of any necessary or required re-routing of the public sewer with respect to this development, or as a direct consequence of it, shall first be submitted to and be subject to the prior written approval of the local planning authority.

Reason: To protect the integrity of the public sewerage system and to avoid any damage thereto.

Informatives:

- 1. N03 - Adjoining property rights**
- 2. N14 - Party Wall Act 1996**
- 3. HN05 - Works within the highway**
- 4. HN10 - No drainage to discharge to highway**
- 5. N16 - Welsh Water Informative**
- 6. Dwr Cymru Welsh Water advise that the proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer. The developer is advised to contact the Network Development Consultants to discuss this matter prior to the commencement of any site work, the appropriate contact number being Tel: 01443 331155**
- 7. N15 - Reason(s) for the Grant of Planning Permission**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

CTC13 - Buildings of Special Architectural or Historic Interest

2.3 Malvern Hills District Local Plan

Employment Policy 6 - Re-use of Rural Buildings
 Landscape Policy 1 - Development Outside Settlement Boundaries
 Landscape Policy 3 - Areas of Great Landscape Value
 Landscape Policy 4 - Agricultural Land
 Recreation Policy 14 - Commercial Equestrian Developments

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy E11 - Employment in Open Countryside

3. Planning History

3.1	MH97/1112	6 loose boxes and field shelter	-	Approved
	DCSE2004/4039/F	Fenced training ring at equine centre (60 x 20m)	-	Not determined
	DCSE2004/4086/O	Dwelling for stud farm worker at equine centre	-	Not determined
	DCSE2005/0325/F	Erection of barn	-	Not determined

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency has no objections but advises on protection of watercourse, surface water run-off issues and prevention of pollution.

4.2 Open Spaces Society writes that the proposals do not appear to have a physical effect on 'open spaces'.

4.3 Garden History Society does not wish to comment on the proposals.

Internal Council Advice

4.4 The Conservation Manager has no observations from an architectural point of view.

4.5 Traffic Manager has no objection to the grant of permission.

5. Representations

5.1 The applicant's agent points out that:

- (1) The land is accessed by the common private track that also serves Bodenham Farm.
- (2) Requests that the other development be determined as soon as possible after this application.

5.2 Much Marcle Parish Council would like to express their concerns regarding the number of applications received for the site near Bodehham Farm over the last six months.

The site seems to be developing into a large commercial enterprise. Also, with regard to the application for continuation of use as an equine stud, the parish council question whether permission was ever obtained originally.

A number of parishioners attended the meeting. Mr Nicholas Pope spoke on their behalf. He informed the council that his research has shown that only one planning permission had ever been granted for the area concerned. This was in 1997 for a stable block and had restrictions, that it could not be used for any commercial purpose. It also had a caveat that the erection of the stables could not at any future time be a reason for the erection of a dwelling on the site. Mr Pope asked the council to note that a business has been running on the site, in direct contravention of the 1997 planning permission. He then listed the development that had taken place, including barns, stables, foaling sheds and fencing, all apparently with disregard to the planning authority.

A regular visitor to the area who walks many footpaths in the parish who was at the meeting had occasion to ask why the designated footpath that runs through the main stable area was fenced at one end with no apparent way through. It was noted that the forms showed that no rights of way were affected by the application.

5.3 5 letters have been received objecting to the proposal. In summary the following concerns are raised:

- (1) It is questioned whether the right to use this land as an equine stud farm exists - it is not a continuation of use but a retrospective application as planning permission has never been granted.
- (2) The 1997 permission was subject to a condition stating that it was for private use and should "not be used for any trade, business or equine enterprise whatsoever". The reason given was to protect the amenities of the locality.
- (3) This reason is noted as the main grounds for objecting to the proposal.
- (4). A note on the 1997 permission states: "This planning permission in no way implies that the local planning authority consider favourably any future application for residential development on this area to accompany the stabling" and a hand written note questions whether another existing field shelter in the same field had planning permission.
- (5) About 8 years ago only a few old lambing sheds plus two field shelters - it has grown very significantly without permission and it is clear that a major business expansion programme is proposed - where will it end?
- (6) The breaches of planning control include:
 - condition referred to above
 - change of use from agriculture to equine use
 - large stable complex and yard established
 - foaling sheds recently established
 - no application for temporary accommodation as PPS7 Annex A, Paragraph 13
 - recent erection of 3 m high fence, 118 m long.
- (7) The issue of lawful use should be resolved before the applications for operational development are determined - 3 m fence should be removed.

- (8) This all shows no regard for planning systems, which is undermined. It is questioned whether this was a matter of ignorance as a professional agent was employed.
- (9) A second substantive ground for refusal is that the local roads are too small for horse boxes and any increase in traffic from these vehicles, trailers and lorries is unacceptable, given residential properties nearby.
- (10) Any further buildings would create further 'blots' on lovely, picturesque landscape, which would be far too close to listed Bodenham Farm.
- (11) Welfare of horses is a concern as too many on a small area of bank.

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

6. Officers Appraisal

- 6.1 This application is for retrospective permission to continue to use land and buildings as a stud farm. This is necessary as permission has not been sought or granted for change of use from agriculture and the unauthorised use has not been operating for the full 10 years required for such a use to have become lawful. The application is for continuation of use and not for retention of new buildings and structures. Consequently if permission is granted it would not authorise the 3 m fence or foaling boxes referred to in representations. The two main complexes either have planning permission (6 loose boxes and field shelter) or were erected, according to the evidence available, more than 4 years ago and therefore would appear to be lawful.
- 6.2 The Note attached to the 1997 planning permission referred to in paragraph 5.2(4) leaves open the question of whether use for an equestrian enterprise would be acceptable. This must be decided in relation to current policies including Government advice and on the merits of the case. Advice on equine-related activities is included in PPS7 in particular paragraphs 32. This states that "horse riding and other equestrian activities are popular forms of recreation in the countryside that can fit in well with farming activities and help to diversify rural economies. In some parts of the country, horse training and breeding businesses play an important economic role. Local planning authorities should set out in LDDs their policies for supporting equine enterprises that maintain environmental quality and countryside character. These policies should provide for a range of suitably located recreational and leisure facilities and, where appropriate, for the needs of training and breeding businesses. They should also facilitate the re-use of farm buildings for small-scale horse enterprises that provide a useful form of farm diversification." Recreation Policy 14 of Malvern Hills District Local Plan sets out a list of criteria that have to be met before permission should be granted. Those relating to effects on surrounding countryside, re-use of existing buildings, effect on amenities of neighbours, highway safety, loss on high grade agricultural land and disposal of waste materials and effluent are most relevant to this application.
- 6.3 The enterprise includes, or is planned to include, a full range of activities: breeding, grazing, training/schooling, sale of horses. It is understood that there are about 50 breeding mares and 2 stallions in addition to foals. The enterprise has been developing over a number of years and is clearly hampered by the lack of facilities at the Bodenham site. Hillington Barn has a much greater area of grazing land but no

facilities. The current application is about the continued use of land and existing buildings. These may be inadequate for the scale of the business currently undertaken or projected. However if permission is granted it would not imply that the Council finds the additional facilities (barn, training ring, dwelling and any buildings planned) acceptable. Each proposal would be considered on its merits. Clearly, if permission is granted it does mean that these proposed buildings would have to be given careful consideration and could not be refused on the grounds of unnecessary development in open countryside (i.e. no stud farm no need for a worker's dwelling etc.).

- 6.4 The main issue is the effect on the amenities of the locality. The two groups of buildings are located some distance from the nearest houses (about 100m from the main house at Bodenham Farm and 250m from Orchard Cottage) and properly managed there should not be significant problems of noise and odours arising from the stud farm. Most of the land is used for grazing and should not prejudice local amenities. The limited size of the enterprise at this location may result in greater vehicular movements than would otherwise be necessary and the local road network is very narrow with limited passing places and a scattering of houses. Nevertheless, on the evidence available, it is not considered that the volume and nature of vehicular traffic would cause unacceptable noise and disturbance to local residents.
- 6.5 A second issue is highway safety. The limitations of local roads has been noted in the previous paragraph. However no objections are raised by the Traffic Manager and there is no cogent evidence that the roads would be overloaded and prejudice, to a significant degree, highway safety.
- 6.6 The land is classified as Grade 3. Policy 14 states that equestrian development should not take Grade 1, 2, and 3a agricultural land. It is not clear from the published maps whether this site is Grade 3a or 3b. Nevertheless in view of the recent advise in PPS7 it is not considered that this is sufficient grounds for refusing permission.
- 6.7 It is concluded therefore that there are insufficient grounds to refuse permission. The concerns expressed regarding flouting of planning control are appreciated but these are not legitimate reasons for not granting planning permission.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. G04 (Landscaping scheme (general))

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

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

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

3. F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

4. F40 (No burning of material/substances)

Reason: To safeguard residential amenity and prevent pollution.

- 5. Within 2 months of the date of this permission details of the means of disposing of waste materials and effluents with a timetable for implementation shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in accordance with the agreed timetable.

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.