

# A G E N D A

## Southern Area Planning Sub- Committee

Date: **Wednesday, 7th July, 2004**

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Time: **2.00 p.m.**

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

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

*For any further information please contact:*

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**County of Herefordshire  
District Council**



# AGENDA

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

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

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

	Pages
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. DECLARATIONS OF INTEREST</b>	
To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>3. MINUTES</b>	1 - 12
To approve and sign the Minutes of the meeting held on 9th June, 2004.	
<b>4. ITEM FOR INFORMATION - APPEALS</b>	13 - 14
To note the contents of the attached report of the Head of Planning Services in respect of the appeals received or determined for the southern area of Herefordshire.	
<b>REPORTS BY THE HEAD OF PLANNING SERVICES</b>	
To consider and take any appropriate action in respect of the planning applications received for the southern area and to authorise the Head of Planning Services to impose any additional or varied conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
<b>5. DCSW2004/1216/F - MOUNT PLEASANT, GARWAY HILL</b>	15 - 18
Erection of wind turbine on 11m high tower.	
<b>6. DCSW2004/1499/O - OS.0034, LAND SOUTH OF PONTILLA, LONGTOWN</b>	19 - 24
Renewal of outline planning permission SW2000/1521/O for residential development.	
<b>7. DCSW2004/1521/L - TRELOUGH HOUSE, WORMBRIDGE</b>	25 - 28
Demolition of outbuildings, internal and external alterations.	
<b>8. DCSE2004/1569/F - 1 THE SQUARE, GOODRICH, ROSS-ON-WYE</b>	29 - 32

	Replacement extension with dormer window, sun room to front of property, loft conversion with Velux rooflights and various alterations.	
<b>9.</b>	<b>DCSE2003/3528/F, DCSE2003/3530/L, DCSE2003/3677/A - 33 HIGH STREET, ROSS-ON-WYE</b>	33 - 38
	The provision of external rear roof mounted air conditioning ducts and pipes to existing shop premises.	
	The provision of external rear roof mounted air conditioning ducts and pipes to existing shop premises, installation of shop fixtures and fittings, fascia signage and projecting sign.	
	Non-illuminated shop fascia sign and projecting sign.	
<b>10.</b>	<b>DCSE2004/0967/A, DCSE2004/0968/L - SPAR STORE, 37 HIGH STREET, ROSS-ON-WYE</b>	39 - 44
	Externally illuminated fascia and projecting signs.	
<b>11.</b>	<b>DCSE2004/1829/F - NTL TRANSMITTING STATION, LARRUPERZ COMMUNITY CENTRE, OFF STATION ROAD, ROSS-ON-WYE</b>	45 - 48
	Installation of 3 additional antennas on the existing tower for Vodafone.	
<b>12.</b>	<b>DCSE2004/1637/F - HOMME HOUSE, MUCH MARCLE, LEDBURY</b>	49 - 54
	Change of use for weddings in part of the property.	
<b>13.</b>	<b>DCSE2004/1555/F - UPPER RUDHALL FARM, RUDHALL, ROSS-ON-WYE</b>	55 - 60
	Conversion of redundant barn to residential use.	
<b>14.</b>	<b>DCSE2004/1019/F, DCSE2004/1027/F, DCSE2004/1029/F - HAYWOOD FARM, GORSLEY</b>	61 - 68
	Proposed change of use of site for 10 seasonal caravans.	
	Variation of condition 5 of permission SH960118PF from 15 to 13 caravans.	
	Variation of condition 3 of planning permission SS980401PF to allow storage of seasonal touring caravans (10) on land adjacent to storage building.	
<b>15.</b>	<b>DCSE2003/3710/O - OLD BAKERY, LAND TO REAR OF PETERSTOW STORES, PETERSTOW</b>	69 - 74
	Erection of one dwelling.	
<b>16.</b>	<b>DCSE2004/1470/F - VARIOUS LOCATIONS ALONG THE RUDHALL AND CHATTERLEY BROOKS THROUGH ROSS-ON-WYE</b>	75 - 82
	Construction of a flood alleviation scheme for Ross-on-Wye to provide protection from flooding from the Rudhall and Chatterley Brooks.	

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## **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**MINUTES of the meeting of Southern Area Planning Sub-Committee held at The Council Chamber, Brockington on Wednesday, 9th June, 2004 at 2.00 p.m.**

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

**Councillors:** H. Bramer, N.J.J. Davies, G.W. Davis, J.W. Edwards,  
Mrs. A.E. Gray, Mrs. J.A. Hyde, G. Lucas and J.B. Williams

**1. ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE CHAIRMAN**

It was noted that at the Annual Council meeting on 21 May 2004, Councillor Mrs RF Lincoln was the elected Chairman and Councillor PG Turpin was the appointed Vice-Chairman of the Southern Area Planning Sub-Committee.

**2. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors MR Cunningham and DC Taylor.

**3. DECLARATIONS OF INTEREST**

The following declaration of interest was made:

Councillor	Item	Interest
G Lucas	6 (DCSE2004/0928/A – Flags displayed at an angle on the front of the building, Castle Lodge Hotel, Wilton, Ross-on-Wye, Herefordshire, HR9 6AD)	Prejudicial and left the meeting for the duration of this item.

**4. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 12th May, 2004 be approved as a correct record and signed by the Chairman.

**5. ITEM FOR INFORMATION - APPEALS**

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

**6. DCSE2004/0928/A - CASTLE LODGE HOTEL, WILTON, ROSS-ON-WYE, HR9 6AD**

*Flags displayed at an angle on the front of the building.*

The receipt of a letter of support was reported.

In accordance with the criteria for public speaking, Mr Felices spoke in favour of his application.

**RESOLVED:**

**That advertisement consent be granted subject to standard conditions and the following conditions:**

1. **Within one month of the date of this decision the flagpoles displayed on the end elevations of the hotel shall be permanently removed.**

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

2. **No more than 6 flags shall be displayed on the front (south-west) elevation of the Castle Lodge Hotel.**

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

**Informative(s):**

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

7. **DCSE2004/0990/F - HUNDRED AKER BARN, WESTON-UNDER-PENYARD, ROSS-ON-WYE**

*Erection of a detached shed (retrospective application).*

**RESOLVED**

**That planning permission be granted. No Conditions.**

**Informative:**

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

8. **DCSE2004/1302/F - BRIDGE STRUCTURE NEAR WESTON-UNDER-PENYARD, ROSS-ON-WYE**

*Partial demolition of bridge structure (carrying disused railway) over minor public road. Subsequent re-grade of embankments to slope away from highway.*

Councillor H Bramer, the local Ward Member asked if consideration of the application could be deferred pending the receipt of information from the Department of Culture, Media and Sport as to whether it was prepared to accede to the request of the Parish Council for the bridge to be designated as a listed building. The Southern Divisional Planning Officer said that the bridge was not in the ownership of the Parish Council and that the Council was obliged to determine the application. The applicants had included the bridge in the application even though planning permission was only required for the removal of the embankments. The Principal Lawyer (Planning, Environment and Transport) advised that the applicants would have the right to appeal against non determination and that if the Sub-Committee was mindful to refuse the application reasons would need to be stated.

After further discussion the Sub-Committee decided to defer consideration of the application and to authorise the officers to determine it if the bridge was not given

listed status.

## RESOLVED

That consideration of the application be deferred pending the outcome of the application by Weston-under-Penyard Parish Council to the Department of Culture, Media and Sport for the bridge to be listed and that if the application is refused, the Officers named in the Scheme of Delegation to Officers be authorised to grant permission subject to the following conditions:

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

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

2 A06 (Development in accordance with approved plans )

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

3 G04 (Landscaping scheme (general) )

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

4 G05 (Implementation of landscaping scheme (general) )

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

### Informatives:

1 The attention of the applicant is drawn to the provisions of the Wildlife and Countryside Act 1981 (as amended). This gives statutory protection to a number of species and their habitats. Other animals are also protected under their own legislation. Should any protected species or their habitat be identified during the course of the development then work should cease immediately and English Nature should be informed. English Nature can be contacted at: Herefordshire and Worcestershire Team, Bronsil House, Eastnor, Ledbury, Herefordshire HR8 1EP or telephone 01531 638500.

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

9. DCSE2004/1226/F - TREBANDY, MARSTOW, ROSS-ON-WYE, HR9 6HD

*Change of use and associated works to barn for conversion to holiday let.*

It was reported that Marstow Parish Council was in support of the application.

## RESOLVED

That planning permission be granted subject to the following conditions:

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

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

**2 C02 (Approval of details)**

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

**3 Notwithstanding the provision of paragraph 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or re-enacting that Order without modification, no development which would otherwise be permitted under Classes A, B, C, D, E and H of Part 1 of Schedule 2, shall be carried out without the prior written consent of the local planning authority.**

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

**4 E31 (Use as holiday accommodation )**

**Reason: The local planning authority are not prepared to allow the introduction of a separate unit of residential accommodation in this rural location.**

**5 H13 (Access, turning area and parking )**

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

**Informative(s)****1. N15 - Reason(s) for the Grant of Planning Permission****10. DCSW2004/1155/F - MIDDLE HUNT HOUSE FARM, WALTERSTONE, HR2 0DY**

*Change of use of existing barn. Demolition of modern farm buildings and replacement with a single storey sculpture gallery building and a studio/workshop. Car parking for visitors and a new crossover. Proposed use of some land as a sculpture park.*

In accordance with the criteria for public speaking Mrs Haywood spoke against the application.

**RESOLVED**

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

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

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

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

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

**3. A09 (Amended plans )**

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

4. E03 (Restriction on hours of opening )

Reason: In the interests of the amenities of existing residential property in the locality.

5. The premises shall be used for sculpture gallery and reception, artist studio and outdoor sculpture park and trail and for no other purpose (including any other purpose in Class D1 of the schedule to 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 with or without modification).

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

6. E16 (Removal of permitted development rights )

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

7. Notwithstanding the approved drawings, details of the following shall be submitted to and approved by the local planning authority prior to the commencement of any works. The development shall be carried out in accordance with the approved details:-

- (a) all new materials and finishes
- (b) fenestration
- (c) doors
- (d) flues, vents and louvres
- (e) solar shading
- (f) canopies
- (g) glazing to roof
- (h) staircases and balustrading
- (i) fencing boundary of footpath trail

Reason: To safeguard the character and appearance of this building.

8. F32 (Details of floodlighting/external lighting )

Reason: To safeguard local amenities.

9. G03 (Landscaping scheme implementation )

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

10. Notwithstanding the approved drawings, the sculptures sited in the sculpture park and trail shall not exceed a height of 3 metres without the prior written consent of the local planning authority.

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

11. H03 (Visibility splays )

Reason: In the interests of highway safety.

**12. H05 (Access gates )**

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

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

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

**14. H15 (Turning and parking: change of use - commercial )**

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

**15. No development approved by this permission shall be commenced until a scheme for the provision of foul drainage works has been approved by the local planning authority. The scheme shall be implemented in accordance with the approved details.**

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

**16. The development hereby permitted shall not be sold separately from the dwelling known as Middle Hunt House Farm.**

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

**Informative(s)**

**1. The applicant's attention is drawn to the provision of directional signs or advertisement signs relating to the development which would necessitate a further application for advertisement consent.**

**2. The applicant's attention is drawn to the removal of the existing hay bay and that the application does not authorise the agricultural building to be re-erected.**

**3. The applicant's attention is drawn to the Environment Agency letter dated 20th May, 2004.**

**4. HN01 - Mud on highway**

**5. HN02 - Public rights of way affected**

**6. The right of way should remain open at all times throughout the development. If development works are perceived to be likely to endanger members of the public then a temporary closure order should be applied for from the Public Rights of Way Department, preferably 6 weeks in advance of work starting.**

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

**11. DCSE2004/0781/F - MUCH MARCLE MEMORIAL HALL, MUCH MARCLE, LEDBURY, HR8 2NF**

*Alterations and single storey extension to existing hall.*

In accordance with the criteria for public speaking Mr Cottage spoke against the

application and Mr Dallow spoke in favour.

It was reported that Much Marcle Parish Council had been re-consulted on the revised proposals and had raised no objections.

## **RESOLVED**

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

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

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

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

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

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

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

**4. F02 (Scheme of measures for controlling noise)**

**Reason: In order to protect the amenity of occupiers of nearby properties.**

**5. Prior to the first use of the extension hereby granted the car park shall be laid out in accordance with the approved plans and in addition the area between the disabled car parking space 1 and the ramp shall be hatched and hedgerow planting carried out between car parking space 9 and the footway. The car park layout shall thereafter be retained and kept available for parking.**

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

**6. Any planting along the site frontage shall be maintained so that it does not exceed 0.6 metres above ground level.**

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

**7. Prior to the commencement of development the details of the species, size, position and planting numbers of the hedgerow planting shall be submitted to and approved in writing by the Local Planning Authority. The planting shall be carried out in accordance with the approved details and in the first planting season following the first use of the extension hereby granted. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation. If plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.**

**Reason: In order to protect the character and appearance of the**

**Conservation Area.****Informative:**

1. **N15 - Reason(s) for the Grant of Planning Permission**
12. **DCSE2004/1128/F - 19 VAGA CRESCENT, ROSS-ON-WYE, HR9 7RQ**

*Two storey extension to rear, enclosure of existing porch and replacement of existing garage door with new screen including access door.*

It was reported that Ross-on-Wye Town Council had raised no objection to the application.

**RESOLVED**

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

1. **A01 (Time limit for commencement (full permission) )**  
**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**
2. **A09 (Amended plans )**  
**Reason: To ensure the development is carried out in accordance with the amended plans.**
3. **B02 (Matching external materials (extension) )**  
**Reason: To ensure the external materials harmonise with the existing building.**
4. **E19 (Obscure glazing to windows )**  
**Reason: In order to protect the residential amenity of adjacent properties.**

**Informative:**

1. **N15 - Reason(s) for the Grant of Planning Permission.**
13. **DCSE2003/2109/F - ALAN KEEF LTD, LEA LINE, LEA, ROSS-ON-WYE, HR9 7LQ**

*First floor extension to existing offices and extension to factory.*

In accordance with the criteria for public speaking Mr Keef spoke in favour of the application.

**RESOLVED**

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

1. **A01 (Time limit for commencement (full permission) )**  
**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**



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

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

3. **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. **F02 (Scheme of measures for controlling noise )**

**Reason: In order to protect the amenity of occupiers of nearby properties.**

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

**Reason: To safeguard local amenities.**

7. **F42 (Restriction of open storage )**

**Reason: To protect the appearance of the locality.**

8. **Visibility splays for the A40 trunk road access shall be kept clear of obstructions at all times.**

**Reason: To enable the A40 trunk road to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety on the Trunk Road.**

9. **H16 (Parking/unloading provision - submission of details )**

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

**Informative(s):**

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

14. **DCSE2004/1007/F - MARTINDALE, OLD GLOUCESTER ROAD, ROSS-ON-WYE**

*Conversion of single dwelling into three flats.*

The Southern Divisional Planning Officer said that revised plans had been submitted by the applicant and that the neighbours needed to be consulted about them.

**RESOLVED**

That subject to the neighbours raising no relevant planning objection to the amended plans in respect of the extension, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

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

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

2. A09 (Amended plans )

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

3. B02 (Matching external materials (extension) )

Reason: To ensure the external materials harmonise with the existing building.

4. Prior to the commencement of development architectural details of windows and external doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason: To ensure that the character and appearance of the Conservation Area is preserved or enhanced.

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

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

6. No land drainage run-off will be permitted to discharge to the public sewerage system.

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

**Informatives:**

1. If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01443 331155.

2. Adjoining property rights

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

15. DCSE2004/1156/RM - LAND ADJACENT TO THE FORGE, KINGS CAPLE, HR1 4TY

*New dwelling.*

In accordance with the criteria for public speaking Mr Everett of Kings Caple Parish Council and Mr Adamson spoke against the application.

**RESOLVED**

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

1. A07 (Development in accordance with approved plans )

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

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

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

**3. The window serving the en-suite wc/shower room at first floor level on the west elevation of the dwelling shall have obscure glazing and at all times thereafter, unless otherwise first agreed in writing by the local planning authority.**

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

**4. The existing fir tree hedge shown to be retained on the submitted drawing shall not be reduced from its current height and also shall not be wilfully damaged, destroyed, uprooted, removed, felled, lopped and/or topped without the prior written consent of the local planning authority. Any part(s) of the hedgerow(s) removed without such consent or dying, being severely damaged or becoming seriously diseased within 5 years of the date of this permission shall be replaced with hedging of such size and species as is agreed in writing by the local planning authority. Any hedging plants that fail more than once shall continue to be replaced.**

**Reason: In the interests of the visual amenities of the area and the residential amenities of the neighbouring properties.**

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

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

**6. The two existing Silver Birch trees situated in the south western corner of the application site shall not be removed, felled, lopped or pruned or damaged in any way without the prior written consent of the local planning authority.**

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

**Informative(s):**

**1. N09 - Approval of Reserved Matters**

**2. N14 - Party Wall Act 1996**

**3. The applicant should ensure that there is no discharge from the foul drainage system into any neighbouring property.**

**4. The applicant/developer should be aware that the details relating to the foul drainage arrangements were formally approved under outline planning permission Reference No. CE2001/0734/O dated 20<sup>th</sup> June, 2001.**

5. The Environment Agency advises that the septic tank and soakaway system should meet the following requirements:
  - (i) a site survey should be carried out to establish the location of any watercourse, ditch or land drainage system on the site,
  - (ii) the foul drainage system, particularly the foul soakaway, should be sited at least 10 metres from any watercourse, ditch or land drainage system to minimise pollution risk,
  - (iii) the foul drainage system, including the foul soakaway, should be situated so as not to cause pollution of any well, borehole, spring or groundwater used for potable water supply. A minimum separation of 100m should be kept from any source of potable water supply.
  
6. N15 - Reason(s) for the Grant of Approval of Reserved Matters

The meeting ended at 3.00 p.m.

CHAIRMAN

SOUTHERN AREA PLANNING SUB-COMMITTEE

7th JULY, 2004

**ITEM FOR INFORMATION - APPEALS****APPEALS RECEIVED****Application No. DCSE2003/3868/F**

- The appeal was received on 27th May 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr. & Mrs. Jones
- The site is located at Grey Hill Barn, Sollars Hope, Herefordshire
- The development proposed is Convert existing attached lean-to structure to provide additional accommodation to approved conversion Application No. SE2003/1245/F
- The appeal is to be heard by Written Representations

**Case Officer: Nigel Banning Tel 01432 261974****Application No. DCSW2004/0918/F**

- The appeal was received on 24th May 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by H T Developments Ltd
- The site is located at Land adj to Seabourne House, Madley, Hereford
- The development proposed is Alterations to approved layout, alternative house type for plot 1, addition of plot 5 and entrance wall.
- The appeal is to be heard by Written Representations

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

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



**DCSW2004/1216/F - ERECTION OF WIND TURBINE ON  
11M HIGH TOWER, MOUNT PLEASANT, GARWAY  
HILL, HEREFORDSHIRE, HR2 8RU**

**For: Mr M Whitfield, Mount Pleasant, Garway Hill,  
Herefordshire, HR2 8RU**

**Date Received: 5th April 2004**

**Ward: Pontrilas**

**Grid Ref: 44436, 24916**

**Expiry Date: 31st May 2004**

Local Member: Councillor G.W. Davis

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

- 1.1 The proposal site is within the meadow area of Mount Pleasant that leads off the western side of the class III road (C1238) that skirts the eastern fringe of Garway Hill. It links the western fringe of Garway Common to the south with the Bagwyllydiart crossroads on the Orcop - Pontrilas Class III road (C1238) to the north.
- 1.2 Mount Pleasant gains access off a partly made up track that also serves Lower Caste further to the west. This track is also a bridleway providing access to Garway Hill Common that is to the west of Mount Pleasant. The summit of Garway Hill Common is 366 metres above sea level (1201 feet), views of the Garway Hill mast, 60 metres to the north-east and on its own ridge at an altitude of 344 metres (1128 feet). It is within the Area of Great Landscape Value.
- 1.3 It is proposed to erect a wind turbine approximately 50 metres to the north-west of Mount Pleasant, and up slope from the applicant's property. The turbine will be 11 metres high to the hub of the rotor. The rotor diameter is 3.5 metres. The top and blades will be black in colour and the slightly tapering tower will be natural grey in colour. There are a line of trees on the northern boundary of the site and strung along the eastern side of the property. Trees have been planted up slope and to the west of the proposed mast. There is hedging on the southern boundary adjacent to the bridleway/unsurfaced track from which access to the site is gained.

## **2. Policies**

### **2.1 Planning Policy Guidance**

PPG.22 - Renewable Energy

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

Policy CTC.2 - Area of Great Landscape Value

Policy CTC.9 - Development Criteria

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

Policy GD.1 - General Development Criteria

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

Policy C.39A - Renewable Energy

## 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 SH970328PF Alterations to existing dwelling, - Approved 16.04.97  
demolition of redundant outbuilding and  
erection of extension

## 4. Consultation Summary

### Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

### Internal Council Advice

- 4.2 Head of Engineering and Transportation has no objection to grant of permission.

## 5. Representations

- 5.1 The applicant raises the following main points:

- 2.5kw turbine, tower 150mm diameter steel tube. It will be 11 metres high to the turbine. Blade diameter is 3.5 metres
- chosen site, less visible from neighbouring properties and closer to existing buildings.

- 5.2 Orcop Parish Council comment as follows:

"The Parish Council objects to this development. We have taken into consideration the objections of many local residents who feel an approval for this application could set a precedent for similar applications in an area of great landscape value and outstanding natural beauty."

- 5.3 Garway Parish Council comment as follows:

"The Council does not support this application. The small amount of electricity was deemed out of proportion to the size of the turbine."

- 5.4 Seven letters of objection have been received from:

Mr. B. & Mrs. H. A. Thomas, The Sycamores, Garway Hill, HR2 8RU  
Mr. M. & Mrs. C. Phillips, Sun Farm, Garway Hill, HR2 8EZ  
Mr. D. & Mrs. R. Maskell, Windy Ridge, Garway Hill, HR2 8RQ  
Mr. A. P. & Mrs. C. J. Jones, Cherry Orchards, Garway Hill, HR2 8EZ  
M. Gardiner, Orchard Lea, Orcop, HR2 8SD  
Mr. A. L. & Mrs. G. Smith, The Globe, Garway Hill, HR2 8RQ  
Mr. D. Macrae, The Old Post Office, Garway Hill, HR2 8EZ



The following main points are raised:

- detract from amenity of Area of Great Landscape Value and natural beauty of Common
- could establish a precedent
- does not enhance rural landscape and economy (particularly from tourism), it industrialises it. Many tourists visit area for stunning views
- limited energy output (only 2.5 kilowatts barely sufficient for a three bar electric fire)
- request height of structure and rotor outline is indicated by helium balloons
- could hear turbine
- solar panels may be better sense.

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 benefits of the renewable resource provided by wind power, the impact of the mast and the issue of precedent.
- 6.2 Policy C.39A contained in the South Herefordshire District Local Plan establishes three main criteria for proposals for renewable energy, these are that they should not have an adverse impact in the Area of Outstanding Natural Beauty, Area of Great Landscape Value, or areas of conservation importance, should not have adverse impact on nearby properties through noise or other pollutants, and that associated infrastructure works and buildings will not have an adverse effect on the landscape or local amenity. These criteria are derived from Government advice contained in PPG.22 'Renewable Energy'. These relate to the land form and characteristics, number and size of machines, design and colour and the existing skyline of the area. Renewable sources of energy are being sought by the Government in order to move towards a target of 10% of electricity from renewable sources by 2011. Therefore, it is considered in relation to the first issue highlighted, whether or not the turbine will contribute significantly is not in itself a reason for withholding planning permission. It is a contribution to achieving a renewable energy resource.
- 6.3 The second issue is the fundamental one and that relates to the impact of the turbine in the landscape. The applicant has sited the turbine such that it can be glimpsed from the south-east from the Class III road (C1238) but the southward view is lost by existing tree screening. The mast could be viewed just to the north-east from the track/bridleway that passes Mount Pleasant, but not at a lower altitude at the Sun Inn and those dwellings along the Class III road (C1238). Views from the north further north along the Class III road (C1238) would also not be possible given the gradient of the field on which the turbine is sited and the fact that established trees around the northern and north-eastern boundaries provide screening now and into the future. Different views are possible from the top of Garway Hill, which is 366 metres high. The turbine will be viewed amongst trees. A line of electricity poles just over 8 metres high are visible crossing land just to the north of Mount Pleasant, indeed one is between the applicant's property and the proposal site.

- 6.4 It is not considered that the turbine will adversely detract from the amenity of the landscape. It is only clearly viewed from the entrance to a property across the valley to the south-east, and tourists climbing Garway Hill Common will see a structure below them with trees around it and electricity poles crossing the site. It will introduce a new feature into the landscape, but one that will not detract from the high scenic quality of the surrounding countryside.
- 6.5 There will not be an adverse impact on neighbouring properties as regards noise, given the nearest dwelling is at least 190 metres away from the turbine.
- 6.6 It is not considered that a precedent would be established in this area. It is not appropriate to site turbines in domestic gardens on lower slopes and often in smaller gardens. Each site is unique, this site has been carefully examined, close up and long range views of the site have been taken. The proposal, on balance, can be supported given the site characteristics of established trees and more recent tree planting by the applicant, and topography.

**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. **Trees along all boundaries of the site shall not be felled, topped or lopped without the prior approval in writing of the local planning authority.**

**Reason: In order to provide adequate screening of the turbine in the interests of the amenity of this part of the Area of Great Landscape Value.**

**Informative(s):**

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

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.

**DCSW2004/1499/O - RENEWAL OF OUTLINE  
PLANNING PERMISSION SW2000/1521/O FOR  
RESIDENTIAL DEVELOPMENT, OS 0034, LAND SOUTH  
OF PONTILLA, LONGTOWN, HEREFORDSHIRE,  
HR2 0LG**

**For: Executors of Mr H. Price & Mrs J. Price per  
James Spreckley, MRICS FAAV, Brinsop House,  
Brinsop, Herefordshire, HR4 7AS**

**Date Received: 23rd April 2004      Ward: Golden Valley      Grid Ref: 32003, 29337  
South**

**Expiry Date: 18th June 2004**

Local Member:    Councillor J. B. Williams

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

- 1.1 The site lies on the western side of the main thoroughfare, that leads through Longtown. The Class III road (C1203) leads north-west to Craswall, and south-eastward via Clodock to Pandy and the A465(T). The site is on 0.45 hectares of land adjoining the Longtown Community School. There is residential development facing the site from the opposite side of the C1203 road.
- 1.2 The application is a renewal of one previously approved in August 2001. All matters are reserved for future consideration. An illustrative block plan provides for 2 pairs of two-bedroom houses fronting onto the Class III road with a central access point between serving a further five detached dwellings, two of which are 3 bedroom dwellings and the remaining three dwellings are 4 bedroom units.

## **2. Policies**

### **2.1 Planning Policy Guidance**

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

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

- Policy H.18     -      Housing in Rural Settlements  
Policy H.16A    -      Housing in Rural Areas  
Policy CTC.2    -      Area of Great Landscape Value  
Policy CTC.9    -      Development Criteria

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

- Policy GD.1     -      General Development Criteria  
Policy SH.6     -      Housing Development in Larger Villages  
Policy SH.8     -      New Housing Development Criteria in Larger Villages  
Policy SH.14    -      Siting and Design of New Buildings

- Policy SH.15 - Criteria for New Housing Schemes  
Policy C.8 - Area of Great Landscape Value

## 2.4 Unitary Development Plan

There are no policies that are considered to raise issues different from the current Development Plan policies. Notwithstanding that Longtown will no longer be an identified settlement in the Unitary Development Plan.

## 3. Planning History

- 3.1 SW2000/1521/O Site for residential development - Approved 23.08.01

## 4. Consultation Summary

### Statutory Consultations

- 4.1 English Heritage state that although the application site is within an area currently being considered by the DCMS for descheduling, at the time of writing it remains part of the scheduled ancient monument. Therefore, a scheduled monument consent will be needed. If it is descheduled advise still that it is necessary to consult English Heritage as the development may impact on remaining scheduled areas in Longtown.

### Internal Council Advice

- 4.2 The Head of Engineering and Transportation recommends that conditions be attached in the event of planning permission being granted.
- 4.3 The Chief Conservation Officer has no objections to the proposal. A condition should be attached for a limited excavation of part of the eastern fringe of the site.

## 5. Representations

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

- renewal of extant planning permission on 0.45 hectares of grazing land in the defined settlement
- clients advised by English Heritage that a review of the Scheduled Area, takes some considerable time. English Heritage have agreed to descheduling has yet to be confirmed by the Secretary of State
- rather than wait, and then make reserved matters application, applying for renewal of existing outline planning permission.

- 5.2 Longtown Parish Council make the following observations:

"No objections in principle. The Parish Council feels there is already enough 4-bedroom houses and would prefer to see smaller affordable housing."

- 5.3 Six letters of objection have been received from:

Ms. J. Hvass, 1 Penbailey, Longtown, HR2 0LF  
Mr. & Mrs. A. Davies, Ruthland, Longtown, HR2 0LE  
Ms. C. Birch, 11 Penbailey, Longtown, HR2 0LF

Longtown Community Primary School, HR2 0LE  
Mr. & Mrs. M. Maflin, 2 Penbailey, Longtown, HR2 0LF  
Mr. & Mrs. Pritchard, 6 Penbailey, Longtown

The following main issues are raised:

- considerable more traffic
- traffic joining narrow road close to entrance to school and opposite one to Penbailey
- danger to pedestrians, cyclists and school children
- child knocked down outside school recently, has lead in part to speed limit being introduced
- even if road widened and or a pull-in provided, still be parking here, as it occurs already on yellow zig zag lines outside school
- essential to allow for pavement and widening of road and scope for passing
- school also used by Nursery and for 'Learn Direct' in evenings and weekends. School a community school also used in holiday time
- poorly maintained roads in Longtown
- object, if not for affordable houses or at least significant proportion
- community needs young people, they cannot afford dwellings in Longtown
- Longtown historically built along length of settlement in individually designed differing sized dwellings
- no more executive houses, of 16 recently built dwellings, 13 for speculation, 2 occupied by young (non-local) families and the remainder occupied by single people or elderly
- site northern boundary of Longtown Castle
- hope site is not descheduled. Development would spoil beautiful views of countryside and mountains for which Herefordshire is renowned
- understand cannot comment on outlook, as bought property for views, privacy and peace.

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

## **6. Officers Appraisal**

- 6.1 There are considered to be three main issues relating to the proposal and these are the archaeology of the site, the generation of traffic onto the Class III road (C1203) and the form the development will take.
- 6.2 The application is one for renewal. Were the application to be refused the applicant would have until 23<sup>rd</sup> August, 2004 in which to submit reserved matters for the development. Nevertheless, an application has been made and it has to be determined on its merits and with regard to policies in the Development Plan that comprise the Local Plan and Structure Plan. The Unitary Development Plan, although at a much more advanced stage than when planning permission was previously granted in August 2001, is still not at such an advanced stage that the application can be determined in light of the most fundamental change which is that Longtown is no longer identified as a main village.
- 6.3 As regards the issue of the status of the site, English Heritage confirm that until such time as the Secretary of State confirms the descheduling of this site, Scheduled Monument Consent would be required. The Chief Conservation Officer recommends

further excavation. Excavation has already taken place prior to determination of the previously approved extant planning permission. Discoveries were made, nevertheless this had not resulted in the Chief Conservation Officer recommending refusal for the planning permission granted in August 2001. Therefore, there are considered to be no matters raised relating to whether or not the site is descheduled in future or not that alters the approach of the local planning authority to the site.

- 6.4 The block plan that accompanied the application is an illustrative one only. The number of dwellings provided and the proximity of the site entrance, to that of the adjacent school and to that of a residential development diagonally opposite has resulted in a number of issues being raised by local residents and those connected with the Community School. The access point is not fixed at this stage, nor is the layout or indeed the number of dwellings. However it is evident that a new entrance would need to be provided for on the frontage of the development site, as previously, between the school entrance and to that of Penbailey. The Head of Engineering and Transportation has responded that subject to adequate visibility splays being provided no objection is raised. The provision of those splays would improve visibility particularly forward visibility along the stretch of the Class III road. It would be anticipated that pedestrian traffic hopefully new pupils at the school could take the short walk to school, and that motor vehicles knowing the peak period for traffic particularly in the morning would stagger their journeys accordingly. The behaviour of motorists, such as parking on zig zag lines does not directly relate to the merits of the planning application.
- 6.5 The final issue is the one relating to the form the development takes which is a requirement of Policy SH.8 in particular, in the South Herefordshire District Local Plan. The plans submitted are for illustrative purposes and provide for a mix of housing types, although some local residents and the Parish Council would seek affordable housing. The extant planning permission was not conditional such that affordable housing had to be provided, and given the site falls within the settlement boundary, officers could only address concerns raised by seeking a mix of housing types on the site. It would be outside the remit of this application to enforce affordable housing.
- 6.6 There are considered to be no reasons for withholding planning permission given the proposal complies with policies contained in the Local Plan and Structure Plan for residential development in what is designated as a larger settlement at present, but that will lose that status under the provisions of the Unitary Development Plan.

## **RECOMMENDATION**

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

- 1. A02 (Time limit for submission of reserved matters (outline permission) )**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

- 2. A03 (Time limit for commencement (outline permission) )**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

- 3. A04 (Approval of reserved matters )**

**Reason: To enable the local planning authority to exercise proper control over these aspects of the development.**

**4. A05 (Plans and particulars of reserved matters )**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

**5. D01 (Site investigation - archaeology )**

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

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

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

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

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

**8. G11 (Retention of hedgerows (where not covered by Hedgerow Regulations) )**

**Reason: To ensure that the application site is properly landscaped in the interests of the visual amenity of the area.**

**9. H07 (Single access - outline consent )**

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

**Informative(s)**

**1. ND01 - Scheduled Monument Consent**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.





**DCSW2004/1521/L - DEMOLITION OF OUTBUILDINGS,  
INTERNAL AND EXTERNAL ALTERATIONS,  
TRELOUGH HOUSE, WORMBRIDGE, HEREFORD,  
HEREFORDSHIRE, HR2 9DH**

**For: Mr E G Clive per Berringtons, The Estate Office,  
The Vallets, Wormbridge, Hereford, HR2 9BA**

**Date Received: 13th May 2004**

**Ward: Valletts**

**Grid Ref: 43169, 31188**

**Expiry Date: 8th July 2004**

Local Member: Councillor P. G. Turpin

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

- 1.1 The site lies on the south-eastern side of the A465(T) road, by taking the unclassified road (u/c 74000) and then almost immediately turning south-west. This junction is approximately 500 metres north of the petrol filling station on the western side of the A465(T). Trelough House has access off the surfaced road to the A465(T) via some gates. The red brick and painted brick Grade II listed building can also gain access via an alternative access from the north-east of the dwelling which has a garage on its north-eastern elevation facing a range of buildings further to the north-east that have planning permission for conversion into residential units.
- 1.2 Trelough House has a semi-detached dwelling on its south-eastern end. These two separate dwellings were once one dwelling. Trelough House is the main house, the south-eastern wing is Trelough Farmhouse.
- 1.3 It is proposed to demolish a modern garage and wood store and cloak room on the north-east elevation. A boundary will be more properly defined by erecting a vertically boarded fence. The other proposals entail the retention of a bathroom created already in bedroom 3, and to remove an unsympathetic French window (W2) with a window that matches an adjoining one (W3). Also on the same elevation, the south west, it is proposed to open up a blocked up doorway. A new solid oak boarded door will be installed into this doorway. Also internally, two internal doorways leading from the boiler room will be blocked up, these doorways lead into a larder and dry store.

## **2. Policies**

### **2.1 Planning Policy Guidance**

PPG.15 - Planning and the Historic Environment

### **2.2 South Herefordshire District Local Plan**

Policy GD.1 - General Development Criteria  
Policy C.27B - Alterations or Additions to Listed Buildings

### 2.3 Unitary Development Plan

Policy S.2	-	Development Requirements
Policy HBA.1	-	Alterations and Extensions to Listed Buildings
Policy HBA.2	-	Demolition of Listed Buildings

### 3. Planning History

3.1 No relevant history relating to this site identified.

### 4. Consultation Summary

#### Statutory Consultations

4.1 All the amenity groups, Victorian Society, SPAB, Ancient Monuments Society and the Georgian Group have been consulted, to date no responses have been received.

#### Internal Council Advice

4.2 The Chief Conservation Officer raises no objections, but requests further details for the new window and door.

### 5. Representations

5.1 In a letter that accompanied the application the applicant's agent states:

i) Demolition of Outbuildings

- a) Demolition of single garage. The building to be carefully demolished and the materials carted away from site. Existing door at D1 to be retained as external door; brickwork to be made good against main walls of house. window to be reinstated.
- b) Demolition of existing WC and wood shed. This building to be carefully taken down. The brickwork to the main walls of the house to be made good. The existing doorway at D2 to be retained as external door. The gable wall of the outhouse to be retained but reduced in height and made good. It is being retained as boundary wall to the property.
- c) New boundary fence to be erected along the line shown on the plan consisting of post and solid vertical, softwood boarding (tannalised/creosoted to dark wood stain).

ii) Alterations to Fenestration on South West Elevation

It is proposed to remove the existing French window (totally out of character and out of keeping) and to reinstate the window to original pattern and design (to match adjoining window W3).

iii) Open up former door opening at D3

The structure of the former door opening is plainly visible from inside and out. Externally the garden steps still exist, which served this former doorway. The proposed new door to be a solid boarded oak door.

## iv) Internal Alterations - Retention of existing bathroom at first floor

Consent is sought to retain the existing bathroom formed within bedroom number 3.

## v) Internal Alterations - Larder and Storeroom

Both these rooms form part of a flying freehold with the adjoining property at Trelough Farmhouse. It is proposed to simplify the legal boundaries between the two properties by making a clear division. The doorways at D4 and D5 to be blocked up and bricked in. The larder and storeroom to be reincorporated into Trelough Farmhouse as store cupboards.

5.2 The Parish Council have not responded.

5.3 One letter of objection has been received from:

B. M. Clark, Wormbridge Court, Wormbridge, HR2 9EN

The following main issues are raised:

- house needs a garage, would lose its only garage. Represents loss of amenity
- house has open fire, needs log and fuel store
- no outbuildings traditionally associated with building of this size
- 'garage' former scullery, substantially built has very large timbers and flagstones on the floor. Corrugated steel roof neglected
- established pedestrian and vehicular right of way would be lost if garage removed
- building attached to log store has only ground floor wc and wash hand basin, useful for family and disabled, buildings of Victorian vintage in sound condition
- blocking up pantry and dry food store doorways, useful facility
- understand work has started.

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 There are considered to be two main issues, one relating to demolition of outbuildings and the second is the provision of a new doorway and window in the south-west elevation of the Grade II Listed dwelling.

6.2 It is considered that notwithstanding the objections raised, the works proposed are to buildings that do not enhance the Listed building nor have intrinsic historical or architectural interest. This is endorsed by the Chief Conservation Officer. The garage is a greatly modified building that falls into the category of building described above. There are considered to be no material planning reasons for not allowing the demolition of the outbuildings requested, indeed their removal will enhance the appearance of the Grade II Listed building on the north-east elevation.

6.3 No objections have been raised to the installation of a new door, into a blocked up doorway, and a new window where there would have been one originally, and where at present there are French windows. The details of the new window and door will need to be made a condition of the listed building consent. The bathroom installed in room 3

is acceptable as is the blocking up of two internal doorways that lead to the larder and dry store off the kitchen.

- 6.4 There are considered to be no material grounds for withholding listed building consent for works proposed that will enhance the architectural interest of this dwelling that comprises what was a larger house set back from the A465(T).

**RECOMMENDATION**

**That listed building consent be granted subject to the following conditions:**

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

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

- 2. **C02 (Approval of details )**

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

**Informative(s):**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**DCSE2004/1569/F - REPLACEMENT EXTENSION WITH DORMER WINDOW, SUN ROOM TO FRONT OF PROPERTY, LOFT CONVERSION WITH VELUX ROOFLIGHTS AND VARIOUS ALTERATIONS AT 1 THE SQUARE, GOODRICH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6HX**

**For: Mr D & Mrs RAC Owens, 1 The Square, Goodrich, Ross on Wye, Herefordshire HR9 6HX**

**Date Received: 30th April 2004    Ward: Kerne Bridge    Grid Ref: 57474, 19473**

**Expiry Date: 25th June 2004**

Local Member:    Councillor Mrs. R. F. Lincoln

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

- 1.1 The site is located within the village of Goodrich to the north-east of Ye Hostellerie Hotel. The dwelling forms the southern end of a terrace of six houses.
- 1.2 The proposal is to erect a two-storey and a single storey extension at the southern end facing into the applicants' garden and also to convert the roof space into bedrooms/playroom which will involve the insertion of three rooflights into the southern roof slope. The proposal also involves alterations to windows on the southern elevation and the insertion of a new bedroom window at first floor level in the existing wall on the east elevation.

## **2. Policies**

### **2.1 Planning Policy Guidance**

PPG1                    General Policy and Principles

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

Policy H18	Residential Development in Rural Settlements
Policy H16A	Development Criteria
Policy CTC1	Development in Areas of Outstanding Natural Beauty
Policy CTC2	Development in Areas of Great Landscape Value
Policy CTC9	Development Criteria

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

Policy GD1	General Development Criteria
Policy C5	Development within AONB
Policy C8	Development Within Area of Great Landscape Value
SH23	Extensions to Dwellings

**2.4 Herefordshire Unitary Development Plan**

Policy S2	Development Requirements
Policy DR1	Design
Policy H18	Alterations and Extensions

**3. Planning History**

- 3.1 SH931341PF Private Garage - Approved 19.01.94

**4. Consultation Summary**Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Head of Engineering and Transportation has no objection.

**5. Representations**

- 5.1 The Parish Council observe:

One letter of objection received (enclosed). Residents objection noted but the Parish Council has no objection.

- 5.2 A letter of objection has been received from Mr. T. and Mrs. T. Lafford, 2 The Square, Goodrich, Ross on Wye, Herefordshire HR9 6HX. The main points being:

- proposed upstairs window on east elevation will overlook objectors' garden which is not overlooked and will result in loss of privacy,
- extension will cast shadow in objectors' garden,
- the site plan does not clearly show the vicinity of objectors land in relation to the applicants' dwelling,
- access to objectors's land would be required for scaffolding etc. but as yet no permission has been sought or granted for this.

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 and its effect on neighbouring properties. Also the effect the proposed new bedroom window to be inserted in the existing wall of the applicants' dwelling will have on the neighbours' garden. Policies SH23 and GD1 of the Local Plan are particularly relevant in this case.
- 6.2 The proposed extension will be in keeping with the size and scale of the existing dwelling which will remain the dominant feature of the resultant extended dwelling. The proposed external materials i.e. stone and slates are considered to be acceptable. The other alterations relating to the new window/rooflights will also be in keeping with the existing dwelling.

- 6.3 The proposed extension will not adversely affect the residential amenities of the neighbouring dwellings. With regard to the objector, the extension will not result in any adverse loss of light to either the house or the garden. In any event there is an existing hedge (approximately 2 m high) on the common boundary and also two trees (on either side of boundary) near to where the new extension will be positioned. There will also be no adverse overlooking from the new extension.
- 6.4 The proposed development does involve the creation of a new bedroom window at first floor level in the existing wall of the dwelling on its east elevation. This elevation faces towards the objectors' garden. The window will look at an angle towards the objectors' lawn however it is not considered that it will adversely affect their residential amenities. There is an existing first floor window on the south elevation of the applicants dwelling which also looks towards the objector's garden however this is partially obscured by the existing small trees on the boundary. The same applies to windows on the dwelling on the eastern side of the objectors' garden. In any event the proposed new window in itself would not require planning permission and as such it is not considered that planning permission could be reasonably withheld on this basis, as the applicant can insert a window in an existing wall at any time.
- 6.5 In conclusion it is considered that the proposed development will be in keeping with the size and design of the existing dwelling and will not adversely affect the residential amenities of any neighbours. As such the proposals will be in accordance with planning policies in particularly policies GD1 and SH23 of the Local Plan which relate to development criteria in general and extensions to dwellings.
- 6.6 A recent inspection has revealed the presence of a protected species (bats) within the roofspace. Although the loft conversion is included as part of the development proposed it would not require planning permission. However the applicant should be advised that the presence of the protected species should be taken into account.

## **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 B07 (Stonework laid on natural bed )**

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

**4 The slates to be used externally on the roof shall match those on the existing dwelling unless otherwise first agreed in writing by the local planning authority.**

**Reason: To ensure the development is satisfactory in appearance.**

5 The rooflights shall be flush with the roof slope.

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

6 Before any work commences on site details of the external materials and finish intended for the sides and gable of the new dormer window shall first be submitted to and be subject to the prior written approval of the local planning authority.

Reason: To ensure that the development is satisfactory in appearance.

**Informatives:**

1 N03 - Adjoining property rights

2 N14 - Party Wall Act 1996

3 The applicants should be aware that this planning permission does not override any civil/legal rights enjoyed by adjacent property owners. If in doubt the applicants are advised to seek legal advice on the matter.

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

5 The attention of the applicant is drawn to the provisions of the Wildlife and Countryside Act 1981 (as amended). This gives statutory protection to a number of species and their habitats. Other animals are also protected under their own legislation. Should any protected species or their habitat be identified during the course of the development then work should cease immediately and English Nature should be informed. English Nature can be contacted at: Hereforshire and Worcestershire Team, Bronsil House, Eastnor, Ledbury, Herefordshire, HR8 1EP or telephone 01531 638500.

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**DCSE2003/3528/F - THE PROVISION OF EXTERNAL REAR ROOF MOUNTED AIR CONDITIONING DUCTS AND PIPES TO EXISTING SHOP PREMISES.**

**DCSE2003/3530/L - THE PROVISION OF EXTERNAL REAR ROOF MOUNTED AIR CONDITIONING DUCTS AND PIPES TO EXISTING SHOP PREMISES. INSTALLATION OF SHOP FIXTURES AND FITTINGS. FASCIA SIGNAGE AND PROJECTING SIGN.**

**DCSE2003/3677/A – NON ILLUMINATED SHOP FASCIA SIGN AND PROJECTING SIGN**

**AT 33 HIGH STREET, ROSS-ON-WYE, HEREFORD, HR9 5HD**

**For: Mr & Mrs R Woods per J W Brammer of Thorntons plc, Thornton Park, Somercotes, Derbyshire DE55 4XJ**

**Date Received: 26th November 2003**

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

**Grid Ref: 59929, 24093**

**Expiry Date: 21st January 2004**

Local Members: Councillor G. Lucas and Councillor M.R. Cunningham

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

- 1.1 This site is located within the town centre of Ross on Wye near to the "Market House". The building in question is a shop which forms part of a row of buildings which front onto the High Street. The building is a Grade II Listed building. The two upper floors of the building are used as a single residential flat. Work is currently underway to form two dwellings in the rear of the premises.
- 1.2 These applications for planning permission and Listed building consent are for two roof mounted air conditioning ducts to serve the shop premises. The Listed building application also includes the creation of a fascia and a projecting sign at the front of the shop premises, both non-illuminated. An application for advertisement consent has also been submitted. The submitted details on all these applications are revised details from that originally submitted in the applications.

## **2. Policies**

### **2.1 Planning Policy Guidance**

PPG1

General Policies and Principles

PPG6	Town Centre and Retail Development
PPG15	Planning and the Historic Environment
PPG19	Outdoor Advertisement Control

## 2.2 Hereford and Worcester County Structure Plan

Policy CTC1	Areas of Outstanding Natural Beauty
Policy CTC9	Development Requirements
Policy CTC15	Conservation Areas
Policy S1	Retail Development in Town Centres

## 2.3 South Herefordshire District Local Plan

Policy GD1	General Development Criteria
Policy C5	Development within AONB
Policy C27B	Alterations or Additions to Listed Buildings
Policy C29	Setting of a Listed Building
Policy C23	New Development affecting Conservation Areas
Policy C26	Advertisements affecting Conservation Areas and Listed Buildings
Policy C50	Advertisement Control
Policy RT1	Ross on Wye Town Centre
Ross on Wye 16	Conservation Areas
Ross on Wye 18	Advertisement Signs

## 2.4 Supplementary Planning Guidance

1	Design of Shopfronts and Advertisements
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## 2.5 Herefordshire UDP (Revised Deposit Draft)

Policy S2	Development Requirements
Policy S5	Town Centres and Retail
Policy DR1	Design
Policy TCR1	Central Shopping and Commercial Areas
Policy CA1	Areas of Outstanding Natural Beauty
Policy HBA1	Alterations and Extensions to Listed Buildings
Policy HBA4	Setting of Listed Buildings
Policy HBA6	New Development within Conservation Areas
Policy HBA10	Shopfronts
Policy HBA11	Advertising

## 3. Planning History

3.1	SE2002/3795/F	Demolition of rear of shop. Conversion of part of shop and extension to form two new dwellings. New shopfront.	-	Planning Permission 10.02.03
	SE2002/3796/L	Demolition of rear of shop. Conversion of part of shop and extension to form two new dwellings. Alterations to shop and flat. New shopfront.	-	Listed Building Consent 10.02.03
	SE2003/2020/F	Change of use to Class A3.	-	Planning Permission 08.10.03

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 English Heritage have no objection to the applications.

##### Internal Council Advice

- 4.2 Head of Engineering and Transportation has no objection but recommends certain conditions with regard to the advertisement application.
- 4.3 Head of Environmental Health observes that the revised proposals are much more suitable than originally submitted and suggests that any approval includes a condition relating to noise levels.
- 4.4 The Chief Conservation Officer has no objections to the revised proposal.

#### 5. Representations

- 5.1 The applicants' agent observes:

The company name for the dealership will be Hallmark Cards and consequently their name now appears on the revised drawing for the signs. Also the air conditioning roof mounted ducts in the revised scheme are now slimmer, smaller and more discreet and are repositioned and as such will be less obvious.

- 5.2 The Town Council observe:

SE2003/3677/A - No objections.

SE2003/3528/F - No objection provided they are not seen from the road (original proposal). No response received on revised details.

SE2003/3530/L - No objection (original proposal). No response received on revised details.

- 5.3 One letter of support received from Jonathan Preece, 53 Broad Street, Ross on Wye, Herefordshire HR9 7DY. The main points being:

- support application to provide air conditioning ducts to roof of shop,
- it is very difficult for retailers to function without air conditioning.

- 5.4 A letter of objection has been received with respect to the revised details for SE2003/3528/F and SE2003/3530/L from DA and JM Campkin, 8 Maitland Road, Reading, Berks PG1 6NL. The main points being:

- as owners of the neighbouring property it is considered that although the revised plans for the air conditioning equipment are an improvement to the previous design, the proposed intake and exhaust cowls are located too close to the boundary of property,
- the proposed air conditioning equipment will have detrimental affect on objectors' property due to loss of amenity value, noise pollution particularly during unsociable hours of operation and also smell,
- the applications should be refused and the air conditioning intake and exhaust should be moved much further away from the boundary with objectors' property

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

## **6. Officers Appraisal**

- 6.1 The main issues relate to the effect on the visual appearance and character of this Grade II Listed building, its setting and the Conservation Area. Also the effect on the residential amenities of the neighbouring properties and in particular the upstairs flat contained within the neighbouring property owned by the objector. The main policies in the Local Plan which directly relates to this development are GD1, C27B, C26, C50 and Ross on Wye Policies 16 and 18.
- 6.2 The two air ducts, which have already been inserted, are positioned on the single storey section of the building situated between the three storey section on the road frontage and the two storey section at the very rear of the building. The air ducts are grey in colour and match the colour of the sloping metal roof on this section of the building. The air ducts are not obtrusive and are hidden from general view. The air ducts will not adversely affect the character, setting or visual appearance of this Grade II Listed building, the adjacent Grade II\* Listed building nor the Conservation Area. The Council's Environmental Health Officer was formally consulted on the planning application and a copy of the objection letter was supplied for his information. It is considered that the air conditioning ducts will not adversely affect the residential amenities of the occupiers of the adjacent properties nor the occupiers of the objectors' flat, especially if a condition relating to noise levels is imposed on the approvals.
- 6.3 The exhaust air duct (nearest to the western boundary) has been positioned approximately 1.3 metres further to the front than shown on the submitted drawings. However this will not have any significant effect on the aforementioned matters. A revised drawing showing its correct position will be required and as such it is considered appropriate to recommend that the applications be delegated to officers to determine following receipt of the required drawing.
- 6.4 It should be noted that the adjacent property to the east (not the objectors) has four existing air conditioning units on the roof of a much older design.
- 6.5 With respect to the applications relating to the advertisement signs, the signs are considered to be acceptable and in accordance with the approved planning policies and the Council's Supplementary Planning Guidance. These signs are already in place, however the projecting sign has been repositioned to the eastern end of the shop frontage. Again it is considered appropriate to delegate the applications to officers to determine subject to the receipt of drawings showing the correct position of the projecting sign.
- 6.6 In conclusion it is considered that the development is acceptable and in accordance with planning policies and guidance.

## **RECOMMENDATION**

**That subject to the receipt of suitably amended drawings that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission, Listed Building Consent and advertisement consent subject to the following conditions and any additional conditions considered necessary by officers:**

With respect to DCSE2003/3528/F

1 A09 (Amended plans )

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

2 The ventilation/air conditioning shall be designed and operated such that the noise level from the discharge shall not exceed 45 dB Laeq, 8hrs between 23.00 - 0700 hrs, nor shall exceed 55dB LAeq, 8 hrs between 0700 - 2300 hrs, as measured 1 metre from the rear facade of 33A High Street.

Reason: To protect the residential amenities of occupants of adjacent properties.

Informative:

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

With respect to DCSE2003/3530/L

1 A09 (Amended plans )

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

Informative:

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

With respect to DCSE2003/3677/A

1 I01 (Time limit on consent )

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

2 A09 (Amended plans )

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

3 H23 (Canopies/signs/projections over the highway )

Reason: In the interests of highway safety.

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.



**DCSE2004/0967/A - EXTERNALLY ILLUMINATED  
FASCIA AND PROJECTING SIGNS,**

**DCSE2004/0968/L - EXTERNALLY ILLUMINATED  
FASCIA AND PROJECTING SIGNS**

**SPAR STORE, 37 HIGH STREET, ROSS-ON-WYE,  
HEREFORDSHIRE, HR9 5HD**

**For: Capper & Co Ltd, Lanelay Road, Talbot Green,  
Pont y Clun, Mid Glam, CF72 8XX**

**Date Received: 17th March 2004 Ward: Ross-on-Wye West Grid Ref: 59901, 24103  
Expiry Date: 12th May 2004**

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

**1. Site Description and Proposal**

- 1.1 This site is located in the centre of Ross-on-Wye near to the 'market hall' and is currently used as a shop. The building is a Grade II Listed building.
- 1.2 These applications for Listed Building Consent and Advertisement Consent are for a replacement fascia sign and projecting sign. The fascia sign is externally illuminated from above and the projecting sign is internally illuminated. These signs have already been put in place.

**2. Policies**

**2.1 Planning Policy Guidance**

PPG.1	-	General Policy and Principles
PPG.6	-	Town Centre and Retail Development
PPG.15	-	Planning and the Historic Environment
PPG.19	-	Outdoor Advertisement Control

**2.2 Hereford and Worcester County Structure Plan**

Policy CTC.1	-	Areas of Outstanding Natural Beauty
Policy CTC.9	-	Development Criteria
Policy CTC.15	-	Conservation Areas
Policy S.1	-	Retail Development in Town Centres

**2.3 South Herefordshire District Local Plan**

Policy GD.1	-	General Development Criteria
Policy C.5	-	Development within Area of Outstanding Natural Beauty
Policy C.27B	-	Alterations or Additions to Listed Building
Policy C.23	-	New Development affecting Conservation Areas

Policy C.26	-	Advertisements affecting Conservation Areas and Listed Buildings
Policy C.29	-	Setting of a Listed Building
Policy C.50	-	Advertisement Control
Policy RT.1	-	Ross-on-Wye Town Centre
Policy T.3	-	Highway Safety Requirements
Ross-on-Wye 16		Conservation Areas
Ross-on-Wye 18		Advertisement Signs

## 2.4 Supplementary Planning Guidance

1	-	Design of Shop Fronts and Advertisements
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## 2.5 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S.5	-	Town Centres and Retail
Policy DR.1	-	Design
Policy TCR.1	-	Central Shopping and Commercial Areas
Policy CA.1	-	Areas of Outstanding Natural Beauty
Policy HB.1	-	Alterations and Extensions to Listed Buildings
Policy HBA.6	-	New Development within Conservation Areas
Policy HBA.10	-	Shop Fronts
Policy HBA.11	-	Advertising

## 3. Planning History

3.1	SH970051LA	Removal of existing shop front and installation of new shop fronts	-	Listed Building Consent 19.02.97
	SE2002/3860/F	Alteration of shop front and new door and stair to first floor	-	Planning Permission 14.02.03
	SE2002/3861/L	Alteration to shop front and new door and stair to first floor	-	Listed Building Consent 14.02.03

## 4. Consultation Summary

### Statutory Consultations

4.1 English Heritage does not wish to make any representations.

### Internal Council Advice

4.2 The Head of Engineering and Transportation recommends that any permission includes certain conditions.

4.3 The Chief Conservation Officer observes: The new fascia sign is an improvement on the previous sign and on balance would not object. However would object to the internally illuminated projecting sign which is contrary to the Council's Supplementary Planning Guidance 1 - Design of Shop Fronts and Advertisements. Also the County Archaeologist has no comments to make.



## 5. Representations

- 5.1 The applicant's agent states: "The store is being refitted to a very high standard and part of the imagery is to upgrade the fascia. Chosen the conservation fascia which takes away a lot of the red."
- 5.2 The Town Council observes: No objections.
- 5.3 Three letters of objection have been received from:

Ross-on-Wye and District Civic Society  
Mr. O. McCarthy, Waterfall Antiques, 2 High Street, Ross-on-Wye, Hereford, HR9 5HL.  
Mrs. D. Wyatt, Withy Cottage, Hoarwithy, Herefordshire, HR2 6QS

The main points being:

- all other shops at the Market Place have pleasing suitable fascias and hanging signs. This large white sign has bold red letters lit by a neon tube which shines across the road
- out of keeping and will create precedent for similar signs in Ross Conservation Area
- this area of town is of historic importance with listed buildings around the historic market place. To allow this white plastic sign would be a disaster, a wooden sign would be preferable. Signs should be in keeping with rest of High Street.
- there is plenty of illumination outside the shop and a large street light next to the building
- disregard to planning law and has a detrimental effect on the listed building
- work already carried out and illumination provided by a neon tube, and the resultant glare is out of place in this location in this particularly sensitive area by the Market Hall.

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

## 6. Officers Appraisal

- 6.1 The main issues relate to the visual appearance and character of this grade II listed building and its setting in the Conservation Area and also to highway safety. The most relevant policies in the local plan are Policies GD.1, C.26, C.27B and Ross-on-Wye Policies 16 and 18.
- 6.2 The previous fascia sign was a long white sign with the name SPAR in red capital letters plus the green 'tree' logo. The new fascia sign is also a long white sign with a green 'tree' logo but with the name SPAR in white letters on a red background. The sign is externally lit by a tough light above the word 'SPAR' only. The new fascia is similar to the previous sign in size and design and is considered to be acceptable and in accordance with planning policies and planning guidance. The external lighting is also considered to be acceptable.
- 6.3 The projecting sign is a small mostly red internally illuminated sign. This sign is considered to be unacceptable as it is non traditional in its form and nature and out of keeping with the visual appearance and character of the area. This sign is contrary to the advice contained in the Council's Supplementary Planning Guidance which

encourages the use of more traditional hanging signs in the form of a painted board sign hanging from a metal support. This sign is also considered to be contrary to the policies contained in the local plan.

- 6.4 In conclusion it is considered that the fascia sign is acceptable and can be approved whilst the projecting box sign is considered to be unacceptable and should be refused.

## **RECOMMENDATION**

**With respect to DCSE2004/0967/A**

**That: (i) with respect to the fascia sign advertisement consent be granted subject to the following conditions:**

- 1. I01 (Time limit on consent )**

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

- 2. The lighting over the fascia sign must be directed away from the public highway and no light source shall produce more than 2Lux horizontal or vertical illuminance at any adjacent property boundary.**

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

**That: (ii) with respect to the projecting box sign advertisement consent be refused for the following reason:**

- 1. The internally illuminated projecting box sign due to its appearance, form and design is considered to be out of keeping and detrimental to the character and visual appearance of this Grade II Listed building, street scene and the town conservation area. As such the sign is considered to be contrary to Policies CTC.9 and CTC.15 of the Hereford and Worcester County Structure Plan, Policies GD.1, C.23, C.26, C.27B, C.29, C.50 and Ross-on-Wye 16 and 18 of the South Herefordshire District Local Plan and also the provisions/advice contained within the Council's Supplementary Planning Guidance 1 'Design of Shop Fronts and Advertisements'.**

**With respect to DCSE2004/0968/L**

**That subject to the applicant agreeing to delete the projecting box sign from the scheme and the receipt of suitably amended plans to that effect, officers named in the Scheme of Delegation to Officers be authorised to issue Listed building consent subject to the following conditions and any additional conditions considered necessary by officers:**

- 1. A09 (Amended plans)**

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

**Informative(s):**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**DCSE2004/1829/F - INSTALLATION OF 3 ADDITIONAL ANTENNAS ON THE EXISTING TOWER FOR VODAFONE. NTL TRANSMITTING STATION, LARRUPERZ COMMUNITY CENTRE, OFF STATION ROAD, ROSS ON WYE, HEREFORDSHIRE**

**For: NTL per M Smith, Site Solutions, Crawley Court, Winchester, Hampshire, SO21 2QA**

**Date Received: 19th May 2004      Ward: Ross-on-Wye East      Grid Ref: 60529, 24306  
Expiry Date: 14th July 2004**

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

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

- 1.1 This telecommunications mast is situated within the grounds of the Larruperz Community Centre and is about 10 m from the north-east corner of the building. The triangular lattice tower is 20 m high with 3 antennas between 13 m and 15.4 m. Planning permission has been granted for 4 further antennas (Orange) but these have not been installed. It is now proposed to install 3 additional antennas at the same height and bearing as those existing. These would be UMTS antennas which facilitate Third Generation (3G) services.
- 1.2 A public footpath adjoins the north side of the transmitting station with the Ashburton Industrial Estate to the north of that. To the east is Ryefield Road and to the west of the Larruperz Centre are houses. A row of tall conifers and several mature trees including two pines grow close to the station.

## **2. Policies**

### **2.1 Planning Policy Guidance**

PPG8                                      Telecommunications

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

Policy CTC1                              Areas of Outstanding Natural Beauty

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

Policy C2                                      Settlement Boundaries  
Policy C41                                      Telecommunications Development  
Policy C42                                      Criteria to Guide Telecommunication Development

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

Policy CF3                                      Telecommunications

### 3. Planning History

- |     |               |  |   |                    |
|-----|---------------|--|---|--------------------|
| 3.2 | SE2001/0218/F | 3 dual polar antennae, 1 dish antennae, 1 cabin and security fence | - | Permitted 21.03.00 |
|     | SE2001/2987/F | 4 antennae and associated equipment cabinet                        | - | Permitted 09.01.02 |

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.
- 4.2 Head of Engineering and Transportation has no objections to the grant of permission.

#### Internal Council Advice

### 5. Representations

- 5.1 The agent for the applicant (ntl) points out that:

- (1) The site owners are actively promoting sharing of their sites throughout the UK. This accords with advice in PPG8 that existing masts should be used where possible to safeguard the amenities and character of an area in preventing mast proliferation in the rural and built environment.
- (2) Vodafone already use this mast for 2G services to Ross on Wye and this proposal is to install 3 additional UMTS antennas. These are designed to be mounted in a compact, slim-line fashion which will minimise visual intrusion and have been kept to the minimum that will suit Vodafone's technical requirements.
- (3) A declaration of conformity with the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines for public exposure. Regular surveys continue to show that emissions from ntl sites are a small fraction of ICNIRP guidelines
- (4) A letter from Ross on Wye and District Community Association is included stating that they have no objections to the work proceeding.

- 5.2 Two letters of objection has been received from local residents which state that:

- (1) The tower was originally 'sold' to this area on the grounds that it would improve TV reception - or so we were told. Subsequent to the original installation additional antenna and equipment has been installed, though I do not recall any planning application for these extensions.
- (2) The mast and antennae are now extremely obtrusive, a terrible eyesore and are opposite objectors garden and house, where they impede the view. Object to any further additions and believe that another site - perhaps near the Cattle Market area would be more appropriate.

- (3) Very concerned about additional radio frequency emissions to which objector's family in particular will be exposed as house is immediately opposite the tower.

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 lattice mast would not be increased in height nor enlarged in base area by this proposal. The extra antennas would be at the same height and point in the same direction as existing antennae. This would inevitably make these attachments appear more solid and bulky and consequently more prominent. Nevertheless it is national and local policy to encourage mast sharing to avoid completely new masts being erected. The visual impact of the mast is significantly lessened by existing trees from the north and west. Tall buildings (Larrupez and Ryefield Centres also screen the mast from nearby houses to the west. It is visible however from some houses at the northern end of Ryefield Road. These houses are about 50m away. Whilst outlook from these properties would be affected it is not considered that this would be so serious as to justify refusing this application. In this sensitive location alternative sites are not readily available and it is considered that no less intrusive site is available.
- 6.2 The applicants have carried out the necessary calculation and has confirmed that the emissions are well within the internationally accepted standard. There is no reason to conclude therefore that the proposal would harm the health of local residents.

**RECOMMENDATION**

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

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

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

**Informative:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.





**DCSE2004/1637/F - CHANGE OF USE FOR WEDDINGS  
IN PART OF THE PROPERTY, HOMME HOUSE, MUCH  
MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2NJ**

**For: Mrs J D Finnigan, Homme House, Much Marcle,  
Ledbury, Herefordshire, HR8 2NJ**

**Date Received: 5th May 2004**

**Ward: Old Gore**

**Grid Ref: 65502, 32265**

**Expiry Date: 30th June 2004**

Local Member: Councillor J. W. Edwards

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

- 1.1 Homme House is located to the south west of Much Marcle. It dates originally from the 16th Century but was rebuilt in the 18th Century, and is primarily of three storeys in brick with stone dressings and a slate roof. It is Listed as Grade II\*. There are buildings to its north side which are now separate dwellings. The whole site is set in parkland. There are two access points, one onto the A449 and the other, into the centre of the village, onto the Class II B4024.
- 1.2 The site is within open countryside but does fall within Much Marcle Conservation Area. It is also within the Area of Great Landscape Value and listed as an Historic Park Garden.
- 1.3 The proposal is to use part of the house for weddings, and this will essentially involve the use of the drawing room and dining room. No physical alterations to the building are proposed. Car parking will be provided in a paddock to the north east of the house and access would be via the drive to the Class II road and not the A449. In addition the site includes the lawn area to the south which it states is "available for marquees."

## **2. Policies**

### **2.1 Planning Policy Guidance**

PPG.1	-	General Policy and Principles
PPG.7	-	The Countryside - Environmental Quality and Economic and Social Development
PPG.13	-	Transport
PPG.15	-	Planning and the Historic Environment

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

Policy CTC.2	-	Development in Areas of Great Landscape Value
Policy CTC.9	-	Development Criteria
Policy CTC.15	-	Conservation Areas

### **2.3 Malvern Hills Local Plan**

Conservation Policy	1	Preserving or Enhancing Conservation Areas
	2	New Development in Conservation Areas

	6	Protection of Listed Buildings
	8	Future Use of Listed Building Sites
	10	Alternative Uses for Listed Buildings
	11	The Setting of Listed Buildings
	14	Re-use of Large Country Houses
Landscape Policy	1	Development Outside Settlement Boundaries
	3	Development in Areas of Great Landscape Value
	8	Landscape Standards
Transport Policy	5	Special Access Needs
	6	Disabled Persons Car Parking
	7	Road Design in New Development
	11	Traffic Impact

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

Policy S.1	-	Sustainable Development
Policy E.14	-	Conversion of Large Dwellings to Employment Use
Policy HBA.3	-	Change of Use of Listed Buildings
Policy HBA.4	-	Setting of Listed Buildings
Policy HBA.6	-	New Development in Conservation Areas
Policy LA.4	-	Protection of Historic Parks and Gardens

### 3. Planning History

- 3.1 SE2003/2637/F Change of use to parking area - Refused 24.10.03  
for functions

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 English Heritage - no objections.  
4.2 Open Spaces Society - no objections.

#### Internal Council Advice

- 4.3 Head of Engineering and Transportation - no objections.  
4.4 Head of Environmental Health - no response.  
4.5 Chief Conservation Officer - no objection, subject to no hard surfacing within the car park.

### 5. Representations

- 5.1 In support the applicant states that it is not intended to be a large scale commercial business but to assist the maintenance of the estate and house. They will seek to minimise any disturbance to neighbours and access will not be onto the A449.  
5.2 Much Marcle Parish Council have no objections.

- 5.3 Ross-on-Wye & District Civic Society have no objections but suggest a ban on the use of fireworks.
- 5.4 Three letters have been received from J. Kyrle-Pope, Old Hom. The points raised are:
- concern is raised that the use of the rear courtyard by additional vehicles will cause nuisance and congestion to the three dwellings that exist
  - it is suggested that the front drive is used for all traffic
  - concerns are raised as to the shared maintenance costs of the access drive
  - the use of the rear courtyard may damage the drainage system
  - it is suggested that a limit is placed on the number of guests
  - the marquee gives potential for large gatherings in excess of 70 persons, which could cause disturbance
  - there is a more suitable location for the marquee
  - prior notification of events is requested
  - concern is raised as to the suitability of the toilet provision.
- 5.5 A representation has been received from Mr. & Ms. Corscadden-Hayward, Phillips' House, Much Marcle, HR8 2NL

This raises concerns with regard to the access, having regard to existing traffic from developments at Hellens, the use of the church, the village hall, school, additional housing and use of the Class II road, together with no indication of the size or number of events. An alternative access onto the A449 is suggested.

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 in the consideration of this proposal are the suitability of the use in this location, the effect on the building, the access/servicing/parking arrangements, the impact on the nearby dwellings and the impact on the conservation area.
- 6.2 The site is in the open countryside and, in terms of promoting sustainable development, a use that would give rise to additional traffic movements would not be expected to be appropriate. Such uses should be located in settlements so as to reduce the need to travel. However in this case the proposal involves the partial use of an existing building and historically the use of large buildings in the countryside for such uses has been accepted. In principle there is no objection to the proposal.
- 6.3 In terms of the impact on the building, no physical alterations to the structure are proposed, so effectively the Grade II\* structure will be unaffected. There will however be some impact on its setting through the provision of the car park and the marquee. However such uses will be only for temporary periods and therefore the setting of the building should not be adversely affected.
- 6.4 With regard to access and traffic there are two established points of access. However it is recognised that the access onto the A449 is not particularly suitable and certainly not for any increased use. The alternative therefore is to use the access to the Class II road. This drive passes through the parkland and enters the village by the church and then onto the Class II road. There are passing places along the drive. There are other developments in the locality of the junction that do generate traffic. However the

conclusion is that there should be no unacceptable impacts in terms of traffic. It is unlikely that the weddings will occur on a daily basis. As the proposed arrangement is considered acceptable there is no justification to seek an alternative access. The earlier refusal in 2003 involved a different area of ground and did not include the access arrangements as now currently proposed.

- 6.5 There are three dwellings immediately to the rear of the building. It is acknowledged that the use of the shared drive (rear drive) for the use could give rise to an impact on the amenities of those dwellings. However the main drive is considered to be adequate to provide access for both service vehicles and guests and therefore this impact can be avoided. The use could also give rise to noise and disturbance primarily from amplified music. However it is considered that this can reasonably be controlled.
- 6.6 With regard to the impact on the Conservation Area and the Area of Great Landscape Value, both the car parking and the marquee will have an effect. However they will only be in use for temporary periods and the direct impact will be limited. It would be important that the car park does not have a permanent hard surface having regard to the nature of the use.
- 6.7 There are other legislative controls over the use. A Licence has been granted to hold wedding ceremonies (by the Council) until 7<sup>th</sup> August, 2006. In addition approval under the Building Regulations will be required and this will cover fire safety and the capacity.

## 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. The premises shall be used for the purposes of a dwelling house and for holding of weddings and associated receptions only, and for no other purposes.**

**Reason: In order to control the specific use of the premises in the interests of local amenity.**

- 3. All vehicular traffic in connection with the operation of the use hereby permitted shall be solely by the existing main drive and onto the Class II B4024 road. There shall be no use of the access onto the Class I A449 road.**

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

- 4. The use hereby permitted shall not operate between the hours of midnight and 10.00 a.m. daily.**

**Reason: In the interests of the amenities of existing residential property in the locality.**

- 5. No amplified or other music shall be played inside the marquee at any time.**

**Reason: In order to protect the amenities of the occupiers of nearby properties.**

- 6. Any marquee erection for after wedding reception purposes may only be erected no more than two days before the date of the organised event and shall be removed no later than two days after that organised ceremony has taken place.

Reason: In order to maintain the setting of the Listed Building.

- 7. Details of any surface treatment for the car park shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The work shall be carried out as approved.

Reason: In order to protect the appearance of the locality.

**Informative(s):**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**DCSE2004/1555/F - CONVERSION OF REDUNDANT BARN TO RESIDENTIAL USE AT UPPER RUDHALL FARM, RUDHALL, ROSS-ON-WYE, HEREFORDSHIRE**

**For: Mr L Cosker per Mr T Margrett, Green Cottage, Hope Mansel, Ross-on-Wye, Herefordshire, HR9 5TJ**

**Date Received: 28th April 2004 Ward: Ross-on-Wye East Grid Ref: 62385, 25488  
Expiry Date: 23rd June 2004**

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

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

- 1.1 The application site is situated on the south-west side of the road linking the A449 and Weston-under-Penyard and between the bridge over the M50 and Rudhall House. It comprises a small range of agricultural buildings and yard. The buildings are part of a small stone 2-storey building with attached byre and a larger modern steel framed structure. The adjoining half of the former has been added to the south-western unit of a pair of semi-detached cottages (1 & 2 Rudhall Cottages). The byre extends at right angles to these cottages so that their gardens adjoin the north-eastern wall of the byre.
- 1.2 It is proposed to convert the stone agricultural building/byre into a 3-bedroom dwelling. The main change to external appearance would be the insertion of glazing along the open front of the 7-bay byre. The door in the rear elevation of the byre would be retained but blocked internally. The 2-storey section would contain 2 of the bedrooms and a bathroom, with bedroom/study living rooms and kitchen in the byre. The steel framed building would be demolished and with the yard, this land would be used for parking and as a garden. Existing stone walls would be retained.
- 1.3 The property has been marketed by local estate agents, including entries in the Council's Commercial Property Register.

## **2. Policies**

### **2.1 Planning Policy Guidance**

PPG.7	The Countryside: Environmental Quality and Economic & Social Development
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### **2.2 Hereford and Worcester County Structure Plan**

Policy CTC13	Buildings of Special Architectural or Historic Interest
Policy CTC14	Criteria for Conversion of Buildings in Rural Areas
Policy H20	Residential Development in Open Countryside

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

Policy C1	Development Within Open Countryside
Policy C36	Re-use and Adaptation of Rural Buildings
Policy C37	Conversion of Rural Buildings to Residential Use

Policy SH24 Conversion of Rural Buildings  
Policy GD1 General Development Criteria

#### 2.4 Herefordshire Unitary Development Plan – Revised Deposit Draft

Policy HBA12 Re-use of Rural Buildings  
Policy HBA13 Re-use of Rural Buildings for Residential Purposes

### 3. Planning History

3.1 SH980405PF Extension to existing barns - Refused  
24.06.98

### 4. Consultation Summary

#### Statutory Consultations

4.1 Environment Agency has no objections in principle but recommends that conditions are imposed regarding drainage.

#### Internal Council Advice

4.2 Head of Engineering and Transportation

4.3 Chief Conservation Officer expresses some concern regarding the extensive glazed areas and questions whether ventilation is practicable without opening lights.

### 5. Representations

5.1 The applicant's agent makes the following submission:

- (1) Proposals are for the conversion of the barn to form a three bedroom dwelling.
- (2) The scheme requires minimum alterations to the existing building and is based around retaining the space, character and openness of the main barn with the least possible division internally.
- (3) The adjoining cottages also dictates that a residential use would be the most appropriate form of conversion.
- (4) I confirm that market testing to find an alternative use for the barns has been carried out over the past six months with a local agent and within your own local authority property register. There has been no response and I enclose a copy of a letter from the property agent confirming this.
- (5) Also enclosed is a report from structural engineers.

5.2 One letter has been received objecting to the proposal. The objector is extremely concerned, in summary, the following reasons:

- (1) disruption to the area and my life in both short and long term would be intolerable : scheme is impractical and relates to low farm buildings adjoining my house and garden and as such is not suitable for conversion.



- (2) Objector's home would change form a semi-detached to a mid-terrace property, changing character of cottage, making it far less desirable to live here and re-sale value would drop considerably.
- (3) Privacy would be threatened on 3 out of 4 sides with proposed 2 bedrooms other side of party wall from living room, music room and bedroom. This section is part of extension to my property and should realistically belong it but was unnaturally separated many years ago. Dividing wall is just breezeblock and noise disturbance is therefore likely - music room is used for songwriting late at night.
- (4) Byre adjoins full length of garden, so no escape from noise emanating from within new house.
- (5) Vehicles on access track would pass my windows and doors (within 8 ft. of living room and bedroom) causing disturbance particularly at night. Conversely parking of objector's car (6ft. from proposed window) is difficult and manoeuvring would disturb occupants of new dwelling.
- (6) Septic tank and soakaway extend almost to byre - surely a health hazard and for maintenance part of new dwelling may have to be dug up. Drainage from roof of byre could also present problems (e.g. sheds are near boundary wall and cannot be moved).
- (7) Security measures have been taken but security could be compromised especially if new dwelling used as holiday cottage with strangers coming and going.
- (8) This unspoiled are of Herefordshire does not need more dwellings - proposed large dwelling would change everything and lead to development of adjoining field. Objector bought property because of setting and rural tranquility, nearby farm has rarely caused disturbance but this would all be destroyed if development were to go ahead.

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 3 main issues : the suitability of the building for residential use, whether the proposal respects the character of the building and the effect on the living conditions of neighbours. On the first issue, although mainly a single-storey structure the building is substantial and could be converted without significant reconstruction. It is sufficiently large to accommodate a 3 double bedroomed dwelling without being extended. Together with the cottages to which it is adjoined this 'L' shaped complex forms an attractive group of traditional rural buildings. In principle then the building is considered suitable for conversion. Marketing has been undertaken and the lack of interest is clear evidence that commercial use is not practicable. "Barn conversion" is one of the exceptions to the Council's policy to restrict residential development in the open countryside. The adjoining properties (residential) would not make a further residential property inappropriate.
- 6.2 There are few alterations to the external appearance of the buildings and glazing the byre with the windows back behind the support posts is considered to be an

appropriate design. Nevertheless it is not clear how this would be ventilated and could result in the introduction of fanlights or other unacceptable means. This needs to be resolved before permission is granted.

- 6.3 The living conditions of adjoining properties could be harmed by noise from within the proposed dwelling. However appropriate sound insulation could be provided to supplement the existing stone walls. (This would be part of the consideration under the Building Regulations). There would be no openings on the wall along the adjoining garden. Some noise and disturbance may be experienced from vehicles passing close to the front of the cottages. Nevertheless it is not considered that the harm to amenity would be sufficient to justify refusal of planning permission. Sound insulation would ensure privacy and only the access drive passing close to the cottages would have any effect. Again this is not grounds to refuse permission.

## RECOMMENDATION

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

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

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

- 2 C02 (Approval of details )**

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

- 3 Notwithstanding the provisions of paragraph 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or re-enacting that Order with or without modification) no development which would otherwise be permitted under Classes A, B, C, D, E and H of Part 1 and of the Schedule 2, shall be carried out without the prior written consent of the local planning authority.**

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

- 4 F18 (Scheme of foul drainage disposal )**

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

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

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

- 6 The modern farm building referred to on drawing no. 1057.03 shall be demolished and all materials removed from the site before the occupation of the dwelling hereby approved.**

**Reason: To protect the amenities of the occupiers of the dwelling.**

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

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

**8 G04 (Landscaping scheme (general))**

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

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

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

**10 G01 ( Details of boundary treatments)**

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

**Informatives:**

**1 The Environment Agency advises that:**

**Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers.**

**2 The Housing Manager advises:**

**Egress from bedrooms is via a long route into living room, an area of higher fire risk. Recommend smoke detectors at stairwell.**

**Consider fire escape window to ground floor bedroom as alternative means of escape.**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**DCSE2004/1019/F - PROPOSED CHANGE OF USE OF SITE FOR 10 SEASONAL CARAVANS**

**DCSE2004/1027/F - VARIATION OF CONDITION 5 OF PERMISSION SH960118PF FROM 15 TO 13 CARAVANS**

**DCSE2004/1029/F - VARIATION OF CONDITION 3 OF PLANNING PERMISSION SS980401PF TO ALLOW STORAGE OF SEASONAL TOURING CARAVANS (10) ON LAND ADJACENT TO STORAGE BUILDING**

**HAYWOOD FARM, GORSLEY, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SP**

**For: Mr D Stringer per Mr C F Knock, 22 Aston Court, Aston Ingham, Ross-on-Wye Herefordshire HR9 7LS**

Date Received: 18th March 2004 Ward: Old Gore

Grid Ref: 68014, 26822

Expiry Date: 13th May 2004

Local Member: Councillor J. W. Edwards

**1. Site Description and Proposal**

- 1.1 Haywood Farm is situated on the borders of Herefordshire and Gloucestershire. The farm and adjoining land is within Herefordshire; the access track (a bridleway) and local roads connecting to the main road network are within Gloucestershire. The property comprises a former farmhouse which has been extended, plus outbuildings and surrounding fields. Planning permission (SH960118PF) for a touring caravan site was granted permission in 1996. This related to land to the east and north of the farmhouse. Conditions (nos. 5 & 6) limited the number of caravans to 15 and the period of use from March to November only. Subsequently permission (SH980401PF) was granted to change an agricultural building into a caravan store. Storage of caravans was only allowed within the building (condition no. 3). In addition to these permitted uses Haywood Farm also has a certificated site for 5 caravans and caravan rallies are held regularly. Both these activities benefit from "permitted development".
- 1.2 In 2001 an application (SE2001/1766/F) to increase the number of caravans from 15 to 25 was refused permission and the subsequent appeal dismissed because the local road network was insufficient to accommodate any additional traffic. A later application (SE2002/1393/F) for a caravan storage compound was refused permission primarily because of additional movements of cars and caravans on the sub-standard access roads and junctions.
- 1.3 The current applications are linked. There are three proposals:

- (1) Reduction in the number of touring caravans from 15 to 13 (SE2004/1027/F).
- (2) Use of part of the existing caravan site to the north of the caravan store for siting 10 "seasonal caravans" i.e. caravans that stay on site during the season, occupied by their owners and not for hire (SE2004/1019/F).
- (3) These same caravans would be stored for the winter (November - March) on an area of land (about 25m x 13m) immediately north-west of the store (part of the area for which caravan storage was previously sought - SE2001/1393/F).
- 1.4 Caravans have been stored on land adjoining the caravan store building, despite the refusal of planning permission. The current applications have been submitted in order to remedy this breach of planning control.

## 2. Policies

### 2.1 Planning Policy Guidance

PPG.7	The Countryside: Environmental Quality and Economic & Social Development
PPG21	Tourism

### 2.2 Hereford and Worcester County Structure Plan

Policy TSM1	Criteria for Tourism Related Development
Policy TSM8	Touring Caravan and Camping Sites

### 2.3 South Herefordshire District Local Plan

Policy TM1	General Tourism Provision
Policy TM6	Holiday Caravan/Chalet/Camp Parks
Policy TM7	Improvements to Existing Holiday Caravan and Chalet Sites
Policy GD1	General Development Criteria
Policy T3	Highway Safety Requirements
Policy ED3	Employment Proposals within/adjacent to Settlements
Policy ED5	Expansion of Existing Businesses
Policy C1	Development within Open Countryside

### 2.4 Herefordshire Unitary Development Plan – Revised Deposit Draft

RSTI	Static Caravans, Chalets, Camping and Touring Caravan Sites
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## 3. Planning History

3.1	SH960118PF	Towing caravan site.	-	Permitted 12.6.96
	SH980401	Change of use to seasonal caravan store.	-	Permitted 23.11.98
	SE2001/1766/F	Variation of condition 5 of planning permission Ref. SH960118PF to increase limit of 15 caravans to 25 at any one time.	-	Appeal dismissed 11.7.02
	SE2002/1393/F	Caravan storage compound and laundry room.	-	Refused 23.9.02
	SE2002/2835/N	Reed-bed sewage treatment system.	-	Permitted 13.11.02

#### 4. Consultation Summary

##### Statutory Consultations

##### 4.1 Environment Agency comment as follows:

SE2004/1019/F - requests deferral pending additional information to allow assessment of risk of flooding.

SE2004/1027/F - has no objections to the proposal.

SE2004/1029/F - has no objections to the proposal.

##### 4.2 Forestry Commission (re SE2004/1019/F) states that the scale of the proposal is that that there will be no effect on the woodland and consequently have no comment to make.

##### 4.3 Gloucester County Council:

SE2004/1019/F - recommends that permission be refused on highway grounds for the following reasons:

The site is served by a series of narrow, substandard access roads and hazardous road junctions and such conditions are totally unsuitable to cater for increased traffic resulting from the proposed development

The proposed development would be likely to result in vehicular traffic using a designated public footpath/bridleway with the consequent risk of conflict with pedestrians/equestrians, all to the detriment of highway safety.

SE2004/1027/F - no highway objection is raised to the proposal which is welcomed as it will reduce traffic along substandard roads, sites and bridleway.

SE2004/1029/F - recommends that permission be refused on highway grounds (for the same reasons as SE2004/1019/F)

##### Internal Council Advice

##### 4.4 Head of Environmental Health has no comments on the proposals.

#### 5. Representations

5.1 The applicant's agent states that from the previous planning history of the site the overriding issue relates to caravan movements and this application incorporates a proposal to help alleviate this issue. This proposal (planning application) will result in a reduction in caravan movements of between 10 and 15% by reducing the number of touring caravans allowed by two. It is proposed that the ten seasonal caravans will be put into the storage area adjacent the storage building out of season thus reducing caravan movements to a minimum.

5.2 In addition evidence is submitted of caravan movements for each month (March-November) of 2002 and 2003 taken from the registers of the caravan park.

## 5.3 Upton Bishop Parish Council:

SE2004/1019/F - object : access is poor and any increase in number of caravans increases risk.

SE2004/1027/F - no comment.

SE2004/1029F - object : access is poor and any increase in number of caravans increases risk.

## 5.4 Gorsley and Kilcot PC:

SE2004/1019/F - objects to this application. Gloucester County Council letter dated 8.8.2001 stated that "The site is served by a series of narrow substandard access roads and hazardous road junctions". The caravan movements attached to the application do not reflect the neighbour's observations and do not appear to include Caravan Club Certified Location Site or rally traffic. Furthermore the figures indicate that more caravans arrived than left suggesting that caravans were still on site on 30th November contrary to Planning permission SH960118PF. This Planning Permission also states that "No more than 15 caravans shall be stationed on the land at any one time" for the reason "To define the terms of the permission to protect the visual amenities of the area and the amenities of the neighbours" and this application is therefore contrary to that permission.

SE2004/1027/F - has no objections.

SE2004/1029F - objects to this application. The applicant has previously applied for permission for a storage compound (Planning Application SE2002/1393/F) and this was refused but he has continued to disregard this refusal and we understand that the infringements have been reported to yourselves on several occasions.

Overall the Parish Council would like to refer to their letter dated 2nd August 2001, outlining the Parish Council concerns re this site as it feels that many of the points have not yet been resolved. The local residents have expressed their concerns and objections to the above applications and the Parish Council wishes to support them in these objections. The Parish Council feels that the applicant shows a continuing disregard of all regulations concerning the conditions of his planning permission.

5.5 Three letters of objection have been received from local residents, one of which is on behalf of 4 additional households. In summary the main reasons for objecting are as follows:

- (1) The Inspector's decision is referred to and it is strongly maintained that nothing has changed regarding narrow local roads with poor visibility and that the additional traffic would exacerbate these problems and be unsafe. This is grounds for refusal.
- (2) It is emphasised that the narrow access track is a bridleway, and is only wide enough for one vehicle. It is questioned whether caravanners have right of access as a bridleway is limited to pedestrians, cyclists, horses and the vehicles of those with properties off the bridleway.



- (3) Additional vehicles throughout the year would result from owners visiting stored caravans for maintenance and collecting for touring elsewhere.
- (4) The submitted table of vehicle movements is questioned as it does not include rallies and the certificated site. There have been 5 rallies so far this year and an estimated 1500 journeys on the bridlepath. A separate calculation based on a typical bank holiday weekend (Friday – Monday with 35 caravans plus tents each with one car making on average 2 trips each per day) results in a figure of 560 movements. In previous month 4 rallies were held with an estimated 2000 trips plus a further 300 associated with the touring site.
- (5) Priority of local Parish Councils and both Herefordshire District Council and Gloucestershire County Council is to reduce traffic on B 4221 because of notorious speeding and accident records.
- (6) One letter welcomes any decrease in the number of caravans (i.e. SE2004/1027/F) but another considers that the site owner is assuming that the restriction on numbers of caravans would not be enforced by the Council. Planning regulations have been ignored and there is currently an outstanding breach of condition notice and enforcement action has been initiated.
- (7) In effect 20 extra caravans are being sought but on a very different basis to the current site - 10 may be used as permanent homes and the other 10 let on similar terms (say to itinerant workers or migrant workers, as is thought to occur already in breach of regulations). In practice virtually impossible to differentiate (all 20 might be owner's caravans let as permanent homes). The seasonal caravans are those that have long been on the site and are owned by the site owners
- (8) Total number of caravans would be 33, well beyond earlier applications which were rejected. The caravan store has nevertheless continued and enforcement action initiated (see 6 above) which resulted in these applications.
- (9) Permanent siting would result in increased traffic.
- (10) The caravan site brought increased traffic and noise making life very unpleasant for the occupants of houses along the bridlepath and the current proposals would exacerbate these problems.
- (11) Additional caravans would be an environmental eyesore with caravans sprawled across the hillside.

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 Inspector in her decision letter regarding the proposal to increase the number of touring caravans from 15 to 25 found that "the local road network is not of sufficient capacity to adequately accommodate existing traffic. As such, it must follow that the local road network is also of insufficient capacity to accommodate the additional traffic that would occur if an additional 10 caravans were permitted to be stationed on the site. I consider that the local road network was of insufficient width and that there is inadequate visibility at the junction with the B4221 and route 3/60 to accommodate existing traffic." The appeal was dismissed therefore on highway safety grounds.
- 6.2 The applicant has sought to meet these concerns by reducing the number of touring caravans by 2, by the 10 additional caravans remaining on site all year round and being occupied only by their owners. On this basis, once the caravans have been brought onto the site there would be less movement of caravans than at present, although there may be extra cars as the owners of the 10 extra caravans may visit

Gorsley frequently during the season. However it is not considered that this situation could be controlled by planning condition without intrusive investigation of the business and of the caravan owners. It would not be practicable for example to stop hiring out and consequently caravans could be occupied throughout the season with a considerable number of extra vehicle trips. Furthermore it would be difficult to ensure that the same 10 caravans remained on site throughout the year. There would be movements on and off the site at any time during the year as caravan owners decided to site their caravans elsewhere. The Council would not be able to determine whether this was the reason for the caravan moving or whether this was an additional touring caravan. Nor could the Council readily determine whether the stored caravans were the same vehicles as the seasonal caravans. It is not clear why these static caravans need to be moved a few yards for winter storage. It is considered therefore that vehicular movements cannot be controlled and that the proposals for seasonal caravans and caravan storage could lead to additional traffic movements on the inadequate road network. Clearly this would not apply to the reduction in number of season caravans and there are no highway objection to this proposal.

- 6.3 A second concern of local residents is noise and disturbance. The area for seasonal caravans and storage would be of the furthest part of the site from residents. It may be expected from the greater numbers staying at the site that there would be some extra activities resulting in more noise and as traffic movements cannot be restricted these may add to this problem. Nevertheless it is not considered that the increase in noise and disturbance would make a significant difference to the amenities of neighbours. This was the conclusion of the Inspector in the appeal referred to above. Reference is made to other activities at Haywood Farm in addition to the 15 seasonal caravans. As noted above, caravan rallies are held at this site and there is also a certificated site (5 caravans), both under permitted development. It has not been substantiated that more than 15 caravans are regularly stationed in breach of the planning condition for the caravan park.
- 6.4 The addition of just 8 more caravans (i.e. 10 seasonal minus 2 touring caravans) on the existing caravan park site would not be visually intrusive. The area for storage would extend the park but with additional planting along the lane and by reducing ground level it is considered that there would not be significant harm to the landscape or character of the countryside.

## RECOMMENDATION

### With respect to DCSE2004/1019/F:

**That planning permission be refused for the following reason:**

- 1 The Council considers that vehicular movements associated with the development would add to the current volume of traffic to and from Haywood Farm. As a consequence the proposal would result in additional movement of cars and caravans on the narrow sub-standard access roads and hazardous road junctions which serve this caravan site, which would be contrary to the interests of highway safety. The proposal would conflict therefore with Policies TSM1 and TSM8 of the Hereford and Worcester County Structure Plan and Policies TM1, TM6, TM7, GD1 and T3 of the South Herefordshire District Local Plan.**

**With respect to DCSE2004/1027/F:**

That planning permission be granted subject to the following conditions:

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

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

- 2 No more than 13 caravans shall be stationed on the land at any one time.

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

Informative:

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

**With respect to DCSE2004/1029/F:**

That planning permission be refused for the following reason:

- 1 The Council considers that vehicular movements associated with the development would add to the current volume of traffic to and from the Haywood Farm. As a consequence the proposal would result in additional movement of cars and caravans on the narrow sub-standard access roads and hazardous road junctions which serve this caravan site, which would be contrary to the interests of highway safety. The proposal would conflict therefore with Policies TSM1 and TSM8 of the Hereford and Worcester County Structure Plan and Policies TM1, TM6, TM7, GD1 and T3 of the South Herefordshire District Local Plan.

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**DCSE2003/3710/O - ERECTION OF ONE DWELLING,  
OLD BAKERY, LAND TO REAR OF PETERSTOW  
STORES, PETERSTOW, NR. ROSS-ON-WYE,  
HEREFORDSHIRE**

**For: Mrs P Bryan per Paul Smith Associates,  
Chase View House, Merrivale Road, Ross-on-Wye  
Herefordshire, HR9 5JX**

**Date Received: 10th December 2003    Ward: Llangarron    Grid Ref: 56502, 24560**

**Expiry Date: 4th February 2004**

Local Member:    Councillor Mrs. J. A. Hyde

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

- 1.1 The application site lies to the rear of the village shop at Peterstow which is on the north east side of the A49(T). This bakery comprises a complex of single-storey buildings, most of which are in poor condition. The bakery and shop were formerly part of the same business but have been separated and the bakery closed for a number of years. Vehicular access to the bakery is through the shop car park, with a narrow drive widening to an irregular shaped area of about 0.13ha. The site is surrounded by residential properties.
- 1.2 The proposal to erect one dwelling is for outline permission and all matters except means of access are reserved for later approval. As originally submitted 3 dwellings were proposed with siting not reserved. The application however pre-supposed mains drainage which is not available in Peterstow and the application has been revised to take account of drainage problems.

## **2. Policies**

### **2.1 Planning Policy Guidance**

PPG.3            -        Housing  
PPG.13          -        Transport

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

Policy CTC.1   -        Area of Outstanding Natural Beauty  
Policy H.16A   -        Housing in Rural Areas  
Policy H.18     -        Housing in Rural Areas

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

Policy C.5       -        Development within Area of Outstanding Natural Beauty  
Policy C.23     -        New Development affecting Conservation Areas  
Policy SH.6     -        Housing Development in Larger Villages  
Policy SH.8     -        New Housing Development Criteria in Larger Villages  
Policy SH.14   -        Siting and Design of Buildings

- Policy SH.15 - Criteria for New Housing Schemes
- Policy GD.1 - General Development Criteria
- Policy ED.4 - Safeguarding existing Employment Premises

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

- Policy H.6 - Housing in Smaller Settlements
- Policy CF.2 - Foul Drainage

### 3. Planning History

- 3.1 SE2003/3733/C Demolition of bakery buildings - Conservation Area Consent granted 12.02.04

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Highways Agency has no principle objections to these proposals as the proposed use is likely to generate fewer trips and remove the likelihood of heavy goods vehicle movements than the established commercial use of the site. However in accepting this development there are some important aspects that the Highways Agency have directed planning conditions to ensure that the site operates as safely as possible. These conditions relate to the permanent closure of the superfluous access to the A49 and to ensure that the remainder of the car park can be marked out in the manner prescribed in the site plan.

#### Internal Council Advice

- 4.2 Head of Conservation does not wish to object in principle from an architectural point of view.

### 5. Representations

- 5.1 The appellant's agent has submitted the following case:

- "- the application site was used, until 2001, as a bakery supplying three shops owned by the applicant and with six wholesale deliveries being made daily
- the site retains its lawful planning use and is relatively unencumbered in terms of intensity of use and hours of operation. Since the closure of this bakery the buildings and site have, unfortunately, assumed a dilapidated appearance detracting from the locality
- vehicular access to the previous bakery was severely restricted by the modest size of the site. There were approximately 38 vehicular movements per day of which 14 movements were by commercial vehicles. With no on-site turning area, these vehicles either reversed into, or out of, the bakery posing some highway danger. Delivery vehicles would often have to park on the A49(T) when a commercial vehicle was already in the bakery yard
- the applicant's proposal is to demolish the buildings and to erect one dwelling. The existing eastern vehicular access adjoining a bus stop would be closed. This, and the elimination of heavier vehicles and reduction of private vehicles visiting this site daily would improve considerably road conditions within the site and on this stretch of the A49(T). Furthermore, the use of an adjoining car park in the ownership of the applicant but used by patrons of the village stores would be

- enhanced. Only the occasional private car would pass through the car park rather than the stream of commercial vehicles one would associate with a commercial property of this size
- furthermore, the dwelling would enhance considerably the character and appearance of the site and the conservation area. The application site adjoins residential properties on three sides. Its use as housing land would be more in keeping with its surroundings than as a largely, unrestricted commercial premises
  - the village of Peterstow is identified in the adopted Local Plan as a 'larger' village to which housing is to be steered. The principle of housing on this site is therefore acceptable particularly as this proposal involves 'previously-developed' land the redevelopment of which is afforded priority in national planning guidance
  - the adopted Local Plan affords some protection of employment sites. However I would contend that the utility of this property as commercial premises is limited. Its re-use for industrial purposes - for which planning permission would not be required - would reintroduce heavy goods vehicles to this site posing a highway hazard to this stretch of the A49(T). Moreover, the continued commercial use of this property so close to housing would cause harm to the living conditions of their occupants. Therefore, the environmental, visual and highway benefits accruing from the proposed development would outweigh the value of this property as commercial premises."

## 5.2 The Parish Council makes the following objections:

"Drainage - not on mains - site not properly services in its present form.

Access - the bakery vehicles have not used the access for some years, since when the trade of the Post Office Shop has increased considerably. The car parking/access area is already under difficulties onto and from the A49 - a further 3 - 9 car users would complicate matters too much.

Density of Dwellings - the proposed development of 3 houses (fairly large) would be excessive for the area available and would prejudice the facilities of adjoining owners.

Note of Development - application not pinned up on site at 13.01.04. All neighbours should have been informed - has this been done?

We query the comments made in the letter concerning 'Peterstow being identified as a larger village to which housing should be steered'. Since when?"

It should be noted that these objections and those in paragraph 5.3 relate to the original submission. Any further comments on the revised proposal will be reported at the Committee meeting.

## 5.3 8 letters have been received objecting to the proposal. There are 3 main reasons cited, which are summarised below:

### Drainage

- 1) the bakery drainage system did not function effectively with the result that water ponded on the land
- 2) adjoining properties have problems with their septic tanks/bio-discs with regular maintenance necessary to stop problems (e.g. backing-up). This seems to result from a rise in water table over recent years which is now high

- 3) not only would it not be possible to drainage these new houses but would exacerbate problems of adjoining properties
- 4) it is thought that unofficially these problems, including contamination by sewage is the reason for, or contributed to, closure of the bakery.

#### Access

- 5) site has no suitable access and effectively inaccessible and useless for building
- 6) existing access is through car park of village shop and there is limited visibility along busy trunk road. Shop has right to use car park in perpetuity
- 7) currently delivery vehicles (PO and retail) cannot always park in car park and have to park on footway/carriageway with consequent risk to pedestrians - this would occur more frequently if access to new development had to be maintained. Similarly servicing of shop is extremely difficult and would be made worse
- 8) conflict with shop customers
- 9) development could disrupt the village shop's trade with very serious repercussions for the business
- 10) bakery products were distributed mainly during very early hours when little traffic on highway whereas cars of occupiers of houses would be in and out throughout the day including rush hours

#### Amenities

- 11) houses on this site would spoil outlook from existing house(s), block light and result in loss of privacy
- 12) two houses built to side of one objector and planning permission for two more, and cumulatively further development would result in loss of daylight
- 13) would be overcrowded, too high density
- 14) spoil immediate natural environment (character of village?)
- 15) reduce property value and building works would cause nuisance and disruption to shop.

Two objectors were not opposed to some housing if problems could be resolved.

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 defined settlement of Peterstow and in principle residential development is encouraged (Policies H.18 and SH.6 of the County Structure Plan (HWCSP) and Local Plan (SHDLP) respectively). Policy ED.4 (SHDLP) seeks to safeguard existing employment premises within settlement unless this is outweighed by "environmental improvements and community benefits". In this case the buildings are unattractive and demolition and erection of one new dwelling would enhance the character and appearance of Peterstow Conservation Area, it is considered. This is also likely, on balance, to improve the amenities of neighbours. Furthermore the resumption of commercial use of these buildings would involve commercial vehicles using a sub-standard access and in the Highways Agency's view the proposal is likely to generate less trips and would therefore bring improvements to highway safety. It is considered therefore that there are significant benefits which outweigh the advantages to the local economy of resisting the loss of these commercial buildings. Although constrained by the position of the village store, adjoining houses and mature trees on



the site, it is considered that one dwelling could be sited which would be sufficiently far from the site boundaries to ensure that the amenities of neighbours would not be harmed unacceptably.

- 6.2 From the representations it is clear that drainage has been a problem on this site. It is understood however that the septic tank serving the shop has been removed from this site and a new drainage system installed on adjoining land. Percolation tests have been carried out and there is sufficient land for the required spreaders. The Building Control Officer advises that in his view adequate drainage can be achieved for one dwelling. The detailed design of the drainage scheme can be the subject of a planning condition. Furthermore one house is unlikely to result in greater effluent and surface water than the existing commercial building (assuming commercial use resumed). For these reasons it is considered that the proposal would be drained acceptably.
- 6.3 A third concern raised by local residents is the access. It is acknowledged that the access off the A49(T) has below standard visibility. This is compounded by the access drive passing through the shop car park with possible conflict between shop traffic (customers cars, delivery vehicles and post office vans) and vehicular traffic to and from the new property. The Highways Agency for the reason given above considers that there would be benefits to highway safety resulting from the reduction in trips plus the closure of another access to the south-east of the shop and marking out of the car park. This view assumes that a resumption of commercial use is probable. This is arguable but nevertheless with only one new house proposed it is not considered that the conflicts anticipated in the representations would be so serious as to justify refusal of planning permission.

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

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

6. F18 (Scheme of foul drainage disposal )

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

7. Prior to the occupation of the proposed dwelling the existing access to the south-east of the village shop shall be permanently closed to vehicular traffic. The means of affecting this closure shall be agreed with the local planning authority in consultation with the highway authority.

Reason: To ensure that the A49 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site and in the interests of road safety.

8. Prior to the occupation of the proposed dwelling the car parking adjacent to this property and to the village store shall be permanently marked out in the manner illustrated on the site plan drawing.

Reason: To ensure that the A49 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site and in the interests of road safety.

Informative(s):

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

Decision: .....

Notes: .....

.....

Background Papers

Internal departmental consultation replies.

**DCSE2004/1470/F - CONSTRUCTION OF A FLOOD ALLEVIATION SCHEME FOR ROSS-ON-WYE TO PROVIDE PROTECTION FROM FLOODING FROM THE RUDHALL AND CHATTERLEY BROOKS AT VARIOUS LOCATIONS ALONG THE RUDHALL AND CHATTERLEY BROOKS THROUGH ROSS-ON-WYE, HEREFORDSHIRE.**

**For: Herefordshire Council per Halcrow Group Limited,  
Red Hill House, 227 London Road, Worcester,  
WR5 2JG**

**Date Received: 11th May 2004**

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

**Grid Ref: 60551, 24704**

**Expiry Date: 6th July 2004**

Local Members: Councillors Mrs. A.E. Gray, Mrs. C.J. Davis, G. Lucas & M.R. Cunningham

**1. Site Description and Proposal**

- 1.1 This proposal which relates to the stretches of the Rudhall and Chatterley Brooks from close to their confluence with the River Wye upstream to the east side of the A40(T) relief road and to the north of Marsh Farm, Hildersley. The intention is to alleviate flooding in Ross on Wye from these brooks for an anticipated period of 200 years. 30 residential and 40 commercial properties would be protected by these works.
- 1.2 The intention is to provide flood storage capacity upstream of the relief road and to increase the capacity of the drainage system through the town. It is understood that a contributory factor in the town is that the Greytree Road culvert downstream from Five-Ways is of insufficient size, with the result that water spills over Broad Meadows and adjoining areas and properties. The additional drainage capacity will ensure that this flooding does not take place except in extreme circumstances and during flash floods.
- 1.3 The existing culvert will be maintained but when flows reach a certain level will be 'siphoned' through the new drainage system. The scheme comprises the following:
- a flood storage bund to attenuate flows on the Rudhall and Chatterley Brooks upstream of the A40. The flow of water downstream would be controlled to balance with the increased capacity of the downstream system resulting in the proposed scheme reducing the flood levels within the flood storage area compared with the existing situation;
  - enlarging the culverts to the Broadmeadow Caravan Park and Broadmeadow Industrial Estate;
  - provision of a stepped channel on the Chatterley Brook in Broadmeadow Industrial Estate;
  - enlarging the existing Chatterley Brook culvert between the disused railway line and Fiveways Pool;

- provision of a siphon constructed by tunnelling, to take excess flows from the Chatterley Culverts and discharge them back into Rudhall Brook via an outlet weir in Rope Walk Meadow;
- provision of a stepped channel on the Rudhall Brook through Rope Walk Meadow;
- the siphon will consist of a horizontal tunnel between two vertical shafts. It is proposed to construct the tunnel connecting the two shafts by 24 hour working from Homs Road car park.

1.4 There have in the past been a number of alternative schemes to resolve this long-standing problem in Ross on Wye. This proposal has been prepared by Halcrow Group Limited as consultants to Herefordshire Council. The scheme has been prepared following extensive consultation with relevant council departments and other interested parties.

## 2. Policies

### 2.1 Planning Policy Guidance

PPG25                                      Development and Flood Risk

### 2.2 Hereford and Worcester County Structure Plan

Policy CTC1                              Area of Outstanding Natural Beauty  
 Policy CTC2                              Area of Great Landscape Value  
 Policy CTC9                              -                              Development Requirements

### 2.3 South Herefordshire District Local Plan

Policy C5                                      Development within AONB  
 Policy C8                                      Development Within Area of Great Landscape Value  
 Policy C12A                                  Ramsar sites, SPA, SAC protection  
 Policy C44A                                  Flood Alleviation Schemes

## 3. Planning History

3.1 None relevant to this proposal.

## 4. Consultation Summary

### Statutory Consultations

4.1 The Environment Agency objects to the proposed development until further information is supplied regarding any risk to groundwater as the site is close to a source of potable water (Alton Court PWS) and may result in a loss of protected yield of that water.

- (1) A major section of the proposed Ross on Wye flood alleviation scheme is located within the Outer Protection Zone for the Alton Court Public Water Supply (PWS) Source Protection Zone (SPZ). Although some details have been provided on the proposals no details have been included which outline the construction of the tunnelled section which will be located well below the water table in a minor aquifer used locally for public water supply. In the absence of supporting information with the application, the Agency have concerns regarding the potential for contamination of groundwater within the SPZ as well as derogation of the yield.

- (2) Surface water in the Rudhall Brook which is located within the SPZ catchment is currently classified as being of a Fair quality according to the Agency's current General Quality Assessment data. There is however the potential for water quality to deteriorate rapidly in flood events as an outward hydraulic gradient may develop with the potential for loss of contaminated floodwater into the groundwater of the Outer SPZ for the Alton Court source.
- (3) In addition to the risk from contamination, no consideration has been made regarding the potential impact of the proposals on the groundwater flow in the aquifer within the SPZ and what impact this may have on the yield of the licensed abstraction. The abstraction takes groundwater from a number of sandstone horizons and the tunnel and shaft will be constructed through these. Physical disturbance of the flow means that there is the potential to intercept throughflow in the aquifer thus reducing the yield of the abstraction.
- (4) Further information is therefore required regarding the construction of the siphon tunnel and storage shafts. Reassurance over the construction, operation and maintenance of these structures along consideration of the groundwater regime under which they will operate will be required by the Agency before they can consider the scheme satisfactory. In addition, the applicant must also assess the potential impact from physical disturbance of groundwater flow in the aquifer as a result of the installation of shafts and the siphon tunnel.

#### 4.2 English Nature comment:

"English Nature has been in consultation over this scheme for some time and has made comments to cover many of the aspects contained in the report. The issue of crayfish, which is not included, is in hand. Overall the scheme seems a good compromise between protecting the town from flood events from the two streams and the building of an interesting landscape.

The area of wetland grassland and the improvements to the streams should give valuable and scarce wetland areas, though there is no comment about its management. Clearly the scheme needs to address the after-use management for the full biodiversity gains to be realised. Our comments about reduction of sediment loadings into the River Wye Site of Special Scientific Interest/ Candidate Special Area of Conservation have already been made, and the appropriate protocols should be in place to ensure that this happens.

English Nature will continue to comment on the detail in consultation with the Environment Agency and Halcrow."

- 4.3 Welsh Water comments that the development site is crossed by several public sewers and water mains and that no development will be permitted within the safety zone of each sewer/watermain.

#### Internal Council Advice

- 4.4 Head of Engineering and Transportation does not raise any objections to the proposal but points out that the temporary access to the car park is sub-standard and any reduction in the length of time that the top car park entrance is used as a two-way access would be welcome.

There are no objections in principle to the temporary closure and diversions of the public rights of way.

4.5 The Chief Conservation Officer advises as follows:

Landscape and Biodiversity

It is pointed out that there are opportunities offered by the scheme to enhance the biodiversity and landscape interest of the area without compromising the primary purpose of the works.

We are pleased to note that much of our comment with regard to the pre-application scoping exercise has been addressed. Remaining areas of concern are therefore limited.

Archaeology

We have no major concerns in relation to the scheme. We are satisfied in this case that the impact on the railway embankment is reasonable under the circumstances. We would recommend standard archaeological condition D01, in order that a proper archaeological watching brief can be secured on parts of the scheme. We are not of the view that this needs to be extensive.

Building Design

Further details of the grating and overflow structure are required. These could be the subject of a planning condition.

## 5. Representations

5.1 The applicant's agent makes the following points:

- (1) The scheme is a development of the general strategy of a report prepared by Halcrow in July 2002 and the result of consultation with the Environment Agency and English Nature.
- (2) The works will not require any road closures and only minimal traffic management to provide access off the public highway. However the lower car park at Fiveways will need to be closed for the duration of the works as will an area adjacent to the proposed works in Homs Road car park.
- (3) A temporary public footpath closure will be required in Homs Road car park for the duration of the works. A short permanent diversion will be sought to enable the existing footbridge over the Rudhall Brook to be relocated immediately upstream of the proposed siphon outlet structure. A temporary diversion of the footpath upstream of the A40 adjacent to the Rudhall brook will be required for the duration of the works. The footpath adjacent to the caravan park will also require a temporary closure.
- (4) An ecological Impact Assessment has been undertaken for the proposed scheme.
- (5) A report issued to the Environment Agency in March 2004 as a supporting document is attached for information. The report includes an assessment of "likely Significant Effect", undertaken as the Rudhall brook is a tributary to the River Wye, a candidate Special Area of Conservation (cSAC). Response to consultations with English nature concludes, "I consider that these proposals do

not result in a likely significant effect on the European site". A copy of the letter is submitted.

5.2 Three letters have been received objecting to or expressing concerns about the proposals. These relate primarily to the reduction in height of an area of dismantled railway west of the former Ross Station to provide material for the bund and to public rights of way issues. With regard to the former it is argued, in summary, that:

- (1) the destruction of the track bed should be preserved as an historic feature and potential sustainable transport link in the future (whether walkway, cycleway or railway)
- (2) preserving such lines is in line with Council policy e.g. T5 of Draft Unitary Deposit Plan resists demolition where potential for re-use as is the case here especially in view of its town location
- (3) value of railway lines as historic landscape features is also recognised in UDP and Policy LR2 states that "development that would adversely affect either the overall character of the landscape....or its key attributes or features will generally be resisted."
- (4) the scheme must be adapted around the redundant line which must be preserved.

The Public Rights of Way concerns are in summary as follows:

- (1) the drawings are of excellent quality but the wording of the proposals is ambiguous
- (2) the bund over/along part of footpath RR2 would create hazards for path users (a "dam" on south side of path and "canal/river" on north side) - duty of care in such matters and under Highways Act. Questioned how footpath on bund would be accessed and fenced.
- (3) How 'temporary' is temporary closure of footpaths and what are alternative routes?
- (4) urgent need for footpath adjacent to western side of relief road which would partly overcome temporary closure of ZK8.
- (5) Footpath ZK10 will also be affected as would RR2A by temporary closure of RRZ and hence need a temporary closure order.
- (6) The legal diversion and bridge works to footpath should take precedence over the proposed works.

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 Policy C44A of the South Herefordshire District Local Plan encourages "flood alleviation measures and schemes which improve the local environment, community life and/or assist the local economy by relieving properties of flooding or by enabling beneficial new development." The current scheme would ensure that a significant number of both residential and commercial properties are no longer vulnerable to flooding. In addition although the works would require some loss of trees and temporary disruption to wildlife habitats in the longer term these works are likely to be beneficial to wildlife.

- 6.2 The most significant works are below ground level (the siphon to divert water from Greytree culvert). Generally the minor building works required e.g. bridges, and new overflow structure are not in conspicuous locations. Further details are required but these can be the subject of planning conditions. The earthworks include bunds to form a flood storage area east of the A40(T) relief road, and reducing the level of the former railway embankment, together with improvements to the channels of the Rudhall and Checkley Brooks. The landscape impact of these have been given careful consideration and the changes kept to the minimum. It is not considered that this extensive scheme would cause serious harm to the visual amenities of the area.
- 6.3 Concern is raised in the representations about the loss of former railway track bed and the effect on public rights of way. The Council's policies seek to retain railway lines and features both for their landscape value and as future pedestrian, cycle or rail routes. The latter would not be compromised to any serious degree as a pedestrian route; much of the former railway line in this area has been redeveloped. In these circumstances it is considered that the benefits of the proposed flood alleviation scheme outweigh any residual disbenefits. Most of the changes to public footpaths would be temporary but further consideration is being given to the concerns raised regarding safety and convenience of walkers as a consequence of the diversion of footpath RR2.
- 6.4 The most critical issue is Environment Agency's objections and that potable water supplies could be contaminated during construction of the tunnel and that the quantity of drinking water that could be extracted is reduced. These matters were not raised in initial consultation by the applicant's consultants and any further response will be reported at the Committee meeting.
- 6.5 An ecological study has been undertaken but further surveys need to be undertaken and mitigation measures developed to protect crayfish and water vole populations. As noted in paragraph 6.1 above the completed scheme should provide improved habitats and increase biodiversity and at least with regard to crayfish it is considered that planning conditions would be adequate. English Nature has informally questioned whether the water vole study should be undertaken prior to the grant of permission and this is being considered further by the applicant. From the advice of English Nature it is clear that the conservation interests of the River Wye CSAC and SSI would not be harmed.

## RECOMMENDATION

**That subject to the Environment Agency objections being met the officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any additional conditions considered necessary by officers.**

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

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

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

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

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



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

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

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

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

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

**6 D01 (Site investigation – archaeology)**

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

**Informative(s)**

**1 N15 (Reasons for the Grant of Planning Permission)**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.

