

A G E N D A

Southern Area Planning Sub-Committee

Date: **Wednesday, 8th June, 2005**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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Tel: 01432 261885 Fax: 01432 260286*

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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 (ex-officio),
Mrs. J.A. Hyde, G. Lucas, D.C. Taylor and J.B. Williams

		Pages
ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN		
To note that, at the Annual Council meeting on 13th May, 2005, Councillor Mrs. R.F. Lincoln was re-elected Chairman and Councillor P.G. Turpin was re-appointed Vice-Chairman of the Southern Area Planning Sub-Committee.		
1. APOLOGIES FOR ABSENCE	To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES	To approve and sign the Minutes of the meeting held on 11th May, 2005.	1 - 18
4. ITEM FOR INFORMATION - APPEALS	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.	19 - 20
REPORTS BY THE HEAD OF PLANNING SERVICES		
To consider and take any appropriate action in respect of the planning applications received for the southern area and to authorise the Head of Planning Services to impose any additional or varied conditions and reasons considered to be necessary.		
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.		
5. [A] DCSE2005/1050/F AND [B] DCSE2005/1051/L - BILL MILLS, PONTSHILL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5TH	Conversion of existing buildings to 10 dwellings.	21 - 32

6.	[A] DCSE2005/0949/F AND [B] DCSE2005/0951/C - ST. JOSEPH'S CONVENT, WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5PQ	33 - 38
	Demolition of existing 1970's hall and living accommodation. Construction of new block of 8 no. flats.	
7.	DCSE2005/0795/F - SITE NEAR BODENHAM FARM, MUCH MARCLE, LEDBURY, HEREFORDSHIRE	39 - 44
	Continuation of use as equine stud farm.	
8.	DCSW2005/0993/O - VIPASSANA TRUST, DHAMMA DIPA, HAREWOOD END, HEREFORDSHIRE, HR2 8JS	45 - 50
	Renewal of permission SE2000/1038/O. Demolition of existing buildings. Redevelopment for enlarged meditation centre, comprising student sleeping accommodation, dining and kitchen facilities. Managers and teachers accommodation, workshop and offices.	
9.	DCSW2005/0224/F - HILL FARM, ABBEYDORE, HEREFORDSHIRE, HR2 0AG	51 - 56
	Change of use of agricultural buildings to equestrian use and construction of outdoor all weather riding surface. Provision of toilet/kitchen block.	
10.	DCSE2004/2973/F - BARN ADJACENT TO TRERIBBLE BUNGALOW, THREE ASHES, HEREFORD, HEREFORDSHIRE, HR2 8LS	57 - 62
	Conversion of redundant barn to form holiday letting unit.	
11.	DCSW2005/1135/RM - LAND SOUTH OF PONTILLA, LONGTOWN, HEREFORDSHIRE	63 - 68
	Construction of nine dwellings including new access to main road. Reserved matters application following outline approval ref. SW2004/1499/0 dated 7th July, 2004.	
12.	DCSE2005/1190/F - ST. JOSEPH'S RC PRIMARY SCHOOL, THE AVENUE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5AU	69 - 74
	Brick and slate construction to provide replacement hall, toilets and playground.	
13.	DCSW2005/1171/F - LAND ADJACENT TO ORCHARD COTTAGE, PENROSE GREEN, BROAD OAK, HEREFORDSHIRE, HR2 8QT	75 - 80
	Change of use from agricultural to garden land.	
14.	DCSW2005/1170/F - LAND ADJACENT TO ORCHARD COTTAGE, PENROSE GREEN, BROAD OAK, HEREFORDSHIRE, HR2 8QT	81 - 86
	Storage barn.	
15.	[A] DCSE2005/1272/F AND 15 [B] DCSE2005/1277/L - WALFORD COURT, WALFORD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5QP	87 - 92
	Demolition of, and alterations to, timber framed, steel clad barn, to create 5 car ports with stores.	
16.	DCSW2005/0720/F - LAND AT WHITEHOUSE FARM, KINGSTONE, HEREFORDSHIRE	93 - 100
	Demolition of existing buildings and erection of 24 houses with parking and/or garages, together with associated roads and sewers.	

17.	DCSE2005/1346/F - NEWTON FARM, WELSH NEWTON, MONMOUTH, HEREFORDSHIRE, NP5 3RN	101 - 112
	Alterations, repairs and extensions to existing barn for residential purposes.	
18.	DCSE2005/0879/F - WOODSIDE RESIDENTIAL HOME, REYNOLDS COURT, HILDERSLEY, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7NE	113 - 122
	Refurbishment and extension of existing home to provide 15 place day care centre and 2 crisis care flats.	
19.	DCSE2005/0830/F - SITE ADJACENT TO WHITECROFT, UPTON CREWS, NR. ROSS-ON-WYE, HEREFORDSHIRE, HR9 7UE	123 - 128
	Proposed new 4 bedroomed house, garage and access.	
20.	DCSE2005/0494/F - SITE AT CHASE WOOD, OFF FERNBANK ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5RU	129 - 140
	Proposed telecommunication installation consisting of 17.5m slimline lattice mast, 3 antenna, 1 dish, cabinets, fenced compound and ancillary development.	
21.	DCSE2005/0420/F - LARRUPERZ COMMUNITY CENTRE, SCHOOL CLOSE, ROSS-ON-WYE	141 - 146
	Erection of LPG compound + dispenser and installation of 2 no. 1 tonne 'dumpy' storage tanks.	
22.	DATE OF NEXT MEETING	
	The next scheduled meeting is Wednesday 6th July, 2005.	

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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, 35 Hafod Road, Hereford on Wednesday, 11th May, 2005 at 2.00 p.m.

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

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

In attendance: Councillor P.J. Edwards

171. APOLOGIES FOR ABSENCE

Apologies were received from Councillor T.W. Hunt.

172. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
Councillors Mrs. A.E. Gray and G. Lucas	Item 13 – DCSE2005/1084/F – Erection of three storey sheltered accommodation at: Alton Court Brewery, Station Street, Ross-on-Wye, Herefordshire, HR9 7AG	Both Members declared a Prejudicial Interest and left the meeting for the duration of the item.
Councillors H. Bramer, Mrs. J.A. Hyde and G. Lucas	Item 17 – DCSE2005/0949/F & DCSE2005/0951/C – Demolition of existing 1970's hall and living accommodation. Construction of new block of 8 no. flats at: St. Josephs Convent, Walford Road, Ross-on-Wye, Herefordshire, HR9 5PQ	All Members declared a Prejudicial Interest and left the meeting for the duration of the item.

173. MINUTES

RESOLVED: That the Minutes of the meeting held on 13th April, 2005 be approved as a correct record and signed by the Chairman.

174. ITEM FOR INFORMATION - APPEALS

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

175. DCSW2004/2177/O - LAND AT CYPRUS COTTAGE, KINGSTHORN, HEREFORD (AGENDA ITEM 5)

Site for the erection of a single dwelling.

The Principal Planning Officer advised Members that the application had been deferred on 16th March, 2005 pending further discussions with regard to visibility splays and the position of the dwelling. He said that the Highways Department had been consulted regarding the visibility splays and that they were happy to support the application.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

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

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

3. A04 (Approval of reserved matters)

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

4. A05 (Plans and particulars of reserved matters)

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

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

Reason: To prevent pollution of the water environment.

6. F48 (Details of slab levels)

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

7. G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

8. H01 (Single access – not footway)

Reason: In the interests of highway safety.

9. H03 (Visibility splays) (2m x 25m – uphill and 15m –downhill)

Reason: In the interests of highway safety.

10. H05 (Access gates)

Reason: In the interests of highway safety.

11. H06 (Vehicular access construction)

Reason: In the interests of highway safety.

12. H10 (Parking – single house)

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

13. H12 (Parking and turning – single house)

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

Informative(s):**1. HN01 - Mud on highway****2. HN04 - Private apparatus within highway****3. HN05 - Works within the highway****4. N15 - Reason(s) for the Grant of Planning Permission****176. DCSW2005/0924/F - THE WOODLANDS, ORCOP, HEREFORDSHIRE, HR2 8SE (AGENDA ITEM 6)**

Retrospective application for engineering operations to create a 60m x 20m riding arena.

Councillor G.W. Davis, the Local Ward Member, noted that there were no objections from either Llanwarne Parish Council or Orcop Parish Council and was therefore happy to support the application.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

Informative:

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

177. DCSW2005/0759/F - ROSE COTTAGE, CHAPEL TUMP, ST. OWENS CROSS, HEREFORDSHIRE, HR2 8LH (AGENDA ITEM 7)

Side and rear two storey extensions. Change of use from rear paddock to garden. Proposed garage.

The Senior Planning Officer reported the receipt of a further letter of objection from Colonel Robinson MBE.

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

Councillor G.W. Davis, the Local Ward Member, noted that the Parish Council had not objected to the application.

In response to a question, the Senior Planning Officer advised Members that condition 7 removed any permitted development rights in order to restrict any future development on the site.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

2. **A09 (Amended plans)**

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

3. B01 (Samples of external materials)

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

4 G01 (Details of boundary treatments)

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

5. E08 (Domestic use only of garage)

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

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

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

7. E16 (Removal of permitted development rights)

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

Informative(s):

1. The applicants' attention is drawn to the need to ensure that the lane is kept clear at all times during the process of development.

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

178. DCSW2005/0744/F - ALUN HOUSE GARDEN, CHURCH ROAD, PETERCHURCH, HEREFORDSHIRE (AGENDA ITEM 8)

New house.

RESOLVED

That subject to the receipt of revised plans relating to the rear of the dwelling, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any conditions considered necessary by officers:

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

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

2. A07 (Development in accordance with approved plans)

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

3. B01 (Samples of external materials)

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

4. Details of materials and finishes to all new joinery, window heads, cills,

eaves and verges, dormer windows and rooflights shall be the subject of the prior written approval of the local planning authority before any development commences on site.

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

5. H03 (Visibility splays)

Reason: In the interests of highway safety.

6. H05 (Access gates)

Reason: In the interests of highway safety.

7. H12 (Parking and turning - single house)

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

8. H27 (Parking for site operatives)

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

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

Reason: To safeguard residential amenity and prevent pollution.

10. D03 (Site observation - archaeology)

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

11. G04 (Landscaping scheme (general))

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

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

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

Informative(s):

1. ND03 - Contact Address

2. HN01 - Mud on highway

3. HN05 - Works within the highway

4. HN10 - No drainage to discharge to highway

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

179. DCSW2005/0556/F - THE HAVEN, HARDWICKE, HAY-ON-WYE, HEREFORD, HR3 5TA (AGENDA ITEM 9)

Amendment to Condition 4 of planning approval (03/1109380 – 30.07.03) to extend

education use for not exceeding 4 non-resident students.

The Principal Planning Officer reported the receipt of a further letter from the Applicant's Agent.

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

Councillor N.J.J. Davies, the Local Ward Member, noted the concerns raised by Clifford Parish Council. He also advised Members that a number of residents in his constituency had voiced concerns about the application and that he could not support it.

A number of Members noted the concerns expressed but felt that the application should be approved because of the benefit it would give to Children in Care within Herefordshire.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

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

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

Informative(s):

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

(Councillor N.J.J Davies abstained from voting on this item)

180. DCSE2005/0857/F - THE BOUNDS, MUCH MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2NQ (AGENDA ITEM 10)

Alteration of building to increase height to accommodate new press machines.

The Senior Planning Officer reported the receipt of comments from Much Marcle Parish Council who had no objections 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. **A08 (Development in accordance with approved plans and materials)**

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

Informative(s):

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

181. **DCSE2005/0863/F - THE BOUNDS, MUCH MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2NQ (AGENDA ITEM 11)**

Siting of four silo tanks (retrospective application).

The Senior Planning Officer reported the receipt of comments from Much Marcle Parish Council who had no objections to the application.

RESOLVED

That retrospective planning permission be granted.

Informative(s):

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

182. **DCSE2005/0249/F - FAIRFIELDS, BROMSASH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7PJ (AGENDA ITEM 12)**

Reinstate original vehicular access to Fairfields and close off existing access.

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

Reason: In the interests of highway safety.

3. **H03 (Visibility splays)**

Reason: In the interests of highway safety.

4. **H05 (Access gates)**

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

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

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

7. G04 (Landscaping scheme (general))

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

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

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

Informative(s):**1. N15 - Reason(s) for the Grant of Planning Permission****183. DCSE2005/1084/F - ALTON COURT BREWERY, STATION STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7AG (AGENDA ITEM 13)**

Erection of three storey sheltered accommodation.

The Southern Team Leader reported the receipt of comments from the Environment Agency and Welsh Water who had no objections to the application subject to conditions. The Traffic Manager's response had also been received with no objections raised.

Councillor Mrs. C.J. Davis, one of the Local Ward Members, noted the concerns raised by the Parish Council and felt that she could not support the application due to car parking concerns.

In response to a question, the Southern Team Leader advised Members that although this application increased the number of flats from 42 to 43, the exterior dimensions of the building would remain the same. He also advised Members that the 14 car parking spaces provided met the current car parking standards.

A number of Members felt that the car parking was sufficient and that the applicants had a reputation for providing quality homes that were well managed and organised. They also felt that the increase from 42 to 43 flats was only a minor change to the original application and that the application should be approved.

RESOLVED

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

1. **A01 (Time limit for commencement (full permission))**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. **A07 (Development in accordance with approved plans)**
Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.
3. **B01 (Samples of external materials)**
Reason: To ensure that the materials harmonise with the surroundings.
4. **C02 (Approval of details)**
Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.
5. **D02 (Archaeological survey and recording)**
Reason: A building of archaeological/historic/architectural significance will be affected by the proposed development. To allow for recording of the building during or prior to development. The brief will inform the scope of the recording action.
6. **G01 (Details of boundary treatments)**
Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
7. **G04 (Landscaping scheme (general))**
Reason: In order to protect the visual amenities of the area.
8. **G05 (Implementation of landscaping scheme (general))**
Reason: In order to protect the visual amenities of the area.
9. **H03 (Visibility splays)**
Reason: In the interests of highway safety.
10. **H05 (Access gates)**
Reason: In the interests of highway safety.
11. **H13 (Access, turning area and parking)**
Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.
12. **H21 (Wheel washing)**
Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

13. H27 (Parking for site operatives)

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

14. H29 (Secure cycle parking provision)

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

15. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

- a) a 'desk study' report documenting the history of the site and its surrounding area and likelihood of contaminant extent and type
- b) if the study confirms the possibility of contamination, a site investigation report documenting the ground conditions of the site, incorporating a "conceptual model" of all the potential pollutant linkages and an assessment of risk to identified receptors
- c) if risk assessment identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

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

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

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

17. F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

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

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

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

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

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

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

21. No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been agreed in writing by the local planning authority in liaison with Dwr Cymru Welsh Water's Network Development Consultant.

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

22. F48 (Details of slab levels)

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

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

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

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

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

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

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

Informatives:

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

(Councillors M.R. Cunningham and Mrs. C.J. Davis abstained from voting on this item)

184. DCSE2005/1118/O - HAZELNUT COTTAGE AND ADJOINING LAND, LLANGROVE, HEREFORDSHIRE. (AGENDA ITEM 14)

Site for the erection of five houses and one bungalow.

The Principal Planning Officer reported the receipt of comments from the Parish Council who objected to the application, and Welsh Water who had no objections subject to conditions. He also reported the receipt of 5 further letters of objection from local residents.

Councillor Mrs. J.A. Hyde, the Local Ward Member, noted the concerns raised by local residents. She felt that the access to the site could cause safety issues and could therefore not support the application.

RESOLVED

Subject to no further objections raising additional material planning considerations by the end of the consultation period, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

1. **A02 (Time limit for submission of reserved matters (outline permission))**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
2. **A03 (Time limit for commencement (outline permission))**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. **A04 (Approval of reserved matters)**
Reason: To enable the local planning authority to exercise proper control over these aspects of the development.
4. **A05 (Plans and particulars of reserved matters)**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
5. **H03 (Visibility splays)**

Reason: In the interests of highway safety.

6. H06 (Vehicular access construction)

Reason: In the interests of highway safety.

7. H13 (Access, turning area and parking)

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

Informative:

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

185. DCSE2005/0571/F - WYEVERN, WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5PT (AGENDA ITEM 15)

Extension / alteration to provide additional flat.

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

Councillor Mrs. A.E. Gray, one of the Local Ward Members, felt that there were already a number of issues regarding car parking on Chapel Road and that approving this application would increase the problem.

The Southern Team Leader advised Members that although there was no vehicular access from Chapel Road onto the site there was a pedestrian access. Members felt that the inclusion of any access onto Chapel Road would increase the current traffic congestion problems.

A motion that the Sub-Committee was mindful to approve the application was lost.

RESOLVED:

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

1. Traffic Congestion

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

[Note: The Southern Team Leader said that he would not refer the application to the Head of Planning Services.]

186. DCSE2005/1050/F AND DCSE2005/1051/L - BILL MILLS, PONTSHILL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5TH (AGENDA ITEM 16)

Conversion of existing buildings to 10 dwellings.

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

Councillor H. Bramer, the Local Ward Member, felt that a site inspection would assist Members given the concerns about the potential impact of the proposal.

RESOLVED:

That a site inspection be held on the following grounds:

- **The character or appearance of the development itself is a fundamental consideration.**
- **A judgement is required on visual impact.**
- **The setting and surroundings are fundamental to the determination or to the conditions being considered.**

187. DCSE2005/0949/F AND DCSE2005/0951/C - ST JOSEPHS CONVENT, WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5PQ (AGENDA ITEM 17)

Demolition of existing 1970's hall and living accommodation. Construction of new block of 8 no. flats.

The Principal Planning Officer reported the receipt of two further letters from local residents.

In accordance with the criteria for Public Speaking, Mr. Mann, a local resident, spoke in objection to the application and Mr. Spreckley, the applicant's agent, spoke in support.

Councillor Mrs. A.E. Gray, one of the Local Ward Members, felt that the new building was not sympathetic towards the existing Victorian stone villa and that approving the application would have a detrimental effect on the character and appearance of the Ross-on-Wye Conservation Area.

Councillor Mrs. C.J. Davis, the other Local Ward member, noted the concerns raised by local residents and felt that she could not support the application.

The Chairman felt that a site inspection would assist Members given the concerns about the potential impact of the proposal on neighbouring dwellings and the sensitivity of the area.

RESOLVED:

That a site inspection be held on the following grounds:

- **The character or appearance of the development itself is a fundamental consideration.**
- **A judgement is required on visual impact.**
- **The setting and surroundings are fundamental to the determination or to the conditions being considered.**

188. DCSW2005/0725/F - ROSEDALE, WELLBROOKSIDE, PETERCHURCH, HEREFORD, HR2 0SP (AGENDA ITEM 18)

Single storey extension incorporating facilities for a disabled person.

In accordance with the criteria for Public Speaking, Miss Brace, the applicant, spoke 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. A06 (Development in accordance with approved plans)

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

Informative:

1. N15 - Reason(s) for the grant of planning permission.

189. DCSE2004/2701/F - LAND AT 28 OVERROSS FARM, ROSS-ON-WYE, HEREFORDSHIRE (AGENDA ITEM 19)

Erection of detached dwelling with ancillary works.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

2. A07 (Development in accordance with approved plans)

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

3. W01 (Foul/surface water drainage)

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

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

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

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

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

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

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

Informatives:

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

190. DCSE2005/0795/F - SITE NEAR BODENHAM FARM, MUCH MARCLE, LEDBURY, HEREFORDSHIRE (AGENDA ITEM 20)

Continuation of use as Equine Stud Farm.

Councillor J.W. Edwards, the Local Ward Member, proposed that a site inspection be held given some local residents' concerns about the potential impact of the proposal.

In accordance with the criteria for Public Speaking, Mr. Morgan, representing Much Marcle Parish Council, and Mr. Bateson, a local resident, had registered to speak in objection to the application, but both decided to defer their opportunity to speak until this application was considered again after the site inspection had taken place.

RESOLVED:

That a site inspection be held on the following grounds:

- The character or appearance of the development itself is a fundamental**

consideration.

- **A judgement is required on visual impact.**

191. DATE OF NEXT MEETING

It was noted that the date of the next scheduled meeting was 8th June, 2005.

The meeting ended at 3.40 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCSW2005/0402/O**

- The appeal was received on 13th May, 2005
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr. & Mrs. C. Hooley
- The site is located at Sheppon Stables, Hoarwithy, Herefordshire, HR2 6QU
- The development proposed is Erection of single unit of residential accommodation in connection with existing and established equine activities and business on site
- The appeal is to be heard by Hearing

Case Officer: Andrew Prior on 01432 261932

Application No. DCSE2004/4025/O

- The appeal was received on 27th April, 2005
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr. M. Bundy
- The site is located at Land off B4164 adjacent to Whitchurch Fire Station, Whitchurch, Ross-on-Wye, Herefordshire
- The development proposed is Site for single dwelling
- The appeal is to be heard by Written Representations

Case Officer: Nigel Banning 01432 261974

Application No. DCSW2004/3842/O

- The appeal was received on 23rd May, 2005
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr. A.J. Watkins & Mrs. J.M. Powell
- The site is located at Site adjacent to East Cote, Pontrilas, Herefordshire, HR2 0BH
- The development proposed is Site for one house
- The appeal is to be heard by Written Representations

Case Officer: Andrew Prior on 01432 261932

Application No. DCSW2005/0033/O

- The appeal was received on 24th May, 2005
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr. & Mrs. W.D. Davies
- The site is located at Land at Upper Court, Clifford, Herefordshire
- The development proposed is Residential development of three detached two storey houses
- The appeal is to be heard by Written Representations

Case Officer: Andrew Prior on 01432 261932

APPEALS DETERMINED**Application No. DCSE2004/2716/T**

- The appeal was received on 16th November, 2004
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Hutchison 3G UK Limited
- The site is located at Security Compound 2, Broad Meadows Industrial Estate, Station Approach, Ross-On-Wye, Herefordshire
- The application, dated 9th August, 2004, was refused on 29th September, 2004
- The development proposed was Telecommunications development comprising 15m high monopole, incorporating 3 no. antennae, 1 no. 30cm transmission dish, 2 no. 60cm transmission dishes and associated cabinet equipment and compound
- The main issue is the impact of the proposed mast on the visual amenity of the area, having regard to its location in relation to the Wye Valley Area of Outstanding Natural Beauty (AONB) and its proximity to residential development.

Decision: The appeal was **UPHELD** on 11th May, 2005

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

SITE VISIT

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

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

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

Date Received: 4th April, 2005

Ward: Penyard

Grid Ref: 62553, 21661

Expiry Date: 30th May, 2005

Local Member: Councillor H. Bramer

1. Site Description and Proposal

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

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

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

2. The proposed replacement extensions, staircase tower and extension to the timber frame building, together with the car parking provision and formation of curtilages would harm the character and appearance of the listed mill buildings and their setting. The proposals would conflict therefore with the Council's policies for conversion of rural buildings including listed buildings, into residential accommodation. The relevant policies are CTC13 and CTC14 of Hereford and Worcester County Structure Plan and C36, C37, SH24, C27A, C27B and C29 of

SITE VISIT

South Herefordshire District Local Plan and Supplementary Planning Guidance:
Re-Use and Adaptation of Traditional Rural Buildings.”

2.1 Planning Policy Guidance

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

2.2 Hereford and Worcester County Structure Plan

Policy CTC2	-	Area of Great Landscape Value
Policy CTC13	-	Conversion of Buildings
Policy CTC14	-	Criteria for the Conversion of Buildings in Rural Areas
Policy H20	-	Housing in Rural Areas

2.3 South Herefordshire District Local Plan

Policy C1	-	Development within Open Countryside
Policy C8	-	Development Within Area of Great Landscape Value
Policy 27A	-	Change of Use of a Listed Building
Policy 27B	-	Alterations or additions to Listed Buildings
Policy C36	-	Re-use and Adaptation of Rural Buildings
Policy C37	-	Conversion of Rural Buildings to Residential Use
Policy SH24	-	Conversion of Rural Buildings
GD1	-	General Development Criteria

2.4 Unitary Development Plan – Deposit Draft

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

3.1	SH840069PF	Rebuild existing external staircase and toilet accommodation	-	Approved 06.03.84
	SH840070LA	Rebuild existing external staircase and toilet accommodation	-	Approved 06.03.84
	SH890775PF	Erection of extension for manufacture and storage of soft drinks	-	Approved 05.07.90
	SH890776LA	Erection of new processing factory	-	Approved 05.07.90
	SH951341PF	Two portable buildings for factory staff facilities	-	Approved 09.02.96
	SS990015PF	Continued use of two portable buildings for staff facilities (Former application SH951341PF 20.12.95)	-	Approved 12.03.99

SITE VISIT

SE2000/1727/O	Demolition of factory buildings and replacement with 19 dwellings and associated car parking, garages and access	- Refused 27.09.00
SE2000/3006/L	Conversion to five dwellings	- Approved 11.07.02
SE2000/3013/F	Conversion of mill buildings to five dwellings and erection of 12 dwellings	- Allow development EXCLUSION of the 12 dwellings and associated garaging and car parking 24.10.02
SE2003/2878/F	Conversion of existing buildings to 10 dwellings & erection of two new dwellings within replacement extensions.	- Refused 04.04.05
SE2003/2979/L	Conversion of existing buildings to 10 dwellings and erection two new dwellings within replacement extensions	- Not determined

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency has no objections, in principle, but recommends conditions regarding contamination.

Internal Council Advice

- 4.2 Traffic Manager's recommendation is awaited.
- 4.3 The Conservation Manager does object to the revised proposals.

5. Representations

- 5.1 A detailed Design Statement has been submitted. This is included as an appendix to this report. In addition the following is a summary of points made in relation to the report as included on the Agenda for 11 May 2005:

- (1) The Secretary of State's split decision was made without a drawing indicating how the residential conversion of the Mill would work with retention and active use of the factory. In order to produce a workable residential scheme it needs a curtilage and this can only be achieved by taking land from the factory.
- (2) The applicant intends to convert the half of the factory closest to the Mill to small B1 suites retaining the opposite half as a single B2 or B1 unit. Change of use permission is not required for this.
- (3) We recommend a condition requiring prior recording of machinery in the Mill to safeguard its long term retention, which itself can be reinforced through condition.

SITE VISIT

It is likely that this building would be offered for sale to an enthusiast who would be best placed to make the best of it.

- (4) With regards to the restoration of the pond and Mill it is the intention to restore the Mill pond so that it can hold water with a through flow. The applicant retains ownership of the mill stream and outflow leat but does not have full control of the natural stream, whose flow was partly diverted to make the Mill stream.
- (5) Within these constraints there is no reason why the Mill cannot be restored for operation. Part of the objective of the scheme has been to create a context for this building in which this can happen by someone with the enthusiasm and diligence this would need.
- (6) The applicant retains ownership of the land between the outflow leat and the original mill stream to the west of the Mill and there can be a footbridge across the former so that this area can be accessible to residents. Its ownership can be retained with the housing development.

5.2 Parish Council's observations are as follows:

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

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

6. Officers Appraisal

- 6.1 In the appeal referred to in paragraph 1.1 the Inspector concluded that the "only viable option for the listed buildings, both for financial and preservation reasons, is conversion to residential use". The viability of the proposals (i.e. conversion into 5 flats) was questioned at the Inquiry because the retention of the modern factory would suppress the potential value of the residential units. The current application doubles the number of residential units in response to this problem, although it is still not certain that the new scheme would be viable.
- 6.2 The two new units, plus staircase tower and extension to the timber-frame building proposed in the earlier application have been deleted from these revised proposals. There are few alterations to external elevations and these are considered to be acceptable by the Conservation Manager. Internally there would be greater change, with partitions and staircases being added to form the new units. The mill machinery including water wheel would however be retained in one 3-storey unit. It is considered that in view of the need to preserve these buildings and that the earlier scheme may

SITE VISIT

not be viable, the current proposals are acceptable and retain the historic character and appearance of the listed buildings.

- 6.3 It is agreed that 10 units are likely to result in increased traffic but this would mainly be cars rather than large lorries. The 'C' class road between Pontshill and Coughton is narrow with difficult bends at certain points, nevertheless it is not considered that the additional traffic that would arise from this development would add significantly to road hazards. The property does have existing use rights for industrial purposes and conversion to residential use would ensure that no industrial traffic was generated.
- 6.4 The application site includes the mill pond but there is an extensive area to the west of the mill buildings which includes the mill streams. It is important for the setting of the listed buildings that these attractive areas are maintained and this can be required by planning condition. These areas may be suitable as additional informal and open areas for the benefit of the residents.

RECOMMENDATION

With regards DCSE2005/1050/F

That 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 development shall take place until details of the surfacing of car parking and vehicular access areas has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that vehicular areas are suitably surfaced.

3 F18 (Scheme of foul drainage disposal)

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

4 F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

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

Reason: To protect the appearance of the retained buildings.

6 H27 (Parking for site operatives)

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

SITE VISIT

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

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

- 8 H13 (Access, turning area and parking)**

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

- 9 B01 (Samples of external materials)**

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

- 10 G10 (Retention of trees)**

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

- 11 G01 (Details of boundary treatments)**

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

- 12 G04 (Landscaping scheme (general))**

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

- 13 G05 (Implementation of landscaping scheme (general))**

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

- 14 G18 (Protection of trees)**

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

- 15 H21 (Wheel washing)**

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

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

SITE VISIT

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

Informative:

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

With regards DCSE2005/1051/L

That 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.

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

Reason: To ensure that vehicular areas are suitably surfaced.

4 F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

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

Reason: To protect the appearance of the retained buildings.

6 G10 (Retention of trees)

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

7 G04 (Landscaping scheme (general))

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

8 G05 (Implementation of landscaping scheme (general))

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

9 G18 (Protection of trees)

SITE VISIT

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

10 G01 (Details of boundary treatments)

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

Brief History

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

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

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

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

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

Architectural intentions

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

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

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

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

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

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

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

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

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

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

Detailed design approach**Units 1 and 2**

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

Unit 3

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

Units 4, 9 & 10

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

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

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

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

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

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

Unit 5

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

Unit 6

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

Units 7 and 8

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

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

SITE VISIT

6A DCSE2005/0949/F - DEMOLITION OF EXISTING 1970'S HALL AND LIVING ACCOMMODATION. CONSTRUCTION OF NEW BLOCK OF 8 NO. FLATS AT ST JOSEPHS CONVENT, WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5PQ

6B DCSE2005/0951/C - DEMOLITION OF EXISTING 1970'S HALL AND LIVING ACCOMMODATION. CONSTRUCTION OF NEW BLOCK OF 8 NO. FLATS AT ST JOSEPHS CONVENT, WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5PQ

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

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

Expiry Date: 26th May, 2005

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

Consideration of this application was deferred by the Sub-Committee on 11th May, 2005 in order that a site visit could be held. This took place on 23rd May, 2005.

1. Site Description and Proposal

1.1 St Joseph's Convent occupies a large Victorian stone villa and grounds situated on the east side of Walford Road. To the north of the main building an extensive single-storey building was erected in the 1970's. The convent is in a primarily residential part of Ross on Wye but adjoining it to the east is a primary school (St Joseph's), to the north is a social club and to the south a residential house for the elderly (Lawfords House). Adjoining the north-east part of the site are dwellings in The Avenue and there are further dwellings on the west side of Walford Road and to the south of Lawfords House.

1.2 It is proposed to demolish the single-storey building and to erect a 3-storey block of 8 flats. The modern building comprises hall with linked residential accommodation to the rear. It is mainly of brick construction with a hipped roof and very shallow ridge roof over the hall. The proposed 3-storey block of flats would occupy the site of the hall and about a third of the residential section, a footprint of about 355m² rectangular in shape except that the rear half would project a few metres closer to the main building. It would be of modern design and materials with a cantilevered flat roof. The height would be about 8m, which viewed from Walford Road would be just below eaves level of the main convent building. Sections of the south side wall in the rear section would be recessed to form small terraces at ground and first floor level, with a larger terrace at second floor level on both the side and front of the building. The walls of the block

SITE VISIT

would be partly rendered, partly Rockwool Rockpanel Rainscreen Cladding, partly larch cladding. All the flats would have 2 bedrooms.

- 1.3 Additional car parking would be provided within the grounds plus an enclosed refuse and cycle store clad in natural finish larch to match the cladding on the new flats.
- 1.4 An application (DCSE2004/3495/F) to convert the main convent building into 6 units has also been submitted.

2. Policies

2.1 Planning Policy Guidance

PPG3 - Housing

2.2 Hereford and Worcester County Structure Plan

Policy H16 - Location of Growth
Policy CTC9 - Development Criteria

2.3 South Herefordshire District Local Plan

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

Part 3

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

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

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

3. Planning History

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

SITE VISIT

4. Consultation Summary

Statutory Consultations

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

Internal Council Advice

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

“In the revised site plan, three of the trees on the northern site boundary are to be retained. These trees will help to screen the car park area and maintain the mature landscape character of the site. With regard to the northern boundary, I recommend that T1, the Thuja, be retained, not removed.

At the northern site entrance it appears that T6 (Coast Redwood) and T9 (Thuja) are to be retained. The identification numbers used by Jerry Ross, the Arboricultural Consultant have not been transferred onto the site plan, so it is difficult to cross-reference the tree survey with the site plan. Regarding the parking spaces that run diagonally between the Coast Redwood and the Thuja (T9) and the two multi-stemmed Thujas close to the building, I am concerned that three of the parking spaces impinge within the canopy spread of the Coast Redwood and the Thuja. It is probably that 50% of the area beneath the canopy of the Thuja would be affected by construction works. Both of these trees have been classed as having only moderate resilience to stress or disturbance. If there is no option but to site the parking spaces in this location, then it is essential that the applicant submits an appropriate specification for the construction of these spaces. A geotextile could be used that is designed specifically to enable a lead-bearing surface to be constructed directly onto the soil without the need for excavating and laying compacted sub-bases. This means that underlying roots can be left undisturbed.”

5. Representations

- 5.1 Town Council's observations are as follows:

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

- 5.2 7 letters have been received which express the following concerns/objections:

- (1) One of main concerns is that size, shape and proximity to houses in The Avenue would harm amenities - loss on natural light and privacy and be completely overpowering.
- (2) 3-storey structure will have severe and negative impact on amenity and no opportunity to screen with trees; gardens are small (on average only 45ft.)

SITE VISIT

- (3) The properties do not have uninterrupted views but do have privacy – proposed development would completely overlook gardens and properties of nearby houses and Conservative Club.
- (4) Compared to earlier application there is a reduction in number of flats from 11 to 8 and movement of east face some 10ft. back to line up with division wall between the Conservative Club and Invermoray - this makes very little difference or no difference at all to concerns expressed.
- (5) Unattractive, mundane, 'shoe-box' like block, completely out of keeping with any nearby buildings; a flat roof, East European style and low grade construction materials have nil architectural merit - negative impact on area and absolutely conflict with very fine Victorian townhouse in Gothic tradition with Venetian elements and other details. Large landscaped garden was integral to the house which should be listed.
- (6) Accept that there is legitimate case for infill development but must be sympathetic to architectural quality of both Conservative Club and Convent. Single-storey only if same footprint. Garden to east too small for mass of proposed building.
- (7) Development in curtilage should be sensitively sited, carefully designed and of suitable scale and mass – current proposals are not.
- (8) One letter considers design an improvement compared to previous application.
- (9) Removal of steel mesh balustrades and cladding in terracota squares, with the more irregular disposition of window and variety of wall surface all serve to reduce the grid-like effect however remains basically rectangular flat roofed structure which seems out of keeping with the splendid Victorian house.
- (10) Given quality and historical importance of the house (built for Thomas Blake, benefactor of Ross) and that it is in a conservation area should it not at least have a pitched roof?
- (11) One letter expresses support in principle except for external treatment of elevations (very soon become inappropriate eyesore), and mono-pitch steel roof of bicycle/bin store, flat roof and metal grille balconies are all out of keeping.
- (12) Concern is expressed over treatment of boundaries adjacent to the school, in view of safety of pupils.
- (13) No scope to landscape to north and east of proposal where screening is most needed to protect amenities of adjacent properties.

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

6. Officers Appraisal

- 6.1 There are considered to be two main issues, firstly the effect on the character and appearance of the Ross-on-Wye Conservation Area and secondly the effect on the

SITE VISIT

amenities of neighbours. On the first issue it is agreed that the main convent building is of unusual quality and architectural interest, although not in fact listed. Any new building should not detract from the setting of this former villa. However this does not mean that the new building should be of the same architectural style. The position of the proposed building and height would ensure, it is considered, that it was visually subservient to the main building. As noted by the Conservation Manager it is critical that materials and detailing are of high quality. Further details can be required by planning condition. The scheme has been very fully considered by the Conservation Manager and he concludes that the proposed block of flats would complement the main convent building. The building is set well back from Walford Road and provided the trees along the frontage and the significant trees within the grounds are retained it would not be prominent in the street scene. It would be clearly visible from The Avenue and this side elevation therefore needs as much care as the front elevation.

- 6.2 The second issue relates to the impact on neighbours' amenities. This has two aspects. Firstly the impact on occupants of the houses in The Avenue. The rear of these houses faces towards the north side of the proposed building which is higher than the existing single-storey building (about 2.6m at the eastern corner of the new block but significantly higher to the west). However the existing building extends across the rear of the curtilage of Invermoray, the proposal extends only to the boundary between social club and Invermoray. There would therefore be both benefits and disbenefits in terms of the outlook of residents of The Avenue. On balance it is considered that the proposal would not be so overbearing as to justify refusing planning permission. However a number of bedroom windows overlook these residential properties and this needs to be resolved.
- 6.3 The second aspect is the relationship with the existing building which is to be converted into flats. Windows in the side wall of the latter would face towards flats in the new block of flats. The main windows on the second floor rear flat would be angled away from the convent building. Nevertheless this would not entirely resolve the problem. However the space between the sides of buildings is generally significantly less than between fronts and backs and, bearing in mind that both blocks of flats (new building and conversion) have yet to be developed, it is thought that the living conditions of occupants would be acceptable.

RECOMMENDATION

With regards DCSE2005/0949/F

That subject to the receipt of suitably revised drawings with regard to fenestration/layout and the refuse/cycle store and car parking the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

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

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

- 2 C02 (Approval of details)**

SITE VISIT

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

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

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

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

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

- 5 G01 (Details of boundary treatments)**

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

Informative:

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

With regards DCSE2005/0951/C

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

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

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

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

7 DCSE2005/0795/F - CONTINUATION OF USE AS EQUINE STUD FARM AT SITE NEAR BODENHAM FARM, MUCH MARCLE, LEDBURY, HEREFORDSHIRE

For: The Singing Stud Ltd per Mr. C. Goldsworthy, 85 St Owen Street, Hereford, HR1 2JW

Date Received: 11th March, 2005

Ward: Old Gore

Grid Ref: 65089, 31923

Expiry Date: 6th May, 2005

Local Member: Councillor J.W. Edwards

Consideration of this application was deferred by the Sub-Committee on 11th May, 2005 in order that a site visit could be held. This took place on 23rd May, 2005.

1. Site Description and Proposal

- 1.1 The application site comprises two irregular shaped areas of land to the north-east and south-west of Bodenham Farm, which are on the north-west side of the A449 Ross on Wye - Ledbury Road, and opposite the entrance to Homme House. The two land parcels are bisected by the private drive to Bodenham Farm off the unclassified road (Lyne Down – Old Pike) which is also provides access to the application site. The north-east site is bounded by the A449 to the east; the south-western site is bounded by the A449 to the south west and unclassified road to west. The total area of the land is about 8.3 ha.
- 1.2 There are two small building complexes, one on each land parcel, which provide stabling and storage for the stud farm which according to the applicant's agent has been in operation for about 7 years. No permission has been granted for change of use from agriculture and the permission in 1997 for 6 loose boxes and one field shelter was subject to a condition (no. 7) restricting use to private purposes and not used for any trade, business or equestrian enterprise whatsoever. The reason given was to preserve the amenities of the locality.
- 1.3 The current application is for planning permission to continue the use of the land and existing buildings as a stud farm. It does not include any building works. Other applications have been submitted for a stud farm worker's dwelling, a fenced training ring and a barn (nos SE2004/4039/F, SE2004/4086/O and SE2005/0325/F respectively). Further information and clarification is being sought regarding these applications. It is understood that horses are also grazed at Hillington Barn, about 4km to the south. A separate application has been submitted (SE2005/1015/F) for continuation of use as equine stud farm and erection of training area, hay barn, winter barn, stable (inc groom's flat) at Hillington.

2. Policies

2.1 Planning Policy Guidance

PPS7 - Sustainable Development in Rural Areas

2.2 Hereford and Worcester County Structure Plan

- Policy CTC6 - Development and Significant Landscape Features
 Policy CTC9 - Development Criteria
 CTC13 - Buildings of Special Architectural or Historic Interest

2.3 Malvern Hills District Local Plan

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

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- Policy E11 - Employment in Open Countryside

3. Planning History

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

4. Consultation SummaryStatutory Consultations

- 4.1 Environment Agency has no objections but advises on protection of watercourse, surface water run-off issues and prevention of pollution.
 4.2 Open Spaces Society writes that the proposals do not appear to have a physical effect on 'open spaces'.
 4.3 Garden History Society does not wish to comment on the proposals.

Internal Council Advice

- 4.4 The Conservation Manager has no observations from an architectural point of view.
 4.5 Traffic Manager has no objection to the grant of permission. With regard to public rights of way the following advice has been received:

"The path is

- a) a cul-de-sac path as it does not end on a highway but a 'private' track, (although there appears historical evidence for it being a PROW)
 b) it's obstructed – there is a building on it already therefore we class it as a long term obstruction and has been accorded the appropriate priority for action.

However, it has been pointed out that stud horses are 'feisty' and there are a number of paths around that farm – we would like a note on any planning permission pointing out that dangerous horses should not be placed in any fields with a PROW in it and that if they are, and a member of the public is injured, then the landowner will be liable."

5. Representations

5.1 The applicant's agent points out that:

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

5.2 Much Marcle Parish Council would like to express their concerns regarding the number of applications received for the site near Bodenham Farm over the last six months. The site seems to be developing into a large commercial enterprise. Also, with regard to the application for continuation of use as an equine stud, the parish council question whether permission was ever obtained originally.

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

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

5.3 7 letters have been received objecting to the proposal. In summary the following concerns are raised:

- (1) It is questioned whether the right to use this land as an equine stud farm exists - it is not a continuation of use but a retrospective application as planning permission has never been granted.
- (2) The 1997 permission was subject to a condition stating that it was for private use and should "not be used for any trade, business or equine enterprise whatsoever". The reason given was to protect the amenities of the locality.
- (3) This reason is noted as the main grounds for objecting to the proposal.
- (4) A note on the 1997 permission states: "This planning permission in no way implies that the local planning authority consider favourably any future application

for residential development on this area to accompany the stabling" and a hand written note questions whether another existing field shelter in the same field had planning permission.

- (5) About 8 years ago only a few old lambing sheds plus two field shelters - it has grown very significantly without permission and it is clear that a major business expansion programme is proposed - where will it end?
- (6) The breaches of planning control include:
 - condition referred to above
 - change of use from agriculture to equine use
 - large stable complex and yard established
 - foaling sheds recently established
 - no application for temporary accommodation as PPS7 Annex A, Paragraph 13
 - recent erection of 3 m high fence, 118 m long.
- (7) The issue of lawful use should be resolved before the applications for operational development are determined - 3 m fence should be removed.
- (8) This all shows no regard for planning systems, which is undermined. It is questioned whether this was a matter of ignorance as a professional agent was employed.
- (9) A second substantive ground for refusal is that the local roads are too small for horse boxes and any increase in traffic from these vehicles, trailers and lorries is unacceptable, given residential properties nearby.
- (10) Any further buildings would create further 'blots' on lovely, picturesque landscape, which would be far too close to listed Bodenham Farm.
- (11) Welfare of horses is a concern as too many on a small area of bank.
- (12) Footpath through site is blocked by confusing and obscured signage, no stile or achievable access, intimidation and perceived danger of using a way used by large stud horses – footpath is shown on OS map.

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

6. Officers Appraisal

- 6.1 This application is for retrospective permission to continue to use land and buildings as a stud farm. This is necessary as permission has not been sought or granted for change of use from agriculture and the unauthorised use has not been operating for the full 10 years required for such a use to have become lawful. The application is for continuation of use and not for retention of new buildings and structures. Consequently if permission is granted it would not authorise the 3 m fence or foaling boxes referred to in representations. The two main complexes either have planning permission (6 loose boxes and field shelter) or were erected, according to the evidence available, more than 4 years ago and therefore would appear to be lawful.

- 6.2 The Note attached to the 1997 planning permission referred to in paragraph 5.3(4) leaves open the question of whether use for an equestrian enterprise would be acceptable. This must be decided in relation to current policies including Government advice and on the merits of the case. Advice on equine-related activities is included in PPS7 in particular paragraphs 32. This states that "horse riding and other equestrian activities are popular forms of recreation in the countryside that can fit in well with farming activities and help to diversify rural economies. In some parts of the country, horse training and breeding businesses play an important economic role. Local planning authorities should set out in LDDs their policies for supporting equine enterprises that maintain environmental quality and countryside character. These policies should provide for a range of suitably located recreational and leisure facilities and, where appropriate, for the needs of training and breeding businesses. They should also facilitate the re-use of farm buildings for small-scale horse enterprises that provide a useful form of farm diversification." Recreation Policy 14 of Malvern Hills District Local Plan sets out a list of criteria that have to be met before permission should be granted. Those relating to effects on surrounding countryside, re-use of existing buildings, effect on amenities of neighbours, highway safety, loss of high grade agricultural land and disposal of waste materials and effluent are most relevant to this application.
- 6.3 The enterprise includes, or is planned to include, a full range of activities: breeding, grazing, training/schooling, sale of horses. It is understood that there are about 50 breeding mares and 2 stallions in addition to foals. The enterprise has been developing over a number of years and is clearly hampered by the lack of facilities at the Bodenham site. Hillington Barn has a much greater area of grazing land but no facilities. The current application is about the continued use of land and existing buildings. These may be inadequate for the scale of the business currently undertaken or projected. However if permission is granted it would not imply that the Council finds the additional facilities (barn, training ring, dwelling and any buildings planned) acceptable. Each proposal would be considered on its merits. Clearly, if permission is granted it does mean that these proposed buildings would have to be given careful consideration and could not be refused on the grounds of unnecessary development in open countryside (i.e. no stud farm no need for a worker's dwelling etc.).
- 6.4 The main issue is the effect on the amenities of the locality. The two groups of buildings are located some distance from the nearest houses (about 100m from the main house at Bodenham Farm and 250m from Orchard Cottage) and properly managed there should not be significant problems of noise and odours arising from the stud farm. Most of the land is used for grazing and should not prejudice local amenities. The limited size of the enterprise at this location may result in greater vehicular movements than would otherwise be necessary and the local road network is very narrow with limited passing places and a scattering of houses. Nevertheless, on the evidence available, it is not considered that the volume and nature of vehicular traffic would cause unacceptable noise and disturbance to local residents.
- 6.5 A second issue is highway safety. The limitations of local roads has been noted in the previous paragraph. However no objections are raised by the Traffic Manager and there is no cogent evidence that the roads would be overloaded and prejudice, to a significant degree, highway safety.
- 6.6 The land is classified as Grade 3. Policy 14 states that equestrian development should not take Grade 1, 2, and 3a agricultural land. It is not clear from the published maps whether this site is Grade 3a or 3b. Nevertheless in view of the recent advice in PPS7 it is not considered that this is sufficient grounds for refusing permission.

6.7 It is concluded therefore that there are insufficient grounds to refuse permission. The concerns expressed regarding flouting of planning control are appreciated but these are not legitimate reasons for not granting planning permission.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1 G04 (Landscaping scheme (general))

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

2 G05 (Implementation of landscaping scheme (general))

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

3 F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

4 F40 (No burning of material/substances)

Reason: To safeguard residential amenity and prevent pollution.

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

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

8 DCSW2005/0993/O - RENEWAL OF PERMISSION SE2000/1038/O. DEMOLITION OF EXISTING BUILDINGS. REDEVELOPMENT FOR ENLARGED MEDITATION CENTRE, COMPRISING STUDENT SLEEPING ACCOMMODATION, DINING AND KITCHEN FACILITIES. MANAGERS AND TEACHERS ACCOMMODATION, WORKSHOP AND OFFICES. VIPASSANA TRUST, DHAMMA DIPPA, HAREWOOD END, HEREFORDSHIRE, HR2 8JS

For: Vipassana Trust, Dhamma Dippa, Harewood End, Herefordshire, HR2 8JS

Date Received: 31st March, 2005

Ward: Pontrilas

Grid Ref: 50746, 26676

Expiry Date: 26th May, 2005

Local Member: Councillor G.W. Davis

1. Site Description and Proposal

- 1.1 This application relates to a scheme to redevelop and extend the meditation centre which occupies the former riding stables known as The Marches. The site is about 1km west of Pencoyd. Vehicular access is along about 2km of narrow country lanes off the A49. The unclassified road (no. 71402) leading to the site continues to a junction with the A466 about 1km away but does not appear to be suitable for motorised vehicles to the west of the application site.
- 1.2 The site is elevated being on a ridge with most of the existing building sited below the ridge top. The land falls to east and west before rising again. Substantial tree planting has been undertaken around the boundaries of this site of over 10ha. Tree planting has also been undertaken within the site.
- 1.3 Planning permission for use of the site as a meditation centre was granted in 1994 and subsequently new washroom facilities were permitted. Apart from the two-storey farmhouse and a Dutch barn the buildings are low single storey structures, some being former stables. They are mainly either timber boarded or rendered and most have corrugated sheet roofing.
- 1.4 This outline application for the remaining buildings is accompanied by a detailed site layout plan with a series of cross-sections indicating the scale, massing and levels of the new buildings. Only the means of access are not reserved for future decision. It is the renewal of a planning permission granted in October 2000.
- 1.5 The buildings would extend the present outline of the complex, although most of the buildings, according to the indicative drawings would be low. The main exception to this would be a dining/kitchen building with a reception area but this would be sited to the north-west of the shower block and on lower ground. Two courtyards would be

formed by the proposed student accommodation buildings. A workshop would be built about 40m to the west of the main complex and a car parking area with 39 spaces would be sited at the northern apex of the site. The farmhouse would be extended to provide offices and staff accommodation.

- 1.6 The meditation hall and teachers accommodation also approved in October 2000 has been implemented such that the meditation hall is erected and is in use. The teachers accommodation rooms have been revised under planning permission granted in November 2004. Work has commenced on these two buildings.

2. Policies

2.1 Department of the Environment

PPS.7 - Sustainable Development in Rural Areas

2.2 Hereford and Worcester County Structure Plan

Policy CTC.6 - Landscape Features
 Policy CTC.9 - Development Requirements
 Policy TSM.1 - Tourism Development
 Policy TSM.2 - Tourism Development
 Policy LR.2 - Leisure and Recreation Development

2.3 South Herefordshire District Local Plan

Policy C.1 - Development within Open Countryside
 Policy C.9 - Landscape Features
 Policy TSM.1 - General Tourism Provision
 Policy R.1 - Provision of New Recreational Facilities
 Policy GD.1 - General Development Criteria
 Policy T.1A - Environmental Sustainability and Reducing the Need to Travel

2.4 Unitary Development Plan (Revised Deposit Draft)

Policy S.2 - Development Requirements
 Policy S.6 - Transport
 Policy DR.1 - Design
 Policy DR.2 - Land Use and Activity

These policies do not raise issues substantially different from the provisions of policies in the Development Plan.

3. Planning History

- 3.1 SH940905PF Conversion of stables into sleeping accommodation and meditation units - Approved 07.09.94
- SH950956PF Installation of septic tank, tertiary treatment system and drainfield - Approved 18.10.95
- SH960701PF Proposed replacement washroom facilities - Approved 30.07.96

SW2000/1038/O	Demolition of existing buildings and redevelopment for enlarged meditation centre, comprising student sleeping accommodation, dining and kitchen facilities, manager and teacher's accommodation, workshop and administration offices	-	Approved 19.10.00
SW2000/1041/F	Construction of new single storey meditation building, and construction of 2 no. single storey teacher's accommodation rooms	-	Approved 19.10.00
SW2004/3452/F	Erection of 2 new single storey teacher/s accommodation rooms	-	Approved 19.11.04

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency raises no objections but recommends that a condition is imposed upon any planning permission granted.

Internal Council Advice

- 4.2 Traffic Manager recommends that a condition be imposed upon the planning permission.
- 4.3 The Head of Environmental Health & Trading Standards raises no objection and also states that the use of a septic tank will require building regulations approval.

5. Representations

- 5.1 Pencoyd Parish Council has no objection.
- 5.2 Llanwarne Parish Council has no objection.
- 5.3 Four letters of objection have been received from:

Mr. D. Snow, The Hall, Pencoyd, HR2 8NG
 Mr. A. J. Snell, Pencoyd Court Farm, St. Owens Cross, HR2 8JY
 Mrs. T. Williams, Trevase Farm Cottage, St. Owens Cross, HR2 8ND
 R. F. & E. A. Pursey, Trevase Farm, St. Owens Cross, HR2 8ND

The main points being:

- out of keeping and incongruous building in area, further on raised ground
- bright lights ruin night view
- surprised at ease with which development granted permission
- nothing added or brought to community, i.e. no local services nor local employment opportunities
- occupants change every 8 days, traffic coming and going along single track road with few passing places
- no governing body as it is an hotel and a school effectively

- Dhamma Dipa walk local lanes never speaking to nor acknowledging others.

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

6. Officers Appraisal

- 6.1 The main issues are considered to be the principle of renewing the planning permission granted on 19th October, 2000. The issues connected to the renewal are whether or not there have been any material change in circumstances and or planning policies. There are also matters raised by objections to traffic, the contribution of the meditation centre to the community and the impact of existing development in the countryside.
- 6.2 At the time that planning permission was granted originally for the development of the meditation centre which is the subject of this renewal application, planning permission was also granted for a single-storey meditation centre and two single-storey teachers accommodation rooms. The meditation centre has been erected and is in use in connection with the existing buildings that include stabling blocks and a Dutch barn that are used for housing for residents. The two teachers blocks of accommodation were revised in design, such that they required planning permission granted in November 2004. These two buildings are in the process of construction.
- 6.3 A traffic count was undertaken at the time of the original permission. The majority of students either walk from the A49 bus stop or are picked up by an estate car that the Vipassana Trust run back and forth to the A49 bus stop. A number of overseas visitors travel from Victoria (London) to Gloucester and then on to Ross-on-Wye. This movement of people is not every day but is every 8 days on average.
- 6.4 It is understood that the Vipassana Trust use local services such as plumbers and builders, increasingly as works progress on site, and try to source local food for their kitchen. Therefore it is not considered that the Trust have no connection with the local community. This is though not a matter considered to have any planning policy implications for the application.
- 6.5 Further discussion will have to take place between your officers and the Trust regarding light pollution, although this should be placed in the context of the screening already in place around the erected meditation centre and the distant views of light visible. This issue strictly relates to a building already erected, however it is considered appropriate for a condition relating to external lighting being placed on this application in the event that planning permission is granted.
- 6.6 There are considered to be no reasonable grounds for withholding renewal of this planning permission for what is an identical scheme to that approved just under five years ago. There have been no changes in planning policies in particular those contained in the emerging Unitary Development Plan that raise substantive policy issues. Issues raised relate to the meditation hall, the subject of a separate planning permission, traffic generation and the local concerns of residents to the use of this site. The buildings proposed will be single-storey, the predominant building being the existing house used for offices and accommodation, the mediation hall and down slope from the meditation hall the shower block. Materials will be important, however that is

a matter that can be considered within the remit of the detailed or reserved matters application.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

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

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

5. **The premises shall be used as a residential meditation centre and for no other purpose, including any purpose within Class C2 of the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.**

Reason: An alternative use may generate traffic that could not be accommodated acceptably on the local road network and to protect the local amenity.

6. **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.

7. **Details for external lighting shall be the subject of the prior written approval of the local planning authority.**

Reason: In order to reduce the impact of the development when viewed in the wider landscape.

Informative(s):

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

9 DCSW2005/0224/F - CHANGE OF USE OF AGRICULTURAL BUILDINGS TO EQUESTRIAN USE AND CONSTRUCTION OF OUTDOOR ALL WEATHER RIDING SURFACE. PROVISION OF TOILET/KITCHEN BLOCK, HILL FARM, ABBEYDORE, HEREFORDSHIRE, HR2 0AG

For: M.J. & M.D. Day, Hill Farm, Abbeydore, Hereford, HR2 0AG

Date Received: 25th January, 2005 Ward: Golden Valley Grid Ref: 39217, 32639 South

Expiry Date: 22nd March, 2005

Local Member: Councillor J. B. Williams

1. Site Description and Proposal

- 1.1 Hill Farm is approximately 50 metres off the western side of the Class III road (C1223) that leads northward to Kerry's Gate from the north-eastern extremity of Abbeydore. Hill Farm is an elevated position in relation to the aforementioned Class III road. The complex comprises the Grade II Listed farmhouse, 40 metres south-west of that, across a surfaced courtyard, a brick faced purpose built office building approved in 1997, and 40 metres to the west a range of imposing modern farm buildings.
- 1.2 It is proposed to utilise the middle building, one of three for stabling horses and the building adjoining it to the north will be used as indoor riding arena. An all-weather riding surface has been delineated to the west of the northern most farm building. This arena is approximately 2 metres away from the boundary of Hill Farm. The land starts to decline northward beyond this boundary to the property. The indoor arena building is 27.5 metres long and 18.3 metres wide, the building used for stabling 23 metres wide and 27.5 metres long, and the outdoor riding arena 25 metres by 25 metres in area. Trees have been planted already between the farm buildings and the proposed siting for the riding arena and on the western side of the strip of ground identified for the riding arena.
- 1.3 The applicants have described the equestrian use applied for as a DIY livery (own livery) business to comply with current diversification agricultural activities required by the EU.

2. Policies

2.1 Planning Policy Guidance

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

2.2 Hereford and Worcester County Structure Plan

- Policy CTC.2 - Areas of Great Landscape Value
 Policy CTC.9 - Development Requirements

2.3 South Herefordshire District Local Plan

- Policy GD.1 - General Development Criteria
 Policy C.8 - Development within Area of Great Landscape Value
 Policy C.29 - Setting of a Listed Building
 Policy ED.8 - Farm Diversification

3. Planning History

- 3.1 SH950143LA/
SH950145PF Removal of buildings and conversion of barn into additional living accommodation - Approved 01.06.95
- SH970883PF Construction of office for farm business, repositioning of barn and demolition of existing buildings - Approved 04.08.98 (Subject to Planning Obligation/S.106 Legal Agreement)
- SW2003/1953/S Repositioning of farm building - Prior Approval Not Required 15.07.03

4. Consultation SummaryStatutory Consultations

- 4.1 The Environment Agency raises no objection subject to a condition being attached to any grant of planning permission.

Internal Council Advice

- 4.2 The Traffic Manager has no objection.
- 4.3 The Head of Environmental Health and Trading Standards has no adverse comments.
- 4.4 The Conservation Manager does not object on principle from an architectural point of view. This is subject to any alterations to the buildings externally being the subject of prior approval of the local planning authority.

5. Representations

- 5.1 In a letter that accompanied the application the applicants state that:
- the change of use is for a DIY livery (own livery) business to comply with the current diversification of activities required by the EU
 - livery business to be to BHA standards, supplying facilities to specialists in the horse world.

5.2 Abbeydore Parish Council make the following observations:

"Following a full meeting of the Abbeydore & Bacton Group Parish Council. The Parish Council were unable to give an informed decision as no plan of the proposed project had been received. However grave concern was expressed as to vehicular access on the C1223, and would request that passing places would be required on this approach road and the applicant should contribute to the cost."

5.3 Two letters of objection have been received from:

D.J. Moffatt, Longwood, Abbeydore, HR2 0AG

The main issues raised being:

- work already carried out on site (barn 1), barn has been re-positioned
- on highest point of site, size and design made it overbearing, detrimental impact on landscape and our amenity
- all-weather arena, concerned at proximity to our boundary and any floodlighting
- no allowance for landscaping, should be sited further away
- although it may not be a planning issue applicant intends to discharge surface water from relocated building onto our land
- (in a subsequent letter) our land has been flooded in places following prolonged period of rain, water is flowing through our 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 are considered to be the impact that the new enterprise will have in the landscape, on the setting of the Grade II Listed building, the impact on local residents and traffic generation associated with the new use.

6.2 The new use is primarily sited within existing buildings at Hill Farm. The indoor arena being sited within a building repositioned from a site closer to the applicants' listed farmhouse. This was dealt within the remit of an application under Sections 6/7 of the Town and Country Planning (General Development) Order 1995. This fact has been relayed to the one objector to the proposal, who otherwise believed the applicants had repositioned the indoor arena building in anticipation of this submitted scheme. The repositioned building is better sited away from the Grade II Listed farmhouse. The Conservation Manager has no objections to the application subject to control of changes to the elevations, in particular of the buildings facing the Listed farmhouse.

6.3 Issues have been raised from a property that borders Hill Farm relating to drainage, floodlighting and proximity of the riding arena and the impact of the development in the wider landscape. The drainage issues raised are matters for the two parties concerned. The riding arena could be moved away from the boundary which it is considered would reduce the impact of potential noise and disturbance from riders and horses. Floodlighting should be strictly controlled, and indeed should not be permissible on the west elevation of the building given its elevation. This is given the elevated position of Hill Farm in the wider landscape.

- 6.4 It is not considered that the proposal, notwithstanding the issues addressed above relating to the siting of the outdoor arena and floodlighting, will have a detrimental impact in the wider landscape. This is as laid out in Government advice in PPS.7: Sustainable Development in Rural Areas that implicitly supports small-scale rural diversification projects that have regard to the amenity of nearby residents.
- 6.5 The Parish Council have grave concerns relating to access to the site, and request passing places. Although the Traffic Manager has not objected in principle, nor indeed recommended any conditions, it is considered following further discussions with the applicants that at least two passing places should be provided along the stretch of the relatively straight Class III road that is immediately to the east of Hill Farm. The specifications for the passing places and the feasibility of providing them has been carried out by the Traffic Manager.
- 6.6 The applicants have informally confirmed that a maximum number of 16 horses will at any one time be looked after at Hill Farm, it is though expected that the number will be between 10 – 12 horses. Nevertheless, a condition restricting the number of horses should be attached to any planning permission granted. This should be with the proviso that no floodlighting is installed and firstly that the outdoor riding arena is re-sited. The application can then be supported as one that complies with diversification policies in the South Herefordshire District Local Plan, namely Policy ED.8, and in Government advice relating to rural businesses and farm diversification set out in PPS.7.

RECOMMENDATION

That subject to the receipt of revised plans re-siting the outdoor arena, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any conditions considered necessary by officers:

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

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

2. A07 (Development in accordance with approved plans)

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

3. Details of the toilet/kitchen block, i.e. internal layout, and any alterations to the external appearance of the building, i.e. doors and windows, shall be the subject of the prior written approval of the local planning authority before any development commences on site.

Reason: In order to define the terms to which the application relates and in the interests of protecting the setting of a Grade II Listed building.

4. 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.

- 5. No floodlighting shall be installed/erected to the western side of any buildings to the west of Hill Farm.

Reason: To define the terms to which the application relates and in order to reduce the impact of the use in the wider landscape on this elevated site.

- 6. The maximum number of horses housed at Hill Farm shall be sixteen at any one time.

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

- 7. Before the development is first brought into use two passing places shall be provided on the western side of the Class III road (C1223). The details of the siting and specification for these passing places shall be submitted to and be approved in writing by the local planning authority prior to the commencement of development. The passing places shall be completed in accordance with the approved details prior to the development hereby permitted being first brought into use.

Reason: In the interests of general highway safety.

Informative(s):

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

10 DCSE2004/2973/F - CONVERSION OF REDUNDANT BARN TO FORM HOLIDAY LETTING UNIT AT BARN ADJACENT TO TRERIBBLE BUNGALOW, THREE ASHES, HEREFORD, HEREFORDSHIRE, HR2 8LS

For: Mr. & Mrs. M. Evans per Mr. T. Margrett, Green Cottage, Hope Mansel, Ross-on-Wye, Herefordshire HR9 5TJ

Date Received: 16th August, 2004 Ward: Llangarron Grid Ref: 51707, 22761

Expiry Date: 11th October, 2004

Local Member: Councillor Mrs. J.A. Hyde

1. Site Description and Proposal

1.1 The site lies to the south of the B4521, at Treribble. It is accessed via an unmade single track that runs between the B4521 and the C1250. The existing development at Treribble straddles the track. The former Treribble farmhouse and a number of the other buildings, which have been converted to dwellings, are Grade II listed. In planning policy terms the site lies in open countryside.

1.2 It is proposed to convert and adapt an existing rural building to provide a single holiday let unit. The gable end of the building fronts the access track, with access into the site lying to the southeast. The existing single storey building has stone and red brick elevations and would provide three bedrooms (one with ensuite facilities) a bathroom and an open plan living/dining and kitchen area. An area for car parking/turning and the soakaways are proposed to the northeast and east of the building respectively. A large modern storage building, with attached garage is situated to the northeast of the building.

2. Policies

2.1 Department of the Environment

PPS1	-	Delivering Sustainable Development
PPS7	-	Sustainable Development in Rural Areas
PPG13	-	Transport

2.2 Hereford and Worcester County Structure Plan

Policy CTC13	-	Buildings of Special Architectural or Historic Interest
Policy CTC14	-	Criteria for the Conversion of Buildings in Rural Areas

2.3 South Herefordshire District Local Plan

Policy GD1	-	General Development Criteria
Policy C1	-	Development Within Open Countryside
Policy C36	-	Re-Use and Adaptation of Rural Buildings

- Policy C43 - Foul Sewerage
- Policy ED7 - Re-Use and Adaptation of Rural Buildings for
Employment/Tourism Use
- Policy ED8 - Farm Diversification

Supplementary Planning Guidance – Re-Use and Adaptation of Traditional Rural Buildings

2.4 Herefordshire UDP (Revised Deposit Draft)

Part 1

- Policy S1 - Sustainable Development
- Policy S2 - Development Requirements
- Policy S8 - Recreation, Sport and Tourism

Part 2

- Policy HBA12 - Re-Use of Traditional Rural Buildings
- Policy RST12 - Visitor Accommodation
- Policy RST13 - Rural and Farm Tourism Development
- Policy E12 - Farm Diversification

3. Planning History

- 3.1 SE2004/0541/F Conversion of redundant barn to form - Withdrawn
holiday letting unit 7.4.05

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency - No objection, subject to requirements controlling the septic tank and soakaway.
- 4.2 Herefordshire Nature Trust's response is awaited.

Internal Council Advice

- 4.3 The Traffic Manager raises no objections
- 4.4 The Conservation Manager - No objections from an architectural point of view, subject to specified minor points regarding inaccuracies of plans and the requirement for conditions. With regards ecology, it is considered that the plans should incorporate the recommendations of the Ecological Survey.

5. Representations

- 5.1 Llangarron Parish Council - No objections
- 5.2 Four letters of objection has been received from Rosie Wilson of The Granary, Mr. and Mrs. Walker, Linden Hall, A.E.J. Drayton, Terrible House and Judi Ingham, The Gatehouse. The main points raised are:

- Proposal would significantly increase the population and possibly noise in the small, quiet residential hamlet of Trible.
- Proposal will change the character of the community, diminish the value of neighbouring properties and consequently their rateable value
- The single track, private access to the site has few passing places, which already necessitates reversing to allow vehicles to pass. Access from the track onto the B4521 is dangerous. Extra cars generated by the proposal would exacerbate the existing situation.
- Overlooking and changed outlook (to The Granary and Trible House)
- Where would tenants of Trible Bungalow park? Concerned that Trible Bungalow may also be used for holiday let purposes and this would alter the character of the hamlet.
- Would object to further development
- Plans appear to show the garage, which is keyed into our barn (Linden Hall), would be demolished (which is not shown on the plans). We have concerns regarding subsidence and restoration to our barn. We have not received notice from the applicant regarding the Party Wall Act requirements.
- The building houses a colony of bats
- The building was formerly a chicken/animal house, not a barn. A red brick conversion would not enhance nor be in keeping with the area

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

6. Officers Appraisal

- 6.1 The main considerations in the determination of this application are the principle of converting the building to provide a single holiday let unit, the effect of the proposal on the character and appearance of the building, the impact upon highway safety, the effect of the proposal on the character and appearance of the neighbouring listed buildings and the amenity of neighbouring properties.
- 6.2 The Development Plan policies and PPS 7 – Sustainable Development in Rural Areas encourage the commercial reuse of rural buildings. Policy ED7 states that ‘permission will normally be given for the reuse and adaptation of rural buildings for employment or tourism uses...’ Whilst the building subject to this application is not a large barn, it is of a typical rural, functional appearance. The SPG recognises that there is a diverse range and style of rural buildings in the county, which are derived from their original use. The Development Plan policies and PPS 7 support the re-use of buildings and do not prevent re-use, per se, of more modern buildings. Therefore it is considered that in principle the conversion of the existing dwelling to provide holiday let is acceptable.
- 6.3 Policies CTC13 and 14 of the Structure Plan, C36 of the Local Plan and the SPG require that the building is structurally sound, capable of conversion and would be able to accommodate the proposed use, without the need for extension or significant alteration. It is considered that the building is capable of conversion and the scheme does not incorporate extensions. There are two, mono-pitched roofed additions to the southern elevation of the building, which it is proposed to remove in the conversion scheme. It is considered that their removal would not be harmful to the character and appearance of the building. Amended plans have been requested that indicate the attached garage/store to the north of the building. The applicants have confirmed that this building would be retained. Predominantly the scheme utilises existing openings

and therefore it is considered that the proposal would retain the essential features of the building and its overall functional appearance.

- 6.4 The access to the site would be via the private access, either from the C1250 to the south, or from the B4521 to the north. Although the track is narrow and unmade it is considered that the minimal traffic movements that would be generated by the proposed use would not materially impact upon the safe use of the track, by vehicles or pedestrians. Equally the minimal increase in use would not have an adverse effect upon the use of the junctions with the classified roads to the north and south of the track. The Traffic Manager raises no objections.
- 6.5 It is considered that the submitted scheme would retain the existing character and appearance of the building. Furthermore a number of former agricultural buildings in the locality, some of which are listed, have been converted into residential accommodation. As such the proposal would not have a harmful impact upon the setting of the neighbouring listed buildings.
- 6.6 An ecological survey has been submitted with the application. This identified that whilst there was evidence of bat activity in the building, they used it for foraging and not roosting. It is considered that adequate provision for bats and birds can be made through the imposition of conditions to encourage continued use of the building post development.
- 6.7 There is a bungalow some five metres to the south of the building subject to the proposal, which is also within the applicants' ownership and shares an access. By reason of the high level windows in the southern elevation of the building and separation of the sites by the driveway it is considered that the proposal would not adversely impact upon privacy or amenity. None of the properties on the western side of the track directly face the application site. By virtue of the orientation of the buildings in relation to one another and their distance separation, it is considered that the proposal would not directly overlook the neighbouring properties nor unacceptably impinge upon privacy and residential amenity.
- 6.8 In conclusion it is considered that the proposal accords with national and local planning policies and none of the material planning considerations outweigh a decision being made in accordance with these policies.

RECOMMENDATION

That subject to the receipt of revised plans indicating the retention of the attached garage/store to the north of the building subject to this application 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 B01 (Samples of external materials)

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

4 B05 (Alterations made good)

Reason: To maintain the appearance of the building.

5 C04 (Details of window sections, eaves, verges and barge boards)

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

6 C05 (Details of external joinery finishes)

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

7 Prior to the commencement of development details of any proposed flues and vents 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:

8 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.

9 No works or development shall take place until details of a scheme, including architectural drawings, for creation and implementation of bat and bird roosting opportunities has been submitted to and approved by Herefordshire Council. This should be based on and include all the measures set out within the ecological survey report by Rebecca Collins dated June 2004. This should include appropriate remedial treatment wood, appropriate lighting as well as the roosting provisions for birds and bats.

Reason: To create suitable roosting opportunities for a species listed in the UK and Herefordshire Biodiversity Action Plan.

Informatives:

1 NC02 - Warning against demolition

2 Work should be undertaken within the winter or spring months. When roofing works are to be undertaken roof tiles and other roof fittings are removed with care and by hand, in case undetected bats or nesting birds are present beneath them. Slates and tiles should be lifted rather than slid off. Similarly care should be taken when removing other loose fitting external fittings such as lintels and

door and window frames. Where deep crevices are present within the stonework or other surfaces and there is a chance that such crevices could contain bats or birds then these crevices should be searched with a touch for the presence of bats or birds immediately prior to filling or covering them up. Should bats or nesting birds be discovered at any time during the works then all work likely to affect bats and nesting birds should cease and English Nature informed immediately. Bats should be left in situ to disperse of their own accord unless in immediate danger of injury or death.

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

11 DCSW2005/1135/RM - CONSTRUCTION OF NINE DWELLINGS INCLUDING NEW ACCESS TO MAIN ROAD. RESERVED MATTERS APPLICATION FOLLOWING OUTLINE APPROVAL REF. SW2004/1499/0 DATED 7TH JULY 2004, LAND SOUTH OF PONTILLA, LONGTOWN, HEREFORDSHIRE

For: Collins Developments, Unit 5, Westwood Industrial Estate, Pontrilas, Hereford, HR2 0EL

**Date Received: 7th April, 2005 Ward: Golden Valley Grid Ref: 32003, 29337
South**

Expiry Date: 2nd June, 2005

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 This application is a reserved matters one following planning approval on 7th July, 2004. The proposal is for nine dwellings. There would be two-bed dwellings in two pairs facing each other at the entrance to the site. The five remaining dwellings are two three-bedroom dwellings and three four-bedroom dwellings. All these dwellings are detached and lead off a central access drive. The access onto the Class III road (C1203) is fixed by the requirements of providing a central access with good visibility along the main thoroughfare of Longtown.
- 1.3 The dwellings will have natural slate roofs, smooth rendered and natural stone faced walls. The windows will be powder coated aluminium dark grey in colour. It is proposed that the soffits, fascias and bargeboards be painted white.
- 1.4 The houses proposed are gable fronted and for the five detached dwellings have integral garages or car ports.

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.16A - Housing in Rural Areas

Policy H.18	-	Housing in Rural Settlements
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 identified as a main village in the Unitary Development Plan.

3. Planning History

3.1	SW2000/1521/O	Site for residential development	-	Approved 23.08.01
	SW2004/1499/O	Renewal of outline planning permission	-	Approved 07.07.04

4. Consultation Summary

Statutory Consultations

- 4.1 English Heritage are concerned about the extent of white painted fascia boarding, and the impact that this proliferation would have on the setting of Longtown Castle. English Heritage state that the design for the gables does not reflect the local vernacular.
- 4.2 Welsh Water recommend that conditions be attached to any grant of planning permission.

Internal Council Advice

- 4.3 The Traffic Manager whilst not objecting recommends that the parking provision is incorrect for the dwellings, that a turning head is provided for the cul-de-sac development and that the access driveway and footpath are to adoptable standards.
- 4.4 The Conservation Manager recommends that a condition providing for a programme of archaeological work in accordance with a written scheme of investigation.

5. Representations

- 5.1 No letter accompanied the application, a design statement did though accompany the application. It states that a lower density of housing is proposed as the site is on the fringe of Longtown, of individually designed dwellings with gable projections and angular hipped roofs. Dwellings close to highway are gable on, this is a feature of

Longtown. Mix of traditional materials, i.e. stone, render and slate, with the use of powder coated windows offering a modern design aspect.

5.2 Longtown Parish Council make the following observations:

“Longtown Group Parish Council do not want street lighting. Make sure no footpaths are obstructed.”

5.3 Three letters of objection have been raised from:

Mrs. J. Hvass, 1 Penbailey, Longtown, HR2 0LF

Mr. & Mrs. J. Pritchard, 6 Penbailey, Longtown, HR2 0LF

K. Wedell, Longtown Community Primary School, Longtown, HR2 0LE

The points raised being:

- lack of affordable housing, assumed concerns would be taken into account
- fence adjacent to pre-school windows may block light
- overlooking of pre-school building
- potential safety risk, i.e. building operations and traffic
- request that developer speaks to school regarding noise and other nuisance
- congestion on narrow road, particularly at start and end of school day
- concern about proximity of three dwellings to school boundary
- loss of privacy from overlooking of bedroom windows
- at meeting to discuss a Parish Plan in April this year there was a unanimous no to street lighting. Value our night sky
- note policy - Unitary Development Plan Policy SH.2, that sites for more than 10 dwellings will need to provide an element of affordable housing. Nine houses avoids this requirement.
- houses for retired increasing and second homes
- of 16 houses built recently, one has a family (with one child), rest occupied by single people and retired couples from afar.

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 design and form of development, the impact on the amenity of local residents and on the school, the generation of traffic onto the Class III road (C1203) and the issue of affordability.

6.2 It is considered that the style and form of dwellings with the use of natural slate roofing, and rendered and stone facing reflects the local vernacular. The colour and type of natural stone would need to be approved before development commences on site. English Heritage has raised concerns about white painted barge/fascia boards on the many gables that are a feature of the five detached and two pairs of two-bedroom houses on this site. This issue can be addressed prior to issuing of planning permission.

6.3 The Traffic Manager does not object to this detailed application, although revisions are sought such that a turning head is provided on the site and the layout is to adoptable

standard. This is a matter that will need to be resolved before approval could be considered. The issues raised relating to congestion were addressed previously when the principle of development of the site was approved. A means of access that meets the necessary standard can be provided to serve the development.

- 6.4 It is not considered that an issue of overlooking from the site towards properties in Penbailey can be reasonably maintained. First floor windows in the nearest dwellings to Penbailey are obscure glazed, for a landing window on Plot 9, and a cupboard/storage room for Plot 1 opposite Plot 9. The ground floor windows would be sufficiently screened by hedging.
- 6.5 The second issue of overlooking and proximity is raised by the Community School and in particular to a pre-school building that enjoys unobstructed views at present across the proposal site. A 1.8 metres high fence is proposed on this boundary between the temporary building and the proposal site. It is considered that it is not unreasonable for the developer of a site to want some means of enclosure. It is not contended that given the distance away from the boundary of between 9 metres and at angle to the boundary and 6 metres for Plot 3 is unacceptable given that the closer window is not overlooking an area of private amenity area belonging to a dwelling.
- 6.6 The Parish Council have raised, as well as one of the objectors, the issue of street lighting. Street lighting would not be appropriate in the context of the settlement.
- 6.7 The case for making the dwellings affordable was addressed on the previous application. As one of the objectors correctly states, developments of less than 10 dwellings do not require to provide an element of affordable housing. This scheme does though have to provide a mixed scheme as required by policies in the South Herefordshire District Local Plan. This it is considered has been achieved in the submitted scheme.
- 6.8 The application will need to be refined further in respect of the driveway and provision of a turning head, and in the details of materials to be used across the site.

RECOMMENDATION

That subject to the receipt of revised plans relating to the roadway and footpath, and further specifications of materials and finishes, including landscaping, 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. **A06 (Development in accordance with approved plans)**

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

Informative(s):

1. **N09 - Approval of Reserved Matters**
2. **N15 - Reason(s) for the Grant of Planning Permission**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

2.3 South Herefordshire District Local Plan

Policy GD1	-	General Development Criteria
Policy C5	-	Development within AONB
Policy C23	-	New Development affecting Conservation Areas
Policy CF1	-	Retention and provision of New Community Facilities
Policy CF6	-	Access for All

Part 3 – Chapter 37

Policy 4	-	Primary Residential Areas
Policy 16	-	Conservation Area

2.3 Herefordshire UDP (Revised Deposit Draft)

Part 1

Policy S2	-	Development Requirements
Policy S8	-	Recreation, Sport and Tourism Development
Policy S11	-	Community Facilities and Services

Part 2

Policy DR1	-	Design
Policy LA1	-	Areas of Outstanding Natural Beauty
Policy HBA6	-	New Development within Conservation Areas
Policy RST1	-	Criteria for Recreation, Sport and Tourism Development
Policy RST2	-	Recreation, Sport and Tourism Development within Areas of Outstanding Natural Beauty

3. Planning History

3.1	SH94/0854/PF	Extension to form new office accommodation.	-	Granted	29.08.94
	SH95/1345/PF	Extension to form larger classroom, with cloaks and toilet.	-	Granted	31.01.96
	SH99/2705/PF	Extension to rear of school to create a new classroom area.	-	Granted	19.08.99
	SE2000/0609/F	New Playground and access steps.	-	Granted	26.05.00
	SE2002/2705/F	Extension to provide classroom, cloaks and store. Re-provision of displaced car parking.	-	Granted	19.08.02

4. Consultation Summary

Statutory Consultations

- 4.1 Sport England has objected to the proposal because it is considered that the size of the proposed hall would not be suitable for community uses/sports. The storage provision within the extension, the proposed siting of the new playground and the opportunity to mark out pitches for organised sports are also questioned.
- 4.2 Welsh Water raise no objections, subject to the imposition of conditions regarding foul and surface water discharges and land drainage run-off.

Internal Council Advice

- 4.3 The Traffic Manager raises no objections in principle, recommends consideration is given to upgrading carparking provision and providing secured and covered cycle parking. A Travel Plan is also required.
- 4.4 The Conservation Manager's advises that there is no objection in principle. However there is concern regarding the scale and height in relation to the existing design and proportion of the fenestration.
- 4.5 The Director of Education advises that the original hall was small and isolated from the main school building. The replacement needs to be an integral part of the school and a minimum of 140 square metres (hall only). Without a hall the P.E curriculum will not be able to be taught, so it is a vital facility. The classrooms should not be reduced in size as a result of the proposal.

5. Representations

- 5.1 Ross-on-Wye Town Council - No objections
- 5.2 Two letters of objection have been received from D Whitehead of Badgers Rest and D. and E.G. Calder of Hornbeams, 9, Eastfield Road. The main issues raised are:
- Building is completely out of character with the rest of the school buildings, which have flat roofs
 - Building would overshadow the existing school
 - Could be argued that a sloping roof is necessary, but the school has managed with a roof slope of only 3 to 4 feet for some considerable time
 - It appears that the building would be some 3 to 4 feet above ground level, if this is so we would be overlooked from the classrooms into our lower ground floor rooms

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 considerations in the determination of this application are the effect of the proposal on the character and appearance of the Conservation Area and Wye Valley Area of Outstanding Natural Beauty, the impact upon highway safety and the amenity of area.
- 6.2 In principle, the Development Plan policies and Government advice, as set out in PPG 17, encourage the provision of new and extended sporting and community facilities. The existing school hall is on land that is now outside of the school's ownership and whilst there is a current goodwill arrangement for its use by the school this will not continue indefinitely.
- 6.3 The size of the proposed hall would meet the size requirements for primary school curriculum needs. In addition the inclusion of a beverage area and toilets would enable the hall to be used for other community uses outside of school hours. Sport England have objected to the proposal, primarily because the size of building would not be adequate to be used for a wide range of sporting facilities. They consider that

the proposal has the potential to significantly contribute to the Government's aim to improve health through physical activity. It is understood that funding would only be available from the Department of Education for the construction of a building to meet the primary school's needs. Such funding would cover 90% of the costs, with the remaining 10% being funded by the school. The applicants have advised that they would not be prepared or able to fund the additional costs to construct a larger building to meet Sport England's requirements. The siting of the replacement play area is adjacent to an existing tarmaced play area and is on a parcel of land that is not large enough to be used for formal sporting activities. Therefore it would still be used for informal play.

- 6.4 Both primary legislation and planning polices state that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Due to the siting of the school and proposed extension and the existing development to all of the site boundaries, any views of the proposal from outside of the site would be partially obscured by existing development and landscaping. The proposed extension is large in scale and would be some 6.5 metres taller than the existing school building. However its proposed use, as a hall, dictates to a large degree the size of the footprint and the height of the building. Whilst the height could possibly be reduced through the provision of a flat roof it is considered that on a functional building of this size, the benefits of reducing the height would be outweighed by the resulting appearance of the building. Amended plans are anticipated, following negotiations, to provide a reduced ridge height, an increased overhang on the roof and changes to the size and design of some of the windows. Subject to the plans addressing the concerns raised, it is considered that the scheme would not have an adverse impact upon the character and appearance of the Conservation Area as a whole.
- 6.5 The Wye Valley Area of Outstanding Natural Beauty washes over the town and built up areas. Taking into account the siting of the proposal and the existing character and appearance of the vicinity, it is considered that the proposal would not be detrimental to the scenic qualities of the Area of Outstanding Natural Beauty.
- 6.6 The proposal would replace the existing hall, so in terms of transportation issues for its use in connection with the school, the impact would be neutral. However it is intended to use the proposed hall facilities for community use, which may generate additional traffic outside of school hours. To accommodate other means of transport to private vehicle, the requirement for the storage of cycles is considered appropriate. A condition could satisfactorily control this.
- 6.7 The site lies within a primarily residential area. Although the proposed extension would be tall, almost half its height would be made up of roof slope. It is considered that as a result of the low eaves height (4.9 metres) of the roof, the resulting building would not be unduly overbearing. Furthermore when coupled with its siting set back from the boundaries, the building would not be unacceptably harmful to the residential amenity of neighbouring properties. With specific reference to the objectors' property, there would be a distance of some 71 metres between the eastern elevation of the proposed extension and the rear elevation of their property (9, Eastfield Road). Although the land levels are higher within the application site, by reason of the distance separation and the orientation of the proposal and dwelling so that they are not directly facing one another it is considered that the proposal would not unacceptably impinge upon privacy. Whilst the windows would be tall because the proposed use as a hall would only incorporate a ground floor overlooking would not result.

RECOMMENDATION

That

- i) the application is notified to the Government Office for West Midlands (GOWM)
- ii) subject to confirmation from GOWM that it is not intended to call the application in 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 A09 (Amended plans)
Reason: To ensure the development is carried out in accordance with the amended plans.
 - 3 B01 (Samples of external materials)
Reason: To ensure that the materials harmonise with the surroundings.
 - 4 W01 (Foul/surface water drainage)
Reason: To protect the integrity of the public sewerage system.
 - 5 W02 (No surface water to connect to public system)
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.
 - 6 W03 (No drainage run-off to public system)
Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.
 - 7 H29 (Secure cycle parking provision)
Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.
 - 8 A Travel Plan for both staff and pupils of the school, containing measures to promote sustainable travel patterns, including a schedule for its implementation shall be submitted to and approved in writing by the local planning authority, within 3 months of the date of this decision. A detailed record shall be kept of

measures taken to promote green transport initiatives and shall be made available for inspection by the local planning authority upon request.

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

9 F48 (Details of slab levels)

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

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

13 DCSW2005/1171/F - CHANGE OF USE FROM AGRICULTURAL TO GARDEN LAND, LAND ADJACENT TO ORCHARD COTTAGE, PENROSE GREEN, BROAD OAK, HEREFORDSHIRE, HR2 8QT

For: Mr. M. Colwell, Orchard Cottage, Penrose Green, Broad Oak, Herefordshire, HR2 8QT

Date Received: 14th April, 2005

Ward: Pontrilas

Grid Ref: 48854, 21891

Expiry Date: 9th June, 2005

Local Member: Councillor G.W. Davis

1. Site Description and Proposal

- 1.1 The application site lies within open countryside as defined by the South Herefordshire District Local Plan. The property known, as Orchard Cottage is a two storey detached dwelling situated in rectangular grounds. The property and access has been built at right angles upon the common land known as Penrose Green. Access to the common is via the B4521 road to Skenfrith, which leads onto the unclassified 71410 road, a single track serving Penrose Green. The track is approximately 0.1 of a mile and then forms a loop around the common land serving Penrose Farmhouse to the north-west, Orchard Cottage to the north and 1 to 3 Penrose Cottage to the north-east.
- 1.2 The proposal relates to a change of use from agricultural to garden land to the north and northeast of Orchard Cottage. The land between Orchard Cottage and proposal site is divided by common land and an area to the south-western corner is also common land. The land is oblong in shape and gradually slopes northerly to lower agricultural fields. The area measures 57m north to east, 28m east to south, 50m south to west and 32m west to north. The land has been divided from agricultural land and provides post and wire mesh fencing to its northern and eastern boundaries. The western boundary provides a mixture of trees and hedging. The southern boundary to the common provides a mixture of trees, hedging and double wooden gates serving the land. Access to the land is served over the common land consisting of compacted stone.

2. Policies

2.1 Planning Policy Guidance

PPS1 - Delivering Sustainable Development

2.2 Hereford and Worcester County Structure Plan

Policy CTC7 - Development and features of Historic and Architectural Importance

Policy CTC9 - Development Criteria

2.3 South Herefordshire District Local Plan

Policy GD1	-	General Development Criteria
Policy C1	-	Development within open countryside
Policy C10A	-	Common Land
Policy C29	-	Setting of a Listed Building

2.4 Unitary Development Plan

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S7	-	Natural and Historic Heritage
Policy LA2	-	Landscape character and areas least resilient to change
Policy HBA4	-	Setting of Listed Building

3. Planning History

- 3.1 SH921187PM One two-storey cottage style - Approved 11.11.92 dwelling
- SW2005/0153/F Change of use from agricultural - Withdrawn 14.02.05 to garden land

4. Consultation SummaryStatutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Traffic Manager has no objections.
- 4.3 The Conservation Manager observations are as follows:-

"I would be guided by yourself regarding the planning issues involved. I would not wish to make architectural observations other than if you should consider this proposal to be acceptable then type of boundary demarcation should be confirmed and to be approved."

- 4.4 The County Land Agent's observations are as follows:-

- Part of the site for the proposed storage barn is on common land, as per plan.
- A fence has been erected across the common land.
- The field access for some years is as per the plan, not as per the application.
- Part of the area and track has been stoned.
- If it is to be garden why the very large shed, stoned area and need for double gates.
- Various items of storage have been placed on the common.

5. Representations

5.1 St. Weonards Parish Council has no objections.

5.2 One letter of objection has been received from:

A. Newland & S. Rainbow, 3 Penrose Cottages, St. Weonards, Hereford. HR2 8QT

The grounds of objection can be summarized as follows:-

- Concerned that the land is used for business.
- The amount of traffic, machinery and noise next to our home.
- Not happy that the common land has a road over it where our children have played in.

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

6. Officers Appraisal

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

Impact upon Common Land
Impact upon the surrounding landscape
Setting of the Listed Building
Amenity of nearby residents

6.2 The proposed change of use lies to the north of the common. The common is a Section 9 common and therefore there is no known owner with whom to treat for an access. It is considered that the right of access over the common land and area of common to the south-western part of the land is not a planning matter and would need to be dealt with by the County Land Agent.

6.3 The planning issue of the proposal is whether the change of use has an impact upon the common land in terms of its character and appearance. At present Penrose Common is wild and unattractive and served by a rough stoned track. The houses situated around the common, provides front gardens and hedging, having part grassed frontages to the track, which are maintained. The proposal site has provided double wooden gates to the entrance of the land and provides post and wire fencing to its northern and eastern boundaries. All existing trees and hedging to the east and south of the site will remain. It is considered that the garden area will be grassed and have an open appearance and would not harm the characteristics of Penrose Common.

6.4 The Council's draft Supplementary Planning Guidance "Landscape Character Assessment" defines the area as Sandstone Farmlands, landscape types that are resilient to change. These are open agricultural landscapes with moderate to gently undulating landform. Tree cover is limited, being restricted to sparsely scattered hedgerow trees. The proposed parcel of land provides scattered hedgerow trees to its western boundary and the land slopes gradually northerly to lower ground. Visually the land is viewed westerly from the B4251 approximately ½ mile past the crossroad junction of the A466.

- 6.5 At present the land has been cleared to the south-western corner to accommodate the proposed storage barn submitted under planning application SW2005/1170/F and a large area of land to the east is covered by stone, continuation of the stone access into the field for parking and turning. The applicant has suggested that additional planting; hedging to boundaries and where the grass has been destroyed will be reseeded. Having considered that the area is resilient to change, the SPG seeks to encourage new hedgerow planting and tree planting should development be allowed. With the use of appropriate conditions, the change of use of agricultural to garden would not have a harmful effect upon the character and appearance of its rural surroundings.
- 6.6 The proposal lies to the north-east of Penrose Farmhouse, a grade II Listed Building. Policy C29 seeks to ensure that proposals would not adversely affect the setting of a Listed Building. In terms of its location Penrose Farmhouse is visually screened from view and Orchard Cottage lies in between the proposed site. It is considered that the application would not harm the setting of the Listed Building.
- 6.7 The concerns of the neighbouring resident regarding the proposed use for business and the amount of traffic, noise and disturbance that may be generated from such change of use are noted. The applicant does run a plant hire business and certain items were evident on the land, however, the application seeks a change of use for domestic purposes and such items would not be allowed to be stored on the land. From a planning point of view the proposal has to be considered upon its own merits and its impact upon the surrounding landscape. The applicant has provided post and wire fencing to the boundaries and is prepared to provide additional planting and re-seed grassed areas. To ensure that the land is controlled for its intended use, conditions can be attached as well as restricting further buildings being erected on the land. In this regard, the change of use is acceptable and would not affect the amenities of the nearby residents.
- 6.8 Having regard to the above and with appropriate conditions it is considered that the proposal would accord with the relevant local plan policies.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2. 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.

5. G12 (Planting of hedgerows which comply with Hedgerow Regulations)

Reason: To ensure that hedges planted are ecologically and environmentally rich and to assist their permanent retention in the landscape.

6. E16 (Removal of permitted development rights)

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

7. The storage barn and associated land and dwellinghouse known as Orchard Cottage shall not be sold separately from each other.

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 access rights over the common land and to ensure the necessary consent is sought.
- 2. N15 - Reason(s) for the Grant of Planning Permission

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

14 DCSW2005/1170/F - STORAGE BARN, LAND ADJACENT TO ORCHARD COTTAGE, PENROSE GREEN, BROAD OAK, HEREFORDSHIRE, HR2 8QT

For: Mr. M.W. Colwell, Orchard Cottage, Penrose Green, Broad Oak, Herefordshire, HR2 8QT

Date Received: 13th April, 2005

Ward: Pontrilas

Grid Ref: 48854, 21891

Expiry Date: 8th June, 2005

Local Member: Councillor G.W. Davis

1. Site Description and Proposal

- 1.1 The application site lies within open countryside as defined by the South Herefordshire District Local Plan. The property known, as Orchard Cottage is a two storey detached dwelling situated in rectangular grounds. The property and access has been built at right angles upon the common land known as Penrose Green. Access to the common is via the B4521 road to Skenfrith, which leads onto the unclassified 71410 road, a single track serving Penrose Green. The track is approximately 0.1 of a mile and then forms a loop around the common land serving Penrose Farmhouse to the north-west, Orchard Cottage to the north and 1 to 3 Penrose Cottage to the north-east.
- 1.2 The proposal is to erect a storage barn measuring 16m (l) x 9m (w) x 6.5m (h) to be constructed of green tin roof and sides of the building. The barn is to be positioned to the south-western corner of the parcel of land adjacent to Orchard Cottage.
- 1.3 Since the submission of the plans and through negotiations, amended plans have been received on the 17th May, 2005. The height of the barn has been reduced to 5 metres, all other measurements remain the same.

2. Policies

2.1 Planning Policy Guidance

PPS1 - Delivering Sustainable Development

2.2 Hereford and Worcester County Structure Plan

Policy CTC7 - Development and features of Historic and Architectural Importance

Policy CTC9 - Development Criteria

2.3 South Herefordshire District Local Plan

Policy GD1 - General Development Criteria

Policy C1 - Development within open countryside

Policy C10A - Common Land

Policy C29 - Setting of a Listed Building

Policy SH23 - Extensions to Dwellings

2.4 Unitary Development Plan

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S7	-	Natural and Historic Heritage
Policy LA2	-	Landscape character and areas least resilient to change
Policy HBA4	-	Setting of Listed Building

3. Planning History

- 3.1 SH921187PM One two-storey cottage style dwelling - Approved 11.11.92
- SW2005/0153/F Change of use from agricultural to garden land - Withdrawn 14.02.05

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Traffic Manager has no objections.
- 4.3 The Conservation Manager observations are as follows:-

"I would be guided by yourself regarding the planning issues involved. I would not wish to make architectural observations other than if you should consider this proposal to be acceptable then type of boundary demarcation should be confirmed and to be approved."

- 4.4 The County Land Agent's observations are as follows:-

- Part of the site for the proposed storage barn is on common land, as per plan.
- A fence has been erected across the common land.
- The field access for some years is as per the plan, not as per the application.
- Part of the area and track has been stoned.
- If it is to be garden why the very large shed, stoned area and need for double gates.
- Various items of storage have been placed on the common

5. Representations

- 5.1 St. Weonards Parish Council has no objections.
- 5.2 Two letters of objection have been received from:

A. Newland & S. Rainbow, 3 Penrose Cottages, St. Weonards, Hereford. HR2 8QT
 Mr. R. Robinson, 2 Penrose Cottage, St. Weonards, Hereford. HR2 8QT, also signed by Belinda Scadding, Property Trust Representative, C/O Old School House, Scottleton Street, Presteigne, Powys. LD8 2BL

The grounds of objection can be summarized as follows:-

- Barn is next to our home and will be within our immediate view.
- Concerned that the land is used for business.
- The amount of traffic, machinery and noise next to our home.
- Not happy that the common land has a road over it where our children have played in.
- Barn will be an ugly utility building, a continuation of plant machinery traffic and maintenance near to our home.
- Noise and disturbance associated with Mr. Colwells Plant Hire business.

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

6. Officers Appraisal

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

Affect of the proposal upon Orchard Cottage
Impact upon the common land and surrounding landscape
Setting of the Listed Building
Amenity of nearby residents

- 6.2 The position of the storage barn will lie at right angles to Orchard Cottage, separated by part of the common, approximately 10 metres from the garage element of the dwelling. Mature hedging divides the area of land to its north, which is to remain. The land slopes northerly from the dwellinghouse and it is intended to site the barn at lower ground level and behind the mature hedging. The concerns regarding the height of the building have been addressed and amended plans have subsequently reduced the overall height from 6.5 metres to 5 metres. It is considered that the size and scale of the building would not compete with the dwellinghouse and would remain subservient.
- 6.3 The Council's draft Supplementary Planning Guidance "Landscape Character Assessment" defines the area as sandstone farmlands, landscape types that are resilient to change. These are open agricultural landscapes with a moderate to gently undulating landform. Tree cover is limited, being restricted to sparsely scattered hedgerow trees. The proposed parcel of land provides scattered hedgerow trees to its western boundary and the land slopes gradually northerly to lower ground. Visually the land is viewed westerly from the B4251 approximately ½ mile past the crossroad junction of the A466.
- 6.4 The land to the south-western corner has been cleared and leveled to position the storage barn and a large area of land to the east covered in stone for parking and turning area. From a visual point of view, the pitch of the roof would be seen approaching Penrose Common from the east and the existing hedging and trees would visually screen the form of the building. The land slopes northerly to lower fields and is open to views from the junction of the A465 and B4251, where the group of dwellings can also be seen. Having considered that the area is resilient to change, the SPG seeks to encourage new hedgerow planting and tree planting should development be allowed. Thus with appropriate conditions to control the use of the building for domestic purposes and landscape conservation, the barn would not have a harmful effect upon the character and appearance of the common and its rural surroundings.

- 6.5 The proposal lies to the north-east of Penrose Farmhouse, a grade II Listed Building. Policy C29 seeks to ensure that proposals would not adversely affect the setting of a Listed Building. In terms of the location of Penrose Farmhouse, it is visually screened from view and Orchard Cottage lies between the proposed site. It is considered that the application would not harm the setting of the Listed Building.
- 6.6 The concerns of the neighbouring residents regarding the proposed use for business and the amount of traffic, noise and disturbance that may be generated are noted. The applicant does run a plant hire business and certain items were evident on the land, however, the application seeks a storage barn for domestic purposes for the enjoyment of the dwellinghouse and would need to be considered on its own merits. The barn is situated to the south-western corner of the agricultural field and the neighbouring property known as 3 Penrose Cottages is approximately 48 metres from the end elevation of the barn. The Cottage has a small window to its gable serving the attic space and the ground floor element is visually screened having mature trees and hedging to its boundary. The reduction of the roof height and proposed materials is considered acceptable in its location and would therefore not harm the amenity of the neighbouring residents. To ensure the future use of the building appropriate conditions can be attached to the decision.
- 6.7 Consultations of the amended plan were considered unnecessary due to the concerns relating to its proposed use and furthermore, the internal Council advice raised no objections to the submitted drawings.
- 6.8 Having regard to the above and with appropriate conditions it is considered that the proposal would accord with the relevant local plan policies.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2. 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. B01 (Samples of external materials)

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

5. G04 (Landscaping scheme (general))

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

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

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

7. G12 (Planting of hedgerows which comply with Hedgerow Regulations)

Reason: To ensure that hedges planted are ecologically and environmentally rich and to assist their permanent retention in the landscape.

8. E08 (Domestic use only of garage)

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

9. E16 (Removal of permitted development rights)

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

10. The storage barn and associated land and dwellinghouse known as Orchard Cottage shall not be sold separately from each other.

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

Informative(s):

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

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

15A DCSE2005/1272/F - DEMOLITION OF, AND ALTERATIONS TO, TIMBER FRAMED, STEEL CLAD BARN, TO CREATE 5 CAR PORTS WITH STORES AT WALFORD COURT, WALFORD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5QP

15B DCSE2005/1277/L - DEMOLITION OF, AND ALTERATIONS TO, TIMBER FRAMED, STEEL CLAD BARN, TO CREATE 5 CAR PORTS WITH STORES AT WALFORD COURT, WALFORD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5QP

**For: Mitchell & Son Homes Ltd per Geoff Jones
Architect, 53 Broad Street, Ross on Wye,
Herefordshire HR9 7DY**

Date Received: 21st April, 2005 Ward: Kerne Bridge Grid Ref: 58689, 20557

Expiry Date: 16th June, 2005

Local Member: Councillor Mrs. R.F. Lincoln

1. Site Description and Proposal

1.1 Planning permission and listed building consent was granted in 2003 for conversion of barns at Walford Court, Walford, into 6 dwellings. Walford Court is a listed building and the barns are considered to be curtilage buildings. The scheme, which is currently being implemented, did not include covered parking although domestic sheds were specified. An application (SE2004/4120/F) to erect 5 car ports and external store and to convert an open-fronted agricultural building (which was not included in the original proposal) was subsequently submitted. Permission was refused in January 2005 for the following reasons:

“1. The proposal would not comply with the Council's Policies and Supplementary Planning Guidance with regard to conversion of rural buildings as the following requirements have not been met:

- (i) the building shall be capable of conversion without the need for extension
- (ii) the scheme shall respect the existing character of the building, and
- (iii) open cart sheds and other suitable buildings shall be used for garaging and storage
- (iv) that the building be marketed to secure business re-use

The Policies referred to are CTC.13 and CTC.14 of Hereford and Worcester County Structure Plan and C.36 and C.37 of South Herefordshire District Local Plan plus Supplementary Planning Guidance: Re-use and Adaptation of Traditional Rural Buildings.

2. The proposed development by reason of the extent, design and massing of new buildings and walls would harm the setting of these attractive stone barns which are within the curtilage of the listed Walford Court. The proposal would conflict therefore with Policy C.27A and C.29 of South Herefordshire District Local Plan.”
- 1.2 The current application seeks alternative covered parking. The existing triple bay Dutch barn which was to be demolished as part of the barn conversion scheme would be partly retained (the north-western bay). It would be reduced in height by about 3m. and clad with profiled steel sheeting on roof, rear and sides. The front (south-east) elevation would be open but the rear 2m. depth of each car port would be boarded to form domestic stores. The application site includes more land from the farm complex to the north-west which would remain in use for agricultural purposes.
- 1.3 Separate applications have been submitted for conversion of the open-fronted cart shed to a dwelling (SE2005/1328/F & SE2005/1264/L). These are not the subject of this report.

2. Policies

2.1 Planning Policy Guidance

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

2.2 Hereford and Worcester County Structure Plan

- | | | |
|--------------|---|---|
| Policy CTC1 | - | Area of Outstanding Natural Beauty |
| Policy CTC13 | - | Buildings of Special Architectural or Historic Interest |
| Policy CTC14 | - | Criteria for the Conversion of Buildings in Rural Areas |

2.3 South Herefordshire District Local Plan

- | | | |
|-------------|---|--|
| Policy C1 | - | Development Within Open Countryside |
| Policy C4 | - | AONB Landscape Protection |
| Policy C5 | - | Development within Areas of Outstanding Natural Beauty |
| Policy C36 | - | Re-use and Adaptation of Rural Buildings |
| Policy C37 | - | Conversion of Rural Buildings to Residential Use |
| Policy C44 | - | Flooding |
| Policy SH24 | - | Conversion of Rural Buildings |
| Policy GD1 | - | General Development Criteria |

2.4 Supplementary Planning Guidance

Re-use and adaptation of Traditional Rural Buildings

3. Planning History

- | | | | | |
|-----|---------------|---|---|----------|
| 3.1 | SE2002/3372/F | Change of use and conversion of barns to dwellings. | - | Approved |
| | | | | 30.9.03 |
| | SE2002/3373/L | Conversion of barns to 6 dwellings. Demolition of steel/timber barns. | - | Approved |
| | | | | 30.9.03 |

SE2004/4120/F	Conversion of barn to dwelling, erection of carports and external stores with 6 parking spaces.	-	Refused 21.1.05
SE2005/1264/L	Conversion of barn to a single dwelling.	-	Not determined
SE2005/1328/F	Conversion of barn to a single dwelling.	-	Not determined

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency has no objection in principle but recommend that a condition be imposed regarding drainage.

Internal Council Advice

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

5. Representations

- 5.1 Walford Parish Council make the following observations:

“Members think that this Dutch barn is not worthy of retention in any form by reason of its bulk and unattractive materials in the setting of the surrounding listed buildings. It should be replaced with stone-faced, slate roofed storage facilities if these are really necessary.”

- 5.2 One letter of objection has been received from M Thomas, Walford Court, Walford, Ross on Wye HR9 5QP. In summary the following reasons are given:

- (1) The current proposals do not address the original reasons for refusal and the car ports are considerably worse than the prior proposal.
- (2) Corrugated steel clad residential buildings are completely unacceptable in rural Britain, especially next to listed buildings in an AONB. We are not in the Australian outback.
- (3) The Dutch barn is an eyesore. The principal benefit the community gained from the conversion of the barns was the restoration of the site that included the removal of this eyesore. A necessary evil for modern agricultural use, the barns should now be removed.
- (4) The original planning application for the site SE2002/3372 clearly stated that this Dutch barn was to be demolished. To now propose any building in the same location is tantamount to new build. The Dutch barn should no longer be considered an existing building for the purposes of planning.
- (5) The proposed carports are of such a different nature that they are not a conversion but rather new build. Only a small part of the original structure is re-used, it has new walls on three sides, several rooms. If this is acceptable then any modern farm buildings can be converted into residential buildings.

- (6) The carport/storage units will severely affect the character of this listed farm courtyard. They are completely unnecessary as there is sufficient space within the existing barns to accommodate both housing units and carports/garages. If the applicant now desires carports a revised application for the original buildings should be submitted. The current proposal is contrary to C27(i).
- (7) The development is outside the settlement boundary and presumption must be against any further building.
- (8) As an ex cart-port the cart barn could be used as a carport. This use would retain the character and functional use of this listed building perfectly, while also meeting the carport needs of the applicant.

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 Walford Court barns form an attractive group of buildings arranged around a rectangular courtyard. In view of this layout and the style of building it is understandable that the conversion scheme proposed open car parking rather than, as the SPG recommends, using existing buildings for garaging. As noted above the open-fronted building was not included in the original scheme. It is not certain, irrespective of the outcome of the current applications whether that building would be available for car parking and even if it were to be the total number of covered parking spaces would be 9. Between 6 residential units this is not considered to be excessive. The proposed carports are wider (4.2m) than necessary for a single car but would not be sufficient space for two cars.
- 6.2 Paragraph 5.3 of Supplementary Planning Guidance encourages provision for carports within the existing buildings. The Dutch barn, although it would necessarily be modified, is an existing building. It is an agricultural building and does not therefore appear out of place in this farmyard setting. It would provide a more substantial and appropriate barrier between converted barns and modern agricultural buildings than the high stone wall currently approved. The wooden framework which forms the structure of the building is of interest and the simple shape and proportions are not displeasing. It is not considered that the building as it is now, or as proposed, is an eyesore. It is in any case quite well screened by the converted barns and large modern agricultural buildings from public viewpoints. A further benefit is that there would be less need for open car parking.
- 6.3 The changes to the building essentially involve shortening the timber uprights that form the main walls of the barn. The building is the structure; the cladding is ephemeral and optional: some barns have sides as well as roofs, other have not and the cladding has to be replaced as it wears out. No doubt for practical and safety reasons the wooden structure would have to be dismantled before alteration. It would not be used for residential accommodation. The building as modified would be suitable for domestic storage and this is considered to be within the spirit of the Council's guidelines for barn conversions.

RECOMMENDATION

In respect of DCSE2005/1272/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 B01 (Samples of external materials)

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

3 G01 (Details of boundary treatments)

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

4 G04 (Landscaping scheme (general))

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

5 G05 (Implementation of landscaping scheme (general))

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

In respect of DCSE2005/1277/L

That planning permission 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 B01 (Samples of external materials)

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

3 G01 (Details of boundary treatments)

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

4 G04 (Landscaping scheme (general))

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

5 G05 (Implementation of landscaping scheme (general))

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

Informative(s):

- 1 - **N15 - Reason(s) for the Grant of Planning Permission and Listed Building Consent**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

16 DCSW2005/0720/F - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 24 HOUSES WITH PARKING AND/OR GARAGES, TOGETHER WITH ASSOCIATED ROADS AND SEWERS, LAND AT WHITEHOUSE FARM, KINGSTONE, HEREFORDSHIRE

**For: Jennings Homes per K.C. Humpherson Ltd,
The Corner House High Street, Wombourne, WV5 9DN**

Date Received: 4th March, 2005 Ward: Valletts Grid Ref: 42524, 35924
Expiry Date: 29th April, 2005
 Local Member: Councillor P.G. Turpin

1. Site Description and Proposal

- 1.1 The proposal site is a 0.7 hectare one on the western side of the Class III road (C1221) also known as Church Road, that links the B4349 road to the north and the B4348 road to the south. A factory unit borders the north-eastern boundary, the playing field on the north-western boundary and properties in Whitehouse Drive on the south-western boundary. Whitehouse Farm, a Grade II Listed farmhouse, now in two properties known as Lilac Cottage and The White House on the south-western boundary and divorced from the farmstead by a fair faced blockwork wall. The two semi-detached timber framed dwellings have an elevated position in relationship to the site.
- 1.2 There are a range of wooden and other barns and natural stone farm buildings towards the south-western corner of the site, and in the north-western corner is a pond.
- 1.3 It is proposed to erect 21 three-bedroom and 2 two-bedroom houses across the site, some in pairs and others in groupings. One house is a detached one having five bedrooms and is sited in the north-western corner of the site. It is sited with views across the infilled pond.
- 1.4 The application proposes to provide, as required by the provisions of Government advice in PPG.3 - Housing, a proportion of affordable housing, the form of housing will be shared equity housing. The applicants have informally stated that a particular RSL (Registered Social Landlord) has been identified.

2. Policies

2.1 Planning Policy Guidance

- | | | |
|-------|---|------------------------------------|
| PPS.1 | - | Delivering Sustainable Development |
| PPG.3 | - | Housing |

2.2 Hereford and Worcester County Structure Plan

- | | | |
|--------------|---|------------------------|
| Policy CTC.9 | - | Development Criteria |
| Policy H.16A | - | Housing in Rural Areas |

2.3 South Herefordshire District Local Plan

Policy GD.1	-	General Development Criteria
Policy C.43	-	Foul Sewerage
Policy R.3A	-	Development and Open Space Targets For 10 Dwellings and More
Policy R.3D	-	Commuted Payments
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 C.29	-	Setting of a Listed Building

2.4 Unitary Development Plan

Policy S.2	-	Development Requirements
Policy S.3	-	Housing
Policy S.11	-	Community Facilities and Services
Policy DR.1	-	Design
Policy DR.4	-	Environment
Policy DR.5	-	Planning Obligations
Policy DR.10	-	Contaminated Land
Policy H.4	-	Main Villages: Settlement Boundaries
Policy H.15	-	Density
Policy HBA.4	-	Setting of Listed Buildings

3. Planning History

3.1 None identified.

4. Consultation SummaryStatutory Consultations

4.1 The Environment Agency has no objections in principle, this is with the proviso the 'works' site to the north is not included in the development and that conditions relating to possible contamination discovered during development, control of soakaways and the use of an oil interceptor from hardstandings and parking areas.

4.2 Welsh Water has no objections subject to the separation of foul water and surface water discharges from the site, and no surface water being allowed to connect (either directly or indirectly) to the public sewerage system.

Internal Council Advice

4.3 Traffic Manager recommends that conditions are attached that provide for parking provisions and a road layout/footpaths, forward visibility and turning head provisions, all to adoptable standards. The Traffic Manager is also seeking a financial contribution towards identified works on footpaths in the village. Details of the proposed connection for surface water will need to be submitted for approval.

4.4 The Conservation Manager has concerns about the frontage development and brick wall, particularly in relationship to the adjacent listed building. Brick wall should be retained instead of proposed railings. Chimneys would assist in the design. Cannot

support scheme as submitted. As regards Archaeology, the Conservation Manager states that sites are not indicated, but that further advice will follow. An Ecological Study should also be undertaken on the basis that bats, barn owls and nesting birds may be present on the site.

- 4.5 Head of Strategic Housing supports in principle the development of the site. Greater variety is sought over types and sizes of dwelling and seeks to ensure that a Registered Social Landlord is involved.
- 4.6 The Director of Education is seeking a contribution towards education, given the inadequate facilities at both schools in Kingstone.
- 4.7 The Director of Policy and Community requests a contribution to enable changing room facilities and referee rooms to be provided that are compliant with Sport England/Football Foundation, this is given that the site does not provide a small childrens/infants play area. One large open space is preferable on the site than several unusable smaller areas.
- 4.8 The Head of Environmental Health and Trading Standards refers to the Site Investigation Report that accompanied the application. A contaminated land condition is recommended in relation to possible contaminants from chemicals used with the agricultural use and from engineering works. A condition is also required relating to how the pond will be infilled.

5. Representations

- 5.1 A Design Statement accompanied the application together with a Site Investigation Report. The Design Statement contains photographs and states that a mix of housing types, in a mews type of development is proposed. Security to the rear of each property is one element, together with a variety in design with brick and rendered walling to complement the local area. The higher urban density is consistent with PPG.3. Areas of enclosure are also an element in the design.
- 5.2 Kingstone Parish Council's observations are as follows:

"The Parish Council objects to this application on the following grounds:

1. The development would be close to a listed building and would detract from its rural setting.
2. The sewage from this development will be pumped to a main sewer. Two years ago the sewage farm at Kingstone was working at full capacity and residents have been told that the old sewer is collapsing.
3. There has been a previous application to make a car park where the pond is situated and this application was refused. The pond is believed to be spring fed and a valuable wildlife site would be destroyed.
4. There are traffic problems on Church Lane now that vehicles try to avoid the traffic calming zone. Residents will add to commuter problems when travelling to Hereford.
5. There will have to be screening from the recreation ground to prevent nuisance from ball games.
6. We understood there were no more plans for houses with more than 3 bedrooms for Kingstone.

7. The ownership information certificate has been signed to say that the land is not an agricultural holding. Is this correct as the land is certainly a farmyard at the moment?"
- 5.3 123 letters of objection have been received (106 letters were pro-forma ones, some of which were only appended by signatures, i.e. addresses were not supplied) in which the following main points are raised:
- Environment Agency stated in 1998 only minor levels of development be allowed in future, due to capacity and state of mains system
 - collapse of mains close to Bull Ring Inn
 - many need updating, inadequate, appalling smells
 - septic tank drainage should be installed
 - contrary to Section 5, H134
 - site described as non-agricultural, not the case
 - need ecological survey
 - House Martins and rare swifts use pond mud for nest building. Great Crested Newts found
 - if pond kept, condition worsens if capped, flooding elsewhere, as site and part of playing field floods now
 - higher water table
 - many residents have bought properties for view across site
 - doctors surgery and schools over-subscribed, waiting list for schools
 - unknown number of extra children in area
 - assume water going into brook between Hanley Court and Primary School, brook already floods closing the two roads
 - understand refusal for car park extension for Central Park 10 or so years ago due to presence of Great Crested Newts
 - three-storey houses out of keeping
 - tall houses take away light
 - above housing quota for Kingstone
 - too high a density, half number of houses compared to Cottons Meadow on quarter of site area
 - need sturdy fence between site and Whitehouse Drive
 - no lighting sufficient length of pavements on Class III road
 - 50 extra cars at least
 - Class III road, a rat-run, 30mph exceeded, near misses/accidents as traffic avoids speed humps on B road outside schools
 - insufficient parking on site, will park on highway
 - Class III road too narrow, difficult for vehicles to pass
 - proximity to Whitehouse Farm, a Grade II Listed farmhouse in two separate dwellings
 - need more space for early seventeenth century timber framed farmhouse
 - should be preservation area around listed farmhouse
 - poor transport system

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

6. Officers Appraisal

- 6.1 The main issues are considered to be the principle of development, including the number of dwellings proposed, form of development in particular, loss of the pond, the setting of the Grade II Listed Whitehouse Farm, highways implications, means of foul drainage and funding of off-site community facilities.
- 6.2 This site is wholly within the settlement boundary which is a fact that none of the objectors contends. There is not a quota for Kingstone that would prohibit development of this site. The issue of it being related to an agricultural holding relates to the tenure of the site not the use of this area of land.
- 6.3 Local planning authorities have to have regard to planning material considerations such as Government advice contained in Planning Policy Guidance and in circulars. The most apposite planning guidance in relation to this site is contained in PPG.3: Housing. It requires, among others, that local planning authorities produce sites with densities of between 30-50 dwellings per hectare. The proposal for 24 houses on a 0.7 hectare area site falls within the lower scale of anticipated development. Therefore, on the issue of housing density alone there is not considered to be a material reason for refusal.
- 6.4 The development is predominantly comprising 3-bedroom housing, only three houses are not 3-bedroom ones, one is 5-bedroom and is on the north-western boundary of the site and two are 2-bedroom dwellings. It should also be stated that 8 dwellings have been identified as affordable dwellings in this instance for shared equity. The applicant has already identified a Registered Social Landlord (RSL), the preferred option of the Council in the management of affordable dwellings, a further requirement of PPG.3: Housing, as endorsed in the Council's Supplementary Planning Guidance relating to Affordable Housing. There are a variety of types and forms of dwelling proposed, varying in height from 6.8 metres to 7.3 metres, onto 7.9 metres and up to 9.3 metres. The dwellings will be faced in brick or rendered. The variation in ridge heights breaks up what would otherwise a degree of uniformity of ridge heights across the site. It is considered that the distance between the rear walls of Plots 9 and 10 and those of the nearest properties in Kingstone Drive of 23 metres is sufficient. Overlooking and loss of privacy would not arise. The other proposed dwellings on the southern boundary of the site, namely plots 11 and 15 are roughly at right angles to north-west facing properties in Whitehouse Drive. It is not considered that, as has been raised in representations, a loss of daylighting would occur to residents in Whitehouse Drive from dwellings on the southern boundary of the site.
- 6.5 The pond and the immediate land around it was the subject of an earlier planning application for an extension to the engineering works. The Environment Agency did not object at the time. The application was not refused as Great Crested Newts were found or believed to be living in and around the pond. It was refused for reasons of the change of use proposed and that the informal pond area and other land would be used for the storage of agricultural machinery. An ecological survey has been provided by the applicants at the request of the former Ecologist for the Council and this is still being assessed.
- 6.6 The siting of dwellings in proximity to the Grade II Listed Whitehouse Farm, which was formerly one dwelling and is currently in two separate residences, Lilac Cottage and The Whitehouse, is a material consideration. The proposal is being revised in accordance with the concerns of your officers. The roadside dwelling (Plot 1) an 'L' shaped dwelling returns in a similar fashion to the more elevated listed farmhouse.

The distance between the listed farmhouse and south facing, side wall of the house on Plot 1 is 9 metres. A footpath leading into the site skirts the southern boundary of the site following the line of an existing access point onto the farmstead. There is a breeze-block wall on the southern side of the proposed footpath/existing access way into the site. This wall will need to be treated in some fashion. The applicants are revising the house type and siting for the nearest plot to Whitehouse Farm. They are also looking at the issue of boundary treatments, not only the aforementioned blockwork wall on the boundary with Whitehouse Farm, but also the redbrick wall fronting onto Church Lane which is considered preferable to the proposed use of metal railings. The wall may need to be rebuilt for insurance purposes or possibly supported. The nearest dwelling to the north-west is considered to be sufficient distance at 17 metres away, at the nearest point. These issues would need to be resolved before planning permission could be issued, however it is considered that this can be achieved.

- 6.7 The Traffic Manager has no objections on the basis that adequate visibility can be achieved. A shortfall in parking provision was identified, this has been rectified with the submission of a layout plan identifying parking allocations for each dwelling. It is not within the remit of this application for the developer to address the issue of motorists seeking to circumvent the speed bumps on the B4349 road adjacent to the two schools. It is considered that there is sufficient on-site parking provision.
- 6.8 The issue of disposal of foul and surface water drainage has been raised by the majority of objectors and the Parish Council. The Environment Agency and Welsh Water whom have both responded without objection to the proposal as submitted, and in particular Welsh Water state there is capacity for foul drainage. The Council's Drainage Officer states that details for the surface water connection will need to be the subject of prior approval, but does not object in principle. The development can therefore be supported on the basis that the site can be served subject to the conditions requested by the Environment Agency and Welsh Water. Reasons for refusal on the basis that mains drainage is not adequate are not sustainable given the stance of Welsh Water and the Environment Agency at this time.
- 6.9 The developer will need to provide funding for off-site costs of the Education Service, Leisure Service, Highways Service and also satisfy the requirements of the Council's Supplementary Planning Guidance relating to Affordable Housing. The capacity for the school has been referred to in representations received, this can be partly addressed by the addition of funding for improved facilities including WCs at the Primary School and better IT facilities at the Senior School. Funding has also been requested for the benefit of football teams utilising the adjoining playing fields which will compliment the commuted sum previously paid by the developer of Cottons Meadow. The Traffic Manager had also identified works around the village that require funding. The scheme will also provide an element of affordable housing that will provide more affordable housing for the benefit of the village. There may be increased pressures on facilities on service providers, including the Doctor's Surgery and schools, however given that the principle of developing the site can be substantiated with reference to Policies GD.1, SH.8 and SH.15 in the South Herefordshire District Local Plan, together with the provisions of Government advice in PPG.3: Housing, refusing planning permission on the basis that more capacity is required cannot be sustained by planning policies.
- 6.10 It is considered that the application can be supported in principle subject to conservation issues relating to Plot 1, the nearest dwelling to Whitehouse Farm being resolved, and a Section 106/Planning Obligation is drawn up relating to the affordable

housing provision on the site and the funding of contributions to facilities across the village relating to footpaths, education facilities and sports and leisure facilities.

RECOMMENDATION

That: i) the County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of The Town and Country Planning Act 1990 with regard to financial contributions towards off-site provision for amenity facilities, highway works, facilities for local schools, affordable housing and any additional matters and terms as considered appropriate

ii) upon completion of the aforementioned planning obligation and the resolution of details, including the setting of Whitehouse Farm, and any mitigation measures necessary for the presence of wildlife, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any other conditions considered appropriate:

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

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

2. 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. G01 (Details of boundary treatments)

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

5. G04 (Landscaping scheme (general))

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

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

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

7. W01 (Foul/surface water drainage)

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

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

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

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

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

10. F47 (Measures to deal with soil contamination)

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

11. F17 (Scheme of foul drainage disposal)

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

12. F26 (Interception of surface water run off)

Reason: To prevent pollution of the water environment.

13. Soakaways shall only be used where they would not present a risk to groundwater. If permitted their location must be approved in writing by the local planning authority.

Reason: To prevent pollution of controlled waters.

14. Details of the means of infilling the pond, i.e. material, shall be the subject of the prior written approval of the local planning authority.

Reason: In the interests of the environment.

Informative(s):

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

17 DCSE2005/1346/F – ALTERATIONS, REPAIRS AND EXTENSIONS TO EXISTING BARN FOR RESIDENTIAL PURPOSES AT NEWTON FARM, WELSH NEWTON, MONMOUTH, HEREFORDSHIRE, NP5 3RN

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

Date Received: 25th April, 2005 Ward: Llangarron Grid Ref: 50012, 17861

Expiry Date: 20th June, 2005

Local Member: Councillor Mrs. J.A. Hyde

1. Site Description and Proposal

- 1.1 The site is located at Welsh Newton which is a small settlement located on the east side of the Class 1 A466 road in the extreme south of the County. The site itself is just to the south east of the settlement and is approached by an unmade track.
- 1.2 The proposal relates to a recently constructed dwelling. This is on the site of a former barn for which planning permission was granted in 2002 for conversion, with extensions, into a dwelling. Although the 2002 permission was implemented recent investigations revealed that the work was almost entirely new build as opposed to a conversion and also differed in size and appearance.
- 1.3 This application seeks to regularise the development, and proposes alterations to the building as constructed. A previous application (DCSE2005/0065/F) sought to retain the building in its current form but was withdrawn. The alterations proposed in this application involve:
- a reduction in the ridge height of the main part from some 7.5 metres to 6.6 metres
 - the eaves height of the main building would be reduced from some 4 m. to 3.7 m. (east side measurement)
 - a reconstruction of the original wagonway entrance on the east side. Its width would be reduced from some 6 m. to 3.7 m. and its ridge height reduced from some 7.3 m. to 5.8 m.
 - the left side rear wing will be reduced in width from 9.7 m. to 9.3 m., its ridge height from 7.6 m. to 6 m., and its length from 11.8 m. to 11.3 m. The chimney would also be removed
 - the right hand rear wing will be reduced in length from 11.8 m. to 11.3 m. and in ridge height from 6 m. to 5.2 m.

2. Policies

2.1 Planning Policy Guidance/Statements

- | | | |
|--------|---|---------------------------------------|
| PPG.1 | - | General Policy and Principles |
| PPG.15 | - | Planning and the Historic Environment |

PPS.7 - Sustainable Development in Rural Areas

2.2 Hereford and Worcester County Structure Plan

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

2.3 South Herefordshire District Local Plan

Policy GD.1 - General Development Criteria
 Policy C.1 - Development within Open Countryside
 Policy C.8 - Development within Area of Great Landscape Value
 Policy C.29 - Setting of a Listed Building
 Policy C.36 - Re-use and Adaptation of Rural Buildings
 Policy C.37 - Conversion of Rural Buildings to Residential Use
 Policy SH.11 - Housing in the Countryside
 Policy SH.24 - Conversion of Rural Buildings

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

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

2.5 Supplementary Planning Guidance

Re-use and Adaptation of Traditional Rural Buildings

3. Planning History

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

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

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

SW2002/2136/F	Barn conversion for residential purposes	-	Approved 13.11.02
SW2002/3708/F	Erection of domestic garages	-	Approved 06.03.03
SW2002/3712/F	Conversion of stable block into three holiday cottages	-	Approved 01.05.03
DCSE2003/2909/F	Upgrading existing access	-	Refused 20.11.03
DCSE2003/3063/F	Equestrian Centre, including restaurant, staff and instructors accommodation, car parking and ancillary works	-	Refused 08.01.04 (subject of current Appeal to DoE)
DCSE2004/0912/RM	Proposed equestrian centre, car parking and ancillary works	-	Refused 07.05.04
DCSE2004/3729/F	Conversion of existing stables into holiday accommodation	-	Refused 29.11.04
DCSE2004/2607/RM	Equestrian centre, car parking and ancillary works	-	Approved 17.01.05
DCSE2005/0065/F	Partial reconstruction and extension of barn for one dwelling.	-	Withdrawn 15.02.05

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency has no objections subject to conditions.
- 4.2 The Ramblers Association have no objection.
- 4.3 The Open Spaces Society has no objection.

Internal Council Advice

- 4.4 The Traffic Manager has no objection subject to conditions, including measures to protect the public right of way.
- 4.5 The Conservation Manager does not support the proposal bearing in mind the Council's Supplementary Planning Guidance on conversion schemes.

5. Representations

- 5.1 Welsh Newton Parish Council were unanimous in strong opposition to this application. The original permission was granted to convert an old existing barn, however these plans are for a new build. It is evident that the original barn no longer exists and although these plans superficially resemble the original ones the resulting structure would be a 'new build' not a conversion. As mentioned previously the Parish Council are concerned over the setting of a precedent in allowing a new build in such a rural

landscape, which we believe to be of Great Landscape Value and contrary to the local plans.

- 5.2 The applicants and their agent have both written in support of the application and these are attached as an appendix.
- 5.3 Eleven letters of objection have been received. The objections raised are:
- the work is contrary to planning policy
 - the barn has been demolished and replaced by a new building
 - the new building is larger than the barn
 - the new stone walling is out of character and original features have been lost
 - planning permission would not be granted for a new building in the countryside
 - there is harm to the AGLV
 - the setting of Pembridge House (Listed Building) should be protected
 - the extensions are intrusive, and it harms the setting of Pembridge House
 - it is a new building and not a conversion
 - the domestic curtilage is unacceptable
 - the scale and accuracy of the plans is questioned.

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

6. Officers Appraisal

- 6.1 Welsh Newton is identified in the Local Plan as a smaller settlement. The application site is to the south of the main group of dwellings that constitute the settlement and therefore is in the open countryside. Planning policy seeks to restrict new development in such locations. With regard to housing, exceptionally, permission can be granted where the proposal is for the conversion of an existing building, and in the case of a new dwelling where it is required for an agricultural worker or for affordable housing.
- 6.2 This original permission related to a traditional rural building. This essentially comprised a long stone structure of single storey with an attic, with on its west side two single storey additions. In 1989 permission was granted for its conversion to residential accommodation. Subsequently in 2001 permission was granted for its conversion to six holiday cottages with this scheme being one of three permissions, the others being conversion of a further building into a farmhouse and construction of an equestrian centre. In 2002 permission was granted for the conversion of this building into a residential use (SW2002/2136/F).
- 6.3 The applicant sought to implement the 2002 permission. The approved plans indicated that the principal stone structure would be retained but with the two wings on the west side to be reconstructed. The finished conversion would create a five-bedroomed house.
- 6.4 Work commenced in early 2003 (as noted by Building Control). However recently it became apparent that the work was not proceeding in accordance with the permission. The majority of the original barn has been demolished and rebuilt. The only identifiable remaining part of the original is a 7 metre length of wall, which is now an internal wall. In the rebuilding of the main structure the ridge height has been significantly increased to some 7.5 metres. The wagon way gable entrance on the east side is significantly

larger than the original both in its width and height. The rear wings are also different to that approved. The northernmost has increased in its width and in its ridge height. The ridge height of the southernmost has also increased. In addition a chimney has been added. There are other matters of important detail – the form of the new stone walling does not reflect the local character, the treatment of the eaves has a modern boxed appearance and the roof is entirely new.

- 6.5 In November 2004 the applicant was advised that due to these significant variations the work did not have the benefit of planning permission and was unauthorised. Subsequently in January 2005 an application was submitted which sought permission for the development as had been carried out. This was withdrawn before its determination.
- 6.6 On 5th April, 2005, under Delegated Powers, it was resolved to issue an Enforcement Notice to secure the demolition of the unauthorised dwelling and to remove from the site all materials that arise from the demolition. The Notice has not been served.
- 6.7 This application seeks to retain the development. However it does propose alterations to the building which in terms of its size and some of its detailing would result in a building more similar to that approved originally in 2002
- 6.8 In considering the original application in 2002 there was no suggestion on the submitted drawings that major reconstruction was intended or even necessary, other than in the two wings. With regard to the issue of the Building Regulations the position as suggested by the agent is disputed. Although the site was visited on a number of occasions by the Building Inspector at no time was it suggested or required that any existing walls should be removed. It is correct that on a number of occasions that Planning Officers did also visit the site but these visits would have been primarily in connection with other proposals.
- 6.9 Planning permission was for the conversion of a building. The only part of the original building that remains appears to be a short section of wall, which is now an internal wall. Effectively this is a new dwelling.
- 6.10 This application does not propose the retention of the building as it currently stands. Significant alterations are proposed. The effect of these will be to give the resultant building a similar appearance to that which would have resulted from the 2002 permission. No timescale is indicated for the progress or completion of this work were permission to be granted.
- 6.11 The works proposed would not however disguise the fact that the building is a new build as opposed to a conversion. Additionally there appears to be no intention to rectify the current poor standard of stonework.
- 6.12 Planning policy clearly restricts new housing in the countryside. This is not a location where planning permission for new dwellings is normally granted. The conversion of rural buildings can be permitted. The scheme in 2002 met the policy requirement.
- 6.13 It is a fundamental element of policy that in dealing with rural buildings any conversion is that – a conversion and not a new structure. This is emphasised in all relevant policies and in the Supplementary Planning Guidance. The policy aim is to preserve the building rather than to permit the construction of new dwellings.

- 6.14 In terms of the principle, the proposal is contrary to policy in that it is the erection of a new dwelling in the countryside without planning permission. The works proposed will result in a building that to a degree resembles the 2002 permission but remains a new dwelling. The alterations proposed would significantly improve the position with regard to the impact on the Area of Great Landscape Value and the impact on the setting of Pembridge House would also be improved.
- 6.15 In conclusion the proposal seeks permission for a new house in the open countryside. It is based on a scheme that received permission in 2002 as a barn conversion. In terms of policy with regard to new housing in the countryside none of the exceptional circumstances are met with this application. Notwithstanding that its size, scale and appearance will be similar to the earlier permission it will remain as a new dwelling and as such is clearly contrary to policy.
- 6.16 In his letter of 26th May, 2005 (see appendix) the applicant proposes that if this application is supported he would be prepared to relinquish the approval for the equestrian centre (Application DCSE2004/2607/RM) and to agree to prevent further development on the current area and adjacent land. If this were to be accepted it would involve a revocation of the permission for the equestrian centre (without compensation) and a Section 106 Agreement. Although there were numerous objections to the equestrian centre the approval of it, in principle in 2001 and the reserved matters in January 2005, was considered to be in accordance with planning policy. Planning policy, although it will change with the Unitary Development Plan, is unlikely to change to such an extent that the equestrian centre as approved would be unacceptable. It would therefore in future years be difficult to resist an application for any equestrian centre. In these circumstances it is considered that this is not an appropriate course and does not overcome the substantive policy issue with regard to the dwelling.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1 Planning permission was granted in 2002 (Application SE2003/2136/F) for the conversion of a building. The development as carried out has resulted in the erection of a new dwelling in the open countryside. Although the development now proposed would significantly alter the appearance of the building the development constitutes the erection of a new dwelling in the open countryside This is contrary to Hereford and Worcester Structure Plan Policies H.16A and H.20, and South Herefordshire Local Plan Policies C.1 and SH.11, as supplemented by the advice in PPS.7. There is insufficient justification for these policies to be set aside.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

SE 05 / 13 46 / F 1

DEREK  PROSSER
ASSOCIATES

Planning and Development Consultants

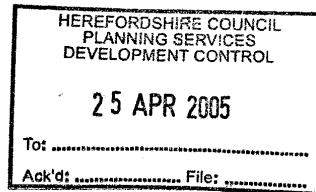
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NP44 6JH.

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

Your Ref. T2004/4321

20 April 2005

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



Dear Mr Willmont

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

I refer to your recent letters in respect of the above-mentioned matter and note particularly your letter dated 8 April 2005 to Mr Gilling confirming your Council's intention to issue an Enforcement Notice requiring "the demolition of the unauthorised dwelling."

Following the withdrawal of the planning application we submitted we now submit a revised application for your Council's consideration. This revised proposal takes into account the matters raised in the informal meeting we held with Mr Crowther and myself and in the letter you sent following that meeting.

In your letter you raised the subject of irregularities between the submitted plans and what had been implemented on site. These have been investigated and addressed in these revised plans.

I would ask your Council to please consider these revised proposals and the arguments in favour of them before issuing the Enforcement Notice you mentioned because I consider that if a Notice was issued in advance of the proper consideration of the application, that action would be in breach of Government guidelines and be in breach of natural justice. I would also ask your Council to consider a number of points which we feel support these revised proposals.

An analysis of the original proposal which was approved (for Mr Gilling – not the previously approved proposal) shows that of the total length of external walling enclosing the dwelling, 51.7% was approved new build. It clearly involved taking down the old and rebuilding. Out of the 48.3% original walling, it was clear to all, including your own Planning Officer at the time of his site inspection prior to Committee consideration, that 16.5m length (25%) was new build work resulting from an earlier conversion attempt. Mr Gilling was advised by your Council's Building Inspector that this work was of such poor standard it had to be replaced.

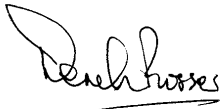
Principal: Derek J. Prosser, B.Sc., DipTP., MRTPI

This and other matters relating to the structural condition of the building were addressed by Mr Gilling in a careful and methodical way over a long period of time, at times under the watchful eye of the Building Inspector. Having paid substantial Building Regulations fees Mr Gilling felt that the Council's interests in the progress of the work were being carefully monitored. He is also conscious of a number of planning applications being considered during his time carrying out this work, which would have involved site inspections by a Planning Officer.

The issues involved in your Council's consideration of this proposal are clearly not straightforward and I noted during our last meeting you felt that there was an opportunity to address a number of design issues in the resubmission of the application. We have attempted to address these and sought to ensure that what will result on the site as a result of these proposals will be as close as possible to what was originally approved. There will be some additional new work over and above that which was originally approved but the actual amount is not disproportionately greater than approved for the reasons we have already indicated.

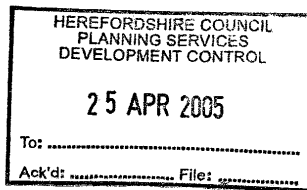
I do believe that in order to ensure my Client's position is fully understood it will be necessary for us to have a further meeting before you commit a Committee Report to writing. I hope this can be arranged in due course and look forward to hearing from you.

Yours sincerely



Derek Prosser BSc DipTP MRTPI

cc M J Crowther
J Gilling



**The Standing
Devauden
Newport
NP16 6PE**

County Of Herefordshire D C
Southern Planning Services P O Box 230
Blueschool House
Blueschool Street
Hereford
HR1 2ZB

May 26, 2005

For the attention of Mr M Willmont

Dear Sir

**Re: Alteration, repairs and extension to barn
for residential purposes
Newton Farm, Welsh Newton, Monmouth, Herefordshire,
NP5 3RN – Application No. 2005/1346/F**

We understand that the above mentioned planning application is to be reported to the Southern Area Planning committee on the 8th June 2005, and would be grateful if you report in full the following supporting information as opposed to the previously submitted letter from Derek Prosser Associates (dated 20th April 2005).

- As we trust Members will be aware, prior to the withdrawal of our initial planning application our agents met with the Case Officer to establish the extent and nature of variations to the scheme as currently constructed and as approved under the terms of the initial planning consent approved in November 2002 (Ref. SW2002/2136/F).
- The current planning application addresses all matters raised by the Planning Officer to render the scheme as close as practicable to the originally approved scheme (Ref. SW2002/2136/F).
- Further to the submission of the current planning application our Agents have met with the Case Officer to establish whether any further amendments could be made to render the scheme acceptable. No further amendments were identified by the Case Officer, which would further enhance the application.
- We would emphasise that as soon as we were advised by the Council's Officers that the works undertaken to date in particular the rebuilding of

barn walls were in contravention of the planning consent (Ref. SW2002/2136/F) we immediately ceased work.

- Whilst we now recognise the rebuilding of the barn walls was contrary to the terms of the original planning consent, we would confirm that the works were undertaken progressively over a 2 year period. Throughout this period the Council's Building Control Officer should have visited the site on a regular basis as part of the 1990 Building Act inspection service and various Planning Officers visited the site to assess further planning applications on adjacent land. At no point was any concern raised by Officers regarding the works being undertaken on site.
- We must stress that the works undertaken to date were undertaken in good faith with the knowledge of the Council's Officers and were not an attempt to circumvent National or Local Policies seeking to control development in the open countryside.
- We understand the Council's need to maintain policies to protect the countryside from sporadic development, however, in this instance the site is well located in relation to existing buildings and the principle of development is well established at the site encompassing the live planning consents for a detached garage and stables complex.
- Were the Council to refuse this planning application, my wife and I would face financial disaster as we have invested all our savings into the project. Accordingly we are anxious to explore any avenue which may render the proposal acceptable to Members and local residents.
- In this respect we are aware of concerns particularly from local residents and Llanrothal Parish Council regarding the recently issued planning consent for an equestrian centre, car parking and ancillary works (DCSE2004/2607/RM) on adjacent land under our ownership. Were Officers and Members willing to support the current application (DCSE 2005/1346/F) we would be willing to relinquish the right to the above mentioned consent and enter into a Section 106 Agreement or similar legal agreement preventing further development within the landownership encompassing both the current development area and adjacent land. Clearly this offer would have significant financial implications for us but would enable us to live at the site.

We respectfully request Members consider the special and specific circumstances of this application and support the application.

Yours faithfully

Mr & Mrs Gilling

18 DCSE2005/0879/F - REFURBISHMENT AND EXTENSION OF EXISTING HOME TO PROVIDE 15 PLACE DAY CARE CENTRE AND 2 CRISIS CARE FLATS AT WOODSIDE RESIDENTIAL HOME, REYNOLDS COURT, HILDERSLEY, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7NE

For: Shaw Healthcare (Herefordshire) Ltd. per Pentan Partnership, Beaufort Studio, 1 Atlantic Wharf, Cardiff CF10 4AH

**Date Received: 18th March, 2005 Ward: Ross-on-Wye East Grid Ref: 61101, 24036
Expiry Date: 13th May, 2005**

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

1. Site Description and Proposal

- 1.1 Woodside Residential Home is situated on the south side of the A40(T) just to the east of The Mead. It adjoins sheltered accommodation (Reynolds Court) to the west and south and a detached house (Long Close) to the east. Vehicular access is off The Mead and through the access drive and parking area of Reynolds Court. The residential home has a small parking and service area. Currently there are just 8 places at the home plus a small day centre. The building is single-storeyed and forms the third side of a courtyard, the other two sides being two of the buildings of Reynolds Court.
- 1.2 It is proposed to reduce the number of units to two crisis-care flats, which would occupy the same part of the site as the existing bedrooms and bathrooms. The day centre would be expanded by a single-storey extension to the west side of the building. This would be about 6.8 m x 5.5 m and would be constructed of facing brickwork and concrete tiles, both to match the existing building. It would be used as a lounge.

2. Policies

2.1 Hereford and Worcester County Structure Plan

Policy CTC1 - Area of Outstanding Natural Beauty

2.2 South Herefordshire District Local Plan

Policy C8 - Development Within Area of Great Landscape Value
Policy CF5 - Provision of Community Buildings
Policy GD1 - General Development Criteria

2.3 Herefordshire UDP (Revised Deposit Draft)

Policy CF5 - New Community Facilities

Policy CF7 - Residential Nursing and Care Homes

3. Planning History

3.1 There have not been any recent applications relating to these premises.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water recommends that conditions be imposed regarding drainage.

Internal Council Advice

4.2 Traffic Manager has no objections to the grant of permission.

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

5. Representations

5.1 The applicant's agent make the following comments:

- (1) the proposal maintains the existing day care areas whilst the extension provides an additional lounge area
- (2) the 2 crisis-care flats replace the residential accommodation
- (3) this proposal is to provide new facilities that are more appropriate for current and future care needs of residents and day centre users.

5.2 In addition a supporting statement has been submitted which is included as an appendix to this report.

5.3 Ross Rural Parish Council have no objections to this small building extension but objects to the change of residential to day care facilities.

In addition the Council requested that the following points be considered:

- following a meeting on Sunday 10th April between the 2 ward councillors and Mrs Johnstone, Manager Hanover Housing Association, we understand that access to the existing residential home is a right of way over land owned by Hanover Housing Association
- currently Woodside Residential Home has parking on their land for 3 cars (as per their application) but the current staff/residents require 5 spaces. The application is to increase daily use to a 15 place day care centre with additional staff, visiting professionals etc. This is likely to lead to an additional daily parking requirement.
- additionally, vehicles parked on land owned by Hanover Housing Association currently causes access problems for emergency vehicles. These problems will be increased by further development. The consequences of ambulances and fire engines not being able to access the site are something that this council would not want to be responsible for

- the site, which is occupied by both Hanover Housing Association and Woodside Residential Home, borders a residential road and the A40 Trunk road, neither of which is suitable for on-street parking
- this council now objects to the additional development of the site on the grounds of safety due to the lack of parking facilities within the area.

5.4 12 letters have been received objecting to the proposal from Hanover Housing Association (which manages Reynolds Court) and residents of the sheltered housing. In summary the following concerns are raised:

- Reynolds Court is a Sheltered Housing Scheme for the elderly and disabled, with 29 units. When it was constructed some 17 years ago the amount of through traffic was negligible
- there are now more residents with cars and for this reason part of the garden is now used for 4 more parking spaces
- a strict rule applies that only residents can use car parking facilities, their visitors, no matter what their state of mobility, MUST park out in The Mead. This alone causes a lot of problems
- also required to keep clear access AT ALL TIMES for emergency vehicles needing to get both to Reynolds Court and Woodside - a point everyone seems to have missed
- Estate Manager seems to spend half the day acting as 'Traffic Warden' which is not enjoyable let alone the aggravation it causes
- where is all the extra traffic going to park? A lot of service users will be dropped off and the vehicle leaves, but it is double jeopardy they have to be picked up again in the evening
- instead of 8 service users per day this will be increased to 15, extra facilities are to be offered therefore more traffic from outside agencies, and presumably more staff, who, despite requests, refuse to park in The Mead and use up what parking spaces Woodside currently have making it impossible for deliveries etc.
- For these reasons the situation regarding current traffic problems let alone those that would occur should planning permission be granted for the extension and change of use should be carefully considered . In my estimate it would involve at least three times the amount of traffic
- vehicles needing to access Woodside seem to think they have the right of way and have been rude, abusive and threatening to residents (taxi drivers in particular). I understand that one of our residents has an ongoing complaint with the licensing authorities over one particular incident
- it would not be possible to install 'sleeping policemen' to slow traffic, many of our residents have both sight and mobility problems and these would only cause more problems

- no more day care places are needed at this resource centre. The Community Hospital has a wing that has never been commissioned, if extra day care places are needed why not there!
- to increase the amount of traffic coming through estate would be paramount to suicide to residents.

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 two main issues raised by this proposal are (i) whether there would be an increase in traffic and if so the effect on road safety and (ii) the effect of the extension on the amenities of neighbours.
- 6.2 It is clear from the representations that there are significant problems arising from limited off-street parking at both Reynolds Court and Woodside Residential Home and from the vehicular access to the latter being through the parking area for the sheltered housing. The concern of local residents is that an increase in traffic would significantly increase these problems. However according to figures submitted by the applicants for projected traffic generation there may well be less vehicular movements. This would be a consequence of the lower numbers of staff throughout the day, fewer visitors as less residents, fewer deliveries and fewer visits by GPs/nurses. This reduction would be offset if all 15 day centre users arrive individually by car or taxi. It is anticipated however that most, if not all users, would travel by mini-bus, which would not be parked at Woodside. This cannot be guaranteed but seems probable in view of the frailty of most users. The 7 people who currently attend the day care centre all travel by mini-bus, it is understood. It is concluded therefore that an increase in traffic would be unlikely and on this issue there would not be sufficient grounds to refuse permission.
- 6.3 The extension would project northwards towards one of the buildings forming Reynolds Court. The end units have living room windows facing towards the extension. The gap between the two buildings would be reduced to about 5 m. However the extension would not be directly in front of the units in Reynolds Court and there is a row of screen windows in the existing building. It is not considered therefore that the extension would be overbearing in relation to these neighbours nor result in a significant loss of privacy. The part of Reynolds Court directly facing the extension does not have living room windows.
- 6.4 One other concern has been raised by the Parish Council viz. change of use from residential to day care use. This is not in fact the case as the area occupied by the two new crisis-care flats is the same as that of the current 8 bedrooms; the existing day-care provision is being expanded but not at the expense of residential accommodation.

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 B02 (Matching external materials (extension))

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

3 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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

SE2005/0879/F

**PROPOSED REFURBISHMENT OF DAY-CARE AND NEW CRISIS-CARE
ACCOMMODATION, WOODSIDE RESOURCE UNIT, HILDERSLEY, ROSS-ON-
WYE: SUPPORTING STATEMENT**

HEREFORDSHIRE COUNCIL
PLANNING SERVICES
DEVELOPMENT CONTROL

22 MAR 2005

To:
Ack'd: File:

1. SERVICE BACKGROUND:

Herefordshire county council has appointed Shaw healthcare as its partner in the re-provision of residential care and day-care services for older people at several locations across the county of Herefordshire. One of these locations is Woodside Resource Unit in Ross-On-Wye.

Shaw has, in consultation with residents, relatives of residents and staff of Woodside, agreed to refurbish and extend the existing premises to provide new facilities that are more appropriate for the current and future care needs of the day centre users and local community. It is anticipated that an alternative facility will be provided for day care whilst work is undertaken.

When complete the new Woodside will comprise:

DAY CARE:

An extended day care facility to accommodate up to 15 users, providing a large activity area within which physiotherapy, community and art and craft activities may take place, a communal dining area with residents' drinks-making facilities and a large lounge area.

Ancillary accommodation includes a quiet lounge, assisted bathroom and toilets, a manager's office/reception, staff meeting areas and changing facility and laundry and kitchen areas to serve the day centre.

All existing areas will be fully refurbished with upgraded mechanical and electrical services.

CRISIS CARE:

The existing bedrooms will be reorganised to provide two crisis-care flats, anticipated for intermittent use by elderly members of the community and a carer for short term periods of rehabilitation.

Each flat will comprise of a bedroom, lounge with carer's sleepover facility, bathroom and kitchen with dining area. These flats are designed for short-stay elderly residents, whilst carers help them get back on their feet – before they return home or perhaps to a designated extra-care facility within the Herefordshire area.

2: THE SITE:

Heights and building volumes:

All new-build areas of the extension will be constructed in facing materials to match the existing building with the roof pitch to match at 30 degrees. We propose a pitched roof extension as shown on drawing 2495/PA/07 with a low ridge so as not to impose on Woodside's neighbours.

Woodside PA statement 210305

Landscape:

Where possible, all existing plants, shrubs and borders will be preserved. An extended area of paving will be provided, to allow outdoor activity as shown on drawing 2495/PA/05, along with new level access pathways to the two crisis-care flats.

Vehicular access and parking:

Vehicular access to the building will continue to be via The Mead at the same point that currently allows access to the facilities.

Existing parking areas will be retained, which include 2 no. spaces to the front of the entrance area and parking and service access to the right of the entrance area – it is not anticipated that further parking will be viable, therefore retaining the frontage to Woodside as currently viewed by neighbours to the South.

3: ACCESS/FACILITIES FOR THE DISABLED:

Both the external and internal environment of the refurbished and extended facility are disabled-friendly, with level-access thresholds at all external doorways and 'level' pathways throughout the gardens. All internal circulation spaces will be fitted with handrails and a number of sanitary facilities to meet Building Regulations 'Part M' standards will be provided.

4: SAFETY MEASURES DURING CONSTRUCTION:

All the usual construction safety measures will be applied to this project, including safe access for those working in and visiting the site and safe manoeuvre around the site for those existing neighbours and visitors.

All measures will be taken to ensure that noise and dust levels are kept to a minimum to protect the neighbours' living environments.

HEREFORDSHIRE COUNCIL
PLANNING SERVICES
DEVELOPMENT CONTROL

22 MAR 2005

To:

Ack'd: File:

SE2005/0879/F

Woodside – Staff/Resident no's

Current

Residents - 8
Staff am - 6 (1 manager, 3 care, 2 ancillary)
Staff pm - 4 (1 manager, 3 care)
Staff evening - 3 (3 care)
Staff night - 2 (2 care)

Additional traffic/parking issues:

- Resident visiting pm and evening
- visiting GP, Nurse etc
- Care home deliveries
- Day care drop offs at weekend

New development

Day care - 15 places
Staff from 9am - 4 (1 manager, 2 care, 1 ancillary)
Staff up to 5pm - 3 (1 manager, 2 care)
Staff evening - 1 (1 ancillary)
Staff night - 0

Additional traffic/parking issues:

- Relative visitors unlikely
- Visiting GP, Nurse etc - occasional
- Fewer deliveries
- Day care drop offs am and pm
- Closed evenings and at night

19 DCSE2005/0830/F - PROPOSED NEW 4 BEDROOMED HOUSE, GARAGE AND ACCESS, SITE ADJACENT TO WHITECROFT, UPTON CREWS, NR. ROSS-ON-WYE, HEREFORDSHIRE, HR9 7UE

For: Mr. & Mrs. D. Howe per Peter Cripwell & Associates, 3 St. Nicholas Street, Hereford, HR4 OBG

Date Received: 15th March, 2005

Ward: Old Gore

Grid Ref: 64558, 27186

Expiry Date: 10th May, 2005

Local Member: Councillor J.W. Edwards

1. Site Description and Proposal

1.1 This site at Upton Crews flanks the north eastern side of the unclassified road No. 70003 which leads out from the centre of this small settlement in a north westerly direction. The site itself is a small strip of land fronting onto the road with two existing dwellings on either side. The site forms part of a large field which extends out to the rear and slopes down towards the north east. There was a hedgerow on the roadside boundary but this has recently been removed.

1.2 Outline planning permission reference No. DCSE2003/2649/O, was granted on 17th March, 2004 to renew a previous outline planning permission (SE2001/0906/O) for a single storey dwelling on this site. This full planning application is for the erection of a house and a detached double garage on this site with a new vehicular access onto the unclassified road.

2. Policies

2.1 Planning Policy Guidance

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

2.2 Hereford and Worcester County Structure Plan

Policy H.16A	-	Development Criteria
Policy H.18	-	Residential Development in Rural Settlements
Policy H.20	-	Residential Development in Open Countryside
Policy CTC.9	-	Development Criteria

2.3 South Herefordshire District Local Plan

Policy GD.1	-	General Development Criteria
Policy C.1	-	Development within Open Countryside
Policy C.43	-	Foul Sewerage
Policy SH.10	-	Housing in Smaller Settlements
Policy SH.14	-	Siting and Design of Buildings

- Policy SH.15 - Criteria for New Housing Schemes
- Policy T.3 - Highway Safety Requirements
- Policy T.4 - Highway and Car Parking Standards

2.4 Unitary Development Plan (Revised Deposit Draft)

- Policy S.1 - Sustainable Development
- Policy S.2 - Development Requirements
- Policy S.3 - Housing
- Policy DR.1 - Design
- Policy H.6 - Housing in Smaller Settlements
- Policy H.16 - Car Parking
- Policy CF.2 - Foul Drainage

3. Planning History

- | | | | | |
|-----|-----------------|--|---|-----------------------------|
| 3.1 | SS980964PO | Site for 4 bedroomed detached house | - | Refusal 22.12.98 |
| | SE2001/0906/O | Site for the erection of single storey dwelling | - | Outline Permission 27.06.01 |
| | DCSE2003/2649/O | Renewal of planning permission SE2001/0906/O – site for single storey dwelling | - | Outline Permission 17.03.04 |

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency has no objections and recommends that a condition relating to discharge of foul drainage be imposed on any permission.

Internal Council Advice

- 4.2 The Traffic Manager comments:

“I understand that a condition for visibility splays was included in the previous outline planning permission granted for this site. To be consistent with this permission we would recommend that the visibility requirements for the current full application be as conditioned previously. However, it should be noted that these requirements cannot be achieved.”

5. Representations

- 5.1 The Parish Council objects strongly to this application. This proposed house is too large, the access is unsafe and it does not fall within the confines of the Herefordshire Unitary Development Plan.

- 5.2 There have been ten letters of objection received. The main points being:

- this infill gap appears to have been deliberately created by the building of the adjacent dwelling for reasons of profit

- planning permission for a two-storey dwelling was previously refused on this site as it was contrary to planning policies and set an undesirable precedent
- view of Malvern Hills will be blocked
- the proposed dwelling is of inappropriate size for the plot
- the dwelling is too large and not in keeping with style of the hamlet
- due to its height and elevated position it would dominate skyline and adjacent properties, especially the dwelling to the south east. The large garage would similarly affect this property
- the proposed dwelling would result in loss of privacy and light to dwelling to south east
- the plot is higher than the dwelling to south east
- Unitary Plan sets out sizes for infill plots
- infill plot desuberately created by builder of dwelling to north west. Planning authority easily hoodwinked
- this is a cynical case of profitering which renders planning regulations in this country a shambles
- a safe vehicular access for this site cannot be achieved due to poor visibility
- outline planning permission SE2001/0906/O had a condition imposed requiring visibility splays, i.e. 2 metres back and 33 metres in each direction. This requirement cannot be achieved due to neighbours fencing and hedgerow. This requirement cannot be compromised as safety issues have not been reduced
- neighbours to south east do not intend to remove boundary fence to improve sight lines
- the Traffic Manager has indicated that lesser splays may be acceptable due to lane being a no through route and lightly trafficked
- no vehicle movement study has been undertaken. Therefore objector has undertaken one which shows that the lane is not of a lightly trafficked nature (a copy of study was enclosed)
- the revised plan of the proposed vehicular access gives a woefully inaccurate position of the road and proposed visibility splays.

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

6. Officers Appraisal

- 6.1 The main issues relate to the principle of erecting a dwelling on the site, its size and design, its effect on the landscape and neighbouring dwellings and also the proposed vehicular access. The most relevant policies in this case are GD.1, SH.10 and T.3 of the Local Plan and H.16A and H.18 of the Structure Plan.
- 6.2 Upton Crews is designated as a 'smaller settlement' under the provisions of the Local Plan and this site is considered to be within its boundary. As such Policy SH.10 of the Local Plan, which refers to 'smaller settlements' directly relates to this site.
- 6.3 One of the main provisions of this policy is that housing will only be permitted within the settlement where it can be clearly demonstrated that the development would help it satisfy local housing requirements. This was considered to have been successfully established in the previous outline planning permission on this site for a dwelling, reference No. SE2003/2649/O which was approved on 17th March, 2004.
- 6.4 There are a mixture of house types in the immediate area of the site with a fairly large modern dwelling immediately adjacent to the site to the north west. It is considered

that the proposed dwelling would be acceptable on this infill plot, will not over-dominate the setting nor neighbouring properties and also will not adversely affect the residential amenities of the occupants of those dwellings. The proposed design and external materials will not be out of keeping with the visual amenities and character of the area. As such, for these reasons the proposed development is considered to be in accordance with Policies SH.10 and GD.1 of the Local Plan.

- 6.5 An application for a four bedroomed house on this site was refused on 22nd December 1998 (SS980964PO). However this was before Upton Crews was designated as a smaller settlement under Policy SH.10 in February 1999.
- 6.6 One of the main issues relates to the proposed vehicular access to the site. At present there is an existing roadside boundary hedgerow in front of the neighbour's property to the north west and a stone retaining wall with a larch lap fence on top of the boundary with the property to the south east. This larch lap fence has only recently been extended to within approximately one metre from the carriageway edge. A condition was imposed on a previous outline planning permission (SE2001/0906/O) for a dwelling on this site which essentially required the provision of visibility splays set back 2 metres from the nearside edge of the adjoining carriageway for a distance of 33 metres in each direction. This condition was imposed on the recommendation of the Traffic Manager.
- 6.7 Following this, another outline planning application was submitted to renew this previous permission and was subsequently granted on 17th March, 2004 (DCSE2003/2649/O). Consequently the principle of erecting a new dwelling on this site with a new vehicular access has been established by these outline planning permissions. However the recommended visibility splays cannot be achieved in either direction. A revised drawing of the proposed vehicular access showing the best that could be achieved with respect to the visibility splays, however these still fall short of the required 33 metre splays. The Traffic Manager considers that the 33 metre splay requirement should be maintained.
- 6.8 It is therefore considered that the erection of the proposed dwelling on this site is acceptable and will not adversely affect the residential amenities of neighbouring dwellings and as such is in accordance with planning policies. The proposed vehicular access arrangements do not meet with the Traffic Manager's requirements. However it is considered that the principle of erecting a dwelling on this site with a new vehicular access has been established by the previous outline planning permissions and it would be unreasonable at this stage to withhold planning permission on highway grounds.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

3. B01 (Samples of external materials)

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

- 4. The foul drainage from the proposed development shall be discharged to a treatment plant and soakaway system which meets the requirements of British Standard BS 6297: 1983, and which is provided in accordance with the details submitted (including plan J1650-984-1 Rev. C, dated January 2005), unless otherwise agreed in writing by the local planning authority. There shall be no connection with any watercourse or land drainage system and no part of the soakaway system located within 10 metres of any ditch or watercourse, nor within 50 metres of any water abstraction or well.**

Reason: To prevent pollution of the water environment.

5. H04 (Visibility over frontage)

Reason: In the interests of highway safety.

6. H05 (Access gates)

Reason: In the interests of highway safety.

7. H06 (Vehicular access construction)

Reason: In the interests of highway safety.

8. H09 (Driveway gradient)

Reason: In the interests of highway safety.

9. H13 (Access, turning area and parking)

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

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

Reason: In the interests of highway safety.

Informative(s):

- 1. N03 - Adjoining property rights**
- 2. N14 - Party Wall Act 1996**
- 3. HN01 - Mud on highway**
- 4. HN05 - Works within the highway**

- 5. **HN10 - No drainage to discharge to highway**
- 6. **N15 - Reason(s) for the Grant of Planning Permission**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

2.4 Herefordshire UDP (Revised Deposit Draft)

Policy CF3 - Telecommunications

3. Planning History

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

4. Consultation Summary

Statutory Consultations

4.1 Forestry Commission have no comment to make as no woodland is affected.

4.2 English Heritage do not wish to make any representations.

Internal Council Advice

4.3 The Conservation Manager advises as follows:

"In my view this development would have a moderate adverse impact on the AONB and AGLV. When approaching the site from the north-east, the development would only be visible from the short section of the Wye Valley Way between Hill Farm and the fork in the footpaths. The development would not be very prominent when approaching it from the south-west, along the other footpath, as it would be well screened by the woodland. In relation to medium to long distance views into the site, only the antenna would be visible above the woodland canopy.

Although I have no objection in principle to the siting of the mast in this zone of woodland, I am concerned that this development would detract slightly from the amenity of the Wye Valley Walk, a key long distance route in Herefordshire. I would recommend that if possible, the mast should be sited further to the south-west of the fork in the footpaths, to ensure that the lower part of the mast and the compound is not visible from the Wye Valley Walk."

4.4 Traffic Manager has no objection to the grant of permission. The proposed development would not appear to affect public footpath Ross Rural RR8.

4.5 Head of Environmental Health has no adverse comments to make.

5. Representations

5.1 The applicant's agent has submitted a detailed explanation covering the requirement for a mast, alternative sites investigated and reasons why this site has been selected. This is included in the Appendix to this report. In addition an ICNIRP Certificate has been submitted certifying that the proposed equipment and installation is in full compliance with radio frequency public exposure guidelines and maps showing the coverage from existing and proposed masts.

5.2 Letters have been received objecting to the proposal. In summary the following concerns are raised:

- (1) Chase Hill is a major natural feature, a fine scenic setting backdrop for Ross and equally important as recreational area;
- (2) the mast would stand out like a carbuncle and seriously affect the natural beauty of this part of Wye Valley OANB; inappropriate in this setting;
- (3) it would be visible on skyline as it must protrude above trees and if in future shared (and therefore taller) would be even more prominent; what is to prevent screening trees being felled?
- (4) there has been much development elsewhere in Ross, so doubly important to protect this green area and the character of this market town - one of the few unspoiled views visible from most of Ross;
- (5) an area used extensively by both local people and visitors;
- (6) planning permission has been refused previously in this area for buildings on grounds of adverse impact on AONB; also for extension yet this would be very much lower than proposed mast
- (7) far too close to residential areas with 5 residences very close, and would seriously affect health of nearby residents - new research has recently been commissioned by the Government because of health concerns for those living near masts which clearly implies that health risks can not be ruled out! Many experts disagree that there is no evidence – there are strong indications of cause for concern. If comes to be shared, would increase radiation correspondingly;
- (8) young children especially at risk and 5 children under 8 live close by – a mast has been erected at John Kyrle School so that once reach 11 these children will be exposed 24 hours a day, 7 days a week. Research is quoted with a list of diseases thought to be associated with microwave radiation;
- (9) is it necessary? there are several in Ross area already and other options have not yet been exhausted;
- (10) no evidence to back statement that residents, business and transport sections of Ross community need this service - no response does not imply acceptance;
- (11) less acceptable than application submitted last year for site on edge of Chase Wood;
- (12) close to hill fort (of historical interest) and Wye Valley Walk, a national and international tourist attraction;
- (13) would result in extra traffic (including large lorries?) along Fernbank Road;
- (14) concern regarding disruption during construction especially in relation to electrical connections causing disruption to electrical supply – consent to access private property to facilitate development will not be given. This will mean loss of earnings (who will compensate?) and difficulties for mothers with young children;
- (15) previous application ¼ mile away withdrawn because of local protests in Tudorville and as mast would be on a footpath;
- (16) if permission granted will seek a final view in European Court of Human Rights as cannot believe mast can be erected against objections of house owners for a purely commercial, profitable collaboration between a telephone company, electricity supplier and local government;
- (17) would reduce property values in the area.

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

6. Officers Appraisal

- 6.1 The key issue is the effect of the proposed mast, cabinets and compound on the visual amenities of the area which is within the Wye Valley AONB. The mast would be near

the highest point of the Wood and necessarily protrudes above the trees, particularly when viewed from the south-east. The mast and compound would be sited within a group of 3 trees, of which that to the south-east is the lowest. To the north and west the two trees supplemented by the woodland provide good screening from distant views apart from the top few metres. To the south-east only the tree referred to gives high cover with a lower hedgerow screening the compound. However there is scope to plant within the hedgerow which in the longer term would strengthen the existing limited screening.

- 6.2 The site is close to two footpaths and would be visible from both, one of which is the Wye Valley Walk. There are some opportunities for further planting and careful choice of materials and colours would also help. Nevertheless it is not possible to provide complete screening. The mast may also be glimpsed from the nearest residential property, although in this case the additional planting in time should prove more effective.
- 6.3 The proposed site does have therefore a number of disadvantages. Alternative siting away from the south-east edge of the wood has been considered but this has other disadvantages, in particular a taller mast would be required to provide the same coverage. The need for the mast and whether there are alternative locations are important considerations to weigh against the visual intrusion. From the evidence submitted it is clear that a significant gap in coverage, including much of Ross itself, would be filled by the proposed mast. A good range of alternatives have been considered but none would provide the required coverage or would be unacceptable for other reasons. The site for which permission was sought last year (referred to in paragraph 5.2(15)) was withdrawn as it was on the route of a public footpath. This was just to the north-west of Chase Wood and being at a lower level would not have been so widely visible but would be in full view of nearby housing at Tudorville. It is not considered that this site or one nearby has clear advantages over the current proposal. In these circumstances it is considered that the visual impact is not sufficient harm to refuse planning permission.
- 6.4 A second concern of objectors is the potential harmful effect on health. The application includes an ICNIRP Certificate. This means that the proposal meets internationally accepted standards with regard to exposure to electromagnetic fields. There are no substantive reasons therefore to conclude that the telecommunications mast and associated equipment would harm the health of nearby residents. In a recent appeal relating to a mast close to a residential part of Ross-on-Wye the Inspector noting that an ICNIRP Certificate had been submitted, stated that "in accordance with Government guidelines, it is unnecessary for planning purposes for such concerns to be considered further". He appreciated however that perception of danger can be a material consideration. In this case however it is not thought that the representations indicate such strong concerns that justify refusal of permission.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 G04 (Landscaping scheme (general))

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

3 G05 (Implementation of landscaping scheme (general))

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

4 C02 (Approval of details)

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

SEU010494/E

Email : richard_palmer@awa-uk.com
Direct tel : 01590 613974

14th February 2005
Our Ref: RP/73095

Planning Services
County of Herefordshire District Council
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Network Implementation
& Management**

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RECORDED DELIVERY

FAO Mr S. Holder

Dear Sir

PROPOSED TELECOMMUNICATIONS INSTALLATION ON BEHALF OF T-MOBILE UK LIMITED CONSISTING OF A 17.5 SLIMLINE LATTICE TOWER, THREE ANTENNA, ONE DISH AND GROUND BASED CABINETS WITHIN A FENCED COMPOUND AT CHASE WOODS, OFF FERNBANK ROAD, ROSS-ON-WYE

Further to the informal correspondence with the Council and a previous planning application which we withdraw because of concerns about it affecting the route of a public footpath in respect of an alternative site at Fernbank Road, please find enclosed a full planning application in this respect.

Requirements for the proposal

T-Mobile UK Limited provides an electronic communications network authorised under the provisions of the Communications Act 2003 and is a company to whom the electronic communications code applies under section 106 of the Communications Act 2003.

The proposed installation is required in connection with the provision of coverage to the central and southern areas of Ross-on-Wye. Thus it will provide in-building coverage to residential and commercial properties as well as in-car coverage to the local road network. This is increasingly important where there is a growing reliance by both businesses and householders on mobile technology, as many people prefer to use mobiles rather than landlines even when in the office or home.

Enclosed are a set of coverage plots which show the existing and predicted levels of mobile phone service in the area. These plots clearly indicate the extent of the unsatisfactory situation of coverage in this area at the present time, the predicted improvements post-development and how the current proposal will form an integral part of the operator's network, demonstrating that there is a need for an installation in this area.



Andrew Wilkes & Associates Limited
Registered in England No. 3938900



Visual amenity

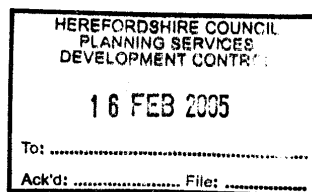
This site has been selected because it is considered that the location affords the best coverage possible whilst having a minimal impact on the character and appearance of the surrounding area.

The site selected next is off a private track serving the Forestry Commission's land. Hill Farm is located to the north-east beyond the trees. The proposed mast will in effect be sited within a group of mature trees of about 16m in height and therefore it and the fenced compound will be well screened from view from outside the woodland. These trees will afford some excellent screening of the mast when viewed from all directions including the lower land to the north-west, which is the direction of the southern part of Ross-on-Wye, with only a very small portion protruding above the neighbouring trees. Furthermore, with regards to ground level perspective, these trees around it (360 degrees) will also act as an effective screen and backdrop especially when viewed from closer quarters. Whilst the 17.5m height will allow for the antenna (each about 1.4m high) to be just above the ambient tree line, in order to work effectively and provide the necessary coverage, the close location of the trees will mean that it will ensure that it does not stand isolated on the skyline. The land rises to the south and so the mast will not be at the pinnacle of the hill. In addition there are a number of taller trees set within this woodland that appear higher than the ambient canopy height. Furthermore, with no bulky head-frame attached (the antenna's and dish will be attached directly to the latticework of the tower), it will not appear overbearing and so particularly noticeable in the context of the landscape. I have attached a photomontage taken from Ross-on-Wye looking south-east towards the hill. This shows the height of the mast in context with the trees (in Winter). It is argued that most of the mast will be well hidden whilst the top exposed portion would not protrude above the ambient tree canopy to any great degree and certainly similar to the occasional higher tree protruding above this ambient height.

The slimline lattice tower has been selected as it is considered that this type of design is the least obtrusive type of telecommunications mast, particularly where, as in this case, there is no bulky headframe, in that it allows some permeability of the background through the structure, reducing its overall impact. Furthermore, the open lattice work of the mast is considered the best design when located close to trees as, due to the open nature of the latticework, it readily blends in with the numerous , branches and twigs of the adjacent trees, thus minimising its impact in the landscape whereas a more solid structure such as a monopole, would stand out. Thus such a structure would be particularly unobtrusive in the context of its particular setting.

Also, the slimline lattice design is capable of being shared (subject to obtaining separate planning permission because it is in an AONB). In addition the lattice mast could be painted an appropriate colour to your choice if you felt it to improve upon its appearance. The galvanised grey finish/colour of the mast and equipment though, is considered to be particularly discrete when set within the shadows created by the trees.

It is also appreciated that the site lies within an AONB and that such designations are important in protecting sensitive areas. However, the fact that land lies within such an area is not in itself sufficient reason for not allowing telecommunications development. This is particularly the case where it can be demonstrated that there are very special circumstances to outweigh a presumption against inappropriate development such as the need to set up an effective and comprehensive telecommunications network. Account has to be taken of the operational need for a particular installation and where, as in this case, it is considered that the siting and design of the proposal is the best that can be achieved in an area it is considered that the benefit derived from the proposal should outweigh any limited visual harm caused. Any view of it, would only be glimpses and in any event it would not be over bearing or demonstrably harmful to the visual amenities of the area.



The preferred site is also well away from any known school. The nearest residential property is at Hill Farm beyond the trees to the north-west.

Alternative site search

As you appreciate, there have been extensive investigations into numerous alternative sites in this area in order to provide the coverage to the target area/cell. The alternative sites considered are described in detail below and also summarised in the accompanying supplementary information. This includes a recent planning application we submitted in August 2004 for a site closer to the town (Ref: DCSE2004/2862/F refers). However, it subsequently transpired that the site would be on or too close to a public footpath and relocating it would have resulted in more visual impact upon nearby housing. Hence it was withdrawn and a new search instigated resulting in this current preferred proposal.

Among the sites considered were the following:

- **Land at Fernbank Road, Ross-on-Wye** – This proposal was subject to a recent planning application submitted in August 2004 (Ref:DCSE2004/2862/F). It was subsequently withdrawn because the site was affected by a public footpath and alternative locations in this area would have resulted in greater visual impact.
- **T-Mobile Mast, Cattle Market, Ross-on-Wye.** There is an existing 15m lattice mast here, which, unfortunately, although providing good coverage to a section of the main road, is some 5m below the level of that road and does not 'see' over the properties in the vicinity into the main part of the town. It has been assessed that in order to provide the required coverage from this site it would be necessary to extend the mast by at least 10m. The Local Planning Authority indicated that this would not be acceptable to them.
- **Hildersley Farm, Ross-on-Wye** Planning permission has been granted for commercial development here, and this was the preferred option of the Local Planning Authority. However, due to the topography of the land, which results in a higher ridge between the site and the southern part of the town, the signal would not extend to that area, leaving a section without coverage and a much greater part of the town with an inadequate 'on-street' only service. A coverage plot (ref:26998) is enclosed that illustrates this.
- **Arbour Hill, Ross-on-Wye** This site is much more exposed than the current proposal and, whilst it may be possible to locate a modest mast such as a 'telegraph pole' without undue visual intrusion, the height that would be acceptable in these terms would not provide the required coverage to the target area.
- **Orange PCS Rooftop Installation, John Kyrle High School, Ross-on-Wye.** The existing stub tower would need to be redeveloped with a larger structure in order to accommodate additional equipment, which it is felt would increase its visual intrusion. Furthermore, it was not felt to be worthwhile pursuing this option as the school's policy towards allowing telecommunications equipment has changed since the time of the original installation and permission for another operator would not be forthcoming.
- **Airwave Installation, Police Station, Ross-on-Wye.** Again it would be necessary to redevelop the existing installation in order to accommodate another operator's equipment. The site is within a Conservation Area and the resultant structure would be highly prominent and likely to be more visually detrimental than the preferred option.
- **NTL Installation at Lapurrez Community Centre, Ross-on-Wye.** This tower is already shared by O2 and Vodafone and is at full load capacity and would therefore require redevelopment in order to accommodate further equipment. Ground space for additional equipment cabinets is also restricted. In addition, the Local Planning Authority advised that this site would be likely to be contentious.
- **O2 Installation at Reservoir, Ross-on-Wye.** This landowner has advised that they will not allow a site share in this case.

HEREFORDSHIRE COUNCIL PLANNING SERVICES DEVELOPMENT CONTROL	
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- **Broadmeadows Industrial Estate.** It is understood that a planning application submitted by H3G in respect of this site was refused by the Council due to environmental concerns in respect of flooding. It does not appear that a further application in this location would be any more acceptable.
- In addition to the above sites, it was suggested by a Ward Councillor, in response to pre-application consultation, that a site on top of the hill, above the woods, would be more appropriate. However, the landowner was not willing to allow telecommunications equipment on their land.

The current proposal was therefore selected as being the best available in terms of its siting and appearance and the level of coverage that could be achieved. The design of the proposed mast equipment is as unobtrusive as possible and it is therefore considered that the proposal is in accordance with both central and local government policies and guidance.

Publicity

You are probably aware that the telecommunications industry has adopted the 'ten commitments' to ensure that the site selection process takes into consideration the need to consult interested parties prior to the submission of formal proposals. This involves using a 'traffic light model' to assess the extent of publicity required.

In this case the site is set a good distance from sensitive locations, such as schools and nurseries but its location is in the AONB. On balance it was therefore felt that a 'amber' rating was appropriate and the LPA and Ward Councillors were consulted prior to the submission of this application. No written response on the specific site was received.

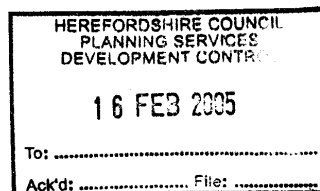
Policy

It is appreciated that the site lies within the AONB and that such designations are important in protecting sensitive areas. However, the fact that a site lies within such an area is not in itself a sufficient reason for not allowing telecommunications development, particularly where, as in this case, there are very special circumstances sufficient to outweigh any presumption against development. It has been accepted in previous appeal decisions that the need to set up an effective and comprehensive telecommunications network amounts to these special circumstances. Furthermore, it can be argued that the proposed telecommunication installation will be beneficial to the rural economy in the area, as the installation will also provide coverage to local business, the local tourist industry and the road network as well as residential users. To this end it would meet the requirement of the local plan policy and the advice in PPG7.

Account has to be taken of the operational need for a particular installation and where, as in this case, it is considered that the siting and design of the proposal is the best that can be achieved in an area, particularly the benefits of using a tall building and its present appearance, it is considered that the benefit derived from the proposal should outweigh any limited visual harm caused. It has been demonstrated that there is a definite need for this installation in order to provide coverage to this particular cell for the benefit of local residents and businesses and the transport network. It will therefore meet a social as well as economic need for the local community as well as visitors.

Health

Recent Government advice set out in PPG8, in response to the precautionary approach suggested by the Stewart Report, advises that all installations should meet ICNIRP guidelines for limiting exposure to electromagnetic fields. If such assurance is given, the Local Planning Authority should not need to consider the health effects further. A statement to this effect is included with the application.



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Conclusion

It is felt therefore that, given the technical constraints and the characteristics of the area, the site that has been chosen provides the best solution to the network requirements of my Client in this area without unduly or adversely affecting the character and appearance of the area. It is therefore in accordance with both national and local policies for acceptable telecommunications development.

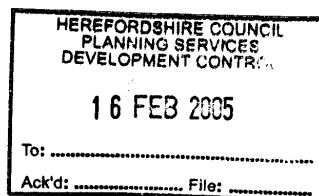
I hope that this provides sufficient information to enable a favourable recommendation to be made in regard to the siting and appearance of the installation but please do not hesitate to contact me if you require any further details or wish to discuss the matter further.

Yours faithfully



Richard Palmer MRTPI
Planning Consultant for AWA Ltd
Enc

1. Plans indicating proposed siting and appearance
2. Supplementary supporting information
3. Application forms and ownership certificates.
4. Coverage plots
5. Cheque for £220.
6. ICNIRP Statement.
7. Photo montages



21 DCSE2005/0420/F - ERECTION OF LPG COMPOUND + DISPENSER AND INSTALLATION OF 2 NO. 1 TONNE 'DUMPY' STORAGE TANKS, LARRUPERZ COMMUNITY CENTRE, SCHOOL CLOSE, ROSS-ON-WYE.

**For: Countrywide Energy per ASD Group, 17
Barbourne Road, Worcester, WR1 1RS**

**Date Received: 9th February, 2005 Ward: Ross-on-Wye East Grid Ref: 60498, 24274
Expiry Date: 6th April 2005**

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

1. Site Description and Proposal

- 1.1 This site is located in a residential area within the town. The Ashburton Industrial Estate is located to the north of the site. The site itself is situated in the north western corner of the Community Centre car park. The site is roughly two metres above road level with a shrub planted bank on the western side and a grass bank on the northern side where there is also a public footpath.
- 1.2 The proposal is to erect a small LPG compound comprising a dispenser and two storage tanks. The compound will measure 5.8 metres by 6.4 metres and will be enclosed by palisade fencing 2.1 metres high. The proposal is to provide a facility for members of the public to obtain LPG.

2. Policies

2.1 Planning Policy Guidance

PPS.1 - Delivering Sustainable Development

2.2 Hereford and Worcester County Structure Plan

Policy CTC.1 - Development within Areas of Outstanding Natural Beauty
Policy CTC.9 - Development Criteria

2.3 South Herefordshire District Local Plan

Policy GD.1 - General Development Criteria
Policy C.5 - Development within Area of Outstanding Natural Beauty
Policy T.3 - Highway Safety Requirements

2.4 Unitary Development Plan (Revised Deposit Draft)

Policy S.2 - Development Requirements
Policy DR.4 - Environment
Policy LA.1 - Areas of Outstanding Natural Beauty

3. Planning History

3.1	SE2000/0218/F	Install 3 dual polar antenna, 1 no. 0.6m dish antenna, 1 equipment cabin and a 2.4m high palisade security fence for Vodafone Ltd (telecommunications)	-	Planning 21.03.00	Permission
	SE2001/0573/F	Two-storey extension at side of main hall to provide enhanced facilities	-	Planning 27.04.01	Permission
	SE2004/1829/F	Installation of 3 additional antennas on the existing tower for Vodafone	-	Planning 07.07.04	Permission

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 The Head of Environmental Health and Trading Standards recommends that certain restrictions be imposed on hours of use. Also the installation to be carried out in accordance with relevant LPG codes of practice, therefore no objection.

4.3 The Traffic Manager has no objection and comments that the proposal is close to public footpath No. ZK13 but that the footpath will not be affected.

5. Representations

5.1 The applicant's agent submits the following:

The agent envisages that predominantly 50% of transactions will be between 9.00am and 5.00pm, 20% between 7.00am and 9.00am, 25% between 5.00pm and 9.00pm and 5% between 9.00pm and 7.00am.

Deliveries are made usually by an 18 tonne wagon although occasionally a 26 tonne wagon may be used. Suitable delivery times can be organised with the Larruperz Centre between the hours of 9.00am and 5.00pm and at times where the centre will be at its least busy. Deliveries will come no more than twice per week.

The agent would also envisage a maximum of around 10 cars visiting the facility each day going on sales figures from similar installations at other sites. A car holds around 40 litres and the facility should dispense around 12000 litres per month.

Also enclosed are details of the noise suppression construction from another site which you will find useful. The brick enclosure built around the pump helps suppress most of the outgoing sound. All other machinery runs silent.

5.2 The Town Council observes:

“Concerns were expressed about the movement of traffic and tankers. It was felt that this was the wrong location for this type of commercial enterprise. This was a Community Centre with a play area in close proximity. Concerns were also expressed about the access road which was a small residential road.”

5.3 Two letters of objection have been received from:

Miss Hill, 6 North Road, Ross-on-Wye, HR9 5LZ
Ross-on-Wye & District Civic Society, Caple Lea, How Caple, Hereford, HR1 4TE

The main points being:

- the use as a mini-filling station for LPG seems an unsuitable activity to take place on a Community Centre premises
- the car park is already cramped day and night and the extra traffic would be an additional safety hazard
- this installation should not be sited in a built-up area so near to houses
- if the LPG storage tanks are damaged and there is a leakage, it will turn into gas 25 times the volume of the pressurised liquid form and will be highly inflammable. The entire installation should be sited well away from houses.

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 amenities of the area, noise and disturbance to neighbouring dwellings, possible traffic and parking problems and the safety of neighbours due to inflammable nature of the LPG. The most relevant policies are GD.1 and T.3 of the Local Plan.
- 6.2 The siting of this small compound in the corner of the site will not be visually intrusive on the area and will look acceptable. The existing shrub planting on the western bank will be increased and will also be planted on the northern bank, which will help to screen the proposed small compound even further.
- 6.3 The compound is very small and will be located in the corner of the large car park. In this position it is considered that it will not adversely affect the existing use of the car park. Similarly it is considered that the envisaged additional traffic generated by the proposal will not adversely affect the operation of the car park.
- 6.4 The Head of Environmental Health and Trading Standards notes that the facility will be installed in accordance with the relevant code of practice and has no objection from this point of view.
- 6.5 The issue of disturbance to neighbouring dwellings is considered to be important. There will be a noise suppression system fitted to the dispenser for quiet operation. However it is the noise of traffic late at night which needs to be considered. The agent envisages that 50% of transactions will occur between 9.00am and 5.00pm and 5% between 9.00pm and 7.00am. The majority of the use of this facility will be during the

daytime and as such it is considered that the use of this facility in this car park will not cause undue disturbance to nearby dwellings. The Head of Environmental Health and Trading Standards advises that a condition be imposed on any permission restricting the use, i.e. 8.00am to 10.00pm Monday to Saturday and 10.00am to 4.00pm on Sundays and Bank Holidays, in order to protect the residential amenities of the neighbours.

- 6.6 Consequently it is considered that the proposed development is acceptable, will not adversely affect neighbours and will be in accordance with planning policies.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

3. **Before any work commences on site detailed drawings of the fencing around the compound (including materials and finish) shall first be submitted to and be subject to the prior written approval of the local planning authority.**

Reason: In the interests of visual amenity.

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

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

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

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

6. **The use of this facility by customers and also deliveries of LPG to it shall not occur outside the hours of 8.00am to 10.00pm Mondays to Saturdays and 10.00am to 4.00pm Sundays and Public/Bank Holidays.**

Reason: In order to protect the residential amenities of the occupiers of nearby dwellings.

Informative(s):

1. **N03 - Adjoining property rights**
2. **The development must be carried out, operated and maintained in accordance with the relevant codes of practice with respect to safety procedures.**

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

