

A G E N D A

Southern Area Planning Sub- Committee

Date: **Wednesday, 3rd August, 2005**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Southern Area Planning Sub-Committee

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

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

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES	1 - 12
To approve and sign the Minutes of the meeting held on 6th July, 2005.	
4. ITEM FOR INFORMATION - APPEALS	13 - 18
To note the contents of the attached report of the Head of Planning Services in respect of the appeals received or determined for the southern area of Herefordshire.	
REPORTS BY THE HEAD OF PLANNING SERVICES	
To consider and take any appropriate action in respect of the planning applications received for the southern area and to authorise the Head of Planning Services to impose any additional or varied conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
5. DCSE2005/1414/F - MAY HOUSE, MILL ORCHARD, WESTON UNDER PENYARD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7PE	19 - 22
First floor extension over garage.	
6. DCSE2005/1640/O - THE ORCHARD, BANNUTREE LANE, BRIDSTOW, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6AJ	23 - 30
Proposed bungalow and vehicular access.	
7. DCSE2004/3555/F - LITTLE CANWOOD, CHECKLEY, HEREFORDSHIRE, HR1 4NF	31 - 40

	Replacement two storey dwelling.	
8.	DCSE2004/2165/F - LAND ADJOINING, JESSAMINE COTTAGE, WOODEND LANE, GORSLEY, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SF	41 - 46
	Increase in domestic curtilage of Jessamine Cottage and for the parking of commercial vehicles within extended curtilage.	
9.	DCSE2005/1867/F & DCSE2005/1873/L - 12 BROOKEND STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7EG	47 - 54
	Conversion of existing showroom to form 2 flats and erection of new building to provide 4 flats (revised scheme).	
10.	DCSE2005/1648/F - OUR LADY OF ST. TERESA OF LISEUX RC CHURCH, WHITCHURCH, SYMONDS YAT, HEREFORDSHIRE, HR9 6AJ	55 - 60
	Proposed conversion of redundant church building to form one residential dwelling.	
11.	DCSE2005/1881/F - MERRIVALE FARM, MERRIVALE LANE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5JL	61 - 66
	Proposed 2. no. linked town houses.	
12.	DCSE2005/0949/F & DCSE2005/0951/C - ST JOSEPHS CONVENT, WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5PQ	67 - 76
	Demolition of existing 1970's hall and living accommodation. Construction of new block of 8 no. flats.	

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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, 6th July, 2005 at 2.00 p.m.

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

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

In attendance: Councillors T.W. Hunt (ex-officio) and Ms. G.A. Powell

23. APOLOGIES FOR ABSENCE

Apologies were received from Councillors H. Bramer and J.B. Williams.

24. DECLARATIONS OF INTEREST

No declarations of interest were made.

25. MINUTES

RESOLVED: That the Minutes of the meeting held on 8th June, 2005 be approved as a correct record and signed by the Chairman.

26. ITEM FOR INFORMATION - APPEALS

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

27. DCSW2005/1589/F - KNIGHTS COMMON COTTAGE, CLEHONGER, HEREFORDSHIRE, HR2 9TP (AGENDA ITEM 5)

Demolition of single storey lean-to's and erection of two storey extension.

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

Councillor P.G. Turpin, the Local Ward Member, supported the views of the applicant and noted that the local Parish Council had no objections to the application. He felt that the existing dwelling was too small for a family home and that the application should be approved contrary to the officers recommendation.

Members discussed the application and felt that the dwelling would have to be extended substantially in order to offer suitable accommodation for an agricultural worker and his family.

RESOLVED:

That: (i) The Southern Area Planning Sub-Committee is minded to approve the application subject to any conditions 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.

(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 approve the application subject to such conditions referred to above.

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

28. DCSW2005/0593/F - ASHFORD STABLES, STONEY STREET, MADLEY, HEREFORD. HR2 9NZ (AGENDA ITEM 6)

10 extra car boot sales, per calendar year.

The Principal Planning Officer advised Members that contrary to paragraph 6.3, comments had not been received from the police but had been received from the ambulance service.

Councillor P.G. Turpin, the Vice-Chairman, felt that it would be beneficial to defer the application pending further discussions between the applicant and the planning officer regarding traffic issues and a reduction in the quantity of extra car boot sales requested.

In accordance with the Criteria for Public Speaking, Mrs. Kury, an objector, and Mr. and Mrs. Evans, the applicants, had registered to speak regarding the application, but decided to defer their opportunity to speak until this application was considered again.

RESOLVED:

That the application be deferred pending further discussions with the applicant.

29. DCSE2005/1294/N - HILL FARM, LLANCLOUDY, HEREFORDSHIRE, HR2 8QP (AGENDA ITEM 7)

Importation of top soil to be stockpiled in field OS 0663 until required for use in remediation works following excavation and removal of farm waste materials.

The Planning Officer (Minerals and Waste) reported the receipt of comments from Paul Keetch, Member of Parliament for Hereford, who requested that the application be deferred pending further discussions with DEFRA regarding the proposed route for waste removal from the site.

In accordance with the Criteria for Public Speaking, Mr. Lane, representing Llangarron Parish Council, and Mr. Haywood, a local resident, spoke in objection to the application.

Councillor Mrs. J.A. Hyde, the Local Ward Member, noted the concerns raised by the objectors and felt that their comments underlined the fears of the local community.

She also said that she had concerns regarding the exit onto the A466 that the tipper lorries would have to use. She felt that the proposed route was not acceptable and that the vehicles should use the main farm access.

In response to a question, the Legal Practice Manager advised Members that this application was solely for the importation of new top soil and that the application for the removal of waste material had been granted in November, 2004.

The Planning Officer (Minerals and Waste) advised Members that DEFRA were still in discussions with the farm owner regarding the use of the main farm access to remove the waste material and also to import the top soil. She also said that this application had been received due to the fact that the removal of the waste material was subject to a High Court Order.

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. No development shall take place until a scheme for a traffic control or warning system on the A466 at the point of access to the proposal site has been submitted to the local planning authority for its written approval. The approved scheme shall be implemented in full for the duration of the development hereby permitted.

Reason: In the interests of road safety.

3. Not later than 12 months following the date of this permission, a scheme for the assessment of the quality of materials to be imported on the this site shall be submitted to the local planning authority for its approval in writing. No material shall be imported into this site in connection with the development hereby permitted other than in accordance with the agreed scheme.

Reason: To protect the water environment, prevent pollution, and in the interests of public safety and amenity.

4. No materials that are not fit for use as agricultural soil, subsoil or for land drainage shall be imported onto the site in connection with the development hereby permitted.

Reason: To protect the water environment, prevent pollution, and in the interests of public safety and amenity.

5. Prior to the commencement of the development hereby permitted, the applicant, the contractors or their agents shall submit for the local planning authority's approval written details of the method of stockpile construction, and the development shall be carried out strictly in accordance with those details.

Reason: To protect the water environment, prevent pollution, and in the interests of public safety and amenity.

6. Prior to the commencement of the development hereby permitted, the applicant, the contractors or their agents shall submit for the local planning authority's approval plans and sections of the final levels of the landform to be created. The approved scheme shall be implemented in full.

Reason: To ensure a satisfactory form of development and in the interests of the amenity of the locality.

7. The height of the proposed stockpile/s of imported soil shall not exceed 3 metres.

Reason: To protect the quality of the soil and to ensure a proper reclamation.

8. During the course of the importation or removal of any materials in association with the development hereby permitted, no machinery shall be operated, no process shall be carried out, and no deliveries taken at or despatched from the site outside the following times: Monday to Friday 8.00 am to 6 pm, Saturday 8.00 am to 1.00 pm, nor at any time on Sundays, Bank or Public Holidays

Reason: To protect the amenity of local residents.

9. There shall be no burning on site of any materials associated with the development hereby permitted.

Reason: To prevent pollution and protect the amenity of local residents.

10. The public highway shall be kept free of all mud or other material emanating from the site or any associated works at all times.

Reason: In the interests of highway safety and public amenity.

Informative:

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

30. DCSW2005/1102/RM - HILL HOLE BUILDINGS, DORSTONE, HEREFORDSHIRE, HR3 6AF (AGENDA ITEM 8)

Application for approval of reserved matters for new agricultural dwelling, including garage and storage accommodation.

The Principal Planning Officer advised Members that paragraph 6.5, sentence 5, should read 'The Environment Agency has looked at the details proposed relating to the porosity tests and whilst initially concerned have, following more information being provided on behalf of the applicants, *withdrawn their objections.*'

In accordance with the Criteria for Public speaking, Mr. Jones, the applicant, spoke in support of the application.

RESOLVED:

That subject to the receipt of further details relating to details of materials and landscaping the officers named in the Scheme of Delegation to Officers be

authorised to issue approval of reserved matters subject to the following conditions and any additional conditions considered necessary by officers:

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

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

2. **E09 (No conversion of garage to habitable accommodation)**

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

Informative(s):

1. **N09 - APPROVAL OF RESERVED MATTERS**

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

31. **DCSE2005/1488/F - BAYSHAM ORCHARD, BAYSHAM, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6QR (AGENDA ITEM 9)**

Proposed replacement dwelling from bungalow to two-storey dwelling.

The Principal Planning Officer reported the receipt of a further letter of objection from a local resident.

In accordance with the Criteria for Public Speaking, Mrs. Rudge, a resident from a neighbouring property, spoke in objection to the application.

Members felt that the inclusion of a condition regarding the submission of a detailed drainage scheme would overcome a number of issues raised by the objectors.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

4. **E16 (Removal of permitted development rights)**

Reason: To protect the visual amenities and natural beauty of the area.

5. **E19 (Obscure glazing to windows)**

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

6. E18 (No new windows in specified elevation)

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

Informative(s):

1. N15 - Reason(s) for the Grant of Planning Permission**32. DCSE2005/1011/O - HILLINGDON, WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE (AGENDA ITEM 10)**

Site for the erection of one dwelling.

The Principal Planning Officer reported the receipt of a further letter of objection from a local resident.

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

Councillor Mrs. C.J. Davis, one of the Local Ward Members, noted the concerns raised by the objector and felt that the application would be detrimental to the area and therefore felt that she could not support the application.

Councillor Mrs. A.E. Gray, the other Local Ward Member, noted that the site was in a Conservation Area and also felt that the application was contrary to policy C23 and draft policy HBA6 as it was an outline planning application rather than a detailed application.

Members discussed the application thoroughly and felt that the application site was too small to build a dwelling that would compliment the neighbouring properties.

RESOLVED:

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

- 1. Contrary to Policy C23 and Draft Policy HBA6**
- 2. Overcrowding**
- 3. Traffic issues**
- 4. Oppressive to neighbouring properties**

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

[Note: The Southern Team Leader said that he would refer the application to the Head of Planning Services as the decision made by Members may not be defensible if challenged]

33. DCSE2005/0920/F - QUEENS TUNNEL, SWAGWATER LANE, GORSLEY, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SL (AGENDA ITEM 11)

Proposed telecommunications installations consisting of a 22.5m lattice tower and ancillary development.

The Principal Planning Officer reported the receipt of comments from the Parish Council who objected to the application. He also reported the receipt of an objection from Paul Keetch, Member of Parliament for Hereford, and a further letter of objection from a local resident.

In accordance with the Criteria for Public Speaking, Mrs. Hartell, a local resident, spoke in objection to the application and Mr. Palmer, the applicant's agent, spoke in support.

Councillor J.W. Edwards, the Local Ward Member, noted the concerns raised by the Parish Council and the objectors and felt that due to the size of the mast, and its location, he could not support the application.

Councillor Mrs. J.A. Hyde, noted that the gap in network service on the M50 was only 2km and that the application would have a permanent and detrimental effect on the landscape.

RESOLVED:

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

- 1. Effect on landscape**
- 2. Detriment of Visual Amenity**

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

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

34. DCSE2005/1768/F - GLOUCESTER ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5NA (AGENDA ITEM 12)

Demolition of existing petrol filling station and erection of 18 no. residential apartment dwellings.

The Principal Planning Officer reported the receipt of comments from the Environment Agency and the Traffic Manager who raised no objections subject to conditions. He also reported the receipt of 3 letters of objection from local residents and a letter from the applicant's agent who stated that his client was happy to use obscured glazing in the stairwell windows if the Sub-Committee deemed it to be necessary.

Councillor Mrs. A.E. Gray, one of the Local Ward Members noted that planning permission for 16 dwellings on the site had already been approved by the Sub-

Committee, she felt that 16 dwellings on the site was acceptable but 18 would result in over intensification.

In response to a question, the Principal Planning Officer advised Members that the Inspector had dismissed the appeal regarding the previous application for 18 dwellings on the site due to an issue of overlooking. The applicant had now resolved this issue by removing the second floor windows in the rear elevation of the building.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2. B01 (Samples of external materials)

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

3. G04 (Landscaping scheme (general))

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

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

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

5. G01 (Details of boundary treatments)

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

6. F48 (Details of slab levels)

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

7. H03 (Visibility splays)

Reason: In the interests of highway safety.

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

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

9. H21 (Wheel washing)

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

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

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

- 11. Development approved by this planning permission shall not be commenced unless:**
- a) A desk top study has been carried out which shall include the identification of previous site use, potential contaminants that might reasonably be expected given those uses and other relevant information and using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.**
 - b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the local planning authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:
 - a risk assessment to be undertaken relating to the receptors associated**
 - with the proposed new use, those uses that will be retained (if any) and other receptors on and off the site that may be affected, and**
 - refinement of the Conceptual Model, and**
 - the development of a Method Statement detailing the remediation requirements.****
 - c) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment undertaken.**
 - d) A Method Statement detailing the remediation requirements using the information obtained from the Site Investigation has been submitted to the local planning authority. This should be approved in writing by the local planning authority prior to that remediation being carried out on the site.**

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

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

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

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

addendum shall form part of the Method Statement.

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

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

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

15. W01 (Foul/surface water drainage)

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

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

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

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

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

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

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

19. 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, play area and car parking areas shall be submitted to and approved by the local planning authority. The management plan shall be carried out as approved.

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

20. Notwithstanding the approved drawing no. 4833-1-13a the bin store shall not be sited as shown but in accordance with details of siting and design which have been submitted to and approved in writing by the local

planning authority. Development shall be carried out in accordance with the approved details before the occupation of the buildings.

Reason: In the interests of safe and free flow of traffic on the highway.

21. E18 (No new windows in specified elevation)

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

22. E19 (Obscure glazing to windows)

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

Informatives:

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

35. DCSE2004/2997/F - 22 HIGH STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5BZ (AGENDA ITEM 13)

Change of use from retail shop (Class A1) to hot food takeaway (Class A3).

The Principal Planning Officer reported the receipt of 3 further letters of objection. He also advised Members that since the application had been received one of the neighbouring shops had been divided into 2 smaller outlets, resulting in the possibility of having 3 non-retail outlets in a row.

In accordance with the Criteria for Public Speaking, Mr. Bundy had registered to speak in objection to the application but was not present at the meeting.

Councillor G. Lucas, the Local Ward Member, noted the concerns raised by local residents. He felt that the application should be refused, as it would be contrary to the emerging Herefordshire Unitary Development Plan regarding secondary shop frontages.

RESOLVED:

That subject to being satisfied that the fume extract system would be acceptable the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

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

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

2. C02 (Approval of details)

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

3. F37 (Scheme of odour and fume control)

Reason: In order to ensure that fumes and odours are properly discharged and in the interests of the amenities of residential property in

the locality.

4. **E04 (Restriction on hours of opening (restaurants and hot food takeaways))**

Reason: To safeguard the amenities of the locality.

Informative:

1. **N15 - REASON(S) FOR THE GRANT OF PP/LBC/CAC**

The meeting ended at 4.05 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCSW2005/1319/O**

- The appeal was received on 11th July, 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. K. Mussell
- The site is located at Newton Farm, St. Owens Cross, Herefordshire, HR2 8LF
- The development proposed is Outline planning for new dwellings
- The appeal is to be heard by Written Representations

Case Officer: Andrew Prior on 01432 261932

Application No. DCSW2005/0893/F

- The appeal was received on 7th July, 2005
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr. J.A. Farr
- The site is located at Merryvale, off Greenway Lane, Kilpeck, Herefordshire. (OS 4434 - 2777)
- The development proposed is Re-instatement of a 1620's farmhouse to it's original state
- The appeal is to be heard by Written Representations

Case Officer: Andrew Prior on 01432 261932

Application No. DCSE2004/2957/F

- The appeal was received on 27th June, 2005
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr. & Mrs. N Gibbs
- The site is located at Chasedale Hotel, Walford Road, Ross-On-Wye, Herefordshire, HR9 5PQ
- The development proposed is Erection of single storey dwelling and double garage, and new access onto highway
- The appeal is to be heard by Written Representations

Case Officer: Nigel Banning on 01432 261974

Application No. DCSE2004/4217/F

- The appeal was received on 30th June, 2005
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr. S. Edwards

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

- The site is located at 2 Millbrook Cottages, -, Pontshill, Ross-On-Wye, Herefordshire, HR9 5TH
- The development proposed is Double garage and store
- The appeal is to be heard by Written Representations

Case Officer: Steven Holder on 01432 260479

APPEALS DETERMINED

Application No. DCSE2004/1005/F

- The appeal was received on 21st July, 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 C.E. Boultree-Brooks
- The site is located at Little Canwood, Checkley, Herefordshire, HR1 4NF
- The application, dated 19th March, 2004, was refused on 14th May, 2004.
- The development proposed was Replacement two storey dwelling with new vehicular access.
- The main issue is the effect of the proposed development on the character and appearance of the area, which lies in the Wye Valley Area of Outstanding Natural Beauty (AONB) and an area of Great Landscape Value (AGLV).

Decision: The appeal was **DISMISSED** on 28th June, 2005

Case Officer: Nigel Banning on 01432 261974

Application No. DCSW2004/3387/F

- The appeal was received on 14th February, 2005
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr. & Mrs. G. Mussell
- The site is located at Land adjacent to Lilac Cottage, Clehonger, Herefordshire, HR2 9SL
- The application, dated 28th September, 2004, was refused on 16th November, 2004
- The development proposed was Detached dormer bungalow with garage
- The main issue is the effect of the proposal on the character and appearance of the countryside.

Decision: The appeal was **DISMISSED** on 30th June, 2005

Case Officer: Andrew Prior on 01432 261932

Application No. DCSE2004/1020/F

- The appeal was received on 27th July, 2004
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission

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

- The appeal was brought by Mr. G. Jones
- The site is located at Rose Cottage, Aston Ingham Road, Kilcot, Glos
- The application, dated 22nd March, 2004, was refused on 12th May, 2004
- The development proposed was Two storey side extension, single storey study extension, extension to existing garage to provide carport and garden store area
- The main issue is the effect of the proposed 2 storey side extension, and the proposed extension to the garage, on the character and appearance of Rose Cottage and the surrounding rural area. The Council raised no objection to the third part of the proposal, namely the single storey study extension.

Decision: The appeal was **PARTLY UPHELD (Split Decision)** on 8th July, 2005

Case Officer: Mike Willmont on 01432 260612

Application No. DCSE2004/3301/F

- The appeal was received on 22nd March, 2005
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr. & Mrs. R. Margrett
- The site is located at Moat Farm, -, Hope Mansell, Ross-On-Wye, Herefordshire, HR9 5TL
- The application, dated 15th August, 2004, was refused on 21st December, 2004
- The development proposed was Proposed extension
- The main issue is that the appeal site is in a rural area where as a matter of long-established national and local planning policy, residential development is strictly controlled

Decision: The appeal was **DISMISSED** on 11th July, 2005

Case Officer: Steven Holder on 01432 260479

Application No. DCSE2004/4169/F

- The appeal was received on 7th April, 2005
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr. & Mrs. N Peeling
- The site is located at Hallbank, -, Linton, Ross-On-Wye, Herefordshire, HR9 7RR
- The application, dated 29th November, 2004, was refused on 31st January, 2005
- The development proposed was Proposed two storey extension and conservatory
- The main issue is that the proposal would not be compatible with the traditional qualities of the existing building

Decision: The appeal was **DISMISSED** on 12th July, 2005

Case Officer: Charlotte Atkins on 01432 26053

Application No. DCSE2004/4025/O

- The appeal was received on 27th April, 2005
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr. M. Bundy
- The site is located at Land off B4164 adjacent to Whitchurch Fire Station, Whitchurch, Ross-on-Wye, Herefordshire
- The application, dated 22nd November, 2004, was refused on 17th January, 2005
- The development proposed was Site for single dwelling
- The main issue is the principle of the erection of a dwelling in open countryside, outside any designated settlement boundary.

Decision: The appeal was **DISMISSED** on 12th July, 2005

Case Officer: Nigel Banning on 01432 261974

Application No. DCSE2004/3726/O

- The appeal was received on 21st March, 2005
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr. M. Jackson
- The site is located at Burrups Lane (Old Brandon's Poultry Site), Gorsley, Ross-On-Wye, Herefordshire
- The application, dated 27th October, 2004, was refused on 22nd December, 2004
- The development proposed was Site for erection of 2 executive houses
- The main issue is the effect of the development on the character of the countryside.

Decision: The appeal was **DISMISSED** on 19th July, 2005

Case Officer: Steven Holder on 01432 260479

Application No. DCSE2004/2367/O

- The appeal was received on 13th April, 2005
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr. J. Bowen
- The site is located at Land adjoining The Little Place, Pontshill, Ross-On-Wye, Herefordshire, HR9 5TB
- The application, dated 28th June, 2004, was refused on 24th March, 2005
- The development proposed was Site for the erection of a dwelling
- The main issue is the erection of a dwelling in the countryside outside of any designated settlement.

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

Case Officer: Nigel Banning on 01432 261974

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

Application No. DCSE2004/2366/O

- The appeal was received on 13th April, 2005
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr. J. Bowen
- The site is located at Land adjoining The Little Place, Pontshill, Ross-On-Wye, Herefordshire, HR9 5TB
- The application, dated 28th June, 2005, was refused on 24th March, 2005
- The development proposed was Site for erection of a dwelling
- The main issue is the erection of a dwelling in the countryside outside of any designated settlement.

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

Case Officer: Nigel Banning on 01432 261974

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

5 DCSE2005/1414/F - FIRST FLOOR EXTENSION OVER GARAGE, MAY HOUSE, MILL ORCHARD, WESTON UNDER PENYARD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7PE

For: Mrs. A. Beane per Mr. G. Jones, 53 Broad Street, Ross-on-Wye, HR9 7DY

Date Received: 3rd May, 2005

Ward: Penyard

Grid Ref: 63393, 23151

Expiry Date: 28th June, 2005

Local Member: Councillor H. Bramer

1. Site Description and Proposal

- 1.1 This site is located at the end of a cul-de-sac in a small residential estate within the village of Weston-under-Penyard. The existing four bedroomed dwellinghouse is situated between two other dwellings of similar size.
- 1.2 The proposal is to erect a first floor extension over the existing attached garage in brick and roof tiles to match those on the existing dwelling.

2. Policies

2.1 Planning Policy Guidance

PPS.1 - Delivering Sustainable Development

2.2 Hereford and Worcester County Structure Plan

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

2.3 South Herefordshire District Local Plan

Policy GD.1 - General Development Criteria
 Policy SH.23 - Extensions to Dwellings
 Policy C.8 - Development within Area of Great Landscape Value

2.4 Unitary Development Plan – Revised Deposit Draft

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

3. Planning History

- 3.1 No relevant history.

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Traffic Manager has no objection.

5. Representations

- 5.1 The Parish Council observe:

Councillors object to this application as they feel that the extension would be out of proportion to the other houses in the close.

- 5.2 There has been a letter of objection received from:

C. England, 'Chantilly', Mill Orchard, Weston-under-Penyard, Ross-on-Wye, HR9 7PE

The main points being:

- the houses are constructed of dark coloured brick and the proposed two-storey solid wall will give impression of bringing the house closer to objector's property, which will look hemmed in, in relation to other houses in estate
- the development at present has a balanced look with the houses reasonably spaced and designed. The objector likes the feel of space around his dwelling and does not want two 2-storey solid walls next to his property
- objector would not have purchased house if May House had been built with the extension now proposed. When you purchase a house of this value you expect some space between houses
- proposed extension may affect the future saleability of objector's property
- the houses are not in line and proposed extension will throw a large shadow over objector's garden cutting out light so affecting garden and patio areas
- there will be two windows in the extension which will be closer to objector's property which will overlook garden and take away privacy.

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

6. Officers Appraisal

- 6.1 The main issues relate to the size, design and appearance of the proposed extension and its effect on the visual amenities of its setting. Also the effect of the extension on the residential amenities of the occupants of the adjacent dwellings, in particular the existing dwelling to the north-east. The most relevant policies in this case are GD.1 and SH.23 of the South Herefordshire District Local Plan and CTC.9 of the Hereford and Worcester County Structure Plan.
- 6.2 The proposed extension is considered to be acceptable and in keeping with the scale and character of the existing dwelling. In addition it is considered that the resultant

extended dwelling will be in keeping with the character and appearance of the immediate area and adjacent dwellings.

6.3 It is considered that the proposed development will not adversely affect the dwelling immediately to the north-east (where the objector lives). The proposed extension will not over-dominate nor detract from the character, appearance or setting of the objector’s dwelling. In addition, it is considered that the proposed development will not adversely affect the residential amenities of the occupants of the objector’s dwelling, i.e. no adverse overlooking, loss of light or over-domination of that dwelling. The effect the proposal may have on the value of the neighbour’s property is not a material planning consideration.

6.4 The proposed development is therefore considered to be acceptable and in accordance with planning policies, in particular Policies GD.1 and SH.23 of the Local Plan. These policies relate to extensions to dwellings and the effect of development on neighbouring buildings/uses and the character and appearance of its setting.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

Informative(s):

- 1. N03 - Adjoining property rights**
- 2. N15 - Reason(s) for the Grant of Planning Permission**

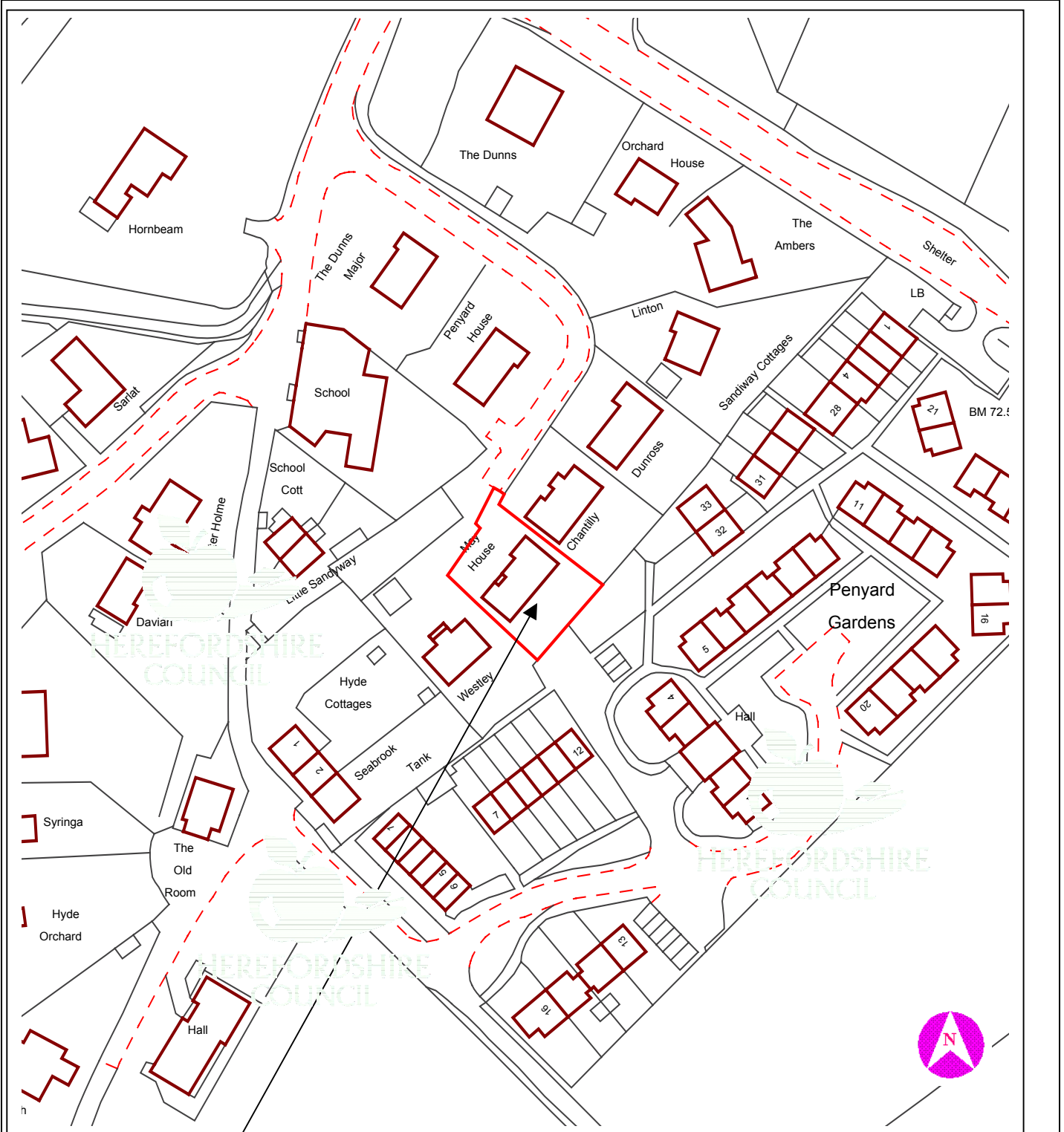
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2005/1414/F

SCALE : 1 : 1250

SITE ADDRESS : May House, Mill Orchard, Weston under Penyard, Ross-on-Wye, Herefordshire, HR9 7PE

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6 DCSE2005/1640/O - PROPOSED BUNGALOW AND VEHICULAR ACCESS, THE ORCHARD, BANNUTREE LANE, BRIDSTOW, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6AJ

**For: Mr. & Mrs. M. Middlecote per Mr C Goldsworthy,
85 St Owens Street, Hereford, HR1 2JW**

Date Received: 19th May, 2005 Ward: Llangarron Grid Ref: 58438, 24408

Expiry Date: 14th July, 2005

Local Member: Councillor Mrs. J.A. Hyde

1. Site Description and Proposal

- 1.1 This site at Bridstow is located off Bannutree Lane on its north-western side. The site itself forms part of the rear garden of the applicants' dwellinghouse which is located amongst other dwellings in an existing residential area designated as a 'smaller settlement' under Policy SH.10 of the Local Plan.
- 1.2 This outline application is for a proposed bungalow and new vehicular access onto Bannutree Lane to serve the site. The new access driveway will run along a section of the existing garden area at the side of the applicants house. There is an existing access which serves the existing house. All of the reserved matter details are reserved for future consideration.

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

2.3 South Herefordshire District Local Plan

Policy GD.1	-	General Development Criteria
Policy C.1	-	Development within Open Countryside
Policy C.5	-	Development within Area of Outstanding Natural Beauty
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

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 DR.2 - Land Use and Activity
Policy H.6 - Housing in Smaller Settlements
Policy LA.1 - Areas of Outstanding Natural Beauty

3. Planning History

3.1 DCSE2005/0651/O Proposed bungalow and vehicular - Refusal 25.04.05
access

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 The Traffic Manager recommends that any permission includes certain conditions relating to the design of the access/visibility.

5. Representations

5.1 The applicants' agent comments:

- this application is for the erection of a retirement bungalow for the applicants
- sited in rear garden to cause least disruption to The Orchard and nearby properties.
- gap between The Orchard and Nima large enough to accommodate a dwelling which indicates there is nothing cramped about the land proposed to be developed
- other properties erected nearby in recent years indicates site is suitable for development
- all services readily available
- proposed access would have adequate vision splays and traffic speeds are slow with light traffic
- enclose an extract from an inspector's appeal decision on a site at Lugwardine which relates to a site which does not enjoy the space or openness of this current application site (a copy of this extract and plan is attached as an appendix).

5.2 The Parish Council have not commented on the proposed development.

5.3 One letter of objection was received from:

Ross-on-Wye and District Civic Society, Caple Lee, How Caple, Hereford, HR1 4TE

The main points being:

- the proposal constitutes 'backland development'
- could create an unfortunate precedent to be followed by neighbouring properties.

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

6. Officers Appraisal

- 6.1 The main issues relate to the principle of erecting a dwelling on this site and any case for local housing requirement, the suitability of the site itself for new housing and its impact on the local environment and the residential amenities of the occupants of nearby 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, H.18 and CTC.9 of the Structure Plan.
- 6.2 This site is considered to be unacceptable for a new dwelling as it would constitute unacceptable backland development. There is a gap between the applicants' current dwelling and the dwelling to the south-west and it is through this gap (currently part of applicants garden) that the new driveway to serve the proposed dwelling will be located. As such, it is considered that the residential amenities of the occupants of the existing dwellings on either side of the new access would be adversely affected by undue noise and disturbance caused by vehicles entering and leaving the application site. In addition, it is considered that a new bungalow on this site would be likely to result in the occupants of the existing dwelling to the front (east) of the site, in particular, being adversely affected by overlooking and loss of privacy. As such, the proposed development would, in particular, be contrary to Policies SH.10 and GD.1 of the Local Plan and H.16A and CTC.9 of the Structure Plan.
- 6.3 This site is considered to be within the boundaries of the 'smaller settlement' of Bridstow as per Policy SH.10 of the Local Plan. One of the main provisions of the policy is that new housing will only be permitted within the 'smaller settlement' where it can be clearly demonstrated that the development would help to satisfy local housing requirements. However no case for local housing requirement was submitted in support of the application. For this reason again the proposal is considered to be unacceptable and contrary to that specific requirement of Policy SH.10 of the Local Plan.
- 6.4 The applicants' agent refers to an extract of an appeal decision notice, i.e. two paragraphs in a section relating to 'character and appearance'. However these comments relate to a different site within the village of Lugwardine and as such do not have any significant relevance to the current application site.
- 6.5 There have been other dwellings approved in the area but these were largely approved on appeal to the Department of the Environment. One of these was down a nearby trackway and the site fronted onto this track and therefore was not regarded as backland development.
- 6.6 The proposed development is therefore considered to be unacceptable and in particular contrary to Policies GD.1 and SH.10 of the Local Plan and Policies H.16A,

H.18 and CTC.9 of the Structure Plan. It is also considered that if planning permission is granted then this will set a precedent for new dwellings to be built in the adjacent rear gardens.

RECOMMENDATION

That outline planning permission be refused for the following reason:

- 1. The proposed siting of a bungalow on this site would constitute unacceptable backland development which would result in the residential amenities of the occupants of the existing dwellings on either side of the proposed new driveway being adversely affected by undue noise and disturbance caused by vehicles entering and leaving the site. In addition, a new bungalow on this site would be likely to result in the occupants of the existing dwelling to the front of the site, in particular, being adversely affected by overlooking and loss of privacy. Also no suitable case for local housing requirement was submitted with the application to justify the principle of new housing in the designated 'smaller settlement'. As such, the proposed development is considered to be contrary to Policies H.16A, H.18, H.20 and CTC.9 of the Hereford and Worcester County Structure Plan, and Policies GD.1, SH.10, SH.14 and SH.15 of the South Herefordshire District Local Plan.**

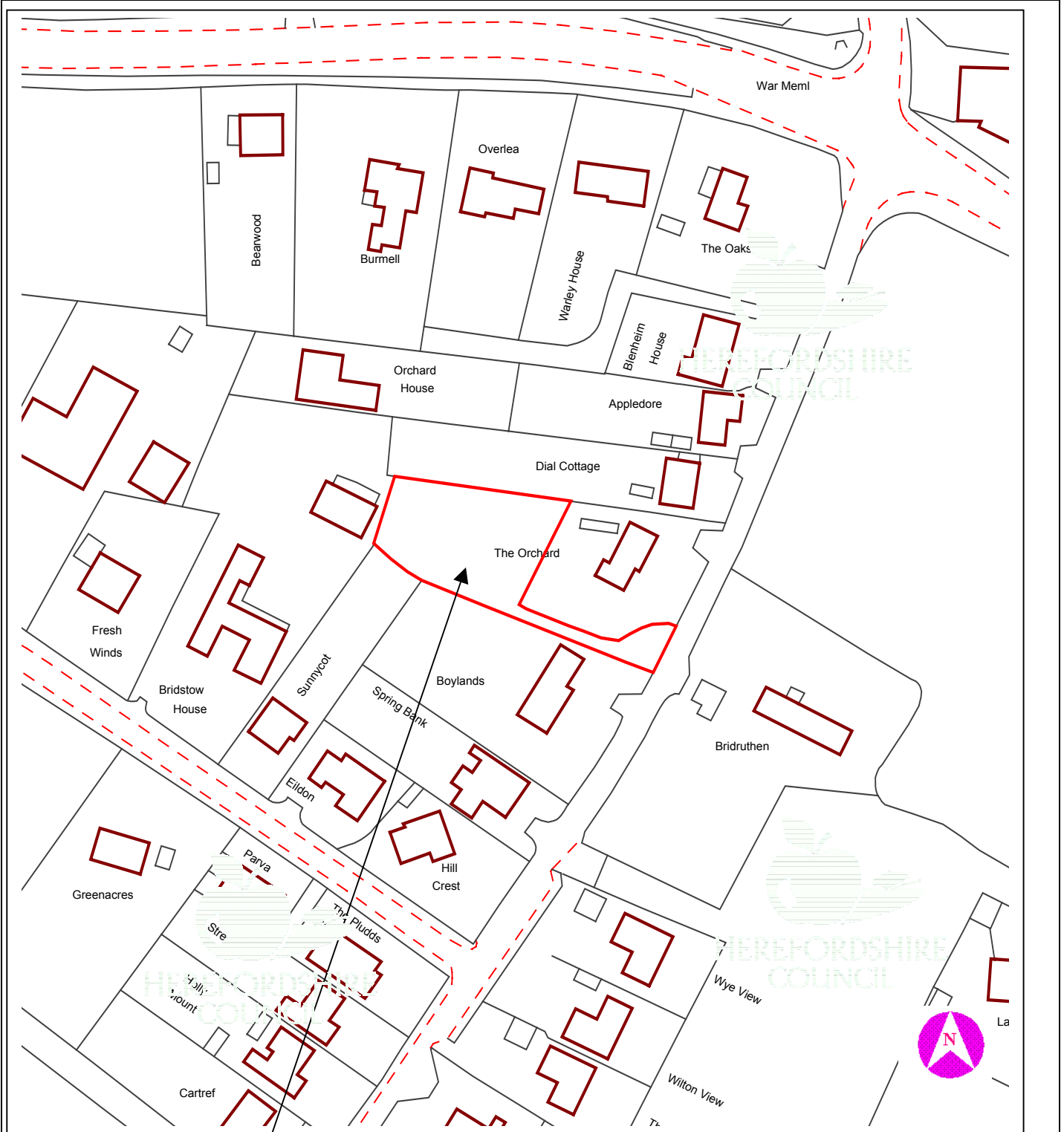
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2005/1640/O

SCALE : 1 : 1250

SITE ADDRESS : The Orchard, Bannutree Lane, Bridstow, Ross-on-Wye, Herefordshire, HR9 6AJ

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an access corridor to the A438 alongside the existing bungalow, which would require the demolition of a car port.

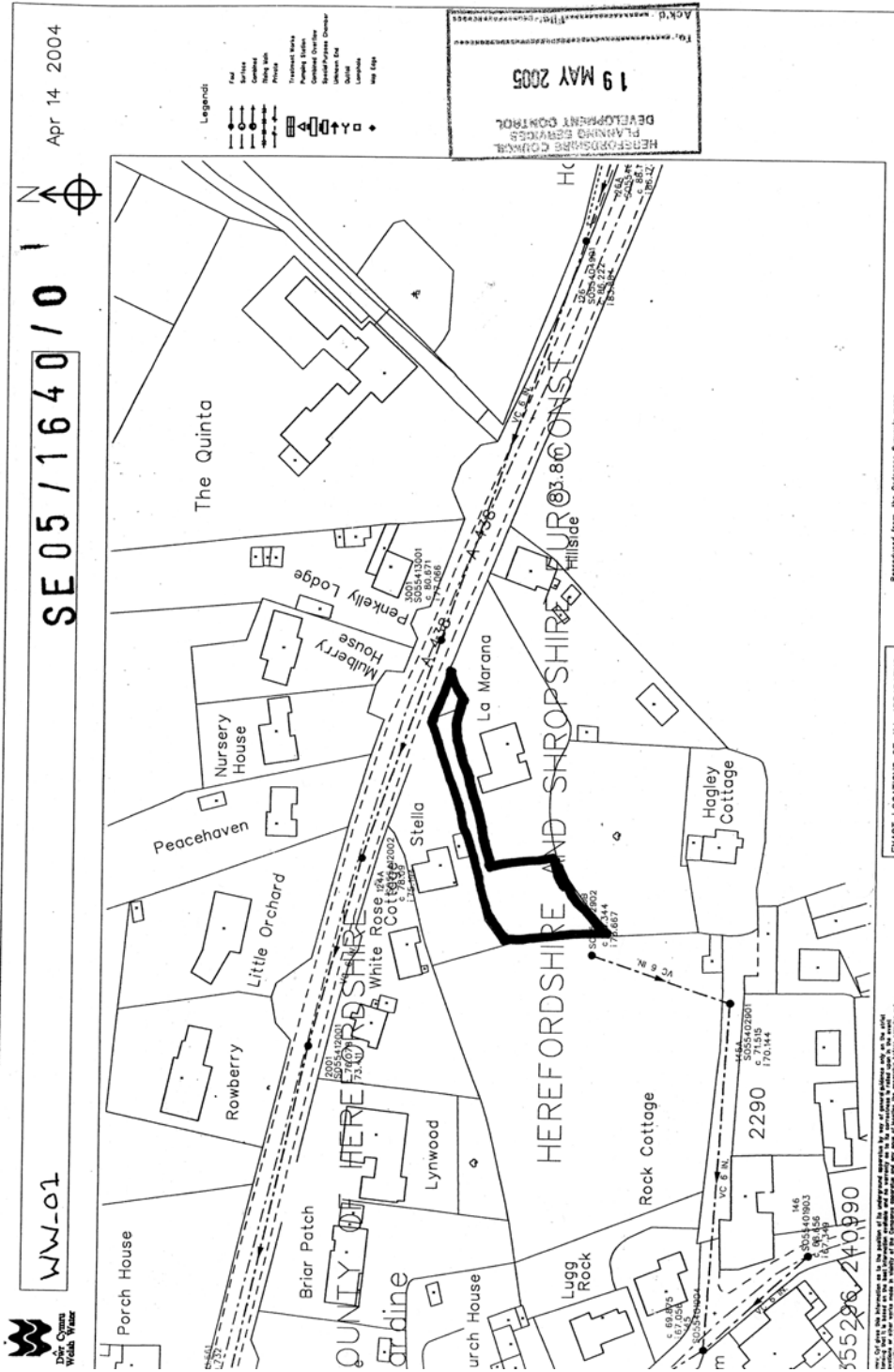
Character and Appearance

5. The settlement of Lugwardine does not appear to have a specific development pattern or character. Properties along the A438 around the appeal site are typical of a residential area, and are set at a variety of angles to the road. Behind the appeal site, Hagley Cottage is accessed from a long drive between other properties in a similar manner to that proposed. The intended plot size would be smaller than those around it. Within the village however, plots have a variety of sizes and include some of a similar size to that proposed.
6. The appeal site would not be readily visible from the A438, and the size of plot would not be apparent from any public viewpoints. I have no reason to believe that a driveway along the access corridor would suggest an overly cramped development, and indeed there is a shared entrance to two dwellings on the opposite side of the A438. Although I acknowledge that the proposal would represent backland development, in my opinion it would not be unacceptable in relation to the character and appearance of the area, and it would therefore not conflict with Local Plan Policy SH.8. Furthermore, the appeal site is adjoined by single storey dwellings and the Council has suggested a restriction to single storey development which would limit any impact on the roofscape in this part of the village. I have also taken into account Planning Policy Guidance Note 3: Housing, which seeks to encourage the provision of new housing on previously developed land.
7. I therefore conclude that the proposal would not have a harmful effect on the character and appearance of the surrounding area, and that it would thus not conflict with Structure Plan Policy CTC.9 or Local Plan Policies SH.6, SH.8 and GD.1.

Highway Safety

8. The site would be accessed from the A438 which has a 40mph speed restriction and appeared to me to be a busy road. Visibility at the proposed access towards Hereford would be constrained by the presence of a hedge in a neighbouring property. When assessed in accordance with the Government publication, Places Streets and Movement, I found that the achievable visibility would be some 31m compared to an advisory distance of 120m. I consider that this visibility would be inadequate and would conflict with the requirement of Local Plan Policy GD.1 to provide a safe access, even taking into account that traffic would be approaching on the opposite side of the carriageway. Furthermore, the access would be at an acute angle to the carriageway in the direction of Hereford, and this would be awkward in terms of visibility.
9. The land towards Ledbury bounding the A438 is within the appellant's control. To move the access towards Ledbury would improve the visibility towards Hereford. I have not been provided with any access details, but in any event such a change in my opinion would result in an unusual arrangement in front of La Marana, which would lead to a cramped appearance and harm to the living conditions of the occupiers of La Marana in relation to noise, disturbance and loss of privacy. I do not therefore consider that my concerns in relation to highway safety could be addressed at reserved matters stage.

HEREFORDSHIRE COUNCIL PLANNING SERVICES DEVELOPMENT CONTROL
19 MAY 2005
Ack'd



WW-01

SE 05 / 1640 / 0

Apr 14 2004

- Legend:
- Field
 - Bridges
 - Shed
 - Pond
 - Treatment Works
 - Fencing
 - Boundary Lines
 - Subsidence
 - Liquor Lic
 - Cable
 - Landscape
 - Tree

19 MAY 2005
DEVELOPMENT CONTROL
HEREFORDSHIRE COUNTY
PLANNING SERVICES

Reproduced from the Ordnance Survey's maps

EXACT LOCATIONS OF ALL APPARATUS

This plan shows the boundaries as they appear on the Ordnance Survey maps. It does not show the boundaries as they appear on the ground. The boundaries shown on this plan are for information only and do not constitute a legal boundary. The boundaries shown on this plan are for information only and do not constitute a legal boundary. The boundaries shown on this plan are for information only and do not constitute a legal boundary.

7 DCSE2004/3555/F - REPLACEMENT TWO STOREY DWELLING AT LITTLE CANWOOD, CHECKLEY, HEREFORDSHIRE, HR1 4NF

For: C.E. Boulton-Brooks per Hook Mason, 11 Castle Street, Hereford HR1 2NL

Date Received: 4th October, 2004 Ward: Old Gore Grid Ref: 61097, 36997
Expiry Date: 29th November, 2004
 Local Member: Councillor J W Edwards

1. Site Description and Proposal

1.1 The application site is about one mile to the north of Woolhope, being on the west side of the unclassified road which connects Woolhope with Checkley. It is square in shape with a timber bungalow and outbuildings. The site merges into other land within the applicant's ownership which includes a further cottage, a mobile home, other outbuildings and agricultural buildings together with an area of agricultural land.

1.2 It is proposed to demolish the timber bungalow and erect a two-storey cottage-style dwelling. The new dwelling would be sited immediately to the south of the existing bungalow. It would be in the shape of a 'T' with the upper section somewhat higher at ridge level than the lower section. The upper floor would be contained within the roof slope and lit by dormer-type window plus windows in the gabled ends of the upper section. In addition an open porch with bathroom above would fit into the northern angle of the 'T' and a single storey utility room and porch would be added to the end of the lower section. The house would be a stone construction with a small plain tiled roof.

1.3 This is a revised proposal following refusal of an earlier application for a full 2-storey house (SE2004/1005/F). The reasons for refusal were as follows:

"1. The proposed replacement dwelling would not be comparable in size with the existing. Therefore the proposal is contrary to Policies H.20(e) of the Hereford and Worcester County Structure Plan and Housing Policy 4(e) of the Malvern Hills District Local Plan.

2. By virtue of its scale, mass and design the proposed replacement dwelling would be prominent and harmful to the landscape, which is a designated Area of Outstanding Natural Beauty and Area of Great Landscape Value. As such the proposal is contrary to Policies CTC.1, CTC.2 and CTC.9 of the Hereford and Worcester County Structure Plan and Landscape Policies 2 and 3 of the Malvern Hills District Local Plan."

The appeal against this decision has now been dismissed (see Appendix for copy of the decision notice).

1.4 The application as submitted also proposed a new access about 40 m to the south of the existing access, with the closure of the existing access and enlargement of the curtilage.

2. Policies

2.1 Planning Policy Guidance

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

2.2 Hereford and Worcester County Structure Plan

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

2.3 Malvern Hills District Local Plan

- Housing Policy 4 - Primary Residential Areas
- Landscape Policy 2 - Areas of Outstanding Natural Beauty
- Landscape Policy 3 - Development in Areas of Great Landscape Value

2.4 Herefordshire UDP (Deposit Draft)

- Policy H7 - Housing in the Countryside Outside Settlements

3. Planning History

- | | | | | | |
|-----|---------------|---|---|---------------------|------------|
| 3.1 | O/15729 | Erection of bungalow, stables and calf rearing pens and barn. | - | Approved | 13.10.1963 |
| | 16550 | Erection of bungalow and double garage. | - | Approved | 17.2.1964 |
| | MH576/80 | Continued use of mobile home for agricultural worker. | - | Approved | 21.4.1980 |
| | MH308/83 | Continued use of mobile home. | - | Approved | 11.4.1983 |
| | MH2165/86 | Existing mobile home as before. | - | Approved | 17.11.1986 |
| | MH92/0253 | Mobile Home. | - | Approved | 24.4.1992 |
| | NE2003/0726/F | Proposed demolition and replacement of bungalow. | - | Withdrawn | 7.5.2003 |
| | NE1003/0727/F | Change of use, alterations and extension of former cottage to form 2 holiday units | - | Approved | 23.6.2004 |
| | SE2004/1005/F | Replacement two storey dwelling with new vehicular access | - | Refused | 14.5.04 |
| | | | | Dismissed on appeal | 28.6.05 |
| | SE2004/1013 | Alterations and extension to cottage to provide single holiday unit. (Variation of consent NE2003/0727/F approved 23.6.03.) | - | Approved | 14.5.2004 |

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Traffic Manager recommends that conditions be imposed regarding the new access arrangements.

5. Representations

- 5.1 Parish Council object to a two-storey dwelling. They consider a bungalow built on the site of the existing bungalow would be less impacting and more in keeping with the area and adjoining 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 bungalow has a footprint of about 190 m², with a wide span of about 8.8 m and a shallow roof pitch. This modern structure was erected in the 1960's but is not an attractive building. The proposed 'cottage' style dwelling would have a smaller footprint and would be narrower (about 5.6 m compared to the bungalow's 8.8 m). The steeper roof pitch would result in a higher ridge (about 5.8 m and 6.5 m for the two sections compared to about 5 m for the bungalow). The cubic capacity of the proposed house would be less than that of the dwelling it would replace, but having two floors the total floor area would be greater.
- 6.2 Development Plan policies (H20(e) and HP4(c)) of the County Structure Plan and Local Plan respectively) require that replacement dwellings be comparable in size with the building being replaced. In this case the new dwelling is smaller in footprint and mass, although it has a greater floor area (about 25%) and is taller. The policies are concerned, it is considered, to protect the visual amenity of the countryside from unnecessary building. The most important factors are therefore the external dimensions and visual impact of the building rather than internal floorspace and accommodation. This also seems to be the Inspector's view. She noted that the Council considered that a 2-storey dwelling would be acceptable and agreed that this dwelling should be larger and more imposing than the adjacent cottage which had an eaves height of 3.8 m and a ridge height of 5.5 m. However she did not accept that the new dwelling needed to be as high as the appeal proposal. The current proposal would be about 1 m lower at eaves and at ridge than the appeal house and in comparison with the adjacent cottage lower at eaves level but slightly higher at ridge for the lower section, and about 0.8 m higher for the taller section. It is concluded therefore that although somewhat higher this proposed dwelling with its smaller overall massing would be comparable in size with that it is intended to replace. The current scheme compares favourably in both size and visual impact with the appeal proposal.
- 6.3 There is an attractive hedgerow along the highway but it was planted well back from the carriageway. A new access would therefore require only the minimum loss of

hedgerow. Although closer to the corner than ideal it would have significantly better visibility than the existing access. The extension of curtilage to the south of the house would enclose part of the adjoining field and it is not considered that this would harm significantly the rural character of the area.

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. AO9 (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. 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. E16 (Removal of permitted development rights)

Reason: To protect the visual amenities of the countryside.

7. The dwelling hereby approved shall not be occupied until the existing bungalow, attached garage and mobile home have been demolished and the materials permanently removed from the land.

Reason: To comply with the Council's rural housing policies and to protect the visual amenities of the area.

8. H06 (Vehicular Access Construction)

Reason: In the interests of Highway Safety.

9. H08 (Access Closure)

10. H12 (Parking and Turning – Single House)

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

Informative:

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

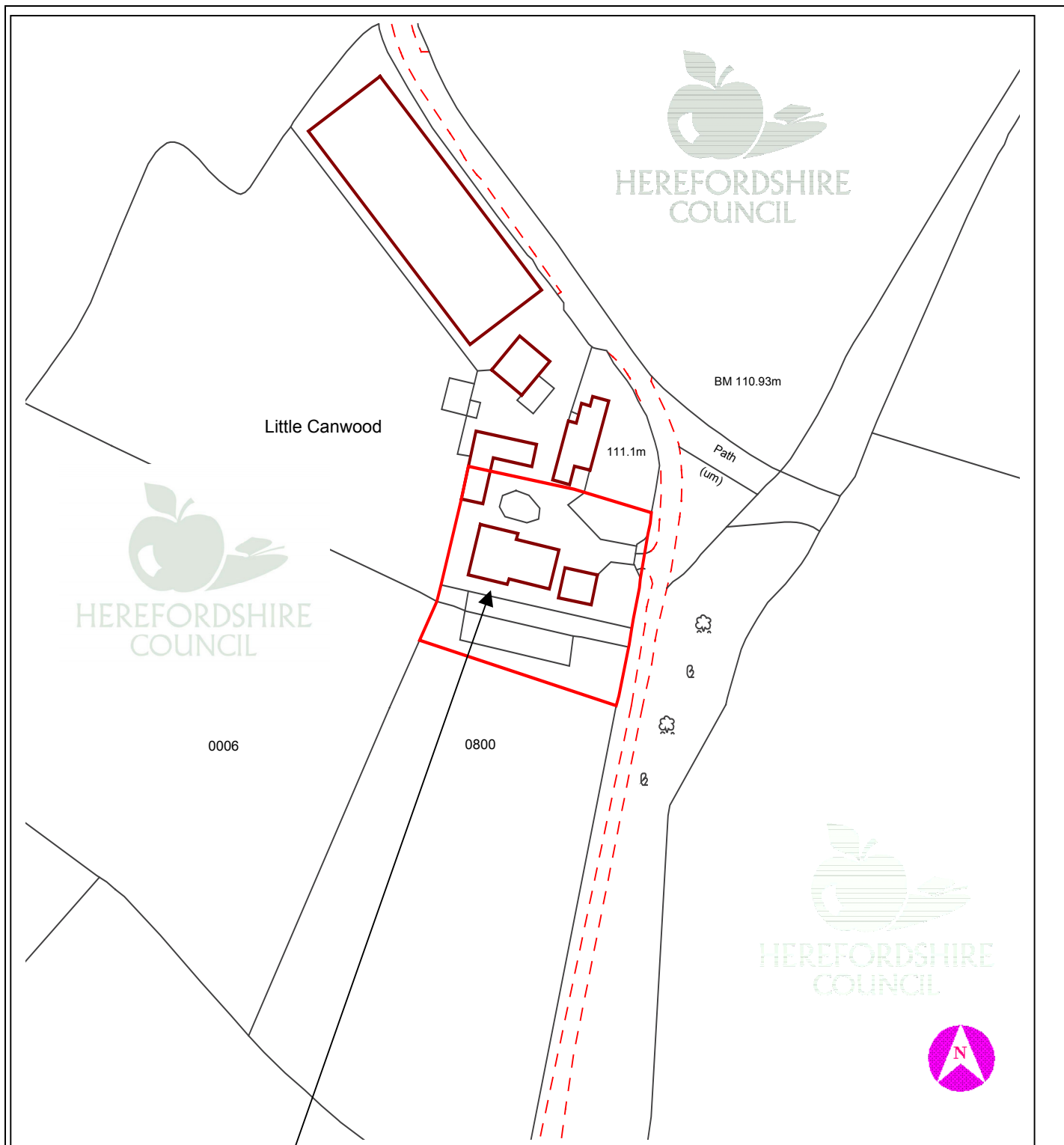
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2004/3555/F

SCALE : 1 : 1250

SITE ADDRESS : Little Canwood, Checkley, Hereford, Herefordshire, HR1 4NF

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Appeal Decision

Hearing held on 7 June 2005
Site visit made on 7 June 2005

by **Elizabeth Hill** BSc(Hons) BPhil MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
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Date
28 JUN 2005

Appeal Ref: APP/W1850/A/04/1156500
Little Canwood, Checkley, Herefordshire, HR1 4NF

- 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 made by C E Boulton Brooks against the decision of Herefordshire Council.
- The application Ref DCSE2004/1005/F, dated 11 March 2004, was refused by notice dated 14 May 2004.
- The development proposed is a replacement two storey dwelling, with a new vehicular access (replacing an unsuitable bungalow).

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The description above applies to the application as originally submitted. However, in the light of officer comments the plans were amended prior to the Council's decision. The amendments included the deletion of the new vehicular access and the continued use of the existing access to the house. Therefore that part of the description should be removed. I have based my decision on the amended plans on which the Council determined the application.
2. The decision notice makes reference to the proposal being contrary to Housing Policy 4 (e) of the Malvern Hills District Local Plan, but this should read Housing Policy 4 (c).

Main Issue

3. I consider the main issue to be the effect of the proposed development on the character and appearance of the area, which lies in the Wye Valley Area of Outstanding Natural Beauty (AONB) and an Area of Great Landscape Value (AGLV).

Planning Policy

4. The development plan for the area includes the Hereford and Worcester Structure Plan, published in 1993 and the Malvern Hills Local Plan, adopted in 1998. I consider the most relevant policies to be those that follow. Structure Plan Policy H.20(e) does not allow residential development in the open countryside except where it is a replacement dwelling comparable in size to an existing building with established residential use rights. Policy CTC.1 gives priority to the conservation and protection of the landscape of the AONBs and sets criteria for the exceptional circumstances in which development will be allowed. Policy CTC.2 does not allow development which would adversely affect the landscape quality of the AGLVs. Policy CTC.9 sets general development criteria including that it should respect the character and quality of the area in scale, layout and design and should retain and, where possible, enhance the existing structural framework of the landscape.

5. Local Plan Housing Policy 4(c) does not permit new housing in the countryside except where it is a replacement of, and comparable in size with, an existing building with established residential use rights. Landscape Policies 2 and 3 aim to protect the AONBs and AGLVs in the District.
6. The development plan for the area is under review and a Unitary Development Plan (UDP) is being prepared for Herefordshire. However, the relevant policies of the UDP have been the subject of objection and the Public Inquiry into objections is still in progress. Therefore the Council has made reference to the adopted development plan policies rather than those of the emerging plan which would have limited weight.

Reasons

7. The site lies in a rural area, some distance from any settlement. The proposed development would be for the existing timber-clad bungalow and garaging on the site to be replaced with a two storey house. The proposal is part of a number of proposed changes within the group of buildings which make up Little Canwood, including the renovation of a traditional cottage, which has planning permission for a holiday let (Document 6), and the removal of agricultural buildings and a mobile home.
8. Turning to the size of the replacement dwelling, the appellant has argued that the existing attached double garage to the bungalow should be taken into account in calculations comparing the size of the existing and proposed dwellings, since it could have been turned into living accommodation using permitted development rights. However, there has been no determination by the Council on this matter and therefore the extent of the appellant's permitted development rights are not known. In the circumstances I consider that the existing living accommodation should be compared with that proposed. The appellant confirmed that any replacement garage would be the subject of another application, since it was agreed that permitted development rights for garages would be withdrawn by the use of a suitably worded condition, if the appeal were to be allowed.
9. Since the proposed dwelling would be two storey, the footprint would be reduced and the length of the elevations, particularly the north and south elevations, would be significantly shortened. This would be a potential benefit of the scheme. However, in terms of floorspace, there would be a small increase from 192.59 sq m as shown for the footprint of the existing dwelling in Document 7, compared to 196.71 sq m for the proposal quoted in the appellant's statement, although the Council's view is that the increase is greater (to 230 sq m).
10. The height to the eaves would also be increased from about 2.8m to about 4.1m and the ridge height from 5m to a maximum of 7.5m. These figures were agreed by both main parties. The Council's view throughout the application process and at the hearing has been that a two storey dwelling would be acceptable, although emphasis was also placed on the need for the replacement dwelling to be traditional in its design. The adjacent cottage provides an example of such a traditional dwelling and this has an eaves height of about 3.8m and a ridge height of about 5.5m. Whilst I agree with the appellant that there should be a hierarchy of buildings on the site in common with other farms in the locality, like Canwood Farm, I consider that this could be achieved without the height which is proposed, particularly for the ridge of the replacement dwelling.

11. In calculating the volume of the existing dwelling compared to the proposed, there was a discrepancy between the figures produced by the appellant and those put forward by the Council. Although it was confirmed at the hearing that both sets of figures had been obtained in the same way and further measurements were made, no agreement could be reached on this matter. The further set of figures (Document 7) produced by the appellant subsequently, have meant that the proposed dwelling has been agreed between the main parties as being between 687 and 700 cu m in volume but there is no agreement on the volume of the existing dwelling. The revised figure is not dissimilar to the appellant's original calculation of the volume of the existing bungalow (699.62 cu m), although the Council estimate it to be 654.67 cu m, which would show an increase in volume for the proposal.
12. Although the floorspace and volume calculations were not agreed, in this case it is the visual effect of the dwelling in the landscape that is important. In my view the Council's demonstration at the hearing of the differences between the existing and proposed dwelling, in the form of true-scale acetate overlays, showed that the proposed building would appear as generally larger and bulkier than the existing bungalow. I consider that this effect to be mainly the result of the height of the proposed building, both in its own right and in its effect on the bulk of the proposal. Therefore it would not appear comparable in overall size to the existing bungalow, despite the appellant's attempts to comply with the Council's guidance on the matter.
13. The length of the elevations would be reduced, but the height and the bulk of the replacement building would make it more prominent within the landscape, which is especially sensitive, being in both the Wye Valley AONB and an AGLV. The new dwelling would be seen in public views from the lane, through the accesses to the proposed dwelling and the renovated cottage and through gaps in the hedge to the south and from the public footpath to the north-west. Whilst there is screening of the site from other directions, this would be less effective in winter and would not overcome the need for the conservation of the natural beauty of the landscape and countryside, which paragraph 21 of Planning Policy Statement 7: *Sustainable Development in Rural Areas* (PPS7) says should be accorded great weight in planning decisions. The proposal would allow for the replacement of a building of little architectural merit and would use traditional materials in the external surfaces of the proposed replacement but in my view these matters would not outweigh the adverse effects of the proposal, in terms of its height and bulk.
14. Therefore I conclude that the proposed development would be harmful to the character and appearance of the area, which lies in the Wye Valley AONB and an AGLV and would be contrary to Policies H.20, CTC.1, CTC.2, CTC.9 of the adopted Structure Plan, Housing Policy 4(c) and Landscape Policies 2 and 3 of the adopted Local Plan and PPS7.

Conclusions

15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

16. I dismiss the appeal.

E.A.H.M.

INSPECTOR

8 DCSE2004/2165/F - INCREASE IN DOMESTIC CURTILAGE OF JESSAMINE COTTAGE AND FOR THE PARKING OF COMMERCIAL VEHICLES WITHIN EXTENDED CURTILAGE, LAND ADJOINING, JESSAMINE COTTAGE, WOODEND LANE, GORSLEY, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SF

For: Ms. Morris, Jessamine Cottage, Woodend Lane, Gorsley, Ross-on-Wye, HR9 7SF

Date Received: 15th June, 2004 Ward: Penyard Grid Ref: 67413, 25559

Expiry Date: 10th August, 2004

Local Member: Councillor H. Bramer

1. Site Description and Proposal

- 1.1 This site at Gorsley, which is a designated larger village, is a small section of land adjoining the applicant's dwelling. The land was formerly part of the adjacent field and has been fenced off to form part of the applicant's curtilage to their dwelling. This is therefore a retrospective application for change of use of land to residential. The application also involves the parking of the applicant's commercial vehicles on the land.
- 1.2 The lower (northern) section of the site, i.e. new curtilage area, is a grassed area and the southern section is a gravel area where the applicant has a small number of cars parked. A post and rail fence with a gate in the middle bisects the two areas. There is a new post and rail fence on the new south-western boundary of the site on the inside of which has recently been planted a new hedge. At the north-western boundary of the site is a brook with mature trees on either side. Some sapling fruit trees have also been planted on the inside of this brook. At the southern corner of the applicant's curtilage (and which does not form part of the new curtilage land) is an existing hard-surfaced car park area which can cater for a number of vehicles.
- 1.3 Vehicular access from the road to the applicant's dwelling is located in the southern corner of the garden area where the hard surfaced car parking area is located. There is another gate on the north-western side of this original car park which gives access to the new curtilage area. There is no direct vehicular access from the new curtilage area to the road/highway other than through the original hard surfaced car park area.

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 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.2 - Settlement Boundaries
 Policy C.3 - Criteria for Exceptional Development outside
 Settlement Boundaries
 Policy T.3 - Highway Safety Requirements

2.4 Unitary Development Plan – Revised Deposit Draft

- Policy S.2 - Development Requirements
 Policy DR.1 - Design

3. Planning History

- 3.1 SH960266PF Two storey side and rear extension - Refused 18.04.96
 after demolition of existing outhouse
- SH960667PF Two storey side and single storey - Planning Permission
 extension 10.08.96
- SE2000/1306/F Single storey side conservatory - Planning Permission
 extension 05.07.00

Note: All the above applications relate to the applicant's existing dwelling and not the new curtilage area.

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 to the proposal. There appears to be no intensification of usage of the access.
- 4.3 The Chief Conservation Officer comments that the applicant's letter clarifies landscape proposals for the site and has overcome previous objections to the application.

5. Representations

- 5.1 The applicant has submitted a letter of explanation. The main points being:
- purchased a small parcel of land adjacent to Jessamine Cottage 3 years ago and have sectioned off a small part of this land to park vehicles owned by the applicant

- were requested by Council to apply for planning permission to park applicant's company vehicles (which are used to travel to and from work)
- a wooden fence was planted along boundary and indigenous hedging planted along whole of boundary
- part of land sectioned off for parking with a wooden post fence along which fir trees were planted
- along brook edge fruit trees, daffodils, primroses and fir trees were planted by the applicant in order to gain more privacy and to encourage birds and wildlife into area
- would like to alleviate the concerns received by Council from a neighbour with respect to this planning application
- not applicant's intention to use land commercially but only to park applicant's company vehicles that are used to travel to and from work and also private vehicles which includes race and rally cars
- can only assume the letter of complaint did not take into account the company trading at the barns adjacent to Jessamine Cottage. Perhaps the increased noise, damage to hedges and verges are being caused by this
- applicant's future plans for land in question include a small fruit orchard with wild flowers. The indigenous hedging which has already been planted will encourage birds and wildlife.

5.2 The Parish Council notes the further intentions and looks forward to their completion.

5.3 A letter of objection has been received from neighbours at The Glen, Gorsley, Ross-on-Wye, HR9 7SG. The main points being:

- over past two years have witnessed a steady build up of a commercial business at Jessamine Cottage
- a portable cabin office installed along with amplified telephone line for business use
- heavy metal engineering noise at unsociable hours, often late in the evening and at weekends
- increased traffic of commercial delivery vehicles which have difficulty passing in the narrow lane resulting in damage to hedges and verges
- the parking of 10/20 light and commercial vehicles in the adjacent field
- no obvious controls for the disposal of hazardous waste material
- suspicious of reasons for application to park commercial vehicles on the land as a service, maintenance and repair business, trading as Fleet Care, is operated from this address
- this is a 24 hour service which necessitates vehicles leaving at all hours of day and night
- original domestic garage has been increased in size to accommodate business and the application reflects desire to expand the commercial enterprise
- prior to original notification of planning application the cabin has been removed and the vehicle activity and repairs have diminished
- views across the fields to Linton Church has already been spoiled by construction of large commercial depot in the opposite field
- Council should protect rural areas such as this from the encroachment of industry.

NB. The objector was formally notified of the subsequent letter of explanation submitted by the applicant. However no further representations were received from the objector.

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 acceptability of the increase in the size of the residential curtilage, in particular in terms of its effect on the visual appearance and character of the area and the residential amenities of neighbouring dwellings. In addition, the impact on the surrounding environment and neighbouring dwellings with respect to the parking of commercial vehicles on the land. The most relevant policies in this case are GD.1 and T.3 of the Local Plan.
- 6.2 The land in question has been fenced off and is now used by the applicant for residential use, i.e. as part of the curtilage of the applicant's current dwelling. The land is roughly triangular in shape, similar to the applicant's original curtilage. As such, the two areas of land put together form an oblong shape. The land in question is positioned at a low level with the land around it at a slightly higher level. The brook on the northern boundary of the site being the lowest level. There are fields to the west of the site where the land eventually rises up. The land immediately to the north of the site rises more steeply. The applicant has planted a hedgerow on the western boundary and also trees on the northern boundary to supplement the existing mature trees. Also the existing hedgerow on the side boundary of the original curtilage has been retained except for a small walk through gap. The applicant also intends to plant fruit trees to form a small orchard area in the northern section of the land. For these reasons it is considered that the extended curtilage land forms a natural extension to the original curtilage and will not be prominent/intrusive on the landscape. Consequently it is considered that the proposed use will not adversely affect the visual amenities and character of the surrounding area.
- 6.3 The applicant currently parks a small number of cars/vehicles on the southern section of the new curtilage area, i.e. rally cars and also some old cars which the applicant intends to renovate. There is no commercial use involved with these cars which are used purely for hobby/recreational purposes. The applicant currently parks two commercial vehicles, i.e. two small vans, on the site. The business is based elsewhere and the applicant only uses the vans to travel to and from work. The business is a vehicle repair business, i.e. repairing vehicles on the roadside which have broken down. The applicant has stated that no commercial activities are carried out or operated from the dwelling. In these circumstances it is considered that the use of the land as described above is considered acceptable and in accordance with normal residential use of the land.
- 6.4 The development and use of the land as has been carried out and as described in the applicant's letter of explanation is considered to be acceptable and in accordance with the planning policies for the area. The parking of the two commercial vans on the land with no other commercial activity involved is considered to be acceptable. At the time the site was inspected by the application case officer only one van was on site and it was parked within the car park area of the original curtilage, which it is understood the vans are normally parked.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. The use of the land hereby approved shall be used solely for domestic/residential purposes incidental to the enjoyment of the existing adjoining dwelling as such, and not for the operation of any trade or business. The parking of any commercial vehicles within the original/new curtilage of the dwelling shall be limited to the criteria set out in the applicant's letter of explanation dated 26th April, 2005 unless otherwise first agreed in writing by the local planning authority.

Reason: To define the terms to which this planning permission relates and to protect the residential amenities and character of the surrounding area.

- 2. The existing trees and hedgerows (including those recently planted) within the whole of the application site, i.e. the new and original curtilage, shall be retained unless otherwise first agreed in writing by the local planning authority.

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

Informative(s):

- 1. N03 - Adjoining property rights
- 2. N15 - Reason(s) for the Grant of Planning Permission

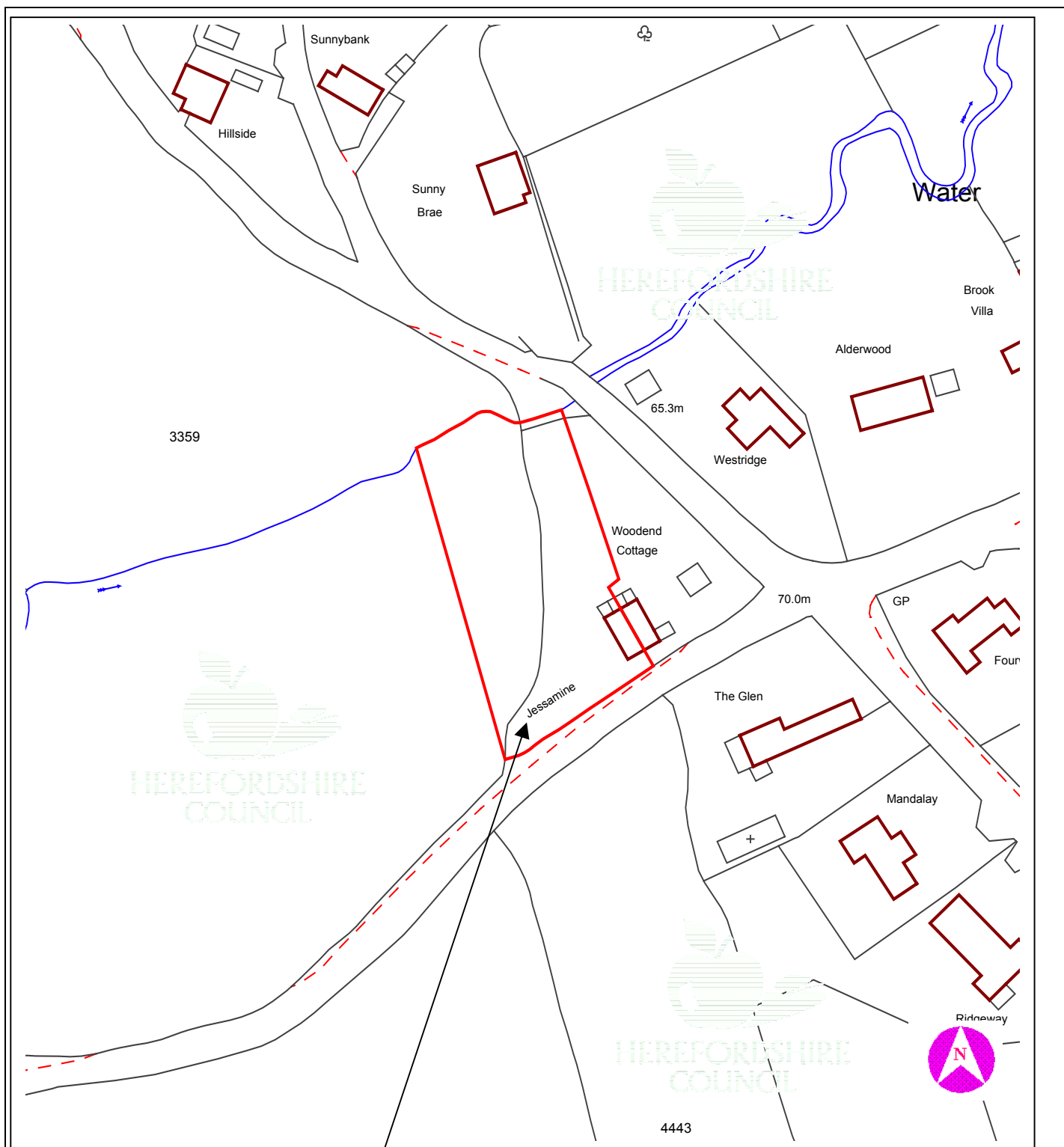
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2004/2165/F

SCALE : 1 : 1250

SITE ADDRESS : Land adjoining, Jessamine Cottage, Woodend Lane, Gorsley, Ross-on-Wye, Herefordshire, HR9 7SF

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9A DCSE2005/1867/F - CONVERSION OF EXISTING SHOWROOM TO FORM 2 FLATS AND ERECTION OF NEW BUILDING TO PROVIDE 4 FLATS (REVISED SCHEME) AT 12 BROOKEND STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7EG

9B DCSE2005/1873/L - CONVERSION OF EXISTING SHOWROOM TO FORM 2 FLATS AND ERECTION OF NEW BUILDING TO PROVIDE 4 FLATS. (REVISED SCHEME) AT 12 BROOKEND STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7EG

For: Swanston Holdings plc per Beswick Partnership Ltd, Sun Street, Tewkesbury, Glos, GL20 5NX

Date Received: 9th June 2005 Ward: Ross-on-Wye West Grid Ref: 60071, 24417

Expiry Date: 4th August 2005

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

1. Site Description and Proposal

- 1.1 Planning permission was granted in 2004 (SE2003/3203/F) for the conversion of a showroom at the rear of a shop at 12 Brookend Street into two flats and the erection in the rear yard of a block of 4 flats. The property is listed (Grade II). A flood risk assessment was submitted as part of the application and the Environment Agency confirmed that a finished floor level of 33.6 m AOD (about 0.6 m above the 1947 flood level) would be acceptable. The approved drawing showed the buildings with floor levels at 33.6 m AOD. There are changes in floor levels within the site however and the current applicants are unable to achieve the levels with the eaves/ridges of the proposed buildings at the height shown in relation to the existing showroom. The current application aims to overcome these discrepancies. In addition detailed design changes have been made including new escape windows. The current scheme also includes alteration to the flats at first and second floor levels above the shop for which listed building consent was granted subsequent to the permission for the 6 flats (SE2005/0473/L).
- 1.2 The main changes are the increase in height: this varies from about 0.4 m at ridge for the block adjoining the showroom to about 1.2 m for the lower section which hug the south-west and north-west boundaries of the site. Four escape windows (dormer window) have been included at first floor level in the north-east elevation of the new blocks and two additional first floor windows in the showroom. There are also other detailed changes to layout, floor plans and elevations.

2. Policies

2.1 Planning Policy Guidance

PPG13	Transport
PPG15	Planning and the Historic Environment
PPG25	Development and Flood Risk

2.2 Hereford and Worcester County Structure Plan

Policy H16	Location of Growth
Policy CTC1	Area of Outstanding Natural Beauty
Policy CTC2	Area of Great Landscape Value
Policy CTC9	Development Requirements

2.3 South Herefordshire District Local Plan

Policy C23	New Development Affecting Conservation Areas
Policy C25	Demolition and Redevelopment
Policy C27B	Alterations or Additions to Listed Buildings
Policy C28	Demolition of a Listed Building
Policy SH5	Housing Land in Ross on Wye
Policy SH14	Siting and Design of Buildings
Policy SH15	Criteria for New Housing Schemes
Policy GD1	General Development Criteria
Policy 3(Part III)	Infill Sites for Housing
Policy 5(Part III)	Housing in Build-up Areas

3. Planning History

3.1	SH860398PF	Alterations and renovation to shop.	- Permitted 28.05.86
	SH860399LA	Alterations and extensions to shop	- Consent 28.05.86
	SH892036PF	Demolition of sheds and construction of shop with workshops over.	- Permitted 02.05.90
	SH892037LD	Demolition of sheds and construction of shop with workshops over.	- Consent 02.05.90
	SE2003/2299/F	Convert rear showroom to 2 flats and redevelop rear yard to provide 4 flats with courtyard landscaping.	- Refused 23.9.03
	SE2003/3203/F	Convert showroom to 2 self-contained flats and redevelop rear yard to provide four self-contained flats with courtyard landscaping.	- Approved 18.5.04
	SE2005/0113/F	Change of use of shop to offices.	- Approved 22.2.05
	SE2005/0473/L	Internal and external alterations.	- Approved 11.4.05

4. Consultation SummaryStatutory Consultations

- 4.1 Environment Agency comment that parts of the site are located in Flood Zone 3. The site is located in close proximity to the 1947 historic event (32.95 m AOD), which is the highest recorded flood event in this area. In terms of a previous application (reference

SE2003/3203/F), on this site, a satisfactory Flood Risk Assessment (FRA), was submitted which outlined that floor levels should be set at least 600 mm above the 1947 flood level of 32.95 m AOD (with floor levels raised to at least 33.6 m AOD), in order to prevent the building flooding during an extreme flood event. Having assessed the details, it was considered that the floor levels can be set at 33.6 m AOD, and that a condition will be achievable, in line with the existing site levels. It was also considered that a safe dry pedestrian access is available for the site in terms of a 'minimum standard of defence' (PPG25).

On the understanding of the above, the Agency has no objections, in principle, to the proposed development (revised scheme) but recommends that if planning permission is granted planning conditions be imposed.

- 4.2 Welsh Water points out that the proposed development would overload the existing public sewerage system and improvements are not scheduled for completion until April 2010. Welsh Water objects to any development prior to this date.
- 4.3 English Heritage does not wish to make any representations on this proposal.

Internal Council Advice

- 4.4 Traffic Manager recommends a condition requiring secure, covered cycle parking.
- 4.5 Conservation Manager does not object in principle but notes several minor concerns regarding the design of dormer windows and external materials and finishes.

5. Representations

- 5.1 The applicant's agent states that the new block and part of the workroom conversion have been raised to bring the ground floor levels to the required height of 33.6 OSBN as requested in the Environment Agency's FRA report which was produced for the current/previous planning consent.
- 5.2 Town Council considers that there is insufficient parking allocation, i.e. 1.5 parking spaces per dwelling in an already congested 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 revised scheme raises two main issues: the effect on the character and appearance of the listed building and conservation area and the effect on the amenities of neighbours. On the first issue the basic massing of the new buildings remain much the same, stepping down in height as the flats extend from the existing showroom. The differences in height would be less than in the approved scheme but still sufficient to provide visual interest. It is considered that the elevational treatment is in general an improvement on the approved scheme. There would not therefore be harm to the character and appearance of this listed building or of the Ross on Wye Conservation Area.
- 6.2 Turning to the second issue the original scheme was carefully designed to avoid any significant harm to the amenities of occupiers of the adjoining flats in Fontaine Court.

This was achieved through limiting the number of first floor windows, retaining the boundary wall which would screen most of the ground floor windows facing Fontaine Court and by the end section being single-storeyed. In comparison the current proposal does include a number of first floor windows which are closer to Fontaine Court than necessary to protect privacy. This could be overcome by the use of obscure glazing. The block of flats next to the showroom would extend closer to the boundary than the approved building. There does seem to be some scope however to reduce the bulk of this building and this is being discussed with the applicant's agent.

- 6.3 As noted in paragraphs 1.1 and 1.2 the new buildings would be taller and the concern is that being close to Fontaine Court they would be overbearing. The flats are to the south-west of Fontaine Court and consequently there should not be a significant further loss of direct sunlight, although some loss of views of the sky. It is considered that there would be sufficient distance to ensure adequate daylighting to Fontaine Court flats. On balance it is not considered that the changes would seriously harm the amenities of neighbours.
- 6.4 The original scheme included a proposal to divert surface water drainage from the combined sewerage system and on this basis Welsh Water did not object to the proposal. This is being discussed with the Water Authority. The approved scheme did not include off-street parking and this is not considered necessary by the Traffic Manager for this town centre site.

RECOMMENDATION

In respect of DCSE2005/1867/F

Subject to receipt of acceptable revised drawings regarding fenestration and siting and Welsh Water withdrawing their objection 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. Notwithstanding the approved drawings, details of the following shall be submitted to and approved by the local planning authority prior to the commencement of any works.

- (a) external materials and finishes**
- (b) windows, dormers, rooflights and doors, including details of joinery**
- (c) rainwater goods, cills, fascias and bargeboards**
- (d) boundary walls including height and materials of construction**
- (e) new doors and door mouldings**

The development shall be carried out in accordance with the approved details.

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. D01 (Site investigation - archaeology)

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

6. E18 (No new windows in specified elevation)

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

7. F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

8. The finished floor level shall be set at 33.60m AOD unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the dwellings do not flood.

9. F20 (Scheme of surface water drainage)

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

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

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

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

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

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

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

Informatives:

- 1. The Environment Agency recommends that in areas at risk of flooding consideration be given to the incorporation into the design and construction of the development of flood proofing measures. These include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Additional guidance can be found in the Environment Agency Floodline Publication 'Damage Limitation'. A free copy of this is available by telephoning 0845 988 1188. Reference should also be made to the Office of the Deputy Prime Minister publication 'Preparing for Floods'.**

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

In respect of DCSE2005/1873/L:

Subject to receipt of acceptable revised drawings regarding fenestration and siting and Welsh Water withdrawing their objection the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

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

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

2. C02 (Approval of details)

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

3. 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. D01 (Site investigation - archaeology)

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

6. F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

Informative:

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

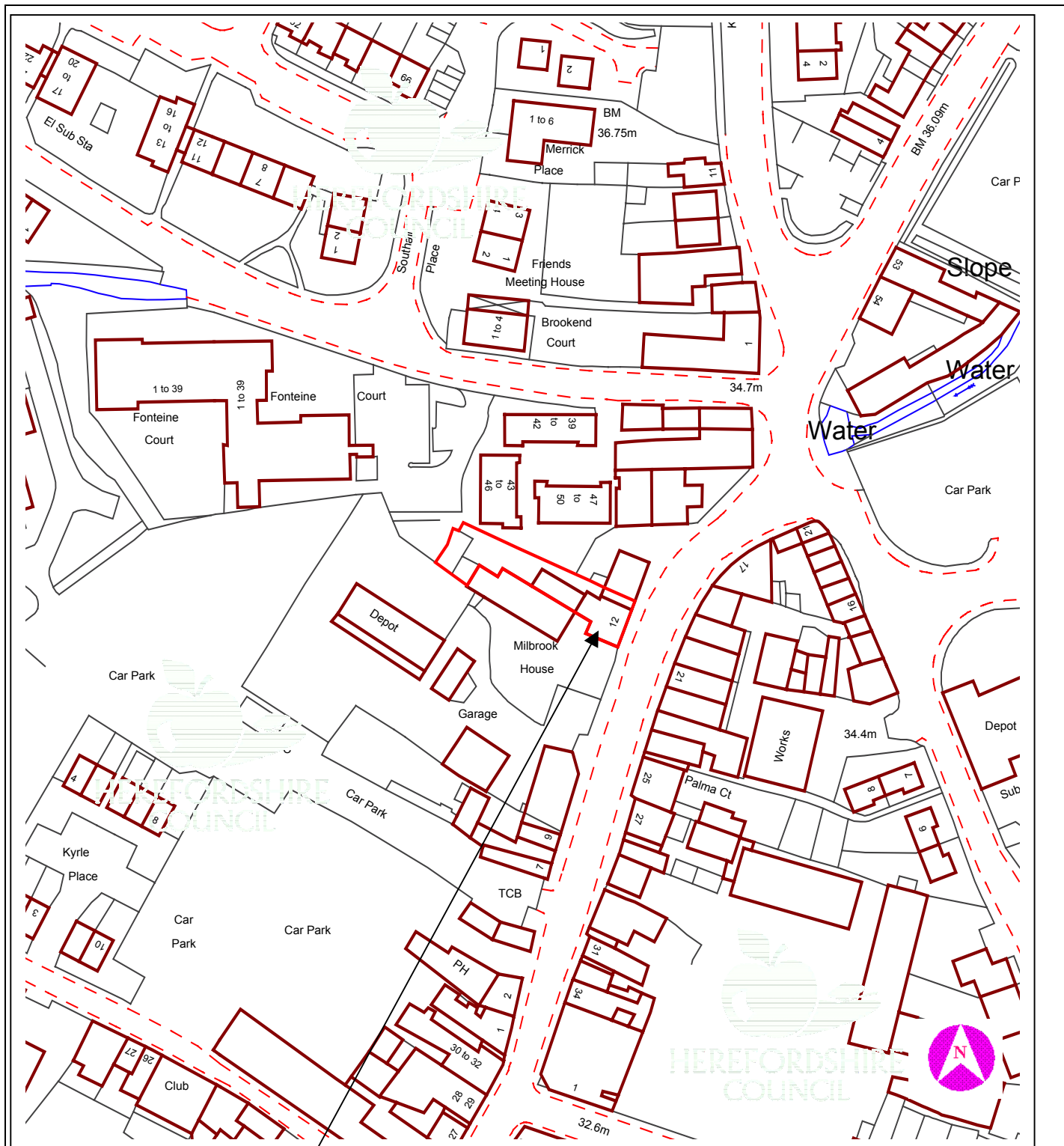
Decisions:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NOS: DCSE2005/1867/F & DCSE2005/1873/L

SCALE : 1 : 1250

SITE ADDRESS : 12 Brookend Street, Ross-on-Wye, Herefordshire, HR9 7EG

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10 DCSE2005/1648/F - PROPOSED CONVERSION OF REDUNDANT CHURCH BUILDING TO FORM ONE RESIDENTIAL DWELLING, OUR LADY OF ST. TERESA OF LISEUX RC CHURCH, WHITCHURCH, SYMONDS YAT, HEREFORDSHIRE, HR9 6AJ

**For: M. Preddy & M. Addis per VJM Design House,
26 Whaddon Road, Cheltenham, Gloucestershire,
GL52 5NA**

Date Received: 23rd May 2005 Ward: Kerne Bridge Grid Ref: 54952, 17631

Expiry Date: 18th July 2005

Local Member: Councillor Mrs. R.F. Lincoln

1. Site Description and Proposal

- 1.1 Planning permission was granted in March 2005 for the conversion of this former Catholic Church into a single dwelling. A number of conditions were imposed in order to protect the amenities of neighbours to the south-east of the building. The scheme as built does not conform in all respects to the approved design or comply with conditions with respect to fenestration and this application for a revised scheme has been submitted.
- 1.2 The main changes are (i) a second floor level has been installed contrary to condition no. 5, and the existing dormer window has been glazed with fixed panes and obscure glass, (ii) in the south-east elevation, windows at ground floor level are not smoked glass, the pattern of rooflights and their position have been altered and a glazed door and side light have been reduced to a two-light window, (iii) the new boundary wall has been repositioned to follow the visibility splay rather than parallel with the carriageway.

2. Policies

2.1 Planning Policy Guidance

PPS.7 - Sustainable Development in Rural Areas

2.2 Hereford and Worcester County Structure Plan

Policy CTC.1 - Development in Areas of Outstanding Natural Beauty
Policy CTC.13 - Conversion of Buildings
Policy CTC.14 - Conversion of Buildings

2.3 South Herefordshire District Local Plan

Policy GD.1 - General Development Criteria
Policy C.5 - Development within Area of Outstanding Natural Beauty
Policy C.8 - Development within Area of Great Landscape Value
Policy C.36 - Re-use and Adaptation of Rural Buildings
Policy C.37 - Conversion of Rural Buildings to Residential Use

Policy C.43	-	Foul Sewerage
Policy C.45	-	Drainage
Policy SH.6	-	Housing Development in Larger Villages
Policy SH.24	-	Conversion of Rural Buildings

2.4 Unitary Development Plan (Revised Deposit Draft)

Policy H.4	-	Main Villages: Settlement Boundaries
Policy H.14	-	Re-using Previously Developed Land & Buildings
Policy HBA.13	-	Re-use of Rural Buildings for Residential Purposes

3. Planning History

3.1	9819	Erection of R.C. Church	-	Approved 25.07.60
	DCSE2003/3612/O	Demolition and residential development	-	Approved 17.03.04
	DCSE2004/3428/F	Conversion of church to residential dwelling	-	Approved 10.03.05

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency objects to the proposal as the site is within a high flood risk area (Zone 3) and may be at risk of flooding during the 1 in 100 year event. The Flood Zone maps became available in August 2004.
- 4.2 Welsh Water requests that conditions be imposed regarding drainage.

Internal Council Advice

- 4.3 The Transportation Manager recommends conditions regarding the access and parking.

5. Representations

- 5.1 Parish Council support this proposal.
- 5.2 Two letters of objection have been received. In summary the following concerns are raised:
- (1) new window replacing door and side screen looks straight into back garden and living room of Post Office
 - (2) French window, unlike previous plan, does not have obscure glass and looks into garden and sitting area of Post Office and results (as part of overall scheme) in no privacy to rear of house and garden of The Clock House
 - (3) grave reservations that a third floor will be inserted - skylights have been altered and do not all have obscure glass contrary to our understanding and this is directly opposite bedroom window
 - (4) need to know the developers are answerable to planning regulations.

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 It is considered that the proposed changes do not have a significant adverse impact upon the appearance of the building and the main issue is therefore the effect on the amenities of neighbours, primarily the occupiers of the Post Office and The Clock House. The new French windows now light a corridor rather than a room, nevertheless it is felt that there would be the perception of being overlooked and either those windows should be obscurely glazed or other measures taken to protect privacy. This is being discussed with the applicants' agent. The new window close to the front of the building does not have the same adverse effect; a projecting wall helps to screen the window and the main windows in the rear of the Post Office are a sufficient distance away (about 23m). A 1.8m fence would adequately protect the privacy whilst in the garden of the Post Office.
- 6.2 The first floor Velux windows are higher than those approved and above eye level. Consequently there should not be inter-looking between these windows and those at first floor level in The Clock House. However there may be inter-looking between the one plain glass Velux and the second floor window which lights a bathroom.
- 6.3 The only second storey window in this elevation is the dormer and as this is obscurely glazed privacy should be protected and there is no reason to proscribe a third storey.
- 6.4 The new access would have more limited visibility along the village road but this is considered by the Traffic Manager to be adequate.
- 6.5 At the time the earlier application was submitted the site was not within the indicative flood plain and the Environment Agency was not therefore consulted. The newer Flood Zone maps now include this site. In view of the earlier grant of permission which has been implemented it would not be reasonable to refuse permission for this amended scheme which would be no more likely to flood than that approved.

RECOMMENDATION

That subject to submission of acceptable revised drawings, 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. E19 (Obscure glazing to windows)**

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

- 4. E17 (No windows in side elevation of extension)**

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

- 5. H05 (Access gates)**

Reason: In the interests of highway safety.

- 6. 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.

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

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

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

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

- 9. E16 (Removal of permitted development rights)**

Reason: To protect the amenities of neighbours.

- 10. Notwithstanding the approved drawing no. 101-04-Planning A, the dwelling shall not be occupied until a stone wall has been constructed at the rear of the visibility splays in accordance with details which have been submitted to and approved in writing by the local planning authority.**

Reason: To protect the visual amenities of the area.

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

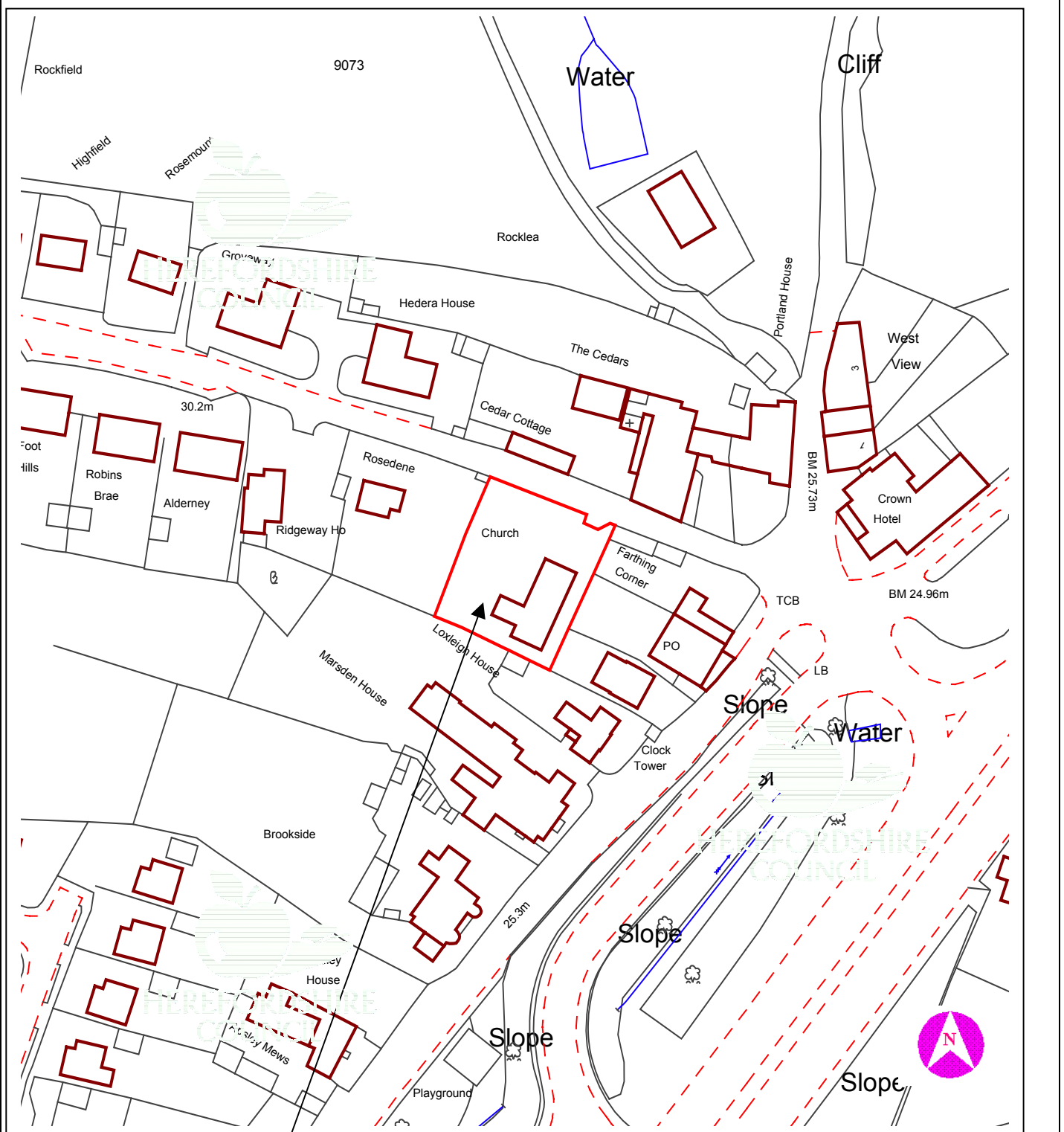
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2005/1648/F

SCALE : 1 : 1250

SITE ADDRESS : Our Lady of St Teresa of Liseux RC Church, Whitchurch, Symonds Yat, Herefordshire, HR9 6AJ

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

11 DCSE2005/1881/F - PROPOSED 2 NO. LINKED TOWN HOUSES, MERRIVALE FARM, MERRIVALE LANE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5JL

**For: Collier & Brain Ltd. per John Gabb Associates,
Unit 4, Wolf Business Park, Alton Road, Ross on Wye,
Herefordshire, HR9 5NB**

Date Received: 10th June, 2005 Ward: Ross-on-Wye East Grid Ref: 60142, 23424

Expiry Date: 5th August, 2005

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

1. Site Description and Proposal

- 1.1 The application site comprises an irregular shaped area of land of about 0.5ha to the south of Merrivale House. It was formerly occupied by farm buildings built in a mock castle form but only part of the northern 'fortifications' remain. The site is being developed for housing: two blocks of flats and two houses have been erected and a further two houses and one block of flats were also included in the approved scheme (SE2001/0491/F). A revised application was recently approved for 3 terraced houses on the site of the third block of flats and for a minor re-siting of the third house. That application as submitted included a pair of semi-detached dwellings on Plot 4 but this part of the proposal was withdrawn before the application was determined.
- 1.2 The current proposal is for a revised scheme for the semi-detached houses on Plot 4. This plot is at the southern apex of the site and adjoins a house and maisonettes in Lakeside Drive. The houses would be three-storeyed with the upper storey within the roof slope and lit by dormer windows at the front and rooflights at the rear. The front elevation would have a prominent canopy over the door, positioned at the right hand side of each house, with bay windows at the rear. Car parking would be within the rear garden of the western house, the side garden and adjoining lay-by for the eastern.

2. Policies

2.1 Planning Policy Guidance

PPG.3 - Housing

2.2 Hereford and Worcester County Structure Plan

Policy CTC.1 - Area of Outstanding Natural Beauty

Policy CTC.9 - Development Requirements

Policy CTC.18 - Development in Urban Areas

2.3 South Herefordshire District Local Plan

Policy SH.5 - Housing Land in Ross-on-Wye

Policy SH.14 - Siting and Design of Buildings

Policy SH.15 - Criteria for New Housing Schemes

Policy C.5	-	Development within Area of Outstanding Natural Beauty
Policy GD.1	-	General Development Criteria
Policy 2 (Part 3)	-	New Housing Developments
Policy 3 (Part 3)	-	Infill Sites for Housing

2.4 Unitary Development Plan – Revised Deposit Draft

Policy H.1	-	Settlement Boundaries and Established Residential Areas
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3. Planning History

3.1	SE2000/1110/O	Site for construction of 17 no. flats and houses, road and parking and garages, etc.	-	Refused 01.08.00
	SE2001/0491/F	Construction of 12 flats, 4 no. houses, garages, roads and parking	-	Approved 30.04.01
	DCSE2005/0729/F	3 linked town houses and shift of plot 3	-	Approved 09.05.05

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water's response is awaited.

Internal Council Advice

4.2 Traffic Manager recommends a condition requiring off-street parking provision.

4.3 Conservation Manager has no objections to the proposal.

5. Representations

5.1 The applicants' agent makes the following submission:

This application is submitted as a result of a single material objection, on the grounds of 'daylight' and 'amenity' factors to the earlier proposal.

The revised layout includes the following -

- 1) 2 parking spaces per dwelling
- 2) maximising the distance between the adjoining apartments in Lakeside Drive and the proposed 2 no. houses
- 3) beneficial landscaping on site along the frontage and to the side of each proposed unit
- 4) the minimum of change to the approved layout
- 5) the materials proposed are those which match existing.

5.2 Town Council has no objections to the application. However the developer has removed a stone wall and replaced it with a wooden fence which alters the character of the area.

5.3 One letter has been received expressing the following concerns:

- 1) there is insufficient parking space at front of 2 Merrivale Farm to park 4 vehicles - retaining wall to Plot 4 should be pushed back to accommodate more space at the front of 2 Merrivale Farm and allowing better access to Plot 3
- 2) insufficient parking for residents and visitors within site as a whole
- 3) site of Plot 3 is raised at a higher level to Plots 1 - 3 and overall height could be viewed as intrusive - consideration should be given to a different type of dwelling such as a bungalow where residents of Lakeside Drive would have less objection.

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 design of the new houses is very similar to the 3 terraced houses recently approved. The two groups of houses would be on either side of the entrance drive to Merrivale Farm and therefore complement each other. The effect on the amenities of neighbours is therefore considered to be the main outstanding issue. The two semi-detached houses would face towards the maisonettes in Lakeside Drive but would be turned at an angle of about 40°. This and the distance between them (about 19m between the nearest windows) is considered to be sufficient to protect occupants privacy. The buildings are directly to the rear of Ivy Cottage but this house is further from them (about 20m) which is adequate and avoids overbearing development. The current proposal is considered to be an improvement compared to the withdrawn scheme and, unlike the latter, has not been objected to by any residents of Lakeside Drive.
- 6.2 In relation to 2 Merrivale Farm and Plot 3, the proposed houses would be similarly orientated and sited to the approved scheme. The blank south-eastern end wall would face the front of 2 Merrivale Farm with a separation of 8.5m. The width of that wall would be slightly wider (about 0.2m) than the approved house and about 1m higher at ridge. Depending on drainage constraints it may be practicable to set the houses lower on the site. Nevertheless it is not considered that the slight adverse effect on residential amenity would be sufficient to justify refusal of planning permission.
- 6.3 The scheme achieves two spaces for each dwellinghouse and one for each flat plus a few extra spaces for visitors. It is appreciated that this may not be sufficient for all householders but it would not be reasonable to require changes to the scheme at this stage. With regard to the boundary wall referred to by the Parish Council, a stone wall was shown on the submitted drawing on the immediately preceding application and construction of this wall was required by a planning condition.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2. B01 (Samples of external materials)

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

3. G01 (Details of boundary treatments)

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

4. G04 (Landscaping scheme (general))

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

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

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

6. F48 (Details of slab levels)

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

7. F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

8. H12 (Parking and turning - single house)

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

Informative(s):

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

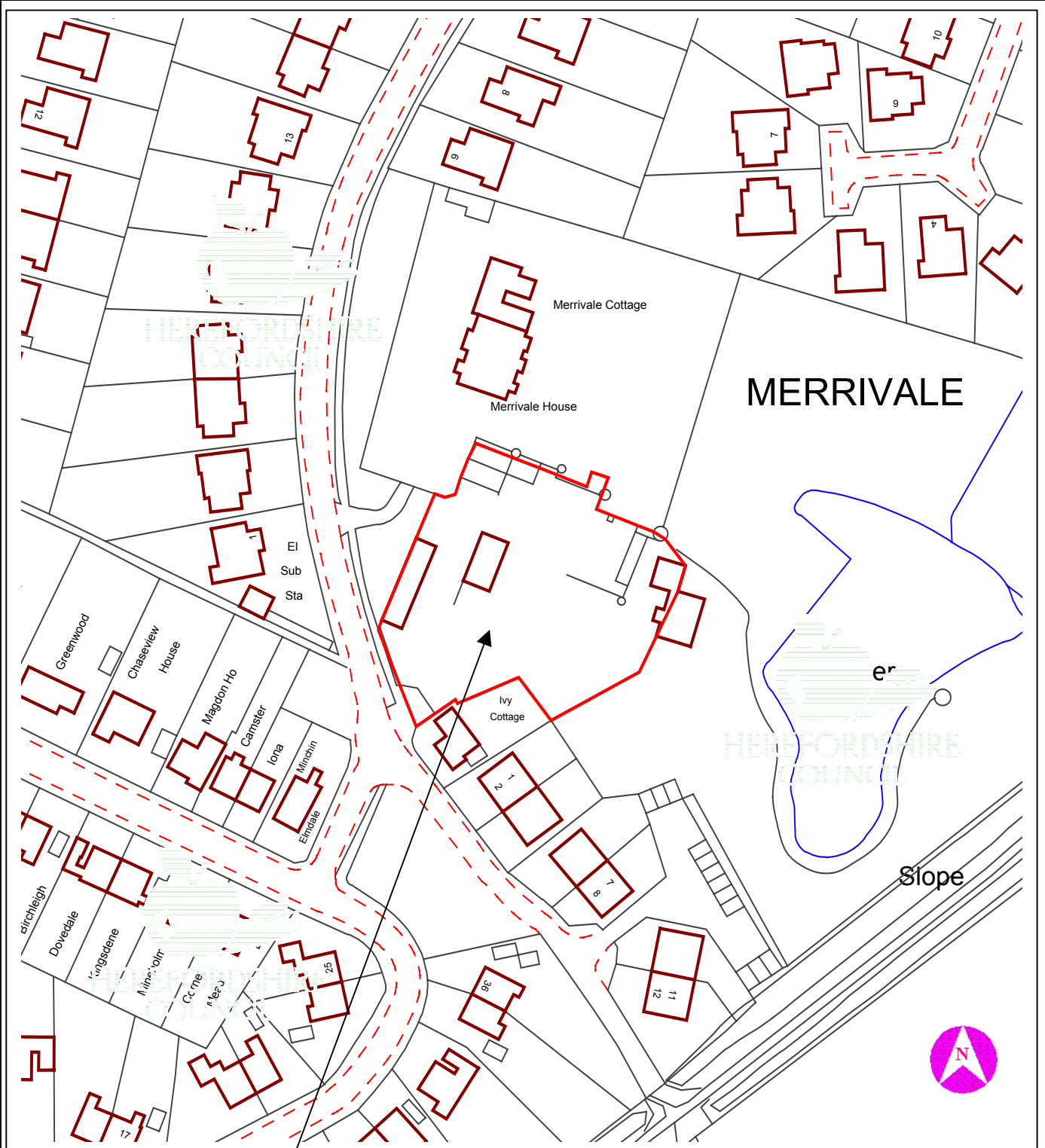
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2005/1881/F

SCALE : 1 : 1250

SITE ADDRESS : Merrivale Farm, Merrivale Lane, Ross-on-Wye, Herefordshire, HR9 5JL

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12A 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

12B DCSE2005/0951/C - DEMOLITION OF EXISTING 1970'S HALL AND LIVING ACCOMMODATION. CONSTRUCTION OF NEW BLOCK OF 8 NO. FLATS AT ST JOSEPHS CONVENT, WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5PQ

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

**Date Received: 31st March, 2005 Ward: Ross-on-Wye East Grid Ref: 59829, 23548
Expiry Date: 26th May, 2005**

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

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. Subsequently a revised proposal was submitted as detailed in paragraph 1.2 below. Further consultation has been undertaken and the response is reported in paragraphs 4.4, 5.2 and 5.4.

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 a 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 of the block as originally submitted would be about 8 m, which viewed from Walford Road would be just below eaves level of the main convent building. Sections

of the south side wall in the rear section would be recessed to form small terraces at ground and first floor level, with a larger terrace at second floor level on both the side and front of the building. The walls of the block would be partly rendered, and, as originally submitted, partly Rockwool Rockpanel Rainscreen Cladding, partly larch cladding. This has now been reconsidered and the external elevations would now be a combination of brickwork, painted render and Terracotta Rainscreen cladding with glass balustrades supported by painted metal supports and handrail to terraces. The main change other than materials is to the roof : this is now thinner and split with the front half higher than the rear. This has resulted in the front half being about 0.5 m higher than originally proposed (about 8.6 m). In addition there are detailed changes to the elevations, including a reduction in the second storey windows in the north elevation which faces the rear of houses in The Avenue. 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.
- 1.4 An application (DCSE2004/3495/F) to convert the main convent building into 6 units has also been submitted and permission was granted in May this year.

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 - Council
classroom, cloaks & store. Re- Approved
provision of displaced car Application
parking. 19.08.2002
- DCSE2004/2614/F New access. - Approved

DCSE2004/3905/F	Demolition of existing 1970's hall and living accommodation. Construction of new block of 11 no. flats	-	04.11.04 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.	-	Approved 6.5.05

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."

- 4.4 The Conservation Manager comments on the revised scheme are as follows:

"I appreciate the 'fine tuning' that has been carried out. In particular I would draw attention to the roof line, especially to the side (north and south) elevations and the elevations where an effort has been made to reduce the impact of the massing and achieve an 'interesting' design with various elements. My view is that this scheme is

well considered and I would confirm my support subject to the high quality of materials and detail design that we have been discussing and that we would anticipate. I would say that there are certain of the latest materials to be proposed that I would wish to discuss and consider further, especially the brick and render sample.”

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 Town Council's observations on the revised proposal are as follows:

“The Committee do not think that the proposed construction is in keeping with neighbouring properties and in a conservation area attempts should be made to construct properties that blend in rather than stand out. Members of the Committee also felt that a flat roof and the contemporary design detracted from neighbouring properties.”

5.3 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.)
- (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 terracotta squares, with the more irregular disposition of window and variety of wall surface all serve to reduce the grid-like effect however remains basically rectangular flat roofed structure which seems out of keeping with the splendid Victorian house.
 - (10) Given quality and historical importance of the house (built for Thomas Blake, benefactor of Ross) and that it is in a conservation area should it not at least have a pitched roof?
 - (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.
- 5.4 Two further letters have been received in response to the revised proposals. In summary the following points are made:
- (1) A slight improvement in that the choice of materials seems more sympathetic but does not overcome principal objection viz. flat-roofed, box-like design detracts from setting of Victorian house and surrounding area.
 - (2) Reversion to terracotta will be out of keeping unless a mid-red or buff tone and a bright white or coloured finish to render should also not be permitted in this sensitive site but render is an improvement on the panelled finish.
 - (3) Replacement of metal grille balconies by glass panels is welcome.
 - (4) Overlooking of neighbours from bedroom 2 – suggest high level windows: stub screen wall is welcomed.
 - (5) Flat roof will no doubt remain to be regretted by future planners and residents.
 - (6) If (3)-(5) addressed satisfactorily one objection could be removed.
 - (7) Do not accept that a sharply contrasting design is appropriate or desirable.

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

6. Officers Appraisal

- 6.1 There are considered to be two main issues, firstly the effect on the character and appearance of the Ross on Wye Conservation Area and secondly the effect on the amenities of neighbours. On the first issue it is agreed that the main convent building is of unusual quality and architectural interest, although not in fact listed. Any new building should not detract from the setting of this former villa. However this does not mean that the new building should be of the same architectural style. The position of the proposed building and height would ensure, it is considered, that it was visually

subservient to the main building. As noted by the Conservation Manager it is critical that materials and detailing are of high quality. Further details can be required by planning condition. The scheme has been very fully considered by the Conservation Manager and he concludes that the proposed block of flats would complement the main convent building. The building is set well back from Walford Road and provided the trees along the frontage and the significant trees within the grounds are retained it would not be prominent in the street scene. It would be clearly visible from The Avenue and this side elevation therefore needs as much care as the front elevation. Overall, however, it is considered that the revised proposals have added to the building's quality.

- 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 windows overlook these residential properties and it is considered that further improvements could be made to the scheme in this regard.
- 6.3 The second aspect is the relationship with the existing building which is to be converted into flats. Windows in the side wall of the latter would face towards flats in the new block of flats. The main windows on the second floor rear flat would be angled away from the convent building. Nevertheless this would not entirely resolve the problem. However the space between the sides of buildings is generally significantly less than between fronts and backs and, bearing in mind that both blocks of flats (new building and conversion) have yet to be developed, it is thought that the living conditions of occupants would be acceptable.

RECOMMENDATION

With regards DCSE2005/0949/F

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

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

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

- 2. C02 (Approval of details)**

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

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

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

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

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

5. G01 (Details of boundary treatments)

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

6. W01 (Foul/surface water drainage)

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

7. 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.

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

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

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

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

Informative:

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

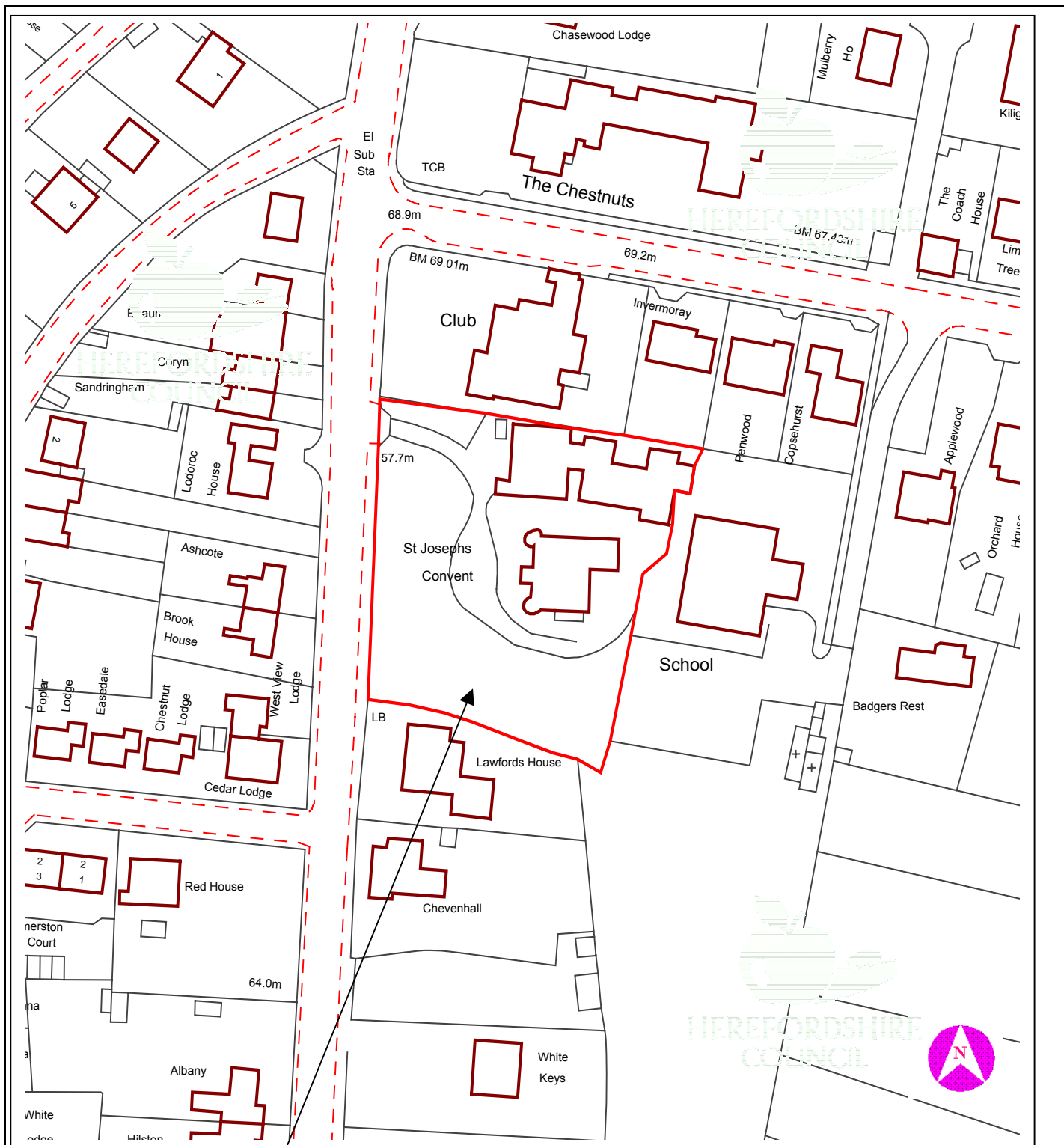
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NOS: DCSE2005/0949/F & DCSE2005/0951/C

SCALE : 1 : 1250

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