

# A G E N D A

## Southern Area Planning Sub- Committee

Date: **Wednesday, 26th October, 2005**

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Time: **2.00 p.m.**

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

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

*For any further information please contact:*

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01432 261885 Fax: 01432 260286*

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**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
<p><b>1. APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence.</p>	
<p><b>2. DECLARATIONS OF INTEREST</b></p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p><b>3. MINUTES</b></p> <p>To approve and sign the Minutes of the meeting held on 28th September, 2005.</p>	1 - 10
<p><b>4. ITEM FOR INFORMATION - APPEALS</b></p> <p>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.</p>	11 - 14
<p><b>REPORTS BY THE HEAD OF PLANNING SERVICES</b></p> <p>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.</p> <p>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.</p>	
<p><b>5. DCSE2005/2311/F - CHAPEL MILL COTTAGE, BROMSASH, ROSS-ON-WYE, HR9 7PL</b></p> <p>Proposed two-storey extensions and alterations.</p>	15 - 22

6.	<b>DCSW2005/2391/F - OPPOSITE THE GARWAY MOON PUBLIC HOUSE, GARWAY COMMON, GARWAY, HEREFORDSHIRE, HR2 8RF</b>	23 - 34
	Proposed construction of new community hall and car parking area.	
7.	<b>DCSE2005/2648/F - LAND ADJOINING MONK WALK COTTAGE, MUCH MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2LY</b>	35 - 40
	Erection of one dwelling.	
8.	<b>DCSE2005/0843/F - LAND AT LEA PRIMARY SCHOOL, LEA, ROSS-ON-WYE, HEREFORDSHIRE</b>	41 - 48
	Conversion of part school building with extension to 2 no. dwellings and the construction of 4 no. new dwellings.	
9.	<b>DCSW2005/2516/F - MOUNT PLEASANT, KINGSTHORNE, HEREFORDSHIRE</b>	49 - 54
	Erection of replacement dwelling and garage.	
10.	<b>DCSE2005/2343/F - CASTLE LODGE HOTEL, WILTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6AD</b>	55 - 68
	Refurbishment and conversion of existing derelict barn to restaurant and creation of new car parking facilities serving existing hotel and new restaurant, together with associated junction improvement works.	
11.	<b>DCSE2005/2651/F - HARTLETON FARM, BROMSASH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SB</b>	69 - 82
	Construction of 32 holiday apartments	



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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, 28th September, 2005 at 2.00 p.m.**

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

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

**58. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Mrs J.A. Hyde.

**59. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**60. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 31<sup>st</sup> August 2005 be approved as a correct record and signed by the Chairman.

**61. ITEM FOR INFORMATION - APPEALS**

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

**RESOLVED:** That the report be noted.

**62. DCSW2004/1564/O - THE BOWER COTTAGE, KINGSTHORNE, HEREFORD, HR2 8AN**

*Erection of dwelling and shared car parking.*

In accordance with the criteria for public speaking, Mr Tweddell and Mr Lea spoke in objection to the application.

The local member, Councillor G.W. Davis, queried a report from Halcrow, which had been commissioned by local residents and which stated that visibility splays should be 2m x 90m as a minimum. The Principal Planning Officer referred to Paragraph 6.2 of the report, and confirmed that both the current Traffic Manager and his predecessor had read the report and had stated that the visibility splay and access separation recommended were not mandatory in this circumstance. The Development Control Manager explained that the 90m splay was a usual requirement in urban areas, and because this application was on an unclassified road in a rural area, it had to be judged on its own merits.

Some members said that they could not support the application because they felt it was a serious traffic hazard due to the site access being so close to a corner and a road junction. Other members expressed concerns about surface and foul water drainage.

The Local member felt that there were insufficient grounds to refuse the application, and suggested that it be approved, subject to the provision of a public footway alongside the road to the point where the hedgerow had been removed.

**RESOLVED: That planning permission be granted subject to the following conditions, and subject to the provision of a public footway :**

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

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

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

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

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

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

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

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

**5.    The means of foul drainage disposal shall be strictly in accordance with the Consent to Discharge dated 20th May, 2003.**

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

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

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

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

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

**8.    H05 (Access gates )**

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

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

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

**10.   H10 (Parking - single house )**

**Reason: In the interests of highway safety and to ensure the free flow of**

traffic using the adjoining highway.

11. H13 (Access, turning area and parking )

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

12. H27 (Parking for site operatives )

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

**Informative(s):**

1. HN01 - Mud on highway
2. HN04 - Private apparatus within highway
3. HN05 - Works within the highway
4. HN10 - No drainage to discharge to highway
5. HN24 - Drainage other than via highway system
6. N15 - Reason(s) for the Grant of Planning Permission

63. DCSE2005/2311/F - CHAPEL MILL COTTAGE, BROMSASH, ROSS-ON-WYE, HR9 7PL

*Two-storey extensions and alterations.*

The Southern Team Leader reported that on the original plans, the rear kitchen extension had been two-storey. Later, this had been amended to one-storey, and the consultees had not been notified of the amendment. He requested deferral of the application to enable proper consultation to take place.

Ms J Foley of Linton Parish Council, C Rogers (an objector), and Mr S. Edwards (on behalf of the applicant) were present and had registered to speak on the application. They reserved their right to speak until the application next appeared before the Sub-Committee.

**RESOLVED:** That consideration of the application be deferred to enable consultation to take place in respect of the amended plans.

64. DCSE2005/2475/F - THE GRANGE, ASTON CREWS, ROSS-ON-WYE, HEREFORDSHIRE

*Removal of Condition 2 from Planning Permission SE2004/4117/F, dated 16/02/05.*

The Local Member Councillor H. Bramer, expressed concern that removal of the condition would lead to the formation of two separate dwellings on the site. He felt that this was not in keeping with the original application, and that there was no merit in creating two dwellings. He stated that the application should be refused for these reasons.

The Principal Planning Officer explained that originally, Condition 2 had been

imposed to link the main building to the ancillary building, so that they could not be made into two separate dwellings. This was because the application at that time had not provided details of physical separation, car parking and garden for each residential unit. He said that the current application had addressed all of the outstanding issues, and had provided sufficient details of access, parking and cartilage. The reason for imposing Condition 2 no longer existed as a result. He said that there were no longer any grounds to retain Condition 2, and that the application should be approved. The Development Control Manager added that the principle of having two separate dwellings on the site was in keeping with planning policy.

Members noted that both parish councils consulted on the application, had been opposed to the removal of the condition because they did not support the principle of two separate dwellings. Having considered all of the information on the application, they felt that it should be refused for the reasons stated by the parish councils, and because they felt that the ancillary building, as a separate dwelling, would be detrimental to the setting or the main Listed Building.

**RESOLVED:**

**That (i) the Southern Area Planning Sub-Committee is minded to refuse the application, subject to the reason 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. the separate ancillary dwelling on the site will be detrimental to the setting of the main Listed Building.**

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

*[Note: Following the vote on this application, the Development Control Manager advised that he would refer the decision to the Head of Planning Services, on the grounds that the Sub-Committee's view might not be defensible of challenged. ]*

**65. DCSE2005/2162/F - THE OLD SCHOOL HOUSE, BRAMPTON ABBOTS, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7JE**

*Extension of entrance hall including cloaks and sun lounge.*

In accordance with the criteria for public speaking, Mr Cunningham the applicant, spoke in support of the application.

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

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

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

**2. A09 (Amended plans )**

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

**3. C02 (Approval of details )**

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

**4. 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**

**66. DCSE2005/2677/F - GOODRICH CASTLE, GOODRICH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6HX**

*Visitor Centre incorporating café, retail area and public conveniences.*

In accordance with the criteria for public speaking, Mr J. Cripwell spoke in objection to the application, and Mr R. Parkes spoke in support.

Members noted that there had been problems in Castle Lane on large event days, when visitors had used the lane for overspill parking. This had led to residents being unable to manoeuvre in and out of their properties safely, and concern was expressed that the application might worsen the situation. Members acknowledged that the applicant would consider changing the events programme to minimise parking problems.

The Sub-Committee considered the possibility of creating overspill car parking elsewhere.. The principal Planning Officer reported that a private landowner had previously allowed parking on his land. This could not be made a condition of the application, however, because the land was not in the applicant's ownership. In response to a question, he confirmed that parking spaces on the Castle car park could be maximised through careful demarcating of spaces.

Having considered all matters in relation to the application, members agreed that it should be approved, subject to demarcating parking spaces on the car park to gain the maximum capacity. The Chairman also commented that individual householders in Castle Lane could request white "H" lines to be painted on the carriageway to prevent parking in front of their driveways.

**That planning permission be granted subject to the following conditions, and subject to demarcating car parking spaces:**

**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 W01 (Foul/surface water drainage )

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

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

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

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

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

**Informatives:**

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

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

**67. DCSE2005/1396/F - LAND OFF THE BRAMBLES, LEA, ROSS-ON-WYE, HEREFORDSHIRE**

*Construction of 11 no. dwellings with access road.*

In accordance with the criteria for public speaking, Mr R. Fowler spoke in objection to the application.

The local member, Councillor H. Bramer, said that there had been significant local concern about the application, based on the fact that the proposed access to the site was onto a busy highway, and might present a traffic hazard. Some members felt that the proposed density of the dwellings was not in keeping with the area, and that the application would be detrimental to the amenity of the neighbouring properties.

The Sub-Committee acknowledged that the application was in accordance with the relevant planning policies, from the point of parking, access and density, and agreed that it should be approved.

**RESOLVED:**

**That**



- 1)    The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to a financial contributions to meet the need for additional educational facilities at John Kyrle High School and towards improvement/maintenance of children’s play facilities in Lea and any additional matters and terms as she considers appropriate.**
- 2)    Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:**

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

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**
  - 2     A09 (Amended plans )**

**Reason: To ensure the development is carried out in accordance with the amended plans.**
  - 3     B01 (Samples of external materials )**

**Reason: To ensure that the materials harmonise with the surroundings.**
  - 4     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     G01 (Details of boundary treatments )**

**Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.**
  - 7     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.**
  - 8     F16 (Restriction of hours during construction )**

**Reason: To protect the amenity of local residents.**
  - 9     F32 (Details of floodlighting/external lighting )**

**Reason: To safeguard local amenities.**
  - 10    No development within the application shall be undertaken unless the proposed improvements as shown on drawing number 7764/1A and listed below have been designed as far as possible in accordance with Highways Agency Road Geometry standard**

"TD41/95 Vehicular Access to All Purpose Trunk Roads" and completed to the satisfaction of the Local Planning Authority after consultation with the Highway Agency.

- Re-grading of the bak to the north-west of the access and removal of a small tree (in order to achieve full visibility of 90m)
- Relocation of an existing road sign and cutting back of foliage located to the south east of the access.

Reason: Highways Agency direction.

- 11 No development within the application shall be undertaken unless the proposed improvements as shown on drawing number J051/1 and listed below have been designed as far as possible in accordance with Highways Agency Road Geometry standard "TD41/95 Vehicular Access to All Purpose Trunk Roads" and completed to the satisfaction of the Local Planning Authority after consultation with the Highway Agency.

- Re-grading of the bak to the north-west of the access and removal of a small tree (in order to achieve full visibility of 90m)
- Relocation of an existing road sign and cutting back of foliage located to the south east of the access.
- Closure of the existing vehicular access to the property known as Tregarth and closure of an existing field access.
- Improved pedestrian facilities.

Reason: Highways Agency direction.

- 12 H13 (Access, turning area and parking )

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

- 13 W01 (Foul/surface water drainage )

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

- 14 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.

- 15 W03 (No drainage run-off to public system )

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

**Informatives:**

- 1 N02 - SECTION 106 OBLIGATION

- 2 The highway proposals associated with this consent involve works within the public highway, which is land over which you have no control. The

**Highways Agency therefore requires you to enter into a suitable legal agreement to cover the design and construction of the works. Please contact Jon McCarthy of the Highways Agency's Area 9 team at an early stage to discuss the details of the highways agreement, his contact details are as follows: tel no. 0121 678 8742, C4/5 Broadway, Broad Street, Birmingham B15 1BL**

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

The meeting ended at 3.19 p.m.

**CHAIRMAN**



<b>ITEM FOR INFORMATION - APPEALS</b>
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**APPEALS RECEIVED****Application No. DCSW2005/2224/O**

- The appeal was received on 19th September, 2005
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mrs. A. Cannan
- The site is located at Land adj. Church Cottage, Allensmore, Herefordshire, HR2 9AQ
- The development proposed is Site for single storey dwelling, altered vehicular access.
- The appeal is to be heard by Hearing

**Case Officer: Angela Tyler on 01432 260372**

**Application No. DCSW2005/1943/O**

- The appeal was received on 26th September, 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. M. Philips
- The site is located at Land at Treherne Cottage, Little Hill, Orcop, Herefordshire, HR2 8SE
- The development proposed is Proposed dwelling in connection with Treherne Cottage.
- The appeal is to be heard by Written Representations

**Case Officer: Angela Tyler on 01432 260372**

**Application No. DCSE2005/1346/F**

- The appeal was received on 28th September, 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. Gilling
- The site is located at Newton Farm, Welsh Newton, Monmouth, Herefordshire, NP5 3RN
- The development proposed is Alterations repairs and extensions to existing barn for residential purposes
- The appeal is to be heard by Inquiry

**Case Officer: Mike Willmont on 01432 260612**

**Application No.**

- The appeal was received on 27th September, 2005
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr. J. Gilling
- The site is located at Newton Farm, Welsh Newton, Hereford
- The breach of planning control alleged in this notice is "Without planning permission the erection of a dwelling house within the said Land."

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

- The requirements of the notice are: Demolish the unauthorised dwelling house and remove all materials from the site that arise from the demolition.
- The appeal is to be heard by Inquiry

**Case Officer: Mike Willmont on 01432 260612**

**Application No. DCSW2005/0661/F**

- The appeal was received on 6th October, 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. P. Howarth
- The site is located at Blenheim Farm, Madley, Hereford, Herefordshire, HR2 9LU
- The development proposed is Erection of replacement dwelling and demolition of ex-mobile home
- The appeal is to be heard by Written Representations

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

**APPEALS DETERMINED**

**Application No. DCSE2004/4217/F**

- The appeal was received on 30th June, 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. S. Edwards
- The site is located at 2 Millbrook Cottages, -, Pontshill, Ross-On-Wye, Herefordshire, HR9 5TH
- The application, dated 22nd November, 2004, was refused on 7th February, 2005
- The development proposed was Double garage and store
- The main issue is the effect of the proposal on the character and appearance of the rural locality.

**Decision:** The appeal was **DISMISSED** on 10th October, 2005

**Case Officer: Steven Holder on 01432 260479**

**Application No. DCSE2005/0468/O**

- The appeal was received on 13th June, 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 Wilson
- The site is located at The Old Chapel, Bury Hill Lane, Weston under Penyard, Ross-on-Wye, Herefordshire, HR9 7PS
- The application, dated 7th February, 2005, was refused on 11th April, 2005
- The development proposed was Site for two storey 3 bed house

- The main issues are whether the proposal complies with development plan policies for development in the countryside, and the effect of the proposal on the character and appearance of the area.

**Decision:** The appeal was **DISMISSED** on 20th September, 2005

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

**Application No. DCSW2005/1319/O**

- The appeal was received on 11th July, 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. K. Mussell
- The site is located at Newton Farm, St. Owens Cross, Herefordshire, HR2 8LF
- The application, dated 18th April, 2005, was refused on 20th June, 2005
- The development proposed was Outline planning for new dwellings
- The main issues are whether the proposal would comply with local policy for small scale development, having regard to the effects on the character and appearance of the rural locality and the sustainability of development in the area, and also whether satisfactory foul drainage could be provided for the proposed development.

**Decision:** The appeal was **DISMISSED** on 10th October, 2005

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





**DEFERRED**

<p><b>5 DCSE2005/2311/F - PROPOSED TWO STOREY EXTENSIONS AND ALTERATIONS, CHAPEL MILL COTTAGE, BROMSASH, ROSS-ON-WYE, HR9 7PL</b></p> <p><b>For: Ms. K. Brook per M. R. James, Clyde House, Viney Hill, Lydney, Gloucestershire, GL15 4NY</b></p>
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**Date Received: 13th July 2005**

**Ward: Penyard**

**Grid Ref: 64870, 24222**

**Expiry Date: 7th September 2005**

Local Member: Councillor H. Bramer

Determination of this application was deferred by the Sub-Committee at its meeting on 28<sup>th</sup> September 2005 in order to consult the Parish Council and local residents on the amendments to the proposal, reducing the 2-storey rear extension to a single-storey.

**1. Site Description and Proposal**

1.1 The application property is a former granary which was converted into a two-storey dwelling in the early 1980s. It is attached to High House, a much taller dwellinghouse. More recently a barn to the north of Chapel Mill Cottage has also been converted into a house (Morcroft) and two new detached houses have been built to the north-east, separated from the cottage by a high stone wall. On the other side of the highway are further dwellinghouses. Ye Olde Shoppe being directly opposite. The property is within the smaller settlement of Bromsash.

1.2 It is proposed to erect a two-storey extension to the side of Chapel Mill Cottage. This would be about 4.3m wide, slightly less deep than the cottage and with lower eaves and ridge. To the rear a single-storey kitchen extension (about 4.3m wide x 4.4m deep) would be built with a gap of about 0.35m between the extension and boundary with High House. As originally submitted this would have been two-storeyed. Other proposals include a new porch at the front and alterations to fenestration. A screen fence is also proposed close to the access drive off the B42294 to enclose part of the front and side of the curtilage.

1.3 An earlier application (DCSE2004/4301/F) proposed two-storey side and rear extensions and raising the height of the main house by about 1m to allow a second floor to be installed which would have been lit by dormer windows. This was refused planning permission for the following reason:

“The proposed extensions, by reason of their size and position, would result in loss of privacy and be overbearing in relation to adjoining residential properties which would harm the amenities of the occupiers of those properties. As a consequence the proposal would conflict with Policy SH.23 of the South Herefordshire District Local Plan.”

## DEFERRED

### 2. Policies

#### 2.1 Hereford and Worcester County Structure Plan

- Policy H.20 - Residential Development in Open Countryside
- Policy CTC.13 - Buildings of Special Architectural or Historic Interest
- Policy CTC.14 - Criteria for the conversion of Buildings in Rural Areas

#### 2.2 South Herefordshire District Local Plan

- Policy SH.23 - Extensions to Dwellings
- Policy GD.1 - General Development Criteria
- Policy C.36 - Re-use and Adaptation of Rural Buildings
- Policy C.37 - Conversion of Rural Buildings to Residential Use

#### 2.3 Supplementary Planning Guidance

Re-use and Adaptation of Traditional Rural Buildings

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

- Policy H.18 - Alterations and Extensions
- Policy HBA.12 - Re-use of Traditional Rural Buildings

### 3. Planning History

- 3.1 DCSE2004/4301/F Two-storey extensions, alterations and two dormer windows - Refused 10.02.05

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

#### Internal Council Advice

- 4.2 Traffic Manager has no objection to the grant of permission; 2 car parking spaces have been provided for this 3 bedroom dwelling. This advice does not change for the amended proposal.
- 4.3 Conservation Manager advises that no evidence of bats entering the eaves was seen but access by bat species is a possibility. It is recommended that informative be added if permission is granted.

### 5. Representations

- 5.1 Parish Council objects to the proposal for the following reasons:

“We note that this is a revised version of a previous unsatisfactory application. This new application shows very little improvement other than the Developer apparently no

## DEFERRED

longer intends to raise the roof line by building into the adjoining property without permission. Therefore we can only reiterate our previous comments.

The cottage once housed a grain store and a cider mill, it adjoined and belonged to High House, which was and still is an agricultural holding. It was converted to residential use some years ago making a small cottage, entirely in keeping with High House. Apart from the addition of a small porch the outline of the building and the roof line were unaltered and fitted in well with the surrounding old buildings. Therefore as a 'conversion of a rural building to residential use' at the moment it conforms to Planning Policies C.36 and C.37 and fulfills the appropriate criteria of GD.1.

The proposed extensions do not comply with these policies. In addition they do not comply with the supplementary planning guidance of this authority or Policy SH.23 'Extensions to dwellings'.

Any boundary wall or fence in front of the property that is any higher than that already in place would seriously affect the visibility both of the residents of the courtyard and of anyone venturing over the already dangerous cross-roads just yards from the cottage, the Highway Authority should certainly be consulted.

The extra surface water and sewage, which may be generated, does not seem to have been addressed in the plan. As this discharges onto someone else's property it should have been given consideration.

For these reasons and in particular the contravention of planning policies in the SHDC Development Plan and the emerging UDP, Linton Parish Council does not support this application."

### 5.2 The Parish Council's response to the amended proposal is as follows:

"The Parish Council does not support this application.

We are pleased to have now received the amended plans together with the previous plans in order to make a comparison between the two, but were disappointed to note that the Planning Officer has already recommended this application for acceptance.

Chapel Mill Cottage was originally an agricultural building and as a 'conversion of a rural building to residential use', at the moment, it conforms to Planning Policies C36, C37 & GD1. Any alteration/extension to this cottage would contravene those policies and Policy SH23 'Extensions to Dwellings' The fact that this conversion took place before the SHDC Local Plan was accepted is irrelevant; the District Council at that time had similar policies. There are now very positive policies in place and by law they have to be taken into account and generally adhered to unless there are material planning considerations to suggest otherwise. The Parish Council do not believe there are any further considerations to be taken into account.

Although the amended plan shows one of the extensions now reduced to one storey, any extension in the very limited space available would be unacceptable, to prepare foundations at the rear of the property would entail excavating bed- rock that could seriously compromise the foundations of High House. This would be over-development of a small, unsuitable site. Once again the sewage, surface water and drainage problems do not seem to have been addressed.

## DEFERRED

The Planning Officer's appraisal at 6.5 states that the Traffic Manager specifically notes that two parking spaces would be sufficient for a three-bed roomed dwelling. The revised scheme would still contain three bedrooms; how does the Traffic Manager know how many cars any occupants might own? Also please note that the road involved is the B4224 not the B4229.

For the above reasons and in particular the contravention of planning policies in the SHDC Development Plan and the emerging UDP Linton Parish Council does not support this revised application."

5.3 9 letters have been received objecting to the proposed development for, in summary, the following reasons:

- very little difference compared to earlier application and by doubling the size of the house would still be gross over-development - very little of site would not have been built upon
- would harm character of High House and terrace as a whole, creating a castle like situation; detract from street scene
- lots of original features retained from granary would now be lost
- would result in loss of privacy by occupiers: Morcroft has full height picture windows which would face end wall of side extension and Ye Olde Shoppe would have 6 rather than 2 windows looking into its bedrooms
- cause loss of light and be overbearing in relation to adjoining houses
- in view of scale and mass, not in keeping with existing dwelling and become dominant feature, proposals would conflict with Local Plan Policies SH.23 and GD.1
- parking spaces would be reduced to 2 which is insufficient as no opportunities to park safely on the highway
- access is at narrowest part of B4229 and too near a cross-roads - vehicles would have to reverse out of parking space unsighted or reverse onto main road
- new fence would cause problems for service and farm vehicles, which may have to drive on paved front 'garden' of Morcroft
- the above would compromise road safety
- colony of bats in roof which protect property from development
- septic tank, shared with Morcroft, may not be adequate for enlarged dwelling - survey required
- underlying rock may mean excavation for rear extension would damage foundations of High House - needs sub-soil investigation
- dangerous position for gas storage tank
- devalue property values.

5.4 4 further letters have been received in response to additional consultation which in summary object to the proposal for the following reasons:

- (1) proposal is still too large for small site, create feeling of congestion compared to present open plan and be overdevelopment
- (2) loss of privacy especially for occupiers of Old Post Office (only 8 m away) and Morcroft (latter with full wall picture windows), as well as light and air and would be overbearing

## DEFERRED

- (3) fence now to be higher wall (2.1 m) and will force larger vehicles (fire engines, oil tankers, farm vehicles) to drive over Morcroft open frontage; even greater obstacle to emergency vehicles
- (4) septic tank shared with Morcroft and near to capacity (according to Building Control Officer) – needs engineer to assess its suitability – inconceivable that permission recommended without problem being considered
- (5) gas tank not shown – its position is fundamental to parking space which is impracticable without driving over Morcroft's frontage
- (6) contrary to report distances of 7 m and 10 m between properties are not adequate – on which legislation is this opinion based?

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. Officer's Appraisal

- 6.1 The issues raised by this proposal are firstly the effect on the architectural appearance of Chapel Mill Cottage and on the street scene, secondly the effect on neighbours' amenities, and thirdly highway safety considerations.
- 6.2 The side extension is more than half as wide as the existing house but being lower at ridge and eaves level does not appear disproportionate in size to the main house. The rear extension has been reduced to single-storey only so that the total increase in cubic capacity and floor space would be considerably less than double. In relation to the street scene, High House with its three storeys would remain dominant, flanked by lower buildings. The proposed side extension appropriately would be slightly lower again as the road falls and to emphasise its visual subordination.
- 6.3 Extensions to converted traditional farm buildings are discouraged in the Development Plan and Supplementary Planning Guidance and permitted development rights to alter and extend are normally taken away by planning condition. The latter is not the case for this older scheme. Furthermore the property is within a village, much of the character of the granary was destroyed by the conversion (loss of external staircase and new large windows, etc) and the current proposal would be more in keeping with the building and its context. For these reasons there are no cogent grounds for refusal on the first issue.
- 6.4 The neighbours most likely to be affected are occupants of Morcroft and Ye Olde Shoppe. The main ground floor windows of Morcroft would directly face the end elevation of the side extension. In my opinion there would be sufficient distance between these properties (about 10m) to avoid the extension looming over Morcroft. Loss of privacy has been avoided by changes to fenestration compared to the earlier scheme and the proposed wall. There may be limited interlooking between French doors and first floor Velux windows in Morcroft but the sense of being overlooked would be more apparent to occupiers of the application property. Ye Olde Shoppe is only 7m across the road from Chapel Mill Cottage but there are already first floor windows directly facing each other; the increase in number would be off-set by a reduction in size of the main bedroom window. The change from two to single-storey rear extension would avoid a potential overbearing effect in relation to the rear of High House. In my opinion, whilst there would be some adverse effect on amenity this would not amount to serious harm.

**DEFERRED**

- 6.5 On the third issue the Traffic Manager specifically notes that two parking spaces would be sufficient for a three-bedroomed dwelling. This related to the original submission which included a double bedroom in the rear extension; the revised scheme shows two smaller bedrooms fitted into the existing first floor accommodation. The wall is sited to the rear of the visibility splay at the access off the B4229 and would not encroach on the access/access drive which is marked out in the road surface. There would be a gap of about 7m between wall and Morcroft which would allow adequate visibility along the access drive. The position of the parking space could be altered to allow manoeuvring without encroaching on Morcroft.
- 6.6 The problem of drainage could be adequately addressed by a planning condition requiring details of the drainage system to be submitted and approved prior to the development commencing.

**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. **Notwithstanding the approved drawings, no development shall take place until details of the boundaries of the site and the design, materials and alignment of the fence have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**  
**Reason: In the interests of visual amenity and highway safety.**
- 4. **H10 (Parking - single house)**  
**Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.**
- 5. **F18 (Scheme of foul drainage disposal)**  
**Reason: In order to ensure that satisfactory drainage arrangements are provided.**

**Informative:**

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

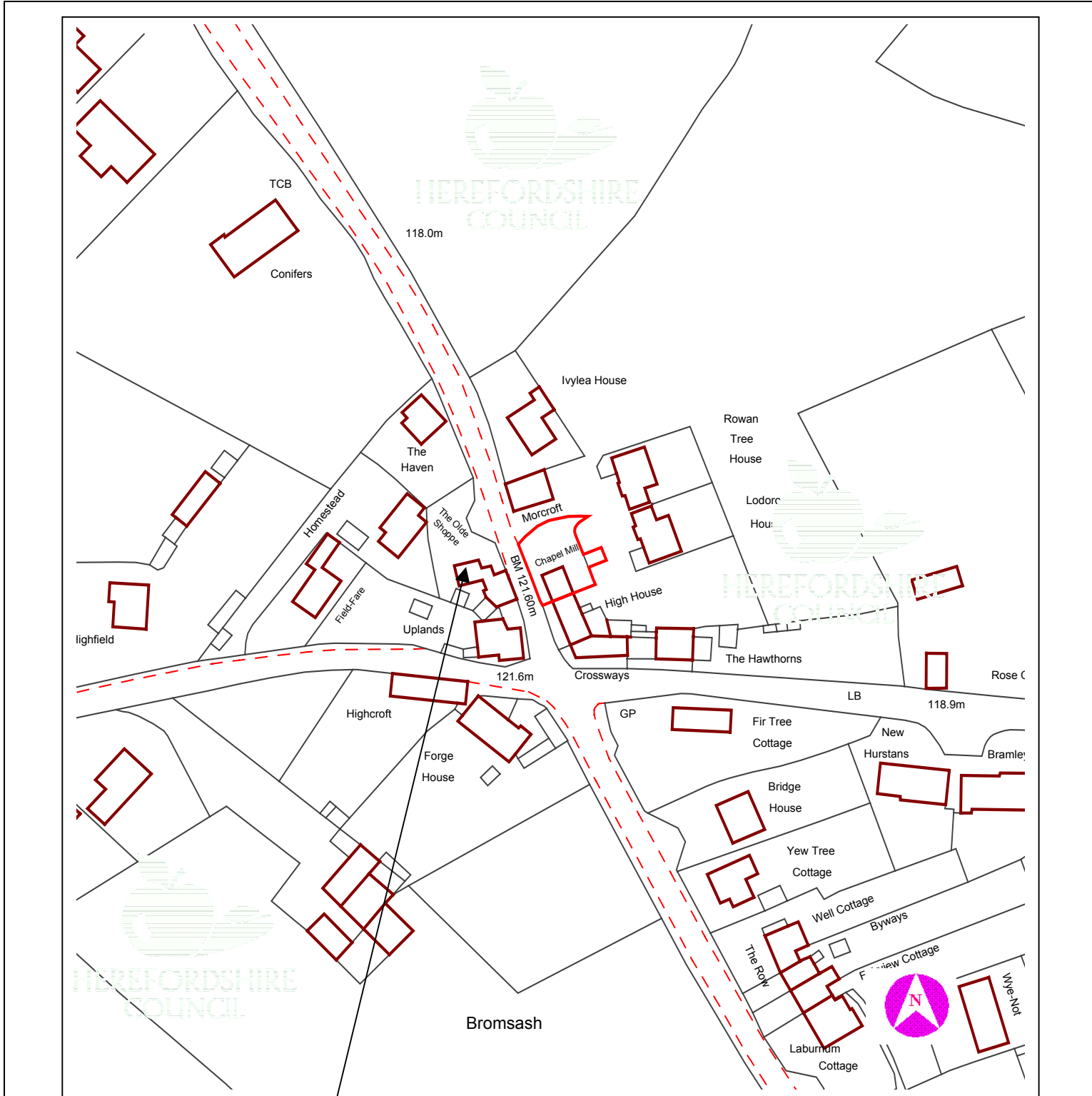
Decision: .....

**DEFERRED**

Notes: .....

**Background Papers**

Internal departmental consultation replies.



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

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**APPLICATION NO:** DCSE2005/2311/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Chapel Mill Cottage, Bromsash, Ross-on-Wye, Herefordshire, HR9 7PL

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**6 DCSW2005/2391/F - PROPOSED CONSTRUCTION OF NEW COMMUNITY HALL AND CAR PARKING AREA, LAND ADJACENT SWINGS AND SLIDE OPPOSITE THE GARWAY MOON PUBLIC HOUSE, GARWAY COMMON, GARWAY, HEREFORDSHIRE, HR2 8RF**

**For: Garway Hall Committee per Paul Brice Architect,  
Lower Barn, Rockfield, Monmouth, NP25 5QD**

**Date Received: 20th July, 2005**

**Ward: Pontrilas**

**Grid Ref: 46527, 22566**

**Expiry Date: 14th September, 2005**

Local Member: Councillor G.W. Davis

**1. Site Description and Proposal**

- 1.1 The site comprises part of Garway Common. It is proposed to site the north-south aligned village hall adjacent to the southern edge of the playing fields diagonally opposite the Garway Moon, which is on the northern side of the Class III road (C1239). This Class III road is the main thoroughfare through the village which is linear in pattern. The school is to the west along the C1239 road, opposite it is the existing village hall.
- 1.2 The northern end of the building is proposed to be between 107 and 104 metres south of the edge of the Common where it adjoins the C1239 road. Access is proposed to be taken via the unclassified road (u/c 71412) that is 43 metres due east of the proposed village hall. The car parking area provides 24 spaces and is laid out between the site for the hall and the unclassified road from which access is proposed to be gained. The surface will be of gravel with no kerbing, joining a tarmac strip of road 5 metres width, that joins the unclassified road nearly opposite the entrance to Frugaro. There is an equipped playground area immediately to the west of the village hall.
- 1.3 The building proposed will be a maximum of 7.7 metres to the ridge. The walls will be painted roughcast render, with hardwood doors and windows surrounded by reconstructed sandstone and a slate roof. There is a loggia to the front or northern end of the building, with inside a hall measuring 14.1 metres in length and 6.9 metres wide (97.3 sq. metres). A stage area at the southern end of the building measuring 3.6 metres deep and again 6.9 metres wide. There are promenades running the length of the building that are 2.1 metres wide. There is a lavatory block and kitchen area leading off the eastern sides of the building measuring 5 metres by 5.1 metres each. The projecting wings on the western side are again 5 metres wide providing a Committee Room, boiler room, and storage rooms on the southern most wing and two changing rooms on the northern wing. The former extends 11.1 metres and the changing room facilities block 13.4 metres. There is a function room between these two wings that projects 7.5 metres and is 4.5 metres wide. The loggia and wings on the northern end of the building facing across towards the Garway Moon projects 2.4 metres out and is 12.3 metres in frontage or length. This provides a floor area of 450 square metres.

## 2. Policies

### 2.1 Planning Policy Guidance

PPS.1	-	Delivering Sustainable Development
PPS.7	-	Sustainable Development in Rural Areas
PPG.13	-	Transport
PPG.17	-	Sport and Recreation

### 2.2 Hereford and Worcester County Structure Plan

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

### 2.3 South Herefordshire District Local Plan

Policy GD.1	-	General Development Criteria
Policy C.1	-	Development within Open Countryside
Policy C.3	-	Criteria for Exceptional Development outside Settlement Boundaries
Policy C.8	-	Development within Area of Great Landscape Value
Policy C.10A	-	Common Land
Policy C.13	-	Protection of Local Nature Conservation Sites
Policy C.14	-	Ponds and Wetlands
Policy C.30	-	Open Land in Settlements
Policy C.43	-	Foul Sewerage
Policy R.1	-	Provision of New Recreational Facilities
Policy R.4	-	Protection of Recreation Land and Public Open Space
Policy CF.1	-	Retention and Provision of New Community Facilities
Policy CF.5	-	Provision of Community Buildings

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

Policy S.2	-	Development Requirements
Policy S.8	-	Recreation, Sport and Tourism
Policy RST.6	-	Countryside Access
Policy LA.3	-	Setting of Settlements
Policy HBA.9	-	Protection of Open Spaces and Green Spaces
Policy CF.5	-	New Community Facilities
Policy NC.4	-	Sites of Local Importance
Policy NC.5	-	European and Nationally Protected Species
Policy NC.6	-	Bio-diversity Action Plan
Policy NC.9	-	Management of Features of the Landscape Important for Flora and Fauna

## 3. Planning History

3.1 None identified relating to this site.

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 The Environment Agency initially submitted a holding objection as it required further information, but following further discussions with the applicant they recommend a condition be attached, in the event of planning permission being granted, relating to details of foul drainage to a private treatment plant being submitted.

##### Internal Council Advice

- 4.2 Traffic Manager recommends further details be submitted in relation to the car parking layout, i.e. one space per 10 square metres of gross floor area and aisle widths to be 6 metres.

- 4.3 The Conservation Manager comments:

“If the building is to be sited on the Common this is the best location as it relates visually to housing across the playing fields, is central to the community, sits closely to woodland and is adjacent to the children's play area.

Design approach is commended. Parking area does conflict with some areas of grassland interest. Would not wish to see it re-located, however there is scope to avoid the most valuable areas of grass. Best done on site with architect and contractor.

Grassland would benefit from future management, an annual cutting regime should be included in the woodland area management plan.”

- 4.4 The Public Rights of Way Officer raises no objection.

- 4.5 The Council's County Land Agent states that:

“The proposal will have a major effect upon the Common, suitable alternative land needs to be made available which is adjacent as well as a Section 194 Order under the Law of Property Act 1925.”

- 4.6 The Environmental Health and Trading Standards Manager has no objections. If function room is to have amplified music then adequate provision for sound insulation should be made. Also details for foul and surface water arrangements will be needed prior to commencement of works on site.

#### 5. Representations

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

- community voted for a new hall opposite the Garway Moon public house
- believed it was owned by the Parish Council, so far unable to prove this
- looked for alternative sites
- intend to open up wooded area for recreation
- car park can be used not only for hall users. Currently park on grass verges
- field opposite the 'Moon' has been used as a sports ground for many years

- added changing rooms to hall, as it will enhance existing sporting use for the community.
- 5.2 The application was accompanied by a Management Plan for the woodland area. It essentially identifies works needed for health and safety reasons to existing trees including oak trees to the south of the hall, cleaning pond of debris, i.e. leaves, etc. allowing more light to ponds and woodland bulbs and create log piles for wildlife.
- 5.3 An Environmental Assessment also accompanied the application. It provides an inventory of flora and fauna. Great Crested Newts were found in the ponds, however they would not use the ponds for breeding purposes given that there are better alternatives elsewhere, that there are virtually no plants onto which the newts might lay their eggs, and that the ponds were too shaded.
- 5.4 A further letter from the applicant's agent detailing the progress of the proposal was submitted. The main points being:
- 1995 - Hall trustees decided present hall needed major work. Questionnaire presented, 44% opt for site adjoining school, 26% present location, 30% on Common
  - 1999 school site looked at
  - 2000 Questionnaire sent to all village, school site 7, existing site 68, Common 92, abstentions 4
  - 2001 Feasibility study undertaken. Write to other village hall committees for advice
  - 2002 sites identified, given questionnaire plans drawn up for Common
  - 2003 Ballot arranged, vote for building on Common. All those on electoral roll could vote. Results 149 for, 74 against, 7 void
  - 2003 March - Council's County Land Agent confirms that in 1966 Parish Council registered as caretakers. No one came forward to contest this. Confirmed Management Plan needed as part of application.
  - Letter on file dated March 1975 states that 'A Commons Commissioners Hearing took place at Hereford on 10th December, 1974. The ownership of register unit CL118 became final without modification. The ownership of Garway Common is therefore vested in Garway Parish Council.
  - 2004 Papers for 194 and planning applications collected and sorted
  - 2004 May AGM. If alternative sites could be found they would be welcomed.
  - 2004 August. Suggested owner of Common be contacted, he states that he and his brothers are seeking legal advice
  - confirmed that owner unwilling to sell any land nor allow installation of new drainage arrangements if new hall is build on existing site. Compulsory purchase not viable.
  - 2004 November - Parish council has applied for first registration of the Common, search revealed a caution lodged by estate of Lady Lawley. Parish Council has counter lodged a caution.
- 5.5 The Parish council are not able to comment on this application. The members have signed the Code of Conduct and registered their interests. The various interests held mean that all members have a Prejudicial Interest. On the advice of the County Secretary and Solicitor an open meeting was held on Monday, 8th August chaired by the Ward Member to give parishioners the opportunity to comment. Over 50 people attended.

5.6 82 letters have been received objecting to the proposal on the following grounds:

- Common rights of grazing, pannage, estovers and turbary over whole of Common
- survey agricultural land re: application form, as I have an agricultural interest on the Common
- consent required under Section 194 of Law of Property Act 1925 and also new Commons Bill (June 2005)
- infringe rights of Commoners
- loss of right to roam under provisions of Wildlife and Countryside Act 2000
- Article 6 notice in newspaper incorrect as incorrect steps have not been taken by applicant to enquire as to current ownership of the Common. Reject application
- no evidence applicant can lay claim to land in question
- on behalf of landowner, no agreement reached with Garway Hall Committee. Common should remain as has been done for over 1,000 years
- no works that prevent or impede access by commoners or the public can be undertaken without consent of Secretary of State under Section 194
- need consent of Landowners and Commoners before work could commence. Planning process presumptuous
- would need an exchange of land to be effected through the provisions of Section 145 Inclosure Act 1947. Requires suitable land adjoining the Common. If it could be found why not use it instead
- Garway Common Hall Committee do not own land
- once Common lost never regained
- contrary to Policies C.1, C.2, C.3(iii) and C.10A in the South Herefordshire District Local Plan. Also Policies C.14 and C.17 together with Policies R.1, R.4 and R.11
- whilst UDP does not have statutory force, proposal still contrary to Policies H.6, S.6, S.7 and S.8 on sustainability. LA.2, LA.3, LA.5, LA.6, NC.1, NC.3, NC.4 and HBA.9 (paras 2, 4, 5, 6, 7 and 8)
- also Policies RSTA.1 and RSTA. 4 in the UDP and Policy CF.5 together with Policies LR.1, LR.2 and LR.3 in the Hereford and Worcester County Structure Plan
- also contrary to Policies as it will detract from amenity and landscape protection of Area of Great Landscape Value and effect the Special Wildlife Site
- in Commons Bill 2005 public interest element relates to nature conservation, conservation of landscape, public rights of access and protection of archaeological remains and features of historic interest. Application in breach of all four mentioned provisions
- outside of local structure plan
- contrary to provisions of Government advice in PPG.17, as open recreational space is not being protected
- precedent for further development
- view of hills will be marred
- loss of view, unsightly
- facilities not required for junior football team, no senior team, cricket team long since past, children can go home after game on Common
- existing site adequate, good location opposite school. Land either side, i.e. old school and garages could be acquired. Also refused site near to Garway Moon could be looked at
- build extra floor in existing hall
- existing village hall adequate for population

- Herefordshire Council should make land available for site, and charge a peppercorn rent (done elsewhere at Llanishen near Chepstow)
- could park on Common as is done presently
- upkeep will fall on taxpayers
- disproportionately big (134 square metres old hall, 445 square metres proposed) suggested levers of grants has biased proposal and hall Committee to an easy option
- will be a white elephant, laying idle for periods of time
- good parish/village halls around Garway that could be used. Where will custom come from?
- enjoyable source of wildlife habitat
- where will spill go from construction?
- use stone not render
- access road not wide enough for 2 vehicles to pass
- tarmac sealed surface (at entrance) not possible anywhere else on Common
- overflow car park will be the Common itself, not the distant Garway Moon car park
- short-cuts will be taken across the Common
- 24 spaces inadequate
- loss of open nature of Common
- loss of flora and fauna (unusual grasses, wild daffodils, bluebells and orchids together with bats, butterflies, Great Crested Newts)
- loss of trees and vegetation: wildlife habitat returned following clearance of Common at Commoners consent for playing field
- a Special Wildlife Site
- Biological Survey undertaken in 1990s by Aberystwyth University on Common
- need a year long survey
- pay farmers not to destroy edge of field habitats, why allow it here?
- car park layout could lead to it being used as a race track and meeting place
- recommend no overnight commercial parking on car park, given proximity to nearby residents
- enjoyable sound of natural habitat for wildlife
- site of Interest for Nature Conservation
- light pollution in car park, no street lighting
- noise pollution from such a large building with large functions
- if approved request movement of access point as car headlights will be intrusive. Also need screening hedge (8 feet high at least)
- local ballot 2 years ago inaccurate, missed many people. Yes/No only meant other options not included
- could field ditches cope with stormwater?

5.7 14 letters of support have been received making the following main points:

- help develop school as a centre for community amenity. Need an After School and Breakfast Club, hall could be utilised easing congestion in village
- falling school roll, local playground in danger of closing if forced to use current inadequate facilities
- playgroup advised to compete with other nurseries by providing full day-care - an impossibility in existing hall
- could also use hall as a health clinic, school nurse drop-in clinics, adult learning, family learning, health and fitness activities, a Community Defibrillator
- inadequate parking facilities (at existing hall)
- far undersized for its user needs (at existing hall)
- inadequate kitchen and toilet facilities (at existing hall)

- inefficient heating (at existing hall)
- no car parking facilities, both sides of road used, making it impossible for emergency vehicles, lorries and tractors (at existing hall)
- local sports clubs use facilities at Garway Moon
- help sustain community
- great asset for indoor sports and other facilities
- understand if hall not built on common local landowners are not prepared to sell or lease piece of suitable land
- run one of junior teams. Need facilities to join a league
- also have been involved with cricket, folded due to lack of facilities
- vast majority of villagers have long been in favour of this site as opposed to relative newcomers
- existing hall patched up but unable to meet current legislation
- with two local referendums showing about 70 per cent in favour, seems obvious place to build
- whole site, a very small area of approximately 26 acres
- community should forget about personal gain value of 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 are considered to be the legality of the application, alternative sites, parking and access, lighting, ecology, impact of the building in the landscape and amenity of residents, development of Common land and recreational use.
- 6.2 The application was advertised under the provisions of Article 6 of the Town and Country Planning (General Development Procedure) Order 1995 in a local newspaper. This was in order that anyone with any interest in the application site could make representations, given that the ownership of Garway Common has not been settled. Officers sought Counsel advice on this matter, which is that the correct procedure has been undertaken. Therefore the applicants have taken the necessary steps to ascertain the ownership of the Common and have publicised the application correctly in accordance with the provisions of the General Development Procedure.
- 6.3 The issue of alternative sites has been raised. It is one that officers have some knowledge of, as alternative sites have been viewed. It is understood that the applicants have returned to their original choice of site, given that, it is believed, it has the backing of most of the population of the village. It provides parking facilities, unlike the current site, is well sited in relation to existing development particularly on the northern side of the C1234 road, including the Garway Moon. Also the site is a reasonable distance away from local residents. The local planning authority can only determine the application on its merits with regard to planning policies and other material considerations.
- 6.4 The parking facilities proposed for the proposal fall short of the national standard set out in the South Herefordshire District Local Plan. However, the Council parking standard exceeds that required by the provisions of Government advice set out in PPG.13: Transport. The Traffic Manager confirms that given the parking provision satisfies the requirements of PPG.13 there is not an issue. Also the extent of car parking envisaged provides the optimum level of parking such that not more Common than is necessary is used for parking of vehicles for those who want to use the

common for recreation or the hall itself. There are no objections raised by the Traffic Manager to the suitability of the unclassified road (u/c 71412) as a connecting highway between the car park serving the village hall and the C1234 road, the main thoroughfare. The distance between the access point onto the unclassified road at the junction onto the C1234 is just over 100 metres which is considered to be a reasonable distance, notwithstanding the narrowness of the road.

- 6.5 External lighting would need to be strictly controlled, as there is no street lighting, particularly in the car park. This can be achieved by the imposition of a planning condition.
- 6.6 An ecological appraisal of the site and adjoining Common was submitted with the application. No mature trees will be removed, and the grassland area on which cars will park will need to be reconsidered following the advice of the Conservation Manager. This can be resolved by a condition. This may entail the re-alignment of spaces, but is a matter that can be addressed satisfactorily. There will inevitably be the loss of some wildlife habitat, however with ongoing management of what remains, including the two ponds to the south of the hall, the wildlife interest can be improved with proper management of the woodland and grassland areas. It is considered that with diligent management of the ponds, woodland and grassland the wildlife value of a site that has existing public access can be enhanced. The application is not contrary to Policies C.14 and C.17 contained in the South Herefordshire District Local Plan, indeed the intention of the proposal and the management of the adjoining Common is supported by those two policies relating to ponds and tree management.
- 6.7 This proposal falls within the provisions of Policy CF.1 and CF.5 contained in the South Herefordshire District Local Plan. The site should be within or adjoining the settlement which is the case, be well designed and not affect the amenity enjoyed by neighbouring residents. The new building will complement the existing buildings including residences and the Garway Moon on the northern side of the C1234 road. It will be set in amongst them and will adjoin the playground. The mown area between the site and the C1234 road will provide the building with the right context. The height, massing and finish of the building reflects the vernacular of such inter-war village/parish halls. It is considered that there is sufficient distance between the proposed hall and the nearest dwellings in terms of general noise and disturbance emanating from the building and the car park. Therefore the proposal satisfies the criteria for new community facilities. Policies GD.1, C.1 and C.3 are also satisfied. Government advice contained in PPS.7: Sustainable Development in Rural Areas encourages the provision of community facilities, particularly to sustain rural communities.
- 6.8 The right to roam across the Common will obviously, with the erection of a village hall and with parked cars nearby, impede the ability of users of the Common to roam at will. The hall is not though removing open space, it is removing woodland scrub. The rights of Commoners would be a matter that would be fully addressed in the Section 194 Order under the Law of Property Act 1925 application. The applicants have, it is understood, been informed that they should seek planning permission before applying to DEFRA. Therefore, although a number of representations received refer to the requirement of applying to DEFRA, the local planning authority can only determine the application on its merits with regard to current planning policies and material considerations relating to the erection of community buildings. The ownership of the Common is a complication, however, as has already been stated. This is a valid application within the terms of the General Development Procedure Order. The Common performs a number of functions, it is a wildlife site, a recreational area, an



area on which the public can roam and most importantly one to which Commoners can exercise their established rights. The Council's County Land Agent has stated, as have others in the representations received, that it will be necessary for the applicant to provide land in exchange for Common lost. Whether or not this is possible is not known, it would though need to be addressed in any Section 194 Order under the Law of Property Act 1925 application submitted, given The Commons Bill is not yet law of the land.

- 6.9 The application is not contrary to Policy R.11 contained in the South Herefordshire District Local Plan, as this policy relates to public rights of way and does not relate to Common land. Policy R.4 is also not breached as has already been stated above as the amenity of the site will be better managed and that the recreational open space that exists presently will not be lost, but with the provision of facilities will enhance the use of such open space, i.e. with the provision of changing facilities and meeting place.
- 6.10 There are other issues raised relating to precedent, which can only be answered by stating that each application can only be treated on its merits. The type of development proposed is one of the few, if any, that is allowed for in Development Plan Policies. Whether or not the hall if built will be a liability is not a matter that can be addressed within planning legislation. The proposal is on a sensitive site, it will not though detract from the existing wildlife interest, nor materially reduce the amenity of the Common in terms of recreational use or amenity. It will offer facilities required by the community with better parking and drainage facilities than at present. It can therefore, on balance, be supported subject to the imposition of planning conditions. Therefore, the proposal satisfies the provisions of Policy C.10A relating to Common land in the South Herefordshire District Local Plan.

## RECOMMENDATION

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

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

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

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

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

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

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

**4. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to a private treatment plant has been submitted to and approved by the local planning authority. No part of the development shall be brought into use until such treatment plant has been constructed.**

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

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

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

- 6. Final details of car parking, including layout and surfacing shall be agreed on site between the local planning authority and the applicant's representatives. Any agreed revisions shall be implemented. Such car parking spaces shall allow for 6 metres spacing in aisles.

**Reason: To minimise the environmental impact of development.**

- 7. All areas of trees, shrubs, grass or scrub shown to be retained shall be protected from damage during the course of construction. No development shall be commenced on the site or machinery or materials brought onto the site for the purposes of development until adequate measures have been taken for their protection. All such measures shall be agreed with the local planning authority before implementation.

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

- 8. Prior to the first use of the village hall hereby permitted, a management plan, to include proposals for the long term design objectives, management responsibilities and maintenance schedules in perpetuity, for the site shall be submitted to and be approved in writing by the local planning authority. The management plan shall be carried out as approved.

**Reason: In order to ensure that the use and maintenance in perpetuity of the Common in the interests of its amenity.**

**Informative(s):**

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

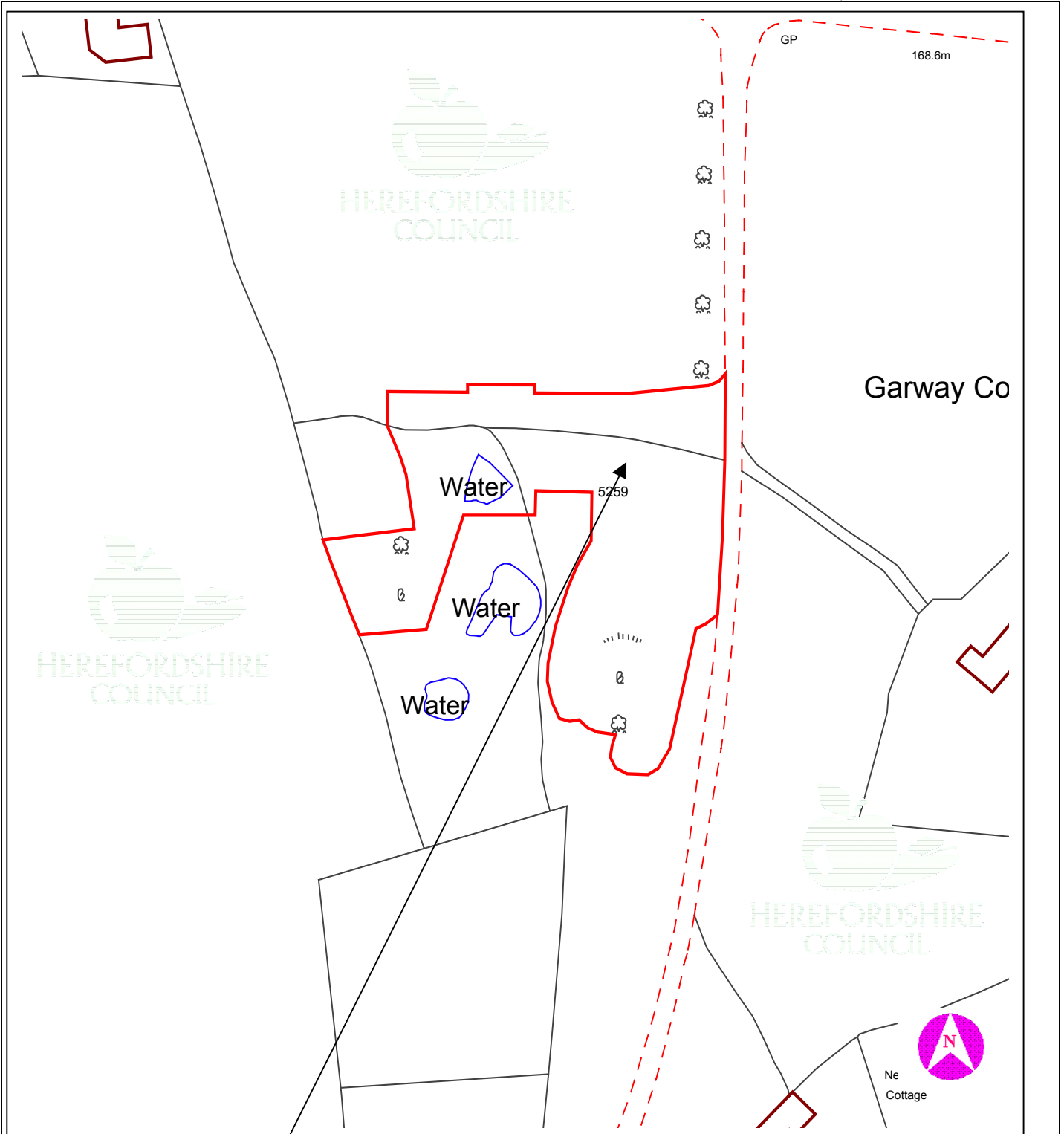
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSW2005/2391/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land adjacent swings and slide opposite the Garway Moon Public House, Garway Common, Garway, Herefordshire, HR2 8RF

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**7 DCSE2005/2648/F - ERECTION OF ONE DWELLING, LAND ADJOINING MONK WALK COTTAGE, MUCH MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2LY.**

**For: Mr. & Mrs. Cooke per Paul Smith Associates, 19 St Martins Street, Hereford, HR2 7RD**

**Date Received: 8th August, 2005 Ward: Old Gore**

**Grid Ref: 65776, 33177**

**Expiry Date: 3rd October, 2005**

Local Member: Councillor J.W. Edwards

**1. Site Description and Proposal**

- 1.1 This site located within the village settlement boundary of Much Marcle forms part of the large garden area of a dwellinghouse and also a very small section of the long orchard in front of the dwellinghouse. There is a field to the rear and a small paddock/orchard immediately to the north. There is an existing hedgerow on the north and eastern boundaries with a post and wire fence along the western boundary.
- 1.2 The proposal is to erect a two-storey dwelling with a parking area at the front, i.e. in front of the existing hedgerow which is to be retained. Two trees in the centre of the site are to be removed. Vehicular access will be via a new re-routed driveway, previously approved in recent applications, to serve the existing dwelling. The new house will be externally clad in plain tiles and facing bricks to be agreed.

**2. Policies**

**2.1 Planning Policy Guidance**

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

**2.2 Hereford and Worcester County Structure Plan**

Policy H.16A	-	Development Criteria
Policy H.18	-	Residential Development in Rural Settlements
Policy CTC.9	-	Development Criteria
Policy CTC.15	-	Preservation, Enhancement and Extension of Conservation Areas

**2.3 Malvern Hills District Local Plan**

Housing Policy 3	Settlement Boundaries
Housing Policy 17	Residential Standards
Conservation Policy 2	New Development in Conservation Areas
Conservation Policy 11	The Setting of Listed Buildings
Landscape Policy 8	Landscape Standards

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

Policy S.2	-	Development Requirements
Policy S.3	-	Housing
Policy DR.1	-	Design
Policy H.6	-	Housing in Smaller Settlements
Policy HBA.6	-	New Development within Conservation Areas
Policy CF.2	-	Foul Drainage

**2.5 Much Marcle Parish Design Statement****3. Planning History**

3.1 None on site. However there have been two recent planning permissions on the paddock/orchard in front of the site and one in the garden of the applicant's house, i.e. on the southern side of house:

DCSE2003/3290/F	Erection of one dwelling	-	Planning Permission 18.02.04
DCSE2003/3347/F	Erection of 4 dwellings and relocation of vehicular access	-	Planning Permission 18.02.04
DCSE2004/1990/O	Site for erection of one bungalow	-	Outline Planning Permission 16.03.05

**4. Consultation Summary**Statutory Consultations

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

Internal Council Advice

4.2 The Traffic Manager recommends that any permission includes a condition relating to parking provision.

4.3 The Conservation Manager has no objections to the revised drawings from an architectural point of view. He also has no objections to the trees being removed as they are of no significance. In addition, he considers that as the site is within the medieval core of the village a condition should be imposed on any planning permission granted requiring an archaeological watching brief during development.

**5. Representations**

5.1 The applicants agent observes:

"The site lies within the settlement boundary of Much Marcle where new dwellings are acceptable. Planning permission has been granted last year for five dwellings in applicant's garden and orchard. This current application site is the last undeveloped plot of land on the applicant's property.

The proposed dwelling will be masked by the approved dwellings fronting the village street and its siting and design would complement these dwellings. The proposed dwelling would not harm the Conservation Area and the whole housing scheme would achieve a higher density in accordance with PPG.3 'Housing'.

Following discussions with the Council's Conservation Officer the proposed dwelling has been reduced in height and repositioned further away from the existing cottage. This will reduce the visual impact of the proposed dwelling upon the Conservation Area and neighbouring property."

5.2 The Parish Council observe:

"Much Marcle Parish Council have 3 objections to this application and 4 with no objections, but all believe it is against the Village Design Statement. Double Density, etc. This is also what the village was afraid would happen on this plot of land. Is there any point in objecting in view of the last application going through?"

The Parish Council have been re-consulted on the revised drawings and their comments are awaited.

5.3 Three letters of objection have been received from:

Ms. E. Wood, Greenway Cottage, Much Marcle, Ledbury, HR8 2LY  
Mr. G. Mason, Toll House Cottage, Much Marcle  
Mr. & Mrs. R. J. Howes, The Forge, Much Marcle, Ledbury, HR8 2LY

The main points being:

- together with the existing dwelling the proposal will result in eight dwellings on this property, i.e. garden and orchard, which will result in the overdevelopment of the land
- the whole character of this part of the village will be altered
- local residents objected to the previous proposals for houses but were ignored by the Council
- futility of opposing scheme as the Council will again fail to protect the environment, interpret the Village Design Statement perversely and disregard problems with stormwater and drainage
- proposal contravenes the Much Marcle Parish Design Statement which states that new housing development should use a variety of sizes and forms in small groups; not in further estates
- the planning committee is obviously in pay of the government who are bent on cramming new houses into unsuitable rural environments
- can the mains sewage system cope with the increased demand generated by all the current and proposed developments taking place. Recent smells due to 'backfilling' of sewage to some properties. Severn Trent have now agreed to deal with problem
- concerns with respect to increased traffic along B4024. Current extensions to Hall and School have no additional parking provision. The extra traffic generated by the new housing development will compound existing problems
- during school hours the B4024 is an accident waiting to happen. Traffic surveys should be carried out to fully evaluate situation and the results communicated to residents before any decisions are made.

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

## **6. Officers Appraisal**

- 6.1 The main issues relate to the principle of placing a new dwelling on this site, the design and size of the building and its relationship with the surrounding environment, adjacent dwellings and the traditional character of the village. The most relevant policies are H.16A, H.18 and CTC.9 in the Structure Plan, and also Housing Policies 3 and 17 and Conservation Policy 2 in the Malvern Hills District Local Plan.
- 6.2 The proposed site is within the approved settlement boundary for the 'larger village' of Much Marcle and as such the general principle of erecting a dwelling on this site is considered to be acceptable. The size and design of the dwellinghouse is also considered to be acceptable with respect to its setting within the village and its relationship with nearby dwellings. The proposed dwelling will not be in a prominent position and will in any case be largely hidden from general view by the row of five houses, recently approved but not yet built, in the orchard located between the application site and the B4024 Class II road which runs through the village.
- 6.3 The proposed dwelling is sited and designed so that it will not adversely affect the residential amenities of the occupants of any of the nearby dwellings. It will not over-dominate nor adversely overlook any of the adjacent dwellings. The proposed access and parking arrangements are also considered to be acceptable.
- 6.4 There have been objections received from local residents with respect to this development. However it is considered that the development as a whole will be in the form of a group of dwellings as opposed to a housing estate. Also the Severn Trent Water Ltd has no objection to the proposed development subject to the imposition of a condition relating to drainage disposal. With respect to the traffic, the Council's Traffic Manager does not raise any objections.
- 6.5 All the relevant observations, representations, planning policies and guidance have been fully taken into account in the evaluation of the proposed development and it is considered that the proposed development is acceptable. The letters of objection have made references to the Much Marcle Parish Design Statement. However it is considered that the proposed development is not contrary to the provisions of this document.
- 6.6 It should be noted that in the emerging Unitary Development Plan, Much Marcle is not designated as a 'main village' suitable for new residential development but is in fact designated as a 'smaller settlement' where there are greater restrictions on granting planning permission for new housing development and where such approval is far less likely. However there have been objections received to the proposed Policy H.6 for 'Housing in Smaller Settlements' in the Unitary Development Plan – Revised Deposit Draft. The Inspector's report, following the Public Inquiry into the Unitary Development Plan is awaited. Consequently, at this stage, Policy H.6 can only be given limited weight in the determination of this application.

## **RECOMMENDATION**

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

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



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

**2. A09 (Amended plans)**

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

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

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

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

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

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

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

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

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

**Informative(s):**

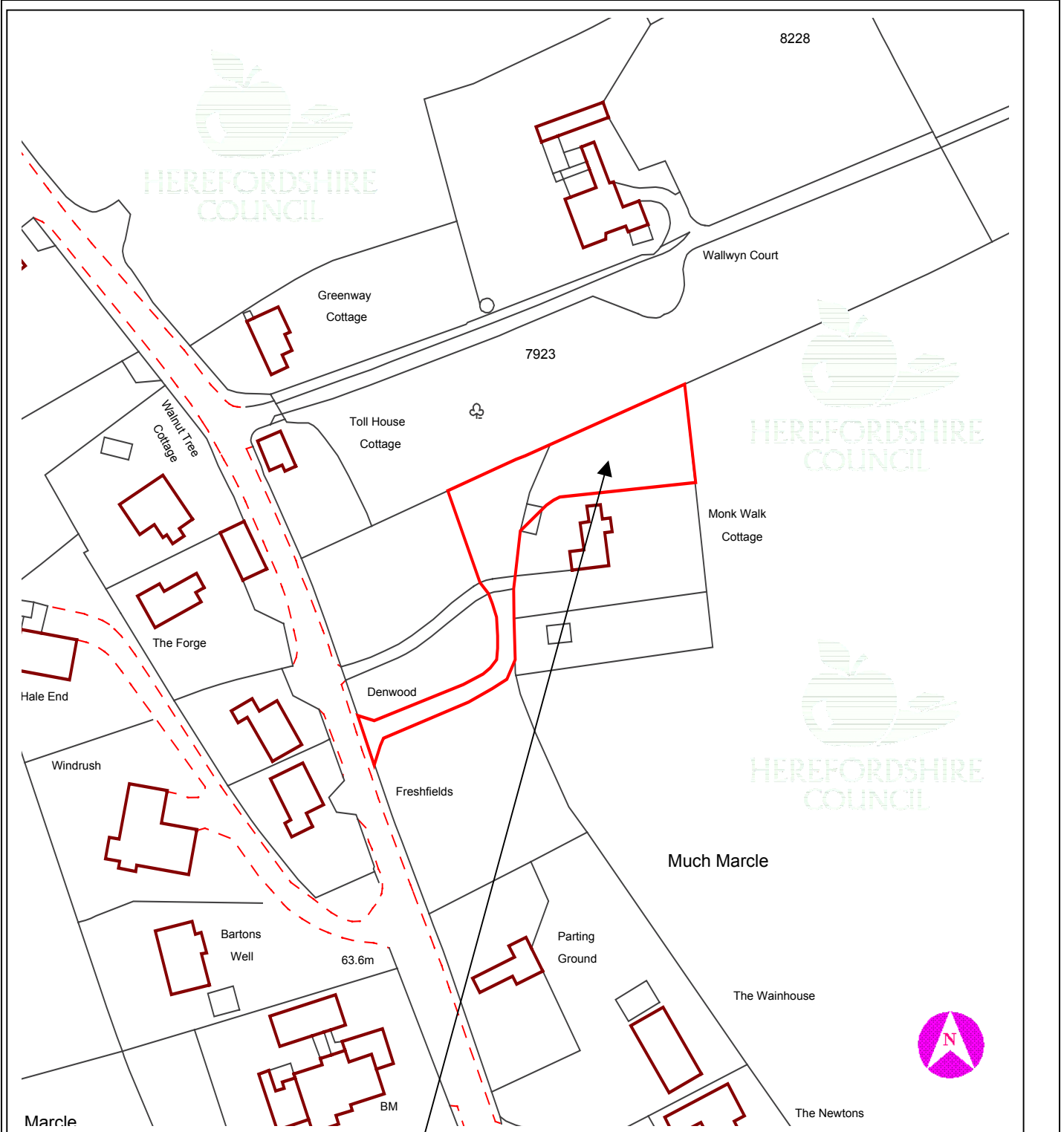
- 1. N03 - Adjoining property rights**
- 2. N14 - Party Wall Act 1996**
- 3. ND03 - Contact Address**
- 4. N15 - Reason(s) for the Grant of Planning Permission**

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2005/2648/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land adjoining Monk Walk Cottage, Much Marcle, Ledbury, Herefordshire, HR8 2LY

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**8 DCSE2005/0843/F - CONVERSION OF PART SCHOOL BUILDING WITH EXTENSION TO 2 NO. DWELLINGS AND THE CONSTRUCTION OF 4 NO. NEW DWELLINGS, LAND AT LEA PRIMARY SCHOOL, LEA, ROSS-ON-WYE, HEREFORDSHIRE**

**For: Mr. M. Savidge per Andrew P Jones Associates,  
Hollybank House, Stockwell Lane, Cleeve Hill,  
Cheltenham, GL52 3PU**

**Date Received: 16th March 2005**

**Ward: Penyard**

**Grid Ref: 65672, 21762**

**Expiry Date: 11th May 2005**

Local Member: Councillor H. Bramer

**1. Site Description and Proposal**

- 1.1 This site at Lea is located within the approved 'larger village' settlement boundary designated for the village and flanks the north western side of the A40 Trunk Road which runs through the village. The site itself was formerly the village primary school and comprises the school building and attached dwelling (school house) with a playground area at the rear. There is an existing vehicular access onto the Trunk Road.
- 1.2 There is also an existing access driveway and access adjacent to this (school) access which leads to Village Hall and car park. There are two fields on either side of the site. However the small field immediately to the south-west of the site is currently the subject of a planning application for 11 dwellings (ref. No. DCSE2005/1396/F - Land off The Brambles).
- 1.3 This current application (subject of this report) is for the creation of an additional residential unit at the main school building. This will involve changing the use of the original section of this building and erecting a two-storey extension onto the original dwelling. The more modern extensions at the rear of the school will be removed. The proposed development also involves the erection of four dwellings (semi-detached) in the rear playground area. As a result of this proposed development there will be six dwellings on this site, i.e. five new dwellings plus the existing dwellinghouse. The existing vehicular access to the school will be removed, the existing stone wall on the road frontage set back to improve visibility and parking spaces allocated for the new dwellings with access onto the existing village hall driveway.

**2. Policies**

**2.1 Planning Policy Guidance**

PPS.1	-	Delivering Sustainable Development
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 CTC.9 - Development Criteria

**2.3 South Herefordshire District Local Plan**

- Policy GD.1 - General Development Criteria
- Policy C.2 - Settlement Boundaries
- Policy C.29 - Setting of a Listed Building
- Policy C.36 - Re-use and Adaptation of Rural Buildings
- Policy C.37 - Conversion of Rural Buildings to Residential Use
- Policy C.43 - Foul Sewerage
- Policy SH.6 - Housing Development in Larger Villages
- Policy SH.8 - New Housing Development Criteria in Larger Villages
- Policy SH.14 - Siting and Design of Buildings
- Policy SH.15 - Criteria for New Housing Schemes
- Policy SH.24 - Conversion of Rural Buildings
- Policy T.3 - Highway Safety Requirements
- Policy T.4 - Highway and Car Parking Standards

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

- Policy S.2 - Development Requirements
- Policy S.3 - Housing
- Policy DR.1 - Design
- Policy H.4 - Main Villages Settlement Boundaries
- Policy H.16 - Car Parking

**3. Planning History**

- |     |                |  |   |                                       |
|-----|----------------|--|---|---------------------------------------|
| 3.1 | SH940869JZ     | Extension to playground area   | - | No objections 19.07.94                |
|     | SE1999/2607/O  | Site for 1 dwelling on outdoor play area   | - | Outline Planning Permission 20.03.00  |
|     | SE1999/2608/F  | Change of use of existing school building to two dwelling units in connection with existing and established school house                         | - | Planning Permission 16.03.00          |
|     | SE2003/0273/RM | Erection of two-storey dwelling and garage (amended plans)   | - | Approval of Reserved Matters 27.05.03 |
|     | SE2005/1273/F  | Variation of condition 1 of outline planning permission ref. No. SE1999/2607/O to provide a further two years before commencement of development | - | Planning Permission 27.06.05          |

#### 4. Consultation Summary

##### Statutory Consultations

##### 4.1 The Highways Agency observe:

“With respect to the further information in support of the application received by the Agency it is considered that this additional information has addressed the Highways Agency concerns and as such the previous holding objection is withdrawn.”

##### 4.2 English Heritage observe:

“Do not intend to comment in detail but an opportunity should be taken to remedy the large window on front gable. The application should be determined in accordance with the relevant policies, guidance and advice.”

##### 4.3 Dwr Cymru Welsh Water advise that certain conditions relating to drainage be imposed on any planning permission.

##### Internal Council Advice

##### 4.4 The Conservation Manager has no objection to the revised drawings from an architectural point of view subject to conditions imposed on any permission with respect to external materials.

#### 5. Representations

##### 5.1 The applicant's agent states:

- the revised drawings show visibility splays in both directions at the access road of 2.4 x 90 metres. The scheme includes the provision of a footpath adjacent to access road
- with regard to traffic flows the proposals will result in a reduction in traffic using the access road when compared to the existing planning status of a school.

##### 5.2 The Parish Council state:

“Grave concerns over highway safety. Many more vehicle movements from site. Over-development of site leading to need for parking of vehicles on other side of this already busy entrance to school and village hall. Vehicles will cut across footpath which school children use on daily basis. Design of new houses not in keeping with old school buildings.”

##### 5.3 A letter of objection has been received from:

S. R. & B. Coates, 1 The Brambles, Lea, Nr. Ross-on-Wye, HR9 7SY

The main points being:

- do not think there is a need for such infill of modern housing
- narrow footpaths for pedestrians

- on school days up to 70 various vehicles arriving to park and drop off children plus delivery vans with various traffic in evenings attending village hall
- at weekends there have been caravans, wedding receptions and jumble sales, etc
- must get priorities right.

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/creating new dwellings on this site, the impact on the visual amenities and character of the area and also road safety issues, i.e. the visibility and use of the access point from the existing driveway onto the Trunk Road. The most relevant policies are GD.1, SH.6, SH.8, SH.14, SH.15 and T.3 of the Local Plan.
- 6.2 The site is located within the 'larger village' boundary of Lea, where new residential development in principle is considered to be acceptable. There have been previous permissions for new residential development on this site, i.e. three new dwellings plus the existing dwelling on this site. The proposed development will increase this overall number by two. It is considered that the site is large enough to cater for the proposed development and that the proposed development in itself in terms of its size, design, form and layout is considered to be acceptable. The removal of the more modern extensions at the rear of the original school building will improve the look of this building. Also the small two-storey extension at the south-western end of the building is considered to be in keeping with its appearance and character.
- 6.3 The proposed development will not adversely affect the character or appearance of the area and will not adversely affect any neighbours. Nor will it adversely affect any of the new dwellings which are due to be approved in the adjacent paddock to the south-west. The proposed parking arrangements are also considered to be acceptable.
- 6.4 One of the main issues relates to the impact of the proposed development on road safety and the A40 Trunk Road. The Highways Agency were originally concerned about the proposed development and placed a holding objection on the proposal until certain details/information relating to the access point and visibility splays and also projected traffic flows had been received. These details were submitted and the Highways Agency reconsulted. The details indicated that the projected traffic flows which were likely to be generated by the proposed residential development would be far less than the traffic flows which would have been generated from the site when it was an operational school. The Highways Agency are satisfied with these details and that the access point onto the Trunk Road will, as a result of the proposed repositioning of the roadside wall, enable the required visibility to be achieved. The Highways Agency have therefore withdrawn their objections to the proposed development.
- 6.5 The proposed development is therefore considered to be acceptable and in accordance with the planning policies for the area and in particular those relating to new residential development in the Local Plan.

**RECOMMENDATION**

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

4. **Before any work commences on site full details of all new joinery, flues and vents with respect to the development of the original school building and house shall first be submitted to and be subject to the prior written approval of the local planning authority.**

**Reason:** To ensure the development is satisfactory in appearance and in keeping with the character and appearance of the original building.

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

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

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

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

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

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

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

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

9. **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.

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

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

**Informative(s):**

- 1. N03 - Adjoining property rights**
- 2. The applicant/developer should be aware that this planning permission does not override any civil/legal rights enjoyed by adjacent property owners. If in doubt the applicant/developer is advised to seek legal advice on the matter.**
- 3. N16 - Welsh Water Informative**
- 4. N15 - Reason(s) for the Grant of Planning Permission**

Decision: .....

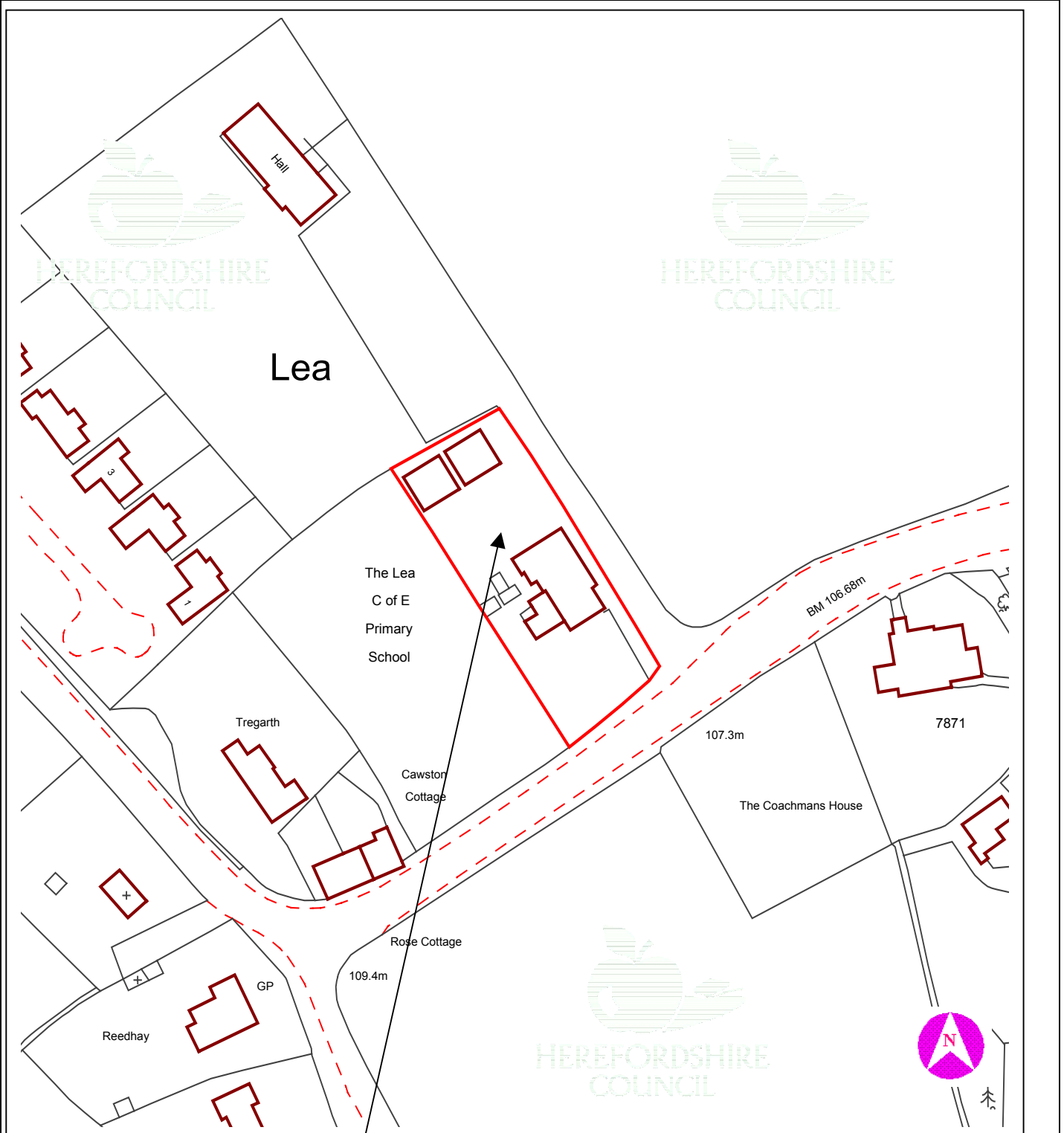
Notes: .....

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**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** DCSE2005/0843/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land at Lea Primary School, Lea, Ross-on-Wye, Herefordshire

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**9 DCSW2005/2516/F - ERECTION OF REPLACEMENT DWELLING AND GARAGE, MOUNT PLEASANT, KINGSTHORNE, HEREFORD, HEREFORDSHIRE, HR2 8BA**

**For: Mr. & Mrs. Morgan per Mr. P. Martin, 19 Scotch Firs, Fownhope, Hereford, HR1 4NW**

**Date Received: 1st August, 2005**

**Ward: Pontrilas**

**Grid Ref: 50907, 32685**

**Expiry Date: 26th September, 2005**

Local Member: Councillor G.W. Davis

**1. Site Description and Proposal**

- 1.1 The application site is reached off the north-western side of Barrack Hill, as this unclassified road (u/c 71609) straightens at Ellerslea. Mount Pleasant is 100 metres uphill from its access point onto Barrack Hill, which is opposite Netherwood, a modern split-level dwelling.
- 1.2 It is proposed to erect a replacement dwelling some 11 metres to the south-west of the existing cottage. On the site of the cottage a garage and store is proposed. The two-storey dwelling will be constructed out of facing brick under a slate effect roof. The upstairs accommodation being within the roof space. A single-storey lean-to element on the east elevation will be horizontally boarded. Redland stone will be used in the lower portion of the chimney and on the walls for the bay window. It is 14.7 metres long, 7.3 metres wide on the ground floor (12 metres long upstairs) and 8.15 metres to the ridge. The garage/store building is 8.3 metres long and 6.1 metres wide, and 6.2 metres to the ridge. The elevation to the lane (east) will be built from reclaimed stone that will continue as at present south-westerly along the boundary. The other elevations will be built with facing brick and boarding at the gable ends above eaves level, again as for the house under a slate effect roof.

**2. Policies**

**2.1 Hereford and Worcester County Structure Plan**

Policy H.16A	-	Development Criteria
Policy H.20	-	Residential Development in Open Countryside
Policy CTC.2	-	Area of Great Landscape Value
Policy CTC.9	-	Development Criteria

**2.2 South Herefordshire District Local Plan**

Policy GD.1	-	General Development Criteria
Policy C.1	-	Development within Open Countryside
Policy C.8	-	Development within Area of Great Landscape Value
Policy SH.11	-	Housing in the Countryside
Policy SH.21	-	Replacement Dwellings

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

- Policy H.7 - Housing in the Countryside Outside Settlements
- Policy H.13 - Sustainable Residential Design

### 3. Planning History

3.1 None identified.

### 4. Consultation Summary

#### Statutory Consultations

4.1 Forestry Commission raise no objections.

#### Internal Council Advice

4.2 Traffic Manager has no objections with the proviso that parking is to Council standard.

### 5. Representations

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

- intend to reclaim materials, the design being based on a cottage style approach
- client's family have lived on site for over 100 years
- existing dwelling of poor construction, in particular the roof timbers, first floor truss and purlins beyond repair
- walls of inferior stone, attempts made to render it over years by wash rendering
- areas of loosely jointed stone
- considerable evidence of rising damp
- main ground floor is simply of earth, previously being brick paved with no damp membrane.

5.2 Aconbury Parish Meeting make the following observations:

"We accept the existing dwelling is not currently suitable in the context of a modern family home, and the principle of replacement causes little problem in this instance. Several people would regret the loss of a piece of local history and are a bit distressed to see it described in such derogatory terms, but a general passion for replacement seems to be superceding the passion for renovation.

We do not know if it is appropriate to replace the existing cottage with buildings of the size proposed. There are discrepancies on the drawings concerning windows and porches so it is not properly clear what would be covered by permission.

We hope the ridge height of the proposed garage would be no more, or better still less than, the existing two-storey house, to minimise the visual obstruction of this blank piece of structure from the track."

### 5.3 Little Birch Parish Council make the following observations:

“Proposed new house very large (210m squared). New house not on site of existing cottage. Cottage site replaced with garage (annexe). Replacement dwellings should be of similar size and scale to existing and use part or whole of the footprint of existing cottage, as previous applications have had to abide by. Therefore this application does not comply with Policy for Rural Development. It would be a great shame to see cottage at the base of woods in open countryside demolished and replaced with new.”

“Agree with initial comment. although new house is sensitively designed, it is out of scale. The old cottage is of some historical interest and its faults are no more than those in many refurbished properties. It should not be demolished.”

“I agree with initial comment. I do not believe the applicants own the whole of the property enclosed by the red line. A public ungated lane splits the property. The small saw yard on the north-west was completely separate. Delivery lorries used this lane to deliver feed to Rock Cottage when it was a working smallholding. It appears the lane has been annexed into the property. Title deeds should be inspected to confirm ownership.”

“There would appear to be strong objections to this application both on size and position. The apparent loss of public right of way is also concerning.”

“Obviously the cottage is in need of replacement or serious refurbishment. In view of its position directly onto the lane we should not object to repositioning. Agree that new size is too large. Also agree that the ownership and lane access should be questioned.”

“As you can appreciate from these comments, there are very strong views concerning all aspects of the application. I would appreciate that you take these comments on board and investigate some of the legalities questioned.”

### 5.4 One letter has been received from:

Mr. R. Derham, Upper House Farmhouse, Barrack Hill, Kings Thorn, HR2 8BA

The following main points are made:

- do not object, stone preferable, but choice of facing brick in terms of colour and texture
- trust garage doors will be faced in hardwood to match existing joinery
- if conservatory is considered need more details.

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. Officer's Appraisal

- 6.1 The main points are considered to be those criteria relating to policies for replacement dwellings set out in Policy SH.21 in the South Herefordshire District Local Plan, which is not dissimilar to Policy H.7 in the emerging Unitary Development Plan. This relates to the desirability of keeping the existing cottage, the size of the replacement dwelling and garage, and finally the siting of the new dwelling.

- 6.2 The cottage has some architectural and historic interest. It has though been badly maintained such that damp has got in and the roof timbers in particular would need replacing. The stonework has, it is understood, been rendered in such a way that the building has retained moisture and dampness, given that, as would be expected on a dwelling of such an age, there is no damp proof membrane. It is considered on balance that the existing dwelling although of some local interest is not one of such architectural or historic interest, and given its present state of repair that would be desirable to retain.
- 6.3 The materials selected for the new dwelling would need to be sympathetic, in particular the facing brick. The external materials would be the subject of a planning condition, in the event that planning permission is granted, as well as for other finishes, i.e. joinery, gutters and garage doors.
- 6.4 The size and scale of the replacement dwelling is a key factor in any determination of applications for replacement dwellings. Whilst it is considered that the length of the proposed dwelling is acceptable, the width would need to be reduced, this would in turn reduce the height of the dwelling to a height that although higher than the cottage replaced is one more comparable to the cottage replaced. The garage would also need to be reduced in height such that the area available for storage is mostly under the ridge. Aconbury Parish Meeting's observations that the garage proposed is almost comparable in height to the existing dwelling is endorsed. Whilst modern buildings are generally longer and higher nevertheless both buildings need to be reduced in scale and massing.
- 6.5 The final issue is one relating to the residential curtilage for the proposed dwelling. The curtilage as proposed constitutes a large portion of land, notwithstanding the fact that an established hedgerow crosses the site as indicated in the Ordnance Survey extract plan that accompanied the application. In addition, a parcel of land has been included to the north-west of Mount Pleasant which is sub-divided from the property by a track that it is stated in the Little Birch Parish Council's observations as not being in the applicant's ownership. Whilst the siting for the proposed dwelling is not on that of the existing cottage, the garage proposed is on the site of the existing cottage. The siting of the new dwelling is not considered such that it runs counter to Development Plan policies for replacement dwellings. The applicant's agent will it is understood reduce the scale of the scheme as required, reduce the curtilage and take the parcel of land to the north-west that has a modern farm building on it out of the curtilage. The applicants have been made aware of the issues raised as to ownership, however this matter falls outside the remit of this application and does not directly affect the issue of residential curtilage.
- 6.6 There are considered to be no other planning considerations subject to the receipt of suitably amended plans in relation to the dwelling, garage and definition of site curtilage that would reasonably prohibit granting planning permission.

## RECOMMENDATION

**That subject to the receipt of revised plans relating to a reduction in size and scale of the dwelling, garage and curtilage of the new dwelling, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:**

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

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

2. A07 (Development in accordance with approved plans)

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

3. B01 (Samples of external materials)

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

4. Details of materials and finishes to all doors, including garage doors, windows and external boarding shall all be the subject of the prior written approval of the local planning authority before any development commences on site.

Reason: To ensure the satisfactory appearance of the development

5. E16 (Removal of permitted development rights)

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

6. The existing dwelling shall be demolished prior to the date of first occupation of the replacement dwelling. All materials shall be removed from the site to the satisfaction of the local planning authority, save those being used in the construction of the dwelling, garage or driveway.

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

7. G04 (Landscaping scheme (general))

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

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

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

9. H10 (Parking - single house)

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

Informative(s):

1. The details for the future conservatory do not form part of the application. This structure would require planning permission.

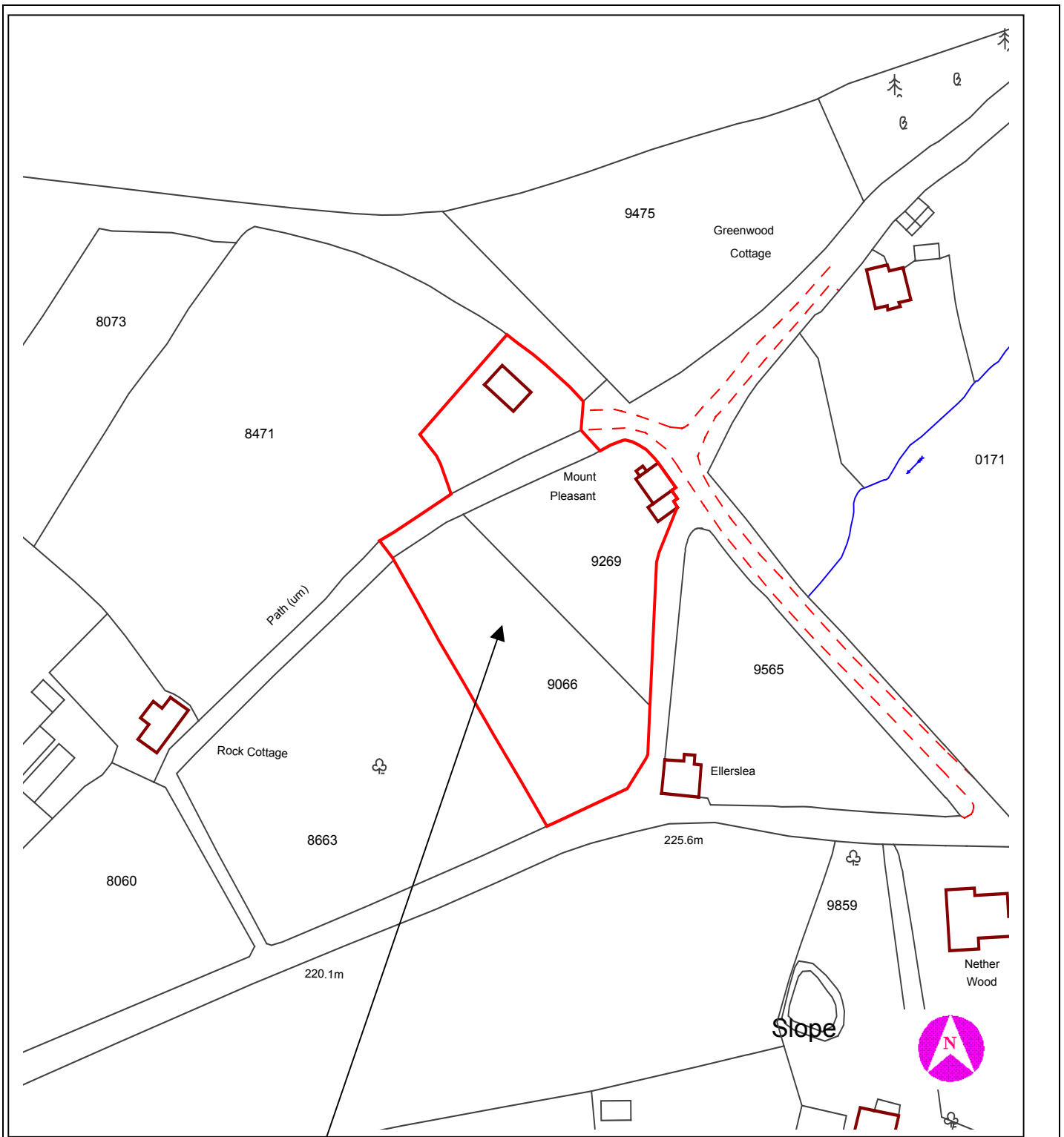
2. N15 - Reason(s) for the Grant of Planning Permission

Decision: .....

Notes: .....

Background Papers

Internal departmental consultation replies.



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**APPLICATION NO:** DCSW2005/2516/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Mount Pleasant, Kingsthorpe, Hereford, Herefordshire, HR2 8BA

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**10 DCSE2005/2343/F - REFURBISHMENT AND CONVERSION OF EXISTING DERELICT BARN TO RESTAURANT AND CREATION OF NEW CAR PARKING FACILITIES SERVING EXISTING HOTEL AND NEW RESTAURANT, TOGETHER WITH ASSOCIATED JUNCTION IMPROVEMENT WORKS, CASTLE LODGE HOTEL, WILTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6AD**

**For: Mr. & Mrs. J. Felices per Peter Barnes Associates,  
Rhys House, James Street, Ebbw Vale, NP23 6JG**

**Date Received: 15th July 2005**

**Ward: Llangarron**

**Grid Ref: 58880, 24388**

**Expiry Date: 9th September 2005**

Local Member: Councillor Mrs. J.A. Hyde

**1. Site Description and Proposal**

- 1.1 The application site comprises a substantial stone barn and adjoining land, situated in the angle between the A40 trunk road, the B4260 leading to Ross-on-Wye and the unclassified village road leading to Wilton Castle. Planning permission for conversion of the barn to a conference centre and construction of a car park was granted planning permission on 25th September, 2002 and for conversion to a restaurant and construction of a car park on 15th October, 2003.
- 1.2 The current proposal is a revised scheme for conversion to a restaurant. In this proposal there would be two additions to the building: a single-storey lean-to extension at the rear and an entrance lobby and staircase at the front. The former would be about 7.8m x 4.5m and incorporate food preparation areas and wc's; the latter would be about 4.1m wide x 2.1m deep x 5.7m maximum height. The entrance staircase would be partly curved to follow the line of the staircase, with timber cladding and partly glazed with a wooden entrance door. The roof would be copper sheeting. The ventilation slits would be re-opened and glazed and the rear wagonway would have full height glazing with hardwood external doors. Each roof slope would have two sets of paired rooflights and set within a clay tiled roof.
- 1.3 The scheme differs from that previously approved primarily in the addition of the lean-to and entrance/staircase but would be distinctly different in its internal arrangement. In the new proposal all the wc's would be on the ground floor rather than just the disabled wc and the food would be prepared within the main area of the restaurant rather than a separate kitchen. The central staircase would replace the two internal staircases previously approved. The reasons for these changes are set out in paragraph 5.1 below.
- 1.4 The proposed car park would occupy the open area to the south-west of the barn. There would be spaces for 55 cars with additional planting mainly along the road leading to Wilton Castle and by the roundabout. A new vehicular access would be formed about 40m from the junction of that road with the B4260, with a 2.4m x 33m

visibility splay. The narrow village road would be widened to 5.5m for the whole of this section with a new stone boundary wall (600mm high). A pedestrian entrance and path would be formed as a link between hotel and restaurant.

## 2. Policies

### 2.1 Planning Policy Guidance

PPS1	Delivering Sustainable Development
PPG4	Industrial & Commercial Development & Small Firms
PPS7	Sustainable Development in Rural Areas
PPG13	Transport
PPG15	Planning and the Historic Environment
PPG16	Archaeology & Planning
PPG21	Tourism

### 2.2 Hereford and Worcester County Structure Plan

Policy E6	Industrial Development in Rural Areas
Policy E8	Industrial Development in Rural Areas
Policy E9	Industrial Development in Rural Areas
Policy E20	Tourism Development
Policy CTC1	Areas of Outstanding Natural Beauty
Policy CTC2	Development in Areas of Great Landscape Value
Policy CTC5	Archaeology
Policy CTC7	Landscape Features
Policy CTC9	Development Criteria
Policy CTC13	Conversion of Buildings
Policy CTC14	Conversion of Buildings
Policy CTC15	Conservation Areas
Policy TSM1	Tourism Development
Policy TSM3	Tourism Development

### 2.3 South Herefordshire District Local Plan

Policy GD1	General Development Criteria
Policy C1	Development within Open Countryside
Policy C2	Settlement Boundaries
Policy C3	Criteria for Exceptional Development Outside Settlement Boundaries
Policy C4	Areas of Outstanding Natural Beauty Landscape Protection
Policy C5	Development within Areas of Outstanding Natural Beauty
Policy C6	Landscape and Areas of Outstanding Natural Beauty
Policy C7	Areas of Outstanding Natural Beauty
Policy C8	Development within Areas of Great Landscape Value
Policy C9	Landscape Features
Policy C20	Protection of Historic Heritage
Policy C22	Maintain Character of Conservation Areas
Policy C23	New Development Affecting Conservation Areas
Policy C30	Open Land in Settlements
Policy C34	Preservation and Excavation of Important Archaeological Sites
Policy C36	Re-use and Adaptation of Rural Buildings
Policy ED3	Employment Proposals within/adjacent to Settlements
Policy ED5	Expansion of Existing Businesses
Policy ED6	Employment in the Countryside
Policy ED7	Re-use and Adaptation of Rural Buildings for Employment/Tourism Use

Policy TM1	General Tourism Provision
Policy TM3	Extensions to Hotels and Inns
Policy T1A	Environmental Sustainability and Transport
Policy T3	Highway Safety Requirements
Policy T4	Highway and Car Parking Standards

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

Policy LA1	Area of Outstanding Natural Beauty
Policy LA3	Setting of Settlements
Policy HBA6	Development within Conservation Areas
Policy HBA8	Locally Important Buildings
Policy HBA12	Re-use of Rural Buildings
Policy E10	Employment Proposals within or adjacent to Main Villages
Policy T11	Parking Provision

### 3. Planning History

3.1	SH910820PF	Conversion of existing barn to a dwelling	-	Approved 07.01.92
	SH951204PF	Change of use of land and barn (with extension) to vehicle hire centre with offices with valleting room.	-	Refused 05.02.96
	SH960935PF	Change of use of land and barn (with extension) to vehicle hire centre with offices with valleting room.	-	Refused 05.02.96
	SH961463PF	Conversion of existing barn to a dwelling.	-	Approved 02.06.97
	SE2002/1765/F	Change of use to redundant barn into conference centre and construction of new car park.	-	Approved 25.9.02
	SE2003/2164/F	Relocation of restaurant to barn and construction of new car park and alterations to existing car park	-	Approved 15.10.03
	SE2004/3888/F	Refurbishment and conversion of existing derelict barn to restaurant and creation of new car parking facilities serving existing hotel and new restaurant, together with associated junction improvement works	-	Withdrawn 28.02.05

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Highways Agency "has continued to liaise with the developer's consultants to address the safety concerns previously highlighted and I can confirm that we have now received revised plans identifying an improved mitigation package, we have also agreed and received PICADY assessments that have been based on more robust future year scenarios and these demonstrate that the junction will continue to function acceptably.

In light of the above the Highways Agency's revised response under Article 14 of the Town and Country Planning (General Development Procedure) Order 1995 is one of no objections to the proposals subject to a condition requiring mitigation measures."

- 4.2 Welsh Water recommend that conditions be imposed regarding drainage of the site.
- 4.3 English Heritage do not comment in detail but "express concern that the present proposal should not result in too intensive and too visually insistent a use of the site. It would be harmful to the setting of the castle if its approach was dominated by a high volume catering operation and its associated car park. In that context we would particularly draw your attention to the visual impact of the car park layout as proposed - it really should be much softer and greener if it is to be appropriate to its location. We have doubts about the projection of the stair and entrance from the main doors of the barn, but we defer to the advice of your conservation team on design matters concerning this building. Providing that the issues we have identified are addressed, we recommend that this case should be determined in accordance with government guidance, development plan policies and with the benefit of any further necessary conservation advice locally."

#### Internal Council Advice

- 4.4 Traffic Manager comments:

"Further to receiving additional traffic assessment information and viewing the proposed revisions to layout and access the Traffic Manager's comments are as follows:

There is an extant permission for a restaurant and car parking and I am of the opinion that the current application will not result in a significant increase in traffic generation over the granted permission. The proposal also includes further highway works to improve vehicle movements in Wilton Lane. In view of these points there are not grounds for refusal on highway issues."

- 4.5 Conservation Manager observes:

"The rear lean-to is handled in a traditional lean-to, a not uncommon feature on barns. The front extension is quite modern and contemporary in its approach. This is a 'honest' architectural approach, i.e. not pretending that it is contemporary with the main barn itself. Some wall fabric is removed between dining/male wc/lobby. As intimated previously, the former scheme achieved the conversion within the volume of the existing barn and satisfied requirements of the Council's Supplementary Planning Guidance (SPG). It has been pointed out to the applicant and his architect that this latest scheme conflicts with the Council's SPG in this regard (see paragraph 4.1 iv).

Additionally, I am concerned regarding the condition of this fabric in as much as I have previously mentioned its deterioration. I note that no measures have been put in place to prevent further deterioration and a structural engineer's report has not been submitted, as far as I am aware. I further appreciate that you will wish to consider the applicant's statement where he sets out his reasons for the proposals and 'need' for this latest submission

With regard to the layout and landscaping, this is an inferior, less attractive scheme than that approved (drawing no. 483:04 as part of SE2003/2164/F). The car park layout should be re-designed to match the layout originally submitted and approved in order to provide acceptable landscaping.

An archaeologically sensitive location and a site investigation will be necessary.”

- 4.6 Head of Community and Economic Development has no objection to the proposal.
- 4.7 Head of Environmental Health recommends a condition regarding a ventilation scheme.

## 5. Representations

5.1 The applicant's agent has submitted a detailed justification of the changes from the approved scheme and an accompanying Design Statement. These are in summary:

1. The approved application does not conform to the requirements of the Disability Discrimination Act 1995 or the Buildings Regulations Part M.
2. To correct this the dining spaces would be reduced to about 29 on ground floor and 10 on first floor and would not overcome inherent defects in layout (e.g. toilets on first floor and poor functional relationships).
3. Most diners prefer to eat at a ground floor table and are reluctant to use first floor - majority of business would therefore be based on available 29 ground floor seats but this would not prove to be viable.
4. An extension for toilets only and improved layout would provide 18 ground floor seats and 24 on first floor, which again is not a feasible number for a commercial operation.
5. Proposed scheme would provide about 36 ground floor seats, 24 first floor seats, a total of about 60 - which is commercially viable and meets Disability Discrimination Act and Part M requirements.
6. Dining/circulation is 113m<sup>2</sup> compared to 111.5m<sup>2</sup> of approved scheme, i.e. no effective change.
7. The Council's policies are to retain agricultural structures and where practicable return to commercial use. Commercial viability should be given full sympathetic consideration, especially in relation to Disability Discrimination Act and Part M of Building Regulations.
8. Principal entrance would create a more significant focal point with a fully automatic solid door set in a glazed screen with no visible transoms or mullions, semi-circular stairs and back lighting from full height glazing.
9. A traffic assessment study has been submitted and discussed with the Highways Agency - its conclusion is that little or no impact on vehicular movements compared to current levels or resulting from previous approval.

5.2 The Parish Council observes:

1. No objections to plans concerning the refurbishment of the derelict barn or creation of new car parking facilities.
2. The Parish Council is not satisfied with the proposals to improve the junction at the Wilton roundabout and has grave concerns regarding road safety issues should this development proceed.

5.3 Twenty-three letters have been received objecting to the proposal. In summary the reasons cited are as follows:

1. inappropriate and out of scale commercialisation of small scale residential area in Conservation Area and Area of Outstanding Natural Beauty - such areas need protecting but would be seriously harmed by this development
2. car park would occupy whole field thereby detracting visually from the area and causing light pollution - planting and hedges which gave some screening have already been removed
3. there would inevitably be more traffic at an extremely busy and dangerous set of junctions
4. it is common knowledge that hotel and barn being marketed on basis of attracting more traffic off the trunk road and investment required needs very significant increase in customers to be worthwhile - a fast food outlet for the trunk road is planned, open 7am to 11pm (and all night?)
5. proposal is self-standing business, no longer ancillary to hotel unlike conference centre - this would be permission for a new use gained by stealth
6. consequently volume of traffic on very busy junctions are certain to rise - traffic impact study is flawed: increase would be from 50 to 72 seats (44%) not just 4 seats; no allowance for external seating or bar customers; could become high turnover outlet (e.g. Harvester, Toby Inn); no up to date data on traffic movements
7. roundabout already at capacity and any increase will inevitably lead to fatalities; compounded by petrol filling station/fast food outlet on opposite side of B4620 with difficult access onto roundabout
8. this would result in unacceptable number of traffic movements in residential area to detriment of local amenity; local people are campaigning to make area safer and general problems should be addressed before further traffic along lane are countenanced
9. widening lane will worsen matters, with increased speeds and car park entrance nearer to roundabout with disastrous consequences (there are 4 domestic garages near proposed entrance with cars reversing into lane
10. nine years ago when considerably less traffic, permission for vehicle hire, which would have generated far fewer vehicles, was refused
11. conversion scheme completely out of keeping with barn and its historic setting near castle and conflicts with policies to discourage extensions - changes so extensive existing barn would disappear
12. to allow exception would lead to irresistible pressure for further extension here and elsewhere; precedent would have been set
13. proposal conflicts with Council Policy GD.1
14. negative impression would be created at entrance/gateway to Ross-on-Wye
15. successive applications since 2002 and each time commercial potential of site main aim with no regard to amenities and safety of local area
16. conditions to control noise, lighting, overnight parking, hours of opening and keep hotel and restaurant linked are suggested but it is not considered that condition would effectively control volume of traffic or protect local amenity
17. objector considers that it is significant that the Traffic Manager, Landscape Officer, English Heritage, and CPRE all object to the proposal
18. in summary only justification is that proposal is for conversion of a barn but this is at cost of barn's original character, loss of its setting, increase traffic at very busy junction and serious harm to local residents' amenities.

- 5.4 8 additional letters of objection have been received responding to the amended layout and highway works. Previous concerns are re-iterated and in summary the following comments:
1. local residents have been totally ignored and concerns not taken seriously – very little consideration given to mitigation of such a large intrusive development
  2. site can never be made safe for proposed increase in traffic such a business will need – more seats, more traffic, more danger
  3. survey relates to traffic generated by approved scheme not this application – this should be looked at again; numerous questions regarding traffic implications remain outstanding
  4. realignment of verge off 'B' road would speed traffic turning into lane from roundabout but increase danger for vehicles turning right into lane
  5. Regional Manager of Highways Agency is quoted: "I cannot understand why the planning officer has not refused this application and share your concerns regarding road safety ... I believe this warrants a full enquiry."
  6. 134 signature petition was submitted in respect of previous application and no material change other than seating capacity would increase from 50 to 74 or 90 as stated by applicant in press – petition should be taken into account
  7. recent meetings between Highways, Paul Keetch and local residents, and agreed that major problems surrounding Wilton roundabout – but how would proposed lane widening make junction safer and how can decision be made without taking rest of junction into consideration?
  8. has applicant right to improve what is Parish land?
  9. footway from car park to B4260 will result in car park without any control
- 5.5 The Access for All Committee note with approval the provision of disabled parking spaces and disabled wc's.

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 barn is a traditional rural building with stone walls and pantiled roof. Although very close to the A40 trunk road it is of local significance and contributes to the character of the area. It is included within Wilton Conservation Area but is just outside the defined limits of the settlement. The barn has deteriorated structurally over the past year or so, with a partial collapse of the roof structure and attention is required soon if the building is to have a long term future. This is only likely if a viable use can be found. Planning permission has been given on two occasions for residential conversion but despite marketing has not been developed for this purpose, presumably because of proximity to the A40(T). A commercial use is therefore the only realistic use in prospect and the principle has been accepted by earlier planning permissions for use as conference centre or restaurant.
- 6.2 Nevertheless the application property is close to a residential area and vehicular access is along a lane also used by local residents. Furthermore the lane joins the B4260 close to the junction of the road with the A40(T) and A49(T) at Wilton roundabout. The key issues therefore are whether the proposed development would be compatible with the need to ensure highway safety, the amenities of local residents and the character of Wilton Conservation Area.

- 6.3 The highway issues have been carefully considered by both the Highways Agency and the Traffic Manager. With respect to flows along the trunk road network the Highways Agency is satisfied that the additional traffic flows at the roundabout would not have a significant effect on congestion and consequently would not prejudice highway safety. The junction of the lane leading to the hotel and barn with the B4260 is about 50m from Wilton roundabout and opposite the entrance to Wilton Garage (petrol filling station with café). Traffic movements at this junction are potentially hazardous especially turning right towards the roundabout with traffic leaving the roundabout towards Ross or seeking to enter/exit Wilton Garage. Nevertheless improvements to the lane are proposed and could be required by planning condition. These would improve the junction with the B4260 and widen the minor road for the short section (about 40m) that would be used by most hotel/restaurant users. In the Traffic Manager's opinion these benefits would off-set the increase in traffic compared to the smaller restaurant for which planning permission has already been granted.
- 6.4 A major concern of objectors, stated in many of the letters, is that the barn will become a fast food outlet rather than an adjunct to the Castle Lodge Hotel. The marketing of the hotel seems to objectors to contradict the stated intention of the applicants that the proposal is to provide better restaurant facilities for the hotel not a free-standing restaurant. The ownership of the hotel/restaurant is not a relevant planning consideration. Nevertheless in view of traffic concerns both Highways Agency (in relation to the earlier application) and the Traffic Manager recommended that conditions linking hotel and restaurant and prohibiting a take-away service be imposed. It is accepted that a restaurant catering for motorists could attract more custom than the present hotel restaurant proposal. It would not be unreasonable therefore to limit the number of seats to 60 (i.e. an increase of about 20% over the previous intention) and to limit hours when meals can be served.
- 6.5 With regard to resident's amenities the main concern is traffic noise. Several houses are close to the lane and some increase in noise from vehicles entering and leaving the car park and manoeuvring within it can be expected. Nevertheless given the high ambient noise levels the increase over the approved scheme is not considered to be so serious as to justify refusal of planning permission. There is scope for ample planting to mitigate the otherwise harsh appearance of a large car park and external lighting can be controlled by planning condition.
- 6.6 The Council's policies do not encourage extensions to barns to facilitate conversion. The approved restaurant did not include extensions but, on the evidence submitted by the applicant's agent (see paragraph 5.1) that scheme needs to be modified to comply with statutory requirements and this may well limit its commercial viability as a restaurant. In these circumstances and bearing in mind the physical condition of the building I consider that in principle minor extensions to facilitate development can be accepted. However reservations have been raised by English Heritage and the Head of Conservation as well as local residents regarding the design and external appearance of the entrance/staircase extension. The Head of Conservation advises that the design problems could be overcome and the applicant has agreed to reconsider this aspect of the proposal. Similarly the proposed landscaping of the car park is not acceptable but with careful consideration this may be remedied. The earlier scheme did include a satisfactory landscaping scheme and the principle of a car park in this location has been accepted. It is concluded therefore that provided acceptable amendments are made the proposal should not harm the character and appearance of Wilton Conservation Area.



**RECOMMENDATION**

That subject to submission of acceptable revised drawings of the entrance/staircase extension and car park layout and landscaping the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

1. **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. **C04 (Details of window sections, eaves, verges and barge boards)**

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

5. **C05 (Details of external joinery finishes)**

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

6. **No external flues or extraction equipment shall be installed at the premises without the prior written approval of the local planning authority.**

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

7. **C09 (External repointing)**

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

8. **C10 (Details of rooflights)**

**Reason:** To ensure the rooflights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of this building of [special] architectural or historical interest.

9. **C11 (Specification of guttering and downpipes)**

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

10. **C18 (Details of roofing)**

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

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

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

**12. The use hereby permitted shall only be open to customers between 8am and 11pm daily and shall only serve meals between 8am and 9.30am, 12 noon and 2pm, and 6pm and 11pm daily.**

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

**13. The restaurant hereby approved shall only be used for purposes ancillary to the hotel known as Castle Lodge Hotel and within Class C1 of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that order with or without amendment) and shall not be used as a separate restaurant or for any other purpose within Class A3 of that Order.**

**Reason: To define the terms of the permission and in the interests of safe and free flow of traffic on the highway and the amenities of neighbours.**

**14. No take-away service shall be carried out from the restaurant hereby approved.**

**Reason: To define the terms of the permission and in the interests of safe and free flow of traffic on the highway and the amenities of neighbours.**

**15. The restaurant and car park hereby permitted and the Castle Lodge Hotel shall not be sold, let or leased separately from each other, and the car parking shall be permanently available for use by both the restaurant and the Castle Lodge Hotel.**

**Reason: To ensure that car parking facilities are readily available for both premises and to protect the amenities of neighbouring dwellings.**

**16. F18 (Scheme of foul drainage disposal)**

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

**17. F22 (No surface water to public sewer)**

**Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.**

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

**Reason: To safeguard local amenities.**

**19. F40 (No burning of material/substances)**

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

**20. G13 (Landscape design proposals)**

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

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

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

**22. G15 (Landscaping implementation)**

**Reason: To ensure the site is satisfactorily landscaped.**

**23. G17 (Protection of trees in a Conservation Area)**

**Reason: To ensure the proper care and maintenance of the trees.**

**24. G37 (Access for disabled people)**

**Reason: In order to ensure that the development is fully accessible.**

**25. G40 (Barn Conversion - owl box)**

**Reason: In order not to disturb or deter the nesting or roosting of barn owls which are a species protected by the Wildlife and Countryside Act 1981.**

**26. No development shall commence upon the application site unless or until the mitigation measures as shown on drawing number 1427.03B have been completed to the satisfaction of the local planning authority after consultation with the Highways Agency.**

**Reason: In the interests of highway safety and as directed by the Highways Agency.**

**27. H03 (Visibility splays)**

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

**28. H05 (Access gates)**

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

**29. H13 (Access, turning area and parking)**

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

**30. H21 (Wheel washing)**

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

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

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

**32. H29 (Secure cycle parking provision)**

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

**33. The car park hereby approved shall not be used for the overnight parking of commercial vehicles, caravans or mobile homes at any time.**

**34. 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.

**Informative(s):**

- 1. NC01 - Alterations to submitted/approved plans**
- 2. NC02 - Warning against demolition**
- 3. ND03 - Contact Address**
- 4. HN01 - Mud on highway**
- 5. HN04 - Private apparatus within highway**
- 6. HN05 - Works within the highway**
- 7. HN07 - Section 278 Agreement**
- 8. HN10 - No drainage to discharge to highway**
- 9. HN13 - Protection of visibility splays on private land**
- 10. HN17 - Design of street lighting for Section 278**
- 11. HN22 - Works adjoining highway**
- 12. N15 - Reason(s) for the Grant of Planning Permission**

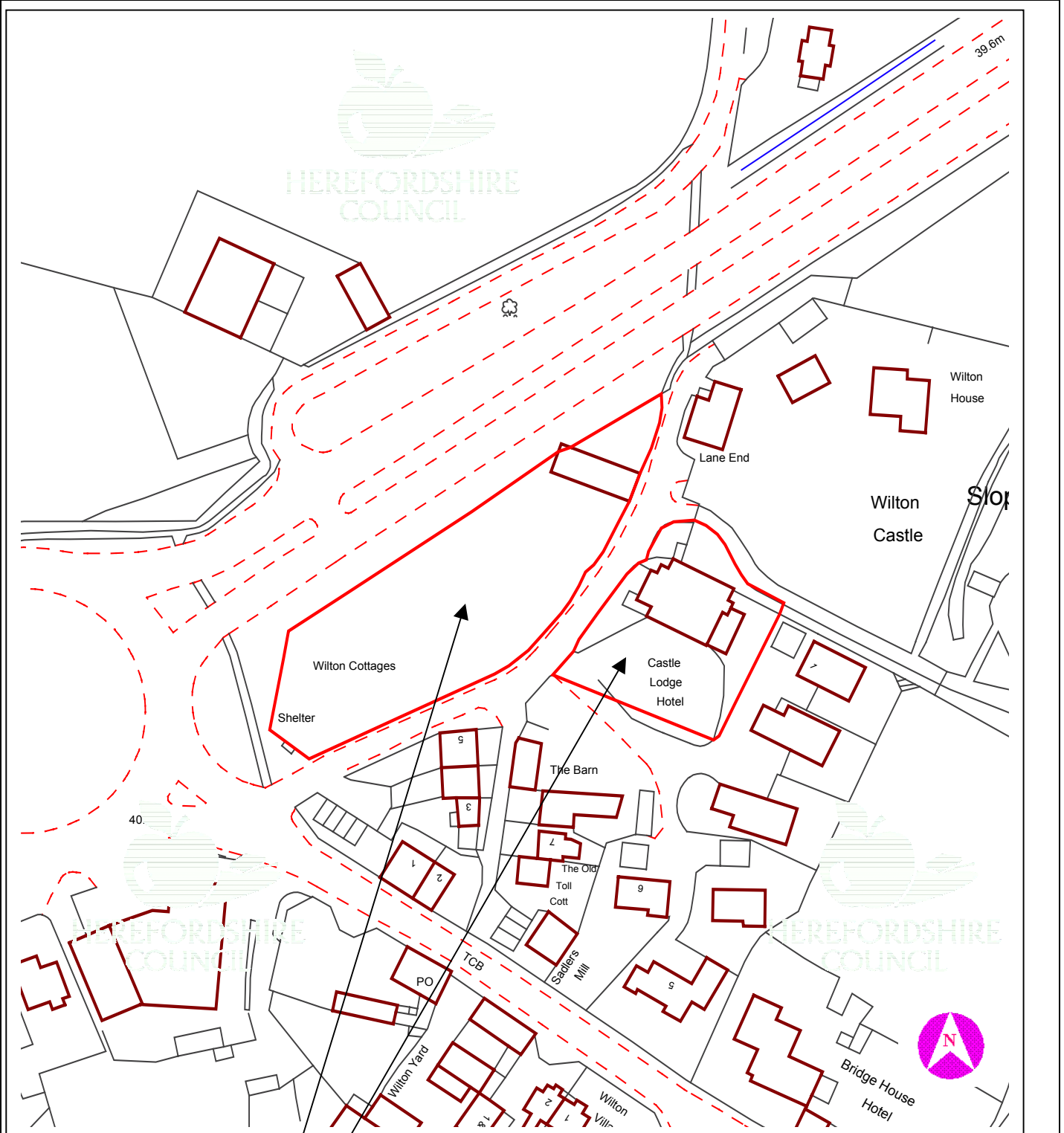
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2005/2343/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Castle Lodge Hotel, Wilton, Ross-on-Wye, Herefordshire, HR9 6AD

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**11 DCSE2005/2651/F - CONSTRUCTION OF 32 HOLIDAY APARTMENTS AT HARTLETON FARM, BROMSASH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SB**

**For: Hartleton Village Ltd per Trevor Hewett Architects, 25 Castle Street, Hereford HR1 2NW**

**Date Received: 10th August, 2005    Ward: Penyard and Old Gore    Grid Ref: 64696, 25611**

**Expiry Date: 5th October, 2005**

Local Members: Councillor H. Bramer and Councillor J.W. Edwards

**1. Site Description and Proposal**

- 1.1 The application site is on the south-west side of Hartleton Water, one of the two man-made lakes in open countryside between Crow Hill and Bromsash. The lakes are close to the M50 motorway to the north-east. The site forms a natural amphitheatre with lines of trees along the north-western and south-western boundaries and a number of mature trees along the lakeside. There are several houses, including Hartleton, a listed former farmhouse about 100m to the north and a converted barn about 250 m to the south-east, in addition to Hartleton Farm a modern farmhouse which is within the application site. The land on both sides of the lake does not seem to be intensively used for agriculture, if at all. Access to the site is to the north-west along a long track only a part of which is tarmacadamed to the B42245 at South Herefordshire Golf Club.
- 1.2 It is proposed to erect 32 holiday chalets. The chalets would be two-storey detached buildings with one holiday unit on each floor i.e. 16 buildings in all. Each unit would comprise a two-bedroom flat with combined living/dining/kitchen and a bathroom. A first-floor balcony would project at the front of each building. Access to the first floor would be up an external staircase (one between each pair of buildings) and a short walkway. The chalets would be arranged in two informal rows: the northern row would be quite close to the lake, the southern row would be further back into the site. The chalet buildings would have a variety of external materials, with a stone plinth, boarded or rendered above with clay tile roofs. The vehicular access road would cut diagonally between the two rows to two car parking areas at the rear of the chalets, which would be linked by footpaths.
- 1.3 As submitted the proposal included a further 12 chalets in 6 buildings on the opposite bank of the lake. This part of the application has been withdrawn.
- 1.4 The scheme is intended as an alternative to an earlier proposal for 30 chalets (60 holiday units) for which outline planning permission was granted in 1988. This proposal was part of a wider leisure development at Hartleton but apart from a golf course and golf driving range (South Herefordshire Golf Club) has not been developed. Planning permission for the chalets was renewed in 1995 but for 22 chalets (44 units) as Hartleton Farm was to be built on part the original site. This was renewed again in 1999 and on appeal in 2000. Works to form an access were undertaken to implement this permission during 2003.

## 2. Policies

### 2.1 Planning Policy Guidance

PPS7	-	Sustainable Development in Rural Areas
PPS9	-	Biodiversity and Geological Conservation
PPG21	-	Tourism

### 2.2 Hereford and Worcester County Structure Plan

Policy TSM1	-	Tourism Development
Policy TSM2	-	Tourism Development
Policy TSM6	-	Tourist Accommodation
Policy CTC9	-	Development Criteria

### 2.3 South Herefordshire District Local Plan

Policy TM1	-	General Tourism Provision
Policy TM5	-	Proposals for Small Guesthouses, Bed and Breakfast And Self-Catering Accommodation
Policy TM6	-	Holiday Caravan/Chalet/Camp Parks
Policy C1	-	Development Within Open Countryside
Policy GD1	-	General Development Criteria
Policy ED8	-	Farm Diversification
Policy C9	-	Landscape Features
Policy C13	-	Protection of Local Nature Conservation Sites
Policy C14	-	Ponds and Wetlands
Policy C16	-	Protection of Species

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

Policy S8	-	Recreation, Sport and Tourism
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR4	-	Environment
Policy LA2	-	Landscape Character and Areas least reliant to Change
Policy RST1	-	Criteria for Recreation, Sport and Tourism Development
Policy RST12	-	Visitor Accommodation
Policy RST13	-	Rural and Farm Tourism Development
Policy RST14	-	Static Caravan, Chalets and Camping and Touring Caravan Sites

## 3. Planning History

3.1	SH861405PO	New access road and 45 holiday chalets	-	Refused 18.02.87
	SH870594PO	New access road and 30 holiday chalets	-	Approved 26.09.88
	SH891228PM	30 holiday chalets	-	Approved 6.11.89
	SH931077PF	22 holiday chalets	-	Approved 10.7.95
	SS980398PF	Renewal of permission for 22 chalets	-	Approved



19.4.99

SE99/2612/F	Removal of conditions 5, 10 and 11 of -	Allowed
	SS980398PF	3.7.2000
SE2004/3958/F	Construction of 44 holiday chalets -	Withdrawn
		14.2.05

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 West Midlands Regional Assembly confirms that the proposal is in General Conformity with the Regional Spatial Strategy (RSS).
- 4.2 Environment Agency has no objections to the proposed development and notes that a discharge consent has been granted for the proposed package treatment plant.

##### Internal Council Advice

- 4.3 Traffic Manager recommends that conditions be imposed to effect access via B4224 not off Fordings Lane which is very narrow and passing bays would need to be provided. The proposed development will affect public footpath LTR1 and the developer should ensure that the access track is of sufficient width to ensure vehicles can pass pedestrians safely. The Drainage Engineer points out that under storm conditions Rudhall Brook can flood adjacent land and it will be necessary to restrict flows from the site to that of existing run-off (10 litres/sec/ha) recommended by Environment Agency must be regarded as maximum rate and may need to be reduced.
- 4.4 The Conservation Manager comments:

"I note that units 1-12 have been removed from the scheme. In my opinion this is a positive step forward and I would not wish to raise objections from an architectural point of view.

Hartleton Water is large in scale, being approximately one kilometre in length and linear in form. It is a Special Wildlife Site, designated mainly for its bird interest but with a known use by otters, great crested newts and water voles, all protected species. The land between the lake and the M50 is described as 'Wooded Hills and Farmlands' by the County Landscape Character Assessment (LCA).

On landscape grounds, I cannot support this application. Although the site is adjacent to the farmhouse, the only other dwellings visible are two cottages on elevated ground adjacent to the M50. The development, as a whole, would greatly intensify development in the stream valley. This would be out of keeping with the sparse settlement pattern in this area. With regard to this landscape type 'Wooded Hills and Farmlands' developing housing on greenfield sites would be inappropriate. The LCA SPG states that 'Opportunities for additional housing should respect the settlement pattern and be concentrated on the existing clustered communities in order to maintain the low settlement density'.

The development would be highly visually intrusive and would have a harmful effect on the character of the countryside. The site is very prominent, because it is on a north-east facing slope. This development is very large in scale in relation to the farmhouse.

It would be readily visible from the public right of way and would thus detract from the amenity of this route. The development would therefore be contrary to Policy C1 'Development within Open Countryside' and Policy C9 'Landscape Features' of the South Herefordshire District Local Plan (1999).

Notwithstanding the above, I am aware that permission already exists for similar development on this site. The current application is an improvement in terms of design and visual impact. I have met the applicant's Landscape Architect on site and discussed the proposals with him. The submitted plans reflect these discussions. If permission is granted we will require more detailed landscape proposals and details of tree protection.

I support the removal of units 1-12 as indicated on the revised drawings. These units were situated remotely from the other proposed development and in a totally unrelated location. Notwithstanding this, my original objections to the overall development still stand. However, if permission is granted, I consider that the layout and overall landscape proposals are probably the optimum for the development of the site.

The ecological survey is deficient in many respects and does not adequately identify potential protected species issues or address impact upon them for such a large development. The survey does not provide sufficient evidence that the nature conservation value of the site and its surrounding environs is safeguarded. Recommend that proposal not be determined until comprehensive surveys are carried out for protected species together with a submission of rigorous mitigation and enhancement proposals."

- 4.5 Herefordshire Wildlife Trust does not consider that the ecological assessment has done enough survey to establish the presence or status of protected species particularly regarding great crested newts and otters. Evidence of otter spraint was documented in August 2005. Very strongly recommend that application be withdrawn until further, more detailed and accurate survey work is undertaken.
- 4.6 Director of Adult and Community Services comments that:

"We do currently have an oversupply of self-catering accommodation for the tourism industry in Herefordshire and I would be concerned if this development were to receive planning permission. I understand that planning cannot be determined on the amount of competition in the area but I feel that an application of this scale would seriously impinge on other self-catering businesses in the county. I wonder if the applicants have considered if this is going to be part of a much larger development e.g. will it be an activity centre or is it going to be a time-share development if the development is likely to be developed in this way then my comments would be more supportive."

## 5. Representations

- 5.1 The applicant's agent has submitted a Design Statement which in summary, states as follows:
- (1) Background  
The current scheme is a redesign of a previously withdrawn application. The changes to the design have been as a direct result of discussions with planning officers.

## (2) Site Description

Both banks to the lake are on steeply sloping ground. This has had a major influence on the positioning and layout of the holiday units. The site is located adjacent to Hartleton Water. A full ecological study of the site has been made and the report has been included with the application documents. A previous application for holiday apartments was granted permission after appeal for removal of conditions (ref no APP/W1850/A/00/1039625).

## (3) Design Considerations

To minimise the impact of units 13-44, they have been positioned along and follow the contours of the site. The approach is to give the effect of simple "chalets in the woods". The landscape proposal is of a deliberately "simple" nature, reinforcing the existing tree patterns and softening the edges of existing arable fields to form 'meadow' like structures. The access paths and roads will be finished in natural aggregates compatible with reasonable access. During discussions with the conservation officer, it was agreed that the colours found in the flora of the surrounds should provide inspiration for the colours used on the cladding of the apartments. The units have been designed to give a rural character using local vernacular and simple materials.

## (4) Materials

A "strong" base of either local limestone or a combination of stone and render anchors the units to the landscape. A timber clad upper storey gives local character and is stained using a range of colours. Changes of plane in the timber façade give interest and depth. Timber balconies and stone piers are varied over four types (A1, A2, B1 and B2) to give further variety. Slight variation in fenestration gives interest and variety around the building. A summary of cladding materials used:

Roof	Plain clay tiles "Rosemary"
Masonry Bases	Forest of Dean limestone buttresses with rendered flank walls
Balconies	Mainly stained softwood
Paths	Bound aggregate finish – flush edges
Roads (to 13-44)	Bonded aggregate finish – no kerbs

The appearance of the apartments in summertime is of barn-like structures peeping between a fairly dense coverage of mature trees which exist at the front of both banks of the site. The colours will be an effective "camouflage" both in summer and winter.

The car parking for the development has been grouped into amorphous shapes following the existing contours very closely. The position and finish of the parking areas behind the units means that there will be very little visual impact on the landscape.

## (5) Conclusion

We believe that the careful consideration of design, materials and landscape treatment have resulted in a scheme which is sympathetic to and in harmony with the surroundings.

In addition an Ecological Assessment has been submitted the conclusions of which are as follows:

Most of the habitat is improved and semi-improved species-poor grassland with small areas of broadleaved woodland. In addition the site contains two large areas of standing water. The standing water and woodlands present on site are considered to be of County value as they are habitats of ecologically viable size that are included in the Herefordshire Biodiversity action Plan (BAP). The site is considered to be of Parish value for badgers, the assemblage of breeding birds and as a bat feeding area.

The majority of habitats found on site will be retained within the development, with a small loss of semi-improved species-poor grassland (of Negligible value). The main ecological impact of the development is the proposed temporary exclusion of the subsidiary badger sett to allow access to the site for development. Exclusion will be in line with best practice guidance and is unlikely to result in any long term effect on the badger population. Mitigation measures will also help to ensure the conservation of reptiles and breeding birds. In addition, landscape proposals provide for ecologically sensitive management of areas of the site once development has been completed.

A detailed justification of the survey has also been submitted.

## 5.2 Linton Parish Council make the following comments:

“The Parish Council does not support this application for the following reasons:

- (1) It is a departure from the Hereford and Worcester County Structure Plan and the SHDLP. We do not consider there are any material planning considerations that would merit a departure from these plans.
- (2) The development would seriously conflict with the Environment Strategy of the Local Plan, which states in various parts that:
  - a) Development proposals must have regard to the need to maintain and enhance the environmental quality of the area.
  - b) The location of development should contribute to reducing the need to travel.
  - c) Areas of wildlife and nature conservation are to be afforded the appropriate protection. Built environment is to be of a high quality and sympathetic in scale and character with the surroundings.

We suggest this development of 44 apartments and the attendant traffic generated would negate this strategy.

- (3) This complex would not fulfil the general development criteria, Policy GD1 in respect of ‘Design and Setting’, ‘Highway and Transport’, ‘Landscape and Environmental Impact’.

We are unable to support an application that contravenes this policy.

- (4) The overall aim of the SHDLP with regard to tourism, as stated, is to encourage the development of tourism and related facilities for the benefit of both residents and visitors without detriment to the environment or disruption of community life.

The Parish Council does not consider that this holiday complex would meet this aim. It does not comply in any way with Policy TM1 general tourism provision,

Policy TM5 proposals for small guesthouses, bed and breakfast and self-catering accommodation, nor Policy TM6 holiday caravan/chalet/camp/parks.

- (5) This Planning Application would also be a departure from Planning Policies RST1, RST12 and RST14 in the emerging Herefordshire UDP.
- (6) Herefordshire Council in their SPG Landscape Character Assessment has defined this site on the 'Map of Landscape Management Objectives' as an area for 'Conservation, restoration and enhancement' furthermore Policy LA2 Landscape character and areas least resilient to change states: 'Proposals for new development that would adversely affect either the overall character of the landscape as defined by the Landscape Character Assessment and the Historic Landscape Characterisation, or its key attributes or features will not be permitted'.

The Parish Council are of the opinion that this large development would have an adverse affect on the site. We suggest that it is essential for Herefordshire Council to require an independent Environmental Impact assessment to be made.

- (7) The Ecological Assessment of land at Hartleton Farm carried out by Casella Stanger on behalf of the developer does not appear to be of a sufficiently rigorous nature to accurately assess the wildlife and the impact such a large development would have on the area. Their report under Methodology shows the contacts made to collate biological records. A member of the Parish Council spoke to Francesca Griffiths, Conservation Manager of Herefordshire Nature Trust; she had no recollection of any contact with Casella Stanger.

We consider it would be advisable for Herefordshire Council to request a further independent survey of a more reliable nature.

- (8) The main objectives for the conservation of biodiversity in planning are stated to be 'Survey and Appraise'. 'Retain and Protect'. These objectives will not be achieved if this development is allowed to proceed.
- (9) Hartleton is within the Wye Local Environment Agency Plan (LEAP) and Hartleton Water is River Ecosystem Class 3, i.e. water of fair quality suitable for high-class coarse fish populations. It does not appear from the plans that sufficient consideration has been given to the affect of extra surface water from the site or the foul water system. The outfall from the Sewage Treatment Plant serving units 1-12 would flow directly into Hartleton Water. If the anticipated performance of this sewage treatment plant is comparable to the existing plant serving the present buildings on the south side of the lake, which discharges into the Rudhall Brook below Drummonds Dub, then this situation is totally unacceptable. The effluent from the existing plant, which must be working at very much below design capacity, is polluting the brook. The proposed action of LEAP is to promote a sustainable approach to land management that improves landscapes, habitats and water quality. It further states that the whole of the Wye LEAP area is of great natural beauty and its protection needs to be given high priority to ensure its maintenance for future generations. To give planning permission for this holiday complex would completely jeopardise these aims.

- (10) It has also been noted that the Wye Lea holiday centre, which is approximately 5 miles from the Hartleton site has failed to create a viable business and has been given planning permission for a change of use to retirement homes. Therefore it is unlikely that 44 holiday apartments at Hartleton would be an economic proposition for any developer. Herefordshire Council's tourism officer is reported to have told Planning Officers that there is an over-supply of this kind of holiday accommodation and that fewer people are taking this kind of break. If planning permission is given for the holiday complex at Hartleton it seems likely that it will prove to be unviable and attempts would be made to obtain a change of use to residential property and the apartments marketed as individual permanent dwellings – to the detriment of the area. It would mean that a beautiful unspoilt valley with a public footpath running along its length would be lost forever.

The Parish Council has received numerous letters, telephone calls and visits from parishioners who object very strongly to this development and these have been taken into account. At a public meeting last week the large number of parishioners attending were asked if anyone wished to speak in favour of the development, no one wished to do so.

However, whilst taking all submissions into account Linton Parish Council has considered this application in accordance with the South Herefordshire Local Plan and Supplementary Planning Guidance. Our conclusion is that there are no other material planning considerations to be taken into account. This application is considered to be an over development of the site which, if allowed would be an unacceptable departure from all the relevant planning policies and should be refused.”

### 5.3 Upton Bishop Parish Council make the following comments:

“We are completely opposed to this application. The project, if it goes ahead, will create a new settlement in the open country and is contrary to the parish plan and the adopted planning policies of the Herefordshire Council. The traffic implications are considerable as the road to the project is already very busy and the Parish council is already looking into traffic calming. Due to our concerns a public meeting is to be held so members of the public can express their views.

The Parish Council are still completely opposed to this [amended] application for the reasons stated. Also we believe that the original planning was with the South Herefordshire District Council and do not feel that it can be renewed 4 times. The ecological report authorship is doubtful. This we feel must be treated as a new application.”

### 5.4 Upton Bishop Parish Council also reports a public meeting held on 5th September 2005 and attended by 48 members of public plus some Councillors. The general consensus was that size of development would be detrimental to the area, ecological impact would be devastating and excess traffic would raise serious safety issues. Specific concerns (in summary) included:

- (1) development in open countryside contrary to parish plan and adopted council policies,
- (2) ecological report not wholly satisfactory - Council should carry out own survey,

- (3) increase in traffic a major concern both on lane leading to site and through village of Upton Bishop,
- (4) what stops permanent residential and how enforced?
- (5) original proposal would bring employment to the area - no longer the case, so what benefit to local communities?

5.5 46 letters have been received including a letter from Paul Keetch MP plus a petition with 140 signatures objecting to the proposed development. In summary the main reasons are as follows:

- (1) there can be no justification for a development of this size in a rural location of natural beauty - it is too dense and out of proportion with the area,
- (2) the natural beauty of the lakes would be ruined by this intrusive and highly visible development, completely out of character; one objector referred to visual sprawl along M50 margins,
- (3) quietness and tranquillity would be lost - a fragile habitat currently enjoyed by locals, people, wildlife enthusiasts, anglers, walkers,
- (4) all 10 nearby houses are of stone (sandstone not limestone) and two-storey timber-clad buildings would be at odds with these historic/listed buildings,
- (5) original stone chalets would blend in but now totally changed in materials, design, positioning and purpose; unimaginative,
- (6) landscaping proposal only indicative - full plans required before a decision can be made,
- (7) would destroy wildlife and their habitats - construction works and activities of holidaymakers (noise, lights, fishing, boating, jet skis?),
- (8) a special wildlife site and a County Value Site in Herefordshire Biodiversity Plan and deserves protecting - value important to wildlife has been increasing,
- (9) many objectors do not accept conclusions of Ecological Survey that no real harm and contradict the findings - there are otters, water vole and great crested newts (all endangered); a profusion of bird life (Herefordshire Ornithological Club refers to 56 breeding species including species on amber and red lists; survey either at wrong time or too superficial e.g. too late to hear 5 species of breeding warblers as they stop singing by mid-June
- (10) only large still water in area that could attract water fowl and passage waterside birds - any disturbance would move these birds from County,
- (11) any problems during construction or later e.g. leaking oil tank, rubbish will pollute the lake and cause ecological disaster,
- (12) traffic problems are a further major concern - inadequate local road network with busy, fast and dangerous stretch of road between Bromsash and Upton Bishop (B4224),
- (13) proposed access at golf club has dangerous access with limited visibility onto B4224,
- (14) track from access is 1.2 km long and with lots of children at PGL site - also follows along public footpath (LTR1) and potential danger to children, horse riders, anglers etc. Could be 100 plus cars using this track on change over day,
- (15) how will much shorter route via Fordings Lane be prohibited? This is single track, with no passing places but avoids 3 mile detour to shops and already used by workers at Hartleton Farm and have been minor accidents,
- (16) proposal is radically different from original proposal and changes in local plan forbid acceptance today - it is totally contrary to Development Plan, failing the tests of TM1 (in particular that development is small scale, can be absorbed into landscape and not visually intrusive, adequate road network, no adverse affect on amenity of surrounding land users) and TM5 only allows new building in villages or to complement existing accommodation,

- (17) also contrary to national advice PPS7 and PPS9,
  - (18) serious doubts that can limit use to holiday accommodation - currently being marketed and some objectors think these chalets will be second homes (only way to make scheme viable) and will become full time homes in due course, as has happened elsewhere,
  - (19) need for development has not been demonstrated - it is not farm diversification, will not bring local employment (as original wider scheme would have done) or benefits to local economy and is not sustainable,
  - (20) maintenance in longer term is of concern.
- 5.6 One letter has been received stating that the proposal would not appear to affect the interests of the Open Spaces Society.

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

## 6. Officers' Appraisal

- 6.1 Policy C1 of South Herefordshire District Local Plan (SHDLP) includes sustainable tourism as one of the possible exceptions which can be allowed in open countryside. However Policy C1 states that the overall aim for the countryside is to conserve its natural beauty and amenity and new development needs special justification. This is qualified further by the policies relating to tourism. Thus Policy TM1 lists a number of criteria that all tourism developments must meet. In particular development must be small scale, be absorbed into the landscape and not be visually intrusive. Although reduced in size since its original submission these 16 two-storey units cannot be considered to be small scale. The proposals as regards design, materials, layout and car parking have been well thought out and as noted above the Conservation Manager accepts that they would be appropriate and would minimise their visual impact. Nevertheless a scheme of this size would not be absorbed into the landscape but would be visually intrusive. There is a public footpath between the site and the lake from which the chalets, on slightly higher ground would be fully in view. Screening would not be practicable and would at least partially obscure the views of the lake which is one of the attractions of the site for holiday accommodation. The development would also be visible over a much wider area.
- 6.2 Furthermore Policy TM5 limits new building for tourism accommodation to villages. This limitation does not apply to chalet parks (Policy TM6). The policy does not define 'chalets' and it is not clear that these substantial buildings, which would not be prefabricated or brought onto the site fully constructed, fall within the scope of this policy. Nevertheless the criteria for acceptable development under this policy would not be met which regard to scale, harmonising into the landscape and not being visually intrusive.
- 6.3 In view of the Conservation Manager's comments and the independent views of other responsible wildlife organisations, as well as keen amateur naturalists, there is serious doubt regarding the adequacy of the ecological survey and consequently of the conclusions of the study. Consequently policies regarding nature conservation (C13 and C14) have not been met.
- 6.4 Access would be along the track towards the golf club rather than to Fordings Lane. It is accepted that enforcement of a condition proscribing access to Fordings Lane would be difficult unless some physical barrier could be erected. The Traffic Manager is



satisfied that the access to the B4224 by the golf course has adequate visibility. The traffic generated by these 32 units would not result in such high volumes that the safety of pedestrians and other users would be prejudiced. The proposal would not be sustainable however in the sense that there is no public transport link and that existing buildings would not be re-used.

- 6.5 It is concluded that the proposal conflicts with current Development Plan policies. The earlier proposal was also considered to be a departure from the Development Plan and referred to the Secretary of State. In these circumstances it is necessary to consider whether there is special justification to make an exception to the development plan. Planning permission has been granted for a comparable development (22 chalets with up to 44 holiday units) which the applicant has sought to implement. This is therefore a material consideration. The two schemes are very different architecturally, as the earlier scheme comprises terraces of stone buildings with slate roofs. These would match other buildings in the locality in materials and to a degree in design. Nevertheless the current scheme is well designed and probably more appropriate for holiday accommodation than the stone buildings which would look more permanent and more suited to a village. The external materials of the new proposal, particularly wooden boarding would be typical of non-residential buildings in the countryside. It would also be laid out to take account of the contours and to minimise the visual impact of car parking and access road. In comparison the approved scheme involves prominent covered car parking. Furthermore the scheme is smaller being limited to the site next to Hartleton Farm whereas that approved also includes an additional 6 chalets (12 units) actually on the lakeside, in a prominent location near the north-eastern end of Hartleton Water. The landscaping scheme now proposed would do more to retain the distinctive character and habitats of this attractive area than the approved landscaping. The current proposal therefore has a number of advantages over that approved. Overall I consider that it is a better scheme.
- 6.6 It has been questioned however whether the approved scheme would ever be built. There are some pointers to this. The cost of the development would be considerable (natural stone and slate) and the original permission was granted 17 years ago and has not been built (only very limited works were undertaken in order to keep the permission alive). In addition there appear to be practical difficulties in building the approved layout. It is also questioned in the representations whether the permission was implemented, as the access is that shown on the landscaping drawings rather than the approved layout.
- 6.7 If one of these schemes is constructed there would be distinct advantages favouring the new proposal. There is doubt however, although no certainty, whether the earlier development would be built. Both these considerations need to be weighed in making a decision. On balance it is recommended that permission be refused as the new proposal is clearly contrary to current policies.

## RECOMMENDATION

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

- 1 The proposed development, because of its size and location, would be very prominent and visually intrusive and thereby harm the character of the countryside. The proposal would conflict therefore with the Council's policies for tourism, in particular TSM1 and TSM6 of Hereford and Worcester County**

**Structure Plan, TM1, TM5, TM6 and C1 of South Herefordshire District Local Plan and RST1, RST12, RST13 and LA2 of Hereford Unitary Development Plan (Revised Deposit Draft).**

- 2 The Council is not satisfied that the Special Wildlife Site has been adequately surveyed and the mitigation proposed may not be adequate to protect the nature conservation interest of the site. The proposal conflicts therefore with Policies C13, C14 and C16 of South Herefordshire District Local Plan and Policies NC1, NC4, NC5, NC7 and NC9 of Hereford Unitary Development Plan (Revised Deposit Draft).**

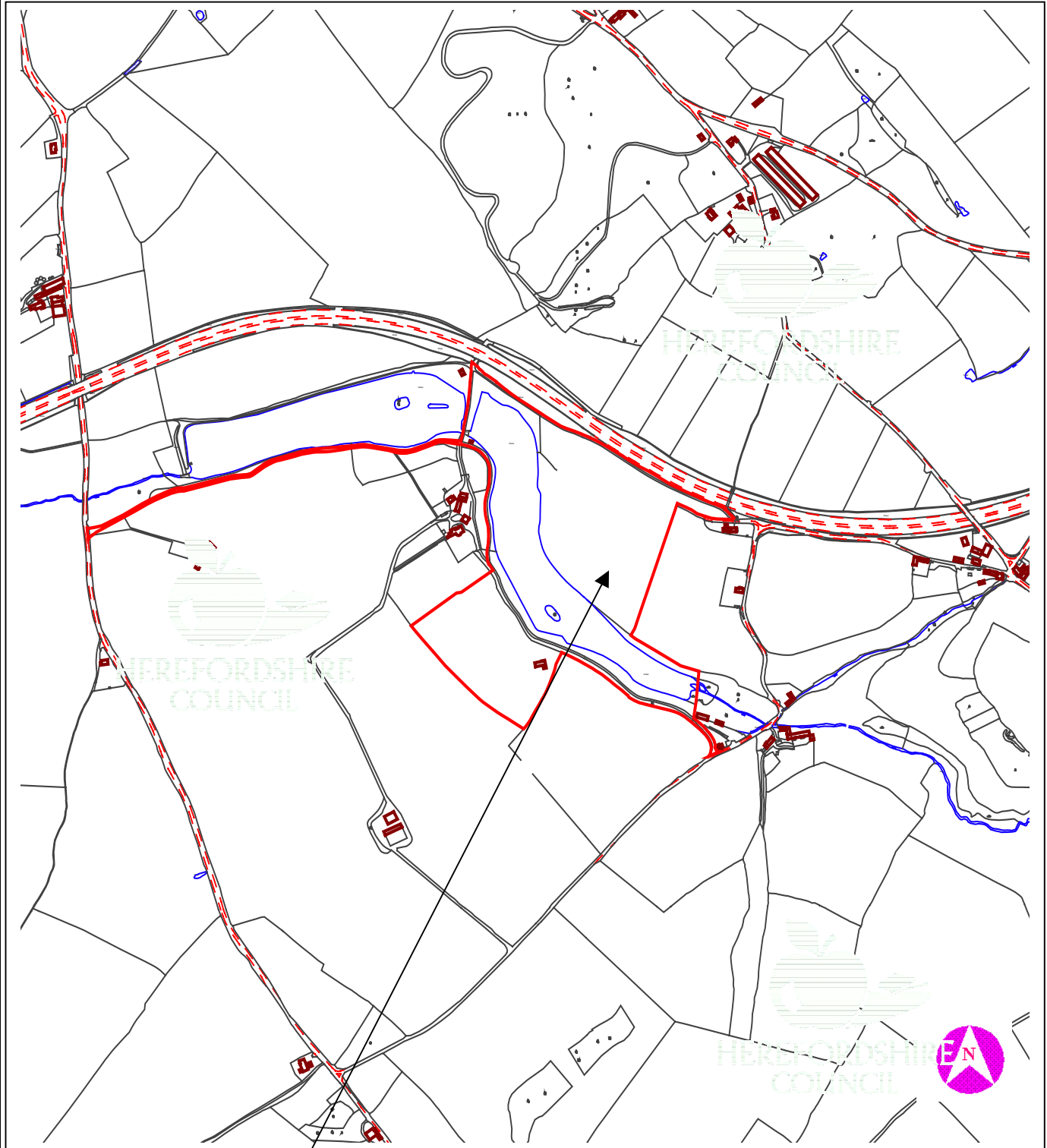
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2005/2651/F

**SCALE :** 1 : 10000

**SITE ADDRESS :** Hartleton Farm, Bromsash, Ross-on-Wye, Herefordshire, HR9 7SB

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