

# A G E N D A

## Southern Area Planning Sub- Committee

Date: **Wednesday, 15th February, 2006**

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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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# AGENDA

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

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

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

		Pages
1.	<b>APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
2.	<b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
3.	<b>MINUTES</b> To approve and sign the Minutes of the meeting held on 18th January, 2006	1 - 10
4.	<b>ITEM FOR INFORMATION - APPEALS</b> 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.	11 - 12
 <b>REPORTS BY THE HEAD OF PLANNING SERVICES</b>		
To consider and take any appropriate action in respect of the planning applications received for the southern area and to authorise the Head of Planning Services to impose any additional or varied conditions and reasons considered to be necessary.		
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.		
5.	<b>DCSE2005/4139/F - GREAT WOODEND FARM, LINTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SR</b> Use part of agricultural barn for timber from temporary to permanent use.	13 - 18
6.	<b>DCSE2005/3936/F - LAWFORDS HOUSE, WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5PQ</b> Alterations and two-storey and single-storey extensions to residential care home.	19 - 26

7.	<b>DCSE2006/0052/F - TRE-ESSEY BARNs, LLANGARRON, ST WEONARDS, HEREFORDSHIRE</b>	27 - 32
	Conversion and alterations to existing period barns to B1 catering use and one residential dwelling.	
8.	<b>DCSW2005/4060/F - TELEPHONE REPEATER STATION, ST WEONARDS, HEREFORDSHIRE, HR2 8QA.</b>	33 - 38
	Conversion of former telephone repeater station to dwelling.	
9.	<b>DCSE2005/4150/F - BUILDING TO THE REAR OF 31 BROOKEND STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7EE</b>	39 - 44
	Conversion of vacant building to two-bed residential dwelling.	
10.	<b>DCSE2005/2343/F - CASTLE LODGE HOTEL, WILTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6AD</b>	45 - 58
	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>DCSW2005/3890/O - LAND ADJACENT TO NO 7, CHERRY ORCHARD, WRIGGLEBROOK, KINGSTHORNE, HEREFORDSHIRE, HR2 8AW</b>	59 - 64
	Detached dwelling.	

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

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**MINUTES of the meeting of Southern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 18th January, 2006 at 2.00 p.m.**

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

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

**In attendance:** Councillors T.W. Hunt (ex-officio)

**102. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors M.R. Cunningham and J.B. Williams.

**103. DECLARATIONS OF INTEREST**

The following declaration of interest was made:

<b>Councillor</b>	<b>Item</b>	<b>Interest</b>
H. Bramer	Item 7 – DCSE2005/3799/F & DCSE2005/3801/F – Barn at Rudge Farm, Pontshill, Nr. Ross-on-Wye, Herefordshire	Declared a prejudicial interest and left the meeting for the duration of the item.

**104. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 21st December, 2005 be approved as a correct record and signed by the Chairman.

**105. ITEM FOR INFORMATION - APPEALS**

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

**106. DCSE2005/1284/F - STERRETTS CARAVAN PARK, SYMONDS YAT, HEREFORDSHIRE (AGENDA ITEM 5)**

*Erection of four chalets.*

The Southern Team Leader summarised the points raised in a further letter of correspondence from the applicant.

The Chairman, speaking in her capacity as the Local Ward Member, thanked the Case Officer for producing a detailed report and felt that it was a fair appraisal of the site. She thanked Members for attending the site inspection and felt that the application should be approved contrary to the Officer's recommendation. She noted that both Welsh Water, and the Environment Agency had not objected to the application and that Whitchurch Parish Council were also in support. She felt that

granting the application would result in an increase in tourism in the area and would also be beneficial to the local economy. She also felt that the log cabins would not be detrimental to the Area of Outstanding Natural Beauty.

Councillor Mrs. J.A. Hyde felt that the site visit had been beneficial to Members. She felt that the log cabins were non intrusive and that the site was extremely well run.

Councillor H. Bramer felt that the proposed log cabins were less intrusive than the current static caravans. He also noted that the amusement park was more detrimental to the Area of Outstanding Natural Beauty than the log cabins would be.

The Southern Team Leader advised Members that the South Herefordshire Local Plan acknowledged the current leisure complex and caravan park but that policy SY2 clearly stated that no further spread of the developments would be permitted.

**RESOLVED:**

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

**(a) No conditions were recommended.**

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

**[Note: The Development Control Manager said that he would refer the application to the Head of Planning Services]**

**107. DCSW2005/3913/M - LLANDREW FARM, CRASWALL, HEREFORD, HEREFORDSHIRE, HR2 0PW (AGENDA ITEM 6)**

*Re-opening of disused delve for the extraction of sandstone for stone roof tiles, flagstones and building stone.*

**RESOLVED:**

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

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the local planning authority within 7 days of the commencement.**

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

- 2. The development, including restoration of the site for which permission is hereby granted, shall cease not later than 7 years from the date of the commencement of development as notified to the local planning authority under Condition 1, unless otherwise agreed in writing by the**

local planning authority.

**Reason:** Required to be imposed by Section 72(5), and paragraph 1 of Part 1 of Schedule 5 of the Town and Country Planning Act 1990.

3. The development shall be carried out in all respects in accordance with the approved plans (drawing nos. 2, 2.1, 3, 3.1 and 4 and the operational detail in the submitted application form and Annex 1: Mineral Extraction and Processing), except where agreed in advance in writing by the local planning authority, or where otherwise stipulated by conditions attached to this permission.

**Reason:** To ensure adherence to the approved plans in the interests of a satisfactory form of development and in accordance with Structure Plan Policy CTC.9 and Local Plan Policies GD.1 and C.1.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order with or without modification, no development within Schedule 2 Part 19 shall be undertaken other than with the prior written agreement of the local planning authority.

**Reason:** To control the development of the site and in accordance with Structure Plan Policies M4 and CTC9 and Local Plan Policies GD1 and C1.

5. H01 (Single access - not footway )

**Reason:** In the interests of highway safety and to comply with Local Plan Policy GD.1.

6. H03 (Visibility splays)

**Reason:** In the interests of highway safety, and to comply with Local Plan Policy GD.1.

7. H05 (Access gates)

**Reason:** In the interests of highway safety, and to comply with Local Plan Policy GD.1.

8. Before any other works hereby approved are commenced, the highway verge crossing to be constructed to Highways Authority specifications shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.

**Reason:** In the interests of highway safety, and to comply with Local Plan Policy GD.1.

9. Prior to the occupation of the development hereby approved the driveway and/or vehicular turning area shall be consolidated, surfaced and drained in accordance with details to be submitted to, in advance, and approved in writing by the local planning authority.

**Reason:** In the interests of highway safety, and to comply with Local Plan Policy GD.1.

- 10. There shall be no more than 3 vehicle movements outbound from the site on any day for transporting stone, and not more than 12 in any week, unless otherwise agreed in advance in writing by the local planning authority.**

**Reason: To minimise any additional traffic impact in accordance with Local Plan Policy GD1 (xviii).**

- 11. No soil moving or stone extraction shall take place until the boundaries of the delve hereby permitted have been permanently marked out on the ground by means of posts and the marker positions have been agreed in writing by the local planning authority. The agreed boundary markers shall be retained throughout the life of the development of the site.**

**Reason: To identify the area permitted for extraction and to comply with Structure Plan Policy CTC2 and Local Plan Policy C8.**

- 12. No machinery shall be operated, no process carried out and no deliveries taken at or despatched from the site outside the following times: 0800 hours to 1700 hours Monday to Friday, 0800 hours to 1300 hours on Saturday, nor at any time on Sundays, Bank or Public Holidays, unless otherwise agreed in advance in writing by the local planning authority.**

**Reason: In order to protect the amenity of nearby properties in accordance with Local Plan Policy GD1 (vi).**

- 13. All stripped soils and overburden shall be saved on site and stored in accordance with the submitted plans and used for re-spreading to complete the restoration of the site**

**Reason: In the interests of nature conservation and agriculture and to ensure successful restoration of the site in the spirit of Local Plan Policy C8.**

- 14. No excavation shall take place below the depth of the water table. Even if the water table is not encountered within 5m of ground level, then no further excavation shall take place below this depth, unless otherwise agreed in writing by the local planning authority in consultation with the Environment Agency.**

**Reason: To prevent derogation of the groundwater resource at this site.**

- 15. Not less than 12 months before the expiry of this permission a scheme for the final reclamation and restoration of the excavations formed as a result of the development hereby permitted shall be submitted for approval in writing to the local planning authority. The submitted scheme shall include:**

- a) the date by which the restoration will be completed;**
- b) that the site shall be cleared and all plant or machinery removed;**
- c) the re-spreading of all stores of soils overburden and delve waste within the excavation site;**
- d) the extent of exposed rock faces to be retained;**
- e) proposals for the final landform and treatment of the restored**

- surfaces and delve faces in the interests of nature conservation, scientific study or agriculture;
- f) details of the grading of any exposed rock faces to be retained, to remove any significant vertical drop.

On cessation of the winning and working of minerals the scheme shall be implemented without delay in accordance with the approved details.

Reason: In the interests of landscape quality, nature conservation and public safety and to comply with Structure Plan Policies M3, M4, CTC6 and CTC12 and Local Plan Policies C8 and C15.

16. Backfill material intended for the resulting void shall be inert and of similar permeability to the excavated rock.

Reason: To protect the quality of controlled waters in the area and to ensure that recharge of groundwater resources is not significantly altered.

17. Only uncontaminated soil and rock spoil arising from on site shall be used for restoration, with no importation or deposit of other materials.

Reason: To prevent pollution of the environment in accordance with Local Plan Policy C47.

18. Prior to the cessation of the winning and working of minerals, a scheme for the aftercare of the restored site shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall include:

- a) proposals to ensure the reclamation of the site to nature conservation, scientific study or agriculture;
- b) details of any planting, cultivation, maintenance or otherwise treatment of the land for 5 years after the site has been reclaimed;
- c) proposals for 5 annual inspections during this period to review and if necessary amend the agreed proposals.

The reclamation shall be carried out in accordance with the approved scheme.

Reason: To ensure the site is successfully reclaimed for the purposes intended and to comply with Structure Plan Policies M3, CTC6 and CTC12 and Local Plan Policies C8 and C15 .

19. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of any tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have spearte secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessel

**overflow pipe outlets shall be detailed to discharge downwards into the bund.**

**Reason: To prevent pollution of the environment in accordance with Local Plan Policy C47.**

- 20. No blasting or burning shall be undertaken at the site**

**Reason: In the interests of the amenity of the locality to comply with Local Plan Policy GD1.**

**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. If excavation below the water table is to be conducted, further information would be required to demonstrate, to the satisfaction of the local planning authority, that groundwater would not be effected. This may involve intrusive investigation, monitoring and water balance calculations, to allow better characterisation of the hydrogeological regime in the area around the planned works.**
  - 6. The developers should adopt all appropriate pollution control measures, both underground and on the surface, to ensure that the integrity of the aquatic environment, both groundwater and surface water, is assured.**
  - 7. The proposed excavation area is bounded by surface watercourses and as such pollution prevention measures should be put in place to prevent any impact on the watercourse. From the application it is noted that top soil is to be stored on the site, this stockpile must be at least 10m away from the watercourses to prevent any run-off entering the stream.**
  - 8. The proposal includes a plan to backfill the quarry. If any waste material is to be utilised then the following should be noted:**
    - \* Carriers transporting waste from, or to, the site must be registered waste carriers.**
    - \* The activity of importing waste into the site would require some form of Waste Management Licence. The applicant should contact the Environment Agency for further information. Please telephone: 02920 582739.**
  - 9. N15 - Reason(s) for the Grant of Planning Permission**
- 108. DCSE2005/3799/F & DCSE2005/3801/F - BARN AT RUDGE FARM, PONTSHILL, NR. ROSS-ON-WYE, HEREFORDSHIRE (AGENDA ITEM 7)**

*Conversion of barn to one dwelling. Construction of vehicular access and access road.*

The Principal Planning Officer reported the receipt of comments from the Conservation Manager who had no objections but recommended conditions. He also noted that the revised plans had been received from the applicant.

Councillor G.W. Davis, the Local Ward Member, noted that the access had been improved and he therefore supported the application.

**RESOLVED:**

**In respect of DCSE2005/3799/F:**

**Subject to submission of acceptable drawings of the proposed access and access drive the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:**

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

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

**2 C02 (Approval of details)**

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

**3 G13 (Landscape design proposals)**

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

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

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

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

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

**6 RB1 (No Permitted Development)**

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

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

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

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

**Informatives:**

**1 HN05 - Works within the highway**

**2 HN10 - No drainage to discharge to highway**

**3 HN01 - Mud on highway**

**4 HN04 - Private apparatus within highway**

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

**In respect of DCSE2005/3801/F:**

**Subject to submission of acceptable drawings of the proposed access and access drive the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:**

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

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

**2 C02 (Approval of details)**

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

**3 G13 (Landscape design proposals)**

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

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

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

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

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

**6 RB1 (No Permitted Development)**

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

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



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

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

**Informatives:**

1 HN05 - Works within the highway

2 HN10 - No drainage to discharge to highway

3 HN01 - Mud on highway

4 HN04 - Private apparatus within highway

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

109. DCSE2005/3821/O - GARDEN OF BALLARD LODGE, EASTFIELD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5JZ (AGENDA ITEM 8)

*Site for erection of dwelling.*

In accordance with the criteria for public speaking, Mr. Goldsworthy, the applicant's agent, spoke in support of the application.

Councillor Mrs. C.J. Davis, one of the Local Ward Members, noted that a request for planning permission was approved in 1989 but had unfortunately been allowed to lapse. She felt that the application should be granted contrary to the Officer's recommendation.

Councillor Mrs. A.E. Gray, the other Local Ward Member, noted the concerns raised by the Council's Traffic Manager regarding the access onto Walford Road.

**RESOLVED:**

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

1 Having regard to Policies GD.1, C.22 and C.23 within Part 1 of the South Herefordshire District Local Plan and Policy 3 within Part 3 of the South Herefordshire District Local Plan a proposed dwelling on this site is considered to be an unacceptable form of development.

The erection of a dwelling, due to its likely position and the creation of a vehicular access, would appear both prominent and intrusive in the street scene of Walford Road and would adversely affect the character of the adjacent Conservation Area. In addition, it is likely that the

erection of a dwelling would have an adverse impact on the amenities of the existing adjoining dwellings.

- 2 The proposal would result in the public sewerage system being overloaded and would be likely to increase the risk of flooding and environmental pollution. The proposal therefore conflicts with Policies C40 and C43 of the South Herefordshire District Local Plan.

**110. DCSE20054025F - 5 MALMO PLACE, GLEWSTONE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6RW (AGENDA ITEM 9)**

*Retrospective application for garage.*

The Senior Planning Officer reported the receipt of comments from the Transport Manager who raised no objections to the application. She also reported the receipt of four further letters of support for the application, including one letter from the applicant.

In accordance with the criteria for public speaking, Mr. Pickering, representing Marstow Parish Council, spoke in objection to the application.

**RESOLVED:**

**That following the expiry of the consultation period the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:**

- 1 **E08 (Domestic use only of garage)**

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

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

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

- 3 **G09 (Retention of trees/hedgerows)**

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

**Informative:**

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

The meeting ended at 2.45 p.m.

**CHAIRMAN**

<b>ITEM FOR INFORMATION - APPEALS</b>
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**APPEALS RECEIVED****Application No. DCSW2005/3111/O**

- The appeal was received on 5th January 2006
- 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 J Lees
- The site is located at Land at The Mill, Preston-on-Wye, Herefordshire, HR2 9JU
- The development proposed is Site for equestrian workers dwelling
- The appeal is to be heard by Hearing

**Case Officer: Andrew Prior on 01432 261932****Application No. DCSW2005/2925/O**

- The appeal was received on 20th January 2006
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr M. J. Taylor
- The site is located at Site adjacent to Windrush, Allensmore, Herefordshire, HR2 9BN.
- The development proposed is Detached 3 bedroom house
- The appeal is to be heard by Written Representations

**Case Officer: Andrew Prior on 01432 261932****Application No. DCSE2005/3592/O**

- The appeal was received on 31st January 2006
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr J Anderson
- The site is located at Land at Beechgrove, Goodrich, Ross-on-Wye, Herefordshire, HR9 6JE
- The development proposed is Site for erection of a detached dwelling with ancillary works.
- The appeal is to be heard by Written Representations

**Case Officer: Charlotte Atkins on 01432 260536****Application No. DCSW2005/3309/O**

- The appeal was received on 2nd February 2006
- 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 Miss J.M. Hughes
- The site is located at Adjacent to Hill Dene, Abbeydore, Herefordshire, HR2 0AG
- The development proposed is Proposed bungalow with garage.
- The appeal is to be heard by Hearing

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


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

## APPEALS DETERMINED

### Application No. DCSW2005/0450/F

- The appeal was received on 1st September 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 P Watkins
- The site is located at Meadow Bank, Longtown, Hereford, Herefordshire, HR2 0NA
- The application, dated 28<sup>th</sup> January 2005, was refused on 8th April 2005
- The development proposed was Extension to dwelling
- The main issues are the effect of the proposed extension on the character and appearance of the existing dwelling, in relation to its mass, scale, design and position, and its effect on the landscape quality of its surroundings

**Decision:** The appeal was UPHELD on 6<sup>th</sup> January 2006

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

### Application No.

- The appeal was received on 17th August 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 Davies
- The site is located at Upper Common, Lower Maescoed, Herefordshire, HR2 0HP
- The breach of planning control alleged in this notice is, without planning permission, change of use of the land by the unauthorized siting of a caravan for residential purposes.
- The requirements of the notice are: Cease the residential use of the Land, remove the caravan from the Land, Remove all material that arise from the removal of the caravan from the Land and all debris resulting from the unauthorized siting of the caravan.
- The main issues are whether the notice was properly served on everyone with an interest in the land, and that the requirements of the notice were excessive

**Decision:** The appeal was DISMISSED on 10<sup>th</sup> January 2006

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

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

**5 DCSE2005/4139/F - USE PART OF AGRICULTURAL BARN FOR STORAGE FOR TIMBER FROM TEMPORARY TO PERMANENT USE AT GREAT WOODEND FARM, LINTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SR**

**For: Mr. & Mrs. J. Watkins, Ellbrook House, Linton, Ross on Wye, Hereford, HR9 7SR**

**Date Received: 22nd December, 2005    Ward: Penyard    Grid Ref: 67256, 25458**

**Expiry Date: 16th February, 2006**

Local Member:    Councillor H. Bramer

**1. Site Description and Proposal**

- 1.1 The site lies in open countryside in planning policy terms on the northern side of the unclassified road (UC70230) between Linton and Gorsley. The site comprises a modern, dual pitched roofed agricultural building with a lean-to element to the rear elevation. There is an existing large area for the parking/turning etc of vehicles to the southwest of the building. The site is relatively flat with a hedgerow to the roadside boundary and a large splayed vehicular access.
- 1.2 Temporary planning permission was granted in 2003 (SE2003/2714/F) for the use of the majority the building and part of the curtilage for the storage of timber and associated parking/turning. The agent's letter submitted with that application stated that the proposed use of the part of the building was required due to the downturn in the agricultural fortunes of the holding and the building being surplus to their requirements. It was stated by the applicants' agent that the use would entail a delivery of timber, already cut and prepared being delivered to the site and then when required taken from the site to where the timber was required for fencing etc. There would be no processing of the wood on the site, rather it would be used for storage of deliveries. The temporary planning permission expired on 30th December, 2005 and a permanent planning permission is now sought for this same use as confirmed by the applicants.

**2. Policies**

**2.1 Department of Environment**

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

**2.2 Hereford and Worcester County Structure Plan**

Policy CTC9	-	Development Criteria
Policy E6	-	Industrial Development in Rural Areas

**2.3 South Herefordshire District Local Plan**

Policy GD1	-	General Development Criteria
Policy C1	-	Development Within Open Countryside
Policy C36	-	Re-use and Adaptation of Rural Buildings
Policy ED3	-	Employment Proposals within/adjacent to Settlements
Policy ED6	-	Employment in the Countryside
Policy ED7	-	Re-use and Adaptation of Rural Buildings for Employment Use
Policy ED8	-	Farm Diversification
Policy T3	-	Highway Safety Requirements

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

## Part 1

Policy S4	-	Employment
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## Part 2

Policy DR2	-	Land Use and Activity
Policy E12	-	Farm Diversification
Policy HBA12	-	Re-Use of Traditional Rural Buildings

**3. Planning History**

3.1	SE2000/2523/F	Agricultural building	-	granted 10.11.2000
	SE2003/2051/F	Change of use of part of agricultural store to timber storage	-	Withdrawn 3.9.2003
	SE2003/2714/F	Use of part of agricultural store for storage of timber	-	granted temporary planning permission 30.12.2003

**4. Consultation Summary**Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 The Traffic Manager comments that no objection to the continuation of use of the barn for timber storage at its current level of operation but would not support expansion/intensification of the use where this would increase vehicular movements.

**5. Representations**

5.1 Linton Parish Council support the application.

5.2 One letter of representation have been received from Mrs. P.A. Morris of Jessamine Cottage, Woodend Lane, Gorsley. The main points raised are:

- When barns were first erected we requested a screed of trees, this has not been carried out
- Increase in heavy traffic along the lane has added additional stress to the culvert, which has now collapsed and now floods our driveway and garages. The Highways Department have not reinstated the culvert.

- Dudley Fencing operates a retail business not just storage, the planning does not clearly define this usage

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 the impact of the proposed permanent continuation of the timber storage use of part of the building on the residential amenities of the area and highway safety and the character of the area.
- 6.2 Policy ED6 of the Local Plan states that proposals for employment generating uses will only be permitted in the open countryside where they are small scale projects on appropriate sites and comply with one of three specified criteria. This proposal complies, in principle, with the third criterion, namely the re-use of a rural building. Policy ED7 of the Local Plan and the principles of PPS7 encourage the re-use of rural buildings, particularly for employment/commercial uses. The objector's comments are noted regarding the use of the building, however there is no evidence on site of a full retail business and the applicants have not stated that it is the intended use. If a retail use were to operate from the site either now or in the future a planning permission would be required. Nevertheless it would be reasonable to impose a condition preventing retail use of the site. Neither the Environmental Health and Trading Standards Manager nor the Head of Planning Services have received a complaint about the current operation of the business since 2003. It is therefore considered that the continued use proposed should not result in any statutory nuisance to any neighbouring properties.
- 6.3 When considering the highway implications of the continued use of the site for timber storage the likely level and type of vehicular movements that the previous agricultural use generated should be taken into account. The objector's comments regarding the impact of heavy traffic along the lane are noted. However there is no clear evidence that this is solely due to the use of the building for timber storage. On the basis of the confirmation given by the applicants that the business would operate in the same way as the temporary permission, i.e. that there would be no low loaders visiting the site and deliveries would be likely to be by 7.5 tonne trucks, three times a fortnight, with occasional gravel deliveries the permanent use of the site is considered acceptable. The area shown on the plans is considered adequate for the parking and turning of vehicles and the existing access/egress' visibility splay is acceptable.

## **RECOMMENDATION**

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

- 1 The area of land outside the building and outlined in red on the approved plans shall be used for parking and turning of vehicles only.**

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

- 2 F42 (Restriction of open storage)**

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

3. There shall be no retail use of the site subject to this permission.

Reason: In the interests of the amenities of the area and highway safety.

Informative(s):

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

Decision: .....

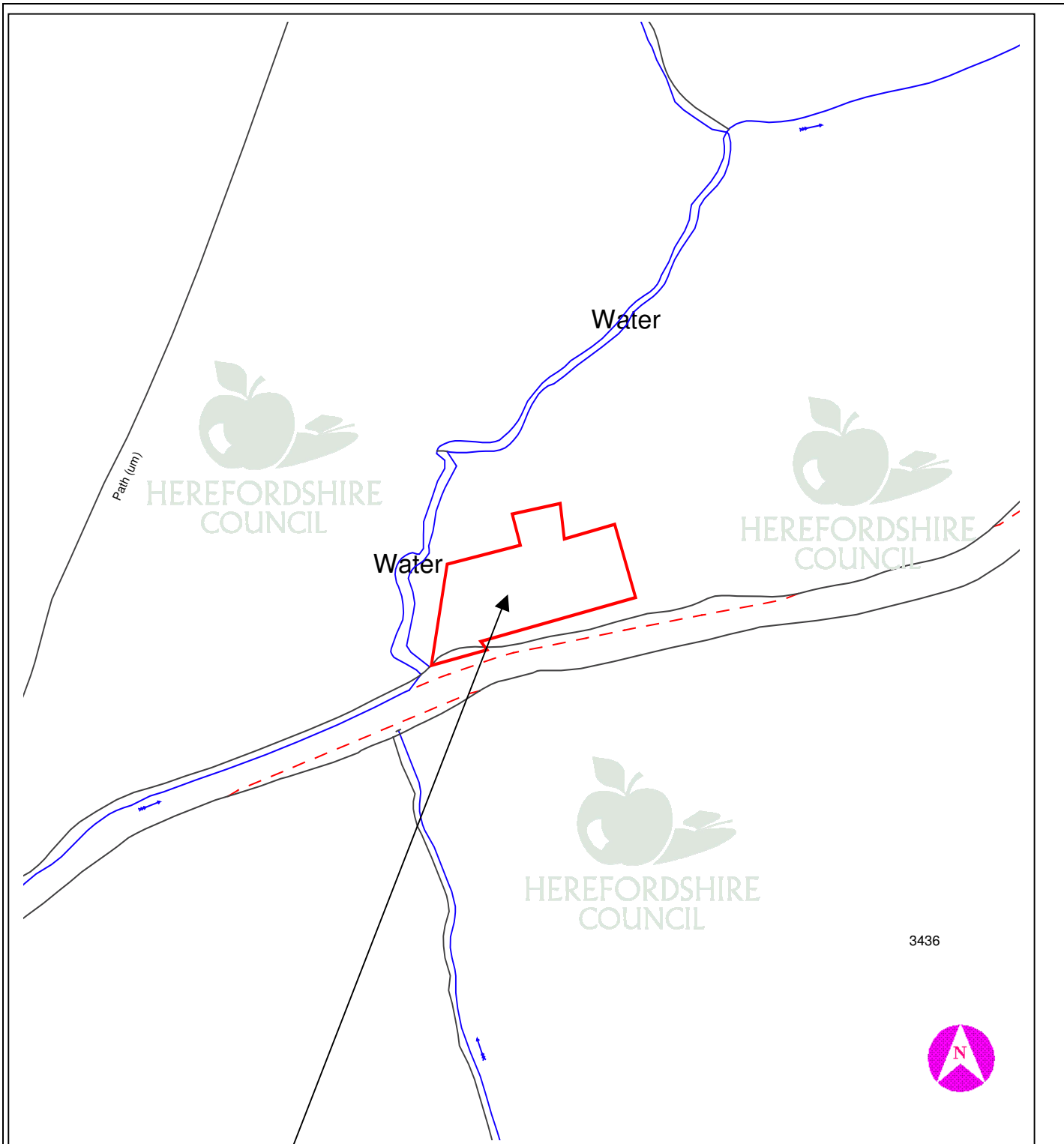
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**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** DCSE2005/4139/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Great Woodend Farm, Linton, Ross-On-Wye, Herefordshire, HR9 7SR

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**6 DCSE2005/3936/F - ALTERATIONS AND TWO STOREY AND SINGLE STOREY EXTENSIONS TO RESIDENTIAL CARE HOME AT LAWFORDS HOUSE, WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5PQ**

**For: P. Vine Esq. & Ms. M. Wilson per Geoff Jones Architect, 53 Broad Street, Ross on Wye, Herefordshire, HR9 7DY**

**Date Received: 7th December, 2005 Ward: Ross-on-Wye East Grid Ref: 59815, 23506**

**Expiry Date: 1st February, 2006**

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

**1. Site Description and Proposal**

- 1.1 'Lawford House' is a large scale, extended, detached property situated on the eastern side of the Walford Road (B4234). It is currently used as a residential care home. The site lies within the primarily residential area, Wye Valley Area of Outstanding Natural Beauty and the Ross-on-Wye Town Conservation Area, as defined in the South Herefordshire District Local Plan.
- 1.2 The property, which is accessed off the Walford Road, is set back some 10 metres into the site. A wall and hedgerow defines the roadside boundary and there is a tall, brick wall to the southern boundary. Within the site the levels are relatively flat. There is an area for parking to the front of the building.
- 1.3 Planning permission is sought for the erection of a two storey extension to the southern side of the building and the ground floor extension of an existing single storey element. The two storey extension would be slightly forward of the main part of the front elevation, similarly to an existing two storey element of the building on the left hand side. The enlargement of the existing ground floor element would extend to the rear of the side parallel to the southern boundary. The extension would provide an additional 5 bedrooms, resulting in 20 bedrooms in total, reception and covered entrance.

**2. Policies**

**2.1 Department of the Environment**

PPS1	-	Delivering Sustainable Development
PPG13	-	Transport
PPG15	-	Planning and the Historic Environment

**2.2 Hereford and Worcester County Structure Plan**

Policy CTC1	-	Area of Outstanding Natural Beauty
Policy CTC.9	-	General Development Criteria
Policy CTC.15	-	Conservation Areas

**2.3 South Herefordshire District Local Plan**

Policy GD1	-	General Development Criteria
Policy C5	-	Development within AONB
Policy C22	-	Maintain Character of Conservation Areas
Policy C23	-	New Development affecting Conservation Areas
Policy CF2	-	Provision of Facilities for Health and Social Services
Policy CF4	-	Residential Homes
Policy T4	-	Highway and Car Parking Standards

## Part 3, Chapter 37

Policy 4	-	Primary Residential Areas
Policy 16	-	Conservation Area

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

## Part 1

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S11	-	Community Facilities and Services

## Part 2

Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy HBA6	-	New Development within Conservation Areas
Policy LA1	-	Areas of Outstanding Natural Beauty
Policy CF7	-	Residential Nursing and Care Homes

**3. Planning History**

SH870365PF	Change of use from residential to Class XIV residential home	-	Granted 06.05.87
SH870904PF	Fire escape at rear	-	Granted 04.09.87
SH871106PF	Conversion of existing garage to provide new bedroom accommodation for residential use	-	Granted 23.10.87
SH890564PF	Extension to provide extra bedrooms and bathroom for retirement home	-	Refused 24.04.89
SH891223PF	Extension to residential home for the elderly, to provide extra accommodation.	-	Granted 14.08.89
SE1999/2575/F	Alterations and extensions to residential care home to create 5 no. new bedrooms, office, reception and staff room.	-	Granted 7.12.1999

**4. Consultation Summary**Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Conservation Manager - No objections from an architectural point of view. All new materials and finishes should be to approval.
- 4.3 The Traffic Manager - Parking provision on site does not meet Herefordshire Council Standards. Number of spaces should be 5 no. (for proposed 20 beds) and warden provision.
- 4.4 The Environmental Health and Trading Standards Manager - recommends conditions regarding a restriction on construction hours and days, preventing the burning of materials on site and ensure machinery and plant complies with specified standards.

**5. Representations**

- 5.1 Ross-on-Wye Town Council - insufficient parking provision.
- 5.2 One letter of representation have been received from Mr. and Mrs. D.J. Warwick of Chevenhall, Walford Road. The main points raised are:
- Submitted plans are out of date, do not accurately show proximity of Chevenhall to Lawford House. Our property (Chevenhall) is currently been extended to the northern elevation.
  - Proposed two storey and single storey extensions would be too close to our property and adversely affect our right to light, view and privacy
  - Our main entrance to the house is on the northern elevation and would be dominated by the resulting building
  - Insufficient off road parking, conservative estimate is that there could be up to 50 new regular visitors. On street parking would be dangerous, already existing problems
  - Unsightly fire escape would overlook our property
  - Proposal is too large
  - Development aesthetically out of character with the Conservation Area
  - Increased commercial activity in a residential area
  - Adverse impact on the value of our home

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

**6. Officers Appraisal**

- 6.1 The main considerations in the determination of this application are the impact on the character and appearance of the Conservation Area, the affect on highway safety and the amenity of neighbouring properties.
- 6.2 Planning permission was previously granted (SE1999/2575/F) for the scheme subject to this proposal. This permission lapsed. There have been no major changes in terms of planning policy since the grant of this permission. There has, however, been a change in circumstances as Chevenhall, the neighbouring property to the south, has been granted planning permission (SE2004/1971/F) to extend and this is currently been carried out.

- 6.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. 'Lawford House' is a substantial building and makes a positive contribution to the character and appearance of the Conservation Area. In terms of scale, mass, design and materials the extension would complement the existing building and result in a balanced elevation. The ground floor addition would be largely screened from view by the proposed two storey extension, but would have a pitched roof and would complement the existing building. As such the impact of the extensions on the character and appearance of the existing building are considered to be acceptable. The two storey side extension would be obvious in the street scene and would reduce the existing gap between Lawford House and the neighbouring property, Chevenhall. However a gap, albeit reduced, would be retained and due to the staggering of the properties and the existing vegetation it is considered that the proposal would preserve the character and appearance of the Conservation Area. The Conservation Manager raises no objections to the proposal, subject to satisfactory materials and finishes.
- 6.4 In this suburban location it is considered that the proposal would not adversely impact the scenic qualities of the Wye Valley Area of Outstanding Natural Beauty.
- 6.5 At present the site provides limited off road parking. The Council's highway standards require the provision of five spaces plus warden provision. The approved plans for the earlier planning permission indicated six off road parking spaces, but this plan has not been submitted with this application. Planning Policy Guidance 13 - Transport, in respect of car parking requirements state that in areas where services are readily available by walking, cycling or on public transport car parking standards should be revised. Furthermore, policy T4 of the Local Plan states that in Conservation Areas and in close proximity to the town centre parking standards may be reduced due to the provision of alternative means of transport and the need to balance between parking needs and environmental interests. The application site lies within the built up area of Ross-on-Wye, with access to public transport. There are no parking restrictions on the Walford Road (B4234) outside of the application site. Having taken account of government guidance and Development Plan policies it is considered that for this proposal, in this location, the provision of six car parking spaces would be reasonable and satisfactorily balance the requirement for off road parking spaces against the visual impact on the Conservation Area. A plan in this respect has been requested from the applicants' agent.
- 6.6 The extensions would be to the south (side) and west (rear) of the property. The land to the rear of the site is part of the St Joseph's Roman Catholic Primary School's playing fields and to the south lies Chevenhall, a detached dwellinghouse. Due to the distance separation and single storey nature of the extensions to the rear of the property the proposal would not be harmful to the amenities of the school.
- 6.7 The submitted plans do not indicate the extensions currently been erected to the north and west of Chevenhall. However these extensions would not result in Chevenhall been closer to the boundary with Lawford House. Whilst the proposed two storey extension would be nearer to the boundary with Chevenhall it would be set back some 3 metres. The existing windows in the northern elevation of Chevenhall are set forward of Lawford House. There would be only one new window in the northern elevation of the extension at Chevenhall, to serve an office. This window is required by a planning condition to be obscurely glazed and non-opening to protect the amenities of Lawford House. On this basis it is considered that there would be no direct overlooking between windows. The application site is to the north of Chevenhall. The original 'front' door to Chevenhall is to the northern elevation, but the planning permission to extend provides a new door to the southern elevation. The vehicular access and parking area are located to the south of the house. Taking these

factors into account, together with the existing relationship between Lawford House and Chevenhall and the suburban context, it is considered that the proposed extensions would not materially adversely impact upon the residential amenity of the objectors' property. A fire escape is proposed to the southern elevation, which could provide opportunities to overlook a courtyard area at Chevenhall. Amended plans have been sought in this regard and subject to the deletion of the fire escape from the scheme or its acceptable revised design it is considered that the proposal would be not harm the privacy of Chevenhall's occupants.

- 6.8 It is considered that having balanced the need to provide residential care for the elderly with the impact upon the Conservation Area, highway safety and the residential amenity of neighbouring properties the proposal is acceptable, subject to the receipt of amended plans and accords with the relevant Development Plan policies.

## RECOMMENDATION

**That subject to the receipt of satisfactory amended plans in respect of a) off-road parking spaces and b) deletion or modifying the fire escape to the southern elevation the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:**

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

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

- 2 A09 (Amended plans)**

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

- 3 B01 (Samples of external materials)**

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

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

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

- 5 The development hereby permitted shall not be brought into use until the turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.**

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

- 6 During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday - Friday 7.30 am - 6.00 pm, Saturday 8.00 am - 1.00 pm, nor at any time on Sundays, Bank or Public Holidays.**

**Reason: To protect the amenity of local residents.**

- 7 No material or substances shall be incinerated within the application site during the construction phase.**

**Reason: To protect the amenity of local residents.**

- 8 G10 (Retention of trees)**

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

- 9 G19 (Existing trees which are to be retained)**

**Reason: To prevent the unnecessary damage to or loss of trees.**

- 10 GO4 (Landscaping Scheme (General))**

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

- 11 G05 (Implementation of Landscaping Scheme (General))**

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

**Informatives:**

- 1 All machinery and plant shall be operated and maintained in accordance with BS5228: 1984 "Noise Control of Construction and Open sites".**

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

Decision: .....

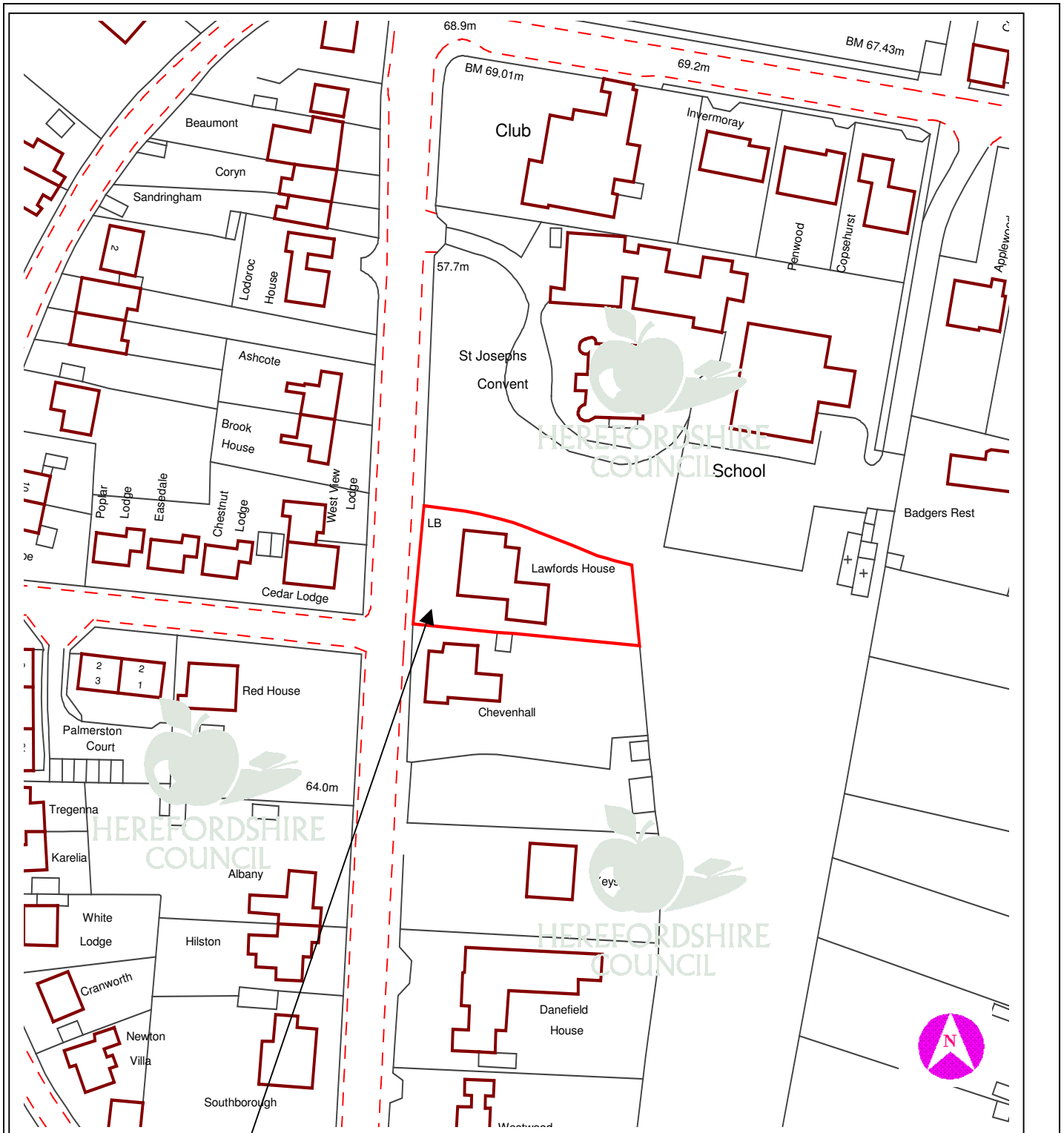
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**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** DCSE2005/3936/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Lawfords House, Walford Road, Ross-on-Wye, Herefordshire, HR9 5PQ

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## **7 DCSE2006/0052/F - CONVERSION & ALTERATIONS TO EXISTING PERIOD BARNs TO B1 CATERING USE AND ONE RESIDENTIAL DWELLING, TRE-ESSEY BARNs, LLANGARRON, ST WEONARDS, HEREFORDSHIRE**

**For: Mr. G. Williams per Edge Design Workshop, Unit 2, Ruardean Works, Varnister Road, Nr. Drybrook, Gloucester, GL17 9BH**

**Date Received: 9th January, 2006**

**Ward: Llangarron**

**Grid Ref: 50536, 21893**

**Expiry Date: 6th March, 2006**

Local Member: Councillor Mrs. J.A. Hyde

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

- 1.1 Tre-Essey barns are located in open countryside, on the east side of the unclassified 71213 that leads from Tre-Essey Cross to the B4521, Abergavenny road. The barns, which are in a ruinous condition, are at the end of a short unmade track that exits onto the unclassified road. They are in a prominent and isolated position, on a north-facing slope, which rises up from and can be seen from the B4521.
- 1.2 This application proposes the reconstruction of the barns described as building A and building B. Building B is to provide a 3-bedroomed dwelling, and building A which is the smaller of the 2 buildings is to be extended to provide catering use and garaging.

### **2. Policies**

#### **2.1 Planning Policy Guidance**

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

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

- Policy H.16A - Housing in Rural Areas – Development Criteria  
Policy H.20 - Housing in the Open Countryside  
Policy E.1 - Encouragement of Economic Growth  
Policy E.6 - Industrial Development in Rural Areas Outside the Green Belt  
Policy E.8 - Development of Rural Buildings  
Policy CTC.9 - Development Criteria

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

- Policy GD.1 - General Development Criteria  
Policy C.1 - Development within Open Countryside  
Policy C.36 - Re-use and Adaptation of Rural Buildings  
Policy C.37 - Conversion of Rural Buildings to Residential Use  
Policy C.44 - Flooding

- Policy SH.24 - Conversion of Rural Buildings
- Policy ED.3 - Employment Proposals within/adjacent to Settlements
- Policy ED.4 - Safeguarding Existing Employment Premises
- Policy ED.7 - Re-use and Adaptation of Rural Buildings for  
Employment/Tourism Use
- Policy T.3 - Highway Safety Requirements
- Policy T.4 - Highway and Car Parking Standards

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

- Policy DR7 - Flood Risk
- Policy H7 - Housing in the Countryside Outside Settlements
- Policy H8 - Agricultural and Forestry Dwellings and Dwellings  
Associated with Rural Businesses
- Policy E9 - Home Based Businesses
- Policy E11 - Employment in the Countryside
- Policy HBA12 - Re-use of Rural Buildings
- Policy HBA13 - Re-use and Adaptation of Rural Buildings for  
Residential Purposes

#### 2.5 Supplementary Planning Guidance

Re-use and Adaptation of Traditional Rural Buildings

### 3. Planning History

- 3.1 DCSE2005/0172/F Conversion and alterations to existing period barns to B1 catering use and dwelling - Refused 17.03.05

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

#### Internal Council Advice

- 4.2 Traffic Manager: Recommends any permission shall include conditions.

### 5. Representations

- 5.1 Llangarron Parish Council: No objection but recommend close attention is given to the access splay.
- 5.2 A design statement has been submitted with the application, which includes the following:
- a) Landowners statement:
    - The proposed conversion of the barns form part of a larger farm diversification strategy of the current landowner, Mr. R. Williams, on his nearby farm at Trippenkenit.

- The buildings at Tre-Essey is the first stage of our diversification plan.
- The buildings were formerly used for livestock, storage of farm equipment and feed.
- The larger of the stone buildings is perfect for conversion to a dwelling, despite requiring remedial work - loss of roof as result of a fire.
- The building maintains its former features.
- The remainder of the site would be developed to provide suitable location for 2 small businesses.
- The scheme would provide excellent live/work environment.
- Further development would include fishing lakes.
- We have 3 listed barns at Trippenkennt that have potential for development for holiday lets.
- The application will help secure a future for the applicant and his young family.
- The application will transform a non-utilised area of redundant buildings into a family home and provide excellent location for 2 small businesses offering valuable employment opportunities.

b) Client's statement

- Having being offered the chance to purchase Tre-Essey Barns I realise the potential and advantages that can be made if the barns were developed into a family home.
- The barns stand as a prominent pair of redundant buildings of historic merit, and have a positive contribution to the surrounding landscape.
- The barns were damaged by fire about 8 years ago.
- The buildings are aloof from the main farmstead, security of any storage cannot be guaranteed.
- As a result of the fire extensive damage was caused to the oak roof structure.
- I believe the conversion of the barns into a tasteful courtyard development comprising of family accommodation and an adjoining business studio would improve the area.
- I have a reasonable reputation within the locality for my use of traditional building methods, having been involved with English Heritage.
- My wife is employed at Wigmore bakery in Monmouth.
- I visualise a studio setting at home for preparation of cakes.
- The nature of the business would not cause unacceptable disturbance to local amenities, nearby properties or other land uses.
- We believe we can stem the deterioration of the architectural beauty of Tre-Essey barns.

5.3 The design statement also includes letters in support of the application from Chamber of Commerce and K.P. and J. Cunningham, Claerwern Cottage, Three Ashes, Hereford. Following receipt of the application further letters in support have been received from Mr. & Mrs. K.P. Cunningham, Claerwern Cottage, Three Ashes, Hereford and Mrs S A Jones, Upperfield, Llangarron, Ross-on-Wye.

5.4 A structural report has been provided which considers the remains of the buildings are adequate to bring about the proposal.

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

## 6. Officers Appraisal

- 6.1 This application has been submitted following the refusal of DCSE2005/0172/F. The application was refused in accordance with scheme of delegation.
- 6.2 Tre-Essey barns are in a ruinous condition. They were badly damaged during a fire approximately 8 years ago. The site consists of the remains of 2 buildings described in the application as building A and building B. Very little remains of building B which is to provide the dwelling, and was the bigger of the buildings; the south-east gable wall and roof is missing, and sections of the other walls are missing. The Building Control Officer has inspected the remains of the building and considers the flank walls are in very poor condition, and could not be saved without considerable effort. The northwest gable end is in the best condition but will require considerable effort to retain once the buttressing effect of the other walls is removed. The southeast east elevation has been considerably reduced in height and could not be retained to any great extent. Building A, which is the smaller of the building, has no roof. The ravages of weathering have resulted in the loss of bonding between stones. There is evidence of failure of the stonework in the southwest elevation. The walls appear to be generally upright and would appear adequate for the building to be used provided no significant additional loading is to be imposed.
- 6.3 The determining factor of the application is whether the remains of the buildings are suitable for conversion to alternative use. The general principle of conversion schemes, as set out in the Council's SPG 'Re-use and Adaptation of Traditional Rural Buildings', is that the building should be of permanent and substantial construction, not requiring extensive reconstruction. It is considered the proposal fails this basic test in that extensive building work, rebuilding of walls and provision roofs, will be required to bring the structures into use. The amount of work needed to bring the proposal into being is tantamount to the erection of new buildings contrary to open countryside policies.

## RECOMMENDATION

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

- 1. The existing structures on site due to their poor condition, state of disrepair and lack of architectural merit are not considered to be worthy of retention nor conversion. The proposed development will involve a substantial amount of new building/reconstruction work, which will be tantamount to the erection of new buildings and a bona fide conversion scheme. The proposed development set in this prominent position will be visually intrusive and detrimental to the visual amenities of the surrounding countryside. As such the proposal will be contrary to Policies H16A, H20 and CTC9 of the Hereford and Worcester County Structure Plan, Policies GD.1, C.1, C.36 and C.37 of the South Herefordshire District Local Plan, Policies H7, HBA12 and HBA13 of the Herefordshire Unitary Development Plan (Revised Deposit Draft), Government advice contained in Planning Policy Statement 7: Sustainable Development in Rural Areas and also the advice contained in the Council's Supplementary Planning Guidance "Re-use and Adaptation of Traditional Rural Buildings."**
- 2. The proposal constitutes the provision of a commercial use in the open countryside outside of any of the designated settlements involving the erection of new buildings, as opposed to a bona fide and acceptable conversion scheme.**

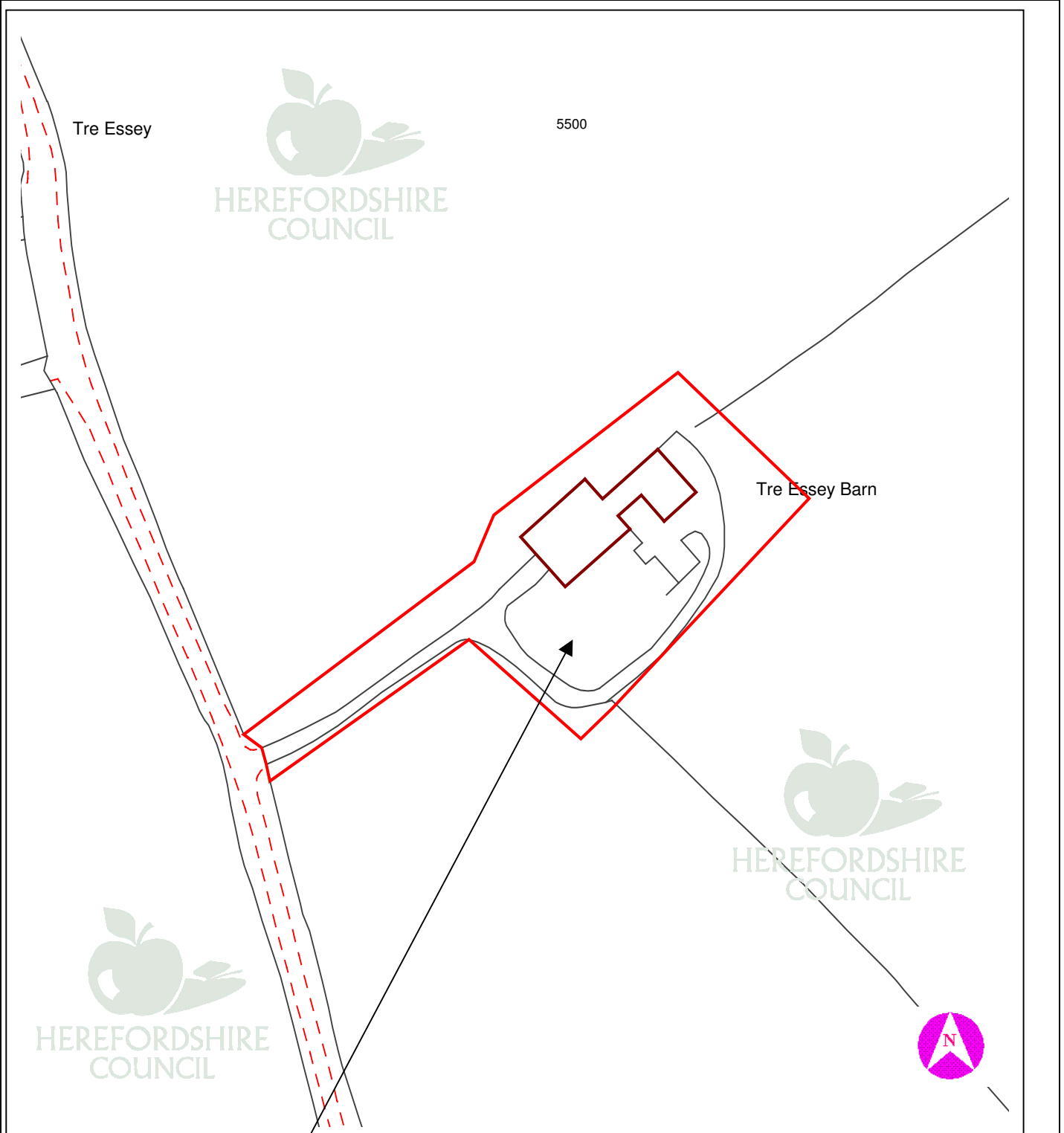
In addition the proposal is not part of a farm diversification project nor is it required in connection with tourism, agriculture, forestry or the winning of materials. For these reasons the proposal will be contrary to Policies E1, E6 and E8 of the Hereford and Worcester County Structure Plan, Policies GD.1, ED.3, ED.6, ED.7 and ED.8 of the South Herefordshire District Local Plan and Policy E11 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) and also Government advice contained in Planning Policy Statement 7 "Sustainable Development in Rural Areas".

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2006/0052/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Tre-Essey Barns, Llangarron, St Weonards, Herefordshire

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**8 DCSW2005/4060/F - CONVERSION OF FORMER TELEPHONE REPEATER STATION TO DWELLING, TELEPHONE REPEATER STATION, ST WEONARDS, HEREFORDSHIRE, HR2 8QA.**

**For: Mr. J.H. Evans, No. 2 Pike Cottage, St. Weonards, Herefordshire, HR2 8NU**

**Date Received: 16th December, 2005**

**Ward: Pontrilas**

**Grid Ref: 49476, 24876**

**Expiry Date: 10th February, 2006**

Local Member: Councillor G.W. Davis

**1. Site Description and Proposal**

- 1.1 The proposal site is on the eastern side of the A466 road approximately half a kilometre north of the built up area of St. Weonards. It is proposed to convert the brick faced former BT repeater station building into a dwelling. The building is set back from 22 to 25.5 metres from the edge of the A466 road from which access is gained. There is a field gate access leading off to the north-east that allows for vehicles using the site to turn and manoeuvre. Two parking spaces will be provided just to the west of the western gable end of the brick building. A 1200mm high post and wire fence is proposed on the northern boundary of the site that adjoins a field in separate ownership.
- 1.2 The building is 5.4 metres wide and 14.2 metres in length. It is 3.1 metres to the eaves and 5.1 metres to the ridge. The four existing windows in the south and northern elevations facing a bank and woodland and open field respectively are 2 metres above ground floor such that it is not possible to look in or out of the building. Four new windows will replace these functional windows, the windows proposed to be 1.1 metres above ground level. On the north elevation an open porch is created by extending the roof a further 1.5 metres out. This roof is supported by poles and underneath a new door and side light is created. The existing openings are exposed, i.e. utilised on the west elevation, facing the highway. On the eastern elevation an existing ground floor window opening is increased in height. There is also a window installed higher up in order to produce light for a new first floor providing two bedrooms. Six rooflights are proposed on the north and southern roof slopes, i.e. three lights on each roof slope.
- 1.3 The building has been marketed as required by policy contained in the South Herefordshire District Local Plan and in accordance with Government advice contained in PPS.7 - Sustainable Development in Rural Areas.

**2. Policies**

**2.1 Planning Policy Guidance**

PPS.7 - Sustainable Development in Rural Areas

## 2.2 Hereford and Worcester County Structure Plan

- Policy CTC.14 - Conversion of Buildings
- Policy H.20 - Housing in Rural Areas Outside the Green Belt

## 2.3 South Herefordshire District Local Plan

- Policy GD.1 - General Development Criteria
- Policy SH.11 - Housing in the Countryside
- Policy C.1 - Development within Open Countryside
- Policy C.36 - Re-use and Adaptation of Rural Buildings
- Policy C.37 - Conversion of Rural Buildings to Residential Use

## 2.4 Unitary Development Plan (Revised Deposit Draft)

- Policy H.7 - Housing in the Countryside Outside Settlements
- Policy HBA.12 - Re-use of Rural Buildings
- Policy HBA.13 - Re-use of Rural Buildings for Residential Purposes

## 3. Planning History

- 3.1 DCSW2005/2756/F Conversion of former telephone repeater station to dwelling - Refused 13.10.05

## 4. Consultation Summary

### Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

### Internal Council Advice

- 4.2 The Traffic Manager recommends that conditions be attached to any grant of planning permission.

## 5. Representations

- 5.1 In a letter that accompanied the application the applicant makes the following main points:

- reasons for refused planning due to excessive changes to building
- building marketed for non-residential use, no interest has been shown
- minimal changes required, i.e. ground floor windows, new front door and rooflights. Deleted dormer window. Scheme now complies with Policies C.36 and C.37 in the South Herefordshire District Local Plan
- proposal in accordance with Unitary Development Plan Policy H.7(3), HBA.12 and HBA.13, 'traditional' rural buildings being altered to rural buildings only
- noted similar 'utilities' building granted permission at Byford (former pumping station)
- no reference made to Unitary Development Plan previously. Logical to use up to date Unitary Development Plan when there are no significant objections being considered by the Inspector
- prefer porch to remain in scheme, if only issue please see alternative plan and condition accordingly.

- 5.2 The Parish Council has no objections to the proposed conversion of the telephone repeater station to a dwelling.

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 issue relates to the suitability of the building for conversion into a dwelling.
- 6.2 The brick faced repeater station is one that has a good means of access, and will not cause unacceptable disturbance to local amenities. Policy C.36 contained in the South Herefordshire District Local Plan requires that the building in question needs to be suitable for the new use proposed. This is evidently not the case given that four primary windows are being altered given that they all have to be dropped in order for future occupants to even look out of the building. Therefore, the character of the building is not being maintained. This is exacerbated by the addition of a porch on the north elevation, notwithstanding that the applicant has stated that if it were the only issue it could be deleted from the scheme. This is a utilitarian building in open countryside. It is not sufficient for it to be structurally sound and having a safe access and further not conflicting with other land uses. There is a further policy contained in the Hereford and Worcester County Structure Plan, namely Policy H.20 that requires that in order to satisfy the criteria for environmentally acceptable conversions of redundant rural buildings it needs to be worthy of retention. This is the crux of this particular scheme. It is not sufficient to identify a redundant rural building, the building has to have qualities that it is worthwhile retaining. There are many brick built buildings in the Herefordshire countryside that are larger, have more openings, need fewer alterations. However, are they worthy of retention. This building is not one that is of such high architectural value that it would be desirable retaining. This is notwithstanding the fact that the alterations proposed do not reflect nor maintain the character of the original building.
- 6.3 The applicant has drawn attention to Policies HBA.12, HBA.13 and H.7 contained in the emerging Unitary Development Plan. It is stated that the local planning authority has not referred to these policies as they refer to rural buildings unlike those in the South Herefordshire District Local Plan, and that they are more up to date. Policy HBA.12 requires that the changes proposed should not adversely affect the character, amongst other criteria such as being of good construction. This is not the case given the changes outlined above. Policy HBA.13 requires in criterion (I) that there are acknowledged historical, architectural, local landscape or amenity benefits of retaining the building in question. This is demonstrably not the case. Also there is a requirement that the proposed dwelling meets a demonstrated local need. Policy H.7 contained in the Unitary Development Plan requires that the re-use of rural buildings should be in accordance with Policies HBA.12 and HBA.13.
- 6.4 Therefore the proposal is contrary to the provisions of Policies contained in the South Herefordshire District Local Plan, the Hereford and Worcester County Structure Plan and the emerging Unitary Development Plan.

**RECOMMENDATION**

That planning permission be refused for the following reason:

1. The proposed conversion of this simple red brick utility building entails alterations that are not compatible with its simple aspect and unbroken roof plane of the existing building. The resultant building would be incongruous and detract from the amenity of the surrounding countryside. Therefore, the proposal is contrary to the provision of Policies GD.1, C.36 and C.37 contained in the South Herefordshire District Local Plan and Policy CTC.14 in the Hereford and Worcester County Structure Plan. Further, the building is not worthy of retention as required by Policy H.20 contained in the Hereford and Worcester County Structure Plan together with the provisions of Policy SH.11 in the South Herefordshire District Local Plan. The proposal is contrary to the provisions of Policies H.7, HBA.12 and HBA.13 contained in the emerging Unitary Development Plan.

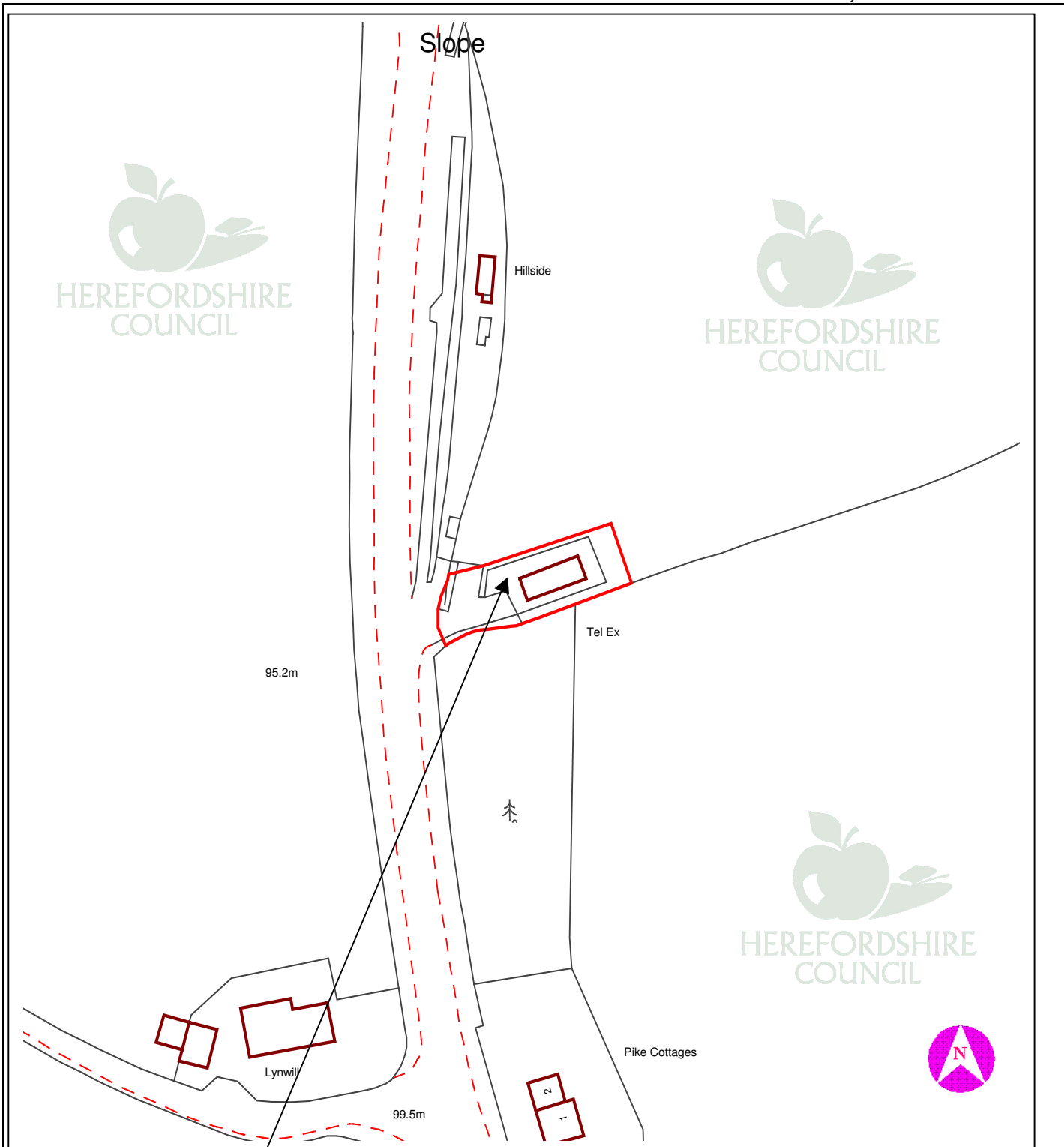
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSW2005/4060/F

**SCALE:** 1 : 1250

**SITE ADDRESS:** Telephone repeater station, St Weonards, Herefordshire, HR2 8QA.

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**9 DCSE2005/4150/F - CONVERSION OF VACANT BUILDING TO TWO-BED RESIDENTIAL DWELLING AT BUILDING TO THE REAR OF 31 BROOKEND STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7EE**

**For: Woodfield Developments per Edge Design Workshop, Unit 2 Ruardean Works, Varnister Road, Nr Drybrook, Gloucester, GL17 9BH**

**Date Received: 23rd December, 2005 Ward: Ross-on-Wye East Grid Ref: 60094, 24333  
Expiry Date: 17th February, 2006**

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

**1. Site Description and Proposal**

- 1.1 31 Brookend Street is part of a terrace of 17th & 18th century buildings on the east side of Brookend Street and north of Station Street in Ross on Wye. The ground floors of these listed buildings are small shop units with ancillary storage or flats above. The application property comprises a two-storey rendered building at the rear of 31 Brookend Street, with a small single-storey extension and open area to the rear. The latter juts into the large cleared site soon to be developed by McCarthy and Stone for retirement flats. Access to the application property is through a covered passageway immediately to the north between 30 and 31 Brookend Street.
- 1.2 It is proposed to convert this building for residential use. As submitted the 3 existing openings in the front (north-east) elevation of the building would have windows inserted to light the kitchen (ground floor) and the 2 bedrooms on first floor. The living room which would occupy the single-storey part of the building would be lit by French windows and a new window (replacing a door) in the end elevation. A new rooflight would provide light and ventilation to the first floor bathroom. A small area at the eastern end of the application site would be cleared and fenced to provide a small rear garden.
- 1.3 The correct number of this property is not clear. According to the Ordnance Survey plan the property to the front of the application site is 31 Brookend Street. The occupier of that property gives her address as 32 Brookend Street, however, which also seems to be the postal address.

**2. Policies**

**2.1 Planning Policy Guidance**

- |       |   |                                       |
|-------|---|---------------------------------------|
| PPG3  | - | Housing                               |
| PPG15 | - | Planning and the Historic Environment |

**2.2 Hereford and Worcester County Structure Plan**

- |              |   |   |
|--------------|---|---|
| Policy CTC1  | - | Area of Outstanding Natural Beauty                      |
| Policy CTC13 | - | Buildings of Special Architectural or Historic Interest |

Policy CTC14 - Criteria for the Conversion of Buildings in Rural Areas

### 2.3 South Herefordshire District Local Plan

Policy C5 - Development within AONB  
Policy C23 - New Development affecting Conservation Areas  
Policy C27A - Change of use of a Listed Building  
Policy SH5 - Housing Land in Ross on Wye  
GD1 - General Development Criteria  
Policy 5 (Part 3) - Housing in built-up Areas  
Policy 17 (Part 3) - Re-use of Existing Buildings

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

Policy H2 - Housing Land Allocations  
Policy H14 - Re-Using Previously Development Land and Buildings  
Policy HBA1 - Alterations and Extensions to Listed Buildings  
Policy HBA3 - Change of Use of Listed Buildings  
Policy HBA6 - New Development within Conservation Areas

## 3. Planning History

3.1 SE2004/1310/L Improvements to flat and shop. - Consent 1.6.04

## 4. Consultation Summary

### Statutory Consultations

4.1 Welsh Water recommends conditions regarding surface water drainage.

4.2 The Environment Agency's observations have not yet been received.

### Internal Council Advice

4.3 The Traffic Manager notes that there is no car parking provision, however this is considered acceptable at this in-town location provided cycle parking accommodation can be provided and recommends that an appropriate condition be imposed.

4.4 The Conservation Manager does not wish to object from an architectural point of view. Conditions are recommended.

## 5. Representations

5.1 Town Council has no objections to the proposal.

5.2 The applicant's agent has submitted details of a technical note by consultant engineers assessing the impact of the development on the combined drainage network and Welsh Water's response. The note concludes that the surface water discharge to the public sewerage system will decrease by significantly more than the increase in foul flow discharge and therefore "offers betterment in terms of run-off into the public sewer network".



5.3 Two letters have been received objecting to or raising concerns regarding the proposal. In summary the reasons cited are as follows:

- (1) the proposal assumes the use of objector's property as the main access route - applicant does not own or have right of way over this land nor is it a public right of way. Land Registry file clearly shows within boundary of objector's property. Development is not therefore viable.
- (2) 3 of the 5 windows (kitchen and bedrooms) look directly onto garden at rear of 30 Brookend Street and will impair enjoyment of this land.
- (3) Proposed roof light may not be acceptable for grade II listed building.
- (4) Both sewerage and rainwater drains go directly under the application site and foresee problems if builders are not aware of this.
- (5) Actually behind 32 not 31 Brookend Street.

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 issue is the effect of the proposed development on the privacy of neighbours whilst in their garden. The front elevation of the building faces the rear garden of 30 Brookend Street, separated only by the access path. The garden would therefore be overlooked from the kitchen and the bedrooms of the proposed dwelling. This could be overcome if these windows were to be glazed with obscure glass. The applicant's agent has agreed to these amendments and, to ensure adequate ventilation and outlook, also proposes an additional rooflight for bedroom 2 and a new window in the gable end wall for bedroom 1. The revised plans have not been received at the time of writing. Nevertheless I consider that the amendments would protect sufficiently the amenities of neighbours and ensure satisfactory living conditions for occupiers of the new dwelling. Although involving additional alterations to the building the character of the listed building would not be harmed.

6.2 The right of access along the covered passageway, the means of access to the building, is disputed by the owner of the adjoining property. The submitted plans indicate that property rights exist for a "dry" pedestrian route to Station Street across the adjoining McCarthy and Stone site. Nevertheless this is not a matter that should influence determination of a planning application. The application should be assessed on its merits and prevailing planning policies. If permission is granted this would not override property rights.

## **RECOMMENDATION**

That subject to receipt of amended drawing which ensure privacy of neighbours is protected adequately the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

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

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

- 2 Notwithstanding the approved drawings the dwelling shall not be occupied until the rear garden has been enclosed in accordance with details which have been submitted to and approved in writing by the local planning authority.**

**Reason: To enhance the character and appearance of this listed building.**

- 3 Notwithstanding the approved drawings the dwelling shall not be occupied until details of the treatment of the gable wall marked "Y" on the plan attached to this permission have been submitted to and approved in writing by the local planning authority and the approved details have been carried out.**

**Reason: To enhance the character and appearance of this listed building.**

- 4 E19 (Obscure glazing to windows)**

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

- 5 H29 (Secure Cycle Parking Provision)**

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

**Informative:**

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

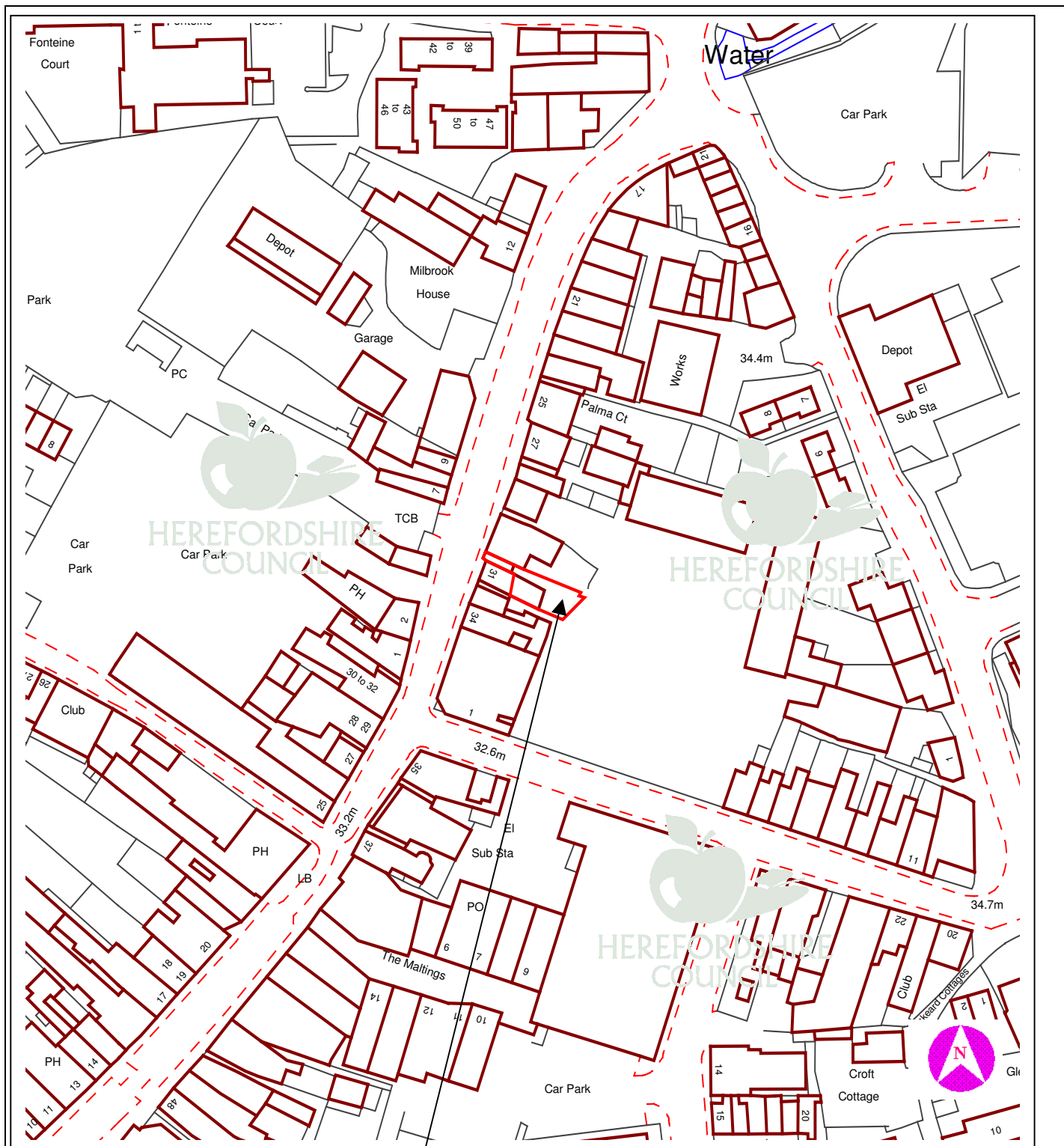
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2005/4150/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Building to the rear of 31 Brookend Street, Ross-On-Wye, Herefordshire, HR9 7EE

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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 This proposal was considered by the Committee on 26th October, 2005 and it was agreed to authorise Officers to grant permission subject to acceptable revised drawings of the entrance/staircase extension and car park layout. Those revised drawings have now been received. However the extension would be significantly different from the original submission and these changes should be considered therefore by the Sub-Committee.
- 1.2 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.
- 1.3 The application scheme is a revised scheme for conversion to a restaurant. As originally submitted 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 lobby and staircase would be of modern design: partly glazed, partly timber-clad and with a copper sheet roof. Other changes to the barn include re-opening and glazing ventilation slits 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.
- 1.4 The amended proposals which have been submitted in response to the Committee decision include a new entrance and staircase. This would be centrally located on the rear elevation, extend the full width of the wagonway (about 4.5 m) and project about 2.1 m from the rear of the barn. It would be of stone construction with full height translucent glazing and a catslide type roof. The internal layout of the restaurant has

been altered to reflect the new entrance and staircase. The front wagonway would be filled with a glazed screen with new barn doors. A 300mm flue is shown on the rear roof as part of the ventilation/fume extract system.

- 1.5 The scheme differs from the earlier scheme granted planning permission in 2004 primarily in the addition of the lean-to and entrance/staircase and would be distinctly different in its internal arrangement. In the current proposal all the wc's would be on the ground floor rather than just the disabled wc and 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.
- 1.6 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 along the road leading to Wilton Castle and by the roundabout. This too has been amended to provide more planting and screening. 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
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#### 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.”

However, the Agency recommends that “screening be provided on the A40 side of the development to screen vehicle lamps from the development site and prevent distraction to traffic using the trunk road.”

- 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.” The visual impact of the car park and projection of stair and entrance were specifically singled out as possible concerns. These concerns have been addressed in the revised proposals for a rear entrance/staircase and landscaping of the car park. The comments of English heritage regarding the revised proposals for the rear entrance/staircase will be reported at the Sub-Committee meeting.

##### 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's advises:

The permitted scheme DCSE2003/2164/F achieved the conversion within the volume of the existing barn and satisfied requirements of the Council's Supplementary Planning Guidance (SPG). This proposal conflicts with the Council's SPG in this regard.

The rear lean-to is handled in a traditional lean-to, a not uncommon feature on barns. The front extension would have been quite modern and contemporary in its approach. This is an 'honest' architectural approach but there are reservations regarding the adverse impact on the character of the barn. The revised scheme for a rear entrance/staircase is acceptable from an architectural point of view.

There is concern regarding the condition of this fabric. No measures have been put in place to prevent further deterioration and a structural engineer's report has not been submitted

The layout and landscaping, originally proposed is an inferior, less attractive scheme than that approved (drawing no. 483:04 as part of SE2003/2164/F). The revised car park layout is similar to the approved scheme with additional planting within the car park and is therefore acceptable.

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.

Any additional observations on the revised proposals will be reported to the Committee.

5.3 Twenty-three letters have been received objecting to the proposal. These all relate to the application as originally submitted. 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. (These do not include the most recent landscaping proposal). Previous concerns are re-iterated plus 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 No further representations have been received at the time of writing to the rear entrance/staircase and latest car parking layout and landscaping scheme. Any received will be reported at the Sub-Committee meeting.
- 5.6 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 and Wye Valley Area of Outstanding Natural Beauty.
- 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 35m 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. A condition recommended in the Report to the Committee on 26 October 2005 would have restricted opening hours to 3 specified meal periods (8.00 am to 9.30 am, 12 noon to 2.00 pm and 6.30 pm to 11.00 pm). On further consideration of the reasonableness and enforceability of this condition I consider that it should be altered so that only the total hours of opening are

controlled. It is now recommended that opening hours should be between 7.00 am and 11.00 pm.

- 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. The amended proposal is more traditional in appearance and there are examples of barns in the County with small extensions at the wagonways. The extension is also at the rear and is therefore less readily viewed except by drivers along the A40. The latest landscaping scheme would also help to soften the extensive car park with planting within the car park as well as around its periphery. The Conservation Manager considers this revised scheme to be acceptable. It is concluded therefore that the amended proposal should not harm the character and appearance of Wilton Conservation Area, and Wye Valley Area of Outstanding Natural Beauty.

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

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

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

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

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

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

6. C05 (Details of external joinery finishes)

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

7. 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.

8. C09 (External repointing)

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

9. 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 architectural or historical interest.

10. C11 (Specification of guttering and downpipes)

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

11. C18 (Details of roofing)

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

12. D01 (Site investigation - archaeology)

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

13. The use hereby permitted shall not be open to customers outside the hours of 7.00 am and 11.00 pm on any day.

**Reason:** To safeguard the amenities of the locality.

14. 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.

15. 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.

16. The number of seats for dining shall be limited to a maximum of 60.

**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.

17. 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.

18. F18 (Scheme of foul drainage disposal)

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

19. F22 (No surface water to public sewer)

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

20. F32 (Details of floodlighting/external lighting)

**Reason:** To safeguard local amenities.

21. F40 (No burning of material/substances)

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

22. G13 (Landscape design proposals)

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

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

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

24. G15 (Landscaping implementation)

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

25. G17 (Protection of trees in a Conservation Area)

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

26. G37 (Access for disabled people)

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

27. 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.

28. 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.

**29. H03 (Visibility splays)**

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

**30. H05 (Access gates)**

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

**31. 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.

**32. H21 (Wheel washing)**

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

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

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

**34. 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.

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

**36. 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

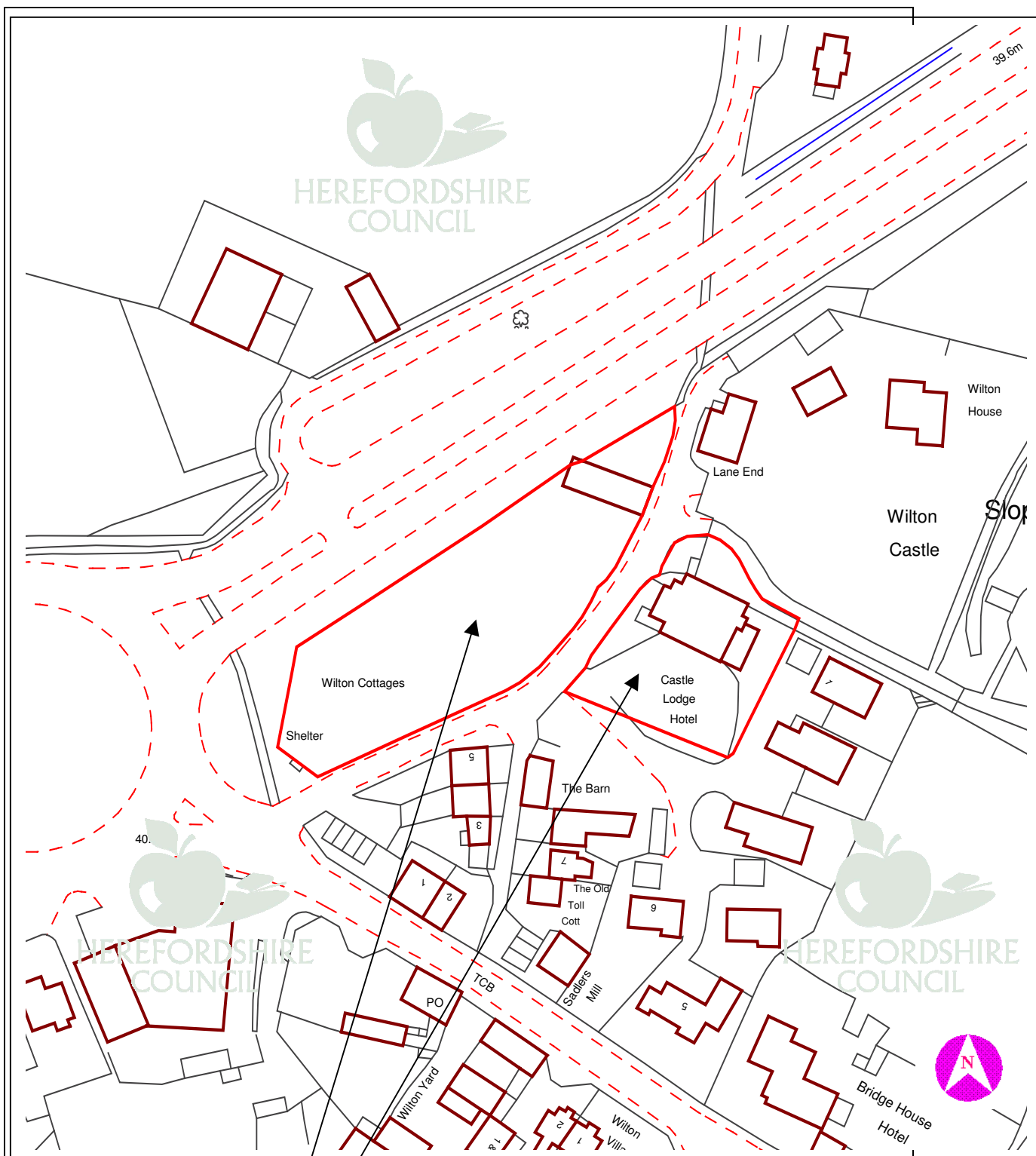
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Notes: .....

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**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 DCSW2005/3890/O - DETACHED DWELLING, LAND ADJACENT TO NO 7, CHERRY ORCHARD, WRIGGLEBROOK, KINGSTHORNE, HEREFORDSHIRE, HR2 8AW**

**For: Mr. & Mrs. C. Lynn per Mr. A. Powell, Yew Tree Cottage, Brinkley Hill, Brockhampton, Herefordshire, HR1 4SJ**

**Date Received: 2nd December, 2005**

**Ward: Pontrilas**

**Grid Ref: 50265, 31860**

**Expiry Date: 27th January, 2006**

Local Member: Councillor G.W. Davis

**1. Site Description and Proposal**

1.1 The proposal site comprises what was part of the garden area for No. 7 Cherry Orchard on the north-eastern side of the Wrigglebrook from which No. 7 Cherry Orchard gains access from either the south-eastern corner of that property or alternatively the north-western corner in front of Glenrosa, a dormer style bungalow that like the proposal site and No. 7 Cherry Orchard are elevated above the level of Wrigglebrook Lane, an unclassified road (u/c 71606) from which access will be gained. No. 7 Cherry Orchard is a brick faced chalet bungalow.

1.2 An illustrative block plan has been provided, it details an access point directly onto the unclassified road, and the blocking-off, of the existing north-western access point. No. 7 Cherry Orchard would have its own access point off the south-eastern corner of the site. The site is between 18/19 metres wide and from the steep bank of over 1.5 metres is 45 metres deep. This excludes a finger of land 3 to 3.5 metres at its narrowest and 7 metres at its widest, that is in front of Glenrosa. At approximate bank level, i.e. 1.5/2 metres above the level of the highway, there is a levelled out area across the frontage of the site. The land then inclines steeply. Three properties on Little Birch Road are sited between 12 - 17 metres from the northern boundary of the delineated plot. All matters are reserved for future consideration, notwithstanding the submission of details for the access as mentioned.

**2. Policies**

**2.1 Hereford and Worcester County Structure Plan**

Policy CTC.2	-	Areas of Great Landscape Value
Policy CTC.9	-	Development Criteria
Policy H.16A	-	Development Criteria

**2.2 South Herefordshire District Local Plan**

Policy GD.1	-	General Development Criteria
Policy SH.8	-	New Housing Development Criteria in Larger Villages

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

#### Part 1

- Policy S.1 - Sustainable Development
- Policy S.2 - Development Requirements

#### Part 2

- Policy DR.1 - Design
- Policy H.6 - Housing in Smaller Settlements

### 3. Planning History

- 3.1 None identified.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

#### Internal Council Advice

- 4.2 Traffic Manager states that closing off of existing acute access will be beneficial. Illustrative plans submitted, it is noted, however will require visibility be achieved and at a low gradient.

### 5. Representations

- 5.1 Much Birch Parish Council make the following observations:

“The Parish Council objects to the above application for the following reasons:

1. Sewage from Cherry Orchard Cottage is at present seeping out on the site and Councillors are aware that there has been a long-term problem with the sewage from this property.
2. The owner of Glenrosa believes that his spreaders extend on to the site.
3. The size of the plot and the severe slope, will limit the effectiveness of the spreaders for the new dwelling. Councillors agree with Mr. A. Davies, the owner of the cottage on the opposite side of the lane, that effluent/water discharge will probably seep out of the bank, into the road and/or come out in his garden, which is below the plot.
4. The current access is better, because the proposed driveway would be very steep.
5. The Parish Council has been informed that the site owner also owns No. 7 Cherry Orchard, the bungalow adjacent to the plot, although this is not shown by a blue boundary line on the plans.

6. Parish Councillors would be happy to support the application if the site were to be enlarged to the proposed new boundaries which they have drawn on the attached map. This would give more room for spreaders, the dwelling could be located further away from the Cherry Tree Cottage/Glenrosa boundary, and the dwelling could be sited further up the plot. The existing entrance should be retained.”

5.2 Three letters of representation have been received from:

Mr. A. Davies, Holly Tree Cottage, Wrigglebrook Lane, King's Thorn, HR2 8AW

Mr. A. Pucill, Glenrosa, Wrigglebrook Lane, King's Thorn, HR2 8AW

Mr. A. & Mrs. M. Nicholls, Cherry Orchard, Wrigglebrook Lane, Kings Thorn, HR2 8AW

The main points raised being:

- no objections to single dwelling (no more) of similar height
- land down slope could be used by Cherry Orchard and Glenrosa to improve access, i.e. visibility
- could share bio-disc systems
- soakaways on the site, precise location unknown
- no mains drainage in Wrigglebrook Valley, need to be satisfied site is of sufficient area given our soakaways are on it
- collected water will drain down slope onto my property, the Wrigglebrook flows through my grounds
- only way drainage from site can go is through my property
- elevated, overlooked, gross intrusion of privacy
- loss of value of property
- my property is Holly Tree Cottage not Makadoo as shown on maps
- should create a public lay-by in order to alleviate parking problems for service vehicles and visitors.

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

## **6. Officers Appraisal**

- 6.1 The main issues are considered to be the principle of development, drainage, access and overlooking/loss of privacy.
- 6.2 This site is wholly within the defined settlement boundary for Kingsthorpe. The site chosen is clearly an arbitrary one given that there is further land up slope, i.e. to the north-east and to the south-east, i.e. towards No. 7 Cherry Orchard, that could have been included in the site boundary. The illustrative plan submitted demonstrates that the proposed dwelling is 13 metres away from Glenrosa and 17 metres from No. 7 Cherry Orchard. This is considered to be sufficient distance such that the proposal does not constitute cramming. The style of dwelling will be important given that No. 7 Cherry Orchard is brick built and a chalet bungalow, and Glenrosa is a dormer bungalow. A dwelling with accommodation in the roof space would be anticipated, this would also allow for less land being taken up, i.e. if a single-storey dwelling were envisaged. It should be noted, as the Parish Council state above, that the applicants do also own No. 7 Cherry Orchard, which was not the case at the time of submission of the application. This clearly has implications for drainage and access and visibility for both Glenrosa and the proposal site.

- 6.3 The issue of drainage is a continuing one for residents along the Wrigglebrook Valley. The fact that a site has another property's soakaways on it is not a matter that prohibits the grant of planning permission. This issue has been the subject of a planning appeal elsewhere in Kingsthorpe. It is for the developer of the site to take into account such a matter and develop the site accordingly. It is considered that there is sufficient ground for drainage purposes on the site and if required on adjoining land in the applicant's ownership. This would allow for more land on which to drain if required. The site does slope south-westward to Wrigglebrook Lane, however it is considered that a properly designed drainage system could cope with the foul water produced by the new dwelling.
- 6.4 Access has not been raised directly by local residents. This is notwithstanding the observations of the Parish Council. A public lay-by has been suggested, but no objections to the means of access as illustrated on the block plan submitted. The Parish Council would prefer the existing access to the south-east intended for sole use for No. 7 Cherry Orchard be also used by the new plot. This is given the gradient of the site and the feasibility of meeting the requirements for a greatly reduced gradient for vehicles leaving and entering the site. This is also a matter raised by the Traffic Manager who requires visibility splays of 2 metres set back and 33 metres in each direction. An access point that is to the front of Glenrosa will be closed which is beneficial on this unclassified road with sub-standard access points that serve dwellings reached off steep driveways. It would be preferable if the existing access that serves No. 7 Cherry Orchard were modified such that traffic could also enter this site. This would retain most of the 1.5/2 metres high bank that is partly stone faced and has trees and vegetation on top of it. This would not be the case if a centrally positioned access were created. The retention of trees and the bank would retain the character of this part of Wrigglebrook Lane and may help with matters of foul drainage and water run-off. This would entail the application site being modified to include a strip of land along the frontage to the existing access in the south-eastern corner of land in the applicant's ownership.
- 6.5 The issue of overlooking resulting in a gross intrusion of privacy has been raised. It should be noted that the area identified for development is within the garden area of No. 7 Cherry Orchard from which it is possible to look south-westward across the objector's property. It is considered that a dwelling on this elevated valley side would not materially increase opportunities for overlooking than exist at present. The issue of devaluation of the objector's property is not a matter that could sustain a reason for objection.
- 6.6 Therefore, it is considered that it is possible to build a dwelling on this site, and still allow sufficient space/land for soakaways. This matter would need to be addressed within the remit of a detailed application that would also need to include sections through the site. The access arrangements can be improved upon such that the north-western access is blocked off, and the bank and trees retained as much as practicable or alternatively a centrally splayed access created.

## RECOMMENDATION

**That subject to the receipt of further plans detailing a splayed entrance and including land across the frontage of No. 7 Cherry Orchard, officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:**

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

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

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

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

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

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

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

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

**5. 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.**

**Informative(s):**

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

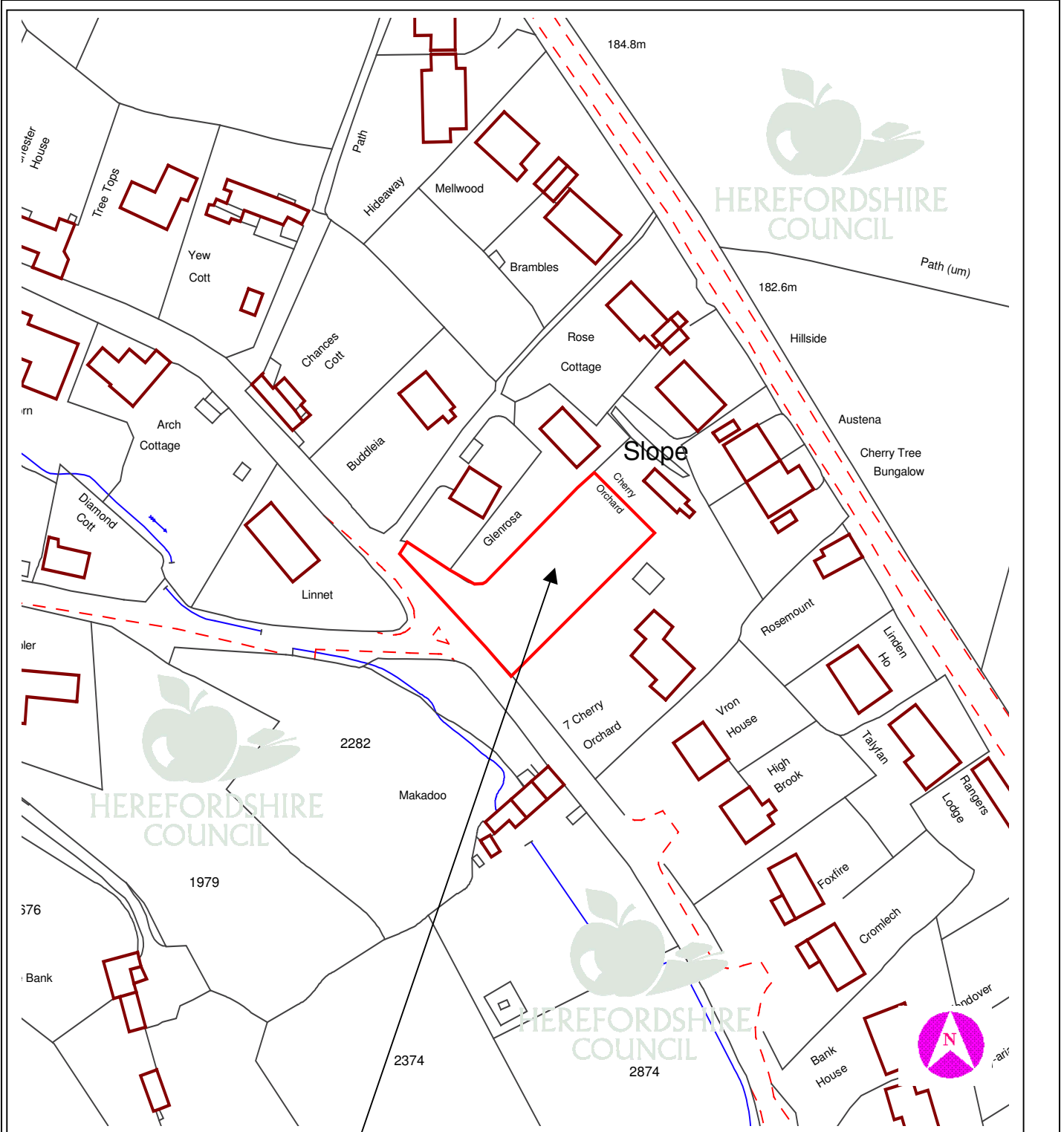
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSW2005/3890/O

**SCALE :** 1 : 1250

**SITE ADDRESS:** Land adjacent to No 7, Cherry Orchard, Wrigglebrook, Kingsthorne, Herefordshire, HR2 8AW

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