

# A G E N D A

## Southern Area Planning Sub- Committee

Date: **Wednesday, 2nd August, 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 P.G. Turpin (Chairman)  
Councillor H. Bramer (Vice-Chairman)

Councillors 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, J.G. Jarvis, G. Lucas, D.C. Taylor and J.B. Williams

	Pages
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. DECLARATIONS OF INTEREST</b>	
To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>3. MINUTES</b>	1 - 6
To approve and sign the Minutes of the meeting held on 5th July, 2006.	
<b>4. ITEM FOR INFORMATION - APPEALS</b>	7 - 10
To note the contents of the attached report of the Head of Planning Services in respect of the appeals received or determined for the southern area of Herefordshire.	
<b>REPORTS BY THE HEAD OF PLANNING SERVICES</b>	
To consider and take any appropriate action in respect of the planning applications received for the southern area and to authorise the Head of Planning Services to impose any additional or varied conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
Application no. 5 is an application that was deferred for a site inspection at the last meeting of the Southern Area Planning Sub-Committee, application 6 to 8 are new applications.	
<b>5. DCSE2006/1450/F - THE SHRUBBERY, CAMP ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5NA.</b>	11 - 16
Erection of new dwelling in garden.	

6.	<b>DCSE2006/1979/F - LAND TO THE REAR OF ROYAL ARMS PUBLIC HOUSE, LLANGROVE, ROSS-ON-WYE, HR9 6EZ</b>	17 - 22
	New highway access as constructed to technical approval and variation of condition 5 of SE2004/2155/O.	
7.	<b>DCSE2006/1871/F - HAZELNUT COTTAGE AND ADJOINING LAND, LLANGROVE, NR. ROSS-ON-WYE, HEREFORDSHIRE.</b>	23 - 30
	On-compliance with Condition 5 of planning permission SE2005/1118/O: Relaxation of highway splays.	
8.	<b>DCSW2006/0585/O - CYPRUS COTTAGE, KINGSTHORN, NR. HEREFORD, HR2 8AW.</b>	31 - 36
	Demolition of house and site for construction of two dwellings served by sewage treatment plant.	

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## **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

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

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**MINUTES of the meeting of Southern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 5th July, 2006 at 2.00 p.m.**

**Present:** Councillor P.G. Turpin (Chairman)  
Councillor H. Bramer (Vice Chairman)

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

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

**18. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

**19. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**20. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 7th June, 2006 be approved as a correct record and signed by the Chairman.

**21. ITEM FOR INFORMATION - APPEALS**

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

**22. DCSE2006/1583/F - BRAMLEY COTTAGE, HOWLE HILL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SH (AGENDA ITEM 5)**

*Retention of small dog kennel and run*

Councillor J.G. Jarvis, the Local Ward Member, was concerned that granting the application could set a precedent. He noted that condition 3 of planning permission SE2004/2539/F removed permitted development rights to erect a building of this nature, and felt that the condition should not be overridden retrospectively.

The Development Control Manager noted the concerns of the Local Ward Member but felt that granting the application would not set a precedent. He also advised the Sub-Committee that the application had to be determined on planning merits only and that it had no effect on the AONB.

**RESOLVED:**

**That planning permission be granted.**

**Informative:****1 N15 - Reason(s) for the Grant of Planning Permission.****23. DCSE2006/1408/F - 11 THE GLEBE, HILDERSLEY, ROSS-ON-WYE, HR9 5BL (AGENDA ITEM 6)**

*Two-storey extension.*

Councillor Mrs. A.E Gray, one of the Local Ward Members, noted that Ross Rural Parish Council had initially objected to the application but that they were now satisfied with the dimensions proposed by the applicant. She therefore supported the application.

**RESOLVED:**

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

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

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

**2. B02 (Matching external materials (extension))**

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

**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.**

**Informative(s):****1. N15 - Reason(s) for the Grant of Planning Permission****24. DCSE2006/1677/F - LAND ADJACENT TO 'MARSH COTTAGE', PONTSHILL, HEREFORDSHIRE, HR9 5SZ. (AGENDA ITEM 7)**

*Erection of one dwelling*

The Principal Planning Officer reported the receipt of revised plans from the applicant.

Councillor H. Bramer, the Local Ward Member, felt that he could not support the application. He felt that a three storey development would be overpowering on the site. He noted that Pontshill did not meet the criteria for a small settlement and that it had therefore been removed as a small settlement in the UDP. He noted that the site had planning permission for a cottage style building but felt that the proposed dwelling was not suitable.

The Principal Planning Officer advised the Sub-Committee that the existing planning permission on the site was a material planning consideration. He noted that all of the drainage and flooding issues had been dealt with on the previous application.

Members discussed the application thoroughly and felt that it should be refused

contrary to the officer's recommendation as it was in breach of UDP Policy H7, the proposed dwelling was too large for the site and also that granting the application would have a negative effect on the amenities of neighbouring properties.

**RESOLVED:**

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

- a) In Breach of Policy H7**
- b) Proposed dwelling is too large for the site and inappropriate for the area**
- c) Detrimental effect on amenities of local residents**

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

[Note: Following the vote on this application, the Development Control Manager advised that he would not refer the decision to the Head of Planning Services.]

**25. DCSW2006/1298/F - LAND ADJACENT TO PETERSTOW COMPRESSOR STATION, TREADDOW, OFF THE A4137, HENTLAND, HEREFORDSHIRE (AGENDA ITEM 8)**

*New natural gas pressure reduction installation and associated works. (Tie-in to existing Peterstow Compressor Station and No. 2 feeder outside the Compressor Station and extension to existing site access road)*

The Development Control Manager reported the receipt of a letter of objection from Peterstow Parish Council as well as further correspondence from the residents of Little Peterstow Barn. He also reported the receipt of comments from the Council's Rights of Way Officer who noted that the application would not have a detrimental effect on footpath HN17.

In accordance with the criteria for public speaking, Mr. Wood, representing Peterstow Parish Council, and Mr. Gething-Lewis, a local resident, both spoke in objection to the application and Mr Mercer, the applicant, spoke in support.

Councillor Mrs. J.A. Hyde, one of the Local Ward Members, thanked the Development Control Manager for a detailed report, she also felt that the site visit had been beneficial to members. She noted the concerns of the Parish Council and agreed that site D would be a more suitable location for the development.

Councillor G.W. Davis, the other Local Ward Member, also felt that site D would be a more suitable option for the development. He confirmed that he did not object to the application in principal but did feel that the siting of the development was not in a suitable location.

Members discussed the application thoroughly and felt that the proposed application would be visually intrusive on the proposed site, they felt that this matter could be resolved by using site D. They felt that granting the application would breach countryside policies C1, C2, C3, C9, C11, and C47 and that it could result in light

and noise pollution to the residents of Little Peterstow Barns.

**RESOLVED:**

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

- d) Too visually intrusive**
- e) In open countryside**
- f) Light and noise pollution to local residents**
- g) Environmental damage**

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

[Note: Following the vote on this application, the Development Control Manager advised that he would refer the decision to the Head of Planning Services.]

**26. DCSE2006/1450/F - THE SHRUBBERY, CAMP ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5NA (AGENDA ITEM 9)**

*Erection of new dwelling in garden.*

Councillor Mrs. C.J. Davis, the Local Ward Member, noted the concerns of local residents and felt that Members would benefit from a site inspection.

**RESOLVED:**

**That consideration of planning application DCSE2006/1450/F be deferred for a site inspection for the following reasons:**

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

**27. DCSE2006/1431/A - OVERROSS GARAGE LTD, OVERROSS STREET, ROSS-ON-WYE, HR9 7AS (AGENDA ITEM 10)**

*Illuminated fascia letters, fascia sign, 2 entrance features, pole sign, pylon sign and directional sign. Non-illuminated activity panel, customer parking, welcome, dealer, sales, parts sign and flags.*

The Senior Planning Officer confirmed that the revised plans had not yet been received from the applicant.

In accordance with the criteria for public speaking, Mr. Bernard, a local resident, spoke in objection to the application.

In response to a question raised by the Local Ward Member, the Senior Planning Officer confirmed that a condition could be added to the recommendation in order to

ensure that no lights were left on outside of normal business hours.

**RESOLVED:**

**That**

**1) In relation to the proposed advertisements nos. 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15 & 16 on drawing Ren 0682 planning and subject to the receipt of amended drawings the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:**

**1 The existing advertisements at Overross Garage shall be removed prior to the display of the advertisements hereby approved or in accordance with a time-table to be submitted to and approved in writing prior to the display of the advertisements.**

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

**2 The level of luminance of the signs hereby granted consent shall not exceed 1 lux vertical on windows of any adjacent property or 5 lux horizontal on the adjoining highway.**

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

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

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

**2) In relation to the proposed advertisement no.17 that consent be refused for the following reason:**

**1 The proposed advertisement, because of its size and prominent position, would detract from the street scene and the character and appearance of this part of Ross on Wye Conservation Area. This advertisement would therefore harm public amenity and thereby be contrary to Policy C50 of South Herefordshire District Local Plan and HBA11 of Herefordshire Unitary Development (Revised Deposit Draft).**

**28. DCSE2006/1358/O - MUDDY BOOTS SOFTWARE LTD, PHOCLE GREEN, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7XU (AGENDA ITEM 11)**

*ICT development, customer support and sales offices.*

The Senior Planning Officer reported the receipt of an email from Councillor J.C. Mayson, the Cabinet Member for Rural Regeneration and Strategy, who supported the application. He also advised the Sub-Committee that comments had been received from the Traffic Manager who felt that granting the application would result in a 25% increase in traffic to the site and therefore suggested conditions. The Senior Planning Officer finally reported the receipt of comments from Herefordshire Council's Regeneration Team, who supported the application and Ross Town Council, who objected to it.

In accordance with the criteria for public speaking, Mr. Evans, the applicant, spoke in

support of his application.

Councillor J.W. Edwards, the Local Ward Member, noted the concerns of the Parish Council but felt that the site was in a good location and that the visual impact would be minimal.

Councillor H. Bramer, the Vice Chairman, advised the Sub-Committee that the application had received support from the Cabinet Member for Rural Regeneration, the Ross Area Partnership, and the Chamber of Commerce. He felt that granting the application would offer employees an excellent working environment and would help to attract quality Information Technology Personnel to the area.

**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 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: Following the vote on this application, the Development Control Manager advised that he would refer the decision to the Head of Planning Services.]

The meeting ended at 3.50 p.m.

**CHAIRMAN**

<b>ITEM FOR INFORMATION - APPEALS</b>
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**APPEALS RECEIVED****Enforcement Notice EN2006/0028/ZZ**

- The appeal was received on 26th June 2006
- 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 R Fisher
- The site is located at Gromarlie, Dorstone, Hereford, Herefordshire, HR3 6BA
- The breach of planning control alleged in this notice is:  
*Without planning permission change of use of the land for the siting of a caravan for residential purposes on the site.*
- The requirements of the notice are:
  - (i) *Cease the residential use of the land.*
  - (ii) *Remove the caravan from the land.*
  - (iii) *Remove any materials that arise from the removal of the caravan.*
  - (iv) *Restore the land to its condition before the breach took place by reseeding the grass and such other work as is necessary to return its agricultural land quality to at least that which it formally was.*
- The appeal is to be heard by Written Representations

**Case Officer: Andrew Prior on 01432 261932****Enforcement Notice EN2006/0044/ZZ**

- The appeal was received on 14th July 2006
- 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 & Mrs Jenkins
- The site is located at Westlea, Westbrook, Hay-on-Wye, Herefordshire, HR3 5SY
- The breach of planning control alleged in this notice is:  
*Without planning permission, change of use of the land from uses in association with an equine enterprise and agricultural purposes to a mixed use of equine, agricultural and the siting of a caravan for residential purposes.*
- The requirements of the notice are:
  - (i) *Cease the residential use of the land*
  - (ii) *Permanently remove the caravan from the land*
  - (iii) *Remove any materials that arise from the removal of the caravan.*
- The appeal is to be heard by Written Representations

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

**APPEALS DETERMINED****Application No. DCSE2005/3170/F**

- The appeal was received on 7th February 2006
- 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 N Peggs
- The site is located at Rosedew, Symonds Yat, Ross-on-Wye, Herefordshire, HR9 6DY
- The application, dated 23<sup>rd</sup> September 2005, was refused on 22<sup>nd</sup> November 2005
- The development proposed was two-storey extension to existing dwelling.
- The main issue is the effect of the proposal in context to the scale of the original dwelling.

**Decision:** The appeal was DISMISSED on 29<sup>th</sup> June 2006

**Case Officer: Duncan Thomas on 01432 261974**

**Application No. DCSW2004/3768/O**

- The appeal was received on 25th May 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 N Donovan
- The site is located at Land to the rear of The New Inn, St. Owens Cross, Herefordshire, HR2 8LQ
- The application, dated 25th October 2004, was refused on 23rd December 2004
- The development proposed was Site for single storey bungalow with double garage
- The main issues are whether the site is in a sustainable location and if not, whether it is an acceptable re-use of an existing building. Also the effect on the character of the area and the significance of Mr Donovan's personal circumstances.

**Decision:** The appeal was DISMISSED on 6th July 2006

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

**Application No. DCSW2005/0402/O**

- The appeal was received on 13th May 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 C Hooley
- The site is located at Sheppon Stables, Hoarwithy, Herefordshire, HR2 6QU
- The application, dated 1st February 2005, was refused on 4th April 2005
- The development proposed was Erection of single unit of residential accommodation in connection with existing and established equine activities and business on site
- The main issues are whether the operational needs of the enterprise justify permission for the additional dwelling and also the effect on the character and appearance of the area.

**Decision:** The appeal was DISMISSED on 6<sup>th</sup> July 2006.

The application for costs on behalf of Mr and Mrs Hooley was REFUSED.

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



**Application No. DCSE2005/2634/F**

- The appeal was received on 7th April 2006
- 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 Mrs R Buchanan
- The site is located at Church Cottage, Marstow, Ross-On-Wye, Herefordshire, HR9 6HE
- The application, dated 1<sup>st</sup> August 2005, was refused on 19<sup>th</sup> September 2005
- The development proposed was Two storey extension
- The main issues are whether the proposal would constitute an appreciable and harmful departure from the scale and proportions of the original house, and whether the proposal would over-emphasize it's presence within the landscape of the Area of Outstanding Natural Beauty.

**Decision:** The appeal was DISMISSED on 12<sup>th</sup> July 2006

**Case Officer:** Charlotte Atkins on 01432 260536

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



**DEFERRED**

**5 DCSE2006/1450/F - ERECTION OF NEW DWELLING IN GARDEN OF THE SHRUBBERY. NEW ACCESS FROM HIGHWAY AT THE SHRUBBERY, CAMP ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5NA.**

**For: Mr & Mrs F Price per Geoff Jones Architect, 53 Broad Street, Ross on Wye, Herefordshire, HR9 7DY**

**Date Received: 12th May, 2006    Ward: Ross-on-Wye East    Grid Ref: 60593, 24038  
Expiry Date: 7th July, 2006**

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

This application was reported to the Southern Area Planning Sub-Committee on 5th July 2006. Members deferred determination to enable a site visit to be undertaken. Members visited the site on 18th July 2006.

**1. Site Description and Proposal**

- 1.1 The site lies on the eastern side of Camp Road, to the east of the town centre of Ross-on-Wye, and within the Wye Valley Area of Outstanding Natural Beauty. The site currently forms part of the residential curtilage of The Shrubbery. The Shrubbery is a detached, two storey property that occupies a corner plot between Camp Road and Alton Avenue. Vehicular access and parking to serve The Shrubbery is off Alton Avenue.
- 1.2 The site is essentially rectangular (some 11.5 metres by 29 metres) and flat, with a conifer hedge to the roadside boundary. Immediately to the south of the site there is a detached, two storey dwelling, known as Chase View. The eastern side of Camp Road comprises semi-detached and detached properties. On the opposite side of the road to the application site there is a terrace of ten, two storey properties.
- 1.3 Planning permission is sought for the erection of a detached, two storey dwelling. The proposed dwelling would be some 9.8 metres wide by 11 metres and a roof ridge height of some 7.3 metres. The dwelling would be set back a minimum of some 3.5 metres from the footway. The property would provide three bedrooms (one with ensuite facilities) and a bathroom at first floor and kitchen, utility, lounge and dining room at ground floor.

**2. Policies**

**2.1 Department of Environment**

PPG3            -        Housing  
PPG13          -        Transport

**2.2 Hereford and Worcester County Structure Plan**

**DEFERRED**

Policy CTC1	-	Development in Areas of Outstanding Natural Beauty
Policy CTC9	-	Development Criteria
Policy H16A	-	Housing in Rural Areas
Policy H18	-	Residential Development in Rural Settlements

**2.2 South Herefordshire District Local Plan**

Policy GD1	-	General Development Criteria
Policy C5	-	Development within Areas of Outstanding Natural Beauty
Policy C43	-	Foul Sewerage
Policy SH14	-	Siting and Design of Buildings
Policy T1A	-	Environmental Sustainability and Transport
Policy T4	-	Highway and Car Parking Standards

**Part 3 – Chapter 37 – Ross on Wye**

Policy 3	-	Infill Sites for Housing
Policy 4	-	Primarily Residential Areas
Policy 5	-	Housing in Built-up Areas

**2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)****Part 1**

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy S6	-	Transport

**Part 2**

Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy LA1	-	Areas of Outstanding Natural Beauty
Policy H13	-	Sustainable Residential Design
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy H16	-	Car Parking
Policy CF2	-	Foul Drainage
Policy T11	-	Parking Provision

**3. Planning History**

3.1	SH90/0533/PO	One two-storey dwellinghouse and garage.	-	Granted 13.06.1990
	SE2005/3714/O	One three-bedroom dwelling with garage.	-	Refused 11.1.2006

**4. Consultation Summary**Statutory Consultations

4.1 Welsh Water - no objections, recommend conditions.

## DEFERRED

### Internal Council advice

- 4.2 The Traffic Manager raises no objection. The off road parking provision is of benefit and outweighs the inability for vehicles to turn within the site. This is the case with other properties in the vicinity of the site.

## 5. Representations

- 5.1 A letter was submitted with the application by the applicants' agent. It states that:
- the storm water from the new house and The Shrubbery will be taken to soakaways in the garden of the new house. The foul waste will be connected to the main sewage system.
- 5.2 Ross-on-Wye Town Council raise no objections.
- 5.3 One letter of representation has been received from D.T and P Butler of 9, Milton Terrace, Camp Road. The main points raised are:
- Vehicle access to the road is congested, people from Gloucester Road park on Camp Road as they have no room in front of their own properties.
  - Proposed dwelling would be immediately opposite the front of our property. Trees have already been cut down.
  - The sewers are overloaded and frequently block. Another dwelling can only make this worse.

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

## 6. Officer's Appraisal

- 6.1 The main issues, in the consideration of this application are the principle of residential development, the impact on the character of the area, the affect on the neighbouring properties, highway safety and drainage arrangements.
- 6.2 The site is within a primarily residential area and the Ross-on-Wye settlement boundary. The Local Plan policies permit new residential, infill development within the defined settlements subject to certain specified criteria. Furthermore PPG 3 – Housing and the Unitary Development Plan advocate the efficient use of land, particularly in sustainable locations with good access to facilities and public transport. Therefore it is considered that the principle of residential development on the site is acceptable.
- 6.3 The proposed dwelling would be of a similar scale, height and design to others within Camp Road. The design includes features such as a chimney, contrasting brick detailing and a porch. The dwelling to plot ratio would be similar to the existing development in Camp Road and would not appear cramped. Parking is proposed to the front of the dwelling, along with a brick wall to the left hand side of the front boundary. This would not be dissimilar to the existing character of the road. It is therefore considered that the proposed dwelling would be in keeping the existing character of the area.

## DEFERRED

- 6.4 The window openings are predominantly sited within the eastern and western elevations of the proposed property, with the exception of a ground floor kitchen window in the northern elevation and a ground floor lounge and first floor bathroom window in the southern elevation. There are no windows in the northern elevation of Chase View and as such the proposal would not enable direct loss of privacy to this property. In relation to The Shrubbery only a ground floor window is proposed. Consequently there would not be direct overlooking between The Shrubbery and the proposed dwelling. With regards the objectors' property, 9 Milton Terrace, it is considered that as the proposed dwelling would be on the opposite side of Camp Road and some 26 metres at the nearest point, the proposal would not adversely affect their privacy or residential amenity. In this suburban context the dwelling would not have an adverse overbearing impact.
- 6.5 The proposal includes the provision of two off road parking spaces. Taking into account the proximity to the town centre, public transport, policies T4 of the Local Plan and T11 and H16 of the Unitary Development Plan and PPG13, it is considered that the proposal would be acceptable in highway safety terms. Furthermore the Traffic Manager raises no objections.
- 6.6 Welsh Water have raised no objections, subject to conditions requiring the surface water and land drainage to be drained separately from foul water. The applicants' agent has confirmed that the storm water from the new house and The Shrubbery will be taken to soakaways in the garden of the new house and the foul waste will be connected to the main sewage system.

## RECOMMENDATION

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

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

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

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

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

**3 E18 (No new windows in specified elevation)**

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

**4 E19 (Obscure glazing to windows)**

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

**5 H10 (Parking - single house)**

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

**6 W01 (Foul/surface water drainage)**

**DEFERRED**

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

**7 W02 (No surface water to connect to public system)**

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

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

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

**9 W04 (Comprehensive & Integrated drainage of site)**

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

**Informative:**

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

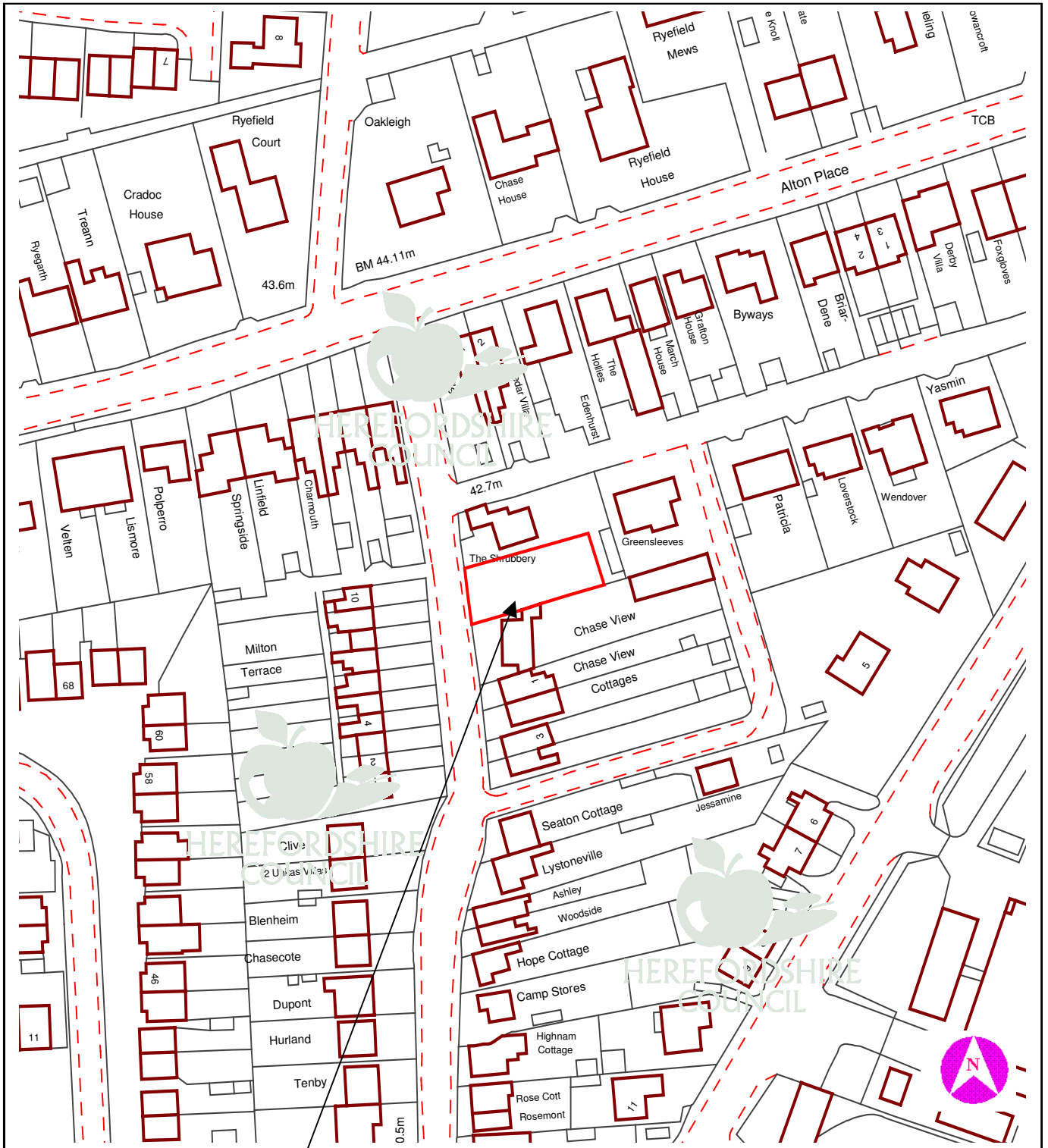
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Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2006/1450/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** The Shrubbery, Camp Road, Ross-on-Wye, Herefordshire, HR9 5NA

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**6 DCSE2006/1979/F - NEW HIGHWAY ACCESS AS CONSTRUCTED TO TECHNICAL APPROVAL AND VARIATION OF CONDITION NO. 5 OF SE2004/2155/O. LAND TO THE REAR OF ROYAL ARMS PUBLIC HOUSE, LLANGROVE, ROSS-ON-WYE, HR9 6EZ.**

**For: M F Freeman per James Spreckley, Brinsop House, Brinsop, Herefordshire, HR4 7AS.**

**Date Received: 13th June, 2006    Ward: Llangarron    Grid Ref: 52416, 19325**

**Expiry Date: 8th August, 2006**

Local Member:    Councillor Mrs J.A. Hyde

**1. Site Description and Proposal**

- 1.1 Outline planning permission (DCSE2004/2155/O) was granted in August 2004 for residential development of 6 houses and vehicular access on land at the rear of the Royal Arms Inn and Royal Arms Cottage in Llangrove. The permission was subject to a condition (no. 5) requiring provision of a visibility splay:

“Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 33 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.”

The new access would be to the east of the Royal Arms Inn, replacing the car park. A new car park would be formed at the rear of the public house. As part of the visibility splay at this access would be across the adjoining property (a dwellinghouse, Hazelnut Cottage) the condition is in negative form.

- 1.2 Reserved matters approval (DCSE2006/3603/RM) was granted subsequently. The development is now completed, and some houses appear to be occupied. The new access is in place and works aimed to achieve the 2m x 33m splay have been carried out. These include widening the carriageway on the north side with new kerbing and white lines painted in the carriageway to define its edge. However, the latter are forward of the carriageway edge and the Transport Manager has advised that the required splay has not been achieved. This is primarily because to the east of the site the splay is within the curtilage of Hazelnut Cottage. A 1m wooden board has been installed and a conifer(s) have been planted within that property and close to the highway.
- 1.3 The current application seeks to vary the condition so that the access with its existing visibility splays is authorised.
- 1.4 The site of this residential development was formerly part of a field extending to the east of Llangrove Cottage (a farmhouse). The eastern half of the field, to the rear of

Hazelnut Cottage, was also the subject of planning applications for residential development (DCSE2004/1949/O and DCSE2005/1118/O) and these outline permissions remain extant. A similar condition to that in paragraph 1.1 above was imposed, as part of the visibility splay of the new access for the Hazelnut Cottage development would be over land within the Royal Arms development site.

## 2. Policies

### 2.1 Planning Policy Guidance

PPG.3	-	Housing
PPG.13	-	Transport

### 2.2 Hereford and Worcester County Structure Plan

Policy H16A	-	Housing in Rural Areas
Policy H.18	-	Residential Development in Rural Settlements

### 2.3 South Herefordshire District Local Plan

Policy SH.6	-	Housing Development in Larger Villages
Policy SH.8	-	New Housing Development Criteria in Larger Villages
Policy T.3	-	Highway Safety Requirements
Policy GD.1	-	General Development Criteria

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

Policy H.6	-	Housing in Smaller Settlements
Policy H.13	-	Sustainable Residential Design
Policy T.8	-	Road Hierarchy
Policy T.11	-	Parking Provision

## 3. Planning History

31.	SE2003/1765/O	6 detached houses and vehicular access	-	Withdrawn 18.05.04
	DCSE2004/2155/O	6 detached houses and vehicular access	-	Approved 08.10.04
	DCSE2004/3603/RM	6 detached houses and vehicular access	-	Approved 18.4.05
	DCSE2005/1945/F	Variation of condition no. 5	-	Withdrawn 08.08.05
	DCSE2006/0581/F	New highway access	-	Withdrawn 27.06.06

## 4. Consultation Summary

### Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Traffic Manager: It is considered that it would be unreasonable to recommend refusal. The original approved visibility is not achievable within the application site and third party land is required. It is requested that details are submitted indicating that a 2 metre wide area of clear visibility is to be provided and maintained at the back of the new kerb line eastwards from the access to the site boundary.

**5. Representations**

- 5.1 The applicant's agent confirms that the submitted drawing (04-12-03 05D) is as constructed and surveyed on site and in accordance with the technical approval of the Senior Engineer (Highway Adoption) dated 23rd January, 2006.
- 5.2 Llangarron Parish Council object to this application on the grounds that the Plan is inaccurate and does not represent what has been constructed on the ground. The visibility splays are inadequate and do not comply with the conditions of the original planning consent.
- 5.3 Two letters have been received from the agent representing Hazelnut Cottage. The following points are made:-
- survey plan is incorrect in a crucial way: a fence and tree along the eastern boundary with Hazelnut Cottage are not included
  - consequently splay does not exceed 2m x 18 - significantly less than minimum required by highway officer
  - plan must therefore be corrected - duty of Council to ensure that plans presented to Committee are accurate
  - how is condition no. 5 to be varied?
  - if seek to regularise current situation this would be unacceptable to highway officer - permission refused for relaxation of 2m x 33m splay at Hazelnut Cottage on grounds that minimum requirement for highway safety
  - existing splay falls well short of that minimum and no highway reason to grant permission
  - access geometry is irrelevant to issue of visibility splay
  - assumption may be made that Hazelnut Cottage development with its splay will eventually be developed but this can only take place if the equivalent condition is relaxed - latter should be done before the current Royal Arms application is determined
  - Hazelnut Cottage's owners are making every effort to resolve this unsatisfactory highway situation but no pressure on Royal Arms developer to resolve matters by entering into an agreement - from which former seeks no financial benefit.

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

**6. Officer's Appraisal**

- 6.1 The condition is considered to meet the tests set out in Government Circular 13/95. In particular the condition is necessary for highway safety and for a planning purpose, related to the development, precise, enforceable and in other respects reasonable. Although it involves land not in the applicant's ownership this is not normally grounds to refuse permission. Indeed, none of the application site was in the applicant's ownership at the time the outline application was submitted. The negative or

Grampian wording has been accepted by the Courts as appropriate in these circumstances.

6.2 Visibility to the west is approximately in accordance with the requirements of the condition. Visibility to the east is affected by the 1m high board and the recently planted tree. However as the highway rises from the eastern boundary to the new access the board does not significantly obstruct views. A driver seeking to enter the highway can see over the top of the board and the effect is not dissimilar to an obstruction of only 0.6m high, which is allowed by this condition. At present the conifer does not obscure the view. For these reasons the Traffic Manager advises that he does not object to the variation of the condition to authorise the existing access.

6.3 In the longer term it would be critical for the full splay to be achieved and maintained. This would be the case if the development at Hazelnut Cottage were to go ahead as providing the new access would ensure full visibility at the Royal Arms access. Similarly if the latter provided the required splay, this would partially facilitate the appropriate access at Hazelnut Cottage. The Traffic Manager recommends that a 2m verge be provided at the Royal Arms between the new access and the boundary with Hazelnut Cottage. If this were to be provided it would mean that there was no impediment (as far as the access was concerned) to development at Hazelnut Cottage. It is reasonable to assume that the development will go ahead within the lifetime of the current permission because the developer is aware that the permission might not be renewed if it lapsed. On this basis a sub-standard access would be authorised but with the expectation that this would be for a limited period and the full splay would be implemented once development on the adjoining site commenced.

**RECOMMENDATION**

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

- 1. Within 2 months of the date of this decision a 2m verge shall be provided at the rear of the carriageway and between the new access and the boundary with Hazelnut Cottage. Nothing shall be planted, erected and/or allowed to grow on the verge which obstruct visibility over the adjoining highway.**

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

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

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

- 3. G05 (Implementation of landscaping scheme (general))**

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

**Informative(s):**

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

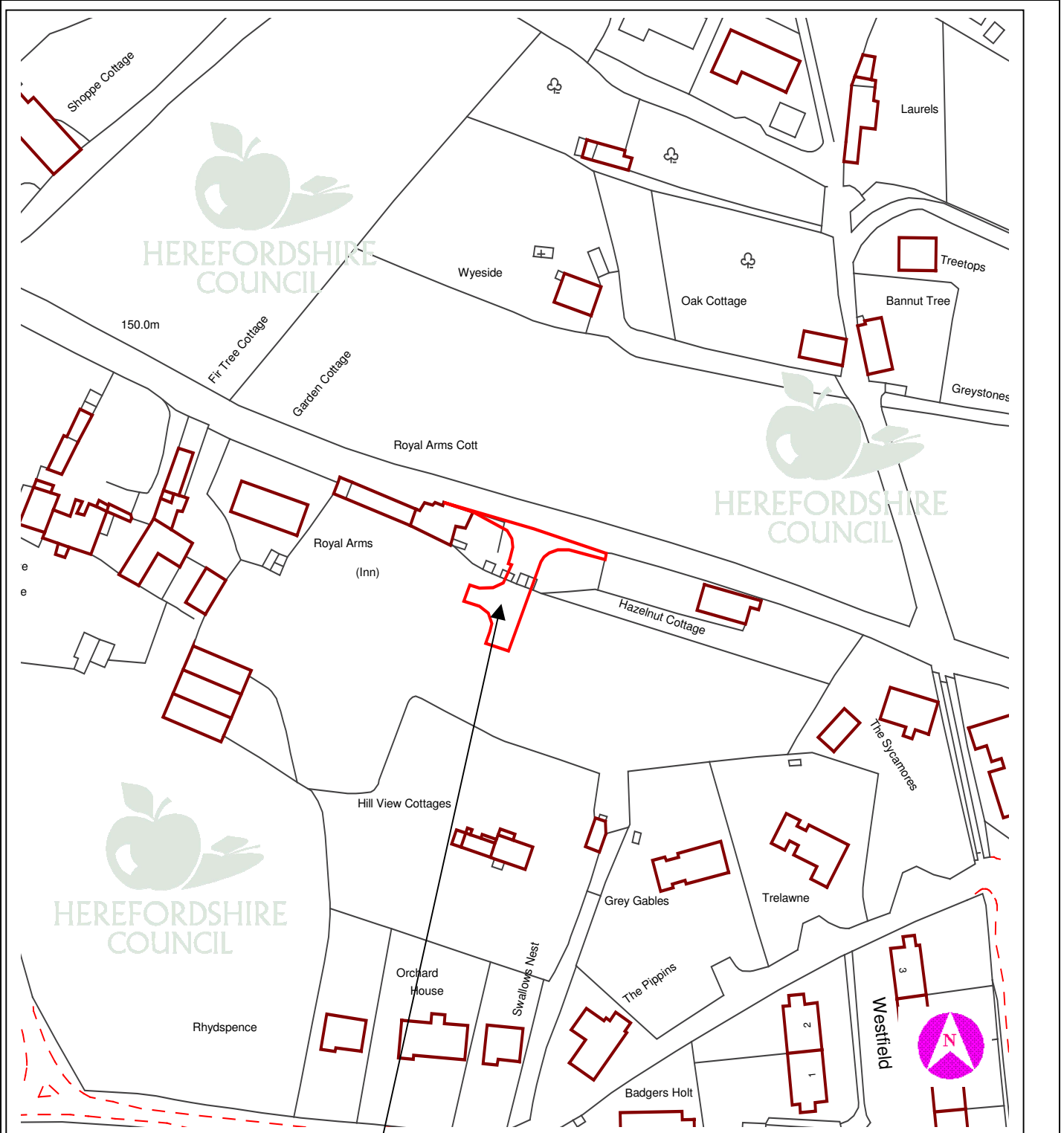
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2006/1979/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land to the rear of Royal Arms Public House, Llangrove, Ross-on-Wye, Herefordshire, HR9 6EZ

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**7 DCSE2006/1871/F - NON-COMPLIANCE WITH CONDITION 5 OF PLANNING PERMISSION SE2005/1118/O : RELAXATION OF HIGHWAY SPLAYS AT HAZELNUT COTTAGE AND ADJOINING LAND, LLANGROVE, NR. ROSS-ON-WYE, HEREFORDSHIRE.**

**For: Paul Smith Associates, 19 St Martin Street, Hereford, HR2 7RD.**

**Date Received: 12th June, 2006    Ward: Llangarron    Grid Ref: 52448, 19305**

**Expiry Date: 7th August, 2006**

Local Member:    Councillor Mrs J.A. Hyde

**1. Site Description and Proposal**

- 1.1 The application site comprises the eastern half of a field, formerly part of the farm at Llangrove Cottage. Outline planning permissions have been granted for residential development and for the erection of 5 houses and a bungalow. In the latter case permission was granted subject to a condition (no 5) requiring that:

Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 33 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

The current application seeks to vary that condition by relaxing the visibility splay requirement. A number of alternatives are suggested in the letter of application:

- (i) splay measured from within the carriageway rather than the edge of the carriageway
- (ii) splay to end within the highway not at its nearside
- (iii) relax length of splay
- (iv) provide a 2.1 m deep verge ('cordon sanitaire') between the new access and boundary with the new housing site at the rear of the Royal Arms Inn, which would combine with the new access at the latter development.

- 1.2 The western half of the field (land rear of the Royal Arms Inn) has now been developed (6 houses) and a similar condition to that quoted above was attached to the outline permission for that development. The access at that development does not meet the requirements of the condition with regard to visibility to the east of the access and an application has been submitted by the developer to vary that condition. This is the subject of a separate report on the current Agenda.

## 2. Policies

### 2.1 Planning Policy Guidance

PPG.3	-	Housing
PPG.13	-	Transport

### 2.2 Hereford and Worcester County Structure Plan

Policy H16A	-	Housing in Rural Areas
Policy H18	-	Residential Development in Rural Settlements

### 2.3 South Herefordshire District Local Plan

Policy SH.6	-	Housing Development in Larger Villages
Policy SH.8	-	New Housing Development Criteria in Larger Villages
Policy T.3	-	Highway Safety Requirements
Policy GD.1	-	General Development Criteria

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

Policy H.6	-	Housing in Smaller Settlements
Policy H.13	-	Sustainable Residential Design
Policy T.8	-	Road Hierarchy
Policy T.11	-	Parking Provision

## 3. Planning History

3.1	SH900008PO	Two-bedroom dwelling and garage.	-	Permitted 7.3.90
	SH900733/PM	Two bedroom dwelling and garage.	-	Permitted 27.7.90
	SH911112PF	New access	-	Refused 24.10.91
	SH930019PF	Amended positioning of access and garage	-	Permitted 8.2.93
	DCSE2004/1949/O	Residential development	-	Approved 01.09.04
	DCSE2004/3427/O	Erection of 5 houses and one bungalow.	-	Withdrawn 30.3.05
	DCSE2005/1118/O	Site for the erection of five houses and one bungalow.	-	Approved 9.6.05
	DCSE/2178/F	Non-compliance with condition 5 of Planning Permission SE2005/1118/O relaxation of highway visibility splays	-	Refused 26.8.05

## 4. Consultation Summary

### Statutory Consultations

4.1 No statutory or non-statutory consultations required.



Internal Council Advice

4.2 The Traffic Manager's comments are awaited.

**5. Representations**

5.1 The applicant has submitted a letter explaining the application. In summary the following points are made:

- (i) the outline permission for 5 dwellings and a bungalow has yet to be implemented
- (ii) both the developers of this site and the adjoining land are reliant upon each other to secure their western and eastern splays respectively
- (iii) the developer of the adjoining land (Freemans) have not provided the required eastern splay although the houses have been completed and the Council appears reluctant to enforce
- (iv) consequently the developers of Hazelnut Cottage site are unable to secure their own western splay
- (v) Council has previously judged that a splay below 2 m x 33 m is unacceptable in highway terms and no reason to suppose road conditions have changed
- (vi) this proposal is to enable the development to progress and hence that Freeman's eastern splay is created.
- (vii) various options explained (see paragraph 1. above).

5.2 Llangarron Parish Council strongly object to this application on the grounds that visibility, as they have always stated, is totally inadequate for the application.

5.3 4 letters of objection have been received, which in summary cite the following concerns:

- (1) a major concern is highway safety: Royal Arms development has resulted in 20 cars or more leaving site in early morning and visibility is restricted by a fence erected by the owner of Hazelnut Cottage. Why was this development allowed to proceed?
- (2) access is at narrow part of the highway, there are no footways, young children walk along road to school - in these circumstances adequate visibility is vital and see no reason to relax the existing requirements
- (3) another access onto this incredibly busy main village road with restricted visibility would be dangerous - unless traffic calming works are carried out serious injury or deaths are inevitable
- (4) the two developments would total 12 houses yet no affordable housing has been required, contrary to the Council's policies

- (5) further deterioration of the environment through large scale development - saturation point has been reached
- (6) major development is not sustainable (only 2 buses a week, no shop or other amenities) and consequent use of cars harms the village environment
- (7) overlooking resulting in loss of privacy
- (8) development is of no advantage to the village.

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

## 6. Officer's Appraisal

6.1 The principle of development on this site has been accepted by the Council in granting outline permission. The effect on the environment of the village and the amenities of neighbours, highway safety and affordable housing were all considered fully by the Committee. Since then the Herefordshire Unitary Development Plan Inquiry has been held and the emerging policies for residential development in rural area can now be given significant weight. Under these policies Llangrove is a smaller settlement and only infilling of small gaps (no more than 30 m) will be permitted (Policy H6). Nevertheless the existing outline permission is a material consideration and it would be reasonable to re-consider one of the conditions attached to that permission.

6.2 The Traffic Manager has carefully considered the access to this development on several occasions and has concluded that 2 m x 33 m is the minimum requirement to ensure highway safety. Thus permission to relax the condition was refused (SE2005/2178/F) for the following reason:

"The Council considers that a visibility splay of 2 m x 33 m is the minimum necessary for safe access to the highway which is subject to a 30 mph speed restriction and that condition no. 5 is necessary to ensure that this standard of access is carried out. It is therefore contrary to Policy T3 of the South Herefordshire District Local Plan."

None of the variations suggested by the applicant (see paragraph 1.1 above) would in themselves reach that minimum requirement.

6.3 There are two courses of action that the Council could take. Firstly if this development goes ahead both the Hazelnut Cottage and Royal Arms schemes would have 2 m x 33 m visibility splay to west and east respectively. The applicant claims that the main impediment to development is this condition as no agreement with the developer of the adjoining site has proved possible. His argument is that relaxing this condition, at least with regard to the splay looking west, would paradoxically allow the full splay to be achieved at both new accesses. Taking this course it would be reasonable to ensure maximum visibility to the west by requiring a 2 m verge at the back of the carriageway to the west of the access as far as the site boundary (about 10 m). This is the cordon sanitaire referred to in paragraph 1.1. However this does rely on the developer at the Royal Arms not erecting on his land (but outside his visibility splay) any obstruction to visibility. This cannot be a requirement attached to permission for development at Hazelnut Cottage but is in fact recommended in relation to an application relating to the Royal Arms scheme (see Agenda item 6).

- 6.4 The alternative course of action would be to refuse permission on the grounds that 2m x 33 m is the minimum and to relax this would not ensure (*pace* applicant's argument) that the minimum splay would be achieved.
- 6.5 The first course of action relies on the Council requiring a verge on the Royal Arms site. There are compelling grounds for imposing such a condition, as explained in Agenda item 6 and it can be enforced against non-compliance. Consequently the Council is recommended to grant permission with a revised condition no. 5.

## RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 **A02 (Time limit for submission of reserved matters (outline permission))**  
**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**
- 2 **A03 (Time limit for commencement (outline permission))**  
**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**
- 3 **A04 (Approval of reserved matters)**  
**Reason: To enable the local planning authority to exercise proper control over these aspects of the development.**
- 4 **A05 (Plans and particulars of reserved matters)**  
**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**
- 5 **Before any other works hereby approved are commenced, a visibility splay shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 33 metres to the west along the nearside edge of the adjoining carriageway and a 2-metre verge shall be provided at the rear of the carriageway between the new access and the western boundary of the application site. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land or the verge so formed which would obstruct the visibility described above.**  
**Reason: In the interests of highway safety.**
- 6 **H06 (Vehicular access construction)**  
**Reason: In the interests of highway safety.**
- 7 **H13 (Access, turning area and parking)**  
**Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.**

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

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

**9 W02 (No surface water to connect to public system)**

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

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

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

**11 H27 (Parking for site operatives)**

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

**Informatives:**

**1 If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants**

**2 HN04 - Private apparatus within highway**

**3 HN05 - Works within the highway**

**4 N15 - Reason(s) for the Grant of PP/LBC/CAC**

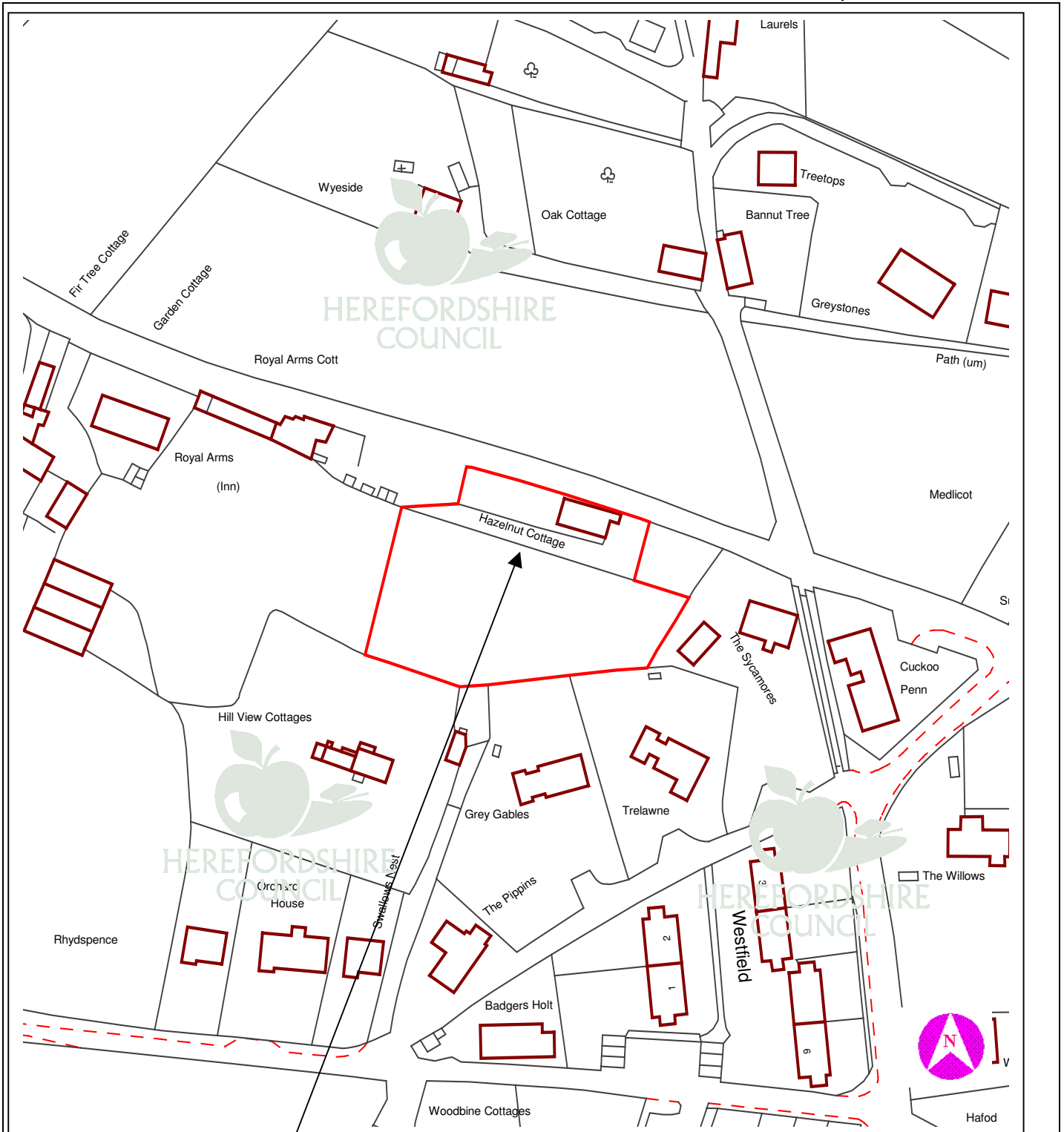
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2006/1871/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Hazelnut Cottage and adjoining land, Llangrove, Nr. Ross-on-Wye, Herefordshire.

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**8 DCSW2006/0585/O - DEMOLITION OF HOUSE AND SITE FOR CONSTRUCTION OF TWO DWELLINGS SERVED BY SEWAGE TREATMENT PLANT, CYPRUS COTTAGE, KINGSTHORN, NR HEREFORD, HR2 8AW.**

**For: Domus Developments per Harmers Ltd., 39 Lambourne Crescent, Cardiff Business Park, Llanishen, Cardiff, CF14 5GG.**

**Date Received: 24th February, 2006      Ward: Pontrilas      Grid Ref: 50183, 31991**

**Expiry Date: 21st April, 2006**

Local Member:      Councillor G.W. Davis

**1. Site Description and Proposal**

- 1.1 The site is situated on the south side of The Thorn, close to its junction with Pages Pitch in the village of Kingsthorn. Both roads are unclassified, adopted roads. The site has a frontage of approximately 40 metres to The Thorn with a further 6 metres to the west along the frontage to Pages Pitch. The site is currently occupied by a house known as Cyprus Cottage which is in a poor state of repair. It is neither listed nor in a conservation area and there is no special reason for it to be retained. The site measures approximately 55 metres from north to south, and has a total site area of around 0.18 hectares (nearly half an acre). The site itself is mostly comprised of overgrown domestic garden. The most significant feature is that there is a very significant slope (in places as steep as 1 in 3) down from the frontage to the back of the site.
- 1.2 It is proposed to demolish the existing house on the site, Cyprus Cottage, and replace it with two new houses set into the site.
- 1.3 The application is in outline with all matters reserved except for the access arrangements. It is proposed to create an access directly off the road frontage with a turning area and two separate parking areas to serve the new houses. The new houses will have to be sited lower down the slope to enable a reasonably level parking and turning area to be created at the site frontage.
- 1.4 The application is supported by a plan showing "Spot heights" across the site, but no plan has been provided to show a cross section through the site to show how the severe level changes can be accommodated into the development.
- 1.5 The site is not in a conservation area but it is within an Area of Great Landscape Value. Kingsthorn has a Settlement Boundary in the South Herefordshire District Local Plan and the site is within this boundary. However, in the emerging Unitary Development Plan Kingsthorn is included in the list of Smaller Settlements where there is no settlement boundary. UDP policy H6 applies which sets out limitations in the circumstances where "Infill" development will be permitted.
- 1.6 There are trees on the site, but the application forms indicate that it is not proposed to fell any trees. However, the trees are on the boundary of the site.

## 2. Policies

### 2.1 National Planning Policy Guidance

PPS.1	-	Delivering Sustainable Development
PPG.3	-	Housing
PPG.13	-	Transport

### 2.2 Hereford and Worcester County Structure Plan

Policy CTC.7	-	Landscaping
Policy CTC.9	-	Development Criteria
Policy H.16A	-	Housing in Rural Areas

### 2.3 South Herefordshire District Local Plan

Policy GD.1	-	General Development Criteria
Policy C.8	-	Areas of Great Landscape Value
Policy SH.8	-	New Housing Development Criteria in Larger Villages
Policy C.43	-	Foul Sewerage

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

Policy DR.1	-	Design
Policy H.6	-	Housing in Smaller Settlements
Policy H.13	-	Sustainable Residential Design
Policy H.14	-	Re-using Previously Developed Land and Buildings
Policy H.15	-	Density
Policy H.16	-	Car Parking
Policy LA.2	-	Landscape Character and Areas Least Resilient to Change

## 3. Planning History

3.1	SW2004/2177/O	Outline planning permission for one dwelling on the adjoining site	-	Approved 11.05.05
	SW2005/3598/O	Outline application for demolition of Cyprus Cottage and construction of two dwellings	-	Withdrawn 22.12.05

## 4. Consultation Summary

### Statutory Consultations

4.1 No statutory or non-statutory consultations required.

### Internal Council Advice

4.2 The Traffic Manager has expressed concerns at the effect of the slope on the site. In order to accommodate a vehicular access into the site at a maximum gradient of 1 in 8 there would need to be a substantial retaining structure built up in the site. This is because the slope of the site from the road into the property is actually at 1 in 3 for the



first 8 metres. He accepts that building up a "platform" in this part of the site would be technically feasible but, on the basis of the plans currently submitted neither the turning area or the parking areas would be of adequate size, and he retains some doubt that the required visibility splays of 2 metres by 60 metres could be obtained. He is, however, satisfied that the proposed access is in the best position being in the centre of the frontage to The Thorn.

## 5. Representations

5.1 Much Birch Parish Council advise that they "are concerned about the position of the entrance, and feel it should come off the side road" (in relation to revised plans).

5.2 Much Birch Parish Council objected originally to the application on the grounds that:

"The proposed joint access on to a busy, narrow road, near a dangerous bend, with accident history, is unsafe.

Drivers of existing vehicles would have poor visibility when coming out on to the busy narrow road.

The application would be acceptable if the joint access came out on the side lane (Pages Pitch) as far down towards the dwelling as possible."

5.3 15 nearby properties were notified of the application and four letters of objection have been received from the two of the properties at the foot of the site, Yew Cottage and Manchester House, and the property adjacent on the west side, Walnut Cottage. All are concerned about:

- overlooking from the proposed new dwellings
- the access to the site, and increase in traffic generally
- the drainage arrangements which may cause nuisance from smells and may not be satisfactory to deal with the development.

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

## 6. Officer's Appraisal

6.1 The application is in outline with only the principle of two new dwellings and the details of the access before the local planning authority to determine at this stage.

Principle of development

6.2 Cyprus cottage is not worthy of retention and could be replaced on a one-for-one basis in accordance with UDP Policy H.7 which, inter-alia, deals with replacement dwellings in areas where new residential development would not normally be required. However, this proposal is for two new dwellings and falls to be considered against UDP Policy H.6 which deals with Housing in Smaller Settlements including Kings Thorn. This allows for infilling subject to maximum dwelling sizes and the limitations that:

- the plot size is limited to a maximum area of 350 sq. metres, and
- the infill gap is no more than 30 metres frontage

- in this case the plot sizes for the new dwellings would be around 850 square metres each, and the frontage to be infilled is over 40 metres. Consequently the proposal would not accord with policy H.6 of the UDP. The Inspector, in his report on the UDP, has not recommended any changes to this policy and, therefore, it is likely to be adopted as it stands in March 2007. Members can, therefore, give it significant weight in this case.
- 6.3 By comparison, Policy C.8 of the South Herefordshire District Local Plan still includes Kings Thorn as a settlement with its own boundary within which new residential development can be permitted. Of course, national planning policy in the form of PPG3 encourages much higher densities of development on previously developed land (which this is). If PPG3 densities of around 30 dwellings per hectare were applied then the site could accommodate 5 dwellings. By comparison with the character of the surrounding area a development at this density would not fit comfortably into the character of Kings Thorn.
- 6.4 On balance it is recommended that the emerging planning policy is applied (because that is the most recent policy and is very likely to become the adopted policy in due course), and the development of the site for two houses is resisted accordingly. Members could give higher weight to the adopted South Herefordshire District Local Plan and accept the principle of two houses on the site, notwithstanding the low density form of development this would create. However, it should be noted that in recent appeal decisions Inspectors have been giving a greater weight to any unchallenged policies in the Unitary Development Plan.

#### Access

- 6.5 The access issues are not resolved at the time of drafting this report. The Traffic manager believes that it is technically possible to create a safe access based on the sketch plans currently submitted. However, no satisfactory plans have been produced to demonstrate how the necessary dimensions can be achieved on site and, in particular, no cross section has been provided to demonstrate how the 1 in 3 slope into the site can be dealt with.
- 6.6 Assuming that a platform of some sort is created at the front of the site to support an access and turning area then this will result in a substantial retaining structure across the site which the two new dwellings will have to face towards. In my view this is an unsatisfactory form of development with potentially serious consequences for the amenities of the new dwellings and the landscape qualities of the site. The developer has not demonstrated that a satisfactory form of development could be created on site.

#### Other issues

- 6.7 The site is within the Area of Great Landscape Value, but this designation is due to be dropped in the UDP. The Inspector has recommended that its replacement policy, of "Landscapes Least Resistant to Change", is also dropped. Instead, development proposals should be considered on their own merits. The UDP Policy LA.2 still retains the requirement that "Proposals should demonstrate that landscape character has influenced their design, scale, nature and site selection". In my view this scheme, which is supported solely by a diagrammatic plan of the access and no cross sections or other meaningful drawings to explain how the development would actually fit onto this severely sloping site, signally fails to meet the policy. The existing South Herefordshire District Local Plan still maintains the AGLV designation and the

development has failed to demonstrate sensitivity to that policy too. In my view the development fails to address both old and emerging policies on this issue.

- 6.8 Local resident are very concerned about the drainage arrangements and overlooking issues. The proposed means of dealing with sewage is not exceptional, is technically feasible and should be accepted. The overlooking issue needs to be addressed at detailed design stage when the position and function of any windows and the nature of any boundary treatments are known. This last issue is, therefore, still of concern, but could be addressed at reserved matters stage if members are minded to grant planning permission.

**RECOMMENDATION**

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

- 1. **The development proposed is an Infill Development in a Smaller Settlement which falls to be considered against Policy H.7 in the Herefordshire Unitary Development Plan (Revised Deposit Draft). It does not comply with that policy particularly by reason of the length of the site frontage and the size of the proposed dwelling plots. The development will thereby conflict with the interests which the policy is intended to protect.**
- 2. **The development proposals have failed to demonstrate how they have taken account of the special landscape qualities of the site which is in an Area of Great Landscape Value as defined in the South Herefordshire District Local Plan. The development thereby conflicts with both policies GD.1 and C.8 of the South Herefordshire District Local Plan and Policy LA.2 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).**
- 3. **In order to meet the requirements to create a level and adequate access, turning and parking area at the front of the site a raised area will need to be created and supported by a substantial retaining structure, no details of which have been provided. Such a structure is likely to have a significantly adverse effect on the residential amenities of the new dwellings and the character of the site. The development proposals have therefore failed to demonstrate how the reasonable highway safety requirements can be met whilst at the same time providing as satisfactory design of development in all other respects. The proposal thereby conflicts with the following policies: SH.8 and GD.1 contained in the South Herefordshire District Local Plan and Policies DR.1 and H.14 contained in the Unitary Development Plan (Revised Deposit Draft).**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

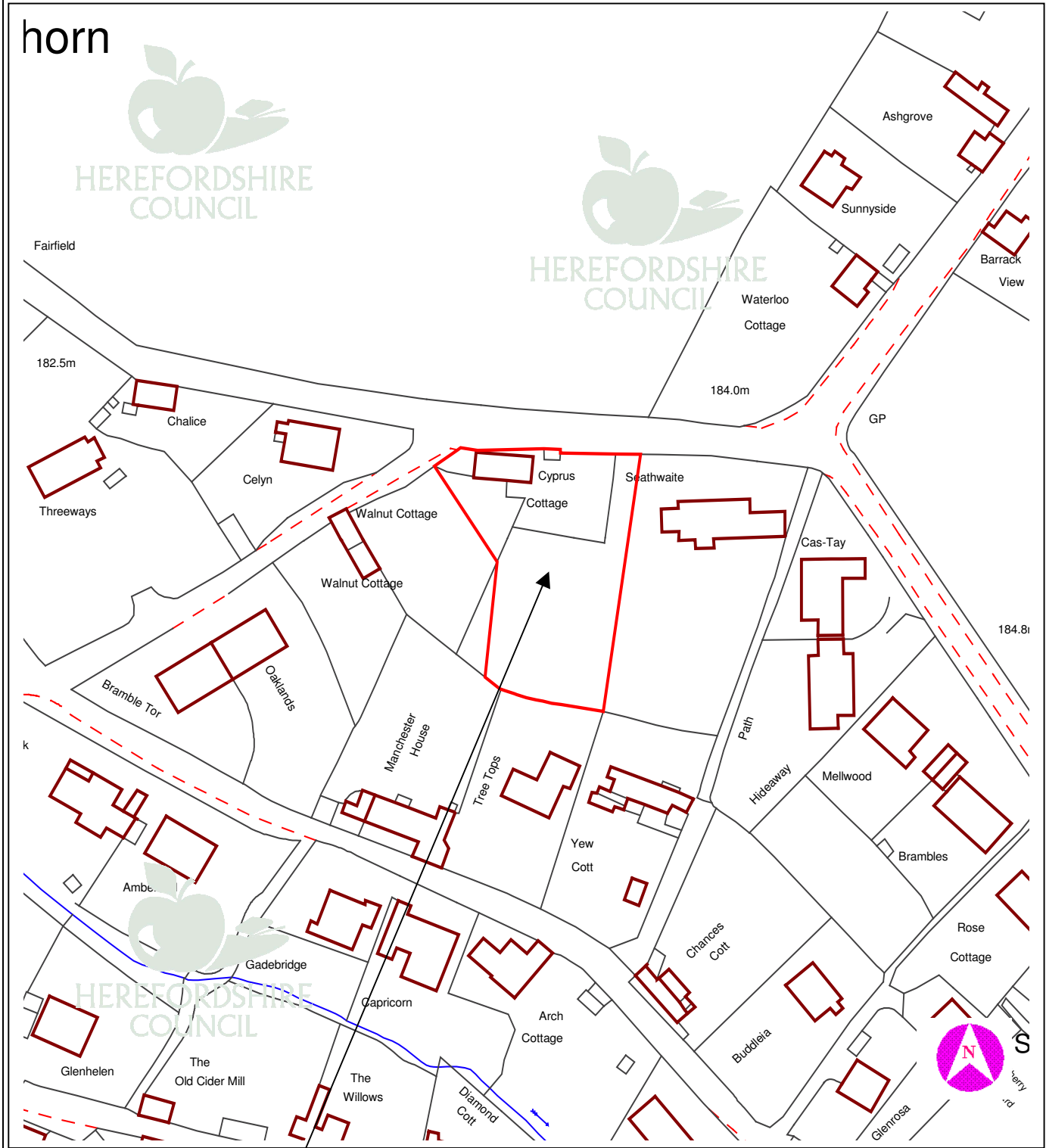
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**APPLICATION NO:** DCSW2006/0585/O

**SCALE :** 1 : 1250

**SITE ADDRESS :** Cyprus Cottage, Kingsthorpe, Nr Hereford, HR2 8AW

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