

A G E N D A

Southern Area Planning Sub- Committee

Date: **Tuesday, 29th May, 2007**

Time: **10.00 a.m.**

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

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

For any further information please contact:

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AGENDA

for the Meeting of the Southern Area Planning Sub-Committee

To: Councillors C.M. Bartrum, H. Bramer, P.G.H. Cutter, Mrs. M.J. Fishley, Mrs. A.E. Gray, T.W. Hunt, Mrs. J.A. Hyde, J.G. Jarvis, G. Lucas, Miss T.M.R. McLean, P. Price, R.H. Smith, D.C. Taylor and J.B. Williams

	Pages
ELECTION OF CHAIR AND APPOINTMENT OF VICE-CHAIR	
To note that the Chairman was due to be elected, and the Vice-Chair appointed, at Annual Council on 25th May, 2007.	
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES	1 - 6
To approve and sign the Minutes of the meeting held on 18th April, 2007.	
4. ITEM FOR INFORMATION - APPEALS	7 - 8
To note the contents of the attached report of the Head of Planning Services in respect of the appeals received or determined for the southern area of Herefordshire.	
REPORTS BY THE HEAD OF PLANNING SERVICES	
To consider and take any appropriate action in respect of the planning applications received for the southern area and to authorise the Head of Planning Services to impose any additional or varied conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
5. DCSE2007/0549/J - HUNSDEN MANOR, WESTON UNDER PENYARD, ROSS ON WYE.	9 - 14
Prune back branches to cedar tree extending over the a40 to create a minimum clearance of 6m over the carriageway and reduce lateral spread by 2 – 3 m. Reduce limb extending towards Hunsden Manor gardens by 1 – 2 m. Remove deadwood.	

6.	DCSE2007/0881/F - SPARROW'S CORNER, DANCING GREEN, BAILEY LANE END, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5TR.	15 - 20
	Kennel unit for hobby show dogs.	
7.	DCSW2007/0950/F - 2 ROSEBURY PLACE, EWYAS HAROLD, HEREFORD, HEREFORDSHIRE, HR2 0EW.	21 - 28
	New 3 bedroomed dwelling on infill, alteration to access drive.	
8.	DCSSW2007/1026/F - THE STILES, LONGTOWN, HEREFORD, HEREFORDSHIRE, HR2 0LD.	29 - 32
	Convert existing small animal and domestic pet accommodation into residential accommodation for an elderly relative.	
9.	DCSW2006/3874/O - LONGTOWN VILLAGE HALL, LONGTOWN, HEREFORDSHIRE, HR2 0NZ	33 - 40
	Residential development of starter homes on site currently occupied by the Longtown village Hall.	
10.	DCSW2007/0614/F - MOSSBURN, NEW MILLS, CLEHONGER, HEREFORD, HR2 9TL.	41 - 48
	Two storey and single storey extensions.	
11.	DCSE2007/0852/F - EVERSTONE FARM, PETERSTOW, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6LH	49 - 60
	Change of use of farm building to B1 use with treatment plant and ancillary works.	
12.	DCSE2007/1067/F - JAYS PARK LINTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7UH.	61 - 66
	Erection of agricultural storage building.	
13.	DCSE2007/0031/F - GREEN ORCHARD, RYEFIELD ROAD, ROSS-ON-WYE, HEREFORDSHIRE.	67 - 74
	Demolition of existing detached dwelling and erection of 9 no. residential dwelling apartments.	
14.	DCSE2007/0900/F & DCSE2007/0894/L - AWNELLS FARM, MUCH MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2NW.	75 - 84
	a) Change of use from unused farm buildings to farm shop and office and erection of single storey building for use as production unit in place of redundant farm buildings with associated access road and parking.	
	b) Removal of internal partitions and ceilings; build internal and external staircases; floor repair. Changes to fenestration. Restore door opening to front elevation first floor.	
15.	DCSE2007/0181/O - BP NORTHBOUND, ROSS SPUR, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7QQ.	85 - 94
	Erection of offices (B1) 1858 sq. metres (net lettable), 2137 sq. metres gross with 86 car parking spaces.	

16.	DCSE2007/0534/O - BP NORTHBOUND, ROSS SPUR, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7QQ.	95 - 102
	Storage unit Use Class B8, area 1,408 sq. metres.	
17.	DCSE2007/0730/F - SUNVIEW, REDHILL ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5AU.	103 - 106
	Single storey extension and general alterations to existing bungalow.	
18.	DCSE2007/0995/F - LONG ORCHARD, THE LEA, ROSS-ON-WYE, HR9 7JY.	107 - 112
	Proposed 4 no. four bedroom detached dwellings.	
19.	DCSE2007/0781/F - GREENACRES CARAVAN AND CAMPING, LEA, NR. ROSS-ON-WYE, HEREFORDSHIRE, HR9 7JZ.	113 - 116
	To allow up to 8 touring caravans to be stored out of season.	
20.	DCSE2006/1495/F, DCSE2007/0704/F & DCSE2007/0705/F - THE SINGING STUD YARD, (LAND ADJ. BODENHAM FARM), MUCH MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2NJ.	117 - 128
	a) Retention of foaling boxes and one 'infil' stable (retrospective application).	
	b) Retrospective application for blockwork skin to existing stables.	
	c) Retention of lean-to building for storage purposes.	
21.	DCSE2005/3806/O - SITE NR. BODENHAM FARM, MUCH MARCLE. SO653321.	129 - 136
	Dwelling for stud farm worker at Equine Centre.	
22.	DCSE2007/1006/F - MAJARO BARN, ASTON INGHAM, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7LS.	137 - 140
	Proposed storage shed adjacent Cider Press.	
23.	DCSE2007/1018/F - WYE LEA COUNTRY MANOR, BRIDSTOW, ROSS-ON-WYE, HEREFORDSHIRE,	141 - 150
	Conversion of leisure buildings to a retirement dwelling with garaging and annex and with new accesses to the highway.	

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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, 18th April, 2007 at 2.00 p.m.

Present: Councillor J.B. Williams (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 and D.C. Taylor

ELECTION OF CHAIR

Councillor J.B. Williams was elected as Chairman for the meeting.

133. APOLOGIES FOR ABSENCE

Apologies were received from Councillors H. Bramer, J.W. Edwards, and P.G. Turpin.

134. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
Councillor Mrs. A.E. Gray	DCSE2007/0645/F and DCSE2007/0643/C – The Old Canoe Store, Mill Pond Street, Ross-on-Wye, Herefordshire, HR9 7AP. Demolition of existing building, construction of four flats.	Declared a prejudicial interest and left the meeting for the duration of the item.

135. MINUTES

RESOLVED: That the Minutes of the meeting held on 21st March, 2007 be approved as a correct record and signed by the Chairman subject to the deletion of Councillor P.G. Turpin as Chairman and the inclusion of Councillor G.W. Davis' apologies for absence.

136. ITEM FOR INFORMATION - APPEALS

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

137. DCSE2007/0645/F & DCSE2007/0643/C - THE OLD CANOE STORE, MILL POND STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7AP.

Demolition of existing building, construction of four flats.

The Senior Planning Officer reported the receipt of a revised Flood Risk Assessment, he also confirmed that a response from the Environment Agency had not been received.

Councillor C.J. Davis felt that there was insufficient space for car parking and also noted that vehicles would have to reverse onto a main road when exiting the site.

RESOLVED

In respect of DCSE2007/0645/F:

Subject to the Environment Agency withdrawing its holding objection with regard to flooding 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 B01 (Samples of external materials)

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

3 G01 (Details of boundary treatments)

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

4 F49 (Finished floor levels (area at risk from flooding))

Reason: To protect the development from flooding.

5 F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

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

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

7 H29 (Secure cycle parking provision)

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

INFORMATIVES:

1 N19 - Avoidance of doubt

2 HN01 - Mud on highway

3 HN05 - Works within the highway

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

In respect of DCSE2007/0643/C:

That Conservation Area Consent be granted subject to the following conditions:

- 1 C01 (Time limit for commencement (Listed Building Consent))
Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2 C14 (Signing of Contract before Demolition)
Reason: Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

INFORMATIVES:

- 1 N19 - Avoidance of doubt
 - 2 N15 - Reason(s) for the Grant of Conservation Area Consent
138. DCSW2007/0099/F & DCSW2007/0100/L - COTHILL FARM, VOWCHURCH, HEREFORD, HEREFORDSHIRE, HR2 0RE.

Conversion of redundant agricultural buildings to form guest house, bunkhouse barn and three houses.

Councillor J.B. Williams, the Local Ward Member, noted that the agricultural buildings were in a poor state of repair and felt that granting the application would enhance the site.

Councillor J.G. Jarvis noted that only one guesthouse in Herefordshire was currently registered as accessible to disabled visitors. He felt that Applicants should be given advice on accessibility during the application process.

RESOLVED

In respect of DCSW2007/0099/F

That subject to further details for mitigation measures for bats in buildings on the site, 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. B01 (Samples of external materials)

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

3. C02 (Approval of details)

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

4. RB1 (No Permitted Development)

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

5. E08 (Domestic use only of garage)

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

6. E31 (Use as holiday accommodation)

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

7. G04 (Landscaping scheme (general))

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

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

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

9. G01 (Details of boundary treatments)

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

10. G18 (Protection of trees)

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

11. H03 (Visibility splays)

Reason: In the interests of highway safety.

12. Development shall not begin until details of improvements to the junction of the unclassified road with the C1206 road have been submitted to and approved in writing by the local planning authority, such works shall include two-way passing at the eastern end of the unclassified road and a passing place on the northern side of the western end of the unclassified road. These works shall be carried out to the satisfaction of the local planning authority before first occupation of any of the dwellinghouses and or holiday accommodation units.

Reason: In the interests of highway safety.

Informative(s):

1. N19 - Avoidance of doubt
2. N15 - Reason(s) for the Grant of Planning Permission

In respect of DCSW2007/0100/L

That subject to further details for mitigation measures for bats in buildings on the site, the officers named in the Scheme of Delegation to Officers be authorised to issue listed building consent subject to the following conditions and any additional conditions considered necessary by officers:

1. C01 (Time limit for commencement (Listed Building Consent))
Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. B01 (Samples of external materials)
Reason: To ensure that the materials harmonise with the surroundings.
3. C02 (Approval of details)
Reason: To safeguard the character and appearance of this building of architectural and historical interest.

Informative(s):

1. N19 - Avoidance of doubt
2. N15 - Reason(s) for the Grant of Listed Building Consent

The meeting ended at 2.27 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCSW2006/3430/O**

- The appeal was received on 13th April 2007
- 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 DfES Academies
- The site is located at Hereford Waldorf School, Much Dewchurch, Herefordshire, HR2 8DL
- The development proposed is Site for new school buildings and new access to extend school facilities
- The appeal is to be heard by Inquiry

Case Officer: Mike Willmont on 01432 260612

Enforcement Notice EN2007/0002/ZZ

- The appeal was received on 3rd May 2007
- 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 N.J. Cockburn
- The site is located at Pennoxstone Court, Kings Caple, Herefordshire, HR 1 4TX
- The breach of planning control alleged in this notice is:
Without planning permission, the erection of polytunnels on the land.
- The requirements of the notice are:
 - i) *Demolish the polytunnels.*
 - ii) *Remove any materials that arise from the demolition of the polytunnels from the land.*
- The appeal is to be heard by Inquiry

Case Officer: Mike Willmont on 01432 260612

APPEALS DETERMINED**Application No. DCSE2006/2322/F**

- The appeal was received on 10th November 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 & Mrs S & A Dean
- The site is located at Doward Park Campsite, Great Doward, Symonds Yat, Ross-On-Wye, Herefordshire, HR9 6BP
- The application, dated 1st July 2006, was refused on 13th September 2006
- The development proposed was Retention of mobile home for management of the campsite without complying with Condition 1 of Planning Permission Ref: SE2002/1316/F.
- The main issue is whether, having regard to the circumstances relating to the site and its use, there is a functional need for a residential presence on the site.
-

Decision: The appeal was ALLOWED on 18TH April 2007

Case Officer: Steven Holder on 01432 260479

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

Application No. DCSE2006/3566/F

- The appeal was received on 19th January 2007
- 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 S & A Dean
- The site is located at Doward Park Campsite, Great Doward, Symonds Yat, Ross-on-Wye, Herefordshire, HR9 6BP
- The application, dated 30th October 2006, was refused on 4th January 2007
- The development proposed was Temporary retention of mobile home for management of the camp site.
- The main issue is whether, having regard to the circumstances relating to the site and its use, there is a functional need for a residential presence on the site.

Decision: The appeal was ALLOWED on 18TH April 2007

Case Officer: Steven Holder on 01432 260479

Application No. DCSE2006/1382/F

- The appeal was received on 8th November 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 & Mrs B Nixon
- The site is located at Green Acres, Howle Hill, Ross-on-Wye, Herefordshire
- The application, dated 27th April 2006, was refused on 20th June 2006
- The development proposed was First floor extensions and alterations.
- The main issues are the proposal would introduce very dominant features on the main approach to the dwelling. These extensions appear to have little coherence design with the host dwelling, the extension above the playroom introducing a hipped roof design not represented elsewhere on the property.

Decision: The appeal was DISMISSED on 19th April 2007

Case Officer: Duncan Thomas on 01432 261974

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

DCSE2007/0549/J –PRUNE BACK BRANCHES TO CEDAR TREE EXTENDING OVER THE A40 TO CREATE A MINIMUM CLEARANCE OF 6M OVER THE CARRIAGEWAY AND REDUCE LATERAL SPREAD BY 2 – 3 M. REDUCE LIMB EXTENDING TOWARDS HUNSDEN MANOR GARDENS BY 1 – 2 M. REMOVE DEADWOOD. ALL AT HUNSDEN MANOR, WESTON UNDER PENYARD, ROSS ON WYE.

For: Mr. and Mrs. L. Clarke, Hunsden Manor, Cloucester Road, Weston-Under- Penyard, Ross On Wye, Herefordshire, HR9 6PG

**Date Received 5th February, 2007
Expiry Date: 2nd April, 2007**

Ward: Penyard

Grid Ref: 63422327

Local Member: Councillor H. Bramer.

1. Site Description and Proposal

1.1 This relates to a Cedar tree lying immediately to the south east of Hunsden Manor and protected as tree T1 in Hunsden Manor Hotel, Weston Under Penyard Tree Preservation Order 1989. The tree lies between Hunsden Manor and the A40 Gloucester Road and also between the entrance to Hunsden Manor and the access road leading to Hunsden Manor Gardens.

1.2 The proposal seeks:

- Minor pruning works to one branch extending over the A40 to create clearance of 6 metres reducing the lateral spread of growth by 2 – 3 metres;
- Minor works to create the same clearance (6m) for a branch extending over the access to Hunsden Manor Gardens, a small area of housing to the rear of Hunsden Manor, selectively thinning to reduce the general weight of the limb and to reduce spread, in this case by between 1 – 2 metres.
- Deadwooding is also proposed, although this work does not require consent.

1.3 The specification for the works requires them to be carried out in such a manner as to retain the natural 'feathered' appearance of retained foliage and ensure the tree is left with a natural and acceptably well-balance form.

2. Policies

2.1 Herefordshire Unitary Development Plan:
LA5 – Protection of trees, woodlands and hedgerows

3. Planning History

- 3.1 Planning permission for four houses with garage block and new access to the rear of Hunsden Manor (code SE2002/3900/F) was granted on 20th February 2003. Conditions were imposed to protect trees subject to the Tree Preservation Order upon the site together with other trees shown to be retained in a landscaping scheme which was to be prepared.
- 3.2 Permission was granted in January 2004 to remove one Thuya to the rear of Hunsden Manor (Code DCSE2003/3209/J).
- 3.3 Planning Committee refused permission to cut back two cedars (one of which is the subject of the present application) to create a minimum clearance of 5 metres over the access and adjacent to the A40 in November 2004 (Code DCSE2003/3510/J)

4. Representations

- 4.1 The applicant's arboricultural consultant has provided a report in relation to the tree concerned. This points out that recent high winds caused the tree to lose a significant limb from the western quarter of the tree's upper crown and that further breakage cannot entirely be ruled out. However there are limited opportunities for significant damage to be caused because of the tree's position. The limb extending over the access to the small area of housing does show some signs of bark disruption and it is suspected that there are zones of dead tissue there. Nevertheless the risk of the branch failing completely is slight, although the possibility of secondary lateral shoots breaking away from the tip cannot be excluded. There will therefore be some slight risk to third parties. With regard to the material overhanging the A40 the Highways Agency has issued a notice requiring adequate clearance to be maintained over the carriageway and that the tree be made safe for users of the public highway.
- 4.2 The Highways Agency, through their agents InterRoute have advised the owners of Hunsden Manor that the tree in question presents a potential hazard to highway users and that in the event of the tree/branches falling on to the highway it is likely that the owners will be held responsible for claims arising from damage or injuries that this may cause. They require the overhang to be removed to be 6m (20 feet) above the carriageway and reduced back to the kerb line. They also require detailed inspection of the tree by a competent person in order to make safe for users of the public highway.
- 4.3 Weston Under Penyard Parish Council comment: "Council agree to the work on A40 but do not consider any other work necessary except deadwood."

5. Officer Appraisal

- 5.1 The Council's arboricultural consultant has assessed the amenity value of the tree and the likely impact of the proposal on the amenity of the area, and then considered whether the proposal is justified, having regard to the reasons put forward to support the works.
- 5.2 With regard to the branch over the A40 there is a statutory requirement to maintain adequate clearance above a public highway. This is usually considered to be 5.5m. However some provision for growth should be made. The proposed works are considered reasonable and a very sympathetic approach to achieve the objective with minimal loss of amenity. It is suggested that tree ranging poles be used during

pruning operations to clearly identify the 6m clearance height over the carriageway and to avoid errors or confusion.

- 5.3 The proposal for the branch extending towards Hunsden Manor Gardens is to carefully reduce the weight of the branch so that it is less likely to fail in adverse weather conditions. The agent's assessment of risk is considered reasonable. Should the works not be undertaken and the secondary branch identified by the agent fail then this would be detrimental to the tree's amenity value. Hence the proposed works are considered formative pruning, timely and therefore in the interest of good arboricultural practice for a non-native tree. Again the use of ranging poles is recommended for the reasons already explained.
- 5.4 In conclusion the tree is of outstanding amenity visual amenity and of local importance to the community. The likely impact of the minor works will not detrimentally affect but potentially safeguard its long-term amenity value. The proposed works are justified on arboricultural grounds.

RECOMMENDATIONS

It is recommended that Consent be GRANTED for works to the tree covered by a Tree Preservation Order subject to the following conditions:

1. **The works hereby approved shall be limited to the two branches specified in the application such as to raise the crown to no more than 6m above ground level. The lateral spread of the branch extending over the A40 should be reduced by no more than 3m and that of the branch extending towards Hunsden Manor Gardens by no more than 2m by the removal of secondary lateral branches.**

Reason: For the avoidance of doubt.

2. **Ten clear working days notice of commencement of the tree works hereby authorised shall be given in writing to the local planning authority (LPA) and access during works shall be afforded to the LPA's representative to undertake an arboricultural watching and advisory brief.**

Reason: To ensure works are carried out in accordance with the consent.

3. **The works hereby approved shall be carried out in accordance with BS 3998: 1989**

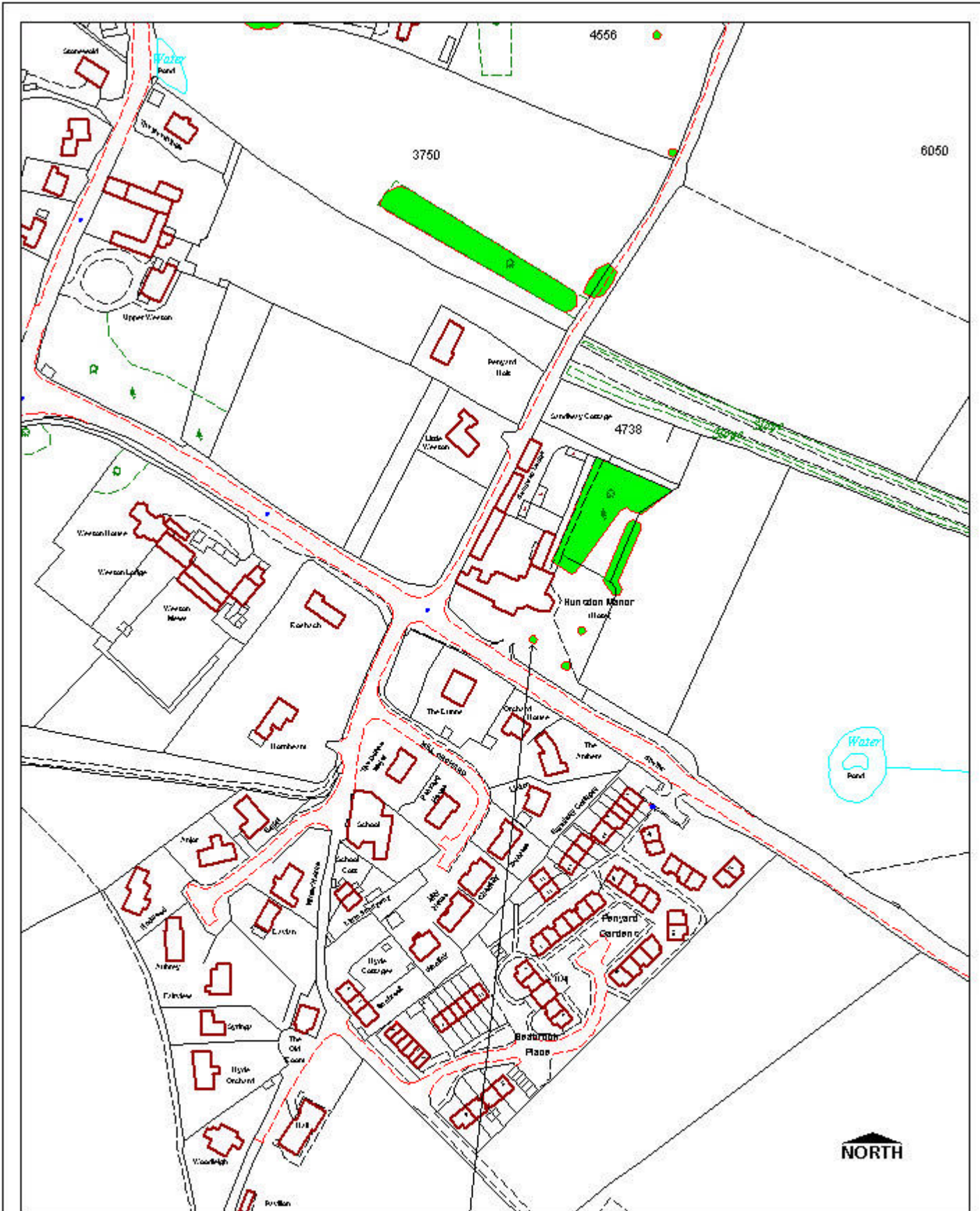
Reason: To ensure the works are carried out in accordance with good arboricultural practice and maintain the visual quality of the site and surrounding area.

4. **The works must be begun not later than the expiration of two years from the date of this permission.**

Reason: To ensure the that works hereby approved are appropriate to the specific application for which they were approved, in view of the likely growth of the tree in question.

Background Papers

1. Tree Preservation Orders – a Guide to the Law and Good Practice (DETR, March 2000)
2. BS 3998:1989 – Tree Works



This copy has been produced specifically for Planning purposes. No further copies may be made

APPLICATION NO: DCSE2007/0549/J

SCALE 1:2500

SITE ADDRESS: Cedar Tree at Hunston Manor, Gloucester Road,
Weston-under-Penyard, Ross-on-Wye

6 DCSE2007/0881/F - KENNEL UNIT FOR HOBBY SHOW DOGS. SPARROW'S CORNER, DANCING GREEN, BAILEY LANE END, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5TR.

For: Mr. K. Dover and S. Wilmer, Sparrow's Corner, Dancing Green, Bailey Lane End, Ross on Wye, Herefordshire, HR9 5TR.

Date Received: 21st March, 2007 Ward: Penyard

Grid Ref: 63969, 20550

Expiry Date: 16th May, 2007

Local Member: Councillor H. Bramer

1. Site Description and Proposal

- 1.1 Sparrow's Corner is a detached house located 470m to the north of Bailey Lane End. Access is provided by an unmade road through woodland that is designated a Special Wildlife Site and known as Lea Bailey Inclosure. The nearest houses are located approximately 135m to the north west of the site on lower land at Dancing Green.
- 1.2 The proposal involves constructing a timber kennel building 9.2 x 3.6m in size with a height of 3.1m at the ridge. It would be clad in 'shiplap' boarding and roofed in black sheeting. It would be positioned approximately 8m to the south east of the house. The building has ten 'pop holes' leading to external runs. Waste will be disposed of in a biological unit counter-sunk into the ground.
- 1.3 The building is required to house the applicant's Corgis. These dogs are kept for the personal enjoyment of the applicants and are shown at dog shows across the country. The applicants state that one litter every two or three years is anticipated principally to replace their show dogs. There will be no boarding of dogs or breeding for commercial purposes.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007

Policy DR13	-	Noise
Policy H18	-	Alterations and Extensions
Policy LA2	-	Landscape Character

3. Planning History

- 3.1 No relevant history identified.

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 Traffic Manager: No objection

4.3 Head of Environmental Health: No objection

5. Representations

5.1 The applicants state:

- (1) In respect to the number of dogs proposed, to keep the gene pool that is required to maintain what is now an endangered British breed we would be looking to have between 8 and 10 adult dogs on the premises at any one time. As I informed you we will not be breeding any of the Pembroke corgis due to the docking ban that came into effect on the 6th April but we will continue to show and breed our Caridgan corgis and have the occasional litter. We would normally only breed from a bitch in her 3rd or 4th year depending on maturity and her current show standing. At no time would we be keeping a string of bitches "churning" out puppies and at present we only have 2 bitches that we would have litters from in the next 2 years and certainly not at the same time. We have never done so in the last 40-odd years and don't intend to start now. Any litters born are normally kept within the house until the age of 8 weeks when the majority go to their new homes. We then normally "run on" as we say maybe 2 or 3 for a further 3 or 4 weeks to ensure that we have the best for showing, the remainder then go to other pet homes. As I pointed out at the parish meeting we do find our older dogs new homes to make way for new puppies once that particular animal has reached the end of his or her show/breeding career.
- (2) I have spoken with the manufacturers of the said kennel building and they do as a matter of course line all buildings with an insulation that is several inches thick. This we feel is more than adequate. We do not allow the dogs to continuously bark.
- (3) Removal of dog "waste" – this we would normally undertake by using "bio" degraders set into the ground which break down the waste in a safe and hygeinic way.

5.2 Hope Mansell Parish Council state:

'By the Chairman's casting vote, [the Parish Council] is in favour of this application. However, the Parish Council is concerned about any possible noise created by the animals and finds favour only if the building is insulated with respect to sound and the total number of dogs is limited to 10 at any one time.'

5.3 Three letters of representation have been received from:

G.M. and A.H. Urquhart, The Beeches, Dancing Green
Mrs. S.E. Dewdney, Chestnut Cottage, Dancing Green
Veronica Bucknell, Malvern View, Bailey Lane End

The following main points are raised:

- The property can be seen from the A40, 1½ miles distant and the building will increase the frontage by a third.
- Requires a dark coloured finish to blend with woodland backdrop.
- The roof height of 3m is excessive.
- Concerned about noise in a quiet forest area where noise carries easily. All local houses lie below Sparrow's Corner, some within 100m and all within 250m.
- Breeding must be part of programme and puppies sold for commercial gain.
- Controls are required to ensure there can be no further development in the future. Conditions should be applied to mitigate the noise, limit the number of dogs and usage of the kennel to the property owner's dogs only.
- Concerned about waste disposal and the potential for breeding on a larger scale, including other breeders being able to bring their own dogs to be mated.
- Property is served by a bridle way. The number of vehicles will increase and have a detrimental effect on the landscape.

The full text of these letters can be inspected at Southern Area Planning services, Garrick House, Widemarsh Street, Hereford and prior to the sub-committee meeting.

6. Officer's Appraisal

- 6.1 The main issues in determining this application are the impact of the use of the proposed building on neighbours and its effect on the landscape character of the area.
- 6.2 The applicants state that they intend to use the building for accommodating between eight and ten Corgi dogs that are kept as a hobby and shown at dog shows around the country. It is anticipated that one litter every two or three years will be produced to maintain the breed and produce new show dogs principally for their own purposes. There would not be any breeding on a commercial basis or boarding of dogs not owned by them.
- 6.3 Sparrow's Corner is located in a remote position on the edge of woodland. It has an extensive curtilage and the nearest houses are approximately 135m from the proposed building on lower land at Dancing Green. Residents are concerned that a noise nuisance may occur as a result of dogs barking. Taking into account the distance between the building and houses, the type and number of dogs and their proposed management, officers consider that subject to appropriate planning conditions, the proposed use will not be detrimental to the amenity of local residents. In addition, the building will be insulated to reduce the potential for noise generation.
- 6.4 The kennel building is located on the site of a former outbuilding 8m to the south east of the house. It will extend the linear form of development set into the sloping land and will be seen against a backdrop of woodland. The building will be constructed in wood with a dark coloured roof. The building will not be prominent or detract from the quality of the local landscape. It will be in keeping with the character of its surroundings and the existing house.
- 6.5 Subject to planning conditions to control the use of the building, the proposal is considered to be in accordance with policies DR13, H18 and LA2 in the Unitary Development Plan.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2 B09 (Colour of cladding)

Reason: To protect the visual amenities of the area.

- 3 The number of dogs over twelve months of age housed in the kennel hereby permitted or otherwise kept at Sparrow’s Corner shall at no time exceed ten in total.

Reason: In order to protect the amenity of nearby properties.

- 4 No dogs other than those of Corgi breed shall be housed in the kennel hereby permitted.

Reason: To enable the impact of any other breed to be assessed in order to protect the amenity of the occupiers of nearby properties.

- 5 The kennel hereby permitted shall be used to accommodate the applicants’ own dogs only and shall not be used for any commercial breeding or boarding enterprise.

Reason: In order to protect the amenity of occupiers of nearby properties and in the interests of highway safety.

- 6 Before development commences details of the size and height of the external runs and the materials to be used in their construction shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To protect the visual amenities of the area.

INFORMATIVES:

- 1 N19 - Avoidance of doubt

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

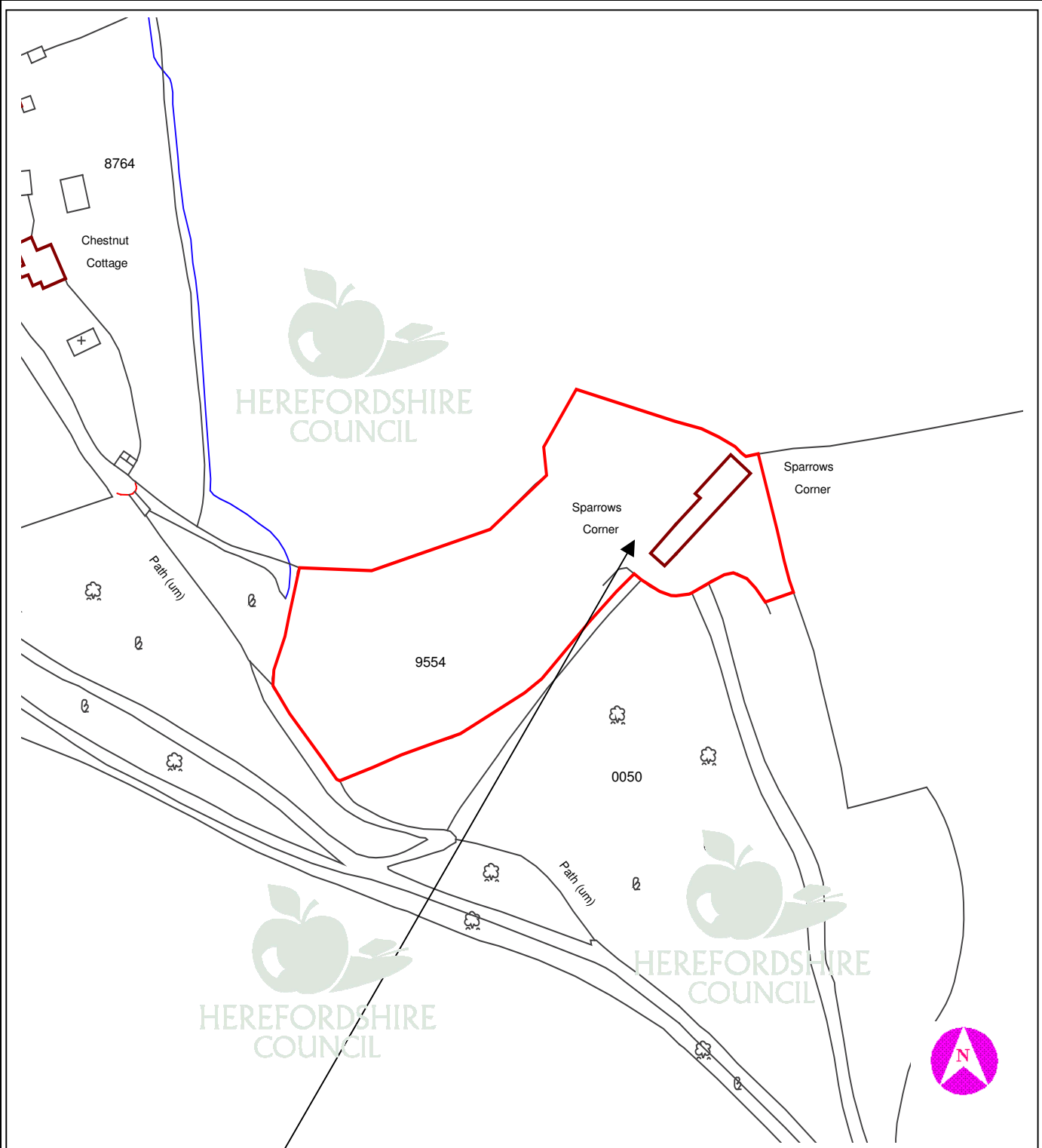
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2007/0881/F

SCALE : 1 : 1250

SITE ADDRESS : Sparrow's Corner, Bailey Lane End, Ross-on-Wye, Herefordshire, HR9 5TR

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7 DCSW2007/0950/F - NEW 3 BEDROOMED DWELLING ON INFILL, ALTERATION TO ACCESS DRIVE, 2 ROSEBURY PLACE, EWYAS HAROLD, HEREFORD, HEREFORDSHIRE, HR2 0EW.

For: Mr. A. Gower per Malcolm Harrison, Architectural Design Ltd, The Ark, Orcop Hill, Hereford, HR2 8SF.

Date Received: 28th March, 2007 Ward: Golden Valley South Grid Ref: 39032, 27961

Expiry Date: 23rd May, 2007

Local Member: Councillor J.B. Williams

1. Site Description and Proposal

- 1.1 2 Rosebury Place is a semi-detached red brick dwelling. It has its own access off the B4357 road which is the main thoroughfare in the village. The building plot comprises an area of land immediately to the north-west, this tapering piece of ground is wider where it fronts onto the B4357 and narrows at the south-western end. The land inclines steeply beyond the rear wall of numbers 1 and 2 Rosebury Place. There is a boundary fence on the north-western boundary and rear south-western boundary. This fence-lined boundary abuts a lane that serves dwellings to the west of Lion Terrace and the application site as well as 1 Rosebury Place. A public footpath (E31) runs along this lane.
- 1.2 It is proposed to demolish a brick faced double garage and erect a brick faced 3 bedroom house with a slate roof. The south-eastern boundary wall of the house is parallel to 2 Rosebury Place and 3 metres from it. The north-western boundary wall of the house, i.e. adjacent to the lane, follows the line of the lane. A raised garden area is provided to the rear of the dwelling. Parking arrangements have been provided such that two spaces are provided in front of 2 Rosebury Place and likewise for the application site. The existing access onto the Class II road will be splayed and widened.
- 1.3 The new dwelling has a ridge height 300mm higher than numbers 1 and 2 Rosebury Place, it is 900mm lower than that of the nearest dwelling in Lion Terrace.

2. Policies

2.1 Planning Policy Statement

PPS.1 - Delivering Sustainable Development

2.2 Herefordshire Unitary Development Plan 2007

Policy S.1 - Sustainable Development
 Policy DR.1 - Design
 Policy H.4 - Main Villages

3. Planning History

- 3.1 DCSW2006/2154/F Proposed new infill dwelling: 4 bed - Refused 30.08.06

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Traffic Manager recommends that the hedgerow be set back and other conditions attached to any planning permission granted.

5. Representations

- 5.1 The following is a summary of the Design and Access Statement submitted by the applicant's agent:

Location, site and surroundings

The infill plot of development land lies on the west side of the B4347 in Ewyas Harold and will be a detached dwelling set between two end terrace dwellings.

An unsightly block built outbuilding presently used for storage will be demolished.

Development Proposal

It is a family house. The rear garden is part of the family living space, hence the terrace flows under a protective canopy-first floor balcony.

The first floor will have one main family bathroom and no en-suites.

Scale of development and appearance

The proposed scheme has now been altered to omit the third floor completely. The ridge has been lowered approximately 1.3m by reducing the pitch from 45 degrees to 30 degrees. All Veluxes and the single dormer have also been removed. Lowering the roof in this way means that the ridge lines of the three adjacent independent properties rise in steps from the existing cottage (2, Rosebury Place) to Lion Terrace.

The fascias and gutters are kept in line, the new building is read as part of the group even though the ridge height of the new dwelling is slightly higher. The building has a traditional (contemporary vernacular) facade and porch. The interior and the rear elevation however, are modern in interpretation.

The design cue follows from the shape of the site. The design of the interior is not rectilinear creating a more natural and organic space.

The stove pipe has been removed and replaced with a brick chimney set just behind the ridge to serve an enclosed wood-burning stove on the ground floor.

Overlooking

The new dwelling does not overlook its neighbours. The Master Bedroom has been set back so as to provide privacy to the west and has been set behind a flank wall to provide privacy to the east. The ground floor is a walled enclosed garden.

Windows at the rear of this property look out into fields.

Access

The new dwelling will reside within a well-established semi rural village community with easy access to a range of facilities. It is a sustainable location.

The dwelling will satisfy current building regulations for disabled access.

To lessen the impact on the street scene we have combined the access drives and provided a shared walkway down the side of 2 Rosebury Place.

Modest turning arrangements have been provided on both sites to alleviate the need for on street parking.

Services

Drainage - main sewer drainage exists.

Conclusion

This is an opportunity to build a slightly unusual property within the village without design features presenting to the highway that may make it look out of place. We hope planning will now look favourably on this proposal.

5.2 The Group Parish Council have no objections to this application.

5.3 Three letters of objection have been received from:

F.C. Snelgrove, 2, Sunnybank, Ewyas Harold, HR2 0EP.

M.E. East, 1, Sunnybank, Ewyas Harold, HR2 0EP.

Mr. P. Coventry, Rosemary Cottage, 1 Rosebury Place, Ewyas Harold, HR2 0EW.

The following main points are raised:

- ruin aesthetics of Pontrilas road, as it still holds historic view of Ewyas Harold
- balcony overlooks my garden and living space
- roof seems to overhang the lane
- congestion problems now, more traffic generated lead to more
- need access at all times given I am a fireman
- extra house in crowded area
- no new access onto lane without all our consent
- garden not of adequate area
- not in keeping with Parish Council's plans
- need to build a garage (for new dwelling)
- boundary not as detailed

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

6. Officer's Appraisal

- 6.1 The main issues are the principle of erecting a dwelling on the site, the means of access and overlooking of properties in the vicinity of the site.
- 6.2 The application site is within the settlement boundary for Ewyas Harold, which is defined as a main village in the Unitary Development Plan. Therefore, the issues that arise are the siting, materials and design for the dwelling and the means of access. The previously submitted and refused scheme was for a higher building than the one the subject of this application. The current application provides accommodation on two floors, the previously refused application sought accommodation on three floors. The current dwelling is only 300mm higher than numbers 1 and 2 Rosebury Place, and is some 900mm lower than the nearest dwelling to the north-west in Lion Terrace. This is considered to be a satisfactory approach for this infill dwelling. The materials will be facing brick and render, together with timber windows under a traditional slate roof. The design and materials will compliment those used in the vicinity of the site. The new dwelling will not detract from the amenity of this part of Ewyas Harold.
- 6.3 The means of access proposed is taken directly off the Class II road. There is sufficient area in front of 2 Rosebury Place and the application site for on-site manoeuvring and parking. The Traffic Manager recommends that revisions are made to the existing access such that the existing hedgerow is set back, this will improve visibility for motorists crossing the narrow footpath that adjoins the highway (B4347). This will also improve visibility for users of the lane immediately to the north-west of the application site. It is not considered that there would be more congestion as a result of this application, particularly given that the applicants are providing off-road parking facilities for an existing and proposed one.
- 6.4 Overlooking has been raised as an issue by residents to the west and uphill from the site. There is considered to be sufficient distance between the balcony and properties uphill of the site. The balcony is purposely orientated south-westwards away from the aforementioned dwellings in order to enjoy uninterrupted views of the countryside. The balcony is also screened on the north-western side.
- 6.5 The final issues relate to the lane which is also on the line of a public footpath (EH31). The Public Rights of Way Manager raises no objections, but notes that a temporary closure order may be required when work commences on site. Whether or not development works impede access to other parties is not a matter that strictly falls within the remit of the determination of planning applications. The applicant needs to ensure that if a temporary closure order is required then one is applied for as necessary. Other matters relating to the erection of scaffolding on land outside the applicants control is a matter for the appropriate parties to resolve.
- 6.6 The application can be supported as it constitutes a new dwelling in keeping with the scale and massing of adjoining properties, it has satisfactory parking arrangements and will not result in residential properties in the vicinity of the site being impacted upon to a material and detrimental degree.

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

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

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

Reason: In the interests of highway safety.

6. **H05 (Access gates)**

Reason: In the interests of highway safety.

7. **H12 (Parking and turning - single house)**

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

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

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

Informative(s):

1. **HN01 - Mud on highway**

2. **HN02 - Public rights of way affected**

3. **HN05 - Works within the highway**

4. **HN10 - No drainage to discharge to highway**

5. **HN22 - Works adjoining highway**

6. **N03 - Adjoining property rights**

7. N19 - Avoidance of doubt

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

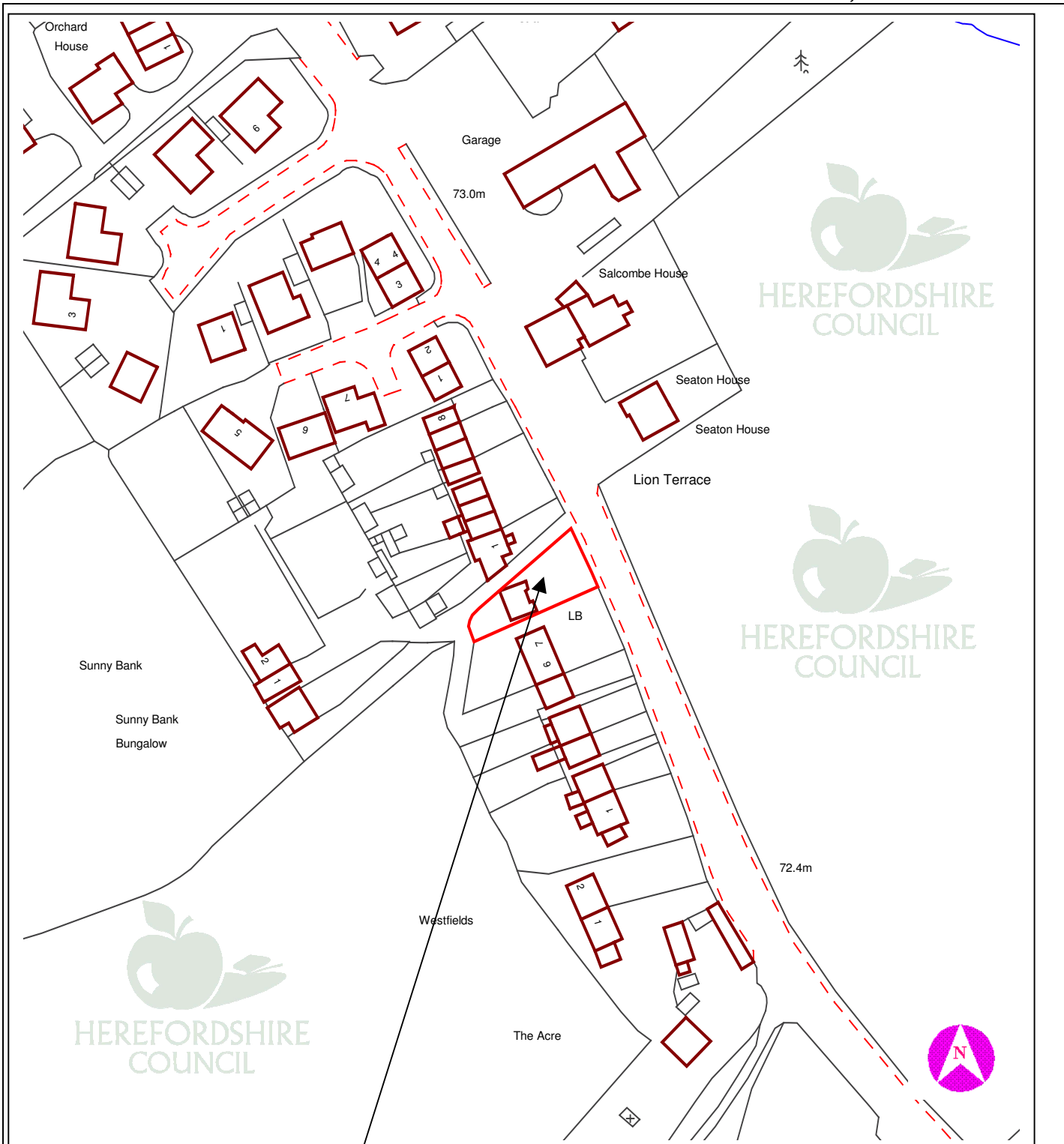
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2007/0950/F

SCALE : 1 : 1250

SITE ADDRESS : 2 Rosebury Place, Ewyas Harold, Hereford, Herefordshire, HR2 0EW

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8 DCSW2007/1026/F - CONVERT EXISTING SMALL ANIMAL AND DOMESTIC PET ACCOMMODATION INTO RESIDENTIAL ACCOMMODATION FOR AN ELDERLY RELATIVE, THE STILES, LONGTOWN, HEREFORD, HEREFORDSHIRE, HR2 0LD.

For: Mr. P. Turberville, The Stiles, Longtown, Hereford, HR2 0LD.

Date Received: 10th April, 2007 Ward: Golden Valley South Grid Ref: 32462, 28742

Expiry Date: 5th June, 2007

Local Member: Councillor J.B. Williams

1. Site Description and Proposal

- 1.1 The application site is on the north-eastern side of the main thoroughfare in Longtown (C1203 road). It is almost directly opposite Greyhound Close. The detached house has a double garage to the front of the property and at right angles to it. The garden area to the rear slopes south-westwards. It is proposed to convert an existing building in the rear garden for use as residential accommodation.
- 1.2 The building the subject of this application has been built into the slope of the rear. It is finished in a smooth rendered finish which matches The Stiles, over a brick plinth wall. The roof is covered in plain concrete tiles that matches those used on the applicant's house. There are six windows facing across the valley, four smaller windows on the southern side facing the house, a door and window on the south-east elevation and one window on the north-western gable end.
- 1.3 It is proposed to remove the six valley side windows and replace them with two, three-light windows with deeper sills. Windows will also be removed on the rear or south-westerly facing elevation, three windows replacing four existing ones. A window on the north-west elevation will be removed altogether leaving a blank elevation.
- 1.4 The former blockwork rendered building will provide a kitchen, dining and lounge and single bedroom and shower/w.c.

2. Policies

2.1 Planning Policy Statement

PPS.1 - Delivering Sustainable Development

2.2 Herefordshire Unitary Development Plan 2007

Policy H.18 - Alterations and Extensions

Policy H.7 - Housing in the Countryside Outside Settlements

3. Planning History

3.1 None.

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 The Traffic Manager recommends that space for the parking and turning of 3 cars be retained within the curtilage.

5. Representations

5.1 In the Design and Access statement that accompanied the application it is stated:

“The application submitted is for a change of use from an existing outbuilding used for purposes incidental to the enjoyment of the main dwelling house, to residential accommodation for an elderly relative.

Materials used will match those as used in the existing main dwelling house.

The proposal is to remove six small windows and replace with two larger windows to provide extra light to living areas. Remove and block up two windows, one to the side and one to the rear elevation. This will be in keeping with the appearance of the existing main dwelling (including the style and design of the windows).

Vehicular access to the property is gained from a driveway leading from the local authority highway, a parking area on side of double garage.

Provision for a level access ramp and platform to the entrance door of the building, to comply with current building regulations.”

5.2 Longtown Parish Council have 'no comment'.

5.3 Two letters of representation have been received from:

P. Jones & C. Clarke, Gothlands, Longtown, HR2 0LS
Mrs. P.M. Roderick, Spindles, Longtown, HR2 0LD

in which the following main points are raised:

- unacceptable density of residential units on small plot of land
- precedent, could lead to 8 additional units on this stretch of development
- beyond building line
- be used for what it was erected
- does not intrude on my privacy, concerned by proposed implications caused by proposal.

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

6. Officer’s Appraisal

- 6.1 The main issue is the principle of development, car parking and turning of vehicles on site and impact on adjoining properties.
- 6.2 The building was erected under permitted development rights for housing domestic pets. The building will provide self-contained accommodation for an elderly relative. It is considered that alterations proposed, namely to the windows, will not materially alter the appearance of the building. The use of the building will need to be made conditional, i.e. such that it is tied to the use of the main dwelling and not sold or leased off separately. It should be noted that there is sufficient on site parking for at least 3 cars as required by the Traffic Manager, which excludes the double garage. The amenities of the adjoining dwellings should suffer no unacceptable impact.
- 6.3 The proposal does not establish a precedent for further such development. The building is land locked in terms of access, therefore it is not considered that a potential separate dwelling could be created in the future. Any application elsewhere would be considered on its individual merits.

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. **E29 (Occupation ancillary to existing dwelling only (granny annexes))**

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

Informative(s):

- 1. **NC02 – Warning against demolition**
- 2. **N19 - Avoidance of doubt**
- 3. **N15 - Reason(s) for the Grant of Planning Permission**

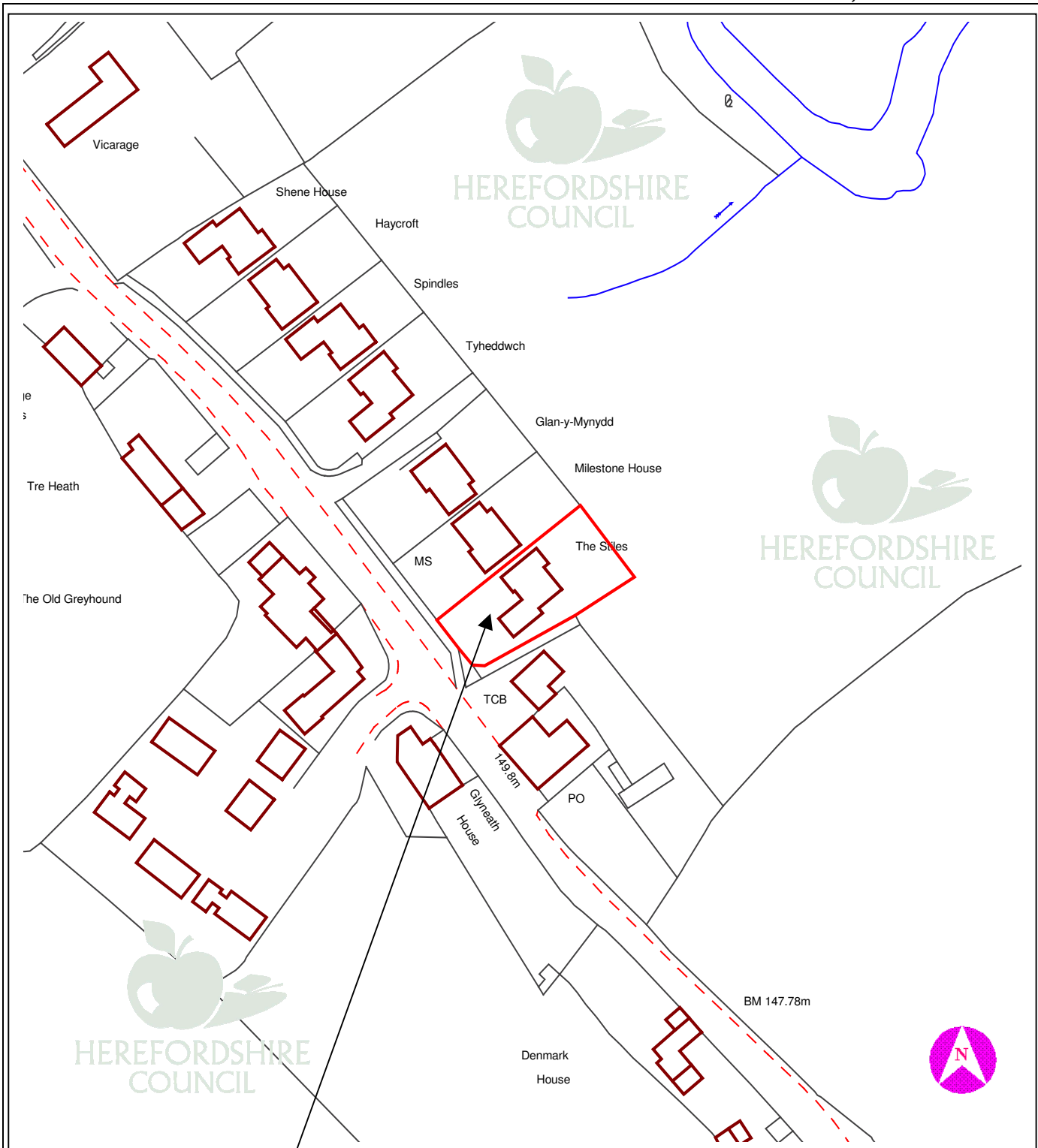
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2007/1026/F

SCALE : 1 : 1250

SITE ADDRESS : The Stiles, Longtown, Hereford, Herefordshire, HR2 0LD

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9 DCSW2006/3874/O - RESIDENTIAL DEVELOPMENT OF STARTER HOMES ON SITE CURRENTLY OCCUPIED BY THE LONGTOWN VILLAGE HALL, LONGTOWN VILLAGE HALL, LONGTOWN, HEREFORDSHIRE, HR2 0NZ.

For: Mrs. J. Whitehead, Cayo Cottage, Clodock, Longtown, Herefordshire, HR2 0NZ.

**Date Received: 7th December, 2006 Ward: Golden Valley Grid Ref: 32318, 28857
South**

Expiry Date: 1st February, 2007

Local Member: Councillor J.B. Williams

1. Site Description and Proposal

- 1.1 The proposal site is on the western side of the C1203 road, the main thoroughfare of Longtown. It is on the site of the red brick village hall which is aligned parallel to the C1203 road.
- 1.2 The application is one for which all details or reserved matters are for future consideration in the event that planning provision were granted for the principle of developing the site for affordable dwellings. An illustrative plan has been submitted providing details for a terrace of 3 dwellings with three parking spaces on the south-eastern end of the block of dwellings. A new hall has also been delineated further to the south-east, it straddles the existing boundary between the car park serving the village hall and a field adjacent to the car park and immediately to the south-west. This boundary is presently demarcated by post and mesh type fencing.

2. Policies

2.1 Planning Policy Statements

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

2.2 Herefordshire Unitary Development Plan 2007

- Policy S.1 - Sustainable Development
Policy LA.2 - Landscape Character
Policy CF.6 - Retention of Existing Facilities
Policy H.6 - Housing in Smaller Settlements
Policy H.10 - Rural Exception Housing

3. Planning History

- 3.1 SW2002/2161/O Site for construction of new village hall - Approved 23.07.02

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Traffic Manager requires further details as to whether existing access will be altered or not and that a footpath is required across the frontage of the site.
- 4.3 The Housing Needs Manager states that there is a need for at least 8 affordable dwellings in Longtown.
- 4.4 The Conservation Manager recommends that an archaeological watching brief condition is attached to any grant of planning permission.

5. Representations

- 5.1 In a letter that accompanied the application, the following main points are made:

- in discussion with a housing association that may consider purchasing or leasing the land to provide some affordable housing
- leasing offers advantage of keeping the ownership of land in custody of hall trustees, possibly the preferable alternative.

- 5.2 In a statement that accompanied the application, the applicant states:

- proposal to build 3 - 4 affordable houses on site of hall
- intention to build new hall as per SW2002/2161/O
- decision to see hall site is funding purposes
- support of local housing association
- Charity Commission requires us to sell on open market, may make long lease more attractive
- current hall can remain whilst new one is erected, avoids expense of VAT on renovating the hall
- feasibility study suggests that refurbishment in any case more expensive and less effective.

- 5.3 The Cusop Parish Council make the following observations:

“No objection, support application for social housing.”

- 5.4 6 letters of representation have been received from:

Mr. R. & Mrs. M. Maslin, Sunridge, Longtown, HR2 0LD
O. Gibbins, Lacy Cottage, Longtown, HR2 0LD
Mrs. P.M. Roderick, Spindles, Longtown, HR2 0LD
Mr. J.P. Mace, Perth-y-Perton, Longtown, HR2 0LQ
Mrs. F.E. Lewis, Bryn View, Longtown, HR2 0LD
Mr. P. Seedhouse, Belvedere, Longtown, HR2 0LT

The following main points are made:

- stick to existing site, renovate or replace
- conserve village hall, first water bottling works in country, circa 1910
- applicants must have agreement or else would not apply for new site for village hall
- new hall site should be sited as envisaged by planning permission SW2002/2161/O
- village split between renovation or replacement
- if approve houses, indirect approval for new siting for village hall
- whole site needs to be considered
- who has right to demolish existing village hall
- new village hall should be sited on existing site of hall
- set precedent for building onto Charity field
- gap in site would be lost, open vista gone
- external boundary to car park not correct, gates to Charity field and footpath omitted
- could end up with less car parking if site developed as per plan submitted
- more traffic on C1203 road
- not sure if more affordable houses are required.

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

6. Officer's Appraisal

- 6.1 The main issues are the principle of development, i.e. the need, and secondly the implications for the loss of a community facility, i.e. the existing village hall.
- 6.2 In previous planning policy Longtown was identified as a larger settlement. However with the adoption of the Unitary Development Plan it is now identified as a smaller settlement. In these settlements Policy H.6 provides that new development is limited to infilling of small gaps between existing dwellings. These can be permitted where the infill gap is no more than 30 metres frontage, where the plot size is a maximum of 350sq. metres and there are limitations on the size of any dwelling. In this case the gap is significantly in excess of 30 metres. The Policy provides that permission on such sites will only be forthcoming where the proposal is for affordable housing to meet a proven local need. In this case the Council's Strategic Housing Team confirm that such a need exists in Longtown. Detailed advice on affordable housing is given in Policy H.10. It would be necessary for a Section 106 Agreement to be completed and the proposed Heads of Terms are attached as an Appendix. Although the applicants have an onus to maximise the value of the site planning policy in this case would not allow for open market housing on the site.
- 6.3 A new access would need to be created for the residential development. It is considered that works between the site and roadside would improve visibility across the frontage. The dwellings would be cut into the ridge as is the existing village hall. This would therefore reduce the impact of the development when viewed from the west and south-west. The land rises to the south-west of the site, therefore the extent of cutting in and levelling is a matter of importance.

- 6.4 This proposal is complicated by the fact that the proposal entails the demolition of the existing village hall, the early twentieth century red brick faced former water bottling plant. Policies in the UDP, namely Policy CF.6 requires that alternative provision of at least equivalent community benefit is provided in the event that a community facility, such as the village hall, is proposed to be demolished. It is the case that such an application has been made in order to maximise proceeds from the village hall site in order to help fund the replacement of the existing building. It should be also noted that the principle of possible demolition of the existing village hall building was the subject of the earlier planning permission for a new or renovated and extended village hall. The applicants already have the benefit of planning permission to demolish the village hall. The complication is that the new proposal implies that a new hall would need to be built on a different site than that envisaged by the 2002 planning permission. The siting and design for the new village hall would have to be the subject of a further planning application. Should planning permission be granted for affordable housing, it does not necessarily follow that a re-sited village hall would be approved. The materials and layout for car parking would all need to be addressed within the ambit of the permission. The indicative plan submitted indicates that the hall is centrally positioned on the whole site.
- 6.5 There is evidence from within the Council that there is a need for affordable housing. The site chosen is one that is well related to the established pattern of predominantly linear development in Longtown. This is also given that the dwellings adjoin Sunridge which is to the north-west. The indicative plan proposes pulling the footprint of the dwellings proposed away from Sunridge. The access can be improved upon given that the applicants control the frontage between Sunridge and the Old Vicarage Stables. The archaeological interest can be safeguarded by the imposition of a condition. A legal agreement will need to be drawn up before planning permission could be granted guaranteeing the type and tenure of affordable housing and safeguarding the village hall until such time as a replacement is approved and erected, i.e. before any development commenced on the residential development approved here. It is also the case that the numbers of dwellings has not been approved by this permission. It could be that two dwellings are erected, in the event that two small family houses are proposed instead of three small one bedroom units. This is a matter that would be determined at the time of a reserved or detailed matters application, together with the means of access and parking arrangements.

RECOMMENDATION

That: The Legal Practice Manager be authorised to complete a planning obligation agreement under Section 106 of the Town and Country Planning Act to ensure:

- (a) provision of affordable housing**
 - (b) retaining existing village hall until works are completed on new village hall**
- 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. Details for the means of access shall include a single access to serve the development.

Reason: In the interests of highway safety.

6. A 2 metres wide footway shall be provided on the frontage of the site to the satisfaction of the local planning authority in accordance with the Council's Design Guide and Specification before first occupation of any dwelling on the site.

Reason: In the interests of highway safety.

7. The applicant(s) or their agents or successors in title shall ensure that a professional archaeological contractor undertakes an archaeological watching brief during any development to the current archaeological standards of and to the satisfaction of the local planning authority.

Reason: To ensure that the archaeological interest of the site is investigated.

Informative(s):

- 1. N19 - Avoidance of doubt**
- 2. N15 - Reason(s) for the Grant of Planning Permission**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

APPENDIX

DRAFT HEADS OF TERMS

Proposed Planning Obligation Agreement

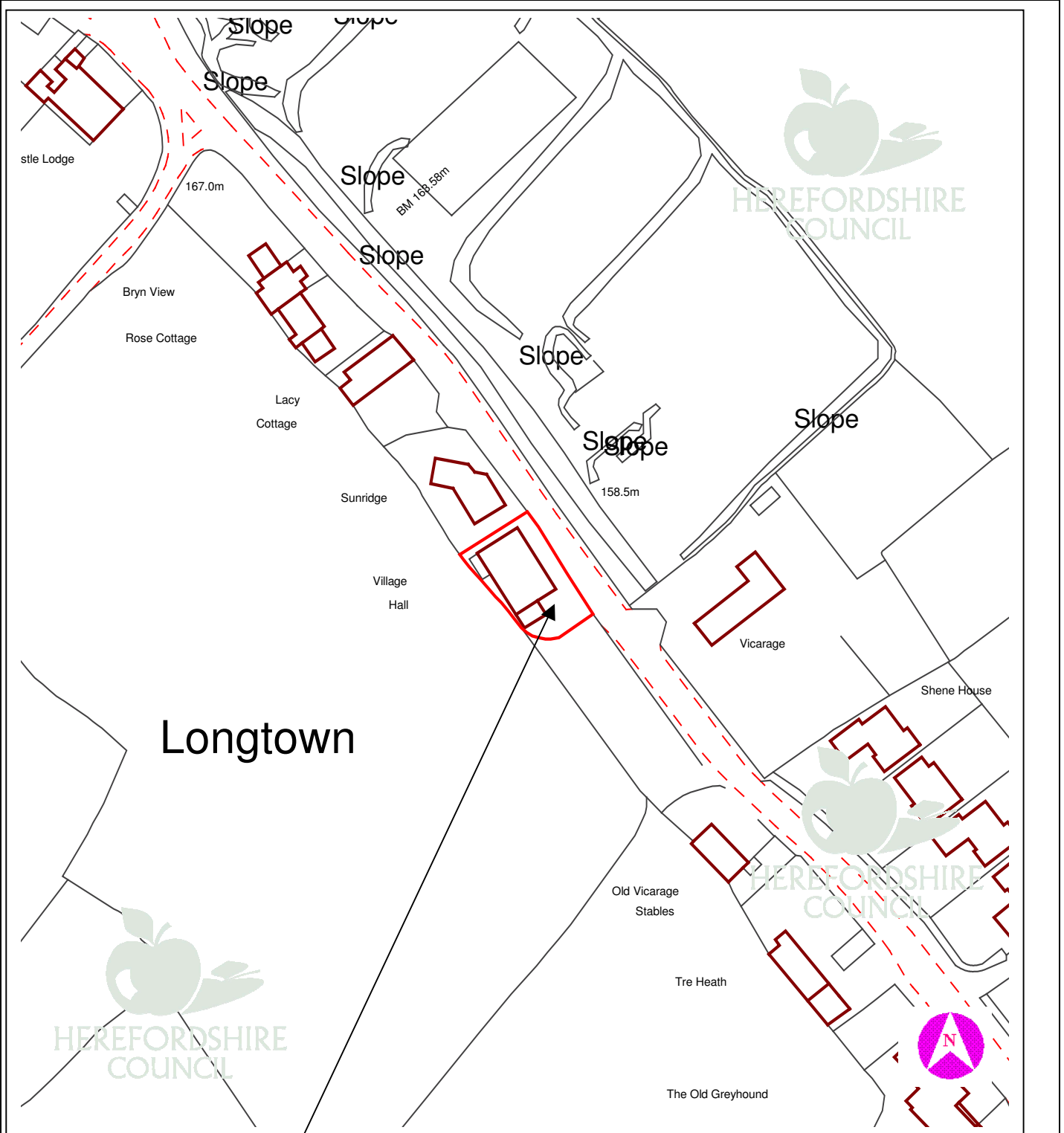
Section 106 Town and Country Planning Act 1990

Planning Application – DCSW2006/3874/O

Residential development of starter homes on site currently occupied
by the Longtown Village Hall

1. The approved houses shall all be 'Affordable Housing' units which meet the criteria set out in Section 5.5 of the Unitary Development Plan for Herefordshire and related Policy H.9 or any statutory replacement of those criteria and that policy. None of them shall be occupied unless and until the Herefordshire Council has given its written agreement to the means of securing the status and use of these units as Affordable Housing.
2. The existing Village Hall shall not be demolished until such time as a replacement village hall is completed to the satisfaction of the local planning authority.
3. The developer shall pay to the Council, on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

M J Willmont
Team Leader - South



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APPLICATION NO: DCSW2006/3874/O

SCALE : 1 : 1250

SITE ADDRESS : Longtown Village Hall, Longtown, Herefordshire, HR2 0NZ

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10 DCSW2007/0614/F - TWO STOREY AND SINGLE STOREY EXTENSIONS, MOSSBURN, NEW MILLS, CLEHONGER, HEREFORD, HR2 9TL.

**For: Aspey Property Development Ltd per Mr A Poulter
Alan Poulter Architecture, The Croft, Trellech,
Monmouth, NP25 9TL.**

Date Received: 28th February 2007 Ward: Stoney Street Grid Ref: 44105, 37514

Expiry Date: 25th April 2007

Local Member: Councillor D.C. Taylor

1. Site Description and Proposal

- 1.1 The site known as Moss Burns is situated outside the main settlement of Clehonger and falls within open countryside. The site is also adjacent to an identified floodplain zone 2. Moss Burns is a typical small cottage, comprising two bedrooms at first floor designed with a catslide roof to the rear, being rendered and having small lean-to sections to the north, west and east elevations. It lies within substantial grounds with the land being at two levels. Directly off the u/c 73413 is flat serving the drive and parking area and providing a single garage to the northern boundary. The roadside boundary to the west has a line of mature trees and hedgerow, screening the property from the northerly direction. The land beyond this area inclines to a higher flat level served by steps leading to the cottage, where mature hedgerow continues along the north and southern boundaries, dividing neighbour properties. The property to the north is known as Didley Cottage and to the south is known as Keyse Cottage.
- 1.2 The proposal is to remove the lean-to on the north elevation and create a further single storey lean-to measuring 5.6m x 1.5m x 3.3m for entrance and w.c. The small porch to the west elevation is to be replaced with an open canopy to the front door. To the rear eastern elevation the flat roof porch is removed and a two storey gabled extension is formed over the catslide roof measuring 7m x 6.7m to form two further bedrooms, bathroom and shower room, creating a four bedroom cottage. Materials of render for the walls, slates for the roof and timber window casements are proposed.
- 1.3 The submitted plans raised concerns regarding the size and scale of the proposed rear extension and through negotiations amended plans were received on the 2nd April 2007, which was subject to further consultations. The amended plan reduced the length of the rear extension from 7m to 5.2m, reducing the total number of bedrooms to three, with bathroom and en-suite as well as creating a further parking space to the front elevation.

2. Policies

2.1 Planning Policy Statements

PPS.7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan

Policy S.1	-	Sustainable Development
Policy DR.1	-	Design
Policy H.7	-	Housing in the Countryside Outside Settlements
Policy H.18	-	Alterations and Extensions

3. Planning History

3.1 None.

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 Traffic Manager observations:-

"No objection to the amended plans, I note that the proposed extension has been reduced and the property would have 3 bedrooms, also the car parking area has been increased".

5. Representations

5.1 In a letter dated 29th March, 2007, accompanied by amended plans received on the 2nd April, 2007, the applicant's agent states:

- The front canopy and lean-to side extension are retained
- Rear extension significantly reduced in size by removing one of the proposed bedrooms.
- Only one small bathroom window at first floor on north elevation
- Windows to south and west are all existing
- Extension to rear (east elevation) there is a bedroom and smaller bathroom window
- Indicated a larger hardstanding for parking of two vehicles in addition to the existing garage

5.2 Clehonger Parish Council observations are awaited regarding submitted and amended plans.

5.3 Adjoining Allensmore Parish Council has no objection to the amended plans.

5.4 Adjoining Eaton Bishop Parish Council has no objection to the submitted plans. Awaiting response to amended plans.

5.5 Adjoining Kingstone Parish Council has no objection to the submitted plans. Awaiting response to amended plans.

5.6 The submitted plan received two letters of representations from:-

Kathy Maddy, New Mills, Clehonger, Hereford. HR2 9TL

Jane Hooper, Keyse Cottage, New Mills, Clehonger, Hereford. HR2 9TL

The following main points are raised:

- Small rural hamlet comprising traditional country cottages maintaining their original character.
- Proposal reflects modern large house totally inappropriate and out of character.
- Concerns regarding water and foul drainage.
- Property within flood plain, further building may affect natural drainage and own property could be susceptible.
- North elevation window should be obscured glazing.
- Garage removed would be left with minimal privacy, if removed, presume will replace with similar size and style.

5.7 The amended plan received one letter of representation from:-

Jane Hooper, Keyse Cottage, New Mills, Clehonger, Hereford. HR2 9TL

The following main points were raised:

- Appreciate that proposed plans have been slightly modified it does not address or rectify the objections raised.
- South and east elevations will now be overlooking Keyse Cottage as in original plans, invasion of our privacy that has been guarded for 100 years.

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

6. Officer's Appraisal

6.1 The main issues are considered to be the effect of the proposal upon the original dwellinghouse, neighbouring amenity and provision of parking.

6.2 Policy H18 of the Herefordshire Unitary Development Plan seeks to ensure that the original building, as built since 1948, would remain the dominant feature when assessing proposals for extensions to dwellinghouses. Furthermore, such extensions should be in keeping with the character of the existing dwelling and its surroundings in terms of scale, mass, siting, detailed design and materials, as well as protecting the privacy and amenity of occupiers of neighbouring residential property and providing adequate off street parking provision.

6.3 The proposal seeks to modernise this small two-bedroom cottage, currently in a poor condition having a small lean-to on the north elevation and flat roof porch to the west and east. The scheme seeks to remove these elements and replace with a new open canopy to the west elevation over the front door and a single storey extension to the north, comprising new entrance and w.c. These additions are considered to be acceptable in terms of scale and design upon the existing cottage.

- 6.4 The main alteration to the amended plan is the reduction in size of the extension over the catslide roof to the rear elevation. Presently, the existing ground floor width under the catslide roof measures 3.6m, comprising kitchen, hall and bathroom. The reduced extension now measures 5.2m from 7m, this being originally sought, thus reducing the number of bedrooms and creating a three bedroom cottage. This reduction has reduced the gable projection to the north and south aspect, albeit it would have been beneficial to maintain the existing ground floor area of 3.6m, the resultant scheme would have created a cramped first floor without achieving suitable habitable living space. On balance the size and scale of the rear elevation is acceptable upon the existing cottage.
- 6.5 Turning to the objections received by neighbouring properties, their amenity in terms of overlooking and privacy of their gardens has been thoroughly assessed. At present the south elevation retains the existing small windows, which will now serve the hall and staircase. The north elevation inserts a small window to serve the en-suite to bedroom 1. The main issue relates to the first floor extension to the east elevation, this presently does not have any windows. There are two windows to be inserted, a bathroom window and window to bedroom 3. Having regard to the angled degree of overlooking from first floor windows, the bathroom window would overlook the northeast corner of the garden of Keyse Cottage and the bedroom window would view less of this section. Consideration would be given to condition the design and use of glazing for the bathroom window and it is considered that the first floor extension would not have an unacceptable impact upon the privacy and amenity of this neighbouring property. Turning to Didley Cottage, north of the proposal site, the window to the bedroom would only view the north-east corner of the garden of Didley Cottage, which in view of the length of their garden, this is also considered to be acceptable.
- 6.6 Other concerns regarding water and foul drainage and possible flooding due to the proposed extensions have also been noted. It is stated that water and foul will be disposed of via soakaways and septic tank. No information has been submitted regarding the efficiency of the septic tank, however, this would be subject to the necessary tests carried out by Building Regulations to ensure that the septic tank and soakaways serve their purpose. Nevertheless, a planning condition to ensure satisfactory arrangements would be appropriate in this instance.
- 6.7 The area does lie within a floodplain zone 2. Having regard to the Environment Agency's planning response matrix, it was not necessary to consult the Agency given that the proposed extensions fall within zone 2. As such the proposal should not cause a future flood risk to the property and its surroundings.
- 6.8 The Highway Engineer has no objection to the amended plan, because the layout has now increased the parking space for two cars and that the original garage will remain. The removal of the garage to the northern boundary also raised concerns by the adjoining neighbour, in terms of loss of privacy. As stated this will remain in its original position and thus removing this element of concern.
- 6.9 The proposal satisfies the above mentioned Unitary Development Plan policies regarding extensions to dwellinghouses. It is considered that the resultant scheme would not have a detrimental impact upon the character of the existing cottage and would not adversely affect the neighbouring properties to the north and southern boundaries.

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. Notwithstanding the approved drawings, details of the following shall be submitted to and approved by the local planning authority prior to the commencement of any works:

- (a) render finish and colour**
- (b) slate**
- (c) joinery finish**

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

Reason: To safeguard the character and appearance of this building.

4. E18 (No new windows in specified elevation)

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

5. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the windows marked 'X' on the approved plans shall be glazed with obscure glass only.

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

6. F24 (Standard of septic tank/soakaway system)

Reason: To prevent pollution of the water environment.

7. G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

Informative(s):

1. N19 - Avoidance of doubt

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

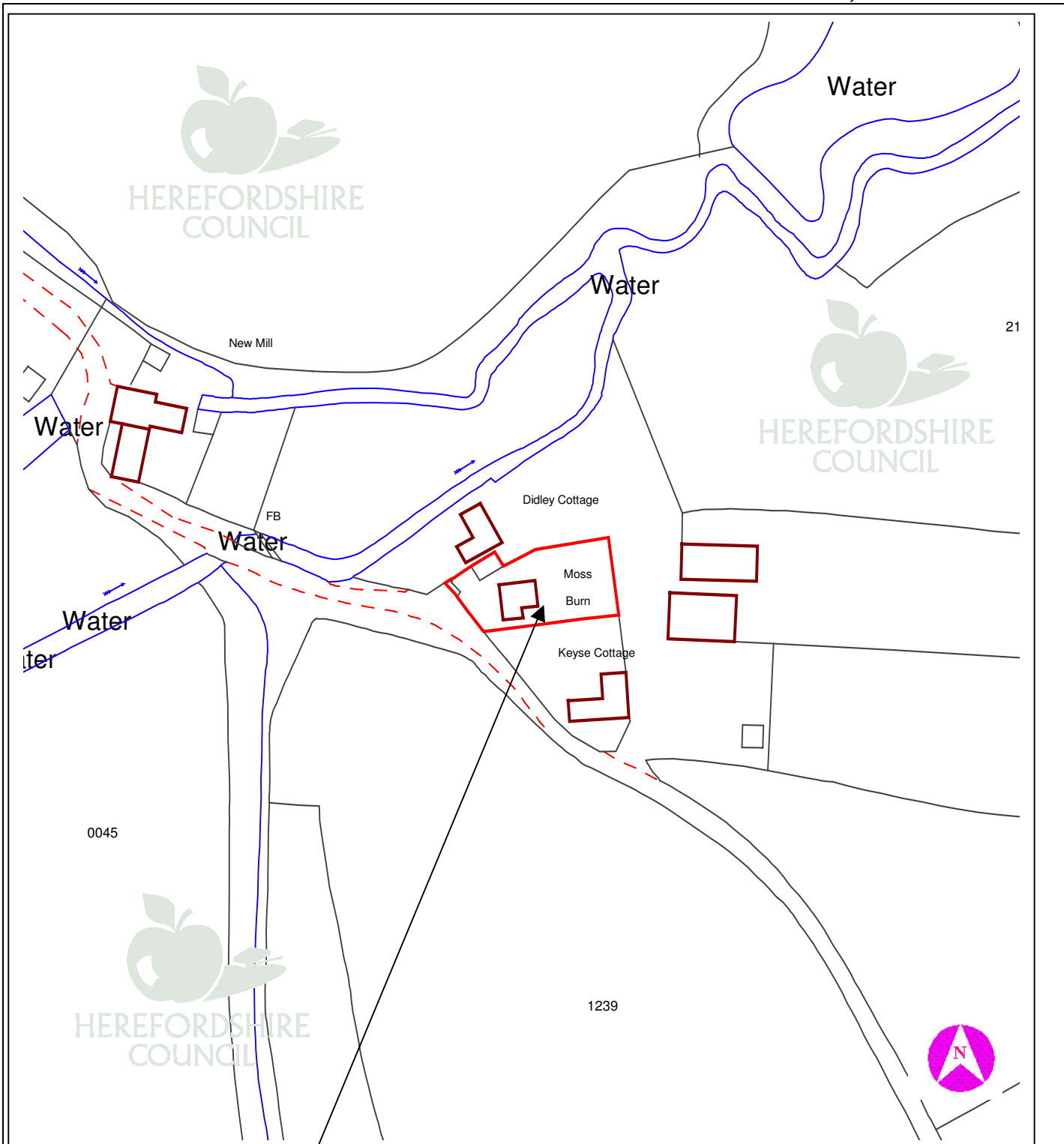
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2007/0614/F

SCALE : 1 : 1250

SITE ADDRESS : Mossburn, New Mills, Clehonger, Hereford, Herefordshire, HR2 9TL

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11 DCSE2007/0852/F - CHANGE OF USE OF FARM BUILDING TO B1 USE WITH TREATMENT PLANT AND ANCILLARY WORKS AT EVERSTONE FARM, PETERSTOW, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6LH.

For: F.M. Green per Brian Griffin P&CC Ltd, The Cottage, Green Bottom, Littledean, Glos. GL14 3LH

Date Received: 21st March, 2007 Ward: Llangarron Grid Ref: 55246, 25003

Expiry Date: 16th May, 2007

Local Member: Councillor Mrs. J.A. Hyde

1. Site Description and Proposal

- 1.1 The application building is a sizeable pre-fabricated concrete structure. It is sited within a field to the south of the A49(T) about 250m to the west of the Red Lion Inn at Winter's Cross and about 50m to the east of a complex of converted barns and former farmhouse (Everstone Farm). The building is set back from the highway by about 25m with a hedgerow along the field boundary. It is of concrete construction: the frame, roof structure, wall and roofing panels all being made of reinforced pre-cast concrete. Beneath the windows blockwork has apparently replaced wooden doors (a few of which remain). The building is sub-divided internally for the accommodation of livestock (pigs).
- 1.2 The current application is for conversion of this building into 5 small commercial/industrial units (within Class B1 of the Town and Country Planning (Use Classes) Order) of about 350m² gross external floor area. Externally no significant changes are proposed. Internally the sub-divisions would be cleared and partition installed to form the five units, each of which would be provided with a wc/washroom.
- 1.3 A new access off the A49(T) was formed as part of the conversion of Everstone Farm Barns. The access drive would be extended to the appeal building and a parking and turning area of about 300m² would be formed to the west of the building.
- 1.4 This application follows refusal of planning permission for conversion into holiday units (SE2005/4154/F). The subsequent appeal was dismissed and a copy of the Inspector's reasoning is included as an appendix to this report. As noted above, Everstone Farm Barns have been converted into dwellings. Planning permission (SE2000/2693/F) for conversion of farm buildings to form 7 dwellings was granted on 30th April, 2002 and for conversion of a barn to form a single dwelling (SE2003/1147/F) on 29th July 2003.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007

Policy HBA12	-	Re-use of Rural Buildings
Policy E8	-	Development of Redundant Rural Buildings

Policy E11	-	Employment in the Countryside
Policy E12	-	Farm Diversification

3. Planning History

- 3.1 DCSE2005/4154/F Conversion of building to three holiday units. Access track, car park, turning area and treatment plant. - Appeal dismissed 30.8.06

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency advises that the increase in trip generation from the site can be accommodated by the existing access which is of a suitable standard. Therefore, the Highways Agency considers that the proposals will have no impact on the A49. The Agency does not therefore propose to give a direction restricting the grant of planning permission.

Internal Council Advice

- 4.2 The Traffic Manager expresses concerns that parking provision is not to recommended standard for B1 use (14 spaces and one lorry space) plus secure cycle store for two cycles or one within each unit. Recommends refusal.

5. Representations

- 5.1 A supporting statement has been submitted by the applicant's agent. The key points made are:
- (1) The proposal is to diversify the farming business as another income stream is essential to maintain the level of profitability of a family farm. The building is near other protected property with good access on to a Trunk Road.
 - (2) An economic tourism use was previously proposed, but was refused by the Council and latterly on appeal.
 - (3) Discussions were held to discuss finding a suitable use and it was concluded that an employment use, i.e. B1 (light industry) rather than B8 (storage and distribution) could be acceptable. Use of the units will be first offered to the occupiers of the nearby seven converted barns for use as their workshops and ancillary storage purposes.
 - (4) A new short hard cored access track will be provided from the former farmstead to the building with a suitable turning and parking area for vehicles (crushed local stone).
 - (5) Reference is made to Government guidance in PPS7 in particular paragraphs 15-17 and 30 and to UDP policies HBA12 and E12.
 - (6) The UDP policies list criteria that must be satisfied if planning permission is to be granted. These could be met as:

- development is appropriate in scale in this rural location and would retain the open character of the countryside
- building is of permanent and substantial construction
- would not be substantially altered or extended
- would not prejudice farm and village vitality
- B1 use sought so HGVs and noisy activities do not affect nearby residents' amenities.

- (7) It is concluded that with appropriate conditions on hours of working this proposal overcomes the concerns of the appeal Inspector about introducing a new residential type of use into the open countryside by converting a non-traditional building with the addition of some cladding.

5.2 7 letters have been received from nearby residents objecting to the proposal. In summary, their concerns are:

- (1) the access to the A49(T) is hazardous despite being improved and there have been major incidents nearby in the past year – the additional traffic would increase the probability of further accidents; has a traffic impact assessment been undertaken? Large vehicles would not be able to enter or leave the site.
- (2) There would be a major adverse environmental impact on this small residential community in relation to:
- Safety – children live in 4 of the 7 houses and not being able to safely access the road would change the community nature of the area – there is no street lighting.
 - Noise, which would destroy tranquillity of community as a whole, has a noise assessment been carried out?
 - Pollution – would toxic and hazardous substances be involved? Could result in health problems.
 - Loss of privacy
 - Proposals at the Everstone barns have been turned down as within a Conservation Area – statement in application that not within such an area is therefore incorrect.
- (3) The access drive is a right of way for all residents and not reasonable that they should bear maintenance cost from industrial user; questioned whether industrial use is allowed; neither the surface of this road nor its scale is suitable for industrial traffic.
- (4) Llangarron Ward has about 2000 residents and little or no employment – given available units in Ross and on Duchy Estate (62 units within 2 miles in fact) the need for these units is questioned; where is evidence of demand? Little public transport links and no facilities nearby.
- (5) No residents have been consulted by developer or offered one of the units.
- (6) Structural soundness of building is questioned – has there been a survey? Also what are the ancillary works?
- (7) Applicant does not live at Everstone Farm at present or in recent past – this address should not be used as infringes privacy.

(8) Would reduce the value and saleability of the nearby residential properties.

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

6. Officer's Appraisal

6.1 Proposals which support farm diversification are encouraged by Policy E12 of the UDP and re-use of rural buildings for business purposes is encouraged by Policies HBA12 and E11. This accords with advice in PPS7 which states that "The Government's policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable" (paragraph 17). Although not within a village the building would have access onto a trunk road with an hourly bus service (38 Ross – Hereford). Compared to most farms therefore the proposed diversification scheme would be less reliant on private cars for travel to work, even if there is no demand from current occupiers of the adjacent dwellings. In principle therefore this proposal would comply with the above policies.

6.2 Key issues raised by local residents include the effect on their amenities and road safety within the Everstone Barns complex and at the access to the A49(T). On the first issue it is important to note that the use is for purposes within Class B1 only. This is defined in the Town and Country Planning (Use Classes) Order as:

- (a) an office other than financial and professional services,
- (b) for research and development of products or processes, or
- (c) any industrial process

being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Consequently any process carried out on the land and in the buildings or other activity which would harm residential amenity would not be lawful (assuming planning permission is granted). Thus noisy machinery or frequent deliveries resulting in noise and disturbance or processes giving rise to unacceptable fumes and smells would be precluded. Furthermore the building is some 50m from the nearest dwelling which I consider would be adequate separation between the residential and commercial/industrial uses. Hours of work could be controlled by planning condition, as suggested by the applicant's agent, to ensure no deliveries or activity during unsocial hours. Small units are less likely than general industrial or storage uses to require frequent deliveries and collections by large lorries, which is of particular importance in view of the access drive passing the rear gardens of the barns and the front entrances of unit 6 and the former farmhouse. A programme of refurbishment would be necessary which may improve somewhat the building's appearance and planting would help screen the parking area.

6.3 The proposal has been considered by both the Highways Agency and the Council's Traffic Manager with regard to road safety at the A49(T) access and within the site, respectively. Neither has objected on safety grounds. The residential units each have private gardens and the main parking area for residents is at the front of the former barns, separate from the access to the proposed B1 units. The main access to the A49(T) was formed on the advice of the Highways Agency and replaced

accesses that had more limited visibility. In these circumstances I do not consider that the increased risks to the safety of residents is sufficient to justify refusal of planning permission. Additional parking and cycle storage to meet the Council's standard can be required by a planning condition.

- 6.4 With regard to other matters raised by objectors, there is no direct evidence of demand for these proposed units. In general however the Council's Economic Development Officer considers that there is a need for 'high'tech' premises, particularly 'live-work' units and is seeking to encourage their provision. The structural stability of the building was considered by the Planning Inspector who concluded that conversion would not require significant re-building or structural repair work.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 G04 (Landscaping scheme (general))

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

3 G05 (Implementation of landscaping scheme (general))

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

4 G01 (Details of boundary treatments)

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

5 B01 (Samples of external materials)

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

6 E06 (Restriction on Use)

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity.

7 E01 (Restriction on hours of working)

Reason: To safeguard the amenities of the locality.

8 F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

9 No process shall be carried out and no goods, equipment or material shall be stored except within the units hereby permitted.

Reason: To protect the visual amenities of the area.

10 F14 (Time restriction on music)

Reason: In order to protect the amenity of occupiers of nearby properties.

11 H15 (Turning and parking: change of use – commercial)

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

12 H29 (Secure 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.

INFORMATIVES:

1 N19 - Avoidance of doubt

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

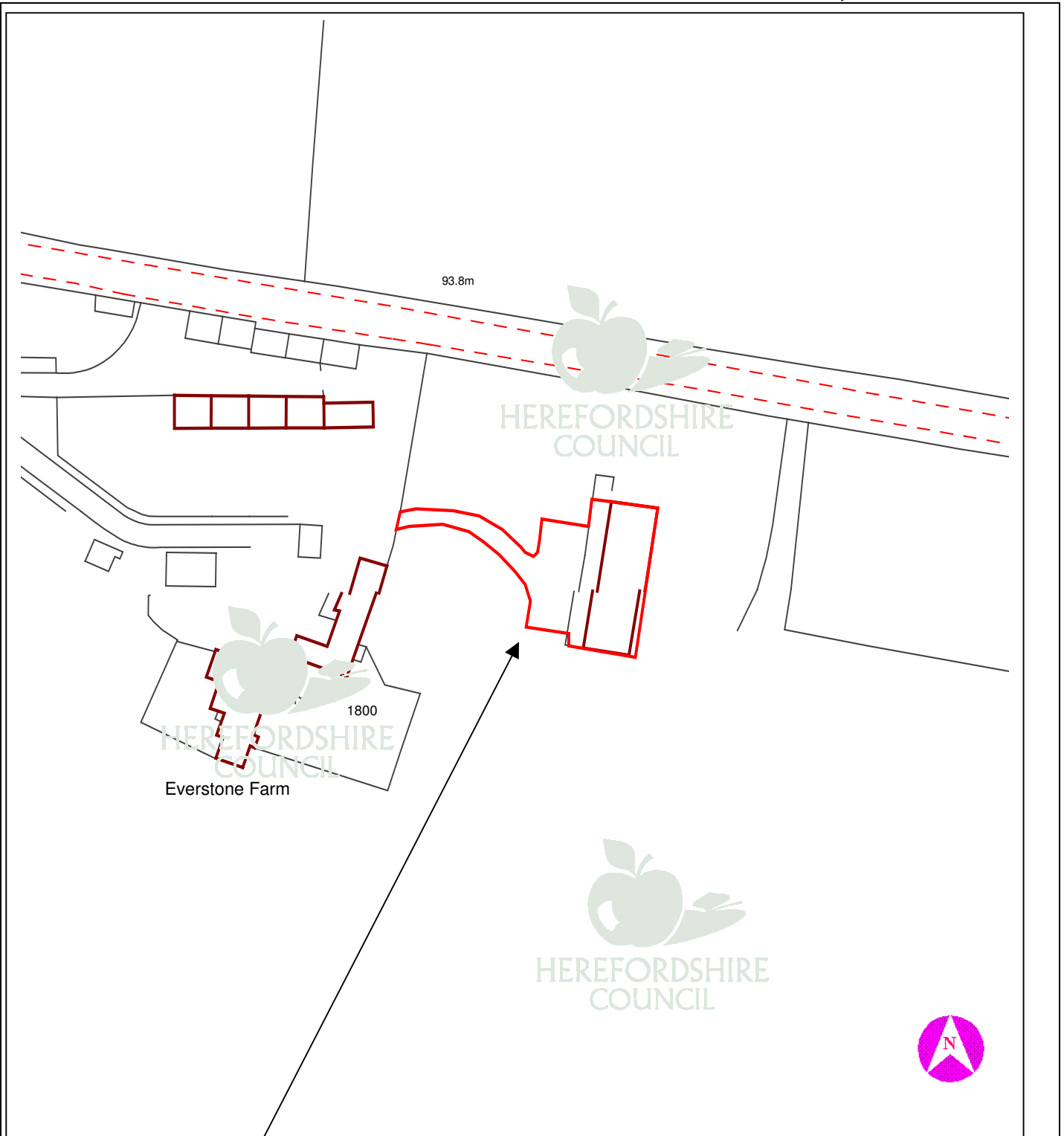
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2007/0852/F

SCALE : 1 : 1250

SITE ADDRESS : Everstone Farm, Peterstow, Ross-on-Wye, Herefordshire, HR9 6LH

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Appeal Decision

Site visit made on 30 August 2006

by **Clive Kirkbride** BA(Hons) DipTP MSc

an Inspector appointed by the Secretary of State for
Communities and Local Government

DCSE2007/0852/F

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date: 25 October 2006

Appeal Ref: APP/W1850/A/06/2016383

Everstone Farm, Peterstow, Ross-onoWye, HR9 6LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by FM Green against the decision of Herefordshire Council.
- The application Ref DCSE2005/4154/F, dated 23 December 2005, was refused by notice dated 22 February 2006.
- The development proposed is the conversion of a building to 3 holiday units; access track, car park, turning area and treatment plant.

Decision

1. The appeal is dismissed for the reasons set out below.

Reasons

2. The appeal building consists of a disused agricultural building constructed in pre-fabricated concrete and is of little architectural merit. It is located some 50m east of a complex of mainly stone barns converted for residential purposes and the former farmhouse at Everstone Farm in an area of open countryside where policies of development restraint apply.
3. The Government's Planning Policy Statement 7 *Sustainable Development in Rural Areas* (PPS7) generally encourages the re-use of appropriately located and suitably constructed rural buildings for uses which benefit the local economy and farm diversification, subject to certain criteria being met.
4. I note that current and emerging development plan policies generally reflect the advice set out in PPS7. They require, amongst other matters, that existing buildings should be in keeping with their surroundings and capable of conversion without substantial alteration and that proposals should not have a detrimental impact upon the countryside.
5. The existing building has a non-traditional, utilitarian appearance which is not in keeping with its surroundings. The building would appear to be capable of conversion without the need for significant re-building, structural repair work or extensions. However, the suggested use of timber cladding and roof slates to improve its appearance would amount to major external alterations.
6. I also consider that the development would be similar to houses in permanent occupation in terms of access, parking and turning arrangements; enclosed rear gardens, and likely

domestic paraphernalia. The imposition of a condition removing certain permitted development rights would not, in my opinion, overcome the fundamental policy objections to a proposal which would erode the character and appearance of the open countryside.

7. Therefore, and even though the proposed development would not be conspicuous from the adjoining highway, I conclude that it would harm the character and appearance of the open countryside and fail to comply with both national planning policy advice and guidance and the relevant provisions of policies CTC.14, TSM.1 and TSM.5 of the Hereford and Worcester County Structure Plan; policies C.36, TM.1 and TM.5 of the South Herefordshire District Local Plan, and emerging policies HBA12, RST1 and RST12 of the Herefordshire Unitary Development Plan: Revised Deposit Draft regarding the conversion and re-use of existing rural buildings, including for tourism purposes.
8. I have also had regard to all the other matters raised, including the potential economic benefits of the proposed development and the proximity of other residential properties. However, none of these matters outweighs the harm the proposal would cause for the reasons identified.

C.S. Kirkbride

INSPECTOR

12 DCSE2007/1067/F - ERECTION OF AGRICULTURAL STORAGE BUILDING AT JAYS PARK LINTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7UH.

For: Mr. J. Edwards per Mr. D.R. Pearce, Land Development & Planning Consults Ltd, Lavender Cottage, Nettleton, Chippenham, Wiltshire, SN14 7NS.

Date Received: 13th April, 2007 Ward: Penyard Grid Ref: 66316, 26029
Expiry Date: 8th June, 2007
 Local Member: Councillor H. Bramer

1. Site Description and Proposal

- 1.1 The application site comprises 2 fields which are on the north side of the unclassified road linking junction 3 of the M50 with Linton. They are about 8.4ha in area and form a new agricultural unit but were formerly part of Two Parks Farm. The fields have been used as permanent pasture. The land rises from the highway to the north, with a tall hedge along the roadside. The access to the fields has been altered over the past 5 years by the erection of wall, gates and fencing and the land has been developed as a residential caravan site. Enforcement notices requiring removal of the former and cessation of the latter have recently been upheld on appeal.
- 1.2 It is proposed to erect an agricultural storage building just to the north-east of the access and close to the boundary hedge. This land has already been excavated and levelled in connexion with the works referred to above. The building would be 22m long and 12m wide x about 5.5m to ridge. The wall would be concrete blockwork up to 2m and profiled steel sheeting above and for the roof. The intention is to develop a fruit growing enterprise to supplement grazing. This is a revised application following withdrawal of an application for determination as to whether prior approval would be required for a larger building (34m long) to be sited further from the road. Concerns were raised by the case officer regarding siting on a more elevated and open site and in response the current application has been submitted.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007

Policy LA2	-	Landscape Character and Areas least Resilient to Change
Policy E13	-	Agricultural and Forestry Development

3. Planning History

- | | | | | |
|-----|-----------------|---|---|---------------------|
| 3.1 | DCSE2005/2611/F | Retrospective application for mobile home | - | Refused
28.11.05 |
| | DCSE2007/0415/S | Agricultural storage building. | - | Withdrawn
9.3.07 |

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

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

5. Representations

5.1 A Design and Access Statement has been submitted which in summary gives the following explanation:

- (1) This application has been prepared following an earlier application submitted under the 'prior notification' procedure (DCSE2007/0415/S). Following discussions with the Case Officer it was agreed to withdraw the application in order to take the opportunity to achieve an improved siting albeit in a location where full planning permission would be required. In addition a review of the needs of the agricultural holding has resulted in a smaller building now being sought.
 - (2) The land is currently improved pasture used for the grazing of livestock.
 - (3) The building is required for agricultural storage associated with a proposed fruit growing enterprise on the adjacent land. The steel-frame building would be to a colour and profile to be agreed with the local planning authority.
 - (4) There are no other agricultural storage or livestock buildings on this agricultural unit.
 - (5) The building occupies a position close to the access from the highway and adjacent to the roadside hedge which comprises the principal landscape feature affecting the setting of this building. The siting of the building enables the retention of this hedge and the opportunity for its improvement and future maintenance. Consequently the loss to agricultural production and the impact on visual amenity would be minimised.
 - (6) The appearance of the building is defined by the proposed function and the levels of adjacent land. It is proposed to clad the roof and walls of the building with plastic coated steel profile sheeting, with blockwork to a height of 2 metres.
 - (7) Access to the site of the building is to be achieved via an existing agricultural access.
- 5.2 Linton Parish Council "does not support this application. The Parish Council consider the size of this agricultural storage building to be excessive for the amount of land to be utilised for fruit growing. It is noted that the access is from the ornamental gates and wall, edging the site. We understand these are subject to an enforcement notice which has gone to appeal. There is also a residential caravan on the site and a considerable amount of hard-standing has been made on what was agricultural land. We believe this is also subject to an enforcement notice. Under these circumstances the Parish Council is unable to support this application."

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

6. Officer's Appraisal

- 6.1 This proposal relates to a new agricultural enterprise on land some distance from the farm complex (Two Parks Farm) of which it was formerly a part. Consequently the proposed building cannot be sited close to existing building, as encouraged by policy E13. Nevertheless this location is the least harmful in terms of visual impact being partially screened by the established roadside hedge, close to the access with its existing tarmac access drive and on lower ground which has been excavated. The proposed design and external appearance of the building are typical of small agricultural stores.
- 6.2 The concerns of the Parish Council are appreciated. The soft fruit enterprise has not yet been established and the building appears large in relation to the size of the land holder (less than 10ha). Nevertheless the proposed enterprise would require storage facilities for agricultural machinery, fertilisers and the produce, including sorting and packing. Erection of this building would be a significant investment for an enterprise of this scale and a planning condition could be imposed to ensure that the building is used only for agricultural purposes. As noted above the appeals against the enforcement notices have been dismissed and the breaches of planning control must be remedied by mid-July 2007. The latter includes removing a section of conifer hedge and planting a hedge of mixed native species. For these reasons I consider that the proposal complies with Policy E13.

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 G04 (Landscaping scheme (general))

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

4 G05 (Implementation of landscaping scheme (general))

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

5 E10 (Use restricted to that specified in application)

Reason: To define the terms of the permission and to protect the rural character of the area.

INFORMATIVES:

1 N19 - Avoidance of doubt

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

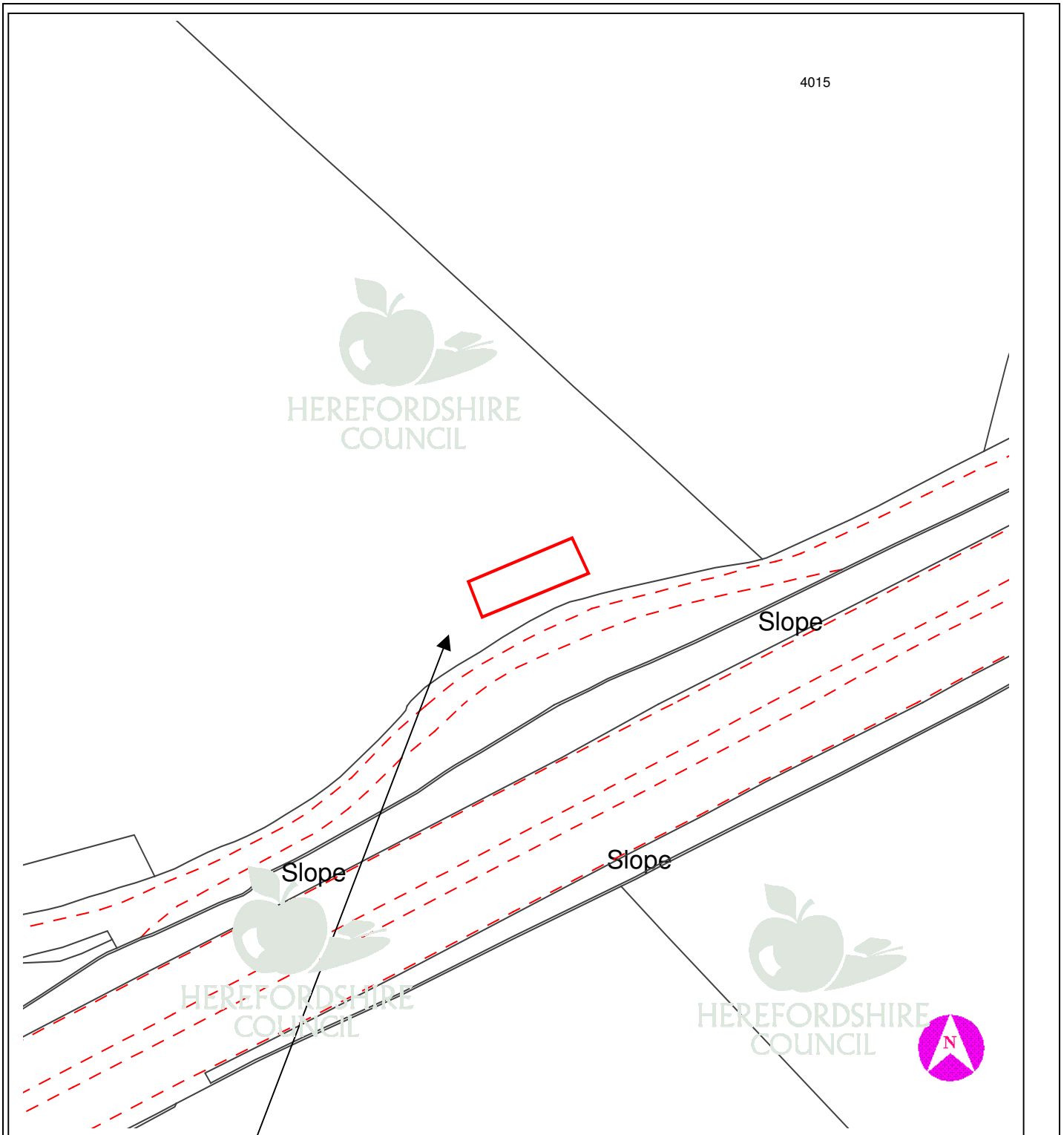
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2007/1067/F

SCALE : 1 : 1250

SITE ADDRESS : Jays Park Linton, Ross-on-Wye, Herefordshire, HR9 7UH

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13 DCSE2007/0031/F - DEMOLITION OF EXISTING DETACHED DWELLING AND ERECTION OF 9 NO. RESIDENTIAL DWELLING APARTMENTS AT GREEN ORCHARD, RYEFIELD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5LS.

For: Ms. F.M. Drummond per Hook Mason, 11 Castle Street, Hereford, HR1 2NL.

Date Received: 5th January, 2007 Ward: Ross-on-Wye East Grid Ref: 60595, 24312
Expiry Date: 2nd March, 2007

Local Members: Councillor Mrs. A.E. Gray and P.G.H. Cutter

1. Site Description and Proposal

- 1.1 The application site which comprises a modern detached house and gardens of about 1310m² ($\frac{1}{3}$ acre), is at the northern end of Ryefield Road. It adjoins housing to south and east: large Victorian detached houses (the adjoining house Cherrington being a stone villa) and terraced housing, respectively. On the opposite side of the road is the Ryefield Centre. To the north is a pedestrian route bordered by mature trees (subject to a Tree Preservation Order) and beyond that the Ashburton Industrial Estate.
- 1.2 It is proposed to demolish the house and erect a 2/3 storey block of 9 apartments. This would be 'L'-shaped with a 3-storey section fronting Ryefield Road and the 2-storey section extending to the rear. The design features two prominent gables facing Ryefield Road which would be natural stone walling; the lower rear section would be rendered. Fenestration would be casement window with French windows opening onto small balconies on upper floors in the 3-storey section and north elevation of rear section. 7 units would have 2 double bedrooms; 2 (units 4 & 8) one double and one single bedroom.
- 1.3 The existing entrance would be widened and a 3.5 m wide drive would be formed close to the southern boundary, leading to a parking/turning area at the rear of the proposed apartment block, with spaces for 10 cars and a bin store. An amenity area would be provided in the angle formed between the two wings of the building and the northern boundary.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007

Policy S3	-	Housing
Policy H1	-	Hereford and the Market Towns: Housing Land Allocations
Policy H13	-	Sustainable Residential Design
Policy H14	-	Re-using previously Developed land and Buildings
Policy H15	-	Density
Policy H16	-	Car Parking

3. Planning History

- | | | | | |
|-----|-----------------------------|---|---|--------------------|
| 3.1 | SS980788PF
SE2006/1829/J | Remove walnut tree to ground level. | - | Consent
26.7.06 |
| | SE2006/3909/f | Alterations to existing house and new detached garage with games room | - | Approved
2.2.07 |

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water advise that "information has been provided which demonstrates that the proposals will not result in an increase in flows to the public sewerage system. We would ask that conditions and advisory notes be incorporated with the planning consent".

Internal Council Advice

- 4.2 The Traffic Manager recommends that a turning head be provided at the entrance to the proposed site to be adopted by Herefordshire Council as highway; street light to be provided in vicinity, also to be adopted; should have 1.5 spaces per unit; conditions also recommended.

5. Representations

- 5.1 The Design and Access Statement submitted by the applicant's agent states:
- (1) The proposals comprise demolition of a detached residential dwelling and erection of new residential dwelling apartments.
 - (2) 9 no. residential units in total, each having 2 bedrooms.
 - (3) the siting of the new building is designed to minimise its impact on the adjacent residence "Cherrington", whilst facilitating car parking facilities for each dwelling created together with communal external amenity areas.
 - (4) The scale of the new apartment building reflects the height and massing of the adjacent residential property.
 - (5) The proposed building is set within extensive landscaped grounds which will provide communal car parking and external amenity areas.
 - (6) Vehicular and transport links will be unaffected by the application proposals.
 - (7) Access to the site is via a ramped access road and level access is provided to the apartment main entrances in accordance with current Building Regulations requirements. Mechanical lift access is provided to all floors internally.
- 5.2 The Town Council observes that there is insufficient parking provision and the development of a three-storey building is not in keeping with the neighbouring two-storey buildings. Recommend refusal.

5.3 10 letters have been received objecting or expressing reservations to the development. In summary the following reasons are given:

- (1) The building would be out of keeping with the area, being far too big in terms of scale and size and wholly inappropriate in style - twice the size of Cherrington, currently the largest house in Ryefield Road, double the footprint of Green Orchard and treble the massing - it would consequently dominate the whole area.
- (2) Density (9 units on 1/3 acre) well above existing area, resulting in substantial changes to character and density of surrounding area.
- (3) Ugly building especially as next to lovely trees and would spoil their setting; Travel Inn type architecture; barn like - it would spoil Ross on Wye.
- (4) 2 or 3, 2-storey family homes would be more appropriate and universally acceptable.
- (5) External space too small to be considered an amenity area.
- (6) No trees proposed which would help break up dominant Ryefield Road elevation.
- (7) Would add significantly to traffic volumes in this quiet residential road with no turning head and which is increasingly congested, with limited on-street parking and continuously used footway - disabled and handicapped regularly dropped off for the Ryefield Centre and often 10 cars parked on the east side of the street and 1 or 2 on the other side.
- (8) Consequently adequacy of car parking is challenged: 16, 19 or 27 cars (the latter based on experience locally) plus visitors' vehicles are anticipated - notwithstanding planning guidelines should learn from existing conflict in North Road resulting from inadequate off-street parking; increased congestion will change the character of the street.
- (9) Junction of Ryefield Road with Gloucester Road is very dangerous and even if necessary improvements to visibility undertaken will still increase risk of accidents.
- (10) Proposed cycle store irrelevant in overcoming these potential problems.
- (11) Loss of privacy to North Street houses and gardens and to garden of Cherrington - former only have privacy to west.
- (12) Closing-in effect and blockage of evening light and views of North Street houses, resulting from new building being much closer; existing limited outlook to north from Cherrington would be substantially reduced.
- (13) Noise and fumes from cars (engines, doors slamming especially late at night) which would be on top of noise and disturbance 24/7 from the adjoining factory units and builders' merchants - a fence would not provide attenuation; noise from demolition of Green Orchard.
- (14) The triangular area of scrubland on opposite side of Ryefield Road has abundant wildlife; frogs and newts annually cross Green Orchard to garden ponds; bats regularly seen - any disturbance of this area would be a genuine loss to the area.

(15) All bathroom windows should be obscurely glazed; 'balconettes' and east-facing windows in flats 4 and 8 are unnecessary and overlook North Road.

- 5.4 4 letters have been received but not from local residents, supporting the proposal on the grounds that Ross needs residential apartments especially in attractive locations within easy access of town facilities and public transport.

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

6. Officer's Appraisal

- 6.1 There are three main issues raised by this proposal: the effect on the character of the area; highway matters (adequacy of car parking and safety at junction with Gloucester Road); and the effect on residential amenities.

- 6.2 PPS3 encourages the efficient use of land, in particular brownfield land, such as this application site. Densities of at least 30 dwellings per ha. should be achieved, and near to town centres at least 50 per ha. This proposed development exceeds the latter figure. Nevertheless as pointed out in paragraph 5.6.10 of UDP on sites below 1 ha. "whilst densities should be maximised the effect of site factors and constraints make guidelines inappropriate". Apartment blocks with smaller dwellings and 3-storey development inevitably have higher densities compared to the large detached villas and terraced housing. In terms of massing the apartment is certainly a large residential building but in scale it is comparable with the larger houses along Ryefield Road. Eaves height would be similar to Cherrington and the width comparable to Pensholme/Sunnymount. It would be set back from the road the same distance as Cherrington and the existing stone boundary wall with hedge above would be retained which would limit views from the street. Viewed along the length of Ryefield Road the greater massing of the building would be partially screened by existing tall conifers in Cherrington and Green Orchard and would not be apparent until looking directly through the access. To the rear the building does extend much further back than Cherrington but considerably less than the next property, Ellerslie, which comes within 5 m of the rear boundary, has a shorter front garden and extends across most of the narrower frontage. Ryefield Road slope downwards to the north and the apartment block would therefore be at the lowest level. Nevertheless ground levels to the north are much lower but the factories and builders' merchants close to the northern boundary would ensure that the apartment block would not be prominent in wider views. For these reasons therefore the proposal would not be wholly out of character with the area. The front (west elevation) is plainer than the Victorian buildings but a careful attention to detailing would help give the building more 'character' and the applicant has improved the fenestration of this elevation.

- 6.3 Car parking provision is less than recommended by the Traffic Manager (1 per unit spaces plus one visitor space rather than 1.5 per unit). However there is no minimum requirement (Policy H16). In this location, within walking distance of the town centre and public transport a lower than average provision may be acceptable. This level of provision has been agreed for new apartments nearby in Gloucester Road. There are no restrictions on on-street parking and one side of the road has the Ryefield Centre with its own car park. This is unlikely to generate traffic requiring on-street parking during the evenings and week-ends when peak demand for parking for the apartments would be expected. In these circumstances it is not considered that the limited parking is sufficient grounds to refuse permission. Traffic at the

junction of Ryefield Road and Gloucester Road would not be increased significantly, in relation to current flows, and this junction is not referred to by the Traffic Manager. The turning head recommended by the Traffic Manager could be formed within the application site, although this would widen the entrance. This land could not however be dedicated to the Council by planning condition.

- 6.4 The apartment building would have windows in all elevations but issues of overlooking and consequent loss of privacy arise from those in the south and east elevations. These would be about 9m and 12m respectively from the boundary with adjoining houses (Cherrington and North Road properties respectively). The kitchen windows in proposed units 2, 6 and 9 look directly into bedroom window(s) of Cherrington. This could be overcome by obscured glazing. The bedroom windows of units 3-7 would be set further back and are considered to be acceptable. The windows in the rear part of the 2-storey section which would overlook the garden of Cherrington light bathrooms and hall/lobby and are shown with obscured glass. With regard to North Road there would be a distance of about 30m. between facing windows which in urban locations is considered above minimum standards. 12m to the rear gardens is also adequate and there is a tall conifer hedge in the garden of 2 North Road which provides additional screening. The privacy of neighbours is not therefore unacceptably harmed. The distances between dwellings is also sufficient to ensure that this building would not be overbearing.
- 6.5 Noise from cars entering and leaving the site, parking and manoeuvring is also raised by neighbours. The drive has been set away from the boundary with Cherrington but the proposal and boundary fence would provide very limited sound attenuation. Better attenuation would be achieved by a brick or stone wall or acoustic fence and this could be required by condition.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 B01 (Samples of external materials)

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

3 G04 (Landscaping scheme (general))

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

4 G05 (Implementation of landscaping scheme (general))

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

5 G01 (Details of boundary treatments)

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

6 F48 (Details of slab levels)

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

7 F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

INFORMATIVES:

1 N19 - Avoidance of doubt

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

14A DCSE2007/0900/F - CHANGE OF USE FROM UNUSED FARM BUILDINGS TO FARM SHOP & OFFICE AND ERECTION OF SINGLE STOREY BUILDING FOR USE AS PRODUCTION UNIT IN PLACE OF REDUNDANT FARM BUILDINGS, WITH ASSOCIATED ACCESS ROAD AND PARKING.

14B DCSE2007/0894/L - REMOVAL OF INTERNAL PARTITIONS AND CEILINGS: BUILD INTERNAL AND EXTERNAL STAIRCASES: FLOOR REPAIR. CHANGES TO FENESTRATION. RESTORE DOOR OPENING TO FRONT ELEVATION 1ST FLOOR.

AWNELLS FARM, MUCH MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2NW.

**For: Countryside Restoration Trust per Peter Crump,
14 Richmond Avenue, Bristol, B56 5ET.**

**Date Received: 26th March, 2007 Ward: Old Gore Grid Ref: 65888, 31942
Expiry Date: 21st May, 2007**

Local Member: Councillor Miss T.M.R. McLean

1. Site Description and Proposal

- 1.1 Awnells Farm is situated on the east side of the C class road (Much Marcle - Kempley) and is about 1 km to the south of Much Marcle village. The east side of this road is open farmland but opposite Awnells Farm there are a number of detached dwellinghouses. The farmstead comprises several discrete elements: a traditional brick barn with modern addition fronts the road, with the listed farmhouse and attached former cider house to the rear and beyond that a range of modern farm buildings. A large pond is on the north side of the complex and occupying a slight ridge between the pond and the adjoining field are disused deep litter poultry sheds.
- 1.2 Planning permission and listed building consent were granted in May 2002 for change of use of the former cider house to a farm shop and office (NE2002/0341/F) and the erection of a production unit (butchery and food preparation) to replace the poultry sheds (NE2002/0344/F) plus listed building consent for internal and external alterations to the cider house (NE2002/0347/L). The current applications are for renewal of these permissions/consent.
- 1.3 The intention is to restore the cider making buildings to their appearance at the end of the 19th century, with limited external alterations, and to bring them into use. The ground floor of cider house and lean-to cider mill at the rear would be a farm shop

selling the applicant's produce and a range of local produce. On the first floor would be office space, providing "IT capability" for the farming and local community, mail order and CRT volunteers. The farm would have an educational role and the shop would be an integral part of this activity. The new building would comprise two parallel ridge-roofed building, although the building adjoining the field hedge would be significantly smaller. Connecting these two buildings and forming an asymmetrical 'H'-shaped complex, would be a taller gabled building. The building would be of brick construction with timber boarding above, concrete roofing tiles but with some solar heating cells. The existing ground level would be lowered by about 1m so that the proposed buildings would be 1m higher than the taller of the two existing poultry sheds. This new building would be used for butchery and food preparation for meat-based products which would be sold through the applicant's farm shop, outlets and by mail order. A new access road to the Production Building would be constructed with 18 car parking spaces.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007

Policy HBA1	-	Alterations and Extensions to Listed Buildings
Policy HBA3	-	Change of Use of Listed Buildings
Policy HBA4	-	Setting of Listed Buildings
Policy HBA12	-	Re-use of Rural Buildings
Policy LA2	-	Landscape Character and Areas least Resilient to Change
Policy E8	-	Development of Redundant Rural Buildings
Policy E11	-	Employment in the Countryside
Policy E12	-	Farm Diversification
Policy TCR17	-	Farm Shops

3. Planning History

3.1	NE2002/0341/F	Change of use from unused farm buildings to farm shop and office.	-	Approved 30.5.02
	NE2002/0344/F	Erection of single storey building for use as production unit in place of redundant farm buildings, with associated access road and parking	-	Approved 30.5.02
	NE2002/0347/L	Removal of internal partitions and ceilings, build internal and external staircases, alterations to fenestration	-	Approved 30.5.02

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 included if permission is granted.

5. Representations

5.1 The applicant's agent has submitted a Design and Access Statement together with a Development Statement and Business Plan. The latter is summarised below:

- (1) The Countryside Restoration Trust (CRT) has been employing sustainable farming methods and husbandry. Official recognition of the important correlation between quality food production, rich habitat and abundant wildlife. Awnells Farm produces quality food (traditional Hereford beef cattle) and supports wildlife (productive cider apple and Perry pear orchards).
- (2) A major objective in the CRT's medium term plan is to extend the farming methods and diversification practices for all of its holdings.
- (3) The objectives and strategy which is to be directly employed at Awnells Farm includes:
 - Marketing of Quality Farmed products under the CRT's own Wild Farm brand.
 - Diversification of Agricultural Activities.
 - Education development and use of Awnells as an educational resource.
 - Water Resource Management.
 - Farm Management Services.
 - Encourage Access for Social Inclusion.
 - Protection of the Herefordshire Landscape Heritage.
 - Wildlife, Habitat and Landscape Conservation.
 - Provide services to the Rural Economy and Population.
- (4) The Countryside Restoration Trust is a national charity dedicated to the protection and restoration of the countryside where quality food is produced using farming methods that encourage wildlife and enable people to make a living from the countryside.
- (5) The 200-acre farm is stocked with Traditional Hereford cattle and has always been run on an organic basis. The 17-acre ancient orchard containing traditional Hereford apple varieties and Perry pear is organic and registered as such with the Soil Association. The species-rich grassland and orchards are managed under a Countryside Stewardship Scheme.
- (6) The Cider Press and Old Mill will be restored with much of their original characteristics retained, will serve as farm shop, education and CRT information base and office facility with IT capabilities. Produce sold through the outlet will be local, much of it of CRT origin, including Traditional Hereford beef, local cheese, cider and Perry pear. The range will expand as conditions permit.
- (7) The poultry sheds will be replaced by a new building that will provide butchery, kitchen, pie making facilities, curing and smoking rooms for meat-based products. These will be sold through the CRT's farm shop and outlets including mail order resources. The proposed Production Unit has been designed on a small scale to fit in with the traditional farm buildings on the site and to avoid the "industrialisation" of agricultural buildings.

- (8) It is intended to grow the business until an optimum employment of 18 employees is reached, significant changes beyond this will be to the ratio of part to full time workers.
- (9) The CRT will seek to minimise staff vehicle movements by the use of minibus transport for employees and the timing of any shift work changeovers will be arranged to avoid local traffic conflicts. Deliveries to and from the business will be limited to box type vehicles and the new access provisions have been designed to prohibit large vehicles. It is anticipated that there will be six vehicle movements per week for delivery and collection.
- (10) The criteria for changes at Awnells Farm include measures which are aimed at preventing waste, reducing carbon emissions and embrace energy efficient technology. Habitat restoration and management work has been in progress at Awnells since the farm moved into CRT ownership.

5.2 Parish Council has no objection to the proposal.

5.3 Two letters have been received objecting to the proposed development on the following grounds:

- (1) this is an extremely peaceful, tranquil and unbelievably quiet part of Herefordshire, which would be changed irrevocably if the farm shop is allowed by a constant stream of traffic, 7 days a week in all likelihood, resulting in significantly increased noise from vehicle engines, slamming of car doors and visitors speaking/shouting. This would be especially noticeable at weekends when there are very low levels of traffic along the lane.
- (2) Production unit would result in increased traffic for employees and deliveries are likely to include noisy machinery, some probably being unpleasantly smelly.
- (3) Increase in traffic along the lane would increase risk of injury to walkers and cyclists, particularly children and detract from these activities.
- (4) Unacceptable to introduce a production unit into this peaceful and well-regarded area.
- (5) Animals would go off the farm for slaughter and be brought back for processing, involving an equivalent or longer journey than if processed in Ledbury - without saving food miles as application documents claim.
- (6) Height of production building above existing ground level would be 5m which would significantly affect views from our house which is directly opposite. Reduction in height should be considered.

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

6. Officer's Appraisal

6.1 The erection of new buildings for employment purposes in the countryside is not encouraged by the Council's policies (E11). An exception however is for a farm diversification project provided the new development is of "a scale and design appropriate to a rural area" (E12). The current proposal (both production unit and farm

shop/offices) would fall within the scope of “farm diversification” and in principle therefore new buildings may be acceptable. It is accepted that the existing deep litter sheds are unlikely to be suitable without major reconstruction and the remainder of the farm buildings are required for stock. The report on the earlier approved scheme (NE2002/0344/F) points out that initial concerns with the impact of the building within the landscape and on the setting of the adjoining listed buildings were overcome by excavating the building 1m into the ground and positioning it as far away from the listed farm and cider houses as possible. In addition the field hedge would be allowed to grow and be maintained at 600mm higher than at present and the building would have a traditional appearance (weatherboarding above a brick plinth). On this basis the building was considered not to be intrusive in the landscape or harm, either the listed buildings or the nearby Much Marcle Conservation Area. There have not been any changes to policy or circumstances that would require re-assessment of that analysis. Although taller and larger than the existing sheds the new building would be about 70m from the nearest dwelling, which is sufficient to protect the amenities of local residents. Additionally a condition could be imposed requiring details of means of attenuating noise emissions from the building.

- 6.2 Farm shops are part of farm diversification and are supported by policy TCR17 provided they are small scale, occupy existing farm buildings, are not detrimental to rural character, residential amenity, highway safety or the character and capacity of the local road network and have no unacceptable impact on nearby village shops. The shop/offices would occupy existing buildings and would ensure that these listed buildings are brought back into use, necessary refurbishment/maintenance work would be carried out and their character respected. This accords with the Council policies for listed buildings and re-use of rural buildings (HBA1, HBA3 and HBA12). As a restricted range of produce would be sold there is unlikely to be harmful competition with the village shop, although this could change over time. This would also limit the number of callers, which because of the location would mainly come by private motor vehicle. The adjoining road is not unduly narrow and only about 1km from Much Marcle village which links to the A449 Ross – Ledbury road. Subject to adequate visibility at the access the Traffic Manager does not object to the proposal. In these circumstances I consider that the level of traffic would not reach unacceptable levels either with respect to local roads or the amenities of neighbours. It is likely that traffic would be more noticeable at weekends, which is very quiet according to representation reported above. Nevertheless this is not sufficient ground to warrant refusing planning permission.

RECOMMENDATION

With regard to DCSE2007/0090/F

That planning permission be granted subject to the following conditions:

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

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

- 2 C02 (Approval of details)**

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

- 3 G04 (Landscaping scheme (general))
Reason: In order to protect the visual amenities of the area.
- 4 G05 (Implementation of landscaping scheme (general))
Reason: In order to protect the visual amenities of the area.
- 5 G01 (Details of boundary treatments)
Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
- 6 E15 (Restriction on separate sale)
Reason: It would be contrary to the policy of the local planning authority to grant consent for a separate dwelling in this location.
- 7 F32 (Details of floodlighting/external lighting)
Reason: To safeguard local amenities.
- 8 H03 (Visibility splays)
Reason: In the interests of highway safety.
- 9 H06 (Vehicular access construction)
Reason: In the interests of highway safety.
- 10 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.
- 11 H30 (Travel plans)
Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives.
- 12 H27 (Parking for site operatives)
Reason: To prevent indiscriminate parking in the interests of highway safety.
- 13 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.
- 14 No development approved by this permission shall be commenced until a scheme for the provision of foul drainage works has been approved by the local

planning authority. The scheme shall be implemented in accordance with the approved details.

Reason: To prevent pollution of the water environment.

15 F02 (Scheme of measures for controlling noise)

Reason: In order to protect the amenity of occupiers of nearby properties.

16 E01 (Restriction on hours of working)

Reason: To safeguard the amenities of the locality.

INFORMATIVES:

- 1. HN05 - Works within the highway
- 2. HN10 - No drainage to discharge to highway
- 3. N19 - Avoidance of doubt
- 4. N15 - Reason(s) for the Grant of Planning Permission

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

With regard to DCSE2007/0894/L:

That Listed Building Consent be granted subject to the following conditions:

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

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

2 C02 (Approval of details)

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

3 G04 (Landscaping scheme (general))

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

- 4 A schedule of repairs for works to the mill building shall be submitted to and approved in writing by the local planning authority before development commences.

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

- 5 The method of removing the paint on the external walls shall be submitted to and approved in writing by the local planning authority before development commences. A sample area shall be prepared for inspection and approval before completing the works.

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

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

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

- 7 G01 (Details of boundary treatments)

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

INFORMATIVES:

- 1 N19 - Avoidance of doubt

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

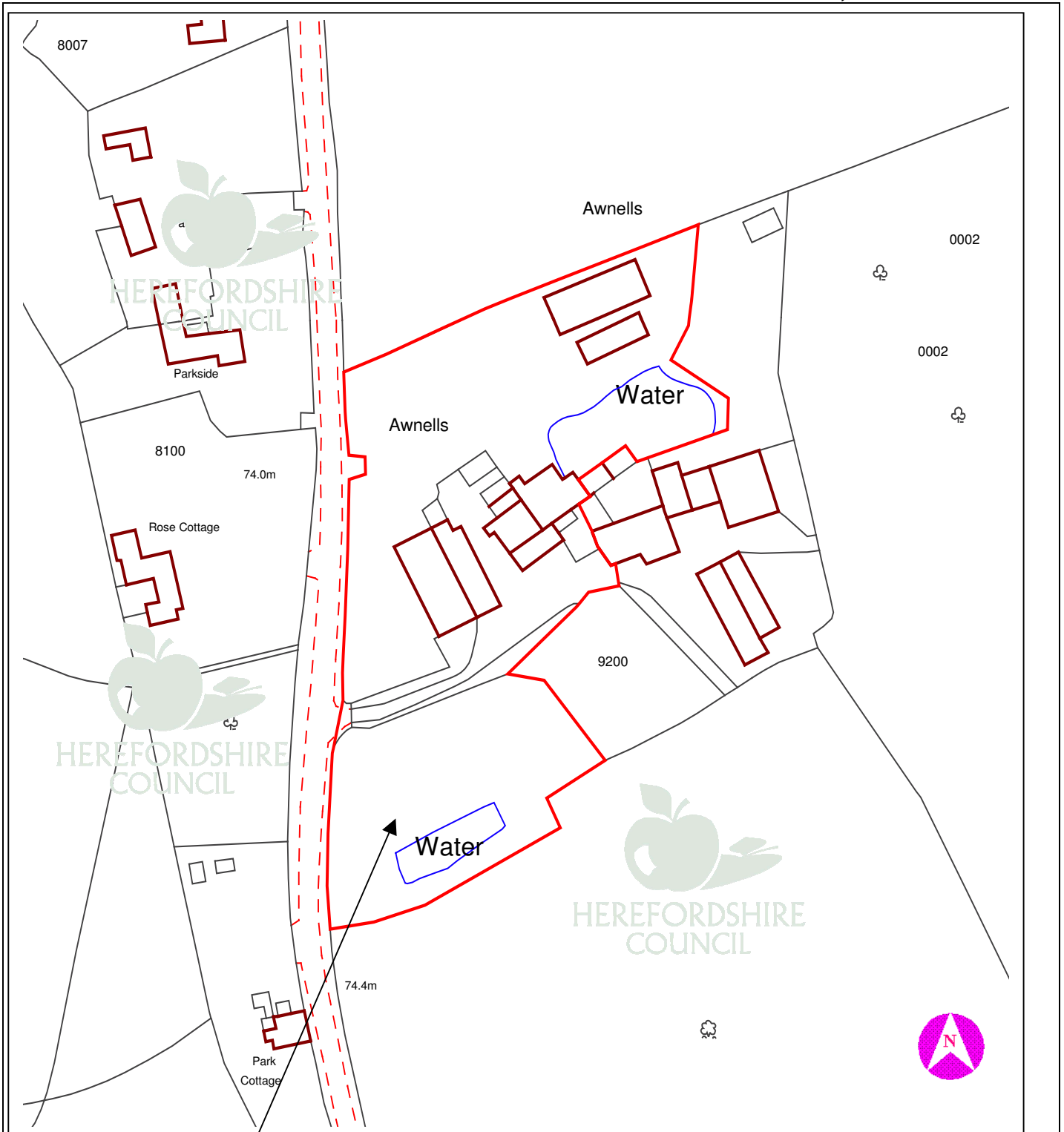
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2007/0900/F

SCALE : 1 : 1250

SITE ADDRESS : Awnells Farm, Much Marcle, Ledbury, Herefordshire, HR8 2NW

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2. Policies

2.1 Herefordshire Unitary Development Plan 2007

Policy S1	-	Sustainable Development
Policy S4	-	Employment
Policy S6	-	Transport
Policy E3	-	Confirmed Local Plan Employment Land Allocations
Policy E8	-	Development of Redundant Rural Buildings
Policy LA1	-	Areas of Outstanding Natural Beauty
Policy LA3	-	Setting of Settlements
Policy DR1	-	Design
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy T6	-	Walking
Policy T7	-	Cycling
Policy T8	-	Road Hierarchy
Policy T11	-	Parking Provision

3. Planning History

3.1	DCSE2006/2631/F	Erection of office (B1), retail warehousing and replacement roadside restaurant (A3/A5)	-	Withdrawn 9.11.06
	DCSE2006/3633/F	Erection of retail warehousing and a replacement roadside restaurant (A3/A5).	-	Refused 24.1.07

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency has received and considered the Transport Assessment provided by Scott Wilson. The information has been assessed and I have agreed that the best way forward to provide mitigation for the development traffic will be a Travel Plan. The Agency directs that a condition requiring submission of travel plan be included in any planning permission that the planning authority may grant.
- 4.2 Welsh Water request that conditions relating to drainage be imposed.

Internal Council Advice

4.3 Conservation Manager comments:

"I had previously raised concerns that the office building was over-scaled in relation to this particular site. With regard to this revised proposal, the omission of the three-storey element on the north wing does help to reduce the visual impact of the office block and I agree that the 'layered' emphasis of the design also assists in reducing impact.

I do have concerns about the quality of the design of the office building. I appreciate that this is an outline application and furthermore, the main aim of the submission is to demonstrate that the overall volume of the building has been reduced. However, the resulting design lacks cohesion and the north and south elevations in particular, are rather inelegant in terms of balance and proportion. In my view the standard of architectural design would need to be improved significantly in order for the office

building to be acceptable, and to comply with policy LA1: Areas of Outstanding Natural Beauty and the development criteria set out in policy DR1: Design, in the Unitary Development Plan. This is particularly relevant given that the site falls within an Area of Outstanding Natural Beauty and that it forms part of the setting of Ross-on-Wye.

I maintain my view that from a landscape perspective, the application for the office block should not be considered in isolation from the other proposed development on the site. I remain concerned that if planning permission were not granted for the proposed storage unit, the proposed office block would appear quite isolated, and more prominent on the site. Should the storage unit not be permitted, then the siting and form of the office block may need to be reconsidered."

4.4 Traffic Manager advises as follows:

- Parking for a development of this size should be 86 spaces. The provision of 106 spaces will undermine sustainable initiatives and must be resisted.
- 19 cycle parking spaces are required in accordance with the Design Guide.
- Parking provision for at least one HGV must be provided in accordance with the Design Guide. The office proposal requires a travel plan.
- The accident data confirms that vulnerable road users are at risk at the roundabout, with 2 accidents involving cyclists and one involving a pedestrian. There are no identified measures to improve the roundabout to assist vulnerable users.
- One of the bus services noted, (no. 36) which serves the site directly is being withdrawn due to lack of patronage.
- The site could be adequately served by service no.32, which is hourly. This would require the provision of stops at the pull-in from the A449. Contributions to the running of this service may be required to ensure that any additional time/buses required to access the site are accounted for, to be delivered by S106.
- The "established walking and cycling route" via Brampton Road is of a poor standard, with rough steps, no footway on Brampton Road and a long section of unsurfaced footpath, unlit and overgrown, and is not overlooked from the road plus other disincentives to users. This route requires considerable upgrading if it is to be considered appropriate as a walking/cycling route for general access to and from the site, and proposals are required from the developer accordingly.

Recommend refusal on grounds of unsustainability.

5. Representations

5.1 The appellants' agents have submitted a Planning Statement, Design and Access Statement and Landscape Appraisal. The conclusions of the former are as follows:

- the land has remained undeveloped for many years without significant interest from other parties. The development would provide a major stimulus to the economy of Ross-on-wye, potentially providing 120/140 jobs excluding construction workers, and boosting local incomes. With local multiplier effects, it is estimated that the impact would be nearer 160 jobs. It is however, a package.
- There are two main planning policy areas to consider viz:

- i) visual impact and the AONB
 - ii) the employment land allocations
- As well as being in the AONB, the site is allocated for employment uses and the principle of development has clearly been accepted. The area is clearly commercial in character and dominated by the trunk road and the development would be in keeping with this character. Part of the site was formerly the Ross Spur Services and had a generally untidy appearance with poorly maintained buildings and structures and large areas of hardstanding with no significant landscaping. This development completes the visual improvements to the area started by Ross Labels when it acquired the PFS site in 2004.
 - The planning policy for AONBs, both nationally and in Herefordshire, acknowledges the need to for social and economic development for local communities within AONBs. This has long been the practice in Ross-on-Wye where most of the town has been in the AONB since it was designated in 1971.
 - In accordance with this general approach, the adopted local plan and the UDP allocate land for employment development in this part of the AONB.
 - Policy LA1 of the UDP sets out way that the Council wishes to approach commercial development in the AONB. The proposal meets the criteria for economic development in the AONBs set out in that policy.
 - The proposal would not harm the intrinsic qualities of the AONB or the character of the area.
 - The design has been developed to minimise the landscape and visual impact as would be appropriate in any development.
 - The proposal complies with the AONB policies and, in this case, there is no conflict between the objectives and policies for the AONB and those for employment and economic development.
 - Any conflict between the objectives has been resolved within the development plan, but even if that were not so, the weight that should be given to the protection of the AONB would have to be assessed against the poor visual quality of the area, dominated by the road and commercial development, and the lack of harm to the identified intrinsic visual quality and character of the AONB centred on the river Wye. In this particular case, we conclude the balance would have to favour the economic development. We believe that that exercise must have been carried out as part of the development plan process.
 - We conclude that the development would not have an adverse impact on the Area of Outstanding Natural Beauty.
 - The proposal will provide substantial employment development on the land allocated for employment use under Policy E3 of the UDP and as such complies with the policy.
 - We therefore conclude that the proposals are in accordance with the planning policies for the area.

The Design and Access Statement has the following summaries:

- The building design is based on functional objectives rather than traditional influences. The composition is articulated with recesses and projections to the facade providing depth and shadow. While there is a predominately horizontal emphasis, there are contrasting vertical features.
- Commercial values for this prime location have set the opportunity for a quality building, with an excellent internal working environment, which optimises employment opportunities at Ross Park.
- The proposed development seeks to improve employment opportunities in the Ross-on-Wye area.
- An existing cycling and walking route is available to the site.
- An assessment of bus services in the area reveals the potential to improve connectivity to/from the site, through the diversion of services from Ross-on-Wye that pass the site but at present do not penetrate the site boundary.
- In addition, the site owner will develop an outline Travel Plan to manage accessibility of the site and to encourage sustainable transport modes. The recommendations regarding public transport would form part of a comprehensive Travel Plan for employees and visitors. At work, trips for employees and servicing would also need to be included. The developer accepts an agreed Travel Plan would be a condition of a planning permission.
- It is expected that the above measures would minimise the increase of net trip generation on the local highway network.
- The developer accepts that a Travel Plan will be a condition of planning consent. This would concentrate on the promotion of car sharing by employees of the development via the creation of a car share data base, reservation of car parking spaces for car sharers and the creation of emergency Get-Me-Home schemes. The objectives would be to ensure that the percentage of people travelling to work by car is below the quoted figure in 'The Benefits of Green Travel Plans: The Guide.'

The conclusions of the Landscape Appraisal are:

From consideration of the amended illustrative layout which provides scope for a substantial and robust landscape scheme and of the montages which demonstrate the effective containment and absorption of the office building, it is concluded that the scale of the offices is appropriate in this context. The three storey element sits low in relation to the surrounding landscape and in relation to existing development both to the south-west of the site and the south of the A449. Although some reinforcement of the peripheral planting is appropriate, the boundaries provide a strong immediate enclosure and separation from the open, rising landscape of the AONB. In more elevated views from the AONB, the existing higher, bulkier buildings to the south-west are conspicuous and, by comparison, the offices will appear of a moderate, reducing scale.

Both the Design and Access Statement and Landscape Appraisal include photographs of the site illustrating the case put forward; the latter also has 3 photomontages showing the offices from three vantage points agreed with officers.

- 5.2 Ross Rural Parish Council 'are happy for this to go ahead as it should provide expansion and new opportunities for everyone in the surrounding area.'
- 5.3 Ross Town Council express 'considerable concerns about this development associated with the expected increase in the volume of traffic and the need to provide pedestrian access.'
- 5.4 Brampton Abbots Parish Council's observations have not been received.

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

6. Officer's Appraisal

- 6.1 The application site is part of a larger area of about 1.2ha allocated in the Herefordshire Unitary Development Plan 2007 (UDP) for employment purposes within Use Classes B1, B2 and B8. Offices fall within Class B1 and the proposal would therefore be in accordance with Policy E3 of the recently adopted UDP. This allocation comprises a relatively narrow strip of land immediately to the south of a stream and consequently on low lying land which has long been promoted by the Council and the predecessor local planning authority for employment purposes. The western section has been developed by Ross Labels as a retail store and car park but a service road to the north of store and car park provides access to the remaining land. The site is within the Wye Valley AONB and in allocating this land it has been accepted implicitly that there would be some harm to the character and appearance of the AONB. Employment buildings and uses cannot be developed without some negative impact on rural character and (possibly) intrusion into the landscape. This may have been accepted in the South Herefordshire District Local Plan and earlier Ross-on-Wye Local Plan in view of the scarcity of suitable alternative sites, but remains in the UDP despite the proposed 10ha industrial park. Nevertheless the effect on the AONBs natural beauty and character must be considered (Policy LA1, PPS7) and the key issue is whether there is significant harm to the AONB and whether this is sufficiently serious to justify refusal of a proposal which is acceptable in principle (in relation to Policy E3) and would be expected to provide a considerable number of jobs.
- 6.2 The office block has been the subject of discussion with officers over a long period prior to submission of an application and subsequently significant changes to location and design have been made to meet concerns regarding visual impact. The applicant was initially unwilling to reduce the floor area and consequently reduce the massing of the building. As noted above however (paragraph 1.2) the proposal has been amended since being submitted with the floorspace reduced by about 750 sq.m. This has allowed the 3-storey section to be reduced in height so that the building is now 2-storeyed and the roof reconsidered to further reduce its height.
- 6.3 The main concern is that the office block would be sited towards the extremity of a tongue of land that extends from the main built-up area into the countryside. Thus there is open land immediately to the north and east and, apart from the petrol filling station and roadside services which often characterise these locations, to the south of the dual carriageway. The office block would therefore be on the very extremity of the town and the first building to be seen approaching Ross from the east (M50/A449). It is accepted that other large buildings (e.g. Somerfield's depot and the Paragon Laundry) have been developed on the north side of the A40/A449 and these have had a detrimental impact but these buildings are at least seen from the north against the

backdrop of the town and are not prominent (other than from the A40) in views from the south. A part 3-storey building of the size originally proposed would stand out against green fields from both viewpoints. The reduction in size and especially height is a significant improvement in terms of impact of the landscape of the AONB. This would still be a large building but I consider that it would fit acceptably on this sensitive site. The submitted landscaping scheme would also help. It is appreciated that the building's appearance has not been fully worked out but this is an outline application and subject to later approval.

- 6.4 As originally proposed, the development was at the eastern end of a series of new buildings linking the offices visually to the existing Focus Do-It-All and Ross Labels buildings. The intention was that the construction of the office block would be linked to the retail warehouses. The latter have been refused permission and the storage unit now proposed would be at a lower level. I understand that both offices and storage building would be erected by the same developer and the agent confirms that development of both sites will go ahead.
- 6.5 I consider therefore that although this is not a small-scale building in an important position and could not be screened any harm to the AONB would not be sufficient to justify refusal of permission. In determining this application its benefits should also be weighed. It would secure additional employment for the town and an alternative proposal may not be brought forward. As noted above the land has been allocated for many years. The applicant's agent points out that a three-year marketing exercise was unsuccessful and this 'may well be a one off opportunity for the foreseeable future' (agent's letter of application). Furthermore, as the agent points out, the earlier proposal had local support from Ross Chamber of Commerce and Advantage West Midlands.
- 6.6 The internal layout and parking has been modified to take account of the Traffic Manager's concerns. A travel plan would be required by condition as directed by the Highways Agency and this should meet some of the problems of this site which is not easily accessed other than by car. The site has been allocated for B1 purposes and its relatively "unsustainable" location is not therefore sufficient grounds for refusal.
- 6.7 I consider therefore that this proposal is acceptable and recommend that permission be granted.

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 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.

6 G01 (Details of boundary treatments)

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

7 F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

8 Prior to the commencement of the development an Outline Travel Plan, (which contains an overview of the transport implications of the proposed development, a commitment to promote alternative sustainable means of transport for staff and visitors and supporting strategies, with respect to the development hereby permitted), shall be submitted to and be approved in writing by the local planning authority.

Reason: To satisfy the aims of PPG13 in reducing reliance on the use of private motor vehicles in order to promote sustainable transport choices to and from the site. To ensure the A449 trunk road continues to be an effective part of the system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 to protect the interest of road safety on the Trunk Road.

9 Within six months of the development being first brought into use, a Full Travel Plan, that contains a survey of travel patterns, targets and measures to promote alternative sustainable means of transport for staff and visitors, the penalties to be applied in the event that targets are not met shall be further submitted to and be approved in writing by the local planning authority. The Travel Plan shall be implemented in accordance with the approved details.

Reason: To satisfy the aims of PPG13 in reducing reliance on the use of private motor vehicles in order to promote sustainable transport choices to and from the site. To ensure the A449 trunk road continues to be an effective part of the system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 to protect the interest of road safety on the Trunk Road.

10 A detailed written record shall be kept by the Developer in the first instance and thereafter the occupier, of the measures undertaken to promote sustainable transport initiatives. A review of the Travel Plan shall be undertaken annually, commencing from the date of first occupation and within the year. All relevant documentation shall be made available for inspection by the local planning authority upon reasonable request.

Reason: To satisfy the aims of PPG13 in reducing reliance on the use of private motor vehicles in order to promote sustainable transport choices to and from the site. To ensure the A449 trunk road continues to be an effective part of the system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 to protect the interest of road safety on the Trunk Road.

INFORMATIVES

- 1 N19 - Avoidance of doubt**
- 2 N15 - Reason(s) for the Grant of Planning Permission**

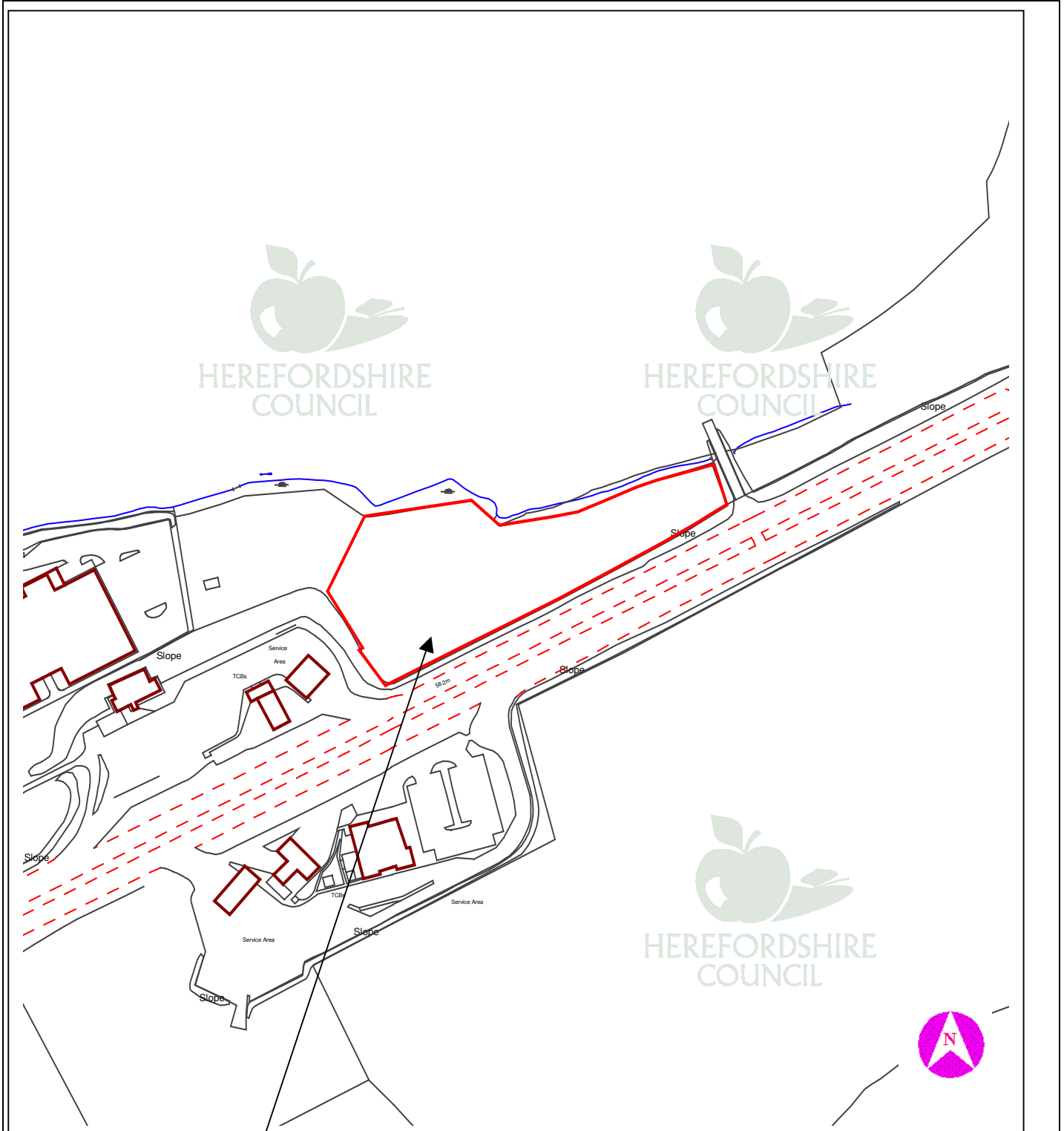
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2007/0181/O

SCALE : 1 : 2500

SITE ADDRESS : BP Northbound, Ross Spur, Ross-on-Wye, Herefordshire, HR9 7QQ

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Policy LA1	-	Areas of Outstanding Natural Beauty
Policy S7	-	Natural and Historic Heritage
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy T6	-	Walking
Policy T7	-	Cycling
Policy T8	-	Road Hierarchy
Policy T11	-	Parking Provision

3. Planning History

3.1	SE2006/2631/F	Erection of offices (B1), retail warehousing and replacement roadside restaurant (A3/A5).	-	Withdrawn 09.11.06
	SE2006/3633/F	Erection of retail warehousing and a replacement roadside restaurant A3/A5.	-	Refused 24.1.07

4. Consultation Summary

Statutory Consultations

- 4.1 The Highways Agency does not propose to give a direction restricting the grant of planning permission. The trip generation has been checked and they can confirm that the total 3 generated trips (3 two way trips in AM peak and 3 two way trips in the PM peak) are acceptable. They do not require trip distribution information due to the low traffic generation of the proposals, when considered in isolation. The impact of the development on the A449/A49 roundabout has not been assessed due to the low traffic generation of the development. The developer has identified walking and cycling routes and the existing No. 36 bus service which routes pass the site. However, due to the nature of self storage it is likely that most visitors would need to access the site by private vehicle. The Agency has assessed that overall the storage unit development will have no significant impact on the A449/A49; therefore, the Highways Agency wishes to offer no objection to the proposal.
- 4.2 Welsh Water does not object to the proposal but request that conditions be imposed regarding drainage.

Internal Council Advice

- 4.3 The Traffic Manager advises:

- Car parking numbers as stated on the application form (6 spaces) and lorry spaces (1 space) match the requirements of the new Design Guide. I am concerned at the lack of space to the rear of the six parking spaces for manoeuvring - this requires 6.0m minimum. I am further concerned that the single lorry space may be insufficient, given that the standard is for 1 space "**minimum**". Furthermore, the size and layout of the proposed loading / unloading area is inadequate for a standard 15m articulated HGV. This area of the site requires redesigning, and should be supported by an appropriate swept path assessment.
- Cycle parking will be required in accordance with the Design Guide standards, which will entail at least 3 cycle spaces.

- The accident data confirms that vulnerable road users are at risk at the roundabout, with 2 accidents involving cyclists and one involving a pedestrian. There are no identified measures to improve the roundabout to assist vulnerable users.
- One of the bus services noted, (no. 36) which serves the site directly is being withdrawn due to lack of patronage.
- The site could be adequately served by service no.32, which is hourly. This would require the provision of stops at the pull-in from the A449. Contributions to the running of this service may be required to ensure that any additional time/buses required to access the site are accounted for, to be delivered by S106.
- The "established walking and cycling route" via Brampton Road is of a poor standard, with rough steps, no footway on Brampton Road and a long section of unsurfaced footpath. unlit and overgrown, and is not overlooked from the road plus other disincentives to users. The site access road and side road junctions are subject to frequent fast moving traffic, including very frequent HGV movements. This route requires considerable upgrading if it is to be considered appropriate as a walking/cycling route for general access to and from the site, and proposals are required from the developer accordingly.
- Recommend refusal on grounds of unsustainability.

4.4 Conservation Manager advises that the site comprises land to the east of Ross Labels, including a car parking area associated with Ross Labels and the site of a former petrol station. The ground tapers and drops in level towards the north-east. There is an existing hedgerow along part of the A449 frontage. A stream flanked by some trees, including willows, runs along the northern site boundary. There is open countryside to the north of the site, which rises up to Brampton Abbots. The site falls within an Area of Outstanding Natural Beauty.

He has no objection in principle to the proposed storage unit building. The storage unit building is sited adjacent to the existing Ross Labels building at the rear of the site, and its roof level is lower than the Ross Labels building so he does not consider that it would be unduly intrusive. However, should the storage unit building be acceptable in principle, then there should be a requirement for the existing trees along the stream corridor to be reinforced significantly, with additional native species trees, to screen views of the building from the higher ground to the north-east of the site.

4.5 Head of Environmental Health has no objection to the proposed development.

5. Representations

5.1 The applicant's agents have submitted a Design and Access Statement and a Transport Assessment with a Travel Plan. The Statement includes a discussion of the following:

- (i) the site and surroundings and indicates current problems in keeping the site secure and tidy
- (ii) the impact of the proposals on this sensitive landscape (Wye Valley AONB) and concludes that the development will be in keeping with this locality's general commercial character and result in improved visual appearance of this important gateway site to Ross on Wye

- (iii) views from different directions are considered and in view of the smaller footprint than the previously proposed retail warehousing, minimal service yard and position on lower part of site immediately adjacent to Ross Labels, it is concluded that it would have significantly less impact than the retail warehousing, to which the Council's Landscape officer had no objections
- (iv) this is a speculative development as no interest expressed from any employment users
- (v) the level of traffic appears insignificant and the site is accessible via public footpaths (within 2 km of Ross on Wye) with an established walking and cycling route and a bus service (no. 36) directly serves Ross Labels.

5.2 Ross Rural Parish Council supports this application.

5.3 Ross Town Council considers that the proposals for this development should be considered together and not in isolation. The Committee still has concerns about the access and egress and reiterates earlier comments. Recommend refusal.

5.4 Brampton Abbots Parish Council's observations have yet to be received.

5.5 Two letters have been received, one objecting to the proposal, the other not opposed in principle but raising concerns. The matters raised are as follows:

- (i) this is a 'back door' approach following refusal of the retail park
- (ii) this very large storage unit could easily be sited on brownfield development currently taking place along Alton Road
- (iii) anticipate that an application for an out of town retail park would be submitted later if permission granted for this unit, arguing that there should be no objection on grounds of appearance or encroachment along the side of the road
- (iv) the proposed design and materials would be far more visually acceptable than the retail warehouses but concerns about access for delivery vehicles directly off the dual carriageway and preferable for such vehicles to arrive and depart via the rear of the site and Overross roundabout
- (v) everything possible should be done to screen the site especially along the northern boundary

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

6. Officer's Appraisal

6.1 The main issues are the principle of development for B8 purposes, the impact on the landscape and Wye Valley AONB and traffic considerations. On the first issue the site is part of an area allocation in Herefordshire Unitary Development Plan 2007 (UDP) for employment purposes including B1, B2 and B8 (Policy E3). This proposal is for B8 purposes and would fully accord with this allocation. The site has been promoted by the Council for several decades being included in both the South Herefordshire District Local Plan and its predecessor the Ross on Wye Local Plan.

- 6.2 It would be a substantial building but its visual impact would be limited by being constructed on low lying ground next to the stream. There is a steep bank to the south, so that the roof would be approximately at the same level as the adjoining car park. To the north the farmland also rises but less steeply. The storage unit would be visible from this direction but being at a similar ground level to the Ross Labels building and with a similar height to the main part of the store (not the higher central section) it would be less intrusive in the landscape. The dark materials also help in this regard. Consequently taking into account the allocation which encourages industrial/commercial development, it is considered that the harm to the natural beauty and character of the landscape and AONB is not so severe as to justify refusal of planning permission.
- 6.3 Turning to the third issue, a detailed assessment has been undertaken by consultants and fully considered by the Highways Agency, who have confirmed that traffic generation would have no significant impact on the trunk road and roundabout. Although there is a link directly from the A449(T) this would be for access only and all traffic leaving the site would be directed via Netherton Road. The Agency points out that most journeys would be by car. The pedestrian/cycle route is not ideal and the limited bus service suits shoppers not workers at Ross Labels. Nevertheless this was appreciated when the land was allocated in UDP and to a degree would be mitigated by the Travel Plan, which can be required by planning condition. As the proposal conforms with the UDP allocation it would not be adequate grounds to refuse permission because of the limited public transport services and pedestrian/cycle route.
- 6.4 The potential for a later change to a retail store has been raised in the representation. This would require planning permission and would be assessed against policies current at that time should an application be submitted. This possibility would not be adequate grounds to refuse permission for development that accords with the very recently adopted UDP.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 A01 (Time limit for commencement (full permission))**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 G04 (Landscaping scheme (general))**
Reason: In order to protect the visual amenities of the area.
- 3 G05 (Implementation of landscaping scheme (general))**
Reason: In order to protect the visual amenities of the area.
- 4 G01 (Details of boundary treatments)**
Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
- 5 F49 (Finished floor levels (area at risk from flooding))**
Reason: To protect the development from flooding.

6 F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

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 H30 (Travel plans)

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives.

Informative(s):

1 N19 - Avoidance of doubt

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

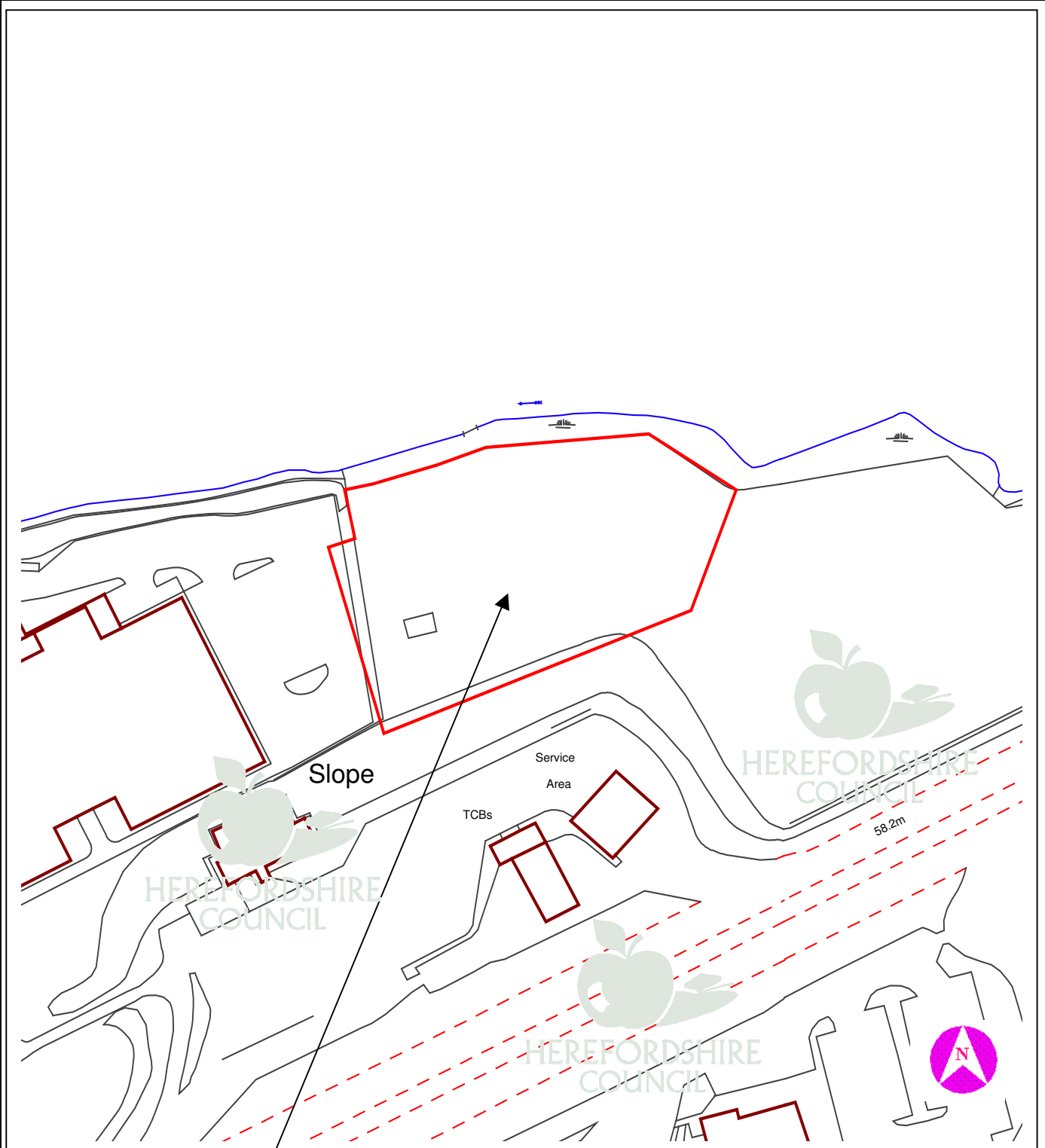
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2007/0534/O

SCALE : 1 : 1250

SITE ADDRESS : BP Northbound, Ross Spur, Ross-on-Wye, Herefordshire.

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17 DCSE2007/0730/F - SINGLE STOREY EXTENSION AND GENERAL ALTERATIONS TO EXISTING BUNGALOW SUNVIEW, REDHILL ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5AU.

For: Mr. & Mrs. Walby per Mr. R.H. Ball, Ilex, Ashfield Crescent, Ross-on-Wye, Herefordshire, HR9 5PH.

Date Received: 8th March, 2007 Ward: Ross-on-Wye West Grid Ref: 59581, 23614

Expiry Date: 3rd May, 2007

Local Member: Councillors C.M. Bartrum and G. Lucas

1. Site Description and Proposal

- 1.1 Sunview a bungalow set in a "triangular" shaped garden is located on the east side of Redhill Road. Windermere adjoins the site on its north side, and Ashfield Park Primary School is further along Redhill Road. A leylandii hedge runs along the roadside boundary, and a wooden panel fence and hedge define the northern boundary with Windermere. There is 2 ground floor windows and 2 first floor windows in the in the southwest of Windermere which look out towards Sunview. The site is located in an established residential area and within the Wye Valley Area of Outstanding Natural Beauty.
- 1.2 This application proposes an extension to the northwest elevation that will accommodate living room, dining room, study, bedroom and a bathroom. The extension will be constructed in matching materials.

2. Policies

2.1 Planning Policy Statements

PPS1 - Delivering Sustainable Development

2.2 Herefordshire Unitary Development Plan 2007

Policy S2 - Development Requirements
 Policy S7 - Natural and Historic Heritage
 Policy DR1 - Design
 Policy H18 - Alterations and Extensions
 Policy LA1 - Areas of Outstanding Natural Beauty

3. Planning History

- 3.1 None.

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 Traffic Manager - no objection.

5. Representations

5.1 The applicant has submitted a Design and Access Statement:

- The proposal is for additional living space;
- The finished floor level of the existing bungalow will follow through into the extension; and
- The extension follows the roofline of the existing bungalow and generally respects the scale of the original building.

5.2 Ross Town Council - Whilst the Committee have no objections there are concerns that the size of the proposed development is too large an extension compared to the original building.

5.3 An objection has been received from Mr. and Mrs. N. Hawthorn, Windermere, Ashfield Park Road, Ross-on-Wye:

- The scale of the proposed development appears excessive, virtually doubling the size of the existing ground floor area;
- It will materially alter the appearance of Sunview;
- Loss of light to west facing ground floor windows;
- It will be visible from the garden;
- Overlooking.

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

6. Officer's Appraisal

6.1 Policy H18 deals specifically with alterations and extensions to dwellings. The policy does acknowledge the effect an extension can have on the character of the original building, the surrounding area and the amenities of neighbours.

6.2 This application is to extend Sunview on its northwest side. The extension will project towards Windermere. The orientation of Windermere to Sunview directs 2 ground floor windows and 2 first floor towards the proposed extension. While, the extension will be within close proximity to the boundary between the properties it is not considered the proposal will give rise to a loss of light to the ground floor windows, which is already compromised, by the boundary fencing and hedgerow. Further, it is not considered the bedroom and bathroom windows that are proposed in the northwest elevation will cause direct over looking of the neighbour.

6.3 The bulk, mass and form of the extension, which follows the character of the existing bungalow, is considered acceptable so as not adversely affect the character of the area, or to the character of the Area of Outstanding Natural Beauty in which the site is located.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

Informative(s):

- 1. **N19 - Avoidance of doubt**
- 2. **N15 - Reason(s) for the Grant of Planning Permission**

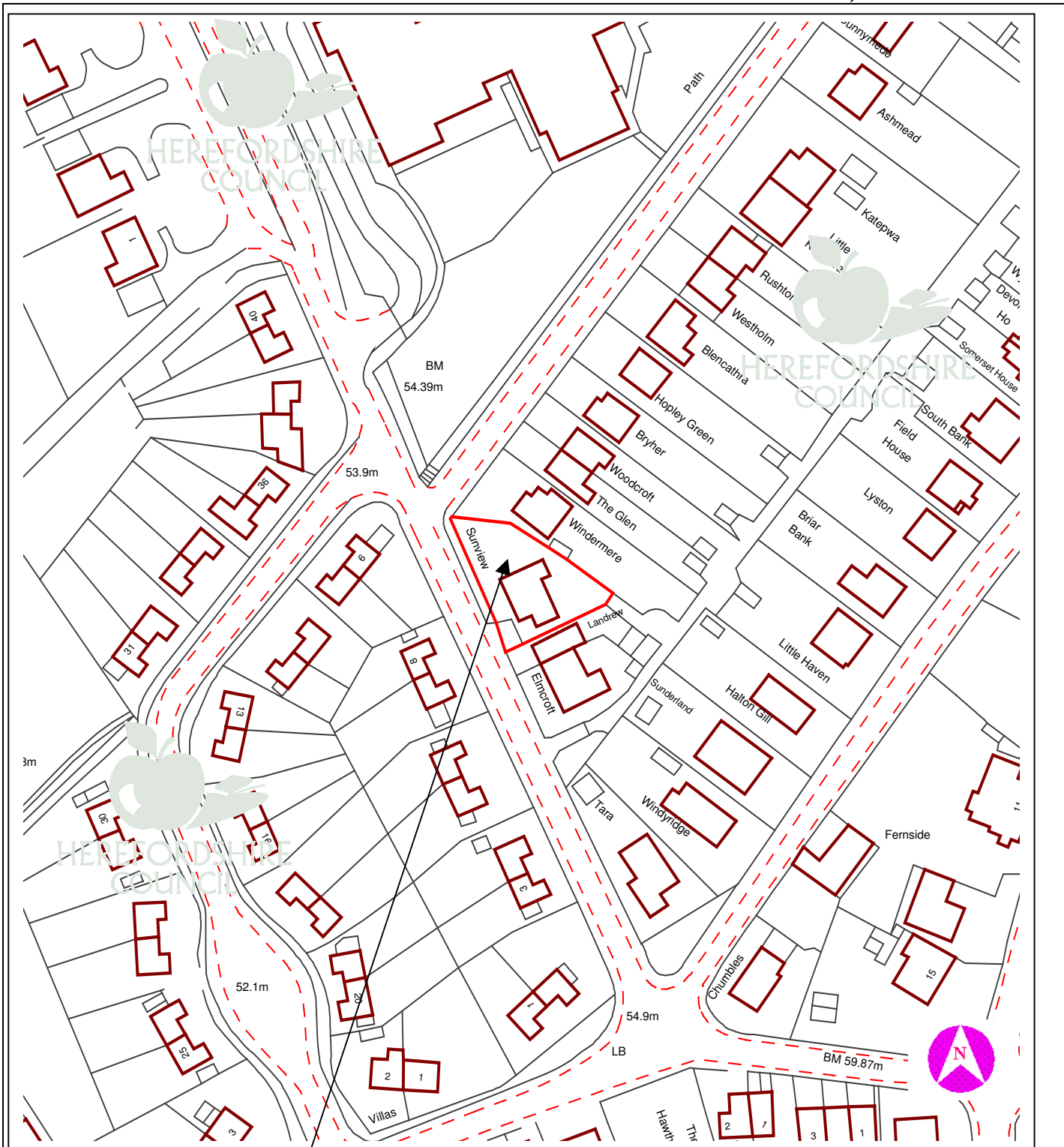
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2007/0730/F

SCALE : 1 : 1250

SITE ADDRESS : Sunview, Redhill Road, Ross-on-Wye, Herefordshire, HR9 5AU

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18 DCSE2007/0995/F - PROPOSED 4 NO. FOUR BEDROOM DETACHED DWELLINGS, LONG ORCHARD, THE LEA, ROSS-ON-WYE, HR9 7JY.

For: Mr. S. Townsend per Mr. C. Goldsworthy, 85 St Owens Street, Hereford, HR1 2JW.

Date Received: 2nd April, 2007

Ward: Penyard

Grid Ref: 65555, 21715

Expiry Date: 28th May, 2007

Local Member: Councillor H. Bramer

1. Site Description and Proposal

- 1.1 Long Orchard is on the southwest side of the A40 trunk road, within the 30mph speed restriction. The application site is the former long narrow garden to Long Orchard. A tree-lined hedge defines the roadside boundary. The Brambles is opposite. The site is located in the main village of Lea as shown in Inset Map 22 in The Herefordshire Unitary Development Plan 2007.
- 1.2 This application proposes the erection of 4 houses, and construction of an access with 4.5 metre x 90 metres visibility splays in both directions onto the A40. A 2metre section of footpath is proposed either side of the access, and part of the A40 is to be resurfaced with an anti skid surface.

2. Policies

2.1 Planning Policy Statements

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing
PPS13	-	Transport

2.2 Herefordshire Unitary Development Plan 2007

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy DR1	-	Design
Policy DR3	-	Movement
Policy H4	-	Main Villages: Settlement Boundaries
Policy H13	-	Sustainable Residential Design
Policy H14	-	Re-using Previously Developed Land and Buildings

3. Planning History

3.1	SH941101PO	2 dwellings	-	Refused 05.10.94
	SH950240PO	3 dwellings	-	Refused 03.05.95
	DCSE2005/2669/F	4 dwellings	-	Refused 06.10.05

DCSE2006/0076/F

4 dwellings

- Refused 10.02.06

4. Consultation Summary

Statutory Consultations

4.1 Highways Agency - Directs that any permission be subject to condition.

Internal Council Advice

4.2 Public Rights of Way Officer - "The development would not appear to affect public footpath LE8 which runs outside the development site, and we have no comments to make."

5. Representations

5.1 The applicant has submitted a Design and Access Statement, and a Road Safety Audit.

5.2 The Design and Access Statement comments:

- The existing site is a small paddock and part existing garden at Long Orchard;
- The new dwellings are 4-bedroom detached set within their own grounds, with their own parking;
- The size and height of the new dwellings reflect old and new properties in the surrounding vicinity;
- The development is of traditional vernacular design;
- Each property is set within its own private garden with lawns to the front and rear;
- A new hedge will be planted at the back of the visibility splays preserving the character of the road frontage.

5.3 The Road Safety Audit comments:

- The Terms of reference of the audit examined and reported only on the road safety implications of the scheme;
- The approach to the proposed access from the north is on a slight down hill gradient. In severe wet weather conditions, this could result in rear end shunt conditions;
- The risk of accidents could be reduced with the introduction of high friction surfacing;
- There are no facilities for pedestrians within the site access. This could result in an increase in vehicle/pedestrian conflict as pedestrians may have to stand in an unsafe location to cross the busy trunk road;
- A kerbed footway at the entrance to the access to allow pedestrians a safe area to wait and cross the road;
- The proposed access is to be situated in a 30 mph zone with a number of closely situated accesses nearby. There is currently no street lighting on this section of the A40. The introduction of this new access and the limited night time visibility, could result in an increased number of night time accidents. The provision of street lighting will improve night time visibility.

- 5.4 Lea Parish Council - Does not support this application. This application does not seem any more appropriate than the previous one. The road safety audit acknowledges that there would be problems with access onto the A40 as follows; 2.2 acknowledges the possibility of "shunt accidents" and recommends that the road be resurfaced with high friction surfacing; 2.4 suggests that the busy trunk road would be unsafe for pedestrians and recommends a kerbed footway and pedestrian refuge; and 2.6 says there is insufficient lighting and that it would be necessary to provide street lights. Also, there is strong reservations over this application particularly in relation to the road access directly onto the A40 on what is an ever increasingly busy junction with the Mitcheldean Road and the extra traffic out of The Brambles with the new houses there, plus the size of the house is inappropriate and not what is required in the village of Lea.

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

6. Officer's Appraisal

- 6.1 The previous application for housing on this site was refused solely on the direction of the Secretary of State for Transport under Article 14 of the Town and Country Planning (General Development Procedure) Order 1995 in that:

"The proposed development and new access onto the A40 trunk road (T) is likely to be of detriment to highway safety and free flow of traffic on the A40 (T).

To ensure that the A40 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site and in the interests of highway safety."

- 6.2 Subsequent to these decisions the applicant has negotiated this proposal with the Highways Agency. While the number of dwellings remains as previous, this application proposes the construction of a new entrance onto the A40 that will be provided with a 4.5metres x 90metres visibility splay in both directions. The submitted plan also shows resurfacing the A40 with a high friction surface, and a 2metre section of footpath either side of the proposed entrance as recommended by the Road Safety Audit. The Highways Agency has confirmed these works are acceptable in terms of highway safety and accordingly raise no objection and directs that any planning permission be subject to condition.
- 6.3 Given this application resolves the sole reason for refusal of the previous applications, it is not considered there is a substantive reason to refuse this application.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

3. H03 (Visibility splays)

Reason: In the interests of highway safety.

4. H11 (Parking - estate development (more than one house))

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

5. No development within the application site shall be undertaken until the proposed site access shown on drawing number 21829 _ 1A May 2007, including any subsequent revisions resulting from the implementation of the Road safety Audit, has been completed to the satisfaction of the local planning authority after consultation with the Highways Agency.

Reason: As directed by the Highways Agency and in the interests of highway safety.

Informative(s):

- 1. The highway proposals associated with this permission involve works within the public highway, which is land over which you have no control. The Highways Agency therefore requires you to enter into suitable legal agreement to cover the design and construction of the works. The applicant should contact Mr Jon McCarthy of the Highways Agency’s Area 9 S278 team, at an early stage to discuss details of the highways agreement, his contact details are as follows, telephone number 0121 678 8742 or C4/5 Broadway, Broad Street, Birmingham, B15 1BL**
- 2. N19 - Avoidance of doubt**
- 3. N15 - Reason(s) for the Grant of Planning Permission**

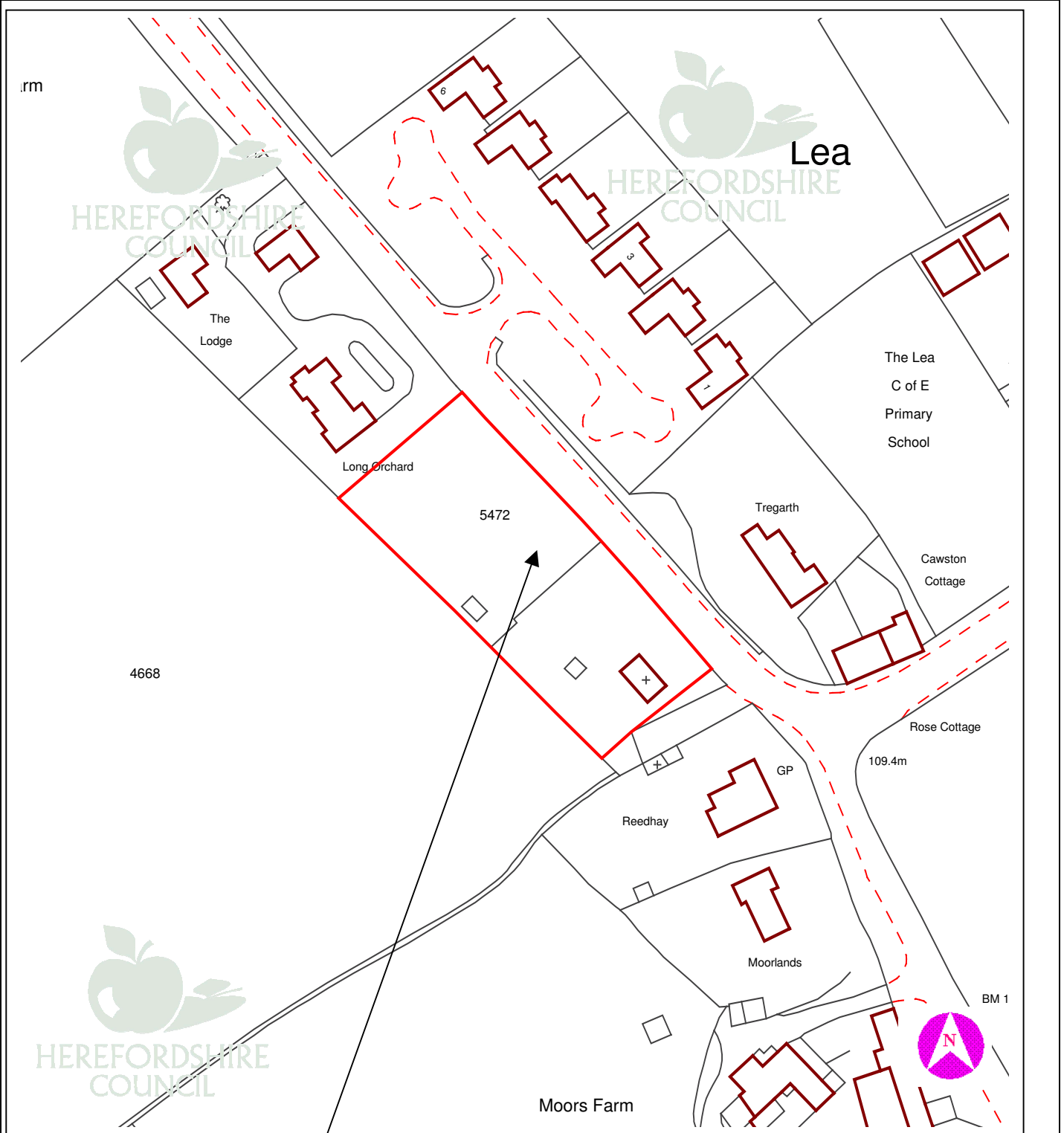
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2007/0995/F

SCALE : 1 : 1250

SITE ADDRESS : Long Orchard, The Lea, Ross-on-Wye, Herefordshire, HR9 7JY

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19 DCSE2007/0781/F - TO ALLOW UP TO 8 TOURING CARAVANS TO BE STORED OUT OF SEASON, GREENACRES CARAVAN AND CAMPING, LEA, NR. ROSS-ON-WYE, HEREFORDSHIRE, HR9 7JZ.

For: Mr. G.J. Adams, Greenacres Caravan & Camping, Lea, Nr. Ross-on-Wye, Herefordshire, HR9 7JZ.

Date Received: 14th March, 2007

Ward: Penyard

Grid Ref: 66158, 21897

Expiry Date: 9th May, 2007

Local Member: Councillor H. Bramer

1. Site Description and Proposal

1.1 Greenacres is located on the north side of the unclassified 70244 road. A paddock on the west and north side of Greenacres is used as a Camping and Caravanning Club Certificated Site. Greenacres Stables adjoins the site on its east side, and Rock Farm is further to the west. A hedge defines the eastern boundary, and public footpath LE9 runs along the inside of the hedge.

1.2 This application is for the storage of up to 8 touring caravans along the eastern boundary of the site. The caravans will be stored in a line a minimum of 3metres from the boundary hedge.

2. Policies

2.1 Planning Policy Statements

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

2.2 Herefordshire Unitary Development Plan 2007

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy RST14	-	Static Caravans, Chalets, Camping and Touring Caravan Sites

3. Planning History

3.1	SE2001/3019/O	Single storey dwelling	-	Refused 15.01.01 Appeal dismissed 29.08.02
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4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Traffic Manager – No objection.
- 4.3 Public Rights of Way Officer – No objection

5. Representations

- 5.1 Lea Parish Council - No objection.
- 5.2 Aston Ingham Parish Council - No objection.
- 5.3 An objection has been received from Mrs. S. Thomas, 4 Millbrook Gardens, Lea
- I will have a clear view of the touring caravans that will be stored on this site;
 - I am concerned that people driving through the village towards Ross will have sight of the caravans; and
 - It will be an ugly intrusion.

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

6. Officer's Appraisal

- 6.1 Greenacres is a Camping and Caravanning Club Certificated site. This allows the use of the paddock as a touring caravan site for up to 5 Camping and Caravanning Club members without the need for planning permission. The site certificate does not define seasonal use, and neither does specify the position of the caravan pitches.
- 6.2 Certificated touring caravan sites are fundamentally temporary in nature. This site though can be used all year round. The existing site causes little visual impact; established hedgerows and adjoining stable buildings screen it from adjacent roads. Given that the existing use of the site does not cause visual harm, it is not considered the parking and storage of touring caravans only during the winter, they will not be "occupied", close to the boundary hedge and adjoining stable building would further harm the locality.

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. G11 (Retention of hedgerows (where not covered by Hedgerow Regulations))

Reason: To ensure that the application site is properly landscaped in the interests of the visual amenity of the area.

- 4. No more than 8 touring caravans shall be stored on this site at any one time.**

Reason: In order to minimise visual intrusion.

- 5. The storage of caravans shall not take place between 31st October and 31st March.**

Reason: In order to define the permission.

Informative(s):

- 1. N19 - Avoidance of doubt**
- 2. N15 - Reason(s) for the Grant of Planning Permission**

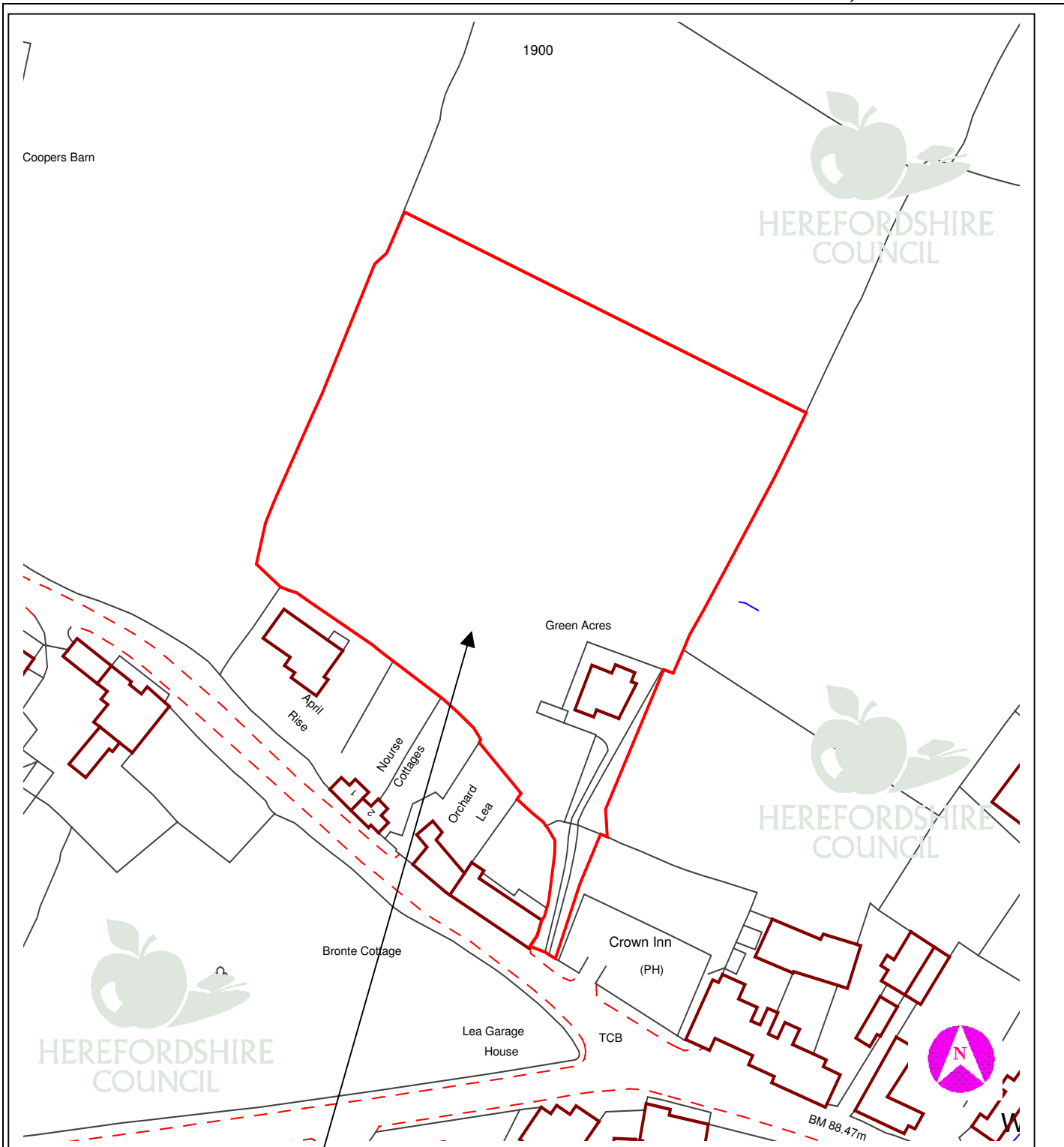
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2007/0781/F

SCALE : 1 : 1250

SITE ADDRESS : Greenacres Caravan and Camping, Lea, Nr. Ross-on-Wye, Herefordshire, HR9 7JZ

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20A DCSE2006/1495/F - RETENTION OF FOALING BOXES AND ONE 'INFIL' STABLE (RETROSPECTIVE APPLICATION)

20B DCSE2007/0704/F - RETROSPECTIVE APPLICATION FOR BLOCK WORK SKIN TO EXISTING STABLES.

20C DCSE2007/0705/F - RETENTION OF LEAN-TO BUILDING FOR STORAGE PURPOSES.

THE SINGING STUD YARD, (LAND ADJ. BODENHAM FARM), MUCH MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2NJ.

For: The Singing Stud Ltd per Wall, James & Davies, 15-23 Hagley Road, Stourbridge, West Midlands, DY8 1QW.

Date Received: 15th May, 2006 Ward: Old Gore Grid Ref: 65131, 31996

Expiry Date: 10th July, 2006

Local Member: Councillor Miss T.M.R. McLean

1. Site Description and Proposal

1.1 The application site comprises two irregular shaped areas of land to the north-east and south-west of Bodenham Farm, which are on the north-west side of the A449 Ross on Wye-Ledbury Road, and opposite the entrance to Homme House. The two land parcels are bisected by the private drive to Bodenham Farm off the unclassified road (Lyne Down-Old Pike) which is also provides access to the application site. This drive is part of Homme House parkland (a registered garden). The north-east site is bounded by the A449 to the east; the south-western site is bounded by the A449 to the south-west and unclassified road to west. The total area of the land is about 8.3 ha.

1.2 There are two small building complexes, one on each land parcel, which provide stabling and storage for the stud farm which according to the applicant's agent has been in operation for about 9 years. An application (DCSE2005/0795/F) to continue the use of the land and buildings as an equine stud farm was submitted in March 2005, as at that time no permission had been granted for change of use from agriculture and the permission in 1997 for 6 loose boxes and one field shelter was subject to a condition (no. 7) restricting use to private purposes and not for any trade, business or equestrian enterprise whatsoever, in order to preserve the amenities of the locality. That application was for continuation of the use and not for retention of structures that had been erected without planning permission, as the report to Committee made clear. Foaling boxes had recently been erected, and a 3 metre fence. In addition the lawfulness of one of the main storage buildings (within the north-eastern site) was

questioned by a local resident. Subsequently field shelters were erected and other small building operations undertaken, all without planning permission. planning applications to seek to regularise the equine business (SE2006/1486/F and SE2006/1495/F) relating to the field shelters and foaling boxes plus in-fill stables respectively were submitted in 2006.

1.3 Further evidence was submitted by local residents, in particular an aerial photograph, which appeared to corroborate that the storage building was not lawful and also called into question a number of other structures. Following discussions with the applicant's agent it was agreed that the 2006 applications would be withdrawn and a comprehensive application(s) submitted covering all unauthorised development. After a delay two further retrospective applications (SE2007/0704/F and SE2007/0705/F) were submitted in March of this year but only for further recent development (block work skin to stables and an open lean-to structure attached to the storage building). It was stated that an application for a certificate of lawful development would be submitted for the remaining structures rather than a retrospective application and the earlier applications have not been withdrawn.

1.4 From the evidence available it seems clear that the following buildings and structures have not been authorised:

(1) North-eastern section: the storage building and lean-to by the entrance to the complex plus container positioned nearby a section of the main stable block plus the block work onto skin recently erected on portacabin.

A fence of about 1.8 m high which extends along part of the boundary with the A449 but which continues along the northern boundary with Bodenham Farm (a listed building).

(2) South-western section: field shelters and additions to the stables

1.5 In addition to the stud farm adjoining Bodenham Farm the Singing Stud includes extensive grazing land (about 48 acres) at Hillington Barn, Upton Bishop. There are no facilities at present. Planning permission has been granted for stable, barns, training ring and other facilities.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007

Policy LA2	-	Landscape Character and Areas least Resilient to Change
Policy E6	-	Industrial Development in Rural Areas
Policy E8	-	Development of Redundant Rural Buildings
Policy E11	-	Employment in the Countryside
Policy LA4	-	Protection of Historic Parks and Gardens
Policy LA5	-	protection of Trees, Woodlands and Hedgerows
Policy DR3	-	Movement
Policy DR4	-	Environment

3. Planning History

3.1 MH97/1112 6 loose boxes and field shelter - Approved October 1997

SE2004/4039/F	Fenced training ring	-	Withdrawn
SE2004/4086/F	Dwelling for stud farm worker	-	Withdrawn
SE2005/0325/F	Barn	-	Withdrawn
SE2005/0795/F	Continuation of use as equine stud farm	-	Approved 15.07.05
SE2005/3770/F	Fenced training ring	-	Appeal allowed 05.06.06
SE2006/1486/F	Retention of two field shelters	-	Refused 15.5.07

4. Consultation Summary

Statutory Consultations

- 4.1 Garden History Society does not wish to comment on these applications.
- 4.2 The Traffic Manager notes "that SE2006/1495/F (foaling boxes and infill stable) is a retrospective application and there currently does not appear to be an adverse impact on the adjacent highway arising from it. As discussed, I understand that the foaling boxes were installed prior to the permission granted for the associated application DCSE2005/0795/F."

No objections to the grant of permission for the later applications. It is pointed out that public footpath MM2A passes approximately 14 m to the north of these stables.

Internal Council Advice

- 4.3 The Conservation Manager advises as follows:

DCSE2007/0704/F

I have no objection to this addition, but I would recommend that a screed or painted finish should be added to match the existing block, as suggested in the design and access statement.

DCSE2007/0705/F

The lean-to building is contained between a stable and the woodland at the rear of the site, so it will not have a particular adverse visual impact on the wider landscape. However, I would not have advocated locating the rear wall of this building so close to the woodland trees for two reasons.

In visual terms, the lean-to building encroaches on the woodland. From a visual perspective, it would be much better if there were a boundary of mixed native species hedgerow between the woodland and the Singing Stud site, to maintain the character of the woodland.

Secondly, I am concerned that at the edge of the woodland, it appears that earth has been excavated and/or the ground level underneath the lean-to building lowered. If

this were the case, these works would have damaged the roots of the trees on the edge of the woodland. I would like the agent to provide clarification about this issue.

I conclude that I would not support the retention of the lean-to building, because in my view it has degraded the woodland setting of the site. I recommend accordingly that permission be refused for this element on the grounds that it would be contrary to Policy LA5: Protection of trees, woodlands and hedgerows of the Unitary Development Plan.

I recommend that the lean-to building should be removed and the earth re-instated. If any of the root systems of the woodland trees have been damaged significantly then compensatory woodland tree planting should be undertaken. Planting a hedgerow of mixed native species between the woodland and the Singing Stud site would help to maintain the rural character of the landscape.

5. Representations

5.1 The applicant's agent has submitted Design and Access Statements in relation to SE2007/0704/F and SE2007/0705/F in summary are as follows:

DCSE2007/0704/F

- (1) The site has been used for stabling for some years and has formal planning permission for one stable block and the continuation of use as an equine stud farm (ref DCSE2005/0795/F). Other buildings are the subject of planning applications awaiting determination or will be the subject of applications for certificates of lawfulness to be submitted in the near future. A training ring has also been granted planning permission.
- (2) This retrospective application provides reinforcement to the existing stables to assist in carrying the load of the roof on the main stable block. A brick foundation carries a new block work skin to the southern gable and rear wall only and by necessity closely follows the existing building.
- (3) No floor space is added to the buildings as a result of this work.
- (4) The natural finish of the materials used has been retained, however a screed or painted finish to match the existing block can be added. Work ceased following notification to the applicant of the need for planning permission.

DCSE2007/0705/F

- (1) This application is to provide a covered area for equipment storage by utilizing the area between the existing end wall of the large open stable building and the fence on the site boundary and to allow a convenient route around the building for access and maintenance.
- (2) The building would be constructed of timber, with timber ply walls and with dark plastic sheeting on the roof and is located adjacent the wooded area so as to not be visually intrusive.

5.2 Parish Council's observations:

DCSE2006/1495/F – No comments received.

DCSE2007/0704/F

Much Marcle Parish Council have no objections to the block work but have concerns with the height, which would when completed increase the height of the stables.

DCSE2007/0705/F

Retrospective planning application is needed on the building the lean-to is attached to, before this application can be considered.

5.3 13 letters of representation have been received and are summarised as follows:

DCSE2006/1495/F

- (1) Two-thirds of buildings on this site are unauthorised creating a false impression of the extent of activities.
- (2) This is compounded by a report by a consultant on the viability of the business and its need for expansion [submitted as part of SE2005/3806/F].
- (3) No traffic figures provided yet Traffic Manager advises that he would not support any expansion.
- (4) "Drip-drip" submission so each case viewed on its own merits not an overview.
- (5) Local residents are suffering a steadily increasing loss of local amenity and increasing access road usage with potential for accidents on a road of historic, cycling and tourism importance.
- (6) Overdevelopment of a small site quite unsuitable for a highly intensive breeding unit where all food shipped in and all waste shipped out.
- (7) Committee misled by the agent who stated that "all the buildings with the exception of the foaling boxes have been there for 4 years. Most were there when the property was purchased nearly 10 years ago." Aerial photograph taken in 2001 shows otherwise.
- (8) Encroaches on Grade II Registered Park and Garden and adjacent to conservation area.
- (9) Concerns raised by Hereford and Worcester Gardens Trust, the Council's former Conservation Architect and Landscape Assistant regarding adverse effect on Bodenham Farm and the landscape in connexion with other proposals are referred to.
- (10) Foaling boxes constitute skyline development seen from A449; within 1 m of Bodenham Farm boundary and so close to top of quarry wall that increases possibility of collapse with obvious dangers.
- (11) Feasibility of increased traffic along access lane is questioned - heavy traffic movements may have contributed to dog being killed.
- (12) Should be separate applications for foaling boxes and infill stable.

- (1) SE2007/0704/F
- (13) Points (1) - (7) are reiterated.
- (14) Development carried out without permission prejudices applicants who comply with planning procedures.
- (15) To grant permission would legitimise unauthorised 30% increase in size of stable block.
- (16) Encloses 3 not 2 sides and assuming existing walls removed tantamount to a new building.
- (17) Concerns raised that precursor to further development increasing height - already visible on skyline viewed from A449.
- (18) It will increase traffic flows contrary to Traffic Manager's advice.
- (19) An attempt to steam-roller the Council into granting permission.
- (20) Misleading information submitted regarding parking facilities and route of public footpath MM11 which runs through the stable complex.

DCSE2007/0705/F

- (21) Encroaches on Registered Park and Garden.
- (22) Trees removed and possibly others damaged.
- (23) Further excavations at rear - all of which with soakaway in woodland have caused harm to this parkland.
- (24) Attached to building which itself requires planning permission - evidence was submitted in 2004 that had not been there for 4 years.
- (25) Alterations have and will contribute to an increase in vehicle movements.
- (26) Existing storage building has been converted into stabling.
- (27) Steamroller Council into granting permission.
- (28) PPS7 paragraphs 15 & 31 quoted regarding duty to protect countryside from unacceptable development.
- (29) Users of public footpath through stabling area could be deferred and face dangers from mares.

Traffic Count

Local residents have undertaken a count of traffic along the access drive. The results are reproduced in the Appendix to this report.

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

6. Officer's Appraisal

- 6.1 Planning permission was granted in July 2005 for continuation of use as a stud farm. In hindsight it is clear that more of the buildings than the foaling boxes, which had only recently been erected, were relatively recent additions (post 2001) and had not been granted planning permission. Further buildings and additions have subsequently been erected. Ideally applications covering all these buildings would be considered together but despite agreeing to this no further planning applications will be submitted. Consequently the planning history of the site outlined in section 1 needs to be borne in mind. Nevertheless whilst concerns about incremental development are appreciated each application must be treated on its merits and in the light of prevailing policies. Retrospective applications cannot be refused and enforcement action authorised solely on the grounds that development has been carried out already.
- 6.2 There are no specific policies in UDP relating to equine enterprises in the countryside but there is generally encouragement in PPS7 (paragraph 32). Development related to equine enterprises would need to meet similar tests to agricultural and forestry businesses rather than require special justification. Notwithstanding the misapprehension regarding the status of the buildings in 2005 there were two sets of stables being used by this new enterprise, which formed the core of the planning unit granted retrospective consent.
- 6.3 The key issues regarding these 3 applications relate to their visual impact with particular regard to the Registered Park and Garden and whether the retention of these buildings would result in a significant increase in traffic. The foaling boxes, in-fill stable and block-work skin all relate to the two existing groups of buildings and whilst not screened from public view, as a public footpath passes through the stud farm, they are not visually prominent in the landscape. Consequently there are no strong landscape grounds for refusing permission, which would also regularise the enlarged stable building. The storage building with lean-to similarly fits within the complex with at the rear a hedge planted on higher ground providing partial screening and further trees filtering views from the A449 direction. As the Conservation Manager points out in relation to the lean-to it would not have a particular adverse visual impact on the wider landscape. Furthermore the encroachment into the woodland which has taken place is of small scale and further damage could be readily prevented. In my opinion the harm is not so serious as to justify refusal of permission.
- 6.4 Most of the structure (the storage building, extended stables and foaling boxes were in use when permission was granted for the stud farm in 2005 and their retention was assumed by the Traffic Manager. The issue then is whether the in-fill stable and lean-to would significantly increase traffic flows generated by the stud farm. The small increase in floorspace (about 79m² for the lean-to and one stable) have clearly added to facilities and may have allowed more intensive use of other buildings. The submitted traffic counts indicate a rapid rise in movements but this may be primarily due to the development of the enterprise rather than a direct consequence of additional buildings and facilities. Given the limited additions to the stud farm the latter seems unlikely. The Traffic Manager has not however commented on the traffic figures helpfully and collected by local residents and his comments will be reported at the Committee meeting.

6.5 The above discussion relate to the current planning applications. The remaining buildings and structures are currently being considered with regard to the expediency of enforcement action being undertaken.

RECOMMENDATION

In respect of DCSE2005/1495/F:

That planning permission be granted subject to the following condition:

- 1 B09 (Colour of cladding (stables))**

Reason: To protect the visual amenities of the area.

INFORMATIVES:

- 1 N19 - Avoidance of doubt**
- 2 N15 - Reason(s) for the Grant of Planning Permission**

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

In respect of DCSE2007/0704/F

That planning permission be granted subject to the following condition:

- 1 B10 (Details of cladding (agricultural and industrial buildings))**

Reason: To minimise the visual impact of the development.

INFORMATIVES:

- 1 N19 - Avoidance of doubt**
- 2 N15 - Reason(s) for the Grant of Planning Permission**

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

In respect of DCSE2007/0705/F

That planning permission be granted subject to the following condition:

1 B10 (Details of cladding (agricultural and industrial buildings))

Reason: To minimise the visual impact of the development.

INFORMATIVES:

1 N19 - Avoidance of doubt

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

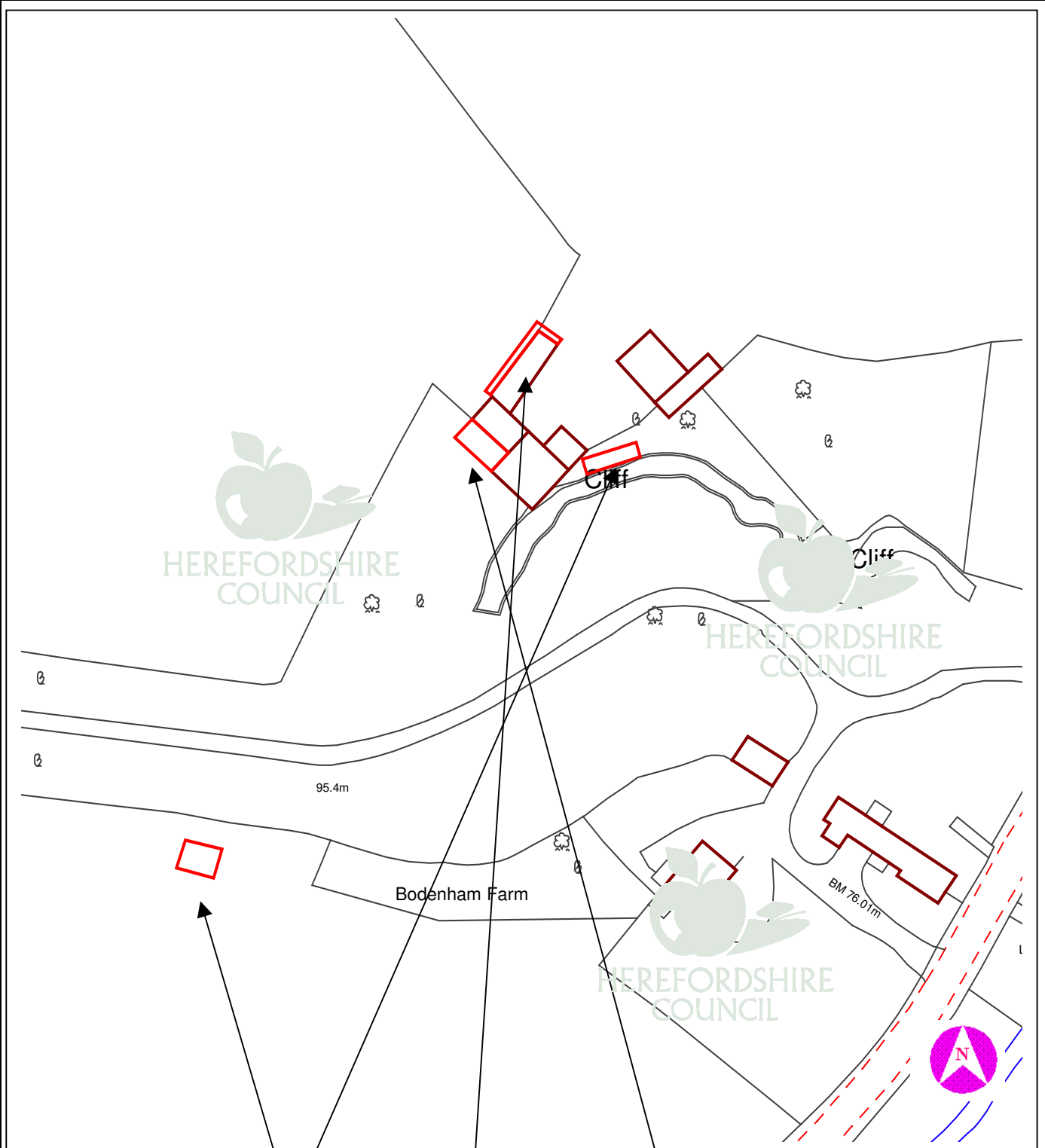
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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APPLICATION NOS: DCSE2006/1495/F DCSE2007/0704/F & DCSE2007/0705/F **SCALE :** 1 : 1250

SITE ADDRESS : The Singing Stud Yard, (adj. Bodenheim Farm), Much Marcle, Ledbury, Herefordshire, HR8 2NJ

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20A, B & C
DCE 2006/1495/F
DCE 2007/0704/F
DCE 2007/0705/F

Review of traffic count at Bodenham Farm, Much Marcle, Ledbury, HR8 2NJ

Background

On 3 December 2005 a Chambers Automag Car Counter was installed to monitor vehicle numbers along a private drive attending The Singing Stud Ltd, Bodenham Bank, Much Marcle.

Readings were taken at random dates and times and any usage by the owner of Bodenham Farm deducted from the readings.

The readings ceased on 14 April 2007, and at this time sixty separate readings had been taken.

Method

The method compares two periods, and being similar times of year, are not beholden to short term variations.

<i>From</i>	<i>To</i>	<i>No. of days</i>	<i>No. of vehicle movements</i>	<i>Average per day.</i>
03.12.05	12.04.06	130	1373	10.6
08.12.06	14.04.07	127	1897	14.9

Results

Outcomes are based upon the daily average figures, necessary as the readings relate to differing numbers of days. (Fig. 1.)

The first period consisted of 130 days (03.12.05 – 12.04.06) when 1373 vehicle movements were recorded, an average of 10.6 per day. The second being 127 days (08.12.06 – 14.04.07) when 1897 vehicle movements were recorded, an average of 14.9 per day. This is an increase of 40.6%.

Extrapolation of the figures indicates an annual vehicle usage of four thousand seven hundred and forty seven. A projection, using the 40.6% increase, shows that it can be expected that in three years time the annual total of vehicle movements will be in excess of thirteen thousand. (13,196).

Whilst this number may be challenged as fanciful it should be remembered that the same would no doubt have been claimed had the figure of nearly five thousand vehicle movements per annum been mentioned when the Singing Stud Ltd commenced operations.

SE2004/4086/F	Dwelling for stud farm worker	-	Withdrawn
SE2005/0325/F	Barn	-	Withdrawn
SE2005/0795/F	Continuation of use as equine stud farm	-	Approved 15.07.05
SE2005/3770/F	Fenced training ring	-	Appeal allowed 05.06.06
SE2006/1486/F	Retention of two field shelters	-	Not determined
SE2006/1495/F	Retention of foaling boxes and one infill stable	-	Not determined
SE2007/0704/F	Retrospective application for blockwork skin to existing stables	-	Not determined
SE2007/0705/F	Retention of lean-to building for storage purposes	-	Not determined

The last three applications are the subject of a separate report to this Committee meeting.

4. Consultation Summary

Statutory Consultations

4.1 Hereford and Worcester Gardens Trust comment:

“The 'picturesque position' of Bodenham Farm (quoted from the listing details) remains a constant today. The intensification of development around the adjoining stud farm, which has been the subject of at least three planning applications within the last twelve months, suggests that the quality of the picturesque setting is suffering considerably. The area, albeit across the main road, is an integral part of the grade II registered landscape associated with Homme House. Until recently, one of the drives of the mansion ran down through this area accompanied by ornamental planting. Moreover, if reference is made to the Historic Parks and Gardens of Herefordshire (2001), pp. 213-4, it will be noticed that the author suggests that the medieval deer park, referred to in 1281, was probably in this area before the creation of the turnpike road in c.1820. Any development - including a new farm worker's house - which erodes the picturesque character of this special part of Herefordshire, should be refused.”

Internal Council Advice

4.2 Traffic Manager has no objection to the grant of planning permission subject to a condition requiring two parking spaces.

4.3 Conservation Manager initially expressed concerns regarding the potential impact of a dwelling and its curtilage in this prominent location and that it would have a detrimental impact on the setting of this attractive group of listed buildings. However this has been reconsidered and his recent advice is as follows:

“It is debatable whether the proposed agricultural dwelling will have much impact on the setting of Bodenham Farm as there is a degree of visual separation between them, particularly considering the substantial difference in levels. Indeed it is likely that recent tree felling on the site has exposed their proximity, which would not otherwise have been appreciated. Conversely I consider the close-boarded fence which dominates the top of the scarp to be a highly intrusive feature, as it is most unusual for property boundaries in the open countryside to be of this height and visually-impermeable construction.

With regard to landscape impact, the development would not be supported. I feel that a new dwelling in this prominent position and particularly the creation of a domestic curtilage would be visually intrusive. In my view permission should be refused on the grounds that it would be contrary to Local Plan landscape policies.”

4.4 Property Services Manager has assessed the functional and financial viability of the enterprise. He advises:

- The present situation is that foaling takes place at the adjoining buildings. There are some good foaling facilities and foaling boxes. The stables are adequate and the outside shelters by the enclosures of good quality.
- The facilities for humans are limited to a portacabin, which acts as a restroom, office and accommodation as necessary but is very basic.
- The land is heavily grazed and some of it is badly poached but due to the limited facilities at Bodenham Farm which is inevitable.
- The future for the stud looks very promising if the quality of the stock is maintained and the stud continues to build a name for itself.
- The labour needed to look after mares and foals, young stock and foal mares is very considerable. These mares are of good quality and mares unlike cattle and sheep may hold onto the foal for an extra month and give little warning of when they are going to foal. Consequently they need very regular supervisions by day and night.
- Time is also needed to teach foals to lead and behave properly in the show/parade ring whether for showing or sale. Yearlings and two year olds will also need regular handling to ensure that they show themselves properly.
- The number of mares require supervision and mares in foal require visiting regularly for animal welfare reasons as well as financial to prevent losses.
- The quality of the stock is very high and at present with the nearest employee 10 minutes away the security is very poor, with no properties overlooking the site itself. If there was a fire most of the stock would perish. If a theft occurred no one would know until the next visit, probably the following morning. Security cameras would help.

In my opinion there is a need for some form of accommodation that will be suitable for an experienced stud groom to occupy.

With regard to the financial case, I am happy with the profitability and future soundness of the business and in my opinion the application for a dwelling is sound.”

5. Representations

5.1 An Assessment of Need has been carried out by Kernon Countryside Consultants on behalf of the applicants. The summary and conclusion are as follows:

The application relates to a recently established Stud Farm specialising in the breeding and training of top quality Trakenher Horses. There are some 84 horses at the Stud of which 26 are brook mares.

Against the requirements of PPS.7 Annex A, we conclude as follows:

- a) functional need exists - there are a large number of valuable horses at the stables that are highly susceptible to disease and require very careful attention, at the current time there are a large number of mares that foal down each year over a five month period and in the future there will be up to 30 valuable horses that are being trained/broken stabled on site. In our opinion the enterprise gives rise to a functional need to live on site;
- b) the unit is a full-time unit - currently the Stud employs two full-time members of staff and three part time members of staff;
- c) financial viability - the unit and activities concerned have been operating in excess of three years, have been profitable for at least one of the last three years and have clear prospects of remaining financially viable;
- d) no other dwellings could meet the need - it is our opinion that there are no other dwellings either suitable or available to meet the functional requirements of the unit;
- e) siting is acceptable - the siting has been chosen following a site meeting with the local authority.

It is therefore our opinion that the proposals at Much Marcle are in line with planning advice set out in Annex A of Planning Policy Statement 7.

5.2 Much Marcle Parish Council object to this application for the following reasons:

1. Outside the planning area.
2. Would set a precedent for planning applications.
3. Increase in traffic/access.
4. Over-intensification of site.

5.3 5 letters have been received objecting to the proposal on the following grounds:

- applicants have not complied with conditions attached to permission for continuation of use and further development should not be granted for what remains an unauthorised stud farm
- decision should be deferred until the status of all buildings at the stud farm has been resolved - the consultants report assumes that they will all stay and will continue to be used

- estimated that 68% of the buildings at the stabling area adjoining the application site are unauthorised
- Local Development Document have not been prepared, as PPS.7 requires therefore premature to grant permission; Malvern Hills District Local Plan does not allow permanent housing for equine workers
- functional need is questioned, as foaling takes only 3 months and no training ring had been approved (at time of writing)
- it is questioned whether there is a full-time worker (based on hours/pay figures quoted in the report)
- financial viability is also queried as based on submitted figures estimated that running at a loss and that prospects are not sound
- other dwellings have been available for sale in this area - 6 since 1998, including Orchard Cottage (nearest house to stud farm) in 2003
- this would be skyline development as seen from A449 - reference is made to the views of the Hereford and Worcester Gardens Trust and earlier views of Conservation Manager (reported in paragraph 4.3 above)
- PPS.7 paragraphs 15, 16, 24 and 31 are also quoted with regard to the duty to protect sensitive landscapes and excessive encroachment into the countryside that would harm the amenities of residents and other businesses
- development would detract from setting of listed Bodenham Farm and consequently adversely affect the B & B business at those premises
- concerns expressed regarding increased traffic along the access drive and local roads which are wholly unsuitable for large horse boxes and trailers and would generate noise. Council cannot guarantee that there would be no increase in traffic - in fact 2 parking spaces are required and Property Services Manager reports that business is ready to expand, all of which will lead to extra traffic.

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

6. Officer's Appraisal

- 6.1 The recently adopted Herefordshire Unitary Development Plan 2007 includes policies H.7 and H.8 which, following advice in PPS.7, allow dwellings in association with equine enterprises as an exception to restraints on residential development in the countryside. However, such dwellings must meet the same stringent tests as agricultural workers dwellings viz. there is a functional need for the dwelling and that the business is established, has been profitable in at least one of the previous 3 years and there is the prospect of remaining profitable in the longer term. This proposal has been assessed by the Council's Property Services Manager. There is a need for a worker to be on hand during foaling, rearing and training (a training ring has now been constructed) and for general oversight and welfare reasons. The Property Services Manager is also now satisfied that the business is profitable and with every prospect of remaining so, in view of the quality and value of the stock being raised. Although other dwellings have come on the market (particularly Orchard House) they would have been well above what could be afforded from the profits generated by this enterprise. This assessment, as noted in paragraph 5.3 assumes that the existing building and facilities would remain. These are discussed in a separate report. (See Agenda item 20).
- 6.2 Nevertheless the site proposed for the house would be on an exposed site and as the Conservation Manager points out would be visually intrusive in this very attractive landscape. It would be visible from the A449 by Bodenham Farm even if single-storeyed and as the land to the north and north-west is fairly level and open, widely visible from that direction. Furthermore, footpaths from the four points of the compass

converge just to the north-west of the application site allowing public views of the site from close at hand. However, alternative sites would be more exposed and less well related to the existing stud farm buildings. The key issue therefore, once the need for a dwelling is accepted, is whether the harm to the landscape, setting of the listed buildings and registered parkland is so serious that permission should not be granted. Additional planting along the boundaries of the field would clearly help but not in the short term. Careful siting, excavation of the sloping land and design (probably a bungalow) would minimise the harm. Viewed from the north the dwelling would be seen in relation to the stud farm rather than as an isolated rural dwelling. Weighing these factors, although a dwelling would be far from ideal, the harm would not be so serious as to justify refusal when a need for the dwelling has been substantiated.

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. E28 (Agricultural occupancy)

Reason: It would be contrary to Development Plan policies to grant planning permission for a dwelling in this location except to meet the expressed case of agricultural need.

6. E16 (Removal of permitted development rights)

Reason: To protect the visual amenities of the area.

7. F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

8. H12 (Parking and turning - single house)

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

Informative(s):

- 1. N19 - Avoidance of doubt**
- 2. N15 - Reason(s) for the Grant of Planning Permission**

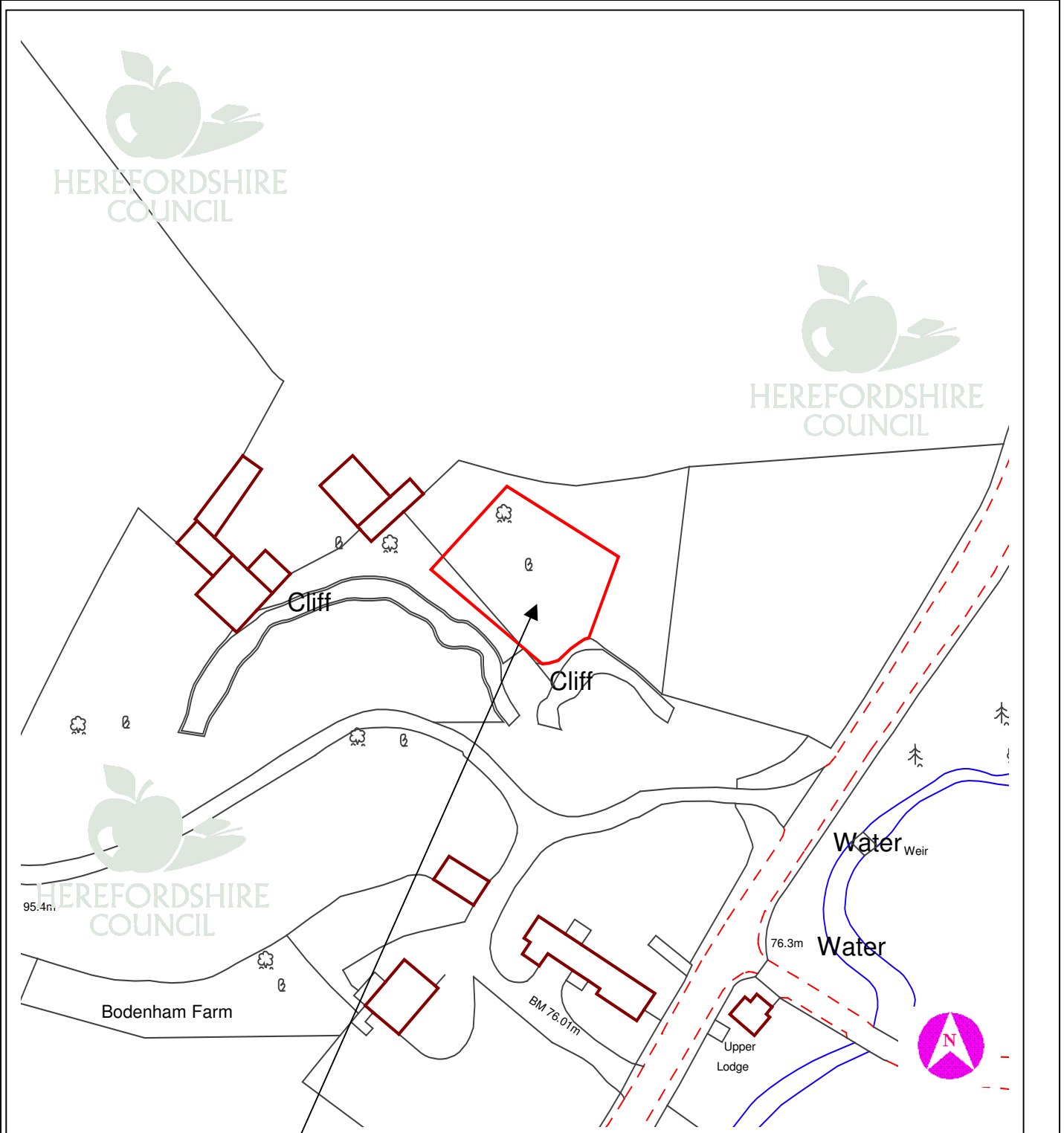
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2005/3806/O

SCALE : 1 : 1250

SITE ADDRESS : Site Nr. Bodenham Farm, Much Marcle. SO653321.

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22 DCSE2007/1006/F - PROPOSED STORAGE SHED ADJACENT CIDER PRESS AT MAJARO BARN, ASTON INGHAM, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7LS.

For: Mr. & Mrs. K. Pike per Mr. C.F. Knock, Tinkers Grove, The Deer Park, Eastnor, Ledbury, HR6 1RQ

Date Received: 5th April, 2007

Ward: Penyard

Grid Ref: 68684, 23646

Expiry Date: 31st May, 2007

Local Member: Councillor H. Bramer

1. Site Description and Proposal

- 1.1 Majaro Barn is situated close to the junction of the B4222 with Oak Lane, east of Aston Ingham village and is about 0.5 km to the north. Planning permission for conversion of this building (formerly Glebe and Knap Barn) was granted in December 1998. The residential curtilage formed included part of the field to the south and east of the barn, which included a small stone building about 33 m south of the barn. The current proposal is to add a wooden storage shed to the south end of the outbuilding. This would be 4.5 long and 4.65 m wide i.e. less wide than the existing outbuilding and slightly lower at eaves level and ridge level. It would be weather-boarded with a slate roof.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007

- Policy H18 - Alterations and Extensions
Policy LA2 - Landscape Character and Areas least Resilient to Change

3. Planning History

- | | | | | |
|-----|-----------------|---|---|------------------------------|
| 3.1 | SH980309PF | Extension and conversion of barn. | - | Approved
9.12.98 |
| | SH960725PF | Alterations and extensions to existing barn to form a dwelling and erection of dwelling and garages. | - | Approved
10.10.96 |
| | SH950618PF | Alterations and extensions to existing barn to form a dwelling and erection of dwelling and garages. | - | Allowed on
appeal 31.1.97 |
| | SH910959PF | Conversion of barn to new dwelling with garage, new dwelling and s.t. plant. | - | Approved
17.11.92 |
| | DCSE2007/0940/F | Conversion of garage to living accommodation, with single storey extension and two storey link to barn. | - | Not determined |
| | DCSE2007/0941/F | Open fronted garage | - | Not determined |

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Traffic Manager has no observations to make on the application.

5. Representations

- 5.1 A Design and Access Statement has been submitted which points out that the 3 current applications are inter-related in that the storage shed would have these items currently stored in the garage.

- 5.2 Aston Ingham Parish Council:

- (1) Note that the proposed shed is to be constructed as an extension to the existing Cider Press, and, at 20.7 sq.m. gross external area, is approximately half the size of the Cider Press building itself.
- (2) Councillors feel that the construction of the shed requires clarification - it is stated to be 'boarding' with a slate roof, but it is not clear whether the walls are formed of timber studding or concrete or thermal block, or whether the roof slates are natural slate or a composite material.
- (3) The Cider Press is constructed of natural stone in a traditional style with historical features. The Parish Council believes that to add a construction such as the proposed shed would detract from the character of the existing building. The application may also be contrary to the Council's Supplementary Planning Guidance on the Re-use and Adaptation of Traditional Rural Buildings.
- (4) The justification for the construction of the shed is to provide storage for property currently stored in the garage, which Parish Councillors feel is insufficient - particularly in the context of the application to convert the existing storage to residential use, which would appear to be contrary to structure and local plan policies.
- (5) The proposed development is the third element in a trio of applications that the Parish Council considers to be over-development for a site that is situated within the AGLV.

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

6. Officer's Appraisal

- 6.1 Although the current applications for Majaro Barn are linked by the agent each case must be considered on its own merits. The barn was extended as part of the conversion scheme and a double garage with living accommodation above was also approved and erected. There have therefore been significant additions to the original building. Nevertheless the proposed shed would not be large in relation to the plot and being sited at the rear (southern) end of the outbuilding would not be prominent (even

if visible) looking from the entrance to Majaro Barn in Oak Lane. To the south-west of the outbuilding there is a stream with trees which would provide screening from that direction. Further details of external materials can be required by planning condition and use can be restricted to domestic purposes only. There would be limited harm to the rural character of this area and consequently I consider this proposal to be acceptable.

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 E08 (Domestic use only of shed)

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

INFORMATIVES:

1 N19 - Avoidance of doubt

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

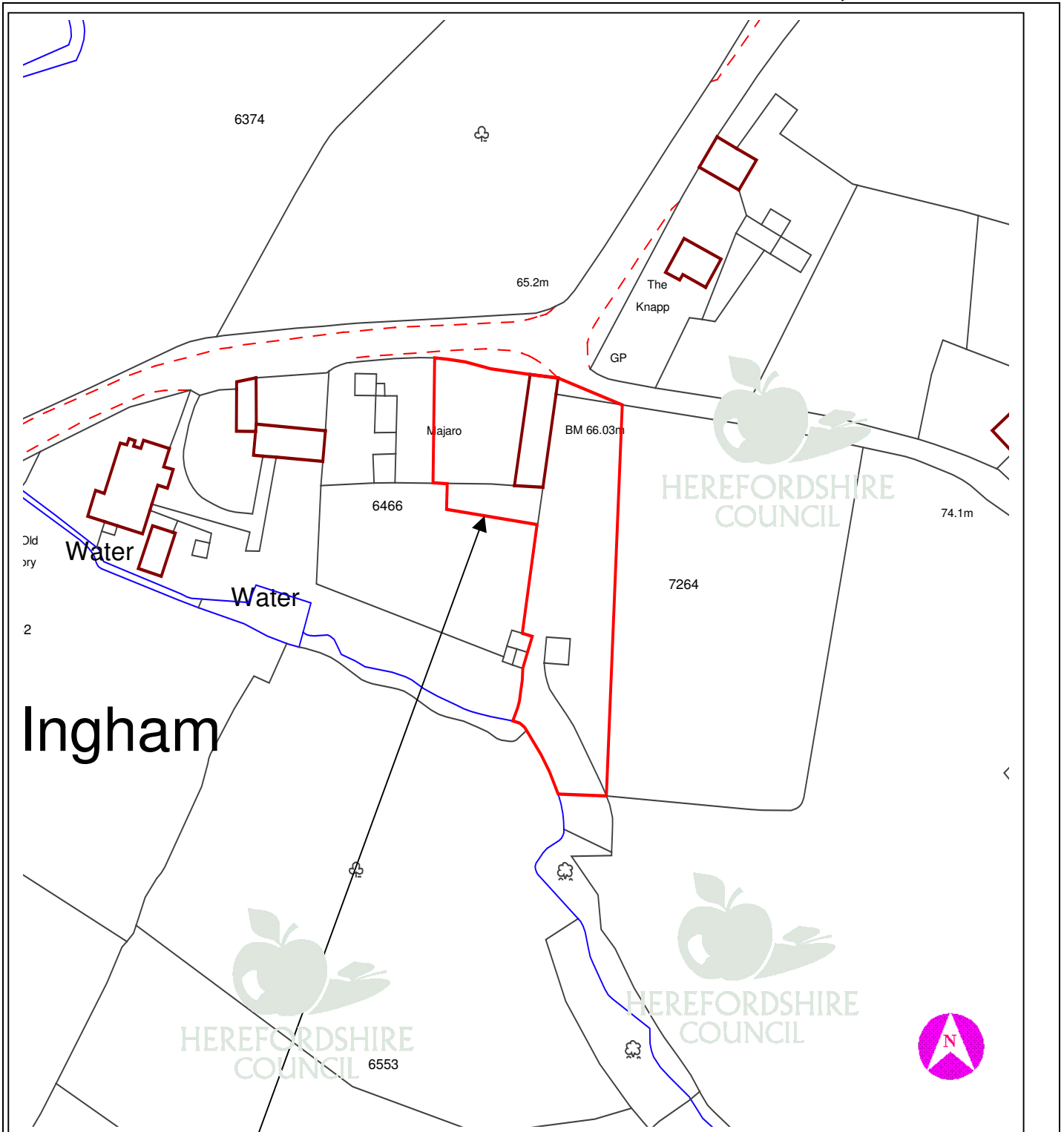
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2007/1006/F

SCALE : 1 : 1250

SITE ADDRESS : Majaro Barn, -, Aston Ingham, Ross-On-Wye, Herefordshire, HR9 7LS

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23 DCSE2007/1018/F - CONVERSION OF LEISURE BUILDINGS TO A RETIREMENT DWELLING WITH GARAGING AND ANNEX AND WITH NEW ACCESSES TO THE HIGHWAY, WYE LEA COUNTRY MANOR, BRIDSTOW, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6PZ.

For: Mr. C. Bateman per M.E. Thorne & Co, The Ridge, Buckcastle Hill, Bridstow, Ross on Wye.

Date Received: 10th April, 2007

Ward: Llangarron

Grid Ref: 58170, 25729

Expiry Date: 5th June, 2007

Local Member: Councillor Mrs. J.A. Hyde

1. Site Description and Proposal

1.1 The application premises comprise a swimming pool and restaurant and a separate leisure building built during the 1990s as part of the Wye Lea holiday complex. These buildings are located between the main residential accommodation and the house at Wye Lea. In addition to serving the holiday centre the leisure complex is a private members' club.

1.2 Planning permission (SE2005/1374/F) for a conversion of the holiday centre (other than Wye Lea) to a retirement centre was granted in June 2006. A subsequent application (SE2006/2284/F) to convert the swimming pool/restaurant and leisure buildings into a private dwelling and staff accommodation was refused (September 2006) for the following reasons:

"1. The Council is not satisfied that these modern buildings are worthy of retention or that there are acknowledged benefits of retaining the building or that they would meet local housing or rural business needs. In view of the isolated location of these buildings it is considered that the new dwellings would not be sustainable. As a consequence the proposal would not comply with the following Council Policies: CTC1, CTC14 and H20 of Hereford and Worcester County Structure Plan, C1, C5, SH24, T1A and GD1 of South Herefordshire District Local Plan and HBA12, HBA13, LA1 and S1, S6 and DR2 of Herefordshire Unitary Development Plan (Revised Deposit Draft).

2. The buildings have not been marketed for commercial use other than as part of the former holiday centre and the Council is not satisfied that every reasonable attempt has been made to secure an alternative business, recreational and community use or that such development uses are not acceptable, practical or beneficial. The proposal conflicts therefore with Policies C37, SH1A and SH24 of South Herefordshire District Local Plan and HBA13 of Herefordshire Unitary Development Plan (Revised Deposit Draft)."

1.3 The current proposal is a re-application with a similar scheme. The swimming pool restaurant would be converted into a substantial house (about 430 m internal floor area) mainly at ground level but with some accommodation in the roof space lit by new

rooflights and French windows opening onto a balcony formed at the south-east end of the building. An extension would be constructed along the north-west section of the building to form a music/games room and a new link would connect to garaging to be formed in the adjoining leisure building. The remaining half of the leisure building would be converted into a two bedroom annex to the main dwelling. Elevational changes are proposed including new hipped roofs over the garage and an extension to the main bedroom.

- 1.4 A new vehicular entrance and drive would be formed to serve the new dwellings and the existing property to the north (The Lodge) and a further access and drive to serve Wye Lea. The existing access would be closed and some of the existing driveways and parking areas removed.

2. Policies

2.1 Planning Policy Statement

PPS.3	-	Housing
PPS.7	-	Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007

Policy HBA.12	-	Re-use of Traditional Rural Buildings
Policy HBA.13	-	Re-use of Traditional Rural Buildings for Residential Purposes
Policy LA.1	-	Areas of Outstanding Natural Beauty
Policy LA5	-	Protection of Trees, Woodlands and Hedgerows
Policy S.1	-	Sustainable Development
Policy S.6	-	Transport
Policy DR.2	-	Land Use and Activity

3. Planning History

3.1	SH850877PF	Conversion to form 3 holiday cottages, erection of covered swimming pool	-	Approved 25.10.86
	SH871407PF	Family leisure building including swimming pool, Jacuzzi, solarium, table tennis and snooker room	-	Approved 25.11.87
	SH880057PF	Alterations and extensions to cottage	-	Approved 08.02.88
	SH910236PF	Removal of Condition 2 (SH871407PF)	-	Approved 01.05.91
	SH910958PF	Squash court and tennis court	-	Approved 11.10.91
	SH921435PF	Removal of Condition 2 (SH910236PF)	-	Approved 13.01.93
	SH941107PF	New entrance, drive and car parking for 57 cars	-	Approved 19.10.94

SH941108PF	Leisure building	-	Approved 19.10.94
SH950662PF	Conservatory extension to restaurant	-	Approved 27.07.95
SE2005/1374/F	Change of use of 9 holiday cottages to retirement centre	-	Approved 12.06.06
SE2006/2284/F	Conversion of leisure buildings to private dwelling with garage and staff accommodation with new accesses	-	Refused 11.09.06 Subject of appeal
SE2007/0052/F	Conversion of leisure buildings to a retirement dwelling with garaging and staff accommodation with new accesses to the highway	-	Withdrawn 21.02.07

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Traffic Manager points out that the new accesses would not achieve the recommended standards with regards to visibility splays; nevertheless they do represent a considerable improvement in visibility over the existing access. Recommend conditions regarding access and parking.

- 4.3 The Conservation Manager comments:

"The arboriculturalist's report assessed that two of the trees, (T2 - Lime and T5 - Oak) are of a high retention value, two of the trees (T1 - Oak and T3 - Yew) are of a moderate retention value and that one of the trees (Weymouth Pine - T4), is of a moderate/minor retention value.

It is stated in Jerry Ross's report that the proposed new driveway to the leisure building passes directly through the nominal root protection zones of all of the five trees. This is highly undesirable. Best practice, as stated in British Standard BS5837: 2005, is always to site new structures, such as driveways, and allow for construction working space, outside root protection areas. Section 5.2.1 of BS5837: 2005 states that: 'In order to avoid damage to the roots or rooting environment of retained trees, the RPA should be plotted around each of the category A, B and C trees. This is a minimum area in m2 which should be left undisturbed around each retained tree'. The section in Jerry Ross's report entitled 'The treatment of Roads, Paths & Driveways near Trees' states that 'Wherever possible paths etc. should be routed well outside the Root Protection Area (RPA), where problems should not arise'

Furthermore, Jerry Ross identifies that the some of the works that would be required to the trees, in order to achieve the necessary clearance, would be damaging. With regard to T1, the Oak, he states that the necessary crown raising could be achieved but that it would 'significantly affect its appearance' and that it may leave the tree 'unacceptably unbalanced' to such a degree that the removal of the Oak may be the best option. Jerry Ross also identifies that however the route of the driveway is adjusted, either the Yew (T3) or the Weymouth Pine (T4) would be damaged through the very extensive pruning works that would be required in order to achieve the necessary clearance.

I do not, therefore, agree with the assertion in the 'Statement in favour of the proposed conversion' by the agent, that the proposed new driveway to the leisure building would be acceptable because it would not have an adverse impact on the mature trees. While I agree that that it is possible to employ specialist construction techniques, such as the 'no-dig' technique and the use of a cellular geotextile, described in Jerry Ross's report, in order to reduce the possibility of damage to the root system of the trees, such techniques should only be employed as a last resort, if there is no alternative other than for a roadway to impinge upon the Root Protection Area of a tree. I do not see that there is any need for the new driveway to the leisure building. The access to the leisure building could be taken off the existing drive to Wye Lea House.

Even if specialist construction techniques were used, these would not overcome the problem of works being required to the mature trees that are detrimental to the trees. Again, I do not see that these damaging works are justified, given that there is no need for the new section of driveway to the leisure building. It has been identified that four of the five trees are of significant amenity value and they are key features in the setting of Wye Lea House. I maintain my objection to the proposed new driveway, because it would be damaging to the trees and indeed, may lead to the loss of two of the trees

I could not support the application as it stands. Should the development be acceptable in principle, then I recommend that the proposal to construct a new, separate driveway to the leisure building should be omitted, and instead, the access to this building should be off the drive to Wye Lea House.

This application turns, amongst other things, on the issue of the intrinsic quality of the existing buildings, which justifies their retention at all costs. It has been demonstrated that they are the product of specific circumstances and given their location in the Wye Valley AONB, they are not on balance of sufficient architectural merit to be worthy of retention."

5. Representations

5.1 The applicant's agent has submitted a letter in support of the proposal which in summary makes the following points:

1. Worthy of retention: The issue is fundamental to any consideration of this application. We have submitted that they are so worthy and have cited the preamble to Policy HBA.12 which gives weight to the positive effects of re-using a rural building in order to 'make use of an existing resource and to avoid leaving existing buildings vacant and prone to dereliction and vandalism' and Policy LA1 which requires that any development should be small in scale and should not 'adversely affect the intrinsic natural beauty of the landscape'. Clearly the existing buildings are 'small in scale' and do not 'adversely affect the landscape'. To leave these buildings without valid use and 'prone to dereliction and

vandalism' is the worst possible scenario, particularly in an AONB. Officers have rejected these arguments as being 'negative' and have, by implication, decided that these well designed and attractive existing buildings should be demolished. Such an attitude takes no account of planning policy support for the re-use of an 'existing resource', and the only real issue is how they should be used in accordance with planning policy.

2. The proposed use as a Retirement Dwelling: The former holiday letting units have been approved for use as Retirement Dwellings and the first pre-requisite is to ensure that any future use of the Leisure Buildings is compatible with these retirement dwellings, as now proposed.
3. Consistency of Planning Decisions: It would be inconsistent not to approve the use of the Leisure Buildings as a Retirement Dwelling. The change of use to retirement dwellings involved more than a change of occupancy condition which would not apply to the change of use of the Leisure Buildings. Planning permission was originally approved for all the holiday letting units as 'Holiday Cottages' with the relevant condition only spelling out what was meant by this definition.
4. Alternative uses of the existing Leisure Buildings: We have provided full information with the previous applications as to why the recreational use of the existing Leisure Buildings was unsustainable. We have also considered but rejected (i) Commercial Use, since such use would be incompatible with the retirement dwellings and residential use of Wye Lea House and Wye Lea Lodge; (ii) Community Use, since this would be unviable unless use was extended to the wider community, thus increasing traffic movements and adversely affecting the viability of the village hall, and (iii) Use as a Nursing or Residential Home, which would be unviable unless the buildings were to be significantly increased in size. In addition, John Goodwin of Ledbury has been marketing the former holiday letting units for more than a year but has received no enquiries for the Leisure Buildings and we submit 'that every reasonable effort has been made to secure an alternative business, recreational or community use' in accordance with Policy HBA.13.
5. Sustainability: Policy S1 lists 15 criteria which will promote sustainability and minimise 'adverse affects on the environment'. Of these, clause 2 emphasises the importance of 'safeguarding landscape quality and visual amenity; while clause 4 emphasises the importance of 'recycling previously used resources - including previously developed... buildings' with which the proposed development complies fully. Clause 13 emphasises the importance of 'reducing the need to travel' while Policy S6 seeks to locate new development in urban areas where car journeys can be minimised but this application is not for new development. Thus the central issue is the need to minimise journeys to and from the site and we submit that no viable re-use of the existing Leisure Buildings at Wye Lea would generate less traffic than that proposed.
6. The proposed accesses: The Traffic Manager regards the proposed new accesses as 'a considerable improvement but the Conservation Manager opined
 - (a) that care would be needed when removing the existing drives, and
 - (b) that the existing trees could not successfully be retained over the proposed new drives.

As regards the first concern, we invite you to condition in any new planning permission that the existing drives be removed by hand so as not to damage the existing tree roots under them. With regard to the second concern, we have sought the advice of an Arboricultural Consultant who advises that these drives can be provided as proposed without damaging the existing trees, with only minor lopping of low lying branches, and subject to minor realignment of the sweep round to the existing Leisure Buildings. We have declined to follow his advice in respect of the removal of the pine as we believe that every effort should be made to retain this tree, regardless of it being in poor condition. Consequently, we also invite you to condition the creation of the proposed drives in accordance with the recommendations of BS 5837:2005.

7. The proposed annex: Although no objection was raised to the 'staff flat' included in the first application, objection was made to the withdrawn application on the grounds that a 'staff flat' as such could not be justified on this site, since one free dwelling already exists. Designation as a 'staff flat' was simply making good use of the available space, however, we have re-designated this accommodation as an Annex to the Retirement Dwelling.

In addition, a detailed response to the reasons for refusal of the first application (DCSE2006/2284/F) has been submitted, together with a Design and Access Statement and an arboriculturalist's report. In summary, the latter finds:

1. 5 trees are identified as having high or moderate retention value and which would be affected by the new roadway
2. 'no dig' techniques would be the only way of successfully routing the new road close to the trees without causing serious harm
3. all operations near the trees must be carried out with great care: no heavy machinery or operations resulting in soil compaction, contamination or other disturbance; the trees must be protected from direct physical damage
4. the issue of low clearance under the trees must be addressed and could be more problematic than protecting the underground parts of the trees. One of the oaks would require crown-raising which would significantly affect its appearance and its removal and replacement should be considered if it proves unacceptable; recommend swinging drive further north to lessen need for extensive pruning of the yew; latter would take drive even closer to the Weymouth Pine (a somewhat poor example of an uncommon species - susceptible to disease) and whilst it could be retained, quite extensive pruning would further reduce its sparse canopy and on balance suggest removal preferable, with the benefit of relieving pressure on the yew.

5.2 Bridstow Parish Council have no objection.

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

6. Officer's Appraisal

- 6.1 As noted above the key policies relating to conversion of rural buildings are HBA12 and HBA13. The former seeks to ensure that only permanent and substantial buildings, capable of accommodating the new use without substantial alteration or extension are converted and that the new activities are of appropriate scale and compatible with neighbouring uses. Policy HBA13 relates specifically to conversion for residential use. This states that "in open countryside and beyond reasonable access

of urban areas, main villages and smaller settlements, residential proposals will only be supported” where at least one of 4 criteria would be met. The nearest such settlement to Wye Lea (viz Ross on Wye) is about 2 km. away as Bridstow is not a smaller settlement (Policy H6). Wye Lea is not on a bus route. I consider therefore that the proposal must meet one of these criteria in order to comply with Policy HBA13.

- 6.2 Criterion no. 1 requires that “there are acknowledged historical, architectural, local landscape or amenity benefits of retaining the building”. Part of the rationale of this criterion is to preserve traditional farm buildings which no longer meet the needs of agricultural enterprises. The loss of such buildings which is often of great historical and architectural interest would be harmful to the character of the countryside. The only way to secure the long term future of such buildings is to secure alternative uses and in Herefordshire the demand is predominantly for residential re-use. The benefits of retaining these buildings can be held to outweigh the disbenefits of allowing new dwellings in the open countryside. Following a change in Government guidance on this issue there was encouragement for conversion of rural buildings in general for uses that benefited the rural economy. The presumption in favour of conversion did not however apply to re-use for residential purposes. The core principle underpinning current Government planning policy is “sustainable development” (paragraph 2 of PPS1). This adds emphasis to the Government’s aim that new housing in the countryside away from established settlements should be strictly controlled (paragraph 9 (ii) of PPS7). The preamble to Policy HBA13 (Paragraph 9.6.43) stresses that the Plan is not seeking to encourage new residential development in the open countryside. Residential re-use is however encouraged in defined settlements with the benefits of reducing the demand for new building, making use of an existing resource and avoid leaving existing buildings vacant and prone to making use of an existing resource and avoid leaving existing buildings vacant and prone to dereliction and vandalism (Paragraph 9.6.39). The latter benefits are not mentioned however in connexion with building in the open countryside. In my opinion criterion 1 of HBA13 requires that there be some positive benefits from the proposed residential conversion. However the application buildings are not of architectural or historical interest that make their retention visually important. In this connexion the views of the Council’s Conservation Officer on the architecture of these buildings is relevant. The main thrust of the applicant’s case is that there would be negative consequences from not allowing conversion. I do not think that this would constitute an acknowledged local landscape or amenity benefit. The proposal would not therefore comply with Policy HBA13.
- 6.3 Criterion 2 requires that the accommodation would be of a type to satisfy a demonstrated local housing need. No survey has been carried out recently within the parish of Bridstow and it is not known therefore whether there are unmet housing needs or what housing would meet these needs. The swimming pool/restaurant building would be converted into a large house (about 430² internal floor area) and it is unlikely that this would meet a local housing need. No evidence has been submitted by the appellant with regard to this criterion. Criteria 3 & 4 would not seem to be relevant as the proposal results from the closure of a rural business rather than being necessary to a new or expanding business or part of a wider business use.
- 6.4 The appellant’s agent considers that the strongest argument in favour of granting planning permission is that refusal would be inconsistent with the approvals already given for the same use of the former holiday letting units (paragraphs 4 and 14 of his letter of application). The former holiday units are either purpose-built holiday units or were converted for this purpose. Their occupation was controlled by planning conditions to use for holiday purposes. The grant of permission referred to by the agent was therefore in effect for variation of these conditions. Furthermore Annex A of

PPS7 points out that dwellings “in the countryside with an occupancy condition attached should not be kept vacant...by virtue of planning conditions restricting occupancy which have outlived their usefulness”. No comparable advice is given regarding non-residential rural buildings. An analogous case to Wye Lea would be a redundant farm complex comprising a farmhouse with an agricultural occupancy condition and range of farm buildings. Removing the occupancy condition would not prejudice the Council’s decision on conversion of the farm buildings to dwellings. The refusal of permission for conversion of leisure buildings is not therefore inconsistent with permission for the retirement dwellings.

- 6.5 In a sustainable location (such as one of the larger settlements) it may be preferable to re-use an existing building rather than build a new one and this is acknowledged in paragraph 9.6.39 (preamble to Policy HBA13). In other locations where new house building is strongly resisted, residential conversion would not outweigh the disbenefits arising from limited public transport and the likelihood that the private car would be used for almost all journeys. The site is “brownfield land” according to the Government’s definition in Annex B of PPG3. Nevertheless “there is no presumption that land that is previously developed is necessarily suitable for housing development”. UDP Policy H14 encourages the re-use of previously developed land and buildings for residential purposes but this will be strictly controlled in the open countryside under the terms of Policy H7 (and hence of HBA13) (paragraph 5.6.9).
- 6.6 The Council’s current policy (HBA13 and Supplementary Planning Guidance: Re-use and Adaptation of Rural Buildings (July 2004) paragraphs 4.22-4.25) requires market testing for all potential residential conversions. The advice of the applicant’s estate agents is appreciated nevertheless these buildings have not been marketed in their own right, only as part of a much larger package (a retirement centre)
- 6.7 The second aspect of the appeal proposal is the formation of new accesses and the closure of the existing access by The Lodge. It is accepted that although the proposed accesses would not fully meet visibility standards they would be a considerable improvement in this regard compared to the existing access which would be closed. The Council’s Landscape Officer expressed concerns (in relation to the withdrawn application) with regard to the effect of the new drives and removal of existing drives on a number of trees within the grounds of Wye Lea. In response the appellant has submitted an Arboriculturist’s report. This recommends a minor re-routing of the drive, and the use of no-dig techniques, “three-dimensional cellular confinement system” and other measures to protect 4 of the 5 significant trees to be adopted. The change to the route of the drive is included in the current proposal. Nevertheless as the advice from the arboriculturalist points out ‘no dig’ techniques and use of cellular geotextile are only appropriate where there is no alternative. Furthermore 4 of the 5 trees are of significant amenity value and are key features in the setting of Wye Lea House and works would be necessary which would damage these trees. As there are alternative means of access to the various dwellings at Wye Lea this harm is not justified.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The Council is not satisfied that these modern buildings are worthy of retention or that there are acknowledged benefits of retaining the building or that they would meet local housing needs. In view of the isolated location of these buildings it is considered that the new dwellings would not be sustainable. As a**

consequence the proposal would not comply with Policies HBA.12, HBA.13, LA.1, S.1, S.6 and DR.2 of the Herefordshire Unitary Development Plan 2007.

- 2. The buildings have not been marketed for commercial use other than as part of the former holiday centre and the Council is not satisfied that every reasonable attempt has been made to secure an alternative business, recreational and community use or that such development uses are not acceptable, practical or beneficial. The proposal conflicts therefore with Policy HBA.13 of the Herefordshire Unitary Development Plan 2007.
- 3. The proposed access drives and associated engineering works would be likely to cause significant damage requiring the removal of a number of mature trees within Wye Lea which would detract from the visual amenity of the area which is within the Wye Valley Area of Outstanding Natural Beauty and conflict with Policies LA.1 and LA.5 of the Herefordshire Unitary Development Plan 2007.

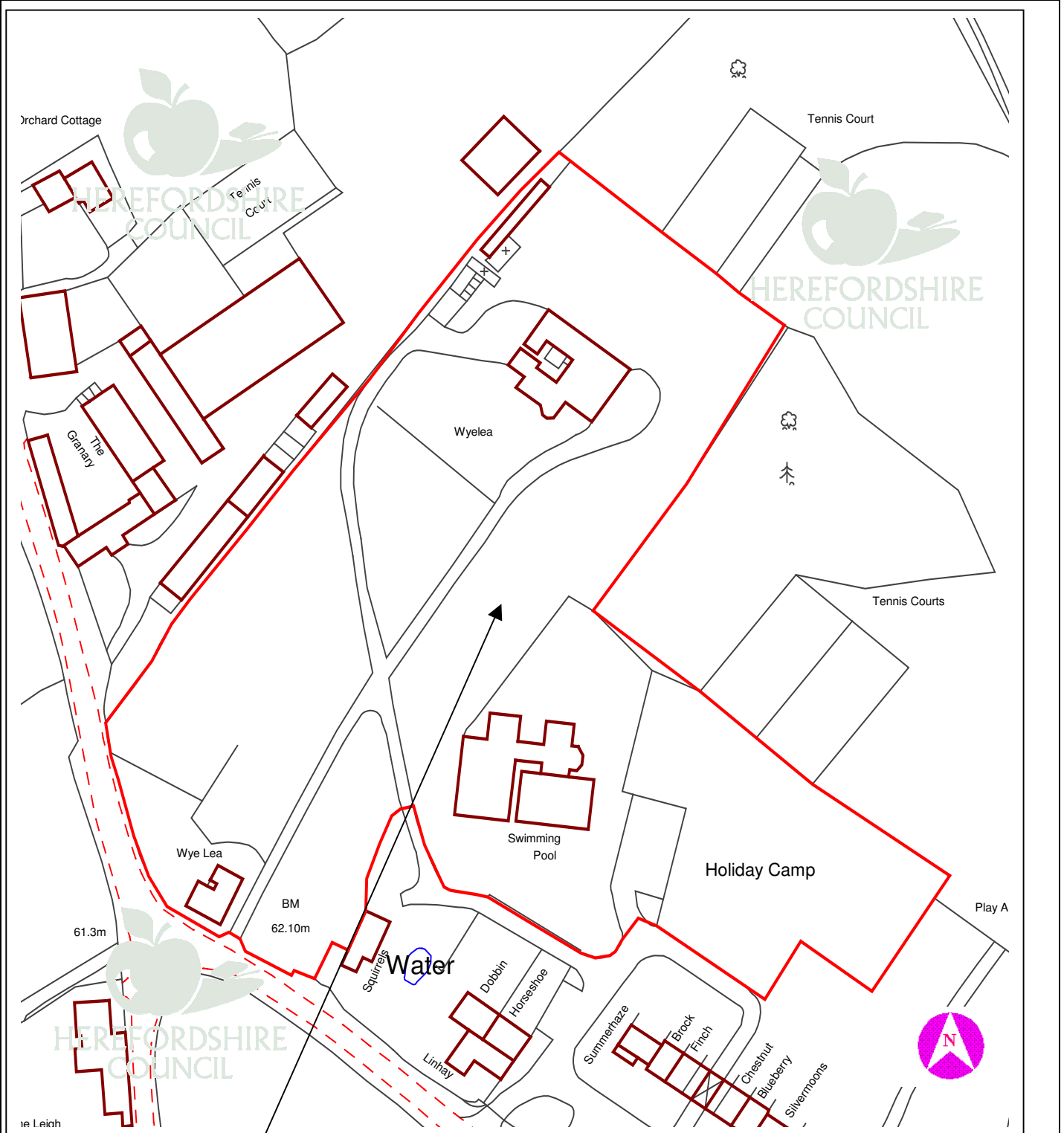
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2007/1018/F

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