

A G E N D A

Southern Area Planning Sub- Committee

Date: **Wednesday, 20th June, 2007**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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AGENDA

for the Meeting of the Southern Area Planning Sub-Committee

To: Councillor G Lucas (Chairman)
Councillor PD Price (Vice-Chairman)

Councillors CM Bartrum, H Bramer, PGH Cutter, MJ Fishley, AE Gray, TW Hunt, JA Hyde, JG Jarvis, TMR McLean, RH Smith, DC Taylor and JB Williams

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES	1 - 18
To approve and sign the Minutes of the meeting held on 29th May, 2007.	
4. ITEM FOR INFORMATION - APPEALS	19 - 22
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. DCSE2007/0031/F - GREEN ORCHARD, RYEFIELD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5LS.	23 - 30
Demolition of existing detached dwelling and erection of 9 no. residential dwelling apartments.	
6. DCSE2007/0534/O - BP NORTHBOUND, ROSS SPUR, ROSS-ON-WYE, HEREFORDSHIRE.	31 - 38
Storage unit Use Class B8, area 1,408 sq. metres.	
7. DCSE2007/0181/O - BP NORTHBOUND, ROSS SPUR, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7QQ.	39 - 50

	Erection of offices (B1) 1858 sq. metres (net lettable), 2137 sq. metres gross with 86 car parking spaces.	
8.	DCSE2006/1495/F, DCSE2007/0704/F, AND DCSE2007/0705/F - THE SINGING STUD YARD, (LAND ADJ. BODENHAM FARM), MUCH MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2NJ.	51 - 62
	a) Retention of foaling boxes and one 'infil' stable (retrospective application).	
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	c) Retention of lean-to building for storage purposes.	
9.	DCSE2005/3806/O - SITE NR. BODENHAM FARM, MUCH MARCLE, SO653321.	63 - 70
	Dwelling for stud farm worker at Equine Centre.	
10.	DCSW2007/1441/F - LITTLE GROVE, WORMBRIDGE, HEREFORDSHIRE, HR2 9DU.	71 - 74
	Two storey, single storey extensions, open porch and a bay window, also demolish conservatory.	
11.	DCSE2007/1240/F -LOWER HOUSE FARM, YATTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7RB.	75 - 82
	Retention of two existing farm buildings and use for agricultural and agricultural contracting use.	
12.	DCSW2007/1091/O - HEREFORD WALDORF SCHOOL, MUCH DEWCHURCH, HEREFORDSHIRE, HR2 8DL.	83 - 104
	Site for new school buildings to extend existing school facilities and new access.	
13.	DCSE2007/1306/F - ARDEN, GREYTREE, ROSS-ON-WYE, HEREFORDSHIRE,	105 - 110
	Demolish existing bungalow and garage – construct two number semi-detached dormer bungalows.	
14.	DCSE2006/3612/F - MARTINS CLOSE, WOOLHOPE, HEREFORDSHIRE, HR1 4QS.	111 - 116
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15.	DCSW2007/0989/F - GALANTHUS GALLERY/CAFE, WORMBRIDGE HOUSE, WORMBRIDGE, HEREFORDSHIRE, HR2 9DH.	117 - 124
	1. Change of use office to retail. 2. New office extension. 3. New craft workshops to replace stores. 4. New overspill car parking area.	
16.	DCSE2007/1158/F - CRAIG THORPE LTD, HILL STREET, ROSS-ON-WYE, HEREFORDSHIRE	125 - 130
	Demolition of office and part retail and erection of 12 no. 1 & 2 bed flats, conversion of first floor above retail to 2 flats.	
17.	DCSE2007/1478/F - LAND ADJACENT TO 'MARSH COTTAGE' PONTSHILL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SZ.	131 - 138

	Erection of one dwelling.	
18.	DCSE2007/0940/F & DCSE2007/0941/F - MAJARO BARN, ASTON INGHAM, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7LS.	139 - 144
	a) Conversion of garage to living accommodation, with single storey extension and two storey link to barn.	
	b) Open fronted garage.	
19.	DCSE2007/0382/O - LAND TO REAR OF THE FORMER ROSSWYN HOTEL, OLD GLOUCESTER ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5PB.	145 - 152
	Site for erection of 3 no. two bed town houses.	

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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 Tuesday, 29th May, 2007 at 10.00 a.m.

Present: Councillor G Lucas (Chairman)
Councillor PD Price (Vice Chairman)

Councillors: CM Bartrum, H Bramer, PGH Cutter, AE Gray, JA Hyde, JG Jarvis, TMR McLean, RH Smith, DC Taylor and JB Williams

In attendance: Councillors TW Hunt

ELECTION OF CHAIR AND APPOINTMENT OF VICE-CHAIR

It was noted that Councillor G. Lucas had been elected Chairman and Councillor P.D. Price had been appointed Vice-Chairman for the ensuing year.

139. APOLOGIES FOR ABSENCE

Apologies were received from Councillor M.J. Fishley.

140. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
R.H. Smith	DCSE2007/1067/F – Jays Park, Linton, Ross-on-Wye, HR9 7UH. (Agenda item 12) Erection of agricultural storage buildings.	The member declared a personal interest and remained in the room for the item.
Officer	Item	Interest
K. O’Keefe (Legal Practice Manager)	DCSW2007/0614/F – Mossburn, New Mills, Clehonger, HR2 9TL. (Agenda item 10) Two storey and single storey. extensions.	The Officer declared a prejudicial interest and left the meeting for the duration of the item.

141. MINUTES

RESOLVED: That the Minutes of the meeting held on 18th April, 2007 be approved as a correct record and signed by the Chairman.

142. ITEM FOR INFORMATION - APPEALS

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

143. DCSE2007/0549/J - HUNSDEN MANOR, WESTON UNDER PENYARD, ROSS ON WYE. (AGENDA ITEM 5)

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.

In accordance with the criteria for public speaking, Ms. Backhouse spoke on behalf of Weston Under Penyard Parish Council.

Councillor H. Bramer, the local ward member, confirmed that the cedar tree was in a prominent position in the village. He noted the concerns raised by the local residents and the parish council and felt that the application should be limited to undertake necessary works to enable a 6 metre clearance over the A40 only.

The Southern Team Leader confirmed that if the application was refused the Highways Agency were permitted to undertake any necessary works in order to preserve highway safety.

Councillor H. Bramer felt that the application should be refused due to the impact on the visual amenity of the area.

RESOLVED

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

A) Impact on visual amenity

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

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

144. DCSE2007/0881/F - SPARROW'S CORNER, DANCING GREEN, BAILEY LANE END, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5TR. (AGENDA ITEM 6)

Kennel unit for hobby show dogs.

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

Councillor H. Bramer, the local ward member, felt that the conditions recommended

by officers addressed the concerns of the local residents. He therefore felt that application should be approved.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

2 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.

5 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

145. DCSW2007/0950/F - 2 ROSEBURY PLACE, EWYAS HAROLD, HEREFORD, HEREFORDSHIRE, HR2 0EW. (AGENDA ITEM 7)

New 3 bedroomed dwelling on infill, alteration to access drive.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

2 B01 (Samples of external materials)

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

3 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

146. DCSSW2007/1026/F - THE STILES, LONGTOWN, HEREFORD, HEREFORDSHIRE, HR2 0LD. (AGENDA ITEM 8)

Convert existing small animal and domestic pet accommodation into residential

accommodation for an elderly relative.

The Principal Planning Officer reported the following:

- A letter of support has been received from Mr. and Mrs. Sykes, the nearest neighbours to the application site.

Councillor J.B. Williams noted that the Parish Council had not objected to the application and felt that it should be approved.

Councillor H. Bramer felt that the outbuilding was large and asked for clarification of the policy regarding permitted development rights for pet accommodation.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

2 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

147. DCSW2006/3874/O - LONGTOWN VILLAGE HALL, LONGTOWN, HEREFORDSHIRE, HR2 0NZ (AGENDA ITEM 9)

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

In accordance with the criteria for public speaking Mr. Maslin, a neighbouring resident, spoke in objection to the application and Dr. Lavers, representing the village hall committee, spoke in support.

Councillor J.B. Williams, the local ward member, noted that the application would provide much needed affordable housing in the village of Longtown. He also noted that the conditions attached to the application required the new village hall to be built prior to the housing being commenced.

In response to a question from Councillor H. Bramer the Head of Development Control confirmed that the strategic housing team would define the criteria for the affordable housing.

RESOLVED

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

148. DCSW2007/0614/F - MOSSBURN, NEW MILLS, CLEHONGER, HEREFORD, HR2 9TL. (AGENDA ITEM 10)

Two storey and single storey extensions.

The Planning Officer reported the receipt of a further letter of objection from the residents of Keys Cottage.

In accordance with the criteria for public speaking Mrs. Maddy, a neighboring resident, spoke in objection to the application.

Councillor D.C. Taylor, the local ward member noted the concerns raised by the local residents. He felt that approving the application would result in the loss of an affordable dwelling and felt that there was already a lack of two bedroom properties in the area.

A number of members felt that the increase in size of the dwelling was unacceptable and that increasing the size of the existing dwelling would be detrimental to the provision of affordable housing in Clehonger.

In response to a number of points raised by members, the Development Control Manager confirmed that policy H18 of the UDP required the existing dwelling to remain the prominent feature and furthermore any extension should also be in keeping with the existing dwelling and its surroundings.

RESOLVED

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

A) Contrary to policy H18 of the Unitary Development Plan.

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

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

149. DCSE2007/0852/F - EVERSTONE FARM, PETERSTOW, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6LH (AGENDA ITEM 11)

Change of use of farm building to B1 use with treatment plant and ancillary works.

The Principal Planning Officer reported the following:

- A letter from the applicant's agent confirming that the applicant has a right of way to his building and is not required to contribute towards maintenance of the access road. A note defining class B1 is also included.
- A letter from the neighbouring residents withdrawing their objections to the application.

In accordance with the criteria for public speaking Mr. Howells spoke in objection to the application and Mr. Griffin, the applicant's agent, spoke in support.

Councillor J.A. Hyde, the local ward member, felt that the impact of B1 industrial use on the site would have an unacceptable impact on the amenity of local residents. She felt that the previous application for holiday accommodation, dismissed on appeal in 2006, would have been more acceptable to the neighbouring residents. She felt that the A49 was already extremely busy and an increase in traffic could have an impact on highway safety.

The Principal Planning Officer confirmed that as the current use of the site was agricultural a residential type usage would be seen as a last resort by the planning inspector. He confirmed that type B1 usage would be small industrial units and they would therefore not be operating large, noisy equipment.

Councillor J.A. Hyde felt that the application was contrary to policy HBA12 of the Unitary Development Plan and should therefore be refused contrary to the officers recommendation. She also felt that the mix of B1 and residential use was not acceptable and cited highway safety as a further ground for refusal.

Councillor J.B. Williams felt that a B1 usage would result in less noise and disturbance than the sites current agricultural usage.

A number of members felt that holiday accommodation would be more suitable on the site and felt that the B1 usage would have an unacceptable impact on the local residents and the local road network.

In response to a number of points raised by members the Development Control Manager confirmed that the traffic for B1 usage would be similar to a residential use. He confirmed that the Economic Development Team supported the application and that the Highways Agency had not objected. He also confirmed that the only objection from the Traffic Manager related to the number of parking spaces on the site.

RESOLVED

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

- A) Contrary to policy HBA12 of the Unitary Development Plan.**
- B) Unacceptable impact on the amenity of local residents.**
- C) Highway safety.**

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

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

150. DCSE2007/1067/F - JAYS PARK LINTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7UH. (AGENDA ITEM 12)

Erection of agricultural storage building.

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

Councillor H. Bramer, the local ward member, confirmed that there were a number of concerns in his ward in respect of the application. He also felt that the application should be deferred until a later date due to the outstanding enforcement issues on the site.

The Development Control Manager confirmed that the enforcement action did not need to be resolved before the current application could be determined. He felt that the two issues were not related and should be treated separately.

Councillor Bramer felt that he could not support the application due to the uncertain nature of the site. He noted that the applicant had not indicated the usage for the agricultural building and he was concerned that the final usage could result in an inappropriate usage of the land. He therefore felt that the application should be refused as it was contrary to policy E13 of the Unitary Development Plan and due to the impact on the landscape. He also noted that the functional usage of the building was still unclear.

In response to a number of questions raised by members, the Principal Planning Officer confirmed that the site was 8.4 hectares in size and that certain work on the site could be carried out under permitted development rights.

Members on balance were concerned that there was no clear indication of what the site was going to be used for after the agricultural building was constructed. A number of members commented that they had a duty to look towards the future use of the site and could therefore not support the application.

RESOLVED

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

- A) Contrary to policy E13 of the Unitary Development Plan.**
- B) Impact on the landscape**
- C) The functional usage of the building is unclear**

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

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

151. DCSE2007/0031/F - GREEN ORCHARD, RYEFIELD ROAD, ROSS-ON-WYE, HEREFORDSHIRE. (AGENDA ITEM 13)

Demolition of existing detached dwelling and erection of 9 no. residential dwelling apartments.

Councillor A.E. Gray, the local ward member, felt that Members would benefit from a site inspection.

RESOLVED:

That consideration of the application be deferred for a site inspection for the following reasons:

- **the setting and surroundings are fundamental to the determination or the conditions being considered.**

152. DCSE2007/0900/F & DCSE2007/0894/L - AWNELLS FARM, MUCH MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2NW. (AGENDA ITEM 14)

- 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.*
- Removal of internal partitions and ceilings; build internal and external staircases; floor repair. Changes to fenestration. Restore door opening to front elevation first floor.*

The Principal Planning Officer reported the following:

- The conservation manager has no further comments on the proposals.

Councillor T.M.R. McLean, the local ward member, confirmed that she had received no representations from the any of the local residents, she also noted that the parish council had not objected to the application. She felt that the conditions recommended by the case officer addressed any concerns raised.

A number of members welcomed the proposal and felt that it should be approved.

RESOLVED

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**

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

153. DCSE2007/0181/O - BP NORTHBOUND, ROSS SPUR, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7QQ. (AGENDA ITEM 15)

Erection of offices (B1) 1858 sq. metres (net lettable), 2137 sq. metres gross with 86 car parking spaces.

Councillor T.M.R. McLean, the local ward member, noted the concerns of the Parish Council and the local residents and felt that Members would benefit from a site inspection.

Councillor P.G.H. Cutter wished to address the sub-committee in respect of the application but was advised by the Legal Practice Manager that any such debate should take place when the item was determined by the sub-committee following the site inspection. Councillor Cutter felt that this was not acceptable and asked for clarification on the point, in writing, from the Head of Legal Services.

RESOLVED:

That consideration of the application be deferred for a site inspection for the following reasons:

- **the setting and surroundings are fundamental to the determination or the conditions being considered.**

154. DCSE2007/0534/O - BP NORTHBOUND, ROSS SPUR, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7QQ. (AGENDA ITEM 16)

Storage unit Use Class B8, area 1,408 sq. metres.

RESOLVED:

Councillor T.M.R. McLean, the local ward member, noted the concerns of the Parish Council and the local residents and felt that Members would benefit from a site inspection.

That consideration of the application be deferred for a site inspection for the following reasons:

- **the setting and surroundings are fundamental to the determination or the conditions being considered.**

155. DCSE2007/0730/F - SUNVIEW, REDHILL ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5AU. (AGENDA ITEM 17)

Single storey extension and general alterations to existing bungalow.

Councillor C.M. Bartrum, one of the local ward members, felt that the application complied with the Unitary Development Plan and that the impact on neighbouring properties would be minimal.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

2 B02 (Matching external materials (extension))

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

Informative(s):

1 N19 - Avoidance of doubt

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

**156. DCSE2007/0995/F - LONG ORCHARD, THE LEA, ROSS-ON-WYE, HR9 7JY.
(AGENDA ITEM 18)**

Proposed 4 no. four bedroom detached dwellings.

Councillor H. Bramer, the local ward member, confirmed that the application was of great concerns to the residents of Weston under Penyard. He confirmed that the entrance to the site was between two entrances to the Primary School and opposite a GATSO speed camera. He felt that the entrance to the site was in an extremely dangerous location and felt that the application should be refused on grounds of highway safety.

The Senior Planning Officer confirmed that this was the third application on this site, the first two had been refused due to highway safety concerns. He noted that the applicant had met with the Highways Agency and resolved their objections by using a larger visibility splay in the current application.

RESOLVED

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

A) Highway safety

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

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

157. DCSE2007/0781/F - GREENACRES CARAVAN AND CAMPING, LEA, NR. ROSS-ON-WYE, HEREFORDSHIRE, HR9 7JZ. (AGENDA ITEM 19)

To allow up to 8 touring caravans to be stored out of season.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

2 A09 (Amended plans)

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

3 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

158. DCSE2006/1495/F, DCSE2007/0704/F & DCSE2007/0705/F - THE SINGING STUD YARD, (LAND ADJ. BODENHAM FARM), MUCH MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2NJ. (AGENDA ITEM 20)

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.

In accordance with the criteria for public speaking Mr. Morgan, Mr. Arscott, and Ms. Mitchell had registered to speak in respect of this item but deferred their right to speak until after the site inspection had taken place.

RESOLVED:

That consideration of the application be deferred for a site inspection for the following reasons:

- the setting and surroundings are fundamental to the determination or the conditions being considered.
- a judgement is required on visual impact
- the setting and surroundings are fundamental to the determination or to the conditions being considered

159. DCSE2005/3806/O - SITE NR. BODENHAM FARM, MUCH MARCLE. SO653321. (AGENDA ITEM 21)

Dwelling for stud farm worker at Equine Centre.

RESOLVED:

That consideration of the application be deferred for a site inspection for the following reasons:

- the setting and surroundings are fundamental to the determination or the conditions being considered.
- a judgement is required on visual impact
- the setting and surroundings are fundamental to the determination or to the conditions being considered

160. DCSE2007/1006/F - MAJARO BARN, ASTON INGHAM, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7LS. (AGENDA ITEM 22)

Proposed storage shed adjacent Cider Press.

Councillor H. Bramer, the local ward member, noted the concerns of the parish council but felt that the application should be approved.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

2 B01 (Samples of external materials)

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

3 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

161. **DCSE2007/1018/F - WYE LEA COUNTRY MANOR, BRIDSTOW, ROSS-ON-WYE, HEREFORDSHIRE, (AGENDA ITEM 23)**

Conversion of leisure buildings to a retirement dwelling with garaging and annex and with new accesses to the highway.

Councillor J.A. Hyde, the local ward member, felt that the application should be approved contrary to the officer's recommendation. She felt that there would have been higher levels of traffic on the site when it was operating as a leisure complex. She also felt that the site could not be referred to as an isolated location as it was in the centre of a retirement complex surrounded by residential dwellings.

Councillor P.G.H. Cutter supported the views of the local ward member and felt that the site was no longer commercially viable and therefore a residential unit would be in keeping with the area.

Councillor R.H. Smith felt that a condition should be added to any planning permission in order to protect the trees on the application site.

RESOLVED

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

a) no conditions recommended by members

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

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

The meeting ended at 12.45 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCSE2007/0299/O**

- The appeal was received on 16th May 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 Mr & Mrs Hobbs
- The site is located at Land at Old Gloucester Road [Rainbow International], Ross-on-Wye, Herefordshire, HR9 5JG
- The development proposed is Outline planning for the erection of eight flats in two, two-storey buildings with ancillary works.
- The appeal is to be heard by Written Representations

Case Officer: Steven Holder on 01432 260479

Application No. DCSE2007/0311/F

- The appeal was received on 18th May 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 Mr C Winney
- The site is located at Land adjoining 1 Doward Place, Goodrich, Ross-on-Wye, Herefordshire, HR9 6HY
- The development proposed is Amended siting of dwelling permitted on application number DCSE2004/3644/F dated 17/04/05. Variation of Condition No. 2
- The appeal is to be heard by Written Representations

Case Officer: Steven Holder on 01432 260479

Application No. DCSE2006/3070/F

- The appeal was received on 23rd May 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 Wilton Hall Property Ltd.
- The site is located at Wilton Hall, Wilton Lane, Wilton, Ross-On-Wye, Herefordshire, HR9 6AH
- The development proposed is Replacement conservatory/living room.
- The appeal is to be heard by Hearing

Case Officer: Duncan Thomas on 01432 261974

Application No. DCSE2006/3071/L

- The appeal was received on 23rd May 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 Wilton Hall Property Ltd.

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

- The site is located at Wilton Hall, Wilton Lane, Wilton, Ross-On-Wye, Herefordshire, HR9 6AH
- The development proposed is Replacement conservatory/living room.
- The appeal is to be heard by Hearing

Case Officer: Duncan Thomas on 01432 261974

APPEALS DETERMINED

Enforcement Notice EN2006/0042/ZZ

- The appeal was received on 5th October 2006
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr J Edwards
- The site is located at Jays Park, Two Parks Farm, Linton, Ross-On-Wye, Herefordshire, HR9 7UH
- The breach of planning control alleged in this notice is:
Without planning permission, the unauthorised change of use of the land for the siting of caravans and residential use thereof.
- The requirements of the notice are:
 - (i) *Cease the residential use of the land.*
 - (ii) *Remove the Caravans from the land and all associated works and equipment from the land.*
 - (iii) *Remove all materials that arise from the removal of the caravan and all associated works and equipment from the land.*
 - (iv) *Restore the land to its condition before the breach took place by reseeding the grass and other such work as is necessary to return its agricultural land quality to at least that which it formally was.*
-
- The main issue is the effect of the proposal on the character and appearance of the area.

Decision: The appeal was DISMISSED on 10th May 2007

Case Officer: Steven Holder on 01432 260479

Enforcement Notice EN2006/0043/ZZ

- The appeal was received on 29th December 2006
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr J Edwards
- The site is located at Jays Park, Two Parks Farm, Linton, Ross-On-Wye, Herefordshire
- The breach of planning control alleged in this notice is:
Without planning permission, the construction of unauthorised walls, gate-piers, fencing and gates on the land.
- The requirements of the notice are:
 - (i) *Demolish and remove the walls, gate-piers, fencing and gates.*

- (ii) *Remove all materials that arise from the removal of the walls, gate-piers, fencing and gates.*
 - (iii) *Restore the land to its condition before the breach took place by planting a hedgerow in place of the wall. The hedgerow should consist of 40% Crataegus Monogyna (Hawthorn), 30% Corylus Avellana (Hazel), 10% Ilex Aquifolium (Holly). The hedging plants are to be 60-80cm in height and are to be planted in a staggered row, 450mm apart, allowing 7 plants per linear metre.*
 - (iv) *A 400mm high plastic spital rabbit guard should be erected to protect the plants. These guards should be supported by a 750mm stake or cane.*
 - (v) *The hedgerow should be maintained for a period of five years following planting, ensuring adequate watering and fertilising. Any dead, diseased or damaged plants are to be replaced annually.*
- The main issue is the effect of the proposal on the character and appearance of the area.

Decision: The appeal was DISMISSED on 10th May 2007

Case Officer: Steven Holder on 01432 260479

Application No. DCSE2006/2644/F

- The appeal was received on 21st 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 L Edwards
- The site is located at Two Parks Farm, Upton Bishop, Ross-on-Wye, Herefordshire, HR9 7UH
- The application, dated 10th August 2006, was refused on 20th September 2006
- The development proposed was Continued use of land for the stationing of 2No mobile homes for a three-year period.
- The main issues are the effect of the proposal on the character and appearance of the area, and the character and setting of buildings listed as being of architectural and/or historic interest (listed building).

Decision: The appeal was UPHELD on 22nd May 2007

Case Officer: Yvonne Coleman on 01432 383083

Application No. DCSE2006/2329/F

- The appeal was received on 15th February 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 The Haigh Engineering Co. Ltd.
- The site is located at Haigh Engineering Co Ltd, Alton Road, Ross-On-Wye, Herefordshire, HR9 5NG
- The application, dated 6th July 2006, was refused on 27th September 2006
- The development proposed was Erection of 3 storey office block, amended car parking and landscaping.
- The main issue is design and and character appropriate to the locality

Decision: The appeal was ALLOWED on 22ND May 2007

Case Officer: Steven Holder on 01432 260479

Application No. DCSW2006/1298/F

- The appeal was received on 5th December 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 National Grid
- The site is located at Land adjacent to Peterstow Compressor Station, Treadow off the A4137 Hentland, Herefordshire, Grid. Ref. SO: 545/240
- The application, dated 4th May 2006, was refused on 25th August 2006
- The development proposed was New natural gas pressure reduction installation and associated works. (Tie-in to existing Peterstow compressor station and No. 2 feeder outside the compressor station and extension to existing site access road).
- The main issue is the impact of the proposed development on the landscape quality of the area.

Decision: The appeal was WITHDRAWN on 23rd May 2007

Case Officer: Mike Willmont on 01432 260612

Hedgerow Removal Notice DCSW2006/3146/H

- Herefordshire Council served a Hedgerow Retention Notice, in respect of the above Hedgerow Removal Notice on 9th November 2006
- The appeal against the Hedgerow Retention Notice was received on 20th December 2006
- The appeal was made under The Environment Act 1995, Section 97 and The Hedgerow Regulations 1997, Regulation 9 against a Hedgerow Retention Notice
- The appeal was brought by Mr J.F. and H.C. Benjamin
- The site is located at Old Garden, Garway Hill, Herefordshire
- The main issue is whether the hedgerow should be regarded as important and if so, whether there is sufficient reason to justify its removal.

Decision: The appeal was dismissed on 8th May 2007

Case Officer: Bridgit Symons on 01432 383507

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

5 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: Councillors A.E. Gray and P.G.H. Cutter

This application was reported to the Sub-Committee on 29th May, 2007 and determination was deferred so that Members could visit the site. The site was visited on 7th June, 2007.

1. Site Description and Proposal

- 1.1 The application site which comprises a modern detached house and gardens of about 1310m² (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 | 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

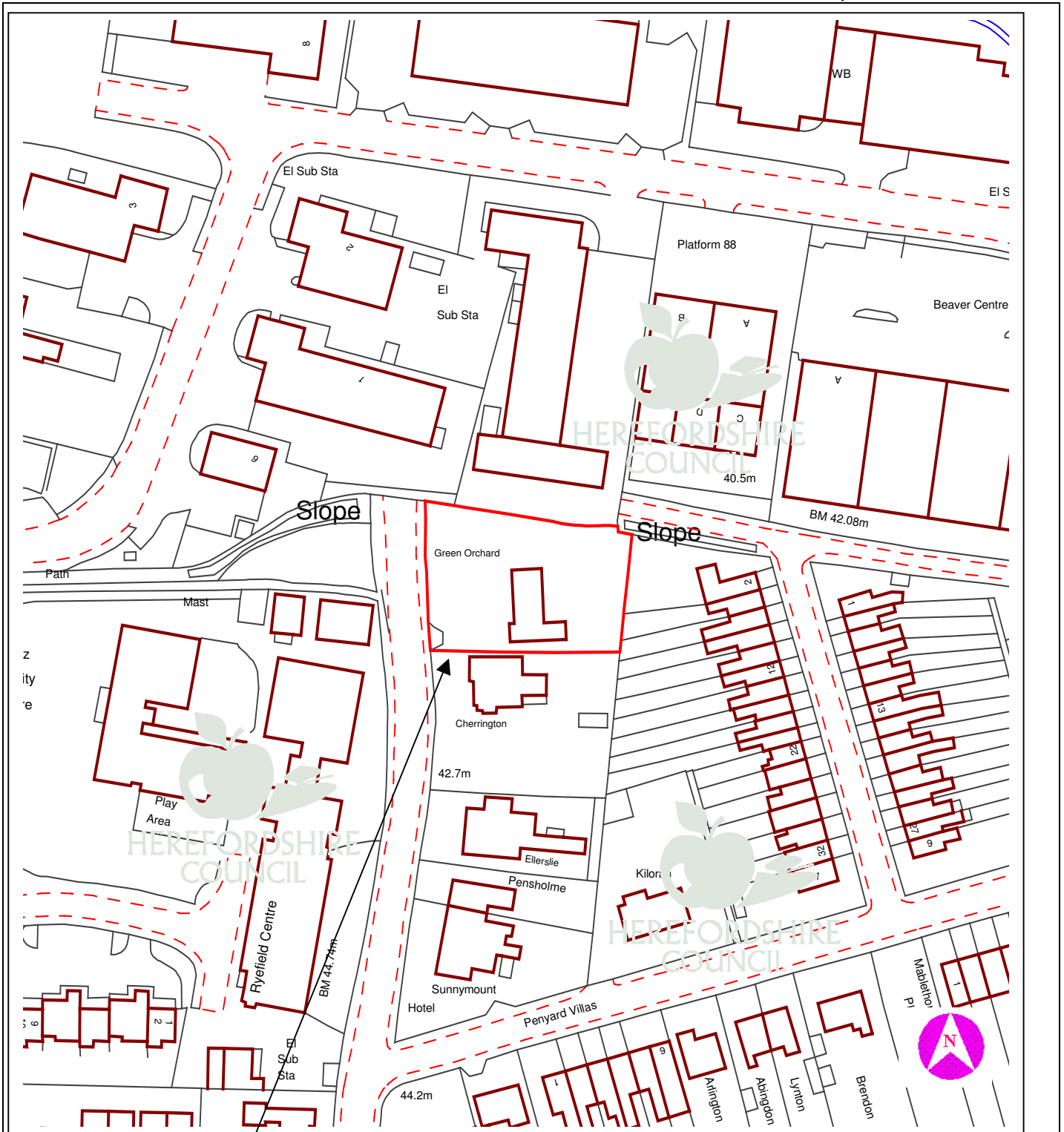
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2007/0031/F

SCALE : 1 : 1250

SITE ADDRESS : Green Orchard, Ryefield Road, Ross-on-Wye, Herefordshire, HR9 5LS

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6 DCSE2007/0534/O - STORAGE UNIT USE CLASS B8, AREA 1,408 SQ.M. AT BP NORTHBOUND, ROSS SPUR, ROSS-ON-WYE, HEREFORDSHIRE.

For: RL (UK) Ltd per Blencowe Associates, Old Parish Barn, Sandford St. Martin, Oxfordshire, OX7 7AG.

**Date Received: 20th February, 2007 Ward: Ross-on-Wye East Grid Ref: 60945, 25742
Expiry Date: 17th April, 2007**

Local Members: Councillors T.M.R. McLean, A.E. Gray, and P.G.H. Cutter

The Sub-Committee decided not to determine this application on 29th May, 2007 in order to visit the site. The site visit took place on 7th June, 2007

1. Site Description and Proposal

- 1.1 The application site of about ¼ ha. is situated immediately to the north of Ross Labels car park (formerly a petrol filling station) and to the east of Ross Labels store. The northern boundary is a small stream along which there is a line of trees. The site is at a similar level to the Ross Labels store, significantly lower than the made up ground that is now the car park. To the east and north of the site is farmland and undeveloped land.
- 1.2 The proposal, which has been amended since its original submission, is for a simple rectangular building (about 49 m x 33 m), with eaves about 6 m above ground level and a shallow, hipped roof about 7.6 m high at the ridge. The building would be primarily of brick construction with the upper part and roof profiled steel cladding. The colour scheme would match Ross Labels (black or near black with a mid-grey roof). The building would be used for storage Class B8 purposes (wholesale warehousing and storage). Access would be both via the car park access off the A449(T) trunk road and the service road to the north of Ross Labels store which leads off Netherton Road. Parking would be provided for 6 cars with 2 lorry loading bays. (This amends the original submission following representations from the Traffic Manager).
- 1.3 This is a new proposal following refusal of permission (SE2006/3633/F) for 3 retail warehouses, plus a restaurant on this site and the car park to the north. The latter scheme also included an office block to the east but this was withdrawn from that application (SE2007/0181/F) which is also being reported to this Committee meeting. The layout of the office block sharing car parking, access and circulation is included on the layout plan for the storage unit illustrating the relationship between these two proposals.

2. Policies

2.1 Planning Policy Statements

PPS7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007

Policy S1	-	Sustainable Development
Policy S4	-	Employment
Policy E3	-	Confirmed Local Plan Employment Land Allocations
Policy E8	-	Design Standards for Employment Sites
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 PC 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.

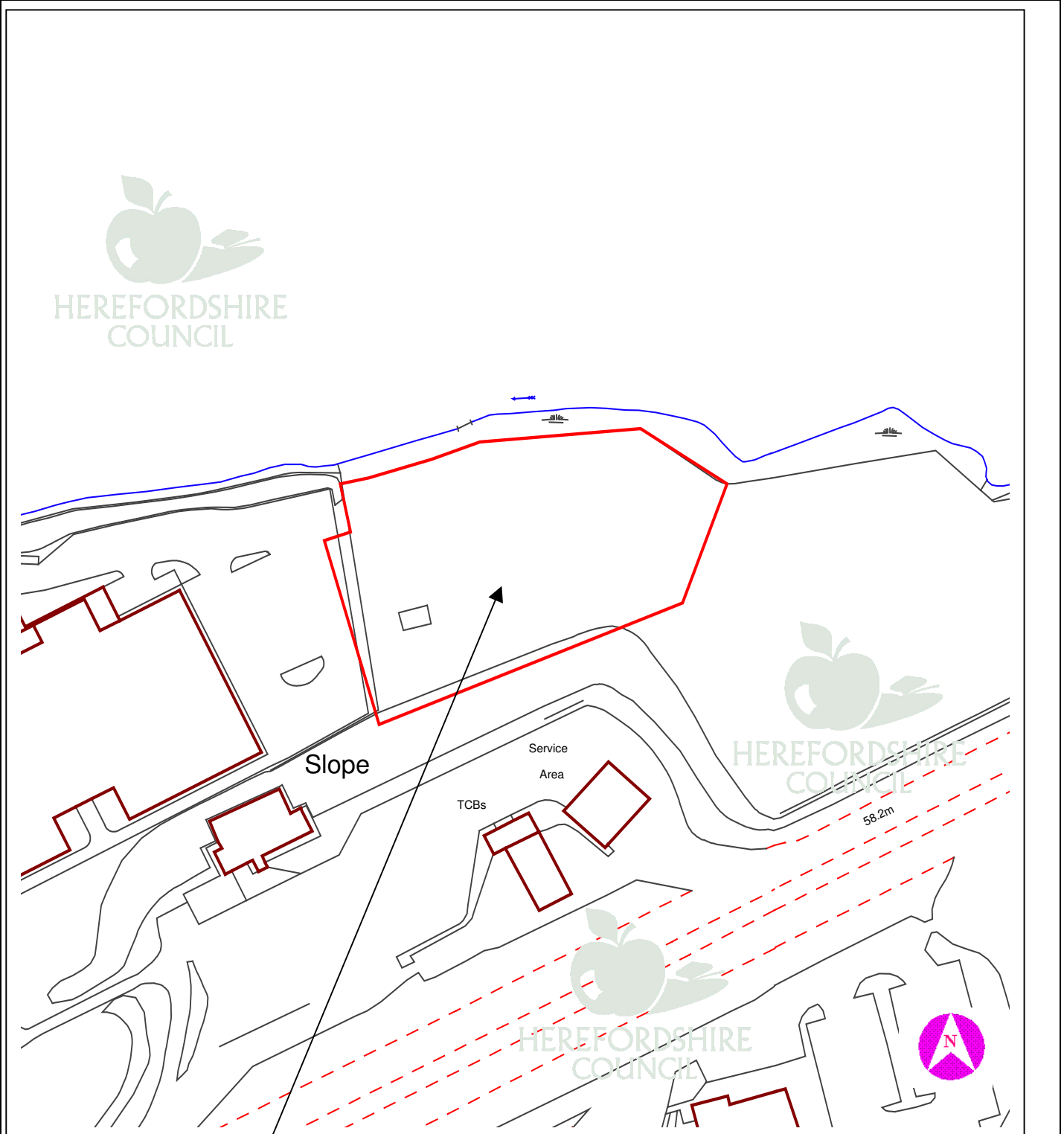
Decision:

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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7 DCSE2007/0181/O - ERECTION OF OFFICES (B1) 1858 SQ METRES (NET LETTABLE), 2137 SQ METRES GROSS WITH 86 CAR PARKING SPACES AT BP NORTHBOUND, ROSS SPUR, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7QQ.

For: RL (UK) Ltd, per Blencowe Associates, Old Parish Barn, Sandford St. Martin, Oxfordshire, OX7 7AG.

Date Received: 22nd January, 2007 Wards: Ross-on-Wye East Grid Ref: 61062, 25736

Expiry Date: 23rd April, 2007

Old Gore

Local Members: Councillors T.M.R. McLean, A.E. Gray, and P.G.H. Cutter

The Sub-Committee decided not to determine this application on 29th May, 2007 in order to visit the site. The site visit took place on 7th June, 2007.

1. Site Description and Proposal

- 1.1 The site to which this application relates is to the east of Ross Labels car park (the former BP petrol filling station) and is bounded to the north by a tree-lined stream and to the south by the A449(T) dual carriageway. It is roughly triangular in shape, widest at the western end and tapering to the east.
- 1.2 It is proposed to erect a 2-storey 'L' shaped office block. Details of the building are reserved for later approval but a sketch scheme shows a flat roofed building with a strong horizontal emphasis. This contrasts with the original submission which was partly 3-storied with hipped roofs. As submitted the floor plans show two rectangular buildings linked by the central core building with entrance, staircase, lifts and services. In relation to the dual carriageway, the 'L' would be upside down, presenting the narrowest elevation (about 16m wide). The office block would extend about 51m to the north, with the return elevation a total of about 31m long. The external materials are to be agreed later.
- 1.3 In total this would provide 1858 net office space. 86 car parking spaces would be provided to the east of the office building, a reduction of 20 in response to concerns expressed from the Traffic Manager. Access (ingress) would be off the A449(T) but all vehicles leaving the site would travel via the service road to the north of Ross Labels, Netherton Road and the A40/A449 roundabout. The extreme eastern tip of the site would be extensively planted with trees, the existing trees and hedgerow along the stream would be planted more densely and new planting areas would be provided within the car parking area and the roadside planting retained.
- 1.4 This proposed development is a revised scheme from that submitted as part of application DCSE2006/3633/F. The office block was withdrawn from that proposal however before being reported to Committee and was not therefore part of the refused scheme. An alternative proposal to the retail warehouses (a B8 storage unit DCSE2007/0534/F) is the subject of a separate report to the Committee but is not shown on the layout plan and no reference is made to a linkage between the schemes.

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.

4.5 Head of Economic and Community Services in principle supports this application based upon a number of economic benefits:

1. B1 use has the potential to attract more and higher paid jobs than B2 or B8 use.
2. Herefordshire Council's Economic Development Strategy (EDS) states that a key objective is to 'increase the business birth rate in the county'. Clearly this development with an 'easy-in/easy-out' ethos could contribute to this aim.
3. The EDS also highlights the need for the provision of 'flexible business accommodation and other support services in peripheral locations'.

4. The potential for 120-140 jobs would provide a vital fillip to the fragile Ross economy with a 'trickle down' to benefit local retail and other services.
5. There may be an opportunity cost if the company relocates out with the county with consequent job losses.

The business demonstrates a high degree of fit with local and regional and national aims and policies.

5. Representations

5.1 The applicants' 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.

The applicant's agents have also written raising concerns as to whether the Condition directed by the Highways Agency complies with the tests in Circular 11/95, being insufficiently precise and unduly onerous.

- 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.' Further letter received 14th May 2007 – 'no further comments'.
- 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.
- 5.5 The prospective developer of the serviced office accommodation have written in support of the application:
 - (1) My firm has successfully developed serviced office accommodation at Monmouth and at Chepstow. It is looking for suitable locations in Ross, Worcester and in similar sized towns further up the M5 corridor.
 - (2) We have found that they accommodate a broad range of companies, particularly to start up businesses.
 - (3) I am convinced that serviced offices in these towns encourage economic development by the innovative and forward looking businesses which will form the mainstay of the local economy in years to come.
 - (4) Despite the exasperating delays and problems with getting planning, I have stuck with the project because the site is suitable and there are no other suitable sites available in Ross.

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. This condition has been amended by the Agency to ensure compliance with the tests set out in Circular 11/95. 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, and the steps that would be taken 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

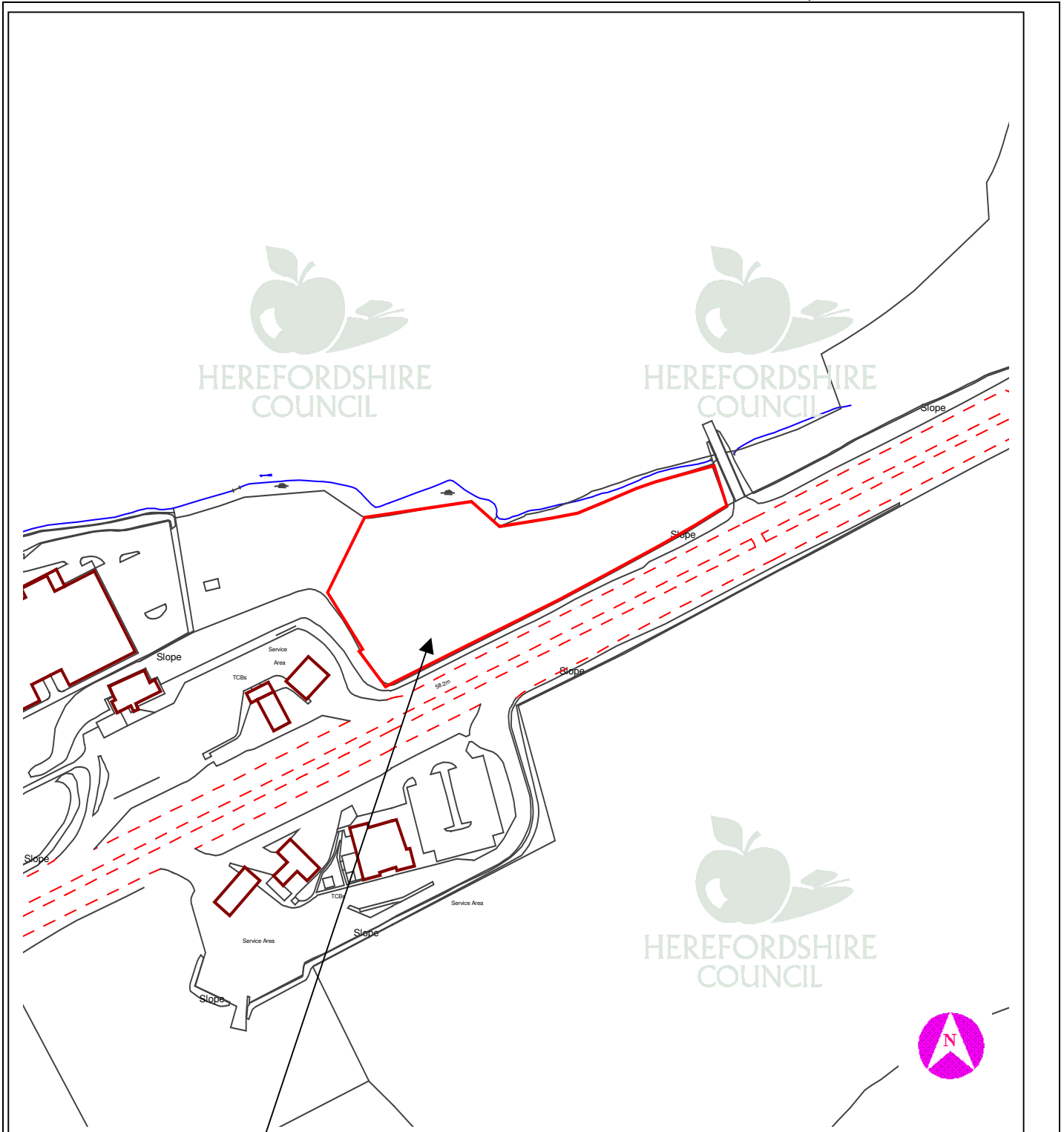
Decision:

Notes:

.....

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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8A DCSE2006/1495/F - RETENTION OF FOALING BOXES AND ONE 'INFIL' STABLE (RETROSPECTIVE APPLICATION)

8B DCSE2007/0704/F - RETROSPECTIVE APPLICATION FOR BLOCK WORK SKIN TO EXISTING STABLES.

8C 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 T.M.R. McLean

The Sub-Committee, on 29th May, 2007, decided to defer determination of these applications until the site had been visited. This took place on 7th June, 2006.

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

2.2 Much Marcle Parish Design Statement

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 SummaryStatutory Consultations

4.1 Garden History Society does not wish to comment on these applications.

Internal Council Advice

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.

In response to the traffic survey carried out by local residents the following comments have been made:

"I note that the site has developed piecemeal over time, giving rise to a concomitant increase in traffic generation. Indeed, a traffic count undertaken by local residents would suggest that in the space of one year traffic generation has risen by some four trips per day. The current proposals are retrospective in nature and would be likely to have contributed to this increase. In considering this application it is necessary to establish whether this level of uplift is material and, if so, what potential means of mitigation may exist to overcome this issue.

The uplift in the volume of traffic generated by the site cannot be considered to be material at only four additional trips per day. However, previous highways comments have identified the potential for conflicts on Lyne Down, which is single track. The verge is raised which would render passing difficult, and few passing places exist. I would consider that an uplift in trips from the site, some of which will inevitably involve horse boxes, cars with horse box trailers, etc, would be likely to exacerbate problems

and conflicts on Lyne Down in its current form. I therefore recommend that the introduction of an appropriate number of passing places is considered between the site access and the commencement of residential frontages south of the site. These should be of a sufficient number to ensure intervisibility.”

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.

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 structures (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. The Traffic Manager's analysis is that although they have contributed to the rise in traffic the increase is not material and could be mitigated by provision of passing places. The latter, within the highway verge, could be required by planning condition.
- 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 conditions:

1 B09 (Colour of cladding (stables))

Reason: To protect the visual amenities of the area.

2 Within 2 months of the date of this decision details of passing places to be formed along the unclassified road 70006 between Bodenham Farm and Lyne Down shall be submitted for approval in writing by the local planning authority. The approved details shall be carried out within 4 months of the date of this decision.

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

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 conditions:

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

Reason: To minimise the visual impact of the development.

2 Within 2 months of the date of this decision details of passing places to be formed along the unclassified road 70006 between Bodenham Farm and Lyne Down shall be submitted for approval in writing by the local planning authority. The approved details shall be carried out within 4 months of the date of this decision.

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

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 conditions:

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

Reason: To minimise the visual impact of the development.

- 2 Within 2 months of the date of this decision details of passing places to be formed along the unclassified road 70006 between Bodenham Farm and Lyne Down shall be submitted for approval in writing by the local planning authority. The approved details shall be carried out within 4 months of the date of this decision.**

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

INFORMATIVES:

1 N19 - Avoidance of doubt

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

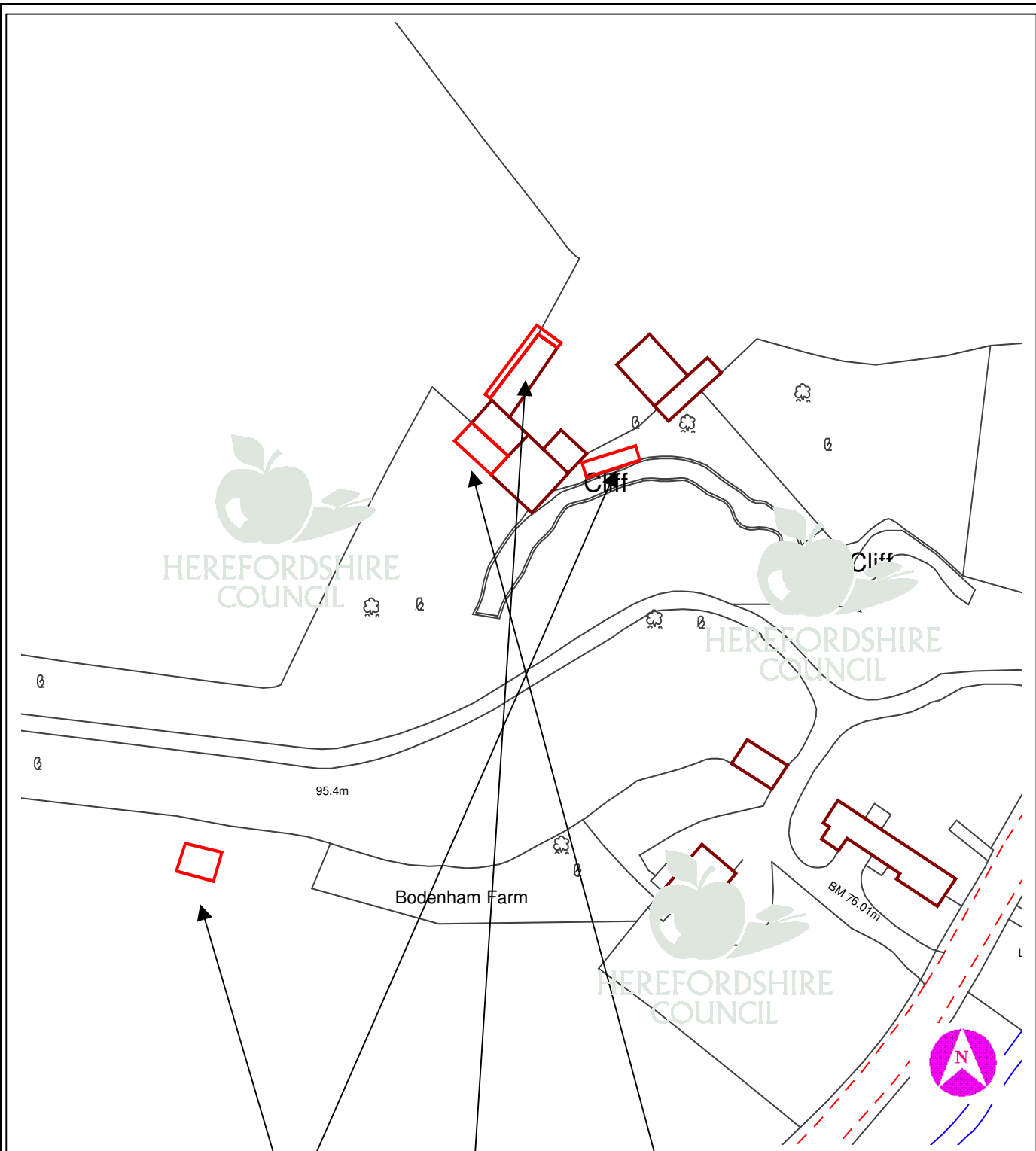
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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

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

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9 DCSE2005/3806/O - DWELLING FOR STUD FARM WORKER AT EQUINE CENTRE, SITE NR. BODENHAM FARM, MUCH MARCLE, SO653321.

For: The Singing Stud Ltd. per Mr. C. Goldsworthy, 85 St Owens Street, Hereford, HR1 2JW

Date Received: 24th November, 2005 Ward: Old Gore Grid Ref: 65218, 32040
 Expiry Date: 19th January, 2006

Local Member: Councillor T.M.R. McLean

This application was reported to the Sub-Committee on 29th May, 2007 and determination was deferred so that Members could visit the site. The site was visited on 7th June, 2007.

1. Site Description and Proposal

1.1 The Singing Stud occupies about 8ha. of land between the A449 and unclassified road between Lyne Down and Old Pike to the north of Bodenham Farm. The rear drive to the latter also provides access to the stud farm. There are two groups of stables to the north and south of the drive. An outline application (DCSE2005/3806/O) for a stud farm worker's dwelling has been submitted. This would be erected on part of the field (about 0.1ha.) adjoining the northern stables, abutting the northern boundary with Bodenham Farm and about 100m from the A449. Bodenham Farm is sited in a semi-natural 'amphitheatre' with the land rising steeply to north, west and south of the farm complex. The dwelling would be sited on this higher land. There is an incomplete line of trees along the boundary. To the north of the application site is open farmland. No details of the dwelling have been submitted, with all matters, except means of access, reserved for subsequent decision. Access would be via the private drive which provides access to the stud farm off the unclassified road.

2. Policies

2.1 Planning Policy Statement

PPS.7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007

Policy H.7 - Housing in the Countryside Outside Settlements
 Policy H.8 - Agricultural and Forestry Dwellings and Dwellings
 Associated with Rural Businesses
 Policy LA.2 - Landscape Character and Areas Least Resilient
 to Change
 Policy LA.4 - Protection of Historic Parks and Gardens
 Policy LA.5 - Protection of Trees, Woodlands and Hedgerows

2.3 Much Marcle Parish Design Statement

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	-	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 SummaryStatutory 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, and bed and breakfast accommodation is available locally for occasional overnight stay
- a number of properties have been on the market both stud farms and dwellings with stabling and grounds – if this business is serious then a suitable property for all the needs of the business would be purchased
- 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**

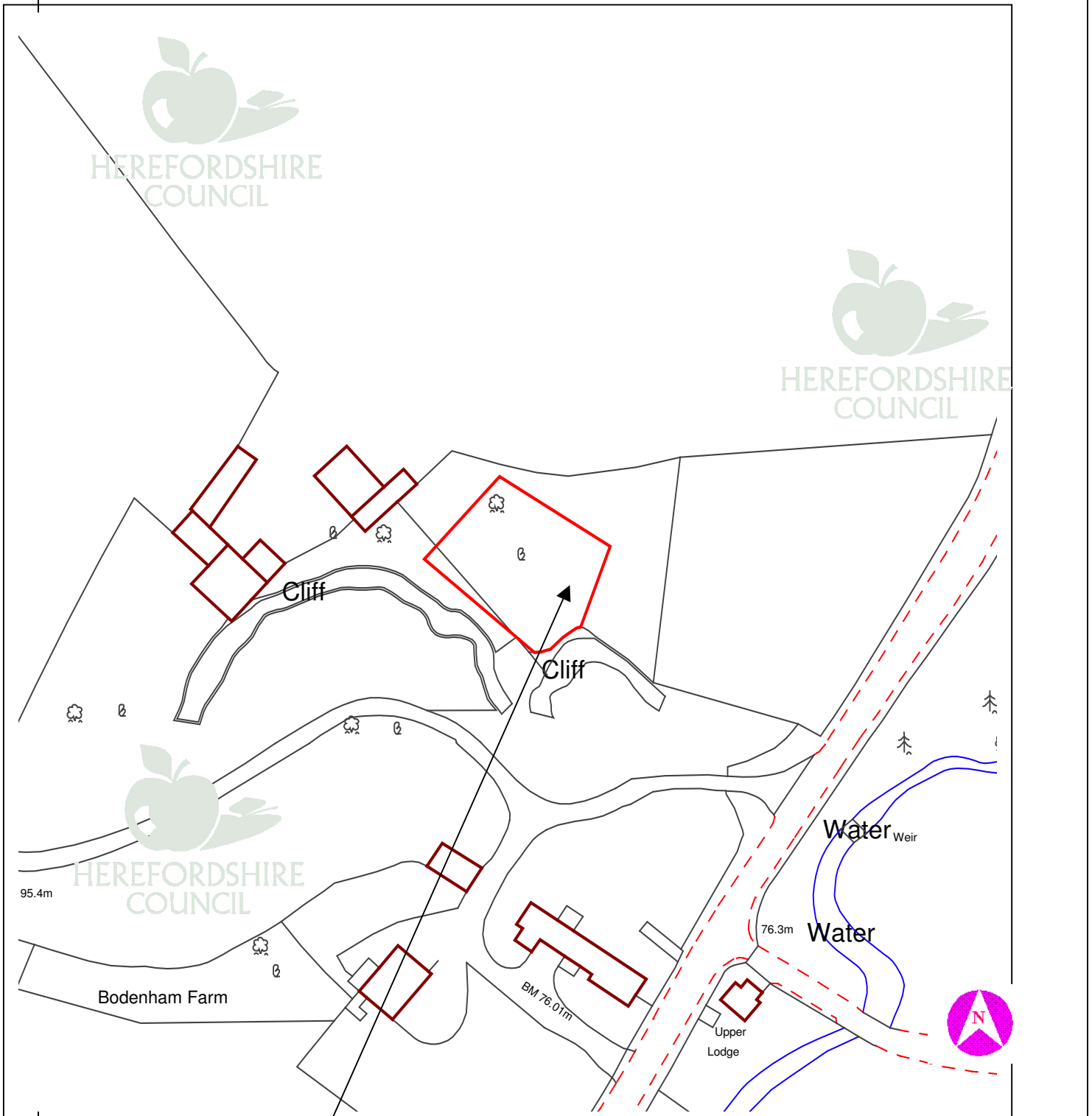
Decision:

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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10 DCSW2007/1441/F - TWO STOREY, SINGLE STOREY EXTENSIONS, OPEN PORCH AND A BAY WINDOW, ALSO DEMOLISH CONSERVATORY, LITTLE GROVE, WORMBRIDGE, HEREFORDSHIRE, HR2 9DU.

**For: Dr. J.N. & Mrs. Rimmington per Mr. R. Pritchard,
The Mill, Kenchester, Hereford, HR4 7QJ.**

Date Received: 14th May, 2007

Ward: Valletts

Grid Ref: 42466, 30282

Expiry Date: 9th July, 2007

Local Member: Councillor M.J. Fishley

1. Site Description and Proposal

- 1.1 The site lies within open countryside as defined by the Herefordshire Unitary Development Plan. It is a large three bedroom detached dwelling being rendered with an addition of a flat roof conservatory to the south elevation. The gable section of the dwelling abuts the Class III 74006 at right angles, being visually prominent in its location. A low stone wall is constructed to the roadside which also provides access to a drive and parking area and detached single garage to the east. The rear garden to the south provides high tree line boundary to open fields beyond. Boundary fencing is provided to the west dividing the neighbouring property known as The Grove. To the east lies Howton View, which is set back from the roadside and partially screened from view by the garage and mix of hedgerow and trees.
- 1.2 The proposal is to remove the existing flat roof conservatory to the south elevation and construct a two-storey extension forming dining room which has a square bay window and further bedroom at first floor. This extension would link into a single storey lean-to extension forming new kitchen. The existing kitchen will be altered to form utility room, removing double window and forming a small window and external door opening to the west elevation. A small lean-to open porch is also formed over the front door on the north elevation. The extension would be constructed of materials to match being of render, concrete tiles and upvc windows.
- 1.3 The submitted plan delineated the extension to the east without providing a visual break as well as continuing the new roof at the same ridge height. Through negotiations an amended plan was submitted on the 23rd May 2007, which set the extension back from the east elevation by 200mm and reduced the ridge height by 100mm.

2. Policies

2.1 Planning Policy Statements

PPS.7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007

Policy S.1 - Sustainable Development

Policy DR.1	-	Design
Policy H.7	-	Development within Open Countryside
Policy H.18	-	Extensions and Alterations to Dwellings

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 has no objection to the application.

5. Representations

5.1 Kenderchurch Parish Council observations are awaited.

6. Officer's Appraisal

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

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 extends the dwelling to the rear south elevation by 3m in width and 10.4m in length, replacing the flat roof conservatory, which is of no architectural merit. At first floor the increase relates to a further bedroom measuring 3m x 5m with alterations to reposition bathroom and form new landing area. The amended plan sets back the extension and reduces the ridge height in order to remain visually subservient. The size and scale of the extension follows the character of the existing dwelling and is considered acceptable so as not to adversely affect its appearance nor would it be intrusive within its surroundings.

6.4 Neighbouring property to the west, known as The Grove, is a detached bungalow, which comprises of a single storey building to the site boundary. The property to the east Howton Grove is some 27m in distance and is partially screened from view due to the mix of trees and garaging. The east and south aspects of the proposal introduces windows at first floor comprising the bedroom. The insertion of these windows at first floor are acceptable and would not cause direct overlooking in terms of loss of privacy upon the neighbouring properties.

6.5 The proposal satisfies the relevant planning policies S1, DR1, H7 and H18 of the Herefordshire 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. **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**

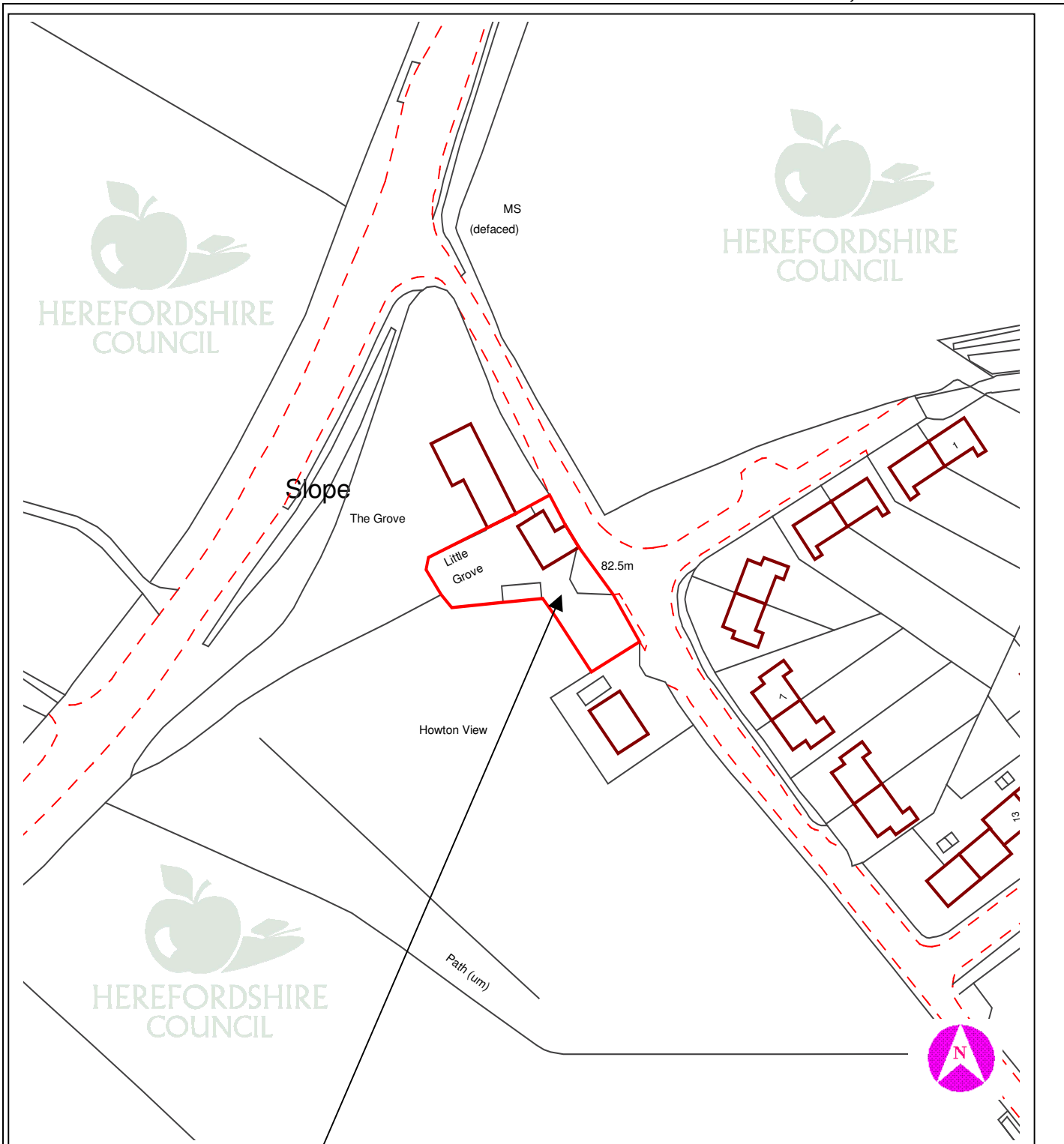
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2007/1441/F

SCALE : 1 : 1250

SITE ADDRESS : Little Grove, Wormbridge, Hereford, Herefordshire, HR2 9DU

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11 DCSE2007/1240/F - RETENTION OF TWO EXISTING FARM BUILDINGS & USE FOR AGRICULTURAL & ARGICULTURAL CONTRACTING USE AT LOWER HOUSE FARM, YATTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7RB.

For: K.W. Ruck & Son per Mrs. E. Mitchell, Wall, James & Davies, 15-23 Hagley Road, Stourbridge, West Midlands, DY8 1QW.

Date Received: 25th April, 2007 Ward: Old Gore

Grid Ref: 64073, 30684

Expiry Date: 20th June, 2007

Local Member: Councillor T.M.R. McLean

1. Site Description and Proposal

- 1.1 Lower House Farm is located on an unclassified road 0.5 km to the north west of the A449 at Yatton. The farm consists of a farmhouse, adjoining cottage and a yard with traditional and modern farm buildings. The applicant owns 15ha of adjoining land and rents a further 44ha in the locality. In addition to farming activities, an agricultural contracting business has operated from the site for over 30 years. The business supports the applicant and his two sons.
- 1.2 This application has been submitted following an enforcement investigation. The complaint related to the construction and use of two buildings submitted under the agricultural determination procedures where the applicant was notified that prior approval was not required on 23rd January 2004 (SE03/3893/S) and 17th May 2006 (SE06/1221/S). The complaint also alleged that the site is used for commercial purposes including agricultural and non-agricultural contracting together with commercial tyre retailing.
- 1.3 The two buildings concerned are 23m x 9.1m and 18.5 x 18.5m in size. They form part of the group of buildings in the farm yard and are clad in olive green sheeting with light grey roofs. The smaller building is open fronted and is mainly used for storing hay, machinery and lambing. The larger building is used for storing and working on plant and machinery used on the farm and in the contracting side of the business.
- 1.4 Officers investigated the activities taking place at Lower House Farm and the use of the two buildings. It was apparent that, in legal terms, a 'mixed use' was taking place on the farm consisting of agriculture, agricultural contracting and tyre retailing. Non-agricultural contracting is restricted to verge cutting and snow ploughing. These uses were found to be lawful in planning terms but the fact that a 'mixed use' is taking place means that planning permission and not an agricultural determination should have been sought for the construction and use of the two recently erected buildings. This application is therefore for the retention and use of the buildings for agriculture and agricultural contracting use.

2. Policies

2.1 Planning Policy Statements

PPS 7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007

Policy S1 - Sustainable Development
 Policy DR4 - Environment
 Policy E11 - Employment in the Smaller Settlements
 and Open Countryside
 Policy E12 - Farm Diversification
 Policy E13 - Agricultural and Forestry Development
 Policy LA2 - Landscape Character

3. Planning History

- | | | | | |
|-----|--------------|--------------------------------------|---|-----------------------------------------------------------------------------------------------------------------------------------------------|
| 3.1 | SH93/1437/PF | Erection of sheep shed | - | Planning permission granted
12.1.94 |
| | SE03/3893/S | Proposed building for
hay/storage | - | Prior approval not required 31.1.04 |
| | SE06/0894/S | Sheep, hay and straw store | - | Notified that planning permission
would be required due to the use
of the building for livestock within
400m of a protected building |
| | SE06/1221/S | Machinery, hay and straw
storage | - | Prior approval not required 17.5.06 |

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Traffic Manager does not wish to restrict the grant of permission but advises that the use should be restricted to agricultural only, given the substandard nature of the local highway network (ie not general B2 or B8 uses).

5. Representations

- 5.1 The applicant's agents state:-

"We have already submitted to you full details of the business operations carried out at Lower House Farm, you have inspected our clients' Books, have accepted that the agricultural contracting use here is long established and also that the ancillary agricultural tyre sales are lawful.

This submission is put forward in order to regularise the precise nature of the uses of the two buildings, both of which were erected under the Agricultural Notification

procedure, one in 2003, and the other in 2006 (your reference DCSE2006/1221/S). In that the contracting machinery (used for agricultural purposes as part of the business) was not specifically referred to as being for use mainly outside the agricultural unit at Lower House Farm and the Ruck's rented land, it is accepted that for the sake of clarity and precision this mixed use should be formally sought and regularised.

The contracting business is run solely by the Rucks themselves using their own equipment, drivers and operators. They undertake the usual range of farming operations including ploughing, baling, planting, hedging, ditching, land drainage, ground works, muck spreading, loading and hauling, all of which require specialist equipment, some of which, during the season, may be in use in excess of 18 hours a day, in order to earn its living. The equipment, when not in use, needs to be in storage away from the elements, and preferably secure. Most of the buildings, including those which are historically part of the farmyard, are used for this purpose and the Rucks have large numbers of clients in the Ledbury and Ross on Wye vicinity. This is a genuine, much needed, much appreciated personal service which is the sort of farm diversification scheme specifically encouraged by Government in PPS7 and which finds itself within your own recently adopted UDP Policies. We refer specifically to Policies E11 and E12, which include non-agricultural diversification activities where they are consistent in scale with the rural location. In this particular case since the diversification is directly related to agriculture and where use is made of existing buildings serving to maintain and to support farming and, by implication, the open countryside, we feel that there is all the more reason for an approval to be forthcoming.

In addition, we believe that the activities here do not cause any significant environmental or landscape harm. We are talking about vehicles and machinery typically associated with the rural landscape. The site is set low down in a shallow valley and the buildings are well grouped. Their location, scale and general appearance has of course recently been approved via the medium of the Agricultural Determination procedures."

5.2 Two letters of support from local residents have been submitted with the application. These letters make the following points:-

- the business operated at Lower House Farm has not given cause for concern at any time, the property is well maintained and is an asset to the local community
- the need for additional facilities is a sign of success and should be supported. Agricultural contracting is essential to modern farming
- the buildings are of a good standard and are not detrimental to the environment

5.3 A letter of objection has been received from Berringtons on behalf of Mr J D Nicholas. Concern is expressed that the application is retrospective and implies that the planning authority could require the buildings to be removed under enforcement powers if the buildings are not given consent by the approval of this application. The objections raised are as follows:-

"1. Employment

The application does not accord with UDP Policy E11 because the scale of the development is not consistent with its rural location. It will cause (as mentioned below) an adverse impact upon the local environment, the road network and amenity.

Neither does the application fall within UDP Policy E12. Although the proposal concerns farm diversification, it does not meet the relevant criteria cited within this

policy because the proposal does not allow the retention of the open character of the countryside. First, the two new buildings are large and imposing, and cited outside the existing farmyard. Second, the traffic generated from the expansion of the business is detrimental to the surrounding countryside. Third, the proposal does not create any jobs (UDP Policy S4).

2. Environment

The site is located within an Area of Great Landscape Value (AGLV). This designation is in place to protect open countryside from this kind of development that does adversely affect the nature of the landscape, by impinging upon greenfield land. The applicant argues that there is no harm to the landscape because the site is set on low-lying land in a shallow valley. However, it is for precisely this reason that the development does adversely affect the landscape because both the site and the vehicle movements to and from it can be seen from so far away by the very nature of the local topography. This contravenes UDP Policy LA2.

3. Transport

The applicant claims that there is no significant environmental harm arising from the use of the site for agricultural contracting off the farm. This is not correct because this type of business means that large vehicles are moving in and out of the site on a daily basis because they are stored in the newly-constructed agricultural buildings overnight.

Surely the Highways Authority will not condone such a heavy use of the unclassified roads that lead to the farm? The applicant may argue that agricultural machinery is common to the area, but where farm machinery is used only on the farm itself, it has little cause to travel along the roads. But in this case, the machinery must be transported to its working destination, meaning that it is travelling along the road network in direct contravention of UDP Policy S6.

The third transport concern is public safety. Large machinery and “school-run mothers” do not mix on unclassified roads, which are mostly single carriageway. I trust that the Highways officer will consider the implications of this application very carefully, in the light of UDP Policy T8, before making his recommendation.

4. Sustainable Development

The application may centre on the farm diversification aspect of the proposal, but unfortunately it is not sustainable development in accordance with UDP Policies S1 (General), S2 (Development Criteria) and S7 (Natural Heritage).”

5.4 Yatton Parish Council state: No comment

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 agricultural and agricultural contracting uses taking place at Lower House Farm constitute a ‘mixed use’ and are not purely agricultural in nature. As a result planning permission and not an agricultural determination should have been sought for the construction and use of the two buildings that are the subject of this application. Following the enforcement investigation it was considered appropriate to invite a retrospective planning application. The merits of this application should be considered in the same way as a planning application for proposed development.

- 6.2 The applicant's business has been established at Lower House Farm for over 30 years. National and local planning policies encourage and support rural enterprises and diversification on farms. Unitary Development Plan policies E11, E12 and E13 are relevant to the consideration of this application and the main issues are the principle of allowing further development at Lower House Farm, the landscape impact of the buildings, the effect on the road network and impact on the amenities of neighbouring residential properties.
- 6.3 Lower House Farm is located in open countryside and includes a number of agricultural buildings with a hard surfaced yard area. The scale of built development and its appearance is similar to many local farm complexes. The agricultural contracting business provides an important service to the local economy. In addition to the need to provide for more agricultural storage facilities, the larger building was needed to provide cover and security for plant and machinery which would otherwise be kept in the open yard. The buildings were erected principally to improve facilities rather than expand the business. All existing buildings are fully used and there were no opportunities to re-use or adapt existing buildings. In physical terms the scale of the business is considered appropriate for its rural location.
- 6.4 The buildings are located to the east and south of the farmyard and extend built development into adjoining agricultural land. These were the only feasible areas in which to extend and the buildings 'read' as a group when viewed from outside the site. The buildings are typical modern buildings clad in dark coloured sheeting. The roofs have been covered in a light grey sheet and not the colour agreed at the time of the agricultural determinations. Normally a dark coloured roofing material is sought to reduce the impact of the building in the landscape. In this case the light coloured roofs are not readily visible from public viewpoints in close proximity to the site. The light colouring will weather to a dull grey in time and on balance it is not considered appropriate to insist on the colouring of the roofs in this instance. The siting, design and scale of the buildings are considered satisfactory and in accordance with UDP policies.
- 6.5 The site lies close to the A449 but the immediate road network is narrow. Traffic generation chiefly involves plant and machinery being taken out by the applicant and his sons in the morning and returning in the evening. The buildings in themselves have not given rise to any increase in traffic generation and there will not be an adverse impact on the road network as a result of the proposal.
- 6.6 The buildings are located just under 100m from the nearest houses to the east and over 150m from Welsh Court, a Listed Building, to the north east. The buildings are not readily visible outside the site. The use of the farm for agriculture and agricultural contracting use is well established and the buildings do not have an adverse effect on the amenities of the occupants of nearby houses.
- 6.7 The retention of the buildings and their use in connection with the established agricultural and agricultural contracting use is in accordance with UDP policies that encourage rural businesses and farm diversification. The application is accordingly recommended for approval subject to a condition limiting the use of the buildings for agriculture and agricultural contracting.

RECOMMENDATION

That planning permission be granted subject to the following condition:

- 1 The buildings hereby approved shall not be used for any purpose other than agriculture and in connection with the agricultural contracting business operated from Lower House Farm only.

Reason: To control the use of the buildings in order to protect the amenities of the occupiers of nearby properties in accordance with policies E11, E12 and E13 of the Herefordshire Unitary Development Plan 2007.

INFORMATIVES:

- 1 N19 - Avoidance of doubt
- 2 N15 - Reason(s) for the Grant of Planning Permission
- 3 The applicant is informed that planning permission will be required for any future buildings for agricultural or agricultural contracting use at Lower House Farm. Planning permission would also be required to expand the business into other contracting work such as building, civil engineering and landscaping.

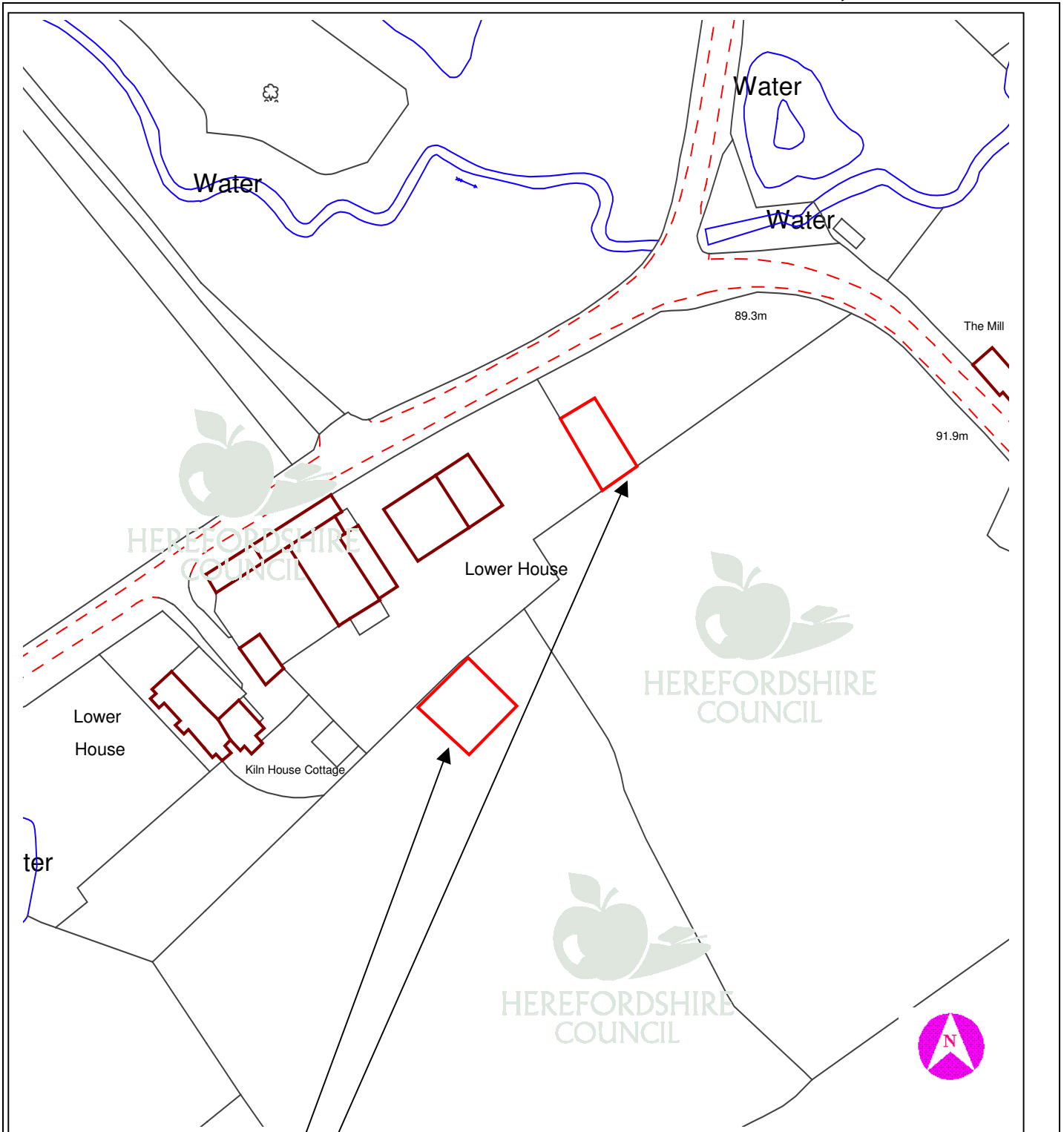
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2007/1240/F

SCALE : 1 : 1250

SITE ADDRESS : Lower House Farm, Yatton, Ross-on-Wye, Herefordshire, HR9 7RB

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12 DCSW2007/1091/O - SITE FOR NEW SCHOOL BUILDINGS TO EXTEND EXISTING SCHOOL FACILITIES AND NEW ACCESS, HEREFORD WALDORF SCHOOL, MUCH DEWCHURCH, HEREFORDSHIRE, HR2 8DL.

For: DfES Academies per Feilden Clegg Bradley Architects LLP, Bath Brewery, Toll Bridge Road, Bath, BA1 7DE.

Date Received: 17th April, 2007 **Ward: Valletts**

Grid Ref: 48215, 31008

Expiry Date: 17th July, 2007

Local Member: Councillor M.J. Fishley

1. Site Description and Proposal

- 1.1 Much Dewchurch is located some 7 miles south of Hereford and lies astride the Class II road that connects Wormelow and Allensmore. The site is on the southern side of the village and relates to the existing Waldorf School. However the application relates to a substantial area of land which encompasses the school, pastureland to its south, the existing school outdoor play areas to the south of St David's Church and an area of pastureland to the east of the village. In total the area is some 4.5 hectares.
- 1.2 This is an outline application and includes details of the proposed access. The matters of layout, appearance, scale and landscaping are reserved for subsequent approval. The proposal is to provide a new school. This will involve the erection of a new school building on the land to the south of the existing school and to incorporate this and the existing permanent buildings to provide a Steiner Academy. The land to the east of the village is proposed to be used to form a car park for the school, incorporating a new access to the Class II road, and with a pedestrian link formed to the school through the land to the south of the Church. The application is supported by a number of documents which will be referred to later in this report.
- 1.3 St David's Church, a number of the monuments in the graveyard and The Old Vicarage are Listed Buildings.

2. Policies

2.1 Planning Policy Statements

PPS.1	-	Delivering Sustainable Development
PPS.7	-	Sustainable Development in Rural Areas
PPG.13	-	Transport
PPG.15	-	Planning and the Historic Environment

2.2 Regional Spatial Strategy for the West Midlands

Policy RR.1	-	Rural Renaissance
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Policy RR.2	-	The Rural Regeneration Zone
Policy RR.4	-	Rural Services
Policy QE.5	-	Protection and Enhancement of the Historic Environment
Policy T.2	-	Reducing the Need to Travel

2.3 Herefordshire Unitary Development Plan 2007

Policy S.1	-	Sustainable Development
Policy S.2	-	Development Requirements
Policy S.7	-	Natural and Historic Heritage
Policy S.11	-	Community Facilities and Services
Policy DR.1	-	Design
Policy DR.2	-	Land Use and Activity
Policy DR.3	-	Movement
Policy DR.4	-	Environment
Policy DR.6	-	Water Resources
Policy T.11	-	Parking Provision
Policy T.14	-	School Travel
Policy LA.2	-	Landscape Character
Policy LA.3	-	Setting of Settlements
Policy LA.6	-	Landscaping Schemes
Policy NC.1	-	Biodiversity and Development
Policy HBA.4	-	Setting of Listed Buildings
Policy CF.2	-	Foul Drainage
Policy CF.5	-	New Community Facilities

3. Planning History

3.1	SH871704PF	Change of use of barn into a 2-storey classroom block and construction of playground parking and turning area	-	Approved 10/02/88
	SH940094PF	Erection of new complex to provide theatre and hall space, art/craft facilities and alterations to link block	-	Refused 20/04/94
	SH940095PF	Erection of a timber framed kindergarten building	-	Refused 20/04/94. Appeal dismissed 15/12/94
	SH950448PF	Kindergarten block, workshops and hall complex, altered and extended toilet block and hard play area	-	Refused 20/09/95. Appeal dismissed 04/10/96
	SW2000/2970/F	Change of use to educational premises with extension and alteration and erection of garage workshop (Church Farm)	-	Approved 18/04/01
	DCSW2003/3461/F	New assembly hall, new classroom block and ancillary buildings	-	Approved 09/01/04

DCSW2005/3136/F	Change of use from agricultural use, to overspill car parking in part of field on temporary basis	-	Deemed Withdrawn 23/03/07
DCSW2006/3430/O	Site for new school buildings and new access to extend school facilities	-	Refused 24/01/07 Appeal lodged

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency - This is a case where the Agency offers standing advice with regard to surface water run-off and drainage.
- 4.2 West Midlands Regional Assembly - no response (no objection to previous application)
- 4.3 Advantage West Midlands - no response (no objection to previous application)
- 4.4 Welsh Water - As private drainage facilities are intended they have no comments.
- 4.5 English Heritage - Do not wish to comment in detail but suggest that the architectural and landscape details, materials and finishes should be conditioned. They recommend the application is determined in accordance with policy and specialist conservation advice.
- 4.6 Ramblers' Association - Point out that a public right of way will be affected and that its future should be protected. In addition they question with regard to the standard of the replacement footbridge and its suitability for all users.
- 4.7 Open Spaces Society - no response.

Internal Council Advice

- 4.8 Director of Children's Services – The comments already made regarding this application have not changed. The school provides diversity within Herefordshire and provides for the whole of the County rather than locally.

The previous comments were as follows :- "The proposal to create an academy funded by Central Government at Much Dewchurch reflects a national policy to create diverse provision in the public sector and give more choice to parents. The way in which the admissions over-subscription criteria are worded for the academy does ensure that residents of Herefordshire will benefit from the additional provision. These admission policies are written to potentially benefit pupils wherever they live in the County. In this respect, the school would operate in a similar fashion to St. Mary's RC High School, Lugwardine and Bishop of Hereford Bluecoat High School in their role for the Roman Catholic and adherents to The Trinity respectively. The Steiner Academy would join the wider community of maintained provision in Herefordshire.

The Education and Inspection Act places a responsibility on local authorities to maximise diversity and parental choice. On this issue, the local authority recognises the greater choice the Steiner School will bring to parents in the County.

The need for the academy at Much Dewchurch should be judged in this context. It should not be judged in terms of pupil numbers in Much Dewchurch itself. Those under the age of 5 living in the parish in each year group vary between 5 and 11. The provided schools for this parish are Much Birch Primary School and Kingstone High School and they both have sufficient capacity to meet the needs of those children living within their catchment area who do not seek a Steiner education."

4.9 Environmental Health Officer - comments that hours of construction should be conditioned and that the sewage treatment plant will require consent from the Environment Agency.

4.10 Traffic Manager -

(a) Traffic/Highways – No objection, subject to conditions, but comments that the Travel Plan falls well short of what is required to ensure that the required substantial modal shift is achieved at the school in order to mitigate the proposed development.

(b) Land Drainage Engineer - no comments

4.11 Public Rights of Way Manager - Points out that there will be an affect on a public right of way. Concern is raised with regard to the design of the replacement footbridge which will need to be approved and its future maintenance assured. Efforts should also be made to replace the nearby stiles with gates. The right of way should remain at its historic width and a temporary closure order will be required.

4.12 Conservation Manager: -

(a) Building Conservation Officer - Although the design remains indicative, the architects have taken steps to simplify (from the previous scheme) the more prominent south and east elevation, the roofscape and to eliminate ythe chimney, which read as a vertical element in competition with the tower on the Church. These measures reduce the visual impact of the scheme without diluting its underlying rationale, and I remain of the opinion that the contemporary approach offers the most flexible, sensitive solution to the constraints of the site. Support.

(b) Landscape Officer – no response received (no fundamental objection to previous application).

(c) Ecologist comments:

"I had no objection to the previous application and was satisfied with the findings and recommendations of the ecological reports by Wildways (August 2006). The possibility of the presence of great crested newts has not been ruled out, and further survey at an appropriate time of year will be required. The results of this should accompany a full planning application, so that the necessity for a newt proof fence can be ascertained.

Pipistrelle bats were recorded as roosting in the existing buildings; brown long-eared and lesser horseshoe bats are also present on the site. I am satisfied that the bat mitigation proposals in the report are appropriate, and would like to see the inclusion of bat lofts as recommended in the ecological report.

Update protected species surveys will be required to accompany a full planning application for the site.

My recommendation is to approve this application with the inclusion of conditions based on the proposals outlined in the Mitigation and Compensation sections of both reports.

4.13 Forward Planning Manager comments:

"The site is located at Much Dewchurch, a named Main Village in the Unitary Development Plan (Revised Deposit Draft) (Policy H.4). Part of the site is within the settlement boundary, with the remainder of the application site adjacent to the village boundary. The principle of the application is acceptable in principle, with Policy CF.5 New Community Facilities, expressly stating that proposals which would result in the provision of new or improved community facilities or the enhanced use of existing facilities will be permitted where they 'are located within or around the settlement or the area they serve'. Material consideration needs to be made in regards to the following:

Further requirements of Policy CF.5 include that the development is:

- appropriate in scale to the needs of the local community and reflect the character of the location
- would not significantly impact upon the amenity of neighbouring residents
- incorporate safe and convenient pedestrian access together with appropriate provision of car and cycle parking and operational space

The supporting text also states that the provision of accessible new facilities and services are supported as long as they do not impact upon the area in which they are proposed.

The main issues are centred on highways, access and safety, and the impact of the proposal on the Scheduled Ancient Monument and the setting of the village overall. The relevant comments of those departments can inform a detailed opinion on those matters, nevertheless Unitary Development Plan policies do cover these issues.

Policy ARCH.3 states that proposals and works which adversely affect the integrity, character or setting of a Scheduled Ancient Monument are not permitted.

Policy LA.3 seeks to protect the setting of settlements, and it is essential that the criteria of this policy are satisfied, even if all other relevant policies make the proposal acceptable. Important visual approaches into settlements, views of key buildings, open areas into developments, green corridors and surrounding valued open countryside will be particularly protected and where appropriate, enhanced. The creation of green wedges, open spaces and tree lines will be promoted where they compliment and enhance the landscape character and townscape.

Summary - In policy terms, the proposal is acceptable in principle, with the main issues as outlined above, and subject to the comments of the relevant departments."

5. Representations

5.1 The application is supported by a number of documents: -

Covering letter - This is attached as an Appendix

Planning Statement - This states that the Waldorf School opened in the 1980 and is currently undergoing the process of becoming an academy, part of the state provision of education, funded by the DfES and the Steiner Fellowship. The intention is to open in 2008 with space for 330 pupils (ages 3 - 16), an increase of some 22% on existing. The scheme involves new building and improvement to the existing buildings plus outdoor sporting facilities. The Statement considers the proposal against national planning policy and the UDP. It concludes that the development will fulfill an important role in state education provision in the County, be appropriate to the local environment, would enhance local road and pedestrian conditions and cause no harm to the environment, and that it is in accordance with planning policy.

Design and Access Statement - This states that a rural location is essential because the schools' specialism is the natural environment, environmental aspirations are to become zero carbon and the Waldorf School has existed on the site for 24 years. The present school has a capacity for 294 pupils but at present has 270. The Academy would increase this to 330, an increase of 12%. The proposals are to add to existing facilities to provide specialist teaching spaces required to support a school on this site for the number of pupils. It states that the new buildings will be some 2980 sq. m. and will provide a classroom wing, specialist teaching rooms, hall, gym and eurythmy space. Additionally the existing kindergarten facility will be extended and the existing buildings will be refurbished. The remainder of the south field would be used for sport with hard play areas along its western edge. The buildings will be made available for community use out of school hours. It is intended to aspire to a zero-carbon development aiming to achieve 40% renewable energy at the outset. The Statement includes a series of indicative drawings of the design and layout. The intention is to maintain the views from the Church with the buildings being set around landscaped courtyards. The concept of the buildings is as simple barn like structures echoing the existing buildings but dug into the slope of the site. The buildings would be clad in larch with the roofs mono pitched and covered in sedum. A new access and car park are proposed which will be safer, reduce traffic in the village and reduce parking at the school. The Statement includes a series of drawings indicating the concept and intended design and layout, the landscaping and the car parking and access.

Transportation Statement and Travel Plan - This examines the road network and its current useage together with the current travel patterns of the existing school. It points out that there is a bus and mini bus service to the school. It recognises that the current access and parking arrangements are below normal accepted standards. The proposed scheme includes a new car park of sufficient size and with an acceptable access which has acceptable highway visibility. The access has been subject to an independent audit which identified no safety concerns. The car park will have 63 spaces to provide for staff and parents. There will be opportunities to reduce this through the travel plan. Service vehicles will continue to use the existing access where the car parking will be reduced to a limited number.

The results of the traffic count (March 2007) are that at present there are 177 traffic movements in the morning peak hour and 119 in the evening peak hour. If this pattern is unchanged the increase will be 39 movements in the morning peak hour and 26 in the evening, a 22% increase.

In order to seek to mitigate the traffic impact a School Travel Plan is proposed. A survey shows that presently 81% of pupils travel by car, 13% by bus and 6% walk or cycle. The Travel Plan suggests that to reduce the proportion of car journeys measures

could include additional minibus services, review of bus timetables, a car share scheme and initiatives to promote cycling and walking.

Education Statement - This explains the educational background, as follows: -

The National Academies Programme

Academies are a new type of school. They bring a distinctive approach to school leadership drawing on the skills of sponsors and other supporters. They give schools new opportunities to develop educational strategies to raise standards and contribute to diversity. Academies are publicly funded independent schools. Their independent status allows them the flexibility to be innovative and creative in their curriculum, staffing and governance. Academies, therefore, work in different ways to traditional Local Authority (LA) schools.

Academies are all ability schools established by sponsors from business, faith or voluntary groups working in highly innovative partnerships with central Government and local education partners. Sponsors and the Department for Education and Skills (DfES) provide the capital costs for the Academy. Running costs are met in full by the DfES.

Each Academy provides an excellent environment for teaching and learning that is comparable with the best available in the maintained sector. The Steiner Academy will offer a broad and balanced curriculum to pupils of all abilities with a specialism in the Natural Environment. As the Academy becomes successfully established it will share its expertise and facilities with other schools and the wider community.

As well as providing the best opportunities for their pupils, Academies have a key part to play in communities. A new Academy will be a significant focus for learning for its pupils, their families and other local people. The Academy will be innovative in design and built to high environmental and sustainable standards. It is to be a national centre for Steiner Education. It will be a high profile establishment and is supported by the DfES wholeheartedly.

The building work will be funded by the Sponsor, the Steiner Waldorf Schools Fellowship and by Central Government (DfES). To reiterate, funds will not come out of the county's budget; they are separate Academy funds, new money being brought into the County which cannot be re-directed into other local schools if the Academy is not built.

Pupil Places & Diversity

The new Academy will offer places for 260 pupils aged 6 - 16 years, plus 70 Early Years places. As the current school is independent and fee paying, the new state funded Academy will offer more diversity to local children in Herefordshire at no cost.

The Hereford Steiner Academy has been included in the Academies Programme because of the special approach to education that it offers. In line with the provisions of the Education & Inspections Act 2006, this type of curriculum will secure diversity of provision and increase opportunities for parental choice in and around Herefordshire. The Local Authority also agrees that the Academy will offer real diversity and choice to parents. The admissions policy is based on the following criteria (in order of importance):

- Looked after children;
- Children with statements of SEN that name the Hereford Steiner Academy in the statement;
- Children who have a sibling already in the school. To qualify under this category a child must have a brother or sister at the school both at the time of application and when the younger sibling is due to start. Siblings include not only natural brothers and sisters but also step-brothers/sisters, or brothers/sisters who have been legally adopted, so long as they are living at the same address as the family unit. However, cousins or other relatives at the same address will not be given priority;
- Proximity to the school, as measured by the shortest practical and safe walking route to the school.

Local College Support

Colleges local to the current Hereford Waldorf School have expressed great and continued support for the school and the students who attend the school. A good relationship has been developed and pupils are accepted without the typical set of qualifications that other mainstream schools insist upon. Steiner pupils achieve excellent academic standards at the Colleges and also when they go on to University.

In addition it reports on the pre-application consultation that took place with the local community.

Ecological and protected species survey - This concludes that the majority of the land appears to have little ecological value with the best habitat areas being the field boundaries and brook. The existing school buildings would also appear to have a small use by protected species. Recommendations are made with regard to further survey work and mitigation during development and construction.

Flood Risk Assessment - This concludes that there is little or no risk from fluvial flooding, building levels will be set above the flood level in a worst case scenario, in order to control surface water run off a surface water strategy will be incorporated including the provision of an attenuation pond to store water.

5.2 Much Dewchurch Parish Council comment:

“These amended plans do not satisfy nor address the concerns and objections previously put forward by Much Dewchurch Parish Council.

The footprint of the proposed development is equal to approximately one third of the land which the present village properties occupy, therefore must be regarded as being too large to be accommodated in such a small village.

Planning Policy indicate that these types of large developments should be directed towards suitable and appropriate sites which are not within small villages.

This site is in an area of Great Landscape Value and adjacent St. David's Church and the Old Vicarage which are listed buildings. The development would have a significant effect on village residents, properties and lives of the many senior citizens, with more noise and inconvenience from vehicles entering, manoeuvring and leaving the proposed car park and the vehicle lights during the dark mornings and evening would shine on to the properties situated opposite the access. The application states the

activities would only take place during school time, but later state that the proposed facilities would be available for use during evenings, weekends and holidays.

Much of the proposed development would be on land outside of the settlement boundary. It is claimed the Academy is a Local Need when the catchment area goes beyond the Herefordshire Boundary, very few children reside within 5 miles of the school and Much Dewchurch therefore the claim of being a local need is very debatable and the offer of facilities being available to the local community are only to get development beyond the Settlement Boundary.

The Residents insist that the Memorial Bus Shelter must stay in its present position whereby the car park access could not be sited within legal Highway requirements. The B4348 is not very wide with bends, brows and junctions which make it a dangerous and difficult stretch of road for the volume, size and speeds of vehicles that travel through the village, an additional access on the brow of the hill would exacerbate existing problems.

The replies from parents answering the school questionnaire regarding travel and vehicle movements etc support the concerns raised by the Parish Council.

The included Travel Plan contains suggestions and ideas, but there are no definite workable solutions to address the serious traffic and safety issues, the words 'could be', 'if' and 'maybe' are frequently used.

The B4348 is too narrow to contain any additional footpaths nor cycle way without a major road widening programme and the acquisition of land to do it. Children travel from many scattered places within the large catchment area making it near impossible to reduce vehicle movements economically.

The Parish Council understand that the Park Hall at Wormelow is not available for the suggested park and ride. Additional buses using the proposed bus lane would create danger problems for other vehicles and children, furthermore, buses are not allowed to reverse with passengers on board except in exceptional circumstances with assisted guidance.

There are far too many impatient and reckless drivers who have no road manners, and no consideration for other road users nor circumstances, they do overtake on the length of road including the hill in spite of there being a 30mph speed limit. There have been accidents on the road fortunately without injuries or fatalities, sometimes through evasive action - by competent drivers, which is the reason why the proposed access would be a recipe for disaster. The Parish Council question who and how some of the proposals in the Traffic Plan are going to be policed and carried out.

The Parish Council's objections and reasons fall within Planning Policies and Guidance, mostly under PCF.5, ARCH.3, C.2 and CF.1 and Highway requirements, and the Council fully support the objections and comments which have been put forward by the Residents and Parishioners."

5.3 A petition in support of the proposal containing 276 signatures.

5.4 Ninety eight letters expressing support for the proposal

5.5 Forty two letters of objection have been received with the grounds being: -

- Increased traffic danger especially at peak times
- The new access will not be safe
- The parking will not be used particularly in inclement weather
- Loss of hedgerow
- There will be harm to the landscape
- Scale will overwhelm and be out of keeping with the village
- Buildings and car park will dominate the view
- The village envelope will be broken
- Harm and intrusive to the Church and churchyard
- Light and noise pollution
- No need for it to be in Much Dewchurch
- No benefits to village
- Makes no contribution to village life
- Jeopardise peace, beauty and quiet of village
- Bus service poor so cars are used
- Money could be better applied in schools where academic standards are higher
- Village may not be able to use facilities
- Not appropriate location for school of the size proposed
- Intrusive to church and neighbours
- Pressure on housing market
- No real difference to refused application
- No regard to local community
- Damage to other local schools
- Contrary to policy
- Pollution to brook
- Does not serve local community

5.6 A petition against the proposal for reasons as outlined above with 173 signatures.

5.7 One letter makes a number of comments with regard to the scale of the building being disproportionate to the increase in pupils, how will the new car park operate in inclement weather, the loss of the path at Church View, an additional local hall will be disruptive, concern about the possible loss of a bus stop, the writers septic tank is on the site, the flood risk assessment is not clear and concern about effluent discharge to the brook

5.8 Letters from three local schools expressing concern about the impact on existing schools in the area

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 Waldorf School has been in existence at this site for many years and has grown incrementally. Currently it is accommodated in the original school building, a converted barn, a former farmhouse and some temporary buildings. There is a playground/parking area to the south and a more formal parking area to its north side. Vehicle access is along a drive from the Class II road that also serves a number of other houses and the Church. There is a play/sports area on the land to the south of the churchyard.

- 6.2 There have been a number of applications in recent years for further development at the school. In 2004, following earlier refusals and dismissed appeals, permission was granted for significant extensions on the southern side of the site. These provide for a new assembly hall, two-storey classroom block and a single storey building all linked to the existing buildings. The scheme would add in the order of 900 sq m of additional floor space.
- 6.3 This proposal is almost identical to an earlier application that was refused on 24th January 2007 (Application DCSW2006/3430/O). An appeal has been lodged against this decision. The reasons for refusal were: -
1. The site for the proposed Steiner Academy would involve a redevelopment of the existing Waldorf School but would also include land outside the settlement boundary for Much Dewchurch as identified in Herefordshire Unitary Development Plan 2007. Having regard to Herefordshire Unitary Development Plan 2007 Policy CF5 the Local Planning Authority considers the proposal to be unacceptable, in that:
 - a) The form, extent and scale of the development, together with associated activity and movement would not be appropriate to the scale of Much Dewchurch or reflect its character.
 - b) The nature of the proposed Academy is such that it is not necessary for it to be located in Much Dewchurch.
 - c) The proposed development does not provide satisfactory measures so as to ensure that the increased vehicle and pedestrian activity would be safe and convenient and not exacerbate the current operational difficulties arising from the existing school
- 6.4 The proposal is to redevelop the school to provide a Steiner Academy, which will be funded by the government taking it out of the independent sector. This is an outline application that seeks to establish the principles of the development. At this stage only the details of the access are submitted. However also included is an illustrative scheme for the whole proposal. The redevelopment would increase the pupil capacity of the school from 294 to 330. The existing buildings would be retained and continue in school use. To the south a roughly rectangular building is proposed which would be two- storey and contain hall and classrooms. Adjacent to this and south of Church Farm would be a two-storey "L" shaped building containing classrooms and office space. Both these buildings would be cut into the ground such that their first floor level would, adjacent to the existing buildings, equate with the existing ground level. In addition a single story building is proposed to the west of Church Farm. The total additional floor space would be some 2980 sq m. The indicative design shows that the scheme seeks to reflect the established character and built form with the buildings to have a generally narrow span and with mono pitched hipped roofs and with the external materials to be timber cladding and glazing under sedum roofs. Externally it is proposed to use the majority of the current field to the south for outdoor activities including a multi use games area. The aspiration is for a sustainable development with water recycling, natural drainage and a bio-mass heating system.
- 6.5 The access and car park proposal involves the development of the land to the east of the village. A new access would be created together a bus stop. A car park with parking for staff and parents would be created within a landscaped area. A footpath link would be

formed to the school along the land to the south of the Church. In addition a School Travel Plan has been included. The existing parking at the school would be reduced to provide limited spaces for visitors, staff with a mobility handicap and service vehicles.

6.6 Much Dewchurch is identified in the Unitary Development Plan as a main village which is a settlement with potential for further development and which has a good level of public transport and with a significant level of community facilities. There is a settlement boundary. The current school buildings are within this boundary but the proposal would involve substantial development outside this boundary.

6.7 Land outside the settlement boundary is in terms of policy considered to be countryside where there are restrictions on new development. In terms of a main village an exception can be made to this restriction where the development is for community facilities and this includes educational accommodation. Policy CF5 states:

Proposals which would result in the provision of new or improved community facilities or the enhanced use of existing facilities will be permitted where they:

1. are appropriate in scale to the needs of the local community and reflect the character of the location;
2. are located within or around the settlement or the area they serve;
3. would not significantly impact upon the amenity of neighbouring residents; and
4. incorporate safe and convenient pedestrian access together with appropriate provision of car and cycle parking and operational space.

6.8 The first issue is the principle of the development. One of the guiding principles of the UDP is to promote sustainable development with new development directed to those locations that it is intended to serve. Thus Policy CF5 provides that permission can be granted for the enhancement of facilities intended to serve the local community. In this case however the present school serves a wide catchment and would not be a "local school" in the normal interpretation of Policy CF5. In terms of the present pupil catchment in theory the school could be sited at a variety of locations in the County although the most central location is Hereford where there would be the best access to transport and services. Any location would presumably involve the significant movement of pupils and staff, although one of the important elements of the proposal is to give a more diverse choice of school to local families. There are a number of schools in the County that serve a much wider area than the community in which they are located, an example of which is St. Mary's RC High School at Lugwardine. There is no specific UDP policy with regard to the location of such a school neither was there a request through the UDP process for a site to be so allocated. There is an existing school at the site and there is permission for a substantial extension of it, although this is well below, in terms of the floor space, that which is currently proposed. The proposal will further develop the facilities at this school and the Director of Children's Services does not object. Whilst it can be argued that there is no overriding necessity for the school to be located in the village it does involve the development and expansion of a long established school. In terms of principle I consider that it might not be appropriate to consider the proposal solely against Policy CF5 and therefore there is no overriding reason that in principle this is an unsuitable location.

6.9 I consider that the proposal should be assessed on the basis of its impact on the locality. There will be an increase in pupil numbers although there is no planning control on current numbers and such a restriction would not normally be applied through planning legislation. The capacity of the school will increase from 294 to 330 pupils and this will generate additional activity that will have an impact on the locality.

- 6.10 Although an outline application the principles of the detailed siting and design of the buildings have been included and have been the subject of prior negotiation. In terms of their architecture the design has sought to reduce their apparent bulk and has sought to apply a more modern approach to the traditional vernacular style. The proposal has been considered by English Heritage and the Conservation Architect who raise no objections. I consider that the design principles so long as they are suitably developed would result in a scheme that although contemporary would be appropriate to this village location. In addition the proposed environmental aspirations are also appropriate and in accordance with UDP policy.
- 6.11 The site is adjacent to St David's Church, a Grade I Listed Building, and the churchyard cross is also listed and an ancient monument. The impact of the development on the setting of the Church is a major issue. Previous applications have been refused with appeals dismissed for the reason of harm to this setting. The setting of the Church includes not only its immediate surroundings but also the open countryside beyond, from which there are also important views towards the village. The design principles for any development in terms of this setting formed the basis for the permission in 2004. This scheme is for a contemporary design and although there will be some imposition on the panoramic views from the Church I do not consider that this will harm the setting of the Listed Building.
- 6.12 In terms of its landscape impact the site is within the principal settled farmlands type as identified in the Landscape Character Assessment. In such an area to maintain the quality of the landscape it is important that new development is associated with existing settlements and that the elements of the landscape are enhanced. This proposal will extend the built form of the village into the countryside and will have an impact on the landscape particularly on the views towards the village from the higher ground to the south. However I consider that its impact, subject to the final detailed design of both the buildings and the landscaping, will enable it to be seen as an extension to the present built form and that it will be readily assimilated into the landscape. In addition the major part of the current field will be used as open ground/sport facilities. The issue is slightly different for the car park that is on much higher ground to the east of the village. This will involve a significant incursion into the landscape and the land itself is uneven with a significant slope to its west side. However the stated intention is to create a car park in a woodland setting using native species. I consider that with a careful design and acknowledging that the actual car parking is transitory there will not be an unacceptable impact on the landscape.
- 6.13 A significant issue is the operation of the access and car parking arrangements. It is clear that the operation of the school at present has a significant impact on the village. The access to the school from the Class II road is difficult and the parking facilities are limited. In the morning peak hour (08.00-09.00) there are estimated to be 177 vehicle movements (106 vehicle in and 71 vehicles out). The estimate is that the expansion would add 39 vehicle movements during this period (23 in and 16 out). This would add a further burden to the immediate vicinity of the school. In order to address these problems the applicants are proposing a new car park to the east of the village from which a pedestrian link would be formed to the school. This involves a new access to the Class II road adjacent to the existing bus shelter. A bus stop would also be provided. In terms of safety I consider the access to be acceptable. The access has been subject to an independent safety audit that concluded that the proposal was acceptable. The Traffic Manager has no objection. The proposal involves the repositioning of the bus shelter, however the Parish Council opposes this. This would

result in some practical difficulties with the bus stop on the opposite side of the new access. The amount of car parking proposed is considered appropriate at this time.

- 6.14 However in order to reduce the problems at the present site it is necessary to introduce measures to ensure that the new car park is used. The existing access to the school and some car parking must be retained and it is not possible to apply conditions that require the new car park to be used. In order to deal with this the applicants are developing a Travel Plan. In the previous application this was merely in outline form but has now been developed further. A detailed survey has been undertaken and from the results an action plan developed. I consider that further work is required to develop these ideas such as the investigation of options and assessing the viability so there is a focus and commitment to deliver the necessary changes in the current pattern of activity. However these matters can be dealt with through a condition given the current commitment from the applicants.
- 6.15 With regard to drainage there are two aspects surface water and foul. The development will increase the potential for surface water run off and a flood risk assessment has been provided. It is concluded that there will be no adverse impacts. It is known that the Worm Brook does flood in the vicinity of the footbridge. Clearly this will need to be addressed in the detailed design of the replacement bridge and the footpath link so as to ensure a continuity of access. Part of this route will be along a Public Right of Way. With regard to foul drainage ideally there would be a connection to the mains system, but this requires improvement. The applicants consider that having regard to the costs involved this would not be reasonable and are proposing a treatment plant on the site. This is not unusual and, subject to the future grant of discharge consent by the Environment Agency, is an acceptable arrangement.
- 6.16 At present the operation of the school does have an impact on the amenities of local residents, primarily from the access and car parking but also from its general activity. The relocation of the car park should significantly improve this. The nearest dwellings such as at The Pippins may as a result of the increased activity and pupil numbers notice an increase in noise levels but I do not consider that these would be so significant such that they would be unacceptable.

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. F18 (Scheme of foul drainage disposal)

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

6. F20 (Scheme of surface water drainage)

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

7. H03 (Visibility splays) (2.4m by 90m)

Reason: In the interests of highway safety.

8. H05 (Access gates) (12m)

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. Development shall not begin until details of the works required to provide forward visibility on the B4348 comprising the reduction in level of the roadside verge and adjacent footway (the extent of which is identified on the concept plan CO14) and a suitable location and provision for pedestrians to cross the B4348 to give access to the bus stop have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the scheme has been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic on the highway.

12. H18 (On site roads - submission of details)

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

13. H21 (Wheel washing)

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

14. 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.

15. Prior to the commencement of the development a Travel Plan, which contains measures to promote alternative sustainable means of transport for staff and visitors with respect to the development hereby permitted, shall be submitted to and be approved in writing by the local planning authority. The Travel Plan will need to include clear policies and actions to ensure a significant reduction in vehicles accessing the site via the Pippins to help increase safety for vulnerable road users at this location. This should form a central element of the Travel Plan's approach to promoting sustainable modes as a means of accessing the site. The Travel Plan shall be implemented in accordance with the approved details. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and shall be made available for inspection by the local planning authority upon reasonable request.

Where a Travel Plan currently exists the condition will require a full review of the Plan and a revised submission to the Council.

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.

16. D01 (Site investigation - archaeology)

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

17. Prior to the commencement of development, the detailed design of the new footbridge and footpath link to the car park shall be submitted to and approved in writing by the local planning authority. The new school shall not be brought into use before the approved scheme has been implemented.

Reason: In order to ensure that the design is suitable to meet the requirements of all users and to comply with Policy DR.3 of Herefordshire Unitary Development Plan 2007.

18. The recommendations for bats, birds, great crested newts and habitat enhancement outlined in the Mitigation and Compensation sections of the Ecologist's reports should be followed. Timing of the development together with post-development site safeguards and monitoring mentioned in the report should be adhered to.

Reason: To comply with Herefordshire Council's Policies NC1, NC5, NC6, NC7, NC8, NC9 and HBA9.8 in relation to Nature Conservation and Biodiversity.

19. F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

Informative(s):

1. N19 - Avoidance of doubt

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

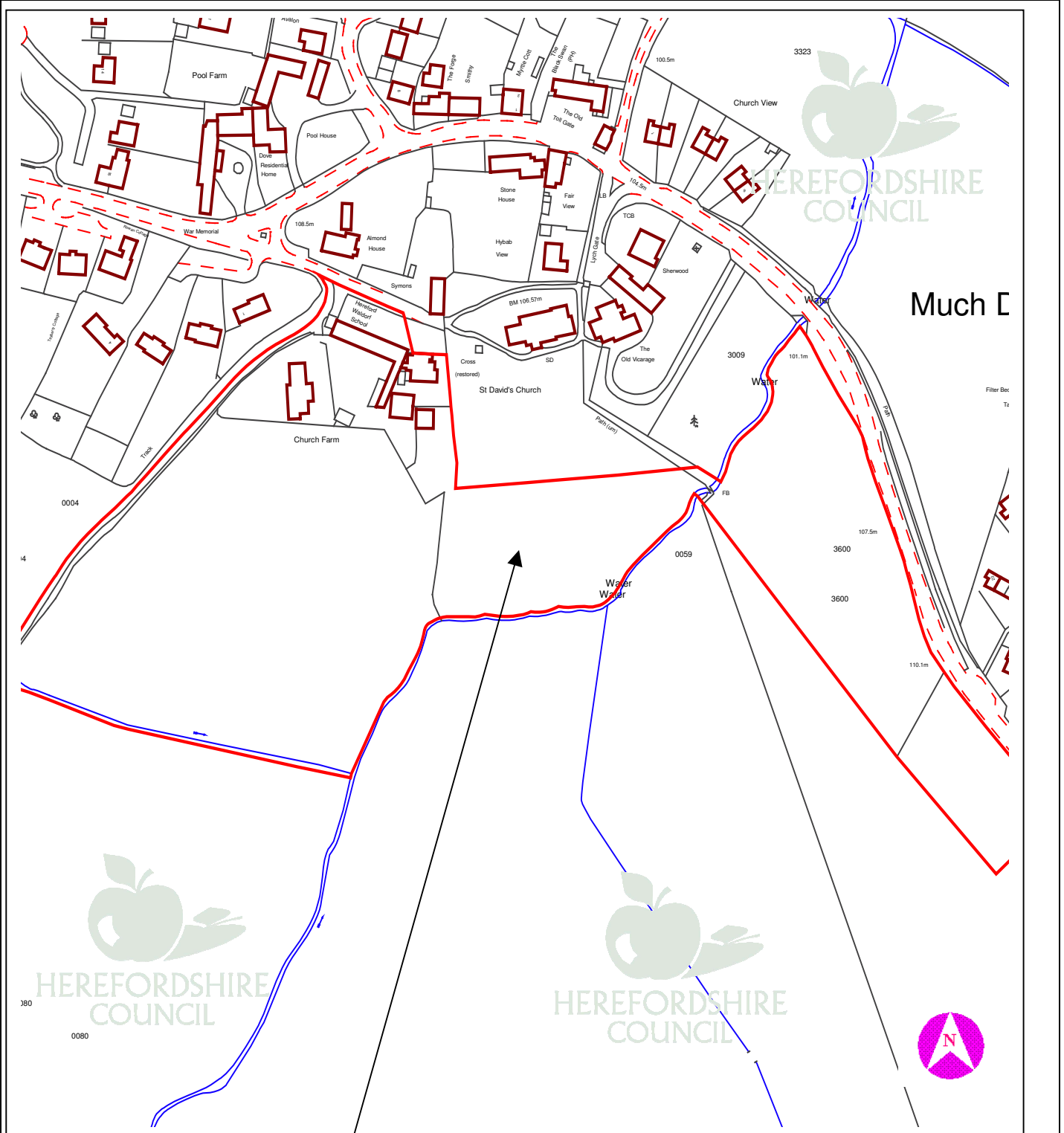
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2007/1091/O

SCALE : 1 : 2500

SITE ADDRESS : Hereford Waldorf School, Much Dewchurch, Herefordshire, HR2 8DL

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04 April 2007
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Feilden Clegg Bradley Architects LLP

SW07/1091/0

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Re-Submission

Outline Planning application for Steiner Academy, Much Dewchurch, Hereford

Dear Mike Willmont

I enclose a re-submission application for new school buildings and access, at Much Dewchurch, Hereford.

Following refusal of the previous application at the Southern sub-area Committee on Jan 24th 2007 this revised submission includes additional information to address the Councillor's concerns.

In relation to the three reasons listed for refusal with respect to Policy CF5, we have the following comments:

1a: 'The form, extent and scale of the development, together with associated activity and movement would not be appropriate to the scale of Much Dewchurch or reflect its character':

Much Dewchurch is a 'main' settlement to which more development is to be steered over the coming years. It is entirely reasonable for an existing school in a main settlement to increase its pupils modestly as is being proposed by the applicants. The new school as an Academy will become state-funded, changing from its existing status as a fee-paying school. This will enable the school to become more directly relevant and accessible to the local community as well as a wider county level.

The new access arrangements will shift school traffic activities away from the village centre, thus removing congestion that currently exists at the War memorial 'Pippin's' access and the disturbance that this causes to the residents.

We acknowledge that the new buildings would increase the visual impact of the school; however, we do not accept that its new form will be inappropriate or out of character to its surroundings. The current designs are a direct result of consultation with yourselves and English Heritage, who have supported the 'form, extent and scale' as proposed in the previous application. The Access and Design Statement explains our design approach. We have paid careful consideration to the design in relation to the setting of St. David's Church retaining the existing views from the church. We also have taken account of the local landscape. In order to minimise the scale of new buildings we are setting the buildings down into the landscape by one-storey, with a roof height less than the current school buildings and proposing a barn-like form to the classroom wings, with external circulation. This arrangement reduces the mass of the overall building and gives the building depth and scale in keeping with the local vernacular.

Feilden Clegg Bradley Architects LLP is registered as a limited liability partnership in England and Wales, registered number OC301169. Registered office Bath Brewery, Toll Bridge Road, Bath BA1 7DE

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15 APR 2007

Please note that the Design and Access document shows revised drawings as part of our design development with the school with the overall effect to further integrate the building in its surroundings. The roofscape is modified to the new buildings with hipped ends, which bring the scale of the buildings down at the ends, and we have removed the chimney feature, which potentially competed with the church. The new buildings are also reduced in area.

We are re-furbishing the existing school buildings as part of our proposals, which offers a sustainable approach to design in the re-use of buildings, and they will be re-integrated into the community for use after school hours with arts/ crafts and music facilities on offer. The Academy will also provide other new facilities to the community including for example a gym, hall, kitchen and a café as well as an all-weather pitch which will provide tennis courts/ basket-ball court.

1b: 'The nature of the proposed Academy is such that it is not necessary for it to be located in Much Dewchurch.'

The School has been located on the site for 24 years. It provides all-through Steiner education for pupils from 3 -16 and at present it has 294 places. As an Academy it will be able to offer 4 more places per school year. There already exist examples in the county of comparably sized schools in main settlements, for example: Fairfield High School, Peterchurch and Weobley High School.

The Academy will specialise in the Land and Environment, with a specific land-works programme, and it is therefore appropriate that the school remains in its rural location. Land will be set aside to make habitats for wildlife, to grow food for the kitchens, to cultivate materials for crafts and potentially for the creation of a small organic farm worked by the pupils. The building itself will also demonstrate in its design the principles of respecting the land and environment, made from locally sourced materials, being highly sustainable and with very low energy consumption, with the long-term aim of gaining zero-carbon status. The pupils' appreciation of and sympathy for the land and nature begins in class 1 and is an integral part of each year's unique curriculum through to class 10. This aspect of the Academy is fundamental to the school's identity. It will be exemplary in its specialism and in environmental aspirations.

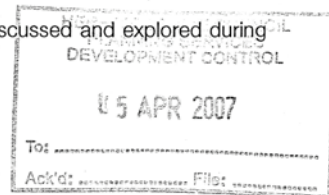
1c: 'The proposed development does not provide satisfactory measures so as to ensure that the increased vehicle and pedestrian activity would be safe and convenient and not exacerbate the current operational difficulties arising from the existing school.'

The technical Highways requirements for the new access were satisfied during extensive consultation during the last application period, substantiated by the safety audit submitted at that time. However, in response to the above grounds for refusal the Transport Assessment has been revised and a Travel Plan, a new document prepared by the School Community, is included.

The new entrance and car parking at the south east end of the village will form the main access for all visitors and pupils to the school. It will overcome the present difficulties resulting from the use of the existing poor access, will be safer for the children and will cause less disturbance to residents. A recent survey shows that two thirds of school traffic currently comes from the South-East. The new access therefore will substantially reduce traffic through the village.

The Travel Plan supports the commitment to strictly limit existing access at the 'Pippins' to disabled parking only, together with emergency access and deliveries to the school. The Travel Plan also highlights how the walk from the new drop-off point to classrooms provides an opportunity for the school to extend its commitment to the healthy living agenda. Parents will sign up to this arrangement as part of their 'school agreement'. The Travel Plan recommends that the school provides additional mini-buses to reduce school traffic and works with the Highways Authorities to secure improvements on road safety that can support initiatives to encourage walking and cycling to the school.

Other issues that are relevant to this application and have been discussed and explored during this re-submission period are:



Bus shelter: We are currently proposing to re-locate the bus shelter slightly further north-west and so be able to create a bus lay-by to provide a safer area for buses to pull-in - they currently block the road. We can re-locate the existing structure, or agree a new design in discussion with the Parish Council. Subject to detail design, we also can explore the option to retain the bus shelter in its current position, which we believe may be feasible. We would be happy to discuss the proposals further with the Parish Council, who have agreed to meet with us formally once the application has been submitted.

Traffic calming: In discussion with Highways there is no requirement for traffic-calming with this application proposal. However there is a strong feeling from the school and community that something needs to be implemented to make traffic slow down. Evidence exists of excessive speed on the B4348 through the village and a number of options exist to manage the speed of traffic. Measures such as speed responsive warning signs will be considered, with the school ready to make appropriate contributions towards the cost of delivery.

Drainage: In the last Planning application we proposed a mains connection, subject to findings from a Welsh Water study, which we commissioned. We now are proposing on-site treatment, as the findings from Welsh Water require a prohibitively expensive solution. The estimated costs for a mains connection are in the region of £600k, to upgrade the existing sewerage works. Our estimate for an on-site treatment plant is in the region of £100-200k maximum, depending on the treatment plant used. In discussion with the Environment Agency, they recommend connection to a Mains if it exists, in the first instance and if it is "practical" and "reasonable". Clearly in this instance it is not reasonable to connect to the mains. We are happy to provide the cost breakdown on the options if you require. The Environment Agency will require a Discharge Consent Application, which we intend to submit should the outline application be successful.

Finally I list the enclosures highlighting the revised documents.

Six copies of the following documents:

- Completed forms dated 4th April 2007, revised drainage and reduced building area.
- Location drawing 1311/P/20
- Leaflet prepared by the Hereford Waldorf School, to be circulated to the local Community and Councillors of the Sub-Committee. This will be sent under separate cover.
- Revised Design and Access statement including landscape approach, to be read in conjunction with the leaflet, as above.
- Revised Planning Statement prepared by Paul Smith Associates
- Ecological and Protected Species Surveys prepared by Wildways Ecology and Countryside.
- A revised Education Support Paper prepared by Navigant Consulting, who have been involved with the project from inception.
- Flood Risk assessment document
- Revised Transport Assessment including the Road Safety audit stage 1. This will be sent under separate cover
- New Travel plan prepared by the Hereford Waldorf School Community in consultation with Herefordshire Council's School travel advisor.

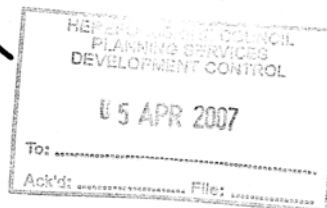
Please let me know if you require any further information or clarification.

Yours sincerely



Julia Kashdan-Brown

Encs



13 DCSE2007/1306/F - DEMOLISH EXISTING BUNGALOW AND GARAGE - CONSTRUCT TWO NUMBER SEMI DETACHED DORMER BUNGALOWS, ARDEN, GREYTREE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7HU.

For: Dr. N.C. Kway per Mr. R.H. Ball, Ilex, Ashfield Crescent, Ross-on-Wye, Herefordshire, HR9 5PH.

Date Received: 1st May, 2007 Ward: Ross-on-Wye West Grid Ref: 59707, 25102

Expiry Date: 26th June, 2007

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

1. Site Description and Proposal

1.1 Arden, a "Woolaway" type bungalow is on the north side of Greytrees between Wye Haven and Lyn-Mar. Crantock is to the north-east. A 2 metre high wooden panel fence defines the western and eastern boundaries, and a row of fir trees are along the northern boundary. The site is located in an established residential area as shown on Inset Map ROSS1 in the Herefordshire Unitary Development Plan 2007, and is within the Wye Valley Area of Outstanding Natural Beauty.

1.2 This application proposes the demolition of Arden and its replacement with 2 semi-detached dormer bungalows accommodating living room, dining room, kitchen, bed/study and WC on the ground floor with 2 bedrooms and a bathroom within the roof. Dormer windows are proposed in the front elevation. Two parking spaces per dwelling are proposed to be provided at the front of each dwelling. The submitted plan shows the dwellings will be on the same "building line" as Wye Haven.

2. Policies

2.1 Planning Policy Statements

PPS.1	-	Delivering Sustainable Development
PPS.3	-	Housing

2.2 Herefordshire Unitary Development Plan 2007

Policy S.1	-	Sustainable Development
Policy S.2	-	Development Requirements
Policy S.3	-	Housing
Policy S.6	-	Transport
Policy S.7	-	Natural and Historic Heritage
Policy DR.1	-	Design
Policy DR.3	-	Movement
Policy H.1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H.13	-	Sustainable Residential Design
Policy H.14	-	Re-using Previously Developed Land and Buildings
Policy H.16	-	Car Parking

Policy LA.1 - Areas of Outstanding Natural Beauty

3. Planning History

- 3.1 DCSE2006/1741/F Demolish existing bungalow and garage and construct 2 dormer bungalows - Withdrawn 25.07.06
- DCSE2006/2924/F Demolish existing bungalow and garage and construct 2 dormer bungalows - Refused 06.11.06

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water - No objection subject to conditions.

Internal Council Advice

- 4.2 Traffic Manager – No reply received at time of report.

5. Representations

- 5.1 The applicant has submitted a Design and Access Statement:

- The application is for 2 semi-detached dormer bungalows;
- The ridge height of the new dwellings will be 800mm higher than the dwelling to be demolished;
- This reduces the impact on the neighbour; and
- Parking for 4 vehicles and turning is proposed to ensure that vehicles can turn within the site.

- 5.2 Ross Rural Parish Council - No objection.

- 5.3 Objections have been received from:

Mr and Mrs Gray, Wye Haven, Fourth Avenue, Greytree, Ross-on-Wye; and
Mr and Mrs Harris, Crantock, Fourth Avenue, Greytree, Ross-on-Wye

- A high majority of properties in Greytree are bungalows.
- Dormer bungalows will be out of keeping with the surrounding area.
- The proposal will obstruct our view.
- Loss of light.
- Overlooking.
- Increase in use of the access will be a danger to other road users. This is already an accident black spot.
- The properties along this road is very uniformed straight line to have a building put so far back to allow car parking would be totally out of character.
- They will dominate the landscape.

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 Arden is located in an established residential area as shown on Inset Map ROSS1 in the Herefordshire Unitary Development Plan. Within this area policy H1 states that residential development will be permitted.
- 6.2 This application has been submitted in response to the refusal of planning permission DCSE2006/2924/F which proposed the erection of 2 dormer bungalows with gable elevations facing the road and which would have been linked by an entrance porch, when it was considered "the dwellings would have had poor correlation to the existing pattern of development in Greytrees so as to be a discordant feature in the locality."
- 6.3 Policy H14 deals specifically with the re-use of previously developed land. The policy accepts proposals for redevelopment provided it respects the character and appearance of its location. The character of Greytrees is derived from a variety of architectural styles with eaves elevations parallel to the highway. This characteristic is replicated in this application. The scale of these dwellings is considered acceptable in that they are similar in scale to adjoining buildings. The ridge height of the proposed dwellings will be that same as Wye Haven which adjoins the site on its east side. Also, the siting of the dwellings is considered acceptable in that they will be on a similar "building" line as adjoining dwellings, allowing sufficient space within the proposed front garden for vehicles to park, and enter and leave the site in a forward gear.
- 6.4 Insofar as impact on the amenity of neighbours is concerned, it is considered the height of the hedges that are on the rear of the site and at the front provide adequate screening so as to avoid direct overlooking. From the rear of the proposed dwellings to Crantock, which is to the northeast of the site, there will be a separation distance of some 25 metres. This distance is considered satisfactory to protect residential amenity and maintain privacy. The dormer windows on the front elevation will look out across to the other side of Greytrees. It is considered the existing boundary hedge between the site and Wye Haven is of a height that will protect the neighbour's front garden from being overlooked.

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. 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.

4. W01 (Foul/surface water drainage)

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

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

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

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

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

7. F49 (Finished floor levels (area at risk from flooding))

Reason: To protect the development from flooding.

8. H12 (Parking and turning)

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. HN05 - Works within the highway
- 3. HN10 - No drainage to discharge to highway
- 4. W01 - Welsh Water Connection to PSS
- 5. N19 - Avoidance of doubt
- 6. N15 - Reason(s) for the Grant of Planning Permission

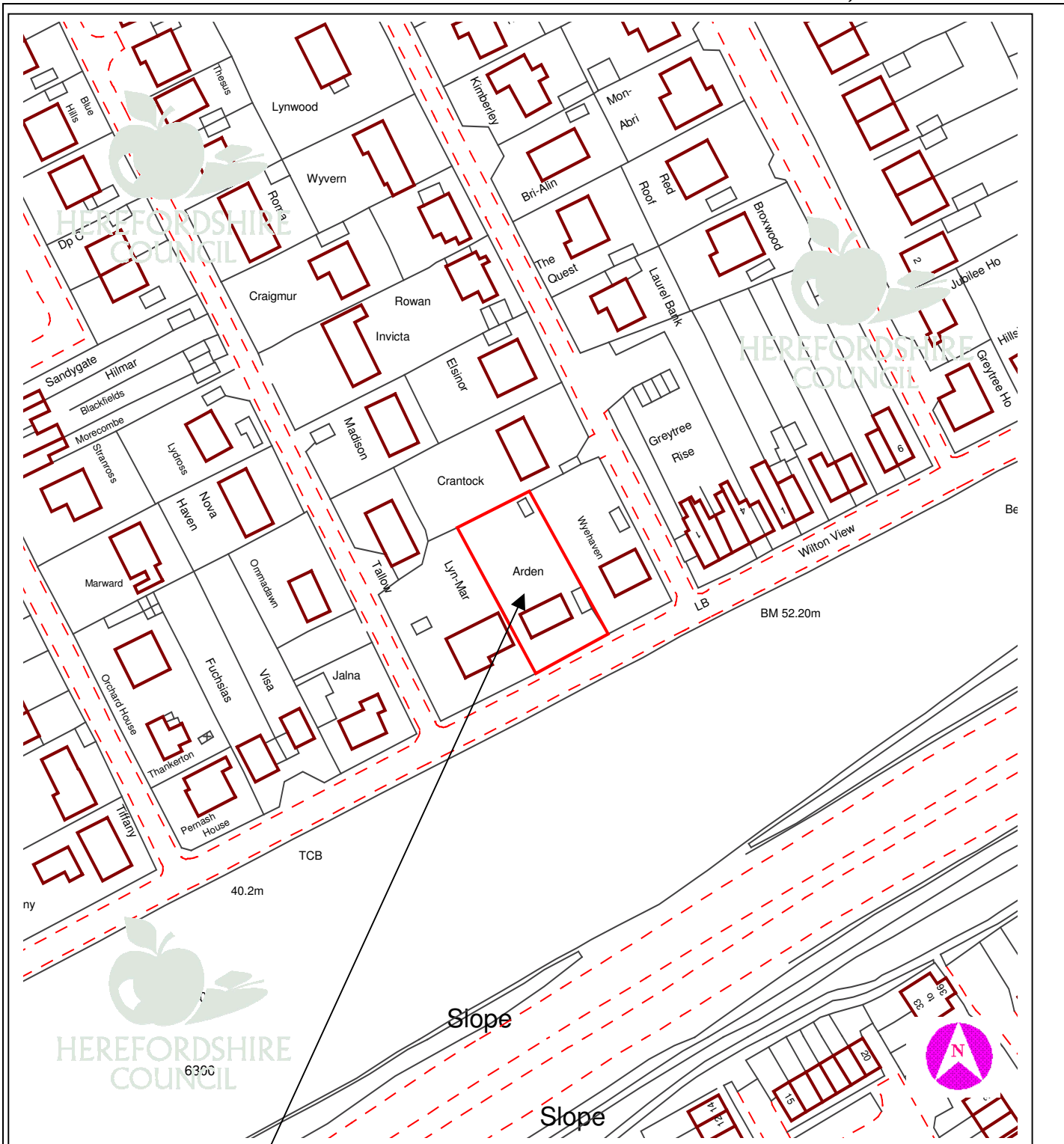
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2007/1306/F

SCALE : 1 : 1250

SITE ADDRESS : Arden, Greytree, Ross-on-Wye, Herefordshire, HR9 7HU

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14 DCSE2006/3612/F - 3 DWELLING UNITS FOR RENT, MARTINS CLOSE, WOOLHOPE, HEREFORDSHIRE, HR1 4QS.

For: Festival Housing Group per JBD Architects, Mortimer House, Holmer Road, Hereford, HR4 9TA.

Date Received: 15th November, 2006 Ward: Old Gore Grid Ref: 61117, 35789

Expiry Date: 10th January, 2007

Local Member: Councillor T.M.R. McLean

1. Site Description and Proposal

- 1.1 The site is a grassed area between Martins Close and St George's Church, a Grade II* Listed building. An iron railing fence bounds the site on its south side, a rubble stone wall runs along the boundary with the church and wooden panel fencing and hedges form the boundaries with Martins Close.
- 1.2 The site is located in the Woolhope Conservation Area and the Wye Valley Area of Outstanding Natural Beauty.
- 1.3 This application proposes a row of 3 dwellings that comprise 2, 2-bedroomed dwellings and 1, 3-bedroomed dwelling that will be available for rent.

2. Policies

2.1 Planning Policy Statements

PPS.1	-	Delivering Sustainable Development
PPS.3	-	Housing
PPS.7	-	Sustainable Development in Rural Areas
PPG.15	-	Planning and the Historic Environment

2.2 Herefordshire Unitary Development Plan 2007

Policy S.1	-	Sustainable Development
Policy S.2	-	Development Requirements
Policy S.3	-	Housing
Policy S.7	-	Natural and Historic Heritage
Policy DR.1	-	Design
Policy DR.3	-	Movement
Policy H.6	-	Housing in Smaller Settlements
Policy H.9	-	Affordable Housing
Policy H.10	-	Rural Exception Housing
Policy H.16	-	Car Parking
Policy LA.1	-	Areas of Outstanding Natural Beauty
Policy HBA.4	-	Setting of Listed Buildings
Policy HBA.6	-	New Development within Conservation Areas

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 – No in principle objection.

4.3 The Conservation Manager -This is a successful example of adapting traditional forms to C21 requirements and its carefully considered design will stand in marked contrast to the pedestrian speculative housing to the south.

5. Representations

5.1 The applicant has submitted a Design and Access Statement:

- The dwellings will comply with the Housing Corporation Design Standards, Life Time Homes and Eco Homes Standards as well Building Regulations and Secure by Design;
- The dwellings will be designed to a higher standard level of insulation to minimise energy costs and are orientated due south to maximise solar design during winter months;
- Extensive shading will protect dwellings from excessive heat during the summer months;
- The dwellings will be constructed using a local timber supplier and the cladding will utilise locally sourced oak cladding as well as brick at lower levels;
- The dwellings have been positioned to minimise obstruction and overlooking to neighbours;
- Whilst being contemporary in appearance the dwellings reflect local characteristics and materials;
- The site is close to the village centre and is adjacent to the church;
- The site is relatively flat and it is not envisaged there will be any change in levels requiring steps or ramps; and
- The surfacing of the car park and approaches to the dwellings will be wheelchair accessible.

5.2 Woolhope Parish Council “unanimously oppose the proposed plans as currently presented for the following reasons:

1. Access - insufficient width for access in view of the existing lane to church and lack of visibility to motorists leaving the proposed development;
2. Quantity of proposed dwellings on size of plot will cause overlooking to neighbouring properties;
3. Application within conservation area and area of great landscape value and design and style of proposed dwellings are not in keeping with neighbouring

properties especially in view of the close proximity to the church which is a Listed building; and

4. Proposed dwellings do not meet the needs of parishioners because they may not come under a 106 Agreement.”

5.3 7 letters of objection have been received:

- This is backland development that will have an adverse affect on neighbours;
- The design and appearance of the dwellings will have an adverse impact on the character of the area;
- There is no satisfactory access;
- Over development of the site;
- The Woolhope sewerage plant is overloaded;
- This proposal is contrary to Woolhope Planning for the Future 2006;
- The development will not preserve or enhance the character or appearance of the Woolhope conservation area;
- The proposed materials are in appropriate for the area; and
- The proposal will have an adverse affect on the setting of St George1s Church a Listed building.

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 site is located in the smaller settlement of Woolhope. Housing development in smaller settlements is allowed but controlled by policy H6. The policy sets a criterion for consideration that allows development; house sizes, infill frontage, and affordable housing on infill sites with frontages larger than 30metres and sites over 350 square metres where there is a proven local housing need.
- 6.2 In terms of need, the Council's Strategic Housing Service undertook a housing needs study in Woolhope as part of the on-going surveys across the County. Residents were consulted as part of the Woolhope Parish Plan process early in 2006. The results of the survey shows there is an affordable housing need for 8 dwellings. This application for 3 rented dwellings will fulfil part of that need. Detailed advice on affordable housing is given in policies H9 and H10. It will be necessary for a Section 106 agreement to be completed and the proposed Heads of Terms are attached as an appendix.
- 6.3 The site is also within the Woolhope Conservation Area. Within conservation areas it is a statutory requirement for development either preserve or enhance the characteristics of the area. In this matter the Conservation Manager comments the site is relatively secluded and the scheme will be most visible from the churchyard to the east. However, there is an appropriate degree of visual separation between the east elevation and St George's Church, so this proximity is not problematic. The design of the dwellings is a consistent expression of the schemes environmental aspirations and elements such as massing, orientation, fenestration pattern and solar shading will be clearly understood. In a similar vein, ancillary elements such as the garden sheds and bin stores are carefully integrated into the whole composition. The scheme uses materials from predominantly local sources, but adopts a crisp, modern aesthetic which is a logical development of their traditional use. Accordingly, it is not considered the proposal will cause harm to the historic environment.

- 6.4 The submitted plan shows that the rear wall of the proposed dwellings to the gable flank wall of the neighbour to be a distance of 12metres. This is considered to be an acceptable minimum distance given that there are no living room windows in the gable elevation of the neighbouring dwellings so as to compromise outlook and to avoid the development being visually intimidating.
- 6.5 Access to the site is off an unsurfaced track, which also provided access to the church car park and Martin's Close. The Traffic Manager advises the means of access is substandard and its junction onto the C1297 is restricted. However, given the existing usage of the access the proposal will not have significant disruption to the users of the highway.

RECOMMENDATION

That: The Legal Practice Manager be authorised to complete a planning obligation agreement under Section 106 of The Town and Country Planning Act 1990 to ensure:

- a) **The dwellings shall be retained available for rent in perpetuity for local people.**

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.

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

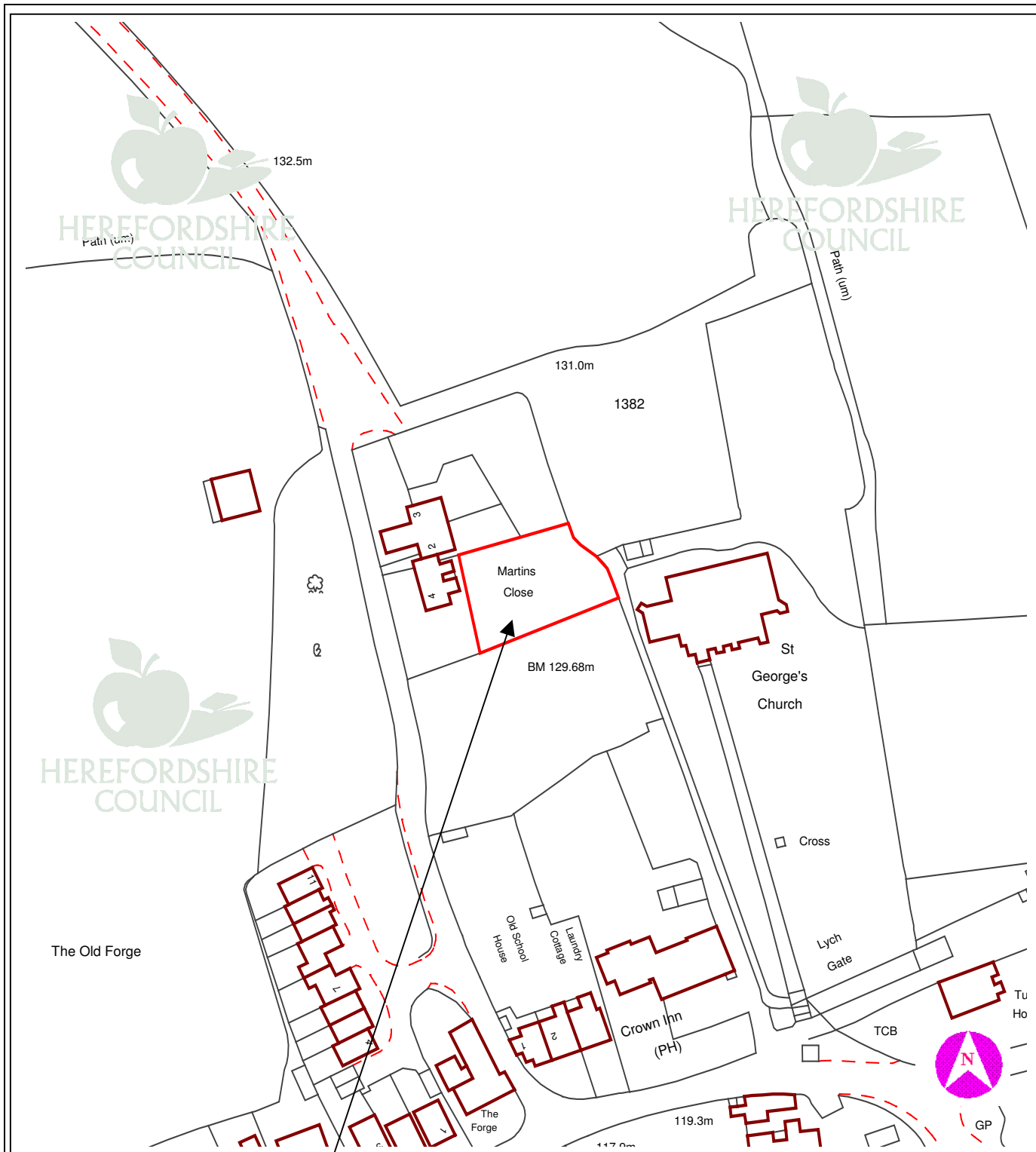
Section 106 Town and Country Planning Act 1990

Planning Application DCSE2006/3612/F

3 dwellings for rent comprising of 2, 2-bedroomed dwellings and 1, 3-bedroomed dwelling at
Martins Close, Woolhope

1. The approved houses shall be affordable housing units which meet the criteria set out in Section 5.5 of the Herefordshire Unitary Development Plan 2007 and related policy H9 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 of these units as affordable housing.
2. 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 preparation and completion of the Agreement.
3. The applicant shall complete the Agreement by 20 September 2007 otherwise the application will be registered as deemed refused.

DW Thomas
Senior Planning Officer



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APPLICATION NO: DCSE2006/3612/F

SCALE : 1 : 1250

SITE ADDRESS : Martins Close, Woolhope, Herefordshire, HR1 4QS

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15 DCSW2007/0989/F - 1. CHANGE OF USE OFFICE TO RETAIL. 2. NEW OFFICE EXTENSION. 3. NEW CRAFT WORKSHOPS TO REPLACE STORES. 4. NEW OVERSPILL CAR PARKING AREA, GALANTHUS GALLERY/CAFE, WORMBRIDGE HOUSE, WORMBRIDGE, HEREFORDSHIRE, HR2 9DH.

For: David Kellett and Partners Ltd per Mr. M. Keyse, Sawpits, Great Doward, Symonds Yat, Ross on Wye, HR9 6BP.

Date Received: 2nd April, 2007

Ward: Valletts

Grid Ref: 42879, 31028

Expiry Date: 28th May, 2007

Local Member: Councillor M.J. Fishley

1. Site Description and Proposal

- 1.1 The application site is on the western side of the A465(T) immediately to the south-west of a garage/filling station. Wormbridge House comprises the applicants' residential property, a converted barn used as an art gallery and coffee/tea shop, a single storey flat roofed building used for office purposes, a modern brick building used in association with the applicants' engineering business and lastly wooden workshop buildings used previously by Theale Fireplaces (the previous occupiers of the site) for stone cutting.
- 1.2 It is proposed to construct a further floor of accommodation onto the existing office block. This building will be faced in brick which is the predominant facing material on the site. The offices used in association with the engineering business will move upstairs into the first floor storey. The vacated offices will then be used for retail purposes in association with the art gallery between it and the A465(T).
- 1.3 The second element is the replacement of the aforementioned workshop buildings which are close to the line of a public footpath (WD.5) which crosses the site just inside its northern boundary. The new rectangular shaped building is 6 metres wide, 15 metres long and 3.5 metres to the ridge of the 15 degrees pitch roof. This new building will provide a woodwork workshop covering approximately half the floor and the remaining area is divided between a metalwork area and pottery. The existing building is irregular in shape and 3.5 metres to the ridge for one element rising to 4 metres to the ridge for an adjoining element. The materials for the new building reflect that used on the existing, i.e. horizontal boarding to the front and gable ends and a metal sheeted roof. The building adjoins a bank which constitutes the boundary between the site and Forge Garage and Forge Cottage to the north. The position of the new workshop has been re-sited slightly further away from the public footpath (WD.5).
- 1.4 The third element is the creation of an overspill car park on the south-western side of the site via an existing gateway. This overspill car park will provide ten spaces. It is partially screened from the rest of the site by trees and hedging.

2. Policies

2.1 Planning Policy Statement

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

2.2 Herefordshire Unitary Development Plan 2007

- Policy DR.1 - Design
 Policy DR.2 - Land Use and Activity
 Policy DR.3 - Movement
 Policy DR.4 - Environment
 Policy E.6 - Expansion of Existing Businesses
 Policy E.8 - Design Standards for Employment Sites
 Policy S.6 - Transport
 Policy T.11 - Parking Provision

3. Planning History

- 3.1 SW2000/2085/F Detached steel frame building for the storage and packaging of dairy processing machinery - Approved 17.01.01
- SW2003/0511/F Alterations and extensions to barn and adjacent stores to form Gallery with coffee shop, toilets and associated flat - Approved 08.05.03

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency has raised no objections.

Internal Council Advice

- 4.2 Traffic Manager recommends that 33 parking spaces be provided.
- 4.3 The Public Rights of Way Manager does not object, subject to the re-positioning of the workshop building and the doors to the building not opening out. The doors would need to open inwards or be folding or roller type doors.

5. Representations

- 5.1 The applicants' agent has submitted a Design and Access statement. This statement is summarised as follows:

Design and Access Statement

Planning permission was granted in 2003 for a new gallery and cafe to be formed in timber framed barn. The business started in 2005. The existing site also has office and storage buildings providing administration and storage facilities for Galanthus and

the other original business of the applicants. Ice cream and cheese are made on the site for sale in the cafe.

The current planning application consists of the following proposals:

- change of use of the office accommodation to retail
- new first floor office extension above the retail space
- new craft workshops to replace stores
- new overspill car parking area

Change of use of the office accommodation to retail

- the proposed retail space will be used for the sale of delicatessen and craft items which are seen as a logical extension of the gallery/cafe business
- building will be altered to provide new entrance doors and windows

New first floor offices

The flat roof over the existing offices is unsightly and has failed. New first floor offices will replace the offices lost to the proposed retail conversion. It will have a traditional pitched roof covered in salvaged plain tiles to match the existing roofs to the older buildings of the site. Walls will be of brickwork and boarding to reflect the existing materials of the house and gallery buildings. The proposed extension is of a lesser scale than the existing house which will remain as the dominant feature of this site.

Craft workshops

The existing wooden storage sheds are in poor condition. The roofs are not weatherproof. The sheds have reached the end of useful life.

It is proposed to replace the sheds with a simple timber framed and panelled structure, it will provide 3-4 craft/artists workshops, occupied from time to time by artists invited to work for the gallery.

The proposed building is of a similar size to replaced one, finished in timber boarding and the roof and rear wall will be covered in metal sheeting matching adjacent storage building.

Overspill car parking

It is anticipated that the proposals will attract additional customers hence a further car parking area is included. The existing business tends to attract customers in a regular 'trickle' rather than having peak periods of traffic movements. The busier periods tend to be at weekends when additional car spaces are available as the office is not in use.

Conclusions

The Galanthus gallery and cafe is currently run to a high standard aiming to provide a quality service to its customers. The business has provided a sensible modern use for the previously vacant timber framed barn. The applicants consider that the projects as proposed will further enhance the quality of the site and provide additional related facilities for their customers.

Access

Vehicular access to the site from the A465 is unaffected by the proposals. As indicated on the site plans there is an existing disabled parking bay adjacent to the gallery and the further disabled bays are proposed adjacent to the office and proposed retail areas.

Pedestrian access from the A465 is practically level to the gallery and proposed retail area.

Access into the proposed new retail area and into the craft workshops will be level. The proposed office area is on the first floor but a ground floor office has been retained for disabled staff or visitors who are unable to use the stairs.

5.2 Wormbridge Parish Council make the following observations:

“Following a site meeting on the 25th April 2007 and careful consideration at meeting No. KGPC/MW/026P(i) held on the 2nd May 2007 the Parish Council resolved unanimously to support this application.”

5.3 Two letters have been received from:

Mr. G.T.A. Statham, The Forge Filling Station, Wormbridge, HR2 9DH.
Mrs. M. Statham, The Beeches, Wormbridge, HR2 9DH.

The following main points are raised:

- traffic calming measures required
- already number of near misses, vehicles pulling into Forge Filling Station
- access to Forge Cottage will be impeded by additional traffic. Right of way not shown on submitted plans
- workshops will disturb peace and tranquility of Forge Cottage. Noise will affect future tenants
- looks like footpath will be moved again without permission. Already route is impeded to rear of site by stacked materials
- path has been built on in the past
- recommend new buildings are moved forward to allow footpath to return to current position.

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 impact of the new development on the amenity of the site, the potential for disturbance to an adjoining property, the implications of the development on the public footpath that crosses the site, parking provision and access in and out of the site.

6.2 The flat roofed single-storey building used as an office suite by the applicant will be enhanced with the addition of a further storey and pitched roof. The first floor will provide accommodation for the offices and the ground floor retail space to be used in

conjunction with the existing gallery and coffee shop. The extension will result in a building that is in keeping in scale and proportion with existing buildings on the site including the gallery/coffee shop and Wormbridge House. The retail outlet will expand the opportunities for selling items produced by artists, including craft workers who will be using the proposed workshop building across the courtyard from the site.

- 6.3 The workshop building is of simple construction and is no higher than the building it replaces. The buildings replaced have been recently used for storage purposes but were used previously in connection with the fireplace and surrounds business that used the site until occupation by the current applicant. The use of these craft units can be controlled by condition. It is not considered that notwithstanding the representations received, the use of the buildings which will be intermittent and in a purpose built building would result in noise that would materially detract from the amenity of the occupants of the holiday cottage at Forge Garage. It should also be noted that the site was used for stone cutting by Theale Fireplaces and that the holiday cottage adjoins a petrol filling station and garage where cars are repaired, therefore it is considered that these factors and the prevailing background noise of traffic on the trunk road could not sustain an objection on amenity grounds. Therefore the proposal satisfies the requirements of Policies DR.2 and DR.4 contained in the Unitary Development Plan, as these policies relate to the generation of noise associated with proposed land use activity.
- 6.4 A further matter raised in representations received is the relationship of the new workshop building proposed to the public footpath which crosses the site. The alignment of the footpath has resulted in the proposed workshop building being slightly re-aligned such that the Public Rights of Way Manager is satisfied that there is sufficient space between the proposed workshop and the storage and packaging building approved in 2000. The Public Rights of Way Manager does though have a proviso and that is that any doors on the south-west elevation of the building do not open outwards. The doors would need to slide or open inwards. This is a matter that can be made the subject of a planning condition.
- 6.5 The final issues relate to the means of access, parking and the right of way to Forge Cottage. The Council's Traffic Manager requires that 33 parking spaces be provided on the site, which when the overflow car park is provided will be reached. There is already an informal one-way system which is sign-posted, this assists with on site highway safety given the existing mixture of traffic, i.e. for the gallery/coffee shop and the light engineering business, both managed by the applicant. The right of way access from the site to Forge Cottage is a matter between the applicant and a third party, it is evident though that none of the building works proposed directly interferes with this access point. The Highways Agency has not objected to the application and therefore given the statutory body consider that the existing access point onto the A465(T) is satisfactory there are not considered to be reasons for refusal on the basis of an increase in traffic volume.
- 6.6 The proposal will enhance the amenity of the site with the proposed extension over the existing flat roofed building and the removal of two irregular shaped wooden clad faced buildings. The scheme provides for sufficient parking and does not impinge upon the public footpath that crosses the site. The use of the craft workshops will not, given their relationship to an existing holiday cottage which is at a higher level, and the background noise from the trunk road and other uses around the cottage, materially detract from the amenity of the occupants of the holiday cottage. The scheme will enhance the amenities of the site and provide further opportunities for employment in the countryside.

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. The week day opening times for the retail shop shall be restricted to being after 09.30 hours. The shop is an ancillary land use and may only be open when the primary land use, the Gallery, is open for business.

Reason: In order to define the terms to which the application relates and in the interests of regulating traffic movement on the A465 Trunk road.

4. E07 (Restriction on sale of food products)

Reason: To prevent use of the premises as a food supermarket contrary to development plan policies.

5. The permission hereby granted is specifically for craft workshops, offices and ancillary retail outlet to Gallery. Future changes of use within the same land use classes are not permitted without the grant of express planning consent.

Reason: In order to define the terms to which the application relates and in the interests of regulating traffic movement on the A465 Trunk road.

6. Details for the doorways/entrances for the craft workshop building which shall not open outwards, i.e. towards the public footpath and shall be the subject of the prior written approval of the local planning authority before first use of the building.

Reason: In order to ensure that the public footpath is not obstructed.

7. H15 (Turning and parking: change of use - commercial)

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

Informative(s):

1. N19 - Avoidance of doubt

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

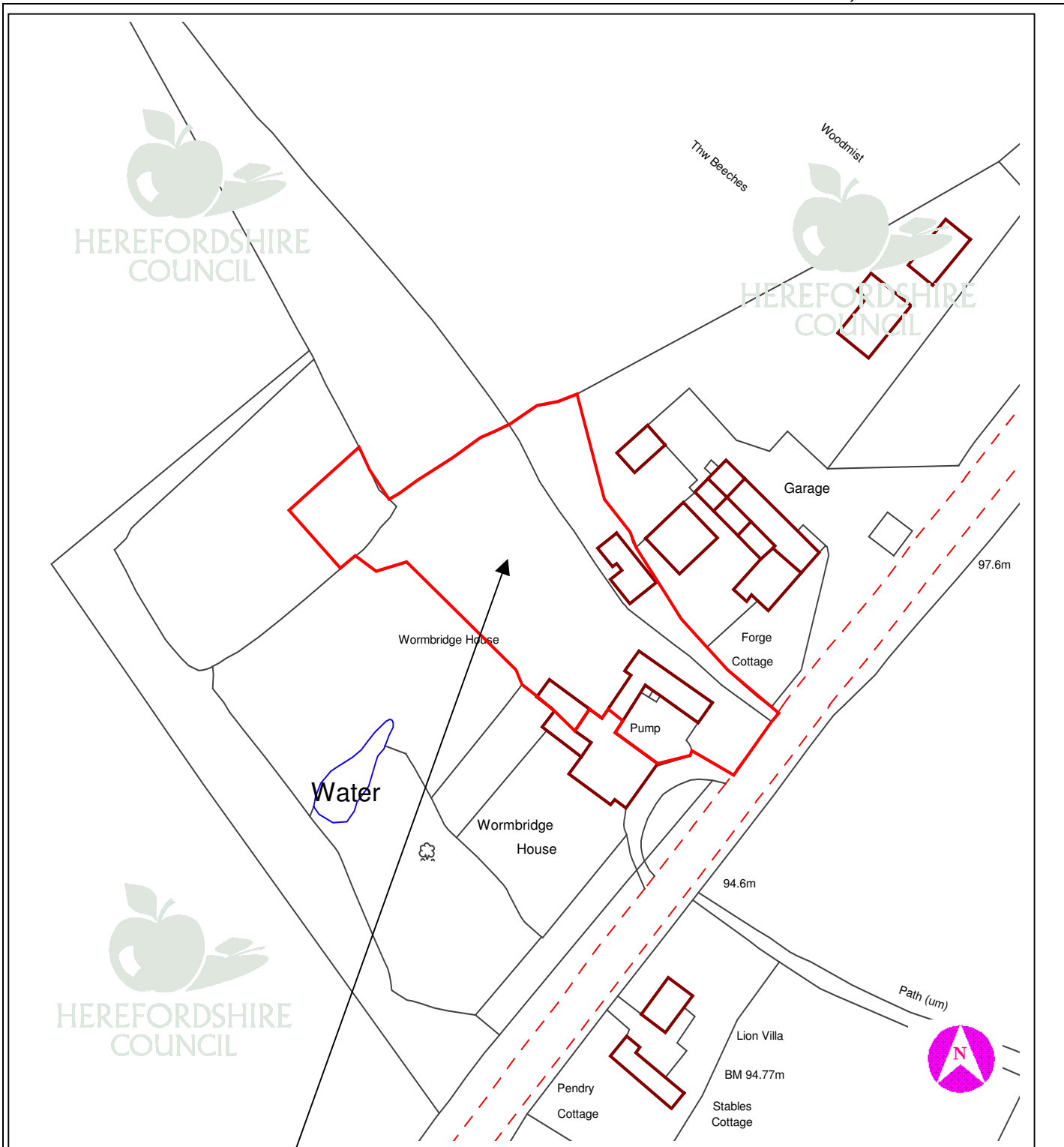
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2007/0989/F

SCALE : 1 : 1250

SITE ADDRESS : Galanthus Gallery/Cafe, Wormbridge House, Wormbridge, Hereford, Herefordshire, HR2 9DH

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16 DCSE2007/1158/F - DEMOLITION OF OFFICE & PART RETAIL & ERECTION OF 12 NO. 1 & 2 BED FLATS, CONVERSION OF FIRST FLOOR ABOVE RETAIL TO 2 FLATS. CRAIG THORPE LTD, HILL STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7AD.

For: Craig Thorpe Ltd per Trower Davies, 20 Lancaster Centre Meteor Business Park, Cheltenham Road, East Staverton, GL2 9QL.

Date Received: 18th April, 2007 Ward: Ross-on-Wye East Grid Ref: 60007, 24159

Expiry Date: 18th July, 2007

Local Member: Councillors A.E. Gray P.G.H. Cutter

1. Site Description and Proposal

- 1.1 The site to which this application relates is roughly 'L' shaped, linking Crofts Lane to the north and Hill Street to the east. It abuts Croft Court retail/housing development and, to the west, the rear of Broad Street shops, with an open area to the south. The western limb of the site is currently a retail shop. The area of the application site is about 0.06ha.
- 1.2 It is proposed to redevelop the southern limb of the site, leaving the section of the retail shop which fronts Crofts Lane. The new development would fill most of the remaining area, with the exceptions of an area fronting Hill Street (a landscaped forecourt) and an inner courtyard which abuts Croft Court. The three-storey block of flats would wrap around the inner courtyard, with the second floor partly within the roof slopes of the eastern section. A main design feature would be inter-locking gables roof of varying height. Most of the windows would be on elevations facing into the inner courtyard or towards Hill Street. External materials are stated to be brick and render with tiles/slate roof.
- 1.3 A total of 12 flats would be erected (10 1-bed, 2 2-bed) and in addition the first floor accommodation above the shop would be converted into a further 2 1-bed flats. The shop would have a new shopfront, as previously approved (SE2006/2024/F). No off-street car parking is proposed.

2. Policies

2.1 Planning Policy Statement

PPS.3 - Housing

2.2 Herefordshire Unitary Development Plan 2007

Policy S.3 - Housing

Policy H.1 - Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas

Policy H.13 - Sustainable Residential Design

Policy H.14	-	Re-using Previously Developed Land and Buildings
Policy H.15	-	Density
Policy H.16	-	Car Parking
Policy HBA.6	-	New Development within Conservation Areas
Policy HBA.7	-	Demolition of Unlisted Buildings within Conservation Areas

3. Planning History

- 3.1 DCSE2006/2024/F Shopfront - Approved 16.08.06
- DCSE2006/3175/F Demolition of office and part retail and erection of 12 1 and 2 bedroom flats; conversion of first floor to 2 residential units - Withdrawn 19.12.06

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water recommend conditions be imposed to ensure no detriment to existing residents or the environment and to their assets.

Internal Council Advice

- 4.2 Traffic Manager advises that Hill Street, an unclassified road which accesses the location of the proposed development is sub-standard, being narrow in width. It is considered that any intensification of its use by motor vehicles may lead to conflict. However, the development is indicated as being car free, with no provision for car parking.

The site is considered as being in a sustainable location (town centre), and in line with Government Policy Guidelines to encourage the reduction in car use, is acceptable. It is recommended that secure covered cycle parking be provided in order to promote an alternative mode of transport.

- 4.3 Conservation Manager:

“Given the alternatives proposed, this scheme probably represents the best option in terms of its impact on the character of the conservatin area and does not feature prominently in views from public vantage points. The scale and massing are generally appropriate although there are flaws and inconsistencies in the detailing: there is no apparent rationale for the southern-most ground floor window on the Hill Street elevation to have stone dressings and the remainder sills and soldier courses, or for the dormers to be treated differently from the courtyard elevations. Furthermore, such features as diagonally-braced 'balconies' and tie-bars between the bargeboards were typical architectural features 20 years ago. Under Policy HBA.6 the proposals have no more than a neutral impact on the character of the Ross Conservation Area. No objections subject to revisions to the detailing outlined above.”

5. Representations

- 5.1 The applicant's agent points out that the previous application was withdrawn following objections on design grounds and from Welsh Water. The revised application is a

constructive response following discussions with officers. In addition a Design and Access Statement has been submitted which states, in summary:

1. Discussions with the Drainage Authority indicated that any increase of foul sewerage could be off-set by a reduction in the storm water flows from the existing hard surface site. A small section of the development proposal includes soft landscaped areas, which will allow free draining of the soil, reducing the volume of storm water entering the combined public sewer. Welsh Water have now withdrawn their objection.
 2. Advice on marketability and the type of development from local agents indicates that the large retail area would be difficult to find a new occupier, although some retained retail element would be desirable given the site's location within the Town Centre.
 3. Residential redevelopment proposals are considered appropriate for the area, given its sustainable location within the town but should be restricted to small scale units comprising one and two bedroom apartments. Given this location and in line with similar developments, it is not considered that on-site car parking is required.
 4. The form of development should not overpower the surrounding area nor impact adversely on the amenity enjoyed by others. For this reason, the development should look inwards, and should be limited to a maximum of three storeys, so as not to conflict with the building heights of adjoining properties.
 5. An unobtrusive design style that provides distinctiveness and a sense of place should be adopted. A scheme reflecting the adjoining development (Croft Court) is to be adopted. The buildings look inwards to a central courtyard, providing a private amenity area and central access for residents and visitors.
 6. Good quality materials should be considered as high priority and the use of sustainable materials and building techniques employed.
 7. It is proposed to retain the ground floor section of this building for retail, with access from Crofts Lane. Redevelopment of the space above ground floor level would offer an opportunity to re-use part of the existing building rather than total demolition and new-build. It is proposed to maintain access from the rear of the retail unit into the new courtyard to allow limited access in case of fire.
- 5.2 The Town Council considers "that this is an overdevelopment of the site which would increase the traffic flow in an already congested area with access on a very narrow street. There is insufficient off-street parking in an area where there is little other car parking provision. There is also concerns over the access for emergency vehicles. Recommend refusal."

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 Policy H.14 encourages the re-use of previously developed land provided the proposal 'respects the character and appearance of its location, protects existing and proposed residential amenity'. Higher densities are required by PPS.3 in town centre locations

and is not as such an indication of overdevelopment. The key issue is whether the new building fits acceptably, in terms of design and massing, into its location and respects residential amenities. The development site is at a higher level than Crofts Court which is only two-storeyed. Nevertheless the difference in height, viewed from Hill Street, is not so great that the proposed development would be out of scale. The design is generally acceptable with the exception of the detailing on the Hill Street elevation (primarily fenestration and dormers) and courtyard balconies. The applicant has agreed to amend these details. On this basis the proposed development would not harm the character of this part of Ross on Wye Conservation Area. Although almost abutting Croft Court the outer (west and south) elevations do not have any openings and there would be adequate lighting of roof windows. The east and west facing elevations of the proposed development would have small windows as additional lighting to living rooms and kitchens or light bathrooms and where necessary could be obscurely glazed. Internally the windows in the courtyard have been designed to ensure as much privacy as practicable for future residents. One concern is that the 3-storey southern elevation would be very close to the boundary with an open area. This appears not to be actively used and is overgrown. A high wall extends along the boundary but nevertheless a storey and a half of the proposed development would protrude above it. Overlooking from the upper floors of the proposed development could be avoided by the use of obscurely glazed windows but the current proposal would constrain future development of the adjoining land. This is not considered however to be sufficient grounds to refuse planning permission.

- 6.2 As noted above, no off-street car parking is proposed. However, the site is within easy walking distance of bus stops in Cantilupe Road and the full range of facilities within the town centre. In other development nearby (including flats and houses in Henry Street) no car parking has been provided and the Traffic Manager considers that this is acceptable in this location also.

RECOMMENDATION

That subject to submission of revised drawings showing acceptable detailing, 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. 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.

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

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

5. F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

6. G04 (Landscaping scheme (general))

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

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

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

8. G01 (Details of boundary treatments)

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

9. H29 (Secure cycle parking provision)

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

Informative(s):

1. N19 - Avoidance of doubt

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

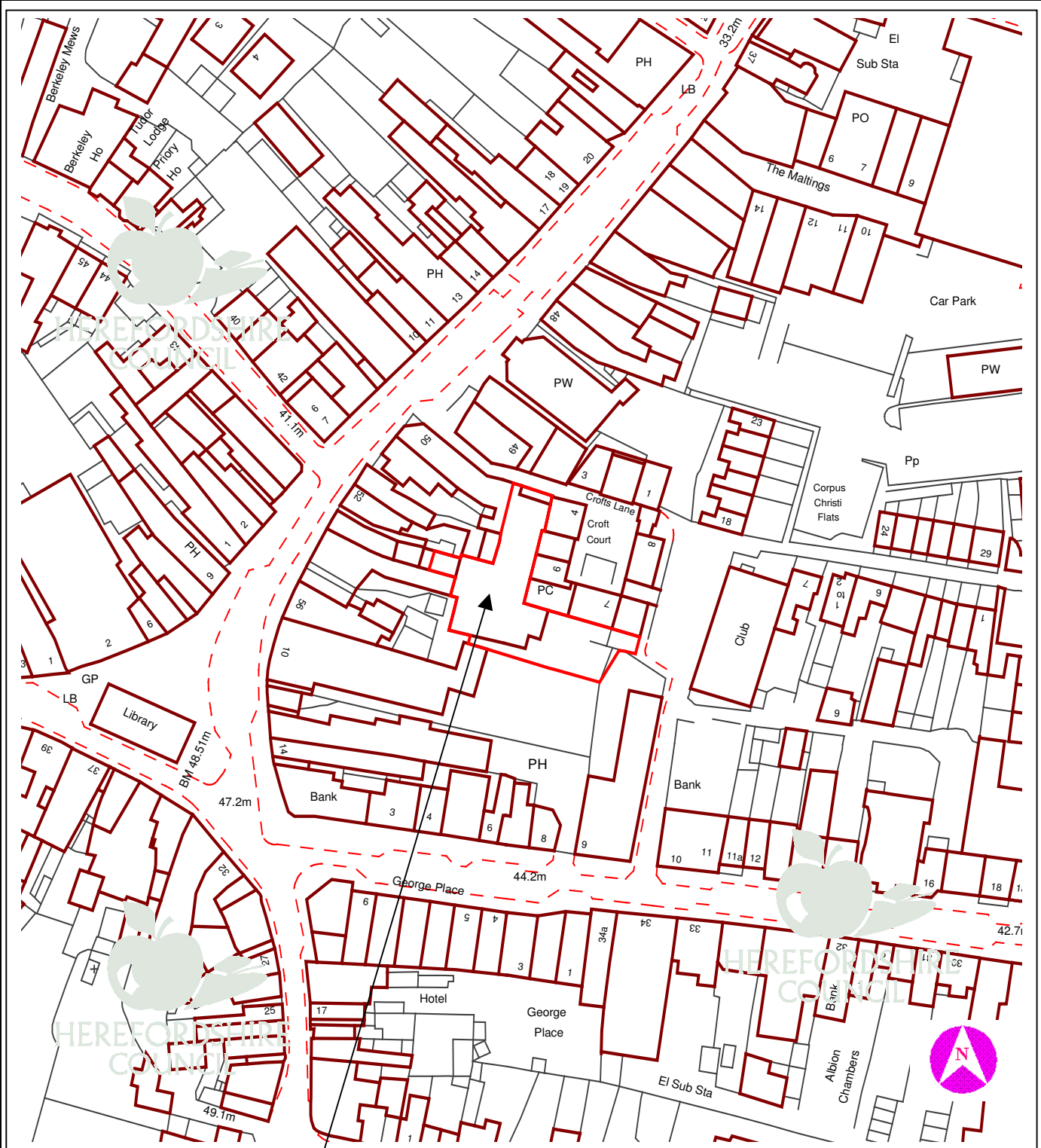
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2007/1158/F

SCALE : 1 : 1250

SITE ADDRESS : Craig Thorpe Ltd, Hill Street, Ross-on-Wye, Herefordshire, HR9 7AD

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17 DCSE2007/1478/F - ERECTION OF ONE DWELLING, LAND ADJACENT TO 'MARSH COTTAGE' PONTSHILL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SZ.

For: Mr. F. McGough per Paul Smith Associates, 19 St Martins Street, Hereford, HR2 7RD.

Date Received: 15th May, 2007

Ward: Penyard

Grid Ref: 63885, 22049

Expiry Date: 10th July, 2007

Local Member: Councillor H. Bramer

1. Site Description and Proposal

1.1 Planning permission (DCSE2006/1677/F) for the erection of a dwelling in part of the garden of Marsh Cottage at Pontshill Marsh was refused in July 2006. The dwelling would have been of Georgian style and comprise 3 floors, the upper floor being within the roof slope and lit in part by dormer windows. The reasons for refusal were:

1. The proposed dwelling, because of its size, height and design, would be out of scale with adjoining houses and would detract from the character of the settlement. The proposal would conflict therefore with Policies H.16A and H.18 of Hereford and Worcester County Structure Plan, Policies SH.10, SH.14 and GD.1 of South Herefordshire district Local Plan and Policy H.13 of Herefordshire Unitary Development Plan (Revised Deposit Draft).
2. The proposed dwelling, because of its size, design and position in relation to adjoining dwellings, would be overbearing and result in loss of privacy. As a consequence the proposal would harm the amenities of the occupiers of these dwellings and conflict with Policies H.15 and GD.1 of South Herefordshire District Local Plan and Policy H.13 of Herefordshire Unitary Development Plan (Revised Deposit Draft).

1.2 A revised proposal (DCSE2006/2609/F) was subsequently submitted. The main changes were the omission of the three dormer windows on the front elevation roof, although the same second floor accommodation would be provided (a double bedroom, now to be lit by a rooflight, and bathroom and store with no natural lighting). The footprint and eaves height would be unchanged but the roof pitch would be less steep (about 40 degrees rather than 44 degrees) which would reduce ridge height by about 0.35m (scaling from drawings) i.e. 8.1m rather than 8.45m. Other changes included the omission of a first floor window on the rear elevation. This proposal was granted permission in September, 2006.

1.3 The current proposal is for a further variant. This would be identical to the approved scheme except for the addition of three dormer windows in the north-west elevation.

2. Policies

2.1 Planning Policy Guidance and Statements

PPS.7	-	Sustainable Development in Rural Areas
PPG.25	-	Development and Flood Risk

2.2 Herefordshire Unitary Development Plan 2007

Policy H.7	-	Housing in the Countryside Outside Settlements
Policy LA.2	-	Landscape Character and Areas Least Resilient to Change
Policy LA.3	-	Setting of Settlements
Policy DR.4	-	Environment

3. Planning History

3.1	SE2002/3287/O	Erection of a cottage	-	Approved 26.02.03
	SE2004/2901/RM	Erection of a cottage	-	Approved 16.02.05
	SE2006/1677/F	Erection of one dwelling	-	Refused 20.07.06
	SE2006/2609/F	Erection of one dwelling	-	Approved 27.09.06

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency's comments have not yet been received.

Internal Council Advice

4.2 Traffic Manager recommends that conditions be included if permission is granted.

5. Representations

5.1 The applicant's agent points out that:

1. the exterior, siting and scale of the proposed dwelling is identical to the approved scheme except for the addition of dormer windows in the roof slope facing away from neighbouring properties
2. in effect permission is sought only for the dormer windows
3. the detailed design is appropriate both to the character of the site and its setting - the addition of modest dormers is appropriate to the scale of the dwelling and, in my opinion, improves its overall appearance
4. I submit that this proposal would cause no harm to the site or its environs and consequently accords fully with the development plan.

In addition, a Design and Access Statement has been submitted which supplements the above.

5. the addition of the dormers will be proportionate to the scale of the approved dwelling adding very little to its volume and nothing to its profile
6. the village displays a variety of house styles, plot ratios and unplanned settlement pattern

7. the proposed dwelling would be seen as a 'stand alone' property at one entrance to the village; the approved scheme was accepted as being appropriate to its surroundings partly because it reflects the scale and form of a 'Pontshill House' which faces the site from the south-west
8. access will be identical to that approved.

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 site is within the settlement of Pontshill. This was defined as a smaller settlement in the South Herefordshire District Local Plan but is not included on the list of smaller settlements in the Herefordshire Unitary Development Plan (UDP). The application site would be in a countryside location and therefore a new dwelling would conflict with Policy H.7. However the extant planning permission is a material consideration and if the proposal is otherwise acceptable it would be reasonable to grant permission subject to a condition that the permission expire on the same date as the previously approved permission.
- 6.2 The main issues are considered to be whether the dwelling would be in character with the settlement and the effect on neighbours' amenities. The site is quite large (about 0.1ha) and on the periphery of the settlement. There is a mix of housing types and styles in Pontshill, ranging from traditional cottages to modern bungalows. Generally the houses are modest in size. The difference in size with the nearest houses however would not be so great that the proposed house would appear incongruous. It would be set well away from the road boundary and with a row of tall trees along most of the boundaries with the road and the stream. As it would be next to the stream it would be at the lowest part of the settlement and would not be visually over-dominant. The style echoes a traditional farmhouse and the site, on the periphery of a settlement, would be a typical location for such a property. For these reasons the Committee granted permission for the first revised scheme. The current proposal is identical except for the dormers.
- 6.3 The Committee was concerned about the erection of a 3-storey dwelling on this site. The installation of dormers to light the second floor however would have only a limited effect on the massing of the building and its visual prominence.
- 6.4 The relationship with adjoining houses, Juniper Cottage in particular, was also a matter of concern. However no windows would face directly towards these neighbouring properties and the privacy of their occupiers would be maintained. The dormer windows would face away from Juniper Cottage and at right angles to the garden of March Cottage, the boundary of which would be over 8m away. In these circumstances the insertion of dormer windows would have no appreciable effect on residential amenities.

RECOMMENDATION

That subject to no further objections raising additional material planning considerations by the end of the consultation period, the officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further 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. **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.

4. **The foul drainage from the proposed development shall be discharged to a treatment plant which meets the requirements of British Standard BS 6297: 1983, and which is provided in accordance with the details submitted dated July 2006 (including drawing no. 584:01/02A) unless otherwise agreed in writing by the local planning authority.**

Reason: To provide a satisfactory method of foul drainage and prevent pollution of the water environment.

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

Reason: To prevent pollution of the water environment.

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

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

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. E16 (Removal of permitted development rights)

Reason: To protect the amenities of neighbours.

11. F18 (Scheme of foul drainage disposal)

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

12. H03 (Visibility splays)

Reason: In the interests of highway safety.

13. H05 (Access gates)

Reason: In the interests of highway safety.

14. H09 (Driveway gradient)

Reason: In the interests of highway safety.

15. 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.

16. E19 (Obscure glazing to windows)

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

17. E18 (No new windows in specified elevation)

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

Informative(s):

- 1. HN01 - Mud on highway**
- 2. HN05 - Works within the highway**
- 3. HN10 - No drainage to discharge to highway**
- 4. HN22 - Works adjoining highway**
- 5. N19 - Avoidance of doubt**
- 6. N15 - Reason(s) for the Grant of Planning Permission**
- 7. ND03 – Contact Address**

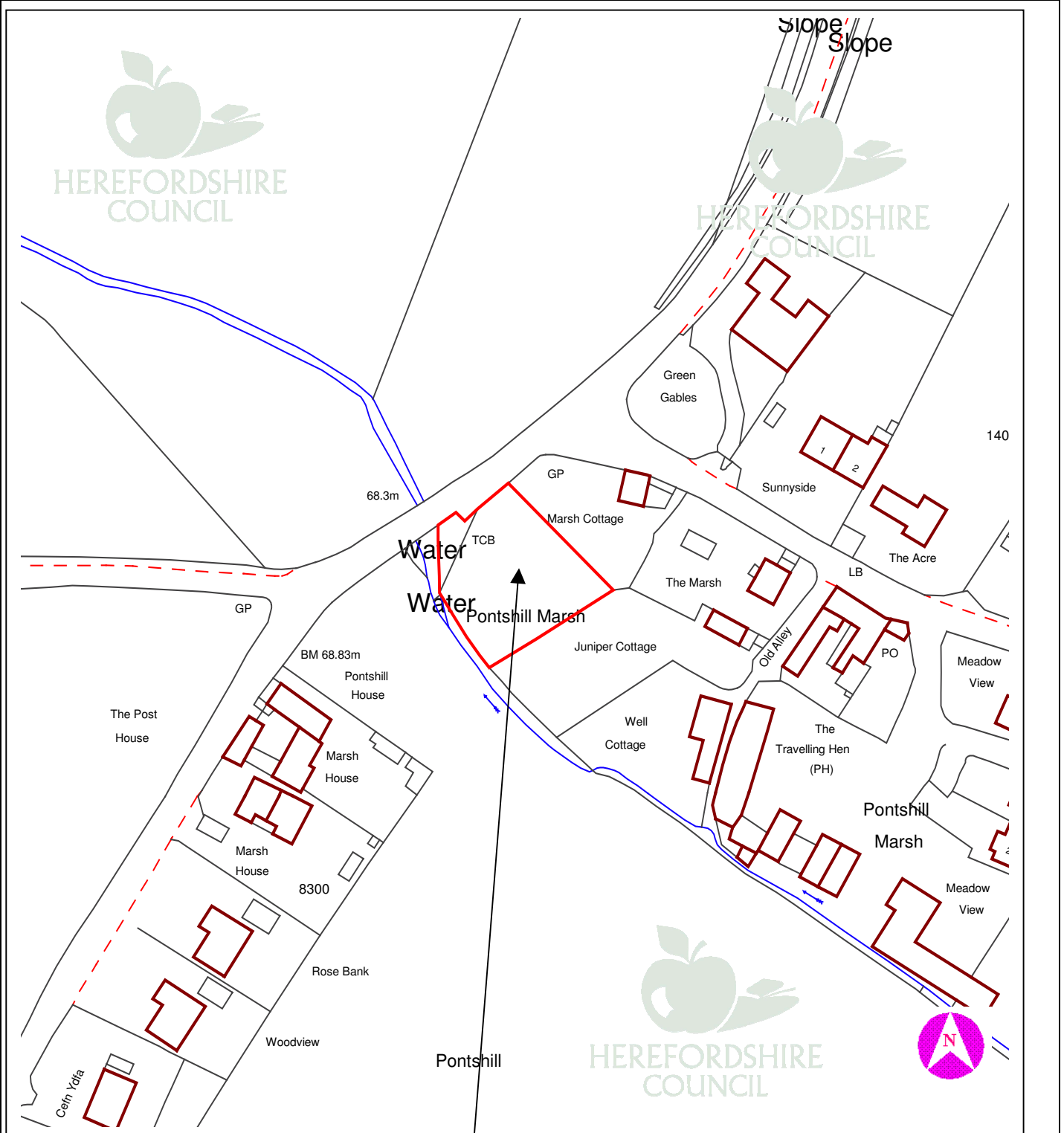
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2007/1478/F

SCALE : 1 : 1250

SITE ADDRESS : Land adjacent to 'Marsh Cottage' Pontshill, Ross-on-Wye. Herefordshire, HR9 5SZ

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18A DCSE2007/0940/F - CONVERSION OF GARAGE TO LIVING ACCOMMODATION, WITH SINGLE STOREY EXTENSION AND TWO STOREY LINK TO BARN.

18B DCSE2007/0941/F - OPEN FRONTED GARAGE

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: 28th March, 2007 Ward: Penyard Grid Ref: 68684, 23646

Expiry Date: 23rd 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 permission included the erection of a detached double garage with living accommodation above with access via an external staircase. It is now proposed to link the garage to the main barn at both ground and first floor levels. The garage is about 1.2m away from the barn and the two-storey linking building would be boarded with a slate roof to match the garage. The ground floor would become the kitchen and new windows would replace the garage doors. A small pantry was originally proposed in the position of the external staircase but has been deleted from the proposal. In addition replacement accommodation for covered parking is proposed. This would be cut into the bank on the east side of the drive. Retaining walls would be formed at the sides and rear, with the top triangular section of the sides projecting above the bank. As originally proposed these would have been wooden boarding but the applicant has agreed to substitute a stone facing. The car port has also been reduced from 3 to 2 bays. The roof would be grassed.

2. Policies

2.1 Supplementary Planning Guidance

Re-use and Adaptation of Rural Buildings

2.2 Herefordshire Unitary Development Plan 2007

Policy H18	-	Alterations and Extensions
Policy LA2	-	Landscape Character and Areas least Resilient to Change
Policy HBA12	-	R-Use of Rural Buildings
Policy HBA13	-	Re-Use of Rural Buildings for Residential Purposes

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
	SE2007/1006/F	Proposed storage shed adjacent cider press.	-	Approved 29.5.07

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Traffic Manager recommends that any permission include conditions.

5. Representations

- 5.1 A Design and Access Statement has been submitted which points out (1) that the current applications are inter-related in that the storage shed would have these items currently stored in the garage and the open fronted garage would provide covered parking, and (2) the existing kitchen is very small.

- 5.2 Aston Ingham Parish Council comment on both applications as follows:

“Aston Ingham Parish Councillors are familiar with the site and the development history of this property, and have carried out a site visit. Having reviewed the application, the comments of the Parish Council are as follows:

1. The Parish Council notes that the proposed development is within the area of the AGLV, and comments are therefore made in the context of Policy C.8.
2. It is clear that the conversion of the garage to residential accommodation and the two-storey link to the main building would, in effect, create a substantial extension to the main barn, to which a two-storey extension has already been added as part of the original conversion. The garage building is constructed to a modern design and of modern materials, and neither reflect the character nor the form of the main barn, which has generally retained its original features such as the original openings and arrow slit ventilation windows. The Parish Council's view is that the proposal would therefore result in the loss of some of the character of the original building.
3. Not only would the existing garage become an extension to the main barn, but also, the extension itself would be extended to provide a pantry. Given that the

proposed kitchen measures some 5.8 x 6.2 metres, Councillors feel that further extension to provide a pantry cannot be justified, despite the existence of an external staircase in the proposed location of the pantry.

4. Councillors note that if this proposal proceeds, the total of all the extensions (original + garage + pantry + link) will have increased the original footprint of the property by some 54%. Even the current proposal represents a 31% increase.
5. The Parish Council notes that Policy CTC14 of the Hereford and Worcester Country Structure Plan states that applications for the conversion of such buildings to residential use will not normally be permitted unless the building can be restored and retained without extension, whilst Policy C.37(i) of the South Herefordshire District Plan indicates that the converted building should be capable of providing reasonable living accommodation, including amenity space and wherever possible garaging, without the need for new extensions or adaptations which are incompatible with the traditional qualities 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.
6. The Parish Council wishes to draw the attention of planning staff and Committee Members to planning application DCSE2004/0423/F (Crocketts Barn), which appears to raise similar planning issues to Majaro Barn. The Crocketts Barn application was refused as being contrary to Policies CTC2, CTC13 and CTC14 of the Hereford and Worcester County Structure Plan, and C1, C8, C36, C37, SH23 and SH24 of the South Herefordshire District Local Plan. Councillors believe that the Appeal decision (ref. APP/W1850/A/03/1136800) and the views of the Planning Inspector may be material considerations in the context of the Majaro Barn application.
7. Despite the merits of the current proposal in terms of improving the accommodation at Majaro Barn, Councillors cannot see how planning permission can be granted when the extension would appear to contravene the relevant policies of the Structure and Local Plans – particularly in the interests of maintaining consistency and fairness with the Crocketts Barn decision.
8. Councillors note that since the last application was submitted for this property, an additional flue has been installed without planning permission, as far as the Parish Council is aware.
9. As regards the application for the building of an open-fronted garage, the Parish Council notes that the proposal is creative and is likely to have minimal impact on the landscape. Nevertheless, it constitutes an additional structure on a site that, in the opinion of Councillors, has already been over-developed. Councillors feel that the requirement for a double garage and the fact that such a facility already exists on site should be a major factor in the consideration of both applications.”

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. Furthermore the preamble to Policy HBA12, echoing the SPG, states that "the scheme for conversion of the building will be considered finite and further development will not normally be permitted. This will ensure that the qualities of the original scheme are not diminished by insensitive works". In addition extensions to the building to be converted are generally discouraged. An exception to this, in practice, has been a short link to an existing building. This is the case in the current proposal and to grant permission would therefore be consistent with earlier decisions. The visual impact of the link would be limited. From public viewpoints it would only be seen across the front garden of the adjoining house and against the backdrop of the garage. The detailed design matches the garages and would be appropriate. The external staircase would be removed and with the deletion of the pantry, the net increase in size would be small.

6.2 Conversion guidelines encourage the provision of car parking within existing structures. In the case of Majaro Barn this was not practicable and a new garage was approved. As noted above this included accommodation at first floor level. Under current policies an outbuilding of this size and form is unlikely to be acceptable. The proposed alternative garaging is more discrete and although visible from the entrance to the property would not be assertive and have only a limited visual impact. Again I consider that granting planning permission would be consistent with the other decisions made by the Council, including those referred to by the Parish Council.

RECOMMENDATION

In respect of DCSE2007/0940/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 B01 (Samples of external materials)

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

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.

In respect of DCSE2007/0941/F:

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.

Informatives:

- 1 N19 - Avoidance of doubt

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

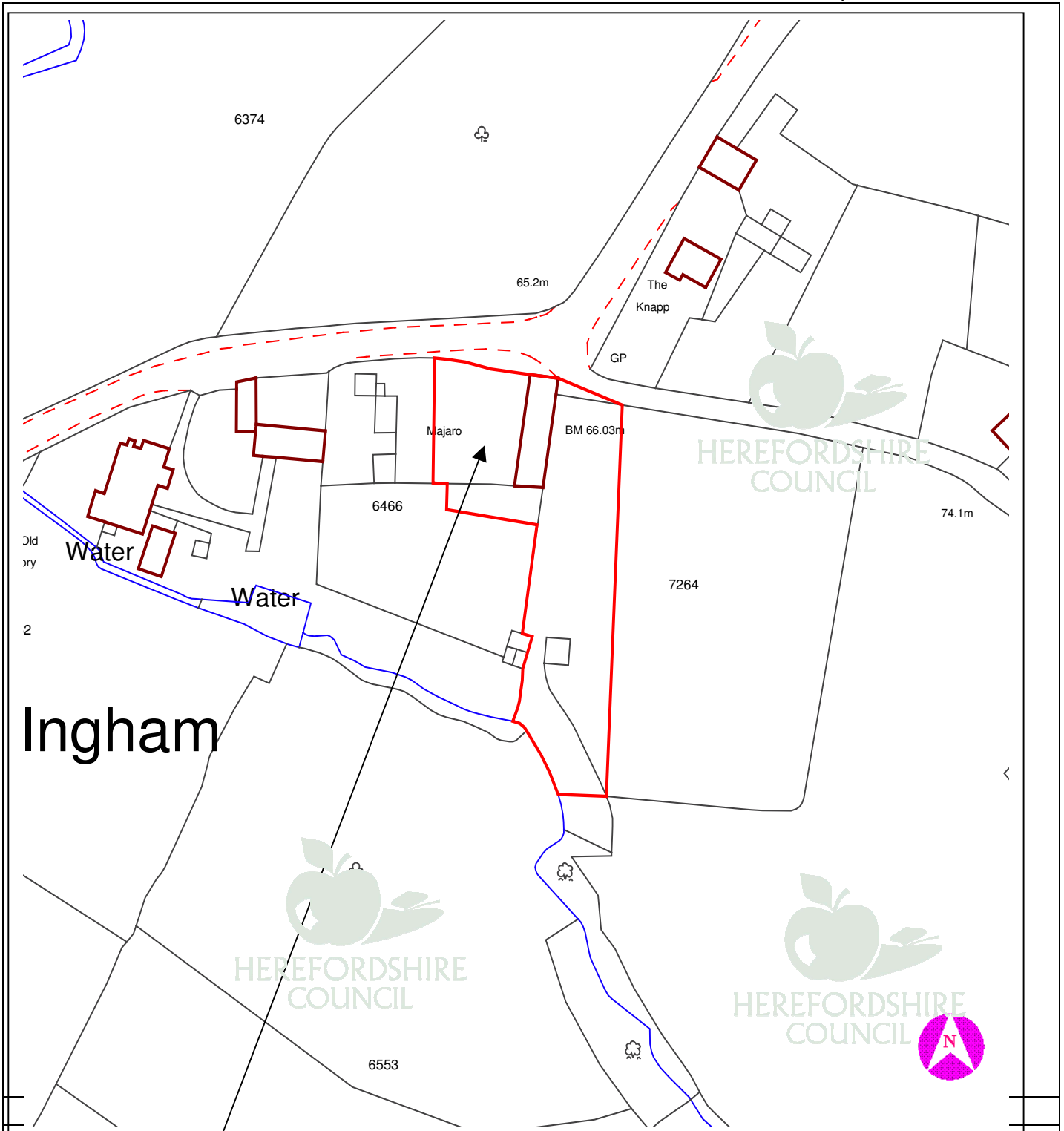
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



APPLICATION NOS: DCSE2007/0940/F & DCSE2007/0941/F

SCALE : 1 : 1250

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

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19 DCSE2007/0382/O - SITE FOR ERECTION OF 3 NO. TWO BED TOWN HOUSES AT LAND TO REAR OF THE FORMER ROSSWYN HOTEL, OLD GLOUCESTER ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5PB.

For: Mrs. R. Livesey per Kendricks Planning Ltd, PO Box 69, Ross-on-Wye, Herefordshire, HR9 7WG.

Date Received: 9th February, 2007 Ward: Ross-on-Wye East Grid Ref: 60006, 24049
Expiry Date: 6th April, 2007

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

1. Site Description and Proposal

- 1.1 Outline planning permission is sought for the erection of 3 town houses on land at the rear of the former Rosswyn Hotel in High Street, Ross on Wye. The site comprises an area of garden of about 0.1 ha. set at a significantly lower level to the hotel buildings. Along the northern boundary of the site are the rear elevations of modern shops in Gloucester Road. To the south, also at a higher level is a car park (formerly used by Royal Mail) accessed off old Gloucester Road and this is also part of the application site. A high wall extends along the eastern boundary.
- 1.2 Although an outline application only landscaping is reserved for later approval. The houses would comprise a terrace of 3 2-bed dwellings, each house staggered slightly in relation to the adjoining house(s). The terrace would be sited more or less centrally within the site, allowing for short rear gardens, and, for the end units additional gardens to the side. The layout and fenestration of the houses reflect this layout and the limited outlook to the rear. (The front elevations would have an entrance door on the left hand side with three-light windows on the right at ground and first floor levels. The terrace would be of brick construction with slates covering the gabled roofs. Car parking would be provided within the existing parking area, which would be shared with the flats to be formed at the Rosswyn Hotel and the adjoining house (6 Old Gloucester Road).
- 1.3 As submitted the application also included the erection of a building across the Old Gloucester Road frontage to form an additional dwelling. This has been withdrawn by the applicant, following concerns expressed by the Conservation Manager.

2. Policies

2.1 Planning Policy Statements

PPS3 - Housing

2.2 Herefordshire Unitary Development Plan 2007

Policy H1 - Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas

Policy H13 - Sustainable Residential Design

Policy H14	-	Re-using Previously Developed Land and Buildings
Policy H15	-	Density
Policy H16	-	Car Parking
Policy HBA6	-	New Development within Conservation Areas
Policy DR4	-	Environment

3. Planning History

- | | | | | |
|-----|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|-----------------------------------|
| 3.1 | DCSE2005/2951/F | 1. Change of use and conversion of fire damaged hotel building into 6 no. new units of residential accommodation on three floors.
2. Change of use and conversion of owner's cottage into 2 no. independent flats with single storey extension.
3. Provision of new car parking and vehicular manoeuvring facilities on and off site.
4. Provision of landscaping. | - | Application withdrawn.
17.2.06 |
| | DCSE2006/0402/L | 1. Change of use and conversion of fire damaged hotel building into 6 no. new units of residential accommodation on three floors.
2. Change of use and conversion of owner's cottage into 2 no. independent flats with single storey extension.
3. Provision of new car parking and vehicular moving facilities on and off site.
4. Provision of landscaping. | - | Approved
9.6.06 |
| | DCSE2006/0531/F | 1. Change of use and conversion of fire damaged hotel building into 6 no. new units of residential accommodation on three floors.
2. Change of use and conversion of owner's cottage into 2 no. independent flats with single storey extension.
3. Provision of new car parking and vehicular manoeuvring facilities on and off site.
4. Provision of landscaping. | - | Approved
4.5.07 |

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water recommends conditions regarding drainage to ensure no detriment to existing residents or the environment and to Welsh Water's assets.

Internal Council Advice

- 4.2 Traffic Manager recommends imposition of a condition regarding cycle storage if permission is granted.
- 4.3 Conservation Manager objected to the new frontage building but as noted above this part of the application has been withdrawn. No objections to the town houses.
- 4.4 Head of Environmental Health has considered the noise report. He notes that there are several options regarding the provision of air ventilation to the habitable rooms and/or attenuation of the nearby refrigeration unit which runs over a 24 hour period.

Due to the close proximity of the proposed dwellings to the refrigeration unit I would prefer that the unit is attenuated as mentioned in the report, so that the general background noise level is reduced for use of the dwelling and gardens, etc.

5. Representations

5.1 The applicant's agent points out that:

1. The site is brownfield land being former garden cutilage.
2. A noise evaluation report has been prepared and a letter of 'comfort' from Burger Star with regard to noise reduction (the refrigeration unit identified as the principal source of noise).

5.2 In addition a Design and Access Statement has been submitted which, in summary, states:

ASSESSMENT

1. The proposal is the final tranche of residential development in relation to the redevelopment of the former Rosswyn Hotel site which suffered from a disastrous fire two years ago.

INVOLVEMENT

2. The dwellings are of a small size and reflect accurately first-time buyer/low-cost market housing proposals.

EVALUATION

3. The current scheme has been modified to satisfy the observations made by those who may be affected by the current proposals and indeed the eventual occupants of the dwellings and partmnet.

DESIGN

4. There is existing and adequate access and car parking arrangements and amenity space in association with this development.
5. The town houses would be of traditional design.

5.3 Town Council has no objection to the proposal.

5.4 Two letters have been received expressing concerns about further development in Old Gloucester Road in view of:

- extremely narrow road which presents problems for pedestrians and for delivery of materials and supplies;
- significant rubble and soil would need to be removed and is bound to cause considerable dirt, dust and disruption to residents of Old Gloucester Road and increase risk of accidents;

- contrary to highway regulations vehicles do enter High Street from Old Gloucester Road
- pedestrians including those with prams are often in the middle of the road (very narrow footway) as vehicles enter Old Gloucester Road from High Street with potential for serious accident; and
- the Council must place a size limit on vehicles coming to site in order to exclude lorries.

5.5 One letter has been received in support of the 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 The application site is close to the town centre and an area of mixed commercial and residential properties. In principle the site is suitable for housing development. The appearance of the proposed terrace is acceptable and there is adequate space between the proposed building and existing buildings not to affect adversely residential amenities. The issues remaining are whether the living conditions of future occupiers would be acceptable, the effect on highway safety and congestion and the effect on the Conservation Area.
- 6.2 The consultant's noise study identifies an external fan (part of refrigeration unit) at Burger Star, which operates 24 hours a day, as the main source of noise. This raises the ambient noise level above acceptable limits. The report suggests that it would be prudent to attenuate this noise and to provide fresh air ventilation to all north-facing habitable rooms. The Head of Environmental Health concurs with this approach. The restaurant manager has written indicating that he has agreed to fit and re-site "new super efficient fans and compressors....to allow very little noise to affect the residents of this development". The applicant's agent also confirms that the Job Centre, which has a quieter fan, would be prepared to screen or re-position their fan at 90 degrees. This could be achieved through a Section 106 agreement and, with the ventilation system for the houses would ensure acceptable noise levels for residential properties.
- 6.3 Old Gloucester Road includes industrial and commercial enterprises as well as residential properties, including rear access to a number of the shops, and a pub in Gloucester Road. The footway is narrower than normally provided and the road itself narrows appreciably at the western, primarily residential, end. Inevitably therefore there are more traffic movements, including vans and lorries, than in a wholly residential street. I do not consider however that the additional traffic from 3 houses would significantly increase congestion or be to the further detriment of safety. The Traffic Manager raises no objection to the proposal. The potential noise and disturbance from construction traffic can be appreciated but, in this instance, would not be grounds to refuse permission.
- 6.4 The town houses would be of acceptable design and external materials and discretely located. They would occupy an open area but this is not visible from public viewpoint and does not make a significant contribution to the street scene. The proposed houses would therefore be neutral in their effect on the character of the Conservation Area.

RECOMMENDATION

- 1) That planning permission be The Legal Practice Manager be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to (set out heads of agreement) and any additional matters and terms he considers appropriate.

Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:

- 1 **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 **B01 (Samples of external materials)**
Reason: To ensure that the materials harmonise with the surroundings.
- 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 **W01 (Foul/surface water drainage)**
Reason: To protect the integrity of the public sewerage system.
- 8 **W02 (No surface water to connect to public system)**
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.
- 9 **W03 (No drainage run-off to public system)**
Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

10 W04 (Comprehensive & Integrated draining of site)

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

11 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 N02 - Section 106 Obligation

2 N19 - Avoidance of doubt

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

4 The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies

APPENDIX

DRAFT HEADS OF TERMS

Proposed Planning Obligation Agreement

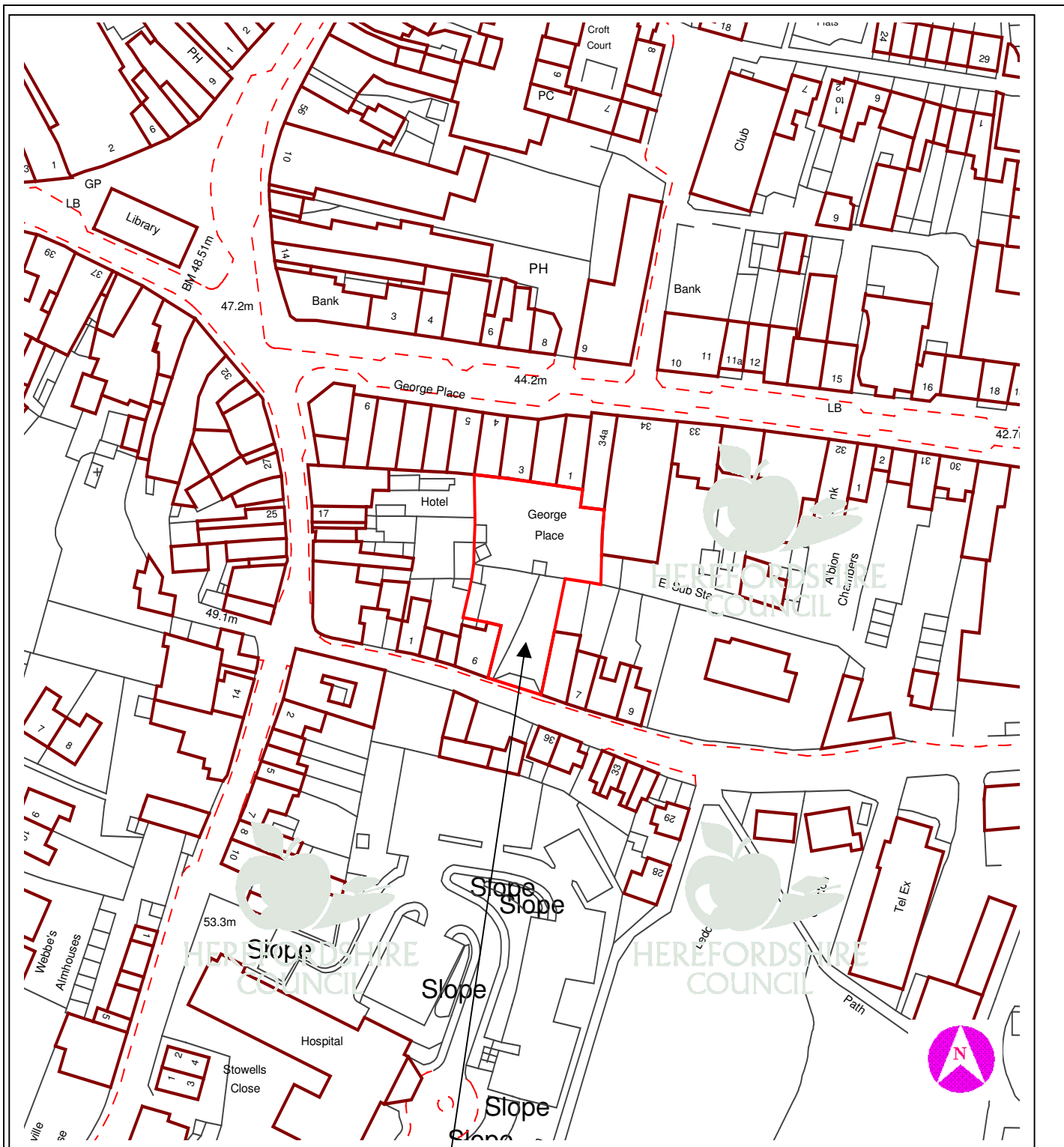
Section 106 Town and Country Planning Act 1990

Planning Application DCSE2006/0382/F

Site for erection of 3 no. two-bed town houses at land to rear of the former Rosswyn Hotel,
Old Gloucester Road, Ross on Wye, Herefordshire HR9 5PB

1. Before development commences the refrigeration equipment/extract fans at Burger Star and the Job Centre, Gloucester Road, Ross on Wye shall be removed or the noise attenuated so that the general background noise level is reduced at the boundary with the application site to a level appropriate for residential properties.
2. 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 preparation and completion of the Agreement.
3. The applicant shall complete the Agreement by 20 September 2007 otherwise the application will be registered as deemed refused.

S Holder
Principal Planning Officer



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APPLICATION NO: DCSE2007/0382/O

SCALE : 1 : 1250

SITE ADDRESS : Land to rear of the former Rosswyn Hotel, Old Gloucester Road, Ross-on-Wye, Herefordshire, HR9 5PB

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