

# A G E N D A

## Southern Area Planning Sub- Committee

Date: **Wednesday, 18th July, 2007**

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Time: **2.00 p.m.**

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

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

*For any further information please contact:*

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# AGENDA

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

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

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

	Pages
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. DECLARATIONS OF INTEREST</b>	
To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>3. MINUTES</b>	1 - 20
To approve and sign the Minutes of the meeting held on 20th June, 2007.	
<b>4. ITEM FOR INFORMATION - APPEALS</b>	21 - 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.	
<b>REPORTS BY THE HEAD OF PLANNING SERVICES</b>	
To consider and take any appropriate action in respect of the planning applications received for the southern area and to authorise the Head of Planning Services to impose any additional or varied conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
<b>5. DCSE2007/1257/F - THE OLD BAKERY, ARCHENFIELD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5AZ.</b>	23 - 28
Erect terrace of 4 dwellings with private drive and parking area.	
<b>6. DCSW2007/1734/F - THE GARN, CLODOCK, HEREFORD, HEREFORDSHIRE, HR2 0PE.</b>	29 - 32
Building for small organic family bakery.	
<b>7. DCSE2007/1748/L - BERKELEY HOUSE, NEW STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7DA.</b>	33 - 36
Erection of bracket for hanging sign.	

<b>8.</b>	<b>DCSE2007/1548/F - HALL COURT FARM, KYNASTON, LEDBURY, HEREFORDSHIRE, HR8 2PD.</b>	37 - 52
	Free range egg unit and ancillary works.	
<b>9.</b>	<b>DCSE2007/1324/F - OAKHOUSE NURSERY, OAK HOUSE, BRAMPTON ABBOTTS, ROSS-ON-WYE, HEREFORDSHIRE</b>	53 - 58
	Extension to baby unit at Oak House Nursery.	
<b>10.</b>	<b>DCSE2007/1391/F - THE CHASE HOTEL, GLOUCESTER ROAD, ROSS-ON-WYE, HR9 5LH.</b>	59 - 70
	Erection of 6 apartments and associated parking.	
<b>11.</b>	<b>DCSE2007/1247/F - ERECTION OF 12 NEW DWELLINGS, BROOKSIDE, WHITCHURCH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6DJ.</b>	71 - 82
	Erection of 12 new dwellings.	

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

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**MINUTES of the meeting of Southern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 20th June, 2007 at 2.00 p.m.**

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

Councillors: PGH Cutter, MJ Fishley, AE Gray, JA Hyde, JG Jarvis,  
TMR McLean, RH Smith and DC Taylor

**In attendance:** Councillors TW Hunt, JE Pemberton, RV Stockton and JD Woodward

**24. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors C.M. Bartrum, H. Bramer, and J.B. Williams.

**25. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**26. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 29th May, 2007 be approved as a correct record and signed by the Chairman.

**27. ITEM FOR INFORMATION - APPEALS**

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

**28. DCSE2007/0031/F - GREEN ORCHARD, RYEFIELD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5LS. (AGENDA ITEM 5)**

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

The Principal Planning Officer reported the following:

- A letter has been received from Mr. J. Pope, Cherrington, Ryefield Road, Ross-on-Wye, making a number of points in respect of Visual Impact, Sewage, drainage, traffic, and density.

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

Councillor A.E. Gray, one of the local ward members, felt that the application was contrary to policy 5.2.2 as set out in the Unitary Development Plan. She felt that the proposed footprint of the building was too large for the site and that it was not in

keeping with the surrounding properties. She also noted that a childrens' centre had been granted planning permission opposite the site and that this would have an adverse effect on the provision of on street parking in the area.

Councillor P.G.H. Cutter, the other local ward member, noted that a number of objections had been received from neighbouring residents as well as the residents of North Road. He felt that the recent site inspection had highlighted the traffic concerns in the area and was concerned that a traffic survey had not been undertaken prior to the application being submitted. In summing up he confirmed that he did not object to a development on the site but felt that the current proposal was too large.

Councillor J.G. Jarvis requested further information in respect of the covenant on the site. The Legal Practice Manager confirmed that the removal of the covenant was not a matter of concern for the sub-committee and was an issue to be addressed by the applicant.

### **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) Over intensification of the site**

**B) Detrimental to the character of the area**

**(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.]

**29. DCSE2007/0534/O - BP NORTHBOUND, ROSS SPUR, ROSS-ON-WYE, HEREFORDSHIRE. (AGENDA ITEM 6)**

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

In accordance with the criteria for public speaking, Mr. McCallum, the applicant's planning consultant, spoke in support of the application.

Councillor T.M.R. McLean, one of the local ward members, felt that she could not object to the application although she did have two areas of concern in respect of traffic and lighting. She felt that the recommended conditions addressed the concerns that she had in respect of the site.

Councillor P.G.H. Cutter, another local ward member, noted that the proposed application would create 140 jobs in Ross-on-Wye, he felt that this would be beneficial to the economic development of the town and supported the views of the head of economic development and community services, who supported the application in principal. He felt that the current proposal would generate less traffic than its previous usage as a fuel station and therefore supported the application.

In response to a question, the Principal Planning Officer confirmed that access to the site would come from the A449 and vehicles would exit the site onto Netherton Road.

### 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 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.**

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

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

The Principal Planning Officer reported the following comments from Ross-on-Wye town Council:

- “Members were again concerned that the site was not being considered in toto but rather piecemeal. There are still considerable concerns about access and egress onto a very busy roundabout and the lack of discussion about the installation of pedestrian access. The development should also incorporate micro generation and sustainable urban drainage systems.”

In accordance with the criteria for public speaking, Mr. Griffiths, the applicants landscape architect, spoke in support of the application.

Councillor Mrs. A.E. Gray, one of the local ward members, felt that the provision of a robust travel plan was imperative for the proposed application to be successful. She felt that the pedestrian and cycling aspects needed to be taken into consideration by the applicant.

Councillor T.M.R. McLean and Councillor P.G.H. Cutter, the other local ward members, supported the application and reiterated their comments in respect of the site as outlined under item 6 on the agenda, the other application on the site.

A number of members had concerns in respect of the impact that granting the application could have on the A40/A449 roundabout. They felt that the provision of a detailed travel plan could resolve this issue and therefore on balance they supported the application.

## **RESOLVED**

**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**

**31. DCSE2006/1495/F, DCSE2007/0704/F, AND DCSE2007/0705/F - THE SINGING STUD YARD, (LAND ADJ. BODENHAM FARM), MUCH MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2NJ. (AGENDA ITEM 8)**

- 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 speaking on behalf of Much Marcle parish council, and Mr. Pope, a neighbouring resident, spoke in objection to the application and Mrs. Mitchell, the applicant's agent, spoke in support.

Councillor T.M.R. McLean, the local ward member, felt that she could not support the application as she had concerns regarding the impact the application would have on the landscape as well as concerns regarding highways. She noted that the traffic manager had previously stated that he would not support further development on the site but was now satisfied as long as passing points were provided. She felt that the site was not suitable for a large development and also had concerns regarding animal welfare. She felt that the application should be refused due to the overall consequence granting the application would have on the landscape.

**RESOLVED**

**That: (i) The Southern Area Planning Sub-Committee is minded to refuse applications DCSE2006/1495/F, DCSE2007/0704/F, AND DCSE2007/0705/F subject to the reason for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the applications to the Planning Committee:**

**A) Overall consequences of the planning applications on the landscape**

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

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

**32. DCSE2005/3806/O - SITE NR. BODENHAM FARM, MUCH MARCLE, SO653321. (AGENDA ITEM 9)**

*Dwelling for stud farm worker at Equine Centre.*

In accordance with the criteria for public speaking, Mr. Morgan speaking on behalf of Much Marcle parish council, and Mr. Pope, a neighbouring resident, spoke in objection to the application and Mrs. Mitchell, the applicant's agent, spoke in support.

Councillor T.M.R. McLean, the local ward member, felt that due to the refusal of the previous application the dwelling was no longer required. She felt that it now failed the financial and functional tests as set out in policies H7 and H8 of the Unitary

Development Plan. She therefore felt that that the application should be refused and cited need and landscape impact as grounds for refusal.

**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 the landscape**

**B) The application fails the financial and functional tests outlined in policies H7 and H8 of the UDP.**

**(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.]

**33. DCSW2007/1441/F - LITTLE GROVE, WORMBRIDGE, HEREFORDSHIRE, HR2 9DU. (AGENDA ITEM 10)**

*Two storey, single storey extensions, open porch and a bay window, also demolish conservatory.*

The Southern Team Leader reported the following:

- Kenderchurch Parish Council has no objections to the application.

Councillor M.J. Fishley, the local ward member, noted that the parish council had not objected to the application.

**RESOLVED**

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

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

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

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

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

**Informative(s):**

**1 N19 - Avoidance of doubt**

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

**34. DCSE2007/1240/F -LOWER HOUSE FARM, YATTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7RB. (AGENDA ITEM 11)**

*Retention of two existing farm buildings and use for agricultural and agricultural contracting use.*

The Southern Team Leader reported the following:

- 4 letters in support of the application have been received from local residents. The following points are made:
  - Mr. Ruck and his contracting business benefit the area
  - The work he carries out requires the availability of safe, modern equipment that has to be stored and maintained to a high standard
  - For the safety and security of the plant and machinery lock up buildings are essential
  - The buildings are located away from other residential property
- Following a query by the case officer, the applicant's agent has confirmed that there is one other person who works for Mr. Ruck, in addition to his two sons. This person is self employed and pretty well works for Mr. Ruck full time.

In accordance with the criteria for public speaking Mrs Hayter, representing Mr. Nicholas, spoke in objection to the application and Mr. Jolly, the applicant's agent, spoke in support.

Councillor T.M.R. McLean, the local ward member, felt that agricultural contracting was a natural diversification for the site. She noted that the parish council had not objected to the application and therefore moved the recommendation.

**RESOLVED**

**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.**

**Informative(s):**

- 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.**



35. **DCSW2007/1091/O - HEREFORD WALDORF SCHOOL, MUCH DEWCHURCH, HEREFORDSHIRE, HR2 8DL. (AGENDA ITEM 12)**

*Site for new school buildings to extend existing school facilities and new access.*

The Southern Team Leader reported the following:

- The Traffic Manger confirms that the retention of the bus shelter in its current position would be acceptable in highway visibility terms.
- Letter from Little Dewchurch Primary School – concern as to impact on local primary/village schools
- Letter from Software AG – supports proposal
- Response from MADE (Design Review West Midlands) – The Design Panel make a number of suggestions/comments on the design and layout but concludes that the scheme this will dramatically improve school provision in Much Dewchurch and they were excited by the scheme which is exemplary
- Letter from Agent giving detailed response to letter of objection from C.G. Powell
- Copy of letter to Members from P.M. McMurtrie

The Chairman asked for clarification in respect of a personal interest. He confirmed that his children had attended the school 35 years ago but was advised by the Legal practice Manager that in his view, he did not need to declare a personal or prejudicial interest.

In accordance with the criteria for public speaking Mr. Evans, representing Much Dewchurch parish council, and Mrs. Brown, representing the members of C.A.S.E., spoke in objection to the application and Mr. Baird, the applicant's agent, spoke in support.

Councillor M.J. Fishley, the local ward member, felt that the application was a very contentious issue in the village of Much Dewchurch. She felt that the proposed application could result in a flagship school for the county but felt on balance that Much Dewchurch was not the right location for it.

Councillor J.J. Jarvis, felt that this application was almost identical to the application refused by the Sub-Committee in January, 2007. He noted that children would have to walk some distance from the car park to the school entrance and supported the views of the local ward member. He felt that the grounds for refusal should remain the same as detailed in the previous refusal.

Members discussed the application thoroughly and had a number of concerns relating to traffic, landscape, and the impact on the local community.

#### **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) 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

(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.]

**36. DCSE2007/1306/F - ARDEN, GREYTREE, ROSS-ON-WYE, HEREFORDSHIRE.  
(AGENDA ITEM 13)**

*Demolish existing bungalow and garage – construct two number semi-detached dormer bungalows.*

The Chairman, speaking in his capacity as the local ward member, noted that the original application for the site overshadowed the neighbouring dwellings, he felt that this matter had now been addressed and therefore supported the application.

**RESOLVED**

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

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

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

**2 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**

**37. DCSE2006/3612/F - MARTINS CLOSE, WOOLHOPE, HEREFORDSHIRE, HR1 4QS. (AGENDA ITEM 14)**

*3 dwelling units for rent.*

In accordance with the criteria for public speaking, Mrs. Kingstone, representing a number of local residents, spoke in objection to the application.

Councillor T.M.R. McLean noted the concerns of the parish council. She felt that the entrance to the site was via a narrow lane which suffered from poor visibility. She also felt that the design of the dwellings was not in keeping with the surrounding area and therefore felt that she could not support the application in its current format.

In response to a question from the local ward member, the development control manager, advised the sub-committee that the planning department would work closely with the strategic housing team to ensure that local need was a priority in assessing applications for the affordable housing.

Councillor J.G. Jarvis felt that the design of the dwellings needed to be addressed before he could support the application. he felt that the design was not in keeping with the village of Woolhope.

The Southern Team Leader asked for clarification from members in respect of the proposed dwellings, he asked members to confirm what aspects of the dwellings they felt were inappropriate.

In response Councillor T.M.R. McLean felt that the fenestration and cladding were not in keeping with the area. She felt that the application should be refused as it was contrary to policy HBA6 of the Unitary Development Plan.

**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) The application is contrary to policy HBA6 of UDP.**

**(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.]

**38. DCSW2007/0989/F - GALANTHUS GALLERY/CAFE, WORMBRIDGE HOUSE, WORMBRIDGE, HEREFORDSHIRE, HR2 9DH. (AGENDA ITEM 15)**

- 1. Change of use office to retail.*
- 2. New office extension.*
- 3. New craft workshops to replace stores.*
- 4. New overspill car parking area.*

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

Councillor M.J. Fishley, the local ward member, felt that local businesses in the area should be supported and therefore moved the recommendation.

**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 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

**39. DCSE2007/1158/F - CRAIG THORPE LTD, HILL STREET, ROSS-ON-WYE, HEREFORDSHIRE (AGENDA ITEM 16)**

*Demolition of office and part retail and erection of 12 no. 1 & 2 bed flats, conversion of first floor above retail to 2 flats.*

Councillor P.G.H Cutter, one of the local ward members, felt that the applicant had addressed the concerns of the local residents and that this had resulted in a thoughtful development, which he supported.

**RESOLVED**

**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****40. DCSE2007/1478/F - LAND ADJACENT TO 'MARSH COTTAGE' PONTSHILL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SZ. (AGENDA ITEM 17)**

*Erection of one dwelling.*

The Principal Planning Officer reported the following:

- Environment Agency note that part of the site is located within flood zone 3. However the proposed dwelling and sewage treatment plant is located outside of this high risk area. It is also noted that there is a buffer strip of 7 metres from top of bank of watercourse. There should be no increase in ground levels above existing in the 1% floodplain to prevent flood risk to the proposed dwelling and land elsewhere. On the basis of the above we would raise no objection to the proposed dwelling subject to imposition of conditions.
- One letter has been received from the owner of the application site in support of the application.
- Weston under Penyard Parish Council objects to the proposed modification to the design, i.e. additional windows in roof. Original plan should be maintained.

In accordance with the criteria for public speaking Mr. Smith, the applicant's agent,

spoke in support of the application.

## **RESOLVED**

**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****41. DCSE2007/0940/F & DCSE2007/0941/F - MAJARO BARN, ASTON INGHAM, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7LS. (AGENDA ITEM 18)**

- a) *Conversion of garage to living accommodation, with single storey extension and two storey link to barn.*
- b) *Open fronted garage.*

The Principal Planning Officer confirmed that the revised plans had not been received and requested that the recommendation be amended to allow the planning department delegated powers to approve the application subject to the new plans being received.

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

**RESOLVED**

**In respect of DCSE2007/0940/F:**

**That subject to the receipt of revised plans, Officers named in the Scheme of Delegation to Officers be authorised to grant planning permission subject to the following conditions:**

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

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

**2 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.**

**In respect of DCSE2007/0941/F:**

**RESOLVED**

**That subject to the receipt of revised plans, Officers named in the Scheme of Delegation to Officers be authorised to grant planning permission subject to the following conditions:**

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

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

**2 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.

**42. DCSE2007/0382/O - LAND TO REAR OF THE FORMER ROSSWYN HOTEL, OLD GLOUCESTER ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5PB. (AGENDA ITEM 19)**

*Site for erection of 3 no. two bed town houses.*

Councillor P.G.H. Cutter, one of the local ward members, felt that the proposed application would enhance the site. He noted that the section 106 agreement would address the noise concerns raised and therefore supported the application.

**RECOMMENDATION**

- 1) **That 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.**

The meeting ended at 5.15 p.m.

**CHAIRMAN**



<b>ITEM FOR INFORMATION - APPEALS</b>
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**APPEALS RECEIVED****Enforcement Notice EN2006/0144/ZZ**

- The appeal was received on 31st May, 2007
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr. A. Trim
- The site is located at Cwm Cottage, Peterchurch, Hereford
- The breach of planning control alleged in this notice is:  
*Without planning permission, change of use of the land for the siting of mobile homes residential purposes.*
- The requirements of the notice are:
  - i) *Cease the residential use of the land.*
  - ii) *Remove the mobile homes from the land and all associated works and equipment from the land.*
  - iii) *Remove all materials that arise from the removal of the mobile homes and all associated infrastructure from the land.*
- The appeal is to be heard by Hearing

**Case Officer: Angela Tyler on 01432 260372****Application No. DCSW2007/0948/F**

- The appeal was received on 18th June, 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 Red Rail Farm, Hoarwithy, Hereford, Herefordshire, HR2 6QT
- The development proposed is Alterations and extensions to include subterranean recreational facilities and conversion of outbuilding to provide additional ancillary residential accommodation.
- The appeal is to be heard by Written Representations

**Case Officer: Angela Tyler on 01432 260372****Application No. DCSE2006/3475/F**

- The appeal was received on 20th June, 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 Mrs. A. Stephens
- The site is located at Chase Villa, 21 Gloucester Road, Ross-on-Wye, Herefordshire, HR9 5LQ
- The development proposed is Proposed dwelling.
- The appeal is to be heard by Written Representations

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


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

## APPEALS DETERMINED

### Application No. DCSW2006/1699/F

- The appeal was received on 17th January, 2007
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr. A. Preece
- The site is located at Little Edwards, Newton St. Margarets, Herefordshire, HR2 0QG
- The application, dated 4th April, 2006, was refused on 21st July, 2006
- The development proposed was Siting of residential mobile home for 5 years.
- The main issue is the effect of the proposal on the setting of the open countryside and the Area of Great Landscape Value.

**Decision:** The appeal was **UPHELD** on 5th June, 2007

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

### Application No. DCSE2006/0951/O

- The appeal was received on 29th August, 2006
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr. & Mrs. M Haile
- The site is located at Land to the rear of The Warren, Bridstow, Herefordshire, HR9 6QH
- The application, dated 20th March, 2006, was refused on 22nd May, 2006
- The development proposed was Erection of bungalow for local family with special needs child.
- The main issues are:
  - i) Whether the proposed development would conflict with policies for rural housing development and if so, whether there are any special personal circumstances to justify a departure from those policies.*
  - ii) Whether the development would have an adverse effect of the rural character of the area, including its effects on the Wye Valley Area of Outstanding Natural Beauty.*
  - iii) The effect of the proposed development on highway safety.*

**Decision:** The appeal was **DISMISSED** on 27th June, 2007

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

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

**5 DCSE2007/1257/F - ERECT TERRACE OF 4 DWELLINGS WITH PRIVATE DRIVE AND PARKING AREA AT THE OLD BAKERY, ARCHENFIELD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5AZ.**

**For: Aden Developments Ltd per Axys Design, 30 Grove Road, Hereford, HR1 2QP.**

**Date Received: 25th April, 2007    Ward: Ross-on-Wye West    Grid Ref: 59564, 23453**  
**Expiry Date: 20th June, 2007**

Local Members    Councillors C.M. Bartrum and G. Lucas

**1. Site Description and Proposal**

- 1.1 The site is just under a hectare in size and lies in an established residential area on the southern side of Archenfield Road in Ross on Wye. It was until recently occupied by a single storey industrial building used as a bakery. The site has an existing access through a gap between Yew Tree Cottage and Archenfield Cottage from Archenfield Road and rises before levelling off after approximately 25m. The curtilages of properties situated on Archenfield Road form the western and eastern boundaries and Archenfield Court, a sheltered housing development lies to the south.
- 1.2 The proposal involves constructing a terrace of four houses (2 x 2 bedrooms and 2 x 3 bedrooms) set back 36m from Archenfield Road. The existing access would be improved to provide a shared drive serving six parking spaces. The houses would be constructed in brick with a fibre cement slate roof and are designed to reflect the vernacular detailing and scale of adjoining cottages. Each dwelling has a 17m long rear garden.

**2. Policies**

**2.1 Herefordshire Unitary Development Plan 2007**

Policy S3	-	Housing
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 H16	-	Car Parking

**3. Planning History**

- |     |               |   |                        |
|-----|---------------|---|------------------------|
| 3.1 | SE2005/4175/F | Demolition of existing building and erection of new residential, single storey, building for use for 3 flats. | Withdrawn<br>15.2.2006 |
|     | SE2006/1334/F | Demolition of existing building and erection of 3 single storey dwellings for use as flats.                   | Approved<br>21.6.2006  |

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 Welsh Water: No objection subject to conditions to ensure no detriment to existing residents or the environment.

##### Internal Council Advice

- 4.2 The Traffic Manager has no objection subject to conditions controlling the construction of the access and parking areas.

#### 5. Representations

- 5.1 The Design and Access Statement submitted by the applicant makes the following key points:

1. The application site comprises a single storey industrial unit in the process of being demolished. It lies in an established residential area characterised by a wide variety of housing styles and ages. The site already has planning permission for three single storey dwellings.
2. Since planning permission was granted, the applicant has bought the site and adjacent Yew Tree Cottage. The application site has been extended to include part of the garden of the cottage and the additional land provides an opportunity to improve on the previously approved scheme.
3. The orientation of the houses has been turned 90 from the approved scheme so that the front elevation addresses the street and provides a visual stop to what in effect will be a cul-de-sac. The front wall is in the same position as the previous scheme but only extends back the depth of the building leaving good sized gardens. Preapplication comments made by officers regarding parking and the height of the building have been taken on board. Parking is provided at a ratio of 1.5 spaces per dwelling.
4. The design of the dwellings is of a cottage scale with vernacular detailing and gable widths similar to Yew Tree Cottage and Archenfield Cottage. The overall height has been kept to a minimum by placing some first floor rooms partly in the roof space. The impact on neighbours gardens to the west and east will be less than the previous scheme.
5. The visual impact of the present tarmac access will be softened by reducing the width of the private drive to 3.5m and providing ground cover planting along either side. Parking bays will be formed on the approach and at the head of the drive, in addition to the provision of secure cycle parking.
6. Foul drainage will be to the existing foul sewer and storm water will be taken to soakaways. Access for the disabled within the site will comply with Building Regulations.

- 5.2 Ross on Wye Town Council have no objections.

- 5.3 Two letters of objection have been received from:-



B. and C. Champness, Polhawn, Archenfield Road, Ross on Wye, HR9 5BA  
C. Uttling, The Hawthorns, Archenfield Road, Ross on Wye, HR9 5AX

The following points are raised:

- The construction of two storey houses, instead of single storey dwellings as originally proposed, will impinge on the privacy of existing dwellings as they will be overlooked at the rear.
- Six parking spaces is insufficient and will lead to more parking on Archenfield Road which is already congested.
- The application will increase traffic generation in comparison with the three small properties that were previously proposed
- The site is close to a bend in the road where there have been a number of accidents. Cars exiting the site will have limited vision and increase the chance of an accident.

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 in considering this application are the effect on the character of the area, residential amenities and parking and access.
- 6.2 This is a 'brownfield' site of just under a hectare in size in an established residential area. Planning permission for three single storey residential units was granted in 2006 and the former bakery has recently been demolished. The site has been extended since the earlier grant of planning permission following the applicant's purchase of an adjoining property and the incorporation of part of the garden in the site.
- 6.3 The proposed terrace of four houses will face towards Archenfield Road and be viewed through a gap in the road frontage. The area is characterised by a wide variety of house styles and ages. Victorian cottages join the site to the west and east and the proposal reflects the proportions of these houses. The ridge height has been kept low at 7m and the architectural details reflect local vernacular traditions with side hung windows and window arches. The proposal has been carefully designed and will be a positive addition to the area.
- 6.4 The terrace of houses is situated 21m to the rear of houses fronting Archenfield Road. Archenfield Court is located at a similar distance to the rear. The site rises from Archenfield Road towards Archenfield Court and plans providing a section through the site have been submitted. I am satisfied the distances involved and the position of windows in the existing and proposed houses will not result in over looking or any serious loss of amenity for existing or future residents.
- 6.5 A considerable amount of on-street parking takes place along Archenfield Road and concerns have been raised in representations. The proposal provides six off-street parking spaces and includes secure cycle parking. This is the maximum number of spaces allowed under Housing Policy 16 of the Unitary Development Plan and will provide satisfactory levels of off-street parking. The existing access has served a bakery in the past and will be improved in line with the Traffic Manager's recommendations.

- 6.6 The site is considered suitable for a relatively high-density residential development. It is located in an established residential area and will make use of 'brownfield' land. The proposal will not have a detrimental impact on the area or on existing houses and is in accordance with development plan policies.

## **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 The development shall be carried out in accordance with the schedule of materials set out on drawing no. 670-01A and no materials shall be substituted without the agreement in writing of the Local Planning Authority.**

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

**3 The boundary treatments shown on drawing no. 670-01A shall be completed before the houses are occupied.**

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

**4 G04 (Landscaping scheme (general))**

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

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

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

**6 Before any other works hereby approved on the application site are commenced, the new entrance shall be set back 2 metres from the rear of the adjoining footway. On each side of the set back entrance splays shall be formed at an angle of 45 with the highway boundary and the whole of the splayed areas shall be graded and cleared so that no part thereof exceeds a height of 0.6 metres above the relative level of the adjoining carriageway.**

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

**7 H06 (Vehicular access construction)**

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

**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.**

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

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

10 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.

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

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

12 H27 (Parking for site operatives)

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

13 Prior to the first occupation of any of the dwellings hereby approved, details of the secure, covered cycle parking shall be submitted to and approved in writing by the local planning authority. The approved cycle parking shall be provided on site prior to the first occupation of any of the dwellings hereby approved.

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

**INFORMATIVES:**

- 1 N19 - Avoidance of doubt
- 2 HN01 - Mud on highway
- 3 HN04 - Private apparatus within highway
- 4 HN05 - Works within the highway
- 5 HN10 - No drainage to discharge to highway
- 6 N03 - Adjoining property rights
- 7 N14 - Party Wall Act 1996
- 8 N15 - Reason(s) for the Grant of Planning Permission

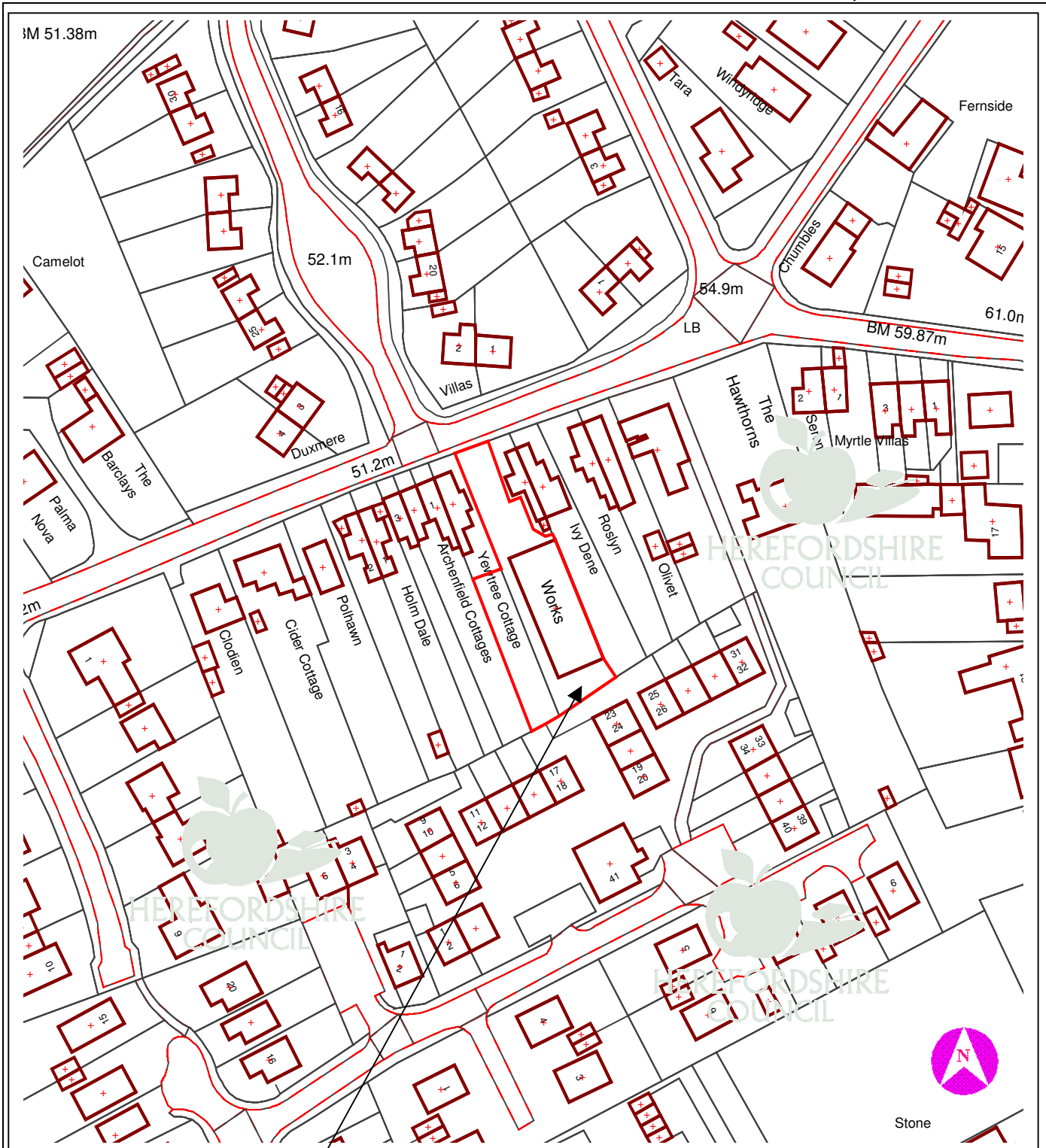
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2007/1257/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** The Old Bakery, Archenfield Road, Ross-on-Wye, Herefordshire, HR9 5AZ

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**6 DCSW2007/1734/F - BUILDING FOR SMALL ORGANIC FAMILY BAKERY, THE GARN, CLODOCK, HEREFORD, HEREFORDSHIRE, HR2 0PE.**

**For: D. & K. Biggs, The Barn, Clodock, Hereford, HR2 0PE**

**Date Received: 29th May, 2007    Ward: Golden Valley South    Grid Ref: 33180, 26835**  
**Expiry Date: 24th July, 2007**

Local Member:    Councillor J.B. Williams

**1. Site Description and Proposal**

- 1.1 The application site is reached off the eastern side of the classified road (C1218) that leads south-eastwards from Clodock towards Walterstone skirting the eastern valley side of the River Monnow. The access point serving the application site is approximately half way between Lower Hunthouse Farm further to the south and the south-eastern fringe of Clodock. The concrete strip access road inclines steeply past a property on the northern side of the track, before heading south-eastwards towards The Garn which comprises a stone faced farmhouse and parallel to it a single storey building some 10 metres away. This building has planning permission for use as an annexe, granted last year.
- 1.2 The proposal site is 10 metres to the south-east of the barn that will be utilised as an annexe to the farmhouse. The building is 7.5 metres wide and 10 metres long. It is 2.4 metres to the eaves on the front elevation rising to 3 metres for the rear eaves. The shallow mono-pitched roof will be covered in profile cladding and the walls in larch timber horizontal cladding. The proposed building will be used as an organic bakery. There is a backdrop of trees to the rear or west of the site.

**2. Policies**

**2.1 Planning Policy Guidance**

PPS.7                    -                    Sustainable Development in Rural Areas

**2.2 Herefordshire Unitary Development Plan 2007**

Policy DR.1           -                    Design  
 Policy E.12           -                    Farm Diversification

**3. Planning History**

- |     |                 |  |   |                   |
|-----|-----------------|--|---|-------------------|
| 3.1 | DCSW2005/4156/F | Single storey extension  | - | Approved 02.02.06 |
|     | DCSW2006/2441/F | Conversion of barn to form ancillary living accommodation to main dwelling | - | Approved 27.09.06 |
|     | DCSW2006/3419/F | Animal shelters, hay storage and track                                     | - | Approved 11.12.06 |

#### **4. Consultation Summary**

##### Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

##### Internal Council Advice

- 4.2 Traffic Manager has no objection.

#### **5. Representations**

- 5.1 Longtown Group Parish Council make the following observations:

No objection, support small businesses

- 5.2 3 letters of representation have been received from:

Mrs. G. Prosser, Lower Garn, Clodock, HR2 0PE  
C. & S. Mitchell, Mobile Home, Middle Garn, Clodock, HR2 0PE  
D.A. Mitchell, Mobile Home, Middle Garn, Clodock, HR2 0PE

The following main points are:

- danger on track, from JCBs, tractors and heavy lorries, to residents in vicinity including children and to livestock
- extra traffic will affect our use of the track
- damage caused to trees by construction traffic for barn (deliveries, health inspectors)
- up to 21 vehicles pass our gate daily
- concealed entrance onto small country lane
- applicant should consider alternative access avoiding the existing track.

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. Officers Appraisal**

- 6.1 The main issues are considered to be the merits of the scheme itself, with regard to national and Unitary Development Plan policy, and the impact that the development would have on other users of the right of way serving the site, two mobile homes and a property further to the north-west of The Garn.
- 6.2 There is provision within Government advice contained in PPS.7 which in turn is produced in Policy E.12 of the Unitary Development Plan for farm diversification. Normally it is incumbent upon the developer to utilise existing buildings and structures for such purposes, however in this instance the applicant has already converted two-thirds approximately of a barn for residential use, the remaining portion being used for making cheese. Therefore it is considered that the proposal satisfies the requirements of national and local planning policy.
- 6.3 The second issue relates to the means of access to Garn Farm. The driveway is steep and until relatively recently difficult to negotiate. This has been addressed by a third

party whom has provided a concreted trackway. This trackway has been used extensively according to representations received and such traffic included JCBs, lorries and tractors some of which were involved with construction work on the annexe approved last year. Any additional traffic generated by the bakery is not considered such that planning permission could reasonably be withheld. The access leading uphill is gated where it adjoins the objectors property thereby slowing traffic. It would be ill advised driving uphill or downhill on this surfaced track incautiously given the aforementioned gate and the configuration of the roadway. Therefore, it is not considered that there are sufficient grounds for withholding planning permission for reasons of potential conflict of users of this trackway.

**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 E27 (Personal condition)**

**Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.**

**4 E06 (Restriction on Use)**

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

**Informative(s):**

**1. N19 - Avoidance of doubt**

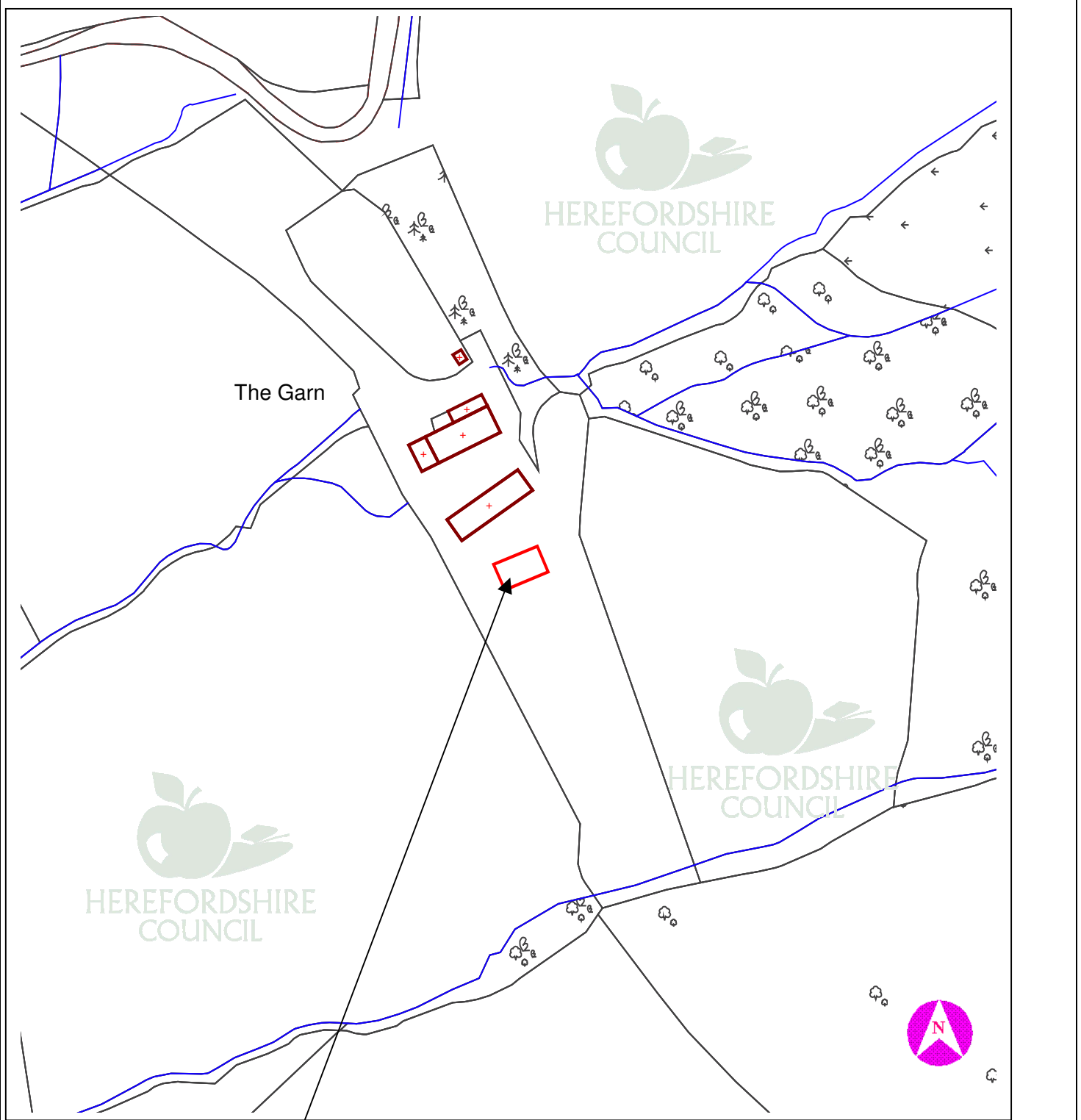
**2. N15 - Reason(s) for the Grant of Planning Permission**

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSW2007/1734/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** The Garn, Clodock, Hereford, Herefordshire, HR2 0PE

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## 7 DCSE2007/1748/L - ERECTION OF BRACKET FOR HANGING SIGN. BERKELEY HOUSE, NEW STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7DA.

**For: Mr. N. Handoll, Berkeley House, New Street, Ross on Wye, HR9 7DA.**

**Date Received:** 1st June, 2007     **Ward:** Ross-on-Wye West     **Grid Ref:** 59909, 24258  
**Expiry Date:** 27th July, 2007

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

### 1. Site Description and Proposal

- 1.1 The site is located within the defined settlement boundary of Ross-on-Wye within the conservation area and Wye Valley Area of Outstanding Natural Beauty. Berkeley House is a grade II listed building located on the north side of New Street. New Street contains a mixture of residential uses and commercial services.
- 1.2 The site comprises a three-storey cream rendered building. The premises comprise three domestic flats on the first, second and third floors, whilst an osteopath and dental practice occupy the ground floor.
- 1.3 The application is retrospective for listed building consent to retain a hanging sign comprising of a steel c1940's hanging bracket and wooden sign fixed to the wall with 4 coach bolts. The sign has a white background and states in black lettering, 'Ross-on-Wye Clinic of Osteopathy & Complementary Medicine'.

### 2. Policies

#### 2.1 Planning Policy Guidance

- PPS.1                                     -     Delivering Sustainable Development
- PPS.15                                   -     Planning and the Historic Environment

#### 2.2 Herefordshire Unitary Development Plan

- Policy S.1                               -     Sustainable Development
- Policy S.7                               -     Natural and Historic Heritage
- Policy DR.1                             -     Design
- Policy HBA.1                           -     Alterations and Extensions to Listed Buildings
- Policy HBA.4                           -     Setting of Listed Buildings
- Policy HBA.10                         -     Shopfronts
- Policy HBA.11                         -     Advertising

### 3. Planning History

- 1.3   DCSE2006/1410/F           Change of use from domestic flat to    Approved  
  complementary health centre                          16.06.2006

DCSE2007/0043/L Internal alterations to facilitate provision of accessible wc, erection of partitioning to form office, provision of additional treatment room Approved 16.02.2007

#### 4. Consultation Summary

##### Statutory Consultations

4.1 No statutory or non-statutory consultees required.

##### Internal Council Advice

4.2 The Conservation Manager has no objection to the proposal.

#### 5. Representations

5.1 Ross Town Council comments are awaited.

1 letter of representation has been received with three signatures from:  
D. Ridley, Flat 1, Berkeley House, New Street, Ross-on-Wye, HR9 7DA  
P.V. Parkman, Flat 2, Berkeley House, New Street, Ross-on-Wye, HR9 7DA  
P.G Hewett, Flat 3, Berkeley House, New Street, Ross-on-Wye, HR9 7DA

stating the following:

Since the application affects all categories listed in your codes L, AC and SL all the domestic users of this building find the proposed changes unacceptable. The presence of brass plates to the faade for both commercial enterprises and in the case of the osteopath, his window emblazoned with his attributes it is in any case unnecessary. We live here and find the addition of pub type sign to a handsome building offensive. This especially when the dentist has voiced the intention of having a similar sign.

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 Policies HBA1, HBA4 and HBA6 of the Herefordshire Unitary Development Plan 2007 relate to proposals that involve alterations to a listed building and work within conservation areas. It is considered that these policies facilitate the most effective assessment of this proposal. The primary consideration in determining this application is whether or not there will be any adverse impact on the Listed Building or the Conservation Area.

6.2 The bracket was previously attached to the wall of Priory House, 2 doors away from Berkeley House. The applicant has had the bracket cleaned and repainted. Having regard to the simple style, the colour and the siting, it is considered that the hanging sign is not considered to be discordant with the visual amenity of the conservation area, nor does it detract from the character and appearance of the listed building.

**RECOMMENDATION**

**That planning permission be granted.**

**Informatives:**

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

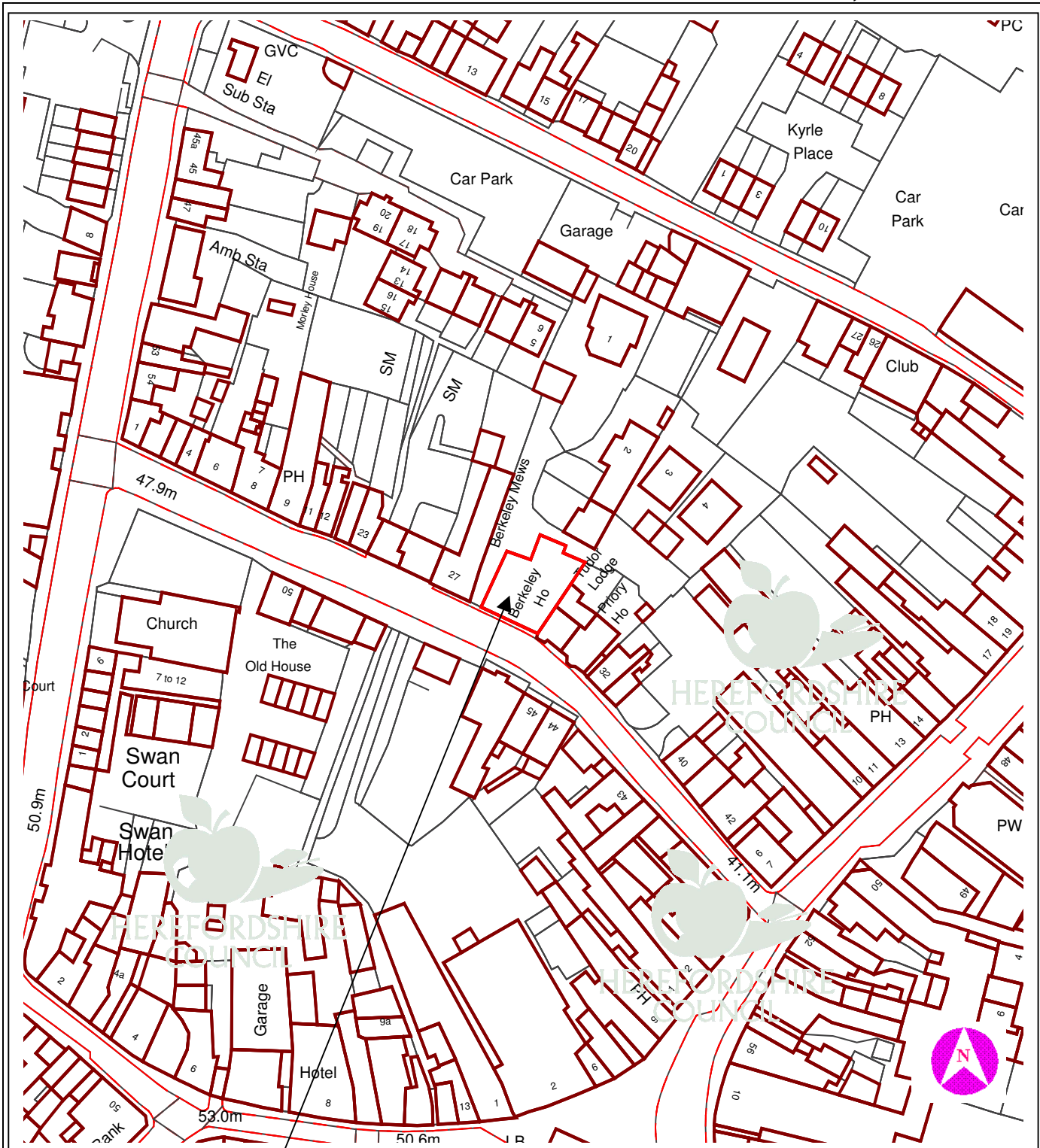
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2007/1748/L

**SCALE :** 1 : 1250

**SITE ADDRESS :** Berkeley House, New Street, Ross-on-Wye, Herefordshire, HR9 7DA

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## **8 DCSE2007/1548/F - FREE RANGE EGG UNIT AND ANCILLARY WORKS AT HALL COURT FARM, KYNASTON, LEDBURY, HEREFORDSHIRE, HR8 2PD.**

**For: Mr. W. May per Brian Griffin P&CC Ltd, The Cottage, Green Bottom, Littledean, Glos. GL14 3LH.**

**Date Received: 18th May, 2007      Ward: Old Gore      Grid Ref: 64585, 35105**

**Expiry Date: 17th August, 2007**

Local Member:    Councillor T.M.R. McLean

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

- 1.1 Hall Court, Kynaston is a 72-hectare holding located within the open countryside. The holding consists of a grade II listed farmhouse and a number of modern and traditional agricultural buildings including a single storey free-range egg unit. The application site is located some 220 metres to the south-east of Hall Court. There are no existing buildings on the site. Access is gained through an existing agricultural access from the C1294. Public footpath MM16 passes across the access to the application site. The garden of a property called 'The Walkers' and a triangular shaped piece of woodland abut the field on its eastern edge. There are hedgerows and some trees to the perimeter of the site. This area is described as Principal Timbered Farmlands in Herefordshire Council's Landscape Character Assessment.
- 1.2 The application is for the erection of a free-range egg unit measuring 100.5m long, 19.7m wide and 6.8m to the ridge. The roof pitch is 20 degrees. The building will be timber boarded under a dark green profile-sheeting roof. An access track will be formed from the existing access track and will run parallel in front of the unit to a hardstanding area. Twin feed bins will be situated to the south side of the gable end of the building.
- 1.3 The building will house 16,000 free-range laying hens. The building will be sited centrally within the field to allow birds to roam from a series of pop holes on each side of the building. The environment of the internal space is controlled by natural ventilation and sliding panes. The building is divided into four sections. The total floor area (except under the nesting boxes) is an area of wood shavings for the birds to scratch and dust bathe. The western end serves as a service area where the eggs are collected, packed and dispatched.

### **2. Policies**

#### **2.1 Herefordshire Unitary Development Plan 2007**

Policy S.1	-	Sustainable Development
Policy S.7	-	Natural and Historic Heritage
Policy DR.1	-	Design
Policy HBA.1	-	Alterations and Extensions to Listed Buildings
Policy HBA.4	-	Setting of Listed Buildings
Policy HBA.10	-	Shopfronts
Policy HBA.11	-	Advertising

**3. Planning History**

- |     |                 |  |                        |
|-----|-----------------|--|------------------------|
| 3.1 | DCSE2006/1410/F | Change of use from domestic flat to complementary health centre  | Approved<br>16.06.2006 |
|     | DCSE2007/0043/L | Internal alterations to facilitate provision of accessible wc, erection of partitioning to form office, provision of additional treatment room | Approved<br>16.02.2007 |

**4. Consultation Summary**Statutory Consultations

- 4.1 English Heritage has no objections to the proposal.
- 4.2 The Ramblers' Association notes that the applicant is aware that footpath MM16 crosses the entrance to the proposed unit where it meets the road. The path should be kept clear for walkers during and after the new construction.

Internal Council Advice

- 4.3 The Traffic Manager has no objection subject to conditions regarding visibility at the access.
- 4.4 Public Rights of Way Manager:

"The proposed free range egg unit and ancillary works will affect public footpath MM16, which passes across the proposed access road at the point it leaves the public road.

It is noted that the proposal suggests that new gates across the track will be erected, set back 15 m from the public road. At present public access to the footpath from the road is either over a handmade stile to one side of the existing field gates, or through the gates themselves, which were unlocked at the time of my site visit.

If it is proposed that the new gates will be locked, and some new fencing erected to prevent unauthorised access to the site, then this application provides an opportunity to assist in our long term programme to increase access to the countryside, and ensure that a suitable pedestrian gate is erected through any new fence to allow the public to continue to use the legal line of the footpath with ease.

It was also noted on the site visit that where the footpath heads south away from the access track, access through the hedge is currently by means of a stile. Whilst works are carried out on site, this would also provide an opportunity to replace this stile with a pedestrian gate, again helping to achieve the long term objective of improved access for all.

I suggest that if permission is granted to this application, then a condition be added so that a scale plan showing the layout of the junction of the access road with the public road, and indicating new pedestrian gates for the footpath, be approved before work commences on site."

## 4.5 The Environmental Health &amp; Trading Standards Manager:

"I have examined the application, with particular reference to the proximity of the nearest occupied dwelling and the likelihood of nuisance from flies or odour. I consider that Ian Barrie's report is a reasonable assessment of the potential impact of the unit and I agree that it is unlikely to cause nuisance. Free-range egg units create substantially less odour than traditional broiler units. I have recently visited a free range unit in order to assist me in respect of a similar application and the results of the visit suggest my opinion and that of Ian Barrie."

## 4.5 The Conservation Manager:

"From a landscape perspective, siting a new farm building within, or adjacent to existing farm buildings, is normally preferable to siting it in a position that is isolated from the farm. However, if it is accepted that the applicant has demonstrated that there are no sites available, adjacent to Hall Court, then my comments on this site are as follows.

I note that the proposed free-range unit is a very large-scale building, although it is a relatively low building - 6.8 metres to the ridge. The application site is, however, relatively well screened from views in from the wider landscape due to the fairly flat topography and succession of field hedgerows and trees in the area. The triangular shaped piece of woodland would screen views of the free-range egg unit from the property called Walkers although the screening effect may be reduced in winter, when the trees and hedgerows are not in leaf.

It does not appear that the proposed poultry unit would be visible from the minor road. The proposed building might be partially visible from some sections of the public right of way that runs from Kynaston in a south-easterly direction, to Ryemeadows and Much Marcle. However, the proposed cider orchard planting to the east of the application site would screen views of the building, in time.

With regard to the orientation of the unit on the site, I advocated siting it as close as possible to the existing field boundaries, rather than siting it in an isolated position in the centre of the field. It appears that the unit has been sited as close as possible to the western field hedgerow and I accept that siting the unit gable end on to the area of woodland helps to reduce the adverse visual impact of the unit, in terms of the property called Walkers. It appears that the position of the unit is the best that can be achieved, given the constraints - the requirements for ranging ground and the need for poultry to be able to exit both sides of the building.

With regard to the proposed access arrangements, it is advantageous that the removal of hedgerow is not required on the Kynaston road, because the existing visibility is acceptable and also that there is an existing track that can be upgraded - there is not a need for a completely new track.

Proposed landscape plan

The proposed planting is appropriate and it will strengthen the character of Principal Timbered Farmlands and increase wildlife habitat. The species of the proposed hedgerow trees (C - D) should be specified - I would recommend Oak/*Quercus robur*. With regard to the proposed planting of clumps of native hardwoods, I recommend that these should be in the form of field corner copses, or copses adjoining the boundary hedgerows, if possible, so that they tie into the existing landscape framework, as they may look rather artificial if they are in the middle of the field.

### Ecological issues

I note that the triangular area of woodland will be fenced/hedged to ensure that poultry could not access it. This will ensure that the woodland under storey and ground cover plant species are conserved.

Having considered the visual impact, landscape and ecology issues, I conclude, that on balance, that the proposed development would be acceptable, because the free range unit would only have a limited adverse visual impact on the wider landscape setting and the proposed planting would have landscape and ecological benefits.”

## **5. Representations**

- 5.1 A Design and Access Statement has been submitted by the applicant in support of the application. The statement addresses landscape, environmental and highway issues:

### Siting

Although located within an open field, it has been carefully sited to reduce its landscape impact in order to provide the birds with a grass ranging area. EU regulations require that 1 hectare of grass ranging is required per 1,000 hens. Therefore, the building needs to be surrounded by 16 hectares of grassland within 350 metres of the building on to which the birds have access from either side.

The chosen site was arrived at for the following reasons:

An existing farm access, which serves the lower ground at Hall Court, will be used. This track will be upgraded using local stone to provide a serviceable roadway for the collection lorry.

The building and ancillary works will have a floor area set at 60.5m above ordnance datum (AOD) and is outside the floodplain as assessed by the Environment Agency.

The hamlet of Rushall is approximately 400m to the west and sits at or above 75m AOD. At approximately 150m to the west there is a marked drop in the land level from circa 70m to 60m AOD along the line of a stream, which is bordered by a tall and mature willow hedgerow. Consequently there are no views of the application site from Rushall and only glimpses of the site from the public footpath that follows along the west side of the tree lined stream.

It is relatively near the existing farmstead, in terms of providing security.

There is no better site on the holding.

It is at least 150m from the nearest property, known as 'Walkers' and the site has been specifically chosen to minimise the impact on that property, by placing it behind an established area of woodland.

Sufficient ranging land is available on either side of the building for the birds.

### Landscaping

The principal objective will be to 'lose' the building in the countryside. While in practical terms, this is not possible, the measures proposed are designed to make it difficult to be seen from the public roadway, as well as from the only house nearby, 'Walkers'.



A comprehensive landscaping scheme has been submitted that includes additional planting to the existing hedgerows and a new cider orchard to the whole field.

#### Flood Risk

The Environment Agency advises that the application site, access and environs is not within a flood risk zone.

Rain water will be piped to existing field ditches.

#### Highways

<b>Number of Movements</b>	<b>Existing free range unit (6,800 birds)</b>	<b>Existing and proposed new unit combined (22,800 birds)</b>
Egg collection	3 lorry collections per week	2 lorry collections per week
Feed	1 lorry delivery every 10 days	1 lorry every month delivering wheat, 1 lorry every two months for soya and 1 lorry every quarter for feed supplements. All deliveries only to the Hall Court farmyard. The new free range unit will receive its feed from the farmyard, by tractor drawn trailer on a weekly basis.
Rodent control	1 visit per quarter	1 visit per quarter
Veterinary	Sick birds are taken to the vet. He does not visit.	Sick birds are taken to the vet. He does not visit.
Tradesmen	Electrician visits in emergencies and conducts annual safety check. 2 light vehicles/year	Electrician visits in emergencies and conducts annual safety check. 2 light vehicles/year
<b>TOTAL VEHICLE MOVEMENTS</b>	<b>198</b>	<b>132</b>

#### Odour & Noise

Discussions have been held with the Council's Environmental Health Officer who asked that we address the odour risk to local residents. We consulted ADAS Consulting Limited (Ian Barrie) who has undertaken many odour assessments of free range laying units. (The statement on odours is appended to this report.) He subsequently advised that unless there was protected property within 75m, an odour problem would not be expected to arise. The proposed building is the same distance from 'Walkers', as the existing unit is from other residential property, from which we understand there has never been any complaint from the occupiers regarding odour or noise. 'Walkers' is also upwind from the poultry unit and any odours released from the building should be carried away from the property and across open farmland by the prevailing westerly wind.

Odour release from the building is slight as the birds are ranging outside during the day, and particularly during the hotter summer days.

At turn-round, the building is washed out with brown water collected in tanks (15,000 litres), which are emptied using a vacuum tanker and spread onto the land. Manure will

be removed from the building annually with its spreading and incorporation covered by the Code of Good Agricultural Practice.

The building will be naturally ventilated using existing and new techniques to avoid the use of fans.

5.2 Much Marcle Parish Council has no objection to the proposal.

5.3 1 letter of representation has been received from Julian and Alison Baldwin, The Walkers, Rushall, Ledbury, HR8 2PE, in which the following main points are raised:

- The site for 16,000 chickens and a 100m long building is less than 150m from 'The Walkers'. This means that the resulting noise, smell, vermin and visual impact could adversely affect our family
- What evidence exists showing that other sites on the farm have been fully evaluated and on what grounds were they dismissed? All possible sites that are further from any residential dwelling should be seriously considered before the site is chosen
- The proposed site is divorced from the existing farm buildings
- A possible better site for the building would be adjacent to the farm in the field to the north of the one being currently proposed. The alternative site is away from the remains of the moat shown on the maps. This would place it much nearer to the existing farm buildings with benefits in terms of increased security and lower costs of laying roadways and services. Mr May had indicated it is to be part of the hens roaming area in any case. This field is screened from view by large trees and is no lower than the one proposed so would not be more susceptible to flooding.
- We request all other possible locations on the farm are examined in detail and a site chosen that does not have such an adverse impact on our quality of life.
- We suggest the following should approval be granted for the proposal:
- Due to noise pollution a condition should be imposed to prevent cooling fans.
- Due to the intrusive, alien nature of their appearance the 2 feed hoppers should be moved to the southwestern corner of the site.
- To reduce the visual impact could the building be moved 10-20m towards the south boundary hedge?
- Can a condition be imposed to ensure the copse cannot be felled at some future date?
- -The cider orchard should be planted prior to the construction of the building.
- We have not taken down the section A-B of hedge on our land. We have removed small dying wych elm trees and trimmed existing hawthorn that had become thin underneath. This is now sprouting new growth that will be laid. Other small hawthorns have also been laid. We intend to support these existing trees by new planting of native hawthorn. Whatever the decision on this application we request that a condition should be that this section of hedge should remain under our control so that we can screen any buildings without restricting the amenity of our distant views.
- If the site is approved the copse will not provide screening following leaf fall. - We request that a condition should be placed requiring under planting on the eastern edge of the copse (section A-H) using native evergreens prior to commencement of construction.
- The hens roaming area has not been specified nor shown on the plans.
- This states our building is the same distance from the proposed site as others are from the existing unit. From the plan this is clearly not the case in that we are significantly nearer, what will be done to prevent the odour and noise from 16,000 hens within 150m of our home becoming a nuisance?

- Will conditions be placed to ensure it is constructed in a way that blends into the landscape?
  - If this application is passed we request that conditions be placed that ensure no artificial lights inside or outside the building can be seen from our property.
- 5.4 The applicants have provided a detailed response to these representations that reiterate the details included in the Design and Access statement and provides confirmation that other sites have been considered but that by undertaking a number of measures, the proposed site is the most suitable.

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 proposal is for the construction of a building to be used for the housing of free range laying hens together with associated egg collection and packing facilities and feed bins for the accommodation of a total of 16,000 birds. Free-range egg production is a welfare friendly form of egg production with the feeding systems all automatically operated with water supplied by nipple/bell drinkers and the building is naturally ventilated. Pop holes are situated on each side of the building which allow the birds direct access to the range area which must equate to 1 hectare per 1000 birds and cannot be more than 350 metres from the building.
- 6.2 There are a large number of policies in the Unitary Development Plan that are relevant to the application. These are listed in section 2 above. However, I consider that the principle policies for consideration are Policy E13 – Agricultural and Forestry Development, Policy E16 – Intensive Livestock Units and Policy LA2 – Landscape Character and Areas Least Resilient to Change. The main issues for consideration of the application are, the principle of development, landscape impact, effect of proposal in terms of noise, smell and waste and the effect on the highway and a public right of way.
- 6.3 Policy E13 encourages new agricultural buildings to be sited within or adjoining existing groups of buildings or farmstead. This is difficult in this instance due to the range requirements associated with free-range egg production. There is already an existing free-range unit within the farm complex at Hall Court that utilises the land adjacent to the farm for the birds to roam. Furthermore, the farmstead is on higher land and therefore further buildings are likely to be more elevated and consequently more prominent than the proposed site.
- 6.4 Although the building is large in area it is relatively low in height and is proposed to be sited within a relatively low lying area and would largely be screened by the succession of existing field hedgerows and trees in the area. The existing copse to the west of the proposed building will provide further screening of the building. The copse would be fenced to ensure that poultry could not access it. In addition, the proposed cider orchard and additional planting to the field boundaries would further screen the building. A condition can be attached to ensure that a comprehensive landscape and management plan be submitted for approval prior to commencement of the development and carried out in accordance with the approved details.
- 6.5 Policy E16 encourages intensive livestock units to be sited at least 400 metres from non-agricultural buildings or dwellings. Planning applications for units within 400 metres of a protected building have to be carefully assessed. The nearest residential

property to the proposed site for the building is located approximately 150 metres from the western gable of the building. The applicants have provided detailed environmental information to demonstrate that the proposal will have negligible environmental consequences arising from odours and rodents as well as details of the proposed waste management plan. This is confirmed by the Environmental Health Manager who raises no objection to the environmental impact of the development or the surrounding area or the amenity of properties in the locality.

- 6.6 The proposed site will be accessed via an existing agricultural access and track with an extension to the track to reach the building. The existing visibility at the access is acceptable and it is advantageous that the removal of the hedgerow is not required. The applicant has submitted an analysis of potential traffic movements that demonstrates the actual number of vehicle movements currently in operation at the farm will decrease. The Traffic Manager raises no objection to the scheme.
- 6.7 Public footpath MM16 passes across the proposed access road at the point it leaves the public road. At present public access to the footpath from the road is either over a handmade stile to one side of the existing field gates, or through the gates themselves. In order to ensure that the public continue to use the legal line of the footpath with ease, a condition can be attached which shows the layout of the access with public road and indicates the public footpath.
- 6.8 Representation has been received in respect of alternative sitings for the buildings. Whilst consideration can only be given to the proposed site, the applicant has confirmed that alternative sites have been considered, that would in fact be cheaper to implement, but they would be visible from houses in Kynaston village, the adjacent road and the wider countryside from Marcle Ridge.

## RECOMMENDATION

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

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

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

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

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

**3 Notwithstanding the submitted plans, details of the design, materials and siting of the feed bins shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

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

**4 The building hereby approved shall be used for agricultural purposes only as defined within section 336(1) of the Town and Country Planning Act 1990 (as amended).**

**Reason: To prevent the establishment of an unacceptable use in the countryside.**

- 5 F32 (Details of floodlighting/external lighting)  
Reason: To safeguard local amenities.
- 6 F38 (Details of fans or extractors)  
Reason: In the interests of the amenity of the area.
- 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 G09 (Retention of trees/hedgerows)  
Reason: To safeguard the amenity of the area.
- 10 G27 (Landscape maintenance arrangements)  
Reason: In the interests of visual and residential amenity.
- 11 G34 (Provision of screen fences to the copse)  
Reason: In the interests of residential and visual amenity.
- 12 H03 (Visibility splays)  
Reason: In the interests of highway safety.
- 13 H05 (Access gates)  
Reason: In the interests of highway safety.
- 14 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.
- 15 Notwithstanding the submitted plans, details of the layout of the access with public road and indication of the route of the public right of way together with measures to ensure its continued use shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.  
  
Reason: To ensure that the public continue to use the legal line of the footpath with ease.

**INFORMATIVES:**

- 1 N19 - Avoidance of doubt

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

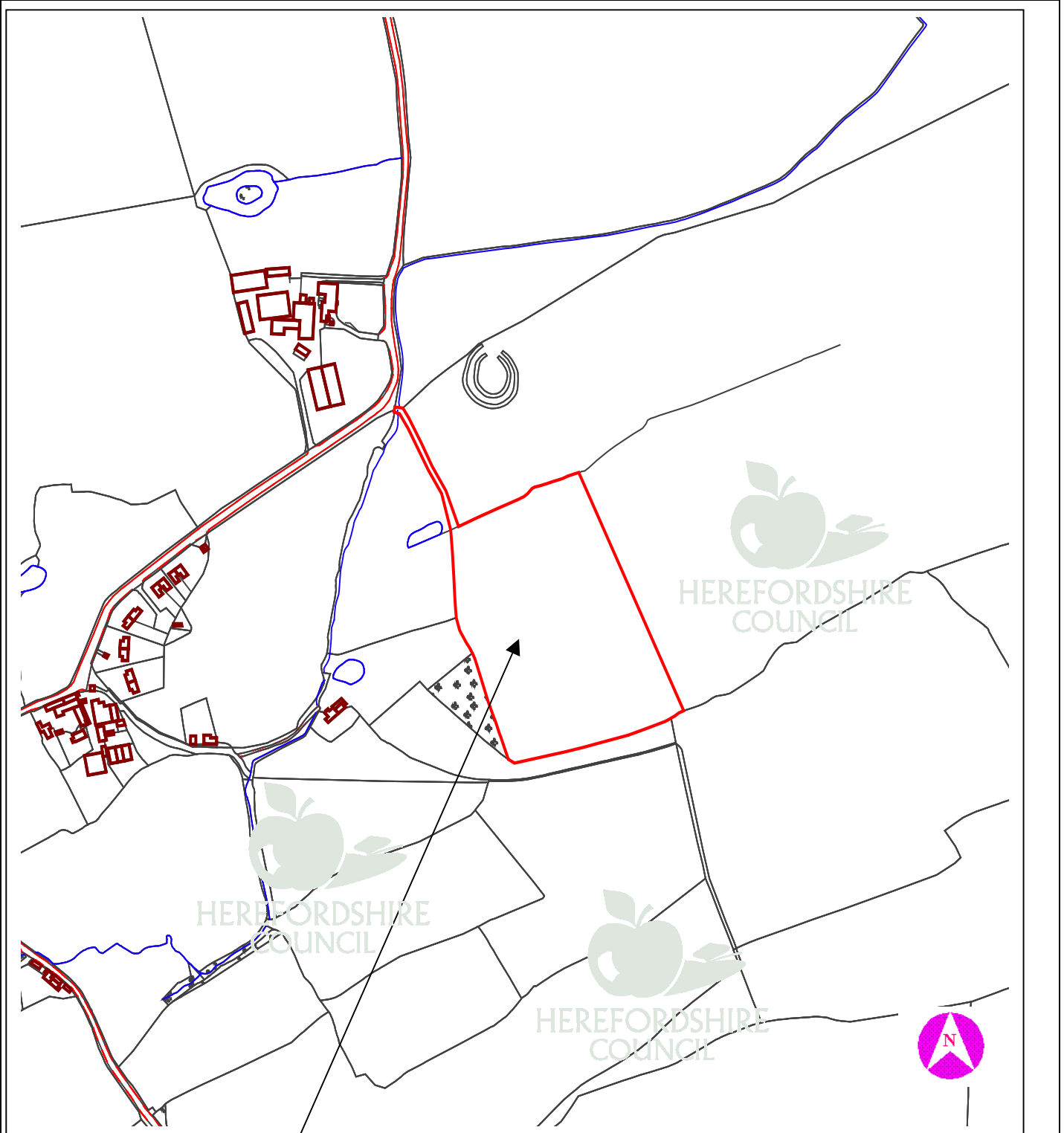
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2007/1548/F

**SCALE :** 1 : 5000

**SITE ADDRESS :** Hall Court Farm, -, Kynaston, Ledbury, Herefordshire, HR8 2PD

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## APPENDIX

### FREE RANGE EGG UNITS - STATEMENT ON ODOURS (IAN BARRIE)

The nearest protected property will be 150m away from the nearest protected dwelling with further dwellings some 300 m away, all to the western quarter. My comments on odour issues are set out below.

A reasonable test, and one which features prominently in the discussion of Best Available Technology in IPPC H4 (Part 1) states :-

*In summary, where there is potential for pollution in the form of offence to the sense of smell (i.e. where there is potential for reasonable cause for annoyance), the aim of BAT should be to achieve the following:*

- *To keep the exposure to odour at sensitive receptors below the level at which it would give reasonable cause for annoyance. (This would normally be the aim of most planning or other conditions applied by Local Authorities).*
- *To prevent the generation of odour where possible.*
- *To contain the odour and use effective treatment techniques, or other means of minimising emissions, where prevention is not possible.*
- *To promote the use of good practices for the control of odour, including adequate maintenance and cleaning, storage, containment etc.*

In examining a case for "reasonable cause for annoyance" both the concentration and frequency of odours in the area of neighbouring dwellings has to be evaluated.

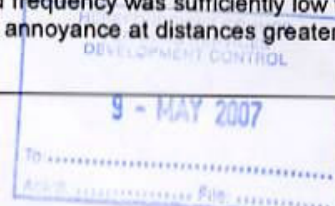
The frequency of odours is determined by local wind flow patterns. The unit is to the north east or east of the protected properties whereas the prevailing winds are from the south west. Therefore the dominant wind direction blows from the protected properties to the layers unit.

Computer dispersion modelling studies are normally employed to determine the strength or concentration of odours downwind from a source. With all else being equal, strong sources such as large broiler farms with 250-500k birds, will impact upon a larger area than small, free range, units.

Modelling studies have recently been completed for several such free range units (in connection with planning appeals). Odour emissions in free range units are associated with the floor litter and droppings stored within the building. Odour emissions from a properly managed ranging area are minimal and no worse than would be the case from a field with grazing cattle or sheep and thus are normally considered inconsequential.

In each case the dispersion modelling indicated that, while occasional odours may well be detected in the neighbouring area, the strength and frequency was sufficiently low to conclude that there would be no reasonable cause for annoyance at distances greater

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than some 50m from each unit. This conclusion was supported with visits to similar, existing free range units. The manure will be removed from the building every 55 weeks when the building is de-stocked and washed out.

There are published guidelines for best management practice which are appended to this report. Following these guidelines, and taking particular regard to the current wind directions, should significantly mitigate against a nuisance to neighbours during cleaning operations between crops of hens.

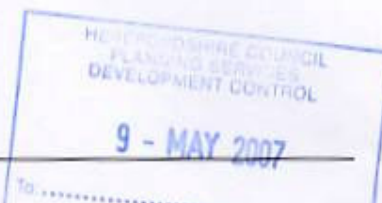
No absolute guarantee can be given with regard to odour nuisance at short distances, even from an industry standard free range unit. However, in following accepted guidelines on odour control and management, the probability that odours from a free range laying unit will give rise to a reasonable cause for annoyance at distances in excess of 100m can be reduced to very low levels.

### References

1. MAFF (1998) Code of Good Agricultural Practice for the Protection of Air.
2. Environment Agency IPPC-H4 (Draft). Horizontal Guidance for Odour Part 1 : Regulation and Permitting and Part 2 : Assessment and Control.

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## APPENDIX 1

### Cleaning Out Manure/Droppings - Odour Mitigation Measures

- A dry (moisture content less than ~ 35%), friable floor litter reduces the potential odour emissions during mucking out, as well as throughout the laying cycle.
- Avoid clearing spent floor litter during weekends, public holidays or in the evening unless it is absolutely necessary.
- Avoid clearing if the wind direction is blowing in the direction of near neighbours if at all possible.
- Once started the clearing process should be completed in as little time as possible while taking account of the above recommended restrictions.
- Maintain minimal fan ventilation during cleaning, while remaining consistent with health and safety requirements of the cleaning personnel.
- If an elevator is used for loading litter into lorries the drop height should be minimised and the elevator can be covered, thus removing the risk of dust blowing on windy days.
- If a loader vehicle is used, litter should be carefully tipped into lorry trailers, positioned at the entrance to each house, or if possible inside the building.
- The litter should be tipped into the trailer from minimal height and when full, the trailer should be covered and sealed immediately.
- Surrounding concrete aprons and surfaces should be cleaned immediately after clearing.
- Only DEFRA approved, non-tainting disinfectants should be used during the clean-out of the houses.
- Dirty water should be transported off-site and ultimately be disposed of, or field spread, in accordance with the guidelines in the Air Code.



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Brian Griffin FRICS FAAV is a Fellow of the Royal Institution of Chartered Surveyors  
& a Full member of the Central Association of Agricultural Valuers  
VAT Registration Number 790764689 Company No 4991513



**9 DCSE2007/1324/F - EXTENSION TO BABY UNIT AT OAKHOUSE NURSERY, OAK HOUSE, BRAMPTON ABBOTTS, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7JD.**

**For: Oak House Nursery per Geoff Jones Architect, 53 Broad Street, Ross on Wye, Herefordshire, HR9 7DY.**

**Date Received: 2nd May 2007**

**Ward: Old Gore**

**Grid Ref: 60343, 26523**

**Expiry Date: 27th June 2007**

Local Member: Councillor T.M.R. McLean

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

- 1.1 Oak House Nursery is located on the south side of the junction of the C1273 with the unclassified 70419. The village hall is to the north-west. Luan is to the south and Rivendell is on the opposite side of the C1273. A 4 metre high leylandii hedge runs along the boundary with Luan. A paddock adjoins the site on its west side. The site is located in open countryside.
- 1.2 This application proposes a single storey flat roofed extension to a 2-storey building that is to be used as a baby unit. The extension, 8 metres 5.5 metres, will be on the south elevation and will replace a marquee. Glass screening and a sunscreen will enclose the roof so that it can be used for children's activities.

### **2. Policies**

#### **2.1 Planning policy Statements**

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

#### **2.2 Herefordshire Unitary Development Plan 2007**

- Policy S 6 - Transport  
Policy S11 - Community Facilities and Services  
Policy DR1 - Design  
Policy DR3 - Movement  
Policy E6 - Expansion of Existing Businesses  
Policy E11 - Employment in the Countryside  
Policy CF5 - New Community Facilities

### **3. Planning History**

- |     |            |   |                   |
|-----|------------|---|-------------------|
| 3.1 | SH870705PF | Change of use of former village shop to nursery school  | Approved 29.07.87 |
|     | SH980046PF | Amend condition 3 on planning permission SH950377PF for occasional use for music movement, PE and after school child care | Approved 06.03.98 |
|     | SS980837PF | Variation of condition 2 of planning  | Approved 05.02.99 |

	permission SH980046PF (whole of Oak House Nursery to be limited to maximum of 40 children at any one time)	
SS980838PF	Conservatory for use by nursery school	Approved 05.02.99
SS980938PF	Use of building for children's nursery	Approved 05.02.99

#### 4. Consultation Summary

##### Statutory Consultations

4.1 No statutory or non-statutory consultations required.

##### Internal Council Advice

4.2 The Traffic Manager: No objection.

#### 5. Representations

5.1 The applicant has submitted a Design and Access Statement:

- The application proposes a single storey extension to an existing baby unit;
- The extension will be constructed in matching materials;
- The flat roof will be used by children as an activity area;
- Access to the ground floor will be via low gradient paths with slow ramps on each entrance.

5.2 Brampton Abbots Parish Council: No reply received at time of report.

5.3 Objections have been received from:

Mr G. Marsh, Luan, Brampton Abbots, Ross-on-Wye  
Mr and Mrs R. Coker, Rivendell, Brampton Abbots, Ross-on-Wye

- The roads around Brampton Abbots are unsuitable for large volumes of traffic;
- The existing traffic going to the nursery already causes considerable nuisance and damage to the verges. A traffic impact assessment is needed;
- Any extension to the school would be detrimental to the area as it would inevitably increase traffic;
- The sun terrace would generate unacceptable noise and loss of amenity to neighbours and unacceptable loss of privacy;
- The proposal would lead to an overdevelopment of the site to the detriment of the surrounding area;
- The facility presents no economic value to the community

5.4 18 letters in the support of this application have been received.

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

## 6. Officer's Appraisal

- 6.1 This application is for the replacement of a temporary marquee with a single storey addition that will be used as a baby unit. Oak House Nursery is an established business with a register of 67 nursery places but planning permission SS980837PF restricts the number of children at one time to a maximum of 40. This application is to provide accommodation for up to 6 babies.
- 6.2 The issue raised by this application are considered to be the effect on the amenities of neighbours, over development and highway safety. The proposed extension is on the south side of a 2-storey building that is located in the northwest corner of the site. The proposal will extend the building by some 8 metres with the end elevation some 13 metres from the boundary. The extension will be behind the main nursery building and would only impinge therefore on Luan, a bungalow, to the south. The high leylandii hedge that runs along the boundary of the site with Luan provides an effective dense screen, which prevents overlooking from the site into the garden and living rooms. The roof of the extension will be 3 metres high. Given the height of the boundary hedge it is not considered the extension would be unneighbourly. Also, it is not considered the size and scale of the extension causes an over development of the site. There remains ample space to allow movement around the site.
- 6.3 In the matter of highway safety, the Traffic Manager considers the proposed intensification in use is low key, having been informed that the proposal is to provide additional accommodation for 4-6 babies only. This would generate a maximum of six more trips morning and afternoon. In view of the traffic generated by the existing use which, does cause localised congestion at "drop off and collection" times, the Traffic Manager does not consider the level of increased traffic generated by this proposal would provide sufficient grounds to refuse this application for reasons of highway safety or require a traffic impact assessment. However, the Traffic Manager does require improvement works to the junction of the C1273 with the unclassified 70419. Currently the junction is marked as a give way on both sides of the splitter island, inferring that turning right out of the side road can pass to the right creating a potential conflict with traffic turning into the side road. The works required would involve the re-marking of the junction to show a priority give way to the left of the splitter island only with a small section of centre line on the side road. This can be dealt with by a Grampian 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 B03 (Matching external materials (general))**

**Reason: To ensure the satisfactory appearance of the development.**

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

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

- 4 The development hereby permitted shall not commence until such time as the junction of the C1273 and the unclassified 70419 has been re-marked in accordance with details submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety.

**INFORMATIVES:**

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

Decision: .....

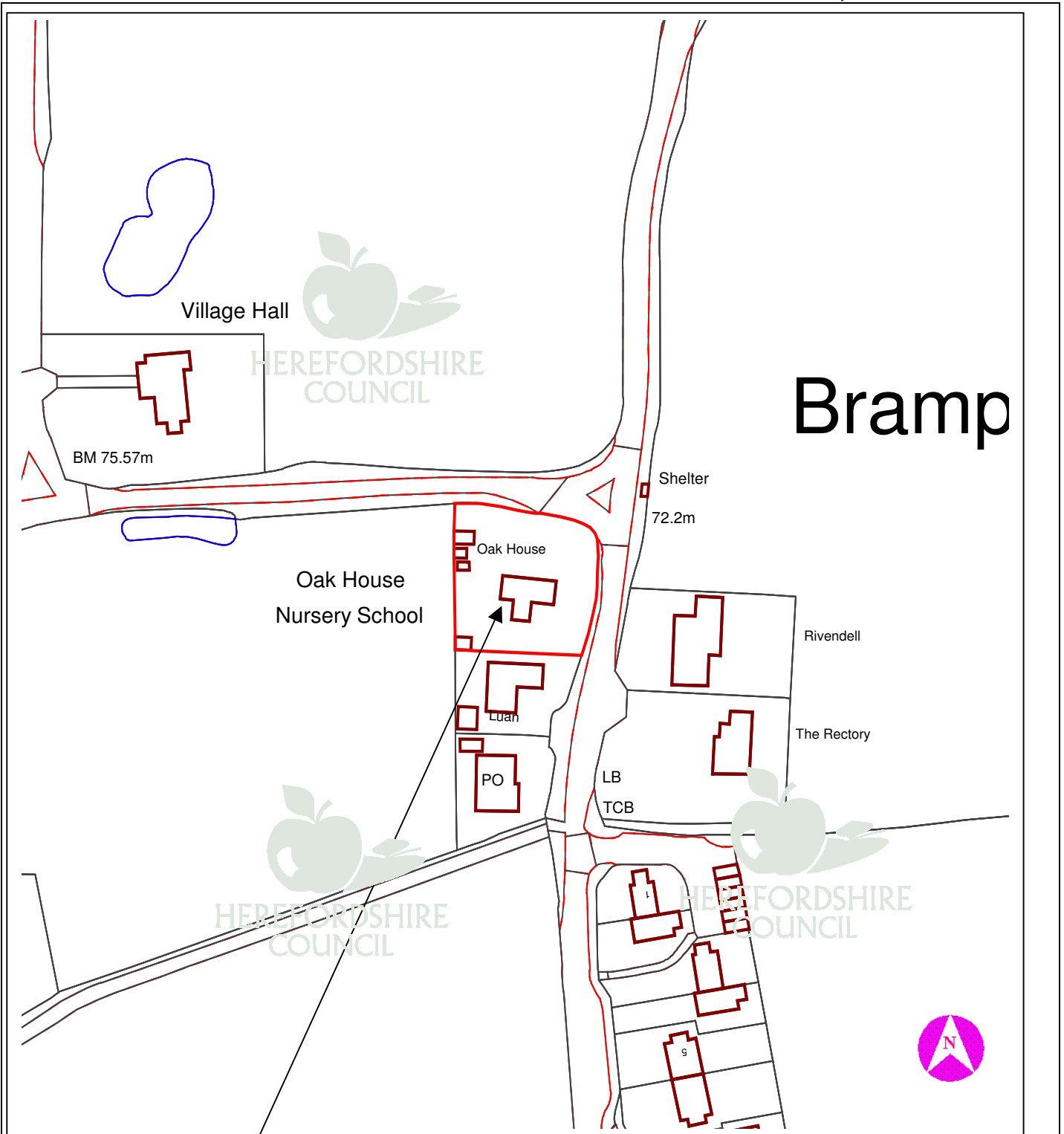
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**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** DCSE2007/1324/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Oak House, Brampton Abbots, Ross-on-Wye, Herefordshire, HR9 7JD

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**10 DCSE2007/1391/F - ERECTION OF 6 APARTMENTS AND ASSOCIATED PARKING AT THE CHASE HOTEL, GLOUCESTER ROAD, ROSS-ON-WYE, HR9 5LH.**

**For: Camanoe Estates Limited per Pegasus Planning Group, 5 The Priory, Old London Road, Canwell, Sutton Coldfield, B75 5SH.**

**Date Received: 8th May, 2007      Ward: Ross-on-Wye East      Grid Ref: 60286, 23921**

**Expiry Date: 3rd July, 2007**

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

**1. Site Description and Proposal**

- 1.1 The Chase Hotel occupies a large site of about 6 ha. situated close to the town centre. The main hotel building is located towards the west side of the site, with the access drive and parking area to the north and east and a formal garden immediately to the south. The main part of the site, east of the parking area, is parkland with scattered trees. There is a wider belt of trees along the southern and eastern boundaries of the site and a line of trees along the northern and western boundaries. Two ponds and a stream lie close to the eastern boundary. Most of the trees are covered by a Tree Preservation Order. The hotel grounds are surrounded by residential properties and are within Ross-on-Wye Conservation Area and the Wye Valley Area of Outstanding Natural Beauty.
- 1.2 The two-storey building proposed would be sited to the north-west of the hotel building and separated by a service drive to the rear of the hotel. A tall laurel/conifer hedge defines the eastern boundary, with mainly pine trees along the Chase Road boundary. To the north are residential properties at Chase Mews, which are at a significantly lower level than the application site; to the south is the hotel's service yard. A large beech tree occupies the north-east corner of this 0.15 ha. site.
- 1.3 The proposed building would extend on a north-south axis with two wings at each end extending to the east, plus a matching central gable projecting about 1 m. On the main roof at this central point would be a clocktower. The upper floor would be partly within the roof slope and lit by dormer windows plus rooflights (in the rear and side elevations) and windows in the three gables. The style would be less formal than the main hotel building, akin to outbuildings to a large estate. The walls would be rendered with a slate roof and white windows to match the existing hotel complex. The overall width of the building would be about 33 m. with the wings extending forward about 8 m. 6 flats (4 with 3 bedrooms, 2 with 2 bedrooms) would be formed within the building.

**2. Policies**

**2.1 Herefordshire Unitary Development Plan 2007**

Policy P.1	-	Sustainable Development
Policy P.7	-	Environment Protection and Enhancement
Policy P.8	-	Sustainable Land Use and Management
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 LA.1	-	Areas of Outstanding Natural Beauty
Policy HBA.6	-	New Development within Conservation Areas
Policy HBA.9	-	Protection of Open Areas and Green Spaces
Policy H.1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H.13	-	Sustainable Residential Design

### 3. Planning History

3.1	SH861345PO	Erection of 13 houses	-	Refused 18.02.87
	SH861355PO	Erection of sheltered housing (62 flats) and wardens house	-	Refused 18.02.87
	SH861356PO	New conservatory link, ballroom, conference facilities, 24 suites, dining room and entrance	-	Permitted 18.02.87
	SH911084PF	Addition to restaurant	-	Permitted 01.08.91
	SH950403PF	Change of use to staff accommodation	-	Refused 23.07.92
	SH980237PF	14 bedroom extension and retail store	-	Refused 09.09.98
	SE2001/2070/F	New offices	-	Withdrawn
	SE2001/2145/F	Residential dwelling and garage	-	Withdrawn
	SE2002/0008/F	Bedroom extension and leisure complex	-	Permitted 06.03.02
	SE2002/0522/F	Residential dwelling	-	Permitted 31.07.02
	SE2002/0527/F	New offices	-	Permitted 31.07.02
	SE2002/3511/F	3 apartment buildings (24 apartments)	-	Withdrawn
	SE2003/3240/F	2 apartment buildings (18 apartments)	-	Refused 16.12.03
	SE2005/0355/F	Erection of 18 apartments	-	Appeal dismissed 04.04.06
	SE2005/3142/F	Erection of 6 apartments	-	Withdrawn
	SE2006/2206/F	Erection of 9 Apartments and associated parking	-	Approved 27.9.06

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 English Heritage does not wish to offer any comments on this occasion and recommend that the application be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.
- 4.2 Welsh Water recommend that conditions be included regarding drainage of the site.
- 4.3 Environment Agency has no objections in principle but recommends conditions to protect the groundwater from pollution.

##### Internal Council Advice

- 4.4 The Traffic Manager has no objection to the grant of permission but recommends demarcation of priority at internal junction.
- 4.5 The Conservation Manager points out that The Chase Hotel is one of Ross's more notable unlisted buildings and any development in close proximity must be complimentary to its setting. The site of the proposed flats is generally acceptable in this regard as it is to one side of the main approach axis and it is partly screened by a number of mature trees. The language of the development draws on a mixture of C19 almshouse and stable block typology and whilst there will always be an architectural debate over the revival of particular historic styles, the present design is at least an improvement over previous incarnations in that it accepts the size constraints of its precedents. The success or failure of this type of historicist approach lies in the faithfulness of the detailing and materials, and these will need to be closely controlled by conditions. In particular we will need to be convinced that the segmental brick arches over the windows can be reconciled with the finish plane of the render.

All of the trees on the site are protected by Tree Preservation Order 25 (1969). This is an Area order. The site is of historical significance, and has been added to the Council's Register of Historic Parks and Gardens of Local Importance.

With regards to the previous scheme for flats on this site, I had raised concerns that the apartment block would impinge on the protected trees on the western site boundary. I note that the footprint of the apartment block has been reduced. This means that there is approximately 2 - 3 metres space between the apartment block and the canopies of the trees on the western site boundary. There is less than one metre space between the apartment block and the canopy of the tree in the north-eastern part of the site. This tree is a beech tree, not an oak tree as indicated on the site plan.

There are two issues to consider: the minimum acceptable distance between the trees and construction operations (root protection areas) and the minimum acceptable distance between the trees and proposed structure that is necessary to avoid unreasonable interference with the use of the site, allowing for future growth.

Clearly there would be a requirement for the trees on the western site boundary and the beech tree to be protected by protective fencing. Such fencing should be erected 1 metre out from the edge of the canopy spread of the trees. If protective fencing were erected on this site, this would leave less than 2 metres working space, on the western

site boundary and virtually no working space at all around the north-eastern corner of the apartment block. The agent should assess whether it would be possible to construct the apartment block with the protective fencing in place.

If protective fencing could be erected in the correct position, 1 metre out from the canopy spread of all of the trees, then the apartment block could be constructed without having a direct impact on the trees. However, I am concerned about secondary impacts, such as shading from the beech and leaf fall. I am concerned that there could be pressure from residents of the apartment block to remove the beech tree in the future.

I recommend that if possible, the apartment block should be positioned further to the south, away from the beech tree. If this is not possible, then it is essential that protective fencing is erected in the correct position before construction works commence and that there are no incursions into the root protection areas of the trees, during the construction process.

If permission is granted for this development, condition G18: Protection of trees should be attached.

- 4.6 Land Drainage Engineer points out that as the Council is promoting a flood alleviation scheme in Ross-on-Wye care must be taken to ensure that additional flows into the local watercourse are kept to a minimum. In this instance I would request that details of the surface water drainage be submitted for consideration.

## 5. Representations

- 5.1 The applicant's agent has submitted both a Planning Statement and a Design and Access Statement. The former outlines the planning history of the site, describes the proposal, points out relevant Government advice and local planning policies and assesses the proposal. The latter in summary is:

1. The site comprises of an area which constitutes previously developed land, which is located within a sustainable location within the existing urban area of Ross on Wye.
2. Such sites are the sequentially preferable locations for residential development, in preference to urban extensions and new development around nodes in good public transport corridors and the proposed development is therefore consistent with national planning policy and the adopted UDP.
3. The site already benefits from planning permission for residential use. The approved office and residential development established the principle of residential use at this location and the proposed residential development at this site is therefore appropriate.
4. The siting and design of the proposed apartment block has been subject to pre-application discussions with Officers of the Authority and with English Heritage over the last 5 years. The design of the proposal of this application proposal was confirmed as acceptable by the Conservation Department in April 2007.
5. It is considered that the design of the proposal is of a high quality which enhances the character and appearance of the Conservation Area. In this respect the proposal is consistent with the Council's policies relating to design and

development requirements (S1, DR1, H15) as well as Policy HBA6 which relates to new development within Conservation Areas.

6. The proposed apartment building has a reduced footprint compared with previous proposals at this location. This reduction in width has reduced the overall mass of the building and pulled the proposal away from the existing tree belt to the rear.
7. The pitched roof and simple but elegant architectural features give the proposal the appearance of a stable or mews block associated with the original hotel building.
8. The scale and massing of the proposed development is sympathetic to the existing hotel and is screened from surrounding roads by existing mature landscape. The proposal does not inhibit views into the grounds of The Chase Hotel which are located to the east of the hotel complex itself. In this respect the proposal is compliant with the objectives of Policies LA4 and HBA9.
9. With regard to the openness of the site, the location of the proposed apartment building in the north east corner of The Chase Hotel complex and enclosed by built form on all sides has ensured that the proposal will not impact upon the open characteristics of the grounds to the east.
10. The proposal provides for ample areas of private and public amenity space for potential occupiers. The siting of the proposed building ensures that there is unlikely to be an issue in respect of overlooking with acceptable separation distances provided.
11. The location of the apartments is such that the existing operations relating to the hotel will not adversely affect the amenities of potential occupiers.
12. The natural screening which surrounds the application site will screen existing properties along Chase Road and Chase Mews from the apartment building therefore the proposal will not impact upon the amenities of existing residents within the area.

The conclusion of the Design and Access Statement is:

13. Overall the development is a high quality scheme that respects the setting and the surrounding area and preserves and enhances its character.
14. The use of sensitive materials following the pattern of the existing buildings will ensure the new apartments sit well on the site.
15. The design is influenced by local characteristics and by reference to the period building on the site. It will provide high quality dwellings to suit modern demands and will sit comfortably within the site and its surroundings.

5.2 Town Council has no objections but concerns were expressed about

- (i) biodiversity of area of the proposed development
- (ii) that the removal of trees and construction work does not cause any damage to the boundary wall at Chase Road.

5.3 4 letters of objection have been received. In summary the grounds of objection are:

- (1) The site is not designated for housing development.
- (2) Further development was predicted when permission granted for 9 apartments; part of larger plan to develop whole site and threaten the site's open space status;
- (3) Ross is a tourist destination with few green areas left, and a thriving upmarket hotel is important for the town, this urban green space is also important to the people of Ross.
- (4) Not in keeping with the Conservation Area.
- (5) Hotel is busy especially at weekends and is noisy with lots of traffic - proposed residential properties would conflict with this use.
- (6) Add to traffic problems in Gloucester Road.

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 HBA9 protects important areas and green spaces which contribute to the distinctive spatial character, form and pattern of a settlement or neighbourhood. The whole of The Chase Hotel grounds are included within the scope of this policy. This does not mean however that all development is ruled out. Planning permission has been granted for 9 apartments to the south of the hotel, following an earlier appeal decision, and for an office and a house on the current application site. The latter, in combination, are of similar size and form to the current proposal. The principle of development for residential purposes has therefore been established. The outstanding issues are the effect on the protected trees and the character of the Conservation Area, and whether the site can be drained acceptably and the effect on neighbours' amenities.
- 6.2 The proposed building, although on higher land than the adjacent hotel, would be less tall and of a less imposing design. The design is considered to be acceptable by the Conservation Manager provided appropriate detailing and materials are used. This could be controlled by planning condition. The smaller scale of the building with existing planting would ensure that the flats would not compete visually with the hotel, the original part of which is a building of local interest. Similarly the secluded location to the west of the hotel would ensure that that the new building would not have a detrimental impact on the extensive parkland area to the east of the hotel, which is the main reason for the Chase Hotel being protected open space. The trees along the Chase Road boundary would ensure that the proposed development was not conspicuous from outside the hotel grounds. Provided therefore that the protected trees would not be adversely affected by the development there would be no harm to the character and appearance of the Conservation Area.
- 6.3 The trees could be damaged directly as a consequence of building works, or pressure for removal/pruning from future occupants particularly to achieve more light. Further response is awaited from the applicant's agent with regard to the concerns of the Conservation Manager. The flats most overshadowed by the beech tree would be those in the northern wing and the living/dining rooms in particular. However these



rooms have three windows (facing north, east and south) and even if one or two have limited lighting overall there would be adequate daylight and outlook, in my opinion. The main rear elevation would not be so close to the line of trees and the west facing windows would light bedrooms and kitchen/dining areas rather than living rooms. The 'problem' of fallen leaves could be a matter for a management committee which is normally set up to look after external spaces for blocks of flats. On balance therefore it is considered that if the construction problems can be overcome this development should not thereafter pose a significant threat to these important trees.

- 6.4 In response to the Drainage Engineer's concerns regarding drainage the applicant has submitted details of a surface water drainage scheme. This would involve an open infiltration pond of about 30 mm. diameter situated between the lakes, comprising a small full time pond surrounded by an area which would be mown grass until water levels rose during heavy rainfall. The impounded water would gradually soak away following the storm. The advice of the Drainage Engineer regarding this scheme is awaited.
- 6.5 The flats would be about 27 m. from the nearest houses in Chase Road and with the screen of trees (mostly evergreen) would not adversely affect the privacy of neighbours. Chase Mews to the north would be closer and without intervening planting. However the new flats would be set back from the common boundary by 14 m. and this is considered adequate to protect the privacy of occupants and ensure that the new building would not be overbearing.

## RECOMMENDATION

**That subject to being satisfied with regard to**

- (i) the protection of trees during construction works and**
- (ii) the surface water drainage scheme**

**the officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any additional conditions considered necessary by officers:**

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

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

**2 C02 (Approval of details)**

**Reason: To safeguard the character and appearance of this building of 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 F16 (Restriction of hours during construction)**

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

**6 E16 (Removal of permitted development rights)**

**Reason: To protect the open character of The Chase Hotel grounds.**

**7 F32 (Details of floodlighting/external lighting)**

**Reason: To safeguard local amenities.**

**8 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.**

**9 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.**

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

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

**11 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.**

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

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

**13 If during development, contamination not previously identified, is found to be present at the site then no further development, unless otherwise agreed in writing with the local planning authority, shall be carried out until the developer has submitted and obtained written approval from the local planning authority, a Method Statement. The Method Statement must detail how this unsuspected contamination shall be dealt with. Thereafter development of the site shall be carried out in accordance with the approved Method Statement.**

**Reason: In the interests of protection of the water environment.**

**14 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.**

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

- 15 Notwithstanding the approved drawings, 14 car parking spaces shall be provided in accordance with details which have been submitted to and approved in writing by the local planning authority.

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

- 16 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.

- 17 D01 (Site investigation - archaeology)

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

- 18 F41 (No burning of materials/substances during construction phase)

Reason: To safeguard residential amenity and prevent pollution.

**INFORMATIVES:**

- 1 Environment Agency advises that

- 1) In terms of surface water, roof water drainpipes should be connected to the drainage system either directly or by means of back inlet gullies provided with sealing plates instead of open gratings. Soakaways should only be used in areas on site where they would not present a risk to groundwater.
- 2) The developers should adopt all appropriate pollution control measures, to ensure that the integrity of the aquatic environment, both groundwater and surface water, is assured. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at the specific activities. Pollution prevention guidance can be viewed at: <http://www.environment-agency.gov.uk/business/444251/444731/ppg/>

- 2 Welsh Water advises that two public sewers cross the proposed development site. 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 305mm public combined sewer and 3.5 metres either side of the centreline of the 687mm public combined sewer.

- 3 N19 - Avoidance of doubt

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

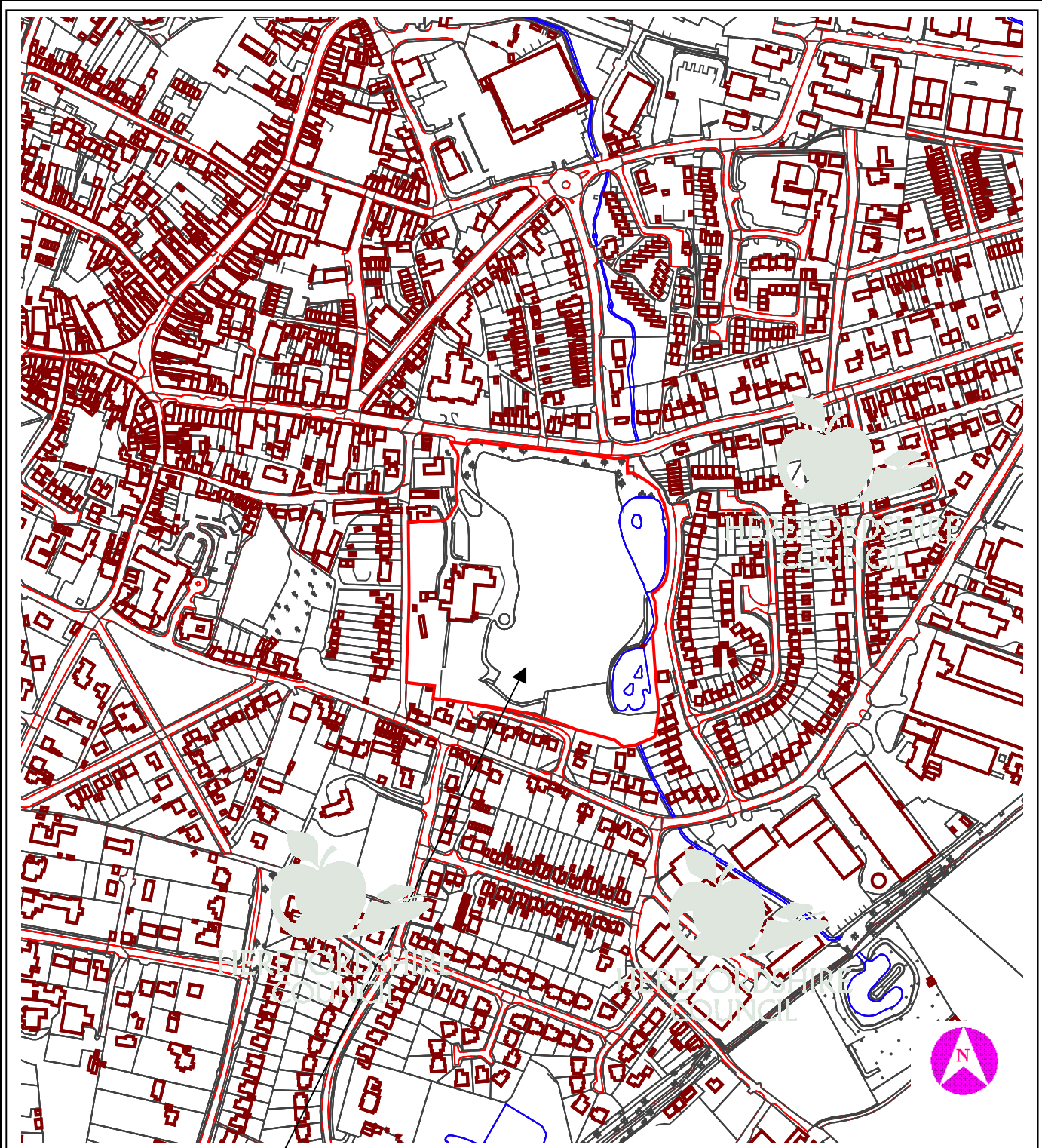
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2007/1391/F

**SCALE :** 1 : 5000

**SITE ADDRESS :** The Chase Hotel, Gloucester Road, Ross-On-Wye, Herefordshire, HR9 5LH

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**11 DCSE2007/1247/F - ERECTION OF 12 NEW DWELLINGS, BROOKSIDE, WHITCHURCH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6DJ.**

**For: Marchfield Estates per N. & J.C. Design Partnership, 9 Lancaster Close, Desford, Leicestershire, LE9 9HW.**

**Date Received: 25th April, 2007    Ward: Kerne Bridge    Grid Ref: 54836, 17590  
Expiry Date: 25th July, 2007**

Local Member:    Councillor J.G. Jarvis

**1. Site Description and Proposal**

- 1.1 Brookside is a detached Georgian house (listed Grade II) in the village of Whitchurch. The rear garden extends about 200m to the rear (west) of the house, which is positioned close to the village street. The garden varies in width (25m at the western end, 60m in the wider central section) and, except to the west which borders farmland, is adjoined by other residential properties. The proposal is to retain the first 60m or so as garden for Brookside and to develop the remaining larger area (about 0.6ha) for housing. Access would be via a new entrance and drive along the south-western boundary of Brookside and would require demolition of a small conservatory attached to the house.
- 1.2 Twelve houses are proposed arranged in two main groups: a larger group sited on either side of the access drive as it snakes across the site and a smaller group of 4 houses looking onto a private close at the western end of the site. The first four of the houses located along the north side of the drive would be affordable, comprising a pair of 2-bed semi-detached houses, a detached 3-bed house and a 2-bedroomed bungalow. The remaining 8 houses would all be detached, 2 with 3 bedrooms, 4 with 4 bedrooms and 2 with 5 bedrooms. In plan the houses would be rectangular with narrower gables projecting to the rear. The style would be a modern take on Victorian housing and cottages using brick and some render, with concrete tiles.
- 1.3 The new access would be accompanied by works within the highway to provide a footway on either side of Brookside, parking spaces alongside the carriageway and a carriageway width of 5.5m. The access drive would be 4.5m wide leading to a shared surface road. New walls and fences would define the drive. Parking would be within detached garages except for the 3-bed houses (attached single garage) and the affordable houses (open parking).

**2. Policies**

**2.1 Planning Policy Statement**

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.3	-	Housing
Policy H.4	-	Main Villages: Settlement Boundaries
Policy H.9	-	Affordable Housing
Policy H.3	-	Managing the Release of Housing Land
Policy H.15	-	Density
Policy H.16	-	Car Parking
Policy H.19	-	Open Space Requirements
Policy RST.3	-	Standards for Outdoor Playing and Public Open Space
Policy HBA.1	-	Alterations and Extensions to Listed Buildings
Policy HBA.2	-	Demolition of Listed Buildings
Policy HBA.4	-	Setting of Listed Buildings
Policy DR.4	-	Environment
Policy DR.7	-	Flood Risk

## 3. Planning History

3.1	SE2001/0961/O	Site for residential development.	-	Refused 8.11.02
	SE2003/3288/O	Site for residential development of 9 houses	-	Withdrawn
	SE2003/3482/L	Removal of conservatory and laying out of access road.	-	Withdrawn

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Environment Agency points out that part of the site, including the proposed main access road, lies within Flood Zone 3. Plots 12 and 13 are located on the lowest part of the site where ground levels are approximately 3m above the 1% (flood zone 3) and 6.5m above the 1947 flood on the River Wye, one of the largest floods recorded. We consider that the proposed dwellings lie on land within the Flood Zone 1 where PPS.25 advises that development is appropriate and therefore raise no objection to the proposed dwellings.

Notwithstanding the main access road would not be flood free during the 1% flood event, with potential floodwater 1 to 2m deep, PPS.25 requires that the development has a 'safe' dry pedestrian access. The local planning authority is advised to consult with the Emergency Services/Planners.

We recommend that surface water is attenuated to the relevant greenfield run-off rate and is designed to cater for the 1% plus climate change flood event. Conditions regarding drainage and pollution are recommended.

- 4.2 Welsh Water points out that additional flows would overload the existing public sewerage system, improvements to which are not planned for completion until 1st April, 2010. Welsh Water would object therefore to the development if connection to the sewerage system was required prior to improvement works having been completed. Conditions are recommended to protect the sewerage system.



Internal Council Advice

4.3 The Traffic Manager has raised a number of concerns with regard to the access and access road which need to be addressed before the proposals can be considered to be acceptable. These include

- inconsistency between site layout drawings
- visibility splay should be 2.4m x 40m according to Manual for Streets
- access road should have 4.1m carriageway, 0.5 strip on southern side and all residual width given to a footway on the northern side
- 5.5m passing point is required as close to junction as width will permit, with a minimum of 23m forward visibility along the centreline of the internal road
- strongly recommend that a footway/cycle link to Llangrove Road should be formed along strip of land shown on the layout plan to provide a safe and quiet route to school
- developer has been requested to continue proposed footway to connect to footway at Grange Park junction.

4.4 Conservation Manager considers that the design and layout are no better than the average standard of volume housing. The scheme's chief virtue is its location; the site is relatively secluded and given the extent of surrounding twentieth century development, it is unlikely to have any greater harmful impact on the setting of the listed building.

Further clarification of which trees are proposed for removal and which would be retained is requested. It is disappointing to see such a low number of trees apparently being retained (2 out of 11 trees or tree group identified as of medium value). Developer should consider retaining more of the trees, in particular common hazels, which as the tree agent notes, could be incorporated into garden hedges.

4.5 Strategic Housing would seek to gain 35% affordable housing on this site, and this application for 12 homes includes 4 affordable, which equates to 35%.

Strategic Housing in principle supports the application layout of where the affordable units will be positioned. Strategic Housing has been in negotiations with the Agent and in principle supports the mix and tenure of:

2 Rented - 2 x 2 bed house

2 Shared Ownership - 2 bed bungalow, 3 bed house

With regards to the Shared Ownership, this will be subject to the entry price for the shared ownership homes being within the guidelines set out in the SPG Provision of Affordable Housing March 2001 (updated November 2004).

4.6 Drainage Engineer points out that surface water will be disposed to soakaways, however attention must be paid to the drainage of Plots 8 - 11 [which the submitted report on drainage points out would be on part of the site that is less permeable]. Preference would be given to highway water also discharging to soakaways but confirmation of acceptance of commuted sum [for adoption by the local highway authority] will be required.

## 5. Representations

5.1 The applicants have submitted a Planning Access and Design Statement, a Drainage and Highway Study and a Tree Report. The conclusion of the former is:

1. Approval is sought to erect 12 new dwellings on the site once the outbuildings have been demolished. The site is in a wholly sustainable location, close to public services, travel links and employment opportunities in the village centre and wider area. The site is to be regarded as a brownfield and windfall development site, appropriate for development in local planning policy terms.
2. Furthermore, that the existing outbuildings to the rear of the site make a very limited contribution to the architectural character and quality and are of little merit to the conservation status of the land.
3. The proposed scheme takes full account of the site, its context and the amenity values of the adjacent properties and will not restrict further surrounding development.
4. The proposed residential development seeks to offer choice and afford opportunity for local improvement to housing stock and availability, providing potential for new homeowners to buy a property close to the village centre.
5. The scheme will enhance the Conservation Area and should be regarded as wholly positive and sustainable, meeting the thrust of Government guidance for the use of previously developed land close to local centres, reducing the impact on and protecting the long term maintenance of surrounding green belt areas.
6. The scheme accords with local policy in terms of meeting need and provides for local enhancement both physically and actively.
7. It should therefore be supported by members and officers of the Council as a positive benefit to the local built environment in the Conservation Area, in full accord with Government and adopted Local Plan Policy.

In addition, a contribution for the enhancement of local parks and playing fields or for the improvement of the local environment is offered. We hope to discuss precise details during the application process and if necessary a Section 106 Agreement to secure the funds would be completed.

The Drainage and Highway Study concludes that:

The site may be drained utilising a combination of soakaways for private areas and positive discharge to the adjacent water course for highway drainage.

An alternative exists to drain the highways to soakaways if required.

A temporary foul water treatment plant is required until capital works on the main sewer is completed by Welsh Water, at which time a permanent positive foul water discharge can be obtained.

Modifications to the existing highway adjacent the site will be required to facilitate requirements of Herefordshire County Council highway department.

Based upon the study the site should be suitable for residential development.

5.2 16 letters have been received from local residents, all of which express objections to the proposal. In summary, their grounds of objection are:

1. Density

More akin to urban development and compared to surroundings it would be cramped and over-populated, an unacceptable increase in density to recent and long established rural housing volumes in Whitchurch.

2. Character of area

As a consequence the scheme would be totally out of character with, and affect the setting of this part of the village. It should be left as a garden providing a break between two blocks of housing. If developed it should be bungalows not 2-storey houses.

3. Highway issues

There should be less traffic in and around the village not more. Development would have a major effect on traffic flows through the village and create an unnecessary danger spot.

4. Access

Would be at a point where the road starts to narrow and the carriageway would be narrowed further to form a footway. It would be opposite a children's play area and next to a residential home. This section of road is very narrow and has cars parked the full length 24 hours a day and is fairly busy at times. There is a better access point on the other (north-east) side of Brookside.

5. Access road

Would be extremely difficult, because of width, for delivery, refuse collection and emergency vehicles.

6. Car parking

33 spaces are proposed but it is doubted if they can be accommodated in practice, so that parking will occur all along the access road. On-street parking spaces will be lost to facilitate the new access.

7. Flooding

The area is known to flood and proposal will significantly increase the risk of flooding.

8. Sewerage

It is questioned whether a temporary system would be adequate to cope with high levels of effluent and who would maintain the system? There would be disruption to future occupants and neighbours when switching to mains drainage. An earlier

application (SE2001/0961/O) was refused as would overload the drainage system and nothing has changed.

#### 9. Surface water

Report identifies some areas as having inadequate permeability. Culvert does not work now and with extra run-off (plus treated sewage) would exacerbate this problem. There is a tendency to flood the garage of adjacent house - what safeguards to prevent this are proposed?

#### 10. Highway surface water

Further concerns regarding the practicability of the scheme are raised. Hard surfaced roads will greatly reduce absorption of rainwater and thus exacerbate flood risk. Discharging to watercourse could involve disruption of other services the Report points out.

#### 11. Neighbours' amenities

Would be seriously harmed, through loss of privacy, light, increased stress and consequent reduction in quality of life. Noise, fumes and light pollution from cars, barbecues. Loss of wonderful view.

#### 12. Privacy

Total destruction of privacy as gardens and houses would be overlooked. Plots 4 and 8-11 are mentioned in particular as having this adverse consequence. The access road would be along full width of adjoining house's garden and users would have full view of home.

#### 13. Other concerns

- hedgerow a haven for wildlife
- reduce value of properties and make more difficult to sell
- access to north queried: does not exist and not feasible
- errors and inconsistencies reduce scheme's credibility
- relies on earlier proposal for 9 dwellings and may not be applicable to 12.

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 within the village of Whitchurch, which is defined as a main village (Policy H4 of Unitary Development Plan) and accordingly residential development within the defined settlement is acceptable in principle. As more than 6 houses are proposed a proportion of affordable housing is required where this is known to be necessary (Policy H9). The proportion proposed, the tenure (2 rented, 2 shared equity, location and house types/sizes are considered to be acceptable and this provision could be secured by a Section 106 Agreement. There are three key issues however, the effect on the character of the settlement, the effect on neighbours' amenities and whether the development would exacerbate flooding and drainage problems.

- 6.2 The density of the scheme is modest, nearer 20 dwellings per ha than the 30 recommended by PPS3 as a minimum. However this is a small site of less than 1ha and within a small village rather than an urban area. There are existing housing estate type developments adjoining Brookside (Grange Park and at Yew Tree Farm) and as such the current scheme would not be out of character with the village. Grange Park includes both two-storey houses and bungalows, Yew Tree Farm more substantial houses. The Brookside proposal would have smaller plot sizes, especially the affordable units (nos. 8-11), but other plots would not be radically different from Yew Tree Farm and with generally smaller houses. Furthermore, apart from glimpses of the new estate from Grange Park, which would not be of densely packed housing, there would be few public viewpoints from which the estate could be seen at all. In general, spaces between the new dwellings themselves and between them and existing houses respect generally accepted minimum standards. The Conservation Manager is satisfied that the setting of Brookside and other nearby listed buildings would not be harmed. For these reasons the proposal can be considered as an acceptable addition to housing in Whitchurch.
- 6.3 On the second issue the main considerations are whether there would be sufficient space between proposed and existing dwellings and whether routeing of the access road along garden boundaries would cause noise, disturbance and pollution. With one or two exceptions gardens would be 10m deep and there would be 21m or more between facing rear windows. Plots 4 and 8 are the main exceptions but in the latter case privacy could be readily improved and further consideration is being given to the design and siting of Plot 4. Plots 5 and 7 have gables facing adjacent properties and these physical relationships could be improved. The access road extends along the side of Apsley House, 24 Grange Road and 3 of the houses at Yew Tree Farm. Adjacent to the first two houses is an existing stone wall which would be retained, although it is only about 1.3m high at its western end. Retaining a good width of the existing planting along the boundary with the Yew Tree Farm properties plus an acoustic fence would provide adequate mitigation. These could be required by planning condition. Whilst not ideal therefore, provided minor adjustment to layout and/or housing types are made, I consider the adverse effect on amenities would not be sufficient grounds to refuse permission.
- 6.4 The existing flooding and drainage problems arise from stormwater infiltrating the public sewerage system causing discharge during periods of heavy rainfall and adding to the flooding from the nearby brook. The former problem would be resolved by April 2010 as the necessary works are programmed to be undertaken by the water authority. In order to allow development prior to 2010 the applicant proposes a temporary sewage treatment works to be sited within the remaining garden of Brookside. This is acceptable in principle and later connection to the mains system could be ensured by a Section 106 Agreement. However, in view of reduced permeability of adjoining land (paragraph 4.2.2 of Drainage Report) it should be demonstrated that this would work effectively before planning permission is granted. Drainage from roofs and hard surfaced areas would be directed to soakaways within each plot, but due to reduced permeability this would not be adequate for Plots 8 – 11 and additional measures, cross-linking presumably to other plots, is proposed. The practicability of this solution has not been clearly set out and further clarification is required before it can be shown that surface water run-off would not add to current flooding problems. Two possible solutions are suggested for run-off from the new roads: either drained to soakaways or discharged to the nearby watercourse. In the latter case over-sized pipework and a hydro-brake would be required to ensure that no greater flows reached to brook than at present. The Council's Drainage Engineer prefers the former in view of the flooding problems and the soakaways could be

adopted by the Council to ensure future effectiveness. However, it is not clear whether soakaways could serve the lower part of the site and a combination of the two systems may be necessary. Nevertheless subject to further clarification noted above I consider that the flooding/drainage problems could be overcome. The route northwards to Llangrove Road referred to in paragraph 4.3 above is about 5m wide at the narrowest and on higher ground and could therefore serve acceptably as a dry pedestrian/cycle route and for emergency vehicles in the event of a serious flood which blocked the access adjoining Brookside.

- 6.5 Other considerations are the highway issues and children's play area. There is sufficient space to achieve the standard for access and access road set out by the Traffic Manager and revised plans are awaited. The applicant accepts that the highway adjacent to the proposed access would need to be modified to meet to Traffic Manager's requirements. No children's play area is proposed but Policy H19 provides for a commuted sum and as the Parish Council has a small play area nearby, which it is understood would benefit from further investment, this seems preferable to duplicating facilities.

## RECOMMENDATION

**Subject to highway, design/layout, planting and drainage concerns being met:**

**That: 1 The Legal Practice Manager be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 as set out in the draft heads of terms and any additional matters and terms as he considers appropriate**

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

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

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

**2 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.

**8 E16 (Removal of permitted development rights)**

**Reason:** To protect the amenities of neighbours.

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

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

**10 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.

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

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

**Informative(s):**

**1 Listed building consent is required before demolition of the conservatory at Brookside.**

**2 N19 - Avoidance of doubt**

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

Decision: .....

Notes: .....

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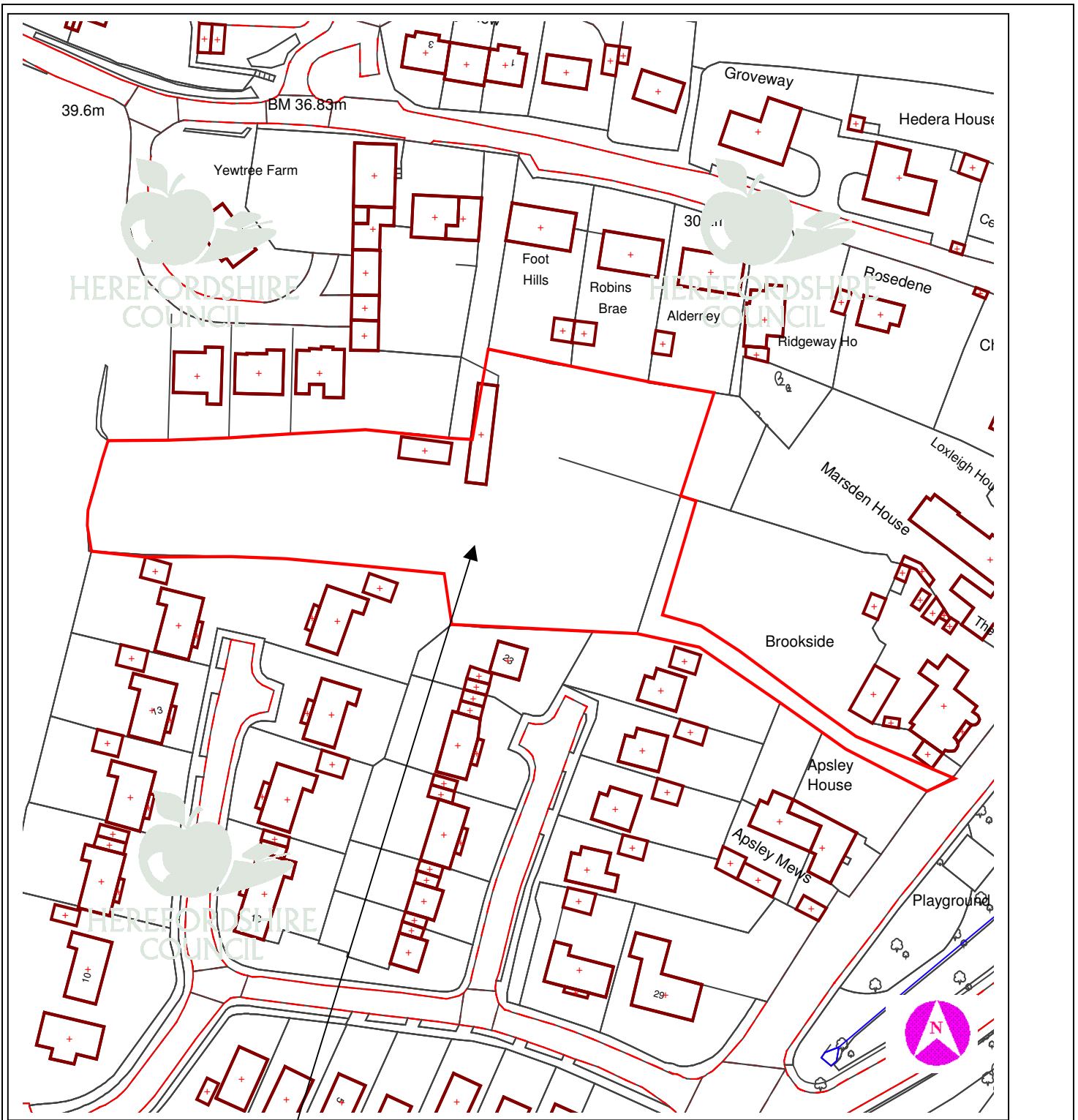
**Background Papers**

Internal departmental consultation replies.

**DRAFT HEADS OF TERMS**Proposed Planning Obligation Agreement  
Section 106 Town and Country Planning Act 1990Planning Application – DCSE2007/1247/F  
Erection of 12 New Dwellings at Brookside, Whitchurch, Ross-on-Wye, HR9 6DJ

1. The developer covenants with Herefordshire Council, in lieu of the provision of open space on the land to serve the development, to pay Herefordshire Council the sum of £14,500 which sum shall be paid on or before the commencement of development.
2. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
  - (i) Provision of play area and improved community facilities at Whitchurch
3. In the event that Herefordshire Council does not for any reason use the said sum of Clause 1 for the purposes specified in the agreement in Clause 2 within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
4. The approved houses on Plots 8 – 11 shall all be 'Affordable Housing' units which meet the criteria set out in Section 5.5 of the Unitary Development Plan for Herefordshire and related Policy 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 and use of these units as Affordable Housing.
5. The developer undertakes to connect at his own expense all the approved houses to the public sewerage system and to remove the temporary sewage treatment plant within 6 months of the completion of the improvements to the system programmed by Welsh Water for completion by 1<sup>st</sup> April, 2010.
6. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
7. The developer shall complete the Agreement by 18<sup>th</sup> October, 2007, otherwise the application will be registered as deemed refused.





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**APPLICATION NO:** DCSE2007/1247/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Brookside, Whitchurch, Ross-on-Wye, Herefordshire, HR9 6DJ

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