

Southern Area Planning Sub- Committee

Date: **Wednesday, 7th November, 2007**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Southern Area Planning Sub-Committee

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

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

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES	1 - 18
To approve and sign the Minutes of the meeting held on 10th October, 2007.	
4. ITEM FOR INFORMATION - APPEALS	19 - 20
To note the contents of the attached report of the Head of Planning Services in respect of the appeals received or determined for the southern area of Herefordshire.	
REPORTS BY THE HEAD OF PLANNING SERVICES	
To consider and take any appropriate action in respect of the planning applications received for the southern area and to authorise the Head of Planning Services to impose any additional or varied conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
5. DCSW2007/2050/F & DCSW2007/2029/L - SHOP BARN, PWLL-Y-HUNT, PONTRILAS, HEREFORDSHIRE, HR2 0HF	21 - 28
Construction of garage/workshop building to accompany Shop Barn.	
6. DCSW2007/2980/F - FOUNTAIN COTTAGE, NEWTON ST. MARGARETS, HEREFORD, HR2 0QW	29 - 34
Single storey extension and alterations, and a separate workshop.	
7. DCSW2007/2404/F -LAND AT HAWTHORN RISE, PETERCHURCH, HEREFORDSHIRE, HR2 0RQ	35 - 44
Erection of six dwellings.	

8.	DCSW2007/2978/O - BROOKVIEW, CLEHONGER, HEREFORD, HR2 9TJ	45 - 50
	Outline planning application for two dwellings.	
9.	DCSE2007/2898/F - ADJACENT TO NO. 4 MARTINS CLOSE, WOOLHOPE, HEREFORD, HEREFORDSHIRE, HR1 4QS	51 - 58
	3 dwellings for rent comprising 2 no. 2 bed & 1 no. 3 bed houses	
10.	DCSE2007/2757/F - REDCROFT, LLANGROVE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6EY	59 - 62
	Demolition of existing garage. Extension to form annexe accommodation, new garage and larger porch/utility room. New dormer window to existing property.	
11.	DCSE2007/2823/F - LAND OFF CASTLE LANE, GOODRICH, HEREFORDSHIRE, HR9 6HY	63 - 68
	Erection of a detached dwelling.	
12.	DCSE2007/2790/F - NEWTON VILLA, ASHFIELD CRESCENT, ROSS-ON-WYE, HR9 5PH	69 - 74
	Removal of condition 4 of planning application SE2002/0386/F to allow continued letting of building that was developed for ancillary accommodation (retrospective application).	
13.	DCSE2007/2920/F - THE OLD CANOE STORE, MILLPOND STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7AP	75 - 80
	Proposed additional unit to approved scheme ref: DCSE2007/0645/F.	
14.	DCSE2006/4006/F - BETWEEN THE JUNCTION OF A40(T) - A449 AND RUDHALL BROOK, ROSS-ON-WYE, HEREFORDSHIRE.	81 - 92
	Three arm roundabout on the alignment of the existing A40(T). Location on A40(T) highway.	
15.	DCSE2007/2556/F & DCSE2007/2555/C - GARDNER BUTCHER GARAGES, BROOKEND STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7EG	93 - 104
	A) Erection of Aldi Discount Foodstore with associated parking, landscaping and access. B) Demolition of existing buildings to facilitate redevelopment for Aldi Foodstore.	
16.	DCSE2007/3043/F - KINGS HEAD HOTEL, HIGH STREET, ROSS-ON-WYE	105 - 110
	Conversion of and first and second floor extension to disused garage building at rear of hotel to create three storey building of 9 no. flats.	

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Southern Area Planning Sub-Committee held at : The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 10th October, 2007 at 2.00 p.m.

Present: 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

In attendance: Councillors TW Hunt and RV Stockton

68. APOLOGIES FOR ABSENCE

No apologies for absence were received.

69. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
G Lucas (Chairman) PD Price (Vice-Chairman) H Bramer PGH Cutter MJ Fishley JA Hyde JG Jarvis TMR McLean RH Smith	Agenda Item 6 DCSE2007/2552/A Replacement sign on the corner of Walford Road and The Avenue. Ross Conservative Club, The Avenue, Ross-on-Wye.	A prejudicial interest was declared and the members left the meeting for the duration of the item.
G Lucas JA Hyde H Bramer	Agenda Item 13 DCSE2007/2695/F Demolition of school hall and erection of a two-storey block of four flats and conversion of the retreat to three flats. St Joseph's Convent, Walford Road, Ross-on-Wye	A prejudicial interest was declared and the members left the meeting for the duration of the item.

SOUTHERN AREA PLANNING SUB-COMMITTEE WEDNESDAY, 10TH OCTOBER, 2007

AE Gray	<p>Agenda Item 13</p> <p>DCSE2007/2695/F</p> <p>Demolition of school hall and erection of a two-storey block of four flats and conversion of the retreat to three flats.</p> <p>St Joseph's Convent, Walford Road, Ross-on-Wye</p>	A personal interest was declared.
CM Bartrun	<p>Agenda Items 15A & 15B</p> <p>Demolition of redundant ambulance station and erection of 6 no. two bed flats.</p> <p>St John Ambulance, Edde Cross Street, Ross-on-Wye</p>	A prejudicial interest was declared and the member left the meeting for the duration of the item.

70. MINUTES

RESOLVED: That the Minutes of the meeting held on 12th September, 2007 be approved as a correct record and signed by the Chairman.

71. ITEM FOR INFORMATION - APPEALS

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

72. DCSE2007/2694/F - STONY RISE, WOOLHOPE, HEREFORDSHIRE (AGENDA ITEM 5)

Replacement semi-detached cottages in lieu of dilapidated 1960's bungalow.

The Principal Planning Officer reported the following:

- Amended plans have been received that set back the garages as per the comments of the Conservation Manager.

Councillor TMR McLean, the local ward member, felt that the new bungalows would be close to the neighbouring dwellings. She noted the comments from the Parish Council and on balance felt that the application should be approved.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

- 2 B01 (Samples of external materials)**

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

3 C14 (Signing of contract before demolition)

Reason: Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4 E18 (No new windows in specified elevation)

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

5 H03 (Visibility splays)

6 H05 (Access gates)

7 H09 (Driveway gradient)

8 H12 (Parking and turning - single house)

9 H27 (Parking for site operatives)

INFORMATIVES:

1 HN01 - Mud on highway

2 HN04 - Private apparatus within highway

3 HN05 - Works within the highway

4 HN10 - No drainage to discharge to highway

5 HN21 - Extraordinary maintenance

6 HN22 - Works adjoining highway

7 N19 - Avoidance of doubt

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

73. DCSE2007/2552/A - ROSS CONSERVATIVE CLUB, THE AVENUE, ROSS-ON-WYE, HEREFORDSHIRE (AGENDA ITEM 6)

Replacement sign on the corner of Walford Road and The Avenue.

In response to a question from Councillor H Bramer, the Legal Practice Manager advised members of the recently adopted code of conduct. He confirmed that any member who declared a prejudicial interest would be permitted to speak on the item before leaving the meeting for the debate and vote.

Councillor JB Williams was elected as Chairman for the item as The Chairman and Vice-Chairman of the Southern Area Planning Sub-Committee had declared a prejudicial interest and had therefore left the meeting for the duration of the item.

RESOLVED

That express consent be granted subject to the following conditions:

1 I01 (Time limit on consent)

2 A09 (Amended plans)

74. DCSW2007/2235/F - CASTLEBURY, MADLEY, HEREFORD (AGENDA ITEM 7)

Proposed general storage building.

Councillor DC Taylor, the local ward member, noted the concerns of the Parish Council but felt that the application should be approved as long as the conditions relating to agricultural usage were strongly enforced.

In response to a question from Councillor H Bramer, the Principal Planning Officer confirmed that planning permission was only required as the smallholding was under 5 hectares.

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. The premises shall be used for agricultural purposes and for no other purpose.

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

Informative(s):

1. N19 - Avoidance of doubt

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

75. DCSW2007/2054/F - PANDY INN, DORSTONE, HEREFORD, HR3 6AN (AGENDA ITEM 8)

Extension to provide kitchen stores, toilets and owners bedrooms. New building to provide 8 guest rooms and 2 staff bedrooms.

The Principal Planning Officer reported the following:

- Dorstone Parish Council support the application with the following observations
 - 1 Surface water, with the new building and surfacing of the car park concern, the ground will not cope with the additional storm water.
 2. Whilst noting improvement to the sewerage disposal need to ensure highway piped ditch can handle the volume discharging into the stream can handle the volume discharging into the stream.
 3. Limited car parking spaces, whilst plan indicates increase, some of these spaces will be occupied by residents of the accommodation therefore not available to pub visitors .

SOUTHERN AREA PLANNING SUB-COMMITTEE WEDNESDAY, 10TH OCTOBER, 2007

4. Light intrusion of new building, car park and disabled entrance. Info and agreement on number and usage required.
 5. The new accommodation block is not to be separated from the Pandy Inn.
- Note letter sent re exceeding return date, due to putting application on Public display.
 - The Council have received a letter from Mr & Mrs Longbottom, copy sent to Mr Prior”
 - Five letters of support for the proposal have been received raising the following main points:
 - allows applicants to comply with regulations including EEC ones, and Environmental Health regulations with the new kitchen .
 - new toilet facilities required
 - new building will meet the demands of tourist and stabilise business
 - shop has closed need Pandy
 - many pubs/restaurants in area struggling through lack of investment and staff
 - standard of catering and cooking very high at Pandy. Supports local business, local events and charities
 - Smoking Ban has affected village inns, proposed work gives the Pandy a chance for survival .

The Principal Planning Officer noted that the issues raised by Dorstone Parish Council had been addressed in the Officer’s Appraisal.

In accordance with the criteria for public speaking Mr. Longbottom and Mr. Davies spoke in objection to the application and Mr. Gannon, the applicant, spoke in support.

Councillor PD Price, the local ward member felt that granting the application would benefit the village of Dorstone and therefore supported the application.

Councillor H Bramer voiced a number of concerns in respect of the games room, the septic tank and also the smoking area. He felt that the concerns of the local residents should be addressed through conditions but on balance he supported the application.

Members discussed the application thoroughly and felt that concerns regarding the smoking ban in licensed premises were not a matter of debate for the sub-committee and should be dealt with through the Regulatory Committee.

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. C02 (Approval of details)

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

4. D01 (Site investigation - archaeology)

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

5. F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

6. F41 (No burning of materials/substances during construction phase)

Reason: To safeguard residential amenity and prevent pollution.

7. F37 (Scheme of odour and fume control)

Reason: In order to ensure that fumes and odours are properly discharged and in the interests of the amenities of residential property in the locality.

8. F38 (Details of flues or extractors)

Reason: In the interests of the amenity of the area.

9. F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

10. No part of the development shall be brought into use until such time as the foul drainage plant and means of disposal off site as detailed have been carried out to the satisfaction of the local planning authority, unless otherwise agreed in writing prior to commencement of works.

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

11. E31 (Use as holiday accommodation)

Reason: The local planning authority are not prepared to allow the introduction of a separate unit of residential accommodation, due to the relationship and close proximity of the building to the property known as The Pandy Inn.

12. 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.

13. H29 (Secure covered cycle parking provision)

Reason: To ensure that there is adequate provision for secure covered

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**

76. DCSW2007/2455/F - NO. 4 DOYRE HOUSE, PONTRILAS, HEREFORDSHIRE, HR2 0EH (AGENDA ITEM 9)

Conversion of attic to provide additional residential space (2 bedrooms and 1 bathroom).

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

Councillor MJ Fishley, the local ward member, noted the concerns of the neighbouring resident but felt that the use of obscured glazing addressed these concerns fully. She therefore supported the application.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

2. **E19 (Obscure glazing to windows)**

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

Informative(s):

1. **N19 - Avoidance of doubt**
2. **N15 - Reason(s) for the Grant of Planning Permission**
3. **The applicant's attention is drawn to The Wildlife and Countryside Act 1981 and subsequent legislation protecting sites used by bats and nesting birds.**

77. DCSW2007/2050/F & DCSW2007/2029/L - SHOP BARN, PWLL-Y-HUNT, PONTRILAS, HEREFORDSHIRE, HR2 0HF (AGENDA ITEM 10)

Construction of garage/workshop building to accompany shop barn.

The Principal Planning Officer reported the following:

- A further letter of representation has been received from:

Dr EA Waters & Mrs JE Waters, The Barn ,Pwll-yr-Hunt, Pudding Street, Rowlestone , HR2 OHF

The following main points are made:

may recall that part of the application to build garage/workshop was to avoid unnecessary parking in front of farmhouse and between it and Shop Barn. Despite this a boat has been parked less than 5 metres from our house, considered to be a similar 'blight' on the environment.

The Principal Planning Officer commented that the boat was parked outside the application site and therefore not a matter that has a direct bearing on the proposal made.

Councillor JB Williams, the local ward member had concerns in respect of the location and the need for the new workshop.

The Conservation Manager felt that the location of the workshop was the most appropriate option due to the limited nature of the site. He felt that members may benefit from a site inspection in order to familiarise themselves with the application site.

Councillor RH Smith proposed a site inspection on the grounds that the setting and surroundings were fundamental to the determination or to the conditions being considered.

RESOLVED:

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

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

78. DCSW2006/2992/O - FIELD NO. 9825 OPPOSITE LOWER HOUSE, PONTRILAS ROAD, EWYAS HAROLD, HEREFORDSHIRE, HR2 0ES (AGENDA ITEM 11)

Site for 5 dwellings, comprising 3 no. 4 bedroom two-storey dwellings and 2 no. semi-detached 3 bedroom dwellings.

The Principal Planning Officer reported the following:

- Two further letters have been received from the applicants' agent. The following main points are made:
 - my clients are in agreement that a 7 metres access strip be provided and that footpath issues can be resolved at a later date
 - confirm that the number of houses can be agreed mutually at a later date

He also advised members that the applicant had agreed to alter the description to that of residential development without specifying the number of dwellings at this stage.

In accordance with the criteria for public speaking Mr Jones, a neighbouring resident, spoke in objection to the application and Mr Ponting, the applicant's agent, spoke in support.

Councillor H Bramer was concerned that the number of dwellings had now been

removed from the application title. He felt that members would be happier to grant permission if they knew how many dwellings were planned. In response to comments by Councillor Bramer, the Southern Team Leader advised members that the original application referred to 5 dwellings in the title. He felt that these details should be determined when the application came back to committee for full consent.

Councillor JG Jarvis felt that the indicative plan supplied by the agent showing 5 dwellings was not acceptable. He felt that the applicant should aim to reduce the number of proposed dwellings on the site.

RESOLVED

That subject to the description being revised omitting mention of 5 dwellings, 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. **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. **Finished floor levels shall be set no lower than 72.37m AOD unless otherwise agreed in writing by the local planning authority.**
Reason: To protect the development from flood risk for the lifetime of the development.
6. **There shall be no new buildings, structures (including gates, walls and fences) or raised ground levels within**
 - a) **7 metres of the top of any bank of the watercourse (Dulas Brook), inside or along the boundary of the site, unless agreed otherwise in writing by the local planning authority.****Reason: To maintain access to the watercourse for maintenance or improvements and provide for any overland flood flows.**
7. **The proposals outlined in the ecologist's report should be followed unless otherwise agreed in writing with Herefordshire Council.**
Reason: To comply with Herefordshire Council's Policy NC.8 and NC.9 in

relation to Nature Conservation and Biodiversity and to meet the requirements of PPS.9 Biodiversity and Geological Conservation and the NERC Act 2006.

To conserve and enhance protected habitat and to maintain the foraging area for protected species in compliance with Unitary Development Plan Policies NC.6, NC.7, NC.8 and NC.9 and PPS.9.

8. A work programme should be devised for the site to ensure that the birds are not disturbed during nesting from March to August inclusive.

Reason: To ensure the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 and Policies NC.1, NC.5, NC.6 and NC.7 within the Unitary Development Plan.

9. A habitat enhancement scheme based upon the recommendations of the ecologist's report accompanied by a management strategy should be produced and specified in a method statement for submission to Herefordshire Council in order to enhance the habitat on the site for wildlife. This should include a 10 metre wide buffer zone unless otherwise agreed with Herefordshire Council.

Reason: To comply with Herefordshire Council's Policy NC.8 and NC.9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS.9 Biodiversity and Geological Conservation and the NERC Act 2006.

To conserve and enhance protected habitat and to maintain the foraging area for protected species in compliance with Unitary Development Plan Policies NC.6, NC.7, NC.8 and NC.9 and PPS.9.

10. Details of the location and type of fencing to be erected during development works should be submitted prior to development.

Reason: To conserve and enhance protected habitat and to maintain the foraging area for protected species in compliance with Unitary Development Plan Policies NC.6, NC.7, NC.8 and NC.9 and PPS.9.

11. An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee ecological mitigation and enhancement work.

Reason: To comply with Herefordshire Council's Policy NC.8 and NC.9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS.9 Biodiversity and Geological Conservation and the NERC Act 2006.

To conserve and enhance protected habitat and to maintain the foraging area for protected species in compliance with Unitary Development Plan Policies NC.6, NC.7, NC.8 and NC.9 and PPS.9.

12. H03 (Visibility splays)

Reason: In the interests of highway safety.

13. H07 (Single access - outline consent)

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

14. 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.

15. W01 (Foul/surface water drainage)

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

16. 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.

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

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

18. H28 (Public rights of way)

Reason: To ensure the public right of way is not obstructed.

Informative(s):

1. Note to condition 6:

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of The Agency is required for any proposed works or structures in, under, over or within 7 metres of the top of the bank of the main river (Dulas Brook).

2. N19 - Avoidance of doubt

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

79. DCSE2007/2435/F - LAND ADJACENT TO THE OAKS, BANNUTTREE LANE, BRIDSTOW, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6AJ (AGENDA ITEM 12)

Proposed single storey link between dwelling and double garage to accommodate ground floor study/bedroom and en-suite facility and form rear extension.

Councillor JA Hyde, the local ward member, noted the concerns of the Parish Council and felt that the application was unacceptable in open countryside. She felt that the current dwelling was too large and believed the proposed application was a step too far.

In response to the points raised by the local ward member, the Development Control Manager felt that refusal would be difficult to defend at appeal as the existing dwelling and garage had already been permitted. He also noted that the consultation period had not yet expired so Members would be advised to delegate the decision to officers.

RESOLVED

That: (i) That subject to no further representations being received before the end of the consultation period, 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 unacceptable in open countryside.**
- B) The dwelling is too large.**

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

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

80. DCSE2007/2695/F - ST JOSEPH'S, WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE (AGENDA ITEM 13)

Demolition of school hall and erection of a two-storey block of four flats and conversion of The Retreat to three flats.

In accordance with the Code of Conduct Councillor PGH Cutter, who had declared a prejudicial interest in respect of the item addressed the sub-committee before withdrawing from the meeting for the ensuing debate and vote.

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

Councillor AE Gray, one of the local ward members, noted that the planning inspector had upheld the original decision to refuse the previous application on the site. She felt that the 15 trees on the site that had been described as exceptional, notable, or generally good should be protected during the construction process.

Members discussed the application and felt that the condition regarding fencing should be amended to ensure that a solid fence be provided to ensure the protection of children in the neighbouring school.

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 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 G01 (Details of boundary treatments)**

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
- 6 W01 (Foul/surface water drainage)**

Reason: To protect the integrity of the public sewerage system.
- 7 W02 (No surface water to connect to public system)**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.
- 8 W03 (No drainage run-off to public system)**

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.
- 9 The foul only discharge from the proposed development must be connected to the 225mm public combined sewer at manhole SO59237401, located at the junction of Palmerston Road and Walford Road.**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.
- 10 H08 (Access closure)**

Reason: To ensure the safe and free flow of traffic using the adjoining County highway.
- 11 H11 (Parking - estate development (more than one house))**

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.
- 12 H27 (Parking for site operatives)**

Reason: To prevent indiscriminate parking in the interests of highway safety.
- 13 H29 (Secure covered cycle parking provision)**

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

policy.

14 F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

15 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.

16 G24 (Location of trees on and adjacent to development sites)

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

INFORMATIVES:

1 N19 - Avoidance of doubt

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

81. DCSE2007/1872/F & DCSE2007/1874/L - HUNTSHAM COURT FARMHOUSE, HUNTSHAM COURT, GOODRICH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6JN (AGENDA ITEM 14)

Conservation, repairs and alterations.

The Principal Planning Officer reported the following:

- Two letters and a photograph have been received from the applicant responding to the report to Committee, which are in summary:

The project involves a wide range of works (up to £1½ million excluding porch and demolition) to which there is no objection.

The area of contention is therefore small.

Approach to the house has been from the north since at least 1838 – there has never been vehicular access to west front and to do so would involve demolition of C18 gates, pillars and walls, which is inconceivable.

Unlikely that west porch contemporary with original entrance (there have been many entrances although the north entrance was never the principal one).

The north façade was demoted at end of C18 when Georgian windows replaced stone mullion windows.

North elevation is the first to be seen when approaching the house and therefore appropriate to have main entrance door.

Huntsham Court has been altered to reflect the living and farming practices of the day – the current proposal seeks to continue this process rather than being fixed in its current stage.

Proposed Porch

Old Court Hotel (photograph submitted) which is of similar construction,

size and exactly contemporary, has a two-storey porch.

We agree that flight of steps means the porch will read differently from comparable houses but 2-storey porch will read much more pleasingly on this rather tall and narrow façade.

There is a plinth running across façade of ground floor level which with planting should reduce the usual impact of the changes.

Whilst not a reason to demolish the pigsties, it is a source of suitable building stone which may not otherwise be available.

The porch should be in keeping with the C17 architecture of the north façade not the C18 additions to the west front.

Demolition of redundant pigsties

English Heritage and SPAB broadly support; Georgian Group urges caution but does not oppose; Ancient Monuments Society has not visited the site.

Huntsham Court has never been a 'home farm' the pigsties were thrown up by a tenant to meet a farming need. Now back in family hands we are anxious it should revert to a small gentry house and to reverse utilitarian changes.

The pigsties are too small for horses and there is stabling elsewhere. Is it acceptable in C21 to have pig housing adjacent to a house?

The north and west sides of the building, which are open to view, are of very poor quality stone.

Insufficient emphasis given in officer's advice to paragraph 1.3 of PPG15 and Charles Mynor's work "Listed Buildings, Conservation Areas and Monuments".

Proposed new driveway

Planning permission granted in 1986 (SH860471PF) included a new access and drive to car parking area, which followed closely line of access drive now proposed – it was used for following 12 years but now largely obscured by grass. However it is still needed for large lorries which causes problems in Winter.

Trees in this field planted to comply with planning condition and give it a park-like character – felling of these trees is unthinkable.

Natural England are funding the oak avenue under DEFRA higher level Stewardship Scheme; they are keen to see the entrance barn (which is also being funded) used as regular entrance in view of its considerable architectural importance.

This field was arable not an orchard at least as early as 1838.

Funding has also been secured for orchards to south and south-east of the house.

It is stressed that funding covers only part of these costs and considerable personal sums necessary for both fruit trees and oak avenue.

OFFICER COMMENTS

The applicants seem to accept that the porch would be a modern design not wholly congruous with the C17 originals.

The advice of officers regarding the appropriateness of demolition of the pigsties and the formation of a new main front to the house is in accord with Government advice.

Notwithstanding the 1986 permission the changes to the access and the drive would require planning permission.

It is not suggested that the trees on this field should be felled and although reversion to an orchard is desirable it is not recommended that permission be refused because it would hamper this.

The field has a pastoral not park-like character, the Conservation Manager considers, and an oak avenue would detract from the low-key, agricultural/domestic character of these unregistered gardens. There is no objection to a low-key access drive across this field.

Natural England's support is probably from an ecological perspective; the Council has a duty to consider the effect on landscape and the character of historic gardens (Policy LA4).

In accordance with the criteria for public speaking, Mrs. Vaughan, the applicant, spoke in support of her application.

Councillor JG Jarvis, the local ward member noted that the pigsties were a lean-to and were not keyed into the house. He felt that removing the pigsties would improve the appearance of the building and would reverse some of the poor work undertaken by the previous tenants.

Councillors H Bramer and MJ Fishley both felt that granting the applications would enhance the site and would help return the house to its original state.

Councillor RH Smith noted the comments received from English Heritage and felt that it may be beneficial to add a condition to any planning permission in order to ensure that the new porch be in keeping with the original building.

The Conservation Manager advised members of the tests for demolition of a listed building as set out in PPG15 of the national guidance. He confirmed that the pigsties were a Grade 2* Listed Building and were therefore in the top 6% of listed buildings in the country. He felt that they were an integral part of the building and could be restored or put to another use and emphasised that good reasons for demolition of the structure were required.

The Development Control Manager advised members of the procedure for dealing with Listed Building Consent against the Officer's recommendation. He confirmed that members could not grant listing building consent as the application would have to be referred to the Secretary of State. He confirmed that the planning permission could be granted but could not be implemented without the listing building consent, therefore he advised members to delegate the decision to officers pending the decision from the Secretary of State. Councillor JG Jarvis, the local ward member, felt that the committee should grant planning permission as this was a separate matter to the listed building consent.

RESOLVED

In respect of DCSE2007/1872/F

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

- 1) The design of the porch to be in keeping with the original dwelling.**
- 2) A plaque to be erected on the new porch giving details of the date that the works were carried out.**

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

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

In respect of DCSE2007/1874/L

The application be referred to the Secretary of State for the reasons set out above, the Southern Area Planning Sub Committee is minded to grant Listed Building Consent, subject to conditions. Should the Secretary of State resolve not to call in the application then Officers named in the scheme of delegation to officers be instructed to issue Listed Building Consent subject to conditions.

82. DCSE2007/1938/F & DCSE2007/1940/C - ST JOHN AMBULANCE, EDDE CROSS STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7BZ (AGENDA ITEM 15)

Demolition of redundant ambulance station and erection of 6 no. two bed flats.

The Principal Planning Officer reported the following:

- 1 further letter of objection received:
 - (1) nearby car park is not used at night and residents park outside their houses; even during the day the street is full of cars.
 - (2) Edde Cross Street only route into the town from Wilton causing congestion.
 - (3) Six flats, no garages and a flat roof!

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

Councillor AE Gray proposed a site inspection on the grounds that the setting and surroundings were fundamental to the determination or to the conditions being considered.

Councillor TMR McLean felt that a site inspection would not be necessary as the photographs shown in the Principal Planning Officer's presentation were sufficient. She also felt that most members were aware of the location.

Following the comments from Councillor TMR McLean, Councillor AE Gray withdrew the motion for a site inspection.

Councillor RH Smith felt that he could not support the application as it was not in keeping with the surrounding dwellings and would not enhance or preserve the conservation area. He also had reservations in respect of the number of parking spaces provided.

Councillor TMR McLean felt that the site was suitable for development but felt the current proposal was unacceptable on design grounds.

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:

C) The application would not enhance or preserve the conservation area.

D) The proposed development is not in keeping with the surrounding dwellings.

(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.]

The meeting ended at 16:50

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCSE2007/0249/F**

- The appeal was received on 8th October, 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 J Edwards
- The site is located at 27 Frome Valley Way, Ross-on-Wye, Herefordshire, HR9 5HU
- The development proposed is Proposed two storey and single storey extension
- The appeal is to be heard by Written Representations

Case Officer: Duncan Thomas on 01432 261974

Application No. DCSE2007/1994/F

- The appeal was received on 10th October, 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 J Anderson
- The site is located at Land at Beechgrove, Goodrich, Herefordshire, HR9 6JE
- The development proposed is Erection of 2 detached dwellings with ancillary works.
- The appeal is to be heard by Written Representations

Case Officer: Steven Holder 01432 260479

Application No. DCSE2005/3806/O

- The appeal was received on 15th October, 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 The Singing Stud Ltd.
- The site is located at Site Nr. Bodenham Farm, Much Marcle. SO653321.
- The development proposed is a dwelling for stud farm worker at equine centre.
- The appeal is to be heard by Written Representations

Case Officer: Steven Holder on 01432 260479

APPEALS DETERMINED**Application No. DCSW2006/0944/O**

- The appeal was received on 13th November, 2006
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs Lyons
- The site is located at Land at Mistle, St. Owens Cross, Herefordshire, HR2 8LG
- The application dated 20th March, 2006, was refused on 9th May, 2006

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

- The development proposed was Erection of one residential unit.
- The main issues are the suitability of the site for new residential development; the need, or otherwise, for low cost affordable housing in the area; and the effect of the proposed access arrangements on the safety of other highway users.

Decision: The appeal was DISMISSED on 27th September, 2007

Case Officer: Yvonne Coleman on 01432 383083

Application No. DCSE2006/3475/F

- The appeal was received on 20th June, 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 Mrs A Stephens
- The site is located at Chase Villa, 21 Gloucester Road, Ross-on-Wye, Herefordshire, HR9 5LQ
- The application dated 20th October, 2006, was refused on 20th December, 2006
- The development proposed was Proposed dwelling.
- The main issue is the impact of the development on the character and appearance of the area and the living conditions of the occupiers of the neighbouring property.

Decision: The appeal was DISMISSED on 1st October, 2007

Case Officer: Duncan Thomas on 01432 261974

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

5A DCSW2007/2050/F - CONSTRUCTION OF GARAGE/WORKSHOP BUILDING TO ACCOMPANY SHOP BARN AT SHOP BARN, PWLL-Y-HUNT, PONTRILAS, HEREFORDSHIRE, HR2 0HF

5B DCSW2007/2029/L - CONSTRUCTION OF GARAGE/WORKSHOP BUILDING TO ACCOMPANY SHOP BARN AT SHOP BARN, PWLL-Y-HUNT, PONTRILAS, HEREFORDSHIRE, HR2 0HF

For: Mr D Elkerton per Mr RL Gell, Penderw, Old Radnor, Presteigne, LD8 2RP

Date Received: 2nd July, 2007

Ward: Golden Valley

Grid Ref: 37681, 26038

Date Received: 22nd June, 2007

South

Expiry Date: 27th August, 2007

Expiry Date: 17th August, 2007

Local Member: Councillor J.B Williams

Introduction

This application was reported to the Southern Area Planning Sub-Committee on 10th October, 2007 and determination was deferred so that Members could visit the site. The site was visited on 23rd October, 2007.

1. Site Description and Proposal

- 1.1 The application site is reached off an unclassified road (u/c 74220) also known as Pudding Street, that leads southwards from the Class III road (C1219) just to the east of Rowlestone. The maintained road stops approximately half a kilometre west of the site. The C1219 road links Rowlestone and Walterstone Common further to the west with the A465(T) road adjoining the now closed Pontrilas Garden Centre.
- 1.2 The applicant has an extant planning permission and listed building consent for conversion of Shop Barn which is elevated above the level of an unadopted track that winds past Pwll-y-Hunt and another listed barn which has been converted to the north-east of Shop Barn and down slope from it. Shop Barn has been used for many years as a workshop whilst the applicant was residing at Pwll-y-Hunt; the applicant wants to continue his work in a purpose built facility close to Shop Barn for which planning permission and listed building consent were granted and works commenced.
- 1.3 The proposed workshop will have a red plain tile roof which will match that used on Shop Barn. The sides will be clad in non-stained Douglas fir feather-edged weatherboarding.
- 1.4 The building is sited some 14 metres to the south-east of Shop Barn and across a ditch. The siting for the 8.6 metres long by 6.6 metres wide building is on a slope

covered by grass and self-sown saplings. An access will be created by introducing a spur from the existing up slope track, the new track will swing around the rear or southern side of Shop Barn.

2. Policies

2.1 Planning Policy Statement

PPS.7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007

Policy DR.1 - Design
 Policy DR.2 - Land Use & Activity
 Policy DR.4 - Environment
 Policy H.18 - Alterations and Extensions
 Policy HBA.4 - Setting of Listed Buildings

3. Planning History

- | | | | | |
|-----|---------------|--|---|-------------------|
| 3.1 | SW2000/2504/F | Conversion of dwelling being a renewal of SH951030PF | - | Approved 01.11.00 |
| | SW2000/2503/L | Conversion of dwelling being a renewal of SH951031LA | - | Approved 01.11.00 |

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Traffic Manager has no objection.
- 4.3 The Conservation Manager states that the building is of a self-effacing design appropriate to its function and will have only a neutral impact on the setting of the adjoining listed buildings.

5. Representations

- 5.1 In the Design and Access Statement that accompanied both applications, the following main points are made:

The Need for the Building

- barn conversion (Shop Barn) is entirely residential, only space for domestic furniture
- client practical, needs tools and equipment
- no room on site to park or turn a vehicle
- not visually pleasing parking vehicles next to pond.

Siting of the Proposed Building and Access

- optimum position chosen, far enough away from listed barn but not divorced from it
- excavation required, this will though help provide more light and alleviate damp to barn
- additional land for track and garage/workshop will be also additional curtilage.

Design

- no windows proposed on north or east elevations, i.e. facing Barn A
- building proposed will have materials (red clay tiles, Douglas Fir weatherboarding, exposed rafter feet, matches style of Shop Barn.

5.2 The Parish Council has not responded to date in respect of either application.

5.3 Two letters of objection have been received from:

Dr. EA Waters & Mrs. JE Waters, The Barn, Pwll-yr-Hunt, Pudding Street, Rowlestone, HR2 0HF

The following main points are made:

- too close, closer than Shop Barn to our property
- higher than our property
- overlook and dominate rear of our property, no such bearing on Shop Barn
- use of electrical and mechanical equipment, some shielding of noise at present
- affect re-sale value
- could be re-sited, our garage (purpose built) is quite close to our property
- if approved, ensure workshop is not above our property, affects our view unless sunk
- existing hedging and deciduous trees should be retained and better still improved, would help any visual and sound impact
- north side of workshop be sound-proofed
- parking of boat a blight.

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

6. Officer's Appraisal

6.1 The main issues are considered to be the principle, and the issues of siting and relationship to the two listed barns and the impact on the amenity of nearby residents.

6.2 It is evident that it is not practicable for the applicant to continue using Shop Barn as both a primary residence and as a workshop given the configuration of the building such that the best lit space is currently used as the workshop. Also, there is a premium on space in Shop Barn for working on longer lengths of timber.

6.3 The next issue revolves around the siting of the garage/workshop building. The design, size and materials for the building have been sensitively considered and will not detract from the amenity nor setting of the two Grade II listed barns either side of the track that divides them. The Conservation Manager has stated that the building is

self-effacing and a functional building that would have a neutral impact in the landscape. The siting is not straightforward, given that Shop Barn is in an elevated position in relation to the other Grade II barn (The Barn) and the farmhouse. Siting the building to the west or north, i.e. either up slope and above Shop Barn would open up the views to the ancillary building proposed and would, it is considered, detract from the setting of Shop Barn. The siting for which is compounded by the lack of screening such as trees and hedging which are found around the proposed site. There will be a need for a good landscaping scheme and details of the extent of the setting in of the building. There are though opportunities for supplementary planting of trees and plants particularly on the track-side elevation.

- 6.4 A further issue raised relates to overlooking and noise and the potential impact on the amenity of residents at The Barn. There are not proposed to be windows on the north elevation facing The Barn and this could be safeguarded by planning condition, so therefore opportunity for overlooking from the building can be controlled. The planning condition should also control the future installation of rooflights in the north elevation, i.e. facing The Barn. The new building should also have measures for sound attenuation particularly on the north elevation wall which would also double up as insulation for the building.
- 6.5 The building proposed has been carefully considered in terms of design, size and location. It relates well to Shop Barn. The new building will be purpose built and although visible from the rear garden it is not considered that planning permission could be reasonably withheld.

RECOMMENDATION

In respect of DCSW2007/2050/F

That planning permission be granted subject to the following conditions:

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

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

2. B01 (Samples of external materials)

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

3. C02 (Approval of details)

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

4. E17 (No windows in side elevation of extension)

Reason: In order to protect the residential amenity of a nearby property.

5. The use of the building as a workshop shall enure for the benefit of Mr. D. Elkerton at such time as he resides in Shop Barn. The workshop use shall cease otherwise and be used solely for garaging and incidental purposes to Shop Barn.

Reason: In order to define the terms to which the application relates given the nature of the use proposed.

6. F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

7. F38 (Details of flues or extractors)

Reason: In the interests of the amenity of the area.

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. G04 (Landscaping scheme (general))

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

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

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

Informative(s):

1. N19 - Avoidance of doubt

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

In respect of DCSW2007/2029/L

That listed building consent be granted subject to the following conditions:

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

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

2. B01 (Samples of external materials)

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

3. C02 (Approval of details)

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

Informative(s):

1. N19 - Avoidance of doubt

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

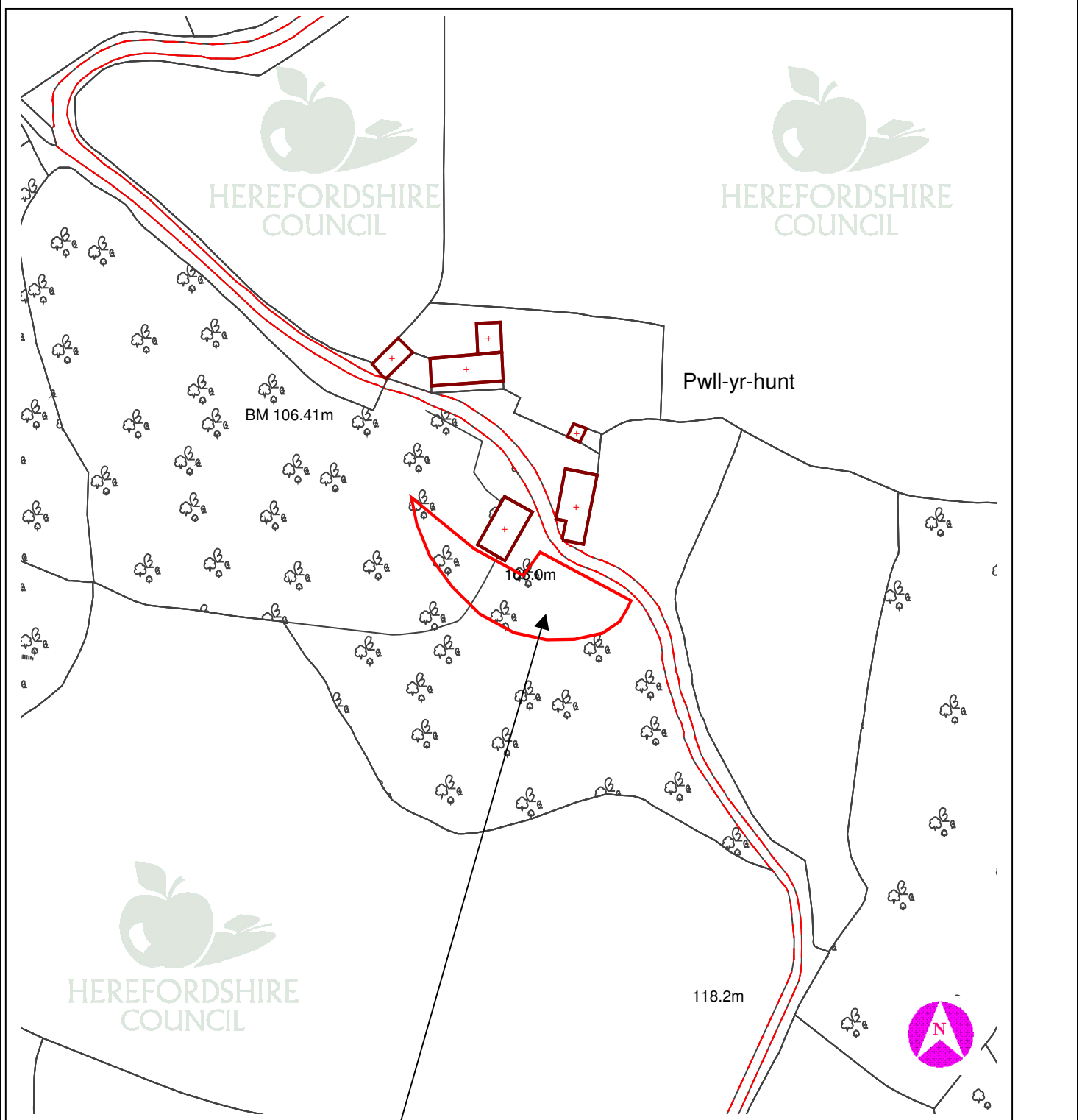
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2007/2050/F

SCALE : 1 : 1250

SITE ADDRESS : Shop Barn, Pwll-y-Hunt, Pontrilas, Herefordshire, HR2 0HF

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6 DCSW2007/2980/F - SINGLE STOREY EXTENSION AND ALTERATIONS AND A SEPARATE WORKSHOP, FOUNTAIN COTTAGE, NEWTON ST. MARGARETS, HEREFORD, HR2 0QW

For: Mr B Hill, Fountain Cottage, Newton St. Margarets, Hereford, HR2 0QW

Date Received: 21st September, 2007 Ward: Golden Valley Grid Ref: 35468, 33814 South

Expiry Date: 16th November, 2007

Local Member: Councillor JB Williams

1. Site Description and Proposal

- 1.1 The proposal site is reached off the north-eastern side of the unclassified road (u/c 74200); this road leads along the south-eastern boundary before turning north-westwards. St. Margarets Church is immediately to the west of the applicant's property. The application site is to the north-east of Fountain Cottage, a two-storey dwelling that fronts onto the u/c 74200 and also the cottage. There is no vehicular access off the unclassified road. Parking is on the opposite side of the unclassified road. There is a double garage which is set back 14 metres from the edge of the highway. The garage is 3.7 metres wide and 13.1 metres long and 3.8 metres to the ridge. The garage is weather-boarded.
- 1.2 It is proposed to erect a workshop building a further 7 metres behind the aforementioned garage. It is 5 metres wide and 11 metres long. It is 4 metres to the ridge. The building like the garage would be weather-boarded, under a corrugated tin roof.
- 1.3 The second element to this application is the erection of a lean-to extension to the rear of the cottage. The additional room is created by extending out 2.25 metres from the rear wall. The lean-to building will have a roof that rakes back in line with the adjoining utility room. The roof will be slated to match the existing slate and the walls rendered. The dwelling was previously extended a few years ago following the granting of planning permission in January 2002.

2. Policies

2.1 Planning Policy Statement

PPS7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007

Policy S2 - Development Requirements
 Policy H18 - Alterations and Extensions
 Policy E11 - Employment in the Smaller Settlements and Open Countryside
 Policy E12 - Farm Diversification

Policy HBA4 - Setting of Listed Buildings

3. Planning History

- 3.1 SW2001/3031/F Refurbishment, alteration and extension to existing cottage and separate double garage - Approved 15.01.02

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Traffic Manager has no objection.
- 4.3 The Conservation Manager has no objection as regards the impact of the proposal on St. Margarets Church.
- 4.4 The Public Rights of Way Manager has no objection as regards impact on public footpath SM6.

5. Representations

- 5.1 The applicant provided the following details in response to representations received and in support of the workshop. The following main points are made:

- can confirm will not result in additional traffic visiting the property
- no access from private house, which might impede farm traffic
- aware of parking on hazardous bend, seeking for our caravan to be parked on neighbouring farm and by maximising space available
- workshop will be used as wood/craft workshop and hobby sewing room
- intend using workshop for 6 months, as we live in the woodland for other 6 months (subject of planning permission)
- wood/craft portion of workshop will allow us to produce stock for craft demonstrations, in spring and summer
- site chosen behind garage in order to retain our garden.

- 5.2 Parish Council's observations not received to date.

- 5.3 One letter of representation has been received from:

G & P Phillips, Oaklea Parc Farm, Newton St. Margarets, HR2 0QW

The following main points are raised:

- no objection to single storey extension
- concerns over commercial use and parking issues
- on dangerous bend, already parking issues
- need free flow for our tractors and farm vehicles via private lane
- site already used for overflow parking, can hamper access.

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 relate to the principle of extending Fountain Cottage further and secondly, the erection of a workshop building on the strip of land to the north-east of Fountain Cottage.
- 6.2 The extension proposed which will provide a study on the western end of the building is a modest one in floor area, it does though extend a recently extended dwelling. Policy H18 requires that the original dwelling remains the dominant feature. It also needs to be in proportion and sympathetic as regards details and materials. It is considered that this extension is, when taking into account with the two-storey addition granted in 2002, still proportionate. The original dwelling which faces south-eastward still remains the dominant feature in the resultant scheme. This is also given that the extension approved and built by a previous owner entailed the demolition of building to the rear of Fountain Cottage.
- 6.3 A secondary element is the impact that the extension would have on the setting of the listed St. Margarets Church. The Conservation Manager confirms that the proposed extension would not materially impinge upon the setting of the church which is due west of the property. There are well established trees and hedging on the boundary between Fountain Cottage and the grounds of St. Margarets Church.
- 6.4 The second main issue relates to the erection of the workshop. The building is well screened from view by a line of trees on the eastern boundary of the site shared with the private lane. The erection of a building of the footprint proposed has less of an impact being sited as proposed than say to the rear of Fountain Cottage. It was not evident what the workshop was proposed to be used for, this information has been provided on request. The applicant and his partner have the benefit of a planning permission for which they have partly implemented, for a woodland residential course centre at Camp Wood at Abbey Dore. There are conditions attached to that planning permission requiring the removal of living accommodation in the form of a gypsy caravan and other materials including yurts. The use of the workshop by the applicant is in conjunction with the use at Camp Wood. The workshop facility would allow the applicant to continue his enterprise at Fountain Cottage in the autumn and winter. Therefore, subject to the use of the building being specifically conditioned for sole use of the applicant the application can be supported.
- 6.5 The issues raised by the objector relate primarily to access to their farm via the private lane that joins the u/c 74220 road adjacent to the existing garage and parking area to the front of it. Reference is also made to concerns about a commercial use, however as stated previously, it is considered that the use is an appropriate one for a rural enterprise focused in Camp Wood. The Traffic Manager has not objected in relation to the proposal, as principally the access arrangements, i.e. directly onto the unclassified road, continue as presently. There will not be additional traffic visiting the site, which is in any case limited by the space available, between the existing garage and the unclassified road. Should the applicant be obstructing the highway currently then strictly that is a matter that falls outside the remit of Town and Country Planning legislation.
- 6.6 The application can be supported for both the ground floor extension and the erection of the workshop for purposes that relate to his approved enterprise at Abbey Dore.

The workshop building will not, it is considered, materially detract from the amenity of residents in the vicinity of the site nor attract additional traffic over and above that experienced presently. Also, it should be noted for 6 months of the year the workshop will not be used given the applicant will be at Camp Wood running his woodland residential course centre.

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) (workshop)**

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

- 3. 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.

- 4. 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.

Informative(s):

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

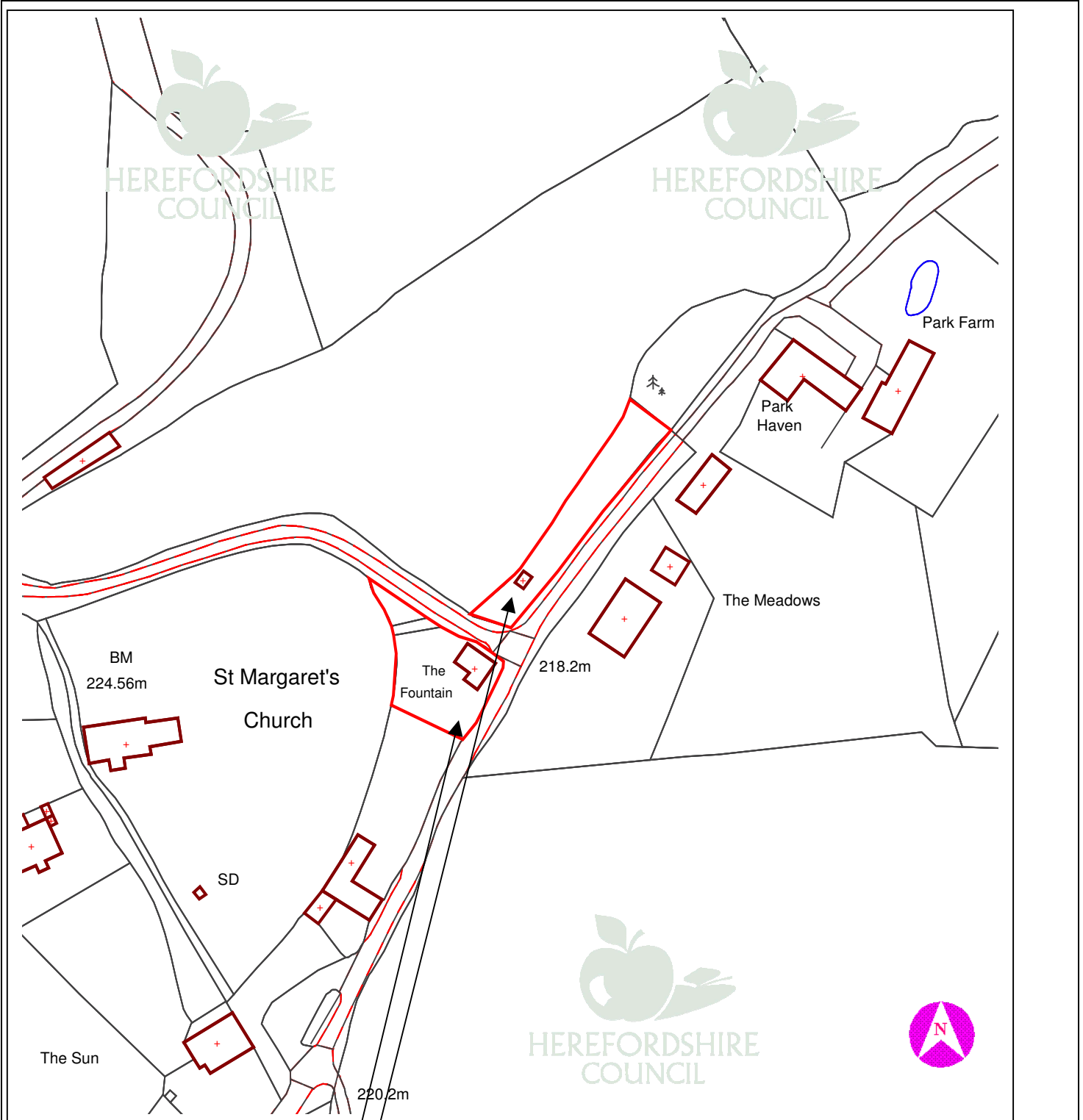
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2007/2980/F

SCALE : 1 : 1250

SITE ADDRESS : Fountain Cottage, Newton St. Margarets, Hereford, Herefordshire, HR2 0QW

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**7 DCSW2007/2404/F - ERECTION OF SIX DWELLINGS,
LAND AT HAWTHORN RISE, PETERCHURCH,
HEREFORDSHIRE, HR2 0RQ**

**For: Mr P Smith per Mr A Powell, Architectural
Drawing, Yew Tree Cottage, Brockhampton,
Herefordshire, HR1 4SJ**

**Date Received: 30th July, 2007 Ward: Golden Valley Grid Ref: 34774, 38393
North**

Expiry Date: 24th September, 2007

Local Member: Councillor PD Price

1. Site Description and Proposal

- 1.1 The site lies within the settlement of Peterchurch as defined by the Herefordshire Unitary Development Plan. It is situated to the south east of the B4348, providing access to residential development known as Hawthorn Rise. The development comprises detached bungalows with integral garaging that are situated to the periphery of the site, served by the existing access road. Already built are bungalows numbered 1, 1A to 15 and plot 16 is under construction. A parcel of land remains in the middle of the site, which abuts the existing access road and shared private drive that serves plots 12 to 16. The land to the north west of the site is designated open space and land to the north and north east is open fields.
- 1.2 The proposal seeks to develop the remaining area of land that is 0.39 ha's. The applicant proposes to erect six bungalows with integral garages, providing off-street parking, a shared private road serving these bungalows and an area of open space. Plots 17 and 18 are two and three bedroom bungalows situated to the south west of the plots 13 and 14. Plot 19 is a corner plot providing four bedroom/study room with detached double garage, situated to the south west of plots 15 and 16. Plots 20, 21 and 22 are to the north west boundary providing two & three bedroom bungalows. The private road serving these bungalows would loop around the area of open space and would lead off the existing access road adjacent to plots 17 and 22. A smaller landscaped area is adjacent to Plot 17. The north west boundary constructs a 1m high stock proof fence with a native hedgerow and the north east boundary constructs a 1.5m close boarded fence with a 0.3m timber trellis. Boundary treatment between garden areas constructs 1.8m close boarded fencing reducing to 0.9m dividing front garden areas.
- 1.3 A Design and Access Statement was also submitted with the planning application.
- 1.4 The submitted plans raised objections from the Parish Council, Transport Manager and residents of Hawthorn Rise in terms of drainage/flooding, street lighting, parking problems, fencing too high and plots directly in line with existing plots. Discussions have taken place with the Agent to address these concerns and a further site plan was submitted on the 7th September 2007. Further consultations were sent to the Parish Council, residents and Transport Manager on the 7th September, 2007. The Transport Manager still raised some concerns and as such further amendments have been submitted on the 19th October, 2007.

2. Policies**2.1 Planning Policy Statements**

PPS3 - Housing

2.2 Herefordshire Unitary Development Plan 2007

Policy S1 - Sustainable Design
 Policy S2 - Development Requirements
 Policy S3 - Housing
 Policy DR1 - Design
 Policy DR4 - Environment
 Policy H4 - Main Villages: Settlement Boundaries
 Policy H13 - Sustainable Residential Design
 Policy H16 - Car Parking
 Policy H19 - Open Space Requirements

3. Planning History

3.1	SH880215PO	25 detached dwellings	-	Approved 06.04.88
	SH890760PM	Proposed development of 22 new residential dwellings in accordance with revised plans received 20/9/89	-	Approved 28.07.89
	SW1999/1533/F	Proposed re-design of bungalows (plots 2,4,5 & 6) and redesign of access road	-	Approved 21.07.99
	SW2000/3234/F	Proposed re-design and siting of 2 & 3 bedroom bungalows to plots 1,2,7,8,9,10,11,12 & 13. Proposed 2 bedroom bungalow plot 1A. Proposed redesign of access road serving phase 2	-	Approved 24.11.01
	SW2004/1966/F	Omission of attached garage and construction of detached garage to Plot 11 and redesign of plot 12	-	Refused 21.07.04
	SW2004/2852/F	Omission of attached garage and construction of detached garage	-	Approved 29.09.04
	SW2005/0429/F	Re-siting and design of Plot 12	-	Approved 29.03.05
	SW2005/3418/F	Re-siting and design of Plots 14 & 15	-	Approved 01.12.05
	SW2006/4043/F	Detached bungalow and detached double garage	-	Withdrawn 29.01.07

SW2007/1398/F Detached bungalow and detached - Approved 26.06.07
double garage

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency has no objection subject to condition for surface water disposal including SuDS in line with PPS25 (Annex F), Policy DR4 and DR7 of the Herefordshire UDP.

Internal Council Advice

- 4.2 Traffic Manager observed that the submitted site plan was unacceptable because the site plan did not tie in with drawing number 271:01B dated November 2000 delineating the proposed adopted road for Hawthorn Rise. Questions related to the visibility fence line west of Plot 22, layout of Plot 17, service strips, demarcation between private and proposed public highway and crossing points to the adopted footway.

The amended plan dated 7th September 2007 still raised some concerns and it has been necessary to carry out a further site visit, this being undertaken on Tuesday, 16th October, 2007. From this visit, further plans have been received on the 19th October 2007, to which the Transport Manager has no objection, subject to conditions.

5. Representations

- 5.1 The applicant's agent has submitted a Design and Access statement which is in summary:-

- Applicant proposes to erect 2, two-bedroom bungalows and 4, three-bedroom bungalows and will face directly onto a crescent-shaped private road.
- Bungalows would reflect closely the scale, form and composition of the existing bungalows
- Open spaces would be maintained by owners of the proposed bungalows
- Open space would provide a green foil to the existing and proposed as well as provide a focal point that the estate lacks.
- Vehicle access would be by means of the private road, which has two junctions with the existing estate road.
- Vehicle accesses accord fully with highway requirements
- Bungalows would appear cupped with existing bungalows, therefore scale and form of proposed bungalows should match closely to those that exist.
- Bungalows will be seen only in context with the existing bungalows and the design of the open space will help to marry together the disparate elements of this estate and create a stronger sense of cohesiveness.

- 5.2 The agent submitted a further letter dated 3rd September 2007 along with the amended drawing no. 616:01A, received on the 7th September 2007, which responded to the issues raised by the Transport Manager and the observations of the Parish Council, whom resolved to refuse the application.

The points are summarised below:-

- Service strip and splays relating to adopted highway have been added.
- Plot 17 and car parked in front would stand clear of this strip

- Shared drive opposite Plots 14 and 15 have been widened to ease vehicle turning
- Lighting and adopted highway has been agreed previously.
- Neighbours' concerns over surface water run-off from adjoining field - a solution of using the open space or direct water to the mains via existing drainage arrangements.
- Concerns of height of fence to the rear boundaries of Plots 17 & 18. This is desirable to ensure the mutual privacy. The use of trellising for the top 0.3m will relieve the uniform appearance
- Consideration in the past to position Plots 17 and 18 side onto plots 13 and 14. The gable ends would be closer to the neighbour properties increasing their presence upon these units. Retention of boundary fencing will screen most of the plots from 13 and 14.

5.3 The Agent has submitted a further letter and drawings dated 19th October, 2007, responding to issues raised during the site visit on the 16th October, 2007 and states the following:

- Bungalow 17 handed – access to garage/drive now off new private road, not adopted turning head.
- Bungalow 22 moved to south on site and garage moved to north elevation away from proposed access off existing adopted road.
- Bungalow 18 moved 1m south on site.
- Dimension of 20m front to back of bungalows 13 and 17.
- Position of turning head – as approved on planning permission DCSW2007/1398/F. Please note that the turning head has not yet been constructed.
- Alterations to existing private road serving bungalows 13, 14, 15 and 16, passing bay in front of bungalows 14 and 15 along with part of road increased to 4.1m in width.

5.4 Peterchurch Parish Council resolved unanimously that the application, as originally submitted, should be refused for the following reasons:-

- 1) Considerable concern is expressed over land drainage, as during heavy rain, water flows from the fields at the north east of the site through plots 16 and between plots 12 and 13 flooding gardens and flooding the "grass open space area". The Council feels very strongly that this problem, must be addressed with a permanent solution before any further development of the site is allowed.
- 2) Because of the nature and type of properties on this development the residences are predominately elderly and therefore for both safety and security reasons the Parish Council feel that suitable street lighting should be installed by the developer.
- 3) To alleviate potential parking problems appropriate parking bays should be constructed opposite the new plots.
- 4) Fence H-K being a total height of 1.80m is considered too high.
- 5) The Parish Council would also ask if consideration be given to avoid plots 17 & 18 being directly in line with plots 13 and 14

The amended site plan, received on 7th September, 2007, was sent to Peterchurch Parish Council for their observations, along with a copy of drawing no. 271:01B from the Transport Manager.

5.5 The Parish Council observations upon the amended plan dated 7th September are:-

"At an ordinary Parish Council meeting on Tuesday 18th September 2007, the Parish Council were made aware of information regarding land drainage and street lighting as well as off road parking revision. The Parish Council are fully aware of the current position and wish to change their position. The Parish Council resolved unanimously to support the revised application."

5.6 A letter of objection was signed by Roger & Pamela Savage of No. 13 Hawthorn Rise; Eva Morgan of No. 14 Hawthorn Rise and Colin & Sandra Kirby of No. 15 Hawthorn Rise. A separate letter of objection was sent in by Mrs Lesley Hawkins, No. 11 Hawthorn Rise, Peterchurch

The letters expressed concerns relating to the amended site plan, which are summarised below:-

- Private road in front of plots 13 and 16 remains at 3.6m, albeit with an improved turning splay
- Turning area, is welcomed, but cannot substitute for lack of width in road to allow to vehicles to pass
- The width of the new road is 4.1m with on-site standing areas, but ignored problem on shared road which is only 3.6m
- Problems for emergency vehicle access to plots 13 - 16 and reiterate width should be at least 4.1m.
- 1.8m high fence and continuous roofline will provide poor outlook.
- Original outline planning permission was for 22 dwellings and bought into a development on this understanding.
- No notification as to where the 23rd property has appeared.
- One less dwelling, which we believe, was indicated on application SW2007/1398/F could achieve a different layout and less crowding.
- The statutory requirement to provide open space, we agree, is necessary, in its proposed layout seriously disadvantages properties 13 - 16.
- Builder has constructed low bund behind numbers 11 -16 - what consideration has been given to drainage?
- Proposed layout is hideous -how can anybody say the proposed layout will achieve cohesiveness.

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

6. Officer's Appraisal

6.1 The main issues are considered to be the scale and form of the development, open space requirement, highway issues and privacy of local residents.

6.2 The site is within the main village of Peterchurch and Hawthorn Rise is an identified housing estate. The proposal seeks to finalise the remaining 0.39 ha's of land by constructing six bungalows, a shared private road and an area of open space.

6.3 Firstly, it would be of benefit to refer to the planning history of the site, given that planning permission was first granted in 1988, (LPA Ref: SH880215PO). This application granted planning permission for 25 dwellings including open space and the access roads to serve the site. This application was subsequently amended in 1989,

(LPA Ref: SH890760PM), which reduced the number of dwellings to 22. Piecemeal development has occurred since 1989 and subsequent applications have been submitted to the Local Planning Authority. These applications have sought a different layout of the estate as well as altering the type and design of the dwellings to bungalows. The development so far has constructed the bungalows to the periphery of the site and has left the parcel of land in the middle to provide an area of open space and the remaining dwellings.

- 6.4 The last application refers to plot 16 (LPA Ref: SW2007/1398/F), where it was necessary to alter the existing shared access serving plots 12 to 15. A turning head was introduced adjacent to plots 12 and 13 to enable plot 16 to be constructed at the end of the shared access. The approved site plan for plot 16 also outlined 5 dwellings and designated open space for the remaining land, however, this was only for indicative purposes and not a final layout for the remaining parcel of land.
- 6.5 Discussions took place before the submission of the application for the remaining bungalows and the requirement to provide an area of open space, which had not been addressed previously. Discussions resolved that the two areas of open space first identified and the shared private road would not be adopted by the Council's Parks and Countryside and Highways Department. As such the developer reduced the open space adjacent to plot 17 and sought a further bungalow. In principle, a further dwelling was acceptable subject to ensuring that private amenity and access to the properties would not be impinged upon and that the larger area of open space was retained.
- 6.6 The proposal was submitted on this basis and now seeks to construct six bungalows, increasing the number on the site to 23 bungalows. The layout of the bungalows would be developed off the new private road that loops around the area of open space. The private road would be accessed from the existing hammerhead junction adjacent to plot 17 and further access point adjacent to plot 22. Each bungalow is centrally positioned within their plots providing front gardens and off-road parking and small rear gardens. The bungalows are positioned to provide a minimum 2m boundary between buildings. The overall height would reflect the existing bungalows this being 6.2m to the ridge with the gable end section of the roof to the side elevations. To the front elevation, a gable section projects forward situated at a lower level to the ridgeline. The boundary treatment is close-boarded timber fencing of 1.8m in height dividing the garden areas and reducing to 1.2m and 0.9m, dividing the front gardens, which is used throughout the existing development. The bungalows would be of a scale and form and composition of the existing bungalows, as well as providing an area of open space for the residents of Hawthorn Rise.
- 6.7 Turning to highway matters, the Transport Manager has had regard to the Manual for Streets, page 134, where a private drive accepts up to 5 houses, however, more would be accepted dependent on the arrangements put in place to manage the site. Amendments have been sought to plots 17 and 22, which has altered the position of garaging to enable ease of access off the private road. The arrangements of the six dwellings served by the private road from the access points adjacent to plot 17 and plot 22 is acceptable. Given that submitted plans have been at variance, the site plan received 19th October, 2007, now reflects the necessary changes to ensure that the development is completed satisfactorily in terms of existing shared access and that the new private road and access points achieve highway safety requirements. The Transport Manager has viewed this plan and has no objections to the scheme subject to necessary conditions.

- 6.8 The Parish Council's initial comments portrayed the residents concerns and at the time of the application were not aware of proposed adopted site plan, drawing no. 271:01B for Hawthorn Rise. This drawing delineates the storm and foul drainage, road layout and street lighting that will eventually be adopted by the Council and have resolved to withdraw their initial refusal of the application.
- 6.9 Drainage arrangements would be resolved once the development has been completed and as such the Environment Agency has suggested a condition to ensure satisfactory surface water disposal.
- 6.10 The concerns of the neighbouring residents are noted in terms of the width of their shared access, drainage, emergency access and privacy issues. Whilst the existing shared access has been constructed adjacent to plots 12 - 15, this will in effect be altered to construct the hammerhead junction adjacent to plots 12 and 13, which was sought to enable access to plot 16, thus still only serving five dwellings. At present this has not been completed due to on-going building works for plot 16. The existing width of 3.6m was acceptable for shared accesses serving five dwellings, as specified in the Council's Highways Development Design Guide, which seeks a minimum width of 3.5m. The increase to at least 4.1m is not a necessity in terms of the required minimum width. Nevertheless, the agent has submitted a further site plan on the 19th October delineating works to be carried out on the existing shared access. It shows the proposed turning head adjacent to plots 12 and 13; a passing bay of 1.5m wide in front of plots 14 and 15 for ease of reversing, as well as increasing part of the road width to 4.1m, to allay residents' concerns.
- 6.11 Residents' private amenity space has also been considered. The distance from the front elevation of plots 13 and 14 to the rear elevation of plots 17 and 18 is 20m in distance, which is also separated by the shared access. The existing plots have open frontages providing views across the parcel of land, whilst views are not a material consideration, the introduction of 1.8m timber panel fencing serving the rear boundary of plots 17, 18 and 19 would not be unduly intrusive nor would it affect the private amenity of the existing residents. Lowering the height of the fencing would in fact lead to privacy issues between dwellings and may lead to pressure to increase the height once bungalows are occupied.
- 6.12 The applicant has demonstrated that the proposal to development the remaining 0.39 ha's of land has considered the scale and form of the existing bungalows as well as ensuring that the residents' amenity would not be unduly affected by this proposal. The proposal to construct a further six dwellings, private road and open space is acceptable and complies with the relevant development plan policies of the Herefordshire Unitary Development Plan.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2. B01 (Samples of external materials)

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

3. E09 (No conversion of garage to habitable accommodation)

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

4. E16 (Removal of permitted development rights)

Reason: To protect the residential amenity of adjacent properties.

5. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In order to maintain the visual amenity of the area and to comply with Policy LA6 of the Herefordshire Unitary Development Plan 2007.

6. Notwithstanding the approved drawings, a management plan for the responsibilities and maintenance of the private road serving the six bungalows shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development or any phase of the development, whichever is the sooner. The road management plan shall be carried out as approved.

Reason: In order to maintain the private road to an acceptable standard to comply with Policies S2, S6 and H13 of the Herefordshire Unitary Development Plan 2007.

7. No development approved by this permission shall be commenced until a scheme for the provision of surface water disposal including SuDs has been submitted to and approved in writing by the local planning authority. Such scheme shall be implemented before the first use of the development hereby approved.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policies DR4 and DR7 of the Herefordshire Unitary Development Plan 2007.

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. H19 (On site roads - phasing)

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

10. H27 (Parking for site operatives)

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

Informative(s):

- 1. HN01 - Mud on highway**
- 2. HN04 - Private apparatus within highway**
- 3. HN05 - Works within the highway**
- 4. HN10 - No drainage to discharge to highway**
- 5. N19 - Avoidance of doubt**
- 6. N15 - Reason(s) for the Grant of Planning Permission**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2007/2404/F

SCALE : 1 : 1250

SITE ADDRESS : Land at Hawthorn Rise, Peterchurch, Hereford, Herefordshire, HR2 0RQ

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8 DCSW2007/2978/O - OUTLINE PLANNING APPLICATION FOR TWO DWELLINGS, BROOKVIEW, CLEHONGER, HEREFORD, HR2 9TJ

For: Mr & Mrs CA Gardiner, Brookview, Clehonger, Hereford, HR2 9TJ

Date Received: 21st September, 2007 Ward: Valletts Grid Ref: 44296, 37245

Expiry Date: 16th November, 2007

Local Member: Councillor MJ. Fishley

1. Site Description and Proposal

- 1.1 Brookview is a detached cottage situated within substantial grounds to the north-west of the Class III 73413. It is accessed off the B4348 road from the direction of Clehonger leading to Kingstone. Mature high hedgerow abuts the roadside boundary to the north-east, mature tree line boundary to the north-west and fencing with some trees to the southern boundary. The southern part is divided by post and rail boundary fencing, which is at a higher level to the grounds surrounding the cottage. Three properties are situated to the southern boundary. Open fields are beyond the tree line boundary to the north west and south west. The application site lies within the parish of Allensmore and the Herefordshire Unitary Development Plan does not define the area to be a settlement and thus is considered to be within the open countryside.
- 1.2 The proposal seeks outline planning permission for the erection of two dwellings within the grounds of Brookview. The site comprises an area of 0.15 ha's to the southern corner of the land being adjacent to the neighbouring property known as Rose Dene. An indicative plan suggests that the land is divided into two plots served by a new splayed access directly onto the Class III road, necessitating the removal of hedgerow. Each plot measures approximately 32m long x 20m wide, accommodating an approximate dwelling size of 10m long x 8m wide. All matters in terms of layout, scale, appearance, access and landscaping are matters that are reserved for future consideration. A design and access statement was also submitted with the planning application.

2. Policies

2.1 Planning Policy Statements

PPS3 - Housing

2.2 Herefordshire Unitary Development Plan 2007

Policy S1 - Sustainable Design
 Policy S2 - Development Requirements
 Policy S3 - Housing
 Policy DR1 - Design
 Policy DR4 - Environment
 Policy H7 - Housing in the Countryside Outside Settlements
 Policy H13 - Sustainable Residential Design
 Policy H16 - Car Parking

3. Planning History

None.

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 Traffic Manager recommends permission is refused in order to fully assess the highway safety improvements to B4348/U/C73413 junction and splay for new properties. Hedgerow to be removed across both frontages.

5. Representations

5.1 The applicant has submitted a Design and Access Statement that is summarised as follows:-

- To prepare this document we have followed guidelines laid out by CABE.
- Outline planning permission for 2 detached houses, the approximate layout of which is shown on the drawing.
- Intended to be average family homes to complement existing houses in area.
- Plots are of adequate size to accommodate off road parking for at least three vehicles.
- Sufficient land to include a pull-in, being of benefit for other traffic using road.
- Two storey dwellings, scale parameters being 8-10m wide and 8-10m depth.
- It is intended that houses will not be obtrusive, will be not be of an un-contemporary design and would be constructed of similar materials to houses either side.
- Willing to donate piece of land off end of garden at the junction of B4349 to enable widening/improvement.

5.2 Allensmore Parish Council comment as follows:-

“Although outside the parish envelope with the present requirement for housing we feel this parcel of land could be used to fulfil this need. The extra traffic generated by these dwellings would not create a problem, on this quiet 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 The application seeks outline planning permission as to whether the principle of developing the land would be acceptable. Other matters are reserved at a later stage, should the application be considered acceptable.

6.2 The Unitary Development Plan does not identify the site as being within a main village or smaller settlement whereby residential development can be permitted. As such the proposal is defined to be within open countryside and thus Policy H7 applies.

- 6.3 Policy H7 seeks to protect the open countryside from unnecessary development unless it satisfies the relevant criteria. The application fails to meet any of these criteria. However, criterion 7 refers to rural exception housing provided it is in accordance with Policy H10. Policy H10 permits affordable housing on land within or adjoining an established rural settlement, which would not normally be released for development. In terms of its location the application fails this policy.
- 6.4 The proposal seeks the development of two detached houses and they are intended to provide an average family home. Even though the applicant has stated that if planning permission was granted they would be willing to donate a part of the garden where it meets the B4349 to enable future road widening. However, the essential question is to consider whether the proposal would satisfy the requirements of Policy H7 and H10.
- 6.5 In terms of an exception the application has no information that an up-to-date local housing need survey has been undertaken to prove that there is a genuine local need because it proposes more than one single affordable dwelling outside an established rural settlement. The parcel of land lies outside the settlement of Clehonger and within the parish of Allensmore. Clearly without justification to prove that these dwellings would contribute towards meeting a proven local need, the principal of allowing development within the open countryside is contrary to the Herefordshire Unitary Development Plan policies.
- 6.6 The Transport Manager has objected to the proposal and stated that hedgerow would be removed across both frontages. The loss of hedgerow to provide required visibility splays would significantly alter the character of the lane, and would be visually harmful within its surroundings.
- 6.7 Furthermore, the proposal site would encourage the need to travel by car to access local services and thus would be contrary to the strategy of the Development Plan to ensure that development is sustainable in overall terms.
- 6.8 It is recommended that the application be refused having regard to the policies outlined above.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The proposal would create two dwellings in the open countryside outside a designated village settlement, as defined in the Herefordshire Unitary Development Plan 2007 which seeks to restrict new residential development in the absence of any special justification in such areas. As such the development would be contrary to Planning Policy Statement 7 'Sustainable Development in Rural Areas' and Policies S1, S2, DR1, H7 and H10 of the Herefordshire Unitary Development Plan 2007.**
- 2. The site is in a relatively isolated location and would therefore likely to result in the increased need for travel by private car and as such is not a sustainable form of development thus being contrary to Government Guidance Planning Policy Guidance 13 'Transport' and Policies S6 and DR2 of the Herefordshire Unitary Development Plan 2007.**

3. Furthermore, the proposal would necessitate a significant amount of hedgerow to be removed at the entrance to the site and mature trees to the south-west boundary and as such would be detrimental to the visual amenities and character of this country lane thus being contrary to the Policies S1, S2, DR1, LA6 and LA6 of the Herefordshire Unitary Development Plan 2007.

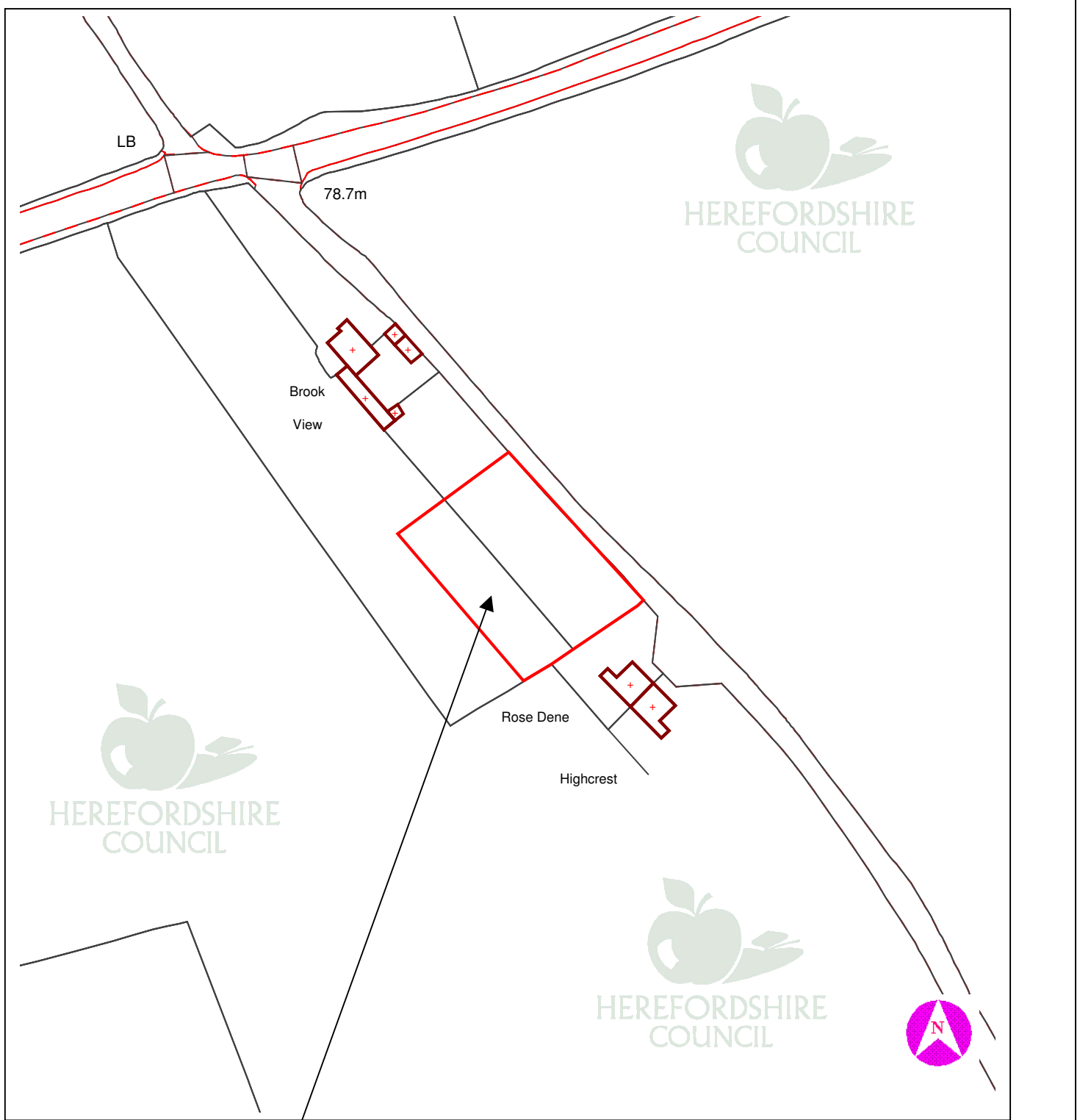
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2007/2978/O

SCALE : 1 : 1250

SITE ADDRESS : Brookview, Clehonger, Hereford, Herefordshire, HR2 9TJ

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**9 DCSE2007/2898/F - 3 DWELLINGS FOR RENT
COMPRISING 2 NO. 2 BED & 1 NO. 3 BED HOUSES,
ADJACENT TO NO. 4 MARTINS CLOSE, WOOLHOPE,
HEREFORD, HEREFORDSHIRE, HR1 4QS**

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

Date Received: 12th September, 2007 **Ward: Old Gore** **Grid Ref: 61110, 35804**

Expiry Date: 7th November, 2007

Local Member: Councillor TMR McLean

Introduction

Members visited this site on 23rd October, 2007.

1. Site Description and Proposal

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

2. Policies

2.1 Planning Policy Statements

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing
PPS7	-	Sustainable Development in Rural Areas
PPG15	-	Planning and the Historic Environment

2.2 Herefordshire Unitary Development Plan 2007

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy S7	-	Natural and Historic Heritage
Policy DR1	-	Design
Policy DR3	-	Movement
Policy DR5	-	Planning Obligations
Policy H6	-	Housing in Smaller Settlements
Policy H9	-	Affordable Housing

Policy H10	-	Rural Exception Housing
Policy H16	-	Car Parking
Policy LA1	-	Areas of Outstanding Natural Beauty
Policy HBA4	-	Setting of Listed buildings
Policy HBA6	-	New Development within Conservation Areas

3. Planning History

- 3.1 DCSE2006/3612/F 3 dwelling units for rent - Refused 20.06.07

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Traffic Manager - No reply received. Previously had no in principle objection.
4.3 The Conservation Manager - Support.

5. Representations

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

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

- 5.2 Woolhope Parish Council unanimously oppose this application.

- "1. Access - insufficient width for access in view of existing lane to the church and there is a lack of visibility to motorists leaving the proposed development particularly on the left hand turn into the village. The road narrows here.
2. The quantity of proposed dwellings on the size of the plot will cause overlooking to neighbouring properties.

3. The application is within a conservation area and area of great landscape value and the style of the proposed dwellings are not in keeping with neighbouring properties especially in view of the close proximity to the church which is a listed building
4. The proposed dwellings do not meet the needs of parishioners because they may not come under a 106 Agreement

If permission is granted the Parish Council would like:

1. A section 106 on the properties to enable the local housing needs to be met
2. Adequate double glazing because of the close proximity to the church and there is a very enthusiastic bell ringing team
3. Windows, which blend in with neighbouring properties
4. Deliveries should be made before 8.30 to allow the school bus to pass through as the road to the village narrows
5. Colour of brick and roof tiles chosen to match the neighbouring old properties
6. The eco friendly features mentioned in the design statement to be adhered to.

5.3 6 letters of objections have been received:

- Scale and density of the development is not appropriate for this sensitive site in the Woolhope conservation area.
- It will be detrimental to the setting of the adjoining church, a Listed building.
- Unsuitable access.
- Adverse impact on adjoining dwellings.
- The style and type of houses are not appropriate.
- It will be an overdevelopment of the site.
- Our garden will be overlooked.
- Loss of trees.

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 has been submitted following the refusal of DCSE2006/3612/F which, was refused for the following reason:

"In the opinion of the local planning authority the design, materials and fenestration of the proposed dwellings would be out of keeping with and cause harm to the character of this part of the Woolhope Conservation Area so as not to preserve or enhance its appearance. Accordingly, the proposal conflicts with policy HBA6 of the Herefordshire Unitary Development Plan 2007."

6.2 Principally this application is as the previous proposal. The appearance of the dwellings have been altered substituting brick and render for the previously proposed oak cladding. In addition, a simpler window pattern and chimneys are proposed. It is

considered these alterations solve the reason for refusal of the previous application. The dwellings are of a rural vernacular considered appropriate for this site.

- 6.3 The site is located in the smaller settlement of Woolhope. Housing development in smaller settlements is allowed but controlled by policy H6. The policy sets a criterion for consideration that allows development; house size, infill frontage and affordable housing on infill sites with frontages larger than 30metres and site over 350square metres where there is a proven housing need.
- 6.4 In terms of need, the Council's Strategic Housing Service undertook a housing needs study in Woolhope as part of the on-going surveys across the County. Residents were consulted as part of the Woolhope Parish Plan process early 2006. The result of this survey shows there is an affordable housing need for 8 dwellings. This application for 3 rented dwellings will fulfil part of that need. Detailed advice on affordable housing is given in policies H9 and H10. It will be necessary for a Section 106 Agreement to be completed and the proposed Heads of Terms are attached as an appendix.
- 6.5 The site is also located in the Woolhope Conservation Area and the Wye Valley Area of Outstanding Natural Beauty. Within conservation areas it is a statutory requirement for development either to preserve or enhance the characteristics of the area. In this matter the Conservation Manager comments the site is relatively secluded and the scheme will be most visible from the churchyard to the east. However, there is an appropriate degree of visual separation between the east elevation and St George's church so this proximity is not considered problematic as another recent development south of Martins Close has established a precedent. This revised application is somewhat more conservative than the previous scheme but its sustainability credentials remain central to its design and functional elements such as solar shading, which were seen, as "non-traditional" must be understood in this context. The design utilises prevailing local materials such as brick, plain tiles and render to establish continuity but its restrained modern aesthetic is nevertheless appropriate in its context. Accordingly, it is not considered the proposal will cause harm to the historic environment.
- 6.6 The submitted plan shows that the rear wall of the proposed dwellings to the gable flank wall of the neighbour to be a distance of 12metres. This is considered to be an acceptable minimum distance given that there are no living room windows in the gable elevation of the neighbouring dwellings so as to compromise outlook and to avoid the development being visually intimidating.
- 6.7 Access to the site is off an unsurfaced track, which also provides access to the church car park and Martins Close. The Traffic Manager has advised the means of access is substandard and its junction onto the C1297 is restricted. However, given the existing usage of the access it is not considered the proposal will cause significant disruption to the users of the highway.

RECOMMENDATION

- That 1. The Legal Practice Manager be authorised to complete a planning obligation agreement under Section 106 of the Town and Country Planning Act 1990 to ensure:**
- a) The dwellings shall be retained available for rent in perpetuity for local people.**

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.

Informative(s):

1. N19 - Avoidance of doubt

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

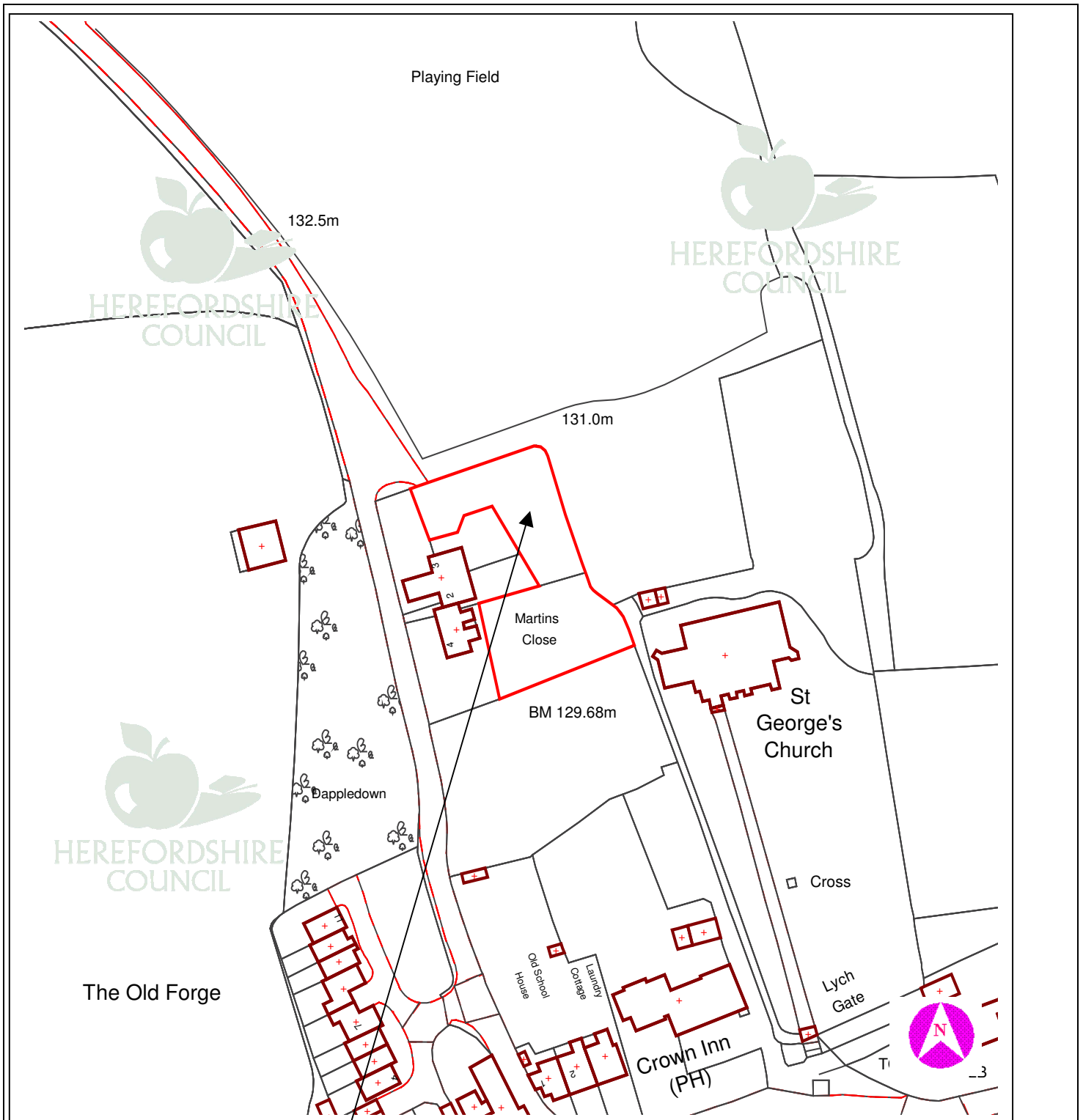
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2007/2898/F

SCALE : 1 : 1250

SITE ADDRESS : Adjacent to No. 4 Martins Close, Woolhope, Hereford, Herefordshire, HR1 4QS

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APPENDIX

DRAFT HEADS OF TERMS

Proposed Planning Obligation Agreement

Section 106 Town and Country Planning Act 1990

Planning Application DCSE2006/3612/F

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

- 1. The approved houses shall be affordable housing units which meet the criteria set out in Section 5.5 of the Herefordshire Unitary Development Plan 2007 and related to 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 written agreement to the means of securing the status of these units as affordable housing.**
- 2. The developer shall pay to the Council, or on completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.**
- 3. The applicant shall complete the Agreement by 7 January 2008.**

10 DCSE2007/2757/F - DEMOLITION OF EXISTING GARAGE. EXTENSION TO FORM ANNEXE ACCOMMODATION, NEW GARAGE AND LARGER PORCH/UTILITY ROOM. NEW DORMER WINDOW TO EXISTING PROPERTY, REDCROFT, LLANGROVE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6EY

For: Mr & Mrs P. Hughes per Mr A Powell, Yew Tree Cottage, Brockhampton, Herefordshire, HR1 4SJ

Date Received: 29th August, 2007

Ward: Llangarron

Grid Ref: 52610, 19090

Expiry Date: 24th October, 2007

Local Member: Councillor JA Hyde

1. Site Description and Proposal

- 1.1 Redcroft is a detached red brick bungalow, set in a large garden with mature planting to boundaries, with glazed link to a single storey garage, located between The Squirrels and Rock Cottage on the north side of an unsurfaced track that runs between Farm Lane and the unclassified 71240. The site is located in the smaller settlement of Llangrove.
- 1.2 This application proposes to replace the garage with an annexe/integral garage that will accommodate lounge/kitchen and WC on the ground floor with study, bedroom and WC, shower in the roof space. The annexe will be linked to Redcroft by a single storey porch/utility.

2. Policies

2.1 Planning Policy Statements

PPS1 - Delivering Sustainable Development

2.2 Herefordshire Unitary Development Plan 2007

Policy S2 - Development Requirements

Policy DR1 - Design

Policy H18 - Alterations and Extensions

3. Planning History

- 3.1 DCSE2006/2221/F Addition of pitched roof to flat - Approved 05.09.07
roof

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 Traffic Manager – no objection.

5. Representations

5.1 A Design and Access Statement has been submitted with the application:

- The proposed annexe is to be used by the applicants elderly mother who is proposing to sell her home in Ledbury and live with her daughter and son-in-law.
- The applicants mother has reached an age where she feels she needs the constant care and support of her daughter whilst wishing to retain her independence.
- The existing gross external area of Redcroft is 199.66 square metres (146.92 square metres ground floor and 52.74 square metres first floor).
- The new extension will have a gross external area of 117.2 square metres.
- Taking into account the footprint of the demolished garage, the overall additional gross area created is only 84.98 square metres (42.5%).
- The extension has been designed so that the ridge height is set 200mm below the existing so it will not dominate the existing dwelling.
- The extension will be constructed in materials to match the existing dwelling.

5.2 Llangrove Parish Council object on the grounds that the proposed development appears to dominate the existing dwelling and surrounding properties and feel that the proposal would potentially be a second dwelling.

6. Officer's Appraisal

6.1 There is no specific policy that deals with proposals for annexes. In terms of policy consideration they are considered extensions which policy H18 is appropriate. This policy sets a criterion against which proposals will be considered: scale, mass, siting, detailed design and materials to ensure that the character of the original building remains the dominant feature.

6.2 Planning permission has been granted for a pitched roof over the existing flat roofed garage this will increase the height of the garage 4.6 metres. This application to replace the garage with an annexe will result in a much higher and bigger structure. The bulk and form of the proposal follows that of Redcroft. Linking the proposal to Redcroft will ensure the original building can be identified. The proposal has also been designed so that it will appear subservient to the scale of Redcroft in that the ridge height will be lower and set behind the forward most wall of the original building. It is considered the resultant building will reflect the scale and character of other dwellings in the locality.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2. B02 (Matching external materials (extension))

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

3. E15 (Restriction on separate sale)

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

Informative(s):

1. N19 - Avoidance of doubt

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

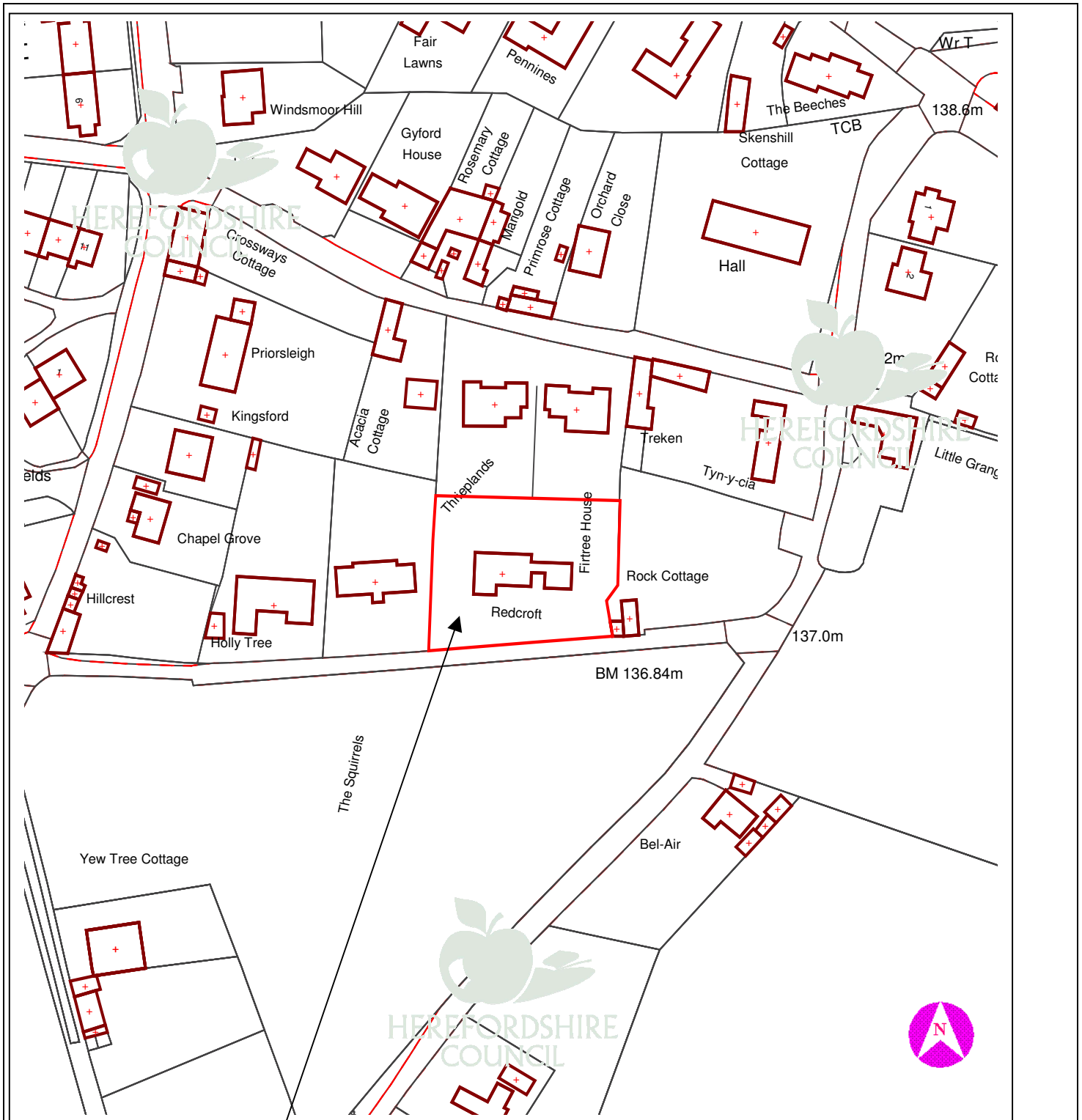
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2007/2757/F

SCALE : 1 : 1250

SITE ADDRESS: Redcroft, Llangrove, Ross-on-Wye, Herefordshire, HR9 6EY

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11 DCSE2007/2823/F - ERECTION OF A DETACHED DWELLING, LAND OFF CASTLE LANE, GOODRICH, HEREFORDSHIRE, HR9 6HY

**For: Mr & Mrs T. Ingram per Ian Johnstone Associates,
Richwood House, 50-54 Fairview Road, Cheltenham,
Gloucestershire, GL52 2JL**

Date Received: 6th September, 2007 Ward: Kerne Bridge Grid Ref: 57551, 19343

Expiry Date: 1st November, 2007

Local Member: Councillor JG Jarvis

1. Site Description and Proposal

- 1.1 Site is located on the southeast side of Castle Lane, it forms part of the rear garden to 3 Doward Place. There is access off Castle Lane. The lane is also a public footpath, GR2. Hedgerows define the boundaries to the site. From its eastern boundary adjoining land falls away steeply to the valley floor of the River Wye, and Kerne Bridge, giving the site a commanding position. Kerne View is to the north.
- 1.2 The site is located in the main village settlement of Goodrich as shown on Inset Map 19 in the Herefordshire Unitary Development Plan 2007, and within the Wye Valley Area of Outstanding Natural Beauty.
- 1.3 This is a full application that proposes a chalet style dwelling that will accommodate living room, study, dining/kitchen, cloaks and double garage on the ground floor with 3 bedrooms, bathroom and an en-suite bathroom within the roof space. There is access to the site off Castle Lane, which is not to be altered.

2. Policies

2.1 Planning Policy Statement

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing
PPS7	-	Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy S6	-	Transport
Policy S7	-	Natural and Historic Interest
Policy DR1	-	Design
Policy DR3	-	Movement
Policy H4	-	Main Villages: Settlement Boundaries
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy LA1	-	Areas of Outstanding Natural Beauty

3. Planning History

- 3.1 SH891700PF Bungalow and garage - Refused 01.11.89
Appeal dismissed 30.08.90
- DCSE2007/0743/F Detached dwelling - Withdrawn 02.05.07

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Traffic Manager – no, in principle, objection.

5. Representations

- 5.1 A Design and Access Statement has been submitted with the application:

- Following an assessment of the site it has been determined that the most appropriate use for the site would be that of a single dwelling of modest proportions.
- Ideally the height of the building should be kept low with eaves above ground floor level to respect its slightly elevated position above neighbouring residential property and its location close to the ridge above Kerne Bridge and the River Wye.
- The plot is orientated with its greatest length along the eastern boundary.
- It is also along this eastern side of the plot that the main external area to the dwelling will be created. This area will not be overlooked.
- The position of the dwelling within the site would allow reasonable distance to all boundaries.
- The dwelling is to be lowered into the site by 500mm to reduce its visual affect.
- The need to reflect the character of surrounding traditional development has determined the nature of the roof and gable treatment of the proposed dwelling.
- Materials have been considered in terms of the surrounding development.
- It is not considered the design treatment of the dwelling will detract from the character of the area.

- 5.2 Goodrich Parish Council have no objection.

- 5.3 An objection has been received from GR Treherne, Pippins, Castle Lane, Goodrich:

- The land is outside the village envelope of Goodrich settlement appraisal plan.
- It is in a designated Area of Outstanding Natural Beauty.
- Prominent skyline position especially from the Wye Valley.
- An appeal has been dismissed for this land.
- Planning permission has been refused on south adjacent garden, 2 Doward Place as it was outside the village envelope.

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

6. Officer's Appraisal

- 6.1 The site is located in the main village settlement of Goodrich where policy H4 says housing development will be permitted. The guiding principles for development in these areas are set in policies S2 and DR1. The policies acknowledge the importance of design of building proposals and relationship to its immediate context and wider local area.
- 6.2 This application proposes a chalet style dwelling that will be cut into the site, which rises from Castle Lane towards the rear boundary, by reducing the ground level, some 500mm. This alteration in ground level will reduce the visual impact of the proposal on this ridge when viewed from Kerne Bridge. It is considered the reduction of the ground level will assimilate the proposal into local environment so as not form a discordant and dominant feature. The site is bounded by established hedgerows, which are effective screening to the site. The hedgerows are shown to be retained so as to maintain the character of the area.
- 6.3 Since the refusal of planning permission and the dismissed appeal for a dwelling on this site, SH891700PF refers; the proposal now falls within the identified settlement boundary of Goodrich when previously it did not. This application also proposes the reshaping of the site to ensure the proposal does not become an obvious and intrusive development in the landscape, which was in part the reason to dismiss the appeal, when viewed from Kerne Bridge.

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. 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. G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

5. H12 (Parking and turning – single house (2 cars))

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

Informative(s):

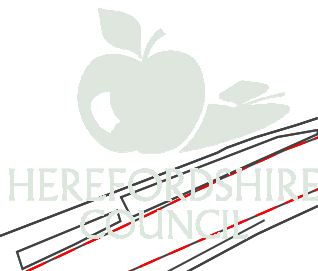
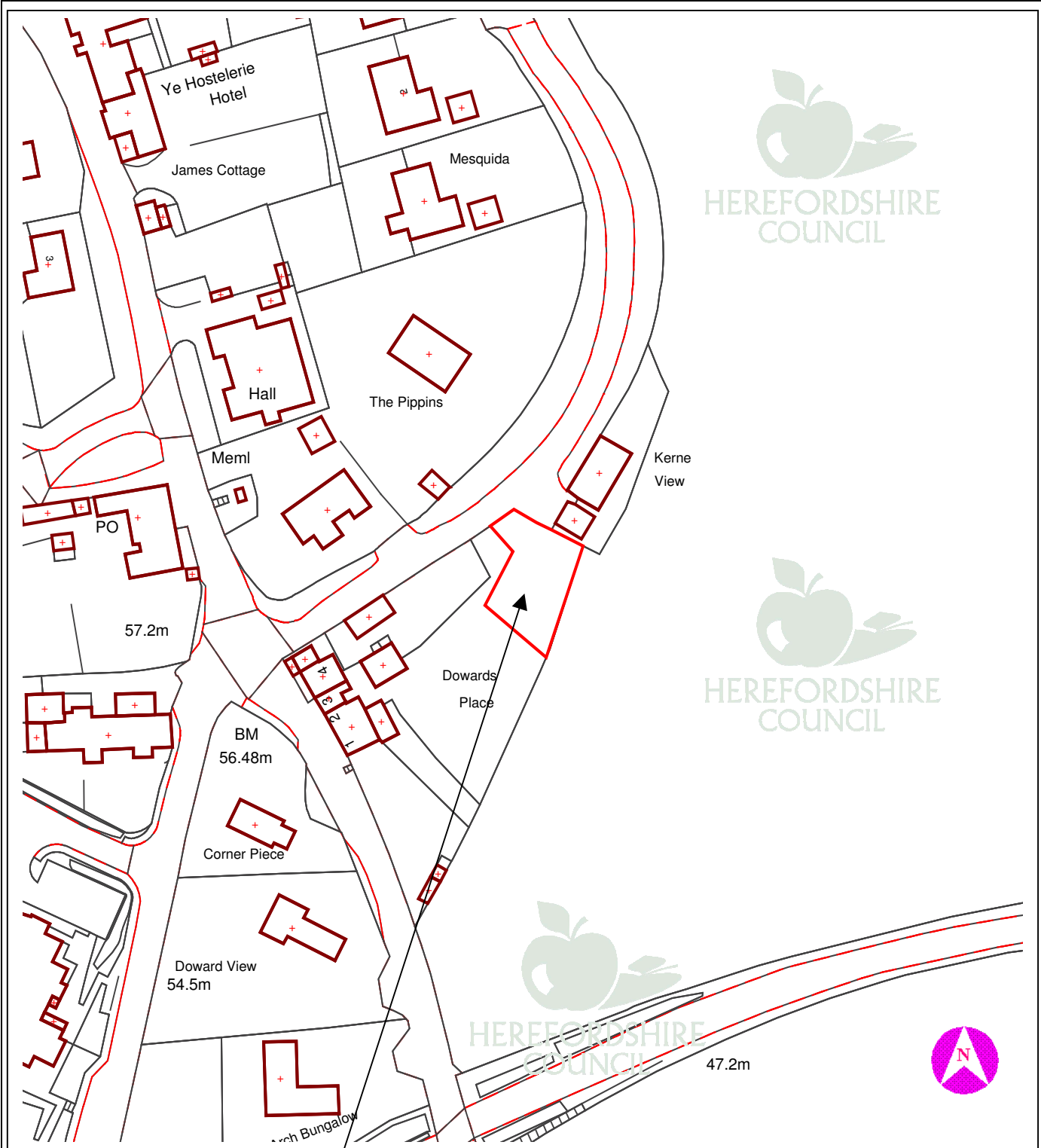
1. **HN01 - Mud on highway**
2. **N19 - Avoidance of doubt**
3. **N15 - Reason(s) for the Grant of Planning Permission**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2007/2823/F

SCALE : 1 : 1250

SITE ADDRESS : Land off Castle Lane, Goodrich, Herefordshire, HR9 6HY

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12 DCSE2007/2790/F - REMOVAL OF CONDITION 4 OF PLANNING APPLICATION SE2002/0386/F TO ALLOW CONTINUED LETTING OF BUILDING THAT WAS DEVELOPED FOR ANCILLARY ACCOMMODATION (RETROSPECTIVE APPLICATION), NEWTON VILLA, ASHFIELD CRESCENT, ROSS-ON-WYE, HR9 5PH

For: Mr D Harwood, Newton Villa, Ashfield Crescent, Ross-on-Wye, HR9 5PH

**Date Received: 31st August, 2007 Ward: Ross-on-Wye Grid Ref: 59716, 23389
West**

Expiry Date: 26th October, 2007

Local Members: Councillor CM Bartrum and Councillor G Lucas

1. Site Description and Proposal

1.1 Newtown Villa is located on the east side of Ashfield Crescent. On the southeast side of the villa is a 2-storey outbuilding that has been converted to ancillary accommodation that provides dining room/kitchen, living room and garage on the ground floor with 3 bedrooms and a bathroom at first floor, and parking for up to 4 vehicles. The site is located in an established residential area, in the Ross-on-Wye conservation area and within the Wye Valley Area of Outstanding Natural Beauty.

1.2 This application is for the removal of the following condition:

“The ancillary accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Newton Villa.”

2. Policies

2.1 Planning Policy Statements

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing
PPG15	-	Planning and the Historic Environment

2.2 Herefordshire Unitary Development Plan 2007

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy S6	-	Transport
Policy S7	-	Natural and Historic Environment
Policy DR1	-	Design
Policy DR3	-	Movement

Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and
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		Established Residential Areas
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy HBA6	-	New Development within Conservation Areas
Policy HBA13	-	Re-use of Rural Buildings for Residential Purposes
Policy LA1	-	Areas of Outstanding Natural Beauty

3. Planning History

- 3.1 SE2002/0386/F Alterations to existing storage building to provide ancillary accommodation to Newton Villa - Approved 23.05.02

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Traffic Manager - No objection.
4.3 Conservation Manager - No objection.

5. Representations

- 5.1 In support of the application the applicant has said:

- I have worked diligently with the Council's Highways people to provide extra car access and more than double the parking area to Newton Villa.
- No cars associated with Newton Villa park in the road.
- There is no intention or desire to separate the coach house from Newton Villa.
- The only intention is to let the accommodation.

- 5.2 Ross Town Council have no objection.

- 5.3 Objections have been received from Dr K St. J Murphy and Dr NB Janis, Appleyard, Ashfield Crescent, Ross-on-Wye and Mr LG Duffin, Drumpellier, Ashfield Crescent, Ross-on-Wye

- The continued letting of the property will aggravate growing problems with traffic congestion either end of Ashfield Crescent.
- The end of Ashfield Crescent nearest Palmerston Road is regularly congested and blocked by ambulances and other vehicles.
- There are flats and a nursing home (Rosedale) opposite one another that cause most of the congestion.
- It has worsened considerably in the past 5 years.
- We believe that the proposed letting of the property opposite our house will exacerbate problems.
- In the worst case the road could become blocked to emergency vehicles trying to get to Rosedale or any other part of Ashfield Crescent.
- Ashfield Primary School is nearby. The busy Walford Road compels most children and their parents, many of whom are pushing prams and pushchairs along to step into the road by the bend to avoid parked cars.

- These cars are obliged to park on the pavement so as not to block the road.
- We believe the future tenants may not co-operate with the off road parking and cause future parking congestion.
- Visitors will have to park in the road near the bend in the road leaving young pedestrians vulnerable to drivers who may not see them due to the parked vehicles.
- Our objection is about the impact the proposed letting of the property will have on traffic congestion right on the bend in the road, the risks of the road becoming blocked at both ends regularly and the risk to pedestrians using Ashfield Crescent.
- Object to the possibility of the building being sold off separately from Newton Villa.

5.4 Mr and Mrs Lester, Roslin Villa, Ashfield Crescent, Ross-on-Wye support this application.

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

6. Officer's Appraisal

6.1 Planning permission to use this building as ancillary accommodation to Newton Villa was approved under reference SE2003/0386/F.

6.2 The determining factor in this application on the analysis of the objections received, is that of highway safety. It is said that since the conversion of this former coach house to ancillary accommodation Ashfield Crescent is even more congested than prior to its conversion. Notwithstanding the provision of on site parking for up to 4 vehicles it is further said that these vehicles park in the road leading to congestion to other road users including pedestrians to the nearby Ashfield Primary School. However, the objection is not backed by statistical data that demonstrates an increase in on street parking since planning permission was granted to use this building as ancillary accommodation to Newton Villa. This level of information would not be an unreasonable expectation to support such claims. However, in the absence of any substantive data the Traffic Manager does not object to this application. It is not considered the removal of the condition would be detrimental to the free flow of traffic using Ashfield Crescent or to other matters of highway safety.

6.3 While, there is no objection to the removal of the condition the continued letting of the building will be allowed to continue as planning permission SE2002/0386/F restrict the ownership of the ancillary accommodation to Newton Villa.

RECOMMENDATION

That planning permission be granted.

Informative(s):

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

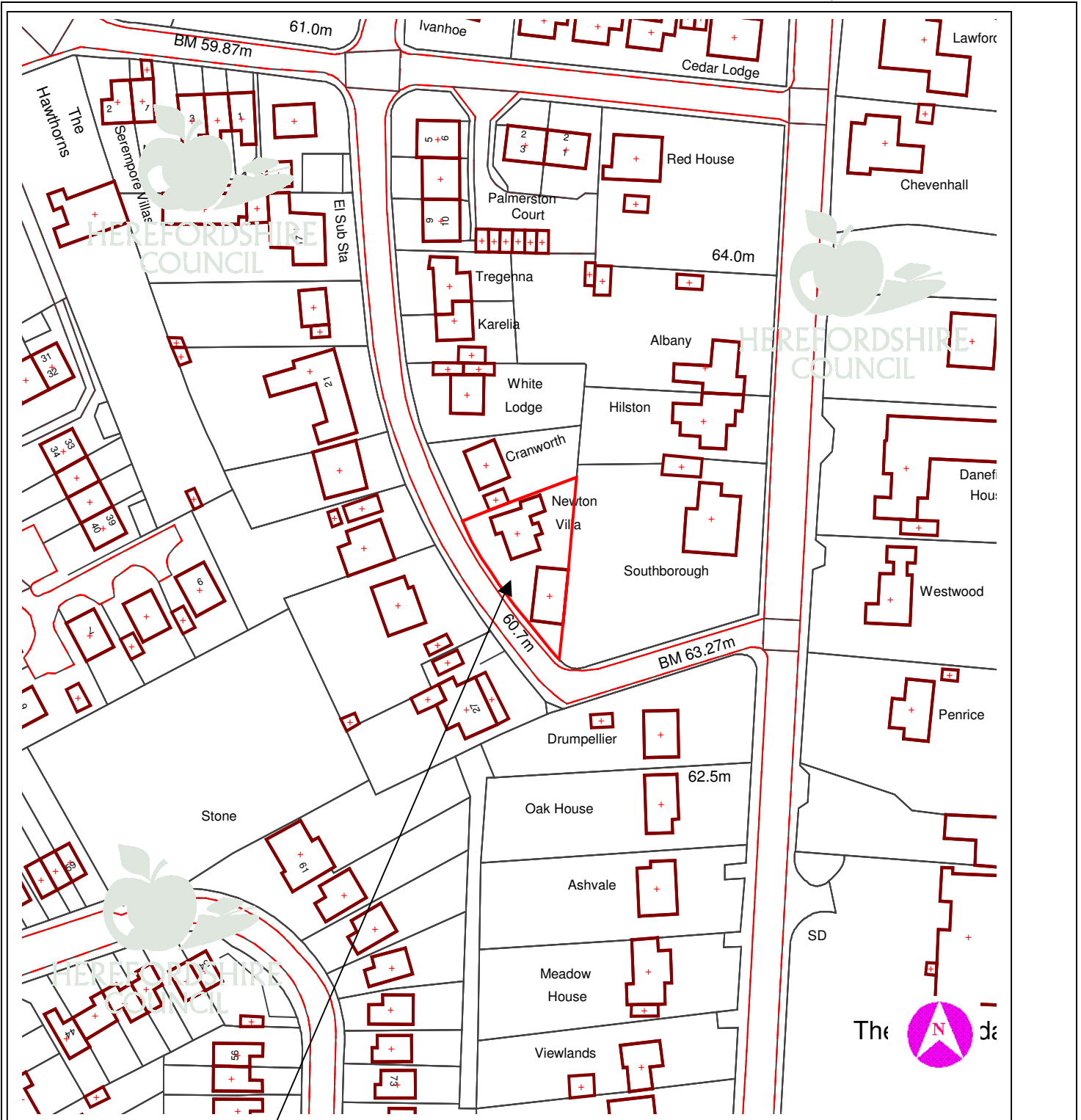
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2007/2790/F

SCALE : 1 : 1250

SITE ADDRESS : Newton Villa, Ashfield Crescent, Ross-on-Wye, Herefordshire, HR9 5PH

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13 DCSE2007/2920/F - PROPOSED ADDITIONAL UNIT TO APPROVED SCHEME REF: DCSE2007/0645/F, THE OLD CANOE STORE, MILLPOND STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7AP

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

Date Received: 13th September, 2007 Ward: Ross-on-Wye Grid Ref: 60168, 24306 East

Expiry Date: 8th November, 2007

Local Member: Councillor AE Gray and Councillor PGH Cutter

1. Site Description and Proposal

- 1.1 Planning permission and listed building consent were granted in July of this year to demolish a building, previously used by PGL for storing canoes, and the construction of 4 flats on this 0.2ha site at the rear of terraced houses in Station Road. The application site has a narrow frontage to Millpond Street, between a retail shop (1 Millpond Street) and a terrace of houses (2 - 4 Millpond Street). The remainder of the PGL site has been developed as retirement apartments by McCarthy and Stone (Wallace Court). The store building, which was understood to be a 20th Century industrial building, has now been demolished, except for parts of smaller buildings formerly attached to the north-west corner, and work to erect the new flats is underway.
- 1.2 The current proposal differs from the approved scheme primarily in the first floor of the new building accommodating two one-bed flats rather than one two-bed flat. This has necessitated some changes to fenestration in both gable end elevations and additional rooflights are proposed to light the first floor bedrooms. The block of flats would be the same size however as that approved viz about 2m narrower than the existing canoe store but with a symmetrical ridge roof with eaves on the northern boundary (abutting the rear garden of 2 Millpond Street) about 0.5m higher and a similar increase at ridge level. The fifth flat would be within the hipped roofed single-storey buildings. The main windows would be in the gable end walls of the new building plus 3 ground floor windows in the south elevation. Vehicular access would be off Millpond Street with 2 car parking spaces. Pedestrian access up a flight of steps is proposed over the flood protection wall, with a pedestrian route to the south of the building, leading to a small amenity area to the front of the flat within the smaller, existing buildings.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007

Policy S3	-	Housing
Policy H2	-	Hereford and the Market Towns: Housing Land Allocations
Policy H13	-	Sustainable Residential Design
Policy H14	-	Re-using Previously Developed Land and Buildings

Policy H15	-	Density
Policy H16	-	Car Parking
Policy E5	-	Safeguarding Employment Land and Buildings
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR7	-	Flood Risk
Policy DR10	-	Contaminated Land

3. Planning History

3.1	DCSE2003/2242/F	Proposed retirement homes	-	Withdrawn 22.10.03
	DCSE2003/2245/C	Demolition works to accommodate construction of retirement homes	-	Withdrawn 22.10.03
	DCSE2003/3862/F	Three storey sheltered accommodation	-	Withdrawn 23.03.04
	DCSE2006/2484/F	Demolition and construction of 5 flats	-	Withdrawn 21.09.06
	DCSE2006/2485/C	Demolition and construction of 5 flats	-	Withdrawn 21.09.06
	DCSE2007/0645/F	Demolition and construction of 4 flats	-	Approved 20.07.07
	DCSE2007/0643/C	Demolition and construction of 4 flats	-	Consent 20.07.07

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency's advice is awaited.
- 4.2 Welsh Water request that conditions are included with regard to drainage of the site.

Internal Council Advice

- 4.3 Traffic Manager recommends that permission be refused on the grounds that the proposal shows insufficient detail for an assessment to be made from the highway safety point of view. He is concerned about intensification: cycle parking is minimal (should be one short stay space and one locker per flat) and car parking is tight for turning; how will they be allocated? Should they be for disabled only?
- 4.4 Conservation Manager comments as follows:

"No objection to the application. The approved scheme fully exploited the opportunities offered by its unconventional, non-domestic form and whilst the inclusion of an additional unit will impact on the spatial quality of the individual units to some degree, I do not think the scheme is fatally compromised as a result."

5. Representations

5.1 The applicant's agent points out that:

- (i) the revised proposal comprises one additional unit within the scope of the approved building
- (ii) the previous design principles in terms of massing, views and privacy have been maintained and integrated into the new scheme.

5.2 A Design and Access Statement has been submitted which provides an architectural/historical context for the development with the design factors being:

- (i) scale of the block will not have overbearing effect on neighbours and be visually subservient to Millpond Street cottages
- (ii) to ensure flats would not be flooded
- (iii) a public sewer crosses the site and requires 2m easement
- (iv) internal arrangement created to minimise impact on surrounding properties
- (v) external materials reflect the context: stone perimeter walls of site retained and blockwork walls rendered; brick side elevations and front and rear elevations finished in a render similar to McCarthy and Stone scheme; slate tiles.

5.3 In addition a Pre-Development Enquiry Assessment and Flood Risk Assessment have been submitted.

5.4 Town Council has no objections to the proposal.

5.5 One letter of objection has been received, which is in summary:

- (1) the Halcrow document points out that due to planning restrictions the proposed development cannot exceed the existing building which was a single-storey industrial unit yet 4 flats would be in a two-storey building
- (2) this is a change from business to residential use and from a single apartment on upper floor to 2 apartments
- (3) loss of privacy and peace to occupants of retirement flats
- (4) additional noise
- (5) annoyance/nuisance from ball games and BBQs in the garden
- (6) danger to pedestrians from vehicle parking area
- (7) this and adjoining development sites should be considered as a whole in relation to the security, convenience, comfort and privacy of Wallace Court
- (8) there should be a higher solid wall behind the boundary fence erected by McCarthy and Stone
- (9) position of windows should be reconsidered and extra planting to maintain privacy
- (10) loss of sunlight
- (11) security could be compromised as there would be an access through Wallace Court to provide a dry escape route.

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 principle of development on this site has been accepted by the Council in granting permission for the 4 flat scheme. The position and massing of the building would not change in the current proposal. The site is within the flood plain (zones 2 and 3) and the Council needs to be satisfied that no practicable alternative sites are available (sequential test). There are limited town centre sites within Ross-on-Wye and this land is part of a wider site allocated for residential development in the Herefordshire Unitary Development Plan 2007. The suitability of the site for housing has therefore been considered as part of the Unitary Development Plan process. In addition to the sequential test the Council must consider whether there should be an exception test. This is addressed in the Flood Risk Assessment. To pass this test the development must (a) provide wider sustainable benefits that outweigh the flood risk, (b) be on developable, previously developed land, and (c) a flood risk assessment (FRA), must demonstrate that the development will be safe and at worst, not increase flood risk elsewhere. The wider benefits to the community include additional relatively cheap housing, flats apparently being in demand, and a more attractive building. The site was previously developed. Advice from the Environment Agency regarding the adequacy of the FRA is awaited.
- 6.2 A second issue is the effect on the amenity and security of neighbours. Overlooking of neighbouring properties would occur primarily from the windows within the west facing gable end elevation. These windows would light a living room and a bedroom on each floor rather than in the approved scheme for the first floor flat two bedrooms. They would be set back about 6m from the boundary fence with Wallace Court (a block of retirement apartments) with a total distance of at least 25m between facing windows. This is considered acceptable in an urban context. Planting is proposed in small garden and this could increase the perception of privacy if appropriate trees are planted, as could raising the boundary fence/wall to give more privacy in the garden. Inter-looking between the upper floor flats and the rear of the Station Street houses would be precluded by the rooflights being set above normal eye level. The security concerns of neighbours would be partly allayed by a wall instead of, or in addition to, the fence along the boundary, with a height to match the adjoining new brick boundary wall. This is being considered by the applicant. In addition, the dry access for pedestrians in the event of a flood is one of three potential such routes through the grounds of Wallace Court. I consider that it would be reasonable to impose a condition restricting use to emergencies only. On this basis I consider that the amenities and security of neighbours would not be harmed to such an extent to justify refusal of planning permission.
- 6.3 The car parking (2 spaces) is identical to that approved previously. However in this edge of centre location I do not consider that one extra unit with no additional off-street parking is strong grounds to refuse permission. Cycle parking can be provided within the site, although to meet the full standard may take up too much of the limited garden area and a partial provision may be more acceptable. This can be covered by a planning condition.

RECOMMENDATION

That subject to the Environment Agency not objecting with regard to the risk of flooding, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

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

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

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

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

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

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

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

Reason: To protect the development from flooding.

5. **F32 (Details of floodlighting/external lighting)**

Reason: To safeguard local amenities.

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

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

7. **H29 (Secure covered cycle parking provision)**

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

Informative(s):

1. **HN01 - Mud on highway**

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

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

4. **N19 - Avoidance of doubt**

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

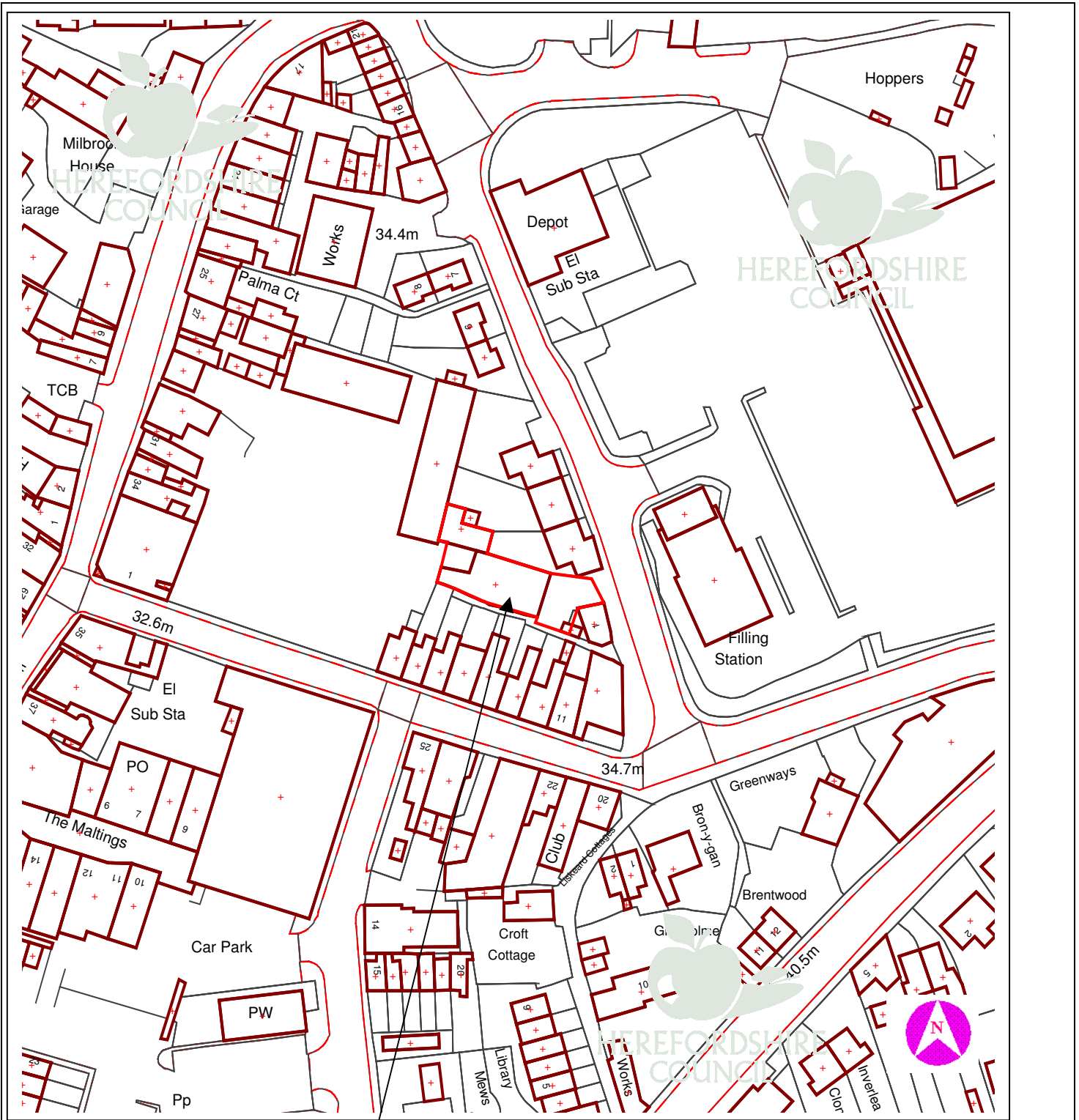
Decision:

Notes:

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Background Papers

Internal departmental consultation replies



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APPLICATION NO: DCSE2007/2920/F

SCALE : 1 : 1250

SITE ADDRESS : The Old Canoe Store, Millpond Street, Ross-on-Wye, Herefordshire, HR9 7AP

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14 DCSE2006/4006/F - THREE ARM ROUNDABOUT ON THE ALIGNMENT OF THE EXISTING A40(T). LOCATION ON A40(T) HIGHWAY, BETWEEN THE JUNCTION OF A40(T)/A449 AND RUDHALL BROOK, ROSS-ON-WYE, HEREFORDSHIRE.

For: Persimmon Homes (South Midlands) Ltd, WSP Developments & Transportation, One Queens Drive, Birmingham, B5 4PJ

Date Received: 21st December, 2006 Ward: Ross-on-Wye East Grid Ref: 60851, 24833

Expiry Date: 15th February, 2007

Local Member: Councillor AE Gray and Councillor PGH Cutter

1. Site Description and Proposal

- 1.1 The Unitary Development Plan (UDP) identifies land off Tanyard Lane as a potential site for development of about 150 houses. This large area of land of about 8 ha. is bounded by the A40(T) road to the east; modern housing (Collier and Brain housing development) off Blenheim Close, Chatsworth Close and Arundel Close plus further housing off Tanyard Lane to the north; Rudhall Brook and a caravan site to the south, and housing in Rudhall Meadow along the south-western boundary. The site is in 3 sections: open, grassed areas either side of a central section with a number of businesses including dog boarding kennels. The only access to the site is from Tanyard Lane.
- 1.2 A development brief for the site has been prepared with developers and agents and has been subject to widespread local consultation. The Council adopted the brief in 2005 as a basis to guide preparation of a detailed application for the site. In the UDP the proposed phasing of development required the first 50 houses to be built by 2006.
- 1.3 There are currently two applications which have been submitted by a developer (Persimmon Homes) for the development. An outline application (SE2005/3208/O) for the whole of the site and this application (SE2006/4006/F) for a new roundabout off the A40(T). The latter is a re-submission following dismissal of an earlier application (SE2006/0171/F) on appeal. Members were concerned that the roundabout could be constructed before the residential development was ready to proceed deferred making a decision until this application could be considered with the outline application. The appeal against non-determination was dismissed on 28 February 2007 and the inspector's decision letter is included in Appendix A to this report. The outline application was subsequently considered by the Committee in March 2007 and it was agreed to delegate the decision to officers subject inter alia to a Section 106 agreement being entered into. The current application for the roundabout was not considered at the same Committee. The Inspector had concluded that a study of the noise implications for existing nearby residents of the roundabout should be carried out prior to permission being granted. He seemed to accept that this would not be so critical if the housing scheme was implemented as this would act as a noise buffer for most of the affected houses. The noise study had not been undertaken at the time the outline application was considered by has now been completed. Consequently as

completing the planning agreement has been held up because of ownership problems the applicant's agent has requested that the application for the roundabout be submitted to Committee.

- 1.4 The roundabout would be constructed about halfway between the roundabouts at Overross and Hildersley and about 100m to the north of Rudhall Brook. A new access would be formed off the roundabout to the south-west which would serve the proposed residential development and a farm access with field gate to the east. The submitted drawing shows the route of the new access road into the housing estate and a possible access to the adjoining caravan park. These are not within the current application site however. The roundabout would require the re-alignment of sections of the A40(T) carriageway and new hedgerows would be planted. This section of the A40(T) rises to the north and is generally at a higher level (by up to 2m) than the adjoining land.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007

Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR4	-	Environment
Policy DR5	-	Planning Obligations
Policy DR7	-	Flood Risk
Policy DR9	-	Air Quality
Policy DR10	-	Contaminated Land
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H2	-	Hereford and the Market Towns: Housing Land Allocations
Policy H3	-	Managing the Release of Housing Land
Policy H9	-	Affordable Housing
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy H16	-	Car Parking
Policy H19	-	Open space requirements
Policy ED5	-	Safeguarding Employment Land and Buildings
Policy T6	-	Walking
Policy T7	-	Cycling
Policy T8	-	Road Hierarchy
Policy T11	-	Parking Provision
Policy RST3	-	Standards for Outdoor Playing and Public Open Space
Policy NC1	-	Biodiversity and Development
Policy NC8	-	Habitat Creation, Restoration and Enhancement

3. Planning History

- 3.1 DCSE2005/3207/F Residential and associated development, including 60 dwellings, linear park and site access at land off Tanyard Lane, Ross-on-Wye - Withdrawn 05.01.06
- DCSE2005/3208/O Site for residential and associated development, including linear park and site access at land off Tanyard Lane, Ross-on-Wye - Not determined

DCSE2006/0171/F Three arm roundabout on the alignment of the - Appeal
existing A40 (T) dismissed
28.2.07

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency does not propose to give a direction restricting the grant of planning permission but requests that an informative be appended to any planning permission (see Informative No. 1 in Recommendation).

Internal Council Advice

- 4.2 Traffic Manager notes that the Highways Agency has concerns over the proposed layout of the A40(T) roundabout.
- 4.3 Environmental Health Manager has no objections to the proposed development.

5. Representations

- 5.1 The applicant's agent has made the following submission:

- (1) This application is made in connection to the residential development allocation for Land at Tanyard Lane, as set out under Policy H2 of the emerging Herefordshire Unitary Development Plan.
- (2) In consideration of the allocation of the site within the UDP and the adoption of the Tanyard Lane Development Brief, the approval of the proposal will not be prejudicial to the determination of the Outline Planning Application, and it has been submitted in order to expedite the processes involved in obtaining "technical approvals" for the development of associated infrastructure on the site. The early approval of the proposal will allow early construction on site and provide access for construction vehicles during the house-building programme, thereby mitigating local vehicular disruption significantly.
- (3) In addition an Access Design Statement and Memorandum regarding an assessment of traffic noise have also been submitted. The latter is included as Appendix B to this Report. The former points out that the design of the roundabout meets current and appropriate design standards and requirements and has also been examined and satisfactorily reported on by an independent Road Safety Audit Consultant to Stage 2 level.
- (4) The next stage is detailed design and approval which can only start after planning permission has been granted and can take a significant period of time (6 to 12 months) to complete. Early approval will allow its construction vehicles during the house-building programme and thereby mitigate local vehicular disruption significantly.

- 5.2 Ross Rural Parish Council:

"Agreed in principle but on drainage issues should be resolved before construction begins. We also have concerns about the roundabout capacity and that it does not exceed the plan for 150 houses."

5.3 Ross-on-Wye Town Council:

“We object. We do not feel we could agree with this application until the development of Tanyard Lane is sorted out and the problem of the sewage system is solved.”

5.4 8 letters have been received expressing objections and points of concern. In summary these are as follows:

1. traffic noise will be vastly greater with traffic slowing down/halting and accelerating again in low gear, especially as roundabout on an upward slope, and many existing residential property on higher ground will be seriously affected,
2. the noise study carried out in 2004 considered the effect of prevailing traffic only on the proposed houses and concluded that noise levels fell within category C where planning permission should not normally be granted without commensurate mitigation. The proposed buildings were to form a façade to protect the most of the site,
3. report paid no regard to the effect on existing housing nor the increased noise as a result of the roundabout especially during the night – if this is considered the result may well be category D “where planning permission should normally be refused”,
4. it would add to congestion problems at Hildersley and Overross roundabouts and further delay emergency vehicles,
5. town centre is grid-locked now – how will it cope with huge increase in traffic resulting from this permission?
6. only change from earlier proposal is that the fourth arm (to east) has a farm gate,
7. the report to Committee on the earlier proposal contained insufficient information for Members to make a decision with regard to advice from the Highways Agency, the traffic assessment, accident statistics, report from West Mercia Constabulary detrunking, flooding and sewerage,
8. it is not certain that the final plan can be approved because there is inadequate information with regard to rainfall run-off, flooding and the temporary sewage treatment plant in relation to water quality to be confident that they are acceptable,
9. 150 houses would lead to greatly increased pressure on services and schools, overload sewerage system and with the lack of jobs result in more commuting by car. Development on this scale should be near a railway station

5.5 One letter of support has been received which cites the following reasons:

- (1) fully support this application because Ross on Wye is already congested and the speed of traffic along the A40 by-pass is far too great and needs slowing down,
- (2) will offer an opportunity of an improved access to prestigious 5 star Tourist Board rated caravan park – this opportunity has been rejected by the Council over the last 13 years

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

6. Officer's Appraisal

- 6.1 This application relates only to the roundabout, although this is required only to facilitate residential development. With the adoption of the UDP the Tanyard Lane housing scheme is an allocation in the statutory development plan. The developers have submitted this application so that this large development can get underway, the roundabout being essential before any houses can be built, whilst the ownership issues preventing completion of the Agreement are resolved and outline permission can be granted.
- 6.2 The Committee's concern regarding the earlier application (SE2006/0171/F) was that in granting planning permission for the roundabout (which could only be justified financially as part of a large residential development) Members would be prejudicing their decision on the outline application. Furthermore Members were concerned that the roundabout would be constructed in advance of the grant of permission for the housing and there could be a lengthy delay between its completion and its being brought into use; to grant permission would therefore have been premature. The Committee decided to defer a decision until the proposal could be considered at the same time as the outline application. The latter has now been approved by Members, subject to a Planning Agreement. The arguments regarding prematurity have been considered by the Appeal Inspector (see the Appendix A). Although he dismissed the appeal this was only on the grounds that no assessment of the changes to traffic noise resulting from the development had been undertaken. This has now been carried out (see Appendix B). The main issue therefore is whether there would be an unacceptable increase in traffic noise experienced by occupants of existing housing to the north.
- 6.3 The noise study carried out by the applicant's consultants has used a well-established and accepted traffic model and methodology to answer these concerns. Although not specifically designed to assess these precise circumstances the Council's Environmental Health Manager is satisfied that these are the appropriate techniques. The study concludes that "the overall noise level at the existing properties is likely to decrease. WSI Acoustics therefore conclude that no further mitigation measures need to be introduced to protect the existing housing from traffic noise from the A40 [after the roundabout has been brought into use]". This conclusion is accepted by the Environmental Health Manager. On this basis and taking into account the Appeal Inspector's conclusions I consider that it would now be appropriate to grant planning permission for this development.

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 G01 (Details of boundary treatments)

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

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.

INFORMATIVES:

1 The highway proposals associated with this consent as shown on drawing number 50390/100 rev C (Tanyard Lane, Ross on Wye, Site Access Roundabout) involve works within the public highway, which is land over which you have no control. The Highways Agency therefore requires you to enter into a suitable legal agreement to cover the detailed design and construction of the works. Please contact Mr Jon McCarthy of the Highways Agency's Area 9 team; at an early stage to discuss the details of the highways agreement, his contact details are as follows:

**Area 9
Highways Agency
C4/5 Broadway
Broad Street
Birmingham
B15 1BL**

2 N19 - Avoidance of doubt

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

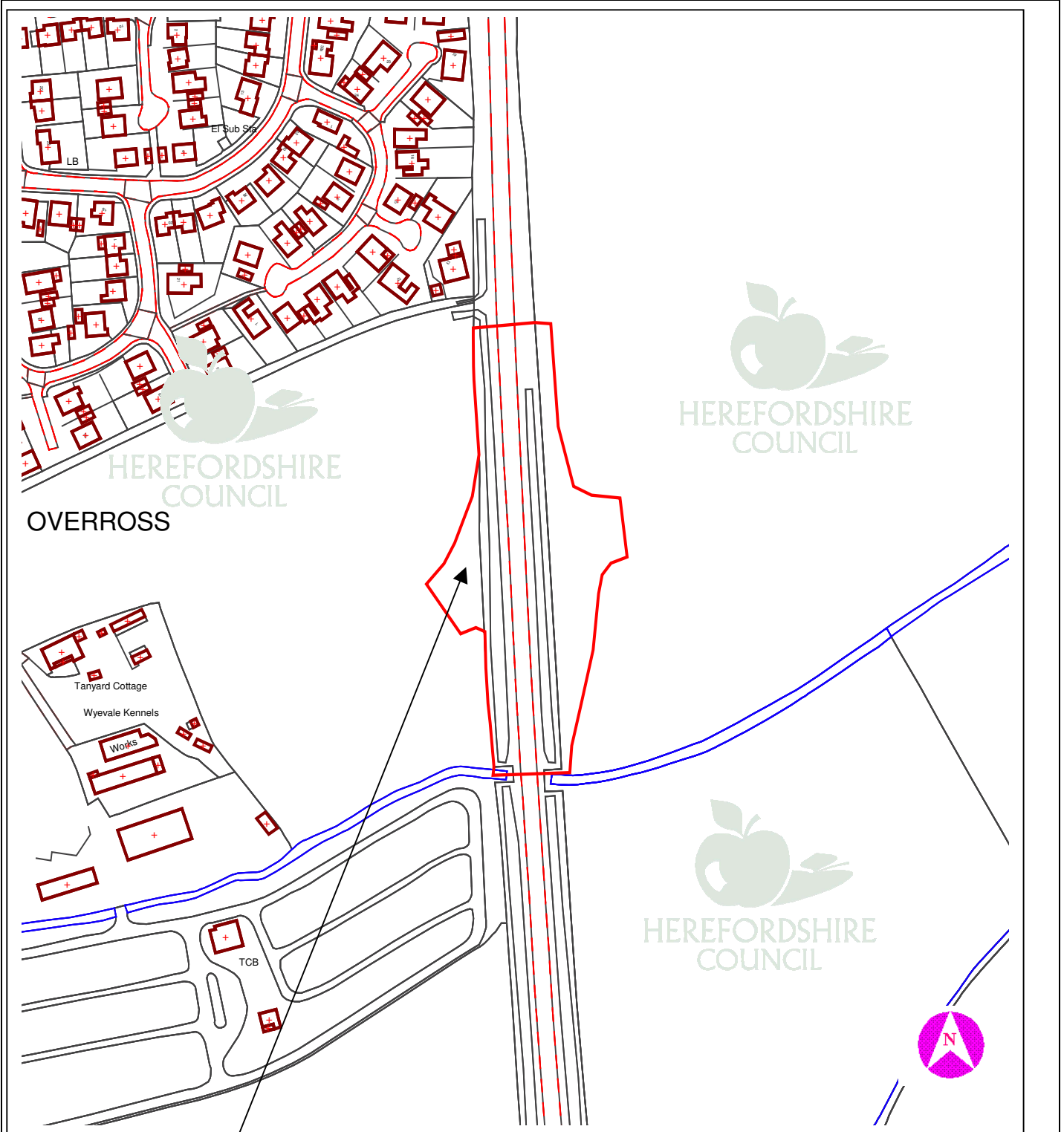
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2006/4006/F

SCALE : 1 : 2500

SITE ADDRESS : Location on A40(T) highway, between the junction of A40(T)/A449 and Rudhall Brook, Ross-on-Wye, Herefordshire.

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APPENDIX A



Appeal Decision

Site visit made on 23 February 2007

by Alan Boyland BEng(Hons) DipTP CEng MICE MIHT MRTPI

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

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

Date: 28 February 2007

Appeal Ref: APP/W1850/A/06/2032350

A40(T) Highway between the junction of A40(T)/A449 and Rudhall Brook, Ross-on-Wye,
Herefordshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Persimmon Homes (South Midlands) Ltd against Herefordshire Council.
- The application Ref SE06/0171/F, is dated 16 January 2006.
- The development proposed is a three-arm roundabout on the alignment of the existing A40(T).

Decision

1. I dismiss the appeal.

Reasons

2. The proposed roundabout would be located on the A40 Trunk Road east of Ross-on-Wye, adjacent to an area of land identified in the revised deposit draft of the Herefordshire Unitary Development Plan (UDP) for development of 150 houses with vehicular access from the A40. I understand that adoption of the UDP is imminent so I attach considerable weight to it. A development brief for the site, again indicating access from the A40, has been adopted by the Council.
3. An outline planning application (ref. SE05/3280/O) for the housing development and the roundabout has been submitted to the Council, but I understand that it has not yet been determined. However, that application is not before me, and my consideration of this appeal is confined to the proposed roundabout itself, which has to be assessed on its own merits. I cannot accept the suggestions by interested persons that the roundabout should be rejected in order to preclude the housing development.
4. The A40 here is a 7.3m single carriageway on a straight north-south alignment subject only to the national speed limit for such roads. The proposed roundabout would be approximately mid-way along the 1.4km stretch between the Overross roundabout to the north and the Hildersley roundabout to the south. Towards the former the A40 rises on a gradient of around 3.5%; southwards it levels out. The proposed roundabout is described as having 3 arms. These would link with the A40 in both directions and with an access road into the proposed housing site to the west. However, in addition a farm access gate is shown leading from the roundabout to the east.

HEREFORDSHIRE
PLANNING SERVICES
DEVELOPMENT CONTROL

02 MAR 2007

To
Ackd: File

Appeal Decision APP/W1850/A/06/2032350

5. No objection to the proposed roundabout has been raised by the Highways Agency (the highway authority for the Trunk Road) subject to the developer's attention being drawn to the need to enter into a legal agreement with the Agency to cover the detailed design and construction of the works within the highway boundary. Nor has the Council raised any concerns on highway capacity or safety grounds.
6. I note that at application stage a number of objectors referred to an appeal decision in 1977 relating to a proposed roundabout in a similar location, in which the Inspector is said to have concluded that the roundabout would be harmful to road safety and the free flow of traffic. I do not know how similar that scheme was to the current one, which has been subject to a safety audit and to submission of revised details to address issues raised by the audit. In any event, national policy and technical guidance on highways has changed considerably in the intervening 30 years, and I have seen no evidence that there would be significant harm in these respects.
7. The Council does, however, express concern about the effects of increased traffic noise on the occupants of existing dwellings on the edge of the present built-up area. I share this concern, as traffic that has hitherto been free-flowing on the approach to the uphill gradient would have to slow, and possibly stop, at the roundabout before accelerating away uphill. In particular, heavy goods vehicles would take a considerable distance to pick up speed again, during which time their engines would be working hard and many gear changes would be required. The effects of the noise generated would be exacerbated by the fact that the road is on an embankment some 2m high at the position of the proposed roundabout, though it is more or less at grade by the northern boundary of the proposed housing site before going into a shallow cutting. Southbound traffic would have to brake on the downhill grade on the approach to the roundabout, which would again be likely to involve gear changes.
8. The appellant refers to a note from acoustic consultants addressing these concerns, and to a noise assessment. The former concluded that the effect on residents would not be significant, but this conclusion appears not to have been based on a full noise assessment and so I attach only limited weight to it. The subsequent noise assessment has not been submitted to me so I cannot take it into account.
9. As the Council acknowledges, many of the existing dwellings would be shielded from the noise if and when the proposed houses were built. Moreover, measures to assess and mitigate noise could be secured through a planning condition, though the appellant disputes the need for such a condition. In the absence of an assessment I cannot determine how effectively the noise could be attenuated. In any event, the properties closest to the A40 would not benefit from this as they are beyond the limits of the current scheme, though I accept that in most cases the road runs into a shallow cutting as it passes them. On the information available to me it seems likely that there would be harm to the living conditions of residents in this respect.
10. I recognise that the need for the proposed housing development might be sufficient to outweigh such harm, but I am unable to make that assessment separately from consideration of the housing proposals, which are not before me. However, if permission were granted for the roundabout alone it could be built in isolation from, or at least ahead of, a commitment to the housing. In the absence of the housing development there could be no such balancing exercise. I note the company's apparent confidence that the outline

Appeal Decision APP/W1850/A/06/2032350

DCSE2006/4006/F

permission will be granted, and recognise that the impediments to this appear to relate to matters of detail rather than of principle, but there can be no certainty of this. That being so, and despite the appellant's desire to expedite approval of the infrastructure details in view of the timescales involved, it seems to me that it would be premature to grant full planning permission for the roundabout at this stage.

11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Alan Boyland

Inspector



DCSE2006/4006/F

APPENDIX B

**MEMORANDUM**

TO Mark Sackett, RPS
FROM Daniel Pope
COPIES TO Barbara-Ann Overwater, RPS
DATE 10 May 2007
WSP REF 12101129 Tanyard Lane

During the meeting between the developers of the Tanyard Lane site and the planning officers on 14th March 2007 Environmental Health Officer, Ariz Tresins, raised concerns that voiced by the planning committee about the effect of the proposed A40 site access roundabout on noise to existing properties. It was reasoned that the introduction of the roundabout would slow traffic on the A40, and that due to the incline this would lead in turn to high engine revving on heavy vehicles leaving the roundabout.

WSP Acoustics has researched different traffic noise assessment standards used in other countries and as yet has not found another method particularly suited to this issue.

Therefore, the accepted UK method has been applied. The method adopted as standard in the UK is set out in two documents; Calculation of Road Traffic Noise (CRTN), published by the Department of Transport, Welsh Office; and Design Manual for Roads and Bridges (DMRB), published by the Highways Agency. In broad terms CRTN is used to calculate the likely levels of noise that will be received at a given location and DMRB is used to assess perceived nuisance this would cause.

No site specific field work has been performed to verify this method in this particular instance but CRTN has long been accepted and frequently been verified under many and varied conditions.

The available traffic data for the proposed development is not as detailed as would be ideal for this assessment. No traffic speed data are available and it has been assumed in the traffic assessment that existing traffic speeds will generally be around the speed limit. The speed limit for the road is 60mph (~97km/h). The nearest existing properties are over 100m from the roundabout. It is not known how fast vehicles are likely to be travelling in the future with the roundabout in place by the time they pass the properties. Hence calculations have been performed for a range from 25km/h (~15mph) to 97km/h (~60kmph)

The gradient to the north of the proposed site access roundabout is estimated from site plans to be approximately 4.4%. CRTN uses this gradient to calculate a revised speed and this has been taken as the traffic speed on the existing road. There is also a gradient based correction to the noise level from traffic, based on increased engine noise due to the incline. The gradient correction due to a 4.4% incline is +1.3dB. Of course this will not be affected by the addition of the roundabout.

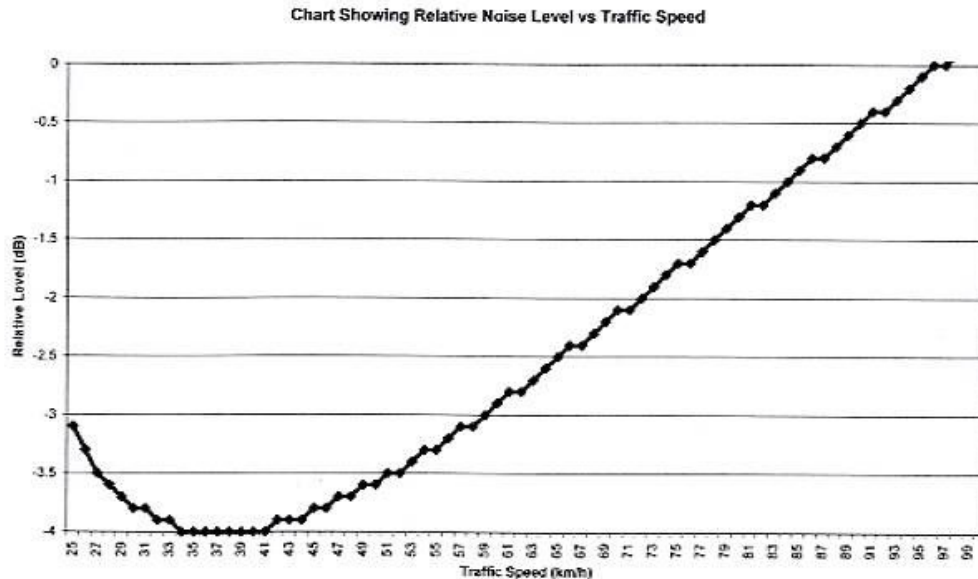
Strictly speaking the speed correction (as a result of the gradient) applies only to one way traffic, and so calculations here have focused on traffic noise from the inclined nearside carriageway so as to best address the committees concerns on this issue. As the data analysed is all relative this approach will not affect the results.

S:\E10 Acoustics\Projects\E10\12101129 Tanyard Lane - Further Work\2007\Memo_100507 - Tanyard Lane Assessment of change in traffic noise with new roundabout - rev1.doc

DCSE2006/4006/F

Memorandum continuation

Using the proportion of HGVs (12.3%) and assumed traffic speeds the change in noise level dependent on traffic speed is shown in Figure 1, below.



This shows that on a road of 4.4% gradient, with 12.3% HGVs, for traffic speeds between 25km/h (~15mph) and 97km/h (~60mph) there is a total variation in noise level of 4dB, all in a downward direction. From the data tables in DMRB an abrupt change in noise level of -4dB will lead to a "change in percentage [of people] likely to be bothered very much or quite a lot by traffic noise" of 33%.

Conclusion

It has been suggested by the planning committee that noise levels at existing properties may increase due to HGVs on a gradient revving higher and travelling at lower speeds. However, to assess the noise level at these properties other factors must also be taken into consideration. Firstly, that vehicles other than HGVs contribute to the overall noise level. HGVs only represent 12.3% on the traffic on the stretch of road in question. Secondly, that noise from traffic on the opposite carriageway will generally decrease due to the decline. And finally, that in most situations vehicles are quieter when travelling more slowly.

This assessment has shown that with all of these factors taken into account, and averaged over a typical day, the overall level at the existing properties is likely to decrease.

WSP Acoustics therefore conclude that no further mitigation measures need be introduced to protect the existing housing from traffic noise levels from the A40.

15A DCSE2007/2556/F - ERECTION OF ALDI DISCOUNT FOODSTORE WITH ASSOCIATED PARKING, LANDSCAPING AND ACCESS AT GARDNER BUTCHER GARAGES, BROOKEND STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7EG

15B DCSE2007/2555/C - DEMOLITION OF EXISTING BUILDINGS TO FACILITATE REDEVELOPMENT FOR ALDI FOODSTORE AT GARDNER BUTCHER GARAGES, BROOKEND STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7EG

For: Aldi Stores Limited per Turley Associates, 10 Queen Square, Bristol, BS1 4NT

Date Received: 13th August, 2007 Ward: Ross-on-Wye West Grid Ref: 60046, 24395

Expiry Date: 12th November, 2007

Local Members : Councillor G Lucas and Councillor CM Bartrum

1. Site Description and Proposal

1.1 The application site comprises a vehicle repair garage, part of the front garden of a Georgian house (Millbrook House) and a terrace of 3 two-storey former shop/dwellings. This 0.34 ha. site on the west side of Brookend Street, to the north of the entrance to Red Meadow Car Park and to the south of Millbrook House. The public car park with swimming pool extend to the west of the site, with further shops and there are other commercial premises on the opposite side of brookend Street.

1.2 Planning permission was granted in 1999 and renewed in 2003 for the erection of a retail foodstore on this site. This scheme also included Red Meadow Car Park and the private car park to the south. The store would have occupied most of the garage site with customer car parking and service vehicle turning area using the public car park, to which the private car park would have been added. The applicant was not a retailer and no interest seems to have been shown in implementing this permission.

1.3 The current proposal is for a smaller store (1568 m² floorspace, 946 m² sales area) with its own car parking and service area wholly within the application site described above. The foodstore would front Brookend Street and occupy the southern part of the site. All the existing buildings on the site would be demolished. The section of the building fronting Brookend Street would be two-storeyed with a ridge roof, parallel to the street and gabled at both ends. The front elevation would be divided into 4 bays at ground floor level with shop windows. The upper floor would extend beyond the main store at the northern end to form a covered entrance area. The main store would extend to the rear, at a lower ridge height than the street frontage. The north elevation would be by brick piers; the other elevations would be rendered. A glazed canopy

would extend along the north elevation from the entrance area to form a trolley bay and cycle parking area. The roof would be covered with artificial slates.

- 1.4 The car park/service area entrance would be to the north of the store. 58 car parking spaces would be provided, including 5 disabled spaces and 3 parent and child spaces. The service bay and ramp would be positioned at the rear of the store. The site would be enclosed by existing or proposed brick walls and fences with a pedestrian link to the public car park at the western end of the site.
- 1.5 This scheme is a revised proposal following refusal of an earlier application and there has been further amendment since submission to response to officers' concerns. The earlier scheme is the subject of an appeal, the reasons for refusal were:
1. The proposed development, because of its design, massing and position, would detract from the street scene and consequently harm the character and appearance of the Ross-on-Wye Conservation Area. In addition, the proposal would involve the demolition of buildings which make a positive contribution to that Conservation Area. The proposal would conflict therefore with advice in paragraphs 25-27 of PPG.15 and Policies HBA.6, HBA.7, HBA.10 and DR.1 of the Herefordshire Unitary Development Plan 2007.
 2. The local planning authority is not satisfied with regard to the highway aspects of the proposal, in particular the access to the parking/service area is sub-standard with regard to use by hgv's, the trip generation is not sufficiently robust to fully assess the consequences for the local road network, and a Stage 1/2 Safety Audit has not been submitted. The proposal would conflict therefore with Policies T.9, T.13 and DR.3 of the Herefordshire Unitary Development Plan 2007.
 3. The local planning authority is not satisfied that the risks of flooding have been adequately assessed and appropriate mitigation proposed, so that development in the floodplain is justified. The proposal conflicts therefore with advice in PPS.25 and Policy DR.7 of the Herefordshire Unitary Development Plan 2007.

2. Policies

2.1 Planning Policy Statements and Guidance

PPS6	-	Planning for Town Centres
PPG15	-	Planning and The Historic Environment
PPG16	-	Archaeology and Planning

2.2 Herefordshire Unitary Development Plan 2007

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S5	-	Town Centres and Retail
Policy S6	-	Transport
Policy S7	-	Natural and Historic Heritage
Policy TCR1	-	Central Shopping and Commercial Areas
Policy TCR2	-	Vitality and Viability
Policy TCR9	-	Large Scale Retail and Leisure Development outside Central Shopping and Commercial Areas
Policy HBA6	-	New Development within Conservation Areas
Policy HBA7	-	Demolition of unlisted Buildings within Conservation Areas

Policy HBA8	-	Locally Important Buildings
Policy HBA10	-	Shopfronts
Policy ARCH5	-	Sites of Lesser Regional or Local Importance
Policy ARCH6	-	Recording of Archaeological Remains
Policy T6	-	Walking
Policy T7	-	Cycling
Policy T11	-	Parking Provision
Policy T16	-	Access for All

3. Planning History

3.1	SH971299PF	Erection of food retail store, car parking, servicing and landscaping.	-	Approved 7.1.99
	DCSE2003/1848/F	Variation of condition to extend period to commence development.	-	Approved 17.9.03
	DCSE2007/0620/C	Demolition of existing buildings to facilitate redevelopment for Aldi foodstore.	-	Refused 4.6.07
	DCSE2007/0674/F	Erection of Aldi Discount Foodstore with parking landscaping and access.	-	Refused 4.6.07

4. Consultation Summary

Statutory Consultations

- 4.1 English Heritage advises: "We have previously raised two principal objections to the development, first, to the loss of the existing buildings on the frontage to Brookend Street and, second, to the setting back of the street frontage to form a splay in front of the proposed new building.

We are pleased to note that, in the current application, it is proposed to build the new building to the back of pavement thus retaining the strong prevailing building line in the street. This meets the second of our objections. In our view, however, if there is no need for a visibility splay as originally proposed, the case is weaker for demolishing the existing buildings.

We remain of the view, therefore, that the existing buildings should be retained and the new store built behind them, perhaps integrated functionally or perhaps with the existing buildings used in part or wholly for a related use introducing an element of desirable mixed use into the scheme. At the very least the developers should make a case for demolition in the terms set out in paragraph 3.19 of PPG15 as qualified by paragraph 4.27 in the case of an unlisted building in a conservation area.

The loss of the buildings would mean that the proposal would not preserve the character or the appearance of the conservation area and there is nothing in the standard commercial design proposed that would lead us to conclude that the scheme would enhance the character or appearance of the conservation area. On historic environment grounds, therefore, we would maintain our view that planning permission, and by implication conservation areas consent, should be refused.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice."

- 4.2 Welsh Water recommend that conditions are included with regard to drainage of the site.
- 4.3 Environment Agency points out that "the Flood Risk Assessment (FRA) is the same technical document to which we responded earlier raising concerns. We would raise an objection at this time and await an amended FRA which we understand is being prepared at this time."

Internal Council Advice

- 4.4 The Traffic Manager advises he is "working through a number of issues with them but still have a way to go. The issues can be broken down to the following:

Trips generated

Access - entrance works in theory but is tight due to on street parking, we would prefer a Grampian Condition to be imposed to ensure the TRO is in place prior to the site opening, if we are unable to do this, we need a restriction on deliveries, no vehicle must deliver outside these times 8am to 10am and 4pm to 7pm, weekdays, with Saturday having the same times except 6:30pm finishing, this will ensure the streets are not at the maximum intensity in regards to cars and pedestrians.

Cycle Parking

I understand they feel there will be no extra trips generated on the network, we feel that due to the number of car parking spaces acquired by Aldi, (59 maximum as per design guide) there will be a significant impact to the immediate area. Due to existing use of the location every effort must be made to reduce the use of the car and improve access by alternative means. Given the accessibility of the site to non vehicle trips, the applicant is doing little to encourage non vehicle use. I feel this can be achieved and to mitigate the impact of the site, we require Section 106 Contributions to be negotiated for the following:

Improvements to Bus Stops

Upgrade identified footpath to shared use

Upgrade existing pedestrian access to routes not identified by consultants such as the Car park entrance and route in the vicinity of the store

Street Furniture for the area - cycle racks, bollards, litter bins

Contribution to Re-line and improve parking to the rear of the Store due to access issues (rear entrance)

Public Art

Tourist Signing in the area

Community Services

Contribution to refurbishing the public Toilets

In support of deliveries and due to the reversing movement, they have stated that this will be supervised, can this be conditioned.

To support the TRO, Aldi's consultants have agreed that the parking will be open to the public, this is to mitigate against the loss of the on-street parking in Brookend Street. The on site parking times are similar to Aldi's. This will go a long way to helping the TRO progress, this will need to be conditioned.

Covered cycle parking is required and needs to be 1 space per 100m² which should equate to 16 short stay and 4 long stay, as per design guide."

- 4.5 The Conservation Manager notes that the design of the building has been amended to take account of his concerns. In response to the revisions he notes the following:

Brookend St ground floor 'arcade' - the three or so exposed brick courses above the main shop windows are visually weak in relation to the 'span' involved. A feature such as a soldier course over the windows would give a greater expression of solidity.

Piers to entrance 'portico' - the rectangular brick piers appear too insubstantial in relation to the mass of the gable when viewed from the north (ie the main axis of approach). Larger, square section piers would solve this problem.

Brookend St first floor windows - there is no over-riding need to employ C19 window details in a C21 building. Although correctly proportioned, the windows are slightly underscaled for the height of the elevation and a more contemporary style could avoid this constraint, and also be flexible enough to adapt to the half-bay over the entrance, which the regular rhythm of paired sashes cannot.

With regard to the archaeology no objection is raised to the development notwithstanding its location within the historic core of Ross on Wye. However given the sensitivity of the location and the potential for mediaeval finds indicated by the evaluation report the Conservation Manager would advise that an archaeological project will be necessary prior to/during any development. Accordingly he recommends a condition requiring a programme of works in line with PPG16 and Policy ARCH6.

- 4.6 The CCTV Officer has no objections but considers that a contribution towards CCTV in Brookend Street is required. Brookend Street has been identified as an area that would benefit, as there are a number of recorded incidents including criminal damage and disorder. Brookend Street is also the main vehicle and pedestrian route from town centre to a large proportion of the residential area of the town.

5. Representations

- 5.1 The applicant's agent has outlined the proposal:

1. The application is made in full and proposes a two-storey, 1,775 sq.m. foodstore (1,568 sq.m. ground floor area of which 946 sq.m. is net retail sales) together with ancilliary car parking, access and servicing arrangements.
2. This application is a re-submission. The proposals have been refined in response to the Council's reasons for refusal and comments received from statutory consultees.
3. The application hereby submitted differs from the previous application in that the frontage of the store has been extended to the site boundary, continuing the building line on Brookend Street. The reconfiguration also includes a change in the number of parking spaces. The Flood Risk Assessment addresses the Council's concerns regarding flooding and further work has been undertaken with the Council's highways department to address the highways reason for refusal.

4. The site is located in the Ross on Wye Conservation Area and, as such, an application for Conservation Area consent has been made for the demolition of the Gardiner Butcher Garage. This application should therefore be considered in conjunction with the Conservation Area consent application.

In addition a Planning Supporting Statement, Retail Statement, Transport Statement and Update, Design and Access Statement, Ground Conditions Report, FRA and Bat Survey and Update have been submitted. The conclusion of the Supporting Statement is:

1. This application proposes a new Aldi discount retail foodstore on Brookend Street, Ross on Wye. The store would be located within the defined 'Central Shopping and Commercial Area' and is therefore a sustainable town centre location facilitating access to new shopping facilities for all residents.
2. The application site has been identified as an appropriate retail location by the Council in a Development Brief adopted as SPG, and the suitability of the site to accommodate foodstore development, along with need, confirmed by the Council's retail consultants. There is, in addition, an extant permission for a larger foodstore development in this location (2,416 sq.m. gross).
3. The design solution responds to the site's existing context and strong townscape character. Attention has been paid to the existing built form and, in particular, the proximity of listed buildings, a building of local significance and the character of the Conservation Area. The design of the development proposed is sympathetic to the character of the area, and responds to the existing townscape by continuing the building frontage along Brookend Street.
4. The design of the store has been amended following the refusal of the previous application. The Brookend Street frontage has been aligned to reflect the existing building line and ensure a sensitive design, responding to the character of the existing streetscape.
5. The FRA submitted with the application demonstrates that the development would not have a detrimental impact on flooding.
6. The development would be accessed from Brookend Street, with additional pedestrian access provided to the public car park to the rear of the site. Whilst parking is provided on site, the site has considerable sustainability credentials given its central location. Convenient cycle parking facilities would be provided.
7. New employment will be created for 12-14 people, and there will be spin-off benefits to local services and suppliers.
8. The development has been designed to ensure no adverse impact on residential amenity.
9. The proposals will bring economic, social and environmental benefits to Ross on Wye, including additional employment opportunities and improved shopper choice and convenience, in a development of high quality.

5.2 Town Council has no objection to the proposed development.

- 5.3 Two letters have been received, one objecting to the proposal, the other raising concerns:
1. another supermarket is not needed in Ross,
 2. it will take trade from existing shops, especially the smaller ones,
 3. an indoor market has recently opened,
 4. the traffic problems will be horrendous,
 5. approving this one will encourage Tesco to submit a proposal,
 6. noise from loading and customer activity beyond reasonable customer hours should be controlled by planning condition,
 7. the boundary fence adjoining the retirement flats to the north of the site should have a planted area to act as a noise barrier.

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

6. Officer's Appraisal

- 6.1 The main issues are the principle of development in this location, the effect on the character of Ross on Wye Conservation Area, the effect on highway safety and flooding issues.
- 6.2 The Brookend Street frontage of the application site is within the Central Shopping and Commercial Area as defined under Policy TCR1. A need for additional retail food floorspace in Ross on Wye was pointed out by retail consultants during the 1990s and this site was identified as the only town centre site of sufficient size to meet that need. Subsequently an application for a retail foodstore was submitted and approved (SH971299PF). Despite permission being renewed in 2003 it is understood that there has been no serious interest from any of the supermarket chains in implementing that permission. From the retail analysis submitted by Aldi, as well as those relating to the approved applications, it is accepted that there remains a need for additional retail floorspace. Indeed this smaller store may not fully meet that shortfall. There are no other sites wholly within the town centre that could accommodate a store of this size. The proposal therefore meets in principle both Government and local (UDP) policies regarding retail development.
- 6.3 None of the buildings to be demolished is listed, although as English Heritage notes these fronting Brookend Street, including an early C20 car showroom, do contribute positively to the streetscene. These would have to be retained in the approved scheme, although it was anticipated that the showroom would have had to have been re-built. In addition Millbrook House has been identified as of good local interest, particularly in view of its historical associations. UDP Policies seek to protect the character and appearance of the Conservation Area, in line with national policies and legal requirements but also to retain historic shopfronts and protect the setting of buildings of local interest. Consequently while the demolition of these buildings is not precluded the replacement buildings must make an equivalent or better, contribution to the Conservation Area.

- 6.4 Significant improvements have been made to the design of the store since the original submission (SE2007/0674/F) and subject to minor revisions, the Conservation Manager considers the proposed building would be acceptable. Of the buildings to be demolished the shopfront is perhaps the most significant but as noted above it is unlikely that it could be retained as it is if the approved scheme, which is still extant, should go ahead. The terrace is not of particular architectural or historical interest and the remaining buildings are of lesser quality. I consider therefore that whilst the proposed building is not of high quality, its construction would preserve the character and appearance of the Conservation Area. Nevertheless this is subject to further design changes referred to in paragraph 4.5, and re-consideration of the boundary treatment. The erection of close-boarded fencing rather than walls is not ideal and the fence along the northern boundary is very close (about 3m) to the front of Millbrook House thus removing most of its front garden and compromising its setting. Further discussions are being held with the developers to seek to resolve the outstanding concerns.
- 6.5 Brookend Street is narrow for a main shopping street and on-street car parking is allowed on the east side of the street. Consequently the design of the access to allow safe entry and exit by delivery lorries has been difficult but I am informed by the Traffic Manager that two schemes have been accepted: one with the on-street car parking remaining and the other, once appropriate parking restrictions have been put in place. Revised plans are awaited. In addition however the Traffic Manager is seeking contributions towards the costs of these highway works and to mitigate other costs and to promote sustainable development. The developer has indicated that they would be willing to contribute £20,000 towards upgrading of two bus stops, £10,000 towards upgrading a footpath to shared use with cyclists and of other pedestrian links (rather than £5,000) and £2,500 towards the adjoining public car park (rather than £15,000). No contribution towards street furniture, public art, upgrading the public conveniences of CCTV system are offered but Aldi would provide a camera on their premises and will make recordings available to the police when requested to do so. The Traffic Manager does not consider that the contributions offered (£32,500 in total) would provide adequate mitigation and further discussions are being held, and which will be reported to the Committee Meeting.
- 6.6 The site is subject to flooding and falls within zones 2/3a. Retail shops are classified as 'less vulnerable' uses in PPS25 and may be appropriately located in such zones. Nevertheless a sequential test and an FRA are required. With regard to the former, as pointed out there is no other suitable site for this necessary development and it is considered that this test is met. The Environment Agency is currently considering the revised FRA and their advice will be reported at the Committee Meeting.
- 6.7 The rear of the site would be used for servicing and could lead to undue noise at unsocial hours. Suitable hours for servicing and other measures to control noise are being discussed with the Council's Environmental Health and Transport Managers. The concerns raised by local residents can be met by planning conditions.

RECOMMENDATION**In respect of DCSE2007/2556/F****That**

- 1) subject to submission of acceptable revised drawings with regard to design, boundary treatment and access, agreement in principle to enter a Section 106 Agreement and the Environment Agency withdrawing its holding objection with regard to the Flood Risk Assessment**
- 2) The Legal Practice Manager be authorised to complete a planning obligation agreement under Section 106 of the Town and Country Planning Act 1990 to mitigate the highway impacts of the development and meet the costs of highway works:**
- 3) 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 The Class A1 food retail store shall be used for the retail sale of food within Class A1 of the Town and Country Planning (Use Classes) Order, 1987 only, except where the retail sale of non-food goods forms a minor and ancillary part of the operation of any of the retail activity but shall not include the following:**
 - i) a pharmacy and sale of pharmaceutical goods**
 - ii) sale of newspapers and Magazines**
 - iii) reception of goods for dry cleaning**
 - iv) a post office**

Reason: To protect the viability of the town centre.
 - 3 B01 (Samples of external materials)**

Reason: To ensure that the materials harmonise with the surroundings.
 - 4 G01 (Details of boundary treatments)**

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
 - 5 G04 (Landscaping scheme (general))**

Reason: In order to protect the visual amenities of the area.
 - 6 G05 (Implementation of landscaping scheme (general))**

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

7 F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

8 W01 (Foul/surface water drainage)

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

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

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

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

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

11 D01 (Site investigation - archaeology)

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

12 H31 (Outline Travel Plan)

Reason and Informative Notes as above.

13 H27 (Parking for site operatives)

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

INFORMATIVES:

1 W02 - Welsh Water rights of access

2 HN01 - Mud on highway

3 HN04 - Private apparatus within highway

4 HN05 - Works within the highway

5 HN07 - Section 278 Agreement

6 HN10 - No drainage to discharge to highway

7 HN21 - Extraordinary maintenance

8 HN22 - Works adjoining highway

9 HN25 - Travel plans

10 N19 - Avoidance of doubt

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

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

In respect of DCSE2007/2555/C

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

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

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

2 C14 (Signing of contract before demolition)

Reason: Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

INFORMATIVES:

1 N19 - Avoidance of doubt

2 N15 - Reason(s) for the Grant of Conservation Area Consent

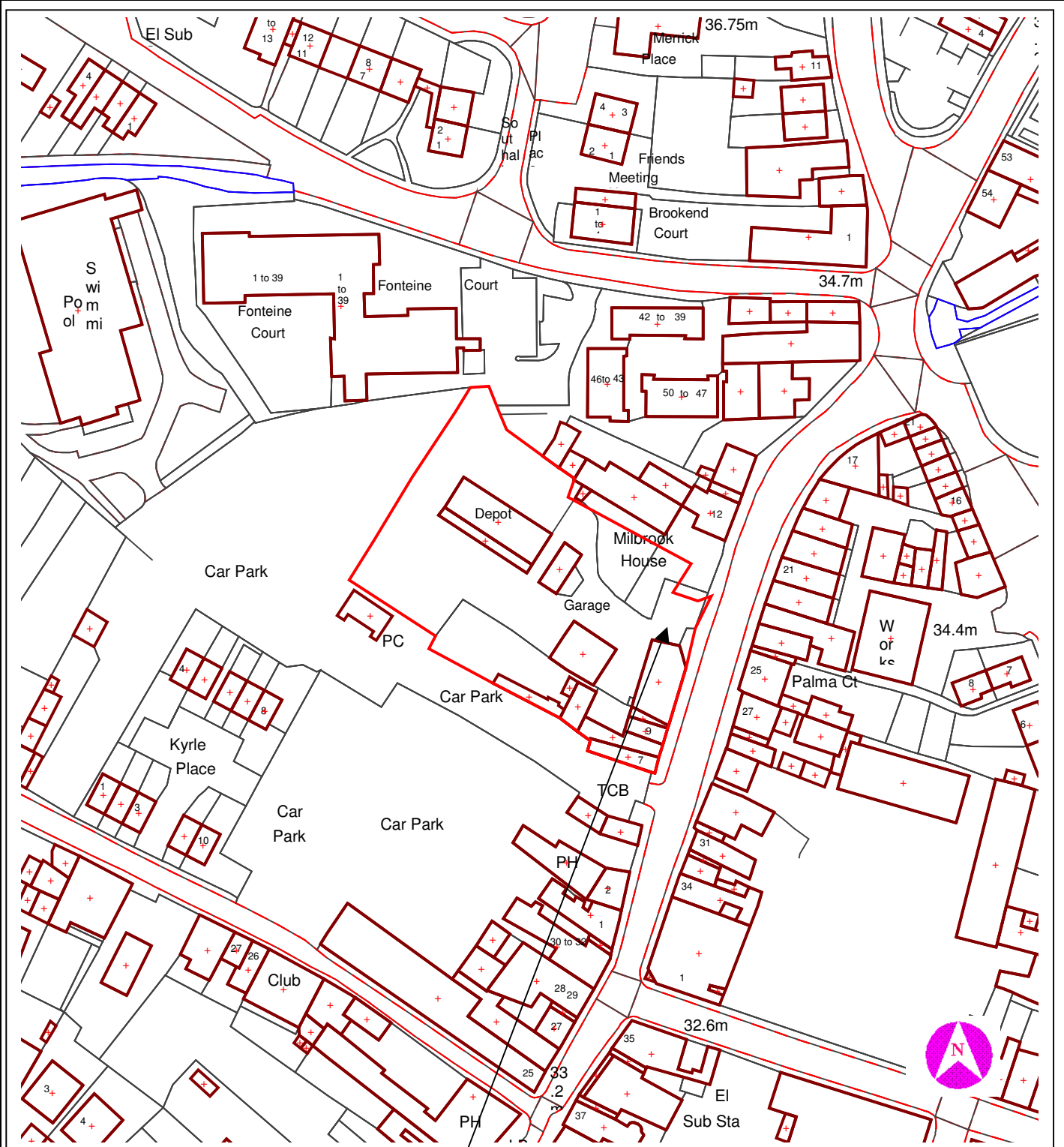
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2007/2556/F DCSE2007/2555/C

SCALE : 1 : 1250

SITE ADDRESS : Gardner Butcher Garages, Brookend Street, Ross-on-Wye, Herefordshire, HR9 7EG

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16 DCSE2007/3043/F - CONVERSION OF AND FIRST AND SECOND FLOOR EXTENSION TO DISUSED GARAGE BUILDING AT REAR OF HOTEL TO CREATE THREE STOREY BUILDING OF 9 NO. FLATS AT KINGS HEAD HOTEL, HIGH STREET, ROSS-ON-WYE

For: Kewmoor per Henry Mein Partnership, 12 Clarendon Street, Nottingham, NG1 5HQ

Date Received: 28th September, 2007 Ward: Ross-on-Wye West Grid Ref: 59842, 24173

Expiry Date: 23rd November, 2007

Local Members: Councillor G Lucas and Councillor CM Bartrum

1. Site Description and Proposal

- 1.1 The application premises comprise a large single-storey garage building attached to the rear of 7 High Street. The latter is currently a retail shop but was formerly a car showroom. There is a vehicular access to the west side of these premises, which is also a pedestrian route, leading to a car park at the rear which is primarily used by The Kings Head Hotel and thence to the Council's car park. This hotel is to the east of 7 High Street and both properties are listed (Grade II). At the rear of the hotel and extending to the rear of the application site, are modern 2-storey blocks built as additional hotel accommodation but planning permission was granted in 2003 for change of use to 4 residential units.
- 1.2 Planning permission was granted in February 2002 for the erection of an extension above the garage to form 3 storeys and conversion into 6, 2-bed flats on the upper floors and 2 bed-sits on the ground floor. Five parking spaces would also have been provided within the former garage. This permission has now expired. At the time this permission was granted the garage and hotel were in the same ownership.
- 1.3 The current proposal is similar to the approved scheme with the external walls of the garage lowered and the upper floors set back from the north and west walls. Lighting of the flats would be through new windows set in the north and west elevation, a mix of timber French windows and sliding sashes plus suntubes for bedrooms and bathrooms at second floor level. The south and east elevations abut the shop and hotel respectively. The ground floor accommodation would be a 1-bed flat, with 4, 1-bed flats on each of the upper floors. As there are windows on the north and west elevations only the bedrooms, other than for the northern units, would have borrowed light only on the first floor, which would be supplemented by suntubes for the second floor units. Six parking spaces would be formed in the garage and 3 additional spaces provided within the Kings Head car park, although the two properties are now, it is understood, in separate ownership.

2. Policies

2.1 Planning Policy Guidance

PPG15 Planning and the Historic Environment

2.2 Herefordshire Unitary Development Plan 2007

Policy HBA1	-	Alterations
Policy HBA3	-	Change of use of Listed Buildings
Policy HBA6	-	New Development within Conservation Areas
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H13	-	Sustainable Residential Design
Policy T11	-	Parking Provision

3. Planning History

- | | | | | |
|-----|---------------|---|---|---------------------------------|
| 3.1 | SE2001/2905/F | Conversion to apartments and reorganisation of existing car park. | - | Approved 26.2.02 |
| | SE2001/2906/L | Conversion to apartments and reorganisation of existing car park. | - | Listed Building Consent 26.2.02 |

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water recommends that conditions be imposed regarding foul and surface water discharges.

Internal Council Advice

- 4.2 The Transport Manager recommends refusal as insufficient details of the parking layout and cycle parking have been submitted and car manoeuvring is extremely tight.
- 4.3 The Conservation Manager advises that the current application represents a slight improvement over the previously permitted scheme so is broadly welcome. However the proposed 'mineral slate', if artificial, will not be acceptable on an extension to a listed building and a true slate should be specified.

5. Representations

- 5.1 The applicant's agent has submitted a Design and Access Statement, the conclusion of which states:
- (1) The proposals submitted have been produced to mimic the previously planning approved scheme, in redesigning the scheme an extra unit has been created (including an extra car space).
 - (2) The decision to redesign the proposals was not to create an extra unit, but rather it was felt that the two storey accommodation provided was unsuitable for this type of development and the current market.

- (3) We feel that the single storey flat units make for better use of the space than the maisonette style accommodation previously approved.
- (4) The scheme is centrally situated in a busy market town with numerous local amenities and excellent infrastructure. A development such as this, if approved, will provide much needed accommodation ideal for first time buyer or older people downscaling.

5.2 The Town Council has not yet submitted its comments.

5.3 Two letters have been received, one objecting to the proposed development, the other expressing concerns. In summary, these are:

- (1) too high a density for the area and should be brick not render so that maintenance problems do not arise,
- (2) accommodation should be to a higher standard - unsuitable for the elderly as no lift, night alarms, resident manager, gardens, etc and small units, 5 of which lack natural light to hall, bedroom and bathroom,
- (3) car park should be re-surfaced and landscaped (a condition of earlier permission),
- (4) the hotel has 16 rooms and 4 flats which with the proposal would demand 29 spaces but even with 6 extra spaces there would only be about 19,
- (5) the higher building would result in lack of light to adjoining flats (Kings Head Mews) and the hotel walkway - at the very least street lighting should be required by condition,
- (6) concern regarding access for emergency vehicles during construction and that vehicles that are too large will try to use access - adjoining building has been damaged already,
- (7) concern that the shop's trade will suffer if pedestrians are discouraged from using the pedestrian route, from noise and disturbance during construction and construction lorries parking outside the shop - shop would not survive any loss of trade during the high season.

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

6. Officer's Appraisal

6.1 There are 4 main issues: the effect on the character and setting of these Listed buildings, the effect on the amenities of neighbours, whether the flats would provide acceptable living conditions and the adequacy of the proposed car parking. With regard to the first issue the garage with additional storeys would be comparable in height to the offices on the west side of the access and to the Kings Head Hotel, although taller than the modern flats (Kings Head Mews), formerly hotel accommodation. In design the Conservation Manager considers the extension/conversion would result in a more attractive building, which would not harm the setting of the adjoining Kings Head Hotel. Rendered elevations would not be out of place, but the roofing material should be natural slate.

- 6.2 The ground floor windows would be about 6.5 m and the first/second floor window about 8 m from the windows in the Kings Head Mews flats (also single aspect). This is significantly closer than is normally considered to be acceptable in order to protect privacy. In addition there is also concern that a higher building immediately to the south of these flats would be overbearing. Nevertheless the space between the proposed and existing units is not private open space but provides access to the hotel and car parking. The eaves and ridge level of the extension would be about 2.4 m above the existing garage. Setting back the upper floors would help to limit the intrusive impact of the proposed flats. In these circumstances whilst not ideal the affect on amenity is not so serious as to justify refusing planning permission.
- 6.3 The lack of direct lighting to bedrooms in the upper flats raises the question of whether there would be acceptable living conditions for occupants. Borrowed light is certainly not ideal as the only lighting for bedrooms but I do not consider that this is sufficient grounds on its own to refuse planning permission. Artificial lighting and ventilation of halls, corridors and bathrooms is commonly found.
- 6.4 The car parking layout shows 24 spaces and whilst this may not be adequate for the hotel's purposes the car park is not in the hotel's ownership. Part of the hotel's parking area was sold off and now forms the Council's New Street Car Park. In relation to the current application there would be 1 space for each flat. The Transport Manager's concerns regarding the layout are appreciated and it may be necessary to reduce the number of spaces, especially in order to achieve cycle parking. Nevertheless in this town centre location provision is relatively generous.

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 C02 (Approval of details)

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

3 Notwithstanding the approved drawings the roofing material shall be natural slate, a sample or details of which shall be submitted to and approved in writing by the local planning authority before the development commences.

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

4 No development shall take place until details of the landscaping of the site including planting and hard surfaces of drives and parking areas have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and time-table for implementation.

Reason: To protect the visual amenities of the area.

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

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

INFORMATIVES:

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

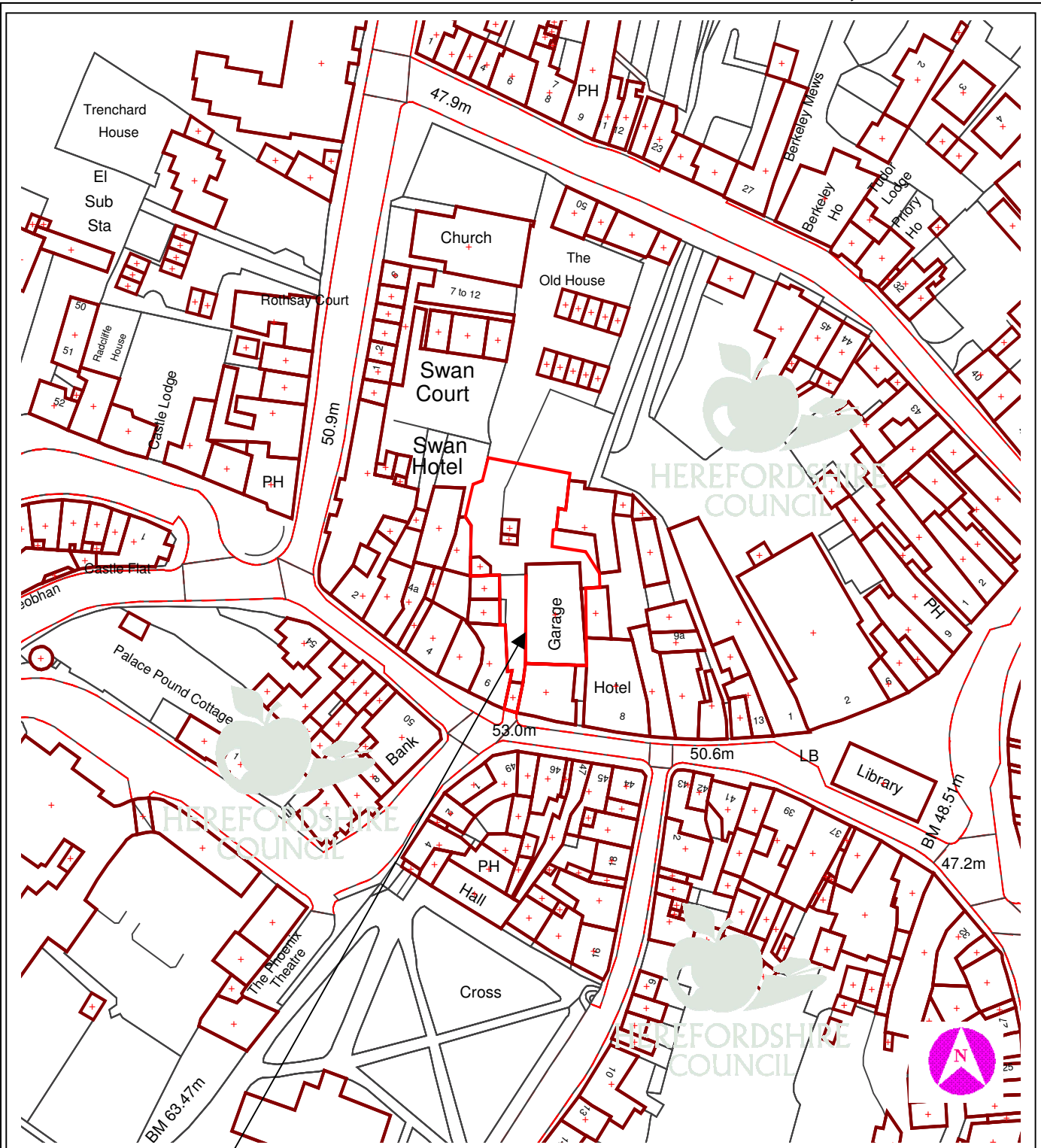
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2007/3043/F

SCALE : 1 : 1250

SITE ADDRESS : Kings Head Hotel, High Street, Ross-on-Wye, Herefordshire

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