

# A G E N D A

## Southern Area Planning Sub- Committee

Date: **Wednesday, 5th December, 2007**

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Time: **2.00 p.m.**

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

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

*For any further information please contact:*

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**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 (ex-officio), JA Hyde, JG Jarvis, TMR McLean, RH Smith, RV Stockton (ex-officio), DC Taylor and JB Williams

	Pages
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. DECLARATIONS OF INTEREST</b>	
To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>3. MINUTES</b>	1 - 16
To approve and sign the Minutes of the meeting held on 7th November, 2007.	
<b>4. ITEM FOR INFORMATION - APPEALS</b>	17 - 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.	
<b>REPORTS BY THE HEAD OF PLANNING SERVICES</b>	
To consider and take any appropriate action in respect of the planning applications received for the southern area and to authorise the Head of Planning Services to impose any additional or varied conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
<b>5. DCSE2007/2920/F - THE OLD CANOE STORE, MILLPOND STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7AP.</b>	21 - 28
Proposed additional unit to approved scheme Ref: DCSE2007/0645/F.	
<b>6. DCSE2007/2043/F - KINGS HEAD HOTEL, HIGH STREET, ROSS-ON-WYE, HEREFORDSHIRE.</b>	29 - 36
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.	

**7. DCSE2007/3531/F & DCSE2007/3548/C - 13 AND 14 MARKET PLACE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5NU.** 37 - 44

- a) Demolition of 13 Market Place, construction of shop at ground level, including ground floor of 14 Market Place and 12 flats above and including 2 flats in No. 14.
- b) Demolition of 13 market place to allow for rebuilding of shop with flats above.

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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, 7th November, 2007 at 2.00 p.m.**

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

**Councillors:** CM Bartrum, PGH Cutter, MJ Fishley, AE Gray, JA Hyde, TMR McLean, RH Smith and DC Taylor

**In attendance:** Councillors DW Greenow, TW Hunt, JE Pemberton and RV Stockton

**83. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors H Bramer, JG Jarvis, and JB Williams.

**84. DECLARATIONS OF INTEREST**

The following declaration of interest was made:

<b>Councillor</b>	<b>Item</b>	<b>Interest</b>
AE Gray	Agenda Item 13 DCSE2007/2920/F – Proposed additional unit to approved scheme ref: DCSE2007/0645/F. <b>The Old Canoe Store, Millpond Street, Ross-on-Wye, Herefordshire, HR9 7AP.</b>	A prejudicial interest was declared and the member left the meeting for the duration of the item.
CM Bartrum PGH Cutter JA Hyde G Lucas	Agenda Item 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. <b>Kings Head Hotel, High Street, Ross-on-Wye</b>	A personal interest was declared and the members remained in the room for the debate and vote.

**85. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 10th October, 2007 be approved as a correct record and signed by the Chairman.

**86. ITEM FOR INFORMATION - APPEALS**

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

**87. DCSW2007/2050/F & DCSW2007/2029/L - SHOP BARN, PWLL-Y-HUNT, PONTRILAS, HEREFORDSHIRE, HR2 0HF (AGENDA ITEM 5)**

*Construction of garage/workshop building to accompany Shop Barn.*

The Principal Planning Officer reported the following:

- One letter of representation received from Ms J Tyler. She commented that she would object to the application if the building was re-sited lower down the site. She felt that the proposed siting was acceptable and out of view of all parties concerned.

The Chairman, speaking in the absence of the Local Ward Member, felt that the site inspection had highlighted the sensitive nature of the site. He noted that the access was poor and felt that the workshop building should be re-sited to a more suitable position.

Councillor PGH Cutter agreed with the points raised by the Chairman, he also had concerns that the neighbouring residents could suffer a loss of amenity through overlooking, and that the application was in open countryside.

**RESOLVED**

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

- A) Concerns regarding the access to the site**
- B) Loss of amenity to neighbouring residents**
- C) Negative impact on the rural character of the area**

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

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

**88. DCSW2007/2980/F - FOUNTAIN COTTAGE, NEWTON ST. MARGARETS, HEREFORD, HR2 0QW (AGENDA ITEM 6)**

*Single storey extension and alterations, and a separate workshop.*

The Principal Planning Officer advised members that no representation had been received from the Parish Council.

Councillor PD Price, speaking in the absence of the local ward member, noted the officer's recommendation and 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) (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**

**89. DCSW2007/2404/F -LAND AT HAWTHORN RISE, PETERCHURCH, HEREFORDSHIRE, HR2 0RQ (AGENDA ITEM 7)**

*Erection of six dwellings.*

In accordance with the criteria for public speaking, Mrs Savage spoke in objection to the application.

Councillor PD Price, the Local Ward Member, noted that a number of the original objections had now been overcome with the revised plans. He felt that this was reflected in the Parish Council's support of the scheme. He voiced concerns over the access and felt that this may be compromised by the addition of another dwelling.

In response to the points raised by the Local Ward Member, the Principal Planning Officer advised members that the Highways Agency were happy with the revised access and felt that the proposed parking layout was also acceptable. He also noted that the access would be finalised on completion of plot 16.

**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. 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**

**90. DCSW2007/2978/O - BROOKVIEW, CLEHONGER, HEREFORD, HR2 9TJ  
(AGENDA ITEM 8)**

*Outline planning application for two dwellings.*

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

Councillor MJ Fishley, the Local Ward Member noted that the Parish Council did not object to the application. She felt that there was sufficient local need for the dwellings and advised members that there were already 4 existing dwellings on the lane. She felt that the application was not contrary to policy H7 or H10 of the Unitary Development Plan and that it should be supported.

Councillor DC Taylor, the neighbouring Ward Member, noted that the application was 400 yards outside of the settlement boundary but felt that there was sufficient housing need in the area for this to outweigh the policy issues at stake. He advised Members that the applicant had offered to use part of his own garden to improve the issues surrounding the access onto the road.

The Development Control Manager advised members that the Unitary Development Plan clearly stated that housing should only be permitted within the settlement boundary. He felt that the application was clearly contrary to the policies set out in the UDP which had only been adopted by the Council in March, 2007.

Councillor RH Smith felt that the UDP no longer represented the housing needs of the County and should be revised accordingly. He felt that the proposed application should be an exception and should be approved.

Councillor PGH Cutter felt that the application was for infill development and should therefore be permitted. He also felt that the provision of two modest dwellings would benefit the village of Clehonger.

**RESOLVED**

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

- 1) **No conditions were recommended by members.**

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

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

**91. DCSE2007/2898/F - ADJACENT TO NO. 4 MARTINS CLOSE, WOOLHOPE, HEREFORD, HEREFORDSHIRE, HR1 4QS (AGENDA ITEM 9)**

*3 dwellings for rent comprising 2 no. 2 bed & 1 no. 3 bed houses.*

In accordance with the criteria for public speaking Mrs Kingston spoke in objection to the application.

Councillor TMR McLean, the Local Ward Member, advised members that she had proposed refusal of the previous application on this site on grounds of design. She noted that the applicant had resubmitted the application with amended plans but still felt there were a number of other concerns that hadn't been addressed. She felt that the plot was not large enough to accommodate 3 dwellings and that granting the application would have a detrimental impact on the neighbouring church and residential dwellings.

Councillor RH Smith agreed with the concerns raised by the local ward member but he also felt that the poor access onto the site should be added as a reason for refusal.

In response to the points raised by members, the Senior Planning Officer advised them that he felt that the reasons for refusal outlined in 6.3 had been addressed by the applicant. Councillor TMR McLean felt that further reasons for refusal had been highlighted during a visit to the site.

Councillor PD Price felt that the application should be supported, he noted that the application fell within the settlement boundary and that the access and the location were acceptable.

**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:**

- D) Plot too small for 3 dwellings.**
- E) Loss of amenity to neighbouring listed building.**

**(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.]

**92. DCSE2007/2757/F - REDCROFT, LLANGROVE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6EY (AGENDA ITEM 10)**

*Demolition of existing garage. Extension to form annexe accommodation, new garage and larger porch/utility room. New dormer window to existing property.*

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

Councillor JA Hyde, the local ward member, felt that the application should be approved contrary to the views of the parish council. She felt that the conditions would address any concerns raised.

**RESOLVED**

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

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

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

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

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

**3. 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**

**93. DCSE2007/2823/F - LAND OFF CASTLE LANE, GOODRICH, HEREFORDSHIRE, HR9 6HY (AGENDA ITEM 11)**

*Erection of a detached dwelling.*

**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. 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**

94. **DCSE2007/2790/F - NEWTON VILLA, ASHFIELD CRESCENT, ROSS-ON-WYE, HR9 5PH (AGENDA ITEM 12)**

*Removal of condition 4 of planning application SE2002/0386/F to allow continued letting of building that was developed for ancillary accommodation (retrospective application).*

Councillor CM Bartrum, the Local Ward Member, noted that the majority of the objections raised by local residents related to congestion. He also advised members that Ross Town Council had not objected to the application.

**RESOLVED**

**That planning permission be granted.**

Informative(s):

1. **N19 - Avoidance of doubt**

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

95. **DCSE2007/2920/F - THE OLD CANOE STORE, MILLPOND STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7AP (AGENDA ITEM 13)**

*Proposed additional unit to approved scheme ref: DCSE2007/0645/F.*

The Principal Planning Officer reported the following:

- Two further letters of representation have been received, one of which has been signed by 10 residents of Wallace court. A number of points in relation to the dry access, boundary wall, water storage, site maintenance and overlooking are raised.

The Principal Planning Officer advised members of an addition condition which would cover the aspect of the dry pedestrian access. He also advised Members that the applicant had been asked to consider an additional boundary wall.

In accordance with the Code of Conduct Councillor AE Gray, who had declared a



## SOUTHERN AREA PLANNING SUB-COMMITTEE WEDNESDAY, 7TH NOVEMBER, 2007

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, Mrs Harvey spoke in objection to the application and Mr Pritchard, the applicant's agent, spoke in support.

Councillor PGH Cutter proposed a site inspection on the following grounds that the character or appearance of the development itself were a fundamental planning consideration and 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 reasons:**

- **the character or appearance of the development itself is a fundamental planning consideration**
- **the setting and surroundings are fundamental to the determination or to the conditions being considered.**

### **96. DCSE2006/4006/F - BETWEEN THE JUNCTION OF A40(T) - A449 AND RUDHALL BROOK, ROSS-ON-WYE, HEREFORDSHIRE. (AGENDA ITEM 14)**

*Three arm roundabout on the alignment of the existing A40(T). Location on A40(T) highway.*

The Principal Planning Officer reported the following:

- A supporting letter from the applicant's agent, full details of this letter were submitted to all attendees of the sub-committee in the officer's update sheet.

In accordance with the criteria for public speaking, Mr Edwards spoke in objection to the application.

Councillor PGH Cutter, one of the local ward members, had concerns in respect of the figures relating to traffic statistics. He questioned the accuracy of the figures if no readings had been taken on the site. He also had concerns in respect of noise and road safety and felt that appropriate signage would be required to advise road users of the approaching roundabout.

Councillor AE Gray, the other local ward member, felt that illuminated signs would help address some of the concerns regarding road safety.

Councillor JA Hyde felt that the proposed conditions covered a number of the objections raised by the local residents. She also felt that there should be provision of an access for the caravan park off the roundabout.

In response to a number of points raised by members, the Principal Planning Officer advised that an access to the caravan park had been included in the design. He also confirmed that the Highways Agency had carried out a road safety audit and were happy with the applicant's proposal. In response to the request for illuminated signage and a reduced speed limit, he confirmed that the sub-committee could not condition these aspects as they fell under the remit of the Highways Agency. In respect of the issues relating to noise, the Principal Planning Officer advised members that the Environmental Health Officer had used widely accepted methods

and was satisfied with the results.

The Development Control Manager advised Members that a condition could be added to the resolution to cover the issue of noise monitoring on the site.

**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 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.**

**5 No development shall take place until a scheme for monitoring the noise of traffic along the A40(T) within the application site has been submitted to and approved in writing by the local planning authority. The scheme shall make provision for monitoring noise levels at the southern façade of 13 Chatsworth Close before the roundabout is constructed and at 6 month and 12 months after the roundabout is completed and opened to vehicular traffic. The results of noise monitoring shall be made available to the local planning authority no later than 7 days following the date of each survey. Noise measurements shall include the LA10(16hr ), 6a.m. to midnight.**

**Reason: To protect the amenities of occupiers of nearby residential properties**

**6 If noise levels measured at 6 or 12 months after completion of the roundabout exceed the noise level prior to its construction by more than 1dBA LA10(16hr) a scheme of mitigation to reduce noise levels at the façade of 8, 9, 10, 12 and 13 Chatsworth Close shall be submitted for approval in writing by the local planning authority within one month of the date of monitoring. The scheme shall be designed to reduce noise levels at the facades of the above properties to the levels prior to construction of the roundabout shall be carried out within 3 months of submission of the scheme to the local planning authority and thereafter permanently retained.**

**Reason: To protect the amenities of occupiers of nearby residential properties**

**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

97. **DCSE2007/2556/F & DCSE2007/2555/C - GARDNER BUTCHER GARAGES, BROOKEND STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7EG (AGENDA ITEM 15)**

- A) *Erection of Aldi Discount Foodstore with associated parking, landscaping and access.*
- B) *Demolition of existing buildings to facilitate redevelopment for Aldi Foodstore.*

The Principal Planning Officer reported the following:

- A further letter of correspondence from English Heritage who confirmed that their original comments still stood despite the revised plans. They also had concerns regarding the close-boarded fence on the north of the site.
- A further letter of correspondence from the Environment Agency relating to PPS25, Sewer Diversion, Finished Floor Levels, Flood Storage, Flood Flows, Access, and Surface Water, full details of this letter were included in the update sheet which was circulated at the meeting.
- A letter from the applicant's agent advising the committee that the Aldi were prepared to increase their financial contribution to £40,000 for all works included in the section 106 agreement. In addition to this they were willing to pay up to £5000 for any TRO required.

He also reported the following comments in the update sheet:

- The conservation manager has indicated that the revised drawings meet his concerns with regard to the design of the store. The applicant's architect is reconsidering the boundary treatment and further revised drawings will be submitted.
- The Environment Agency has withdrawn its objection subject to conditions. I consider that diversion of the sewer can be adequately covered by a condition and does not need to be included in the S106 agreement.
- Revised drawings for the access are still awaited.

The Principal Planning Officer advised Members of the revised contribution offered by the applicant. He confirmed that the Transport Manager had accepted the contribution outlined in the amended draft heads of terms, detailed below.

**HEADS OF TERMS**

- 1. A contribution of £20,000 towards upgrading of bus stops.**
- 2. A contribution of £17,500 towards upgrading footpaths to shared use and other pedestrian links.**
- 3. A contribution of £2,500 towards the adjoining public car park.**
- 4. To meet the costs of a TRO required in connection with the development up to a maximum sum of £5,000.**
- 5. To undertake to amend the access to the store once a TRO has been made and implemented in accordance with the approved drawings and an agreed timetable.**

In accordance with the criteria for public speaking, Mr Reynolds spoke in objection to the application on behalf of the residents of Fontaine Court.

Councillor CM Bartrum, one of the Local Ward Members, noted that outline planning permission was initially granted in 1999, he felt that the site was currently an eyesore and felt that approving the application would improve the area. He noted the concerns raised by the residents of Fontaine Court and felt that they should be consulted in respect of landscaping and overlooking.

Councillor TMR McLean felt that the scheme needed to go ahead but felt disappointed that a larger supermarket chain had not shown an interest in the site. She felt that a condition limiting delivery times would help allay some of the concerns of the local residents.

Councillor PGH Cutter felt that the proposed supermarket would result in a number of employment opportunities for the residents of Ross-on-Wye and therefore supported the application.

In response to a number of points raised by members, the Development Control Manager confirmed that Landscaping conditions had been included in the recommendation, he also agreed to consult with the Local Ward Members in respect of this subject. He advised members that a condition regarding delivery hours could be included once agreed with the applicant.

**RESOLVED**

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

**That**

- 1) Subject to submission of acceptable revised drawings with regard to boundary treatment and access, agreement in principle to enter a Section 106 Agreement:**
- 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.
- 14 Finished floor levels shall be set no lower than 33.19m AOD and flood proofing techniques shall be incorporated into the design of the building no lower than 33.79 AOD, in accordance with section 7.1.1 of the FRA dated 18.7.07, unless otherwise agreed in writing by the LPA
- Reason: To protect the building from flood risk for the lifetime of the development
- 15 Prior to the occupation of the store, an Evacuation Management Plan shall be submitted to and approved in writing by the LPA in consultation with the LA Emergency Planning Officer and Emergency Services. The Plan shall include full details of proposed awareness training and procedure for evacuation (including vehicles), training of staff, and method and procedures for timed evacuation. It shall also include a commitment to retain and update the Plan and include a timescale for revision of the Plan.
- Reason: To minimise the flood related danger to people and property.
- 16 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings including the goods yard area, shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
- Reason: To prevent pollution of the water environment.
- 17 No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system including the use of permeable paving on car parking areas (Sustainable Urban Drainage Systems) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the LPA, in consultation with the Environment Agency.

**Reason: To prevent the increased risk of flooding and provide water quality benefits by ensuring the provision of a satisfactory means of surface water disposal.**

- 18 Prior to the commencement of the development details of the proposed foul and surface water drainage arrangements including diversion of the existing sewer shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use of the building[s] hereby permitted.**

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

**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.**

**98. DCSE2007/3043/F - KINGS HEAD HOTEL, HIGH STREET, ROSS-ON-WYE (AGENDA ITEM 16)**

*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.*

**RESOLVED:**

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

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





<b>ITEM FOR INFORMATION - APPEALS</b>
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**APPEALS RECEIVED****Application No. DCSE2007/2282/F**

- The appeal was received on 22nd 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 Tendean Ltd
- The site is located at Laycombe, Archenfield Road, Ross-on-Wye, Herefordshire, HR9 5AY
- The development proposed is Demolition of existing detached bungalow and erection of detached building to accommodate 4 two bedroomed apartments with ancillary works.
- The appeal is to be heard by Written Representations

**Case Officer: Steven Holder 01432 260479**

**Application No. DCSE2007/1975/F**

- The appeal was received on 24th 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 Ms A Gifford
- The site is located at Units A and B, Windsong Barn, Bulls Hill, Walford, Ross-on-Wye, Herefordshire, HR9 5QU
- The development proposed is Removal of condition 2 of planning permission SE2001/2696/F
- The appeal is to be heard by Hearing

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

**APPEALS DETERMINED****Application No. DCSE2007/0311/F**

- The appeal was received on 18th May 2007
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr C Winney
- The site is located at Land adjoining 1 Doward Place, Goodrich, Ross-on-Wye, Herefordshire, HR9 6HY
- The application, dated 1st February 2007, was refused on 29th March 2007
- The development proposed was Amended siting of dwelling permitted on application number DCSE2004/3644/F dated 17/04/05. Variation of Condition No. 2

**Decision:** The appeal was WITHDRAWN on 10th October 2007

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

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

**Application No. DCSE2005/1346/F**

- The appeal was received on 28th September 2005
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs Gilling
- The site is located at Newton Farm, Welsh Newton, Monmouth, Herefordshire, NP5 3RN
- The application, dated 25th April 2005, was refused on 8th June 2005
- The development proposed was Alterations repairs and extensions to existing barn for residential purposes
- The main issues are:
  - i) *The effect of the proposal on the character and appearance of the area*
  - ii) *Whether or not a dwelling in the countryside is justified on grounds of agricultural or other essential rural business purpose needs and*
  - iii) *The effect of the proposal on the setting of Pembridge House, a Listed Building*

**Decision:** The appeal was DISMISSED on 30th October 2007

*This decision supersedes that issued on 30th March 2006. That decision on the appeal was remitted for re-hearing and determination by consent and order of the High Court.*

**Case Officer: Mike Willmont on 01432 260612**

**Enforcement Notice EN2005/0023/ZZ**

- The appeal was received on 27th September 2005
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr J Gilling
- The site is located at Newton Farm, Welsh Newton, Herefordshire, NP25 5RN
- The breach of planning control alleged in this notice is:  
*Without planning permission, the erection of a dwelling house*
- The requirements of the notice are:
  - i) *Demolish the unauthorised dwelling house and*
  - ii) *Remove all materials from the site that arise from the demolition*
- The main issues are:
  - i) *The effect of the proposal on the character and appearance of the area*
  - ii) *Whether or not a dwelling in the countryside is justified on grounds of agricultural or other essential rural business purpose needs and*
  - iii) *The effect of the proposal on the setting of Pembridge House, a Listed Building*

**Decision:** The appeal was DISMISSED on 30th October 2007

*This decision supersedes that issued on 30th March 2006. That decision on the appeal was remitted for re-hearing and determination by consent and order of the High Court.*

**Case Officer: Mike Willmont on 01432 260612**

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

- The appeal was received on 16th May 2007

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

- 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 Hobbs
- The site is located at Land at Old Gloucester Road [Rainbow International], Ross-on-Wye, Herefordshire, HR9 5JG
- The application, dated 30 January 2007, was refused on 28th March 2007
- The development proposed was Outline planning for the erection of eight flats in two, two-storey buildings with ancillary works.
- The main issues are whether the proposed development would preserve or enhance the character or appearance of the Conservation Area; the proposed development would have an adverse impact on the living conditions of future residents; the proposal accords with policies governing proposed residential development within an existing employment site; the proposal would have an adverse impact on highway safety; and whether the proposal would have an adverse impact on the existing sewerage system.

**Decision:** The appeal was DISMISSED on 12th November 2007

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

**Application No. DCSE2006/1362/U**

- The appeal was received on 14th March 2007
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr J Jones
- The site is located at Land at Cuckoo's Patch, Hope Mansell, Ross-on-Wye, Herefordshire.
- The application, dated 4th May 2006, was refused on 6th September 2006
- The development proposed was Continuation of use of land for siting of caravan.

**Decision:** The appeal was WITHDRAWN on 12th November 2007

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

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



**5 DCSE2007/2920/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 Members: Councillors PGH Cutter and AE Gray

**INTRODUCTION:**

This application was reported to the Southern Area Planning Sub-Committee on 7th November, 2007 and determination was deferred so that Members could visit the site. The site was visited on 20th November, 2007.

**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 Three letters of objection have been received, which are 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 : too many large windows facing Wallace Court – a higher wall or trellis on the existing fence would help ameniorate this loss of privacy.
- (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) we feel very strongly that a wall should be built behind McCarthy and Stone's fence to match in height the adjoining boundary wall, which should be maintained by the developer or owners of the flats.

- (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 – will there be a restriction that use of the dry access will be for occupiers and their visitors in dire emergency only and not used by anyone as a through pedestrian route? A security gate as proposed for the entrance to the flats is suggested.
- (12) can we be assured that a water storage system will be installed as stated in the Technical Note.
- (13) reassurance is sought that all the development will be maintained by the developer/owners.
- (14) why is site being developed as consultation period has not expired – trust that all above comments will be given due consideration?

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 (see Condition no. 8 below). 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.**

- 8. No development shall take place until details of the gate giving access to the emergency pedestrian route have been submitted to and approved in writing by**

the local planning authority. The gate shall be kept shut except in the event of a flood or other emergency.

Reason: In the interests of neighbours' security.

**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

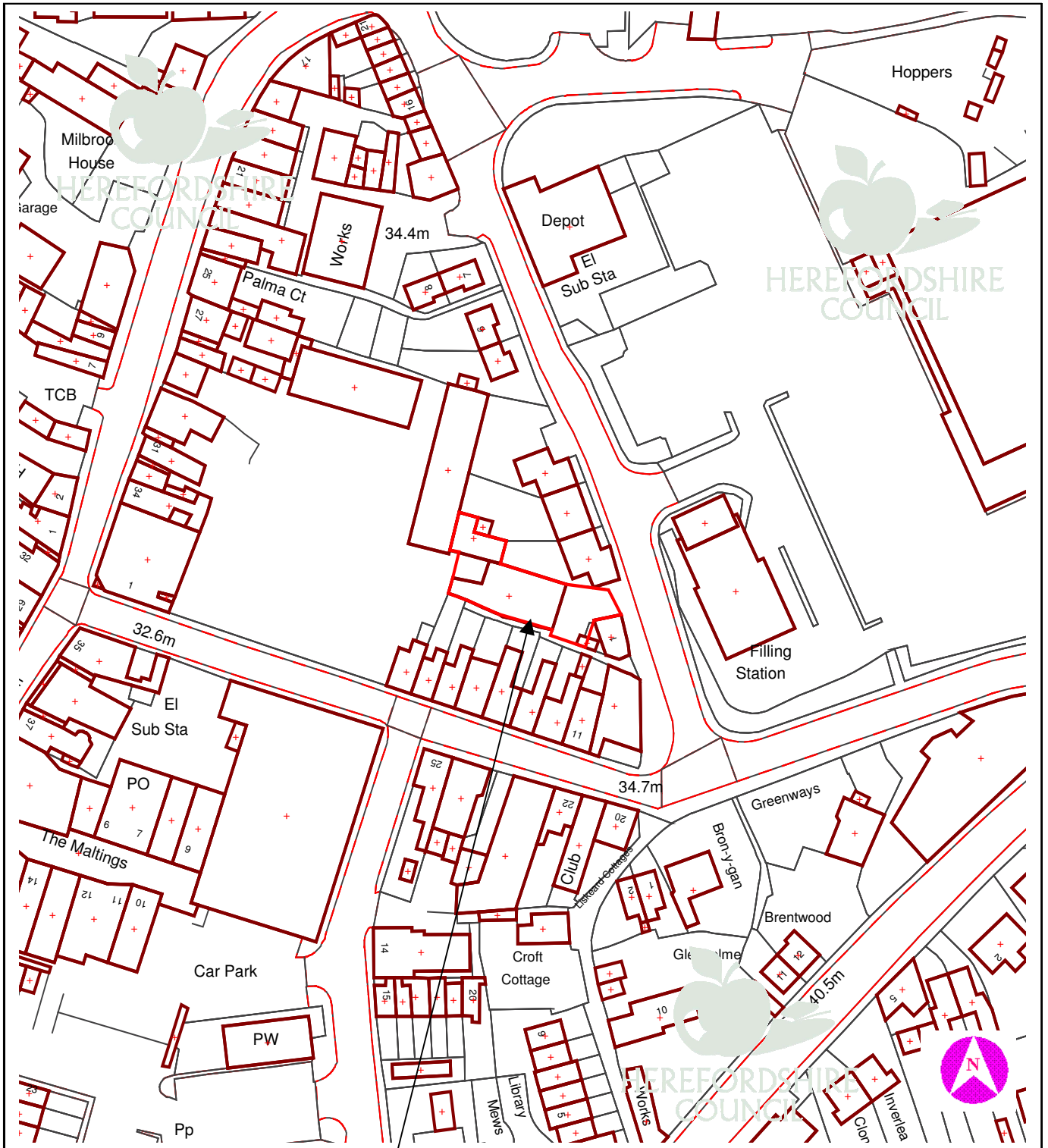
Decision: .....

Notes: .....

.....

**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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**6 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, HEREFORDSHIRE.**

**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: Councillors CM Bartrum and G Lucas

**INTRODUCTION:**

This application was reported to the Southern Area Planning Sub-Committee on 7th November, 2007 and determination was deferred so that Members could visit the site. The site was visited on 20th November, 2007.

**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.

A Statement has also been submitted regarding lighting and ventilation to the internal bedrooms:

#### LIGHTING:

- (1) The design for the proposed development is constrained by the single-sided aspect on this section of the building. Town and city centre conversions of this nature therefore often have to use borrowed light for bedrooms and bathrooms.
- (2) Modern one bedroom apartment style living is very much a lifestyle choice that people make, and due to the location of these apartments they will be fitted out to a high standard, with a design driven and innovative internal specification.
- (3) Given the fact that a bedroom is for use at night, from a marketing point of view, we do not think that the use of borrowed light for the bedrooms will be a problem. The main reason that prospective purchasers of the apartments would want an external window is for the purge and background ventilation it would provide.
- (4) We feel that a fully open plan apartment would not necessarily be appropriate for this particular development. The glazed screen, in addition to providing light, also provides a certain level of privacy to the bedroom.

#### VENTILATION:

- (5) There are a variety of ways to provide the necessary background ventilation and facility for purge ventilation in the bedrooms.
- (6) The design for the ventilation of the bedrooms will be a combination of mechanical and non-mechanical elements to provide a background supply of fresh air and ability to purge ventilate (i.e. allow a large amount of fresh air into a room).

#### 5.2 The Town Council comment as follows:

“Members consider this to be an over-development of the site and there are concerns about the only access and egress for vehicles is down a single vehicle lane onto a very busy main road through the town which has the possibility of causing major congestion by vehicles reversing back out to allow vehicles to exit. There are also concerns over the access for emergency vehicles. Recommend refusal.”

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**

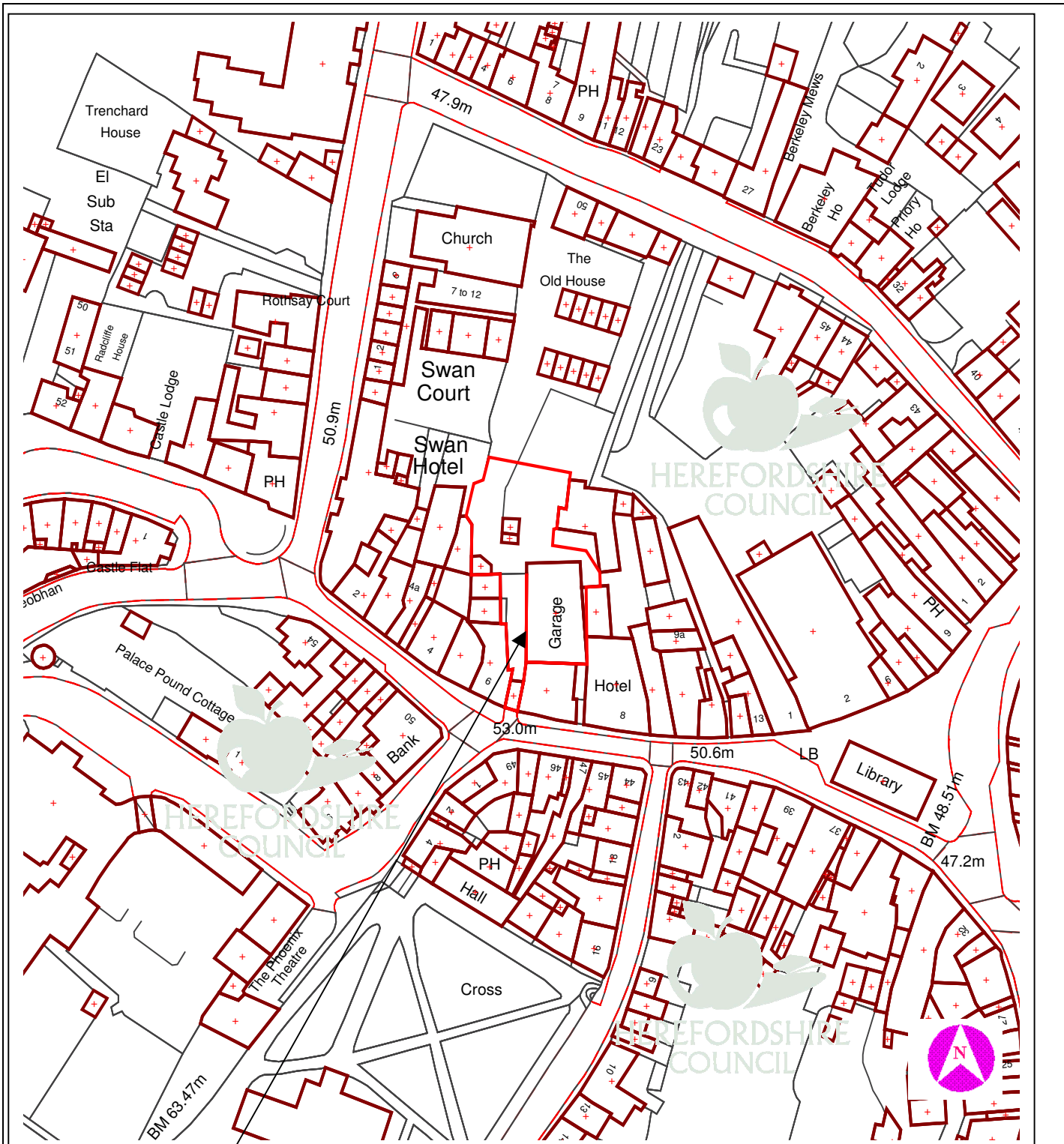
Decision: .....

Notes: .....

.....

**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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**7A DCSE2007/3531/F - DEMOLITION OF 13 MARKET PLACE, CONSTRUCTION OF SHOP AT GROUND LEVEL, INCLUDING GROUND FLOOR OF 14 MARKET PLACE AND 12 FLATS ABOVE AND INCLUDING 2 FLATS IN NO. 14, 13/14 MARKET PLACE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5NU.**

**7B DCSE2007/3548/C - DEMOLITION OF 13 MARKET PLACE TO ALLOW FOR REBUILDING OF SHOP WITH FLATS ABOVE, 13/14 MARKET PLACE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5NU.**

**For: Provis Properties Ltd per Geoff Jones Architect,  
53 Broad Street, Ross on Wye, Herefordshire, HR9  
7DY.**

**Date Received: 14th November, 2007    Ward: Ross-on-Wye    Grid Ref: 59977, 24126  
West**

**Expiry Date: 13th February, 2008**

Local Members: Councillors CM Bartrum and G. Lucas

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

- 1.1 The application premises comprises two shop units on the east side of Market Place, with residential accommodation on the upper floors and a large single storey corrugated asbestos building occupying most of the rear yard. The latter extends along the rear of 3 - 6 Gloucester Road. 13 Market Place has a wide frontage and is a 3-storey building; 14 Market Place is narrow with 4 floors and is visually continuous with the adjoining buildings to the south (which includes the Nat West Bank).
- 1.2 It is proposed to demolish no. 13, including the single-storey building at the rear. The main frontage building would be re-built to similar eaves and ridge height. The front elevation of 14 Market Place would be altered with a sliding sash-type window replacing the wide four-sash first floor window and a new shop window. The rear section of this property and the single building would be replaced by a three-storey structure, with the eastern section (to the rear of 4 - 5 Gloucester Road) dropping to two-storeys. This would extend across the full width of the site at ground floor level, but with the first and second floors set back to allow a walkway for access at first floor level on the south side and balconies on the north side. There would be an extensive basement. The new building would extend about 2m beyond the existing single-storey building. The building would be of traditional appearance on the front elevation with sash windows, rendered walls and slate roof. The rear section would be in a modern idiom with a shallow pitched roof covered with stainless steel sheeting; the walls would be partly painted render, partly Marley Eternit weatherboarding.

- 1.3 The ground floor and basement of the redeveloped buildings would be used as a single retail shop except for a new access and staircase formed at the north end of 13 Market Place. The staircase would lead to the 12 flats to be formed in the new building and 14 Market Place. Three of the flats would be 2-bedroomed, one would be a studio flat with the remainder (8) single-bedroomed. The rear yard would have cycle and refuse bin stores and external stairs leading down to the rear of the shop and up to the first floor walkway. Access to the yard would be via an entry between properties in Gloucester Road.
- 1.4 This is a revised scheme following withdrawal of earlier proposals. The main changes are the reduction from 3 to 2 storeys of the eastern section of the new building and the new entry to the upper floors off Market Place rather than using an existing entrance in 14 Market Place to overcome ownership problems.

## 2. Policies

### 2.1 Planning Policy Statement

PPS3	-	Housing
PPG15	-	Planning and the Historic Environment

### 2.2 Herefordshire Unitary Development Plan 2007

Policy S3	-	Housing
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries And Established Residential Areas
Policy H13	-	Sustainable Residential Design
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy H15	-	Density
Policy H16	-	Car Parking
Policy S5	-	Town Centres and Retail
Policy TCR1	-	Central Shopping and Commercial Areas
Policy TCR2	-	Vitality and Viability
Policy TCR3	-	Primary Shopping Frontages
Policy HBA6	-	New Development within Conservation Areas
Policy HBA7	-	Demolition of Unlisted Buildings within Conservation Areas
Policy NC5	-	European and Nationally Protected Species
Policy DR2	-	Lane Use and Activity

## 3. Planning History

- |     |                 |   |   |                    |
|-----|-----------------|---|---|--------------------|
| 3.1 | DCSE2005/0927/F | Refurbishment and change of use of upper floors to residential use and erection of 2-storey dwelling (2 flats) (9 flats in total) | - | Approved 08.07.05  |
|     | DCSE2007/2523/F | Demolition of 13 Market Place, construction of shop and 12 flats  | - | Withdrawn 08.11.07 |
|     | DCSE2007/2532/C | Demolition of 13 Market Place, construction of shop and 12 flats  | - | Withdrawn 08.11.07 |

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 Welsh Water's comments are awaited.

##### Internal Council Advice

- 4.2 Transportation Manager's comments are awaited.

- 4.3 Conservation Manager's comments:

"The No. 13 site is very prominent in townscape terms but as with the majority of buildings around the market place, it serves primarily as a 'backdrop' to the Market House. It therefore offers only limited scope for expression and it is welcome that the applicant has now chosen to re-instate the basic form of the original C19 street elevation.

The impact of the accommodation range to the rear of the site is strictly limited in public views of the conservation area, so I have no objection to the amendments to this element of the scheme.

There is no objection to the proposed demolition in principle as the late C19 street elevation has been mutilated beyond repair, and there is little evidence of the remainder of the building being of significant historic interest. However the site bounds the market place and will have been continuously occupied since Ross' foundation so its archaeological potential will warrant further monitoring."

#### 5. Representations

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

- (1) The application site and its locality are described.
- (2) There is an established need for a shop with a large floorspace to draw a major retailer and for town centre living accommodation which would also help to re-invigorate the town centre and increase surveillance and security.
- (3) 13 Market Place is in poor condition and its layout does not lend itself to easy or economic conversion to modern standards.
- (4) The proposed shop would have a retail area of 477m<sup>2</sup> with a basement of 280m<sup>2</sup>.
- (5) To the rear the new building is set as far as practicable from the boundaries to give access/open space and balconies to the flats, distance from the adjacent properties and to comply with building regulations.
- (6) The site constraints have determined the form of construction, masonry on ground floor and front elevation with lightweight prefabricated cladding on a steel frame. The cladding would also be light coloured to minimise the impact on neighbouring buildings. To keep the height down the roof would have a stainless steel finish and a 10° pitch.
- (7) The ground floor, rear of shop and surrounding wall would be facing brick for durability and security.
- (8) All flats would have access to Market Place and, via the rear yard, Gloucester Road.

- (9) The yard would have cycle and bin stores, drying area - it will be paved and planted to encourage use.
- (10) No requirement for car parking as a town centre development.
- (11) A sustainable location within easy reach of a full range of facilities and bus services.

In addition, a report of a survey which found no evidence of bats using the building, a report by drainage consultants and a letter from Welsh Water confirming the acceptability in principle of that report's proposals have been submitted.

5.2 Town Council's comments are awaited.

5.3 One letter of objection has been received on the grounds:

- (1) Proposed building would completely overshadow the outlook from 3 Gloucester Road and for other properties in Gloucester Road.
- (2) It is too high and anyone living on the upper floors of the Gloucester Road properties will lose any outlook they now enjoy.
- (3) The existing access next to 14 Gloucester Road is jointly used by owner of 3 Gloucester Road and Nat West Bank only and strongly object to use in connexion with this development.

The consultation period expires on 13th December, 2007.

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

## **6. Officer's Appraisal**

- 6.1 As noted above, the current proposals are an amended scheme, which aims to overcome concerns raised by officers and in representation regarding the adverse impact on the amenity of occupants of flats in Gloucester Road and to ensure that access to the flats is on land within the applicant's ownership and control. Taking the representations relating to the earlier scheme into account I consider that the main issues are the effect on the character and appearance of Ross-on-Wye Conservation Area, the effect on the amenities of neighbours and whether the additional flats would be acceptable given the lack of off-street car parking.
- 6.2 13 Market Place is not a listed building and internally appears to have been considerably altered. The Conservation Manager points out that the main 'street elevation has been mutilated beyond repair and there is little evidence of the remainder of the building being of significant historic interest'. The replacement building would complement the style of adjoining buildings with their regularly sized and spaced upper floor windows. The current proposal would re-instate this 'basic form of the original nineteenth century street elevation'. The rear section is of modern design and materials and therefore contrasts with the adjoining buildings. Nevertheless in this position, which is obscured from most public views, I consider the proposal to be appropriate.
- 6.3 The adjoining properties in High Street and Gloucester Road are retail shops, a bank and a coffee bar on the ground floor, some of which have rear windows. However only in one case does the window light the main shop rather than storage/office space and any adverse impact would not be significant. There are however a number of residential flats at first and second floor levels. These would be about 5m away from



the southern elevation of the proposed building and in the case of the flat at 14 High Street which faces east even closer. Concerns were raised that the earlier scheme would be obtrusive and restrict lighting to those flats. The current proposal seeks to overcome these concerns by limiting the rear extension section to two storeys (originally three storeys) plus a basement and a shallow pitched roof. Although the new building would be taller than the existing store the adjoining flats are either at second floor level or the first floor windows are higher up the elevation than normally found. Consequently I do not consider that the proposed building would be unacceptably overbearing or adversely affect lighting. There are no living room windows in the proposed building facing the existing flats and loss of privacy does not therefore arise.

- 6.4 To the north of the application site is a retail shop with rear yard. The proposed building at 13 Market Place would be higher than the existing, in particular at the eastern end. The windows and balconies of the flats would face towards the north and although this would not result in loss of residential amenity it would constrain, to some degree, future development on the adjoining land. This is only likely to be significant at first floor level and I do not consider this to be sufficient grounds to justify refusing planning permission.
- 6.5 There is no vehicular access to the rear yard and off-street car parking cannot therefore be provided. This site is at the heart of the town centre however and in comparable cases this has not been grounds for refusal. The yard can accommodate covered and secure cycle parking and one space for each flat is proposed to meet the Council's standard.

## RECOMMENDATION

In respect of DCSE2007/3531/F:

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

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

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

2. **C02 (Approval of details)**

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

3. **G04 (Landscaping scheme (general))**

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

4. **G05 (Implementation of landscaping scheme (general))**

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

**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

**In respect of DCSE2007/3548/C:**

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

- 1. **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.**

**Informative(s):**

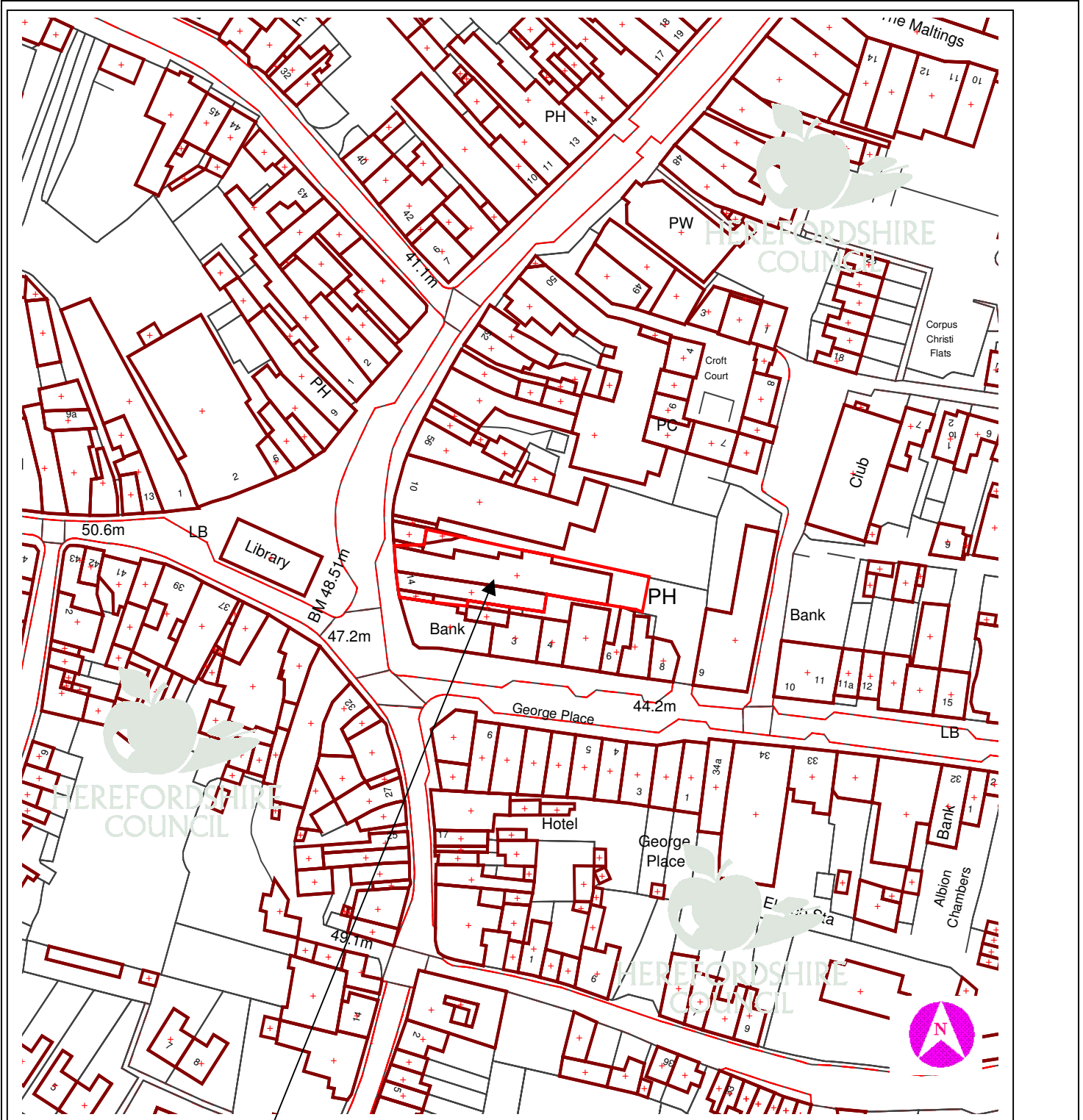
- 1. **N19 - Avoidance of doubt**
- 2. **N15 - Reason(s) for the Grant of Conservation Area Consent**

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2007/3531/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 13/14 Market Place, Ross-on-Wye, Herefordshire, HR9 5NU

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