

# Southern Area Planning Sub- Committee

Date: **Wednesday, 9th January, 2008**

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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 - 6
To approve and sign the Minutes of the meeting held on 5th December, 2007.	
<b>4. ITEM FOR INFORMATION - APPEALS</b>	7 - 10
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. DCSE2007/3531/F &amp; DCSE2007/3548/C - 13/14 MARKET PLACE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5NU</b>	11 - 18
A) Demolition of 13 Market Place, construction of shop at ground floor at 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.	

6.	<b>DCSW2007/3075/F - LAND ADJACENT TO HOLYWELL FARM, BLAKEMERE, HEREFORDSHIRE, HR2 9JY.</b>	19 - 26
	Extension of agricultural building.	
7.	<b>DCSW2007/3153/F - PARCEL 2625, HOLYWELL, BLAKEMERE, HEREFORDSHIRE.</b>	27 - 32
	Removal of condition 5 of planning permission DCSW2003/3390/F.	
8.	<b>DCSE2007/3491/F - CATS, LEYS HILL, WALFORD, ROSS-ON-WYE, HEREFORDSHIRE,</b>	33 - 38
	'Arqualand Proprietary' cover over terrace to provide additional space for fitness suite.	
9.	<b>DCSW2007/3561/F - BYECROSS FARM, PRESTON-ON-WYE, HEREFORD, HR2 9LJ.</b>	39 - 42
	Change of use of building from agricultural use to hangar-storage-agricultural use.	
10.	<b>DCSE2007/3412/F - 2 DOWARD PLACE, GOODRICH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6HY.</b>	43 - 48
	Ground floor kitchen/dining extension to existing annexe to form additional bedroom and bathroom.	
11.	<b>DCSE2007/3241/F &amp; DCSE2007/3242/C - LAND AT HENRY STREET, ROSS-ON-WYE (REAR OF 25 STATION STREET)</b>	49 - 54
	A) Construction of 2 no. no. two bedroom flats – revised scheme.	
	B) Construction of 2 no. two bedroom flats, including demolition of existing boundary walls – revised scheme.	
12.	<b>DCSE2007/3276/F - BRAMLEY COTTAGE, STAR BEECH HILL, HOWLE HILL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SH.</b>	55 - 62
	Erection of Stable block for horses owned by family for private use (retrospective application)	
13.	<b>DCSE2007/3470/RM - PROPOSED AGRICULTURAL WORKER'S DWELLING AND SINGLE GARAGE AT BRYANTS COURT, GOODRICH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6JA.</b>	63 - 68
	Proposed agricultural worker's dwelling and single garage.	
14.	<b>DCSE2007/3592/F - LAND ADJOINING 10 ST. GEORGE'S, WOOLHOPE, HEREFORDSHIRE, HR1 4QR.</b>	69 - 80
	Construction of new housing development of 6 no. 2 storey affordable houses on agricultural land and within the car park shared by the existing housing.	

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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, 5th December, 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, TMR McLean, RH Smith and DC Taylor

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

**99. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors JG Jarvis and JB Williams.

**100. DECLARATIONS OF INTEREST**

The following declarations of interest were made:

<b>Councillor</b>	<b>Item</b>	<b>Interest</b>
AE Gray	Agenda Item 5  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 H Bramer PGH Cutter JA Hyde G Lucas	Agenda Item 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.  <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.

**101. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 7th November, 2007 be approved as a correct record and signed by the Chairman.

**102. ITEM FOR INFORMATION - APPEALS**

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

**103. DCSE2007/2920/F - THE OLD CANOE STORE, MILLPOND STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7AP. (AGENDA ITEM 5)**

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

The Principal Planning Officer confirmed that the 12 residents of Wallace Court who had previously objected to the application had now withdrawn their representations subject to the applicant carrying out a number of remedial measures and the inclusion of agreed conditions.

**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. 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.**

**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.**

**9. The development shall be carried out in accordance with the remedial measures set out in the e-mail communication of 23 November 2007**

**from Jason Pritchard of Edge Design Workshop Ltd.**

**Reason: To ensure the security and privacy of neighbours.**

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

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

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

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

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

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

**13. Prior to the commencement of any development, details of the proposed flood defence wall, as indicated on plan WEROWY 207 entitled 'outline flood defence proposals', dated March 06, shall be submitted to and agreed in writing by the LPA, in consultation with the Environment Agency. Thereafter the wall shall be implemented and maintained, in accordance with the approved details.**

**Reason: To protect the development from flood risk and ensure the flood defence wall is designed and built to an appropriate standard.**

**14. Flood proofing techniques shall be incorporated into the design of the building, to protect the development up to the 1% plus climate change flood level.**

**Reason: To protect the development from flood risk.**

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

**Reason: To prevent pollution of controlled waters.**

**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**

**104. DCSE2007/2043/F - KINGS HEAD HOTEL, HIGH STREET, ROSS-ON-WYE, HEREFORDSHIRE. (AGENDA ITEM 6)**

*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.*

Councillor CM Bartrum, the local ward member, had a number of reservations in respect of the application. He noted the concerns of the traffic manager and of the town council and felt that the application should be refused due to the poor access and the lack of natural lighting provided in the flats. In addition he felt that the application was contrary to policy H13 of the Unitary Development Plan.

A number of members expressed their concerns regarding the access to the site and agreed with the concerns raised by the local ward member.

In response to a question raised by Councillor RH Smith, the Principal Planning Officer confirmed that the fire authority had not been consulted during the application process. He advised Members that the traffic manager had addressed the fire and rescue concerns in his representation.

**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) Lack of natural lighting in the dwellings**
- C) Contrary to Policy H13 of the UDP**

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

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

**105. DCSE2007/3531/F & DCSE2007/3548/C - 13 AND 14 MARKET PLACE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5NU. (AGENDA ITEM 7)**

- 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.*

The Principal Planning Officer reported the following:

- Parks, Countryside and Leisure Development Manager considers that a contribution towards sports facilities should be expected in response to Sport England proposals to increase participation in active sports. The contribution is based on Sport England's calculator (£630 per dwelling) and in this case the total is £7,560 which would be used towards improvements at

## **SOUTHERN AREA PLANNING SUB-COMMITTEE WEDNESDAY, 5TH DECEMBER, 2007**

Wilton Sports Centre.

- Economic Regeneration Officer supports this application as an opportunity to create some sizeable retail space needed in the town to attract a bigger player and this type/size of residential is hard to come by too. Many of Ross's buildings are in poor repair and so it makes some sense to start from scratch with some of the worst examples.
- The applicant's agent has indicated that his client considers the sports contribution to be unreasonable at this late stage – no such request was made in connection with the earlier withdrawn application.

In accordance with the criteria for public speaking, Mr Jones, the applicant's agent, had registered to speak at the meeting but chose not to do so.

Councillor PGH Cutter, one of the local ward members, noted the comments from the conservation manager and supported the application.

Councillor AE Gray, the other local ward member, was concerned that the committee were not in receipt of the Town Council's comments.

Members discussed the application and felt that it should be deferred pending the receipt of comments from Ross Town Council.

### **RESOLVED**

**That determination of the application be deferred until after the consultation period has expired.**

The meeting ended at 2.35 p.m.

**CHAIRMAN**



<b>ITEM FOR INFORMATION - APPEALS</b>
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**APPEALS RECEIVED****Enforcement Notice EN2007/0099/ZZ**

- The appeal was received on 23rd November 2007
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr J Williams
- The site is located at Middle Common Piggeries, Lower Maescoed, Herefordshire, HR2 0HP
- The breach of planning control alleged in this notice is:  
*Without planning permission, change of use of the land and buildings from use for agriculture to the use of war games.*
- The requirements of the notice are:  
*Cease the use of the land and buildings for the use of war games and remove all external structures presently used as hideouts that have been erected in connection with this use.*
- The appeal is to be heard by Written Representations

**Case Officer: Lisa Hughes on 01432 260141****Enforcement Notice EN2007/0112/ZZ**

- The appeal was received on 23rd November 2007
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr C Williams
- The site is located at Shop Vach Farm, Lower Maescoed, Herefordshire, HR2 0HP
- The breach of planning control alleged in this notice is:  
*Without planning permission, change of use of the land and buildings from residential and agriculture to a mixed use of residential, agriculture and the operation of war games.*
- The requirements of the notice are:  
*Cease the use of the land and buildings for the use of war games and remove all external structures presently used as hideouts that have been erected in connection with this use.*
- The appeal is to be heard by Inquiry

**Case Officer: Lisa Hughes on 01432 260141****Application No. DCSE2007/0797/F**

- The appeal was received on 28th November 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 Aden Developments
- The site is located at 53 Over Ross Street, Ross-on-Wye, Herefordshire, HR9 7AS
- The development proposed is Convert shop to single dwelling. Demolish rear part of No. 53 and outbuildings and erect 7 dwellings with landscaped courtyard.
- The appeal is to be heard by Written Representations

**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. DCSE2007/1955/O**

- The appeal was received on 30th November 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 T Morgan
- The site is located at Penrice, Walford Road, Ross-on-Wye, Herefordshire, HR9 6PQ
- The development proposed is Outline application for the erection of a detached dwelling with ancillary works.
- The appeal is to be heard by Written Representations

**Case Officer: Yvonne Coleman on 01432 383083**

**APPEALS DETERMINED**

**Application No. DCSW2006/2264/O**

- The appeal was received on 22nd 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 N Chamberlain ESQ
- The site is located at Fairview, St. Owens Cross, Hereford, Herefordshire, HR2 8LG
- The application, dated 5<sup>th</sup> July 2006, was refused on 5<sup>th</sup> September 2006
- The development proposed was In fill plot (1 no unit).
- The main issue is the effect of the proposed development on the character and appearance of the countryside.

**Decision:** The appeal was DISMISSED on 29<sup>th</sup> November 2007

**Case Officer: Yvonne Coleman on 01432 383083**

**Application No. DCSW2007/0948/F**

- The appeal was received on 18th 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 Mr & Mrs Hobbs
- The site is located at Red Rail Farm, Hoarwithy, Hereford, Herefordshire, HR2 6QT
- The application, dated 26<sup>th</sup> March 2007, was refused on 17<sup>th</sup> May 2007
- The development proposed was Alterations and extensions to include subterranean recreational facilities and conversion of outbuilding to provide additional ancillary residential accommodation.
- The main issue is size and scale of the existing dwellinghouse

**Decision:** The appeal was UPHELD on 4<sup>th</sup> December 2007

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



**Enforcement Notice EN2006/0144/ZZ**

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

**Decision:** The appeal was UPHELD (and corrected) on 12<sup>th</sup> December 2007

An application for the award of Costs by the Appellant against the Council was also UPHELD

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

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



**5A 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.**

**5B 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  
East**

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

Local Members: Councillors PGH Cutter and AE Gray

These applications were deferred by the Southern Area Planning Sub-Committee at the meeting on 5th December, 2007 so that Ross on Wye Town Council's observations could be included in the report. The Town Council's comments have now been received and are reported at paragraph 5.2.

## **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."

- 4.4 Parks, Countryside and Leisure Development Manager considers that a contribution towards sports facilities should be expected in response to Sport England proposals to increase participation in active sports. The contribution is based on Sport England's calculator (£630 per dwelling) and in this case the total is £7,560 which would be used towards improvements at Wilton Sports Centre.
- 4.5 Economic Regeneration Officer supports this application as an opportunity to create some sizeable retail space needed in the town to attract a bigger player and this type/size of residential is hard to come by too. Many of Ross's buildings are in poor repair and so it makes some sense to start from scratch with some of the worst examples.

#### 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. The applicant's agent has indicated that his client considers the sports contribution to be unreasonable at this late stage – no such request was made in connexion with the earlier withdrawn application.

#### 5.2 Town Council's comments are as follows:

“Concerns were expressed that the development is marketed as family homes and therefore it was unrealistic not to consider provision for parking when there was limited availability of local transport in Ross on Wye. Affordable housing should be inclusive in a development of this size and members of the Town Council would like to be consulted on any benefits available under S.106.”

#### 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. Policy H16 indicates that the level of off-street parking should reflect the type of housing and likely households, and the availability of public transport. In this case the flats are not family units, 9 having only 1 bedroom, the remaining 3 having 2 bedrooms. There are 2 flats with 2 or more bedrooms in the existing buildings and only 1 additional flat with 2 bedrooms would therefore be formed. Furthermore the site is at the heart of the town centre and in comparable cases the lack of off-street parking spaces 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.
- 6.6 Affordable housing is required by UDP Policy H9 when there are 15 or more dwellings being constructed in a market town or the site is over 0.5 ha. The current proposal is

for 12 only with a net increase of 10. The site is about 0.05 ha in area. It would not therefore be a necessary requirement to provide affordable units as part of this proposal. As small residential units they are likely to be at the lower end of the housing market although still above an 'affordable' price (as defined in paragraph 3.3 of SPG Provision of Affordable Housing).

6.7 The contributions towards sports facilities may be a requirement if the draft SPG Planning Obligations is adopted. However under current policies and Government guidance I do not consider that this contribution would be necessary to off-set the impact of the development.

**RECOMMENDATION**

**In respect of DCSE2007/3531/F:**

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

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

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

- 2. C02 (Approval of details)**

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

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

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

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

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

**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 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.

Informative(s):

1. N19 - Avoidance of doubt

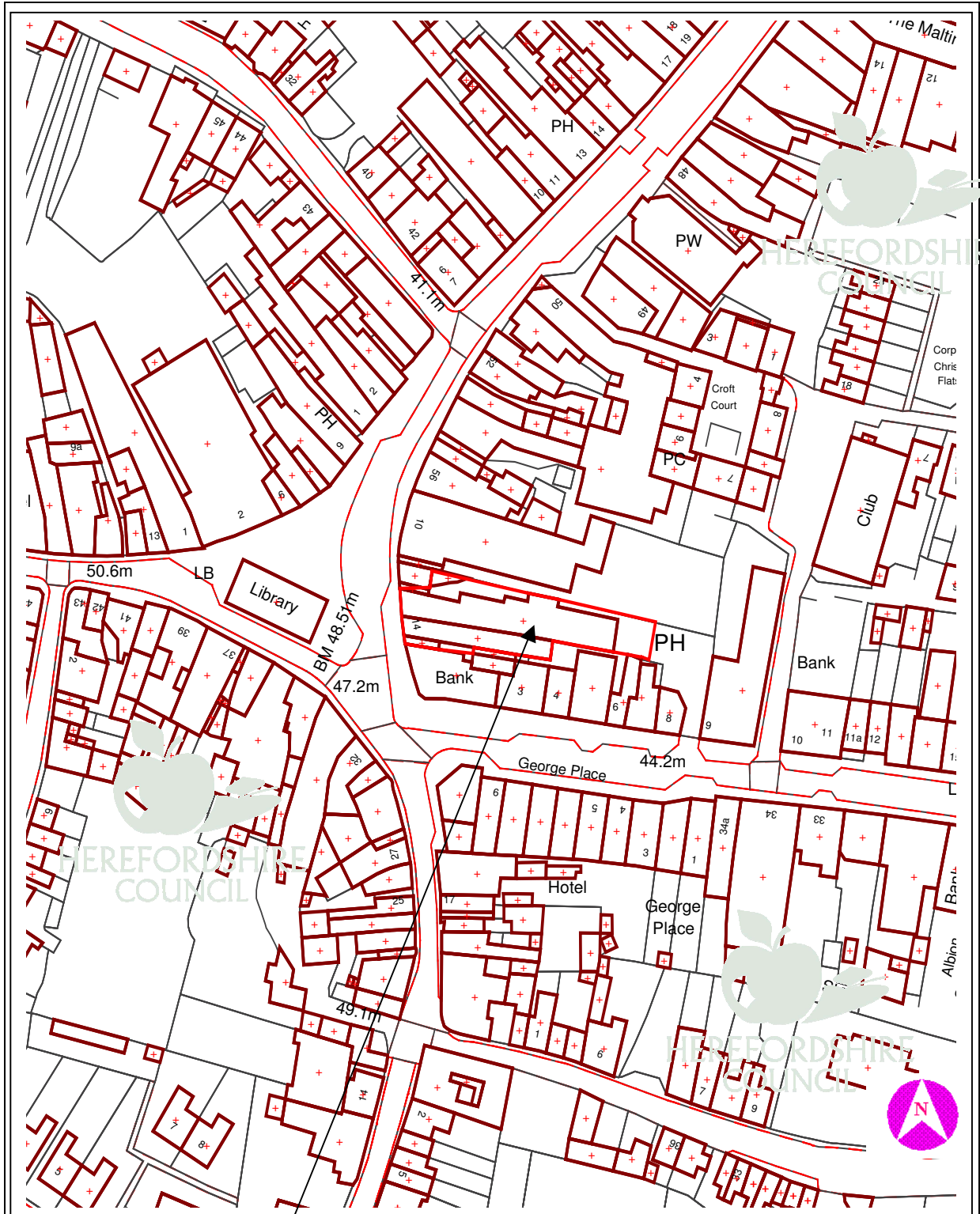
2. N15 - Reason(s) for the Grant of Conservation Area Consent

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2007/3531/F & DCSE2007/3548/C

**SCALE :** 1 : 1250

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

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**6 DCSW2007/3075/F - EXTENSION OF AGRICULTURAL BUILDING, LAND ADJACENT TO HOLYWELL FARM, BLAKEMERE, HEREFORDSHIRE, HR2 9JY.**

**For: Mr JR Stevens, Harefield, Almeley Road, Eardisley, Hereford, HR3 6PP**

**Date Received: 1st October, 2007      Ward: Golden Valley      Grid Ref: 37270, 41248 North**

**Expiry Date: 26th November, 2007**

Local Member: Councillor PD Price

**1. Site Description and Proposal**

- 1.1 The parcel of land lies to the south of the C1192 Blakemere to Preston-on-Wye road. The land is a rectangular shape and slopes southerly from the main road, measuring approximately 0.37 hectares. The land is within open countryside with Holywell Farm to the west and two residential properties located to the east, known as Spring Cottage and The Old School House.
- 1.2 The application proposes the extension of an agricultural building situated to the northwest of the parcel of land. The extension would measure 9.144m x 7m x 3.3m. The building will be finished in anthracite coloured composite panels to match the existing building.
- 1.3 The building will provide for a workshop, storage of equipment and materials and a bottling room in connection with bee keeping. No hives are kept on the site.

**2. Policies**

**2.1 Planning Policy Guidance**

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

**2.2 Herefordshire Unitary Development Plan 2007**

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S4	-	Employment
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy DR13	-	Noise
Policy E6	-	Expansion of Existing Businesses
Policy E8	-	Design Standards for Employment Sites
Policy E11	-	Employment in the Smaller Settlements and Open Countryside
Policy E13	-	Agriculture and Forestry Development

### 3. Planning History

- |     |                 |   |   |                                       |
|-----|-----------------|---|---|---------------------------------------|
| 3.1 | NW2002/3537/O   | Site for two detached houses                                | - | Appeal dismissed<br>09.07.03          |
|     | SW2003/2811/S   | General purpose agricultural building and proposed new road | - | Planning permission required 09.10.03 |
|     | SW2003/3390/F   | General purpose agricultural shed and new access road       | - | Approved 21.01.04                     |
|     | DCSW2007/1932/F | Extension of agricultural building                          | - | Refused 17.08.07                      |

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

#### Internal Council Advice

- 4.2 The Traffic Manager has no objection.

### 5. Representations

- 5.1 The applicant has submitted a Design and Access Statement and supporting information which is in summary:-

- Extra space required purely for storage and would only be accompanied by a small amount of extra activity. Working in cramped conditions at the present time causes extra work and loss of time and income.
- Understand complaint about bees around the shed. This only happens at extracting time, which is only twice a year (May and July). Unloading is done as fast as humanly possible.
- Existing screen hedge will block view of shed in future. Considering planting a faster growing screen next to the original one.
- Impractical for business to be run on an industrial site because it does attract bees.
- Most of maintenance is done during winter and early spring.

#### Supporting Information

- Account information of applicants showing turnover and gross income
- An ordnance survey map showing apiary and pollination locations in the ownership of the applicant in relation to the application site
- Details of industrial units available in the area and reasons as to why they would not be suitable for the purpose required
- Extract of article on the Economic Value of Bees in the UK

- 5.2 Wyese Parish Council supports the proposal.

## 5.3 1 letter of objection has been received from:

Mr and Mrs Foulds, The Old School House, Blakemere, HR2 9JY in which the following main points are raised:

- Need to maintain a balance between the needs of (new) developments and the needs of local residents.
- Recent application for a shed extension, which was identical to this current one, was refused in August 2007. No material considerations have changed and it would be inconsistent for the council to grant permission when it has been asked to deliberate on this same issue on two separate occasions.
- Planning permission for an agricultural shed was granted in January 2004, after a previous application for a larger shed has been withdrawn after discussion with and advice from the council. Made clear that the potential for development on the site was limited due to the size of the plot and the proximity of residential properties.
- Enterprise has developed well beyond the capacity of the current shed within the short space of only 2 years and there is now a demand for more space. Supporting documents indicates that the business has not reached full capacity. Obvious that further expansion is planned at some time in the future.
- Over the last 2 years the business has failed to demonstrate that it can operate without causing problems and without affecting the amenity of local residents.
- Mostly operated at weekends and during public holidays. Site is used for the assembly and repair of hives. This requires the use of machine tools for long periods that produce an intermittent nuisance.
- The expansion being demanded by this business without any controls is likely to give rise to an increased level of hazardous incidents involving bees.
- Suggest use of alternative premises such as are available on small industrial estates. Has been rejected on grounds of cost and likelihood of objections from other site users due to the presence of bees. Information indicates a highly profitable small business which could well afford to rent premises. Bee nuisance seems not to be a consideration here although there are residential properties surrounding this small site.
- Assembly side of business could be transferred elsewhere which would abolish intermittent noise nuisance.

## 5.4 The applicant has responded to the objection and provided the following comments:

- Father and I are third and fourth generation beekeepers starting as a hobby now increased to bee farmer levels, need to extend shed as business will be only source of income in the future.
- Farming enterprise is not large scale actually modest compared other bee farmers in the country. It is good 30 metres away from all properties.
- As to loss of amenity to local residents there are only three houses, which can be concerned with the business, have spoken to two householders who have no complaints with regards to the business and no objections to the extension
- Made every effort to keep disturbance to a minimum. Only noise has been use of a generator that was used before electricity connected. Used a table saw outside because there was not enough room in the shed - happy for council to monitor noise levels.
- Will have to work some weekends, only trying to make an honest living
- Do burn on site this is to reduce risk of spreading disease. Wood is not treated with harmful chemicals as would cause adverse effects on bees
- Contactable to assist if swarms are found in area

5.5 1 letter of support has been received from:

Mr David Woolley, Spring Cottage, Blakemere, Hereford, HR2 9JY in which the following main points are raised:

- Although objected to original application to erect building, have come to accept its presence and find it does not create the problems originally feared.
- Building is being used in accordance with original decision. Noise from site has been minor and has not disturbed us. Vehicles accessing site, and using lane, have been so few as to cause no problem. Not seen large vehicles on the site.
- Although property is the one most affected by visual intrusion of the present building, the proposed extension would not significantly increase such intrusion. Profile and colour of existing building must be maintained and existing trees in the copse must be retained.
- Use should be classed as agricultural, being an integral part of support for beehives and of handling the resulting honey. Importance of bees to agricultural and horticultural production, particularly in a fruit-producing county, goes without saying.
- Scale of the proposed extension should be judged within reason, in the context of the business as a whole, rather than the size of the field where it stands. Account should be taken of the contribution the extension could make to the viability of the business.
- Enterprise makes a much-needed contribution to the rural economy, helps a young person to play a full part in that economy, and is therefore one that should be encouraged.

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 for consideration of the application are:

- whether it is an acceptable location for the expansion of the business;
- whether the extension of the building is acceptable in terms of siting and design and;
- the impact of the extension on the amenity of neighbouring dwellings.

6.2 A planning application (DCSW2007/1932/F) was refused on 17th August 2007 for a similar extension to that currently proposed. The current application however, contains supporting information that was not submitted with the previous application. This information aims to justify the extension of the existing building and the need for the expansion of the business in this location.

6.3 Permission was granted for a general purpose agricultural shed and new access road on 21<sup>st</sup> January 2004. The building was to be used for extracting honey, melting wax, jarring honey, workshop for assembling hive parts and frames, making syrup to feed bees and storage purposes. No active hives were to be kept on the site. These activities do not strictly fall within the definition of agriculture in planning terms. In reality, planning permission was granted for an industrial use of the building. This application proposes to extend the building to provide more space and improve working conditions within the building.

- 6.4 It is accepted therefore that there is an existing business on site. Policy E6 supports the expansion of existing businesses providing that they can be satisfactorily accommodated within the existing site and that the proposal is of a scale and character appropriate to the locality and complies with the criteria of Policy E8 – Design standards for employment sites. Proposals for employment purposes should provide for adequate infrastructure and the protection of the amenity of the surrounding land uses.
- 6.5 The applicant has submitted an ordnance survey map indicating the location of the application site in relation to the position of their permanent apiaries and pollination sites. The application site is considered to be in a sustainable location relative to the operation of the business and the location of the hives.
- 6.6 In addition, the applicant has submitted details of buildings available to rent from the Councils' commercial property register and those available through local estate agents. An explanation has been provided as to why each building would be an unviable option namely, through size and distance from hives. There is also a cost implication. Account information has been submitted indicating the annual turnover of the business and gross income of the appellant. This information suggests that renting premises is a viable option.
- 6.7 In practical terms, whilst no bees are kept on site, some are transported inadvertently to the buildings when the 'supers' or 'brood boxes' are being changed/cleaned. It is questionable whether this business is suited to an established industrial site or in an isolated rural location, where there are two residential dwellings 30 metres from the building.
- 6.8 It is considered that the applicant has satisfactorily demonstrated that there are locational requirements for the business to expand on this site and, explained the reasons as to why the use could not be more appropriately sited within an established industrial area.
- 6.9 In terms of siting and design, the parcel of land measures 82m x 32m and provides a buffer zone of trees to the west with scattered trees and hedging to the southern and eastern boundaries. The area to the northwest is set back and cannot be seen from the roadside. The existing building is situated to the northwest against the backdrop of trees and in relation to the existing agricultural building at Holywell Farm. The extension would extend into the northwest corner of the site towards an existing copse. A condition would be attached to ensure that the copse is retained in perpetuity. In terms of the impact on the rural surrounding area, it would be seen against the backdrop of trees to the west and copse to the northwest and is therefore visually screened within the wider context of the countryside. The siting and design is considered acceptable.
- 6.10 The proposed site is accessed via an existing access and track with a turning area adjacent to the building. The existing visibility at the access is acceptable and it is advantageous that the removal of the hedgerow is not required. The applicant has stated that there will be no demonstrable increase in traffic movement at the site. The Traffic Manager raises no objection to the scheme.
- 6.11 Concern has been expressed about noise emanating from the activity on site and the impact on amenity. The majority of work occurs within the building and the proposed extension will provide further space for the activities to occur within the building. There are two activities that have to take place outside of the building, namely scorching

brood boxes to eliminate the wax moth and sawing large pieces of wood. It is proposed to condition these practices so that they only occur within restricted hours. In addition, a working hours condition will be applied to ensure that the business operates between certain hours during the week and is limited at weekends and public holidays.

- 6.12 A laurel hedge partially screens the existing building from The Old School House. A condition will be attached to ensure that a further native hedgerow is planted along the line of the existing laurel hedge to further protect the amenity of the dwelling.
- 6.13 During processing the original planning application (DCSW2003/3390/F) the size of the building was reduced following concerns that its size and mass would be excessive for the narrow parcel of land and result in an impact on the amenity of neighbouring properties. The current application will result in a building the same size as that previously proposed in 2003 and refused in 2007. A balance needs to be struck between the impact of the proposal and the operational needs of the business. The applicant has submitted supporting information that satisfactorily demonstrates that the locational needs of the business outweighs the identified impact of the proposal.

## RECOMMENDATION

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

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

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

2. **B03 (Matching external materials (general))**

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

3. **The hours during which working may take place shall be restricted to 8.00am to 5.00pm Mondays to Saturdays and 8.00am to 1.00pm Sundays, Bank or Public Holidays.**

**Reason: To safeguard the amenities of the locality.**

4. **No open air operation of plant, machinery or equipment shall be operated within the application site outside the following times - 9.00am to 1.00pm on weekdays nor at any time on Sundays, Bank or Public Holidays.**

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

5. **The premises shall be used for activities in connection with beekeeping and for no other purpose (including any other purpose in Class B1 of the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).**

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

6. **No active beehives should be kept anywhere on the application site.**



**Reason: To protect the amenities of nearby properties.**

**7. G09 (Retention of trees/hedgerows)**

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

**8. G12 (Planting of hedgerows which comply with Hedgerow Regulations)**

**Reason: To ensure that hedges planted are ecologically and environmentally rich and to assist their permanent retention in the landscape.**

**9. 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**

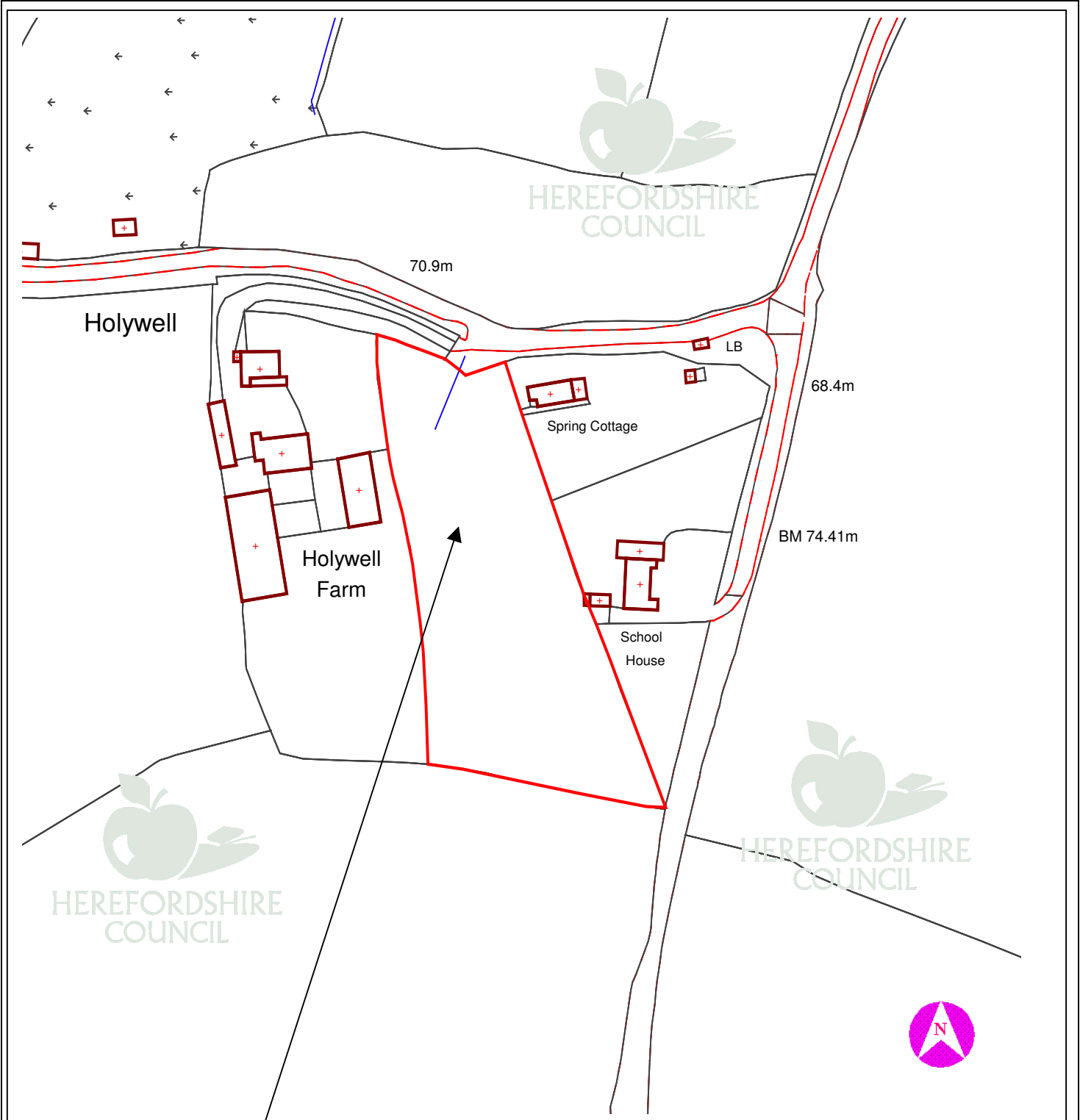
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSW/2007/3075/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land adjacent to Holywell Farm, Blakemere, Herefordshire. HR2 9JY

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**7 DCSW2007/3153/F - REMOVAL OF CONDITION 5 OF PLANNING PERMISSION DCSW2003/3390/F, PARCEL 2625, HOLYWELL, BLAKEMERE, HEREFORDSHIRE.**

**For: Mr JR Stevens, Harefield, Almeley Road, Eardisley, Hereford, HR3 6PP.**

**Date Received: 9th October, 2007      Ward: Golden Valley North      Grid Ref: 37270, 41248**

**Expiry Date: 4th December, 2007**

Local Member:      Councillor PD Price

**1. Site Description and Proposal**

1.1 The parcel of land lies to the south of the C1192 Blakemere to Preston-on-Wye road. The land is a rectangular shape and slopes southerly from the main road, measuring approximately 0.37 hectares. The land is within open countryside with Holywell Farm to the west and two residential properties located to the east, known as Spring Cottage and The Old School House.

1.2 Planning permission was granted on 21st January 2004 for the erection of a general purpose agricultural shed and new access road. Condition 5 of the permission states,

“Bee-keeping activities shall not take place anywhere on the application site except within the new agricultural building.

Reason: In order to protect the amenities of nearby properties.”

1.3 Bee-keeping activities include assembling hive parts and frames, cleaning hive parts and frames, melting wax, extracting honey, jarring honey, making syrup to feed bees and storage purposes. No active hives are kept on the site.

1.4 The application proposes the removal of condition 5.

**2. Policies**

**2.1 Planning Policy Statements**

PPS.1      -      Delivering Sustainable Development  
PPS.7      -      Sustainable Development in Rural Areas  
PPG.24     -      Planning and Noise

**2.2 Herefordshire Unitary Development Plan**

Policy S.1      -      Sustainable Development  
Policy S.2      -      Development Requirements  
Policy DR.2     -      Land Use and Activity  
Policy DR.4     -      Environment  
Policy DR.13   -      Noise

### 3. Planning History

- |     |                 |  |   |  |
|-----|-----------------|--|---|--|
| 3.1 | NW2002/3537/O   | Site for two detached houses                                   | - | Appeal dismissed<br>09.07.2003             |
|     | SW2003/2811/S   | General purpose agricultural<br>building and proposed new road | - | Planning permission<br>required 09.10.2003 |
|     | SW2003/3390/F   | General purpose agricultural<br>shed and new access road       | - | Approved 21.01.2004                        |
|     | DCSW2007/1932/F | Extension of agricultural building                             | - | Refused 17.08.2007                         |

### 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.

### 5. Representations

- 5.1 The applicant has provided the following in support of the application:

"Condition 5 is vital for the business to be as efficient as possible. This does involve some work taking place outside of the shed most of which will create no further noise to local amenities. It will allow us to work freely and inhibited. Used empty hives need to be temporarily stored outside until they are cleaned and ready to be stored inside. This is because they usually contain the large wax moth larva which will eat all the wax inside the hive if left, even eating into wood. They cannot be allowed in the building as they would destroy all the wax in the honey supers. This is an annual activity."

- 5.2 Wyese Parish Council has no objection to the proposal.

- 5.3 1 letter of objection has been received from Mr and Mrs Foulds, The Old School House, Blakemere, Hereford, HR2 9JY in which the following main points are raised:

- Not opposed to the business in principle but seek to control the scale of development on this site. Vital that the amenity of local residents is fully protected and there are safeguards in place to protect them from the hazards associated with the business.
- Unfortunately, cannot think of what alternatives would be suitable given the nature and scale of the business and the size of the land and need to protect the amenity of local residents.
- Suggest use of alternative premises such as are available on small industrial estates. Has been rejected on grounds of cost and likelihood of objections from other site users due to the presence of bees. Information indicates a highly profitable small business which could well afford to rent premises. Bee nuisance seems not to be a consideration here although there are residential properties surrounding this small site.

- Assembly side of business could be transferred elsewhere which would abolish intermittent noise nuisance.
  - Removal of condition only acceptable if clear stipulation that no 'live' hives are allowed and if boxes/hives are to be stored outside, that they should not attract bees to any appreciable extent and that all activity is contained in the shed.
- 5.4 1 letter of support has been received from Mr David Woolley, Spring Cottage, Blakemere, Hereford, HR2 9JY in which the following main points are raised:
- Condition 5 imposed 'to protect the amenities of nearby properties', and for this reason the prohibition on keeping of bees in hives on the site should continue.
  - The applicants supporting statement about the need to clean hives outside the shed to prevent contamination inside it is entirely reasonable.
  - Condition 5 should be replaced by one that specifically excludes the keeping of bees in hives on the site, but permits the reasonable handling, repair and maintenance of bee keeping equipment outdoors in the immediate vicinity of the shed.

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

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

- 6.1 The main issue for consideration in this application is the impact of the removal of condition 5 on the amenity of neighbouring dwellings and the impact of retaining the condition on the operation of the business.
- 6.2 Herefordshire Unitary Development Plan Policy DR2 states that proposals must provide for acceptable levels of residential amenity including privacy both within the scheme and in respect of nearby properties. The condition was imposed to protect the amenities of nearby properties.
- 6.3 Concern has been expressed about noise emanating from the activity on site. The majority of work occurs within the building. There are however, two activities that have to take place outside of the building, namely scorching brood boxes to eliminate infestation within the building of the wax moth and sawing large pieces of wood. As these activities use mechanical machinery and produce an element of noise, it would be unreasonable for the removal of condition 5 in its entirety. However, section 73 of the Town and Country Planning Act 1990 permits the removal of conditions and replacement with alternative reasonable and appropriate conditions.
- 6.4 In order that the business can operate efficiently and that the amenity of neighbours is protected it is proposed to condition these practices so that they only occur within restricted hours. In addition, a working hours condition will be applied to ensure that the business operates between certain hours during the week and is limited at weekends and public holidays. These have been discussed with the applicant.
- 6.5 A condition will also be applied that specifically excludes the keeping of bees in hives on the site in order to protect the amenities of occupiers of nearby properties.
- 6.6 There are concerns about the visual impact of the storage of brood boxes and supers whilst they are waiting to be cleaned. It is imperative that they are stored outside to prevent infestation of the building by the wax moth. A condition will be imposed that

ensures external storage will only be permitted to the north of the building, which is screened by an existing copse and out of view of adjacent dwellings.

**RECOMMENDATION**

**That condition 5 be removed and planning permission granted subject to the following conditions:**

- 1 E01 (Restriction on hours of working) - 9.00am to 5.00pm Mondays to Saturdays and 9.00am to 1.00pm Sundays, Bank or Public Holidays.**

**Reason: To safeguard the amenities of the locality.**

- 2 E05 (Restriction on hours of use (industrial))- No open air operation of plant, machinery or equipment shall be operated within the application site outside the following times 9am to 1pm on weekdays nor at any time on Sundays, Bank or Public Holidays.**

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

- 3 No active beehives should be kept anywhere on the application site.**

**Reason: To protect the amenities of nearby properties.**

- 4 The external storage of materials used in connection with the bee keeping activities is only permitted to the north of the building in the area hatched red on the accompanying plan.**

**Reason: To protect the appearance of the locality.**

- 5 G09 (Retention of trees/hedgerows)**

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

**INFORMATIVES:**

- 1 N19 - Avoidance of doubt**

**Received on 15th October 2007**

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

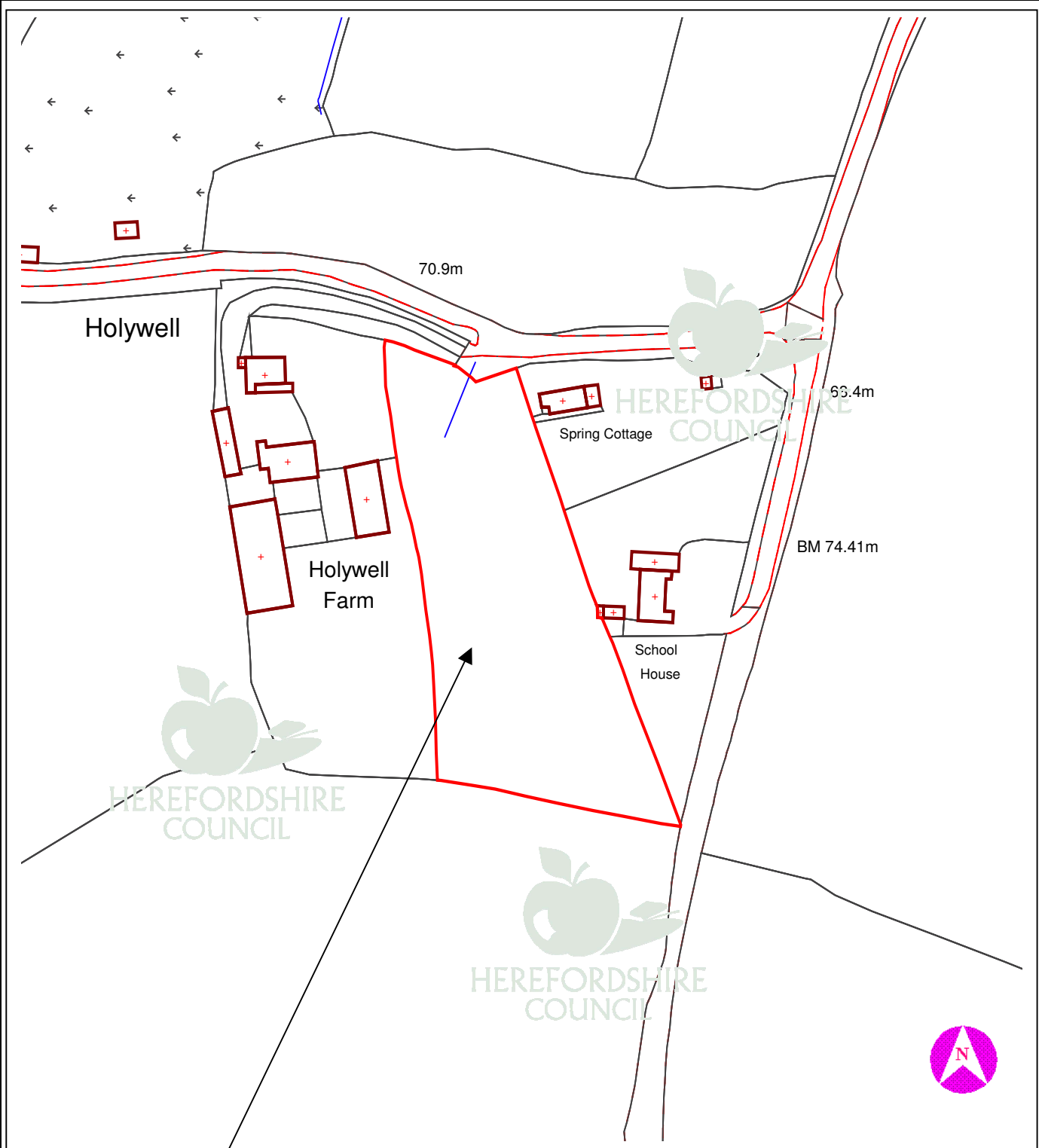
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSW2007/3153/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Parcel 2625, Holywell, Blakemere, Herefordshire.

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**8 DCSE2007/3491/F – ‘ARQUALAND PROPRIETARY’ COVER OVER TERRACE TO PROVIDE ADDITIONAL SPACE FOR FITNESS SUITE, CATS, LEYS HILL, WALFORD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5QU.**

**For: Mr & Mrs G & S Mitchell per Graham Frecknall Architects, 9 Agincourt Street, Monmouthshire, NP25 3DZ.**

**Date Received: 6th November, 2007    Ward: Kerne Bridge    Grid Ref: 58664, 18821**

**Expiry Date: 1st January, 2008**

Local Member:    Councillor JG Jarvis

**1. Site Description and Proposal**

- 1.1 The site is located in an elevated position on the steep southwest-facing slope of Leys Hill, Ross-on-Wye. It is accessed from the U70408 road that climbs from Kerne Bridge onto Leys Hill. The site falls within the open countryside, an Area of Outstanding Natural Beauty and Area of Great Landscape Value.
- 1.2 The site comprises a broad strip of land that follows the contours around Leys Hill, to the south east of the U70408 road. The main driveway runs along the lower edge of the site, serving an existing children's nursery, gym and swimming pool building, which are grouped with the applicant's house towards the rear of the site. There is a tarmac parking area to the front of the buildings and a hard surfaced tennis court lies on terraced ground in the central part of the site. The remainder of the site comprises open grassed areas, which contain scattered, predominantly semi-mature trees. The site is fairly well screened by surrounding woodland and trees but there are long distance views into the site from the hills to the southeast.
- 1.3 The proposal is to erect a lightweight cover over an existing terrace on the western side of the existing buildings. The building is constructed from structural aluminium beams, stainless steel fixtures and fittings and polycarbonate glazing. The proposal does not involve the need for any ground works, as the structure will sit on existing low terrace walls. The building will measure 4.95m x 6.95m x 2.58m.
- 1.4 The additional space is required to allow the existing personal fitness programmes to function effectively as part of the existing facilities.

**2. Policies**

**2.1 Planning Policy Statements**

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

## 2.2 Herefordshire Unitary Development Plan

Policy S.1	-	Sustainable Development
Policy S.8	-	Recreation, Sport and Tourism
Policy DR.1	-	Design
Policy E.5	-	Safeguarding employment land and buildings
Policy E.6	-	Expansion of existing businesses
Policy LA.1	-	Areas of Outstanding Natural Beauty
Policy RST.1	-	Criteria for Recreation, Sport and Tourism Development
Policy RST.2	-	Criteria for Recreation, Sport and Tourism Development within Areas of Outstanding Natural Beauty

## 3. Planning History

3.1	SH871537PF	Change of use into children's nursery school and extension to form playroom	-	Permitted 16.12.87
	SH87168PF	Extension to provide additional living accommodation	-	Permitted 25.01.88
	SH881381PF	Extension to form leisure and recreation room for pre-school age children	-	Permitted 05.10.88
	SH940484PF	Relaxation of conditions to allow for use of premises for recreational and cultural purposes	-	Permitted 07.09.94
	SH960425PF	Extension to provide additional space for recreational and cultural activities	-	Permitted 01.11.96
	SH960841PF	Permanent provision of kids club	-	Permitted 11.12.96
	SE1999/3239/F	To apply for permanent kids club use and to consolidate all extant planning consents for educational, leisure, recreational and cultural facilities for children and adults	-	Permitted 17.08.00
	DCSE2006/3912/F	9 timber lodges, tourist reception building and covered extension to fitness suite	-	Refused 24.01.07
	DCSE2007/0479/F	6 timber lodges and covered extension to fitness suite	-	Withdrawn 23.03.07
	DCSE2007/2263/F	4 timber lodges for holiday use in association with continued use of land as a children's nursery school and kids club together with approved leisure, recreational, educational and cultural use. Proposed covered extension to fitness suite	-	Refused 11.09.07

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

##### Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

##### Internal Council Advice

- 4.2 The Traffic Manager is concerned about the intensification of use as the existing access with the public highway is poor as is the 'B' road junction. If no intensification, then the proposal is acceptable but needs to be monitored.
- 4.3 The Conservation Manager comments are awaited.
- 4.4 The Environmental Health Manager has no objection to the proposal.

#### **5. Representations**

- 5.1 Walford Parish Council provide the following comments:

There were no objections to the idea of a cover but the proposed materials were considered to be aesthetically unappealing.

- 5.2 3 letters have been received from A.M Flynn, Kirkstone, Leys Hill, Walford, Ross-on-Wye, HR9 5QU and N.A.T Duffield, Hazelhurst House, Leys Hill, Walford, Ross-on-Wye and Derene and William Cansdale, Orchard House, Orchard Heights, Leys Hill, Bishopswood, HR9 5QU objecting to the development on the following grounds:

- Represents development in a Area of Outstanding Natural Beauty and is inappropriate for its setting. Site is already out of character and further piecemeal development will compound the already detrimental effect on the area.
- Has the potential to add light pollution from this site.
- Noise pollution – how will the building be soundproofed?
- Expanding business activities will lead to increase traffic pressure on an unsuitable, unclassified road, which meets with the B4234 at a notoriously dangerous junction.
- Business is for sale, must surely be suspected to be attempting to add value to the site.
- Shape, construction and design of the cover has the appearance of a polytunnel and consequently it will appear as blot on the landscape and also reflect the sun in the same way as polytunnels.
- Solar gain will require windows to be opened resulting in even higher noise pollution.

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 considerations in this application are whether there is an adverse impact on the Wye Valley Area of Outstanding Natural Beauty, whether the proposal is in keeping with the character of the existing building and its surroundings in terms of scale, mass, siting, design and materials and whether there is an adverse impact on the highway.

- 6.2 The site is located within the Wye Valley Area of Outstanding Natural Beauty. The primary purpose of designation of these areas is to conserve and enhance their natural beauty. The most relevant policy with regard to the AONB is Unitary Development Plan Policy LA1.
- 6.3 In addition, the pressure for recreation related development within the AONB merits a specific policy within the Herefordshire Unitary Development Plan – Policy RST2. Whilst AONB designation allows recreation proposals to be accommodated where such developments do not compromise the landscape quality, it is important that precedence is given to the principal aim of conserving and enhancing the natural beauty of the area.

Policy RST2 reads as follows:

Within the Malvern Hills and Wye Valley Areas of Outstanding Natural Beauty, the conservation of the unique character and qualities of the landscape and of biodiversity and geological interests will have precedence over the development of facilities for recreation, sport and tourism. In particular such developments must:

1. respect and be in keeping with the inherent distinctiveness of the local landscape;
  2. be small-scale and constructed from appropriate materials; and
  3. make a positive contribution to the understanding and quiet enjoyment of the natural beauty of the AONB.
- 6.4 Council policy therefore places paramount importance on the protection of the natural beauty of the AONB, which is of national importance. For this reason the policy is particularly restrictive and development should only be permitted when it meets the specific requirements of the policy. I will examine the proposal against Policy RST2.
- 6.5 The first policy issue is whether the development respects and is in keeping with the inherent distinctiveness of the local landscape. Given that the site is already used as a leisure facility and the existing landscape character is that of amenity land associated with the leisure facilities, development of the scale proposed, is considered to be acceptable. There is very limited change to the landscape character of the site. The proposal is not considered to have an undue effect on the rural quality and character of the AONB.
- 6.6 The second policy issue is whether the development is small scale and constructed from appropriate materials. The proposal is to erect a small-scale lightweight cover over an existing terrace on the western side of the existing buildings. The building will be constructed from structural aluminium beams, stainless steel fixtures and fittings and polycarbonate glazing. A building of this nature already exists on site, covering the existing swimming pool. The proposed building will be read against the background of the existing buildings and screened by large mature trees to the south of the site. It is not considered to harm the character or quality of the landscape.
- 6.7 The third issue is whether the development makes a positive contribution to the understanding and quiet enjoyment of the natural beauty of the AONB. There is an existing commercial use on site. The existing terrace, which the building proposes to cover, is already used in connection with the leisure facilities. The cover should ameliorate any potential noise that is emitted from the use of the open terrace.
- 6.8 Representations have been received in respect of the suitability of the highway network to accommodate the proposed building. The Traffic Manager has raised no

objection to the building provided it does not involve intensification in the use of the site. The covered area is required to allow the existing personal fitness programmes to function effectively as part of the existing facilities. No intensification in use is proposed and therefore there is no additional impact on the highway network.

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

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

**INFORMATIVES:**

**1 N19 - Avoidance of doubt**

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

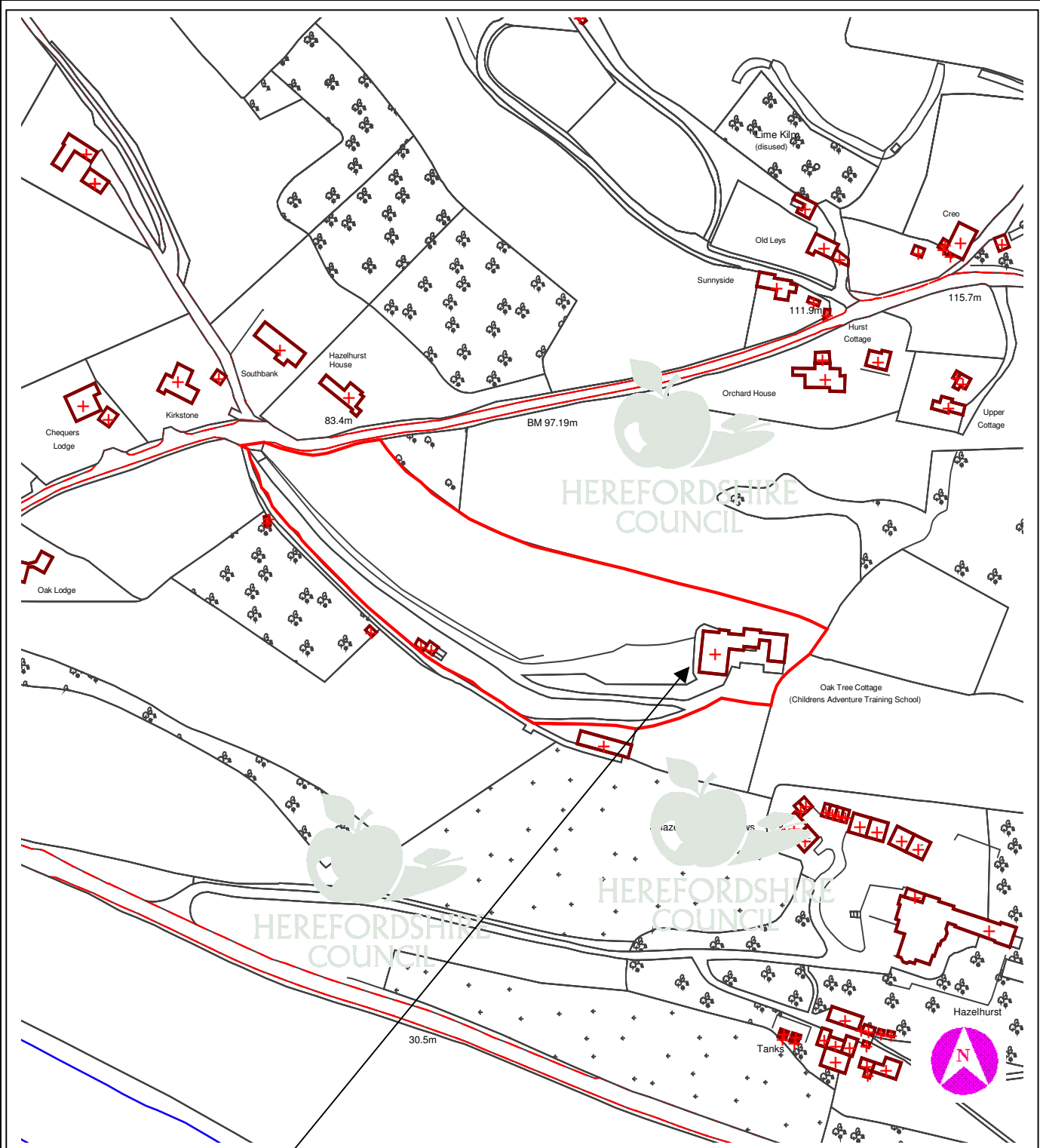
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2007/3491/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** Cats, Leys Hill, Walford, Ross-On-Wye, Herefordshire, HR9 5QU

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## **9 DCSW2007/3561/F - CHANGE OF USE OF BUILDING FROM AGRICULTURAL USE TO HANGAR-STORAGE-AGRICULTURAL USE, BYECROSS FARM, PRESTON-ON-WYE, HEREFORD, HR2 9LJ.**

**For: Mr T Fenn, Byecross Farm, Preston-on-Wye, Herefordshire, HR2 9LJ.**

**Date Received: 12th November, 2007    Ward: Golden Valley    Grid Ref: 37757, 42510 North**

**Expiry Date: 7th January, 2008**

Local Member:    Councillor PD Price

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

- 1.1 Byecross Farm is located on the northern side of the Class III road (C1191) that links Moccas to the west and the northern fringes of Preston-on-Wye to the east. Byecross constitutes a small group of dwellings either side of the C1191 road. Byecross Farm is in close proximity to the River Wye.
- 1.2 The proposal is for the use of a former polytunnel shaped structure as a hangar, as well as for storage and agricultural use in association with the farmstead.
- 1.3 The building is 8 metres wide, 16 metres long and 3.5 metres at its highest. The building is covered in slate blue coloured box profile sheeting. It is sited to the south-west of the approved airstrip some 70 metres east of the applicant's dwelling and parallel to the Class III road (C1191).

### **2. Policies**

#### **2.1 Planning Policy Statement**

PPS7                    -            Sustainable Development in Rural Areas

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

Policy DR2           -            Land Use and Activity  
 Policy DR13        -            Noise  
 Policy LA2          -            Landscape Character and Areas Least Resilient to Change  
 Policy HBA12       -            Re-use of Rural Buildings

### **3. Planning History**

- |     |                 |   |   |  |
|-----|-----------------|---|---|--|
| 3.1 | NW2001/2137/F   | Erection of polytunnel                    | - | Approved 02.10.01                          |
|     | DCSW2005/2867/S | Secure agricultural building for trailers | - | Determined 20.09.05                        |
|     | DCSW2006/3750/U | Use of field as a camp site               | - | Certificate of Lawfulness granted 25.01.06 |

DCSW2006/3763/F Retrospective planning for toilet/shower block built in existing steel framed building - Approved 21.02.07

DCSW2006/3762/F Use of land as an occasional airstrip (retrospective application) - Approved 15.07.07

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

##### Statutory Consultations

4.1 No statutory or non-statutory consultations required.

##### Internal Council Advice

4.2 Traffic Manager has no objections.

#### **5. Representations**

5.1 The Wyeside Parish Council make the following observations:

“The Parish Council does not support this application and recommends the building be left for agricultural use. We have expressed views about noise/disruption to livestock and although there is a limit to ‘flight’ take-offs and landings, this is not controlled.”

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

#### **6. Officer’s Appraisal**

6.1 The main issue is considered to be the impact of the development of the continued use of an existing building for part use as a hangar for the applicant’s aircraft.

6.2 It is considered that the use of what was formerly an agricultural structure sited close to the roadside hedgerow of the C1191 road will not impinge upon the amenity of the locality nor on the amenity of adjoining residents. The use of the existing structure would appear to obviate any need for a further building on the property. The building is not incongruous in the landscape. This is particularly given that the barrel roof is 3.5 metres at its highest point.

6.3 It was acknowledged in granting planning permission for continued use of the adjoining land as an airstrip for sole use by the applicant that an aircraft would more than likely need to be stored either in an existing building or in a new one. The continued use of the barrel shaped building, the subject of this application, is a satisfactory proposal as regards utilising existing buildings in the open countryside.

#### **RECOMMENDATION**

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

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



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

- 2. The use of the building for storing an aircraft shall enure for the benefit of Mr. A. Fenn only and not for the benefit of the land or any other parties interested in the land, and only at such time as he occupies Byecross Farm.**

**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.**

- 3. F32 (Details of floodlighting/external lighting)**

**Reason: To safeguard local amenities.**

**Informative(s):**

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

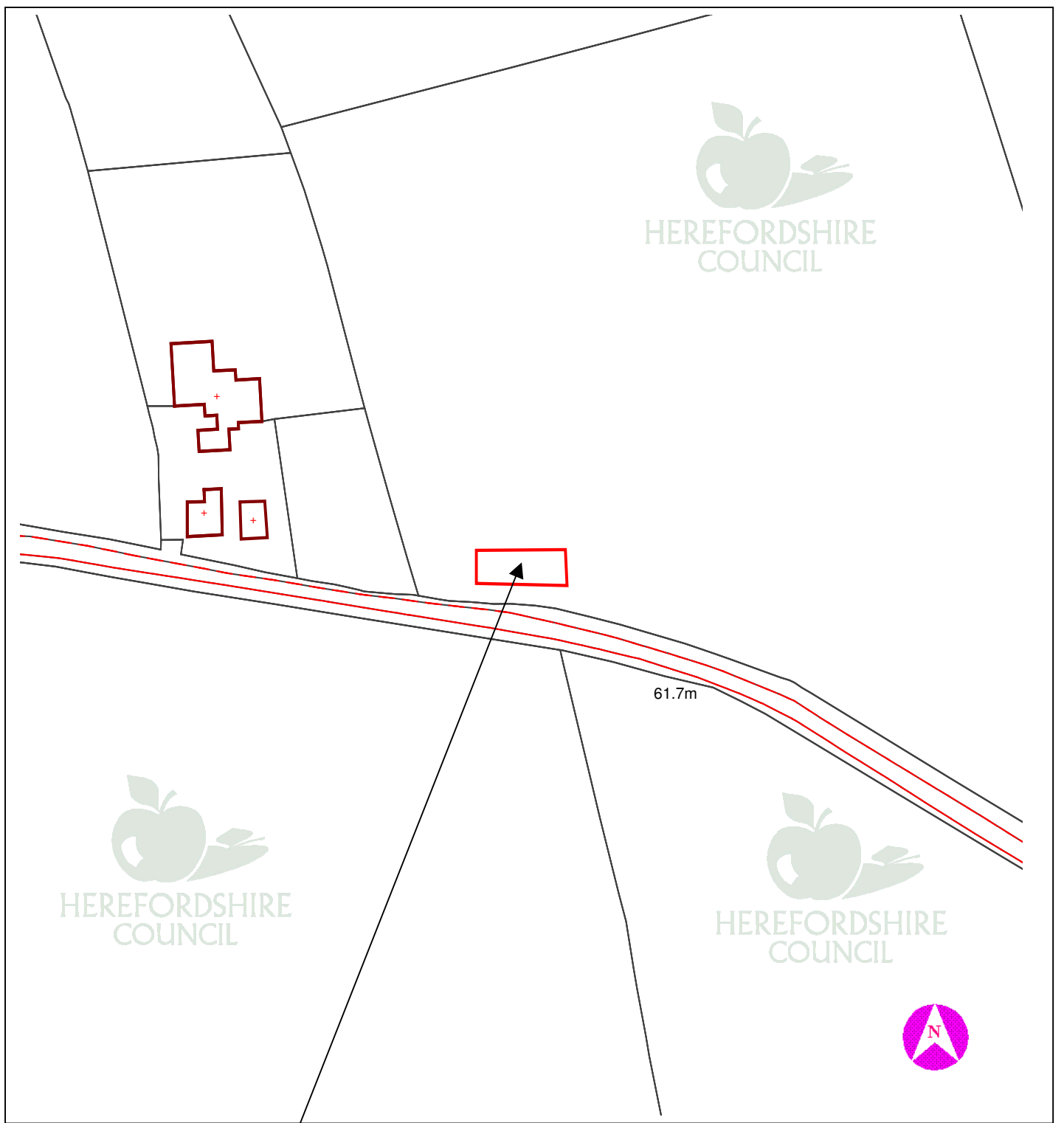
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSW2007/3561/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Byecross Farm, Preston-on-Wye, Hereford, Herefordshire, HR2 9LJ

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**10 DCSE2007/3412/F - GROUND FLOOR KITCHEN/DINING EXTENSION, AND GROUND FLOOR EXTENSION TO EXISTING ANNEXE TO FORM ADDITIONAL BEDROOM AND BATHROOM, 2 DOWARD PLACE, GOODRICH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6HY.**

**For: Mr & Mrs Chambers per Mr C Goldsworthy, 85 St Owens Street, Hereford, HR1 2JW.**

**Date Received: 2nd November, 2007    Ward: Kerne Bridge    Grid Ref: 57529, 19325**  
**Expiry Date: 28th December, 2007**  
 Local Member:    Councillor JG Jarvis

**1. Site Description and Proposal**

- 1.1 2 Doward Place, a 3-storey mid-terrace cottage with stand-alone annexe building at the rear, is on the east side of the unclassified 70405 that leads from Goodrich to Welsh Bicknor Youth Hostel, located in the main village of Goodrich and within the Wye Valley Area of Outstanding Natural Beauty. Corner Piece is opposite.
- 1.2 This application is for an extension between the neighbouring cottage, 1 Doward Place, and the annexe to provide kitchen and dining family room, and a bedroom and bathroom extension that will project from the rear wall of the annexe.

**2. Policies**

**2.1 Planning Policy Statement**

PPS1                    -            Delivering Sustainable Development

**2.2 Herefordshire Unitary Development Plan 2007**

Policy S2            -            Development Requirements  
 Policy S7            -            Natural and Historic Heritage  
 Policy DR1          -            Design  
 Policy DR3          -            Movement  
 Policy H18          -            Alterations and Extensions  
 Policy LA1          -            Areas of Outstanding Natural Beauty

**3. Planning History**

- 3.1 None.

**4. Consultation Summary**

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 Traffic Manager recommends refusal. The development has a potential to increase parking problems in the vicinity of the development.

4.3 Public Rights of Way Officer – no reply received.

**5. Representations**

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

- This application is for single storey extensions to form a new kitchen/dining room and an additional bedroom and bathroom.
- 2 Doward Place is a 3-storey, 3-bedroomed terrace cottage. There is an existing 2-storey annexe at the rear of the property which is currently used as a study/storage room and guest bedroom.
- The new open plan kitchen and dining room will be built on part of the existing rear courtyard.
- The annexe will also be extended at ground floor level to form a new bedroom and bathroom facing southwest.
- The proposals will give the family a larger and more flexible living space.
- The existing annexe will be directly accessible from the link extension.
- The existing kitchen has no windows and would be better suited as the utility room and WC.
- The existing dining room is separated from the kitchen by a flight of steps.
- The extension provides space to combine a larger kitchen with dining room with direct access into the both the garden and annexe.
- The existing floor area of the cottage and annexe is 157.43sq. metres.
- The kitchen link extension is 31.45sq. metres and the annexe extension is 18.67sq. metres.
- The proposals are of simple vernacular design, in keeping with the surrounding buildings.
- The proposed development is at the rear of the property and will not be seen from the road.
- Materials will match; render, natural stone and slate.
- The proposed link is of modest proportion, with the roof kept no higher than the lowest ridgeline of the surrounding buildings.
- None of the new windows directly overlook any neighbouring properties.
- Wheelchair access is possible at ground floor level for both the existing cottage and the annexe.
- The proposals give wheelchair users greater access to living spaces, with more facilities available on the same level, including the new ground floor guest bedroom and bathroom.

5.2 Goodrich Parish Council has no objection.

5.3 Objections have been received from Mr and Mrs J Jarvis, 10 Vicarage Road, Harborne, Birmingham, B17 0SP (owners of 3 Doward Place), and Mr T Ingram by E-mail.

- The current design will affect "right to light".
- One wall appears to block light to half of our French doors and hardly any light at all will be received from the right hand aspect of our property.
- Also a kitchen door will open in close proximity of our building.

- We have 2 full rights of way afforded to us over the courtyard which runs directly through the proposed development.

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

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

- 6.1 This application is for an extension to the rear of this mid-terrace house that will be partly built over an open yard area that the neighbour has said they have a right of way over and the extension will obstruct this right. However, this is a private right of way, which the public do not have a right to cross. It is not the purpose of the planning system to protect private rights.
- 6.2 Policy H18 deals specifically with alterations and extensions to dwellings. The policy sets a criterion for consideration; scale, siting, and design to ensure adequate levels of privacy and environmental quality. The infilling of the courtyard will involve the construction of a wall that will project off the annexe towards the applicant building. It is said this new wall will reduce light through the neighbours French doors. Although, the new wall will project some 3metres from the annexe towards the rear of these dwellings, the extension will not be in front of the French doors. Given the orientation of the existing terraced cottages and the height and juxta position of the annexe it is not considered this part of the application would cause significant further loss of light into the neighbouring property. There is no objection to the bedroom and bathroom extension that will be built off the rear of the annexe.
- 6.3 While, the Traffic Manager has recommend refusal of this application in that it would lead to parking problems in the area, the site does not have on site parking. The applicants presently park their vehicles on the adjoining roads. Officers are not aware this causes problems in the locality and do not consider the proposal would lead to such an increase that would cause a nuisance to other road users.

## **RECOMMENDATION**

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

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

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

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

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

**Informative(s):**

- 1. N14 - Party Wall Act 1996**
- 2. N19 - Avoidance of doubt**
- 3. N15 - Reason(s) for the Grant of Planning Permission**

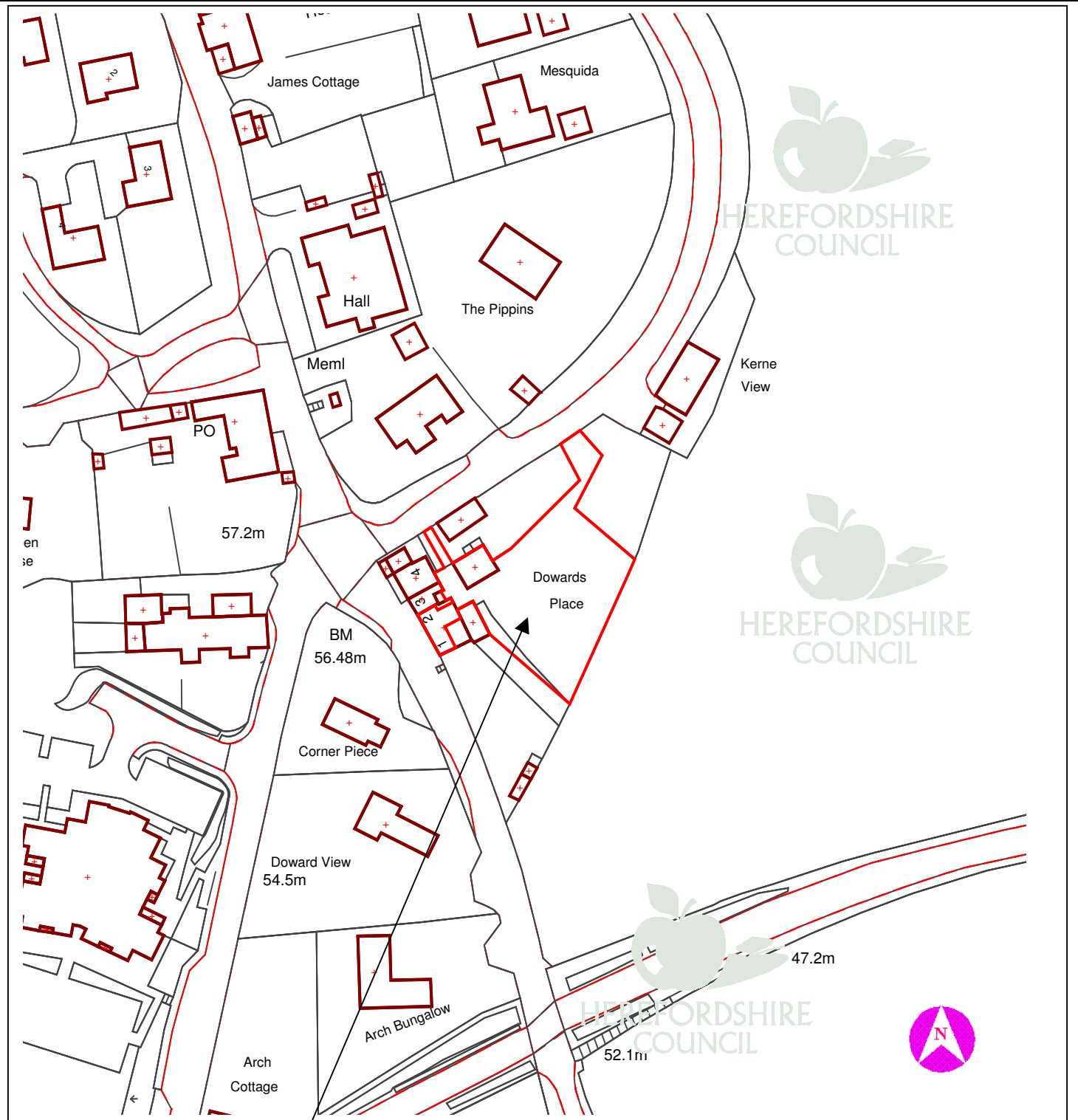
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2007/3412/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 2 Doward Place, Goodrich, Ross-on-Wye, Herefordshire, HR9 6HY

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**11A DCSE2007/3241/F - CONSTRUCTION OF 2 NO. TWO BEDROOM FLATS - REVISED SCHEME, LAND AT HENRY STREET, ROSS-ON-WYE, HEREFORDSHIRE, (REAR OF 25 STATION STREET).**

**11B DCSE2007/3242/C - CONSTRUCTION OF 2 NO. TWO BEDROOM FLATS, INCLUDING DEMOLITION OF EXISTING BOUNDARY WALLS – REVISED SCHEME, LAND AT HENRY STREET, ROSS-ON-WYE (REAR OF 25 STATION STREET)**

**For: Messrs M and N Oates per BF Powell, Little Oaks, Church Hill, Lydbrook, Gloucester, GL17 9SN.**

**Date Received: 17th October, 2007    Ward: Ross-on-Wye    Grid Ref: 60139, 24242 East**

**Expiry Date: 12th December, 2007**

Local Members: Councillors PGH Cutter and AE Gray

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

1.1 The application site was formerly part of the rear garden of 25 Station Street, a Victorian semi-detached property occupied as two residential flats, which fronts Henry Street. This land has been fenced off from the garden and is used for car parking. An application (DCSE2006/2863/F) to erect a building comprising 2 2-bedroom flats was refused permission in October 2006 for the following reasons:

1. The proposed block of flats, because of its scale, massing and design, would be a discordant feature in the street scene and consequently harm the character and appearance of the Ross-on-Wye Conservation Area. The proposal would conflict therefore with Policies DR1, H1, H13, H14 and HBA6 of Herefordshire Unitary Development Plan (Revised Deposit Draft) and GD1, C23, SH14, SH15 of part 1 and Policy 5 of part 3 of the South Herefordshire District Local Plan.
2. The proposal would result in the public sewerage system being overloaded and would be likely to increase the risk of flooding and environmental pollution. The proposal therefore conflicts with Policies C40 and C43 of the South Herefordshire District Local Plan and Policy DR4 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).

1.2 The current application is for a revised proposal. The building would be two-storeyed with a ridge roof, gabled rather than a hipped roof of the earlier scheme. It would be about 8m x 6.8m deep and 4.9m to eaves and 7.4m to ridge (scaling from the drawings). Attached to the south side of the building would be an external staircase to give access to the first floor flat. The building and staircase occupy most of the application site except for a path to the north side. Each flat would have 2 bedrooms.

Windows would be restricted to the front and side elevations and with no regular pattern or size.

## 2. Policies

### 2.1 Planning Policy Statement

PPS3	-	Housing
PPG15	-	Planning and the Historic Environment

### 2.2 Herefordshire Unitary Development Plan 2008

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 HBA6	-	New Development within Conservation Areas
Policy HBA7	-	Demolition of Unlisted Buildings within Conservation Areas

## 3. Planning History

3.1	DCSE2006/2863/F	Construction of 2 2-bedroom flats	-	Refused 26.10.06
	DCSE2006/2862/C	Construction of 2 2-bedroom flats including demolition of boundary wall	-	Refused 26.10.06

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Welsh Water recommends conditions regarding surface water and land drainage run-off.

### Internal Council Advice

- 4.2 Traffic Manager recommends that permission be refused because the loss of parking to the existing property and the increase of 2 2-bed properties is not acceptable and contrary to our specification.
- 4.3 Conservation Manager comments – “Given the nature of the site I recommended that the applicant looked for precedents in small scale industrial/workshop types rather than conventional C19 housing and whilst the proposed scheme lacks some of the ad hoc character of the models I suggested, I think it is a broadly acceptable response.”

## 5. Representations

- 5.1 The applicants' agent has written a letter of application and a Design and Access Statement, which are in summary:

- (1) The site is unkempt and unattractive and would benefit from some improvement and as brownfield land development would be in line with PPG3.
  - (2) Scheme has been redesigned following discussion with the Council's Conservation Officer to create a workshop typology rather than a typical residential building.
  - (3) This has been achieved by the front elevation having windows of varying heights and widths and some asymmetrical positioning together with a steel external staircase.
  - (4) Foul drainage problems have been overcome, according to letter from Welsh Water (copy submitted).
  - (5) Each flat would have a floor area of about 50m<sup>2</sup>.
- 5.2 Town Council 'do not agree with the proposed fenestration which is not in keeping with other buildings in the street. There are also concerns about the proposed loss of car parking spaces in an already congested area.'

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

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

- 6.1 The key issues are, firstly, the effect of the proposal on the character and appearance of Ross-on-Wye Conservation Area and, secondly, whether it is acceptable to develop two flats without off-street parking and at the expense of existing parking spaces.
- 6.2 The application site is between a full 2-storeyed Victorian house (25 Station Street) and a two-storey hip roofed building containing retail shops (14 Henry Street). In view of the restricted size of the site a building with typically modern eaves and ridge height would look out of scale between these significantly taller and larger buildings. This was one of the concerns leading to refusal of the earlier application. However, to the rear of the site is a courtyard with small-scale industrial buildings to the north and east (Fritz Fryer Lighting). The current proposal is for a building which would relate in scale and style to these premises. As submitted, the Conservation Manager did not consider that this has been fully achieved but the applicants' agent has submitted revised proposals showing a more steeply pitched roof. The intention of the irregular fenestration would be to emphasise that the building relates to the commercial workshop rather than the residential or retail buildings. On this basis the change of scale would be acceptable and the building would blend into the street scene. The Conservation Area would not therefore be harmed.
- 6.3 The Traffic Manager is concerned about the loss of existing off-street parking and additionally that the new flats would not have parking spaces. The site is within the town's central shopping and commercial area and small-scale developments of up to two houses in Henry Street have been approved in the past few years without off-street parking provision. Policy H16 states that 'off-street parking provision should reflect site location, the type of housing to be provided, the types of household likely to occupy the development and the availability of public transport'. In this case these small flats are within the town centre area and close to the main bus stopping location in Cantilupe Road. The preamble to the policy makes it clear that 'there are no minimum standards of provision.' The erection of dwellings with no off-street parking would therefore be consistent with other decisions and with current policies. No objections were raised by the Traffic Manager to the earlier application on this site, also for two flats, and on the loss of existing parking spaces it was commented that 'this is a sustainable location (town centre) and in line with Government Policy

Guidelines to encourage reduction in car use, is considered acceptable'. It would not now be reasonable to refuse the current application solely on the grounds of loss of car parking.

**RECOMMENDATION**

**In respect of DCSE2007/3241/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.**

**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 DCSE2007/3242/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.**

**Informative(s):**

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

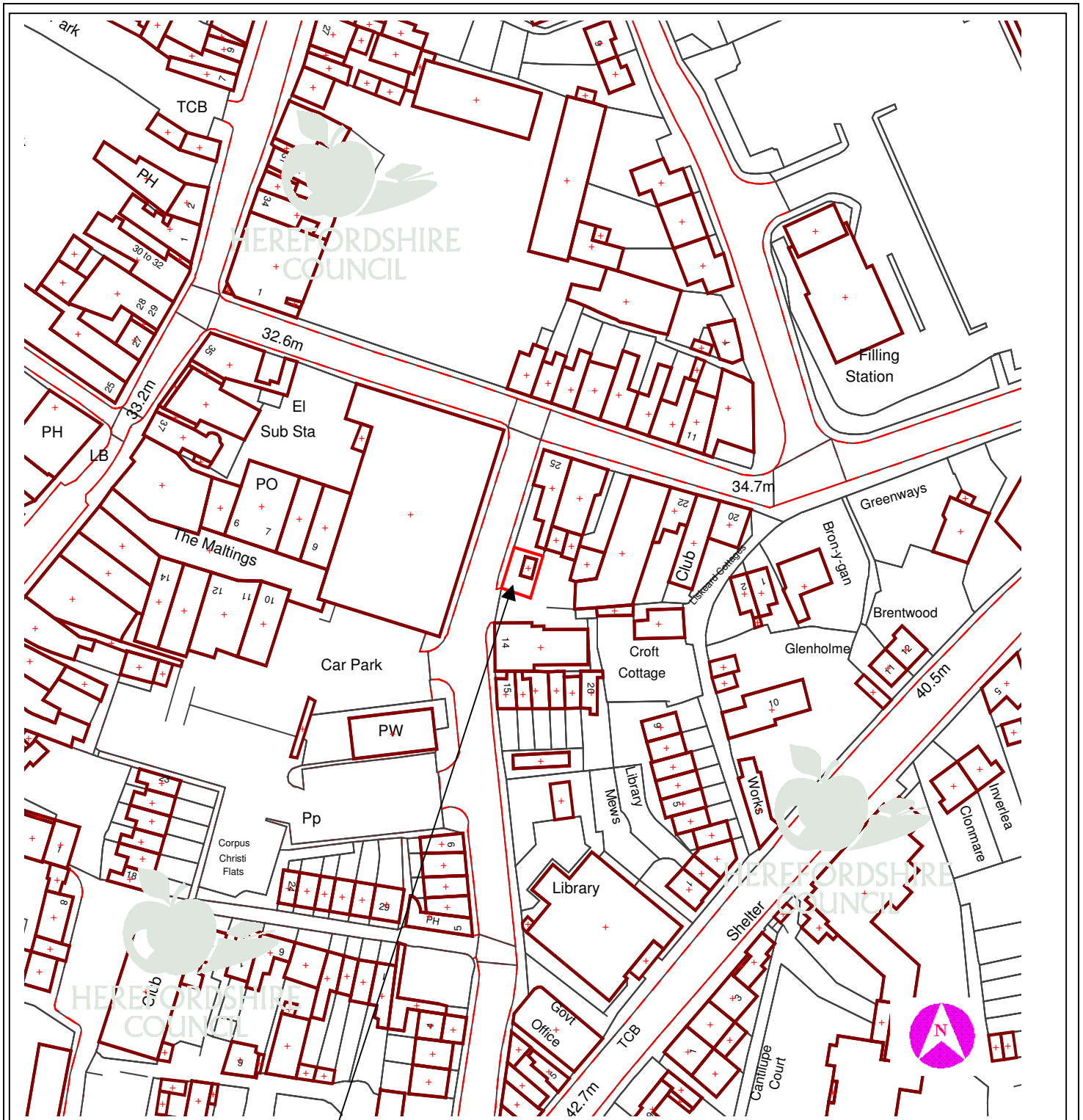
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2007/3241/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land at Henry Street, Ross-on-Wye, Herefordshire, (rear of 25 Station Street).

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**12 DCSE2007/3276/F - ERECTION OF STABLE BLOCK FOR HORSES OWNED BY FAMILY FOR PRIVATE USE (RETROSPECTIVE APPLICATION), BRAMLEY COTTAGE, STAR BEECH HILL, HOWLE HILL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SH.**

**For: Mr T Raby, Bramley Cottage, Star Beech Hill, Howle Hill, Ross-on-Wye, HR9 5SH.**

**Date Received: 19th October, 2007    Ward: Kerne Bridge    Grid Ref: 60554, 20530**  
**Expiry Date: 14th December, 2007**  
 Local Member:    Councillor JG Jarvis

**1. Site Description and Proposal**

- 1.1 The application property is a detached cottage set well back from the Coughton - Ruardean road on Howle Hill. The garden has been extended by incorporating part of the large field (also in the applicant's ownership) to the east. Planning permission (SE2004/2359/F) for change of use from field to domestic curtilage was granted in August 2004. Two rows of loose boxes plus ancillary accommodation have been positioned on a concrete base at the southern end of the enlarged garden. This was carried out during the summer following refusal of planning permission (DCSE2007/1649/F) for the erection of an 'L' shaped stable block. The 2 stables and tack room are about 11.6m long by 4.7m wide; the eastern stable, foaling box and hay/feed barn are 15.1m by 4.7m wide. They are of wooden construction with a black Onduline roof (ridge height about 2.7m). The two rows are about 5.5m apart.

**2. Policies**

**2.1 Planning Policy Statement**

PPS.7                    -            Sustainable Development in Rural Areas

**2.2 Herefordshire Unitary Development Plan 2007**

Policy LA1            -            Areas of Outstanding Natural Beauty  
 Policy H7             -            Housing in the Countryside Outside Settlements  
 Policy H18            -            Alterations and Extensions

**3. Planning History**

- |     |                 |  |   |                    |           |
|-----|-----------------|--|---|--------------------|-----------|
| 3.1 | DCSE2001/0584/F | Alterations and extensions to include dependent relatives annexe | - | Appeal<br>02.10.01 | Dismissed |
|     | DCSE2001/1488/F | Alterations and extensions to include dependent relatives annexe | - | Approved           | 26.07.01  |

DCSE2002/0602/F	Two-storey extension	-	Approved 08.05.02
DCSE2002/2531/F	Part reconstruction and two-storey extension of cottage	-	Approved 23.10.02
DCSE2003/0270/F	Detached double garage with room over	-	Refused 27.03.03
DCSE2003/2187/F	Detached double garage	-	Approved 12.09.03
DCSE2004/2107/S	General purpose agricultural dwelling	-	Prior approval not required 23.07.04
DCSE2004/2359/F	Change of use of part field to domestic curtilage	-	Approved 23.08.04
DCSE2006/1583/F	Retention of dog kennel and run	-	Approved 05.07.06
DCSE2007/1649/F	Erection of stable block	-	Refused 24.07.07

#### 4. Consultation Summary

##### Statutory Consultations

4.1 No statutory or non-statutory consultations required.

##### Internal Council Advice

4.2 Traffic Manager has no objection to the grant of planning permission.

4.3 Conservation Manager has no objection to this proposal.

#### 5. Representations

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

- (1) Single storey construction for private equestrian use and storage of feed and equipment necessary for the keeping of sheep.
- (2) The proposed stables will be sited entirely within the existing garden area. The total floor space for the stables is 98m<sup>2</sup>, consisting of 64m<sup>2</sup> stabling for equines (consisting of three 3.6m x 4.2m loose boxes and one 3.6m x 5.4m foaling box) plus 13m<sup>2</sup> area for tack and storage and 21m<sup>2</sup> area for storage of feed and bedding materials.
- (3) I currently own three horses (two stallions and one mare) one of which is in foal, therefore there is a requirement for three loose boxes and one foaling box.
- (4) The separation between the blocks is necessary when keeping mares and stallions in proximity.
- (5) The stable block will sit very comfortably in the surroundings and will be shielded from the highway by existing hedges. It is set entirely within the existing garden. It will be set away from the main dwelling and be subservient to it. The garden is very large so the extension will not dominate it.



- (6) Agreement had been given to the previous owners to erect an agricultural building on the same site and the site has already been partly levelled although the work was not completed.
- (7) Access will be through an existing gate adjacent to the entrance to the main dwelling. The extension is adjacent to the 4.8 acre paddock which, together with the proposed extension will provide a useful, private, equestrian facility to the property.
- (8) The area proposed for the erection of the stables has already been partly landscaped by the previous owners, and only a minimal amount of landscaping is required to complete the process. The hedges along the west side of the site will remain undisturbed, and there is no requirement to fell trees.
- (9) The existing public footpath which crosses the property along the western edge is located well away from the proposed site of the extension. The new construction is not visible from the public footpath, which runs at a lower level.
- (10) We have designed the stable unit to be an attractive and useful addition to the existing dwelling and land, without dominating the dwelling or garden areas. The timber construction is in accordance with guidelines from the Planning Department and is in keeping with the rural environment.
- (11) The location chosen is the best on the site to meet requirements. Of alternative locations:
  - (i) the garden area south west of the house would offer greater visibility, is next to a public footpath and is exposed to the prevailing wind and rain. Also it is built up land which could be compromised by the weight of stables and concrete.
  - (ii) the area north west of the house has issues of security being immediately adjacent to a public right of way. It is also the site of the gas tank and the septic tank. There are overhanging trees and the land falls away sharply to the rear.
  - (iii) the area to the north east borders neighbouring gardens, has no vehicle access and has overhanging trees.
- (12) Enclosed with this application is a number of photographs and Quicktime video demonstrating that the visibility of the stables is minimal. The site can only be seen from the field gate near the crossroads. The hedge near the bus stop has a short section 4' high and this can be encouraged to grow or a screen planted or a fence erected to fill the gap. Thus, from the south, west and south west directions there is essentially no visual impact whatsoever.
- (13) The only other position of view is from the neighbouring garden fence to the north west of the property. The neighbouring land falls away and the Bramley Cottage property and the field can not be seen from the neighbouring house. A hedge has also been planted along this fence-line which, in time will provide complete screening between the two properties.
- (14) It must be noted that no objections were received to the original planning application, and the change in orientation now means that the visual impact is even less than that of the original submission.
- (15) The horses being kept at this property are pure bred Akhal Teke which originates in the desert region Turkmenistan. This breed is classified by the United Nations as an endangered breed of international importance, with only about twenty five representatives in the UK. The Akhal Teke is probably the oldest and purest breed of modern, domesticated horse and has been the influence in many important breeds including the English Thoroughbred.

- (16) The United Nations is in the process of developing a strategy to promote the breeding and preservation of a number of endangered breeds, including the Akhal Teke (as explained in a submitted press cutting).
- (17) The horses at Bramley Cottage are bred from top class performance lines in eventing, dressage and endurance and are excellent representatives of the breed. The aim is to promote the qualities of the breed through competition. This requires the provision of good accommodation.
- (18) The keeping of these horses at Bramley Cottage also supports the local, rural economy through the purchase of local goods and services. It does not interfere with the activities of anyone else resident in, or visiting the locality, nor does it detract from their enjoyment of the countryside.

5.2 The Parish Council "is puzzled by a retrospective application for a stable block that is larger in scope than the previous one (SE2007/1649/F) that was refused on 24.07.07 on the grounds of its size, prominence and position in relation to the dwelling house.

Therefore our comments remain the same, i.e. concern that the stable block is too large on a site that has already seen considerable building development on and near the original small cottage in an AONB."

5.3 One letter has been received, objecting to the retention of these stables because:

- (1) dismay at the number of older, small, country houses that have been over-extended;
- (2) this house is in a conspicuous position and has been enlarged in a rather insensitive way;
- (3) the site is within the Area of Outstanding Natural Beauty (Policies LA1, H7 and H18 apply) and applicant must have known there were restrictions in these protected areas;
- (4) the stables are not mobile as construction will be fixed to a concrete slab'
- (5) the proposed security lighting and alarm linked to the main dwelling could create unnecessary light pollution.

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 no specific policies in the Unitary Development Plan to guide the control of equine/equestrian related developments. Guidance in PPS7 (paragraph 32) primarily concerns commercial enterprises and farm diversification. The current application is specifically for domestic purposes. The preamble to Policy H18 states that 'this policy will ...be applied to proposals for ...ancillary accommodation and buildings incidental to the enjoyment of a dwelling' (paragraph 5.6.15). The proposal can be considered therefore under the Council's policies for residential development in the countryside, including the impact on the Wye Valley Area of Outstanding Natural Beauty. The stables are on skids but in view of the concrete base that has been erected, the size of the buildings and their intended permanence, I consider that this constitutes development requiring planning permission. If planning permission is granted the intention is to bolt the buildings to the concrete bases.
- 6.2 Policy H7 applies strict controls over development in the wider countryside in order to protect the landscape and the wider environment. Residential development is to be limited and new development avoided where practicable (paragraph 5.4.66). One of

the exceptions to this control is an extension to an existing dwelling, which as noted above includes outbuildings. The original dwelling has been substantially re-built and extended and a detached double garage has been erected. Further extension of the house, other than minor proposals, would be likely to conflict with the aims of Policy H18. In general, outbuildings should be sited close to the main dwellinghouse to avoid their being obtrusive in the countryside and this is particularly important in the Area of Outstanding Natural Beauty. It would, of course, be contrary to the intention of the policy if large outbuildings, rivalling the house in size, were to be built some distance from the main house. The buildings which are the subject of the current application are about 25m from the house and partially screened from it by the former garden boundary hedge. They thus appear to be a detached group of buildings within an area of grazing land. The stables are clearly visible from public viewpoints but not close up – the clearest view over the field gate is from a distance of about 55m. They are low buildings and additional planting could be required by planning condition to reduce their visual impact. Compared to the original proposal they would be less intrusive in the landscape. Dividing the stables into two sections and positioning them into 2 rows on a north-south alignment has helped to reduce their visual impact and is sufficient to overcome the earlier reason for refusal.

- 6.3 Reference is made in the submissions to a small agricultural building which could be erected under 'permitted development' (SE2004/2107/S). This would be to the south of the stables. Whilst there are different policies for agricultural development, which is generally encouraged in the countryside, and this decision is not precedent for the current proposal, it would if built help to screen the stables. The adjoining paddock is understood to be used as grazing land which is an agricultural use. The use of this land for keeping of horses or equine-related enterprise would require planning permission.

## **RECOMMENDATION**

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

- 1. G04 (Landscaping scheme (general))**

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

- 2. G05 (Implementation of landscaping scheme (general))**

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

- 3. E11 (Private use of stables only)**

**Reason: In order to safeguard the residential amenity of the area.**

- 4. F32 (Details of floodlighting/external lighting)**

**Reason: To safeguard local amenities.**

**Informative(s):**

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

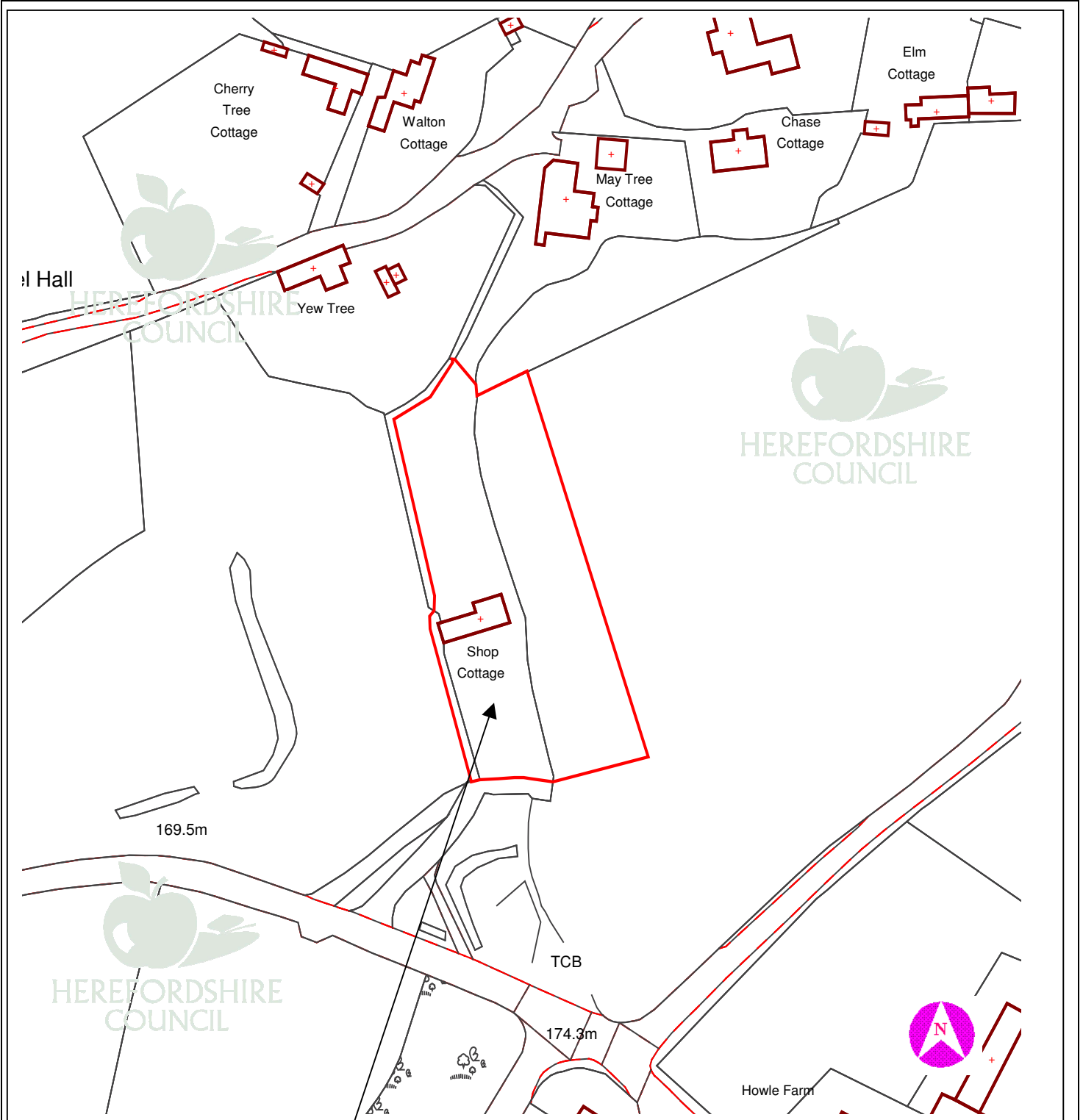
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2007/3276/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Bramley Cottage, Star Beech Hill, Howle Hill, Ross-on-Wye, Herefordshire, HR9 5SH

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Policy S2		Development Requirements
Policy DR1	-	Design
Policy DR3	-	Movement

### 3. Planning History

- |     |               |   |   |                       |
|-----|---------------|---|---|-----------------------|
| 3.1 | SE2006/1079/O | Agricultural worker's dwelling and single garage. | - | Withdrawn<br>16.10.06 |
|     | SE2006/3150/O | Agricultural worker's dwelling and single garage. | - | Approved<br>20.12.06  |

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 No statutory or non-statutory consultees required.

#### Internal Council Advice

- 4.2 Traffic Manager is concerned about visibility at the access and its close proximity to the junction of the two minor roads. Amendments are recommended.

### 5. Representations

- 5.1 The applicant's agent has submitted the following Design and Access Statement:

- (1) Older village houses are stone or stone/rendered with a slate roof; more recent buildings are mainly brickwork and consequently the house is proposed to be brick with a slate roof.
- (2) It would be a functional open plan layout with 3 bedrooms.
- (3) The site slopes quite steeply down from the road on the western side and Well Cottage could be overlooked.
- (4) To reduce the impact the house has been cut into the bank so that the finished ground level is almost 2 m below the road and sited so that no habitable room overlooks Well Cottage and reduces the elevational impact.
- (5) The house would be almost totally screened from the road to the north.
- (6) The new access and drive will conform to the requirements of the Highway Authority with a tarmac surface.
- (7) Tree planting and a new hedge are proposed.
- (8) A ground source heat pump system is being considered.

- 5.2 Goodrich Parish Council has no objection to the proposal.



5.3 One letter of objection has been received and one expressing concerns, which are in summary:

- (1) Outline permission was granted for a modest bungalow not a substantial 3-bedroom, 3-reception room, 2-storey house.
- (2) The visual impact will be considerable - a bungalow would be much less obtrusive for neighbouring properties and on the skyline view of this very attractive village.
- (3) Outline application proposed access through farmstead not onto the road at a point opposite the tennis courts where users park as the only part of road wide enough for cars and buses to pass. Consequently it will cause problems to other road users - bus drivers, tennis court users and general road users particularly as movement of agricultural vehicles during the day and night.
- (4) Concern that as potential for excess surface water draining down the slope to Well Cottage there should be an appropriate surface water drainage scheme.

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

## 6. Officer's Appraisal

6.1 The main issues are considered to be the impact of the proposed house on the village scene, the effect on neighbours amenities and highway safety considerations. At the outline stage all 5 matters were reserved for later approval and the drawings submitted showed only the site for a bungalow, although a 12m x 10m bungalow is referred to in the agricultural appraisal and Design and Access Statement. The Conservation Manager in his comments on the proposal suggested that "a small two-storey dwelling might be more appropriate in this landscape context, given that both Hollendene and Well Cottage, the properties to the north and east of the site, are two-storey dwellings". This was endorsed by the Committee on 20 December, 2006. The proposed dwelling is not small, with a gross floor area of about 185m<sup>2</sup> i.e. roughly 50% larger than indicated on the outline application. Nevertheless in principle the house would not be inordinately large in relation to the agricultural enterprise.

6.2 Whilst not small the house would be cut sharply into the slope. Given the existing high bank and hedgerow along the road boundary to the north it would not be prominent from that direction. The bank along the road to the north-west would be approximately level with the ground floor lintols of the house. The house would be clearly visible through the new access and over the lower bank/hedge along the north-western boundary. This would be adequately mitigated, I consider by additional planting of trees and hedgerows. It was noted in the report on the outline application that some of the nearby dwellings which are on the north-west periphery of Goodrich are prominent on this skyline. However the application site would be partly screened by Well Cottage and existing planting and the significant reduction in ground level would also help. There are reservations regarding the design of the house but other than minor changes the applicant is not willing to reconsider the proposal. The house would be of standard estate-type style but not so poor as to justify refusal. On this issue then the proposed house is considered to be acceptable.

6.3 There would be a gap of over 20m between the nearest part of the new house to the rear of Well Cottage. Thus although Well Cottage has a much lower floor level it would

not be loomed over by the new house. There would be no windows in the west elevation of the proposed house and therefore no loss of privacy. The treatment of the boundary between these properties would however need to be considered further and this could be required by planning condition. There would also be adequate space between the new house and Hollendene to protect residential amenities. Surface water drainage is potentially a problem and submission of full details should be required by planning condition.

- 6.4 The outline application report pointed out that there was an apparent contradiction between the application form which states that access would be formed to a village road and the Design and Access Statement which referred to use of an existing access to the farmstead. However access was reserved and the Traffic Manager accepted that a safe access could be achieved. The position selected is the most practicable given the high bank along the northern boundary. Provided this is amended in accordance with the Traffic Manager's requirements the access would be acceptable.

### **RECOMMENDATION**

**That subject to revised drawings showing an acceptable access the officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any additional conditions considered necessary by officers:**

- 1 G04 (Landscaping scheme (general))**

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

- 2 G05 (Implementation of landscaping scheme (general))**

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

- 3 G01 (Details of boundary treatments)**

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

- 4 F32 (Details of floodlighting/external lighting)**

**Reason: To safeguard local amenities.**

- 5 F20 (Scheme of surface water drainage)**

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

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

**Reason: To ensure that the dwelling remains an appropriate size to meet the agricultural need.**

### **INFORMATIVES:**

- 1 N19 - Avoidance of doubt**

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

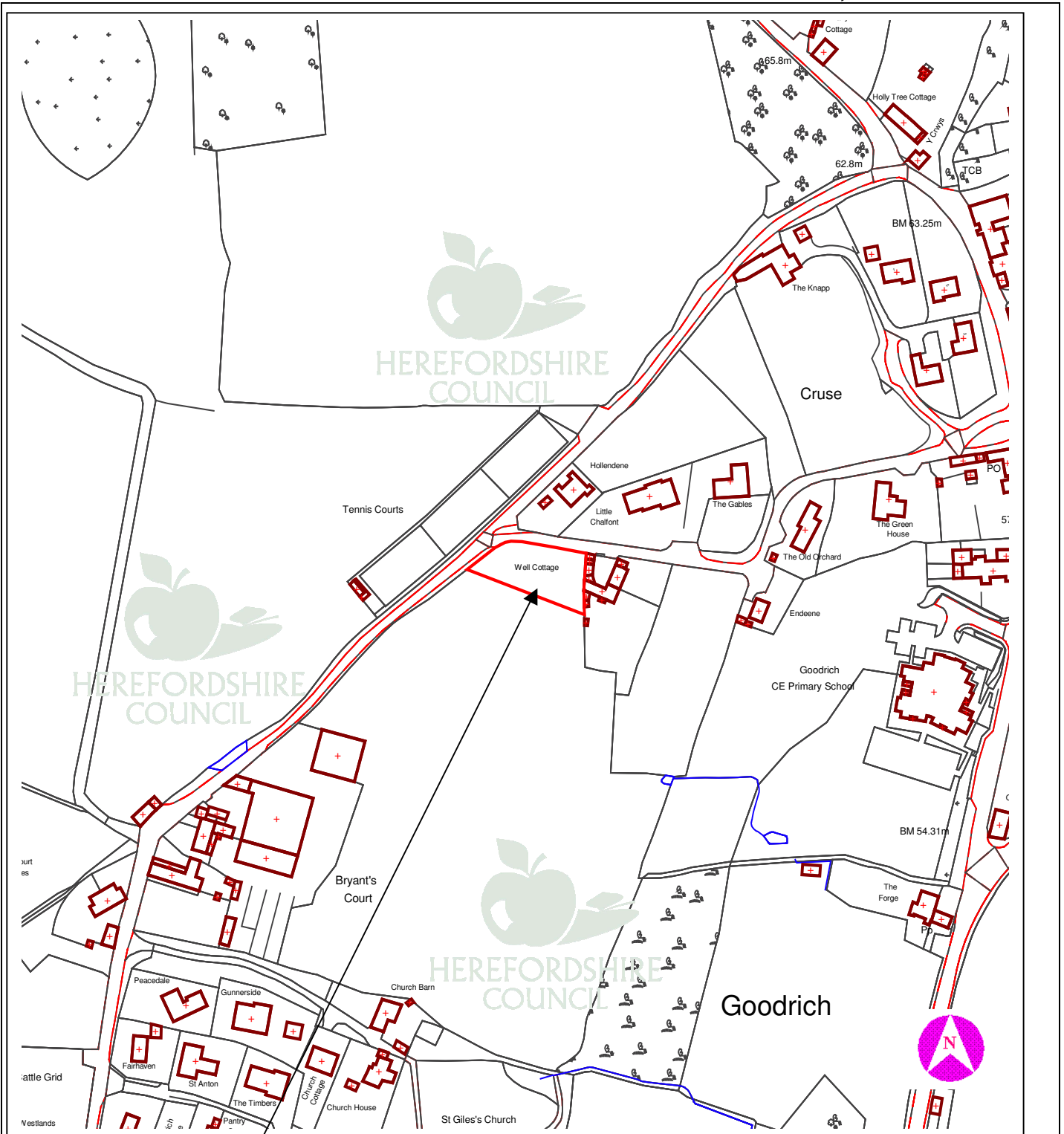
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2007/3470/RM

**SCALE :** 1 : 2500

**SITE ADDRESS :** Bryants Court, Goodrich, Ross-on-Wye, Herefordshire, HR9 6JA

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**14 DCSE2007/3592/F - CONSTRUCTION OF A NEW HOUSING DEVELOPMENT OF 6 NO. 2 STOREY AFFORDABLE HOUSES ON AGRICULTURAL LAND AND WITHIN THE CAR PARK SHARED BY THE EXISTING HOUSING. LAND ADJOINING 10 ST. GEORGE'S, WOOLHOPE, HEREFORDSHIRE, HR1 4QR.**

**For: West Mercia Homes Ltd for Kemble Housing Association, DJD Architects, 2 St. Oswald's Road, Worcester, WR1 1HZ**

**Date Received: 20th November, 2007    Ward: Old Gore    Grid Ref: 61153, 35540**

**Expiry Date: 15th January, 2008**

Local Member:    Councillor TMR McLean

**1. Site Description and Proposal**

- 1.1 The application site comprises an area of about 0.25 ha, part of which is the car park at the rear of 1-8 St George's and part is a section of the adjoining field. St George's is a line of 6 old people's bungalows plus a pair of semi-detached cottage-style houses, with a further pair of semi-detached houses to the rear, on the west side of the road leading southwards from Woolhope to Sollars Hope. Access to the parking area is via a short drive to the south of 8 St George's.
- 1.2 It is proposed to erect 6, 2-storey affordable houses on the application site for Kemble Housing Association. 4 of the houses would have 2 bedrooms and 2 would have 3 bedrooms. There would be a mix of rented houses and shared equity. The houses would be arranged in a terrace of 4 plus a pair of semi-detached houses of the same design. The gap of about 7 m between the two groups is to avoid a sewer which crosses the site. The line of houses would face the rear of the bungalows at St George's. They would be 2-storeyed but with the upper floor in the roof slope and lit by dormer windows, in echo of 9-10 St George's. The houses would be staggered along their front and/or back elevations and there would be changes to ridge height along the terrace as ground level rises to the north.
- 1.3 The existing access and drive would be used with the parking area enlarged and re-landscaped to provide 2 parking spaces for both the existing and proposed dwellings. The 4 2-bedroom houses would have parking spaces within their front gardens; the 3-bedroom houses would have parking to the side.

**2. Policies**

**2.1 Planning Policy Statements**

- PPS3    -    Housing  
PPS7    -    Sustainable Development in Rural Areas

## 2.1 Herefordshire Unitary Development Plan 2007

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy DR1	-	Design
Policy DR3	-	Movement
Policy H7	-	Housing in the Countryside outside Settlements
Policy H10	-	Rural Exception Housing
Policy H13	-	Sustainable Residential Design
Policy H16	-	Car Parking
Policy LA1	-	Areas of Outstanding Natural Beauty
Policy LA3	-	Setting of Settlements
Policy LA4	-	Protection of Historic Parks and Gardens
Policy LA6	-	Landscaping Schemes
Policy HBA6	-	New Development within Conservation Areas

## 3. Planning History

3.1	MH94/1402	Erection of 4 houses for local housing need with extension to access and new parking area.	-	Approved 27.08.96
	DCSE2007/1929/F	Construction of 6 no. two storey houses and alterations within the car park shared by the existing housing.	-	Withdrawn 08.08.07

## 4. Consultation Summary

### Statutory Consultations

4.1 Welsh Water's advice has not yet been received.

### Internal Council Advice

4.2 Traffic Manager recommends that:

"Planning permission be refused due to the lack of visibility at the entrance to the site, I would accept the Manual for Streets visibility values for the x and y values. The speeds obtained show an 85 percentile of 27mph, this would require a y distance of 39m and an x distance of 2.4.

The width of the highway at the access point is 5.4m, 17m south of the site, the carriageway reduces to 3.1m. I had a discussion on site regarding the actual point that should be taken, what I have done is taken 2m back from edge of carriageway instead of the 2.4m, this though, will only give a visibility of 32m, this will only give 85% of the required visibility/stopping distance, Manual for Streets is very tight on stopping distances and doesn't give much room for manoeuvre.

The other point is that the hedge will grow from its state at the moment and will only grow and reduce the visibility.

My comments about the rest of the site is as follows:

The site lay-out is acceptable but will need to remain private as the access width doesn't allow for a 2m service strip adjacent to the carriageway which therefore means that it doesn't match our design criteria.

There would need to be a footpath to the North from No 10 to allow access and to prevent cars parking at this location.”

#### 4.3 Conservation Manager points out that:

“This revised layout [compared to the withdrawn scheme] has increased the proportion of shared space and confined the units to the western edge of the site, and their reduction in scale is particularly welcome. The combination of units of differing sizes in units 1-4 is effectively disguised by their staggered elevations and the fall across the site but the disjunction remains in units 5 and 6, which maintain a continuous front elevation. This was a fundamental objection in the previous application but could be obviated by simply staggering the front, rather than the rear, elevation of these units.

The detailing is generally appropriate but the 4 course brick band at first floor level is over-emphatic and arguably unnecessary: the 1 storey elevations are very low so it has an awkward visual relationship with the eaves and the 'peaks' which follow the porch roofs will be difficult to detail satisfactorily.”

## 5. Representations

### 5.1 The applicant's agent has submitted a Design and Access Statement:

- (1) The development is proposed as a rural exception site.
- (2) The developer is a registered social landlord (RSL) who also own 4 of the adjoining dwellings, with 6 others also owned by an RSL.
- (3) A S106 agreement and restricting purchase of the equity to 80% will ensure that the houses remain affordable.
- (4) The scheme will be supported by Housing Corporation funding.
- (5) The site benefits from a vehicular access, adverse impacts on neighbours can be minimised and local facilities are within easy reach.
- (6) The proposal complies with UDP policies.
- (7) The need for affordable homes in Woolhope has been shown by a housing needs survey, an analysis of the Affordable Housing Register of the Home Point agency and consultation with the parish.
- (8) The scheme has been designed and amended following consultation with the Parish Council and local community - earlier proposals have been re-considered for 2-storey houses reduced to 1 1/2 storeys, additional car parking provided.
- (9) An analysis of the area's character is included.
- (10) The proposed houses have been design to integrate into their setting. The slope of the site, which rises gently to the west and more stongly to the north, ensures that they will have a small impact on their surroundings.

- (11) The main views of the development from the open spaces will be from elevated ground, looking down on the new works.
- (12) The new houses would have the same materials, details and matching roof pitch as the adjoining properties.
- (13) High standards of sustainability will be incorporated into the buildings e.g. ground source heating for all heating and hot water, rainwater "harvesting". A 'Very Good' standard of EcoHome rating will be achieved.
- (14) Designed to be 'Secure by Design' and meet the criteria for Lifetime Home Standards.
- (15) 2 parking spaces per unit, all within distinct domestic curtilages and extra parking for existing houses to achieve 2 per unit.
- (16) Galvanised steel parkland fencing with hedges and shrub planting are proposed. An avenue of trees at the centre of the scheme will ensure a streetscape dominated by trees.
- (17) Shared surface access is proposed for vehicles, bicycles and pedestrians but as no space for a 2 m service strip will not be adopted by the highway authority. The drive will be re-surfaced, with design form and detail arranged to reduce vehicle speed and produce a pedestrian friendly environment.
- (18) A traffic survey showed speeds average 27 mph (85th percentile) with peak volumes rarely exceeding 10 vehicles per hour. Visibility splays of 2m x 48 m or 2.4 m x 52 m can be achieved which exceed the safe stopping distances recommended in Manual for Streets (viz about 39 m).

In addition copies of the housing needs survey, traffic survey and ecological survey have been submitted plus a summary of consultation with the parish and correspondence from Welsh Water.

#### 5.2 Woolhope Parish Council make the following comments:

- (1) Councillors believe that this application should be put on hold until the results of a sewerage capacity study are known.
- (2) It is unclear from the plans exact materials to be used and Councillors would need reassurance before the application is progressed that these will be in keeping with surrounding properties.
- (3) A housing need was identified in a housing needs survey, there is currently a planning application for a development of 3 houses and with existing properties vacant also the local housing need would be met without this development.
- (4) Concern was expressed about the frontage of existing properties in St George's and how these will be affected by this development.
- (5) Grave concern was expressed over the operation of the S106 agreement procedure.



5.3 3 letters of objection have been received citing, in summary, the following reasons:

- (1) One of Woolhope's most important features is that many houses back on to open fields or look out to hills and woods being along winding lanes with little infilling between.
- (2) Furthermore although not taken into account in the Design and access Statement the village is in the Wye Valley AONB and a Conservation Area.
- (3) The houses would be lower but with a bigger footprint the mass would be the same; their impact would be greater since effectively one terrace.
- (4) This would be backland development rather than linear along the 5 roads into Woolhope, which is the natural fabric of the village.
- (5) The development would harm the setting of listed and locally important buildings, open spaces and vistas, contrary to policies HBA4, HBA6 and HBA9.
- (6) The site's open nature is of such importance to warrant its protection.
- (7) Various criteria in the HBA9 would not be met.
  - (ii) create and maintain a well-defined edge to the settlement
  - (iii) provide important views in and out of settlements of attractive buildings and their settings or attractive landscapes
  - (iv) provide an important amenity of value to the local community.
- (8) The housing needs survey is over a year old and the questions are biased to finding the right figures to justify further housing; respondents' circumstances will have changed and no guarantee that those seeking housing in Woolhope will benefit.
- (9) Officer's report regarding 3 affordable houses elsewhere in Woolhope states that need is for 8 houses whereas Design and Access Statement states 11.
- (10) Some of existing housing stock is becoming available and should be offered to residents indicating a preference to remain in Woolhope.
- (11) The cumulative impact of the two affordable housing schemes will be for Woolhope to become an imbalanced community. Policy H10 refers to single dwellings not 6.
- (12) In response to objections 32 spaces would now be available plus 6 or 7 on the road making 39 for 16 dwellings which is not sustainable and 39 extra cars along narrow and twisty country lanes has serious safety implications.
- (13) Width of access and drive is well below standard and woefully inadequate to allow refuse vehicles and cars to pass.
- (14) Traffic survey underestimates volume of traffic as it omits existing traffic using the road to gain access to St George's.
- (15) Visibility splays stated in the Design and Access Statement as achievable are questioned.

- (16) Units 5 & 6 would look directly into the rear garden of Greytrees and the houses would totally overshadow and overlook the bungalows.
- (17) Style and design uninspired and monotonous and not in keeping with the Conservation Area.
- (18) The foul drainage system is up to capacity and unable to cope with 6 extra houses.
- (19) Existing water shortage would be exacerbated.
- (20) Contrary to the Parish Plan.
- (21) Contrary to Government policy of using "brown field" sites for new housing.
- (22) Must be for local people in housing need and this should be guaranteed for the future. Consideration should be given to designing a property for elderly people of restricted mobility.
- (23) Housing design should minimise the carbon emissions and minimise waste.
- (24) Light pollution should be minimised.
- (25) In summary poor design, irreparable damage to the setting of Woolhope village, AONB and Conservation Area, an already difficult access which is too narrow to accommodate the volume of cars proposed by this development, harm to neighbours' amenities and inadequate services.

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 whether there is a need for affordable housing, the effect on the character and appearance of the Conservation Area and AONB, the effect on the amenities of neighbours and whether highway safety would be prejudiced.
- 6.2 Housing Needs Surveys are undertaken by the Council's Strategic Housing Department and are generally accepted as the most reliable indicator of housing need within a parish. In this case the survey is reasonably up to date and the analysis of Strategic Housing is that there is a current need for 8 affordable houses in Woolhope. Planning permission has recently been granted for 3 houses near to the parish church (SE2007/2898/F) but there remains a need for at least 5 additional houses. The current scheme is for 6 and in view of the admittedly constantly changing need for affordable housing it would not be reasonable to refuse the whole scheme as it includes one additional dwelling.
- 6.3 Policy H10 does encourage the development of affordable housing on land outside but adjoining established rural settlements. Woolhope is a smaller settlement and development is not therefore limited to one dwelling (criterion 7 of H10). The development is by a RSL and it has been agreed in principle that a S106 agreement will be entered into to ensure that the benefits remain for the future. I consider therefore that the proposed housing would comply with policy H10.

- 6.4 New development outside a village will inevitably have some adverse impact upon rural character. In this case the proposal would extend built development to the rear of St George's. This process has already started in that 9 & 10 St George's do not front the village road but are accessed off a short drive and the car parking area is also at the rear. The development would not result in housing along this road coalescing with housing along the roads leading westwards from the junctions of the 5 village roads. The application site rises to the north and less sharply to the west but the height of the new houses would be kept to a minimum and they would not be intrusive in the street scene nor in views of the village. The centre of the village is on higher land and the new houses would be seen against this backdrop rather than on the skyline. Provided the detailed design issues raised by the Conservation Manager are addressed the new houses would complement 9 & 10 St George's in style and materials and the appearance of Woolhope Conservation Area would not therefore be harmed. The effect on the character of the Wye Valley AONB would not in my view be unacceptable and the proposal meets the other criteria in policy LA1 for development that may be permitted in the AONB viz. small-scale and necessary for the social well-being of communities in the designated area.
- 6.5 The houses would be set well away from 1-8 St George's. At the closest there would be about 30 m between new and existing houses and about 21 m between the new houses and the gardens of 1-8 St George's. There is a tall hedge along the western boundary of the latter and further tree planting is proposed within the intervening parking area. This would be sufficient to protect the privacy of existing residents. 9 & 10 St George's face towards the new terrace. The gap of only 9 m is less than ideal but the gable end wall is not directly in front and the new development would not be unacceptably intrusive. At the northern end of the development units 5 & 6 would be close to and overlook the rear garden of Greytree. There would be adequate space however between these houses and Greytree itself.
- 6.6 The main highway problem is visibility to the south at the access. The Traffic Manager calculates that the visibility distance that could be achieved would only be 85% of the safe stopping distance. This could be resolved by removal of a short section of hedge. The hedge is not in the applicant's ownership but the full visibility splay could be required by a Grampian condition. However the applicant's agent points out that only very narrow vehicles (presumably motorcycles) would not be visible at the safe stopping distance, that most vehicles would be seen well before the safe stopping distance (by at least a further 15m), that the hedge has been trimmed and visibility is 34m not 32m and that for 27 mph as safe stopping distance of 37m not 39m is required. The latter would be about 90% of the required distance. In addition a revised proposal shows a new footway to replace on-street parking immediately to the north of the access to improve visibility in that direction. The Traffic Manager's comments on these amendments will be reported at the Committee meeting.
- 6.7 It is not clear from the submission and representations whether the capacity of the mains drainage system is adequate without improvements but this could be the subject of a planning condition.

## RECOMMENDATION

**That subject to being satisfied with regard to highway safety and to satisfactory revisions to the design of the houses:**

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 houses remain affordable in perpetuity.
  - b) The houses be made available for local people in housing need.
2. Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:
  - 1 A01 (Time limit for commencement (full permission))  
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
  - 2 B01 (Samples of external materials)  
Reason: To ensure that the materials harmonise with the surroundings.
  - 3 G01 (Details of boundary treatments)  
Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
  - 4 G04 (Landscaping scheme (general))  
Reason: In order to protect the visual amenities of the area.
  - 5 G05 (Implementation of landscaping scheme (general))  
Reason: In order to protect the visual amenities of the area.
  - 6 F32 (Details of floodlighting/external lighting)  
Reason: To safeguard local amenities.
  - 7 E16 (Removal of permitted development rights)  
Reason: To ensure that the houses remain affordable.
  - 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 F18 (Scheme of foul drainage disposal)  
Reason: In order to ensure that satisfactory drainage arrangements are provided.

**INFORMATIVES:**

- 1 N02 - Section 106 Obligation

2 N19 - Avoidance of doubt

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

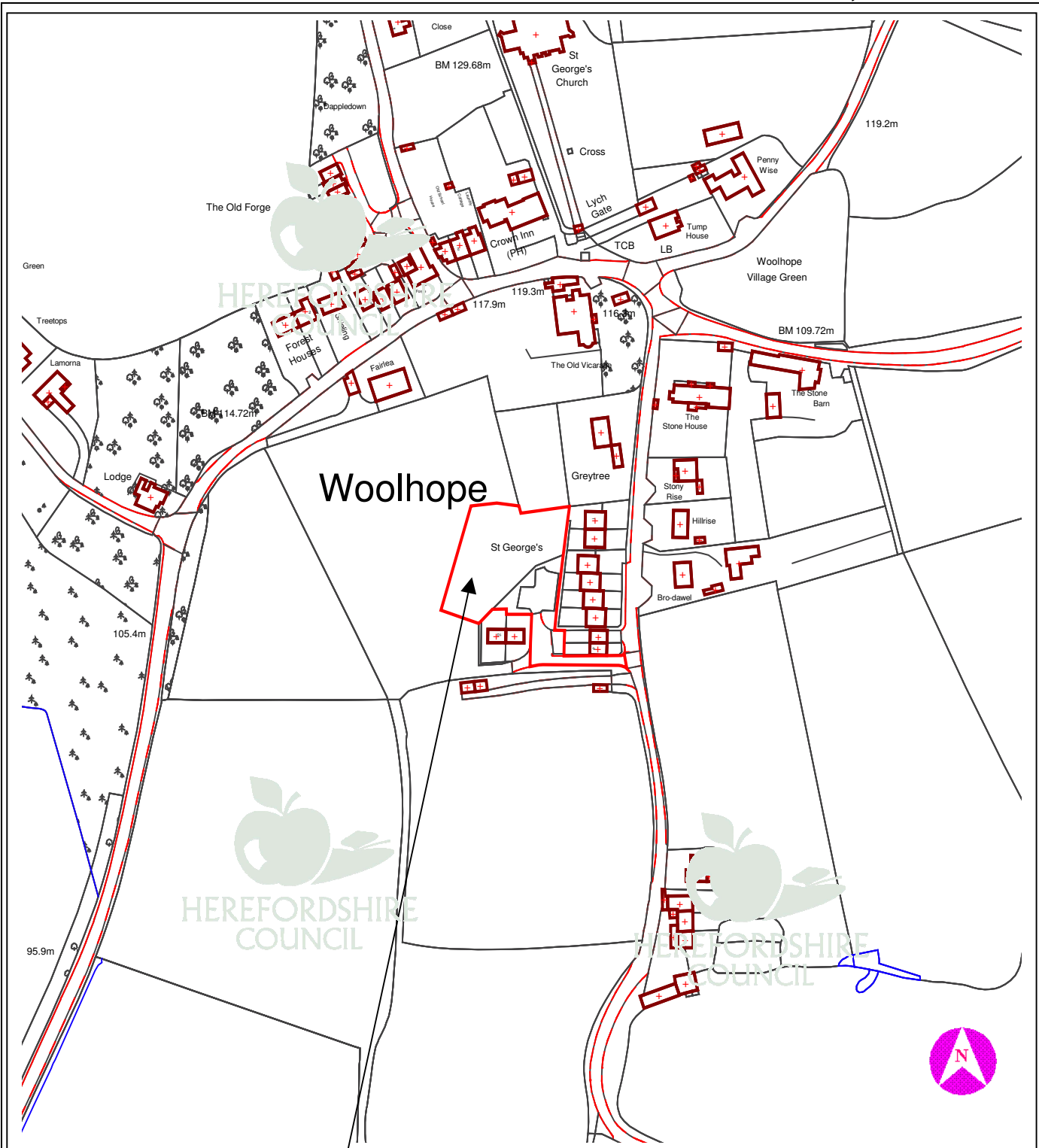
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2007/3592/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** Land adjoining 10 St. Georges, Woolhope, Herefordshire, HR1 4QR

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DRAFT HEADS OF TERMS

Proposed Planning Obligation Agreement

Section 106 Town and Country Planning Act 1990

Planning Application DCSE2007/3592/F

- 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 9 April 2008.**

