

Southern Area Planning Sub- Committee

Date: **Wednesday, 6th February, 2008**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Southern Area Planning Sub-Committee

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

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

	Pages
<p>1. APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
<p>2. DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p> <p>GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS</p> <p>The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.</p> <p>A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.</p> <p>Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is and leave the meeting room.</p>	
<p>3. MINUTES</p> <p>To approve and sign the Minutes of the meeting held on 9th January, 2008.</p>	1 - 14
<p>4. ITEM FOR INFORMATION - APPEALS</p> <p>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.</p>	15 - 18

REPORTS BY THE HEAD OF PLANNING SERVICES

To consider and take any appropriate action in respect of the planning applications received for the southern area and to authorise the Head of Planning Services to impose any additional or varied conditions and reasons considered to be necessary.

Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.

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| <p>5. DCSW2007/3797/RM - YEW TREE FARM, POPLAR ROAD, CLEHONGER, HEREFORD, HR2 9SW.</p> <p>Proposed 4 dwellings.</p> | <p>19 - 24</p> |
| <p>6. DCSE2007/3932/F - THE PLOCK, SOLLERS HOPE, HEREFORDSHIRE, HR1 4TF</p> <p>Proposed single track vehicular access to agricultural land (to replace existing sub-standard access)</p> | <p>25 - 32</p> |
| <p>7. DCSE2007/3872/F - THE HOPE AND ANCHOR, ROPE WALK, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7BU</p> <p>Erection of a 5m x 9m garden room structure to the front of the building. Predominantly timber with trellis panels and balustrade and timber shingle roof.</p> | <p>33 - 38</p> |
| <p>8. DCSE2008/0050/F - JAYS PARK, LINTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7UH.</p> <p>Erection of agricultural storage building.</p> | <p>39 - 44</p> |
| <p>9. DCSE2007/3794/F - BRYNHYFRYD, PETERSTOW, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6JZ</p> <p>Proposed garage conversion and extension to form home office, stores and sunroom.</p> | <p>45 - 48</p> |
| <p>10. DCSE2008/0039/F - GREEN ORCHARD, RYEFIELD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5LS.</p> <p>Removal of existing house and construction of nine flats, including car parking and landscaping and utilising existing vehicular access.</p> | <p>49 - 54</p> |

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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, 9th January, 2008 at 2.00 p.m.

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

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

In attendance: Councillors TW Hunt and RV Stockton

106. APOLOGIES FOR ABSENCE

No apologies for absence were received.

107. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
CM Bartrum	Agenda Item 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	A personal interest was declared and the member remained in the room for the debate and vote..
PD Price	Agenda Item 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	A prejudicial interest was declared and the member left the meeting for the duration of the item.

108. MINUTES

RESOLVED: That the Minutes of the meeting held on 5th December, 2007 be approved as a correct record and signed by the Chairman.

109. ITEM FOR INFORMATION - APPEALS

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

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

- 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.*

The Principal Planning Officer reported the following:

- The Conservation Manager commented that "the archaeological sensitivity of the proposed development site is great. The location is within the former medieval core of Ross as defined by the Central Marches Historic Towns Survey of 1996. Ross is an Archaeologically Important Urban Area within the meaning of Section 9.7.7 of the Hereford Unitary Development Plan. Given the nature and scale of the likely ground disturbance under the proposal, the development impact will probably be severe. There are clearly significant archaeological issues in this case.

However, it is also my view that it should be possible to mitigate any damaging effects of the development by means of an archaeological investigation prior to / during development works on site, and the employment of an appropriate foundation design. Accordingly I have no objections to the above proposal, subject to the attachment of suitable archaeological conditions to any permission granted. I would therefore advise the standard archaeological conditions D01 and D04."

The applicant's agent has responded with regard to the contribution for sports facilities. The applicant does not agree to this contribution as the request comes under the Supplementary Planning Guidance which has not yet been agreed by the Council and it relates to family dwellings; this development is for 4, 2-bed flats and 8, 1-bed flats and is therefore not relevant to this application.

Councillor AE Gray, one of the Local Ward Members, noted the concerns of the town council but felt that parking provisions were not essential as the development was in a town centre location. She agreed with the comments from the Parks, Countryside and Leisure Development Manager, and felt that the developer should make a contribution to improve the Wilton Sports Centre.

Councillor PGH Cutter, the other Local Ward Member, supported the application but agreed that the developer should make a contribution through a section 106 agreement.

The Development Control Manager advised members that a contribution may have been required from the developer if the draft SPG Planning Obligations had been adopted by the Council, but under current policies and Government guidance it was not necessary.

RESOLVED

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. D01 (Site investigation – archaeology)

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

4. D04 (Submission of foundation design)

Reason: The development affects a site on which archaeologically significant remains survive. A design solution is sought to minimise archaeological disturbance through a sympathetic foundation design.

5. G04 (Landscaping scheme (general))

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

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

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

Informative(s):

1. N19 - Avoidance of doubt

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

111. DCSW2007/3075/F - LAND ADJACENT TO HOLYWELL FARM, BLAKEMERE, HEREFORDSHIRE, HR2 9JY. (AGENDA ITEM 6)

Extension of agricultural building.

In accordance with the criteria for public speaking, Mr Stevens and Mr Woolley spoke in support of the application.

Councillor PD Price, the Local Ward Member, supported the application but felt that the hours of operation proposed by the Planning Officer were too restrictive. He felt that these hours should be amended from 8am – 5pm to 7am – 7pm.

In response to a question raised by Councillor JG Jarvis, the Planning Officer confirmed that no bees were kept on the site. In response to a further question she advised Members that the previous application on this site was refused as it was deemed an industrial use.

Members discussed the application and felt that the hours proposed by the Local Ward Member were acceptable and that the application should be approved.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

2. **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 7.00am to 7.00pm Mondays to Sundays.**

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 - 7.00am to 7.00pm on weekdays**

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**

112. DCSW2007/3153/F - PARCEL 2625, HOLYWELL, BLAKEMERE, HEREFORDSHIRE. (AGENDA ITEM 7)

Removal of condition 5 of planning permission DCSW2003/3390/F.

In accordance with the criteria for public speaking, Mr Stevens and Mr Woolley spoke in support of the application.

Councillor PD Price, the Local Ward Member, felt that the application should be approved. He noted that the hours of operation should be amended in accordance with the hours agreed in the previous agenda item.

RESOLVED

That condition 5 of planning permission DCSW2003/3390/F be removed and planning permission granted subject to the following conditions:

- 1 **E01 (Restriction on hours of working) - 7.00am to 7.00pm Mondays to Sundays.**

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 7am to 7pm on weekdays.**

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.**

113. DCSE2007/3491/F - CATS, LEYS HILL, WALFORD, ROSS-ON-WYE, HEREFORDSHIRE. (AGENDA ITEM 8)

'Arqualand Proprietary' cover over terrace to provide additional space for fitness suite.

Councillor JG Jarvis, the Local Ward Member, supported the application. He noted that there was no change of use proposed and that the application was solely to erect a lightweight cover over an area that was currently used by the fitness studio.

Councillor JA Hyde voiced her concerns in respect of highways safety and also the safety of children visiting the attached nursery.

In response to the points raised by Councillor JA Hyde, the Planning Officer confirmed that the premises was already operating as a fitness suite and would therefore not result in an increase in traffic movements. She also confirmed that there were two separate entrances to the premises, one for the nursery and a separate entrance for the fitness suite.

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 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

114. DCSW2007/3561/F - BYECROSS FARM, PRESTON-ON-WYE, HEREFORD, HR2 9LJ. (AGENDA ITEM 9)

Change of use of building from agricultural use to hangar-storage-agricultural use.

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

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

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

2. 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

115. DCSE2007/3412/F - 2 DOWARD PLACE, GOODRICH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6HY. (AGENDA ITEM 10)

Ground floor kitchen/dining extension to existing annexe to form additional bedroom and bathroom.

Councillor JG Jarvis noted that the Parish Council had not objected to the application. He felt that approving the extension would result in a loss of access and a general loss of amenity for the neighbouring residents.

The Southern Team Leader advised members that loss of access was not a matter for the sub-committee and was purely a civil issue.

Councillors RH Smith and TMR McLean both agreed with the Local Ward Member and felt that approving the application would result in an unacceptable loss of amenity for the neighbouring residents.

Councillor H Bramer felt that approving the application would result in over intensification of the site. He therefore felt that it should be refused contrary to the Officer's recommendation.

In response to a number of questions raised by members, the development control manager advised that 3 Doward Place was a holiday dwelling and that it did not have a back garden. He added that due to the lack of a back garden the residents of 3 Doward Place were reliant on light coming over the application site of the neighbouring premises. He confirmed that the applicants could erect a 2 metre high fence along their boundary under permitted development rights which would result in a similar loss of light to the neighbouring residents.
Not referred.

RESOLVED

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

A) Over intensification of the site.

B) Loss of amenity to neighbouring residents.

- (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.]

116. DCSE2007/3241/F & DCSE2007/3242/C - LAND AT HENRY STREET, ROSS-ON-WYE (REAR OF 25 STATION STREET) (AGENDA ITEM 11)

- 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.*

The Principal Planning Officer reported the following:

- One letter has been received raising a number of issues regarding the proposal:
 - (1) Ownership of the walls to be demolished is unclear and needs to be clarified.
 - (2) The driveway and parking area to the adjoining shop (Fritz Fryer Antique Lighting) are in constant use; access is already tight and essential during development that there is no obstruction to the driveway and car parking.
 - (3) The erection of a building will shadow and obscure part of adjoining building, although this cannot be clearly seen on the drawings.
 - (4) No direct notification of the application although affects shared boundary.
 - (5) Party walls notice has not been served.

Councillor PGH Cutter, one of the Local Ward Members, felt that the site was well suited for residential development. He noted the concerns of the Town Council but felt that there were ample car parking provisions in the area.

Councillor AE Gray, the other Local Ward Member, agreed with the comments of her fellow Ward Member and added that the application site was the only available site on Henry Street without planning permission.

RESOLVED

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

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

117. DCSE2007/3276/F - BRAMLEY COTTAGE, STAR BEECH HILL, HOWLE HILL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SH. (AGENDA ITEM 12)

Erection of Stable block for horses owned by family for private use (retrospective application)

In accordance with the criteria for public speaking, Miss Bradbury spoke in support of the application.

Councillor JG Jarvis, the Local Ward Member, noted that the current application was of a smaller scale than the previous application which was refused under delegated powers. He felt that this application should be approved as recommended by the Principal Planning Officer.

Councillor H Bramer reminded members that although the application was retrospective it should be dealt with in the same manner as any other application. He noted that the applicant's concern for their animals was probably the main reason that the stables had been erected prior to planning permission being sought. He added that it may be beneficial to add a condition to the recommendation to ensure that the stables had a wooden exterior finish.

RESOLVED

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

118. DCSE2007/3470/RM - PROPOSED AGRICULTURAL WORKER'S DWELLING AND SINGLE GARAGE AT BRYANTS COURT, GOODRICH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6JA. (AGENDA ITEM 13)

Proposed agricultural worker's dwelling and single garage.

Councillor JG Jarvis, the Local Ward Member, advised members that the application site was on a busy lane, he also noted that the Parish Council had not objected and he therefore supported the application.

Councillor TMR McLean had reservations in respect of the application. She noted that there had been a 50% increase in the size of the proposed dwelling since the initial outline planning permission was granted.

Councillor MJ Fishley was concerned that a similar application in the Vallets ward had recently been refused. She asked Officers how this application differed to the one that she had supported.

In response to the comments from Councillor MJ Fishley, the Southern Team Leader advised that the proposal was for an agricultural workers dwelling which had met the criteria for need as set out in policy H8 of the Unitary Development Plan. He also reminded members that the application was solely for reserved matters as the outline planning permission had been granted in December, 2006.

Councillor PD Price supported the application but felt that the dwelling should be of a brick finish.

RESOLVED

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

119. DCSE2007/3592/F - LAND ADJOINING 10 ST. GEORGE'S, WOOLHOPE, HEREFORDSHIRE, HR1 4QR. (AGENDA ITEM 14)

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.

The Principal Planning Officer reported the following:

- The Conservation Manager advises that “the archaeology sensitivity of the proposed development site is moderate. The application site falls within the broad medieval form of the village of Woolhope. Given the nature and scale of the likely ground disturbance under the proposal, the development impact will be moderately great. There will probably not be any significant archaeological issues in this case.

However, it is my view that it would be reasonable to allow the local authority to monitor the proposed development works on the site in order to record its potential archaeological interest. Accordingly, I have no objections to the above proposal, subject to the attachment of a suitable minor archaeological condition to any permission granted. I would therefore advise the standard archaeological “access” condition D03.”

In accordance with the criteria for public speaking, Mr Andrade spoke in objection to the application, and Mr Nacgilp and Mr Curry, the applicant's agents, spoke in support.

Councillor TMR McLean, the Local Ward Member, had a number of concerns in respect of the application. She noted the Traffic Manager had recommended that the application be refused and that he was concerned in respect of the safety of cyclists and pedestrians due to poor visibility from the entrance to the site. She also questioned the findings of the housing needs survey, and had concerns as to how the figure of 8 required homes had been calculated. In summing up she noted the concerns of the Parish Council and felt that there were a number of brownfield sites in the area which would be more suitable than the Greenfield site that had been proposed.

Councillor RH Smith supported the views of the Local Ward Member and felt that the application was incomplete as members were still awaiting comments from Welsh Water.

Councillor JG Jarvis felt that Herefordshire's smaller towns and villages should provide some of the much needed affordable housing within the County. He was concerned in respect of the comments from the Local Ward Member regarding the calculation of figures in the housing needs survey and advised members that he would be investigating the matter further. He felt that it may be beneficial to defer the determination of the application pending clarification in respect of the calculation of the housing need.

Councillor PGH Cutter felt that the application should be treated on its merits. He requested that the sub-committee receive full clarification as to how the housing requirement figure was calculated from the findings from the housing needs survey. He felt that the suggested site was inappropriate and felt that there were too many concerns in respect of highways for him to support the application.

Members discussed the application thoroughly and had a number of concerns in respect of the suitability of the site. They noted that the site fell in an area of natural beauty and that it was also, in their opinion, contrary to Policy HBA9 of the Unitary Development Plan. On balance members felt that the application should be refused against the Officer's recommendation.

RESOLVED

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

- C) Contrary to Policies HBA6 and HBA9 of the Unitary Development Plan.**
- D) Concerns in respect of visibility from the access to the site.**
- E) Concerns in respect of the Conservation area.**

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

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

The meeting ended at 4.20 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED

No new appeals to report.

APPEALS DETERMINED**EN2007/0002/ZZ**

- The appeal was received on 3rd 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 N.J. Cockburn
- The site is located at Pennoxstone Court, Kings Caple, Herefordshire, HR1 4TX
- The breach of planning control alleged in this notice is:
Without planning permission, the erection of polytunnels
- The requirements of the notice are:
 - i) *Demolish the polytunnels*
 - ii) *Remove any materials that arise from the demolition of the polytunnels from the land*
- The main issues are:
 - i) *The effect of the polytunnels on the natural beauty of the landscape and the countryside of the Wye Valley Area of Outstanding Natural Beauty (AONB)*
 - ii) *The effect of the polytunnels on the setting of the listed Church of St John the Baptist, Kings Caple*
 - iii) *The weight to be attached to the benefits of the polytunnels in terms of the quantity and quality of the soft fruit produced, the contribution made to the rural economy and the substitution of locally grown fruit for imported fruit.*

Decision: The appeal was DISMISSED on 8th January, 2008

The appeal is allowed in part on grounds (d) and (a), but otherwise the appeal is DISMISSED and the enforcement notice upheld with corrections and variations

Case Officer: Mike Willmont on 01432 260612

Application No. DCSE2007/0620/C

- The appeal was received on 18th July, 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 Aldi Stores Ltd
- The site is located at Gardner Butcher Garages, Brookend Street, Ross-On-Wye, Herefordshire, HR9 7EG
- The application, dated 1st March, 2007, was refused on 29th May, 2007
- The development proposed was Demolition of existing buildings to facilitate redevelopment for Aldi Foodstore.

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

- The main issues are the effect of the proposal on the character and appearance of the Conservation Area, highway matters and the issue of flooding

Decision: The appeal was WITHDRAWN on 7th January, 2008

Case Officer: Steven Holder on 01432 260479

Application No. DCSE2007/0674/F

- The appeal was received on 18th July, 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 Aldi Stores Limited
- The site is located at Gardner Butcher Garage, Brookend Street, Ross-on-Wye, Herefordshire, HR9 7EG
- The application, dated 7th March, 2007, was refused on 4th June, 2007
- The development proposed was Erection of Aldi discount foodstore with associated parking, landscaping and access.
- The main issues are the effect of the proposal on the character and appearance of the Conservation Area, highway matters and the issue of flooding

Decision: The appeal was WITHDRAWN on 7th January, 2008

Case Officer: Steven Holder on 01432 260479

Application No. DCSW2006/1689/O

- The appeal was received on 24th January, 2007
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Pencoyd Court Farm
- The site is located at Land adjacent Pencoyd Rise, Harewood End, Herefordshire
- The application, dated 24th May, 2006, was refused on 21st July, 2006
- The development proposed was Site for construction of new agricultural workers dwelling.
- The main issue is whether there is an agricultural justification for a new dwelling in the countryside.

Decision: The appeal was UPHELD on 21st January, 2008

An application made by the appellant for the award of costs against the Council was UPHELD

Case Officer: Andrew Prior on 01432 261932

Application No. DCSW2006/1811/F

- The appeal was received on 19th February, 2007
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mrs G M Windows
- The site is located at Cusop Village Hall, Cusop, Hay-on-Wye, Herefordshire.

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

- The application, dated 7th June, 2006, was refused on 3rd August, 2006
- The development proposed was Proposed conversion of disused Church Hall into a dwelling and proposed new vehicular access.
- The main issues are:
 - i) *The effect of the proposal on community facilities in Cusop*
 - ii) *The effect of the proposal on the character and appearance of the existing building*
 - iii) *The effect of the proposal on highway safety, namely on the Hardwicke Road (B4348)*

Decision: The appeal was DISMISSED on 24th January, 2008

Case Officer: Andrew Prior on 01432 261932

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

5 DCSW2007/3797/RM - PROPOSED FOUR DWELLINGS, YEW TREE FARM, POPLAR ROAD, CLEHONGER, HEREFORD, HR2 9SW.

For: DDB Ltd per RRA Architects, Packers House, 25 West Street, Hereford, HR4 OBX.

Date Received: 11th December, 2007 **Ward: Valletts & Stoney Street**

Grid Ref: 44754, 37281

Expiry Date: 5th February, 2008

Local Member: Councillors MJ Fishley and DC Taylor

1. Site Description and Proposal

- 1.1 The proposal site is on the southern side of Poplar Road, an unclassified road (u/c 73412) approximately 230 metres east of the junction with the B4349 road, that leads to Kingstone.
- 1.2 The site is wholly within the Parish of Allensmore; Poplar Road and properties diagonally opposite in The Hollies are in Clehonger. There are no trees on this site that inclines away, i.e. southward. On the western side of the boundary of the site is 20 Poplar Road, a single storey bungalow, and on the eastern side the applicant's farm, comprising predominantly two storey red brick faced buildings. Poplar Road is also characterised by two storey dwellings further east and uphill from Yew Tree Farm. There are single storey bungalows opposite the hedgerow lined frontage of the site. The site has a western boundary of 35 metres and an eastern one of 62 metres and frontage of 47 metres. This site relates to the settlement boundary delineated in the Unitary Development Plan 2007.
- 1.3 This is a reserved matters application for four dwellings, each of four bedrooms. This followed the granting of planning permission in May 2005. Two detached dwellings will front onto Poplar Road, either side of the access road serving the development. The two other dwellings are up slope from the aforementioned dwellings on the north of the site. Plots 2, 3 and 4 each have integral garages. Plot 1 has a detached garage, 7 metres to the south of this dwelling. The materials proposed will be a mixture of render and facing brick and tiles and slates on the roofs. This mix of materials reflects those used already in the locality.

2. Policies

2.1 Planning Policy Statement

PPS.1 - Delivering Sustainable Development

2.2 Herefordshire Unitary Development Plan 2007

Policy S2 - Development Requirements
 Policy DR1 - Design
 Policy H4 - Settlement Boundaries

3. Planning History

3.1	DCSW2006/0143/O	Residential development (9 units) and construction of new vehicular access	-	Withdrawn 10.03.06
	DCSW2006/0905/O	Residential development and construction of new vehicular access	-	Approved 10.05.06
	DCSW2006/2568/O	Residential development (9 units) and construction of new vehicular access	-	Refused 19.09.06
	DCSW2006/3991/F	Residential development (2 units) and construction of new access (adjoining site)	-	Withdrawn 20.02.07
	DCSW2007/1542/RM	Five dwellings	-	Withdrawn 06.12.07

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water recommends conditions be attached as previously recommended, separating foul and surface water drainage. Welsh Water also notes that off-site sewers will be required to connect to the public system.

Internal Council Advice

- 4.2 Traffic Manager recommends improvements to visibility across site frontage, provision for two parking spaces for each dwelling.

5. Representations

- 5.1 In a statement contained in the submitted plans, the applicant's agent states:

- site has benefit for residential use (DCSW2006/0905/O)
- intended to provide housing to an existing village situation.

- 5.2 Allensmore Parish Council make the following observations:

“We feel this represents a better layout for the development. However it does concern us that there still appears to be possible access provision for further future development attached to this site.”

- 5.3 Clehonger Parish Council “support this application”.

- 5.4 Three letters of representation have been received from:

Mr & Mrs LJ Slaney, 25 Poplar Road, Clehonger, HR2 9SW
 Mr K & Mrs J Shurmer, 20 Poplar Road, Clehonger, HR2 9SW
 Mr BH Beach, 26 The Hollies, Clehonger

The main points raised are:

- single storey more in keeping; bungalows blend in better
- no mention of mains drainage
- overlooking our property; three overlook our property
- car headlights to our house
- devalue property, loss of countryside view
- concern about water drainage
- soakaways in storms/heavy rainfall, object to noise of pumping station
- not enough parking, would be overspill onto Poplar Road. Could be 4/5 cars per property.

5.5 Two letters of support were received from:

H Olds, Yew Tree Farm, Clehonger, HR2 9SW
C & M Olds, 29 Poplar Road, Clehonger, HR2 9SW

The following main points were made:

- impact on Yew Tree Farm minimal
- linkage proposed to connect to mains drainage in Croft Road, accessible to houses in east, including Yew Tree Farm. A positive environmental effect
- scheme does not impinge on aspect of no. 29.

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

6. Officer's Appraisal

- 6.1 The main issues are the impact of the development for residential purposes as proposed and the impact on nearby residents.
- 6.2 It is considered that the means of foul and surface water drainage has been addressed previously with the granting of permission in 2006 for this site. Welsh Water recommended conditions at that time which still apply now, indeed Welsh Water had not objected to a scheme for 9 dwellings utilising this site and more of the paddock to the south. Welsh Water note though that a connection will need to be made to a sewer off the site. Details for this should be made the subject of a planning condition.
- 6.3 The application site is a transitional one from Yew Tree Farm, with its prominent red bricked faced farmhouse fronting onto Poplar Road and the bungalows to the west of the application site. Residential development is predominantly two-storey to the east of Yew Tree Farm. The proposed dwellings will be higher than the bungalow adjoining the site, on the western side, however the ridge heights will be compatible with Yew Tree Farm. The houses proposed that front onto Poplar Road (i.e. plots 1 and 2) both have eaves heights lower than on Yew Tree Farmhouse which helps them relate to not only the predominantly frontage facing dwellings on this side of Poplar Road but also to the higher aforementioned red brick faced farmhouse. The fact that the dwellings on Plots 1 and 2 also front onto Poplar Road results in more space being provided between them and the properties either side of them. Four bungalows would, although lower in height than the 8.1 to 8.4 metres ridge heights of the dwellings proposed, occupy more of the plots to the detriment of the amenity of this part of Clehonger.
- 6.4 It is considered that issues of overlooking can be addressed by making the first floor windows in question on Plot 1, the nearest dwelling to the objector and to Plot 2

frosted, given that they are bathroom windows. The bedroom windows facing westward towards the objector's property are 24 metres away for Plot 3 and 28 metres and at angle for Plot 4 which are considered to be sufficient distance away between the objector's property and the new dwellings.

- 6.5 The issue of car headlights is one that would relate to this allocated site whether or not the site was for bungalows or two storey houses. However, this is mitigated by the fact that there is one access point and that such disturbance is intermittent and is a matter that could not reasonably sustain an objection to this scheme.
- 6.6 There is considered to be sufficient parking on the site for each of the dwellings. At least 3 cars could be parked on three of the four properties. Plot 1 has an allocated garage, it is though not evident if the area to the south of the garage belongs to Plot 1 or not, this is a matter that can be resolved. Nevertheless, there is sufficient on site parking for the development such that overspill should not occur.
- 6.7 The issue of loss of view and subsequent devaluation of property is one that revolves around the status of the site which has been a developable part of Clehonger throughout the nineties to date, it is only recently with the adoption of the Unitary Development Plan that the site area i.e. away from Poplar Road has increased. The site as proposed to be developed will still allow views through it, particularly along the access drive for the cul-de-sac, and across the gardens of Plots 2, 3 and 4. Allensmore Parish Council has referred to the possibility for further development. This is a matter for future determination, the granting of approval for the submitted application would not be prejudicial to any future scheme submitted. This is notwithstanding that earlier schemes for larger sites were not supported as being contrary to the Unitary Development Plan.
- 6.8 The scheme can be supported, subject to details of parking for Plot 1 and a schedule of materials for the dwellings.

RECOMMENDATION

That on ensuring sufficient parking provision for Plot 1, the officers named in the Scheme of Delegation to Officers be authorised to grant approval of reserved matters subject to the following conditions and any additional conditions considered necessary by officers:

1. B01 (Samples of external materials)

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

2. E18 (No new windows in specified elevation)

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

3. E19 (Obscure glazing to windows)

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

4. G01 (Details of boundary treatments)

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

5. H11 (Parking - estate development (more than one house))

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

6. F17 (Scheme of foul drainage disposal)

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

Informative(s):

1. N19 - Avoidance of doubt

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

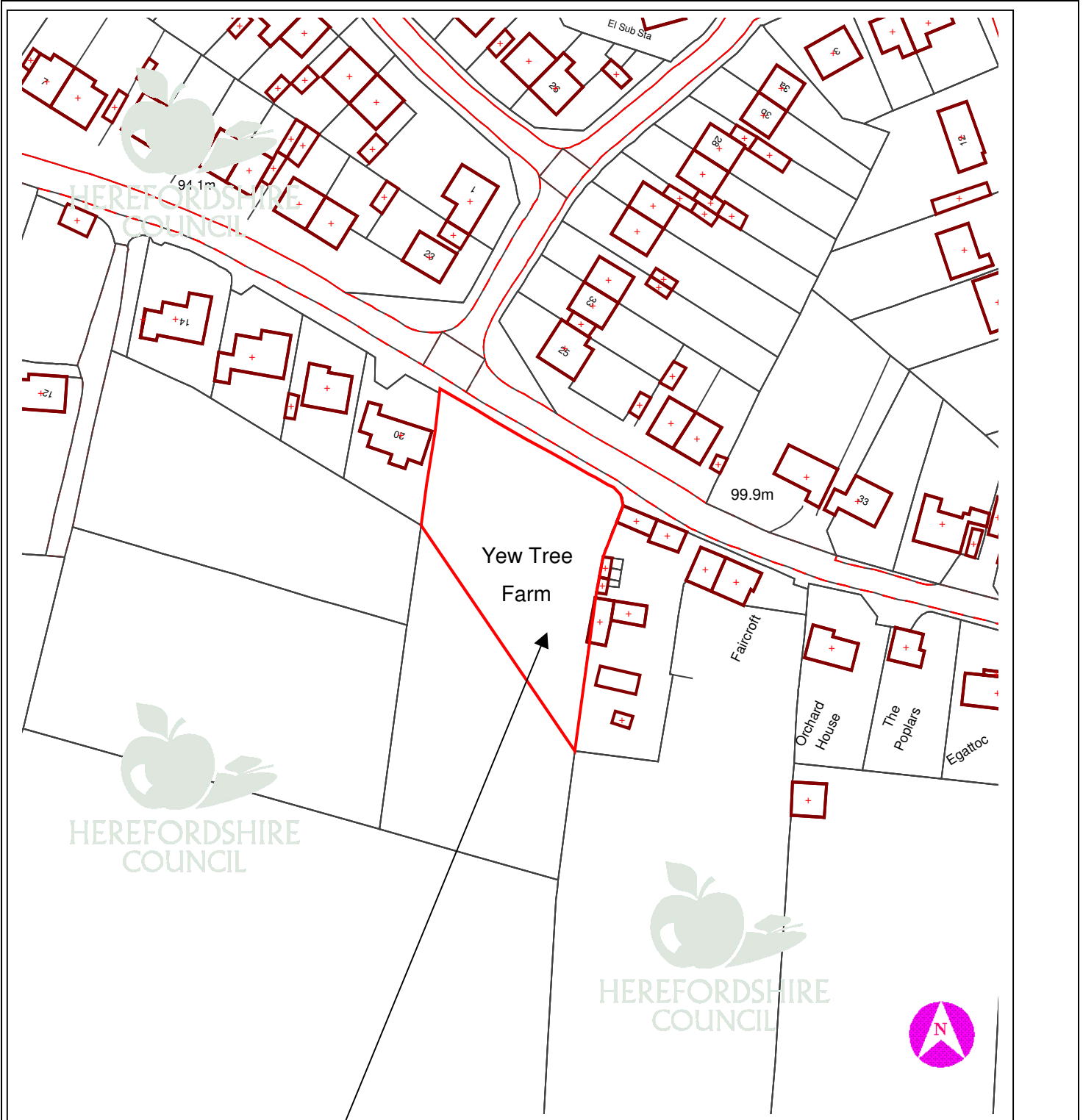
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2007/3797/RM

SCALE : 1 : 1250

SITE ADDRESS : Yew Tree Farm, Poplar Road, Clehonger, Hereford, Herefordshire, HR2 9SW

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6 DCSE2007/3932/F - PROPOSED SINGLE TRACK VEHICULAR ACCESS TO AGRICULTURAL LAND (TO REPLACE EXISTING SUB STANDARD ACCESS), THE PLOCK, SOLLERS HOPE, HEREFORDSHIRE, HR1 4TF

For: Mr C Jones per Mr A Powell, Yew Tree Cottage, Brinkley Hill, Brockhampton, Herefordshire, HR1 4SJ

Date Received: 21st December, 2007 Ward: Old Gore Grid Ref: 60802, 32098

Expiry Date: 15th February, 2008

Local Member: Councillor TMR McLean

1. Site Description and Proposal

- 1.1 The site lies to the northeast of the B4224 between How Caple and the C1298 to Sollars Hope and comprises part of a field. On the opposite side of the road there are residential barn conversions and The Falcon House, which is a Grade II listed building. The site and surrounding area are within the Wye Valley Area of Outstanding Natural Beauty.
- 1.2 Within the site the levels rise from the road to the northeast, with a hedgerow defining the roadside boundary. Ground works have been carried out within the site in connection with an agricultural building (approved under DCSE2007/1627/S). There is a wide, grassed highway verge between the carriageway and the site. The land is used for agricultural purposes. In the western corner of the field there is an existing gated vehicular access and a public right of way runs along the northwestern boundary.
- 1.3 A new agricultural, vehicular access is proposed off the B4224, on the opposite side of the road to the existing access that serves Falcons Nest and Falcon Field. The access would be positioned between an existing small oak tree and an electricity pole. A section of 11 metres of hedgerow would be removed to facilitate the proposed access. New hedgerow planting either side of the access track is proposed along with grass seeding of all new earth banks. The first 10 metres of the track would be at a gradient of 1 in 10 with a surface of tarmac. The remainder of the track would be of a steeper gradient, 1 in 5, and finished with compacted scalplings.

2. Policies

2.1 Planning Policy Statement

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 S7	-	Natural and Historic Heritage

Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy E13	-	Agricultural and Forestry Development
Policy LA1	-	Areas of Outstanding Natural Beauty
Policy HBA4	-	Setting of Listed Buildings

3. Planning History

- 3.1 DCSE2007/1627/S Agricultural building for storage of fodder and machinery - Prior Approval 12.07.07
- DCSE2007/2719/F Single track vehicular access to agricultural land - Withdrawn 24.09.07

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultees required.

Internal Council Advice

- 4.2 The Traffic Manager comments that whilst there are concerns regarding the proposal it is considered to be acceptable because it is for agricultural use and is an improvement on the existing. Conditions are recommended, including lowering the verge to the north.
- 4.3 The Public Rights of Way Manager comments that the proposal would not appear to affect the public right of way.
- 4.4 Conservation Manager – Landscape Officer has no objections provided that it has been demonstrated that there is a need for the access on road safety grounds. Proposed planting would compensate for the section of hedgerow that will be lost. It is recommended that a local stone aggregate should be rolled into the wearing course of the tarmacadam. This would be more muted in appearance than black tarmacadam and would minimise the impact on the AONB. Building Conservation Officer advises that this application is exceptionally well presented so it is unlikely that the new access will have any demonstrable impact on the setting of the nearby listed building.

5. Representations

- 5.1 The applicant has submitted a Design and Access Statement. In summary these state:
- Proposal is to replace an existing sub-standard agricultural access
 - Envisaged that access will be used several times a week
 - Existing access has poor visibility and due to position and ground levels access and egress are extremely hazardous
 - Have considered highway visibility, gradient, materials and water run off to comply with highway standards and the impact upon the AONB in designing the proposed access
 - A new access at 90 degrees to the road would create extensive excavation, so oblique angle proposed

- Due to steepness of the land it is not feasible to link the field with the track from the applicant's smallholding, Little Owl Farm
- Proposal will only allow access and egress in the How Caple direction due to its oblique angle. This would satisfy the applicant's requirements and would lessen the impact upon the landscape
- No water run-off onto the B4224. Surface water will be collected by a grid drain into an existing ditch, which discharges into the nearby brook.
- Existing access gate to be removed, replaced with a stock proof fence and hedgerow planted behind.
- Footpath stile to be relocated in agreement with footpath officer

5.2 Sollars Hope Parish Council's comments are awaited.

5.3 Three letters of objection have been received from M Glover of Falcons Nest, C J Glover of Falcon Field and Herefordshire CPRE. In summary the points raised are:

- Situation has changed since prior approval was given for the building, to which new access is now sought, applicant has now purchased Little Owl Farm and is able to use the farm entrance and access to all land. Access off the B4224 is not required.
- As the applicant has other buildings, the building approved could be sited in a cluster with these rather than as approved, reducing his carbon footprint.
- The existing sub-standard access onto the B4224 has never been used by the previous owner of the land for the last 12 years.
- Urge planning department to consider this application and that for storage building in light of S1, DR1 and E13 of the UDP.
- Proposed access is situated on a historic accident cluster site. Also problems with flooding of the road.
- If proposed access is refused this would avoid more potential road accidents.
- If storage building is built nearer to the farm would avoid an isolated building on the skyline in the AONB and would not endanger any wildlife.
- Not opposed to change in the environment.
- Concern regarding impact of the turning circle of tractor and machinery.
- Entrances opposite one another on a highway are dangerous.
- Removal of 11m of hedgerow proposed. 15m of hedgerow already reduced to 1m in height. Further hedge removal will potentially promote run-off problems.
- LA1, LA2 and E13 are being contravened. Conditions 1, 2 and 3 would not be met if new access is allowed.

5.4 Five letters of support have been received from the NFU, William Jones of Little Falcon Farm, Mr Peter Day of The Falcon House, Mr & Mrs B Jones of Falcon Brook and Mr R L Griffiths, The Barn, Green Mans Wood, Phocle Green. The main points raised are:

- Existing access is not suitable for modern day use.
- Proposed access would be an improvement in safety terms and is required for livestock farming enterprise
- Having lived adjacent the B4224 for 36 years and seen increase in traffic and speeds we consider the proposed access would be a big improvement on the existing.
- Have seen several near accidents between vehicles and tractors emerging from this area. New access would have better visibility and would protect my property and family.

- Have used existing access in recent months and found it to be hazardous, proposed access would resolve this problem.

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 the determination of this application are the effect of the proposal on the character and appearance of the landscape, the impact on highway safety and the public right of way and the impact upon the setting of the listed building.
- 6.2 The site and surrounding area are within the Wye Valley Area of Outstanding Natural Beauty. Policy LA1 of the Unitary Development Plan states that priority will be given to the protection and enhancement of the natural beauty of the area. It does not preclude development, but does require it to be small in scale, not adversely impact upon the intrinsic natural beauty of the landscape and is necessary to facilitate the economic and social well being of the area and community. PPS7 - Sustainable Development in Rural Areas states that it is the Government's objectives in rural areas to provide thriving, sustainable rural communities and economic growth, whilst giving the highest level of protection for the most valued landscapes. It advises that traditional, land based activities that require a countryside location should be supported. In addition the conservation of the natural beauty of the landscape should be given great weight in the determination of planning applications.
- 6.3 There is an extant approval (SE2007/1627/S) for an agricultural storage building for machinery and fodder to the northeast of the proposed access. Ground works have commenced in respect of this building. Since the approval was given for the building the applicant has purchased additional land. The objector suggests that the building could be relocated adjacent to the farm building recently acquired and thus there would be no requirement for the access now proposed. The applicant has advised that the building work has now commenced and it is intended to build the approved building. In light of the extant approval for the building it is only appropriate to consider the impact of the proposed access at this juncture. Taking into account the applicant's requirement to access the field, the unacceptability of the existing access and improvement in highway safety terms of the proposed access, I consider that the proposal satisfies the Landscape Officer's comments. The proposed access would be relatively small in scale and operation and by virtue of its layout, design and proposed landscaping would have a minimal impact upon the landscape. Balancing this impact against the applicant's asserted need to provide access to the building, it is considered that the principle of the development is acceptable. Native hedgerow planting, grass seeding of the earth banks and the provision of a local stone aggregate rolled into the tarmacadam would further reduce the visual impact of the access and help it to be satisfactorily assimilated into the landscape. Conditions are recommended to ensure these mitigating measures are carried out.
- 6.4 Following road improvement works in 2003, this section of the B4224 is no longer classified as an historic accident cluster site. The Traffic Manager considers that the proposed access would represent an improvement in highway safety terms in comparison with the existing. Whilst the objector's comments are noted regarding the previous owner not using the existing access, the applicant could legitimately use the existing access. Amongst other conditions recommended by the Traffic Manager it is appropriate to condition the permanent closure of the existing access. In respect of the Public Right of Way, the proposal would not impinge upon its use. The Public Right of Way Manager has stated that the existing stile should not be relocated, as suggested in the applicant's Design and

Access Statement. A note to the application is recommended in this regard. The proposed stock proof fence and hedgerow planting in place of the existing gate is considered acceptable in landscape terms.

- 6.5 The Falcon House, a listed building, is some 50 metres from the proposed access and on the opposite side of the road. Taking into account the distance separation, together with the acceptability of the design of the access I consider that it would not harm the setting of the listed building.

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 first 10 metres of the access shall have a tarmacadam wearing course into which shall be rolled a local stone aggregate, a sample or details of which shall have first been submitted to and agreed in writing by the local planning authority. The remainder of the track shall be finished with compacted scalplings.**

Reason: To satisfactorily minimise the visual impact of the access in the landscape noted for its quality.

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

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

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

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

- 5. 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.

- 6. H03 (Visibility splays)**

Reason: In the interests of highway safety.

- 7. Prior to the first use of the access hereby approved, the existing vehicular access, in the western corner of the site, onto the B4224 shall be permanently closed in accordance with details set out in the applicant's Design and Access Statement.**

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

- 8. Prior to the first use of the access and track, it shall be consolidated, surfaced and drained in accordance with details to be submitted and approved in writing by the local planning authority.

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

- 9. H27 (Parking for site operatives)

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

Informative(s):

- 1. HN01 - Mud on highway
- 2. HN04 - Private apparatus within highway
- 3. HN05 - Works within the highway
- 4. HN10 - No drainage to discharge to highway
- 5. The existing Public Right of Way stile shall not be relocated, but retained in situ.
- 6. N19 - Avoidance of doubt
- 7. N15 - Reason(s) for the Grant of Planning Permission

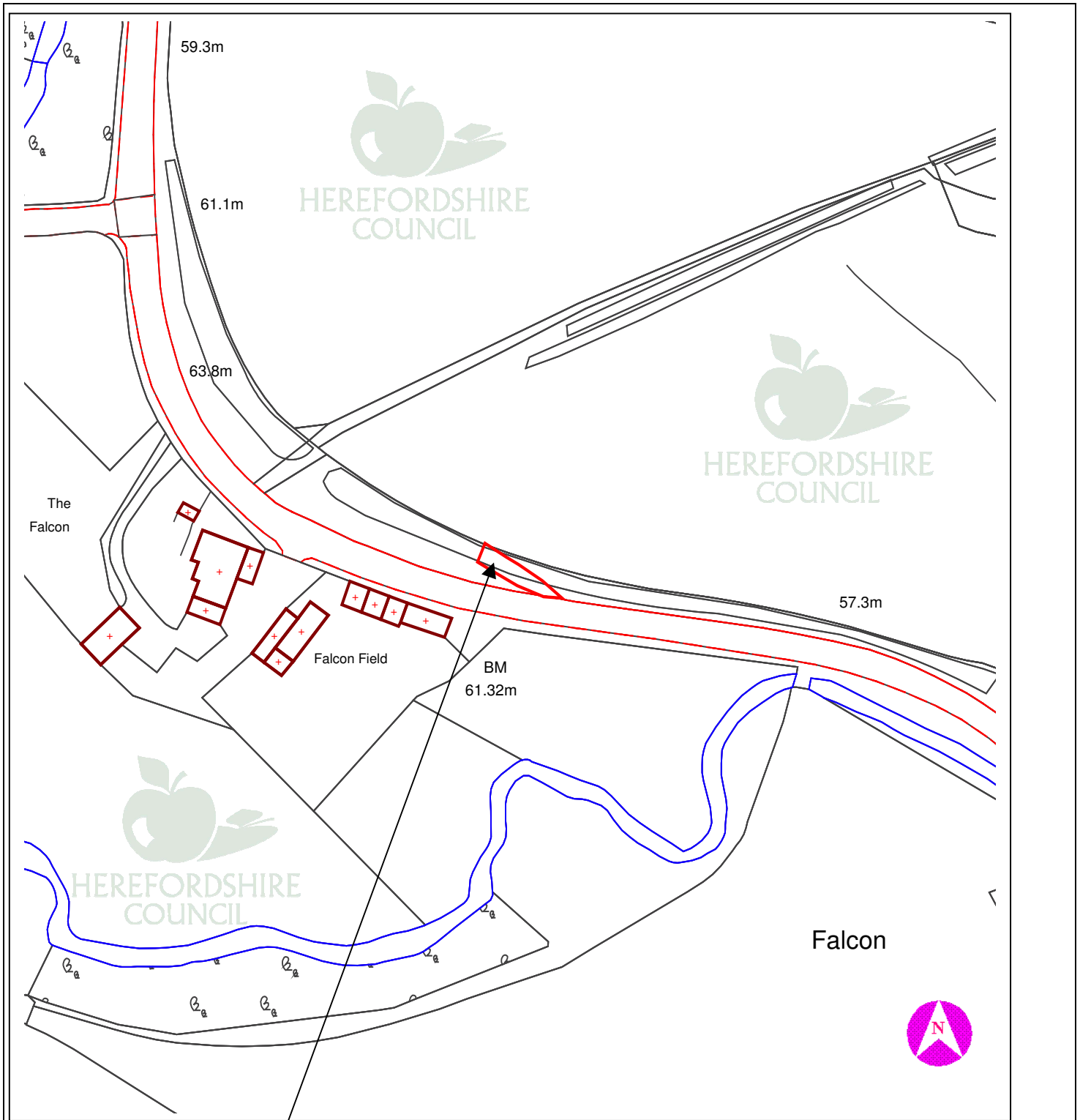
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2007/3932/F

SCALE : 1 : 1250

SITE ADDRESS : The Plock, Sollers Hope, Hereford, Herefordshire, HR1 4TF

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7 DCSE2007/3872/F - ERECTION OF A 5M X 9M GARDEN ROOM STRUCTURE TO THE FRONT OF THE BUILDING. PREDOMINANTLY TIMBER WITH TRELLIS PANELS AND BALUSTRADE AND TIMBER SHINGLE ROOF AT THE HOPE AND ANCHOR, ROPE WALK, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7BU

For: Marstons Plc. per Link Design Consultants Ltd, 32 Bradford Street, Birmingham, B5 6HX

Date Received: 18th December, 2007 Ward: Ross-on-Wye West Grid Ref: 59619, 24189

Expiry Date: 12th February, 2008

Local Members: Councillors CM Bartrum and G Lucas

1. Site Description and Proposal

- 1.1 The site is between Wye Street and the River Wye in Ross-on-Wye and comprises a public house, car park and grassed beer garden area with two timber buildings and numerous picnic tables and benches. The site is within the Ross-on-Wye Town Conservation Area and the Wye Valley Area of Outstanding Natural Beauty. Being in close proximity to the river the site is within the flood plain. Levels in the site rise gradually from the top of the river bank to the public house to the east.
- 1.2 It is proposed to erect a timber structure on a base of some 9 metres by 5 metres in area and 0.8 metres in height, the structure itself would be slightly smaller in terms of floor area. The structure would have a hipped roof with a ridge height of 4 metres and would be sited to the south of the existing wall between the carpark and beer garden area. There is an existing shed, which serves refreshments, in close proximity to the siting of the proposed structure. It is proposed to resite the existing shed. This would be the subject of a separate planning application. The proposed structure would have a timber boarded northern elevation, open southern elevation and partially trellis clad eastern and western elevations. The proposed structure would be cut into the ground to the eastern side and would be open beneath to allow flood water to flow through. Landscaping is proposed around the structure.
- 1.3 This application is a resubmission following the withdrawal of the previous application SE2007/3335/F. This revised scheme is for exactly the same structure in terms of its size, design and materials as previously proposed, but on a different siting further away from the public right of way and nearer to the public house.

2. Policies

2.1 Planning Policy Statements

- | | | |
|-------|---|---------------------------------------|
| PPS 1 | - | Delivering Sustainable Development |
| PPG15 | - | Planning and the Historic Environment |
| PPS25 | - | Development and Flood Risk |

2.2 Herefordshire Unitary Development Plan 2007

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S7	-	Natural and Historic Heritage
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy DR7	-	Flood Risk
Policy DR13	-	Noise
Policy E6	-	Expansion of Existing Businesses
Policy NC3	-	Sites of National Importance
Policy LA1	-	Areas of Outstanding Natural Beauty
Policy HBA6	-	New Development within Conservation Areas

3. Planning History

3.1	SH83/0802/PF	Refurbishment of Potters Bar	-	granted 9.11.1983
	SH87/1193/PF	Change of use of shed to storage associated with the Hope and Anchor	-	granted 28.10.1987
	SH96/0398/PF	Extension to form toilet, wine store and kitchen with restaurant over to the rear of the Hope and Anchor	-	granted 20.5.1996
	SH98/0062/PF	Ground floor extension to rear to provide additional catering kitchen facilities	-	granted 10.3.1998
	SE2007/3335/F	Erection of a 5m x 9m garden room structure to the front of the building. Predominantly timber with trellis panels and balustrades and timber shingle roof.	-	withdrawn 12.12.2007

4. Consultation SummaryStatutory Consultations

- 4.1 Environment Agency - awaited, no objections to previous application on the basis that the application is for minor development sited over 7 metres from the top of the river bank.
- 4.2 Natural England consider that the development would not adversely affect the River Wye Site of Special Scientific Interest.
- 4.3 Open Spaces Society have not replied.
- 4.4 The Ramblers Association object to the proposal, stating that it would not be in keeping with the AONB or Conservation Area and would, if granted, set a precedent. The structure would be closer to the river than existing development and would block open views.

Internal Council Advice

- 4.5 The Traffic Manager raises no objections.
- 4.6 The Public Rights of Way Manager comments that the proposal would not appear to affect the public right of way.
- 4.7 The Conservation Manager objects to the proposal with regard to its size, design and materials (on the previous application which was for an identical building in terms of its size and appearance no objection was raised except comment was made on one particular design issue).

5. Representations

- 5.1 The applicant has submitted a Design and Access Statement and a letter. In summary these state:

- have complied with Conservation Officers
- development required for continued profitability of Public House
- business survives almost purely on summer income
- new structure would provide unique setting and area for functions, such as wedding and allow area to be used into winter months drawing more business in the slower months
- proposed use is for external area for eating and drinking, which will hopefully entice custom into the area. Designed to enable smoking
- area likely to be used in the summer, but it will contain heating and lighting so could be used throughout the year
- siting in the beer garden allows the proposed structure to sit comfortably within its surroundings
- effort has been taken regarding materials, design etc
- structure would be over 7 metres from the river bank and butting up to the existing wall as required by the Environment Agency for extra protection from flowing waters during severe flooding
- the siting has been amended following advice from the Council's Public Rights of Way Officer
- old coracle boats are proposed as planters and small plant borders to the front of the structure
- main structure would be timber joists and posts, with worn effect veneer, on a decked area. Trellis of a diagonal design is proposed to compliment existing trellising on site. New patio would be provided on the grassed area between the proposed structure and the existing building.

- 5.2 Ross-on-Wye Town Council has no objections.

- 5.3 Two letters of representation have been received from Mr Morgan of Welsh Newton and the Ross-on-Wye and District Civic Society. The main points raised are:

- garden room would be a monstrosity, compounded by its height to accommodate the flood plain and no amount of design and materials could mitigate this.
- the site floods more than once a year
- would be a visual intrusion to the users of the public footpaths
- inevitably will be a further eye sore with discarded debris and anti-social behaviour after closing time
- would set a precedent for similar developments in the area

- the structure would occupy a significant frontage and would be unacceptably close to the riverside footpath
- question the need for such a facility, there is an existing building to the left of the Inn (as viewed from the river) which already serves as a restaurant
- any proposal for heating of the gazebo would be inappropriate in the context of global warming

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 the determination of this application are the effect of the proposal on the character and appearance of surrounding area, the impact on the public right of way, and the effect on the flood plain.
- 6.2 The site is an important location in terms of landscape quality and the built environment. Policy LA1 of the Unitary Development Plan states that priority will be given to the protection and enhancement of the natural beauty of the Area of Outstanding Natural Beauty. It does not prevent new development, but states that it should be small in scale, not adversely impact upon the intrinsic natural beauty of the landscape and is necessary to facilitate the economic and social well being of the area and community. In addition, policy HBA6 requires that new development should preserve or enhance the Conservation Area and that, amongst other things, development should respect the scale, massing and height of adjoining buildings and quality and type of design that contribute to the area's character and appearance.
- 6.3 The building proposed would have a floor area of some 45 square metres and a height of 4.8 metres (base and structure). This would represent a significant new structure in this sensitive location. From the car park the structure would only be partially screened by the existing wall and would impinge upon views of the river from the car park. It would not restrict views along the riverside path in either direction, however it would obscure views of the public house from the public footpath. The applicant's agent has stated that the proposal is needed to support the existing business. Whilst it is not a proposal to expand the current business in terms of its capacity for customers the proposal would extend the facilities provided at the premises for use by its customers and hopefully extend the months that the outdoor space could be used.
- 6.4 In light of the planning history and in its context, in relatively close proximity (11 metres) to the two storey public house and within the existing beer garden, it is considered that it would not appear unduly large or out of scale with the existing development and not intrusive in the scenic landscape. Balancing the applicant's asserted need against the visual impact of the building it is considered that the structure would not be harmful. In terms of setting a precedent, each application is considered on its own merits and therefore this application could not be refused on this basis.
- 6.5 The revised siting of the structure would ensure that it would not encroach onto the public right of way, which runs alongside the riverbank. It is considered that the proposed use, which is compatible with the existing use of the site as a whole, would not adversely affect the enjoyment and use of the public footpath either.

6.6 The proposed structure has been designed taking into account the advice of the Environment Agency. Therefore, in respect of flooding issues the proposal is acceptable.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 B01 (Samples of external materials)

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

3 F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

4 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.

5 G04 (Landscaping scheme (general))

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

6 G05 (Implementation of landscaping scheme (general))

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

INFORMATIVES:

1 N19 - Avoidance of doubt

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

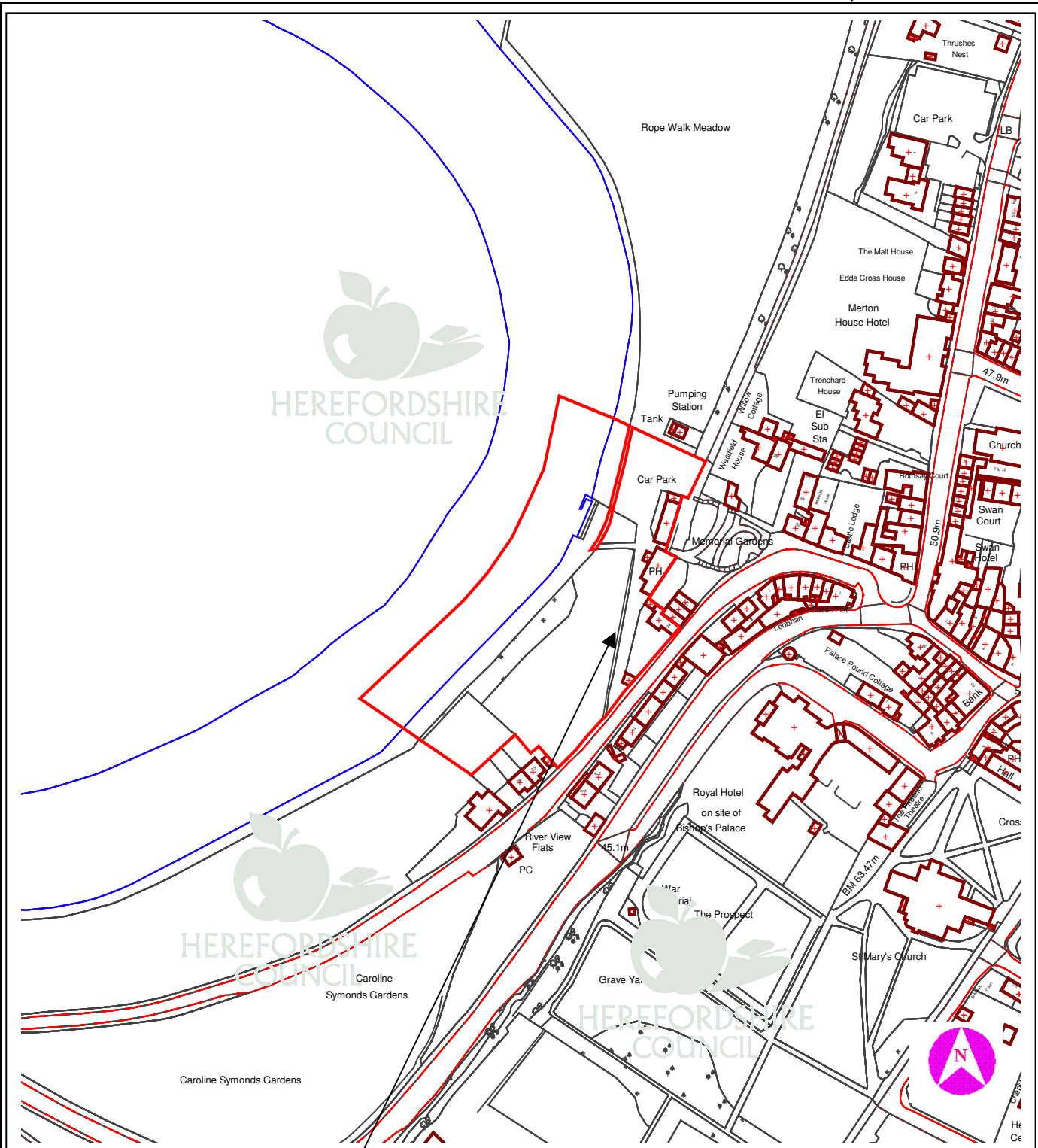
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2007/3872/F

SCALE : 1 : 2500

SITE ADDRESS : The Hope and Anchor, Rope Walk, Ross-on-Wye, Herefordshire, HR9 7BU

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8 DCSE2008/0050/F - ERECTION OF AGRICULTURAL STORAGE BUILDING AT JAYS PARK, LINTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7UH.

For: Mr J Edwards per Mr DR Pearce, Land Development & Planning Consultants Ltd, Lavender Cottage, Nettleton, Chippenham, Wiltshire, SN14 7NS.

Date Received: 7th January, 2008 Ward: Penyard

Grid Ref: 66322, 26032

Expiry Date: 3rd March, 2008

Local Member: Councillor H Bramer

1. Site Description and Proposal

- 1.1 The application site comprises a section of a field (0.1ha) on the north side of the unclassified road linking junction 3 of the M50 with Linton and to the east of an existing field gate. The access to the fields has been altered over the past 5 years by the erection of wall, gates and fencing and the land has been developed as a residential caravan site. Enforcement notices requiring removal of the former and cessation of the latter have been upheld on appeal and the caravan has been removed.
- 1.2 It is proposed to erect an agricultural storage building just to the north-east of the access and close to the boundary hedge. This land has already been excavated and levelled in connexion with the works referred to above. The building would be 13.5m long and 9m wide x 5m to ridge. The wall would be concrete blockwork up to 2m and profiled steel sheeting above and for the roof. The intention is to develop a fruit growing enterprise to supplement grazing on two fields to the north and west of the application site totalling about 8.4ha. This is a revised application following withdrawal of an application for determination as to whether prior approval would be required and subsequent refusal of permission for revised proposals (DCSE2007/1067/F). The reason for refusal was:

“The proposed storage building would be intrusive in the landscape, and the local planning authority is not satisfied that the building would be related to an existing agricultural enterprise. The proposal would conflict therefore with Policy E13 of the Herefordshire Unitary Development Plan 2007.”

2. Policies

2.1 Herefordshire Unitary Development Plan 2007

Policy LA2	-	Landscape Character and Areas least Resilient to Change
Policy E13	-	Agricultural and Forestry Development

3. Planning History

- | | | | | |
|-----|-----------------|-------------------------------------------|---|---------------------|
| 3.1 | DCSE2005/2611/F | Retrospective application for mobile home | - | Refused
28.11.05 |
| | DCSE2007/0415/S | Agricultural storage building. | - | Withdrawn
9.3.07 |
| | DCSE2007/1067/F | Erection of Agricultural Building | - | Refused
29.05.07 |

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 The Traffic Manager's comments are awaited.

5. Representations

5.1 The applicant's agent points out that:

- (i) this is a re-submission of an application refused contrary to advice of professional officers;
- (ii) in response the overall size of the building and its siting has been amended to minimise its impact on the surrounding countryside and additional landscaping is proposed;
- (iii) before undertaking the considerable investment for commercial soft fruit production it is entirely reasonable that the developer has the security of knowing that this essential building will be permitted;
- (iv) it is required for storage of plant and equipment plus short-term storage, grading and packing during the harvesting period;
- (v) being aware of the Council's concern that should the enterprise not be established a non-essential building would have been permitted, the applicant would accept a condition that planting of fruit bushes should have commenced prior to erection of the building.

In addition a Design and Access Statement has been submitted which in summary gives the following explanation:

- (1) This application has been prepared following an earlier application submitted under the 'prior notification' procedure (DCSE2007/0415/S). Following discussions with the Case Officer it was agreed to withdraw the application in order to take the opportunity to achieve an improved siting albeit in a location where full planning permission would be required. In addition a review of the needs of the agricultural holding has resulted in a smaller building now being sought.
- (2) The land is currently improved pasture used for the grazing of livestock.
- (3) The building is required for agricultural storage associated with a proposed fruit growing enterprise on the adjacent land. The steel-frame building would be to a colour and profile to be agreed with the local planning authority.
- (4) There are no other agricultural storage or livestock buildings on this agricultural unit.

- (5) The building occupies a position close to the access from the highway and adjacent to the roadside hedge which comprises the principal landscape feature affecting the setting of this building. The siting of the building enables the retention of this hedge and the opportunity for its improvement and future maintenance. Consequently the loss to agricultural production and the impact on visual amenity would be minimised.
- (6) The appearance of the building is defined by the proposed function and the levels of adjacent land. It is proposed to clad the roof and walls of the building with plastic coated steel profile sheeting, with blockwork to a height of 2 metres.
- (7) Access to the site would be via an existing agricultural access.

5.2 Linton Parish Council's observations have not yet been received. (The Consultation period expires on 30 January 2008)

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 proposal relates to a new agricultural enterprise on land some distance from the farm complex (Two Parks Farm) of which it was formerly a part. Consequently the proposed building cannot be sited close to existing buildings, as encouraged by policy E13. Nevertheless this location is the least harmful in terms of visual impact being partially screened by the established roadside hedge, close to the access with its existing tarmac access drive and on lower ground which has been excavated. The proposed design and external appearance of the building are typical of small agricultural stores. In comparison to the earlier proposal (DCSE2007/1067/F) the building would have half the floor area and be 0.5m lower at ridge level.
- 6.2 The proposed enterprise would require storage facilities for agricultural machinery, fertilisers and the produce, including sorting and packing. Erection of this building would be a significant investment for an enterprise of this scale and a planning condition could be imposed to ensure that the building is used only for agricultural purposes. The Council was concerned however that the building could be erected and the proposed agricultural enterprise not materialise. The store could be built but not used. The applicant is reluctant to undertake planting without the assurance that this essential building would be granted planning permission. The applicant's agent has suggested that a condition be imposed requiring that planting should have commenced before the building is erected. I understand that about 1ha of soft fruit is proposed and it would be reasonable, in my view, to require a significant proportion (say 0.5ha) to be planted before construction of the agricultural building.
- 6.3 On this basis I consider that the need for the building would have been established. The significant reduction in size, compared to the earlier proposals, and revised siting would ensure that the harm to the countryside would be minimised.

RECOMMENDATION

That on the expiry of the consultation period (8 February 2008) the officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any additional conditions considered necessary by officers:

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

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

2 B01 (Samples of external materials)

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

3 G04 (Landscaping scheme (general))

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

4 G05 (Implementation of landscaping scheme (general))

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

5 E10 (Use restricted to that specified in application)

Reason: To define the terms of the permission and to protect the rural character of the area.

6 No development shall take place until at least 0.5ha of soft fruit has been planted in the fields OS parcels 0002 and 1900.

Reason: To ensure that there is a need for an agricultural building.

INFORMATIVES:

1 N19 - Avoidance of doubt

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

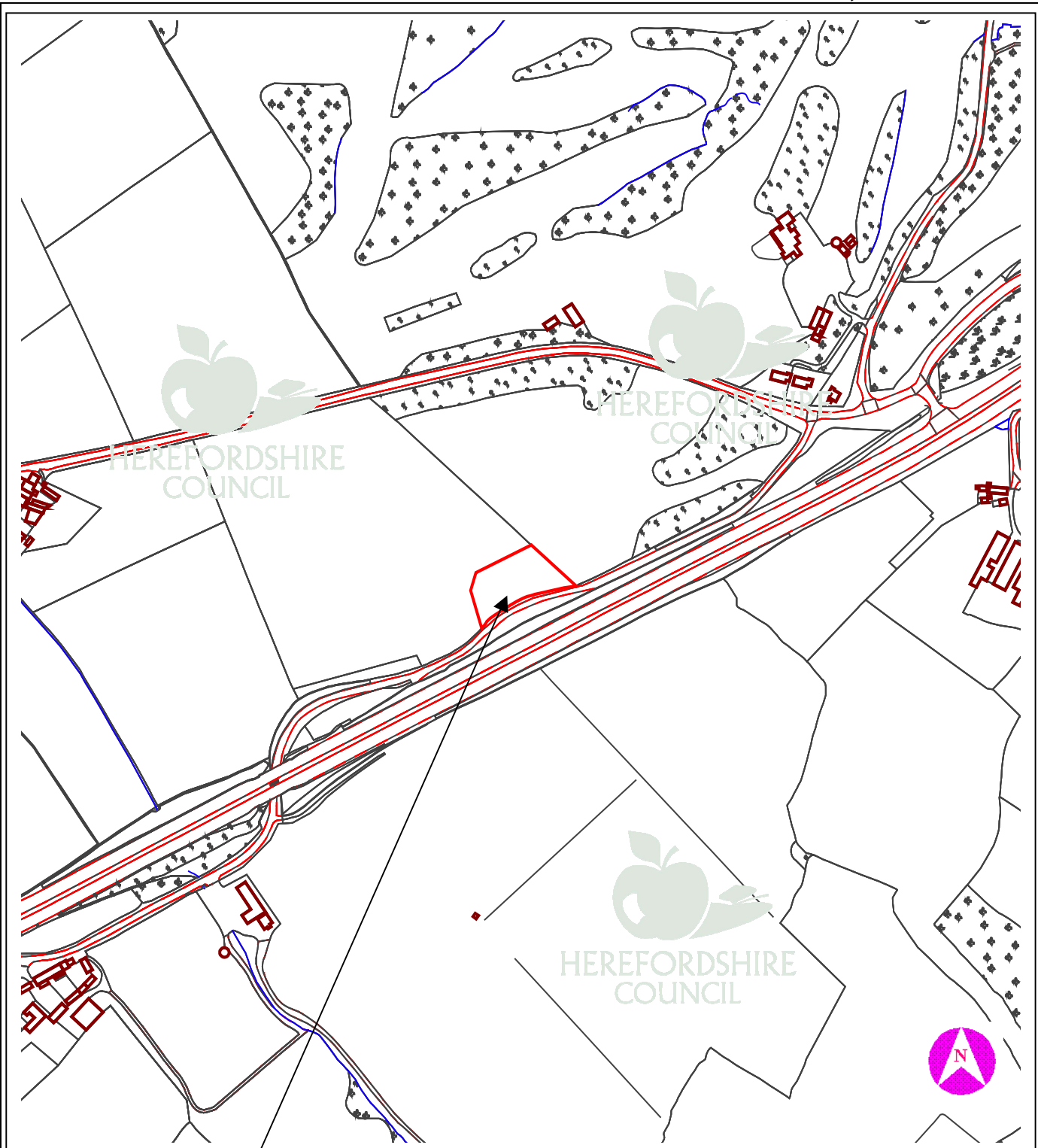
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2008/0050/F

SCALE : 1 : 5000

SITE ADDRESS : Jays Park, Linton, Ross-on-Wye, Herefordshire, HR9 7UH

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9 DCSE2007/3794/F - PROPOSED GARAGE CONVERSION AND EXTENSION TO FORM HOME OFFICE, STORES AND SUNROOM, BRYNHYFRYD, PETERSTOW, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6JZ.

For: Mr & Mrs G Walsh per Mr D Kirk, D Kirk & Associates, Coppice View, 100 Chase Road, Ross-on-Wye, Herefordshire, HR9 5QU.

Date Received: 11th December, 2007 Ward: Llangarron Grid Ref: 56675, 24672

Expiry Date: 5th February, 2008

Local Member: Councillor JA Hyde

1. Site Description and Proposal

1.1 The application site is towards the north-east end of New Road in Peterstow. It comprises a large modern detached house which was approved as a replacement for a vehicle repair workshop. The 2-storey brick house is rectangular in footprint with short gables projecting to front and rear at the south-western end. A covered walkway along the front of the house connects the gable to the detached garage to the north of the house.

1.2 It is proposed to erect an extension to the northern end of the building which would join onto the garage. This would have two floors but with lower eaves/ridge heights (about 0.9m and 1.75m respectively) compared to the existing house. The upper floor would be lit by rooflights in the south-eastern elevation and windows in the gable end wall (north-eastern elevation). The ground floor would be used for storage, the upper floor as an office. The garage would be rebuilt as a store, on a similar footprint but with a higher ridge (about 0.5m) to accommodate a first floor, lit by rooflights and window in the gable end. In addition a sun room would be constructed at the rear of the house. This would be about 4.6m x 4.6m with a tiled hipped roof.

2. Policies

2.1 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
Policy E9	-	Home Based Businesses

3. Planning History

3.1 SH921363PF	Two storey dwelling with double garage	-	Approved 30.06.93
DCSE2004/3658/O	Site for two storey dwelling	-	Refused 29.04.05

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 permission.

5. Representations

- 5.1 A Design and Access Statement has been submitted which states:

- (i) the existing 5-bedroomed detached house was constructed in the mid 1990s
- (ii) extra space is required for the occupant's home office and to store materials and family belongings
- (iii) proposal involves re-building the garage in cavity construction to carry a loft, with a smaller extension to the side/rear - these would provide office and storage space
- (iv) the existing property is a very good scale to provide this size extension, which would have very little impact to neighbouring properties
- (v) designed to have minimal impact on the building's front elevation and all materials will be an exact match to existing.

- 5.2 Peterstow Parish Council objects to certain aspects of this application. The amount of storage space created would appear to be in excess of what might seem appropriate for family use and could possibly provide additional space for domestic use in what is already a large house. If the storage space is for business use then this could add traffic along New Lane which is very narrow and only suitable for ordinary private domestic use. There are no objections to the erection of a sun room.

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 proposed extensions would not be out of proportion to the original house built in the 1990s, increasing the footprint by about 56m² (43%) and the cubic capacity by about 250m³ (32%). They would not be lower at eaves and ridge than the main house, with the larger extension (office and store) positioned in the angle between house and garage. External materials would be in matching brick and roofing tile and the new extensions roof pitch would be the same as the main house roof, although that for the new garage would be steeper. There would be no adverse impact on neighbours as the extensions are at the north-east end or at the rear and therefore a good distance from the nearest house to the south-west. In my opinion the extensions would comply with the Council's policies.
- 6.2 Policy E9 encourages the use of domestic properties for home-based businesses provided (1) it will not lead to "adverse impact on residential amenity or the character of the area through its scale, nature of operation, access and parking provision, noise or

traffic generated included visitors, staff and deliveries; and (2) the appearance of the building is not materially altered and on cessation of the business use it can revert to its former use". In this case I understand that the business involves renovation of sash windows which is carried out on site. Materials and equipment however would be stored in the garage and the upper floor of the extension would be the business office. This use would, in my opinion, be incidental to the use of the property as a dwellinghouse and not have the adverse consequences listed in criterion 1. The policy only allows conversion of existing premises rather than new build. However in this case whilst there would be new building works these would only in part be for business purposes, they are acceptable as domestic extensions as discussed above and on cessation of the business use the property could readily revert to wholly residential use. For these reasons I consider that the proposals comply with UDP policies and are acceptable.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

- 3. **The use of the extensions hereby permitted for business purposes shall be incidental to the enjoyment of the dwellinghouse as such.**

Reason: In the interests of highway safety and to protect the amenities of neighbours.

Informative(s):

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

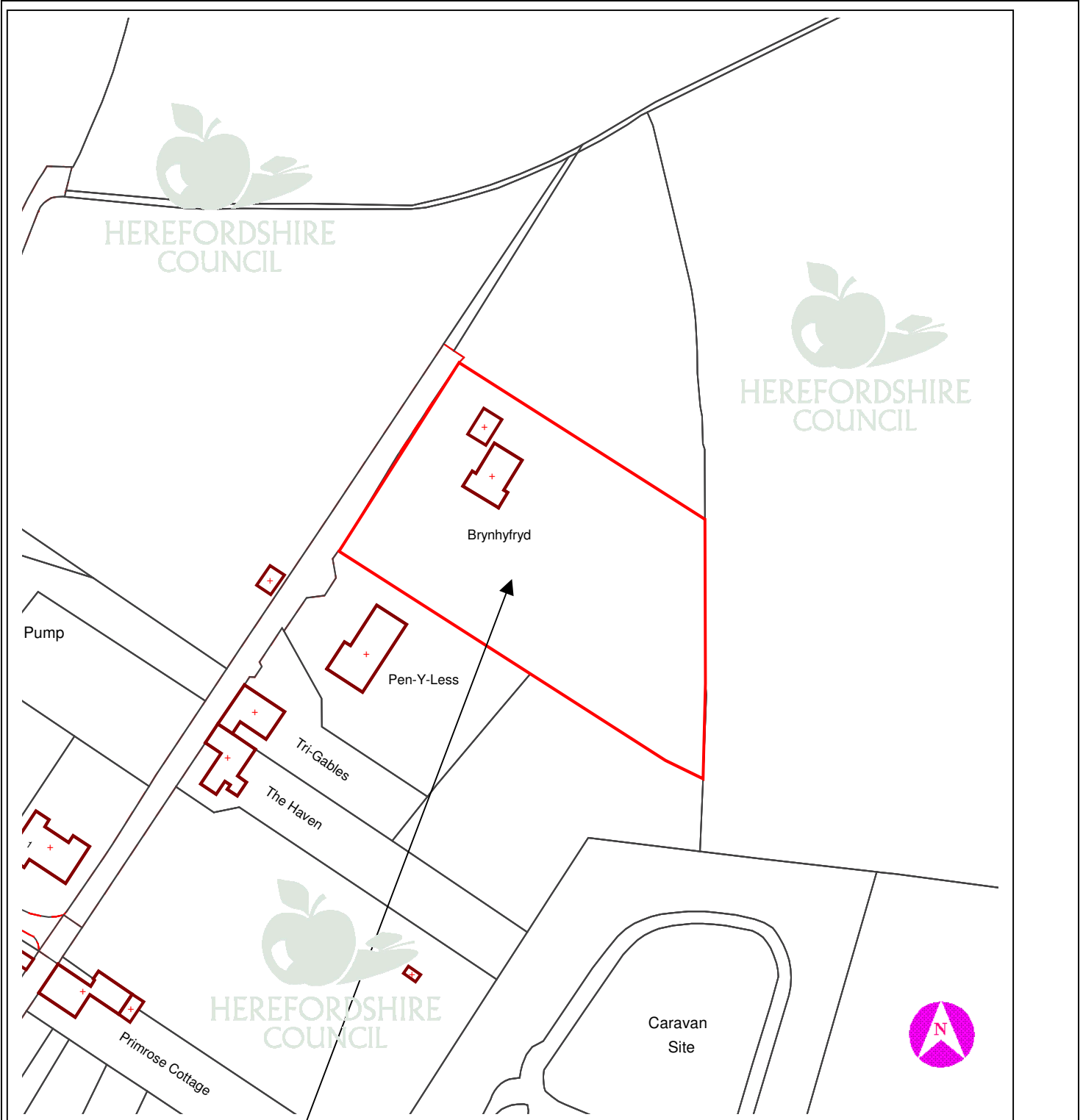
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2007/3794/F

SCALE : 1 : 1250

SITE ADDRESS : Brynhyfryd, Peterstow, Ross-on-Wye, Herefordshire, HR9 6JZ

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10 DCSE2008/0039/F - REMOVAL OF EXISTING HOUSE AND CONSTRUCTION OF NINE FLATS, INCLUDING CAR PARKING AND LANDSCAPING AND UTILISING EXISTING VEHICULAR ACCESS, GREEN ORCHARD, RYEFIELD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5LS.

For: Mrs F Drummond per Mr N Shepherd, Goldenlea, Grafton Lane, Binton, Stratford on Avon, W37 9TZ.

**Date Received: 8th January, 2008 Ward: Ross-on-Wye Grid Ref: 60595, 24312
East**

Expiry Date: 4th March, 2008

Local Member: Councillors PGH Cutter and AE Gray

1. Site Description and Proposal

1.1 The application site which comprises a modern detached house and gardens of about 1310m² (1/3rd acre), is at the northern end of Ryefield Road. It adjoins housing to south and east: large Victorian detached houses (the adjoining house Cherrington being a stone villa) and terraced housing, respectively. On the opposite side of the road is the Ryefield Centre. To the north is a narrow strip of land with mature trees (subject to a Tree Preservation Order) and beyond that the Ashburton Industrial Estate.

1.2 An application (DCSE2007/0031/F) to erect a 3 and 2 storey block of 9 apartments was refused permission in June 2007 for the following reason:

The proposed apartment building would be an over-intensive form of development, which would harm the character and amenity of the area. The proposal would conflict therefore with Policies H1, H13, S2 and DR1 of the Herefordshire Unitary Development Plan 2007.

1.3 The current application is for a new scheme with the same number of residential units but with the main section fronting Ryefield Road 2 rather than 3-storeyed. The form of development would be similar but in this scheme the rear section would be closer to the northern boundary and correspondingly further (about 15m rather than 11m) from Cherrington. It would extend about 1.5m less down the garden, but would be about 3m wider. The front elevation would be about 9m high compared to about 10.8 for the refused scheme. The new design also features two prominent gables at either end of the front elevation but in this scheme the northern gable would include a vehicular access beneath the first floor giving access to the rear car parking area (11 parking spaces plus 2 in front garden). Each flat would have 2 bedrooms. In addition to the front garden there would be two open areas to the south and north of the rear section of the building.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007

Policy S3	-	Housing
Policy H1	-	Hereford and the Market Towns: Housing Land Allocations
Policy H13	-	Sustainable Residential Design
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy H15	-	Density
Policy H16	-	Car Parking

3. Planning History

3.1	DCSE2006/1829/J	Remove walnut tree to ground level	-	Consent 26.07.06
	DCSE2006/3909/F	Alterations to existing house and new detached garage with games room	-	Approved 02.02.07
	DCSE2007/0031/F	Demolition of dwelling and erection of 9 apartments	-	Refused 20.06.07

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water requests conditions to ensure that the proposed development would not overload the existing public sewerage system. This includes a condition that the building not be brought into use earlier than 1st April, 2010 unless the public sewerage system has been upgraded.

Internal Council Advice

- 4.2 Traffic Manager's observations are awaited.

5. Representations

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

- (i) The new proposals for redevelopment seeks to overcome previous concerns by adopting the following design criteria:
1. A reduction in the total number of flats and providing 9 units, all of 2 bed.
 2. An increase in the amount of car parking within the development site.
 3. A further reduction in the total development area and a reduction in the overall building footprint by redesigning the layout.
 4. A reduction in the overall height of development to 2 storeys and a lowering of the overall site level by 500mm.
 5. Re-siting of the proposed building within the plot to increase the distance from adjoining residential boundaries.
 6. Provision of structural boundary planting to act as a buffer between the flats and adjoining properties and to enhance the level and number of trees within the area and along a road delineated by mature trees.
 7. Retain existing features such as the front stone boundary wall and the side and rear boundary walls, fences and hedges. A further boundary wall is proposed between the site and the neighbouring house, Cherrington.

- (ii) Ryefield Road has several large 2 and 3 storey older properties plus newer houses, smaller in scale with modern detailing. Ryefield Centre, although predominantly single storey, has a very elongated frontage and steep roof pitches.
- (iii) The proposed building is basically 'L' shaped and although north facing, some habitable rooms have been positioned to overlook the rear garden area, again to improve privacy. Two end flats have individual staircases and that to flat 8 allows the end gable to be modelled with no windows which overlook the rear of houses beyond the eastern boundary.
- (iv) The new development does not copy any of the adjoining developments, although adopting features such as bay windows, canopied entrances and traditional materials of brick and clay roofing tiles.
- (v) Most properties along the road have curtilage parking, but there is regular parking along the road, which probably serves also to reduce traffic speeds.
- (vi) The existing access will be widened to improve turning within the site and the lower overall site level will reduce the existing ramped slope. Parking standards are generally in line with those recommended by Herefordshire Council.
- (vii) The access and parking areas are to be surfaced using approved porous and surfacing techniques and a rainwater harvesting tank will be located underground within the amenity area.

5.2 Town Council's comments are awaited.

5.3 One letter has been received expressing the following objections:

- (i) the additional people and cars with consequent noise and disruption is not acceptable
- (ii) the junction of Ryefield Road with Gloucester Road is quite dangerous and more vehicles will cause an accident
- (iii) North Road was once a quiet place, now we have to tolerate industrial work 24/7, demolition work and more cars and headlights at night will make it an even less attractive place to live and have a dramatic effect on house prices.

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

6. Officer's Appraisal

6.1 The main issues are the effect on the character of the area and the effect on the amenities of neighbours. In terms of density, as measured by dwellings per ha., this would be the same as the refused scheme and would be at the level considered suitable for development near town centres (more than 50 dwellings per ha.). Nevertheless blocks of small flats inevitably have higher densities than mixed developments including larger properties. This measure of density is not therefore intended as an indicator for schemes of less than 1 ha. The footprint would be about 10% less than the earlier scheme and the ridge height about 1.8m lower, ensuring that the building would be noticeably lower than the adjoining house, Cherrington.

- 6.2 The area is characterised by a mixture of styles, house and plot sizes. Cherrington for example is a tall villa type house, which occupies less than half of its frontage to Ryefield Road. The adjoining buildings to the south however extend across most of their frontages. The current proposal then, which is wide in relation to its height and with only a narrow gap (about 5m) between the proposed building and Cherrington, would not then be anomalous in the street scene. The design is considered to be acceptable although the position of the vehicular entry is not ideal and this is being discussed with the applicant's agent.
- 6.3 In relation to adjoining properties the front section of the current proposal is closer to Cherrington than the earlier scheme (about 5m rather than about 11m). Nevertheless there are no living room windows in the end wall and any overbearing effect on the adjoining house is not so severe as to justify refusal of planning permission. The rear section is about 15m from the boundary with Cherrington and properties in North Road. There would be overlooking of the garden of Cherrington from the new flats but the gap between the block and the boundary with Cherrington (about 15m) is considered to be adequate to protect neighbours' privacy. No windows are proposed in the rear end elevation and direct overlooking of North Street houses and gardens would therefore be avoided. I consider therefore that the proposed flats would not harm unacceptably the amenities of neighbours.
- 6.4 Car parking would be provided marginally below the required ratio of 1.5 per flat (13 spaces for 9 flats). The position of two spaces near the access off Ryefield Road needs to be reconsidered and the drive could be moved further from the boundary with Cherrington to provide space for additional planting. These matters are being discussed with the agent. It is appreciated that the junction of Ryefield Road and Gloucester Road has restricted visibility but the increase in traffic using this junction as a result of the proposed development would be relatively small. No objections on this ground were made by the Transport Manager in relation to the earlier application.

RECOMMENDATION

That on expiry of the consultation period (8th February, 2008) and subject to the submission of acceptable revised design and layout drawings, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

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

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

2. B01 (Samples of external materials)

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

3. G04 (Landscaping scheme (general))

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

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

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

5. G01 (Details of boundary treatments)

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

6. F48 (Details of slab levels)

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

7. F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

Informative(s):

1. N19 - Avoidance of doubt

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

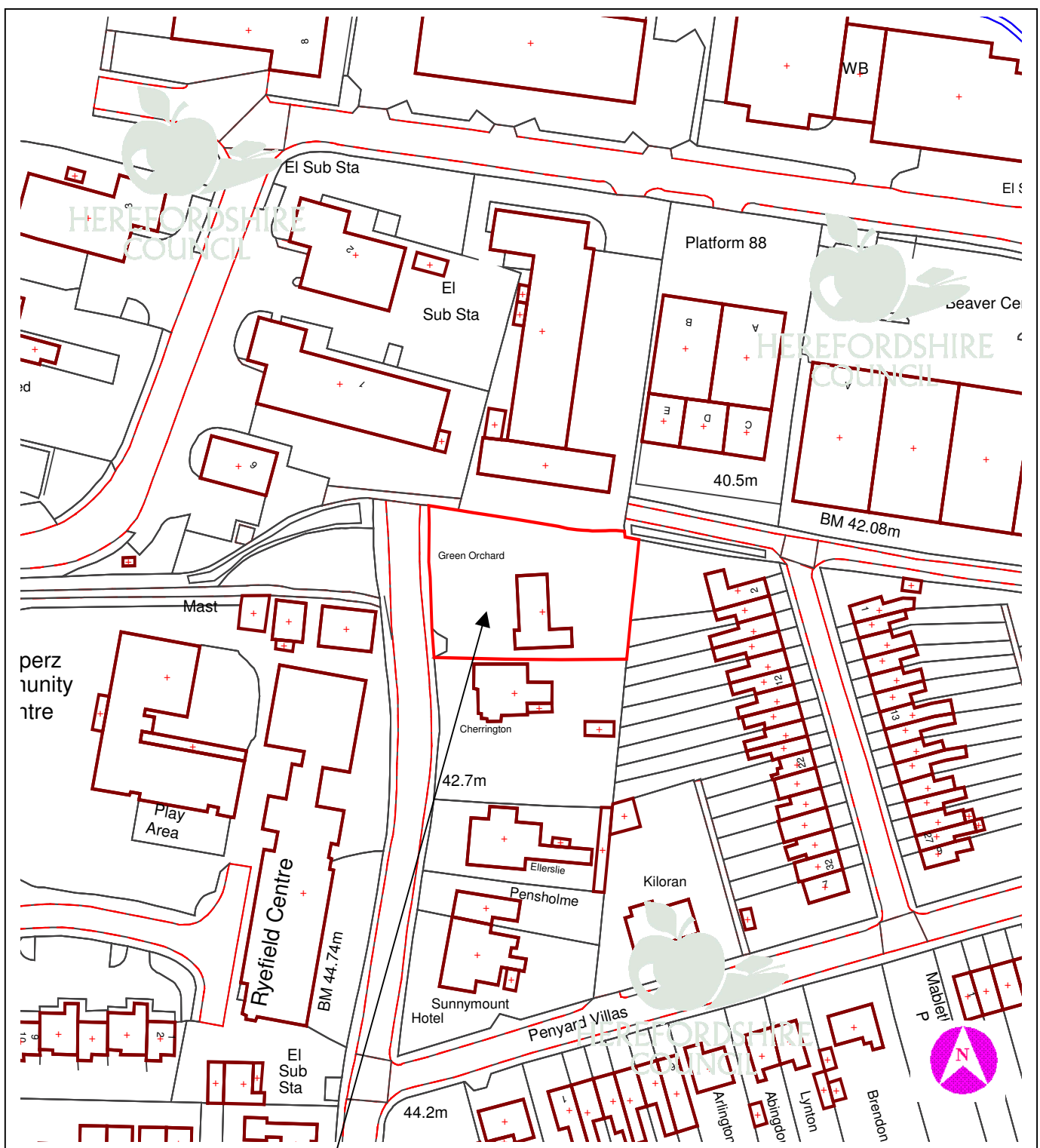
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2008/0039/F

SCALE : 1 : 1250

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

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