

# A G E N D A

## Southern Area Planning Sub- Committee

Date: **Wednesday, 2nd April, 2008**

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Time: **2.00 p.m.**

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

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

*For any further information please contact:*

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261885 Fax: 01432 260286  
e-mail: [rclarke@herefordshire.gov.uk](mailto:rclarke@herefordshire.gov.uk)*

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**County of Herefordshire  
District Council**



# AGENDA

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

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

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

|   | Pages  |
|---|--------|
| <b>1. APOLOGIES FOR ABSENCE</b>   |        |
| To receive apologies for absence.   |        |
| <b>2. DECLARATIONS OF INTEREST</b>  |        |
| To receive any declarations of interest by Members in respect of items on the Agenda.   |        |
| GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS  |        |
| 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.   |        |
| 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. |        |
| 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.  |        |
| <b>3. MINUTES</b>   | 1 - 6  |
| To approve and sign the Minutes of the meeting held on 5th March, 2008.   |        |
| <b>4. ITEM FOR INFORMATION - APPEALS</b>  | 7 - 10 |
| To note the contents of the attached report of the Head of Planning Services in respect of the appeals received or determined for the southern area of Herefordshire.   |        |

## 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><b>5. DCSE2007/3618/C AND DCSE2007/3619/F - PALMA COURT, 27 BROOKEND STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7EE.</b></p> <p>A) Alterations and refurbishment of 27 Brookend Street and demolition of the separate detached rear commercial premises.</p> <p>B) Alterations and extensions to 27 Brookend Street including new shop front and extension to retail unit and 4 no. existing flats. Demolition of the detached commercial building to the rear and erection of 9 no. new build residential dwelling apartments.</p> | <p>11 - 20</p> |
| <p><b>6. DCSE2008/0050/F - JAYS PARK, LINTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7UH.</b></p> <p>Erection of agricultural storage building.</p>  | <p>21 - 26</p> |
| <p><b>7. DCSE2008/0259/F - BROOKFIELD HOUSE, OVERROSS STREET, ROSS-ON-WYE, HR9 7AT.</b></p> <p>Erection of terrace of four cottages, construction of new car park and associated works.</p>   | <p>27 - 32</p> |
| <p><b>8. DCSW2008/0282/F - PILGRIM HOTEL, MUCH BIRCH, HEREFORD, HR2 8HJ.</b></p> <p>Erection of 4 no. single storey hotel accommodation suites.</p>   | <p>33 - 40</p> |
| <p><b>9. DCSE2008/0106/O - KNAPP FIELD, GOODRICH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6JA.</b></p> <p>Erection of two dwellings.</p>  | <p>41 - 48</p> |
| <p><b>10. DCSE2008/0095/F - LAND AT TANYARD LANE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7BH.</b></p> <p>Erection of 87 dwellings and associated garages, new access and linear park.</p>  | <p>49 - 66</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, 5 March 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, RH Smith, DC Taylor and JB Williams

**In attendance:** Councillors TW Hunt and RV Stockton

**130. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

**131. DECLARATIONS OF INTEREST**

The following declarations of interest were made:

| <b>Councillor</b>  | <b>Item</b>  | <b>Interest</b>   |
|--------------------|--|---|
| AE Gray<br>G Lucas | Agenda Item 6<br><br>DCSE2007/3618/C – Alterations and refurbishment of 27 Brookend Street and demolition of the separate detached rear commercial premises.<br><br>DCSE2007/3619/F – Alterations and extensions to 27 Brookend Street including new shop front and extension to retail unit and 4 no. existing flats. Demolition of the detached commercial building to the rear and erection of 9 no. new build residential dwelling apartments.<br><br><b>Palma Court, 27 Brookend Street, Ross-on-Wye, Herefordshire, HR9 7EE.</b> | A prejudicial interest was declared and both members left the meeting for the duration of the item. |
| JA Hyde            | Agenda Item 8<br><br>DCSW2008/0118/O – Proposed residential development, part of O.S. plot No's 1179, 1578, 1526 & 2381.<br><br><b>Adjoining Coopers Hall, Cusop, Hay on Wye, Herefordshire, HR3 5BE</b>   | A prejudicial interest was declared and the member left the meeting for the duration of the item.   |

**132. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 6th February, 2008 be approved as a correct record and signed by the Chairman.

**133. ITEM FOR INFORMATION - APPEALS**

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

**134. DCSE2008/0119/O - LAND AT TREWAUGH FARM, THREE ASHES, HEREFORDSHIRE, HR2 8LY. (AGENDA ITEM 5)**

*Siting of bungalow in replacement of existing residential caravan.*

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

Councillor JA Hyde, the local ward member, noted the letter submitted with the application. She noted the recent comments from the Prime minister saying that affordable housing was a priority in rural areas. She felt that the application would help to keep a young family in the area and therefore supported the application.

Councillor JG Jarvis noted that the caravan had been there for 10 years. He confirmed that the new Local Development Framework would address applications of this nature.

Councillors PGH Cutter and JB Williams felt that any new dwelling should be tied to the existing agricultural building through suitable conditions.

The Development Control Manager advised Members that no case had been submitted for an agricultural need for the new dwelling. He felt that the application was contrary to Policy H11 of the Unitary Development Plan as a new dwelling was being proposed.

Councillor JB Williams Sympathised with the applicants but felt that an agricultural appraisal should have been submitted with the application.

**RESOLVED**

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

**E28 The occupation of the dwelling shall be limited to a person solely or mainly working or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.**

**Reason: It would be contrary to Development Plan policies to grant planning permission for a dwelling in this location except to meet the expressed case of agricultural need.**

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

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

**135. DCSE2007/3618/C AND DCSE2007/3619/F - PALMA COURT, 27 BROOKEND STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7EE (AGENDA ITEM 6)**

- A) *Alterations and refurbishment of 27 Brookend Street and demolition of the separate detached rear commercial premises.*
- B) *Alterations and extensions to 27 Brookend Street including new shop front and extension to retail unit and 4 no. existing flats. Demolition of the detached commercial building to the rear and erection of 9 no. new build residential dwelling apartments.*

In accordance with the Code of Conduct, Councillor AE Gray, 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.

Councillor PGH Cutter felt that a site visit may be beneficial to members as the setting and surroundings were fundamental to the determination or to the conditions being considered.

**RESOLVED:**

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

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

**136. DCSW2007/3846/O - COURT FARM, MUCH BIRCH, HEREFORDSHIRE, HR2 8HT. (AGENDA ITEM 7)**

*Residential development, pond, parking for village hall and surgery. Proposed landscaping and treatment plant. Demolition of pack house, removal of static caravans.*

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

Councillor RH Smith, the Local Ward Member, noted that the application was contrary to Policy H6, H9 and H10 of the Unitary Development Plan, although he felt that the concerns regarding Policy H10 could have been overcome if a Housing Needs Survey had been submitted with the application. He advised Members that Much Birch was a relatively large village with over 200 households and that a number of these residents had attended a recent public meeting to discuss the proposed application. He confirmed that the majority of the residents of Much Birch were keen to see the virtually derelict agricultural site put to a more suitable residential use.

Councillor JB Williams felt that the site was not suitable for B2 industrial use and would therefore suit the proposal well. He felt that it would improve the site and therefore supported the application.

Councillor PGH Cutter felt that it was important for the village to thrive over the next 10 to 20 years, he believed that the application would bring more people to Much

Birch and therefore supported the application fully.

The Development Control Manager confirmed that the application was for outline permission only and that the access was the only factor to be determined at this stage. He confirmed that there was no pressing housing need in the village and that the application was contrary to Policies H6, H9 and H10 of the UDP.

### RESOLVED

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

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

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

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

137. **DCSW200801180 - PART OF O.S PLOT NO'S 1179, 1578, 1526 & 2381 ADJOINING COOPERS HALL, CUSOP, HAY ON WYE, HEREFORDSHIRE, HR3 5BE. (AGENDA ITEM 8)**

*Proposed residential development.*

The Principal Planning Officer reported the following:

- The Education Manager is seeking educational improvements for Clifford Primary School and Fairfield High School, a contribution in the sum of 2,000 per dwelling is requested.
- The Transport Manager has identified items requiring contributions as set out in the main report. These improvements have been costed at 97,000.

Councillor PD Price, the local ward member, felt that it would be beneficial for local members to be involved in the draft heads of terms.

### RESOLVED

**That: i) the Legal Practice Manager be authorised to complete a planning obligation under Section 106 of The Town and Country Planning Act 1990 with regard to financial contributions towards off-site provision for amenity facilities, highway works, facilities for local schools and affordable housing as set out in the attached Heads of Terms**

- ii) **upon completion of the aforementioned planning obligation and the resolution of details, officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any other conditions considered appropriate:**

1. **A02 (Time limit for submission of reserved matters (outline permission))**

**Reason: Required to be imposed by Section 92 of the Town and Country**

Planning Act 1990.

2. **A03 (Time limit for commencement (outline permission))**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

3. **A04 (Approval of reserved matters)**

**Reason: To enable the local planning authority to exercise proper control over these aspects of the development.**

4. **A05 (Plans and particulars of reserved matters)**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

5. **D01 (Site investigation - archaeology)**

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

6. **W01 (Foul/surface water drainage)**

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

7. **W02 (No surface water to connect to public system)**

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

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

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

9. **H03 (Visibility splays)**

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

10. **H17 (Junction improvement/off site works)**

**Reason: To ensure the safe and free flow of traffic on the highway.**

11. **H20 (Road completion in 2 years or 75% of development)**

**Reason: In the interests of highway safety and convenience and a well co-ordinated development.**

12. **H27 (Parking for site operatives)**

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

13. **H08 (Access closure)**

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

**County highway.**

**Informative(s):**

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

The meeting ended at 3.15 p.m.

**CHAIRMAN**

|                                       |
|---------------------------------------|
| <b>ITEM FOR INFORMATION - APPEALS</b> |
|---------------------------------------|

**APPEALS RECEIVED****Application No. DCSW2007/3389/O**

- The appeal was received on 29th February, 2008
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr M. Parry
- The site is located at Lower House, Madley, Hereford, Herefordshire, HR2 9LU
- The development proposed is Residential development including improvements to existing access.
- The appeal is to be heard by Written Representations

**Case Officer: Andrew Prior 01432 261932****Application No. DCSW2007/2372/F**

- The appeal was received on 7th February, 2008
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs D. Breakwell
- The site is located at Daren Barn, Hazelfield, Broad Oak, Herefordshire, HR2 8QZ
- The development proposed is Proposed conversion of existing redundant barn to provide new dwelling and garden.
- The appeal is to be heard by Written Representations

**Case Officer: Andrew Prior on 01432 261932****Application No. T2007/1046**

- The appeal was received on 11th March, 2008
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against non-determination.
- The appeal is brought by Mr & Mrs R Owen
- The site is located at Crofton, Aston Ingham Road, Kilcot, Newent, Herefordshire, GL18 1NR
- The development proposed is proposed single storey extension to garage to provide a granny annex and study and gym for Crofton.
- The appeal is to be heard by Written Representations

**Case Officer: Yvonne Coleman 01432 383083****APPEALS DETERMINED****Application No. DCSE2007/0797/F**

- The appeal was received on 28th November, 2007
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission

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

- The appeal was brought by Aden Developments
- The site is located at 53 Over Ross Street, Ross-on-Wye, Herefordshire, HR9 7AS
- The application, dated 14th March, 2007, was refused on 10th May, 2007
- The development proposed was Convert shop to single dwelling. Demolish rear part of No. 53 and outbuildings and erect 7 dwellings with landscaped courtyard.
- The main issues are:
  - i) *Whether the proposal complies with the requirements of national and local policies relating to the control of development in areas at risk of flooding.*
  - ii) *The effect of the proposed developments on the living conditions of the residents of The Old Dairy in terms of visual impact and light.*

**Decision:** The appeal was DISMISSED on 27th February, 2008

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

**Application No. DCSE2007/1955/O**

- The appeal was received on 30th November, 2007
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr T Morgan
- The site is located at Penrice, Walford Road, Ross-on-Wye, Herefordshire, HR9 6PQ
- The application, dated 14th June, 2007, was refused on 9th August, 2007
- The development proposed was Outline application for the erection of a detached dwelling with ancillary works.
- The main issue is whether the proposed development would preserve or enhance the character or appearance of the Ross-on-Wye Conservation Area.

**Decision:** The appeal was DISMISSED on 28th February, 2008

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

**Application No. DCSE2007/1556/F**

- The appeal was received on 1st August, 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 J. Thorpe Properties
- The site is located at Land at The Knapp, Knapp Close, Goodrich Herefordshire, HR9 6HU
- The application, dated 3rd May 2007,
- The development proposed was Proposed erection of 5 dwellings and 5 detached double garages along with new private road on land at The Knapp. Erection of double garage at The Knapp. Alterations to entrance of Knapp Close.
- The main issue is the effect of the proposal on the character and appearance of the area.

**Decision:** The appeal was DISMISSED on 29th February, 2008

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



**Application No. DCSW2006/3430/O**

- The appeal was received on 13th April, 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 DfES Academies
- The site is located at Hereford Waldorf School, Much Dewchurch, Herefordshire, HR2 8DL
- The application, dated 24th October, 2006, was refused on 24th January, 2007
- The development proposed was Site for new school buildings and new access to extend school facilities
- The main issue are:
  - i) *The effect of the proposal on the aims of Development Plan policies on the location of facilities and services.*
  - ii) *The effect of the proposal on the character and appearance of the Much Dewchurch area, and the setting of listed buildings.*
  - iii) *The effect of the proposal on highways safety and the free flow of traffic.*

**Decision:** The appeal was DISMISSED on 11th March, 2008

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

**Application No. DCSW2007/1091/O**

- The appeal was received on 14th August, 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 DfES Academies
- The site is located at Hereford Waldorf School, Much Dewchurch, Herefordshire, HR2 8DL
- The application, dated 4th April, 2007, was refused on 20th June, 2007
- The development proposed was Site for new school buildings to extend existing school facilities and new access.
- The main issues are:
  - iv) *The effect of the proposal on the aims of Development Plan policies on the location of facilities and services.*
  - v) *The effect of the proposal on the character and appearance of the Much Dewchurch area, and the setting of listed buildings.*
  - vi) *The effect of the proposal on highways safety and the free flow of traffic.*

**Decision:** The appeal was DISMISSED on 11th March, 2008

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

**Application No. DCSE2006/3070/F**

- The appeal was received on 23rd May, 2007
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Wilton Hall Property Ltd.
- The site is located at Wilton Hall, Wilton Lane, Wilton, Ross-On-Wye, Herefordshire, HR9 6AH

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

- The application, dated 12th September, 2006, was refused on 6th November, 2006
- The development proposed was Replacement conservatory/living room.
- The main issue is the effect of the development on the character or appearance of a Grade II Listed Building having regard to its form, scale and materials

**Decision:** The appeal was DISMISSED on 17th March, 2008

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

**Application No. DCSE2006/3071/L**

- The appeal was received on 23rd May, 2007
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Wilton Hall Property Ltd.
- The site is located at Wilton Hall, Wilton Lane, Wilton, Ross-On-Wye, Herefordshire, HR9 6AH
- The application, dated 12th September, 2006, was refused on 6th November, 2006
- The development proposed was Replacement conservatory/living room.
- The main issue is the effect of the development on the character or appearance of a Grade II Listed Building having regard to its form, scale and materials

**Decision:** The appeal was DISMISSED on 17th March, 2008

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

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

**5A DCSE2007/3618/C - ALTERATIONS AND REFURBISHMENT OF 27 BROOKEND STREET AND DEMOLITION OF THE SEPARATE DETACHED REAR COMMERCIAL PREMISES.**

**5B DCSE2007/3619/F - ALTERATIONS AND EXTENSIONS TO 27 BROOKEND STREET INCLUDING NEW SHOP FRONT AND EXTENSION TO RETAIL UNIT AND 4 NO. EXISTING FLATS. DEMOLITION OF THE DETACHED COMMERCIAL BUILDING TO THE REAR AND ERECTION OF 9 NO. NEW BUILD RESIDENTIAL DWELLING APARTMENTS.**

**PALMA COURT, 27 BROOKEND STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7EE.**

**For: Nos No 2 Limited per Hook Mason Ltd, 11 Castle Street, Hereford, HR1 2NL.**

**Date Received: 22nd November, 2007 Ward: Ross-on-Wye East Grid Ref: 60120, 24352**

**Expiry Date: 17th January, 2008**

Local Members: Councillor PGH Cutter and Councillor AE Gray

**Introduction:**

These applications were reported to the Southern Area Planning Sub-Committee on 5th March, 2008. Members deferred determination to enable a site visit to be undertaken. Members visited the site on 18th March, 2008.

**1. Site Description and Proposal**

- 1.1 Palma Court an unlisted 3-storey C19 commercial building with a vacant café on the ground floor and 4 apartments over is on the east side of Brookend Street, between Auntie Wainwrights and Dragon House Chinese Take-Away. At the rear is a C20 portal framed building of a warehouse style that is occupied by "Fun 2 Sea Island Nursery" which is accessed through an archway that also accesses 3 vacant shop units. There is a 1.8 metre high wooden boarded fence along the boundary with Wallace Court, which adjoins the site on its south side. In the south-east corner of the site is a dry access route from Wallace Court. Gardner Butcher is opposite.
- 1.2 The site is located in the Ross-on-Wye conservation area, the Wye Valley Area of Outstanding Natural Beauty and the central shopping commercial area as shown in the Herefordshire Unitary Development Plan 2007. The frontage is defined as secondary shopping frontage.
- 1.3 This application proposes the demolition of the nursery and the shop units and replacement by a terrace of 9 dwellings. The café "shopfront" is to be replaced by a

Victorian style shopfront. The café and apartments over are also to be extended to provide kitchen, WC and stairway to the apartments over which are to be extended to accommodate a bedroom to each. This is a car free development with storage for 13 bicycles. Foul drainage is to be disposed to the main sewer, and surface water is part-drained to a soakaway (permeable ground surfaces) and part to a rainwater harvester to facilitate grey water usage within the dwellings.

## 2. Policies

### 2.1 Planning Policy Statements

|       |   |                                       |
|-------|---|---------------------------------------|
| PPS1  | - | Delivering Sustainable Development    |
| PPS3  | - | Housing                               |
| PPS6  | - | Planning for Town Centres             |
| PPG13 | - | Transport                             |
| PPG15 | - | Planning and the Historic Environment |
| PPG16 | - | Archaeology and Planning              |
| PPS25 | - | Development and Flood Risk            |

### 2.2 Herefordshire Unitary Development Plan 2007

|              |   |  |
|--------------|---|--|
| Policy S1    | - | Sustainable Development  |
| Policy S2    | - | Development Requirements   |
| Policy S5    | - | Town Centres and Retail  |
| Policy S6    | - | Transport  |
| Policy S7    | - | Natural and Historic Heritage  |
| Policy T6    | - | Walking  |
| Policy T7    | - | Cycling  |
| Policy DR1   | - | Design   |
| Policy DR2   | - | Land Use and Activity  |
| Policy DR3   | - | Movement   |
| Policy DR7   | - | Flood Risk   |
| Policy H1    | - | Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas |
| Policy H13   | - | Sustainable Residential Design   |
| Policy H14   | - | Re-using Previously Developed Land and Buildings                                       |
| Policy H16   | - | Car Parking  |
| Policy HBA6  | - | New Development within Conservation Areas  |
| Policy HBA7  | - | Demolition of Unlisted Buildings within Conservation Areas                             |
| Policy TCR1  | - | Central Shopping and Commercial Areas  |
| Policy TCR2  | - | Vitality and Viability   |
| Policy TCR4  | - | Secondary Shopping Frontage  |
| Policy ARCH1 | - | Archaeological Assessments and Field Evaluations                                       |
| Policy ARCH2 | - | Foundation Design and Mitigation for Urban Sites                                       |
| Policy ARCH6 | - | Recording of Archaeological Remains  |
| Policy CF2   | - | Foul Drainage  |

## 3. Planning History

|     |                 |  |   |                        |
|-----|-----------------|--|---|------------------------|
| 3.1 | DCSE2007/0132/F | Alterations and extensions to 27 Brookend Street including new shopfront and extension to retail unit and 4 existing flats. Demolition of detached commercial premises to rear and erection of 14 residential dwellings. | - | Withdrawn.<br>09.03.07 |
|-----|-----------------|--|---|------------------------|

DCSE2007/0133/C Demolition of detached commercial building. - Withdrawn.  
09.03.07

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

##### Statutory Consultations

4.1 Environment Agency has no objection subject to conditions.

##### Internal Council Advice

4.2 Traffic Manager has no in principle objection subject to a financial contribution to the upgrading of bus stops in the locality of site and the promotion of sustainable development.

4.3 Conservation Manager has no objection.

4.4 Archaeological Advisor has no objection subject to conditions.

#### **5. Representations**

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

- The proposals comprise alterations, extensions and refurbishment of the original building fronting onto Brookend Street, demolition of redundant commercial premises to the rear and erection of new residential dwellings.
- The frontage building at 27 Brookend Street will comprise an A3 retail unit at ground floor extended at the rear to provide a vertical circulation core and staff facilities.
- The proposed residential block will comprise 9 mews type town houses within a single 2-storey block.
- The proposed rear extension to the frontage building is designed to relate closely to the refurbished Brookend Street façade and reflects earlier Victorian alterations carried out.
- The rear residential building replaces a redundant commercial building which resembles an industrial unit.
- The layout and massing of the proposed building reflects the building to be removed and is positioned to maximise the remaining site area which has south westerly orientation and which will form a communal, predominantly hard landscaped amenity area.
- The ground floor level of the new residential block is raised in order to prevent potential future flooding and to facilitate rainwater harvesting tanks to be sited below the building for grey water re-use within the dwellings created.
- The scale of the new buildings reflect that of the existing retained frontage building and the commercial building to be removed.
- The site is located within a busy town centre area and its width reflects the original burgage plots dating from the medieval period.
- The landscape proposals incorporate predominantly hard landscaped pedestrian amenity areas softened by planting strips.
- Vehicular and transport links will be unaffected by the application.
- Due to the existing site restrictions access into the site will be pedestrian (or cycle only).

- The site is level, however in order to ensure potential flooding will not impact on the new dwellings, the ground floor is raised by approximately 800mm above existing ground level.
  - Level access to individual dwellings is provided by ramped access in accordance with Building Regulation requirements.
- 5.2 Ross Town Council: Concern was expressed that the development is marketed as family homes and therefore it was unrealistic not to consider provision for parking when there was limited availability of local transport in Ross-on-Wye. Affordable housing should be inclusive in a development of this size and Members of the Town Council would like to be consulted on any benefits available under Section 106.
- 5.3 A petition with 12 signatures from the residents of Wallace Court, Station Street, Ross-on-Wye objecting to this application has been received:
- Overdevelopment of the site, including height with many windows being placed in the elevation facing Wallace Court.
  - There are no windows in the present "green building" overlooking Wallace Court and the proposed building would be a gross invasion of privacy into the flats and grounds. This would be exacerbated if the building extends beyond the current building.
  - Access and egress for the builders from the already busy Brookend Street - is this possible with the Listed building restrictions to the retail end of the site?
  - Security for the residents of Wallace Court with the number of people possibly using the dry access gate into Wallace Court grounds when there is no flooding in the area.
  - Access and egress for emergency vehicles.
  - Attempted parking in the private grounds of Wallace Court during the building and then by the residents of the flats/mews houses.

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

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

- 6.1 The site is located in the Ross-on-Wye Conservation Area where special attention must be given to the desirability of preserving or enhancing the character and appearance of the area. The character of this part of the conservation area derives from a variety of architectural styles including height and scale of buildings, use of materials and detailing. The application proposes a replacement shopfront that will be of a Victorian style, a type that is considered acceptable in this locality. The bulk of this proposal is at the rear of site, the replacement of the warehouse type building and the 3 vacant shop units. These buildings are of no architectural/historic character or value to the conservation area. Accordingly, there is no objection to their demolition.
- 6.2 The application proposes the erection of a terrace type development that will accommodate 9 dwellings with a front aspect looking out towards Wallace Court. The linear form of the development recognises the narrowness of the historic burgage plot. The bulk, form and scale of the building are representative of the existing buildings. The Conservation Manager has no objection to the massing and scale of the proposal.
- 6.3 The site restraints of the plot dictate the form and siting of the proposal with doors and windows facing out towards Wallace Court. In relation to Wallace Court, upper floor bedroom windows look out over the grounds, access road, parking area and the western flank elevation and windows to hallways and bedrooms. The height of ground floor windows will be slightly higher than the 1.8 metres boundary fence that runs along

the boundary with Wallace Court. The application site and Wallace Court have similar ground levels. There will be approximately 9 metres separation between the proposal and the flank elevation of Wallace Court. While there will be overlooking of the grounds to Wallace Court this degree of overlooking is not sufficient to detract significantly from the privacy of habitable rooms.

- 6.4 The application proposes a car-free development. Advice contained in Planning Policy Guidance 13: Transport advocates such a proposal in the appropriate location. Also, Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 3: Housing advocates the cutting of carbon emissions by focusing new development in locations with good transport accessibility and to ensure housing is developed in suitable locations, which offer a range of community facilities, and with good access to jobs and key services. Furthermore, PPG13 states that the availability of car parking has a major influence on the means of transport people choose for their journeys. Studies suggest that even in areas well served by public transport, if parking provided people will still travel by car. Therefore, if this option is removed, people are less likely to travel by car thereby creating a more sustainable environment. Car-free developments are unlikely to be appropriate with most sites but this site is ideally suited to such a proposal; there is public car parking almost opposite the site, Red Meadow, which would meet the parking needs of the development if required, and it is within walking distance to shops, jobs and entertainment facilities. While, the proposal is considered to be a sustainable development, the Traffic Manager is seeking a contribution of £6000 towards the upgrading of bus stops and the promotion of sustainable development. However, the new Supplementary Planning Document on Planning Obligations is not yet in effect and such a contribution on a development of this scale in Ross on Wye could only be secured on a voluntary basis at present. Consequently the recommendation below is not dependent on the transportation contribution.
- 6.5 In terms of archaeology, the site is located in a sensitive area, within the historic core of Ross-on-Wye as defined by the Central Marches Historic Towns Survey 1996. Ross-on-Wye is considered to be an archaeologically important urban area. The Archaeological Advisor has commented the nature and scale of ground disturbance will probably be moderately severe. It is though possible to mitigate any damaging effect of the development by means of an archaeological investigation prior to and during development works through the use of an appropriate foundation design.
- 6.6 The site is located in a flood risk area. The application has been submitted with a flood risk assessment, which the Environment Agency considers acceptable subject to conditions. The dry access route from Wallace Court into the application site is preserved in this proposal.

## **RECOMMENDATION**

**In respect of DCSE2007/3618/C**

**That Conservation Area Consent be granted subject to the following condition:**

**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.**

**INFORMATIVES:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**In respect of DCSE2007/3619/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 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 No development shall commence until a scheme for the provision and implementation of a surface water regulation system including the Sustainable Urban Drainage System, as detailed in the Flood Risk Assessment, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.  
Reason: To prevent the increased risk of flooding and provide water quality benefits by ensuring the provision of a sustainable means of surface water disposal.
- 6 Prior to the occupation of the development, an Evacuation Management Plan shall be submitted to and approved in writing by the local planning authority. The plan shall include full details of proposed awareness training and



procedures for evacuation of persons and property and method and procedures for timed evacuation. It shall also include a commitment to retain and update the plan and include a timescale for revision of the plan.

**Reason:** To minimise the flood related danger to people in the flood risk area.

- 7 Prior to the first occupation of the development flood-free access as shown on drawing number 50026-01, dated 3/1/08, including finished ground levels no lower than 33.19 metres AOD along the route, shall be in place and thereafter maintained.

**Reason:** To ensure a safe development and prevent flood risk.

- 8 The finished floor levels of the dwellings hereby permitted shall be no lower than 33.80 metres AOD, with finished floor level of the café set no lower than the existing and flood proofing techniques incorporated at least 33.80 metres AOD, in accordance with the Flood Proofing and Flood Resilient Construction in the Flood Risk Assessment Addendum, unless otherwise agreed in writing by the local planning authority.

**Reason:** To ensure a safe development and prevent flood risk.

- 9 W01 (Foul/surface water drainage)

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

- 10 W02 (No surface water to connect to public system)

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

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

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

- 12 Before development commences architectural details of the shopfront to a scale of 1:1 or 1:5 shall be submitted to the local planning authority approved in writing.

**Reason:** To safeguard the character and appearance of the building.

#### INFORMATIVES:

- 1 W01 - Welsh Water Connection to PSS
- 2 N19 - Avoidance of doubt
- 3 N15 - Reason(s) for the Grant of Planning Permission

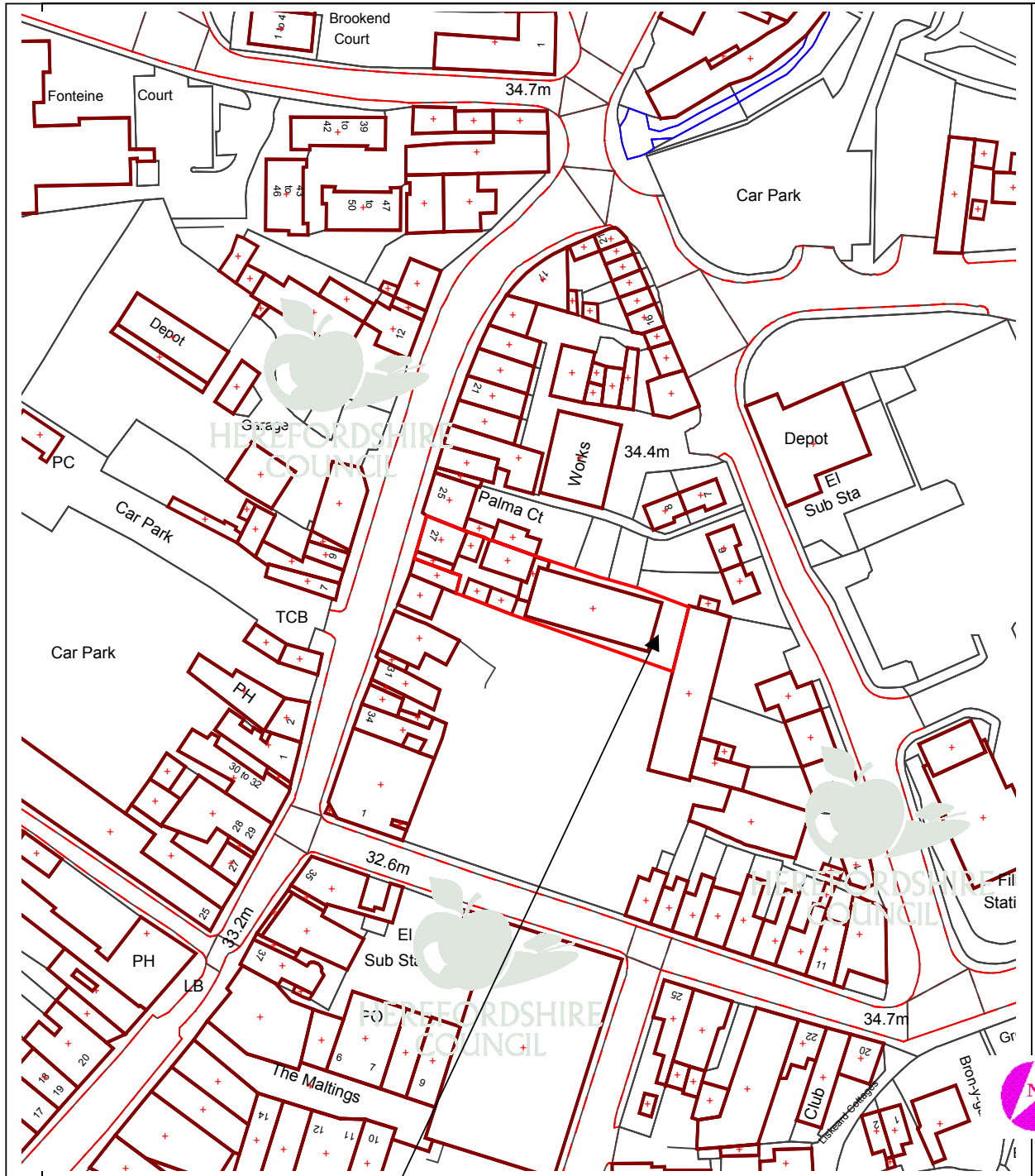
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NOS:** DCSE2007/3618/C & DCSE2007/3619/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Palma Court, 27 Brookend Street, Ross-on-Wye, Herefordshire, HR9 7EE

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**6 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

This proposal was considered by the Sub-Committee on 6th February, 2008 but a decision was deferred as the parish Council's views had not been received. These are now included below (paragraph 5.2).

**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<br>28.11.05 |
|     | DCSE2007/0415/S | Agricultural storage building.            | - | Withdrawn<br>9.3.07 |
|     | DCSE2007/1067/F | Erection of Agricultural Building         | - | Refused<br>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 has no objection to the grant of permission.

### 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 observe that "Once again a Planning Application is being processed on a site which is the subject of an Enforcement Notice. The appeal against this notice was dismissed by the Planning Inspector on 10th May, 2006. The applicant was given 60 days to comply with the notice. This has not happened and it would be appreciated if you would provide us with an explanation why Herefordshire Council has not ensured compliance with the conditions of the notice. In these circumstances we are unable to support this application."

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

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

- 6.1 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. The applicant's agent advises that there is both an electricity and a water supply to the site and foul drainage could be provided if necessary.
- 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.
- 6.4 Whilst not related to the merits of this case the applicant has been advised of the need to comply with the Enforcement Notice which requires demolition of the boundary wall and planting a new hedge. The Committee will be advised whether this has been carried out at the meeting.

### **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 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 not less than 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.**



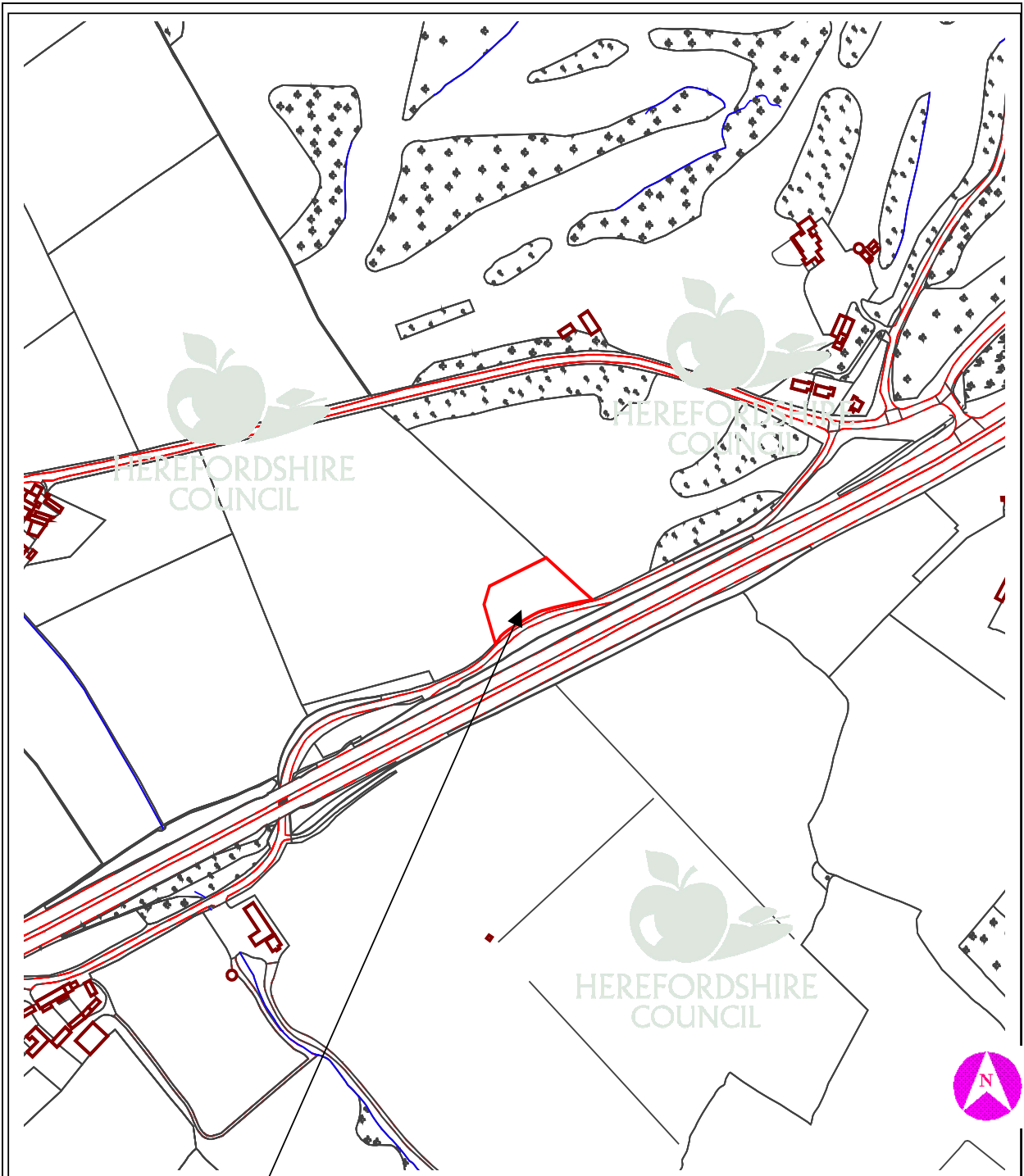
Decision: .....

Notes: .....

.....

**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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**7 DCSE2008/0259/F - ERECTION OF TERRACE OF FOUR COTTAGES, CONSTRUCTION OF NEW CAR PARK AND ASSOCIATED WORKS, BROOKFIELD HOUSE, OVERROSS STREET, ROSS-ON-WYE, HR9 7AT.**

**For: Mr & Mrs K Jones per Paul Smith Associates, 19 St Martin Street, Hereford, HR2 7RD.**

**Date Received: 28th February, 2008    Ward: Ross-on-Wye    Grid Ref: 60293, 24649 East**

**Expiry Date: 24th April, 2008**

Local Member: Councillor PGH Cutter and Councillor AE Gray

**1. Site Description and Proposal**

- 1.1 Brookfield House a three-storey C19 villa, roughcast render elevations under a slate roof, Grade II Listed building, is located on the east side of Overross Street adjacent to its junction with Brookmead. There is vehicular access off Brookmead. Brookfield Gardens a two-storey block of four flats is to the north, and 14 Brookmead is on the eastern boundary of the site. There is a Lime tree in the north-west corner of the site. The western boundary of the site is defined by a two-metre high rubble stone wall, a Copper Beech and fir trees.
- 1.2 Along the northern boundary of the site, is a single storey timber clad building used as garaging and store, which this application proposes to replace with a two-storey terrace of four dwellings. Each dwelling will accommodate lounge, dining/kitchen, WC and store on the ground floor with two bedrooms and bathrooms on first floor. A turning area and parking for ten vehicles is also proposed. The Lime tree that is in the corner of the site and a Cherry tree are to be removed.

**2. Policies**

**2.1 Planning Policy Statement**

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

**2.2 Herefordshire Unitary Development Plan 2007**

|            |   |  |
|------------|---|--|
| Policy S2  | - | Development Requirements   |
| Policy S3  | - | Housing  |
| Policy S6  | - | Transport  |
| Policy DR1 | - | Design   |
| Policy DR3 | - | Movement   |
| Policy H1  | - | Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas |
| Policy H13 | - | Sustainable Residential Design   |
| Policy H14 | - | Re-using Previously Development Land and Buildings                                     |

|             |   |                                |
|-------------|---|--------------------------------|
| Policy H16  | - | Car Parking                    |
| Policy HBA2 | - | Demolition of Listed Buildings |
| Policy HBA4 | - | Setting of Listed Buildings    |

### 3. Planning History

|     |                 |  |   |                   |
|-----|-----------------|--|---|-------------------|
| 3.1 | DCSE2005/3532/F | Proposed 2 no. holiday lets to replace garage and stores | - | Refused 08.12.05  |
|     | DCSE2006/0556/F | Proposed 2 no. holiday lets to replace garage and stores | - | Approved 31.05.06 |

### 4. Consultation Summary

#### Statutory Consultations

4.1 Welsh Water no objection subject to conditions.

#### Internal Council Advice

4.2 Traffic Manager recommends refusal. Concerned that the parking layout and turning area will make manoeuvring difficult.

4.3 Conservation Manager has no in principle objection.

### 5. Representations

5.1 A Design and Access Statement has been submitted:

- The application site lies to the rear of Brookfield House, a Grade II Listed building used as a guest house by the applicants, comprising of an extensive tarmac car park and turning area, a range of timber outbuildings and garage along the rear boundary, part of a raised garden and a mature tree which is deceased and in poor condition.
- Modern housing lies to the north and east of the site.
- The western boundary of the site runs parallel with a line of tall conifers atop a tall stone retaining wall.
- The site rises gently up from the east to the west and from the south to the north.
- The outbuilding, Lime Tree and a Cherry Tree are to be removed to accommodate the proposal, a terrace of four, two-bedroomed cottages across the site on an east-west axis facing toward the existing vehicular access.
- The composition of the front and rear elevations are symmetrical which with the inclusion of chimneys is reminiscent of a row of almshouses.
- The site is well screened from public vantage points.
- The applicants entire property lies within the curtilage and setting of the dominant Grade II Listed building, Brookfield House.
- The principle of development is acceptable under the provisions of the Herefordshire Unitary Development Plan which amongst other things emphasises the appropriate re-development of previously developed land.
- It is relevant that originally a one and half storey outbuilding stood to the rear of the site along its northern boundary. This building would have helped create a sense of enclosure to the site which is now lacking to the detriment of the setting of Brookfield House.

- The design of the proposed development attempts to re-create this sense of enclosure by the erection of a row of modest cottages.
  - The modest scale of the proposal reflects and respects the character and setting of the Listed building.
  - The development will be served off the existing access and drive off Brookmead
  - The entrance and drive is adequate to serve the proposal.
- 5.2 Ross Town Council consider the proposed development does not preserve the settings associated with a Grade II Listed building of this size. Recommend refusal.

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

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

- 6.1 The site is located in an established residential area as shown on Inset Map ROSS1 in the Herefordshire Unitary Development Plan 2007 where policy H1 is appropriate. In terms of principle the proposal is considered acceptable. The re-development of previously developed land located within an established residential area is within the overall housing provision policies of the Unitary Development Plan.
- 6.2 The application proposes demolition and replacement of a single storey building that is used as garage and store with a terrace of four dwellings that have the appearance of almshouses. The Conservation Manager considers the proposal is a successful interpretation of C19 almshouse typology, commenting that only a diminutive-scale building as proposed in this application is appropriate to the size of the site. Accordingly it is considered the scale, massing, siting and detailed design of the proposal will not have an adverse affect on the character or setting of Brookfield House.
- 6.3 In relation to impact on adjoining dwellings, the proposal is orientated so that it will run parallel with the northern boundary of the site. The upper floor bedroom windows in the rear elevation will overlook garaging and parking area to Brookfield Gardens. The dwellings will be set back behind the rear wall of 14 Brookmead. Windows that are proposed in the flank elevation facing this dwelling are contained at ground floor level. It is considered the existing fence that runs along the boundary is of a height that will prevent overlooking into living rooms of the neighbouring dwelling.
- 6.4 The proposal will require the removal of two trees, an ornamental Cherry tree and a Lime tree. Neither tree is protected by a Tree Preservation Order. It is not considered the loss of these will be detrimental to the locality.
- 6.5 In the matter of the objection raised by the Traffic Manager that the parking layout and turning area is very tight making it very difficult to manoeuvre, the applicant is in negotiation to resolve this objection. It is anticipated these negotiations will conclude satisfactorily by the date of the Sub-Committee meeting. Provided the Traffic Manager is satisfied with the amended parking layout and turning area the proposal would be acceptable.

**RECOMMENDATION**

That subject to amended plans showing an acceptable parking layout and turning area that officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any 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. **C04 (Details of window sections, eaves, verges and barge boards)**  
Reason: To safeguard the character and appearance of this building of architectural or historical interest.
4. **C10 (Details of rooflights)**  
Reason: To ensure the rooflights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of this building.
5. **G04 (Landscaping scheme (general))**  
Reason: In order to protect the visual amenities of the area.
6. **G05 (Implementation of landscaping scheme (general))**  
Reason: In order to protect the visual amenities of the area.
7. **G09 (Retention of trees/hedgerows)**  
Reason: To safeguard the amenity of the area.
8. **W01 (Foul/surface water drainage)**  
Reason: To protect the integrity of the public sewerage system.
9. **W02 (No surface water to connect to public system)**  
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.
10. **W03 (No drainage run-off to public system)**  
Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

**Informative(s):**

1. **W01 - Welsh Water Connection to PSS**
2. **N19 - Avoidance of doubt**
3. **N15 - Reason(s) for the Grant of Planning Permission**

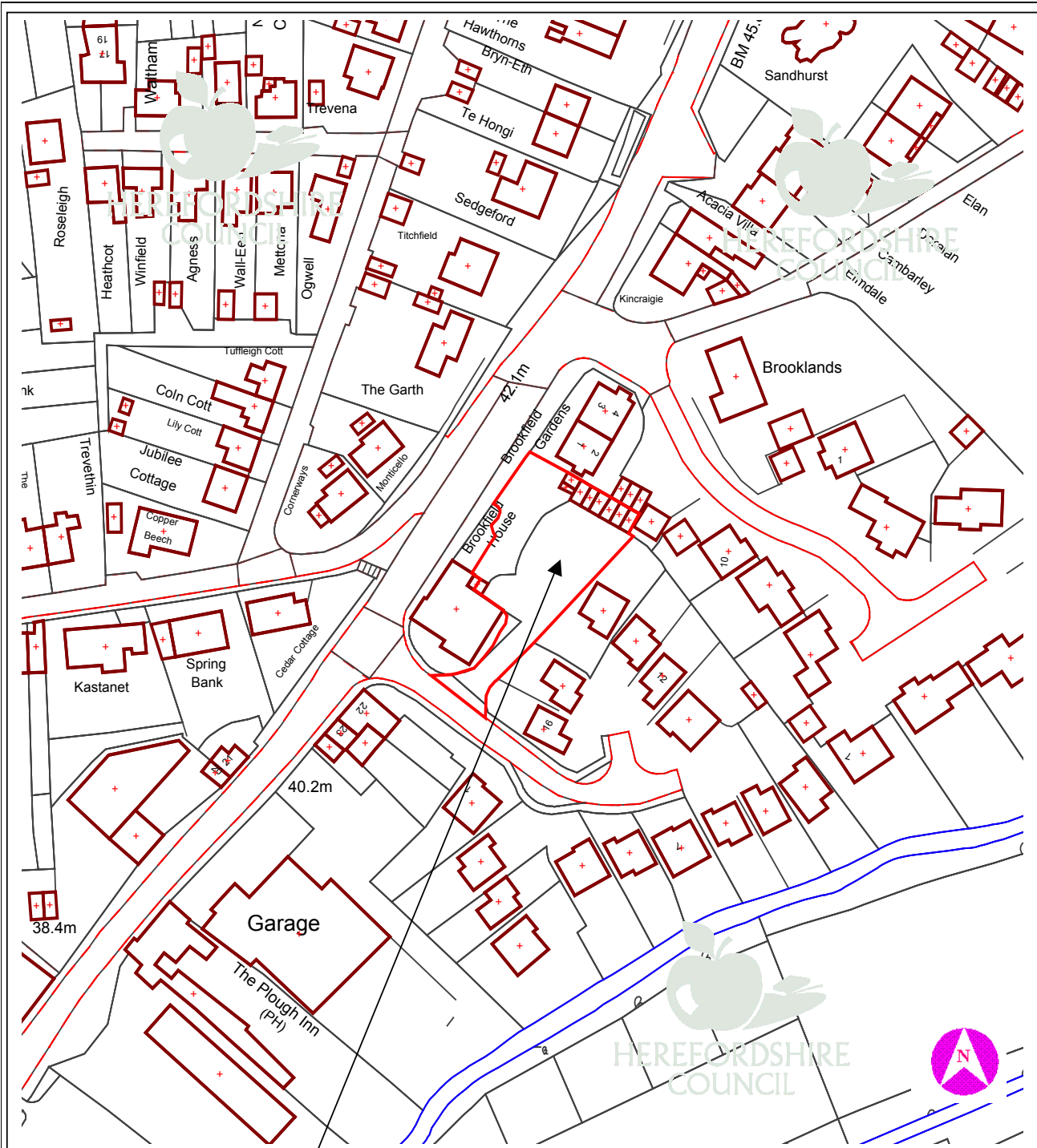
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2008/0259/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Brookfield House, Overross Street, Ross-on-Wye, Herefordshire, HR9 7AT

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**8 DCSW2008/0282/F - ERECTION OF 4 NO. SINGLE STOREY HOTEL ACCOMMODATION SUITES, PILGRIM HOTEL, MUCH BIRCH, HEREFORD, HR2 8HJ.**

**For: Pilgrim Hotel per RRA Architects Ltd, Packers House, 25 West Street, Hereford, HR4 0BX.**

**Date Received: 5th February, 2008**

**Ward: Pontrilas**

**Grid Ref: 49989, 30813**

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

Local Member: Councillor RH Smith

**1. Site Description and Proposal**

- 1.1 This site is located on the southern side of A49 Trunk adjacent to the northern limits of Much Birch. The Pilgrim Hotel is set within extensive grounds, extending up to 1.6 hectares, the major part of which is to the rear of the building. The original building is of stone construction with a slate roof. This has been extended primarily on either end in brick with tile roofs to provide additional accommodation and space for functions. To the front is a large car parking area. The access arrangements operate as a one-way system. The site is entered from the A49 but exited onto Tump Lane.
- 1.2 The site adjoins open fields on its south-west and north-west sides but with the south-east boundary formed with recently built housing.
- 1.3 This detailed application relates to an area next to the hotel itself and adjacent to the south-east boundary. It is proposed to construct a single storey building to provide four accommodation suites. The structure would be 20m by 9m, with an eaves height of 2.5m and ridge height of 4.7m. In addition there would be a corridor link to the main hotel building. The external materials would be brick and tile to match those on the existing building.

**2. Policies**

**2.1 National Planning Policy**

PPS1 - Delivering Sustainable Development  
 PPG7 - Sustainable Development in Rural Areas  
 Good Practice Guidance for Planning on Tourism

**2.2 Herefordshire Unitary Development Plan 2007**

Policy DR1 - Design  
 Policy DR2 - Land Use and Activity  
 Policy DR3 - Movement  
 Policy DR4 - Environment  
 Policy T11 - Parking Provision  
 Policy LA2 - Landscape Character and Areas Least Resilient to Change  
 Policy LA3 - Setting of Settlements  
 Policy LA5 - Protection of Trees  
 Policy LA6 - Landscaping Schemes

|              |   |  |
|--------------|---|--|
| Policy RST1  | - | Criteria for Recreation, Sport and Tourism Development |
| Policy RST12 | - | Visitor Accommodation                                  |
| Policy CF2   | - | Foul Drainage  |

### 3. Planning History

Most recent only

- |     |                 |  |   |                    |
|-----|-----------------|--|---|--------------------|
| 3.1 | DCSW2005/3946/F | Single storey restaurant extension                     | - | Approved 26.01.06  |
|     | DCSW2006/1753/F | Conversion of roof space to manager's flat             | - | Approved 24.07.06  |
|     | DCSW2007/0344/F | Erection of 8 single storey hotel accommodation suites | - | Withdrawn 05.02.08 |

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Highways Agency has no objection. They comment that there will be some further vehicle movements but this should not significantly the safety or free-flow of vehicles on the A49 in this location and that the Tump Lane junction satisfies the required visibility standard.
- 4.2 Welsh Water requests that if permission is granted that conditions be imposed. These would ensure that foul and surface water is drained separately and that no surface water drainage connects to the public system.

#### Internal Council Advice

- 4.3 The Traffic Manager has no objection subject to conditions.
- 4.4 The Head of Environmental Health has no objection.
- 4.5 Conservation Manager - Landscape Officer comments:

"From a landscape perspective, the proposed scheme is a significant improvement on the previous scheme. The fact that the new building is an extension means that it relates closely to the main hotel building and impinges much less on the parkland character of the hotel grounds.

There are, however, arboricultural issues that will need to be addressed. The extension extends underneath the canopy of two mature trees and the impact of the extension on the trees and vice versa needs to be addressed.

In terms of the form of the extension, I support the concept. With regards to the mature tree which is adjacent to the main hotel building, I acknowledge that there is already an area of hard standing under this tree and that the use of a single storey linking corridor will help to reduce the impact of the new building on the tree. However, I am concerned that the new accommodation block extends underneath the canopy of this tree and that it extends under the canopy of the mature tree further down the site boundary. The impact of the new building on the root system of the trees and on their

branch structure needs to be addressed. It is important to note that impacts on the trees may be greater due to the need for construction working space.

It is possible to site a new building in close proximity to existing trees, but only if the design of the foundations, the form of the building and working space requirements are properly considered. I advise therefore that the agent will need to submit a tree constraints plan, an arboricultural implications assessment and a tree protection plan, *as part* of the planning application. This information must be in accordance with British Standard 5837: 2005 - Trees in relation to construction. It would not be acceptable to submit this information after the design has been finalised. I did state that this arboricultural information would be needed in my memo dated 23<sup>rd</sup> March 2007, which related to the previous application. The design of the extension may have to be modified in the light of this information.

I would strongly recommend that the agent obtains this advice from an arboricultural consultant. Input from an arboricultural consultant would ensure that the new extension is compatible with the retention of the mature trees and that the trees do not damage the extension. I have attached a list of arboricultural consultants operating in Herefordshire. Once the arboricultural issues have been properly addressed, I would offer my support to the proposed development.

I do have one query regarding the design of elevation 03. The best views are to the south-west, so it would be advantageous to have windows in this elevation, to capitalise on the views and to strengthen the relationship between the extension and the wider landscape setting.”

## 5. Representations

5.1 The applicant's agent has submitted a Design and Access Statement, which can be summarised as follows:-

- The intention is to sympathetically extend the hotel
- The proposal is for "lodge" style self contained units for tourists
- Access would be from the current car park
- There would be level access to the units
- The building is low minimising the impact of the built form
- The design is sympathetic to, and the existing views of, the landscape
- The principle views are away from the adjacent dwellings

5.2 Much Birch Parish Council support

5.3 Letters of representation have been received from 2 Old Rectory Gardens, Walnut House, 3 Old Rectory Gardens and Councillor R Smith (on behalf of the owner of The Laurels).

The main points raised are: -

- Do not feel any further extension is justified.
- Boundary hedge must be retained but it is no barrier to noise and excessive lighting.
- Do not want vehicle access adjacent to boundary because of nuisance.
- Extra traffic will result and will put further pressure on Tump Lane.
- Concern about pollution from exterior lighting.

- Doubts as to as to how services (sewage, waste disposal, heating fuel) are to be provided.
- Concern over future use of suites.
- Will extension harmonise with hotel.
- Social activity at hotel needs to be managed sensibly.
- The proposed water and sewage connections onto the current system for Walnut House, Karinya and The Laurels will cause further problems including disruption and inconvenience and the soak away system may also cause problems.
- The building will be overbearing and there will be overlooking.
- Concern as to impact on mature trees.

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

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

- 6.1 The Pilgrim Hotel has been established at this location for many years and previously permission has been granted for extensions both for additional accommodation and extended facilities. This proposal follows from a previous application in 2007 which proposed eight accommodation suites along the south-east boundary separate from the hotel. That application was withdrawn following concern as to the impact on the parkland landscape. There were negotiations on alternative locations of which the current proposal was one.
- 6.2 The proposal is described as accommodation suites but is for four additional bedrooms which would be linked to the hotel. Each would contain a bedroom and bathroom together with an external patio. This differs from the 2007 application when the accommodation suites were larger and each contained a kitchen and living space.
- 6.3 Firstly it is necessary to consider whether the principle of the development accords with planning policy. There is encouragement for the provision of visitor accommodation in Policy RST12. This provides that within an identified settlement visitor accommodation can be permitted but outside of these accommodation will only be permitted where it involves the re-use of a building. Much Birch is an identified smaller settlement and although on its edge the Pilgrim Hotel could be considered to be outside the settlement. However this proposal involves the further development of an established hotel business and it would seem unreasonable to require that any further expansion can only be through the re-use of a building, not that there are any in this case. I consider therefore that in principle the provision of new build accommodation is acceptable.
- 6.4 There are a number of detailed issues to consider. Firstly is the acceptability of the location of the building. The open ground to the rear of the Pilgrim is extensive and comprises a lawn interspersed with some specimen trees. Although the access drive cuts across this space it does not unduly impinge on its character. There are panoramic views from the hotel and I consider it important that these and the parkland quality of the site remain uninterrupted. This proposal places a new building adjacent to the existing building and, apart from a siting to the front side of the building, I consider this to be the most suitable if there is to be any extension. In this position the intrusion onto to parkland and views will be minimised.
- 6.5 However in this position the building will be underneath the canopies of two of the mature trees. It is possible to erect new buildings in such positions but the impact on the trees must be carefully considered. The advice from the Landscape Officer

provides more detail on this issue. A tree constraints plan, arboricultural implications assessment and tree protection plan were not included with the application but have been requested. The application should not be favourably determined until these have been submitted and considered.

- 6.6 Notwithstanding the above there are a number of other material issues. With regard to the design the proposal is for a functional structure of single storey with a pitched roof and to be in materials to match those existing. I consider that the proposal in terms of its scale and design of a scale and design that is appropriate.
- 6.7 Adjacent to the hotel boundary on this south-east side are existing houses. These have their access from Tump Lane. The proposed building would be some 5.5m from the common boundary. The boundary line is formed by a mix of hedging (deciduous and conifer) and fencing and there are changes in levels across the two areas. In terms of its height the proposed building at its closest point to the boundary would have a height of 2.5m (eaves). The highest part of the building is the ridge which is 4.7m but this would be some 10m from the boundary. I do not consider that the building would cause overshadowing or loss of light to the adjoining dwellings to an unacceptable degree. With regard to any overlooking that side of the building that would face the boundary would contain six windows but these would be providing light to the service corridor. I do not consider that there would be overlooking of the adjoining dwellings to any unacceptable degree. On both these issues it would be important that the current boundary treatment is retained. The rooms would have patio doors to allow access onto an external patio with this to be on the side furthest away from the boundary. I do not consider that any noise generated should adversely affect the amenity of the adjoining dwellings.
- 6.8 The proposal does not involve the provision of vehicle access directly to the accommodation. Confirmation has been sought that the car parking requirement would be met by the existing car park to the front of the hotel and that there is no intention to vary the current traffic system. Whilst there will be an increase in traffic this should not cause a problem with the capacity of either Tump Lane or its junction with the A49.
- 6.9 The representations raises issues with regard to service provision, notably sewage and surface water disposal. The application is not explicit on these matters and clarification has been sought. On both these issues it is important to ensure that adequate provision is made on the site (unless foul sewage is to be linked to the main sewer) without any detriment to the adjoining dwellings.
- 6.10 In conclusion there are a number of outstanding issues the most significant of which is the impact on the trees. Further details have been requested from the agent. Were further details to be submitted which demonstrate that there would be no detrimental impact on the trees and the other issues of drainage, boundary treatment, access and car parking can be resolved then the proposal would accord with policy and a permission would be appropriate.

## RECOMMENDATION

**That subject to the submission of detailed measures demonstrating that the existing trees will not be adversely affected and clarification on the matters of access, car parking, foul and surface water drainage and boundary treatment, 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. The accommodation hereby permitted shall be used solely as additional letting accommodation for the Pilgrim Hotel and shall not be used as a separate unit or units of residential accommodation.**

**Reason: In order to define the terms of this permission and to comply with Policies RST1, H6 and H7 of Herefordshire Unitary Development Plan.**

**Informative(s):**

**1. N19 - Avoidance of doubt**

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

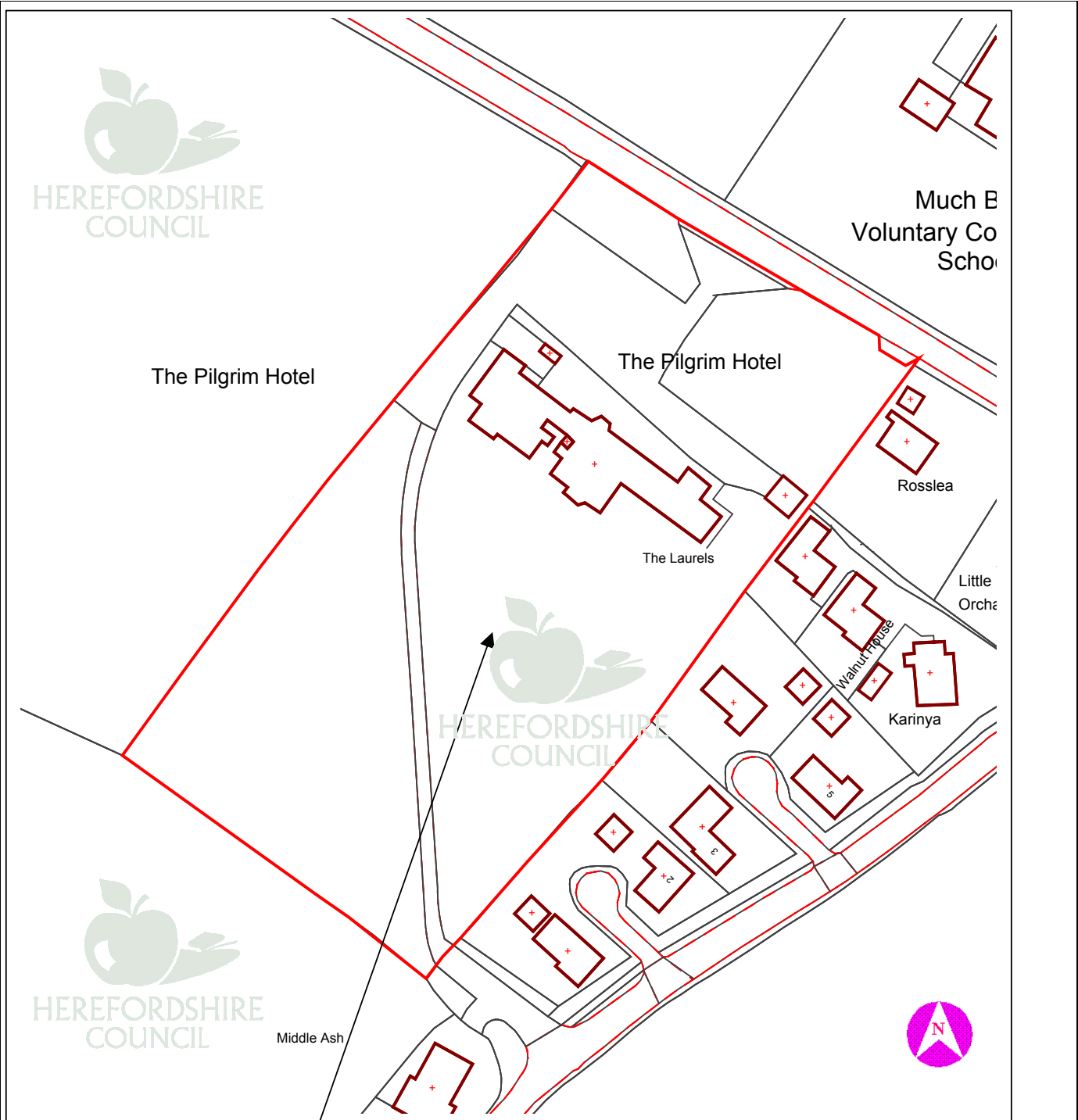
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSW2008/0282/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Pilgrim Hotel, Much Birch, Hereford, Herefordshire, HR2 8HJ

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**9 DCSE2008/0106/O - ERECTION OF TWO DWELLINGS AT KNAPP FIELD, GOODRICH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6JA.**

**For: Mr P Pickering per Paul Smith Associates, 19 St Martin Street, Hereford, HR2 7RD.**

**Date Received: 16th January, 2008    Ward: Kerne Bridge    Grid Ref: 57311, 19378**

**Expiry Date: 12th March, 2008**

Local Member:    Councillor JG Jarvis

**1. Site Description and Proposal**

- 1.1 The application site is an area of about 1/4 ha. and lies between Hollendene and Coppett View Cottage along Knapp Pitch within the main settlement of Goodrich. The site is elevated above most of the village and about 1.5 m above the level of Knapp Pitch, with a steep bank and overgrown hedgerow. There is a small area of scrub at the narrower south-west end of the site, and an evergreen hedge and trees along the south eastern boundary, the trees being at the eastern end. The remainder of the site is either grass, raspberries or shrubs remaining from its former use as a garden.
- 1.2 The site was until relatively recently part of the large garden of The Knapp and was protected from development by policies in the now superseded South Herefordshire District Local Plan. Planning permission was granted in 1997 and for the erection of a dwelling on part of the garden (now developed as Coppett View Cottage) effectively dividing the garden into 2 parts. As a consequence in the Unitary Development Plan there is no specific protection for the remaining parts of the remaining garden. The current application site is no longer in the same ownership as The Knapp.
- 1.3 It is proposed to erect two dwellings. The application is in outline form and only details of the access have been included for decision at this stage. As submitted the layout was also to be determined but at the request of officers the application has been amended and layout is now a reserved matter. The layout drawing is therefore indicative. The single vehicular access would be formed about 20 m from the north-eastern boundary with Coppett View Cottage. This would involve some regrading of the existing bank. The indicative layout shows the access drive bifurcating and leading to 2 double garages, to the rear of which would be the two houses, one of which on the higher western half of the site is shown as 'cottage' style with the upper floor partly in the roof slope. The houses would be sited on the more open parts of the site to minimise loss of trees.
- 1.4 An earlier application for 3 dwellings (SE2007/3254/O) was refused in 2007 for the following reason:

The proposed development, by reason of the number and layout of the houses and the loss of trees and hedgerow, would be an over-intensive form of development, out of character with this part of Goodrich and harmful to the rural street scene. As a consequence the proposal would harm the character of the Wye Valley Area of Outstanding Natural Beauty. The proposal conflicts therefore with Policies H4, H13, LA1, LA3, LA5 and LA6 of the Herefordshire Unitary Development Plan 2007.

## 2. Policies

### 2.1 Herefordshire Unitary Development Plan 2007

|            |   |  |
|------------|---|--|
| Policy S1  | - | Sustainable Development                      |
| Policy S2  | - | Development Requirements                     |
| Policy S3  | - | Housing                                      |
| Policy DR1 | - | Design                                       |
| Policy DR3 | - | Movement                                     |
| Policy DR4 | - | Environment                                  |
| Policy H4  | - | Main Villages: Settlement Boundaries         |
| Policy H13 | - | Sustainable Residential Design               |
| Policy LA1 | - | Areas of Outstanding Natural Beauty          |
| Policy LA3 | - | Setting of Settlements                       |
| Policy LA5 | - | Protection of Trees, Woodlands and Hedgerows |
| Policy LA6 | - | Landscaping Schemes                          |

## 3. Planning History

|     |                 |                         |   |                      |
|-----|-----------------|-------------------------|---|----------------------|
| 3.1 | SH950102PO      | Two new dwellings       | - | Refused<br>3.5.95    |
|     | SH961383PF      | 4-bedroom bungalow      | - | Refused<br>19.2.97   |
|     | SH970732PF      | Proposed dwelling       | - | Refused<br>17.9.97   |
|     | SH971117PF      | Proposed bungalow       | - | Approved<br>18.11.97 |
|     | SS980674PF      | Erection of 2 bungalows | - | Refused<br>23.11.98  |
|     | DCSE2007/3254/O | Erection of 3 dwellings | - | Refused<br>13.12.07  |

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Welsh Water recommends that conditions be imposed regarding drainage.

### Internal Council Advice

- 4.2 Traffic Manager has requested further information but has indicated that a splay of 2m x 43m would be acceptable. The proposal would not appear to affect any public right of way.

## 5. Representations

- 5.1 The applicant's agent has submitted a Design and Access Statement and a letter of application. The Conclusions of the former are:

- (1) The village comprises a variety of individually-designed, detached houses which have developed incrementally mainly within the compact confines of the village.

- (2) The application site lies within these defined village confines. It comprises a well-screened, overgrown and undeveloped plot of land. The proposal is an 'infill' scheme between four properties and within the physical and visual confines of the village. The lower density of development proposed is justified given the location of the site within the Area of Outstanding Natural Beauty.
- (3) The design, siting and orientation of the houses responds appropriately to the topography of the site and the character and appearance of the locality and existing built forms.
- (4) The village has been earmarked for appropriate new housing development in adopted planning policy attesting to the degree of sustainability of this settlement. Those services not found in the village can be reasonably accessed by public transport.

In addition the agent points out that:

- (5) Outline planning permission was refused for the erection of three dwellings solely on the grounds that the proposal constituted over-intensive development out of character with this part of Goodrich and harmful to the rural street scene. No objection was raised to the development on residential amenity, highway or drainage grounds.
  - (6) The current application answers all the Council's objections to this earlier scheme.
  - (7) Policy H4 (UDP) identifies the application site as lying within the boundary of a 'Main Village'. Its undeveloped nature has not been identified by the Council as being an important component in the character and appearance of the village. As such, the principle of the proposed development is acceptable under current planning policy.
  - (8) The site is hemmed in on three sides by four residential properties and along the fourth by Knapp Pitch. The site is divorced from the open countryside to the north by this road, substantial natural screening and, in part, by tennis courts. In essence, this site is a typical 'infill' plot within a village earmarked for more housing.
  - (9) The single vehicular access is positioned so as to achieve the required visibility splays whilst minimising the loss of roadside hedgerow and maintaining all trees with the site.
  - (10) In comparison with the earlier unsuccessful scheme, the current proposal entails one fewer house and retains all natural vegetation on the site except a short section of hedgerow to create the new access.
- 5.2 The Parish Council has concerns regarding the height of the buildings; we are unsure which plot will comprise of a one and one half storey dwelling. There are inconsistencies in paragraphs 3:2 and 5:2 in the Design and Access Statement. Whilst we consider that two dwellings are suitable for this area, we remain bemused as to how the main sewer will cope with additional capacity. We approve of the single entrance from the road, to serve both dwellings.

5.3 6 letters have been received objecting to the proposal on the grounds that:

- (1) The proposals would be an over-intensive form of development which would be out of character with and further urbanise and thereby ruin this unique and picturesque village;
- (2) the dwellings would be clearly visible as on the skyline and would harm the rural scene and Area of Outstanding Natural Beauty;
- (3) the relationship with the adjoining houses to the south has not been taken into account - these are at a much lower level and the new houses would be much too close and completely dominate these dwellings, resulting in a loss of visual and residential amenity;
- (4) UDP policy restricts new housing in rural areas to that necessary to meet local needs and support local services - there is no need for more as many houses in Goodrich are currently for sale, planning permission has been granted for 5 new houses with applications not determined for a further 9;
- (5) cumulatively this would be over-intensive development of the village which would strain local services and facilities e.g. local school is oversubscribed at reception level and the capacity of main sewer to cope with extra flows is doubted;
- (6) site is a haven for wildlife and rare flowers. The "scrubland" is in fact a broad-leaved woodland area with many mature trees with associated wildlife. This is not "previously developed land". No guarantee trees would be kept if permission were to be granted;
- (7) access would be to the main road, which is a bus route and raises great highway safety concerns;
- (8) it is strongly urged that the Committee should visit the site.

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

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

- 6.1 Policy H4 states that "residential development will be permitted on .....windfall sites within [main village] boundaries, where proposals are in accordance with the housing design and other policies of the Plan". Within the Wye Valley AONB development is limited to small-scale schemes which are "necessary to facilitate the economic or social well-being of the designated areas and their communities" (Policy LA1). The erection of two houses on this site would be small-scale development and, as this is a village identified as suitable for residential development, is necessary for the economic and social well-being of the area. In principle therefore the proposed development is acceptable and the main issues are the effect on the character of the village and Area of Outstanding Natural Beauty and the effect on the amenities of neighbours.
- 6.2 The site is over 0.25 ha and two plots of roughly equal size would be comparable to adjoining plots – larger than Hollendene, smaller than Coppett View Cottage and similar to Straid House and The Gables. The indicative layout shows one of the houses only 12m from Straid House but there is ample space to adjust siting to ensure adequate space between new and existing dwellings and avoid cramped development.

As noted above the site is near the highest part of the village and clearly in view from vantage points around the village, in particular near Dry Arch Bridge. This part of the village is characterised by a variety of property types and size which are set amongst trees and hedgerows such that there is a balance between buildings and planting. The current proposal would allow for similar development, with most of the trees and prominent hedges being retained. The new access would result in some loss of trees/hedgerow but it has been positioned to minimise that harm and yet maximise visibility along this narrow village lane. I consider that this would not change the rural character of this lane. The existing houses immediately to the south of the site would screen some of the views of the proposed dwellings although not from views from land higher than Dry Arch Bridge. Nevertheless they would still be seen against the backdrop of the extensive belt of trees to the north-west of the village and could be single-storeyed buildings. For these reasons I consider that the proposal would not harm the character of the village or the natural beauty of the Wye Valley Area of Outstanding Natural Beauty.

- 6.3 The indicative layout drawing shows one of the houses about 12m from the rear of Straid House. There is a significant difference in level between the application site and the adjoining bungalow, the former being roughly the same level as the eaves of the latter. The rear wall of Straid House is very close to the common boundary (about 3m). The erection of a two-storey building may well be overbearing. The relationship between the second dwelling and the other house to the south (The Gables) would not be as problematic as a gap of about 23m is proposed. However as noted above the layout is now a reserved matter and the drawings are only indicative. There is scope to re-site both proposed dwellings much further forward on the site and away from Straid House. They could be single-storeyed if necessary to protect neighbours' amenities but this can be resolved at reserved matters stage. Consequently I do not consider that the effect on the amenities of neighbours would be sufficient grounds to refuse planning permission.
- 6.4 The applicant's agent is preparing a drawing to show that the visibility splay required by the Transport Manager can be achieved. This has not been received at the time of preparing the report and will be reported at the Committee Meeting.

## RECOMMENDATION

**That subject to being satisfied regarding the 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 A02 (Time limit for submission of reserved matters (outline permission))**  
**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**
- 2 A03 (Time limit for commencement (outline permission))**  
**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**
- 3 A04 (Approval of reserved matters)**  
**Reason: To enable the local planning authority to exercise proper control over these aspects of the development.**
- 4 A05 (Plans and particulars of reserved matters)**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

**5 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 H01 (Single access - not footway)**

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

**7 H03 (Visibility splays)**

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

**8 H05 (Access gates)**

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

**9 H06 (Vehicular access construction)**

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

**10 H29 (Secure covered cycle parking provision)**

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

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

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

**12 W02 (No surface water to connect to public system)**

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

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

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

**INFORMATIVES:**

**1 N19 - Avoidance of doubt follows:-**

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

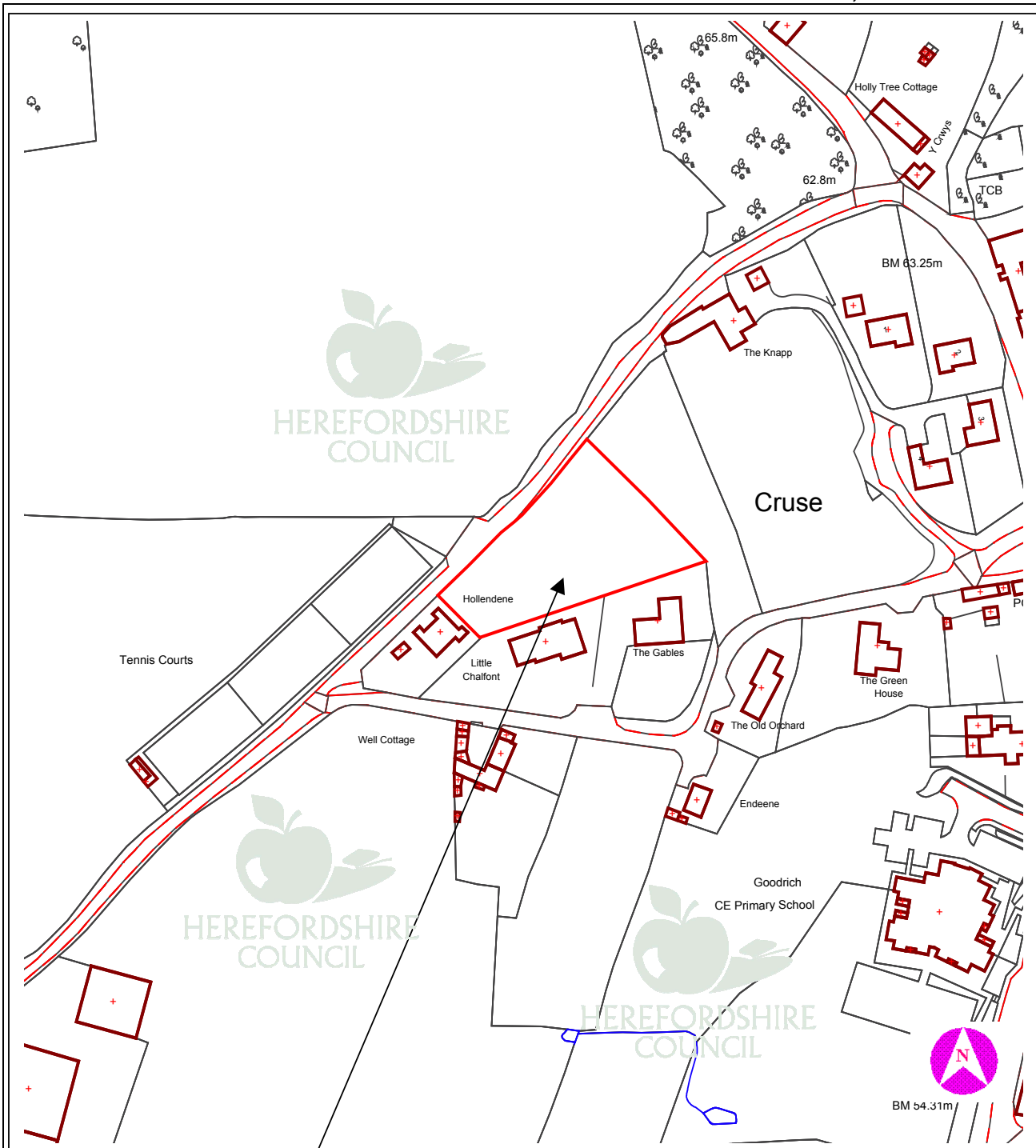
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Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2008/0106/O

**SCALE :** 1 : 1825

**SITE ADDRESS :** Knapp Field, Goodrich, Ross-on-Wye, Herefordshire, HR9 6JA

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**10 DCSE2008/0095/F - ERECTION OF 87 DWELLINGS AND ASSOCIATED GARAGES, NEW ACCESS AND LINEAR PARK AT LAND AT TANYARD LANE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7BH.**

**For: Persimmon Homes South Midlands per RPS Planning, 155 Aztec West, Almondsbury, Bristol, BS32 4UB.**

**Date Received: 14th January, 2008    Ward: Ross-on-Wye    Grid Ref: 60727, 24824  
East**

**Expiry Date: 14th April, 2008**

Local Members: Councillor PGH Cutter and Councillor AE Gray

**1. Site Description and Proposal**

- 1.1 The application site is the eastern part of an extensive area (about 8ha) of land off Tanyard Lane that is allocated for residential development in the Herefordshire Unitary Development Plan 2007. That site is bounded by Tanyard Lane and the Collier and Brain housing development to the north, the A40(T) to the east, Rudhall Brook to the south and modern housing in Rudhall Meadow to the south-west. An outline application (DCSE2005/3208/O) for residential development was considered by the Committee on 21st March, 2007 when it was approved in principle subject to a Section 106 agreement being entered into. The draft agreement has not yet been signed because of ownership issues and a revised draft is being prepared which it is anticipated should overcome this technical difficulty. A separate application (DCSE2006/4006/F) for the new roundabout along the A40(T) has been granted permission.
- 1.2 The current proposal is for detailed approval of Phase 1, an area of about 3.6ha. This part of the allocated land is to the east and north of the group of commercial premises (dog kennels, small factory and depot for plant and equipment) at the south-eastern end of Tanyard Lane. Negotiations by the applicant to acquire these sites, envisaged in the outline application, have not been concluded and the submitted scheme is based on the assumption that they will remain. The roundabout previously approved would be constructed as the sole means of vehicular access to the new housing area. An estate road would extend south-westwards from the roundabout as far as the dog kennels and turn sharply northwards and then westwards to follow the boundaries of those premises. At the latter bend a further arm of the road curves towards the north-east corner of the site. This alignment ensures that the access roads follow the site contours. To the south-east of the road would be part of the linear park; this section would include balancing ponds (for the surface water drainage scheme) and a children's play area. A pumping station would be sited close to the roundabout with a short access road which could be extended later to provide access to the caravan park to the south of Rudhall Brook. A 2m flat verge along the southern side of the estate road adjoining the park would facilitate access to the housing by emergency vehicles.
- 1.3 The new housing (87 in total) would be arranged in the main fronting the new estate road, with a mixture of detached and semi-detached housing and terraces of varying

lengths. In addition there would be larger detached houses fronting the A40(T). These would be set back 21m or more from the trunk road with a planted area and pedestrian access between. Two further access roads would extend northwards from the northern arms of the estate road leading to garages and open parking areas close to the northern boundary. Further houses would front these roads plus additional terraces off private drives extending from the various turning heads. Car parking would be a mixture of garaging, mainly grouped together, and open parking at the rear of the houses.

- 1.4 The style of the proposed houses would be a mix of typical modern estate housing with the larger and more prominent dwellings echoing Victorian housing designs. Within the estate the style is simpler. The terraced housing facing the dog kennels have been specifically designed to ensure that living rooms and bedrooms are at the rear. By this means and the erection of a 3m acoustic fence close to the northern and western boundaries of the dog kennels it is intended to protect occupiers from undue noise from the nearby commercial premises. The terraces themselves would provide a noise buffer for the remainder of the housing estate. Of the 87 houses 30 would be affordable with a mix of semi-detached and terraced housing (12 3-bed, 16 2-bed plus 2 1-bed flats). The market houses would include 7 5-bed, 8 4-bed, 34 3-bed and 8 2-bed houses. Most of the houses would be 2-storeyed but 13 would be either 3-storeyed or with the second floor within the roof slope and lit by dormers. These would be sited along the A40(T) frontage or along the north-eastern arm of the estate road. The houses would be of brick construction with a concrete tiled roof and PVCu windows.
- 1.5 The proposed park would be planted and there would be further landscaped areas along the A40(T), adjoining Tanyard Lane and along the northern boundary. A 1m strip would be provided in front of the acoustic fence to allow some planting, particularly of climbers, with a more extensive area of planting at the southern end of the fence.

## 2. Policies

### 2.1 Herefordshire Unitary Development Plan 2007

|             |   |  |
|-------------|---|--|
| Policy S1   | - | Sustainable Development  |
| Policy S2   | - | Development Requirements   |
| Policy S3   | - | Housing  |
| Policy DR1  | - | Design   |
| Policy DR2  | - | Land Use and Activity  |
| Policy DR3  | - | Movement   |
| Policy DR4  | - | Environment  |
| Policy DR5  | - | Planning Obligations   |
| Policy DR7  | - | Flood Risk   |
| Policy DR9  | - | Air Quality  |
| Policy DR10 | - | Contaminated Land  |
| Policy H1   | - | Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas |
| Policy H2   | - | Hereford and the Market Towns: Housing Land Allocations                                |
| Policy H3   | - | Managing the Release of Housing Land   |
| Policy H9   | - | Affordable Housing   |
| Policy H13  | - | Sustainable Residential Design   |
| Policy H15  | - | Density  |
| Policy H16  | - | Car Parking  |

|             |   |   |
|-------------|---|---|
| Policy H19  | - | Open space requirements                             |
| Policy ED5  | - | Safeguarding Employment Land and Buildings          |
| Policy T6   | - | Walking   |
| Policy T7   | - | Cycling   |
| Policy T8   | - | Road Hierarchy                                      |
| Policy T11  | - | Parking Provision                                   |
| Policy RST3 | - | Standards for Outdoor Playing and Public Open Space |
| Policy NC1  | - | Biodiversity and Development                        |
| Policy NC8  | - | Habitat Creation, Restoration and Enhancement       |

### 3. Planning History

- 3.1 DCSE2005/3207/F Residential and associated development including 60 dwellings, linear park and site access - Withdrawn
- DCSE2005/3208/F Residential and associated development, including linear park and site access - S106 not yet agreed
- DCSE2006/0171/F 3 arm roundabout on alignment of A40(T) - Appeal Dismissed 02.03.07
- DCSE2006/4006/F 3 arm roundabout on alignment of A40(T) - Approved 07.11.07

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Environment Agency has no objections in principle to the proposed development but recommends that conditions be imposed regarding contaminated land, foul and surface water drainage, floor levels (flood prevention) and protection of the adjoining watercourse.
- 4.2 Welsh Water requests that conditions are included relating to the drainage of the site.
- 4.3 Highways Agency is satisfied that the nature of the proposed scheme and in particular the access arrangements are the same as DCSE2005/3208/O which the Highways Agency previously approved with a condition. I understand the applicant has already entered into a S278 agreement with the Highways Agency for mitigation works at Overross roundabout and the A40/A449 site access roundabout. The Highways Agency position therefore remains the same as that set out in our letter of 9th August, 2006 - viz: direction that a condition be attached to any planning permission which may be granted.

#### Internal Council Advice

- 4.4 Traffic Manager has expressed reservations regarding pedestrian and cycle links to the rest of the town and detailed concerns regarding the layout and access. The applicant has responded to these points and the Traffic Manager's recommendation will be reported at the Committee Meeting.
- 4.5 Land Drainage Engineer has no adverse comments regarding land drainage issues.

- 4.6 Environmental Health and Trading Standards recommends conditions in order to protect the amenity of future occupants.
- 4.7 Conservation Manager comments:

The site lies to the west of the A40, on open land that slopes gently down towards the south, to Rudhall Brook. This area is described as Principal Settled Farmlands in the Landscape Character Assessment. An established residential area lies to the north of the site and Wyevale Kennels lies to the west of the site. There are a limited number of existing trees that are located along some of the site boundaries.

#### Design issues

Site layout: some aspects of this are well thought out - the positioning of buildings to create continuity of street frontages and enclosure of space by development to define public and private areas. In addition, locating the majority of car parking spaces in subsidiary streets and courtyard spaces, rather than on the frontages of the main streets, will improve the appearance of the housing estate.

However, a significant disadvantage of the proposed layout is that up to one-third of the dwellings have north-facing, or north-west facing gardens and living rooms. Where three storey units are proposed, the problem of shading of these gardens will be particularly acute. In my view, it would be possible to design a layout for this site, which capitalises on the contours, creates continuous building frontages and creates private garden spaces with a favourable orientation. The lack of integration of the architectural and landscape design, with regard to the private garden spaces is a significant weakness of the design.

Design form and character: It is evident that the proposed form of the housing estate does address some of the key issues, such as maintaining amenity for the established residential area to the north of the development site. However, in my view the issue of creating housing designs that relate in some way to the architecture found in Ross-on-Wye, in order to create a locally distinctive design, has not been addressed.

In the Design and Access Statement it is stated that the architectural design of the dwellings draws on the character of the built forms found in Ross-on-Wye to ensure that the new housing development 'will appear as a natural expansion to the built form of Ross-on-Wye'. They appear to be standard house types however and any link, in terms of design character, with the vernacular architecture of Ross-on-Wye, is very tenuous. Does this development meet the requirements set out in UDP Policy S2?

#### Arboricultural issues

The arboricultural assessment dated September 2007 is adequate. However, I do have some concerns regarding the retention of the Scots Pine (T1), which overhangs the development site boundary (in the north-west corner). This tree is described as a mature tree, in good condition and it is placed in the highest category (A) for retention. It is essential that this part of the site layout be reworked so that none of the parking area extends within the root protection area delineated for this tree.

#### Planting issues

The proposed tree and shrub species would be acceptable. Acoustic fencing is visually intrusive, due to its height and solidity, so it is very important that sufficient climbers are planted in order to screen it. While the proposed climber species are appropriate, I will require information in order that we can be assured that sufficient climbers are planted.

Linear Park

The proposed design of the linear park is acceptable. I recommend that new native species and/or fruit trees be planted at intervals along the boundary hedgerows, to improve amenity and biodiversity value.

Conclusion

In my view, two aspects of this scheme - the orientation of some of the housing units/gardens, as described above, and the standard of architectural design, are mediocre.

If permission is granted for this development conditions are recommended regarding planting and landscaping.

- 4.8 Housing Enabling Manager supports in principle the application for 1, 2 and 3 bedroom properties for rent and shared ownership, however no detailed negotiations have taken place with the developer as to the tenures. All properties are to be built to Housing Corporation Scheme Development Standards and Lifetime Homes without grant subsidy.

Strategic Housing in principle also supports the proposed layout for the affordable units.

An Affordable Housing Development Brief has been prepared based on previous discussions with the applicant's agent, which requires 20 RSL rented and 10 RSL Shared Ownership houses with a mix of house types and sizes which accords with those proposed.

- 4.9 Head of Commissioning & Improvement (Education) comments:

The provided schools for this site are Ashfield Park Primary School and John Kyrle High School both of which are cramped in certain respects and organisational difficulties could arise from additional children in the catchment area.

The Children and Young People's Directorate would like to bring to the attention of the planners a letter dated 31st January, 2007 from RPS relating to the outline planning application DCSE2005/3208/O, where the developers agreed that a £300,000 educational contribution on a 200 unit development was a fair and reasonable contribution. Taking this into account, and the size of development in the full planning application, The Children & Young People's Directorate would be looking for a pro-rata contribution.

It must also be noted that in a draft Heads of Term dated 21st March, 2007 a contribution of £200,000 was requested for the provision of formal sports/recreation facilities for shared use with John Kyrle High School.

- 4.10 Parks, Countryside and Leisure Development Manager advises that:

"UDP Policy H19 would require a development of this size to provide a play area to accommodate toddlers up to teenagers. However, as the development is being phased, it would make more sense to create one larger play area in the park rather than two, as smaller play areas offer less in play value and are costly to maintain. If this is not possible could a financial contribution be sought from both phases for the Council to develop one larger play area?"

In terms of designing the area, as it stands, more thought would need to be given to the location of the play area next to the balancing pond. The safety of children next to water should be given consideration.

The housing layout indicates a number of 'grassed tree planted areas' not all on highway verge. Would the Council be expected to adopt these areas?

The commuted sum for maintenance will be calculated in accordance with our current standards once the POS areas have been agreed.

During the outline stage a sum of £200,500 has been agreed in the 'draft heads of terms' towards off site sports/recreation facilities towards the provision of formal sports facilities for shared use at John Kyrle High School, in lieu of on site provision. This was calculated over 12 months ago, has this been indexed linked to allow for current costs of provision?"

## **5. Representations**

- 5.1 The applicant's agent has submitted a Design and Access Statement and Supporting Planning Statement, plus a series of supporting documents in relation to Community Engagement, Transport Assessment, Archaeological Evaluation, Ecological Appraisal, Tree Assessment, Linear Park and Planting, Noise Assessment, Flood Risk Assessment and Technical Note on Drainage Issues.

The conclusions of the Supporting Planning Statement are as follows:

- (1) It is concluded that the application should be permitted and recommended that the local planning authority resolve to grant planning permission for the proposed development, subject to conditions and the completion of a planning obligation.
- (2) The detailed proposal for a first housing phase of 87 dwellings not only accords with adopted Development Plan policy, but responds positively to its requirements, in seeking to provide housing that helps meet the Council's and Regional housing requirement, as well as local housing needs. The proposal is recognised to be at a sustainable location for residential development adjacent to the existing residential area close to the town centre, employment and local facilities, as well as public transport services.
- (3) Careful consideration of amenity and landscape issues ensures that the proposed development will integrate with the existing built and natural environment.
- (4) The proposal seeks not only to minimise the visual impact of development, but also to protect the ecology of the site, as well as prevent any additional risk of flooding arising from the development. The creation of a linear park, together with the planting of new trees and hedgerows on-site, as well as the retention of existing trees and hedgerows, will encourage and protect the flora and fauna.
- (5) Given the particular need for the site to come forward for development to accord with the housing strategy of the adopted HUDP, it is concluded that the local planning authority should seek to determine the application favourably and grant planning permission accordingly.

5.2 Ross Town Council makes the following comments:

- (i) strong representation from local residents who are concerned that the tranquility of the area will be compromised by an access path;
- (ii) members would like clarification on the suggestion that the crossing in Ledbury Road is to be moved;
- (iii) no indication of any pedestrian access, would like clarification on where these are to be located;
- (iv) would like consideration to be given to providing safe and convenient routes between the development and the schools and town centre whilst ensuring that the facilities enjoyed by existing residents is not compromised.

5.3 Ross Rural Parish Council support the development including pedestrian and cycle access to the town centre via Tanyard Lane and further believe that the existing closure of adjacent closes should be retained.

5.4 1 letter has been received objecting to the proposals because:

- (1) one of the Tanyard Lane businesses is a manufacturing company that operates 24 hours a day, normally for 6 days a week, which penetrates noise and other actions which are not compatible with residential dwellings
- (2) the company has never been contacted or consulted by planning officers and hence are not aware of our activities (noise, traffic, deliveries, etc) which is why it is located away from any dwelling and has had no complaints over 25 years in operation
- (3) planning permission has been refused for extension in favour of a large housing developer. This will definitely lead to closure of factory
- (4) the above is professional bias. Does this affect our human rights?

5.5 15 letters have been received mainly expressing concerns or reservations about the proposals:

- (5) strong objections if Arundel Close were to be used as pedestrian/cycle link to Tanyard Lane - Arundel Close is a quiet and tidy cul-de-sac with open front gardens and the link would result in serious noise and disturbance
- (6) the hedge along the northern boundary of the site is encroaching on the adjoining gardens and needs to be maintained - who will be responsible? Essential that this be resolved. The hedge has gaps which need closing to form an effective screen but additional trees should not exclude light into adjoining gardens
- (7) how will emergency vehicles access the estate - if via Tanyard Lane, how will prevent use by the general public?
- (8) concern that phase 2 will have vehicular access off the A40(T) and not Tanyard Lane.

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

## 6. Officer's Appraisal

- 6.1 The site is allocated for housing purposes in the adopted Unitary Development Plan and is acceptable in principle. As noted above an outline proposal has already been considered favourably by the Committee and the main terms of the planning agreement have been agreed. The roundabout providing vehicular access has been approved already. The area allocated for a public open space meets the requirements of Policy RST3 and a wildlife area would be provided along Rudhall Brook. There are three main issues therefore (1) the effect on the visual amenities of the area in relation to the setting of Ross-on-Wye and the quality of the new housing areas, (2) whether the amenities and living conditions of residents of the proposed houses and of neighbours would be acceptable, and (3) whether pedestrian and cycle access is adequate.
- 6.2 The basic layout of the estate follows the principles set out in the Development Brief prepared by the applicant's agent in collaboration with officers and approved by the Council. Thus views across the site of St. Mary's Church and of the wooded hillside to the south of Ross would be protected, as far as practicable, and new housing would be kept away from the bungalows in Arundel, Blenheim and Chatsworth Closes. The taller housing with 3 floors would also be sited an acceptable distance from the latter. The site falls to the south and the layout reflects this topography. Whilst this is a relatively high density (about 30 dwellings per ha.) it accords with Policy H15 which requires that at least 30 dwellings per ha be provided for sites outside the town centre. The layout appears less spacious than envisaged in the Development Brief with no room found for public space, contrary to the Masterplan, even though the density has not increased beyond that planned. Nevertheless this may be in response to the land currently occupied by commercial premises not being available at this stage for development. A further concern has been raised regarding the orientation or gardens. However this is in part a response to the requirement to provide a noise buffer around the commercial premises. If this part of the overall development site became available a re-design of this section of the layout could seek to address this issue.
- 6.3 The other main criticism made in the representations is whether the house designs and streetscene would 'incorporate the character of the local area throughout the design' (p44 of the Development Brief). The individual house types have been selected as they reflect in some respect(s) architectural characteristics found within Ross-on-Wye. Nevertheless it is how the individual buildings are related to each other that is at least as important and in this respect the row of detached houses (for example) fronting the A40(T) has only a tenuous visual reference to the older buildings adduced as examples to be followed in the Development Brief. However, it would not necessarily be appropriate to repeat on this edge of town site the buildings which are found near to the town centre. Whether the Development Brief is met fully in this respect the proposals should be considered as a whole. The layout would ensure that housing within the scheme is adequately spaced and would not impinge unacceptably on neighbouring houses. Car parking is generally kept away from public views and there would be adequate open spaces plus some planting within the housing estate. Perhaps the least satisfactory aspect would be the acoustic fence but this would be softened by planting within a few years. The trees proposed along the A40(T) would have a similar effect with regard to the new housing viewed from outside the town boundaries. Although the housing designs are neither bespoke (other than the terraces adjoining the kennels) nor innovative they are at least comparable with estates built elsewhere in Ross-on-Wye. On balance then I consider that the proposed development would not harm views of Ross-on-Wye and that visually acceptable residential areas would be formed.



- 6.4 The second issue relates to the amenities and living conditions of future residents and their neighbours. As noted above there would be adequate space between the bungalows to the north and the new houses. The existing hedge would be retained and a strip of planting would screen the new parking areas. Within the new estate the houses would be sufficiently well separated to meet generally acceptable standards with regard to spaces between dwellings and the size of private gardens. The measures to ensure that residents are not unduly affected by noise from the A40(T) and the kennels are considered to be acceptable by the Environmental Health Manager. The noise survey would have taken account of noise emanating from Meadex as well as the kennels but further monitoring is being carried out and this will be reported at the Committee Meeting. The new housing would act as a noise buffer for existing housing should there be an increase in noise from the A40(T) as a result of the new roundabout, although the study carried out in connection with the approved roundabout application showed that a reduction in traffic noise levels was to be expected.
- 6.5 Although vehicular access would be via the A40(T) this would not be acceptable for pedestrian and cycle links to the rest of the town. No accesses through Blenheim and Chatsworth Closes were envisaged in the Development Brief but Arundel Close was identified as a possible link. In response to concerns raised by local residents this is not part of the current proposal. However, this means that the only route is along Tanyard Lane, an unadopted, narrow and poorly maintained road. As the commercial area would remain there would be conflict between hgv and pedestrians/cyclists especially at the narrowest section just before Rudhall Meadows. The only alternative that could be made available would be through the former sawmills and laundry sites, both of which are in the applicant's ownership and control. Realistically however this could only be provided up to one year after the first houses are scheduled to be occupied. The Traffic Manager's response to this will be reported at the Committee Meeting.
- 6.6 A further concern raised in the representations is the maintenance of the open areas. The public open space and main incidental landscaped areas would be adopted by the Council subject to a commuted sum. It is proposed that the hedge and planted area to the south of Arundel, Blenheim and Chatsworth Closes would be the responsibility of residents. In the developer's view this would be more likely to ensure that the planting was regularly maintained.
- 6.7 The Draft Heads of Terms of a planning agreement are included as an appendix to this report. The sums proposed are based on the agreed Heads of Terms for the outline application but adjusted as 87 rather than 200 dwellings are proposed in this application. An additional clause would be required if a commuted sum for the play area is agreed.

## RECOMMENDATION

**That subject to being satisfied regarding pedestrian/cycle links, noise and layout:**

- (i) The Legal Practice Manager be authorised to complete a planning obligation agreement under Section 106 of the Town and Country Planning Act 1990 as set out in the Draft Heads of Terms**

**and any additional matters and terms as he considers appropriate**

(ii) Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any other 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 the external materials harmonise with the existing building.**

**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 If, during development (Phase 1), contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.**

**Reason: To prevent pollution of the water environment and ensure the site is remediated.**

**6 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies designed and constructed to have a capacity and details compatible with the site being drained. Roofwater drainpipes shall be connected to the drainage system either directly or by means of back inlet gullies provided with sealing plates instead of open gratings.**

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

**7 Finished floor levels shall be set no lower than 37.1m AOD unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To protect the dwellings from flood risk for the lifetime of the development.**

**8 There shall be no new buildings (including gates, fences, walls and sheds) or raising of ground levels within the 1% plus climate change floodplain (36.5m AOD) or within 7 metres of the top of any bank of the Main River**

(Rudhall Brook) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To maintain access to the watercourse for maintenance and improvements and provide for overland flood flows.

- 9 No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system including the use of Sustainable Urban Drainage Systems, as detailed within the FRA dated September 2007, has been submitted to and approved in writing by the Local Planning authority. Surface water generated from the site shall be limited to the equivalent Greenfield runoff rate for the site. The scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the LPA, in consultation with the Environment Agency.

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

- 10 W01 (Foul/surface water drainage)

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

- 11 W02 (No surface water to connect to public system)

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

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

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

- 13 W04 (Comprehensive & Integrated draining of site)

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

- 14 No development shall commence until a habitat enhancement scheme for wildlife and biodiversity based upon the Habitat Appraisal and Protected Species Survey Report (dated April 2003) which shall include a 20m conservation strip along the Rudhall Brook and specific measures for water voles has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved unless otherwise agreed in writing by the local planning authority.

Reason: To comply with the policies NC8 and NC9 of the Herefordshire Unitary Development Plan 2007 (UDP) in relation to Nature Conservation and Biodiversity, to meet the requirements of PPS9 and to conserve and enhance protected habitat and to maintain the foraging area for protected species in compliance with policies NC6, NC7, NC8, NC9 of UDP and PPS9.

- 15** Prior to the occupation of any of the dwellings a management plan, to include proposals for long term design objectives, management responsibilities and maintenance schedules in perpetuity, for the areas of open space, play areas and for nature conservation including a timetable for implementation, shall be submitted to and be approved in writing by the local planning authority. The management plan shall be carried out as approved.

**Reason:** To ensure that the use and maintenance in perpetuity of the open spaces, play areas and areas for nature conservation is assured.

- 16** The scheme of noise attenuation measures for protecting the proposed dwellings from noise from the A40(T) road and the adjoining commercial premises shall be completed before any of the permitted dwellings are occupied.

**Reason:** To protect the residential amenities of the future occupiers of the properties.

- 17** Before any other works are commenced the roundabout shown on drawing 50390/100 rev C hereby approved shall be constructed and shall be the only means of vehicular access for construction traffic to the development hereby approved.

**Reason:** In the interests of highway safety and the amenities of residents.

- 18** No development within the application area shall be occupied unless the mitigation proposals as shown on Drawing No. 50319/003 rev C has been completed to the satisfaction of the local planning authority after consultation with the Highways Agency.

**Reason:** To ensure that the A40 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site and in the interests of road safety.

- 19** No development shall take place until details of the temporary access to the A40(T) for construction traffic have been submitted to and approved in writing by the local planning authority. The approved temporary access shall be implemented before any other works are undertaken and shall be the only means of vehicular access for construction traffic to the development hereby approved.

**Reason:** In the interests of highway safety and the amenities of residents.

- 20** Before the occupation of any of the dwellings hereby approved, the roundabout shown on drawing no. 50390/100 rev. C shall be constructed.

**Reason:** In the interests of highway safety and the amenities of residents.

- 21** 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.**

**22 H29 (Secure covered cycle parking provision)**

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

**23 No dwelling shall be occupied until the emergency vehicular access arrangements have been provided in accordance with details which have been submitted to and approved in writing by the local planning authority.**

**Reason: To ensure access by emergency vehicles.**

**24 H27 (Parking for site operatives)**

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

**25 H21 (Wheel washing)**

**Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.**

**26 During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00am-6.00pm, Saturday 8.00am-1.00pm nor at any time on Sundays, Bank or Public Holidays.**

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

**27 No materials or substances shall be incinerated within the application site during the construction phase.**

**Reason: To safeguard residential amenity and prevent pollution.**

**28 No vehicular access shall be formed from the residential development hereby approved to Tanyard Lane.**

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

**29 The plans and particulars submitted in accordance with condition no. 3 above shall include:**

- (a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 m above ground level, exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree;**
- (b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of**

- each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
- (c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
- (d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, [within the crown spread of any retained tree or of any tree on land adjacent to the site] [within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree];
- (e) details of the specification and position of fencing [and of any other measures to be taken] for the protection of any retained tree from damage before or during the course of development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

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

**30 H30 (Travel plans)**

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives.

**INFORMATIVES:**

**1 The Environment Agency recommends that developers should:**

- 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- 2) Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.
- 3) Refer to the website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.

**2 N19 - Avoidance of doubt**

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

Decision: .....

Notes: .....

**Background Papers**

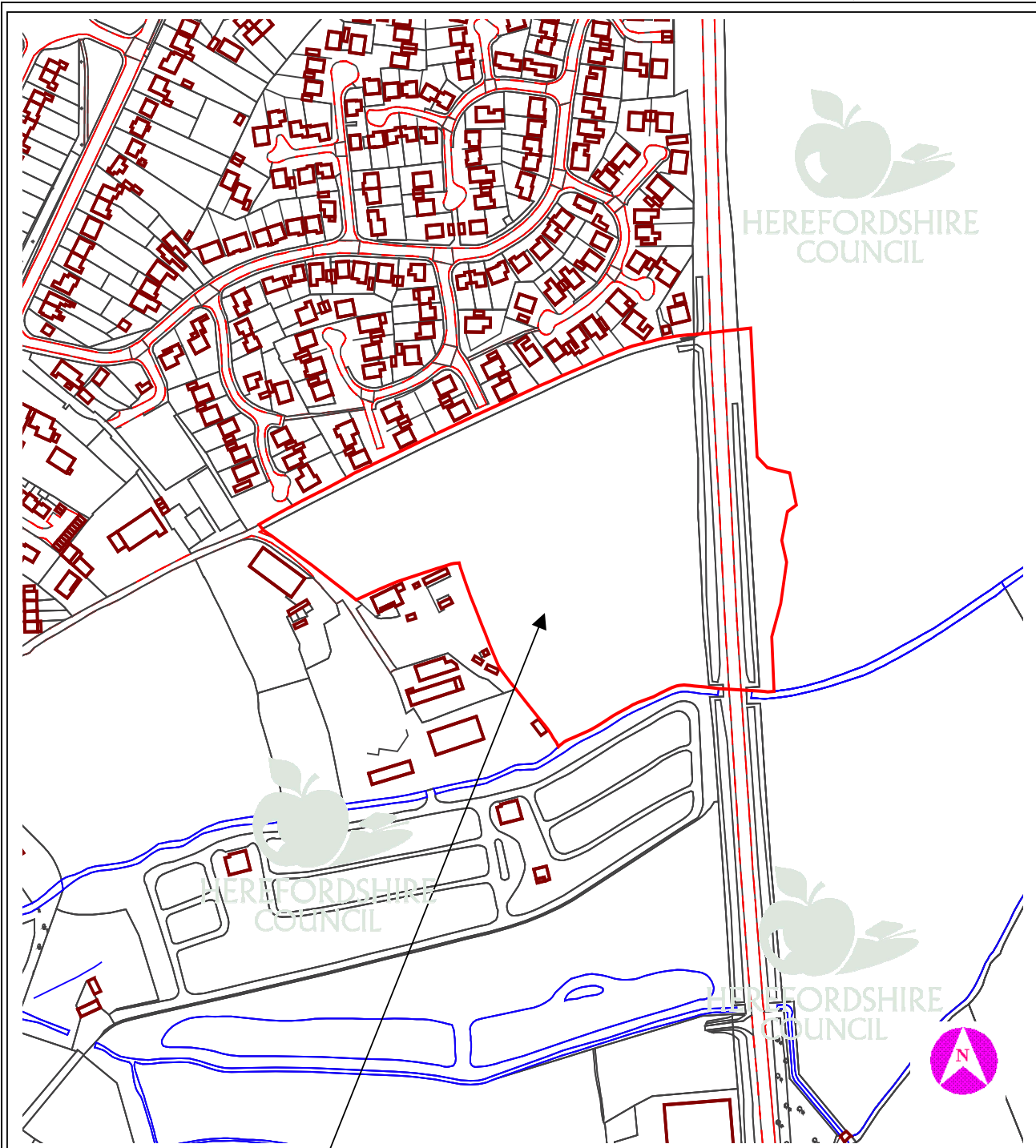
Internal departmental consultation replies.

**DRAFT HEADS OF TERMS**

1. The developer covenants with the Council, in lieu of the provision of formal sports/recreation facilities on the Application Site to contribute to the Council the sum of £86,215.00 [Pro rata share of £200,500]. The payment shall be made prior to the first occupation of any of the dwellings permitted.
2. The Council shall use the monies paid under Clause 1 as a contribution towards the provision of formal sports facilities, for shared use, at John Kyrle High School, Ross on Wye.
3. The developer covenants with the Council to pay the sum of £152,892.52 [Pro rata share of £355,564] as a contribution towards the provision of education facilities at John Kyrle High School. The sum is to be paid prior to the first occupation of any of the dwellings permitted.
4. In the event that the Council does not for any reason use any part of the said sum of Clauses 1 and 3 for the purposes specified in the agreement within 10 years of the date of payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by the Council, with interest.
5. Affordable Housing
  - a) The applicant covenants with the Council to provide Affordable Housing within the application Site. The provision shall be the construction of 30 affordable dwellings (35% of the total).
  - b) The provision of Affordable Housing shall be in accordance with the requirements of the Council's Supplementary Planning Guidance – Provision of Affordable Housing – March 2001 (Updated November 2004).
  - c) The tenure and type of the Affordable Housing shall be agreed through the provision of an Affordable Housing Brief for which specific properties are identified on the approved layout.
  - d) The applicant shall procure the construction of the Affordable Housing in accordance with the current Housing Corporation development standards and "Lifetime Home" standards with no Affordable Housing grant input, and in accordance with the considerations listed in the Affordable Housing Brief for the scheme.

- e) The affordable dwellings will be completed for transfer to the Registered Social Landlord prior to the occupation of the 43<sup>rd</sup> market dwelling on the site (75% of the 56 market dwellings)
  
- 6. The developer/applicant covenants with the Council to pay a commuted sum to provide for the adoption by the Council of the public open space/linear park to be provided on site as part of the development. The payment shall be calculated in accordance with the Council's current standards for "Planning and Design for Open Space: Standard Requirements for new Housing Developments".
  
- 7. The developer/applicant covenants to pay the Council the sum of up to £7,740.00 [Pro rata share of £18,000] to provide transportation facilities necessary to serve and associated with the development. The sum is to be paid prior to the first occupation of any of the dwellings permitted.
  
- 8. The Council shall use the monies under Clause 7 for the following purposes: -
  - a) For a contribution towards the Safer Routes to School for John Kyrle High School. (£3,000.00)
  - b) Footway improvement schemes in Ledbury Road. (£4,740.00).
  
- 9. In the event that the Council does not for any reason use the said sum of Clause 7 for the purposes specified in the agreement in Clause 8 within 10 years of the date of payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by the Council, with interest.
  
- 10. The developer agrees with the Council that the adjoining former timber yard in its ownership will not be operated as a timber yard following the commencement of the development.
  
- 11. Upon completion of this Agreement, the Owner shall pay to the Council the Council's reasonable and proper costs in the preparation and completion of this Agreement.
  
- 12. The Owner agrees with the Council that the sums payable under this Agreement by the Owner to the Council shall be adjusted according to any increase in the BCIS all in tender price index published by RICS occurring between the date of this of this Agreement and the date the relevant sum becomes payable.





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**APPLICATION NO:** DCSE2008/0095/F

**SCALE :** 1 : 3398

**SITE ADDRESS :** Land at Tanyard Lane, Ross-on-Wye, Herefordshire, HR9 7BH

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