

A G E N D A

Southern Area Planning Sub- Committee

Date: **Wednesday, 30th April, 2008**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Southern Area Planning Sub-Committee

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

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

	Pages
<p>1. APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
<p>2. DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p> <p style="text-align: center;">GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS</p> <p>The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.</p> <p>A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.</p> <p>Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is and leave the meeting room.</p>	
<p>3. MINUTES</p> <p>To approve and sign the Minutes of the meeting held on 2 April 2008.</p>	1 - 14
<p>4. ITEM FOR INFORMATION - APPEALS</p> <p>To note the contents of the attached report of the Head of Planning Services in respect of the appeals received or determined for the southern area of Herefordshire.</p>	15 - 16

REPORTS BY THE HEAD OF PLANNING SERVICES

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

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

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| <p>5. DCSW2008/0282/F - PILGRIM HOTEL, MUCH BIRCH, HEREFORD, HR2 8HJ.</p> <p>Erection of 4 no. single storey hotel accommodation suites.</p> | <p>17 - 24</p> |
| <p>6. DCSE2008/0050/F - JAYS PARK, LINTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7UH.</p> <p>Erection of agricultural storage building.</p> | <p>25 - 30</p> |
| <p>7. DCSE2008/0207/F - SYMONDS YAT RAPIDS, SYMONDS YAT (ON THE RIVER WYE), NEAR MONMOUTH. OS GRID REFERENCE SO 561156</p> <p>Replacement of existing rock groynes and other in-river restoration works to improve rapids and habitats in the River Wye at Symonds Yat.</p> | <p>31 - 46</p> |
| <p>8. DCSE2008/0710/O - 1 WOODVIEW, PONTSHILL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SY.</p> <p>Erection of detached house and garage to include joint access with 1 Woodview</p> | <p>47 - 52</p> |
| <p>9. DCSE2008/0481/F - LONG RIDGE, LINTON, ROSS-ON-WYE, HEREFORD, HR9 7RS.</p> <p>Change of use of existing double garage to holiday accommodation.</p> | <p>53 - 58</p> |
| <p>10. DCSE2008/0749/F - UNIT E, BEAVER CENTRE, ASHBURTON INDUSTRIAL ESTATE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7BW.</p> <p>Change of use of Unit E Beaver Centre from B1/B8 to A1 retail warehouse.</p> | <p>59 - 64</p> |
| <p>11. DCSW2008/0272/F - UPPER CEFN, EWYAS HAROLD, HEREFORD, HEREFORDSHIRE, HR2 0JJ.</p> <p>Proposed new livestock housing/fodder storage building. Alterations to existing access and proposed roadway across to building.</p> | <p>65 - 72</p> |
| <p>12. DCSW2008/0294/F - HUNTERS LODGE, WORMELOW, HEREFORD, HR2 8EQ.</p> <p>Construction of a 5 bed residential C2 care home for adults with learning disabilities with associated parking</p> | <p>73 - 80</p> |
| <p>13. DCSW2008/0430/F - BRYNMELYN, CUSOP, HAY-ON-WYE, HEREFORDSHIRE, HR3 5RQ.</p> <p>Alteration to garden building (retrospective).</p> | <p>81 - 86</p> |
| <p>14. DCSE2008/0613/F - LAND TO THE REAR OF PYECROFT, FRIMBLE HOUSE AND EGATTOC, MONK'S MEADOW & DYMOCK ROAD, MUCH MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2NF.</p> <p>Change of use from agricultural land to domestic.</p> | <p>87 - 92</p> |

15. DCSE2008/0384/F - BROCKWOOD, HOWLE HILL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SH.	93 - 98
Two storey extension and replacement of existing garage	
16. DCSE2008/0553/F - THE OLD CANOE SHOP, MILL POND STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7AP.	99 - 106
Variation of condition 8 in relation to boundary wall to replace with wooden fencing, (application number DCSE2007/2920/F).	
17. DCSE2008/0627/RM - HAZELNUT COTTAGE AND ADJOINING LAND, LLANGROVE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6EZ.	107 - 114
Erection of five houses and one bungalow.	

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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, 2 April 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

138. APOLOGIES FOR ABSENCE

No apologies for absence were received.

139. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
AE Gray G Lucas	Agenda Item 5 DCSE2007/3618/C – Alterations and refurbishment of 27 Brookend Street and demolition of the separate detached rear commercial premises. 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.	A prejudicial interest was declared and both members left the meeting for the duration of the item.
RH Smith	Agenda Item 6 DCSE2008/0050/F – Erection of agricultural storage building. Jays Park, Linton, Ross-on-Wye, Herefordshire, HR9 7UH.	A personal interest was declared.

JA Hyde	Agenda Item 10 DCSE2008/0095/F – Erection of 87 dwellings and associated garages, new access and linear park. Land at Tanyard Lane, Ross-on-Wye, Herefordshire, HR9 7BH	A personal interest was declared.
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140. MINUTES

RESOLVED: That the Minutes of the meeting held on 5th March, 2008 be approved as a correct record and signed by the Chairman.

141. ITEM FOR INFORMATION - APPEALS

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

ORDER OF BUSINESS

For the efficient transaction of business, the Chairman decided that the order of business should be changed as follows:

Agenda item 8, 6, 9, 5, 7, 10.

142. DCSW2008/0282/F - PILGRIM HOTEL, MUCH BIRCH, HEREFORD, HR2 8HJ. (AGENDA ITEM 8)

Erection of 4 no. single storey hotel accommodation suites.

The Chairman felt that determination of the application should be deferred due to the change of recommendation and also to the significant number of updates reported by the Southern Team Leader.

RESOLVED

THAT determination of the application be deferred.

143. DCSE2008/0050/F - JAYS PARK, LINTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7UH. (AGENDA ITEM 6)

Erection of agricultural storage building.

Councillor H Bramer, the local ward member, noted the comments from the Parish Council in respect of the ongoing enforcement issues on the site. He asked the Principal Planning Officer for an update on the matter.

In response to the question from the local ward member, the Principal Planning Officer advised members that the compliance time had passed and that discussions were to be held with Legal Services with regard to a prosecution to secure compliance with the enforcement notice. In response to a further question from Councillor JG Jarvis the Principal Planning Officer confirmed that approximately six months had passed since the deadline for compliance.

Councillor RH Smith, who advised members that he had declared a personal interest in respect of the application, noted that construction was under way on the site. He

also sought clarification as to whether the farm building had been sold or was currently up for sale.

The Principal Planning Officer said that he understood the farm was currently up for sale.

Councillor RH Smith had concerns regarding the water supply on the site, He also felt that the application should be refused due to insufficient evidence that the site was going to be used for an agricultural or horticultural enterprise. The Southern Team Leader confirmed that Condition 6 would limit the site to agricultural use only and would therefore address the concerns raised by Councillor RH Smith.

Members discussed the issues regarding previous enforcement matters on the site. They felt that if planning permission was to be granted then the site would have to be monitored closely to ensure that the recommended conditions were adhered to. They noted that enforcement matters could be costly to the authority and could also be time consuming for officers.

Councillor JG Jarvis felt that the applicant could address the outstanding enforcement issues on the site prior to the current application being determined. He proposed that determination of the application be deferred pending this action.

RESOLVED

That the determination of the application be deferred.

144. DCSE2008/0106/O - KNAPP FIELD, GOODRICH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6JA. (AGENDA ITEM 9)

Erection of two dwellings.

The Principal Planning Officer reported the following updates:

- A letter accompanied by revised plans had been received from the applicant.

In accordance with the criteria for public speaking, Mrs Colvin, a neighbouring resident, spoke against the application and Mr Pickering, the applicant, spoke in support.

Councillor JG Jarvis, the local ward member, advised members that the application had caused a great deal of concern to the residents of Goodrich. However he felt that the drainage concerns had been addressed through appropriate conditions and noted that the current application was for outline planning permission only. He also felt that the design issues could be addressed when a full application for planning permission was submitted at a later date. Finally he advised members that Goodrich Parish Council were currently preparing a Village Design Statement and he hoped their views would be noted throughout the planning process.

In response to the comments from the local ward member, the Principal Planning Officer advised members that two schemes had recently been refused in Goodrich due to design grounds.

RESOLVED

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**

145. DCSE2007/3618/C AND DCSE2007/3619/F - PALMA COURT, 27 BROOKEND STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7EE. (AGENDA ITEM 5)

- 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.*

The Senior Planning Officer reported the following updates:

- A further letter of objection had been received from Mr TH Stowell of 4 Wallace Court, Station Street, Ross-on-Wye.

Councillor PGH Cutter, the local ward member, thanked members for attending the site inspection. He noted the concerns of the residents of Wallace Court in respect of overlooking. He expressed concerns regarding the drainage and flood issues on the site but noted that Welsh Water were looking into these issues in an effort to finally resolve the problems. Finally he noted that the proposed section 106 agreement had requested a contribution towards a bus shelter, he felt that a pedestrian crossing on Station Road would be more beneficial to the local residents.

Councillor JA Hyde advised members that although she was unable to attend the site inspection she had visited the site on a separate occasion. She echoed the views of the local ward member in respect of a pedestrian crossing on Station Road. She added that she was aware that a number of concerns had been raised in respect of the dry access route to Wallace Court and felt that this needed to be preserved.

Councillor JG Jarvis noted that the application had been submitted before the Council had adopted the Supplementary Planning Guidance in respect of Planning Obligations, therefore the applicant could only be asked to make a voluntary contribution.

The Development Control Manager advised members that any proposed contribution would have to relate to the application site and that it would be difficult to request a contribution from the applicant in order to address an existing problem in the area.

Members discussed the merits of the application and on balance felt that that applicant should be requested to make a voluntary contribution to help fund a pedestrian crossing on Station Road. They agreed to defer the application in order for further discussions to take place between the planning officer and the applicant in respect of this matter.

RESOLVED:

That determination of the application be deferred pending further discussions with the applicant in respect of a voluntary contribution towards a pedestrian crossing on Station Road.

146. DCSE2008/0259/F - BROOKFIELD HOUSE, OVERROSS STREET, ROSS-ON-WYE, HR9 7AT. (AGENDA ITEM 7)

Erection of terrace of four cottages, construction of new car park and associated works.

The Senior Planning Officer reported the following updates:

- An amended plan detailing the parking layout and turning area had been received. The Traffic Manager had made a number of observations in respect of the parking spaces and insufficient cycle parking. These comments had been relayed to the applicant's agent and a reply was awaited.

Councillor AE Gray, one of the local ward members, said that she had not received any representations from local residents in respect of the application. She advised members that she did have concerns about the turning area and parking issues and felt that she could not support the application until these matters were resolved.

In response to a question raised by Councillor H Bramer, the Principal Planning Officer confirmed that letters were sent to the residents of Brookmead advising them of the application. He also confirmed that an advertisement detailing the application was published in the local press. In response to a further question by Councillor H Bramer, the Development Control Manager confirmed that although Brookfield House was a grade 2 listed building, listed building consent was not required as the proposed application did not involve any physical alterations nor was it attached to it.

RESOLVED

That subject to receipt of amended plans showing an acceptable parking layout and turning area, 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**

147. DCSE2008/0095/F - LAND AT TANYARD LANE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7BH. (AGENDA ITEM 10)

Erection of 87 dwellings and associated garages, new access and linear park.

The Principal Planning Officer reported the following updates:

- Further comments had been received from the Highways Agency in respect of condition 17. They felt that they could not permit building contractors vehicles to access the development from the A40 until the access roundabout had been completed.
- Comments were reported from the Traffic Manager who noted that the proposed pedestrian/cycle links to the town via Tanyard Lane were far from ideal due to safety concerns and the condition of the private road. He felt that the proposed pedestrian/cycle route to Ledbury Road was considered the best way forward provided that further assurance could be given regarding the timing of the link. Finally he noted that no further development phases should be permitted on the site until an alternative pedestrian/cycle route to Tanyard Lane had been provided.

- Revised drawings detailing the layout and three house types had been received by the applicant's agent. The applicant's agent also gave details of the pedestrian/cycle link to Tanyard Lane, as well as details of a 'Grampian' style planning condition preventing occupation of more than 50 dwellings on the site until the link to Ledbury Road was open for use.
- A further letter of objection had been received by a neighbouring business expressing concerns in respect of the notice time given for the committee meeting. They also felt that their legitimate interests had not been taken into account and that bias was being shown in favour of the developer.
- The receipt of two further letters were reported regarding concerns in respect of the maintenance of the hedge along the north-west boundary of the site.

The Principal Planning Officer made the following comments:

- The applicant could provide a link for pedestrians and cyclists to Ledbury Road via Arundel Close but has decided against this in view of concerns raised by local residents. The consequence is that only Tanyard Lane would be available for walkers and cyclists. However a link via the sawmill and laundry sites would be practicable and the intention is to progress this option as soon as practicable in conjunction with residential development of these sites. Whilst there may be a gap between completion of some of the houses and the opening of the link the applicant would accept a condition requiring completion and opening within one year of commencement of Phase 1. Furthermore the condition would limit occupation to no more than 50 houses, should the development proceed more quickly. This number would ensure a start on the affordable units (8) and the Section 106 Agreement would need to allow for this possibility. This solution to the problem of links to the town is not objected to by the Traffic Manager and is recommended to the Committee, subject to an appropriate condition.
- The applicant's intention is that boundary hedge and adjoining planting would be within the curtilages of the adjoining houses and maintenance would therefore be the responsibility of the occupiers. I understand however that the applicant will discuss the appropriate height/width of the hedge with neighbours and ensure that the hedge is kept cut appropriately before completing the development. In addition new occupiers will be informed of their neighbours' wishes and encouraged to undertake regular trimming.
- A number of conditions require further consideration. Condition nos. 19 and 20 relating to a temporary access for construction traffic and completion of the roundabout were intended as substitutes for no. 17 which requires completion of the roundabout before any other development takes place. Nevertheless the Highway Agency has strong reservations about a temporary access as it is considered that there is insufficient space for such an access in addition to the roundabout. Unless the Agency reconsiders this matter condition 17 should be imposed and 19 and 20 deleted. Condition no. 6 regarding drainage of parking areas and hardstandings is recommended by the Environment Agency but provided that the gullies be adopted. I understand that this is not practicable and the condition therefore needs further consideration.
- Finally he requested that the recommendation be amended to omit any reference to the pedestrian/cycle links.

In accordance with the criteria for public speaking, Mrs Clutterbuck spoke in objection to the application and Mr Sackett spoke in support.

Councillor PGH Cutter, one of the local ward members, felt that the application had caused some concern to local residents as it was a significant development for Ross-on-Wye. He felt that a condition should be added to the recommendation to address the concerns of the local residents in respect of a pedestrian access through Arundel Close. He also noted that a number of representations had been received in respect of the boundary hedge. In summing up he felt that there would obviously be concerns due to the size of the development and felt that the local ward members could meet on site with the developer and the planning officer at regular intervals in order to address any problems promptly.

Councillor AE Gray, the other local ward member, noted that the pedestrian access had already been addressed by the applicant who had confirmed that it would not be routed through Arundel Close. She also expressed concerns in respect of the location of the children's play area.

In response to a number of questions raised by members, the Principal Planning Officer confirmed that the hedge would be maintained by the residents of the dwelling on who's land it fell within. He also confirmed that the closest buildings to the boundary were single storey.

RESOLVED

That subject to being satisfied regarding 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 for more information.**
- 2 N19 - Avoidance of doubt**
- 3 N15 - Reason(s) for the Grant of Planning Permission**

The meeting ended at 3.40 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCSE2007/3592/F**

- The appeal was received on 27 March 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 Mrs A Harris
- The site is located at Land adjoining 10 St. Georges, Woolhope, Herefordshire, HR1 4QR
- The development proposed is Construction of a new housing development of 6 no. 2 storey affordable houses on agricultural land and within the car park shared by the existing housing.
- The appeal is to be heard by Written Representations

Case Officer: Steven Holder on 01432 260479

Application No. DCSE2008/0039/F

- The appeal was received on 14 April 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 Mrs F Drummond
- The site is located at Green Orchard, Ryefield Road, Ross-on-Wye, Herefordshire, HR9 5LS
- The development proposed is Removal of existing house and construction of nine flats, including car parking and landscaping and utilising existing vehicular access.
- The appeal is to be heard by Written Representations

Case Officer: Steven Holder on 01432 260479

Application No. DCSE2007/2330/F

- The appeal was received on 15 April 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 Tecke
- The site is located at Cobrey House, Howle Hill, Ross-on-Wye, Herefordshire, HR9 5SP
- The development proposed is Construction of a Victorian style conservatory with dwarf walls.
- The appeal is to be heard by Written Representations

Case Officer: Steven Holder on 01432 260479

APPEALS DETERMINED**Application No. DCSE2007/0710/O**

- The appeal was received on 29 June 2007
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr R Millard
- The site is located at Land at 2 Brampton View, Brampton Road, Ross-on-Wye, Herefordshire, HR9 7JL
- The application, dated 28 February 2007, was refused on 17 April 2007
- The development proposed was Proposed erection of 1no. new dwelling, as well as alterations to existing vehicular access to accommodate 2no. dwellings.
- The main issues are:
 - i) *Whether or not the development of the land for housing is acceptable in the open countryside.*
 - ii) *The impact of the proposal on the Area of Outstanding Natural Beauty*
 - iii) *The impact of the proposal on the living conditions of neighbouring residents.*
 - iv) *The impact of the proposal on Highway Safety.*

Decision: The appeal was DISMISSED on 1 April 2008

Case Officer: Charlotte Atkins on 01432 260536

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

5 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: 5 February 2008

Ward: Pontrilas

Grid Ref: 49989, 30813

Expiry Date: 1 April 2008

Local Member: Councillor RH Smith

Introduction

This proposal was deferred at the meeting on 2 April 2008.

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. The proposal would involve the removal of the beech tree immediately adjacent to the hotel.
- 1.4 On 28 March 2008 a Tree Preservation Order was made in respect of the two beech and the cedar trees in the vicinity of the site.

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 affect 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 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:

Initial 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. 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.”

Further revised comments:

“There are two mature beech trees (*Fagus sylvatica*) on this site, one adjacent to the south-eastern end of the hotel, which I will term T2 and one further down the south-eastern site boundary, which I will term T3. The beech trees are of high amenity value.

Should it be determined that an extension to the hotel is acceptable in principle, then the key design issues to be resolved on this site are designing an extension that relates well to the existing hotel building and grounds and which does not impinge on the existing mature trees on the site.

I have consistently advised that if any design involved siting the extension in proximity to the mature beech trees then the agent would need to obtain expert advice from an arboricultural consultant, comprising a tree survey, a tree constraints plan and an arboricultural implications assessment and to use this information to inform the siting and design of the building.

It is my view that the agent has developed the design for the extension in the absence of expert advice from an arboricultural consultant. Predictably the design that has been submitted (DCSW2008/0282/F) is not acceptable because the accommodation block extends underneath the canopies of both T2 and T3 and would clearly cause harm to the root systems of the trees. Impacts on T2 will be greater due to the need for construction working space. In my memo dated 5th March 2008 I advised,

therefore, that the agent should obtain advice from an arboricultural consultant and modify the design of the extension to ensure that it was compatible with the retention of the trees.

The agent has obtained advice from a consultant from Heritage Woodland Management at a very late stage in the design process – the letter from Heritage Woodland Management is dated 19th March 2008. The consultant advises that the proposed extension is not compatible with the retention of T2. This is inevitable, given that arboricultural advice was not used to inform the design of the extension.

I do not agree with some of the advice given by the consultant from Heritage Woodland Management. He suggests that it would not be possible to design an extension that would be compatible with the retention of T2. This is because he makes the assumption that there would be further disturbance of T2's root system. This could be avoided completely, should existing hardstanding be utilised and the accommodation block be sited outside of the defined root protection areas for T2 and T3. Clearly the starting point for the design work should have been obtaining a plan of the root protection areas, as this information would dictate the scale of the extension that could be accommodated between T2 and T3.

I also dispute the advice that T2 will pose a threat to the existing building and residents in the future and should therefore be felled. Herefordshire Council's Arboriculturalist assessed the condition of T2 as being reasonable and T3 as being good. Providing that the owner of the hotel arranges for the trees to be regularly inspected by a tree surgeon or arboricultural consultant, in accordance with good practice, there should be no unacceptable risk.

Rather than redesigning the extension so that it is compatible with the retention of the beech tree (T2), which I maintain is feasible, the agent is now proposing that T2 should be felled. I do not support this proposal. It is the failure to obtain arboricultural advice at the outset of the design process and to use it to inform the design, which has led to the proposal to fell the beech tree. This is clearly unacceptable. I recommend, accordingly, that permission should be refused for the development, because it would be contrary to Policies DR1: Design, LA5: Protection of trees, woodlands and hedgerows and LA6: Landscaping schemes."

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 The agent has provided further details:

With regard to the trees a letter from "Heritage Woodland Management" advises that the beech tree adjacent to the hotel will be significantly affected by any further disturbance to the root system, it is already under stress from the existing buildings, a

further extension underneath it would be undesirable and it is recommended that it is removed. The other beech tree will be minimally affected. As a consequence of the advice the agent states that it is proposed to fell the beech tree adjacent to the hotel.

In addition the agent advises that the foul drainage will be to the existing septic tank, the surface water drainage will be indicated on the plan, the existing vegetation to the south east boundary will be retained but be pruned, the existing vehicular access arrangements will be retained and the car parking will be in the existing car park.

5.3 Much Birch Parish Council support

5.4 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 were requested. In response to this the agent states that one of the beech trees will be removed with the other minimally affected. I sought the further advice from the Landscape Officer on this issue (See paragraph 4.5 above). Having considered this advice this was a case where there was a direct threat to established mature trees. A formal evaluation of the trees was carried out and consequently a Tree Preservation Order was made.
- 6.6 Both of the beech trees make a significant contribution to the landscape and the local environment and it is important that such features are retained. Planning policy supports this approach. The advice of the Landscape Officer is that it may well be possible to design the extension such that it does not cause a threat to the trees. In these circumstances I can only conclude that the development which would result in the direct loss of one tree, and with an unresolved impact on a second, is not acceptable.
- 6.7 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 is appropriate.
- 6.8 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 agent has confirmed that it will be retained although it will be pruned. 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.

6.9 The proposal does not involve the provision of vehicle access directly to the accommodation. The agent has confirmed 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.

6.10 The representations raises issues with regard to service provision, notably sewage and surface water disposal. Clarification has been provided on these matters by the agent although this is not particularly detailed. 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.

6.11 Whilst there is a support through policy for the further development of visitor accommodation there is also a duty to ensure that features in the landscape are also retained. In this case the proposal involves the felling of a mature tree to accommodate the development, and I do not consider that any requirement for the extension should outweigh the requirement to retain the tree.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1 The proposed development involves the construction of a building in close proximity to two mature beech trees considered to be of amenity value and which make a significant contribution to the landscape and the quality of the local environment. Policies DR1, LA5, LA6 and RST1of Herefordshire Unitary Development Plan seek to ensure that development takes account of, protects and enhances such trees. The proposed development involves the direct loss of one beech tree and with the impacts on the other not fully resolved. The Local Planning Authority therefore consider the development proposed to be unacceptable as it would result in the loss of established features in the landscape and harm the character and appearance of the site and the locality.**

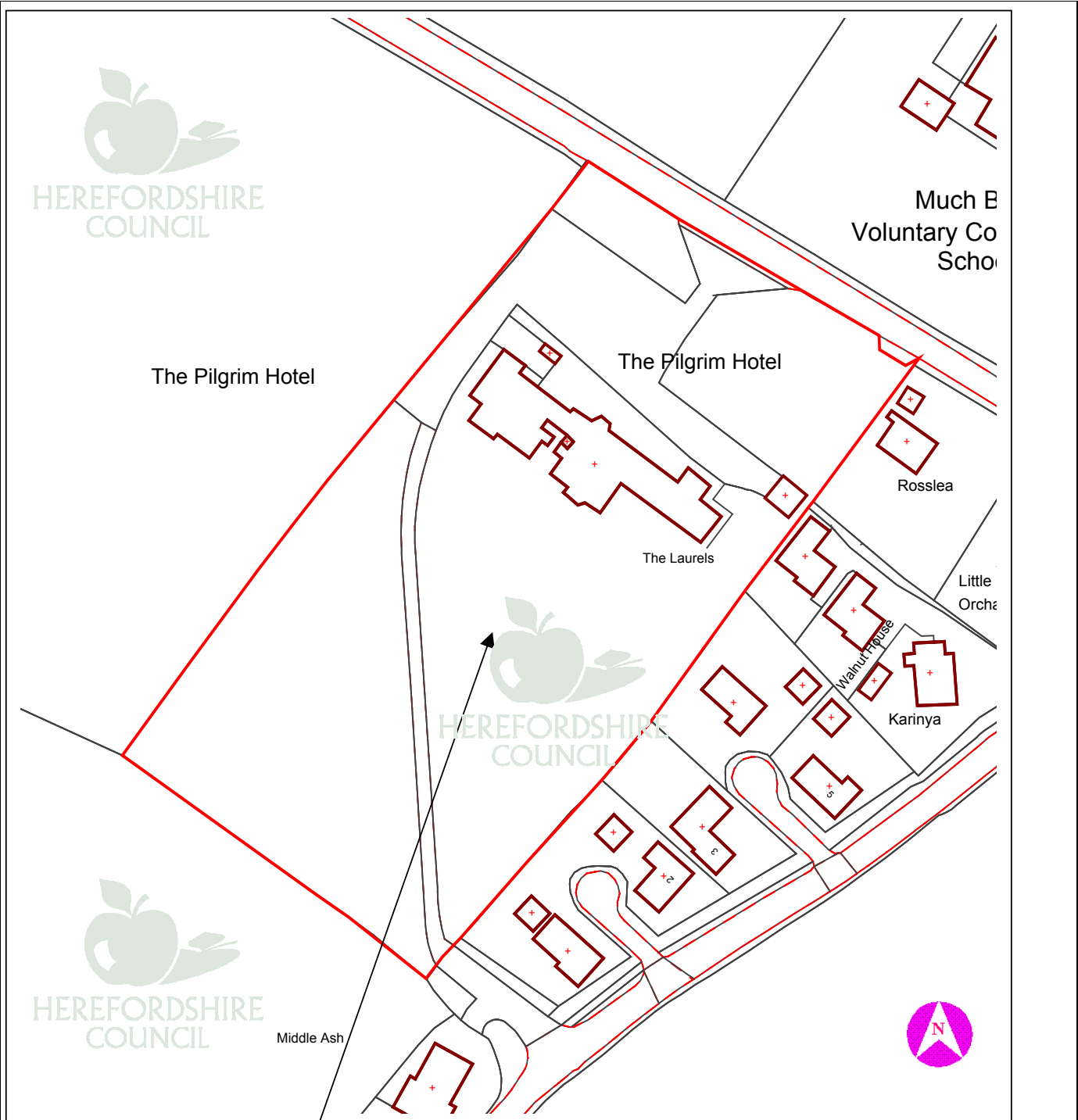
Decision:

Notes:

.....

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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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: 7 January 2008

Ward: Penyard

Grid Ref: 66322, 26032

Expiry Date: 3 March 2008

Local Member: Councillor H Bramer

Introduction

The Sub-Committee considered this application on 2 April 2008 and resolved to defer making a decision until an enforcement notice relating to the site had been fully complied with. The enforcement notice requires the demolition and removal of the walls, gate piers, fencing and gates at the access to the field, together with restoration of the land and planting of a hedge. These works have now been carried out and the hedge has been partly planted. It is late in the planting season and the applicants have confirmed that any losses over the summer will be replaced in the autumn.

Introduction to 2 April 2008 Sub-Committee

This proposal was considered by the Sub-Committee on 6 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
28.11.05 |
| | DCSE2007/0415/S | Agricultural storage building. | - | Withdrawn
9.3.07 |
| | DCSE2007/1067/F | Erection of Agricultural Building | - | Refused
29.05.07 |

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Traffic Manager 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.

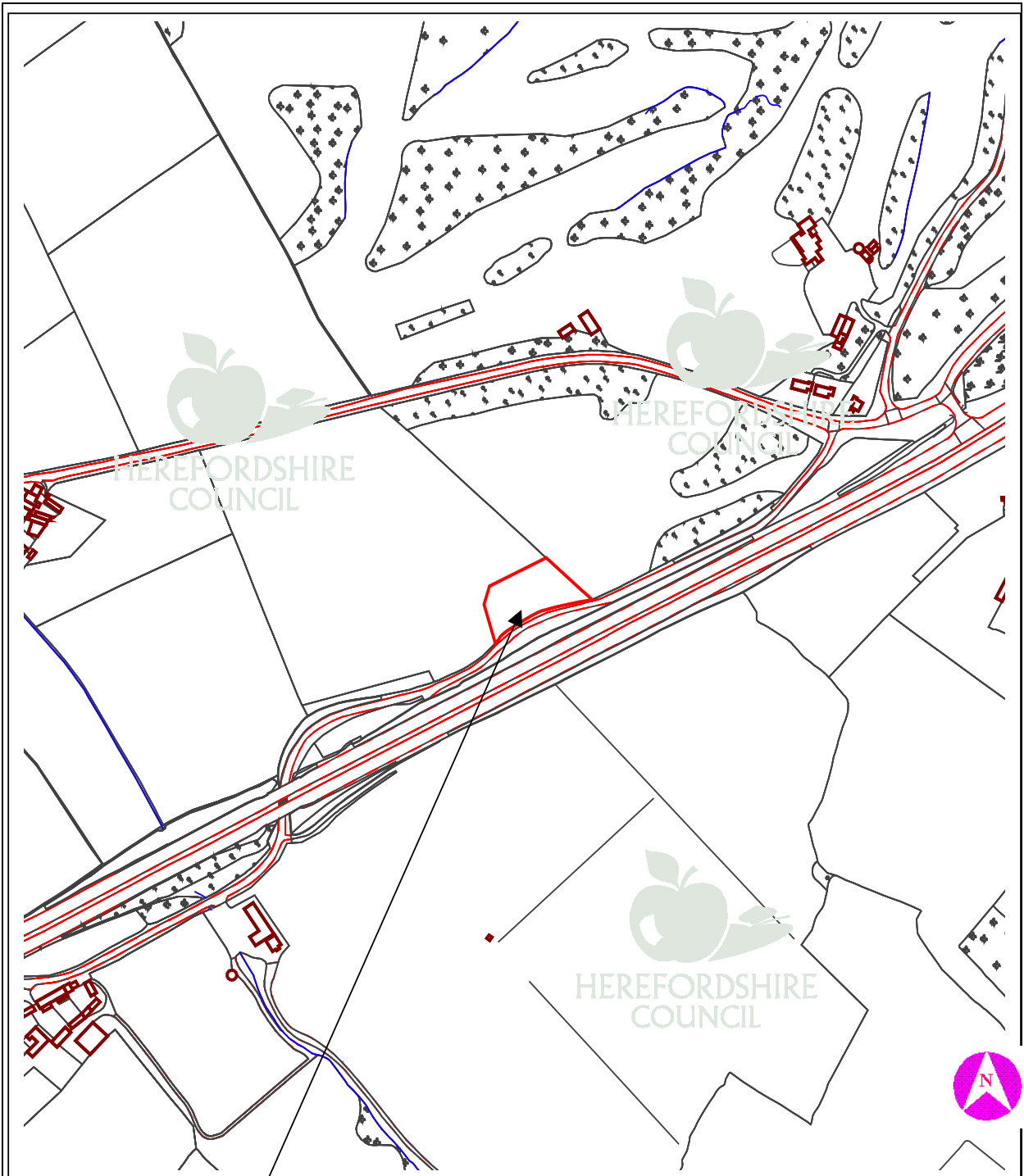
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2008/0050/F

SCALE : 1 : 5000

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

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7 DCSE2008/0207/F - REPLACEMENT OF EXISTING ROCK GROYNES AND OTHER IN-RIVER RESTORATION WORKS TO IMPROVE RAPIDS AND HABITATS IN THE RIVER WYE AT SYMONDS YAT. SYMONDS YAT RAPIDS, SYMONDS YAT (ON THE RIVER WYE), NEAR MONMOUTH. OS GRID REFERENCE SO 561156

**For: British Canoe Union per S & P Architects,
St James's Building, 79 Oxford Street, Manchester,
M1 6FQ**

Date Received: 29 January 2008 Ward: Kerne Bridge Grid Ref: 55990, 15574

Expiry Date: 25 March 2008

Local Member: Councillor JG Jarvis

1. Site Description and Proposal

- 1.1 The site is an island and rapids on the River Wye immediately south of Symonds Yat East. The county boundary with Gloucestershire runs just beyond the eastern riverbank and the site lies within both the parishes of Goodrich and Whitchurch.
- 1.2 The proposal is to replace temporary 'groynes' hand-built from available materials pulled from the riverbank. Permanent limestone groynes would be installed to a designed engineering standard, to enhance and conserve the rapids, stabilise the island and reduce erosion.
- 1.3 The application was advertised in the Hereford Times on 7 February 2008. A site notice was put up on 7 February 2008. 40 neighbouring properties were notified, along with two known holders of local fishing licences and the Forestry Commission as adjoining landowner.

2. Policies

2.1 Central Government Guidance

Planning Policy Statement 9 (PPS9) – Biodiversity and Geological Conservation
 Planning Policy Guidance 16 (PPG16) – Archaeology and Planning
 Planning Policy Statement 25 (PPS25) – Development and Flood Risk

2.2 Herefordshire Unitary Development Plan 2007

Policy S1 - Sustainable Development
 Policy S2 - Development Requirements
 Policy S6 - Transport
 Policy S7 - Natural and Historic Heritage
 Policy S8 - Recreation, Sport and Tourism
 Policy DR1 - Design

Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy DR7	-	Flood risk
Policy T6	-	Walking
Policy T7	-	Cycling
Policy T8	-	Road Hierarchy
Policy LA1	-	AONB
Policy NC1	-	Biodiversity and Development
Policy NC2	-	Sites of International Importance
Policy NC3	-	Sites of National Importance
Policy NC5	-	European and Nationally Protected Species
Policy NC6	-	Biodiversity Action Plan Priority Habitats and Species
Policy NC7	-	Compensation for Loss of Biodiversity
Policy NC8	-	Habitat Creation, Restoration and Enhancement
Policy ARCH1	-	Archaeological Assessments and Field Evaluations
Policy ARCH5	-	Sites of Regional or Local Importance
Policy ARCH6	-	Recording of Archaeological Remains
Policy RST2	-	Recreation, Sport and Tourism Development within AONB
Policy RST8	-	Waterway Corridors and Open Water Areas

2.3 Material Considerations

Wildlife and Countryside Act 1981 (as amended)
 Environment Act 1990;
 The Conservation (Natural Habitats &C) Regulations 1994 (the Habitats Regs);
 The Countryside and Rights of Way Act 2000 (the CROW Act);
 Natural Environments and Rural Communities Act 2006 (the NERC Act);
 Commons Act 2006.

3. Planning History

- 3.1 There are no relevant planning applications or permissions recorded on or adjoining the site.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: Has no objections. Two response letters were received; comments and recommendations are as follows:
- On navigation: support in principle under EA duty to promote water-related sport/recreation on the River Wye whilst protecting its unique conservation status.
 - On flood risk: the Agency considers the proposal would be 'water compatible' under PPS25. The submitted Flood Risk Assessment is acceptable. The predicted potential increase in flood levels of 10mm in the 1 in 100 year plus 20% analysis is nominal and would not create any significant additional risk.
 - On flood defence: the applicant has applied for consent under the Land Drainage Act. This will be determined in due course.
 - On biodiversity: under the Habitats Regs the local authority as a 'Competent Authority' should undertake an Appropriate Assessment (AA) of the proposals.
 - On Japanese Knotweed: the applicant's offer to control this and other invasive plants is supported, recommending a condition to secure the remediation.

- On fisheries: a condition is recommended restricting works to between 1st July and 15th October, to protect fish spawning and migration. The applicants' conclusion that potential increases in flows would not adversely affect fish is acceptable.
- 4.2 Natural England: Is content that the works would not have a significant detrimental effect on habitats. No objection raised, subject to the Appropriate Assessment noted above. Following direct enquiries from members of the public, a second response letter re-confirms the above, stressing the need for minimal disturbance in the river. This point will be discussed in more detail in section 6.4.3 below.
- 4.3 Sport England: Support.
- 4.4 English Heritage: No objections.

Non-statutory Consultations

- 4.5 AONB Officer: No objection in principle; habitat improvements are welcomed. Some reservations about access to the river; the land should be restored to its original condition on completion of the works.
- 4.6 Open Spaces Society: No objection, the disruption to the footpath would be for a very limited time. Note that the island is registered as Common Land.
- 4.7 Ramblers Association: Any response subsequently received will be reported orally.
- 4.8 Forest of Dean District Council: Any response subsequently received will be reported orally.
- 4.9 Gloucestershire County Council: Any response subsequently received will be reported orally.
- 4.10 Forestry Commission: Any response subsequently received will be reported orally.

Internal Council Advice

- 4.11 County Archaeologist: The site comprises the historic remains of a weir and iron-working complex. No over-riding objections however, provided conditions are imposed to secure site investigations and details of groundworks. The works could help to conserve the remains from further erosion.
- 4.12 Conservation Manager comments as follows:
- Following close discussion with Natural England and the Environment Agency, the Planning Ecologist is satisfied with the mitigation proposals and welcomes the offer to remove Japanese Knotweed. Has no objection and recommends conditions to secure the ecological mitigation measures.
- 4.13 Rights of Way Manager has no objections, noting that a footpath diversion would only be needed for a very limited period. Recommends a method statement to confirm reinstatement of surfaces to the same or better standard and public safety precautions. This would be required by a pre-commencement condition.

- 4.14 Parks, Countryside and Leisure Development Manager supports the application; it accords with local, regional and national sports facilities plans.
- 4.15 County Land Agent: The island is a Registered Common. The applicants would need to comply with the Commons Act 2006.
- 4.16 Transport Manager has no objection; the haul route is entirely within Forestry Commission land in Gloucestershire.

5. Representations

- 5.1 Goodrich Parish Council has no objections.
- 5.2 Whitchurch Parish Council: Any response received will be reported orally.
- 5.3 Letters of representation have been received from: Mr R Owen, 1 Church Hill Close, English Bicknor, Glos; Mr M Ferrigan, Chough House, Symonds Yat West; Mrs C Blows, Woodlands, Ferry Lane, Symonds yat West; Mr J Blows, Woodlands, Ferry Lane, Symonds Yat and enclosing a list of 17 signatures from objectors some of whom have also written in individually; Peter and Rosie Kelsall, Bankside, Symonds Yat West; J T Simpson on behalf of Chepstow Boat Club, Whitelye, Chepstow; Frank Barton, The Workshop, Rotherwas Industrial Estate, Hereford; Denis Parkhill, Fern Cottage, Shelwick, Hereford; John Edwards, The Barge House, Goodrich; Neil and Diane Bentley, Melrose, Symonds Yat; Mr & Mrs P Adams, Alpine Cottage, Symonds Yat West. The points they raise can be summarised as follows:

- Permanent barriers within the main channel will increase flood risk upstream. I question the accuracy of the consultant's report.
- There are over 20 properties, mostly in Symonds Yat West, that have actually flooded in the last 10 years including many having septic tank soakaways.
- Any increase in river levels is considered to be threatening and may impact on the environment and community.
- Permanent barriers would entrap debris and increase flood risk.
- The navigable width of the river would be reduced by at least 50%.
- Permanent groynes could be a hazard to shipping.
- Obstacles likely to damage craft or hinder navigation would not be lawful.
- Additional canoeists attracted by the enhanced facilities would exacerbate unauthorised parking problems and traffic and create overcrowding. We are already at saturation point for a good part of the year and disturbed by noise.
- Increased canoeing activity would harm the SSSI/SAC/AONB.
- A river situation to suit the canoeists would be detrimental to other users.
- The rapids would be enhanced to 'entry level white water'. Public safety for novice paddlers and other users should be addressed.
- Bank erosion caused by canoeists accessing the river is a serious problem.
- The site is of great industrial archaeological importance.
- I am concerned that the use of the island by otters has not been fully assessed.
- Freshwater mussel shells are 'frequently found' below the rapids

- 5.4 Three letters of support have been received from:

Dr M Block, 27 Gilbert Road, Cambridge considers that the proposal would improve stability of the island and safety for river users;
Chris Cleaver, 39 Cavendish Road, Stockport notes the need for robust groynes to improve the river's interest;

Mr M Tyers, Upton Bishop, comments on recent deterioration of the island and temporary groynes, and the ad-hoc spreading of river bank material across the channel.

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

6. Officer's Appraisal

6.1 Preliminary discussions began in early 2006. Since then the applicants have obtained substantial grant-aid for the site purchase, survey work and project. Office-based meetings established planning requirements at an early stage, including environmental considerations. The advice given has been willingly heeded.

6.2 In terms of actual development the proposal is minor, but the sensitivity of the River Wye is a key issue, which the applicants take very seriously. In particular, the site's national and European conservation importance (SSSI/SAC), its location in the AONB, and the attraction of Symonds Yat as a tourist destination with established leisure facilities including a new cycle path, require careful consideration. The applicants' responsibilities regarding Common Land are however outside the planning system.

6.3 For clarity, and in response to comments from members of the public on correct procedure, the proposal to create permanent stone groynes in the river and a stone tip to the island would be an engineering operation requiring planning permission. Ancillary works on the island involving coppicing, planting and restoration, are not development, although details have been provided for information. The proposal falls far below the threshold criteria of the Environmental Impact Assessment Regulations 1999. The issue of informal access to the river from the West bank has been raised by correspondents, however this is not material to the application under consideration and, unless formal engineering works were proposed, would be a matter for the landowner rather than the planning system.

6.4 In planning terms the key issues to be addressed are:

- Sport and Recreation;
- Visual impact;
- Ecology;
- Flood risk issues;
- Archaeology;
- Potential effects on amenity;
- Public Rights of Way;
- Restoration on completion;
- Transport and movement.

6.4.1 Sport and recreation

According to the applicants, the Symonds Yat rapids are 'regionally important' to canoeists and other users. The island's profile and position changes due to constant erosion, but its presence narrows the river channel and creates the attractive rapids. Each summer, individuals create informal groynes using material ripped from the riverbank to enhance the rapids. This unplanned activity undermines the bank, causes erosion and may harm the special biodiversity interest of the river. The

temporary groynes are partially washed away each winter but the material is simply deposited on the riverbed nearby, which is therefore gradually rising.

The applicants have argued that purpose-built permanent groynes based on sound engineering research would reduce damage and flood risk, as well as improving conditions for canoeists and enhancing scarce habitats. They propose importing large limestone blocks and re-using the displaced groyne material from the channel. A stone 'nose' or cutwater on the upstream end of the island would help to deflect debris from damaging the island. There is no reason to question these arguments and in principle the proposal would comply with policies S1, S2, S7, S8, RST2 and RST8.

The matter of possible over-use is discussed further in section 6.4.7 below, but the applicants have confirmed verbally that there is no intention to actively encourage intensified use. Sport England is 'happy to support this application'.

6.4.2 Visual impact

Visual impact would be negligible since the landscape would be unchanged. All disturbed ground would be restored to its previous form and condition. There would be no conflict with policy LA1 since the AONB would not be adversely affected and there would be potential biodiversity gains.

6.4.3 Ecology

The application includes a detailed ecological assessment dated December 2007 compiled by the applicants in consultation with the Environment Agency and Natural England, comprising a desk study and field survey. It assesses the importance of habitats close to the application site and the likely presence of European protected species including flora, mammals, invertebrates, fish and birds.

The report concludes that protected species are or are likely to be present in and around the river. The timing of the works would be critical to ensure minimal disruption during operations. A member of the public has drawn attention to the possible presence of freshwater pearl mussels in this part of the Wye. The consultant ecologist has confirmed to Natural England that all the species significant to both SSSI and SAC were considered. Invertebrates were searched for but no mussels of any species were found, although suitable habitats were identified. The works, if permitted, would include fresh surveys immediately prior to work starting, measures to prevent silt release, and the in-river presence of a licensed person, probably Environment Agency personnel. Acute scarcity means any mussels found would be removed to the Environment Agency's dedicated hatchery. Similar precautions would be necessary for white-clawed crayfish; any found would need to be moved to safety for the duration of the works, to be undertaken between 1st July and 15th October in order to protect spawning fish.

Provided the works would be undertaken at the correct time of year, impacts on biodiversity would be minimal and short-term. Actual in-river works are estimated to take about 2 weeks. With preparatory and restoration works, the total working time would be about 8 weeks. According to the applicants (and confirmed by the Environment Agency), the completed works would be likely to concentrate flows and increase the amount of clean substrate on the downstream side of the groynes and downstream of the rapids themselves. In the longer term therefore, aquatic habitats should be improved, including provision for migrating and spawning fish, with the

added advantage that there would no longer be the annual disruption and silt disturbance caused by regular temporary groyne creation. This would benefit any freshwater mussels that might subsequently be present. The applicants have expressed a commitment to protect and restore all existing habitats, including re-siting the upturned pontoon recently marooned on the island (or suitable alternative) which showed evidence of otters using it for resting. Mitigation and surveys could be secured by conditions to ensure compliance with policies S7, NC1, NC2, NC3 and NC5.

The Council's Planning Ecologist, in close and frequent consultation with biodiversity officers at both Natural England and the Environment Agency, has concluded that provided the agreed mitigation would be strictly adhered to, there would be no significant effects on the River Wye SSSI/SAC. This has been confirmed in the Appropriate Assessment. Subject to appropriate conditions requiring minimal disturbance to the riverbank and riverbed, and to secure the already proposed precautionary surveys and mitigation, no objections are raised.

6.4.4 Flood risk

The application includes a detailed engineering report and Flood Risk Assessment (FRA). There are currently no flood alleviation measures in place on this stretch of the Wye. At the Environment Agency's request, the engineering consultants undertook a hydraulic assessment, considering eight alternative 'scenarios' to find the optimum configuration of groyne numbers, heights and positions. Scenario 5 offered least disruption but could slightly increase flood risk upstream since the existing artificially raised river-bed would remain in situ. Scenario 8 offered the least flood risk, but would involve some river-bed disruption.

Following consultation with the Environment Agency an amended scenario 8 was chosen, with the removal of one groyne, and minor hand-worked clearance of the accumulated debris from the old temporary groynes. Cleared material would be incorporated into the new works and therefore would not be removed from the river. This would ensure a deepened channel and maintain navigability. Works on the island would include maintenance of existing excess flow channels and the proposed stone 'nose' to deflect flotsam.

The report concludes that this scenario would have a negligible flood risk effect, taking into account the modelled standard of flood protection at the 12 most vulnerable properties nearby. The Environment Agency's second detailed response dated 18th March 2008 confirms their position of 'no objection', accepting the submitted reports and assessments and pointing out that the consultants are '*a company of world renown in the field of hydraulic analysis*'. There is therefore no reason to doubt the accuracy of the report. In the Agency's view, the potential increase in flood levels of up to 10 mm would not even be measurable during flood events, due to the Wye's characteristic turbulence. On the possibility of local septic tanks being flooded, the Agency comments that these drainage facilities are already at a risk level which would not be significantly increased.

The Agency's letter stresses that there is no objection to either the planning application or the separate Flood Defence Consent application, pointing out:

- a) at least 4 metres of water would flow over the groynes during flood, which have been designed to deflect water and discourage debris from accumulating;

- b/c) the Flood Defence Consent nevertheless requires the groynes to be kept free of any debris, which must be removed at the written request of the Agency;
- d) a large obstruction (e.g. a caravan) would very likely dislodge the upper stones of the groynes, which would be held in place by gravity. In the Agency's view, there would be no significant risk of additional flooding.

Since the Agency would be the regulatory body for the Flood Defence Consent, duplication of these requirements by the planning system would be unnecessary, and the proposal does not therefore conflict with policies S1, S2 or DR7.

6.4.5 Archaeology

The application includes a desk based archaeological assessment dated January 2008. It studied the man-made island, weirs, locks and the foundry known as the New Weir Ironworks, dating from the 13th to the 19th centuries. Use ceased in 1798 and by 1826 the weir and lock had been demolished. The island and rapids formed from the structural remains and furnace slag after the final closure of the foundry. The assessment proposes a watching brief and the Archaeological Advisor has not objected, commenting that reducing erosion could help preserve the remains, provided appropriate precautions are taken during the actual works, with particular attention to the site of the lock and weir. Conditions are recommended for further investigation and a method statement. This would ensure compliance with policies ARCH1 and ARCH5. English Heritage were consulted but have not raised any objections.

6.4.6 Possible effects on amenity

Some residents have expressed a fear that enhancing the rapids would attract additional visitors. The applicants have confirmed that to their knowledge there is no intention to intensify any activities, such as through organised canoeing events. Symonds Yat is already a popular destination offering freely accessible outdoor pursuits open to anyone. These activities are not limited to canoeing and are not controlled by any particular organisation. Symonds Yat's restricted capacity is self-restricting and visitor numbers, unruly behaviour or unauthorised parking, are not within the control of the applicants or the scope of this application.

Correspondents have claimed that the navigation channel would be reduced. However, according to the applicants, pulling back the loose material spread from the temporary groynes would deepen the channel, and the permanent groynes would not protrude further than the existing arrangements. Navigation falls within legislation other than planning; as a 'main river' it comes under the Environment Agency's jurisdiction in consultation with the Wye Navigation Advisory Board. No objection has been made by the Agency on this or other matters, and it must be assumed that they are taking a responsibly competent and professional approach. They have commented that the channel between groynes would remain at 10 metres minimum and they are satisfied that the proposed work would not result in further restrictions.

The island is in the applicants' ownership but registered as Common Land, although without recognised public access. This does not affect the proposal from a planning point of view although the owners would need to follow appropriate procedures. In the County Land Agent's view the proposals are in the public interest and would be beneficial. Holders of the two known fishing licences on this stretch have been notified of the proposal but have not raised any concerns.

6.4.7 Public Rights of Way

The Wye Valley Walk and Peregrine Path cycleway coincide on the old railway bed, and FP GR38 runs parallel to it a few metres away, becoming REB38 as it crosses into Gloucestershire. A proposed temporary diversion of the cycle path would use a convenient loop of GR38/REB38, and the applicants are liaising with both Herefordshire and Gloucestershire councils to ensure all the correct permits are in place. The crossing point would be manned by a banksman at all operational times, with appropriate fencing and safety signage. The Herefordshire PROW Manager has requested a Method Statement giving details of these measures, but has not raised any objection and the project would not conflict with policies DR3, T6 and T7 Gloucestershire County Council have been consulted but have not commented.

6.4.8 Restoration on completion

Initially, the proposal included the permanent retention of the works access to the river. Concerns raised by some consultees, in particular the AONB officer and Rights of Way Manager, highlighted possible visual impact and potential user conflict. Negotiations with the applicants have resulted in this aspect being withdrawn. A fresh plan now indicates that the riverbank would be fully restored, made good and replanted on completion of the works, should permission be granted. A condition could secure this.

The proposal includes full reinstatement of all path surfaces to a similar or better condition, using the same materials. To ensure success the applicants are liaising with Sustrans on the new cycleway, and the Councils' rights of way officers.

6.4.9 Transport and movement

All plant, materials and equipment would be brought to the site via private Forestry Commission roads to the south. The entire route would be outside Herefordshire, and no construction vehicles would pass through Symonds Yat village. Materials and equipment would remain on site throughout; therefore there would be very little impact on the highway network. The small operational workforce (approximately 5 persons) would access the site daily from the north, parking at the Royal Hotel adjacent to the site. The Transport Manager has not raised any objections and there would be no conflict with policies DR3 or T8

7. **Conclusion**

7.1 The proposal would not conflict with any national, regional or local policies, however the fears and concerns of local residents are taken seriously. The applicants have investigated the points raised in detail, to ensure that there would be no adverse environmental effect. They arranged a public meeting in mid February 2008, to explain the details of the project and allow people to express their views. The two parish councils concerned have not raised any objections or other comments. Some of the issues raised are covered by other legislation, and although relevant to the wider consideration of the proposal, it would not be appropriate to control them through planning. In particular, navigation of the Wye is governed by the Environment Agency, who would also need to grant a Flood Defence Licence for the work to proceed.

7.2 On flood risk, the applicants have studied a number of alternative configurations on Environment Agency advice, who have accepted that the chosen proposal would

have a minimal, or even unmeasurable, impact upstream. Considerable attention has been focussed on all of the points raised, but the Agency remains satisfied that the proposal would not increase flood risk.

- 7.3 Extensive work has been undertaken with regard to biodiversity and the special sensitivity of the River Wye. The applicants have consulted closely with the Environment Agency and Natural England to find the least intrusive methodology and the optimum acceptability in terms of limiting disruption to wildlife and enhancing habitats for the future. Both agencies have expressed satisfaction with the submitted schemes provided these are secured by condition. The likelihood of any freshwater pearl mussels being present is small, but the applicants are nevertheless prepared to undertake all necessary precautions.
- 7.4 Long-term, removing the need for temporary annual groynes and providing a more stable environment, in terms of both riverbank and bed, would be favourable for both biodiversity and industrial archaeology. The alternative of continued erosion through the unplanned creation of ad-hoc groynes is undesirable, and likely to cause environmental harm including the gradual raising of the riverbed and channel. All of the concerns raised have either been addressed or mitigation proposed and there are no overriding factors that would warrant refusal. The proposal is therefore recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

Commencement of works

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

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

Approved plans

- 2 B01 (Development in accordance with the approved plans)

Reason: To ensure adherence to the approved plans and details in the interests of a satisfactory form of development and to comply with policy DR1 of the Herefordshire Unitary Development Plan 2007.

Working Method Statement

- 3 No development shall take place until a working method statement for the project has been submitted to and approved in writing by the local planning authority. The statement shall include in particular:
- i) Details of the type, source and estimated quantity of stone to be used;
 - ii) A plan showing the indicative locations for stockpiles of stone and parking of construction vehicles plant and equipment;
 - iii) Details of, arrangements for the public rights of way, including fencing, signage, and the use of a banksman for the crossing point;

- iv) Details of all preparatory work necessary, including vegetation trimming the ground preparation, excavations, working area and stone movements;
- v) Indicative provision for a watching brief to identify, record and protect archaeological remains;
- vi) Details, and a large scale plan, of the design, construction method and materials to be used for the proposed access ramp on the riverbank and the haul route at the river's edge;
- vii) Full methodology for the in-river working, groyne construction and all other works;
- viii) Measures to prevent pollution to ground and surface waters;
- ix) Health and safety details and precautions including emergency strategy;
- x) Mitigation proposals for the minimal disturbance of silt during the in-river works, including a risk assessment of alternative measures.
- xi) A scheme for the treatment and control of Japanese knotweed.
- xii) Timescales for all the above.

The works shall be undertaken in accordance with the approved details unless otherwise agreed in writing in advance by the local planning authority.

Reason: To ensure a satisfactory form of development in accordance with agreed principles, to ensure public safety during the operations, to ensure a design solution is sought to minimise archaeological disturbance, and to protect the amenity of the area in accordance with policies S1, S2, DR1, ARCH5, ARCH6, NC2 & NC3 and LA1 of the Herefordshire Unitary Development Plan 2007.

Restoration Scheme

- 4 No development shall take place until a reinstatement and restoration scheme for the completion of the project has been submitted to and approved in writing by the local planning authority. In particular the scheme shall include:
- i) A large-scale plan showing details of the removal of the in-river haul route and temporary river access ramp as shown on plan reference 04-1106-200 rev 4 dated September 2007 and date stamped 13 Mar 2008,
 - ii) Details of the reinstatement of the riverbank on completion of the works, and final restoration including any re-planting or re-seeding areas including the earth bank at the crossing point;
 - iii) Specifications for the resurfacing and restoration of the definitive footpath and cycleway route/s;
 - iv) Removal of temporary fencing, signage etc and making good;
 - v) Indicative details of ancillary remedial works on the island.
 - vi) Timescales for all the above.

The works shall be undertaken in accordance with the approved details unless otherwise agreed in writing in advance by the local planning authority.

Reason: To ensure the site is restored in accordance with agreed principles and to protect the amenity of the area in accordance with policies S1, S2, DR1 and LA1 of the Herefordshire Unitary Development Plan 2007.

Protected species

- 5 Prior to the commencement of any works, schemes for surveying and protecting the following species and their habitats shall be submitted to and approved in writing by the local planning authority:

- i) White clawed crayfish
- ii) Freshwater pearl mussel
- iii) Bats (all species)
- iv) Otter
- v) Dormouse

The scheme shall include a Method Statement and give details of any protection, mitigation and translocation measures as appropriate, which shall be thereafter implemented in accordance with the approved schemes, unless otherwise agreed in writing in advance by the local planning authority in consultation with Natural England and the Environment Agency.

Reason: To ensure the protection of White clawed crayfish, Freshwater pearl mussels, Bats and other species in accordance with policies S1, S7, NC1, NC2, NC3, NC5 and NC6 of the Herefordshire Unitary Development Plan 2007.

Archaeology

- 6 E01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of policies ARCH1 and ARCH6 of the Herefordshire Unitary Development Plan 2007.

In-river working

- 7 Any in-channel works shall only be carried out during the period between 1st July and 15th October in any year and at no other time, unless otherwise agreed in writing in advance by the local planning authority in consultation with the Environment Agency.

Reason: To prevent adverse impact on protected species and to comply with policies S7, NC1, NC5 and NC6 of the Herefordshire Unitary Development Plan 2007.

Western channel

- 8 No working or disturbance shall take place in the channel to the west of the island or the western riverbank unless agreed in writing in advance by the local planning authority in consultation with the Environment Agency and Natural England.

Reason: To prevent adverse impact on protected species and to comply with policies S7, NC1, NC5 and NC6 of the Herefordshire Unitary Development Plan 2007.

Operating hours**9 F01 (Restriction on hours of working)**

While the in-river works are actually in progress, the hours during which working may take place shall be restricted to 0700-1900 on any day. At all other times including preparatory and restoration work until the project is complete, unless otherwise agreed in writing in advance the hours during which working may take place shall be restricted to 0800 to 1800 hours Mondays to Fridays, 0800 to 1300 on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the locality and to comply with policies NC5 and DR2 of the Herefordshire Unitary Development Plan 2007, whilst enabling the in-river works to be completed as quickly as possible utilising available daylight.

Biodiversity protection**10 The recommendations set out in the submitted Ecological Assessment date-stamped 23 Jan 2008 shall be followed unless otherwise stipulated by conditions attached to this permission or as agreed in writing in advance by the local planning authority. An appropriately qualified and experienced Ecological Clerk or Works shall be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

Reason: To ensure the adequate protection of important species, habitats and designated sites and to comply with the requirements of policies S7, NC1, NC5, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan 2007.

Protection of trees**11 G02 (Retention of trees and hedgerows)**

Reason: To safeguard the amenity of the area and to ensure the development conforms with policy DR1 of the Herefordshire Unitary Development Plan 2007.

No burning**12 I43 (No burning of material/substances)**

Reason: To safeguard amenity and biodiversity, prevent pollution, and to comply with policy DR4 of the Herefordshire Unitary Development Plan 2007.

Vehicle parking and materials storage**13 No plant, machinery, equipment or materials shall be parked or stored other than in the designated location/s approved under condition 3 of this permission unless otherwise agreed in writing in advance by the local planning authority.**

Reason: In order to protect the amenity of the area and to comply with policies DR1, T6 and T8 of the Herefordshire Unitary Development Plan 2007.

INFORMATIVES:

- 1 Aquatic invertebrates, in particular Riffle beetles and mussels, should be protected from disturbance; fine gravels and material such as rotting bark and exposed tree roots should be retained as important habitat.
- 2 Under the Wildlife and Countryside Act 1981 (as amended) it is an offence to cause the growth of Japanese knotweed in the wild. Chemical control of Japanese knotweed should be undertaken once per year only, during August/September. No cutting of the plant should be carried out. 2,4-D Amine is not approved for use near water.
- 3 Himalayan balsam should be controlled by manually uprooting the plant prior to the production of seeds, and the plants appropriately disposed of away from the riverbank.
- 4 The Conservation (Natural Habitats &C) Regulations 1994 (the Habitats Regs) have recently been updated so that disturbance of a European Protected Species can be an offence even if it is the result of an otherwise lawful activity.
- 5 If an area of the river is to be sealed off and drained down (in order to create a dry working area), then a fish rescue must be carried out by suitably competent people on the advice of the Environment Agency's Fisheries Team.
- 6 N11A - Wildlife and Countryside Act 1981 (as amended) - Birds
- 7 N11B - Wildlife & Countryside Act 1981 (as amended) and Conservation (Nat. Habitats & C.) Regs 1994 - Bats
- 8 N11C - General
- 9 N18 - European Protected Species Licence
- 10 ND03 - Contact Address
- 11 HN03 - Access via public right of way
- 12 N04 - Rights of way
- 13 Any re-planting or re-seeding should comprise native species only. The scheme submitted under the requirements of condition 4 ii) above should specify the species, numbers, sizes and area of land.
- 14 HN20 - Common land
- 15 Environment Agency advice on statutory responsibilities and good environmental practice is available at <http://www.environment-agency.gov.uk/business/444251/444731/ppg/> . Please refer to Pollution Prevention Guideline 5 'works in, near or liable to affect watercourses'.
- 16 Any waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environment Act 1990, Carriers transporting waste from the site must be registered waste carriers.

17 N15 (Reasons for the Grant of Planning Permission)

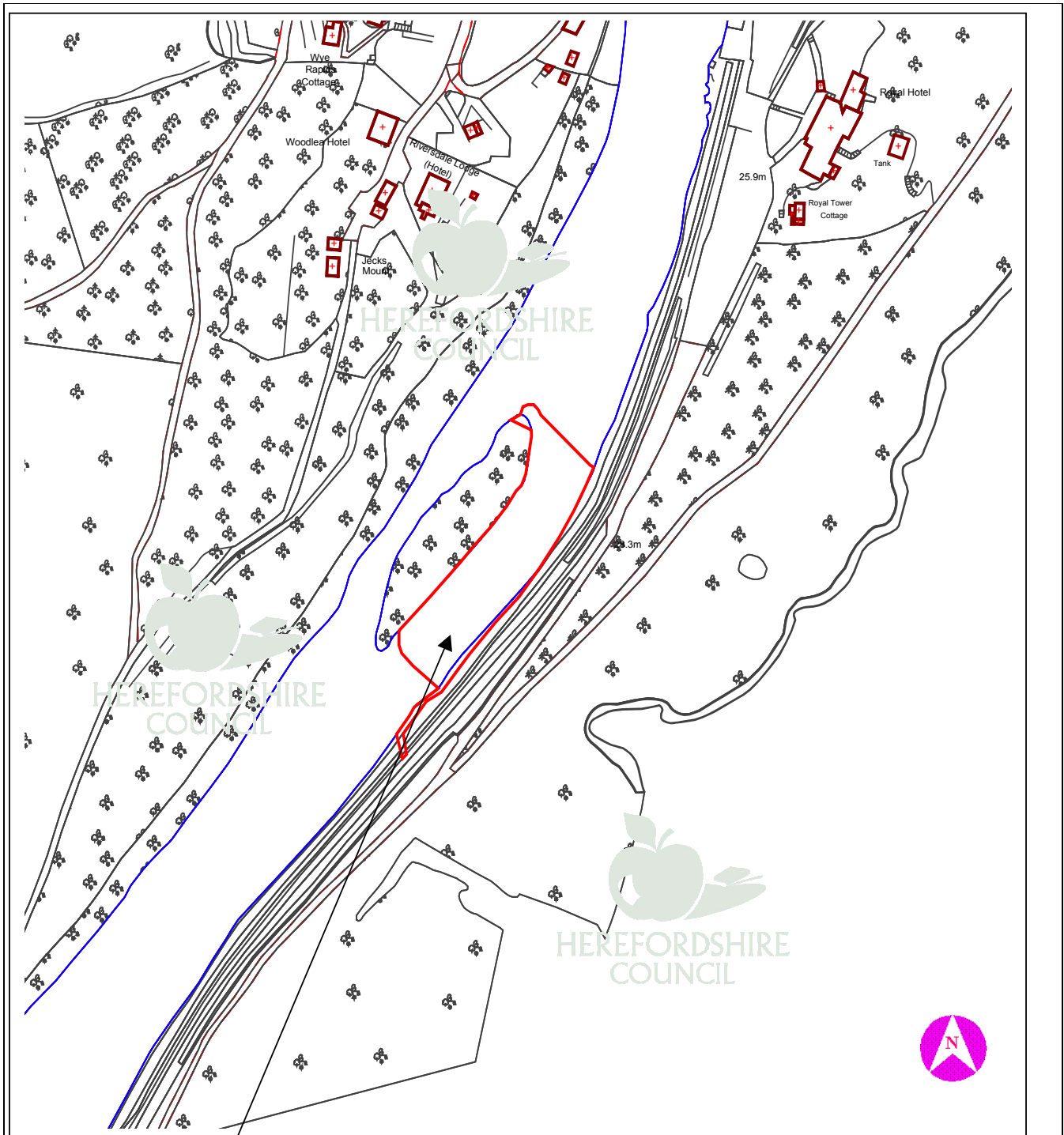
18 N19 – Avoidance of doubt

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2008/0207/F

SCALE : 1 : 2500

SITE ADDRESS : Symonds Yat Rapids, Symonds Yat (on the River Wye), Near Monmouth. OS Grid Reference SO) 561156

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8 DCSE2008/0710/O - ERECTION OF DETACHED HOUSE & GARAGE TO INCLUDE JOINT ACCESS WITH 1 WOODVIEW, 1 WOODVIEW, PONTSHILL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SY.

For: Mrs GV Caldicutt per Mr B Caldicutt, 125 Bullingham Lane, Hereford, HR2 7RZ.

Date Received: 17 March 2008 Ward: Penyard Grid Ref: 64005, 22046
 Expiry Date: 12 May 2008
 Local Member: Councillor H Bramer

1. Site Description and Proposal

- 1.1 1 Woodview is a large semi-detached house that forms a crescent of four dwellings on the north side of the unclassified 70213, almost opposite the former Travelling Hen public house. The Acre is to the west.
- 1.2 This is an outline application for a dwelling and garage that will be located on the south on the south side of the property. The application reserves all matters other than access for future consideration. The existing entrance is to be repositioned west of its present position. Foul drainage is to be disposed to a Bio Disc treatment plant that will drain into an existing septic tank that serves 1-4 Woodview.

2. Policies

2.1 Planning Policy Statement

PPS1 - Delivering Sustainable Development
 PPS3 - Housing
 PPS7 - Sustainable Development in Rural Areas
 PPG13 - Transport

2.2 Herefordshire Unitary Development Plan 2007

Policy S1 - Sustainable Development
 Policy S2 - Development Requirements
 Policy S3 - Housing
 Policy S6 - Transport
 Policy DR1 - Design
 Policy DR3 - Movement
 Policy H7 - Housing in the Countryside outside Settlements

3. Planning History

- 3.1 None.

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 Traffic Manager - recommends refusal. Inadequate frontage to provide satisfactory visibility splay.

5. Representations

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

- The proposed development lies in the centre of the village and has good access to the A40, which has good bus service to Ross-on-Wye and Gloucester;
- The village is also served by two local primary schools at Lea and Weston-under-Penyard with the main comprehensive school at Ross-on-Wye;
- The site cannot be termed open countryside, but in a well-established village environment, with the site being central to the village;
- A development of eight houses is taking place directly across the road from the application site and also a large detached house built some 200 metres west of the site;
- It is fully understood that these house were approved prior to the adopted Unitary Development Plan, but it is difficult to see how circumstances have changed since these approvals;
- In the Deposit Draft Written Statement 2002, Pontshill was included in housing in smaller settlements albeit this has now been superseded;
- While, it is appreciated that it does fall within the adopted Unitary Development Plan, it is felt that this document is becoming restrictive in its form and development should be considered within a defined village envelope such as this application;
- At present the land is being used as access to 1 Woodview, with the garden largely layed down to grass, with a double garage and drive;
- The proposal is for a two-storey detached house with a garage;
- The house will not be any larger than 90 square metres, constructed in brick under a plain tiled roof generally to match the surroundings;
- The aspect of the proposal will be east/west so as to give no overlooking problems with The Acre to the west being some 24 metres from the proposal;
- Foul drainage will be to Bio Disc treatment system;
- The site has a paved drive which is used to serve two properties; and
- It is proposed to move the access slightly to the west to provide joint access to the proposal and 1 Woodview.

5.2 Weston-under Penyard Parish Council: No reply received at time of report.

5.3 Objection from Mr and Mrs GP Smith, 2 Woodview, Pontshill and Mr and Mrs M Teague, Meadow View, Pontshill

- The position of the proposed new build, whilst not preventing light, will obscure the present outlook of 2 and 3 Woodview and be in full view from 2, 3 and 4 Woodview;
- The new build will stand out against the original houses and be detrimental to the look of the crescent;

- Create problems with the water soakaway for 2 and 3 Woodview, a particular issues after heavy or prolonged rainfall;
 - Cause problems due to the instability of the ground after being used as a soakaway for 60 years;
 - The effect another house will have on the sewerage disposal if the present septic tank is to be used;
 - It will block light out our home;;
 - A house placed here would look absolutrely ridiculous; and
 - By altering the layout at the front of the crescent a possible decrease in value of the remaining 3 properties.
- 5.4 A petition with 9 signatures from the residents of 2 and 3 Woodview, Meadow View and The Old Alley, Pontshill objecting to this application has also been received.
- 5.5 Mr R Hughes, 4 Woodview, Pontshill comments "I have enough room for a house or bungalow on my property you will be creating a precedent and I will apply for planning and expect the same consideration."

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

6. Officer's Appraisal

- 6.1 Pontshill is neither a smaller settlement nor a main village identified in the Herefordshire Unitary Development Plan 2007, in "de-listing" Pontshill from the list of smaller settlements the Inspectors Report said "it does not have the level of services or public transport provision necessary for inclusion." As a result the occupants of the proposed dwelling would be likely to rely to a significant extent on the private car. This would be contrary to the objectives of government policy on reducing the need to travel by car as set out in policies S1, S2, S3 and S3 of the UDP, Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing, Planning Policy Statement 7: Sustainable Development in Rural Areas and Planning Policy Guidance 13: Transport. Consequently, for purpose of planning policy Pontshill is located in open countryside, where housing development is strictly controlled unless it meets the exceptions listed in policy H7. The application is not supported by any extenuating reason as to why planning permission should be granted as an exception to the objectives of policy H7 that restricts housing development in the open countryside.
- 6.2 Reference is made by the applicant's agent to the eight houses that are under construction almost opposite the site and the development of a single dwelling to the west of the site. Planning permission for these developments pre-dates the adoption of the UDP. The decisions to approve these applications were considered to accord with the development plan at that time, the South Herefordshire District Local Plan that identified Pontshill as a settlement. It is not considered these decisions make this application acceptable.
- 6.3 In terms of highway safety, this application proposes to reposition the existing entrance west of its current position. In order to provide safe access the Traffic Manager requires a 2 metre x 30 metres visibility splay in both directions. This cannot be achieved within the application site. In terms of highway safety the proposal is unacceptable.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1 The site is located outside a smaller settlement or main village identified for further residential development in the Herefordshire Unitary Development Plan 2007. For the purpose of planning policy the site is located in open countryside where new housing development would be contrary to policy H7. The proposal would also detract from and relate poorly to the planned layout of Woodview, resulting in overlooking from those dwellings. There is no justification for the proposal such that an exception should be made.**

- 2 Pontshill does not have the level of services or public transport necessary to consider it an appropriate place for further housing development. As a consequence the occupants of the proposed dwelling would rely on the use of private transport. Consequently the proposal is not considered sustainable. Accordingly, the proposal conflicts with policies S1, S2, S3 and S6 of the Herefordshire Unitary Development Plan 2007, and the advice relating to sustainable development contained in Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing, Planning Policy Statement 7: Sustainable Development in Rural Areas and Planning Policy Guidance 13: Transport.**

- 3 There is insufficient site frontage available to provide adequate visibility splays to provide safe access to the development. Also the planned driveway will lead to conflict to drivers. Accordingly, the proposal conflicts with policies S6 and DR3 of the Herefordshire Unitary Development Plan 2007.**

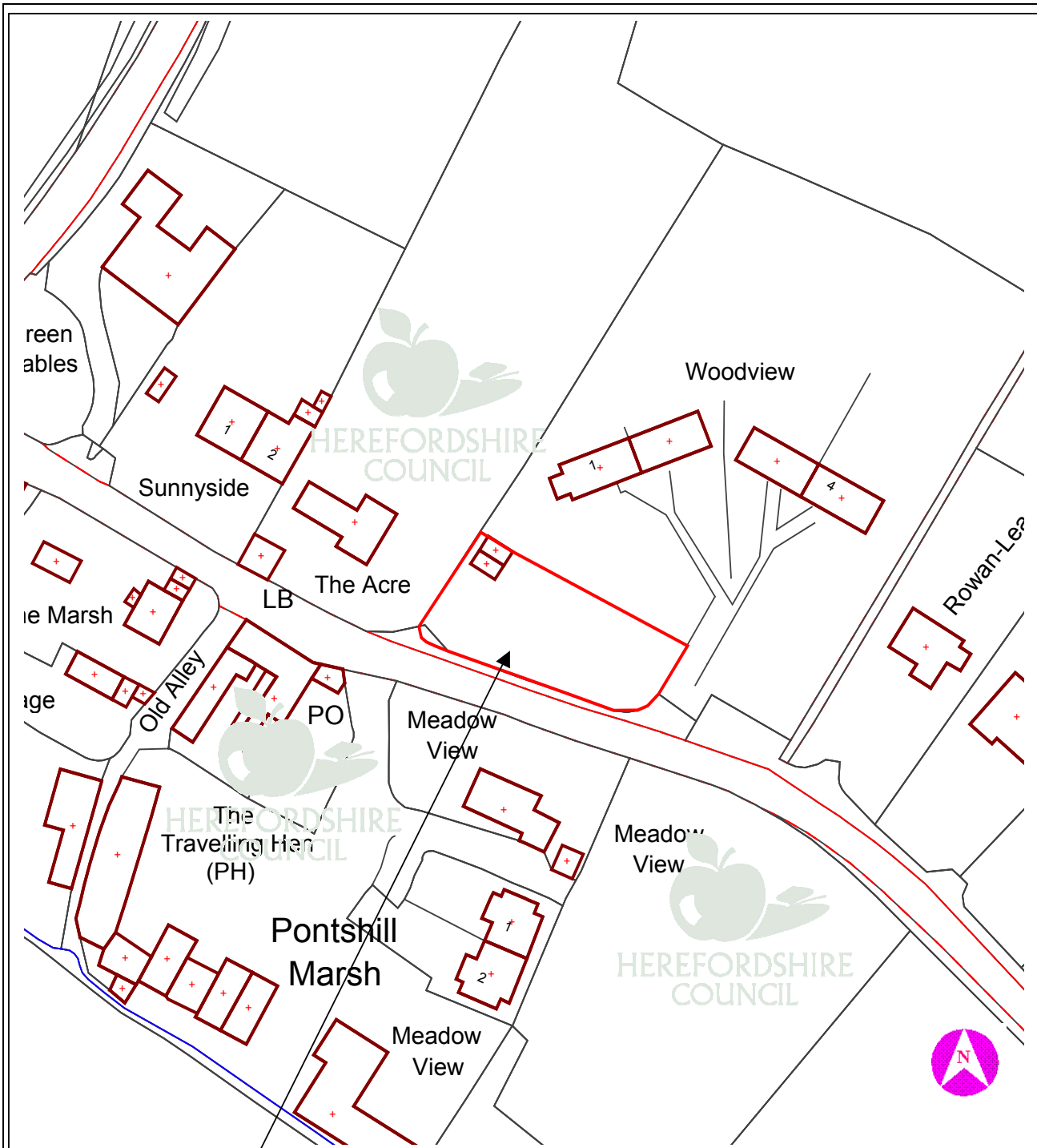
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2008/0710/O

SCALE : 1 : 924

SITE ADDRESS : 1 Woodview, Pontskill, Ross-on-Wye, Herefordshire, HR9 5SY

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9 DCSE2008/0481/F - CHANGE OF USE OF EXISTING DOUBLE GARAGE TO HOLIDAY ACCOMMODATION, LONG RIDGE, LINTON, ROSS-ON-WYE, HEREFORD, HR9 7RS.

For: Mr DP Williams per CG Down, Manor House, Church Street, Churchover, Warks, CV23 0EW.

Date Received: 22 February 2008

Ward: Penyard Grid Ref: 66431, 24823

Expiry Date: 18 April 2008

Local Member: Councillor H Bramer

1. Site Description and Proposal

- 1.1 Long Ridge a much-altered and extended dwelling is located within an area of sporadic development that stretches along the southwest side of the narrow unclassified 70239. High Rising Cottage is to the northwest. The site is located in open countryside.
- 1.2 This application proposes the alteration and change of use of the garage that is tucked into the northwest corner of the garden to holiday accommodation that will provide living/dining area, kitchenette and a bedroom with en-suite bathroom. The entrance onto the 70239 is to improve with a 2.2 metre x site extremity visibility splay. This will require the existing boundary wall that runs along the roadside boundary to be rebuilt on the line of the visibility splay. Parking for five vehicles is to be provided, two spaces for the holiday let and three spaces are shown to be provided for Long Ridge.

2. Policies

2.1 Planning Policy Statements and Guidance

PPS1	-	Delivering Sustainable Development
PPS7	-	Sustainable Development in Rural Areas
SPG	-	Re-use and Adaptation of Rural Buildings

2.2 Herefordshire Unitary Development Plan 2007

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S6	-	Transport
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy H14	-	Re-using previously Developed Land and Buildings
Policy RST1	-	Criteria for Recreation, Sport and Tourism Development
Policy RST12	-	Visitor Accommodation
Policy RST13	-	Rural and Farm Tourism Development

3. Planning History

- | | | | | |
|-----|-----------------|---|---|---|
| 3.1 | SE2001/3425/F | 2-storey extension, single storey side and rear extensions with new dormer window and detached double garage. | - | Approved 21.2.02 |
| | DCSE2004/2459/F | Change of use of use of existing garage into holiday let. | - | Refused 17.12.08
Appeal dismissed 8.8.05 |
| | DCSE2007/2248/F | Change of use of existing garage to holiday accommodation. | - | Withdrawn |

4. Consultation SummaryStatutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Traffic Manager - No objection subject to conditions.

5. Representations

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

- The proposal is to convert an existing stone built double garage into a single self-catering holiday accommodation
- There would be no extension to the garage which lies in the grounds of Long Ridge located in the settlement of Linton Hill
- The area comprises mainly of traditional dwellings which are arranged in a linear pattern along two unclassified roads
- The more substantial settlement of Linton is approximately 1.5km to the north and offers local amenities such as a church, pub and post office. The market towns of Ross-on-Wye and Newent are close offering a wide range of facilities including banking, supermarkets and recreational facilities
- The site is within easy reach of a wide range of tourist facilities
- A similar proposal was dismissed on appeal in August 2005 when the Inspector said the building was of no architectural merit or historic value. However that appeal was considered in the context of the Hereford and Worcester County Structure Plan and South Herefordshire District Local Plan
- The recently adopted Herefordshire Unitary Development Plan sets out the new framework against which this application should be judged. Policies HBA12, HBA13, RST1 and RST12 are relevant
- The garage is of permanent and substantial construction built of stone under a plain tiled roof
- The building has been granted planning permission and must have passed the test on appropriate scale and design for its surroundings and not harming the character of the area
- The site is in a popular tourist area offering a wide range of opportunities for visitors
- The building will require little alteration to bring into alternative use
- The existing building lies within the curtilage of Long Ridge and there would be no impact on local wildlife as a result of its conversion

- The building will provide valuable visitor accommodation which would positively contribute towards maintaining the rural economy without having a negative effect on the character of the area
- 5.2 Linton Parish Council – “Do not support this third attempt to obtain a change of use for a garage on this site. Our comments made in August 2004 and August 2007 still stand. The first application was refused by the planning authority and also dismissed on appeal.

There has already been a misunderstanding of UDP policies HBA12 and HBA13 and RST1 and RST12 and therefore a misrepresentation by the applicant.

When planning permission was given in February 2002 for extensive enlargement of Long Ridge it included a double garage at the end of the garden. Therefore we consider that this application does not comply with PPG7, SPG Re-use and Adaptation of Traditional Rural Buildings or any policies in the recently adopted UDP.

Furthermore this is a designated Area of Great Landscape Value and adjacent to a conservation area, to grant permission for this change of use would set a very undesirable precedent.

As this application does not meet any of the relevant planning policies we hope that Herefordshire Council will be consistent in their decision and refuse planning permission.”

- 5.3 Objections have been received from:

Mrs H Harris, Hillfield,
V Landray, Keytop, Linton
H Palmer, 16 Woodgate, Mile-end, Coleford

- The road is too narrow to serve the proposal
- It will not be in keeping with the present houses in Linton
- There is no mains drainage in the area

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

6. Officer's Appraisal

- 6.1 Policies RST1, RST12 and RST13 support the provision of small self-catering accommodation from the conversion or change of use existing property subject to set criteria. The proposal must be of a scale and design appropriate for its surroundings, not harm the character or appearance of the countryside, and wherever possible be accessible by a choice of modes transport.
- 6.2 The proposal seeks the conversion of a stand-alone double garage that sits unobtrusively in the northwest corner of the garden of Long Ridge to a self-contained holiday unit. The building will require little external alteration to bring into alternative use; replacement of garage doors with window units and side entrance door. These works, which can be carried out without planning permission, have minimal impact on the appearance of this building. Stud partition walls are proposed to create the living/dining area, bedroom and en-suite bathroom and a kitchenette.

- 6.3 While planning permission for the conversion of this building has been previously refused under reference DCSE2004/2459/F and dismissed on appeal that decision was taken in accordance with the operative development plan at the time, the South Herefordshire District Local Plan. The building was also incomplete at the time of decision. Since the appeal decision the Herefordshire Unitary Development Plan is now operative and policies RST1, RST12 and RST13 are appropriate. These policies support proposals for the provision small self-catering holiday accommodation provided it is of scale and design appropriate for its surroundings and does not harm the character of the countryside. The proposal is for the conversion of an existing garage, which was constructed, with the benefit of planning permission, SE2001/3425/F refers, when it was considered the size and scale of the garage would not detract from the character of this part of Linton. The proposal is considered to comply with UDP policies.
- 6.4 The existing entrance is to be improved with the provision of a 2.2 metre x site extremity visibility splay, which the Traffic Manager considers will be suitable in order to provide safe access. Also, the local road network is considered adequate in width to accommodate the additional traffic that will be generated by this proposal.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 F30 (Use as holiday accommodation)

Reason: Having regard to Policies RST1, RST12 and RST13 of Herefordshire Unitary Development Plan the local planning authority are not prepared to allow the introduction of a separate unit of residential accommodation.

3 H03 (Visibility splays)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

4 H05 (Access gates)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

5 H06 (Vehicular access construction)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

6 H13 (Access, turning area and parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

7 H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

INFORMATIVES:

- 1 HN01 - Mud on highway**
- 2 HN04 - Private apparatus within highway**
- 3 HN05 - Works within the highway**
- 4 HN10 - No drainage to discharge to highway**
- 5 HN22 - Works adjoining highway**
- 6 N15 - Reason(s) for the Grant of Planning Permission**
- 7 N19 - Avoidance of doubt - Approved Plans**

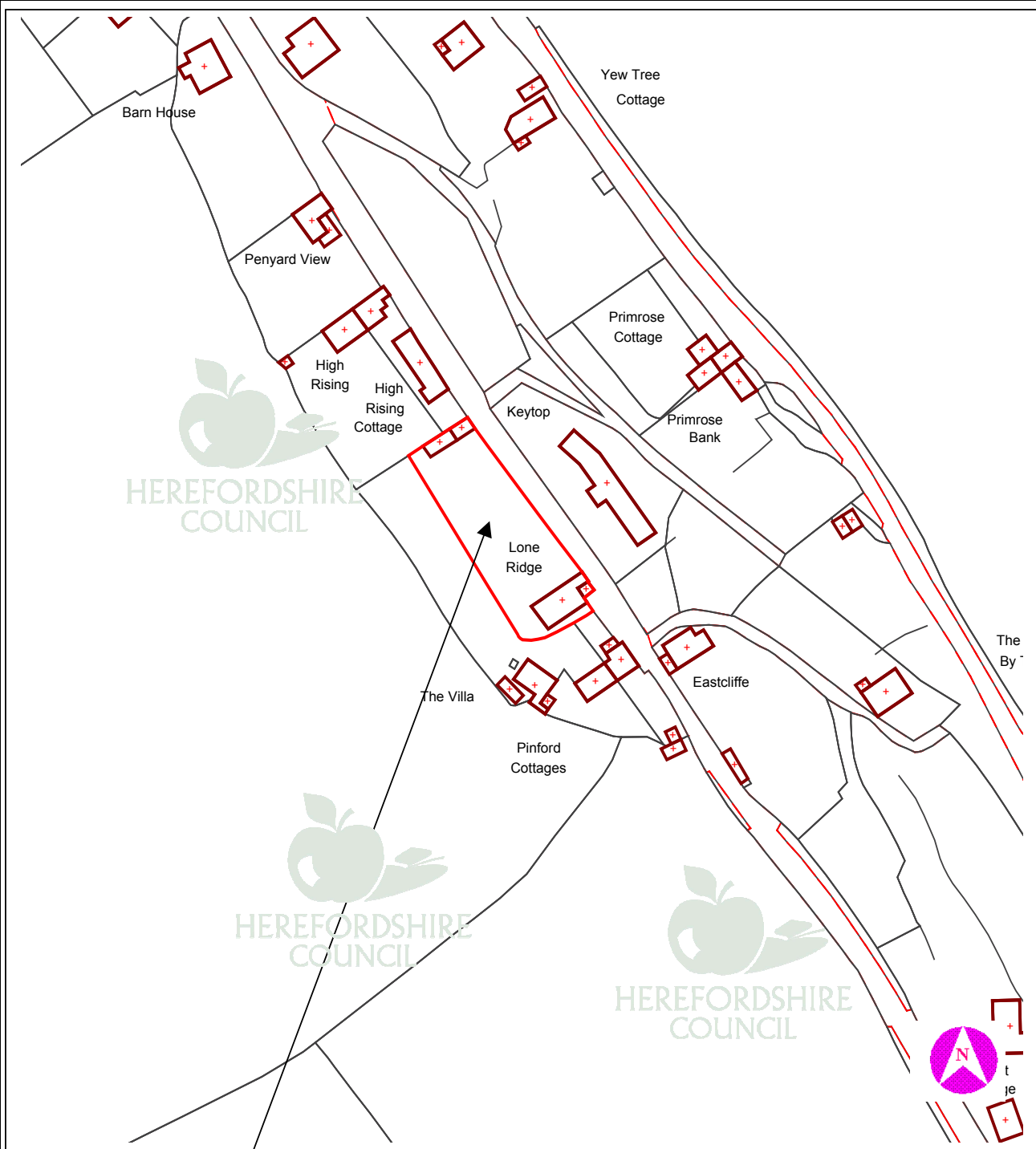
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2008/0481/F

SCALE : 1 : 1362

SITE ADDRESS : Long Ridge, Linton, Ross-on-Wye, Herefordshire, HR9 7RS

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10 DCSE2008/0749/F - CHANGE OF USE OF UNIT E BEAVER CENTRE FROM B1 / B8 TO A1 RETAIL WAREHOUSE AT UNIT E, BEAVER CENTRE, ASHBURTON INDUSTRIAL ESTATE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7BW.

For: Mr & Mrs J Taylor per Carver Knowles, 1 Tower Lane, Taunton, Somerset, TA1 4AR

Date Received: 20 March 2008 Ward: Ross-on-Wye East Grid Ref: 60724, 24348

Expiry Date: 15 May 2008

Local Members: Councillors PGH Cutter and AE Gray

1. Site Description and Proposal

- 1.1 Unit E is a vacant industrial building between Motorservices, a vehicle repair workshop, and Kleen Air Systems on the south side of the unclassified 70615 that leads into Ashburton Industrial Estate from the B4260, Gloucester Road.
- 1.2 This application proposes the change of use of this vacant building from B1/B8 to an A1 retail warehouse for the sale of bagged animal feed, seed, livestock husbandry products and other related products to the public, and taking bulk delivery of compound animal feed stuffs. It is anticipated the proposal will attract up to 15 customers daily. There is ample parking to the front of the unit to provide customer parking and delivery/unloading and collection.

2. Policies

2.1 Planning Policy Statements

- | | | |
|------|---|---|
| PPS1 | - | Delivering Sustainable Development |
| PPG4 | - | Industrial and Commercial Development and Small Firms |

2.2 Herefordshire Unitary Development Plan 2007

- | | | |
|-----|---|--|
| S1 | - | Sustainable Development |
| S2 | - | Development Requirements |
| S6 | - | Transport |
| DR1 | - | Design |
| E5 | - | Safeguarding Employment Land and Buildings |
| E7 | - | Other Employment Proposals within and around Hereford and the Market Towns |
| E8 | - | Design Standards for Employment Sites |
| T11 | - | Parking Provision |
| LA1 | - | Areas of Outstanding Natural Beauty |

3. Planning History

3.1	SH970887PF	Formation of small retail area within existing retail warehouse.	-	Refused 22.10.97 Appeal dismissed 1.5.98
	DCSE2005/0598/F	Change of use from B8 to A1 for the sale of bulky goods.	-	Refused 21.4.05
	DCSE2006/2362/F	Change of use from B8 to B1/B8.	-	Approved 11.9.06

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water: No reply received at time of report.

Internal Council Advice

4.2 Traffic Manager - Recommends conditions.

4.3 Economic Development Officer - Supports the application for the following reasons:

1. Whilst this use would be located on an industrial estate, it is considered that in this instance, that the nature of the proposed agriculturally related activity is such that it is better located here than in Ross town centre.
2. It is noted that the applicant is prepared to accept a personal planning consent, so upon cessation, the use would revert back to B1/B8. The range of agricultural products sold could also be subject of a condition.
3. It is noted that this unit has remained vacant since 2006 (our records show 2005) and no irreversible works are planned to the building.
4. The proposal would appear to be in line with Priority Actions A1.1 Sustainable Land Use and A1.3 Promoting Sustainable Business Practices set out in Theme 1, Sustainable Development - Herefordshire Economic Development Strategy, in the overall length of vehicle journeys local farmers currently make for these products is likely to be reduced, as they will not have to travel the 15 miles as at present for the agricultural goods that it is proposed to provide.

For the above reasons, we hope that planning permission is granted for this new business, which is likely to create 4.5 jobs over time.

5. Representations

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

- The existing use of the building is B1/B8. The unit has been vacant since 2006;
- The proposal is for an A1 retail warehouse with the main distribution element of the business falling under the existing B8 use class. However, since the proposal would involve selling to the general public, the overall use would be mixed retail/storage;
- It is proposed the consent is personal to the applicant;
- The total ground floor area of the unit is 274 square metres. Total floor area of the first floor is approximately 77.57 square metres;
- The proposal does not involve extension or alteration to the permanent structure of the building;

- The proposal does though include the removal of part of the glazed entrance and an internal section of stud wall;
 - The applicant is in the final stages in setting up a "country stores" company that will specialise in the sale of bagged animal feed, seeds, livestock husbandry products and related items, and taking orders for the bulk delivery of compound animal feedstuffs directly from BOCM PAULS feed mills;
 - The applicant has identified a specific need for this type of business in this area;
 - Ross-on-Wye has been identified as being the most suitable location for the business to operate;
 - The nearest competitor is situated approximately 15 miles away. Consultations made by the applicant with the farming community suggests that Ross-on-Wye is a highly appropriate location for the business;
 - As far as the applicant is aware there are no retail premises large enough or appropriate to house the business in the town centre due to product range, and storage space required dictates a minimum of area of 350 square metres;
 - The nature of the business also requires adequate loading and unloading areas;
 - The proposal would provide employment for up to 4.5 workers;
 - The proposal will have no significant effect on traffic on the local road network;
 - It is anticipated that approximately 15 customers will visit the premises daily; and
 - It is considered the proposal will have no impact on the viability and vitality of the town centre.
- 5.2 Ross Town Council: "Recommend refusal. Members are concerned that if this is allowed, a precedent may be set for retail use of these units, which were built for industrial use."

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 area shown as safeguarding employment land on Inset Map ROSS1 in the Herefordshire Unitary Development Plan 2007 where policy E5 is appropriate. The policy acknowledges the importance that both existing and proposed supply of land and buildings is protected for such purposes if the Unitary Development Plan is to successfully maintain and enhance employment opportunities throughout the County. The loss of employment land and premises to non-employment uses such as retail will generally be resisted. The policy places particular importance on the avoidance of A1 retail uses within established employment areas and industrial estates. Retail uses in these areas will only be acceptable where it is ancillary to a principal employment-related use. Close to the site exist a builders merchant, plant hire business and motorcar display and sales. The UDP comments that the essence of these businesses, delivery of bulky goods, requires that they should be located on industrial land away congested from town centre locations. These uses also have ancillary retail sales allowing the principal use to remain predominant. Plans submitted with this application show that the building would be split into two parts, a retail sales area and a storage area. The retail area shows that this function of the proposal will exceed what can reasonably be considered as ancillary. The proposal is for a retail warehouse an A1 Use contrary to Policy E5 that requires employment land and buildings should be reserved for uses within Use Class B of the Use Classes Order. The proposal conflicts with policy E5.

6.2 The site formed part of an application for the change of use of units D, E and F from B8 Use to A1 Use for the sale of bulky goods that was refused planning permission under reference DCSE2005/0598/F.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1 The site is located on the Ashburton Industrial Estate where precedence is given to the protection of land and buildings for Use Class B employment uses. Accordingly the change of use of the building to a retail warehouse would be contrary policy E5 of the Herefordshire Unitary Development Plan 2007.**

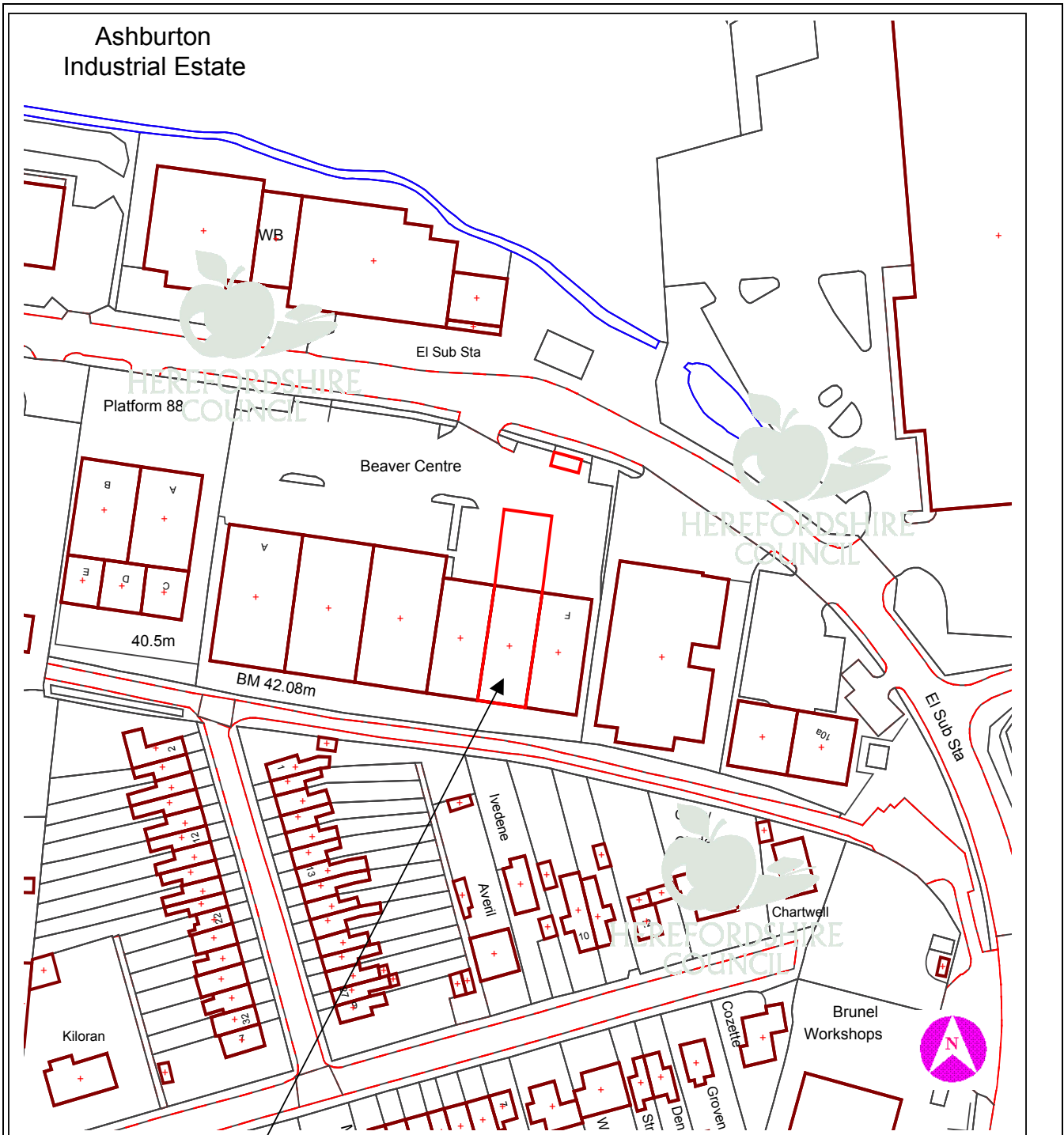
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2008/0749/F

SCALE : 1 : 1250

SITE ADDRESS : Unit E, Beaver Centre, Ashburton Industrial Estate, Ross-on-Wye, Herefordshire, HR9 7BW

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11 DCSW2008/0272/F - PROPOSED NEW LIVESTOCK HOUSING/FODDER STORAGE BUILDING. ALTERATIONS TO EXISTING ACCESS AND PROPOSED ROADWAY ACROSS TO BUILDING, UPPER CEFN, EWYAS HAROLD, HEREFORD, HEREFORDSHIRE, HR2 0JJ.

For: H Bufton, Upper House, Stoke Lacy, Herefordshire, HR7 4RA.

Date Received: 4 February 2008

Ward: Golden Valley South

Grid Ref: 35927, 31048

Expiry Date: 31 March 2008

Local Member: Councillor JB Williams

1. Site Description and Proposal

- 1.1 The proposal site is reached off the south-western side of the unclassified road (u/c 74209) that links Bacton to the north and Abbey Dore and the outskirts of Ewyas Harold Common to the south-east. This unclassified road almost runs along a ridge. The Dulas Brook is to the west and at the bottom of the valley. The unclassified road is fringed by mature hedging on both sides, including well established hedging on the frontage of the applicant's existing farm holding. There are no buildings on the holding at present.
- 1.2 It is proposed to erect a livestock/fodder storage building on the down-slope from the unclassified road. The building is 22.8 metres long by 22.4 metres wide. It is 6.8 metres to the ridge. The roof has a 15 degrees roof pitch and is clad in slate blue coloured fibre cement sheeting; the sides are covered in slate blue coloured polyester coated box profile steel sheeting on the flanks and Yorkshire boards on the gable ends.
- 1.3 The building will be accessed via a track comprising hardcore blended with scalpings; the track branches off the existing track that declines to Upper Cefn and a further dwelling comprising a converted barn (Cefn Barn) both in separate ownership/occupation. The track leads some 110 metres before gently curving and heading a further 180 metres to the proposed building.
- 1.4 An earlier submitted scheme proposed siting the building further up slope, i.e. to the north-west of the current siting. Access was also taken directly from the unclassified road to the north-east close to an existing oak tree. This would have sub-divided the holding and entailed the removal of hedging on both sides of the new access point. This application was withdrawn. The Parish Council did not object to the earlier scheme.

2. Policies

2.1 Planning Policy Statement

PPS7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007

Policy S2	-	Development Requirements
Policy S7	-	Natural and Historic Heritage
Policy LA2	-	Landscape Character and Areas Least Resilient to Change
Policy DR3	-	Movement
Policy DR2	-	Land Use and Activity
Policy DR1	-	Design
Policy E13	-	Agricultural and Forestry Development

3. Planning History

- 3.1 DCSW2007/1755/F Livestock housing/fodder storage - Withdrawn 27.07.07
building including alterations to
access

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Traffic Manager requests that visibility is improved across the roadside frontage, which he considers is easily achieved.
- 4.3 The Council's County Land Agent states that the erection of a farm building would be advantageous for the land to be farmed rather than grazed only. Information provided relates more to possible future dwelling. Isolated, need fodder storage and dirty water handling facility. Access better off the existing driveway, previous scheme sub-divided holding.
- 4.4 The Environmental Health and Trading Standards Manager has no objections.
- 4.5 The Conservation Manager's response is awaited.

5. Representations

- 5.1 In the Design and Access Statement that accompanied the application the following main points are made:
- open span, steel portal frame structure
 - welfare issues prefer livestock to be wintered off pasture. Building can be divided into pens
 - eaves height allows for big bales to be stacked with mechanical handler and farm vehicles to enter successfully
 - the site is level
 - given location, roof will have slate blue coloured roof sheeting and cladding together with tanalised Yorkshire board side cladding.

5.2 Dulas Parish Council make the following observations:

“The Group Parish Council object to this application for the reasons given:

1. Unitary Development Plan (UDP)

The foothills of the Black Mountains are listed (UDP 9.4.8) as a nationally acclaimed landscape. The agricultural area around the Black Mountains has been identified as 'fragile' and is vulnerable to inappropriate development.

The proposed barn will be visible from the other side of the valley and the Black Mountains, which is an important tourist area.

The construction of a modern barn on this site is contrary to UDP 9.4.4

- Protect the countryside from unsympathetic and unsustainable development.
- Safeguard landscape character and particular landscapes.

2. Damage to fragile environment

The proposed agricultural barn is sited on a remote rural hilltop, on a slight rise, at a considerable distance from other buildings. Whilst the site has neither water for cattle, nor drainage; it does enjoy superb views to the Black Mountains. It is our view that this is quite the wrong place for a modern agricultural unit, or indeed any building at all.

3. Sustainability

Whilst the proposed barn is large enough at approximately 22m x 22m to be intrusive in a landscape of outstanding natural beauty, we are informed that this barn is in fact too small to service an economically viable cattle unit, as it will only hold 18 head of cattle. This barn development does not appear to offer any economic benefit either to the applicant or the community.

4. Skyline intrusion

The large roof will intrude on the skyline and be clearly visible for up to 10 miles.”

5.3 One letter of representation has been received from:

Mr A Donaghy, Upper Cefn, Abbeydore, Hereford, HR2 0JJ.

The following main points are made:

- in essence have no real concerns though surprised by scale
- new access route will have an impact on surface water stream which will possibly be closer to my water supply.

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

6. Officer's Appraisal

- 6.1 The main issues relate to the impact of the building in the landscape, the need for the building, the means of access and the impact on an adjoining property.
- 6.2 The site for this building has been the subject of pre-application discussion that has resulted in the building being sited down slope from that originally envisaged last year. This will, together with the revised means of access, provide a backdrop up slope from the site, of unbroken mature hedging. The siting for the building is also more adjacent to a clump of trees than the previously submitted site. The building is sited on a hillside, however this is mitigated by the context of the site of established trees and hedging. Dulas Parish Council refers to the preamble to Policy LA2, however this should not be read as strictly restricting the erection of all buildings in the open countryside, there is a recognition as regards agricultural and forestry development that often such development is prominent in the landscape.
- 6.3 The use of sympathetically coloured materials will also assist in settling the building into the landscape. The use of dark matt colours on farm buildings when viewed against the sky; the dark colours assist given pitched roofs reflect more light than vertical walls.
- 6.4 The Council's Property Services Manager has assessed the need for the building proposed on this site. The land is essentially grazed at present, the erection of a multi-purpose building enables this area of upland to be farmed not just grazed on this isolated site. There are not considered to be reasons for withholding planning permission on grounds of the development being unsustainable. The building proposed will enable the applicant to utilise the site.
- 6.5 The use of the existing means of access will provide an access that will result in minimal hedgerow being removed from the highway frontage. The Traffic Manager has not objected to the dual use of the existing point. The alignment of the access road will not result in a lot of earthworks such as cut and fill, given the contours of the site.
- 6.6 Representations have been received from an adjoining property raising concerns about the proximity of the access track to surface water collection points and the possibility of surface water being directed to the lowest point near to a water supply. This matter is considered to be one that could be resolved between the parties involved. It is not a matter that is substantive enough such that the application could not be supported.
- 6.7 The proposal can be supported given it has been sensitively sited and utilises materials which will help settle it into the landscape. There is an implicit support in countryside planning policies for agricultural and forestry development which is often on elevated sites. The complication for the submitted scheme is the site has no existing buildings to which a new building could be sited against. The means of access is satisfactory in terms of providing a safe means of access for general highway safety. The access will also entail the optimum intrusion in the landscape by retaining the existing established roadside hedgerow.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2. **B02 (Development in accordance with approved plans and materials)**

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

3. **G02 (Retention of trees and hedgerows)**

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan

4. **G13 (Tree planting)**

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

5. **H03 (Visibility splays)**

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

6. **H05 (Access gates)**

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

7. **H09 (Driveway gradient)**

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

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

Reason: To ensure the safe and free flow of traffic on the highway and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

Informative(s):

1. **HN01 - Mud on highway**

2. **HN04 - Private apparatus within highway**

- 3. **HN05 - Works within the highway**
- 4. **HN10 - No drainage to discharge to highway**
- 5. **N19 - Avoidance of doubt - Approved Plans**
- 6. **N15 - Reason(s) for the Grant of Planning Permission**

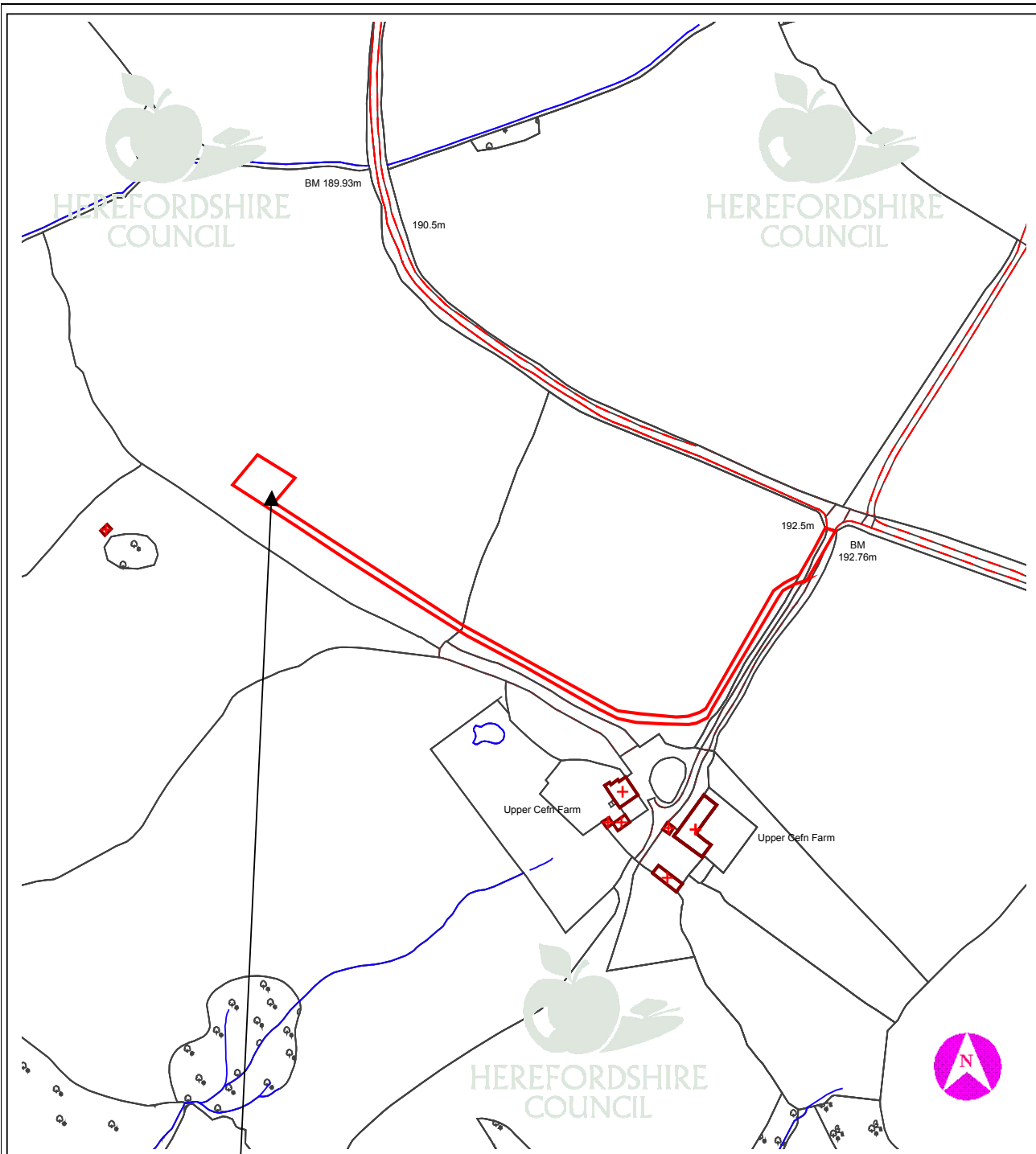
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2008/0272/F

SCALE : 1 : 2500

SITE ADDRESS : Upper Cefn, Ewyas Harold, Hereford, Herefordshire, HR2 0JJ

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12 DCSW2008/0294/F - CONSTRUCTION OF A 5 BED RESIDENTIAL C2 CARE HOME FOR ADULTS WITH LEARNING DISABILITIES WITH ASSOCIATED PARKING, HUNTERS LODGE, WORMELOW, HEREFORD, HR2 8EQ.

For: Voyage per Mr S Morris Homewood Design Ltd, 9 Offa House, Orchard Street, Tamworth, Staffordshire, B79 7RE.

Date Received: 22 February 2008

Ward: Valletts

Grid Ref: 49029, 30310

Expiry Date: 18 April 2008

Local Member: Councillor MJ Fishley

1. Site Description and Proposal

- 1.1 Hunters Lodge, which formerly comprised the stable block to Bryngwyn Manor (a Grade II Listed building) is reached off the western side of the junction of the A466 road on the northern end of Wormelow. The driveway also serves Bryngwyn Manor, which comprises an engineering plant and residential flats, Hunters Lodge and a former Lodge House near the end of the driveway which joins the B4348 road.
- 1.2 The site constitutes Hunters Lodge which was formerly a nursing home before the current use which is for adults with learning difficulties and autistic spectrum disorders. Both these uses fall within Class C2. Planning permission was initially granted for the principle of the development of semi-independent accommodation for residents in association with the then nursing home at Hunters Lodge. The new owners submitted a detailed application and a separate detailed application providing a less intensive scheme. The two applications were both refused but were subsequently allowed on appeal.
- 1.3 The applicants have implemented the planning application allowed on Appeal. The scheme allowed is for the erection of four detached buildings, to provide three care homes and a communal leisure facility. Works are nearing completion on three buildings, work on the remaining one has not begun. The current proposal entails the erection of a care home in lieu of the approved day care centre.
- 1.4 The proposed care home will provide five bedrooms each en-suite, lounge, kitchen/dining room, office, activity room, one small staff bedroom and laundry room. The building is 10.3 metres wide and 22.3 metres long for the main building together with a flat roofed element leading off the north-eastern corner. The building is 6.5 metres to the ridge. The roof will be covered in plain clay tiles with facing brick, cream coloured render and vertical timber cladding areas on the walls. The materials match those already approved and used on the three other care home buildings.
- 1.5 The footprint of the building is approximately 500mm narrower than the day care centre, but is 900mm shorter in length. It is sited on the same site area, this creates more space to the west, i.e. between the building and Hunters Lodge; this space provides an additional parking space for residents.

2. Policies**2.1 Planning Policy Statement**

PPS7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007

Policy DR1 - Design
 Policy DR2 - Land Use and Activity
 Policy DR3 - Movement
 Policy HBA4 - Setting of Listed Buildings
 Policy T11 - Parking Provision
 Policy T16 - Access for All

3. Planning History

- 3.1 SH890647PF Change of use from residence of flats into registered residential home - Approved 24.05.89
- SW2001/0889/O Extensions to existing residential home/limiting to people 55 years old - Approved 23.09.02
- DCSW2005/2231/RM Reserved matters for erection of low dependency units - Refused 05.10.05
 Allowed on Appeal 12.01.07
- DCSW2006/0594/F Erection of 4 detached buildings (to provide 3 small care homes) and communal leisure facility - Refused 25.05.06
 Allowed on Appeal 12.01.07

4. Consultation SummaryStatutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Traffic Manager "concerned about access onto B4348 road, no visibility to left. However, understand appeal over-ruled this objection. Therefore, recommends conditions be attached."

5. Representations

- 5.1 In a Design and Access Statement that accompanied the application the following main points are raised:
- know that change of use from communal leisure facility/swimming pool to a new care home requires planning permission

- Hunters Lodge has been converted to a 10 bedroom residential care home for young adults with learning disabilities
- access via private drive to Bryngwyn manor
- within approved footprint, internal layout has been reconfigured
- car parking provision for 3 vehicles
- landscaping will not be materially altered from that approved
- building retains massing, design and use of materials, provides accommodation for a further 5 adults with learning disabilities
- residents could also have special mobility and wheelchair requirements and possibly impaired vision
- paths, 1200mm wide around building, ramped approach to front door in accordance with Document M.

5.2 In a client statement submitted, the following main points are raised:

- 5 person service will have own staff, independent from three other units
- each bedroom has en-suite bathroom, lounge, kitchen/dining room, activity room. Small office used by staff plus staff sleep-over facility
- designed for people aged 18 to 65, many at present located outside the county
- for young people who have finished education and now need a permanent home
- people returning from out of county placements
- inappropriately placed people looking for suitable place to live
- people at present with parents or other carers when need to be settled, given carers may not be able to care for them
- manager will be supervised by local Operations manager. Manager normally supported by 2 senior support workers
- ratio of support, normally one member of staff to 2 service users; to one staff member to one service user
- staff mostly available during day supporting at home, or out and about, i.e. shopping, attending college, accessing leisure facilities, etc.
- demand for people with learning disabilities to stay in area, as parents would wish them to remain in the area
- adequate parking for level of operations proposed; anticipated locally employed people will use public transport, cycle, share vehicles, be dropped off
- service users will not drive but will have access to an adapted vehicle
- keypad system for locking doors and normal Yale lock.

5.3 The Parish Council make the following observations:

“The Parish Council has some concerns regarding this application. The proposal would increase the number of residents to thirty three and the Council consider that large numbers of these unfortunate people in one place would be detrimental to their well being in the locality. The proposal indicates that the applicants are more interested in making money than providing some recreational facilities for the residents, they must surely deserve pleasure. The Council also request a condition put in place to prevent any further expansion and development on the site.”

5.4 Three letters of objection have been received from:

Mr BGL & Mr MR Ormerod, Leycor Investments and Timothy Ormerod Ltd, Bryngwyn Manor, Wormelow, HR2 8EQ
Ms S Ormerod, The Garden Flat, Bryngwyn Manor, Wormelow, HR2 8EQ
Mr & Mrs M Ormerod, The Gatehouse, Bryngwyn, Wormelow, HR2 8EQ

The main points raised:

- five times volume of traffic
- more car parking needed, for more staff
- no local amenity (public house), need for staff and users to go out more (with loss of leisure centre)
- single track road, not suitable for staff numbers (i.e. 50). It is inadequate
- at least 75% will drive plus many other visitors
- dangerous for pedestrians using driveway
- no local need, according to PCT
- occupants go out more than suggested (at Hearing)
- our businesses rely upon good access
- poor demographics, 35 residents in population of 250 in Wormelow. An imbalance
- only one local member of staff, rest travel from Hereford and Ross-on-Wye. Bus service is inadequate
- what will development contribute to the community?
- impact on our lives and our children already, investment not protected nor privacy or safety of our tenants.

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

6. Officer's Appraisal

- 6.1 The main issues are considered to relate to the design for the building, the loss of the leisure facility, the increase in staff and residents/occupants and the associated increase in traffic.
- 6.2 The site has the benefit of planning permission for two different schemes allowed on appeal. The applicant has opted to develop the less intensive scheme; the other scheme entailed the extension of Hunters Lodge itself. The scheme currently being built covers less of the well treed grounds around Hunters Lodge which contributes to the amenity and setting of Bryngwyn Manor. The design and materials replicates that of the leisure facility originally approved for the scheme and are satisfactory and in accordance with Policy DR1 in the Herefordshire Unitary Development Plan 2007.
- 6.3 The leisure facility which will be replaced by the 5 bedroom care home is at the hub of this scheme. It is the perception of the objectors that this new element will in turn produce more traffic given the increase in staff required and the fact that residents and accompanying staff will need to go off site for leisure facilities. However, it is stated that there will be residents going off site for educational purposes and on shopping excursions which clearly would have been the case if the leisure facility, including the swimming pool had been developed. The appointed Inspector when determining this scheme and the above-mentioned larger scheme did not specifically condition the use of the leisure facility, i.e. that it be built before other buildings (care homes are occupied) or that it was specifically conditioned for that use alone. It is a matter that has to be treated on its merits. The use is clearly compatible with the approved uses, and it is considered that the loss of the leisure facility is not a reason in itself for the scheme to be resisted.
- 6.4 The new scheme provides five additional parking spaces, three of which are in close proximity to the proposed 5 bedroom care home. This brings the total car parking spaces to 28 spaces. This provision is considered to be acceptable as it constitutes a

proportionate increase from that allowed on Appeal. It should also be remembered that the leisure facility would have generated traffic from outside the site. The proposed car parking provision is satisfactory.

- 6.5 There could be more traffic using the trackway linking the B4348 to Hunters Lodge and Bryngwyn Manor further to the west. The access needed to gain access, the fact that it passed The Gatehouse at the entrance and the poor visibility onto the B4348 were all matters that came within the remit of the appointed Inspector when determining the original scheme. It is not considered that the erection of a five bedroom unit would in itself produce traffic using the access road.
- 6.6 The other matters raised such as the number of occupants, as a proportion of the Wormelow population, whether or not there is a perceived need and the inadequacy of the bus service are all matters that were aired at the appeal Hearing for the original scheme. The appointed Inspector concluded that there would only be a modest increase in traffic, often at off-peak times, and that the facility would be well regulated and that the size of the complex in population did not unbalance the community structure given the degree of physical separation. Therefore, it is not considered that the proposal entails a significant change from the implemented scheme.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2. **B02 (Development in accordance with approved plans and materials)**

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

- 3. **H13 (Access, turning area and parking)**

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

Informative(s):

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

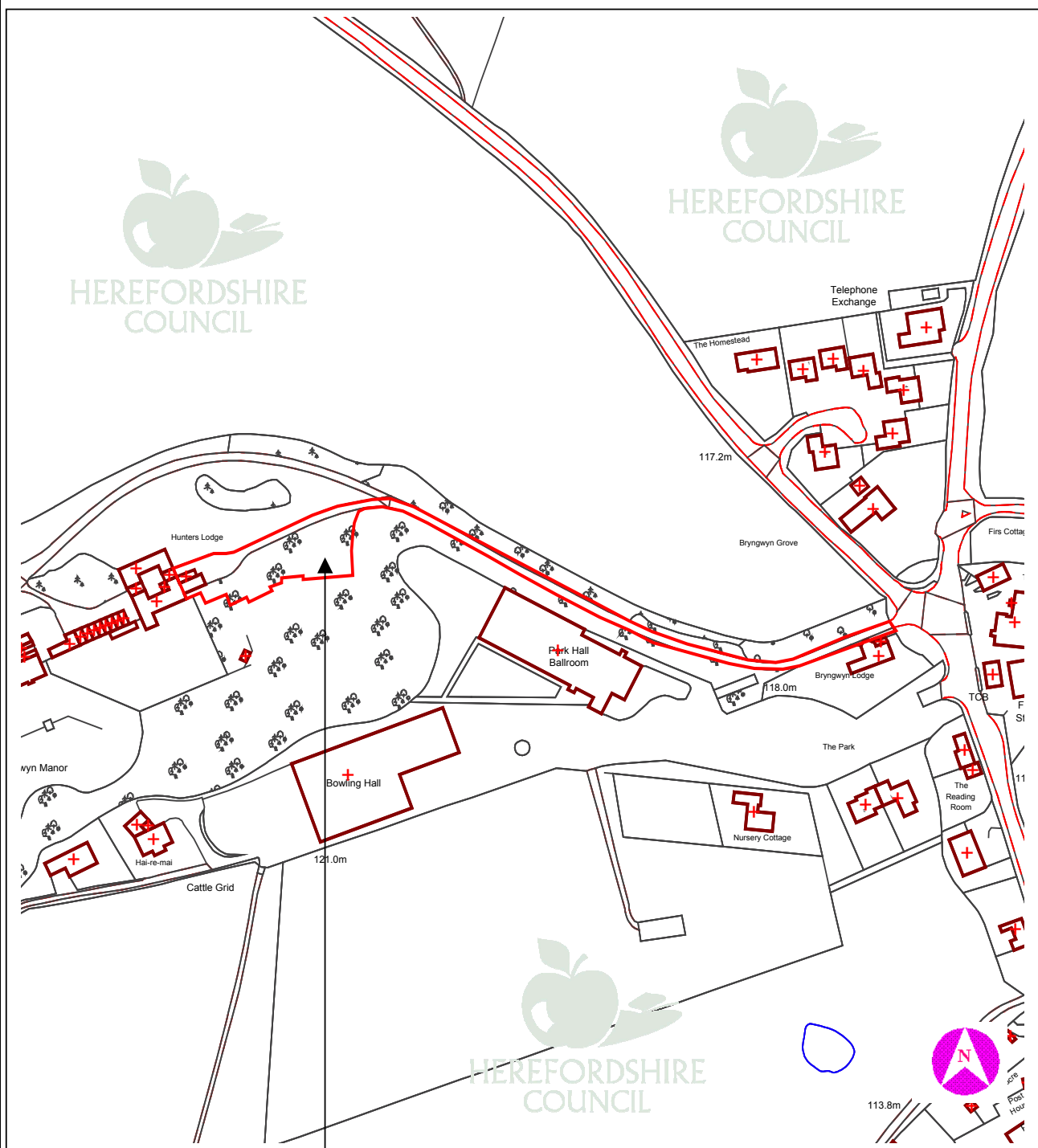
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2008/0294/F

SCALE : 1 : 2500

SITE ADDRESS : Hunters Lodge, Wormelow, Hereford, Herefordshire, HR2 8EQ

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13 DCSW2008/0430/F - ALTERATION TO GARDEN BUILDING (RETROSPECTIVE), BRYNMELYN, CUSOP, HAY-ON-WYE, HEREFORDSHIRE, HR3 5RQ.

For: Mr & Mrs R Booth per Mr I Jardin, Burnside, Cusop, Hay-on-Wye, Herefordshire, HR3 5RQ.

Date Received: 20 February 2008

**Ward: Golden Valley
North**

Grid Ref: 24086, 41193

Expiry Date: 16 April 2008

Local Member: Councillor PD Price

1. Site Description and Proposal

- 1.1 Brynmelin is a large detached dwelling located in an elevated position on the eastern side of the classified road (C1203), within the open countryside and parish of Cusop. The dwelling stands in extensive grounds with a range of outbuildings located some 40m to the north of the dwelling. The outbuildings are 1½ storey and constructed from stone with fibre cement panels to the front elevation under part corrugated steel and clay pantile roof. A dwelling 'The Old Stables' is located some 10m from the front elevation of the outbuildings.
- 1.2 The application is retrospective for alterations to the outbuilding. The eaves height of the front elevation has been raised by 0.6m, the first floor windows have been repositioned, the fibre cement panels have been replaced with wooden cladding and the corrugated steel roof panels have been replaced.

2. Policies

2.1 Planning Policy Guidance

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

2.2 Herefordshire Unitary Development Plan

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S7	-	Natural and Historic Heritage
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy H18	-	Alterations and Extensions
Policy HBA8	-	Locally Important Buildings

3. Planning History

- 3.1 No planning history.

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 proposal.
- 4.3 The Conservation Manager has no objection to the proposal but requests that conditions be attached requiring the external timbers be painted or stained and that the pantiles from the southern half of the roof be reinstated in order to retain the view from the main house.

5. Representations

- 5.1 Cusop Parish Council has no objection to the proposal.
- 5.2 One letter of representation and objection has been received from:

Richard and Anne Greaves, The Old Stables, Cusop, HR3 5RQ

In which the following main points are raised:

- The increased height of the front elevation results in a much more domineering effect.
 - The revised openings give the building the appearance of a small cottage, the previous structure was a storage stable type of structure.
 - The changes are likely to lead to an intensification of usage that could be highly detrimental to the amenity and privacy of our property. The enlarged upper storey opens up the possibility of other uses.
 - The two windows in the upper storey are both larger and higher than before. They are now at eye level of anyone in the upper storey and afford a view directly across into our bedroom window opposite. This is a serious intrusion into our privacy.
 - No clear indication of the future use of the building.
 - Roof gutters and pipes allow water to drain across the drive
 - Mismatch of materials and raising of eaves does not achieve a high quality of design that this setting requires
 - Proposal will have a significant detrimental impact on the amenity of our property which is the neighbouring dwelling and does not respect the context of its surroundings through its scale, mass, detailed design and materials
 - In the event of permission being granted ask that approval is subject to the removal of the upper storey windows or they are required to have frosted glass and also subject to the use being agricultural and/or storage only.
- 5.3 The applicants have provided the following response to these representations:
- Building used for domestic purposes ancillary to the main house. Wish to continue to use the building as a flexible domestic ancillary space.
 - Intended that gutters and downpipes will connect to an existing private drain that already serves the building

- Conscious of the amenity and privacy needs of neighbours, but feel these have to be balanced against their own need to make reasonable use of property.
- Front elevation of 'The Old Stables' was already visible from the upper floor of the building and roadway outside. The degree of privacy for the front of the 'Old Stables' is therefore little different from many private houses facing a public highway.
- Although the eaves height has been slightly raised, the ridge height, and therefore the total height of the elevation, remains unchanged.
- Only design question is what is appropriate to its immediate setting and function - which is of a range of practical buildings in a small country estate. Metal sheeting and lapped wooden cladding are common and by now traditional materials for such buildings, and an improvement on what was there before. Anything more 'polite' would be inappropriate for such a function and setting.

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

6. Officer's Appraisal

- 6.1 The main issues for consideration of the application are:
- Whether the proposal is in keeping with the character of the existing dwelling and its surroundings in terms of scale, mass, siting detailed design and materials.
 - Whether the proposal would adversely impact on the privacy and amenity of occupiers of neighbouring residential property.
- 6.2 Policy DR1 sets out a general requirement for all new development, including redevelopment, to be designed and built to a high standard in order that the resultant scheme contributes to the quality of the wider built environment.
- 6.3 Policy H18 makes provision for the alteration, extension and improvements of dwellings and/or erection of ancillary domestic outbuildings, subject to the proposal being in keeping with the character of the existing dwelling in terms of mass, scale, design and materials, as well as having proper regard for the environmental quality of the surrounding area including the amenity of neighbouring dwellings.
- 6.4 The proposal is retrospective for work to an existing outbuilding that is used for domestic purposes ancillary to the main house. No change of use is proposed. The outbuilding was in a poor state of repair and required urgent work to make the building safe. In the process of undertaking this work the applicants raised the front elevation of the building and altered the position of the first floor windows to make a more practicable space at first floor level.
- 6.5 The outbuilding is of little historical or architectural interest. Whilst it is unfortunate that the design and distribution of the windows has been altered, the resultant design and appearance is not sufficiently harmful to warrant refusal of the application. The use of lapped wooden cladding and corrugated sheeting are traditional materials for ancillary outbuildings. A condition can be attached to ensure that the building is dark stained within one month of the date of permission.
- 6.6 Concern has been expressed about the impact of the increase in height of the building and the repositioning of the windows on the neighbouring dwelling. The overall height of the building has not been increased. The eaves of the front elevation have been raised by 0.6m. It is considered that there is sufficient distance between the outbuilding and the neighbouring dwelling for there to be no overbearing impact. The front

elevation of the 'The Old Stables' was already visible from the upper floor of the outbuilding. Therefore the repositioning of the windows is not considered to have a harmful impact on the amenity of the neighbouring dwelling to warrant refusal of the application.

- 6.7 Concern has been expressed about the proposed use of the building. The applicant intends to continue to use the building for domestic purposes ancillary to the main dwelling. Due to the proximity of the building to 'The Old Stables' it is proposed to apply a condition to remove the right to use the building for habitable accommodation ancillary to the main dwelling.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. **F08 (No conversion of outbuilding to habitable accommodation)**

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

- 3. **C08 (Colour of cladding)**

Reason: To protect the visual amenities of the area and to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

Informative(s):

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

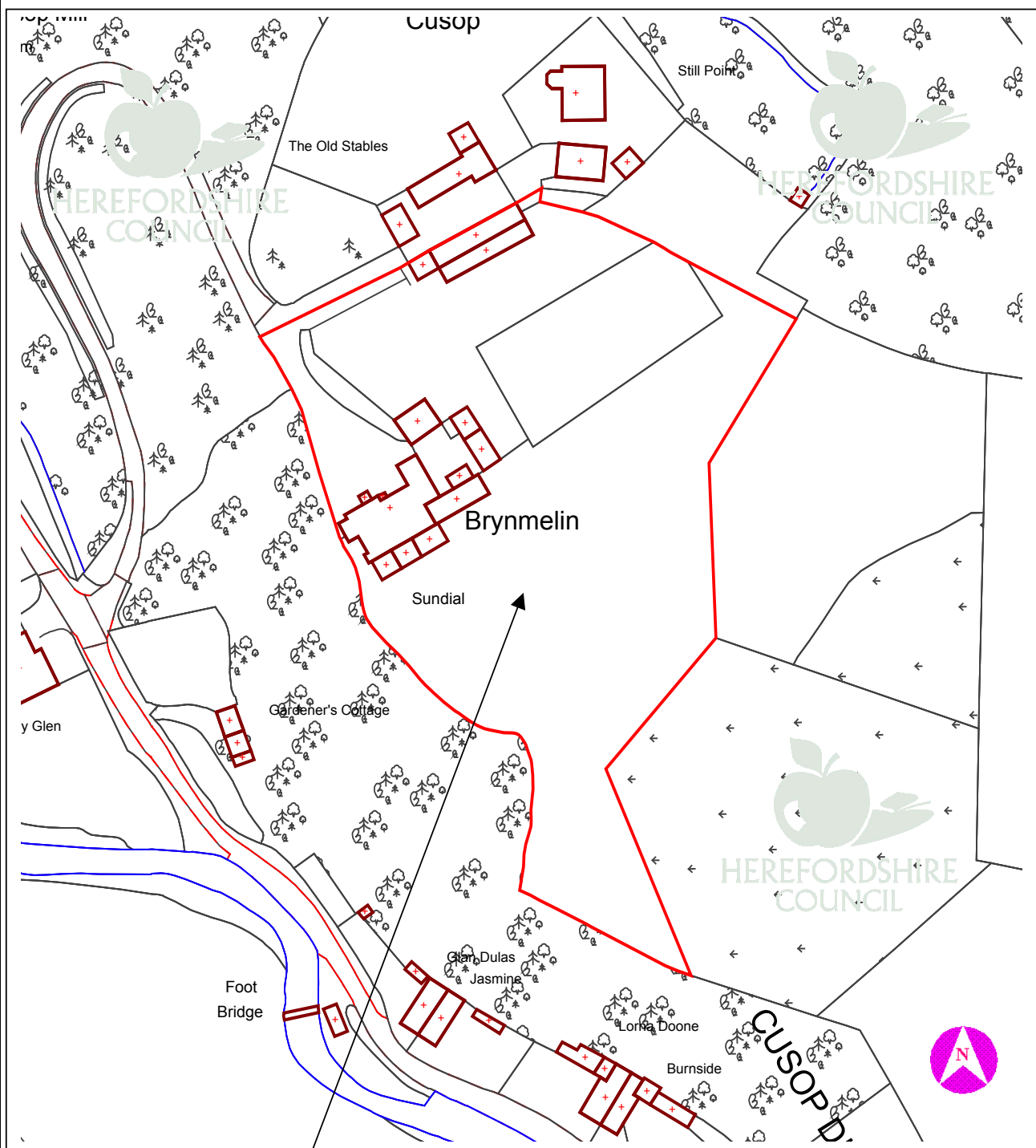
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2008/0430/F

SCALE : 1 : 1250

SITE ADDRESS : Brynmelyn, Cusop, Hay-on-Wye, Hereford, Herefordshire, HR3 5RQ

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14 DCSE2008/0613/F - CHANGE OF USE FROM AGRICULTURAL LAND TO DOMESTIC AT LAND TO THE REAR OF PYECROFT, FRIMBLE HOUSE AND EGATTOC, MONK'S MEADOW & DYMOCK ROAD, MUCH MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2NF.

For: C & V Cottage, D & B Cowell, D & A Farnell per Mr DWJ Cowell, Pyecroft, 6 Monk's Meadow, Much Marcle, Ledbury, Herefordshire, HR8 2NF.

Date Received: 7 March 2008

Ward: Old Gore

Grid Ref: 65886, 33014

Expiry Date: 2 May 2008

Local Member: Councillor RH Smith

1. Site Description and Proposal

- 1.1 Pyecroft, Frimble House and Egattoc are detached dwellings that lie on the eastern side of the B4024, backing onto an open agricultural field, within the settlement of Much Marcle and the Much Marcle Conservation Area. The historic house complex of Hellens and associated unregistered gardens are located some 300m to the north east of the site. The unregistered gardens extend out towards the east, away from the village. One of the original approaches to Hellens, Monk's Walk, remains and this passes along the south-eastern edge of the agricultural field. A public right of way passes along this driveway.
- 1.2 The application proposes the change of use of agricultural land to domestic curtilage to the rear of Pyecroft, Frimble House and Egattoc. The area measures 97m x 36m and is subdivided between the three dwellings. The area has been fenced, with post and wire fencing, and grassed. A selection of fruit trees have been planted on the land belonging to Pyecroft. In excess of 1,000 hawthorn transplants have been planted to form a double row hedge within the confines of each parcel of land.

2. Policies

2.1 Planning Policy Guidance

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

2.2 Herefordshire Unitary Development Plan 2007

- | | | |
|------------|---|---|
| Policy S1 | - | Sustainable Development |
| Policy S2 | - | Development Requirements |
| Policy S7 | - | Natural and Historic Heritage |
| Policy DR1 | - | Design |
| Policy DR2 | - | Land Use and Activity |
| Policy LA2 | - | Landscape Character and Areas Least Resilient to Change |

Policy LA4	-	Protection of Historic Parks and Gardens
Policy LA5	-	Protection of Trees, Woodlands and Hedgerows
Policy LA6	-	Landscaping Schemes
Policy HBA4	-	Setting of Listed Buildings
Policy HBA6	-	New Development within Conservation Areas
Policy T6	-	Walking

3. Planning History

3.1 No planning history.

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 proposal.

4.3 The Conservation Manager does not consider that the change of use has an unduly detrimental impact on the Much Marcle Conservation Area or on the unregistered garden. Recommends that conditions be attached removing permitted development rights and ensuring that all of the existing fencing, hedging and newly planted trees is maintained. A landscape plan should be submitted and recommends the planting of additional fruit trees along the external boundary of the application site.

5. Representations

5.1 Much Marcle Parish Council has no objection to the proposal.

5.2 1 letter of objection has been received from Mr and Mrs KR Jowett, October House, Monk's Meadow, Much Marcle, HR8 2NF in which the following main points are raised:

- Application would have a substantial effect on the character of the rural landscape in Much Marcle
- The ribbon of domestic intrusion will be clearly visible from a public footpath
- A precedent would be set encouraging a similar development of the rest of that boundary and an even bigger impact on the rural landscape in the Conservation Area
- This intrusion would be very apparent to the visitors to the village who call on Hellens Historic House
- Loss of agricultural land is the depletion of a non renewable resource
- Development would not meet the definition of sustainability
- Development would adversely impact on the landscape, biodiversity and agricultural value

5.3 The applicants have provided the following response to these representations:

- Visitors to Hellens House aware of the so-called 'intrusion' for the past 6 months. No objection to application received from owner or curator of Hellens House.

- Do not see how development would impact adversely on Conservation Area. Everything has been done to ensure that in a few years time the hedging and fruit trees will have grown sufficiently.
- Not hoping to dramatically change the ground conditions. It has been seeded with meadow grass.

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

6. Officer's Appraisal

6.1 The main issues for consideration of the application are:

- the impact on the landscape and Much Marcle Conservation Area
- the loss of agricultural land
- the effect on the public right of way

6.2 The strip of land proposed for the change of use aligns approximately with the rear boundary of Monk Walk Cottage, which lies to the north of the site, so the extension of the domestic curtilages does not stand out, in this context. The agricultural style fencing, hedging and planting of fruit trees are all appropriate to the rural character of the site. Although the piecemeal encroachment of domestic curtilages on agricultural land may sometimes be undesirable in landscape terms, given its position, it is considered that this proposal will not have a detrimental impact on the landscape or Much Marcle Conservation Area.

6.3 There is concern about possible changes to the extended domestic curtilages in the future. The removal of the hedging, fruit trees, the erection of close board fencing or other inappropriate boundary materials, the erection of garden structures or other buildings within the compartments would potentially be detrimental to the setting of Much Marcle and to the amenity of Monk's' Walk (PROW MM7). Therefore it is recommended that a condition be attached to remove permitted development rights. Should permitted development rights be removed, the applicants would be required to apply for planning permission for any form of development on this parcel of land. In addition, a condition will be attached to ensure that a landscaping plan showing the existing post and wire fencing and hedging with additional planting is submitted and retained in perpetuity.

6.4 The land was formerly in agricultural production. Owing to the remaining land available it is not considered that the change of use will affect the agricultural viability of the remaining part of the field.

6.5 In conclusion, the land in question relates well to the adjacent residential dwellings and the area is not considered to be excessive. By incorporating a condition removing permitted development rights, the land would be protected from development. It is therefore considered that the change of use of this land from agricultural to domestic curtilage should be supported. As such approval is recommended subject to the following conditions.

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 F14 (Removal of permitted development rights)

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and HBA6.

3 G02 (Retention of trees and hedgerows)

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan

4 Within 3 months of the date of this permission a landscape design has been submitted to and approved in writing by the Local Planning Authority. The details submitted should include:

- a) A plan(s) showing details of all existing trees and hedges on the application site
- b) A plan(s) at a scale of 1:200 or 1:500 showing the layout of proposed tree, hedge and grass areas
- c) The position, design and materials of all site enclosures (e.g fences)

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and HBA6.

5 The landscaping scheme approved under condition 4 (as shown on the approved plan no.) shall be maintained for a period of 5 years. During this time , any trees, hedges or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the LPA gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR.1 and HBA.6

INFORMATIVES:

1 N19 - Avoidance of doubt - Approved Plans

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

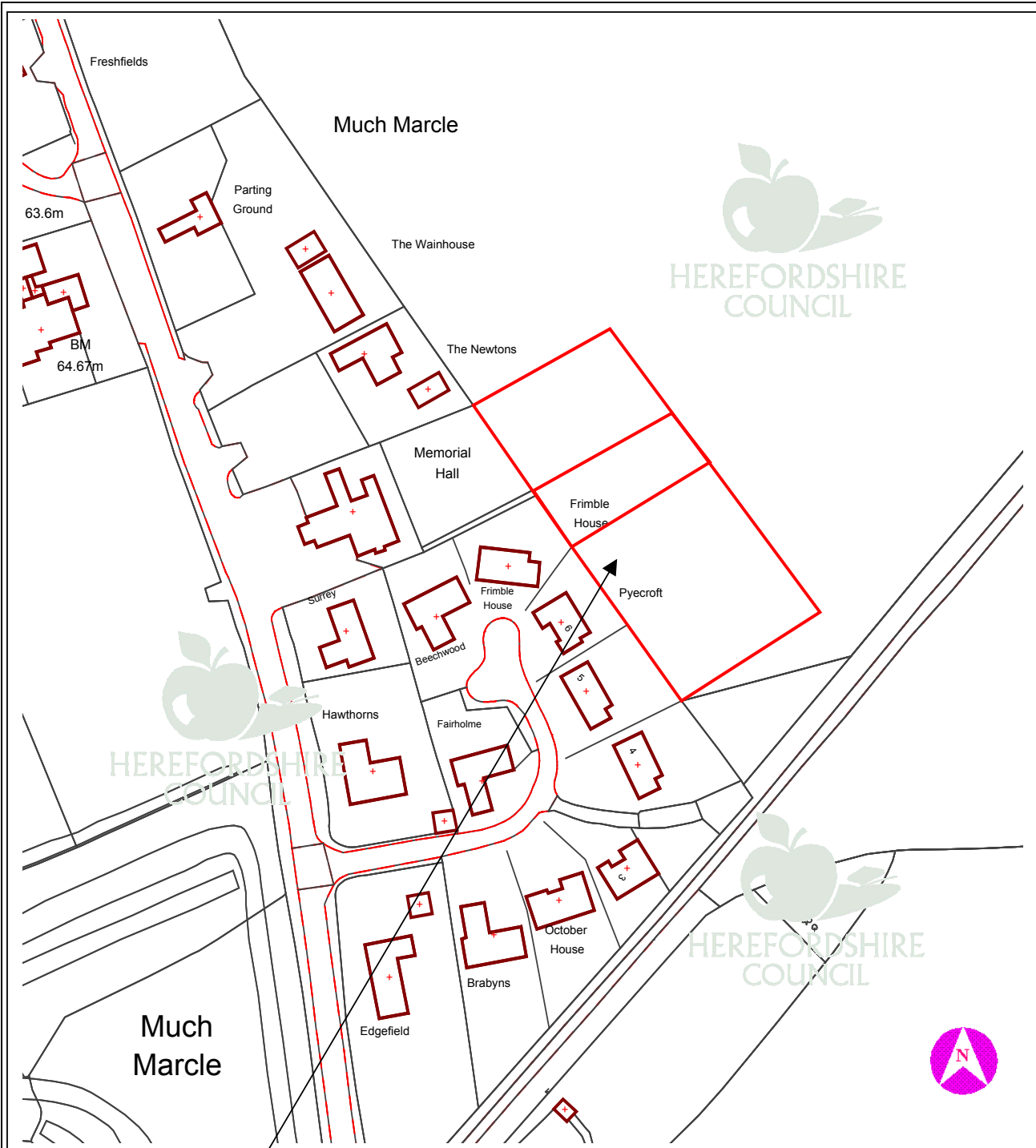
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2008/0613/F

SCALE : 1 : 1417

SITE ADDRESS : Land to the rear of Pyecroft, Frimble House and Egattoc, Monk's Meadow & Dymock Road, Much Marcle, Ledbury, Herefordshire, HR8 2NF

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15 DCSE2008/0384/F - TWO STOREY EXTENSION AND REPLACEMENT OF EXISTING GARAGE, BROCKWOOD, HOWLE HILL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SH.

For: Mr A Young, Brockwood, Howle Hill, Ross-on-Wye, Herefordshire, HR9 5SH.

Date Received: 14 February 2008 Ward: Kerne Bridge Grid Ref: 60300, 20449

Expiry Date: 10 April 2008

Local Member: Councillor JG Jarvis

1. Site Description and Proposal

1.1 The application site occupies the north-west corner formed by the junction of the road leading up Howle Hill from Coughton and the land leading north-eastwards across Howle Hill. The modern two-storey detached house is 'L'-shaped with in part an assymetrical roof. At the rear is a single garage accessed off the lane. This has a workshop below, taking advantage of the change in level. Adjoining Brockwood to north-west and west are other houses, with further housing on the opposite side of the Coughton-Howle Hill road. To the north-east is farmland.

1.2 It is proposed to erect a two-storey rear extension. This would continue the existing gable and extend about 4m from the rear main wall and about 1.6m beyond the existing single-storey lean-to utility room. New windows would be formed in the west elevation at both ground and first floor levels. The external materials would be painted render and tiles to match the existing house. In addition a double garage would be erected to replace the existing garage. This would be about 4.9m wide and 5.4m deep x 5.1m to ridge, with a workshop below the parking space. It would be located more or less parallel to and about 2m from the rear boundary.

2. Policies

2.1 Planning Policy Guidance

PPS7 - Sustainable Development in the Countryside

3.1 Herefordshire Unitary Development Plan 2007

Policy H7 - Housing in the Countryside outside Settlements
 Policy H13 - Sustainable Residential Design
 Policy LA1 - Areas of Outstanding Natural Beauty

3. Planning History

3.1 DCSE2005/3403/F Replacement of garage and two-storey extension. - Approved 15.12.05

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 The Traffic Manager recommends conditions be included if permission is granted.

5. Representations

5.1 The Design and Access Statement in summary is:

- (1) The property is a three bedroom detached house set in the centre of a good-sized garden. The driveway is accessed from the public highway and is about 2 metres above the ground level of the main house.
- (2) The submitted designs will provide improved secure parking. The void below the garage has been utilized as a store room instead of back-filling with hardcore.
- (3) Consideration has been taken to the physical size of the extension to ensure that it is kept in proportion to the existing house, and not to exceed the proportions of the plot size.
- (4) The proposal will provide: a fourth bedroom, en-suite, bathroom, replacement of single skin utility room, double garage and additional parking.
- (5) The extension will blend with the original house, taking care to match existing window sizes, heights and outlook. Although the garage has increased in height it will remain in good proportion to the main house.
- (6) All finishes and materials will match the existing property and the extension is in keeping with the style of the existing house.
- (7) Access will be improved via the new layout of the driveway, making it safer for residents and visitors to park off the public highway.
- (8) In addition the applicants point out that the scheme is a revision to the previous permission, that Tanglewood has been vacant for nearly 18 months and that the proposals should not affect any existing neighbours.

5.2 Parish Council has no objections to this scheme.

5.3 Two letters have been received objecting to the proposals on the grounds that:

- (1) location plan does not show Tanglewood which is in close proximity to the proposed development at Brockwood and would adversely affect the light and amenity currently enjoyed.
- (2) Tanglewood is a single-storey dwelling with a lower floor level than Brockwood and a gap of 10m between : the proposed extension would dominate Tanglewood, in particular the north elevation which would be close to the boundary and obliterate light to the south side.

- (3) Similarly the much larger garage would dominate the entrance to Tanglewood making the driveway dark and unpleasant and adversely affecting light to the front of that property.
- (4) The proposed west elevation windows would immediately overlook the conservatory and garden, resulting in a considerable loss of privacy and with the loss of light preventing enjoyment of the garden.
- (5) It will exacerbate vehicular usage of joint driveway during construction and also when completed - this has been blocked previously causing problems and additional traffic is a great worry.
- (6) Construction would create noise, vibrations, dust and grit which will have a detrimental effect.
- (7) Overhead power lines bringing power to Tanglewood would need to be moved.

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 two main issues are whether the extension would have an unacceptable impact on the rural character of the area and the effect on the amenities of neighbours.
- 6.2 The extension would involve an increase in the cubic capacity of the original dwelling of about 30%. To this would be added the larger garage but even combined the proportionate increase would be within the scope of the Council's policy for domestic extensions. Nor would either proposal dominate or be out of character with the original house. The garage would be much taller than normal but viewed from the adjoining lane would appear as a typical domestic garage, the additional 2m only being visible from within the garden. The application property is adjoined by houses and in my view the extension and garage would not be intrusive in the landscape. I consider therefore that the proposals comply with policies for domestic extensions in the countryside, including the Wye Valley Area of Outstanding Natural Beauty.
- 6.3 The proposed extension would be larger than that approved in 2005, extending about 0.8 m. further to the rear although of similar width. The eaves and ridge height would be the same as the main part of the house in both approved and proposed schemes. However the proposed extension does include a first floor window in the west elevation as this room would be a bedroom rather than a bathroom. This would overlook the garden area to the south of Tanglewood. This property has an unusual 'L' shape plot to the north and west of Brockwood, with the main garden to the west of Brockwood. The west elevation of the proposed extension would be about 9m from the boundary. Furthermore there are two existing bedroom windows in this elevation which are marginally closer to the boundary. Whilst the new window would be closer (a metre or so) to the rear of Tanglewood, and in particular the conservatory, the distance (about 14m) would be sufficient, in my opinion, to ensure that the present degree of privacy was not unduly harmed. This gap would also ensure that there would be adequate daylight and sunlight reaching Tanglewood's garden.
- 6.4 The extension would be closer to the northern boundary (about 4m) but the nearest part of Tanglewood does not have windows facing south, there being a covered

walkway. The garage would be only 2m from the boundary and about 0.4m higher than the existing garage. However the garage would be to the east of the house and would not be visible from ground floor windows in the east elevation as Tanglewood's attached garage projects forward of the house. Whilst it would be a larger building than the existing garage I do not consider that it would be so overbearing as to dominate the front drive and its planted borders.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 C02 (Matching external materials (extension))

Reason: To ensure the external materials harmonise with the existing building so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

3 F16 (No new windows in specified elevation)

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

4 F07 (Domestic use only of garage)

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling and to comply with Policy H18 of Herefordshire Unitary Development Plan.

5 H05 (Access gates)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

6 H06 (Vehicular access construction)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

7 H08 (Access closure)

Reason: To ensure the safe and free flow of traffic using the adjoining County highway and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

8 H09 (Driveway gradient)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

INFORMATIVES:

- 1 **HN01 - Mud on highway**
- 2 **HN04 - Private apparatus within highway**
- 3 **HN09 - Drainage details for Section 38**
- 4 **N19 – Avoidance of doubt – Approved Plans**
- 5 **N15 – Reason(s) for the Grant of Planning Permission**

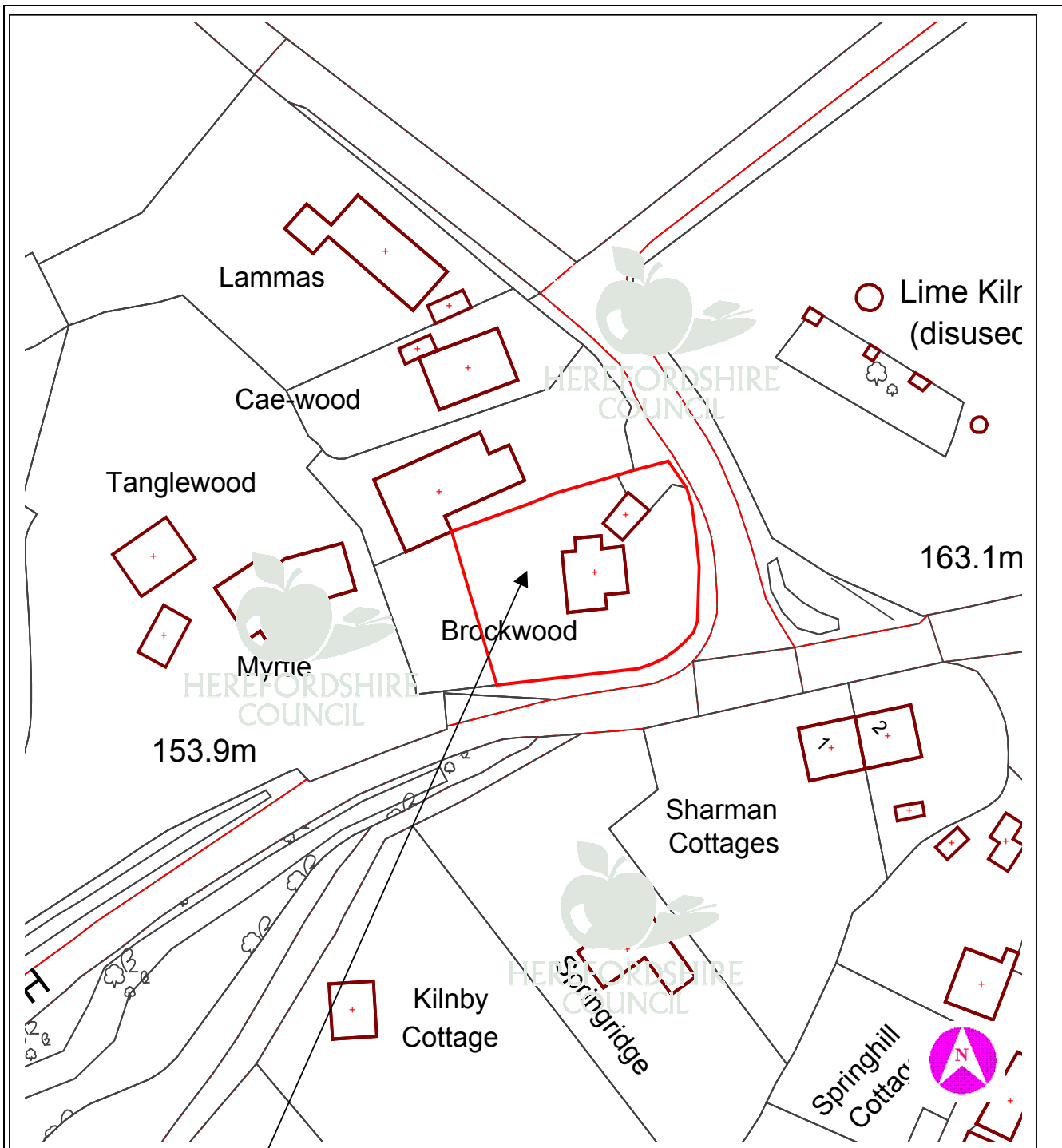
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2008/0384/F

SCALE : 1 : 734

SITE ADDRESS : Brockwood, Howle Hill, Ross-on-Wye, Herefordshire, HR9 5SH

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16 DCSE2008/0553/F - VARIATION OF CONDITION 8 IN RELATION TO BOUNDARY WALL TO REPLACE WITH WOODEN FENCING, (APPLICATION NUMBER DCSE2007/2920/F), THE OLD CANOE SHOP, MILL POND STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7AP.

For: MF Freeman, Yarnister Road, Near Drybrook, Gloucester, GL17 9BH.

Date Received: 28 February 2008

Ward: Ross-on-Wye East

Grid Ref: 60168, 24306

Expiry Date: 24 April 2008

Local Member: Councillors PGH Cutter and AE Gray

1. Site Description and Proposal

- 1.1 Planning permission for the erection of 4 residential units on this site was granted in July 2007 and for a revised scheme (SE2007/2920/F) with an additional unit in January 2008. The latter was subject to a condition (no. 8) requiring remedial measures in order to protect the security and privacy of neighbours. An important aspect of these measures was to be construction of a brick wall along the developers side of the boundary with Wallace Court.
- 1.2 The current application is for variation of this condition to allow erection of a fence rather than the wall. A sewer cuts across the land on which the wall would be built and the applicant claims that this would preclude construction of a brick wall. The proposed fence would be the same height (about 4m) as the existing wall to the north. It would be boarded both sides, with the top section trelliswork and would be in addition to the existing boundary fence.

2. Policies

2.1 Herefordshire Unitary Development Plan

- Policy H13 - Sustainable Residential Design
 Policy HBA6 - New Development within Conservation Areas

3. Planning History

- 3.1 DCSE2005/1084/F Erection of three storey sheltered accommodation - Approved 27.06.05
- DCSE2006/2484/F Demolition and construction of 5 flats - Withdrawn 21.09.06
- DCSE2006/2485/C Demolition and construction of 5 flats - Withdrawn 21.09.06

DCSE2007/0645/F	Demolition and construction of 4 flats	-	Approved 20.07.07
DCSE2007/0643/C	Demolition and construction of 4 flats	-	Consent 20.07.07
DCSE2007/2920/F	Additional unit to approved scheme (DCSE2007/0645/F)	-	Approved 14.01.08

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water points out that a public sewer crosses the site and requests that the following be included in any planning consent:

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line.

Internal Council Advice

- 4.2 Traffic Manager has no objection to the grant of permission.
- 4.3 Conservation Manager has no objection to planning permission being granted.

5. Representations

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

- (1) It is required to amend Condition 8 of the approval (DCSE2007/2920/F) which required a masonry wall to be constructed some 4 m high to the rear of the development onto the McCarthy and Stone development.
- (2) It was noted that a large Victorian brick arched sewer 600 mm diameter clips the boundary of the site onto which the proposed wall is required.
- (3) Item 5 of the Informatives, details that there is an existing sewer which has an easement of 3 m and as such forbids the construction of a wall within this zone, as this would put an extreme loading onto the sewer causing it to collapse and fail.
- (4) Therefore we are submitting an application to vary the planning condition and enclose a detail for a close-boarded fence, boarded both sides so as to make it un-climbable. The fence will be constructed using pressure impregnated preserved timbers so as to give a 90 year life minimum.
- (5) In addition the applicant points out that the immediate neighbours have been consulted in order to meet their requirements.

- 5.2 Town Council has no objections to the proposal.

5.3 One letter has been received signed by 9 residents of Wallace Court. They consider the original condition which included the brick wall should be complied with for these reasons:

- (1) the brick wall was part of the agreement between residents and the developer, on the basis of which objections to the planning application (SE2007/2920/F) were withdrawn.
- (2) the developer's representative met residents on 5 March 2008 to explain that a sewer had just been encountered and a new plan proposed which would include:
 - the close-boarded fence, boarded both sides so as to make it unclimbable - constructed using pressure impregnated preserved timbers, and capped so as to give a 90-year life minimum
 - the gate will be replaced to go to the ground and made from sturdier material
 - a strong trellis will be attached to the high wall, go across the top of the gate and along the capped fence
 - evergreen climbers will be planted in the new development to cover the trellis
 - 2 bird boxes will be included in the trellis work.
- (3) All this fencing is apparently on the developers land, who will be responsible for the maintenance of the fence, trellis and climbers and there will be no cost to the residents at Wallace Court at any time. All other conditions remain unaltered.
- (4) Since this discussion the residents at Wallace Court have heard that the sewer can be bridged. Being cynical this current application achieves the number of units regardless of the conditions agreed, at much cheaper cost and reduces any financial penalty for delaying the completion of the sale of the flats through building the wall.
- (5) If the application is allowed all the above details should be included and enforced and the developer should contribute towards a pedestrian crossing to benefit those in sheltered accommodation in the area to reach Morrisons.

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

6. Officer's Appraisal

- 6.1 The proposed fence would not be visible from public viewpoints and be mostly hidden from the view of Wallace Court residents by the existing fence. The proposed planting would soften its appearance viewed from the new residential units and could also help the Wallace Court side if appropriate plants are chosen. The visual impact of the change from a brick wall to a fence would not therefore have a significant adverse impact on the visual amenities of the area or the character and appearance of the Ross on Wye Conservation Area.
- 6.2 The main issue therefore is whether the security and privacy of Wallace Court residents would be prejudiced by the proposed change. The height of the fence would

be about 4m and therefore not readily climbable although the top 0.8m of trellis would make this less difficult. However this could be compensated by planting appropriate shrubs. Access to the garden area of the new units would only be achieved via a secured gate. The trellis would not provide such a complete screen as a brick wall but once the plants have grown there would be little difference in the views of Wallace Court flats and garden from the new units. With the proposed wood treatment the fence would have a long life. Consequently I consider this proposal would not adversely affect to any significant extent the security and amenity of Wallace Court residents. This would be the case irrespective of the advice of Welsh Water. The response reported above seems not to be an objection to the proposed fence but to preclude building works such as a wall. This is being clarified.

- 6.3 The request that a contribution be required towards a pedestrian crossing is appreciated. However this would not relate directly, fairly or reasonably to the development proposed and would not therefore comply with the criteria in Policy DR5, or the SPD, for a justifiable benefit.

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 D02 (Approval of details)

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan and to preserve the character and appearance of the Ross-on-Wye Conservation Area in accordance with Policy HBA6.

3 G09 (Details of Boundary treatments)

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.

4 I32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

5 H10 (Parking - single house)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

6 H29 (Secure covered cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

- 7 No development shall take place until details of the gate giving access to the emergency pedestrian route which shall include security measures have been submitted to and approved in writing by the local planning authority. The gate shall be kept shut except in the event of a flood or other emergency.

Reason: In the interests of neighbours' security.

- 8 The development shall be carried out in accordance with the remedial measures set out in the e-mail communication of 23 November 2007 from Jason Pritchard of Edge Design Workshop Ltd, with the exception of the erection of the brick wall.

Reason: To ensure the security and privacy of neighbours in accordance with Policy H13 of Herefordshire Unitary Development Plan.

- 9 The fence hereby approved shall be erected before the occupation of any of the residential units and thereafter retained.

Reason: To ensure the security and privacy of neighbours in accordance with Policy H13 of Herefordshire Unitary Development Plan.

- 10 F17 (Obscure glazing to windows)

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

- 11 F15 (No windows in side elevation of extension)

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

- 12 G10 (Landscaping scheme)

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

- 13 G11 (Landscaping scheme - implementation)

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

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

Reason: To protect the development from flood risk and ensure the flood defence wall is designed and built to an appropriate standard and to conform to Policy DR7.

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

Reason: To protect the development from flood risk and to conform to Policy DR7.

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

Reason: To prevent pollution of controlled waters and to conform to Policy DR10.

- 17** L04 (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 so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

Informatives:

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

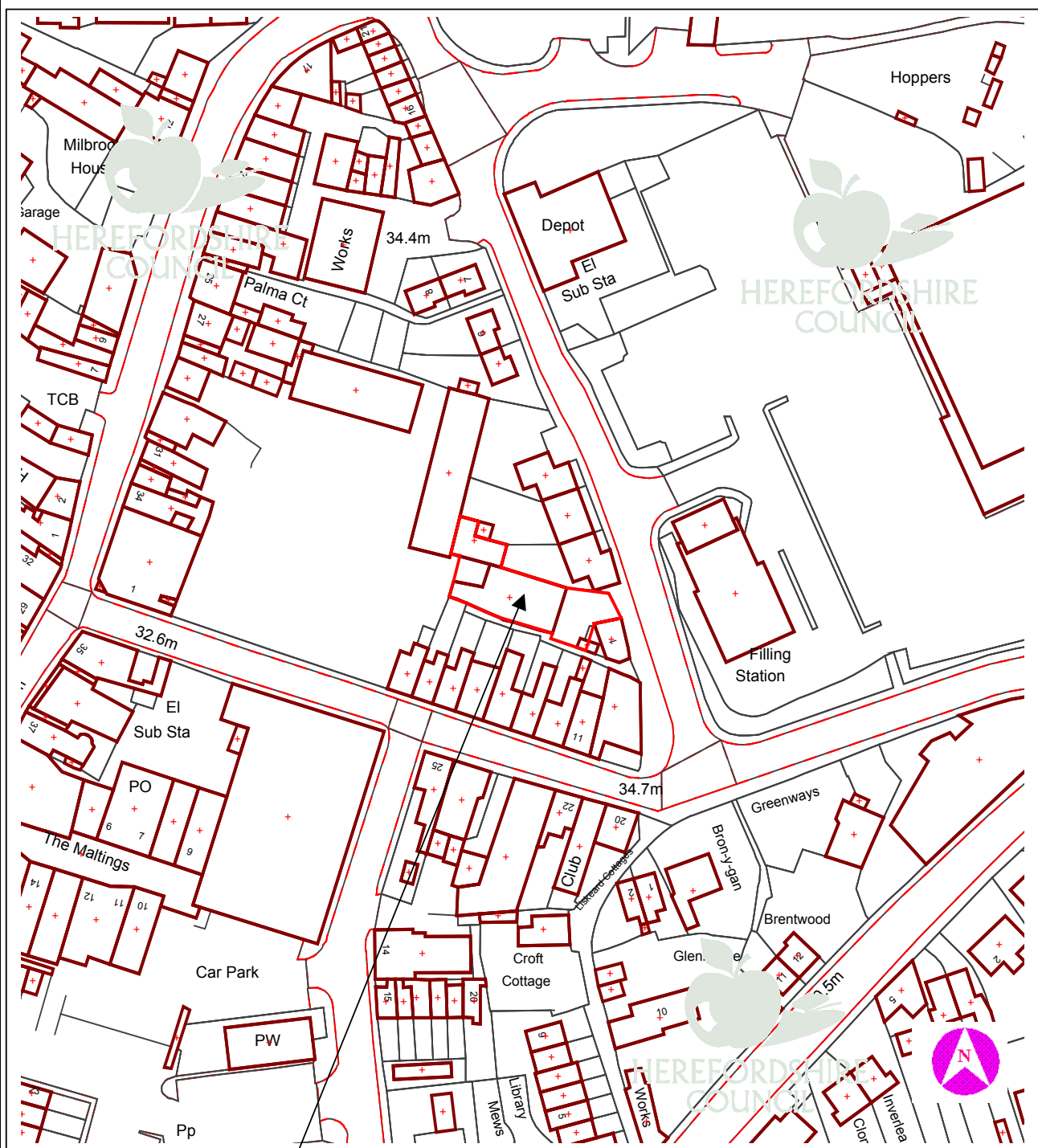
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2008/0553/F

SCALE : 1 : 1250

SITE ADDRESS : The Old Canoe Shop, Mill Pond Street, Ross-on-Wye, Herefordshire, HR9 7AP

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17 DCSE2008/0627/RM - ERECTION OF FIVE HOUSES AND ONE BUNGALOW, HAZELNUT COTTAGE AND ADJOINING LAND, LLANGROVE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6EZ.

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

Date Received: 10 March 2008

Ward: Llangarron

Grid Ref: 52445, 19305

Expiry Date: 5 May 2008

Local Member: Councillor Mrs JA Hyde

1. Site Description and Proposal

- 1.1 Outline planning permission (DCSE2004/1949/O) was granted in September 2004 for the residential development on this 0.3ha site at the rear of Hazelnut Cottage in Llangrove. The application site included part of the garden of that property and a section of the field to the south. All matters were reserved for future decision except for the means of access. Subsequently another outline planning application (DCSE2005/1118/O) was also submitted but the number of dwellings was specified (6) and the layout was submitted for decision at that stage. In addition a revised visibility splay of 2m x 33m was proposed. Permission was granted in June 2005. The current application is for reserved matters approval in relation to the later permission.
- 1.2 The submitted scheme shows a short access drive leading to a turning head. This directly serves a pair of semi-detached houses sited at the rear of the turning head and close to the western boundary of the site. Two further houses (detached) would be sited in line with these semis. The remaining two would be positioned at the eastern end of the site orientated to face towards the turning head and at right angles to the other 4 units. Of the latter the dwelling nearest Hazelnut Cottage would be a bungalow. The semis would have a ground floor area of about 50m², the detached houses about 65m² and the bungalow about 120m². The two-storeyed semi-detached houses would each have a rectangular floor plan (about 6.2m wide x 8.3m deep) with rendered walls and synthetic slate roofs. A small canopy over the entrance door would be the only projection. The three two-storey detached houses would have a square footprint (about 8m x 8m) but plots 3 and 4 would have a gable projecting forward about 1.6m from the right hand side of the front elevation and attached garage(s). The central unit (plot 4) of the 3 would be rendered, the flanking houses would be Bradstone. The bungalow would be 'T' shaped and slightly smaller than shown on the approved outline layout drawing. It would have 2 bedrooms rather than 3 as for the other 5 houses. This too would be rendered with a synthetic slate roof.
- 1.3 Car parking would be open (the semis) or in two blocks of 3 garages or an attached single garage (plot 3), with 2 spaces per unit, including Hazelnut Cottage to replace the garage which would be demolished. The 3 units that would occupy the eastern half of the site plus Hazelnut Cottage would be serviced off a private drive.

2. Policies**2.1 Planning Policy Statement**

PPS3 - Housing

2.2 Herefordshire Unitary Development Plan

Policy H13 - Sustainable Residential Design
 Policy DR1 - Design
 Policy DR3 - Movement
 Policy LA2 - Landscape Character and Areas Least Resilient to Change
 Policy H6 - Housing in Smaller Settlements

3. Planning History

3.1	SH900008PO	Two bedroom dwelling and garage	-	Permitted 07.03.90
	SH900733PM	Two bedroom dwelling and garage	-	Permitted 27.07.90
	SH911112PF	New access	-	Refused 24.10.91
	SH930019PF	Amended positioning of access and garage	-	Permitted 08.02.93
	DCSE2004/1949/O	Residential development	-	Approved 01.09.04
	DCSE2004/3427/O	Erection of 5 houses and one bungalow	-	Withdrawn 30.03.05
	DCSE2005/1118/O	Erection of 5 houses and one bungalow	-	Approved 09.06.05

4. Consultation SummaryStatutory Consultations

4.1 Welsh Water recommend conditions regarding drainage. (These are attached to the outline planning permission).

Internal Council Advice

4.2 Traffic Manager has reservations regarding the access road which would not be fully to an adoptable standard.

4.3 Parks, Countryside and Leisure Development Manager confirms that this is below the Unitary Development Plan threshold for play provision and no request is made for an off-site contribution.

- 4.4 Herefordshire Rural Housing Enabler considers that a need for affordable housing is likely to exist in the Llangarron area based on evidence from recent surveys in other parishes.

5. Representations

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

- (1) This application relates solely to the design, external appearance and landscaping of the proposed development. The principle, means of access and siting, or layout, of this proposal was approved under an extant outline permission.
 - (2) The application site stands within the village of Llangrove. It is surrounded by modern, detached properties in particular a new housing estate to the immediate west.
 - (3) The site is seen from public vantage points only along the village road and, in particular, through the applicants' existing vehicular access which coincides with the approved access point to the proposed development. Existing buildings screen much of the site from this road.
 - (4) The site rises gradually up to the south. Mature natural vegetation marks the rear (south-west) site boundary with fencing and occasional trees marking the south-east and eastern site boundary.
 - (5) The scales, compositions and constructional materials of the proposed dwellings would match and complement each other to create a pleasant whole.
 - (6) The scheme entails a minimalist approach toward landscaping; all perimeter hedges, trees and fencing would be retained with a new hedge of indigenous species being planted along the western boundary and private gardens laid to grass.
 - (7) The vehicular access has been approved, nevertheless, the requirements of the Highway Authority would be adhered to fully in the overall proposal.
 - (8) Given that the principle of this development has already been approved and that the site lies within a village with some community facilities, the application remains to be a sustainable proposition.
- 5.2 Parish Council points out "that the proposed application is not in line with the Herefordshire UDP which indicates that infill gaps should be no more than 30 metres frontage (P68 and 69 UDP).

We are concerned over the access on to the road and the size of the access road around the properties. We also feel that it is inappropriate to place a 2 metre wall bordering these properties which will greatly affect visibility out on to the highway. We assume from the drawing that there is a pathway on the highway side of Hazelnut Cottage, which we know does not exist and feel there is no room for such a pathway."

5.3 Two letters have been received objecting to this development:

- (1) Too many properties on too small a plot and with the adjoining new houses this area will be one housing estate swamping the heart of the village.
- (2) Modern style buildings are ruining the village ambience. More 'cottage' looking properties should be erected instead.
- (3) The blocks of 3 garages are particularly disliked. These are always ugly and usually are not maintained. Garages should be next to the houses they belong to.
- (4) The adjoining house (The Sycamores) will be overlooked as the level of the new development is over 1m higher. One bedroom with a balcony faces this development - this side of house is not currently overlooked and this was one reason for buying this house and privacy here will be lost completely.
- (5) The new buildings will be built completely along one side of The Sycamores.
- (6) Another attraction was lack of noise which is likely to increase considerably. The overlooking and increased noise are likely to reduce the value of the property.
- (7) Concern expressed regarding a large tree on the boundary with 1 Hillview Cottage - if lost would greatly affect occupants' privacy.
- (8) Traffic has increased greatly over the last 12 years but no improvements to the road or road safety measures have been carried out. Access to the housing will be difficult and visibility limited with the new 2m wall at the access much too high. Concern expressed therefore at the further increase in traffic that can be expected. If approved will anything be done to address these issues.
- (9) A footpath and hedge are shown on the plans but they do not exist. There is no room for a footway and along the southern boundary is a fence belonging to 1 and 2 Hillview Cottages.

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 outline application included details of access and layout and this application therefore only relates to appearance, scale and landscaping. The main issues are considered to be the effect on the character of the village and the effect on the amenities of neighbours.
- 6.2 The proposed houses are typical modern dwellings and are neither unusually large or tall nor have extensive footprints. Their appearance would not be innovative but they would not look out of place in this part of the village where there are several small modern estates as well as modern houses on single plots. The external materials would complement adjoining houses. I consider therefore that the proposals would not harm the character of this part of Llangrove.
- 6.3 The nearest of the houses to The Sycamores would be Plots 5 and 6, a detached house and a bungalow respectively. These would have windows in their south-east elevations facing towards the adjoining house. The nearest window at first floor level would be about 10m from the boundary and The Sycamores would be a further 15m to the east, with a sizeable outbuilding in the latter's garden in between. In these circumstances I do not think that there would be unacceptable overlooking of either the garden or house at The Sycamores. The bungalow would be slightly closer to the common boundary (about 8.6m at the closest) but being single-storeyed the neighbouring garden would be screened by the existing fence as well as the outbuilding. The Plot 5 house would be close to the southern boundary but there

would not be any first floor windows in the south elevation other than a landing window which could be obscurely glazed and hence there would not be unacceptable overlooking of the adjoining properties. The remaining houses (Plots 1 – 4) would be an acceptable distance from the southern boundary and at least 10m from the trees in the gardens of 1 and 2 Hillview Cottages. This should be adequate to ensure that the trees would not be harmed by the construction work and would provide a screen between the existing and proposed dwellings. The trees are not however critical in this respect as the distance between dwellings would be sufficient to protect privacy.

- 6.4 The access has been approved at outline stage. The Traffic Manager points out that the internal road layout would not be to adoptable standard. The applicant's agent has confirmed that the scheme will be amended to meet these requirements and revised drawings are awaited.

RECOMMENDATION

That approval of reserved matters be granted subject to the following conditions:

1. C01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

2. G10 (Landscaping scheme)

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

3. G11 (Landscaping scheme - implementation)

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

4. I32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

5. I51 (Details of slab levels)

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site so as to comply with Policy DR1 of Herefordshire Unitary Development Plan.

6. F16 (No new windows in specified elevation)

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

Informative(s):

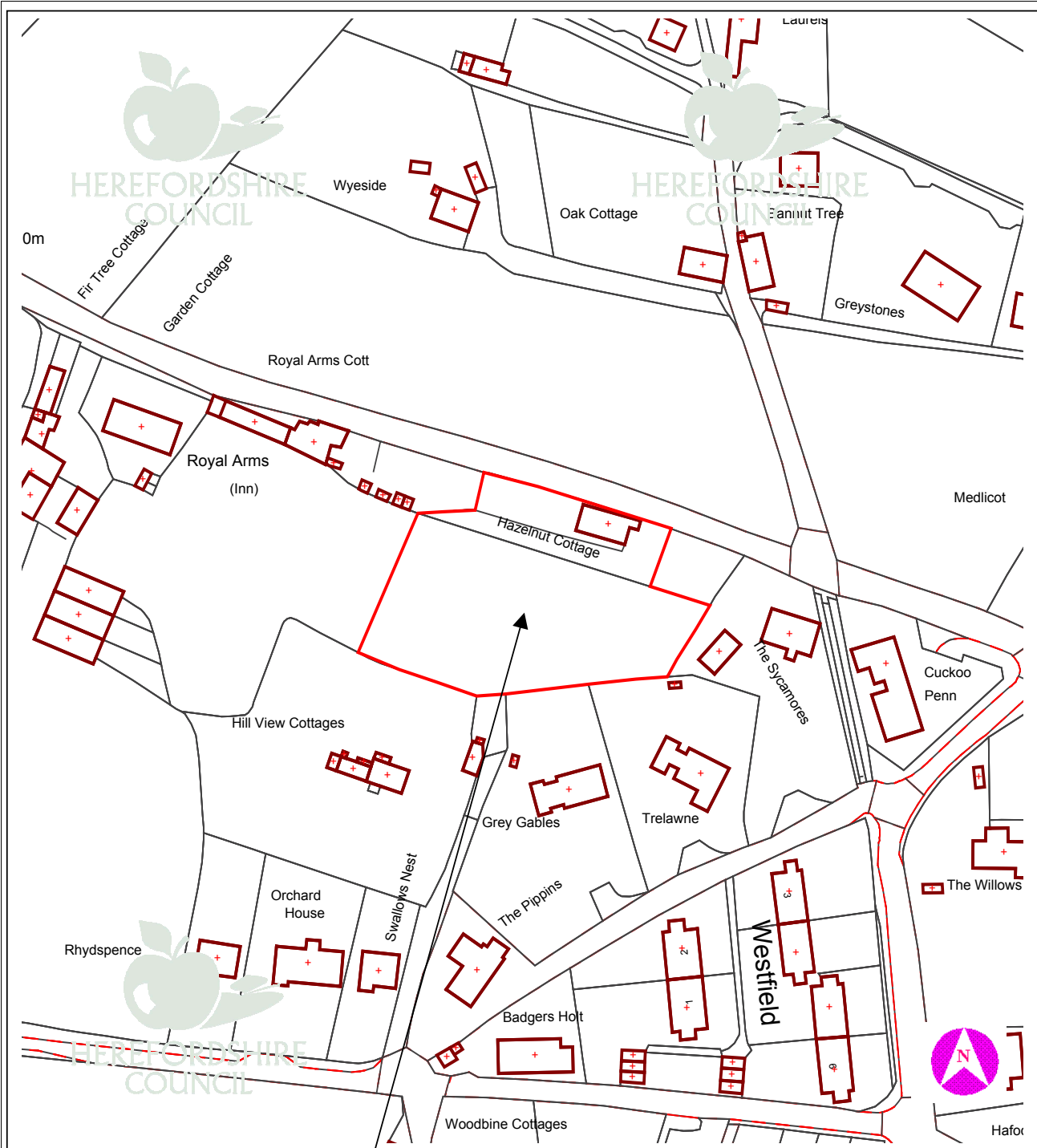
1. **N19 - Avoidance of doubt - Approved Plans**
2. **N15 - Reason(s) for the Grant of Planning Permission**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2008/0627/RM

SCALE : 1 : 1250

SITE ADDRESS : Hazelnut Cottage and adjoining land, Llangrove, Ross-on-Wye, Herefordshire, HR9 6EZ

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